



COURSE MANUAL

Name of the Elective Course:

Comparative Celebrity Laws: Personality, Publicity and Free Speech

Course Code:

[TBC]

Name of the responsible Faculty Instructor:

Prof. Anupriya, Assistant Professor, JGLS

**FALL 2026
(AY2026-27)**

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intends and purposes as far the elective course, **Comparative Celebrity Laws: Personality, Publicity and Free Speech**, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Comparative Celebrity Laws: Personality, Publicity and Free Speech**

Course Code: [TBC]

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **IX Semester, Undergraduate 5 Year Law Programmes; LLM residential students (across all specializations, of Semester 1 Only).**

Medium of Instruction: **English**

Pre-requisites (if applicable): **Completion of General IPR course and compulsory Constitutional Law/Constitutional Governance courses [UG level]**

Equivalent Courses: N/A

Cross-listed: No

Part II

1. Acknowledgement of Course Ideators

This course is ideated and structured by Prof. (Dr.) Aakanksha Kumar and is largely modelled on the unpublished Doctoral work of Dr. Kumar (NLU Jodhpur, 2025) as well as, is loosely adapted from, heavily modified and Indian-ised version of the Spring 2012 course curriculum for *Entertainment Law: Popular Iconography and the Celebrity* taught by Prof. David Tan, NUS, Faculty of Law. E-mail of permission to adapt is available with Dr. Kumar. Earlier versions of this course have been administered at NALSAR [Jul-Dec, 2019] and since Spring 2021 at JGLS by Dr. Kumar. A capsule version of this course was also administered for HNLU's Lex Osmose one credit course series, in February-March 2024 by Dr. Kumar.

2. Course Description

Celebrity today has become all pervasive. We are all fans. Celebrities rule our world – telling us what to eat, what to wear, what to read, where to travel and if famous enough to push social change – also tell us whom to vote for.

Today thus celebrity personality is understood widely as a semiotic sign and thus brands endorsed by celebrities, and some celebrities in themselves are recognized to represent the values of a majoritarian public. A counter to encoded ideals may be then available by using the same signs in a “recoded” manner, and such use can therefore be categorized as “political speech,” protected by the Constitutional guarantee of *freedom of speech and expression*. What is the right the celebrity enjoys due to their personality? Are these rights enjoined to them because of his celebrity status absolute? It seems wrong to allow someone else to take pecuniary benefit of a celebrity’s unique personality traits. However, does that entitle them to legally preempt others from using similar voices/looks/mannerisms for any purpose whatsoever? While the law on copyright or trademarks may not allow a celebrity to preempt use of his voice or other personality traits, law recognises “personality rights” or “celebrity rights”. These rights have developed as an offshoot to ‘core’ intellectual property rights, as the celebrity personae, are important and expressive *economic* resources – they enhance the commercial values of commodities they are associated with, thus lending what has been described as the *economic associative value* of a celebrity persona - i.e. “*the perceived ability to confer value on that which might be associated with the celebrity*”.¹

This economic associative value is protected in law, under the *right of publicity*. The right of publicity, most simply put, protects any individual’s *marketable image or persona*. This formulation, however, has been most succinctly put forth by McCarthy in his seminal work as – “*The right of publicity is **not merely a legal right of the “celebrity”, but is a right inherent to everyone** to control the commercial use of identity and persona and recover in court damages and the commercial value of an unpermitted taking.*”²

This course aims at asking and consequently answering, the above questions and more, both with the celebrity realm and otherwise, through a comparative law lens. It also aims to equip the students with a better understanding of how “personality” and “personality indicia” are “propertised” and therefore protected in law/open to protection in law.

3. Course Aims

- To analyse key aspects of a modern entertainment industry with a focus on claims brought by celebrities and rights owners of well-known popular iconography in the United States, United Kingdom, Australia and India.
- To examine the production, circulation and consumption of celebrity personality and iconic brands in contemporary society, and understand its economic value that calls for legal protection.
- To introduce students to the operation of the six prominent causes of action in the United States and India [along with United Kingdom and EU to understand Privacy and Passing Off], brought by celebrities and rights owners in the

¹Sheldon W Halpern, *Publicity Rights, Trademark Rights and Property Rights*, in OVERLAPPING INTELLECTUAL PROPERTY RIGHTS 321-339, 325 (Neil Wilkof and Shamnad Basheer, eds., 2012).

² J. THOMAS MCCARTHY, RIGHTS OF PUBLICITY AND PRIVACY § 1:3 (2nd ed).

entertainment industry: (i) copyright infringement; (ii) trademark infringement/dilution; (iii) passing off; (iv) right to privacy tort; (v) breach of confidence, misuse of private information and other dignitary torts [defamation] (vi) right of publicity.

- Identify the “personality rights” claims made in India e.g. by Amitabh Bachchan, Anil Kapoor, Jackie Shroff etc. and situate the same in the trademark and copyright law context versus the enunciation of the right of publicity tort and the tort arm of the right to privacy.
- To understand what amounts to “fair use”/ “exempted use” in light of personality rights and appreciate the contours of the free speech guarantees protecting the consuming audience’s right to “re-code”.
- The course shall also address more specific questions under these six broad causes of action, for example – protection and claim for rights over sporting actions by celebrities, moral rights of celebrity persons and deepfakes, rights of actors over repeat portrayal of characters on film, rights and duties of content creators on social media [India’s ASCI Influencer Guidelines and Compliance Advisory] and celebrity personality rights in cyberspace – with personal name domain name cyber-squatting case studies etc.
- At the end of the course, students shall be able to identify the salient transnational similarities and differences in the protection of IP rights relating to popular iconography, and to compare and critique legal concepts across different jurisdictions (in particular understand the key similarities and differences between American, English /European/Australian and Indian approaches in copyright, trademark and personality rights laws) and the emergence of Indian jurisprudence on personality rights; and shall be equipped to use their knowledge and skills to work more effectively in a multi-jurisdictional professional intellectual property practice, undertake cross-jurisdictional research in an advanced academic setting or further post-graduate-level studies either in India or overseas.

