



Personnage, Personality and Registered Personality Explained

Sections 1 & 2 of the Image Rights (Bailiwick of Guernsey) Ordinance, 2012 refers to *Personnage*, *Personality* and *Registered Personality*.

A **personnage** can be:

- A natural person
- A legal person
- A joint personality
- A group
- A fictional character

whose **personality** is registered as a registered personality under the Image Rights legislation or who is the subject of an application to be registered.

Whilst in some cases (e.g. where performers have legally changed their name) the name of the *personnage* is the same as that of the registered personality, for the purposes of the legislation they **do not** have to be the same.

Where they **are not** the same, this basically means that the *personnage* is the 'real you' and the *personality* is the 'public perception of you'. A good example of this would be a singer who decides to use a name other than their birth name under which to perform. In this particular case it would be up to the *personnage* whether they wished their registration to be in the name of the *personnage* or the *personality*.

When considering a 'joint' or a 'group' registration it is also important to be aware that with regard to a 'joint' registration the members of the joint personality **cannot** be replaced by another person whereas in the case of a 'group' the persons may change from time to time.

In addition, when considering a 'natural person' application—this can be made in respect of someone who is alive or died within the period 100 years preceding the date of filing the application.

An application for a 'legal person' can be made by a body corporate (or other body having legal personality) that is currently in existence or has ceased to be in existence within the period of 100 years preceding the date of filing the application.

The purpose of this guidance note is to provide information regarding personage, personality and registered personality

It is not intended to be definitive legal advice and should not be relied upon as such.

The interpretation of Intellectual Property legislation is a matter on which the Intellectual Property Office cannot advise.

Independent legal advice is advised where there is any uncertainty.

Communications Manager

December 2012