OLA

Note to Ms. O'Brien

Personal release form for the Secretary-General for a PBS Frontline/WGBH interview

Please refer to your note dated 16 March 2010 addressed to Mr. Martin Nesirsky on the above captioned subject (copy attached). This will confirm that the Secretary-General has approved the personal release form.

Vijay Nambiar
19 March 2010

cc: Mr. Kim
Ms. Axenidou
Ms. Pozenel

10-02676

CXY.004 P5

United Nations Nations Unies

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: Mr. Martin Nesirky
A: Spokesperson for the Secretary-General

DATE: 16 March 2010

FROM: Patricia O'Brien
DE: Under-Secretary-General for Legal Affairs
The Legal Counsel

SUBJECT:
OBJET: **Personal release form for the Secretary-General for a PBS Frontline/WGBH interview**

1. I refer to the e-mail from Ms. Cathy Smith of your Office, dated 9 March 2010, with regard to an interview the Secretary-General granted to an American public television program, Frontline, produced by WGBH in Boston a few weeks ago. I understand that this particular programme will be entitled "The Quake" and that the Public Broadcasting Service (PBS) will broadcast it on 30 March 2010. Ms. Smith informed us that a producer of the programme requested the Secretary-General to execute a release form for his appearance on the programme and provided a standard form for him to sign.

2. We have reviewed the standard release form provided by Frontline/WGBH and found that it does not cover the legal interests of the United Nations and of the Secretary-General in sufficient detail. Therefore, we would advise that the Secretary-General use the enclosed release form, which is a more appropriate form of release for this purpose. The enclosed form is based on a similar form of release that was provided to the PBS' affiliate, "The Children's Television Workshop" in December 2001 for the former Secretary-General's appearance on the public television programme "Sesame Street".

3. You will note on the attached release form that I, as the Legal Counsel, will execute the release form for and on behalf of the Secretary-General. This is because the Secretary-General appears in the documentary in his official capacity, and my signing the form on his behalf, effectively as his lawyer, will insulate the Secretary-General from matters of administration of the release or of having to follow-up later. This same approach was taken in the case of the former Secretary-Generals' release to appear on "Sesame Street".

4. We would be grateful if you would share the enclosed release form with the Secretary-General for his review, and provide us with a copy of his response/approval if and when that is available. We will ensure that the release is finalized as soon as possible thereafter.

cc: Ms. Axenidou
Mr. Pozenel

10-02676

CXY.004 P6/6

United Nations Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL.: 1 (212) 963.1234 • FAX: 1 (212) 963.4879

__ March 2010

APPEARANCE RELEASE

RE: *FRONTLINE/WGBH documentary "The Quake", 30 March 2010*

Under my authority as Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations, and acting for and on behalf of the Secretary-General, for which I represent and warrant that I have all right, power and authority to so act, I hereby acknowledge and agree that, for good and valuable consideration, including participation in the above-referenced program, the sufficiency whereof is hereby acknowledged, Ban Ki-moon, Secretary-General of the United Nations, hereby grants to you the use and otherwise exploit throughout the world, in perpetuity, for all media now or hereafter known or devised, his name, likeness, recorded voice, performance, picture, caricature, nickname and any material furnished by him on and in connection with the use, exploitation and promotion of the above-referenced television program.
The Secretary-General further grants to you the right and permission to assign such rights as have been granted above solely for purposes of any re-broadcast or reproduction of the above-referenced program, and the Secretary-General acknowledges and agrees that he shall have no claim for compensation with regard to the foregoing grants and permissions.

It is agreed and understood by you that, except as expressly provided herein, you shall not have any right or permission to assign or otherwise exploit such rights or permissions as have been granted herein for any other purposes, including with respect to ancillary product promotions, without first obtaining written consent therefor from the Secretary-General. Without limiting the generality of the foregoing, it is agreed and understood by you that, except as expressly provided herein, you shall not have any right or permission to alter, distort, create any illusionary effect, or use in any composite form, the likeness, image, photograph or voice of the Secretary-General without first obtaining written consent therefor from the Secretary-General.

The Secretary-General acknowledges and agrees that you shall be the sole owner of all rights, title and interest in and to the program recording, and it is understood that you rely on both my assurance and that of the Secretary-General that the Secretary-General is free lawfully to grant the rights and permissions set forth herein.

Nothing herein shall be deemed a waiver, express or implied, of the privileges and immunities of the United Nations, which are hereby expressly reserved.

Very truly yours,

Patricia O'Brien
Under-Secretary-General for Legal Affairs
The Legal Counsel
For the United Nations and the Secretary-General