4. Teaching Methodology

This course shall mostly be taught using classroom lecture and discussions, alongside using visual aid tools: slides, videos and audio [with audio descriptions of videos as applicable, best attempted to increase accessibility for any differently abled students] Assessments shall also be used as teaching-learning tools.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
<p>By the end of the course students should be able to:</p> <ul style="list-style-type: none"> •analyse and critically evaluate, key aspects of a modern entertainment industry with a focus on claims brought by celebrities and rights owners of well-known popular iconography in the United States, United Kingdom, Australia, and India 	--	<p>Pre- class Reading, followed by in – class discussion of book chapters, law review articles from not just law, but also sociology, celebrity studies and branding and marketing, and real world case studies. Students shall be made to also watch some videos during the class hours to help comprehend real world “taking” of celebrity personality indicia. Power Point Slides will be used as teaching aids.</p>	<p>Internal Assessment component - [70%] –</p> <p>Internal Assessment requirements will be explained during classroom teaching.</p> <hr/> <p>End Term Exam – [30%]</p>
<ul style="list-style-type: none"> •critically examine and appreciate the production, circulation and consumption of the celebrity personality and iconic brands in contemporary society, and understand its economic value that calls for legal protection 		<p>Pre- class preparation from students requiring Reading and discussion of book chapters, law review articles from not just law, but also sociology, celebrity studies and branding and marketing, and real world case studies. Focus shall be on comprehending, through previously available studies, the cultural phenomenon of the ‘celebrity’ and its</p>	<p>[Conducted as a closed book exam. – 30 marks]</p>

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
		<p>value as a ‘semiotic sign’.</p> <p>Students shall be made to also watch some videos and exercises shall be conducted to help students apply their theoretical learning to real “cases”.</p>	
<ul style="list-style-type: none"> Recognise and distinguish, and thereby apply and [hypothetically] claim, the operation of the six prominent causes of action in the United States and the United Kingdom (mostly) along with comparisons in the Indian law,[with selected references to other jurisdictions, brought by celebrities and rights owners in the entertainment industry: (i)copyright infringement;(ii) trademark infringement/dilution; (iii) passing off; (iv) right of privacy tort; (v) breach of confidence/ misuse of private information and other dignitary torts (defamation) (vi) right of publicity 		<p>Each cause of action shall be taught as a separate module/topic.</p> <p>Students will be required to complete pre-class reading of prescribed portions of case law(s) texts, and a few texts for mandatory reading, per topic, per jurisdiction.</p> <p>Classes shall focus on comparatively analysing and discussing the cause(s) of action in the chosen jurisdictions and then hypothetical/real world case studies shall be used to understand appropriate application of the law points.</p> <p>Slides and videos shall be used as</p>	

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
		teaching aids where-ever required.	
<ul style="list-style-type: none"> Identify the “personality rights” claims made in India e.g. by Amitabh Bachan, Anil Kapoor, Jackie Shroff etc. and situate the same in the trademark and copyright law context versus the enunciation of the <i>right of publicity</i> tort and the tort arm of the right of privacy 		<p>Students will be required to complete pre-class reading of prescribed portions of case law(s) texts, and a few texts for mandatory reading.</p> <p>Case law and case-studies from India alone shall be discussed, and then situated against the earlier discussions on principles to comprehend the unique position of the law(s) in India. Critical discussion of Indian case law, especially rulings on the Right of Publicity and the Right of Privacy from HCs and the apex court shall be undertaken during this portion of the course.</p> <p>Slides and videos shall be used as teaching aids where-ever required.</p>	
<ul style="list-style-type: none"> Identify which acts of “taking” of personality indicia amounts to “fair use” and appreciate the contours of the free 		Students will be required to complete pre-class reading of prescribed portions	

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Tasks/ Activities
<p>speech guarantees protecting the consuming audience’s right to “re-code”.</p>		<p>of case law(s) texts, and a few texts for mandatory reading, that address the question of “fair use” of personality rights across jurisdictions. Classes shall focus on comparatively analysing and discussing the chosen jurisdictions and manner in which the court(s) define the contours of the fair use exception, and its roots in the free speech guarantee, then hypothetical/real world case studies shall be used to understand appropriate application of the law points, to help students appreciate the limits of the fair-use/free-speech style defense. These will then be compared against the IP-Rights defenses available in statute and common law, discussed in the earlier modules.</p>	

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria. In case any of the participants miss the Internal Assessment tests (i.e. Research Paper and Semester End Viva), alternative internal assessments will be conducted only in exceptional circumstances, as prescribed by the Academic Policies and Procedures. Unless the Academic Policies and Procedures provide contrary instructions, the assessments shall be tentatively conducted thus:

Assessment	Weightage	Remarks
Research Paper [Total 50 marks]	10 Marks - [Synopsis/proposal] 40 marks - [Final Paper]	Topic Allotment: by 15 th August Synopsis/Proposal submission: 7 th September (week 6) Final Submission of the research paper: 12 th October (week 11) Note: Other details such as submission protocols, format, word limit etc. of the research paper will be discussed in class during the first week and communicated to the students subsequently.
Semester end Viva	20 marks	19 th October – 23 rd October, 2026 [Week 12] [In person viva will include questions both from Research Paper and from the course more broadly. This is intended to assess student's research and their overall understanding of the subject matter]
End Semester Examination (Compulsory)	30 Marks	There will be a compulsory end-semester examination/component for all participants of the course who have successfully met the requisite attendance as per the governing JGU policies. Modes Format of exam- [TBC by Exam office] Date – [TBC, decided by Exam Office] It will be a Close book exam.

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

Laptops are permitted while class is being taught, as long as these devices are used as learning tools and not for other distractions during class.

In a fully physical class, students are strongly discouraged from using laptops and cell phones for purposes other than taking class notes/ specifically engaging in workshop-style classes where laptops and internet is required for example like searching for content specifically asked by the course instructor [Some classes will entail looking at Instagram and Facebook, for deepfakes, celebrity endorsements and other materials to study]. Technological tools must be used judiciously to support the learning endeavours, and not to disrupt/discredit course instruction.

Academic Integrity and Plagiarism

Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes, photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements

JGU endeavours to make all its courses inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

Safe Space Pledge

This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Specific Content Warning for this course

Some of the themes and case studies we discuss in this course contains mature (nudity, sex tapes etc.) and violent content (alcoholism, revenge porn etc.)– that might be unpleasant/triggering for some of our learners. The inclusion of this content is imperative to understanding several case law holdings/nature of rights that we will be covering. Instructor shall actively ensure that appropriate content warnings, with sensitive details of the disturbing element(s) are revealed in advance of such content being shown and/or discussed in synchronous classes, and student(s) are free to leave the classroom if they believe the content might be triggering, and are welcome to discuss the same, separately with their instructors – learning these materials is not optional, and alternative learning avenues, may be explored with the instructor *if* in-class content is triggering for a learner.

