

THE ACT ON NAMES AND PICTURES IN ADVERTISING

(1978:800)

Section 1. A tradesman shall not, in the marketing of any goods service or other commodity, make any representation in which another person's name or picture is used, without that person's consent. A representation which clearly indicates a specific person shall be regarded as equivalent to a name.

What is stated in the first paragraph about a tradesman shall apply likewise to an employee of a tradesman and to any other person acting on behalf of a tradesman.

Section 2. A Person who intentionally or with gross negligence violates Section 1 shall be liable to a fine.

In case of complicity in such an act, Chapter 23, Sections 4 and 5, of the Penal Code shall be applied.

Section 3. A person who violates Section 1, or assists in such an act shall pay reasonable compensation to the person whose name or picture was used. If the violation was intentional or negligent, the infringer shall also pay damages for other damages. In the termination of the occurrence and extent of such damages, mental suffering and other circumstances which are not of a purely economic nature shall be taken into consideration.

An employer is liable to pay the damages required for a violation of Section 1 by an employee, if the act undertaken was within the scope of his employment. An employee is liable for damages for such an act only if extraordinary reasons exist for such liability.

Section 4. In case of a violation of Section 1 the court can, at the request of the person whose name or picture was used, if it is deemed reasonable for the prevention of future unauthorized use, make certain orders regarding the devices which were used for the act or the presentations which appear on the goods, on the packaging, in the advertising text or in similar circumstances. The court may order that such property be destroyed, that such property shall be altered in specific ways, or that such property be surrendered, in return for compensation, to the person whose name or picture was used.

Section 5. A criminal action for violation of Section 2 may not be brought by the public prosecutor unless there is a complaint from the injured party or a prosecution is necessary in the public interest.

Section 6. A person who has violated Section 1 or contributed to such an act or is liable for damages under the second paragraph of Section 3 shall in a case involving this Act, upon the request of the person whose name or picture has been used, in view of the circumstances be held liable to pay the costs for publication in one or more newspapers of the judgement rendered as a result of such proceedings.