



WARNER BROS.
ENTERTAINMENT INC.

Dale Nelson
Vice President
Senior Intellectual Property Counsel

June 7, 2018

The Honorable Martin Golden
Senator, State of New York
188 State Street
Legislative Office Building
Albany, NY 12247

Re: **A.8155-b – Right of Publicity – Oppose**

Dear Senator Golden:

I am writing to express our opposition to Assembly Bill 8155-b, regarding the right of publicity, which we believe would have a severe chilling effect on our right to produce creative expressive works, such as motion picture and television programming- in particular, biographical works in which the lives of real people, living or historical, are portrayed. Recent Warner Bros. films of this genre include "*J. Edgar*," portraying the life and times of J. Edgar Hoover, and "*42*," portraying the life of Jackie Robinson. The bill threatens to censor storytelling about people, history and culture.

The bill creates a new right of publicity, unnecessary and unprecedented in New York, with an overly broad scope, inadequate constitutional protections, and confusing and inconsistent language. Having no domicile requirements, and providing standing for anyone living, their assignees, and heirs of the deceased, it invites an overwhelming volume of unnecessary litigation that will overburden the New York courts, including the probate courts.

This bill introduces new rights, procedures, and consequences which are extremely complex. While several of its shortcomings are clear, there is still a need for extensive legal analysis, the time for which is not afforded by the current legislative time frame.


New York has 100 years of case law that govern likeness rights under a right of privacy, and plaintiffs have a long history of bringing and receiving financial awards for legitimate claims. The current bill will only serve to deter creative works and engender new litigation that will further tax an overburdened legal system.

A Time Warner Company

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We strongly urge opposition to A.8155-b. Thank you for your consideration.

Sincerely,



Dale Nelson

cc: Ed Bogdan, Bogdan & Lasky
Josh Hurvitz, Time Warner
Bradley Silver, Time Warner
Vans Stevenson, MPAA
Jennifer Stump, Warner Bros. Home Entertainment
Michael Walbrecht, Warner Bros. Entertainment
Jeremy Williams, Warner Bros. Entertainment