FROM THE IUSTORIA BLOG

“I Only Shared It.” What the Supreme Court Said About a Meme with Someone Else's Photo

> *A shared meme with a real person's photo spreads their likeness. In December 2025 the Supreme Court upheld an apology for repeatedly sharing another's meme. Lessons for sharers and those pictured.*

IUSTORIA TEAM

5 November 2026 · 9 min read

On social media there is an unwritten rule that if you merely pass a picture on, you are not responsible for anything. After all, someone else made it, it is already everywhere and “it's just a joke”. At the firm we see how quickly that belief falls apart once the person whose face is in the picture gets in touch.

In December 2025 the Supreme Court rejected an appeal on a point of law (*dovolání*) brought by a politician who had not created a meme featuring a lawyer's photo, but had repeatedly shared it and commented on it. The courts nevertheless ordered him to publish an apology on his profile and keep it there for a month. The decision concerns well-known people, but its core applies to anyone who shares something, and to anyone who finds themselves in someone else's picture.

What happened

During the campaign before the 2021 elections to the Chamber of Deputies, a generator circulated online that let anyone make an image bearing the logo of the Pirates and Mayors coalition. A lawyer active on Twitter (now X) announced there that he would file a criminal complaint against the author of a post saying the Pirates should “hang”. Another user responded with a meme: he took the lawyer's professional photo from his Facebook profile and added the coalition's logo and the text “If you make fun of us, we'll file a criminal complaint against you”.

A politician who was then a Member of the European Parliament and deputy chair of another political party shared the meme, saying that the lawyer really had said this. The lawyer responded that same evening: he did not consent to the use of the photo or to being associated with a party he was not standing for, and he proposed CZK 5,000 to charity by way of compensation. The politician replied that he would be glad to send it. Twelve days later, however, he shared the meme again, in several posts on 20, 21 and 27 August 2021. The posts only disappeared on the strength of an interim measure (*předběžné opatření*) issued by the court on 26 August 2021.

The District Court in Hradec Králové ordered the politician to publish an apology on his profile and leave it there for a month; it dismissed the claim for monetary satisfaction of CZK 100,000. The Regional Court in Hradec Králové upheld the apology and specified that it related to the sharing on three particular days. For the first share, on 8 August, for which the politician had sent the money to charity, he no longer had to apologise. The Supreme Court rejected the politician's appeal on a point of law by its order of 10 December 2025, file no. 25 Cdo 3417/2024.

What the Supreme Court said

The Supreme Court rejected the appeal as inadmissible: in its view, the Regional Court had decided in line with settled case law. This is an unpublished order, not a decision of the Grand Chamber. Even so, in its reasoning the court expressly answered the questions that anyone who shares other people's content asks themselves.

Sharing is dissemination. Under Section 85(1) of the Czech Civil Code, a person's likeness may be disseminated only with their consent. The Supreme Court agreed with the Regional Court that “sharing, that is, disseminating the claimant's likeness on a social network without his consent, is a use of his likeness contrary to Section 85 of

the Civil Code" (paragraph 8). It makes no difference that someone else misused the photo first: "Placing the photograph in a meme did not cure the unlawfulness of its use."

What decided it was the reach and standing of the person sharing. The law recognises situations in which consent is not required: when someone appears publicly in a matter of public interest (Section 88(2)), or for artistic purposes and for news reporting (Section 89). In this case the courts concluded that none of the exceptions applied. Even these exceptions, however, must be used in a reasonable manner and not in conflict with the legitimate interests of the person shown (Section 90). According to the Supreme Court, the sharing went beyond the statutory limits mainly because it considerably extended the interference caused by the meme's creator to a much larger number of people, and the politician also lent it the weight of his own standing (paragraph 8).

A meme is not automatically a caricature. The politician argued that memes should be judged as caricatures. The court noted that its decision did not turn on this question, but explained that a meme is merely the outward graphic form of a message. What is assessed is its content, form, intensity, degree of exaggeration and truthfulness, and the circumstances in which it was created and spread, and "a meme may or may not be a caricature in a particular case" (paragraph 8). Here the Regional Court concluded that readers could have taken the meme seriously: the coalition's logo claimed that the lawyer had something to do with it, and the text put words in his mouth that he had never said.

An apology even for sharing someone else's picture. The politician objected that he was being made to apologise for something he had not done, since he had not edited the photo. The Supreme Court replied that, in this case, an apology for the "use" of the photo means precisely sharing it, and that the wording of the apology reflects the fact that someone else created the meme (paragraph 11).

