

LIFE RIGHTS ANALYSIS



I. WHAT ARE LIFE RIGHTS?

The right to use a person's life story or a particular event in their life as well as the use of their name, image and likeness.

II. DO YOU NEED TO OBTAIN LIFE RIGHTS?

Without a life rights deal, you have a First Amendment right to use information in the public domain including facts and publically available information such as books, articles, social media and interviews. A person cannot copyright his life. However, if you fictionalize events you cannot defame or put the subject in a false light.

III. IF YOU OBTAIN LIFE RIGHTS, WHAT DO YOU GET?

With a life rights deal, you can minimize the risk of a lawsuit by obtaining a release of claims for defamation, right of publicity, false light, disclosure of private facts and intentional infliction of emotional distress.

A life rights deal will also ensure cooperation with the subject including interviews to learn his/her thoughts, feelings and motivations as well as provide access to the following:

Interviews of relatives and friends	Videos and home movies
Recordings	Photos
Newspaper and magazine clippings	Diaries and journals
Letters	E-mails and texts

IV. WHAT ARE THE DEAL POINTS IN A LIFE RIGHTS AGREEMENT?

The primary areas of negotiation between the producer and the subject include the following deal points:

Compensation. It's always about the money. How much for the initial option, extensions of the option and the actual agreement?

Control. Unrestricted use and waiver of future claims by the subject vs. script approval (terrible idea), control over how he/she is portrayed (another terrible idea), or an agreement not to portray the subject in a non-disparaging and truthful manner (yet another terrible idea)?

Participation: What will be the subject's level of participation? Will he/she be a co-writer, act as a consultant and/or participate in marketing and publicity?

Scope of Rights. Full and complete access to the subject's entire life vs. access restricted to a particular event? Are certain events off limits - i.e., affairs, divorces and lawsuits?

Ancillary Rights. Use in any medium vs. use limited to the project (only the film, no sequels, prequels, remakes, or derivative works)?

Releases. Is the subject obligated to obtain releases from family members and others involved vs. the agreement to cooperate to help get releases?

Term. Rights granted in perpetuity or do they revert after a fixed period of time or if the project is scrapped?

Fictionalization. Right to fictionalize events and characters for dramatic or entertainment value?

Exclusivity. exclusive right to the story vs. right to participate in news interviews and documentaries (publicity vs. telling a story for the first time).

Final Product. Scope of use including the right not to include the subject in the final product?

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