

## NOTE

German Artistic Copyright Act Kunsturhebergesetz (KUG) DE Articles 22 and 23  
<https://www.gesetze-im-internet.de/kunsturhg/BJNR000070907.html>

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The right of one's own image:  
Arts. 22 and 23 (1.1) and 23 (2) KUG

- Article 22: Images may only be disseminated or publicly displayed with the consent of the person depicted. In case of doubt, consent is deemed to have been granted if the person portrayed received remuneration. If a person is depicted after his death, then the consent of the relatives must be obtained for a period of 10 years after his death. In the sense of this Act, members of the family are the surviving spouse or life partner and the children of the person depicted and, if neither a spouse or life partner nor children are present, the parents of the person depicted.
- Article 23 (1) contains an explicit exception for the dissemination of portraits: the following may be disseminated and displayed without the consent required pursuant to Art. 22:

1) The portrait is in the sphere of a contemporary historical event (Contemporary historical events not only include occurrences with historical-political meaning or spectacular and unusual incidents, but all questions of general interest. Provided that there is a (strong) public interest in these events; this has to be weighed against the legitimate interests of the person depicted. Note: The exception allows e.g. politicians, celebrities from show business at least in the public sphere as well as criminal offenders in the context of major lawsuits

Article 23 (2): The power, however, does not extend to a distribution or exhibition which violates a legitimate interest of the person depicted or, if the latter dies, of his family members. Note: this means, in particular, that the person can neither be economically exploited nor have their honour violated.

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