A profile photo is not consent for everyone

A common defence goes: the photo was public on Facebook, so anyone may use it. The law does indeed provide that consent to being depicted in circumstances that make it clear the image will be disseminated also covers its dissemination in the usual manner that could reasonably have been expected (Section 85(2)). The key words, however, are "in the usual manner".

The Supreme Court had already held that consent to publication outside Facebook cannot simply be inferred from a profile photo on that network (judgment of 15 October 2019, file no. 25 Cdo 1778/2019). In the present case it built on that ruling: from the fact that the lawyer had put the photo on his professional profile, it cannot reasonably be assumed that he consented to its dissemination in any manner whatsoever and unconnected with his work, let alone as part of an election poster (paragraph 8).

Consent can, moreover, be revoked, even if it was given for a specific period (Section 87(1)); revoking it without a substantial change of circumstances or another reasonable ground, however, gives rise to a duty to compensate the damage caused by the revocation (Section 87(2)).

What the person affected must prove and what they can ask for

A person whose personality rights have been interfered with is entitled to demand that the unlawful interference be stopped or that its consequences be removed (Section 82(1)). Typically this means deleting the post and a ban on further dissemination. Removing the consequences usually takes the form of moral satisfaction, that is, an apology, and if that is not enough, money as well (paragraph 10 of the order; Sections 2951(2) and 2956).

In practice, paragraph 10 of the decision is what matters. A person shown who objects to the dissemination of their likeness does not have to prove how exactly the non-pecuniary harm manifested itself. Disseminating a likeness without consent and outside the statutory exceptions is in itself an interference. It is different if the person affected claims that the picture damaged their honour and good reputation. They must then allege and prove what harm they suffered, and the court will consider whether another person in their position would have perceived it in a similar way. A demand for an apology can therefore rest securely on the unauthorised dissemination of a likeness alone. Suing for money makes sense only if the person affected can allege and document how the interference affected them: ridicule, reactions from those around them, reach, duration.

Non-pecuniary harm is redressed by appropriate satisfaction, and in money only if another form would not provide actual and sufficiently effective redress (Section 2951(2)). In the meme case, the court of first instance dismissed the claim for CZK 100,000, and that part never reached the higher courts. In March 2026, in a different case, the Supreme Court confirmed that even the unauthorised use of a child's photo on posters does not in itself justify money. It was a flattering photo used to promote a public-benefit event, with no negative reactions from those around the child and no nationwide reach, and an apology would have been appropriate satisfaction (judgment of 10 March 2026, file no. 25 Cdo 1488/2024, paragraphs 23 to 26). The claimant, however, had not asked for an apology, and since the court awarded no money, the claimant came away with no satisfaction at all. We therefore recommend always asking for an apology, even if the main point is money.

A demand that the interference stop and the post be taken down is not subject to limitation. What becomes time-barred is the right to redress for the harm (Section 612). For money, the courts have applied a three-year limitation period running from when the person affected learned or should and could have learned of the harm, but ending no later than ten years after the harm arose, or fifteen in the case of intent (Sections 620(1), 629(1) and 636; Supreme Court judgment of 15 April 2021, file no. 25 Cdo 2422/2019, paragraph 24). We recommend working with the same period for an apology too, and suing within three years.

If posts keep appearing, you do not have to wait for a judgment: in the case described, they disappeared from the internet thanks to an interim measure (Section 76(1)(e) of the Czech Code of Civil Procedure). What it involves and what the applicant is liable for is explained in our article Interim Measures: A Fast Weapon with Liability Attached.

The costliest mistake was not that the politician shared the meme once. That first post was settled when he sent CZK 5,000 to charity, as the lawyer had proposed. The courts ruled on the further posts he added after he knew the person shown did not consent. Sharing a picture again after an objection, perhaps with an “explanatory” comment, turns a contentious joke into an interference where nobody can claim any longer that the objection was unknown.

What to do differently

For those who share, the decision yields a simple rule: before you share a meme featuring a recognisable real person, ask yourself whether it is obviously exaggeration, or whether the picture puts words in their mouth or attributes to them a view they do not hold. Do not share a picture like that without their consent. The fact that it is everywhere and that someone else created it does not protect you. In the case described, the lawsuit was brought against the person who shared the meme, not against its creator. For people active in public life, the limits of acceptable criticism are wider. Even that, however, does not cover a false statement of fact presented as the real view of the person shown.

