Extending Celebrity Status to IP Rights

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Nishchal Anand and Tanvi Misra look at how aggrieved by the unauthorised use of distinct personality traits celebrities, and now courts, are delving deeper into exploitation of personality rights. India has rapidly evolved into a consumer-driven market, with products advertised and promoted through every modern technology. Although advertisements and promotional gimmicks make concerted efforts towards establishing strong emotional bonds with consumers, the surest way to reach out to the masses is through celebrity endorsement of a product. With so many brands being endorsed by personalities, market forces are making it impossible for India to continue its lackadaisical approach towards regulating the exploitation of personality rights and enforcing such rights effectively. Following the global trend, the right to publicity in India has developed primarily through case law. Judgments in this relatively unexplored field signal a growing acceptance of the recognition and protection of the commercial value of an individual's name and personality traits. The development of personality rights is based on an increased interface with IP law. *This article was published in IP Value 2012.* Read more

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