Other Classroom Policies for this course

- Show up to class on time, late entrants are strongly discouraged, ideally, show up to class, “Prepared”.
- Participate, Engage, Supplement.
- ATTENDANCE POLICY – Attendance will be marked within 10 minutes of class start time– however that doesn’t mean you may misuse this leeway. Attendance shall be awarded only to those students who are **present in person, physically throughout the duration of the class.**
- Complete Internal Assessments on Time.
- Notify emergencies/ exigencies as soon as is possible via email.
- Observe the classroom code of conduct and the safe space pledge.
- In case of doubts – Please send an email to the instructor [anupriya@jgu.edu.in]. The instructor will reply via email or address it in the following class, as the case may be. The instructor may also relay the mail to the entire class if it is appropriate.
- **Office Hours:**
 - Office hours will be communicated during the first week of the course.
 - In any case, students may send an email at anupriya@jgu.edu.in [AT LEAST] 24 hours prior to wanting a meeting – and we may then schedule a mutually suitable time.
- There are no marks for class participation and attendance.
- Question Paper formats and samples of End-semester exam shall be discussed in the course, and a grading rubric for both the Internal Assessment and the End-Semester exam, shall be explained in class in weeks closer to these assessments.

Part IV

Keywords Syllabus

Celebrities, cultural consumption, meaning transfer, image rights, personality rights, right of publicity, passing off for persona, commercial misappropriation, name, image, likeness, evocative misappropriation, privacy, post-mortem image rights.

Course Design and Overview (Weekly Plan)

Week	Topics
1	Module 1 - The Entertainment Industry: Celebrity as a Brand and Value Symbol
1 -2	Module 2 - Introduction to issues in Entertainment Industry in India
2	Module 3- Scope of Celebrity Laws course
3-4	Module 4 - Introduction to Copyright in the Entertainment Industry and Copyright over personality traits.
5	Module - 5 Fair Use Doctrine in Copyright

5 and 6	Module 6 – Trademark Protection in Entertainment Industry and Trade-mark over Personality Traits
7 and 8	Module 7 – Trademark Infringement, Dilution and Trademark Fair Use
9 to 11	Module 8 - Passing Off, The Right to Privacy and Breach of Confidence
11 to 13	Module 9 - The Right of Publicity [USA and India Centric]
13	Module 10 - New Technology and Challenges for Personality Rights [Last lecture]
14	REVISION WEEK [NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

Module Descriptions:

<p>Module 1 - The Entertainment Industry: Celebrity as a Brand and Value Symbol</p> <ul style="list-style-type: none"> • Understanding contemporary celebrity • ‘Well-known-ness’ of a celebrity and celebrity as a cultural phenomenon • Economic Value of Celebrity and its protection
<p>Module 2 - Introduction to issues in Entertainment Industry in India This module shall bring to fore the different issues that have emerged in the recent past in the entertainment industry in India vis a vis free speech rights. Students shall be made aware of the idea of “celebrity” going beyond TV and Films – Sports and Political Icons, Authors and Book characters, Defamation claims made, Internet Memes and Free Speech etc.</p>
<p>Module 3- Scope of Celebrity Laws course Introduction of the six common causes of action frequently used by celebrities, i.e.</p> <ol style="list-style-type: none"> 1. copyright infringement; 2. trademark infringement/dilution; 3. passing off; 4. right to privacy torts; 5. breach of confidence, misuse of private information and other dignitary torts (civil defamation) 6. right of publicity tort
<p>Module 4 - Introduction to Copyright in the Entertainment Industry and Copyright over personality traits.</p> <ul style="list-style-type: none"> • Nature and subsistence of copyright – i.e. what is “copyright”, what material may be the subject of copyright protection: is there copyright over distinctive voice? <ul style="list-style-type: none"> • Idea-expression dichotomy • Does copyright also cover personality traits? – Discussion about live celebrity and fictional characters • Copyright protection for sports moves, life-story; performer rights.
<p>Module - 5 Fair Use Doctrine in Copyright</p> <ul style="list-style-type: none"> • Basics of the fair use doctrine in US and India <ul style="list-style-type: none"> • <i>De Minimis Rule</i> • ‘Transformative’ fair use: USA and India: Similarities and Differences

- Examples and Cases of Celebrity Taking: Copyright and Persona overlaps
- Re-visit voice cases
- Caricaturing, and the free speech exception

Module 6 – Trademark Protection in Entertainment Industry and Trade-mark over Personality Traits

- Celebrity traits and trademark – defeating the specific ‘class of goods or services’ requirement.
- Protection of celebrity names – Elvis, Lady Diana
- Barbie as a ‘fictional anthropomorphized celebrity’ – cases in TM and Copyright infringement
- Case Study - “Tendulkar” and “SRK” Trademarks – case study of Shah Rukh Khan and the opposition by Shilpa Raj Kundra; Akshay Kumar’s application for registration of “Khiladi”
- Protection of catchphrases associated with celebrities
- Can ‘actions’, ‘Gestures’ be protected as celebrity marks?
- Infringement actions for ‘celebrity marks’

Module 7 – Trademark Infringement, Dilution and Trademark Fair Use

- Lanham Act (USA) 15 USC § 1125(c)(2)(B) – dilution by blurring
- Lanham Act (USA) 15 USC § 1125(c)(2)(C) – dilution by tarnishment
- Lanham Act (USA) 15 USC § 1125(c)(3)(C) – non-commercial use exemption
- Lanham Act (USA) 15 USC § 1125(c)(3)(A)(ii) – parody/commentary exception
- European Community Trade Mark regulation (EC Regulation 207/2009) Article 9(1)(c)
- Indian Trade Marks Act. S. 29 – Dilution and S. 30 – What is ‘not’ infringement’?
- ‘Unfair advantage’ of marks with established reputation
- Successful dilution claims and chilling effect on competition in the market

Module 8 - Passing Off, The Right of Privacy and Breach of Confidence

This module will discuss how, outside the US, especially in India celebrity personalities whose images have been appropriated for commercial use have to bring an action in passing off or for engaging in misleading and deceptive conduct contrary to specific statutory provisions. There are three key elements in a passing off action: (1) goodwill or valuable reputation; (2) deceptive conduct; and (3) damage. Generally, a defendant may escape liability for passing off where his or her products exhibit a clear statement that indicates their true origin or otherwise disclaims any association or connection with the plaintiff. This module shall also address how celebrities in other countries like Singapore have turned to the tort of defamation instead of passing off for redress against unauthorised uses of images in advertising.

