

# Kluwer Copyright Blog

## Landeshauptmann mit Kind, Supreme Court (Oberster Gerichtshof), 15 December 2010

Florian Philapitsch · Wednesday, April 13th, 2011 · Kluwer Copyright Cases

The use of a photograph of a politician with a child, in combination with a satirical text, in a self-advertisement of a news magazine, is not covered by the freedom of satire when the satire does not concern daily political events but is merely commercially self-serving. Furthermore, the implication of a political relationship between the people pictured conflicts with the child's right to protection of its portrait. According to the Austrian Supreme Court, commercial advertisements also fall under the regime of Article 10 ECHR. The protection of a person's portrait also applies to the usage in advertisements.

The [full summary](#) of this case has been posted on [Kluwer IP Law](#).

---

*To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe [here](#).*



Want to improve your IP strategy?

- Manual of Industrial Property
- IP Analytics
- Visser – Annotated European Patent Convention

230+ jurisdictions  
36,000+ cases  
100+ books  
600+ IP law professionals as authors

Request a free demo now  
[KluwerIPLaw.com](http://KluwerIPLaw.com)

 Wolters Kluwer

This entry was posted on Wednesday, April 13th, 2011 at 12:58 pm and is filed under [Austria](#), [Infringement](#), [Landmark Cases](#), [Moral rights](#)

---

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.