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Privacy and Defamation

Pryor Cashman's litigators have extensive experience in prosecuting and defending right of privacy/publicity cases. Our litigators have played a significant role in developing the jurisprudence in this area, which most often involves the use of an artist's name, voice or likeness without his or her consent for commercial gain.

Our litigators are similarly well-versed and experienced in prosecuting and defending defamation suits and have been involved in many noteworthy cases – often involving celebrities – over the past two decades. We represent both individuals and media companies, as both plaintiffs and defendants, and have achieved significant results for our clients, both at trial and in settlement.

Samples of our cases in this area include:

- Obtained summary dismissal of a right of privacy claim brought against a major motion picture company by an actor whose image was shown in a successful motion picture
- Successfully prosecuted a defamation claim against the publisher and author of a book about a legendary music producer and achieved a settlement which required numerous changes to all further editions of the book
- Won dismissal of copyright and privacy claims concerning the use of the plaintiff's photographs in a scene in a successful motion picture in the first case to establish the *de minimis* doctrine as a full defense to the unauthorized use of graphic works in motion pictures and television
- Successfully defended a defamation claim brought by an accused cop-killer against a correction officers union
- Represented three actors from the most successful independent film in history in the prosecution of their right of privacy and unfair competition claims against a major film studio in connection with a sequel in which the actors' images were used without their consent; case settled after we presented the plaintiffs' case to the jury
- On behalf of a major studio, successfully settled claims by an individual that his right to privacy/publicity was violated by the use of his name as the fictional name of a brokerage firm in the movie, thus permitting release of the motion picture as scheduled
- In the seminal case concerning the conflict between trademark rights and the First Amendment, Pryor Cashman won dismissal of Lanham Act and publicity claims filed by a world famous actress against a film which used her first name in its title; the two-pronged test articulated by the Second Circuit in its affirmance has since been adopted by numerous other circuits and expanded to cases involving not just the titles of expressive works, but to their content as well
- Successfully prosecuted defamation claims brought by an employee against a

- celebrity employer and obtained a favorable settlement on the eve of trial
- Obtained summary judgment dismissing plaintiff-explorer's privacy claims based upon the use of his likeness on the back cover of a best-selling rock album
 - After full trial, obtained dismissal of claims for false light invasion of privacy, right of publicity and Lanham Act violations brought by the former chairman of an activist group against the producers of a motion picture about the group

Case Descriptions

To read about some of our recent matters in the area of privacy and defamation, please [click here](#).

For more detailed descriptions of our successful cases in the area of privacy and defamation, please [click here](#).