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# **THE EVOLVING LEGAL LANDSCAPE OF CELEBRITY RIGHTS: PRIVACY, PUBLICITY, AND INTELLECTUAL PROPERTY**

AUTHORED BY - SNEHA ACHANKUNJU<sup>1</sup>

## **ABSTRACT**

Digitalization is changing the creative world opportunity for some and threat to others. The ever-evolving media sector gives birth to almost new terms every day. Traditional intermediaries, such as film studios or record labels, have become comparatively lesser scalable than online platforms, which have replaced these intermediaries in many cases, such as in the case of Spotify or Netflix. These two platforms have the best mutual cooperation, giving recognition to the studios and labels as far as huge investment is required to launch a new artist or film. Along with the acceleration of digital media, on the other hand, is another significant issue; the need to protect celebrities and public figures from unfair scrutiny. A celebrity's public image enjoys significant worth, but this often will not be honored with their right to publicity and commercial exploitation of their identity. In order to fund their fight against these claims, celebrities in law may derive use from something called "celebrity rights." These rights can be enforced under trademark law and copyright law, and by way of passing off. Thus, there is a necessity to define celebrity rights in intellectual property law and to provide protection from any harms that may arise.

## **1. INTRODUCTION**

To be a celebrity is the reward for having achieved something through talent or intelligence. Such developments make it more likely that the exposure of or detriment to the celebrities' right of privacy will be caused by third parties, particularly through online intermediaries. Legal enactments that infringe or restrict the celebrities' right of publicity or control over the commercial use of their identity are also topical. They are made public by unauthorized means in a defamatory or misleading way, putting them in a false light. Such unauthorized representation has been made in terms of their photography for the commercial advertisement. So, it becomes imperative to recognize formally these celebrity rights within the scaffolding of

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intellectual property law (IPR) and getting them damage-free. There is scope under several rights for celebrities against IPR violations such as the 'right to publicity', and 'right to reproduction', 'right to distribution', 'right to rental', and 'right to lending' and 'personality rights' among others. However, in most cases of violation, a celebrity's rights can be categorized into three broad categories:

- (i) Personality/Moral Rights
- (ii) Privacy Rights
- (iii) Merchandising/Publicity Rights

## 2. WHO IS A CELEBRITY?

In India, the law of copyright does not attach any special meaning to the word 'celebrity,' although one may give reference to Article 2 (qq) of the law defining an artist. This artist could trace a broad definition-anybody that acts, sings, plays a musical instrument, dances, and entertains-amongst them, acrobats, jugglers, conjurers, snake charmers, and speakers. But not all artists would be classified as celebrities, and not everyone who qualifies as a celebrity is an artist.

Section 38 of the Copyright Act reserves a right specifically to performers with respect to the performance under the broader heading of copyright. This right works for fifty years from the commencement of the calendar year during which the performance takes place. The rights of a performer under section 38 clause 3 are infringed if during the continuance of those rights any one without consent records or reproduces the performance in any form, either auditory or audiovisual, and this is subject to the provisions of section 39<sup>2</sup>.

## 3. REQUISITE TO SAFEGUARD CELEBRITY RIGHTS

Celebrity rights are primarily for commercial reasons and are, therefore, licensed and granted to celebrities. In the modern advertising world, the celebrity image has a lot of value in terms of money. Recognizing this asset in law would mean that it would be treated like other intellectual property and thus taxed like any property. Such arrangements would place control over the use of celebrity images into the hands of the people, while ensuring that celebrities receive monetary compensation for any income generated from their fame. Another thing is that advertising rights are inheritable, thus allowing the celebrity's children to benefit from the

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<sup>2</sup> B. Banerjee, Celebrity rights: A legal overview, [http://www.legalserviceindia.com/article/1139-Celebrity\\_Rights.html](http://www.legalserviceindia.com/article/1139-Celebrity_Rights.html)

celebrity fame created during the lifetime of the celebrity. In addition, the rights protect the performer in a few ways:

- i. Alleviating insecurity on the part of the performers in fear of technological unemployment in cases such as replacement of live music with recorded music
- ii. Stopping bootlegging
- iii. Managing exploitation of artists who might otherwise struggle to manage their own situations independently.

