

Image right protection in China

Description

More and more foreign athletes are coming to China for their new opportunities, in particular, in football sector. News has it that Kaka, the Brazilian genius footballer is likely to join China Super League team, EverGrande. A few other big names have also shown up in Chinese green fields such as Drogba, Anelka.

In every such a deal, the clubs offering hefty remuneration for those footballers will always have the right to use such athletes' images or in a broader sense, the likeness of such footballers. They are pricelessly valuable when they are used to endorse products and services.

So the issue of use, protection of a famous athlete's image right is a major concern for every athletes esp those who enjoy a worldwide reputation over the planet. So it is advisable and necessary for any professional athlete trying their China luck.

However, when it comes to the landscape in China of protection of people's image rights, it will be very disappointing if not dismaying to athletes that are more accustomed to standards available to them under European or American laws under which bulky amounts of compensation or damages are successfully sought or claimed by famous people.

Let me give you a few examples.

Ronaldo Luís Nazário de Lima, probably is most pitiable and unfortunate football star against the backdrop of weak image right protection in China. A picture of Ronaldo wearing nice grin and holding a box of medicines used to soothe throat has been broadcast in air in China for four years. Later it was reported that the picture was taken at a banquet for which Ronaldo was paid USD 300,000 to attend. With that pitiable money, Ronaldo "devoted" his image right to that company for four (4) years. Most thrilling thing is that Ronaldo finally gave up any legal action against the company after protesting over the advertisement because every body told him he would end up with another insulting amount of compensation award by Chinese court and the legal action would only benefit the wrongdoing company only in the end as the such action will for sure attract more attention from around the world. So what is the point for taking an action in China?

Another high-profile ongoing case involving Diego Maradona against a online game operator in China that was alleged to have used his image in their game advertisement campaign. Maradona has already launched a legal proceeding with a court in Beijing claiming an amount of compensation up to RMB twenty millions. **Maradona is being represented by two attorneys from our firm's Beijing office.** I am keeping close eyes on the case but, personally speaking, I am not very optimistic about being awarded with any amount near RMB two millions.

There are a number of such disappointing judgments.

For those foreign players coming to China, there are not much you can do when your image right is infringed upon in China. Your best bet will be to stop such infringement as early as possible in order to

prevent and mitigate your loss.

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