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Right to one's own image

Grand Chamber judgment

[von Hannover v. Germany \(40660/08 and 60641/08\)](#)

07.02.2012

The applicants are Princess Caroline von Hannover and her husband Prince Ernst August von Hannover. Relying on Article 8, they complained of the German courts' refusal to prohibit any further publication of two photos showing them during their holiday and taken without their consent, which had appeared in two German magazines between 2002 and 2004. They alleged in particular that the courts had not taken sufficient account of the European Court of Human Rights' judgment in [von Hannover v. Germany of 2004 \(59320/00\)](#) (see below).

The Court held that there had been no violation of Article 8

Chamber judgments

[Peck v. the United Kingdom \(44647/98\)](#)

28.01.2003

Concerned the disclosure to the media of footage from a closed-circuit television (CCTV) camera installed in the street, which showed the applicant with a knife in his hand, resulting in his image being published and broadcast widely.

The Court held that there had been a violation of Article 8 (right to respect for private life) of the European Convention on Human Rights.

[Von Hannover v. Germany \(59320/00\)](#)

24.06.2004

Concerned the publication of two series of photos in 1993 and 1997 in German magazines, which showed Princess Caroline von Hannover in her private life. The photos were the subject of three sets of proceedings before the German courts and in particular of leading judgments of the Federal Court of Justice in 1995 and of the Federal Constitutional Court in 1999 which dismissed her claims.

The Court held that the domestic court decisions had violated Article 8.

Another application brought by Princess Caroline von Hannover concerning the publication of photos was decided by the Grand Chamber in 2012 (see above).

[Sciacca v. Italy \(50774/99\)](#)

11.01.2005

Concerned the publication of Ms Sciacca's photo in two daily newspapers in the context of proceedings against her on a number of charges including tax evasion.

The Court held that there had been a violation of Article 8.

[Gurgenidze v. Georgia \(71678/01\)](#)

17.10.2006

Concerned the publication of Mr Gurgenidze's photo in a newspaper together with a series of articles accusing him of having stolen a manuscript by a renowned writer.

The Court held that there had been a violation of Article 8.

Verlagsgruppe News GmbH v. Austria (No. 2) (10520/02)

14.12.2006

Concerned an injunction against the applicant company, owner and publisher of the weekly magazine *News* based in Vienna, prohibiting it from publishing the picture of an Austrian business magnate in the context of reports on investigations against him on the suspicion of large-scale tax evasion.

The Court held that there had been a violation of Article 10 (freedom of expression).

Tønsbergs Blad AS and Haukom v. Norway (510/04)

01.03.2007

The applicants, the publisher of a regional newspaper and the paper's editor in chief at the time, were ordered to pay compensation to the executive vice-president of one of Norway's largest industrial companies for publishing articles and a photo in the context of allegations that he had not complied with the permanent residence requirements applying to his properties.

The Court held that there had been a violation of Article 10.

Mgn Limited v. the United Kingdom (39401/04)

18.01.2011

The case concerned the complaints of the publishing company Mgn Limited that the United Kingdom breached its freedom of expression rights as a result of:

The national courts' finding against it for breach of well-known model Naomi Campbell's privacy by publishing articles and pictures in *The Daily Mirror* about her drug-addiction treatment; and it being ordered to pay "success fees" agreed between Ms Campbell and her lawyers in relation to the same privacy proceedings.

The Court found no violation of Article 10, as regards Mgn Limited's complaint related to private life;

A violation of Article 10 of the Convention as regards the "success fees" Mgn Limited had to pay.

Mosley v. the UK (48009/08)

10.05.2011

The applicant, Max Mosley, is the former president of the International Automobile Federation, the governing body for Formula One. The case concerned the publication of articles, images and video footage in the *News of the World* newspaper and on its website which disclosed details of Mr Mosley's sexual activities. Mr Mosley complained that the United Kingdom failed to impose a legal duty on newspapers to notify the subjects of intended publications in advance to give them an opportunity to prevent such publications by seeking an interim court injunction.

The Court found no violation of Article 8, holding that the Convention does not require the media to give prior notice of articles to be published to those who feature in them.

Inadmissible application

Minelli v. Switzerland (14991/02)

Decision of 14.06.2005

Concerned an article in a weekly magazine, in which Mr Minelli, a lawyer and journalist who frequently participated in public debates in the media, was called a "poacher" in connection with his work as adviser for a supermarket chain. Relying on Article 8, he complained that the use of the term "poacher" and the publication of his photo along with the article violated his right to respect for private life.

The Court declared the complaint inadmissible, noting in particular that, having exposed himself to the public, the applicant could not demand an absolute protection of his private life.

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