The second part of this module shall look at the notion of privacy as a legal right in the United States, which has the most developed literature amongst all common law jurisdictions, dates back to a 1890 article by Samuel Warren and Louis Brandeis. In the UK, despite the reluctance of the courts to recognise a tort of privacy, the breach of confidence action has been significantly expanded to give effect to the right of privacy guaranteed by Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which has been incorporated into UK law by the Human Rights Act 1998. The case concerning Naomi Campbell decided by the House of Lords clearly indicate the broad ambit of the revitalised

breach of confidence action to protect celebrity privacy. In the absence of a statutory tort of privacy in Australia, it appears that courts may also develop the breach of confidence action in a similar manner. Students shall be introduced to the Strasbourg jurisprudence of the European Court of Human Rights and, in particular, the Court's controversial decision in upholding the privacy of Princess Caroline von Hannover in public places, may influence the development of English law and the laws in other Commonwealth common law jurisdictions. Discussions shall end with case studies from India with respect to lessened privacy for celebrities. The newer debate in India surrounding the descendability of the rights of privacy versus Defamation versus Publicity will also be discussed to understand and re-visit the "nature of the right" question [property style or inherent-inalienable style?] -case law and case studies about the Movies/Web series based on deceased celebrities like Jayalalitha, Phoolan Devi, Sushant Singh Rajput, Gangubai Kathiawadi will be revisited/re-discussed.

Module 9 The Right of Publicity [USA and India Centric]

This module investigates how the United States protects the commercial value of the celebrity personality. With its origin in privacy, the right of publicity was subsequently recognised as a property right by a majority of state courts and legislation. The module shall also cover the First Amendment defence which protects the freedom of speech and the freedom of press. Discussion shall build on Prof. David Tan's article, 'Political Recoding of the Contemporary Celebrity and the First Amendment' (2011) 2 Harvard Journal of Sports & Entertainment Law 1, 1-17.

The course shall then look at the similar emergence of the right in India through case law from the Delhi, Bombay and Madras HC, and the implications of the Puttaswamy decision that has one judge elevate the right of publicity to a fundamental right.

Module 10 - New Technology and Challenges for Personality Rights':

- Deepfakes, memes
- Social media and endorsements: Indian Rules and Guidelines [Role of the ASCI and Consumer Protection Authorities]

Revision and Review

Part V Relevant Readings / Essential Readings

- Compulsory readings to be undertaken, highlighted in green.
- Case law and article summaries shall be shared in advance of each class, via class slides that shall be treated as the first point of "readings" to be undertaken.
- All primary and secondary readings shall be shared with the cohort via a course Specific folder and better discussed and explained during classroom teaching.

Module 1, Week 1

COMPULSORY READINGS:

- David Tan, 'The Commercial Appropriation of Fame', (Cambridge Intellectual Property and Information Law) (Cambridge University Press, Kindle Edition, 2017). [READ FULL CHAPTERS 1 AND 2]
- Patricia Loughlan, Barbara McDonald, Robert Van Krieken, 'Celebrity and the Law', (The Federation Press, New South Wales, 2010) [READ CHAPTER 1 – RELEVANT SCANNED PAGES PROVIDED]

OTHER SUGGESTED READINGS

- Chris Rojek, Celebrity (FOCI) (Reaktion Books. Kindle Edition) (ebook) [READ CHAPTER 1, PAGES 10 TO 27 OF THE PDF]
- Rein I, Kotler P, Hamlin M and Stoller M (2006), 'High Visibility. Transforming Your Personal and Professional Brand', 3rd Edition (New York: McGraw-Hill.) – Read portions on Cultural Producers in the Visibility Industry
- Hamish Pringle, Celebrity Sells (2004) xxi-xxv, 5-10, 67-74, 269-277 [Scans]
- The Definition of the Contemporary Celebrity, Richard Dyer, Stars (2nd ed, 1998) 1-4, 16-29
- Graeme Turner, Understanding Celebrity (2004) 34
- Hajo Rupp, Who owns Celebrity: Law and Formation of Fame, 12 ESLJ xx 2014
- David Tan, 'Beyond Trademark Law: What the Right of Publicity Can Learn From Cultural Studies' (2008) 25 Cardozo Arts & Entertainment Law Journal 913

Module 2, Week 1 and 2

COMPULSORY READINGS

- Kroll, Celebrity Brand Valuation Report 2023 – Brands, Business and Bollywood [Released June 2024] - [Details of 2024 report]
- The Impact of Influencer Marketing in India, May 2023, Dentsu, Asia Pacific (June 6, 2023) <https://www.dentsu.com/sg/en/insights/the-impact-of-influencer-marketing-in-india.>

OTHER SUGGESTED READINGS

- Abhishek Arvind Sahay, Role of culture in celebrity endorsement: Brand endorsement by celebrities in Indian context, W.P. No. 2013-07-01 July 2013, IIM Ahmedabad, http://www.iimahd.ernet.in/assets/snippets/workingpaperpdf/1208772975_2013-07-01.pdf

Module 3, Week 2.

COMPULSORY READINGS

- Huw Beverley-Smith, The Commercial Appropriation of Personality (2002) 1-24
- PRIVACY, PROPERTY AND PERSONALITY: CIVIL LAW PERSPECTIVES ON COMMERCIAL APPROPRIATION, Huw Beverley-Smith, Ansgar Ohly, Agnes Lucas-

Schloetter, Cambridge University Press, (2005) , Chapter 1 “Commercial Value of aspects of personality”

OTHER SUGGESTED READINGS

- Fernando M Pinguelo and Tony D Cedrone, ‘Morals? Who Cares About Morals? An Examination of Morals Clauses in Talent Contracts and What Talent Needs to Know’ (2009) 19 Seton Hall Journal of Sports & Entertainment Law 347
- Porcher L Taylor III, Fernando M Pinguelo and Timothy D Cedrone, ‘The Reverse- Morals Clause: The Unique Way to Save Talent’s Reputation and Money in a New Era of Corporate Crimes and Scandals’ (2010) 28 Cardozo Arts & Entertainment Law Journal
- David Tan, ‘The Semiotics of Alpha Brands: Encoding/Decoding/Recoding/ Transcoding of Louis Vuitton and Implications for Trademark Laws’ (2013) 32 Cardozo Arts & Entertainment Law Journal 221, 221-224

Module 4 - Weeks 3 and 4

- Leslie A. Kurtz, *Fictional Characters and Real People*, 51 U. LOUISVILLE L. REV. 435 (2013).
- Michael Todd Helfand, ‘When Mickey Mouse is as Strong as Superman: The Convergence of Intellectual Property Laws to Protect Fictional, Literary and Pictorial Characters’ (1992) 44 Stanford Law Review
- Jasmina Zecevic, Distinctly Delineated Fictional Characters That Constitute The Story Being Told: Who Are They And Do They Deserve Independent Copyright Protection?, 8 Vanderbilt Journal of Entertainment and Technology Law 365 (2020) Available at: <https://scholarship.law.vanderbilt.edu/jetlaw/vol8/iss2/4>