## 4. OBLIGATIONS AND REMEDIES

### Trademark

Trademark registration has two key implications when it comes to celebrity rights. First, registering a mark that represents a specific aspect of a celebrity's personality signals that the celebrity is willing to license or authorize the commercial use of their personality for certain goods or services. Second, it enables celebrities to protect these aspects of their personality from unauthorized use. Unlike the tort law or the Trade Practices Act of 1974, trademark registration provides a unique avenue for safeguarding a celebrity's personality<sup>3</sup>. In India, celebrities and their business partners may receive some protection under trademark law, although its scope can be limited. According to Section 2(1) of the Indian Trademarks Act, 2000, any sign that distinguishes one person's goods and services from another, including names, designs, numbers, and the form or packaging of products, can be registered as a trademark. Indian courts have also extended trademark protection to film titles, characters, and names<sup>4</sup>. The first case involving the commercialization of characters in India was *Star India Private Limited v. Leo Burnett India Pvt. Ltd*<sup>5</sup>, but character merchandising remains an area that requires further development in Indian law.

### Copyright

There are murky waters regarding which aspects of celebrity rights may find protection under copyright law. In the case of *Sim v. Heinz & Co. Ltd.*<sup>6</sup> the court stated that copyright will not protect a person's voice, likeness, or other personal identifiers. Copyright creates property rights which are exclusive yet limited, permitting celebrities to license the reproduction,

<sup>3</sup> Black Hilary May, The role of Trademark law in the protection of celebrity personality, *Media & Arts Law Review*, 7(2) (2002) 105, 106.

<sup>4</sup> Titus Advocates 2008, Indian guide: Character merchandising in India, <https://www.asialaw.com/>

<sup>5</sup> *Star India Pvt. Ltd. v. Leo Burnett India (Pvt.) Ltd.*, (2003) 2 B C R 655

<sup>6</sup> *Sim v. Heinz & Co. Ltd.*, 1 WLR 313 1995



adaptation, sale, or display of, for example, a photograph taken of them by others<sup>7</sup>. To bring a copyright claim, the burden is on the claimant to show such ownership as well as prove that a copy of the image exists. Ownership is generally the single biggest hurdle that celebrities encounter when they claim copyright over photography. If adaptations of selected works are original, they fall under copyright law, at least for some famous authors. Indian intellectual property law has provided for protection for the past 45 years for sketches, drawings, and artistic works in general. Section 14 grants copyright owners the exclusive right to authorize the reproduction of a work in any manner, including converting a two-dimensional work into a three-dimensional one and vice versa. The Indian courts have extended this protection to cover fictional characters classified as artistic works. For example, in *Raja Pocket Books v. Radha Pocket Books*<sup>8</sup>, the copyright protection of a character called Nagraj, a snake king from a children's comic book, was upheld. On the flip side, in India copyright law does not protect a name or photograph of any celebrity.

### **Passing off action**

Passing off actions are not only applied to many facets of personality merchandising, where a person's name, likeness, or performance traits are being used without obtaining a proper authorization, but also involve a passing off claim, protecting the goodwill or reputation of one person against injury caused by the misrepresentation of another. Generally, passing off actions will prevent the illegal utilization of goodwill or reputation by celebrities. Also, it may mislead consumers and suggest that a celebrity has approved some products. It can also be about unauthorized use of the persona of a celebrity and, in this case, could attract liability. Celebrities often have the sole right to commercially exploit their personae. Personality rights thus have a scope in India for only those characters or individuals whose public recognition becomes independent.

In *Mirage Studios v. Counter Feat*, although popularly referred to as the *Ninja Turtle* case<sup>9</sup>, the court referenced Australian cases such as *Children's Television Workshop v. Woolworths Ltd*<sup>10</sup> and *Fido Dido Inc. v. Venture Store*<sup>11</sup> on the fact that passing off applies where the public is led to be misled regarding the nature or quality of goods sold. In this case, *Ninja Turtle*, the

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<sup>7</sup> M Prather, *Celebrity copyright law*, [http://www.ehow.com/about\\_6461739\\_celebrity-copyright-law.html](http://www.ehow.com/about_6461739_celebrity-copyright-law.html)

<sup>8</sup> *Raja Pocket Books v. Radha Pocket Books*, 1997(40) DJR 791.

