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**TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE JUDICIARY COMMITTEE
MARCH 21, 2007**

I appreciate the opportunity to support House Bill 6818, An Act Concerning a Right of Publicity.

This legislative proposal establishes a state law property right to the use of any person's name, voice, image, or other distinctive feature and prohibits the commercial use of such property right without consent of the individual. The proposal exempts theatrical performances, news, works of art, literary works when the person properly identifies the individual. It authorizes a victim to bring a civil action against a person who commercially uses the individual's property right without consent and to obtain a court order enjoining such usage and recovering actual damages or \$2,000 whichever is greater and disgorgement of profits as a result of the illegal use of the property right.

While copyright and trademark law provide protection against improper use of written words or unique inventions, the law does not adequately address the use of a person's likeness for commercial promotions. No person should be depicted -- without clear consent -- as endorsing products or charities. In such cases of abuse, Connecticut statutory law fails to provide a clear basis to take legal action or collect damages.

This type of law has been adopted in 19 states -- California, Florida, Illinois, Indiana, Kentucky, Massachusetts, Nebraska, Nevada, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Virginia, Washington and Wisconsin. In addition, at least 11 states, including Connecticut, have recognized similar rights without access to damages. As a remedy, damages or monetary recovery are essential, both as restitution and a deterrent. See *Kenneth Venturi v. Savitt, Inc.*, 191 Conn. 588, 468 A.2d 933 (1983).

I urge the committee's favorable consideration of House Bill 6818.

Thank you.