An Analysis of Personality Rights in Sports

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The right to publicity may not be a statutorily protected right, but sports persons and sports teams have hardly let that hurdle them from protecting and monetising their image, celebrity and more. Kruttika Vijay and Rohan Sharma explain. Personality rights, sometimes also referred to as the right to publicity, protect against the unauthorised appropriation of an individual's persona which could result in an unearned commercial gain to another. The right to publicity does not constitute a statutory right in India, but courts (at the level of the High Court) do recognise the existence of the right and have laid down jurisprudential framework to safeguard against and redress infringement. The Supreme Court is yet to dispose of a case on the subject though. Sportspersons have tried to trademark certain aspects of their game or routine with mixed success; Gareth Bale, a professional footballer, failed in his attempt to protect his 'Eleven of Hearts' celebration, but Tim Tebow, a player in the National Football Leauge was able to register 'Tebowing', a much popularised and stylised pre-match bowing. Indian sportspersons, particularly cricketers, such as Sachin Tendulkar and Kapil Dev have sought to protect the commercial interest in their celebrity by trademarking their name or securing domain names on the internet. Read more

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