



## What Images Can I Register ?

Section 3 of the Image Rights (Bailiwick of Guernsey) 2012 Ordinance defines 'Image' as:

- the name of a personage or any other name by which a personage is known;
- the voice, signature, likeness, appearance, silhouette, feature, face, expressions (verbal or facial), gestures, mannerisms and any other distinctive characteristic or personal attribute of a personage, or
- Any photograph, illustration, image, picture, moving image or electronic or other representation (picture) of a personage and of no other person, except to the extent that the other person is not identified or singled out in or in connection with the use of the picture.

An image will not be registered if:

- It does not satisfy the requirements of the Ordinance to register a personality or image;
- It is contrary to public policy or to accepted principles of morality;
- It is of such a nature as to deceive the public;
- It is a specially protected emblem (see below);
- Its use is prohibited in the Bailiwick by any enactment or rule of law;
- The application is made in bad faith;
- The image has become customary or established in current language, culture or cognizance, or in the bona fide and established practice of trade;
- It is subject to existing personalities, existing images and existing rights.

S7 of the Ordinance makes reference to specially protected emblems - coat of arms, insignia, flags, Olympic symbols etc. There are restrictions in the Ordinance regarding the use of these emblems.

Independent legal advice should be sought before an application is submitted to ensure it is not in breach of the Ordinance, or any prior rights under related legislation.

The purpose of this guidance note is to provide information regarding the registration of images.

**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

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