

Lingua Inglese - Giuridica

ESEMPIO DI COMPrensIONE SCRITTA

Livello B2

Argomento - **Rights to public image (Il riconoscimento dei diritti d'immagine)**

Some football players in the UK, increasingly conscious of their value in terms of image and brand building, are trying to capture this value through a more aggressive attitude to negotiation of the rights attached to their image. The influx of foreign players into the FA Premier League in recent years is fuelling the flames. Many come from countries whose laws and customs acknowledge the existence of the inalienable right of a human being to prevent the commercialisation of his or her name.

The famous footballer Bryan Farley, wants Sunderland Football Club to pay him for using his image, which appears on products such as match programmes, mugs, shirts and watches. If his attempt is successful, it will set an important precedent for the commercial use of celebrities' names and images. Negotiations between Farley and Sunderland over the ownership of the rights to the footballer's image have been going on for months. "Endrigo's image rights fetch \$56m"; "Romero refuses to sell his image rights"; "Farley's image worth more than his playing ability". These are just some of the headlines which have rocketed the topic of image rights in sport into the public arena.

In a sense, image rights are nothing new. For years sporting celebrities have traded on their iconic status. CNG, the sports management giant, was founded on the exploitation of the images of famous golfers. And Michael Jordan made substantially more through commercial licensing than he ever did as a basketball player.

Moves are currently being made to try to establish that certain rights in the commercial use of players' names and images off the field belong to their clubs. The Premier League is negotiating with the Professional Footballer's Association over the inclusion of image rights licenses in the standard league contract.

But are image rights a form of protectable intellectual property? And, if not, in what sense can they be classified as rights? A celebrity whose name is being exploited without consent already has other rules of law – libel, trade descriptions legislation, advertising codes - to call upon. The human rights convention could even be invoked to protect personality or image misuse. The real issue here is not so much what the law does – or does not - say on the subject, but what the market says. Clubs want to maximize their assets to please their shareholders. These assets include the images of their players. To control these assets they need to contractually acknowledge their existence.

The more contractual image rights deals that take place, the greater their acknowledgement in the market - and potentially, in the courts – that they exist and have a value. Legitimate commercial operators will increasingly want to ensure that where such rights exist, they are respected. If image rights do become a species of intellectual property, whether in law or in practice, one of the key practical questions will concern the precise circumstances in which such rights may be infringed.

A. It is apparent from the article that in the UK

1. football clubs can sell their players' image rights.
2. ownership of image rights is not clearly defined.
3. image rights remain the exclusive property of footballers.
4. football clubs can only use players names and images for informative purposes.

B. Bryan Farley has recently

1. sold his image rights to Sunderland Football Club.
2. been asked to sell his image rights to Sunderland.
3. challenged his club's right to use his image commercially.
4. refused to sell his image rights to Sunderland.

C. According to the article, footballers' interest in exploiting their own image rights

1. has been increased by exposure to players from other countries.
2. has been prompted by Bryan Farley's example.
3. has diminished in recent years.
4. is inspired mainly by the example of Michael Jordan.

D. Currently, if a celebrity's name or image is used without consent

1. he can do nothing about it because 'image rights' are not recognised in law.
2. the offender would be guilty of intellectual property theft.
3. he could probably invoke existing legal principles to successfully sue the offender.
4. the offender would have to share any profit with the celebrity.

E. It can be understood from the text that football clubs

1. are indifferent to the issue of image rights.
2. already pay players to use their images on T-shirts and other souvenirs.
3. don't think players should have any image rights.
4. believe they have the right to profit from the sale of football club souvenirs.

ANSWER KEY:

A2

B3

C1

D3

E4