CHARACTER COPYRIGHT – USA CASES

- Murray v National Broadcasting Company Inc, 844 F 2d 988 (2nd Cir, 1988)
- Warner Bros Entertainment, Inc v RDR Books, 575 F Supp 2d 513 (SD NY, 2008)
- Nichols v. Universal Pictures Corporation, 45 F.2d 119 (2d Cir. 1930)
- Superman Related – i. Detective Comics Inc v Bruns Publications Inc, 111 F 2d 432 (2nd Cir, 1940) (Wonderman); ii. Warner Bros Inc v American Broadcasting Co, 654 F 2d 204 (2nd Cir, 1981) (The Greatest American Hero)
- Warner Bros Pictures Inc v Columbia Broadcasting System Inc, 216 F 2d 945, 950-51 (9th Cir, 1954) (‘Sam Spade case’)
- Mickey Mouse and other Disney characters - Disney Productions v Air Pirates, 581 F 2d 751 (9th Cir, 1978) – read only Part I on copyright infringement
- Anderson v Stallone, 1989 WL 206431, *6-*11 (CD Cal, 1989) (‘Rocky case’)
- Halicki Films, LLC v. Sanderson Sales & Mktg., 547 F.3d 1213, 1224 (9th Cir. 2008).
- Case Study – _Pop Music – Rihanna’s Music Video ‘S&M’
- LaChapelle v Fenty, 812 F Supp 2d 434, 440-442, 445-448 (SDNY, 2011)

Newer holdings on character copyright [USA]

- DC Comics v Mark Towle
- Daniels v. Walt Disney Co.(C.D. Cal. May 9, 2018)

- Marvel's Avengers character copyright dispute

CHARACTER COPYRIGHT – INDIA CASES

- V.T Thomas v Malayala Manorama; AIR 1989 Ker 49
- Raja Pocket Books v. Radha Pocket Books 1997 (40) DRJ 791
- Star India Private Limited v. Leo Burnett (India) Private Limited (2003) 27 PTC 81
- Sholay Media And Entertainment Pvt. Ltd and Anr v Parag Sanghavi and Ors. Delhi HC, 24 Aug 2015
- Arbaaz Khan Production Private Limited v. Northstar Entertainment Private Limited and Ors., 2016 SCC OnLine Bom 1812
- Disney Enterprises v. Pankaj Aggarwal, 2018 SCC OnLine Del 10166
- Problem : DO REAL PERSONS HAVE COPYRIGHT IN THEIR IMAGE? DO THEY HAVE COPYRIGHT IN CHARACTERS THEY PORTRAY ON SCREEN?
 - IF NO, THEN WHAT RIGHT CAN THEY CLAIM?
 - WHAT ABOUT CHARACTERS THEY HELP WRITE? IS CO-AUTHORSHIP AN OPTION?

“COPYRIGHT” IN “LIFE-STORY”?

- Deepa Jayakumar V. A L Vijay And Ors. [Madras Hc, 12 Dec 2019,]
- Telangana High Court, M/S Super Cassettes Industries Private Limited V. Nandi Chinni Kumar And Ors – 19 Oct 2020 - Approved By The Supreme Court In Slp No. 12886-87/2020. – Special Leave Petition Dismissed Without Notice.
- Babuji Shah Vs Hussain Zaidi And Others| SLP(C) 15711/2021

COPYRIGHT OVER SPORTS CELEBRATION MOVES

- Loren J. Weber, Something in the Way She Moves: The Case for Applying Copyright Protection to Sports Moves, 23 COLUM.-VLA J.L. & ARTS 317, 362 (1999).
- Henry M. Abromson, The Copyrightability of Sports Celebration Moves: Dance Fever or Just Plain Sick? , 14 Marq. Sports L. Rev. 571 (2004)
- Refer : UK LAW CASES C 403/08 & C 429/08, FOOTBALL ASSOCIATION PREMIE R LEAGUE ET AL. V QC LEISURE ET AL. & MURPHY V MEDIA PROTECTION SERVICES LTD ('FAPL') [2012] 1 CMRL 29, CJEU JUDGMENT OF THE COURT (GRAND CHAMBER) 4 OCTOBER 2011 [SPORTS MOVE Versus FUNCTIONAL ACTION]
- F. Scott Kieff, Robert G. Kramer, and Robert M. Kunststadt, It's Your Turn, But It's My Move: Intellectual Property Protection for Sports Moves, 25 Santa Clara High Tech. L.J. 765 (2012).

Case Studies : Voice

- Amitabh Bachchan's claim to copyright his voice
Chandana Arora, Big B to copyright his voice!, THE TIMES OF INDIA (Nov 9, 2010)
<https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/Big-B-to-copyright-his-voice/articleshow/6888630.cms>
- Case Study: Amitabh Bachchan and his move to copyright his voice – refer latest Dec 2022 Delhi HC Ex parte interim order.

- Gaurav Malani, Sunny Deol to copyright his voice, THE TIMES OF INDIA (Dec 7,2010) <https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/Sunny-Deol-to-copyright-his-voice/articleshow/7059873.cms>
- Arijit Singh and AI Voice sound alike
- A R Rehman and his compensation to the family of deceased singers for an AI sound-alike song used in Laal Salaam

PERFORMERS' RIGHTS AND SINGERS' RIGHTS IN INDIA: CASES FOR POTENTIALLY PROTECTING "VOICE"?

- **Neha Bhasin v. Anand Raj Anand And Anr ..[Delhi HC 20 April, 2006]Summary from JIPR, Vol 11, Nov 2006 pp 436-442 [Zakir Thomas Editorial on IP Case Developments]** <http://14.139.47.50/bitstream/123456789/3606/1/JIPR%2011%286%29%20436-442.pdf>
- COPYRIGHT ACT, 2012 AMENDMENT w.r.t. "live" requirement– 2013 Rules -Rule 68 – Executive dilution of statutory requirement the procedural rules, manifested itself in the ISRA Cases
- [ISRA V. CHAPTER 25 BAR AND RESTAURANT DELHI HC EX PARTE ORDER OF AUGUST 12, 2016 ;
- ISRA V NIGHT FEVER CLUB AND LOUNGE DELHI HC EX PARTE ORDER SEPT 30, 2016 ;
- May 17, 2017 Single bench of Delhi High Court passed identical orders in CS (COMM) No. 1547/ 2016 [ISRA vs Deepak Arora]& CS (COMM) No. 1624/ 2016) ISRA vs A.D. Singh & Ors]
- ISRA ORDERS APPEALED BY SAREGAMA INDIA LIMITED AND SUPER CASSETTES INDUSTRIES PVT. LTD

Module 5, Week 5

Indicative Readings [Compulsory Readings highlighted in Green]

A. Statutory Provisions

- Copyright Act (USA) 17 USC § 107
- Copyright Act 1968 (Cth – Australia) s 41A – parody and satire exception
- Copyright Act, India – S. 52. Copyright Amendment Act 2012.

