

Contents

<i>List of contributors</i>	xi
<i>National reporters</i>	xiii
<i>General editors' preface</i>	xiv
<i>Preface</i>	xvi
<i>Editorial note</i>	xviii
<i>List of abbreviations</i>	xxi

Part I Mapping the legal landscape 1

1 General introduction	3
2 Protection of personality rights in the law of delict/torts in Europe: mapping out paradigms	5
GERT BRÜGGEMEIER	
1 Introduction	5
2 Two distinct paths of civil law of delict	10
A France	10
B Germany	18
3 Two different paths of liability law	25
A Common law of torts and statutory law: England	25
B Scandinavian law: Sweden	28
4 A European perspective – Art. 8(1) ECHR	30
3 American tort law and the right to privacy	38
JOSEPH A. PAGE	
1 Introduction	38
2 The birth of a tort	41
3 The first steps	45

4	Evolution of a tort	48
5	Additional protection for peace of mind	56
6	The academic backlash	57
7	The United States Supreme Court intervenes	59
8	The present status of the unwarranted-disclosure privacy tort	61
9	The present status of the intrusion privacy tort	66
10	The present status of the false-light privacy tort	68
11	The present status of the misappropriation privacy tort	69
12	Conclusion	70
 Part II Case studies		73
4	Case 1: The corrupt politician	75
	Case	75
	Discussions	75
	Comparative remarks	140
5	Case 2: Convicted law professor	149
	Case	149
	Discussions	149
	Comparative remarks	175
6	Case 3: The paedophile case	178
	Case	178
	Discussions	178
	Comparative remarks	203
7	Case 4: An invented life story?	206
	Case	206
	Discussions	206
	Comparative remarks	225
8	Case 5: A former statesman's family life	228
	Case	228
	Discussions	228
	Comparative remarks	253

9	Case 6: A satirical magazine	257
	Case	257
	Discussions	257
	Comparative remarks	272
10	Case 7: A snapshot of a person	275
	Case	275
	Discussions	275
	Comparative remarks	308
11	Case 8: A paparazzo's telephoto lens	317
	Case	317
	Discussions	317
	Comparative remarks	343
12	Case 9: Naked.Little.Girl.Com	348
	Case	348
	Discussions	348
	Comparative remarks	372
13	Case 10: The late famous tennis player	375
	Case	375
	Discussions	375
	Comparative remarks	408
14	Case 11: The popular TV presenter	413
	Case	413
	Discussions	413
	Comparative remarks	431
15	Case 12: Copied emails	433
	Case	433
	Discussions	433
	Comparative remarks	453
16	Case 13: Brigitte's diaries	457
	Case	457
	Discussions	457
	Comparative remarks	473

17	Case 14: Tape recordings of a committee meeting	476
	Case	476
	Discussions	476
	Comparative remarks	489
18	Case 15: 'Light cigarettes reduce the risk of cancer'	492
	Case	492
	Discussions	492
	Comparative remarks	507
19	Case 16: Doctor's non-disclosure of a foetal disease	511
	Case	511
	Discussions	511
	Comparative remarks	540
20	Case 17: WAF – A gang of incompetents?	543
	Case	543
	Discussions	543
	Comparative remarks	562

Part III A common core of personality protection 565

21	A common core of personality protection	567
	GERT BRÜGGEMEIER, AURELIA COLOMBI CIACCHI AND PATRICK O'CALLAGHAN	
1	Dignity and honour	568
2	Privacy	569
3	Right to one's image and likeness	570
4	Commercial appropriation of personality	572
5	Right to personal identity	573
6	Self-determination	574
7	Protection of personality of legal persons?	575
8	Personality violations through the internet	575
9	Conclusion	576