# Right of Publicity

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*Vaishali Mittal takes a look at the legal protections afforded to the right of publicity.* The right of publicity does not constitute a statutory right in India. Indian courts (the high courts) have explicitly recognised the right to publicity and laid down the essential components for its infringement. The Indian Supreme Court has not yet disposed of a case pertaining to this right, though there are a few decisions from the high courts that are pending in appeal before it. There is no specific legislation in India to protect publicity rights. Through various judgments, courts in India have read the right of publicity into Articles 19 and 21 of the Constitution by calling it an inherent part of the right to privacy, which is an established constitutional right. A celebrity's profile can be used for the purposes of advertising or promotion only after ensuring appropriate authorisation. In a jurisprudential sense, right of publicity can be found within a person's right and autonomy to allow or prohibit the commercial exploitation of their likeness or some characteristics of their personality. However, the Right to Privacy Bill 2011, which is still under consideration in the Indian parliament, makes no mention of publicity rights and gives no remedy for false endorsement or use of a person's identity for commercial purposes. *This chapter was published in Getting the Deal Through: Right of Publicity 2016.* To continue reading, please contact us at email@anandandanand.com

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