B. Case Law: De Minimis

USA De Minimis Rule

- Sandoval v. New Line Cinema Corp., 147 F.3d 215 (2d Cir. 1998)
- Ringgold v. Black Entertainment Television, Inc., 126 F.3d 70 (2d Cir. 1997)
- Gayle v. Home Box Office, 2018 WL 2059657 (S.D.N.Y. May 1, 2018), appeal docketed, No. 18-1536 (2d Cir. May 21, 2018).

India: De Minimis Rule, Copyright Act : S.52(1)(u)

- India Tv Independent News Service v. Yashraj Films Pvt. Ltd. [Delhi HC, 21 August, 2012] – 2 cases appealed before Delhi HC DB.
- Saregama India Ltd. v. Viacom 18 Motion Pictures and Ors., 2013, High Court of Calcutta
- 2019, Delhi High Court in Super Cassettes Industries Ltd. v. Shreya Broadcasting Pvt. Ltd

C. USA Fair Use Case Law

- Campbell v Acuff-Rose Music Inc, 510 US 569 (1994)

- Rogers v Koons, 960 F 2d 301 (2nd Cir, 1992) ('Koons I')
- United Feature Syndicate, INC. V. Jeff Koons (S.D.N.Y. 1993 'Koons -II)
- Blanch v Koons, 467 F 3d 244 (2nd Cir, 2006) ('Koons III')
- Leibovitz v Paramount Pictures Corp, 137 F 3d 109 (2nd Cir, 1998)
- Cariou v Prince, 714 F 3d 694 (2nd Cir, 2013)
- The Andy Warhol Foundation for the Visual Arts v. Lynn Goldsmith, US CA 2nd Circuit, decided on 26-03-2021 – USSC Appeal pending.

D. Case Law Fair Dealing: India

- India Tv Independent News Service v. Yashraj Films Pvt. Ltd. [Delhi HC, 21 August, 2012] – 2 cases appealed before Delhi HC DB.
- Saregama India Ltd. v. Viacom 18 Motion Pictures and Ors., 2013, High Court of Calcutta
- 2019, Delhi High Court in Super Cassettes Industries Ltd. v. Shreya Broadcasting Pvt. Ltd.
- Fair Use in India – case law – Blackwood And Sons Ltd. And Ors. vs A.N. Parasuraman And Ors. AIR 1959 Mad 410 [argued under 1911 Act]
- Civic Chandran v. Ammini Amma, Kerala HC, 1996
- Problem for news broadcasters - ESPN Stars Sports v. Global Broadcast News Ltd. and Ors, 2008, Delhi HC [DB]
- Super Cassette Industries Ltd. v. Hamar Television Pvt. Channel, (2010, Delhi HC)
- The Chancellor, Masters & Scholars of the University of Oxford & Ors. v. Rameshwari Photocopy Services & Ors. [DU Photocopying Case], Delhi HC DB, Dec 09, 2016]

ARTICLES

- David Tan, 'The Transformative Use Doctrine and Fair Dealing in Singapore: Understanding the "Purpose and Character" of Appropriation Art' (2012) 24 Singapore Academy of Law Journal 832, 839-849
- David Tan, 'What Do Judges Know About Contemporary Art?: Richard Prince and Reimagining the Fair Use Test in Copyright Law' (2011) 16 Media & Arts Law Review 381, 384-388

Module 6, Weeks 5 and 6

- US Lanham Act, §43(a), 15 USC §1125(a)
- India Trademark Act, Section 28.
- Difference between "brand" and "trademark" – read tan, 2010 [Sg Louis Vuitton Case Comment]
- P.E.T.A. Versus Doughney (4TH CIR. 2001)
- Rogers v. Grimaldi, 875 F.2d 994 (2nd Cir. 1989)
- Jack Daniels v. VIP Products [USSC, 2023, Arizona court, Jan 2025]
- Elvis Presley Enterprises Inc v. Sid Shaw Elvisly Yours, [1999] EWCA Civ 964. – UK
- Cairns LVO JP MBE v Franklin Mint Co. (9th Circuit, Court of Appeals, 2002)
- Mattel- Barbie cases : i) Mattel v Sussane Pitt, (SDNY 2002)
- ii) Mattel Inc v MCA Records Inc, 296 F 3d 894 (9th Cir, 2002)
- iii) Mattel Inc v Walking Mountain Productions, 353 F 3d 792 (9th Cir, 2003)

- Patricia Day v. Wonderama Toys et al, filed Dec 2010, Indiana state RoPub case – dismissed in part for lack of jurisdiction over a part, settled otherwise
- Donna Douglas v Mattel, filed May 2011 – Louisiana RoPub and Federal Lanham Act false endorsement claim – settled
- Tushnet, R. (2014). Make me walk, make me talk, do whatever you please: Barbie and exceptions. In R. Dreyfuss & J. Ginsburg (Eds.), Intellectual Property at the Edge: The Contested Contours of IP (Cambridge Intellectual Property and Information Law, pp. 405-426). Cambridge: Cambridge University Press.
- Walt Disney v Air Pirates (9th Cir, 1978)
- Hormel Foods Corporation v Jim Henson Productions, 73 F 3d 497 (2nd Cir, 1996)
- Michael Todd Helfand, 'When Mickey Mouse is as Strong as Superman: The Convergence of Intellectual Property Laws to Protect Fictional, Literary and Pictorial Characters' (1992) 44 Stanford Law Review 623

Module 7, Weeks 7 and 8

- David Tan, 'Going Gaga: Intellectual Property and Pop Culture' (2012) 4 WIPO Journal 56
- Ate My Heart Inc v Mind Candy Ltd [2011] EWHC 2741 (Ch)
- Roberts, Alexandra Jane, Athlete Trademarks: Names, Nicknames, & Catchphrases (January 1, 2017). Book Chapter In The Oxford Handbook Of American Sports Law (2018)

Trademarks and Celebrity Names (Indian Law)

- Aakanksha Kumar, Celebrity Domain Name Arbitration: Enforcing The Right of Publicity Through Private Dispute Resolution in India". [2022] Vol. 11, No.2 NTUT J. of Intell. Prop. L. & Mgmt
- Arun Jaitley v Network Solution (Delhi HC Cyber Squatting case)
- WIPO Arbitration And Mediation Center Administrative Panel Decision Ms. Barkha Dutt V. Easyticket, Kapavarapu, Vascase No.D2009-1247
- Kenneth Cole Productions Inc v. Viswas Info media
- G.A. Modefine S.A. v. Naveen Tiwari trading as MKHOJ
- Ray Marks Co. LLC v Rachel Ray Techniques Pvt. Ltd
- Tata v. Greenpeace (Delhi High Court (IA 9089/2010 in CS(OS) 1407/2010), Single Judge, Justice Ravindra Bhat, order of 28 January, 2013
- Tata Sons Ltd.& Anr. v. Mr. Dharmendra (Civil Suit No. 2963/2011 | 01?12?2011)
- Tata Sons Limited & An v. Aniket Singh
- WIPO Arbitration And Mediation Center Administrative Panel Decision Tata Sons Ltd. V. Ramadasoft Case No. D2000-1713
- Royal Challengers Sports Private Limited v Sun Pictures a Division of Sun TV Network Ltd and Anr; CS(COMM) 581/2023 and I.A. 15859/2023-15864/2023
- Mattel, Inc. & Anr V Ms. Aman Bijal Mehta & Ors - Order Of Single Judge, Delhi Hc. 22 Nov 2017

