

BZ/Brief

CELEBRITIES USING CELEBRITIES IN ADVERTISING

The Use of Celebrities in commercials is a proven strategy. Being a celebrity in a commercial has become the fashionable thing to do. Everyone from Sting to Catherine Zeta-Jones is popping up on the screen.

Attracting the celebrity that you want requires more and more careful handling than ever. Thus, more and more advertisers are turning to professionals like ourselves to negotiate, as advantageously as possible, with celebrities and their agents.

Celebrities no longer living? Legal developments over the past twenty plus years, in the courts and state legislatures have created new rights for deceased celebrities. Many states have now passed laws defining these rights, and more have such laws under active consideration. Legal experts in the field are now advising advertisers that, for any celebrity or public figure dead less than 100 years, safety lies in obtaining clearances for any commercial use, any medium, anywhere. A Federal law is under consideration.

Meaning? In addition to securing the right to use a film or video clip from its owners (usually a movie studio or production company), *you must obtain clearances for each and every person (living or dead) appearing in the clip.* In addition to securing the right to use a photograph from its owner (usually the photographer), *you must obtain clearances for each and every person (living or dead) appearing in the photograph.*

Heirs, often represented by attorneys or professional agents, exercise and administer the rights of deceased celebrities. Heirs (particularly when there are several) or their representatives are often hard-to-locate.

Knowledge about heirs or who represents whom are reasons why advertisers hire a full-service rights firm like ours. In this area, wide experience is invaluable in saving time and money, producing files full of detailed information as the years go by.

For example, just finding the heirs to a bit part actor in an old clip can turn into a nightmare. Another frequent problem are heirs who oppose all or certain kinds of commercial uses. Among aviation figures, for instance, Charles Lindbergh is not available; the Wright Brothers and Amelia Earhart are.

Who's a Celebrity? All public figures and other people who are or have been "in the public eye" have to be considered celebrities, and clearances must be obtained for their commercial use.

No Commercial Uses Are Exempt! Advertisers frequently ask if they can't just mention a name or use a drawing or look-alike of a celebrity, particularly if the person is dead. The California law, which is the standard-setter, forbids commercial use without clearance of any dead celebrity's name, voice, signature, photograph or likeness. Celebrities or their heirs have successfully sued for unauthorized uses in all of the above cases. *Court settlements can be counted on to be more expensive than negotiated fees.*

The Cost of Commercial Use of Celebrities varies enormously. Live performers whose physical presence is required in creating the ad are the most expensive by far. Fees for using a recognizable talent (such as a famous TV weatherman) in a television commercial, even for a limited area and a short time, begin in the neighborhood of \$80,000. The price goes up for more famous names and when the size of the campaign widens. Fee levels reach the \$250-\$500,000 to one million dollar range very quickly, and can go much higher. (Some celebrities have gone for much less, too, so it's always worth checking.) When affordability is an issue, advertisers should keep in mind that fees for celebrities in fields other than show business can be much lower. Politicians may find a public relations value for themselves in commercial uses, for example. Scientists, business leaders and, in particular, sports figures who no longer compete actively, may regard a commercial use fee as a windfall extra. Supporting actors in long-off-the-air series are another good possibility to keep in mind.

Costs for Use of a Deceased Celebrity often give advertisers a more affordable alternative. Fees for using some very famous faces, indeed, in a direct mail piece or for 2-3 trade magazine ads have been as low as \$5,000 and often hover around \$7-10,000. As campaigns become larger, these fees naturally increase. Fees for a national print campaign or a TV commercial are high, but a lot of very big names are available in the \$100,000 range, people of the caliber of Humphrey Bogart, for example, whose cost, if alive, would be at the million-dollar level or more. Exclusivity can, and should be, negotiated for at these levels.

One more note on the value of dead celebrities — they can't embarrass an advertiser or cause an ad to be pulled. Dead celebrity images are well-known, well-loved *and don't change.*

BZ/Briefs come to you courtesy of BZ/Rights & Permissions, Inc., the service that clears rights for music, celebrities, film & TV clips, photographs, art and texts. Phone: 212-924-3000 Fax: 212-924-2525. Email: info@bzrights.com website: www.bzrights.com

Copyright © 1992, 1995, 1998 BZ/Rights & Permissions, Inc.