Getting the Deal Through: Right of Publicity

Thought Leadership • November 15, 2016

Unlegislated it may be, but the right to publicity is not an unrecognised right in India; Vaishali Mittal explains the jurisprudential regime, as it has been evolved by the country's courts. Undeterred by the absence of specific legislation, Indian courts have read right to publicity, equating it to an inherent right to privacy, into Articles 19 and 21 of the Indian Constitution. And having evolved from the right to privacy under Article 21, publicity rights are available to foreign citizens as well. Right to publicty disputes are governed by the standard civil and commercial procedures envisaged under the Code of Civil Procedure 1908 and the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act 2015. A finding of infringement of publicity rights does not require an element of intent be proven against the infringer; however, intent is relevant in the computation of damages awarded to the injured party. *This chapter was published in Getting the Deal Through 2017.* To continue reading, contact us at email@anandandanand.com

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