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Am.Jur.2d: Property
[1. Subjects of Property, Right of Publicity-- Assignability and Survivability of Right](#)


Am.Jur.2d: Privacy
[2. Persons Suing for Violation of Another's Right, Persons Suing for Invasion of Deceased Person's Right, Right to Publicity](#)






Causes of Action
[3. Cause of Action for an Infringement of the Right of Publicity](#)

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 **Martin Luther King, Jr., [Center for Social Change, Inc. v. American](#) ...**
250 Ga. 135, 296 S.E.2d 697
Ga.,1982.
October 28, 1982 (Approx. 11 pages)

     OTHER

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250 Ga. 135, 296 S.E.2d 697, 216 U.S.P.Q. 711, 8 Media L. Rep. 2377

Supreme Court of Georgia.
The MARTIN LUTHER KING, JR., CENTER FOR SOCIAL CHANGE, INC., et al.
v.
AMERICAN HERITAGE PRODUCTS, INC., et al.
No. 38748.
Oct. 28, 1982.

Certified questions regarding the right of publicity came from the United States Court of Appeals for the Eleventh Circuit, Richard C. Freeman, District Judge. The Supreme Court, Hill, P.J., held that: (1) appropriation of another's name and likeness, whether such likeness be a photograph or sculpture, without consent and for financial gain of the appropriator is a tort, whether the person whose name and likeness is used as a private citizen, an entertainer, or a public figure who is not a public official; (2) right of publicity survives death of its owner and is inheritable and devisable; and (3) owner of right of publicity need not have commercially exploited that right before it can survive.

Ordered accordingly.

Weltner, J., concurred specially and filed opinion.

West Headnotes

[1]  [KeyCite Citing References for this Headnote](#)

↔ 379 Torts

↔ 379IV Privacy and Publicity

↔ 379IV(C) Use of Name, Voice or Likeness; Right to Publicity

↔ 379k386 Conduct or Misappropriation Actionable in General

↔ 379k387 k. In General. [Most Cited Cases](#)
(Formerly 379k8.5(6))

Appropriation of another's name and likeness, whether such likeness be a photograph or sculpture, without consent and for the financial gain of the appropriator is a tort, whether the person whose name and likeness is used is a private citizen, an entertainer, or a public figure who is not a public official.

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Martin Luther King, Jr., Center for Social Change, Inc. v. American ...

[250 Ga. 135, 296 S.E.2d 697](#)
Ga., 1982.
October 28, 1982

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C 1 [Rodgers v. Georgia Tech Athletic Ass'n](#), 166 Ga.App. 156 (Ga.App. Mar 16, 1983) (NO. 65112) ★★ HN: 1 (S.E.2d)

Treatment Cases

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Callmann on Unfair Competition, Trademarks & Monopolies
[1. Protection Against Unfair Competition, Protection of the Business Enterprise, Independent Business Values](#)

Corpus Juris Secundum: Right of Privacy and Publicity
[2. Right of Publicity, Generally](#)

Callmann on Unfair Competition, Trademarks & Monopolies
[3. Protection Against Unfair Competition, The Bases of Relief, The Right of Privacy-Scope \(Including Descendibility\)](#)

Martin Luther King, Jr., Center for Social Change, Inc. v. American ...
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Citing References

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Negative Cases (U.S.A.)

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Distinguished by

- C 1** [Rodgers v. Georgia Tech Athletic Ass'n](#), 303 S.E.2d 467, 470 (Ga.App. Mar 16, 1983) (NO. 65112) ★★ HN: 1 (S.E.2d)

Positive Cases (U.S.A.)