For those who find themselves in a picture, the first day matters most. Save screenshots of the posts showing the address and time, so you have them once they disappear. Write to the author and to whoever is spreading the picture, saying that you do not consent to the dissemination of your likeness and want it removed. From that moment on, nobody can claim not to have known you objected, and every further share stands on weaker ground. How to take screenshots that will hold up in court and how to report a post to the platform is explained in our article Someone Is Lying About You Online: What to Do First.

Before you share a meme featuring a real person, ask whether it is obvious exaggeration, or whether the picture puts words in their mouth or attributes to them a view they do not hold. Do not share a picture like that without consent; the fact that someone else made it and it is everywhere is no excuse.
If the person shown gets in touch, delete the post straight away and apologise briefly. No further sharing with a comment, not even “to explain”.
Are you the one in the picture? Save screenshots showing the address and time, and send a written notice that you do not consent to the dissemination. In a lawsuit, always ask for an apology; suing for money only makes sense if you can document the effects.

At a glance

Question	Answer	Provision
May I disseminate someone else's likeness	Only with the consent of the person shown, unless there is a statutory ground	Section 85(1) of the Civil Code
Is sharing someone else's meme dissemination	Yes; inserting the photo into a meme does not cure the unlawfulness	Section 85 of the Civil Code; 25 Cdo 3417/2024, paragraph 8
Is a profile photo consent for anyone	No; consent covers only the usual dissemination that could reasonably have been expected	Section 85(2) of the Civil Code; 25 Cdo 1778/2019
When consent is not needed	For example, a public appearance in a matter of public interest, news reporting or artistic purposes, always only in a reasonable manner	Sections 88(2), 89 and 90 of the Civil Code
What the person affected can ask for	That the interference stop and its consequences be removed; as satisfaction, an apology, exceptionally money	Sections 82(1), 2951(2) and 2956 of the Civil Code
When money	Only if an apology or another form of redress is not enough	Section 2951(2) of the Civil Code
Limitation	Money: three years from when the person affected learned or should and could have learned of the harm; for an apology, count on the same period; a demand that the interference stop is not time-barred	Sections 612, 620 and 629 of the Civil Code
Rapid removal of posts	Interim measure	Section 76(1)(e) of the Code of Civil Procedure

Is a photo of you, or a meme with your face, circulating online? We will assess whether it is an unauthorised dissemination of your likeness or also an interference with your reputation, prepare a demand for removal and, if needed, an application for an interim measure and a lawsuit. You will find details under dispute resolution. Get in touch.

Conclusion

The decision does not ban memes or satire. It says that a picture of a real person carries that person's likeness, and that sharing it disseminates the likeness further. Without consent, sharing holds up only if it falls within a statutory exception and is reasonable. Who edited the picture changes nothing. Whoever shares it takes on part of the responsibility, and the greater their reach and standing, the larger that part.

At the firm we see that most disputes of this kind can be ended straight away: by deleting the post, a short apology and, where appropriate, modest compensation. The ones that escalate are those in which someone responds to an objection by sharing the picture again.

Sources

- Act No. 89/2012 Coll., the Civil Code, Sections 82, 85, 87, 88, 89, 90, 612, 619, 620, 629, 636, 2951(2) and 2956 (as in force on 6 November 2026).
- Act No. 99/1963 Coll., the Code of Civil Procedure, Section 76(1)(e) (as in force on 6 November 2026).
- Supreme Court order of 10 December 2025, file no. 25 Cdo 3417/2024.
- Supreme Court judgment of 15 October 2019, file no. 25 Cdo 1778/2019.
- Supreme Court judgment of 10 March 2026, file no. 25 Cdo 1488/2024.
- Supreme Court judgment of 15 April 2021, file no. 25 Cdo 2422/2019.

This article is for information only and does not constitute legal advice. It describes the law as at the date of publication; whether sharing a particular picture interferes with the rights of the person shown always depends on its content, its reach and the circumstances of publication.

“I Only Shared It.” What the Supreme Court Said About a Meme with Someone Else's Photo

IUSTORIA team · Published 5 November 2026

https://www.iustoria.cz/en/blog/sharing-a-meme-with-someone-elses-photo/

This text is protected by copyright. Sharing the document whole and unaltered is welcome; reuse of parts in other texts requires attribution. © IUSTORIA, advokátní kancelář, s.r.o.