

JOHNETTA PAYE ESQUIRE

ENTERTAINMENT JANUARY 27, 2017

# Lights, camera, action: Keke Palmer challenges Trey Songz in legally recording



JPAYE

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In what may be considered the strangest battle between R&B singers, Keke Palmer and Trey Songz are going at it over his music video "Pick Up the Phone." Although Palmer only makes an (alleged unauthorized) cameo, when [news surfaced via Twitter](#) about the video on January 21, the actress/singer [tweeted](#): "This was not approved. You can not use someone's 'likeness' without their approval. Casing point of female disrespect in the industry."



Keke @KekePalmer

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This was not approved. You can not use someone's "likeness" without their approval. Casing point of female disrespect in the industry.

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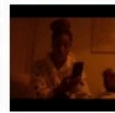
FIGHTING FOR THEIR TUNES: ARTISTS TAKE FIRM STANCE ON POLITICAL AFFILIATIONS



Keke Palmer @KekePalmer

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This was not approved. You can not use someone's "likeness" without their approval. Casing point of female disrespect in the industry.



Dareous @darsfuller  
when you see your future wife @KekePalmer slaying lives in your future husbands @TreySongz video 🤔🤔 yas bae you ma future wifey 🤔🤔

RETWEETS 260

LIKES 292



6:20 PM - 21 Jan 2017

21

260

292

@KekePalmer/Twitter

She went on to elaborate on [Instagram](#) about hiding in a closet and being “afraid of anymore conflict.” From the message on her Instagram post, Trey Songz allegedly was aware that she did not want to be in his music video. From Instagram: “... When you look someone in the face and they say ‘I understand. You don’t have to feel pressured to do the video’ and they STILL put you in it, it is a violation. It would be great to be able to handle these things privately but why when they aren’t respected?”





gettyimages


WireImage | Johnny Nunez

Trey Songz refused to engage, simply letting his followers know that Palmer could call to discuss the issue instead of [airing it out on social media](#). (However, that didn't stop him from [tweeting out](#) comedienne Jess Hilarious' video that took a shot at "[Keke Palmer at my party](#)" as one of many people she trusts more than Donald Trump.)




On the surface, it may be easy to believe that Palmer knew she was being filmed. However, someone who "[saw the cameras and the lights, heard action](#)" doesn't necessarily mean that she knew the camera would be aimed at her. Then again, hiding in a closet should be a pretty good indicator not to film that person.

 **Trey Songz**   
@TreySongz Follow

Babygirl buggin. Point blank period. Got my number, coulda called, saw the cameras and the lights, heard action.

RETWEETS 1,438 LIKES 3,478 

8:54 PM - 21 Jan 2017

 185  1.4K  3.5K

@TreySongz/Twitter

Personal opinions aside, is Palmer legally correct? And what legal steps should've been taken before she was filmed for the video?

Embed from Getty Images



**Is Koko Palmer correct about proper approval to record 'likeness'?**

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### **Is Keke Palmer correct about proper approval to record 'likeness'?**

Palmer does have an argument that Trey Songz should have obtained her permission before incorporating the shot of her into his latest video. The right of publicity gives Palmer the ability to authorize her name and likeness for commercial purposes. If Trey Songz wanted to be "all good," his team should have contacted Palmer's team to obtain license or written release to use her image.

### **Is Trey Songz correct about the 'action'?**

On the other hand, Trey Songz has an argument that Palmer implied consent for her image to be used in the video. Typically on set locations, there are signs posted stating that if an individual remains on set, he or she gives permission to have his or her image used. It's unclear whether this was the case on the set of Trey Songz video.

However, Palmer was aware that Trey was filming a video. According to a tweet from the Virginia native, she heard "action." These factors considered together gives weight to the argument that Palmer implied consent for her image to be used. If she really wanted to make sure she was not filmed, leaving the recording set would've eliminated the possibility.

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### Keke Palmer: We can't be friends

Palmer and Trey Songz May not be able to be friends after this incident. Palmer told journalist Larry King that she plans to take legal action against Songz.



Video source: [Larry King](#)

*Keke's full interview with Larry King will be released on February 1, 2017.*

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Time will tell what the results of the case will be, assuming she acts on it, to potentially confirm holes in this story. For filmmakers and artists of the future, proper signage and written consent are highly recommended to eliminate a repeat of this situation for others.



MADE cover

Recommended Reading: Check out our article in MADE magazine: **“3 Legal Things to Do When Launching A Business this Year”** featuring Keke Palmer on the cover.

Have more right or publicity or video release questions? Contact [J. Paye & Associates](#) today.

Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).

*The information contained here is intended to provide useful information on the topic covered but should not be construed as one-size-fits-all legal advice. Speak to an attorney specifically about your contractual agreement for specific terms and conditions*