[IE] Film Damages

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In April 2008, a court approved a settlement of more than EUR 60,000 damages to five Dublin primary school children for breach of privacy. Their images were unlawfully used in the award-winning documentary film “Deliver Us from Evil”, about an American paedophile priest. Their parents had sued the director, the film company and the distribution company, all of California, and the children’s school. The school was granted full indemnity by the US defendants. The film company had contacted the school in 2004 seeking to take footage of the children at play for use in a documentary film about multiculturalism in Ireland. Permission was granted on the basis that the footage would be used for that purpose only. The parents had not been asked to consent. In 2006, the film company contacted the school seeking to use the previous footage in a film about the activities of a paedophile priest. Permission was refused by the school. Footage of the children, some as young as five, was used in the film and in a trailer for the film, which was available for some time on the internet. The five children were identifiable in the trailer. Lawyers for the children succeeded in having pictures of them removed from releases of the film in Ireland and the United States and worldwide DVD releases.

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