India: TM And The Celebrity Name TM Case - Law

- Warner Bros. Entertainment Inc. vs.. Harinder Kohli , Delhi Hc, 22 Sep 2008
- Biswaroop Roy Choudhary v. Karan Johar, 131 (2006) DLT 458.
- Delhi High Court - Mr. Gautam Gambhir vs D.A.P & Co. & Anr. On 13 December, 2017

- Shanti Sagar v New Shanthi Sagar, IPAB, 2004 SCC OnLine IPAB 89
- Shri Adepu Surrender v M/s Adepu Ramaiah Narayana & Co, IPAB, 2012 SCC OnLine IPAB 60
- Karan Johar v India Pride, Bom HC, 2025
- Gautam Gambhir v Gautam Gambhir, Delhi HC, 2013
- Ratan Tata Trust case, Delhi HC, Justice Mithee Bhanot, March 2025

Module 8, Weeks 9 to 11

- David Tan, 'The Fame Monster Reloaded: The Contemporary Celebrity, Cultural Studies and Passing Off' (2010) 32 Sydney Law Review 291, 293-95, 309-10
- **Chapter 7** "Cultural Studies and the Common Law Passing Off Action" in David Tan, Commercial Appropriation of Fame, CUP, 2017]
- CHAPTER 4 "Goodwill in personality: the tort of passing off in English and Australian law" in Huw Beverley-Smith. The Commercial Appropriation of Personality (Cambridge Intellectual Property and Information Law)
- Peter K Yu, 'No Personality Rights for Pop Stars in Hong Kong' in Andrew Kenyon, Ng-Loy Wee Loon & Megan Richardson (eds), The New Law of Brands and Reputation in the Asia-Pacific Rim (Cambridge University Press, 2012)
- Gary Scanlan, 'Personality, Endorsement and Everything: The Modern Law of Passing Off and the Myth of the Personality Right' (2003) 25(12) European Intellectual Property Review 563

Australia

- Henderson v Radio Corp (NSW SC, 1960) – reported in 1969 RPC
- Newton-John, O. v Scholl-Plough (Australia) Ltd [1986] FCA 221; 11 FCR 233
- Re 10th Cantanae Pty Ltd; Heathcliff George Teal and Concord Advertising & Marketing Pty Ltd v Shoshana Pty Ltd and Sue Smith [1987] FCA 421,
- Hogan v Koala Dundee Pty Ltd (1988) 20 FCR 314; (1988) 12 IPR 508
- Pacific Dunlop Ltd v Hogan (1989) 23 FCR 553; (1989) 14 IPR 398
- Honey v Australian Airlines Ltd (1990) 18 IPR 185
- Talmax and Perkins v Telstra [1997] 2 Qd R 444 (swimmer Kieren Perkins);
- Rosina Zapparoni, Propertising Identity: Understanding The United States Right Of Publicity And Its Implications - Some Lessons For Australia. [- Read Part I "Introduction" And Part II "The Australian Position On The Protection Of 'Identity'"]

UK

- Lyngstad v Annabas Products Ltd. [1977]FSR 62(ch)
- Harrison and Starkey v Polydor Ltd [1977] 1 FSR 1 (Ch. D)
- Irvine v Talksport Ltd [2003] EWCA Civ 423
- Robyn Rihanna fenty v Arcadia Group Brands Ltd (t/a Topshop) [2013] EWHC 2310 (Ch) (High Court) and [2015] EWCA Civ 3 (Court of Appeal)

Right to be left alone –

- Warren & Brandeis [WILLIAM L. PROSSER, PRIVACY, 48 CAL. L. REV. 383 (1960)]
- Galella v Onassis, 487 F 2d 986 (2nd Cir, 1973)
- Michaels v Internet Entertainment Group Inc, 5 F Supp 2d 823 (CD Cal, 1998)
- Time v Hill (US Sup Ct, 1967)
- Sipple v Chronicle Publishing Co 201 Cal. Rptr. 665 (Cal. App. 1984)–
- Shulman v Group W Productions, 18 Cal 4th 200, 214-230 (Cal. Sup. Ct. 1998)
- 102 Yale L.J. 747 - OUTING, PRIVACY, AND THE FIRST AMENDMENT by John P. Elwood
- Harvard Civil Rights-Civil Liberties Law Review - CELEBRITY PRIVACY RIGHTS AND FREE SPEECH: RECALIBRATING TORT REMEDIES FOR “OUTED” CELEBRITIES by Hilary E. Ware [1997]
- Daniel J Solove, ‘A Taxonomy of Privacy’ (2006) 154 University of Pennsylvania Law Review 477, 479-491
- Theoretical Foundations for Breach of Confidence (UK) - Gavin Phillipson, ‘Transforming Breach of Confidence? Towards a Common Law Right of Privacy under the Human Rights Act’ (2003) 66 Modern Law Review 726,

• Breach of Confidence – Claims by Celebrities [UK, ECTHR]

- A v B plc [2002] 2 All ER 545; [2003] QB 195
- Campbell v MGN Ltd [2004] 2 All ER 995; [2004] 2 AC 457
- Douglas v Hello! Ltd [2005] 4 All ER 128; [2005] 3 WLR 881
- Von Hannover v Germany (2005) 40 EHRR 1
- Reklos and Davourlis v. Greece (Application No. 1234/05, ECtHR Judgment of 15 Jan 2009)
- Von Hannover (No.2 - von Hannover v. Germany (no. 2), Grand Chamber judgment of 7 February 2012,)
- Mosley v News Group Newspapers Ltd [2008] EWHC 1777 (QB); Mosley v. UK (ECtHR, 10 May 2011]
- Axel Springer Ag Versus. Germany, Ecthr 7 Feb 2012 [Same Day As Von Hannover 2]
- Von Hannover V Germany (No. 3) Reference: Application No.8772/10 Ecthr Sept 2013
- DUPATE V LATVIA (APPLICATION NO. 18068/11) NOV 19, 2020
- Murray v Express Newspapers plc [2008] EWCA Civ 446; [2008] 3 WLR 1360
- The Duchess of Sussex v. Associated Press Limited, [2021] EWCA Civ 1810 – A case of “misuse of private information”

• Hilary E Ware, ‘Celebrity Privacy Rights and Free Speech: Recalibrating Tort Remedies for ‘Outed’ Celebrities’ (1997) 32 Harvard Civil Rights-Civil Liberties Law Review 449

> ECTHR FACTSHEET - Right to the protection of one’s image -
https://www.echr.coe.int/documents/fs_own_image_eng.pdf

Ronald J. Krotoszynski Jr., Reconciling Privacy and Speech in the Era of Big Data: A Comparative Legal Analysis, 56 Wm. & Mary L. Rev. 1279 (2015)

India: Privacy, Malicious Falsehood, Defamation and Free Speech

- R. Rajagopal v State of Tamil Nadu, (1994) 6 SCC 632.