★★★★ Examined

- H 2** [Toffoloni v. LFP Publishing Group, LLC](#), 572 F.3d 1201, 1205+ (11th Cir.(Ga.) Jun 25, 2009) (NO. 08-16148) ♪ HN: 1,2,3 (S.E.2d) ([BNA Version](#))

★★★ Discussed

- P 3** [Toffoloni v. LFP Publishing Group](#), 2008 WL 4559866, *2+ (N.D.Ga. Oct 06, 2008) (NO. CIV.A.1:08-CV-421-TW) ♪ HN: 1 (S.E.2d)

- H 4** [Gignilliat v. Gignilliat, Savitz & Bettis, L.L.P.](#), 684 S.E.2d 756, 760+ (S.C. Oct 12, 2009) (NO. 26735) ♪ HN: 3,4,5 (S.E.2d)

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20 Art, Artifacts, & Architecture Law s 15:4, s 15:4. Exemptions from privacy and publicity

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Law School Classic

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- IP Filing Rules (0)
- Andrews Litigation Reporters (0)
- Others (123)

Administrative Materials

- Administrative Decisions (2)
- Federal Register (0)

Publication

(e.g. S.Ct., F.Supp.)

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Court Documents

- Verdict & Settlement Summaries (0)
- Appellate Petitions, Motions & Filings (4)
- Appellate Briefs (19)
- Joint Appendices (0)
- Oral Arguments (0)
- Trial Pleadings (0)
- Expert Testimony (0)
- Trial Depositions & Discovery (0)
- Trial Motions, Memoranda & Affidavits (36)
- Trial Transcripts (0)
- Trial Filings (1)
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- Verdicts, Agreements & Settlements (0)
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- DAMAGES (34)
 - [2] Injuries affecting limited or special rights or interests.↔114 (34)
- TORTS (187)
 - [1] In general.↔387 (54)
 - [2] In general.↔330 (34)
 - [2] Public figures.↔394 (34)
 - [3] Nature and extent of right.↔384 (123)
 - [4] Nature and extent of right.↔384 (20)
 - [5] Nature and extent of right.↔384 (47)

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Headnotes in 296 S.E.2d 697

[\[1\]](#)

↔379 TORTS

↔379IV Privacy and Publicity

↔379IV(C) Use of Name, Voice or Likeness; Right to Publicity

↔379k386 Conduct or Misappropriation Actionable in General

↔379k387 k. In general.

Formerly 379k8.5(6)

Ga.,1982

Appropriation of another's name and likeness, whether such likeness be a photograph or sculpture, without consent and for the financial gain of the appropriator is a tort, whether the person whose name and likeness is used is a private citizen, an entertainer, or a public figure who is not a public official.

This headnote has 6 case citations and 48 other citations

[Top of Page](#)

[\[2\]](#)

↔115 DAMAGES

↔115VI Measure of Damages

↔115VI(B) Injuries to Property

↔115k114 k. Injuries affecting limited or special rights or interests.

Formerly 379k8.5(2)

Ga.,1982

Private citizens have right of privacy and public figures have similar right of publicity, with measure of damages to a public figure for violation of his or her right of publicity being the value of the appropriation to the user.

This headnote has 2 case citations and 32 other citations

Select headnote(s) that represent your issue(s)

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[Right, Persons Suing for Invasion of Deceased Person's Right, Right to Publicity](#)

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[3]  [KeyCite Citing References for this Headnote](#)

← [379](#) Torts

← [379IV](#) Privacy and Publicity

← [379IV\(C\)](#) Use of Name, Voice or Likeness; Right to Publicity

← [379k384](#) k. Nature and Extent of Right. [Most Cited Cases](#)
(Formerly 379k8.5(7))

Right of publicity is assignable during life of the celebrity, for without this characteristic, full commercial exploitation of one's name and likeness is practically impossible.

[4]  [KeyCite Citing References for this Headnote](#)

← [379](#) Torts


← [379IV](#) Privacy and Publicity

← [379IV\(C\)](#) Use of Name, Voice or Likeness; Right to Publicity

← [379k384](#) k. Nature and Extent of Right. [Most Cited Cases](#)
(Formerly 379k8.5(7))

Right of publicity survives death of its owner and is inheritable and devisable.


