

Threat to Marilyn Monroe's estate highlights importance and value of image rights planning

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50 years after her death, the income of Marilyn Monroe's estate is under threat now that a New York court has decided that her image belongs to everyone (see case report below).

The estate - the third biggest money maker for dead celebrities behind Elvis and Michael Jackson - has been stripped of its ability to charge for the use of Marilyn's image.

The ruling of the Court of Appeal in New York is based on an unusual set of circumstances, but illustrates the problems facing celebrities and their estates in protecting and commercialising their image effectively, something also experienced by the Humphrey Bogart estate. Read how [Burberry has fallen foul of Bogart's estate](#) (free registration needed).

Guernsey's forthcoming Image Rights legislation deals with all the aspects of such protection for both living and dead personalities and will give celebrities the unique ability to effectively protect and manage their personality and related image rights for the first time.

Collas Crill is at the forefront of Image Rights services in Guernsey. Contact us to find out more about the new law, which comes into effect in December and creates a world first in a registrable image right.

Marilyn Monroe is Forbes' third highest money-maker in its Top Earning Dead Celebrities rankings.

However, with the recent ruling in New York, income from her estate is under threat. To read more, download the [GREENE ARCHIVES v. MARILYN MONROE ruling in the Ninth Circuit Court of Appeals](#).

The Guardian has reported on how the Court has ruled that Marilyn's heirs have been wrong to pursue image libraries and have been 'extracting unjust fees' since her death in 1962 in this article: [Marilyn Monroe's estate loses right to charge for image use](#)

In summary, on her death Marilyn's official domicile was listed as New York, rather than California, for tax reasons. However, a New York court last week ruled in favour of those who believe her estate has been wrongly extracting a fee each time Monroe's image is used.

As the Court pointed out, Marilyn herself predicted such a dispute, saying "I knew I belonged to the public and to the world, not because I was talented or even beautiful but because I had never belonged to anything or anyone else".

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