<sup>9</sup> *Mirage Studios v. Counter Feat Clothing Co. Ltd.*, (1991) FSR 145

<sup>10</sup> *Children's Television Workshop v. Woolworths (NSW) Ltd.*, (1981) RPC 187

<sup>11</sup> *Fido Dido Inc v. Venture Stores (Retailers) Pty Ltd.*, (1988) 16 IPR 365

first applicant owned the copyright for Teenage Mutant Ninja Turtle characters and licensed their reproduction display on merchandise. The first defendant sold human turtle figurines bearing resemblance to those characters but altered the drawings using the turtle concept. Thus, the verdict was entered against the defendant in favor of the applicant. Thus, in *Hogan v. Koala Dundee*<sup>12</sup>, the action was filed by the protagonist, creator, and owner of *Crocodile Dundee* against two tourist shops merchandising Australian-themed clothing and accessories. The complainant alleged that the defendant used the name "Dundee" and images of a koala dressed in clothing similar to that of the hero in the complainant's film, which wore a sleeveless shirt, hat, and knife. In this case, the court acquitted the accused on the grounds that a claim of misrepresentation or illegal appropriation of imagery ordinarily associated with the complainant was not any good. The same reasoning followed in *Hogan v. Pacific Dunlop*<sup>13</sup>, a case in which the applicant took exception to a shoe advertisement using the film *Crocodile Dundee* as a reference. The court held that, in order for a false representation to succeed, it had to establish the existence of a commercial relationship between the applicant and the goods or services of the defendant, this did not exist here. In *Henderson v. Radio Corporation Pvt Ltd*<sup>14</sup>, the plaintiffs, who are ballroom dancers of professional standing, objected to the defendants' use of their photograph on the cover for a release entitled "Strictly for Dance" under an allegation of infringement. The court, however, held that that the plaintiffs' reputation and professional standing did not support the claim.

There are also policies to ensure breaches of data protection falling within the "Advertising damage" category, which includes defamation, copyright or trademark infringements, and unauthorized use of a person's name, voice, or likeness. The insurance takes care of infringements of privacy rights in advertising or personal injury cases<sup>15</sup>. UK law establishes beyond civil liability that it is an offence to hire or sell a recording, known to have been made without adequate consent, to import it for trade use or to possess it with a view to dealing unlawfully with it. Equally criminal is the act of public performance or playing of a recording by the artist where he or she knows or has reason to believe that the rights over the recording have been infringed<sup>16</sup>.

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<sup>12</sup> *Hogan v. Koala Dundee*, (1988) 12 IPR 508

<sup>13</sup> *Hogan v. Pacific Dunlop*, (1989) 12 IPR 225.

<sup>14</sup> *Henderson v. Radio Corporation Pvt. Ltd.*, 1969 RPC 218

<sup>15</sup> R.S. Gibson, California and International celebrity and employee invasion of privacy, <http://www.hg.org/article.asp?id=7567>

<sup>16</sup> Hart, Linda Fazzani & Clark, *Palgrave Law Masters: Intellectual Property Law*, 4th edn, Palgrave MacMillan, Hampshire England, 2006

## 5. MORAL/PERSONALITY RIGHTS

In defining a person, there must be an interplay of personality in forming the identity, with any predictable behavior being an extension just within a trim fold of society. The effects that each individual's personality has upon society extend profoundly according to their own personal strengths. These very constitutional rights of personality are buttressed by Hegelian property, personality attributes extend into an appurtenance of the personality. In the same vein, personality attributes extend into the appurtenance of social effects<sup>17</sup>. The Tolley v. Fry<sup>18</sup> case dealt with the question of whether the association of a popular golfer's image with the advertisement of Cadbury chocolates was legitimate. The plaintiff claimed that their use of his image implied consent on his part to allow his likeness to be used to advertise Cadbury for payment, thus injuring his status as an excellent golfer for promotional purposes. The court found that the defendant's actions were likely to cause defamation and injury. From then on, a paradigm shifts on the issue occurred, and celebrities are setting claim on seemingly contradicting rights- the right to privacy and the right to publicity.

## 6. PRIVACY RIGHTS

The fame of Warren and Brandeis with the privacy doctrine has been a great factor in giving shape to the rights of celebrities. They stood for the idea that the essence of personal freedom is the right of all individuals to be left alone<sup>19</sup>. There is much curiosity about celebrities and any minor detail of life with them; this yearning for truth is often a detrimental exposure that inserts an intense state of insecurity.