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Text of Headnote 4: 296 S.E.2d 697

 [379k384](#) k. Nature and extent of right.

Right of publicity survives death of its owner and is inheritable and devisable. Formerly 379k8.5(7)



Treatment cases dealing with subject matter of Headnote 4


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Am.Jur.2d: Property



Martin Luther King, Jr., Center for Social Change, Inc. v. American ...
[250 Ga. 135, 296 S.E.2d 697](#)
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October 28, 1982




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Positive Cases (U.S.A.)

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-  [1](#) Carson v. Here's Johnny Portable Toilets, Inc., 698 F.2d 831, 840+ (6th Cir.(Mich.) Feb 01, 1983) (NO. 80-1720) (*in dissent*) **HN: 3,4 (S.E.2d)** ([BNA Version](#))
-  [2](#) Hagen v. Dahmer, 1995 WL 822644, *4 (E.D.Wis. Oct 13, 1995) (NO. CIV. A. 94-C-0485) **HN: 4 (S.E.2d)** ([BNA Version](#))

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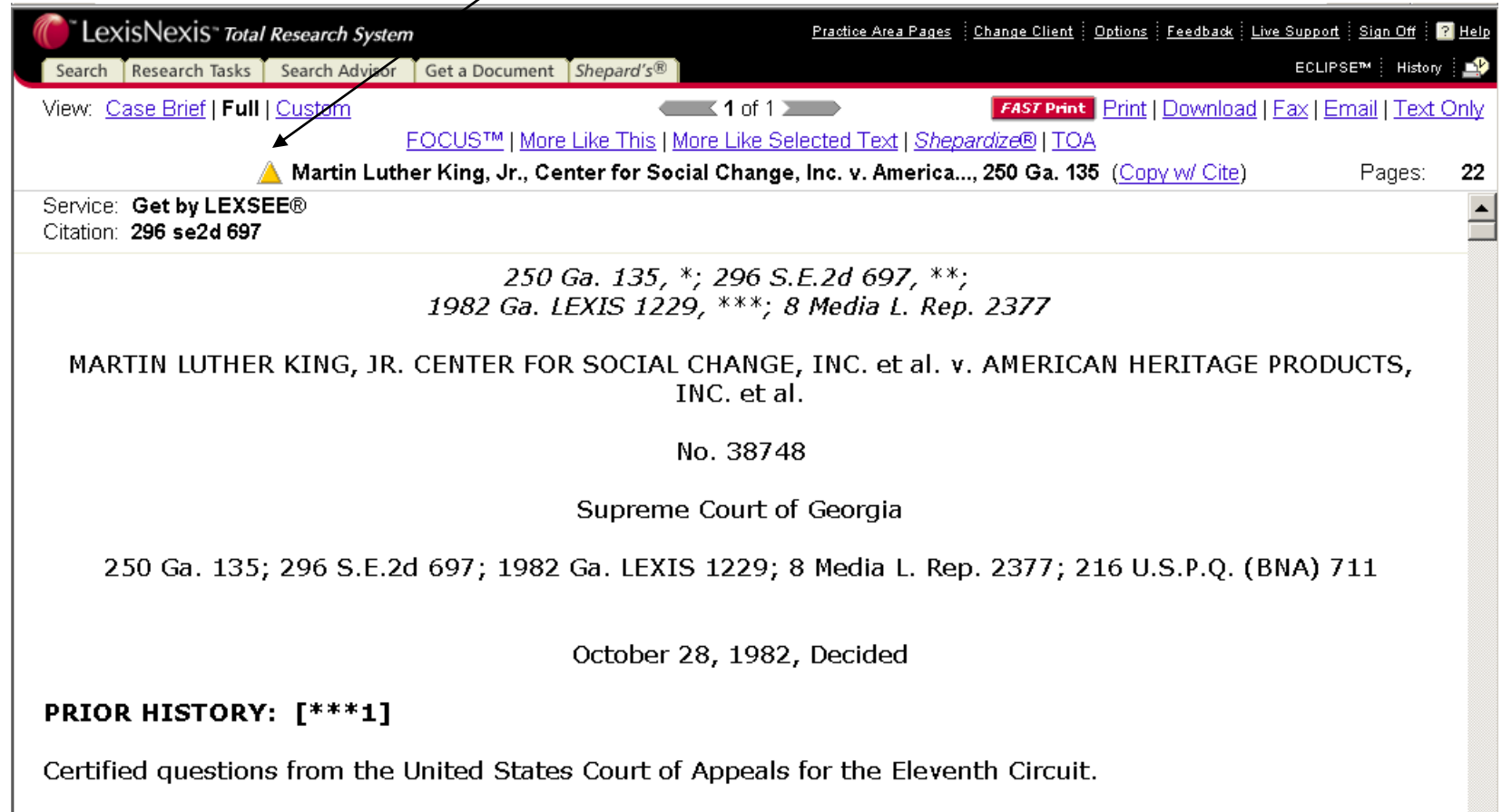
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*250 Ga. 135, *; 296 S.E.2d 697, **;
1982 Ga. LEXIS 1229, ***; 8 Media L. Rep. 2377*

