

Legal Aspects in Character Merchandising with Reference to Right to Image of Celebrities

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Abstract : Selling goods and services using images, names and personalities of celebrities has become a common marketing strategy identified in modern physical and online markets. Two concepts called globalization and open economy have given numerous reasons to develop businesses to earn higher profits. Therefore, global market plus domestic markets in various countries have vigorously endorsing images of famous sport stars, film stars, singing stars and cartoon characters for the purpose of increasing demand for goods and services rendered by them. It has been evident that these trade strategies have become a threat to famous personalities in financially and personally. Right to the image is a basic human right which celebrities owned to avoid themselves from various commercial exploitations. In this respect, this paper aims to assess whether the law relating to character merchandising satisfactorily protects right to image of celebrities. However, celebrities can decide how much they receive for each representation to the general public. Simply they have exclusive right to decide monetary value for their image. But most commonly every country uses law relating to unfair competition to regulate matters arise thereof. Legal norms in unfair competition are not enough to protect image of celebrities. Therefore, celebrities must be able to avoid unauthorized use of their images for commercial purposes by fraudulent traders and getting unjustly enriched, as their images have economic value. They have the right for use their image for any commercial purpose and earn profits. Therefore it is high time to recognize right to image as a new dimension to be protected in the legal framework of character merchandising. Unfortunately, to the author's best knowledge there are no any uniform, single international standard which recognizes right to the image of celebrities in the context of character merchandising. The paper identifies it as a controversial legal barrier faced by celebrities in the rapidly evolving marketplace. Finally, this library-based research concludes with proposals to ensure the right to image more broadly in the legal context of character merchandising.

Keywords : brand endorsement, celebrity, character merchandising, intellectual property rights, right to image, unfair competition

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