In Cohen v. Herbal Concepts Inc<sup>20</sup>, a picture of plaintiff Cohen and her baby on the label of a cosmetic product was made without any permission or consent. The defendant argued that the plaintiff's face was not identifiable from the photo. However, the court favored the plaintiff and awarded damages, holding that Cohen's right to data protection was violated. In the latter case, Barber v. Time Inc<sup>21</sup>, a photographer took a picture of Mrs. Dorothy Barber while she was giving birth without getting her consent, forcibly entering her hospital room notwithstanding her protests. Ms. Barber sued Time Inc. for invading her privacy and won her case, with the

<sup>17</sup> A. Datta, Celebrity rights: A legal overview, <http://www.goforthelaw.com/articles/fromlawstu/article31.html>

<sup>18</sup> Tolley v Fry, (1931) 1 All ER Rep 131

<sup>19</sup> Louis Brandeis & Warren Samuel, The right to privacy, Harvard Law Review, 4(5) (1890), <http://groups.csail.mit.edu/mac/classes/6.805/articles/privacy/Privacybrandwarr2.html>

<sup>20</sup> Cohen v. Herbal Concepts Inc (1984) 63 Ny.2d 379

<sup>21</sup> Barber v Times Inc, 348 Mo. 1199 (Mo. 1942).

court awarding her damages. Thus, the court ruled that the media could report facts peculiar to the private lives of individuals but could be held liable for reporting such facts as they infringe upon the right of privacy. The press may report whatever they wish to report, though they can still be sued for the breach of someone's privacy rights even if that report did not constitute defamation. Such instances allow celebrities to institute legal proceedings against violations of privacy or breaches of data. The public character of celebrities leads people to imagine them as their personal friends and consequently to engage in their entire lives with excessive curiosity-from major personal issues right down to trivial details like clothing or cosmetics. There is no natural transaction of information during this exchange between celebrities and the public, for celebrities do not know their audience personally. This is the reason why celebrities do their best in keeping their private data safe because spilling the beans brings about confusion, embarrassment, and even insecurity. Recently, a variety of MMS scandals concerning different celebrities have flooded the media. A few cases that are worth mentioning are as follows: A bathroom video of tennis player Sania Mirza, a hot video of Bollywood diva Kareena Kapoor Khan with her former boyfriend; as well as Kabir Singh actor Shahid Kapoor<sup>22</sup>. Watching these videos was a very interesting experience for the common man, but the effect on the people in the video was highly humiliating and psychologically challenging because they had to feel uncertain in their very own private spaces. There was a case petitioned in the Indian Supreme Court concerning the constitutional validity of Section 499 of the IPC, disapproving the Kareena-Shahid photo incident. It emphasized a need to strike a balance between the public interest and defamation, ensuring that freedom of expression through the media is not exceeded<sup>23</sup>.

Prosser says that even such press reports can violate confidentiality because they isolate or expose private, shameful details that could offend sensitive individuals. In these cases, defamation rather than intellectual property protections would probably be the best source of redress regarding the violations. Violations of the private lives of celebrities are among the most sacred human rights violations.

In Justice K. S. Puttaswamy (Retd.) v. Union of India<sup>24</sup>, the court ruled, "Every individual should have the right to control his own life as to how he is to be presented to the outside world,

<sup>22</sup> Sex, lies and MMS: Bollywood talking, <http://www.digihelp.com/pub/indian-mms-scandals.asp>.

<sup>23</sup> Kareena-Shahid photos not in good taste: SC, <http://www.tribuneindia.com/2004/20041218/nation.htm#3>

<sup>24</sup> (Civil) No 494 Of 2012

including the commercial use of their identity." This ruling also means that people should not be able to prevent others from exploiting their image, name, and other personal aspects for commercial purposes without their consent. Beyond economic reasons for this right, it is also a matter of maintaining individual autonomy and personal dignity by preserving an individual's definition of themselves without external interference. The right of publicity protects one's self-definition from being manipulated in such a manner that would allow others to create their views and values associated with a person.

## 7. PUBLICITY/MERCHANDISING RIGHTS

The right of publicity is one thing: a trademark, copyright, or law of data protection is quite different from it, but also appears to be similar in many ways<sup>25</sup>. This is the inalienable right of any person to regulate the use of his identity in commercial terms<sup>26</sup>. It is public rights or merchandise rights that enable persons to have the economic benefit of the name and fame. This requires, however, proof of the fact that fame has commercial value. There is also a similarly found definition of an unfair commercial practice, intellectual property theft, or fraud, in that someone uses a star's fame in order to sell something.