MARTIN LUTHER KING, JR. CENTER FOR SOCIAL CHANGE, INC. et al. v. AMERICAN HERITAGE PRODUCTS, INC. et al.

No. 38748

Supreme Court of Georgia

250 Ga. 135; 296 S.E.2d 697; 1982 Ga. LEXIS 1229; 8 Media L. Rep. 2377; 216 U.S.P.Q. (BNA) 711

October 28, 1982, Decided

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Certified questions from the United States Court of Appeals for the Eleventh Circuit.

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Martin Luther King, Jr., Center for Social Change, Inc. v. American Heritage Products, Inc., 250 Ga. 135, 296 S.E.2d 697, 1982 Ga. LEXIS 1225
Media L. Rep. (BNA) 2377, 216 U.S.P.Q. (BNA) 711 (1982)

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[Martin Luther King, Jr., Ctr. for Social Change v. American Heritage Prods.](#), 694 F.2d 674, 1983 U.S. App. LEXIS 27928 (11th Cir. Ga. 1983)
- 2. **Connected case at:**
[Martin Luther King, Jr. Ctr. for Social Change v. American Heritage Prods.](#), 508 F. Supp. 854, 1981 U.S. Dist. LEXIS 12147, 213 U.S.P.Q. (BNA) 540 (N.D. Ga. 1981)

CITING DECISIONS (13 citing decisions)

GEORGIA SUPREME COURT

- 3. **Cited by:**
[Decatur Fed. S&L Ass'n v. Gibson](#), 268 Ga. 362, 489 S.E.2d 820, 1997 Ga. LEXIS 513, 97 Fulton County D. Rep. 3415 (1997) ^A

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GEORGIA COURT OF APPEALS

6. **Distinguished by:**

[Rogers v. Georgia Tech Athletic Asso.](#), 166 Ga. App. 156, 303 S.E.2d 467, 1983 Ga. App. LEXIS 2084 (1983)◆

166 Ga. App. 156 [p.157](#)
303 S.E.2d 467 [p.470](#)

2ND CIRCUIT - U.S. DISTRICT COURTS

7. **Cited by:**

[Jim Henson Prods. v. John T. Brady & Assocs.](#), 867 F. Supp. 175, 1994 U.S. Dist. LEXIS 15207, Copy. L. Rep. (CCH) P27335, 34 U.S.P.Q.2d (BNA) 1001 (S.D.N.Y. 1994)▲

867 F. Supp. 175 [p.190](#)

6TH CIRCUIT - COURT OF APPEALS

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