The Right of Publicity

The right of publicity, also referred to as personality rights, protects against invasion of privacy and prevents personal matters being made public without consent. German personality rights include, amongst others, the right to protect one's honour, the right to informational self-determination, the right to one's image, the right to one's name, the right to protect one's privacy, secrets and sphere of intimacy, and the right to protection against false impersonation.

This short video shows you what we understand by the right of publicity.

What are personality rights?

All individuals have the right to freely develop their personality, as long as they do not infringe on the freedom of others. This right and other personality rights are enshrined in the constitution of the Federal Republic of Germany and ensure, amongst other things, the right to protect one's honour, which protects individuals against insults, the right to protect one's privacy, secrets and sphere of intimacy, the right to informational self-determination, meaning an individuals right decide for themselves which personal data they want to share, and the right to one's image.

What's "the right to one's image"?

A common problem with uploading photos and videos is that the people in the pictures are embarrassed and don't want everyone online to be able to see and comment on them. But before they even get the chance to object, that party picture is already online and linked to their profile. Legally, this is not acceptable. Every individual automatically holds the right to their own image. That means pictures and videos of you may only be published on the internet if you agree. You always have this right. It applies to normal photos and videos, and especially to those that violate your privacy, that you may be embarrassed about or ones taken/recorded secretly.

What can you do if your right was violated?

1. Talk directly to the person who uploaded the picture or video and ask them to delete it. Often, people are simply unaware that a picture might make you uncomfortable. It's best to set a deadline and ask that the image or video be deleted within three days or a week.

2. If someone refuses to delete a picture, you can use the network's messaging feature or find another way to contact the provider and request that they delete the picture or video. The network has an interest in complying with such requests, as disseminating the content violates your right to your own image as much as uploading it.

3. You can also contact the authority for data protection responsible for this provider. A list of responsible authorities can be found here.

4. If none of this helps, you can take legal action - especially when threats or identity theft are involved. Make sure that you document everything that happened, for example by taking screenshots or downloading the files.

Are there exceptions?

Yes, there are. Images of large crowds, for example at a concert or demonstration, may be published without consent. However, it is important that no individuals are in the foreground or easy to recognize. Pictures of individuals of public interest, like celebrities or politicians, may be published, as long as they do not invade their privacy or cause distress to those affected.

Method: Active Media Engagement (for instance Comics or Photo Stories)

The goal: In active media engagement, adolescents use media actively and creatively. The project work is action-oriented ("learning by doing") and takes place in groups. Many problems with social media usage (for example, handling privacy, copyright or the right to one's image) become apparent and courses of action are practically applied.

Target groups: All age groups, split into age brackets according to the user types described above

Parameters:

- minimum 2-3 hours
- 4-6 adolescents per group
- 1 camera, tripod if necessary
- 1 PC with Comic Life (www.comiclife.com) or PowerPoint per group
- Flipchart and pens for gathering ideas and developing the storyboard

Goals:

- raise awareness of areas of tension (and risks)
- give specific directions
- articulate and discuss rules
- provide background information
- encourage positioning

Description:

Following the example of young people who have worked actively and creatively with media within the webhelm.workshops, the stories produced can address typical scenarios, problems and possible solutions, or give specific directions. Designing comics or photo stories is a simple method appropriate for everyday use. Some of the materials on webhelm.de can be used to get started with content. Based on this, participants can discuss whether they have had similar experiences and whether they consider what they see as realistic or exaggerated (see method 1 "Instant Message"). It is essential that the focus is on the experiences of the adolescents and that they point out what is important to them in communities, what is problematic and which courses of action they would consider.

Based on these discussions, a theme and ideas for the narrative are developed. First, all ideas for the course of the story are collected in a brainstorming session. The story should have an arc of suspense and be entertaining. Often you can combine different ideas and thus add a special aspect to the story. In the next step, the characters, settings and required props are outlined in a small storyboard. This is an overview, with each individual panel of the comic or photo story given its own field for a sketch of what the finished image should look like. The locations and props selected should be as close as possible to those used every day, to make the story more realistic. The storyboard is displayed to be clearly visible, so participants can return to it during the course of the production process.

In the next step, the photos are taken. The actors should aim for strong gestures and facial expressions. It is advisable to use a tripod to avoid blurred images and it's a good idea to take several pictures of each scene, as it can be hard to tell on a small digital camera display if actors got the facial expressions right or whether the image is in focus. It is also important to allow for sufficient space for speech bubbles to be inserted later. Participants can take turns taking pictures.

Once all the pictures have been taken, work continues on the PC. The software packages Comic Life or PowerPoint are particularly suitable for this task. The following detailed instructions explain the procedure step by step.

The resulting product should be published as prominently as possible, for example through an exhibition and vernissage at the facility, at special occasions or on the website of the institution, as well as the community profiles of the adolescents. Publication makes the perspective of adolescents visible to others. It can initiate a mutual learning process and create opportunities for informal exchanges on important questions, problems and courses of action.

Example: see different contributions on webhelm.de (in German)

Variations: In addition to producing comics or photo stories, as outlined here, it is also possible to work in other media, for example shooting mobile phone videos, audio reports and interviews or films. For more elaborate media productions, external media education partners may also consult.

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