In *Midler v. Ford Motor Co. & Others*<sup>27</sup>, an ad agency sought to use one of Bette Midler's songs for a commercial of Ford cars. However, while the agency had secured licensing for the song itself, Ms. Midler declined to allow use of her rendition. The agency then approached Ula Hedwig, who used to be a backup singer with Midler, to record the same song with instructions to imitate Midler as closely as possible. Ms. Midler then sued once the commercials aired. However, while Defendants argued that they didn't really make use of Bette Midler's name, voice, or likeness but used Ula Hedwig's voice, thus complying with the provisions of the Civil Code, the court also ruled out any claims that the Civil Code had displaced the common law on the privacy and publicity rights. The court found that the advertisement in question by the defendants had purportedly intended to tie it up with an element of Midler's identity which is protected by the right to publicity. Such right entitles a performer or public figure to exclusive control of commercial use of his name or likeness or even other personal attributes. Though it is still evolving, especially in countries like India, it is a different kind of public or private

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<sup>25</sup> McCarthy J Thomas, The Spring 1995 Horace S Manges Lecture: The Human Persona as Commercial Property: The Right of Publicity, Columbia-VLA Journal of Law and the Arts, 19 (1995) 131.

<sup>26</sup> Keller Bruce, Condemned to repeat the past: The reemergence of misappropriation and other common law theories of protection for intellectual property, Harvard Journal of Law & Technology, 11 (2) (1998) 401.

<sup>27</sup> *Midler v. Ford Motor Co & others*, (1988) 849 F.2d 460(9th Cir).



rights from those existing to cover personality distortion. With recording technology and digital manipulation having developed into very effective tools that make it possible for unauthorized exploitation of celebrity images, there also loom such issues as unauthorized use and defamation.

Publicity, for example, can be expounded in terms of Locke's Labor Theory, which asserts that a person holds the rights to all that he produces with all his hard work, time, and talent. In the same way, the reputation and fame of a celebrity would be the product of so much hard work, and thus no one else should enjoy deriving profit from it. Hence, such cases as that of *Edison v. Edison Polyform Mfg Co.*<sup>28</sup> and cases like the unapproved use of 50 cent pictures in advertisements proves this. Internationally, there are differences in jurisprudential approaches of courts on the issue, but this right to publicity is still considered to be underdeveloped in most jurisdictions. According to Nimmer and William Prosser, great legal scholars, the rights concern is subdivided into four categories intruding upon seclusion or another person, public disclosure of private and embarrassing facts, false light publicity, and appropriation of one's name for another's benefit.

## **8. RATIONALE FOR THE PROTECTION OF CELEBRITY RIGHTS**

Arguments in favor of publicity rights are myriad; for example, the most direct is usually termed the "natural rights of property justification," which argues for the right as something based on the claim that one's identity, property in itself, must be controlled solely by that one<sup>29</sup>. Rights to protect celebrities derive from twofold justifications-the moral and the economic. One such moral justification bases itself on John Locke's labor theory, which contends that a celebrity deserves acquiring benefits from his or her fame since labor had put so much into the production of a valuable persona, and without the celebrity rights protection, individuals will never have an incentive to develop such highly valuable identities, hence the eventual loss to society<sup>30</sup>. One form of moral justification was based on the reality of unjust enrichment, being that companies should not derive profits from the likeness of a celebrity unless that celebrity is compensated. The last moral justification that concerns privacy laws states that a celebrity has the right to associate freely with brands and products of their choice for all associations against

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<sup>28</sup> *Edison v Edison PolyformMfg Co*, (2005) 5 SCC (J) 5

<sup>29</sup> J. Thomas McCarthy, *The Rights of Publicity and Privacy* (2d ed. 2014).

<sup>30</sup> Anurag Pareek and Arka Majumdar, "Protection of celebrity rights- The problems and solutions" 11 JIPR 415-423 (2006)

their will, as these could be harmful to their reputation, dignity, and economic value.

The right of publicity has at least two major economic justifications. The first one, which is the classical in copyright theory, is the incentives argument: a celebrity will not be stimulated to create a valuable persona if he or she cannot reap the benefits of using his or her identity, fame, or likeness. Whereas the second of the economic justifications is more in tune with the Lanham Act, this one deals with consumer protection. It holds that if a celebrity is prevented from exercising control over his or her image, other persons may use it to confuse the public into believing that a celebrity is endorsing products or services that he or she actually has no knowledge, association, or connection with. The argument is intended to address consumer confusion under section 43a of the Lanham Act.

The images that celebrities base their survival on are reputations and goodwill, and as such, their protection becomes vital; however, with the advancement of fame, there comes media intrusion into their lives, which is generated by that bi-directional intruder-the media. The extreme interest exhibited by the public in the lives of celebrities leads to an imbalance-from the celebrities' end of the concern to manage the personal information that can be embarrassing or can be subjected to public exploitation.

The greatest scandal that MMS (Multimedia Service) has produced of late could be genuine as a leak or mainly fake intended to exploit a celebrity through monetary gain. While often creating a significant public sensation, such MMS scandals are a boil for exploitative opens and defamations. The Supreme Court recently posed the controversy on the MMS scandal of Shahid Kapoor and Kareena Kapoor while examining the constitutional viability of Section 499 of the Indian Penal Code. The Court reckoned that the Kareena-Shahid picture was under inappropriate use and underscored the need to cloak a public interest-at-defamation exercise with assurance that the term of expression for newspapers is not able to be extended beyond limits<sup>31</sup>.

Though publicity is covered under that broad interpretation recognized as Article 21, however, the right is not absolute; reasonable restrictions may be imposed in public interest under Article 19(5). The Constitution has a provision to protect the rights of the Indian people under Article

<sup>31</sup> Shahid-Kareena photo not in good taste SC, available at <http://www.tribuneindia.com/2004/20041218/nation.htm#3>

19. 'Freedom of speech and expression' in Article 19(1)(a) also endows its citizens with the right to gather and disseminate information<sup>32</sup>. The Supreme Court has interpreted Article 19(1)(a) in broad terms to state that a component of this freedom is the non-interference right to receive and share information and ideas<sup>33</sup>.

Celebrities have consistently challenged the media, claiming that the press misuses this freedom under the guise of reporting in the public interest<sup>34</sup>. Some even argue that having spent almost their entire life in public, celebrities have forfeited their right to privacy. This waiving, however, is not absolute, and some areas of the lives of celebrities which fall under the personal and certain professional aspects can be retained private.

Indeed, the right to privacy is an inestimable right by which every individual is entitled to safeguard some of their personal information and not allow the media to refer to or exploit it in the name of public interest. The issue of privacy rights keeps transforming under circumstances, such as the developments owing to the Aadhaar Card issue, raising the larger issue of whether privacy is a fundamental right under Article 21 of the Indian Constitution. Though the Supreme Court had earlier held that privacy is not a fundamental right, this matter is likely to be settled by a nine-judge bench, of which a smaller bench shall view the case on Aadhaar<sup>35</sup>. This active debate emphasizes the need for safeguarding celebrities' privacy rights because the present statutory provisions in India concerning the safeguard of celebrity publicity rights remain ambiguous and incomplete.

## 9. CONCLUSION

It has become increasingly important to protect the rights of celebrities in today's digitalized world, given the rampant trespass by the media, unlawful exploitation, and misuse of their persona. Privacy and publicity rights of celebrities do not only protect their dignity in the private aspect but also secure the commercial values of one's identity. Various legal doctrines,

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<sup>32</sup> M.P. JAIN, INDIAN CONSTITUTIONAL LAW 988 (5th ed. 2008)

<sup>33</sup> In *State of Uttar Pradesh v. Raj Narain*, AIR 1975 SC 865, 884, the apex court held that Art 19(1)(a) not only guarantees freedom of speech and expression, it also ensures and comprehends the right of citizens to know, the right to receive information regarding matters of public concern. Similar ratio was drawn in cases like *Secretary, Minister of Information and Broadcasting, Govt. of India v. Cricket Association of Bengal*, AIR 1995 SC 1236 and *Association of Democratic Reforms v. Union of India*, AIR 2001 Del 126.

<sup>34</sup> Pareek & Majumdar, Protection of Celebrity Rights, Anurag Pareek & Arka Majumdar, Protection of Celebrity Rights- Problems and Solutions, 11 J. INTELLEC. PROP. RIGHTS, 418 (2006) [hereinafter Pareek & Majumdar, Protection of Celebrity Rights].

<sup>35</sup> FE Online | New Delhi | Updated: July 19, 2017 3:24 PM Aadhaar card case in Supreme Court: 5 important questions the case will seek to answer

including John Locke's labor theory and economic justifications, support the notion that celebrities should control the use of their image, likeness, and name. There has been progress in protecting those rights through intellectual property, privacy, and data protection laws; however, challenges remain, especially in growing countries such as India, where there are really developing frameworks.

As the Supreme Court of India contemplates more issues relating to the right to privacy, like the Aadhaar case, it is self-evident that there is a need for clearer legal protection for celebrity rights. The healthy interplay of free speech and the protection of the private life of individuals is certainly required by the ever-increasing debates on the way the media shapes public perception and goes on to exploit these individuals under the so-called public interest. All these considerations reaffirm the need to constantly fine-tune the legal provisions to cater well to the complexities of celebrity rights in today's societal setup.