- Phoolan Devi vs Shekhar Kapoor And Ors. 1 December, 1994 [Delhi HC]
- Khushwant Singh v. Maneka Gandhi, AIR 2002 DEL 581
- India – Civil Defamation cases – Shilpa Shetty v. Magna Publications Co. Ltd & Ors, 12 Jan, 2001, Bom HC;
- Manisha Koirala v. Shashilal Nair and Ors. On 30 Aug, 2002, Bom HC Single Judge;
- Manisha Koirala v. Shashilal Nair and Ors. On 17 October 2002, Bom HC DB
- Magna Publishers Co. Ltd. & Ors v Shilpa Shetty on 14 December, 2007 SC
- Post-mortem Right to Privacy – Deepa Jayakumar v. A. L. Vijay and Ors. [Mad HC, 12 dec 2019]; Ruba Ahmed & Anr. V. Hansal Mehta & Ors., Del HC, Oct 14, 2022
- Babuji Rawji Shah v. S. Hussain Zaidi & Ors.,

Module 9, Weeks 11 to 13

Compulsory Readings:

- Restatement (Third) of Unfair Competition §§ 46-49 (1995)
- David Tan’s Book (The commercial Appropriation of Fame) – Read Chapter 3 “Right of Publicity in The United States”
- David Tan, ‘Beyond Trademark Law: What the Right of Publicity Can Learn From Cultural Studies’ (2008) 25 Cardozo Arts & Entertainment Law Journal 913, 918-938
- David Tan, ‘Much Ado About Evocation: A Cultural Analysis of Well- Knownness and the Right of Publicity’ (2010) 28 Cardozo Arts & Entertainment Law Journal 313, 321-334
- Haelan Laboratories Inc v Topps Chewing Gum Inc, 202 F 2d 866 (2nd Cir, 1953)
- Eastwood v Superior Court for Los Angeles County, 149 Cal App 3d 409 (1983)
- Abdul-Jabbar v General Motors Corporation, 85 F 3d 407 (9th Cir, 1996)
- Onassis v Christian Dior (NY Sup Ct, 1984)
- Midler v Ford Motor Company, 849 F 2d 460 (9th Cir, 1988)
- Carson v Here’s Johnny Portable Toilets Inc, 698 F 2d 831 (6th Cir, 1983)
- White v Samsung Electronics America Inc, 971 F 2d 1395 (9th Cir, 1992)
- Elvis Presley Enterprises Inc v Capece, 950 F Supp 783 (SD Tex, 1996)

First Amendment:

- David Tan (Harvjsel 2011 – “Political Recoding of The Contemporary Celebrity And The First Amendment”
- Zacchini v. Scripps-Howard Broadcasting CO., 433 U.S. 562, USSC
- Dora v Frontline Video Inc, 18 Cal Rptr 2d 790 (Cal Ct App
- Downing v Abercrombie & Fitch, 265 F 3d 994 (9th Cir, 2001)
- Parks v LaFace Records, 329 F 3d 437 (6th Cir, 2003);
- White v Samsung Electronics America Inc, 971 F 2d 1395 (9th Cir, 1992); Doe v TCI Cablevision, 110 SW 3d 363 (Mo banc, 2003)
- Cardtoons LC v Major League Baseball Players Association, 95 F 3d 959 (10th Cir, 1996)
- Comedy III Productions Inc v Saderup Inc, 25 Cal 4th 387 (2001); Winter v. DC Comics, 69 P.3d 473, 480 (Cal. 2003); Hart v Electronic Arts Inc, 717 F 3d 141, 158-176 (3rd Cir, 2013)
- Artistic Expression: Three different tests – ETW Corp v Jireh Publishing Inc, 332 F 3d 915 (6th Cir, 2003) – read Part IVB on the First Amendment Defense and the dissent on this issue – Is the “Transformative Elements” Test a good test?

- Recent case study discussion from USA About NIL Rights

INDIA ROPUB:

- R. Rajagopal v State of Tamil Nadu, (1994) 6 SCC 632.
- Phoolan Devi vs Shekhar Kapoor And Ors. 1 December, 1994 [Delhi HC]
- ICC Development (International) v Arvee Enterprises and Anr 2003 (26) PTC 245 (Del)
- D.M. Entertainment Pvt. Ltd. v Baby Gift House and Ors, CS(OS) 893/2002, Delhi HC Decision of April 29, 2010
- Titan Industries Ltd.v M/s Ramkumar Jewellers, CS(OS) No.2662/2011, Delhi HC Decision of April 26, 2012.
- Mr.Shivaji Rao Gaikwad v M/S.Varsha Productions, CS 598 of 2014, Madras HC Decision of February 3, 2015 at para 21
- Rajat Sharma v. Zee Telefilms., CS(COMM) 15 OF 2009, Delhi HC Decision of January 11, 2019.
- Gautam Gambhir v. D.A.P & Co & Anr., CS(COMM) 395 of 2017, Delhi HC Decision of December 13, 2017.
- Amitabh Bachchan vs. Rajat Nagi and Ors, C.S. (Comm.) 819 of 2022 dated November 25, 2022, Delhi HC

Newer (tech) cases:

- Anil Kapoor v. Simply Life Media and ors. [Justice Pratibha Singh, Delhi HC, 20 Sept 2023]
 - Jaikishan Kakubhai Saraf Alias Jackie Shroff v The Peppy Store & Ors (CS(COMM) 389/2024), Delhi HC Order of May 15, 2024; 2024 SCC OnLine Del 3664
 - Vishnu Manchu v Arebumdum, Delhi HC, 1 Oct 2024
 - Arijit Singh v Codible Ventures LLP and Ors., July 26, 2024, Bom HC;
 - Other Latest “Voice Rights” Cases – Asha Bhosle v. Mayk Inc; Bombay HC, Arif S. Doctor, Sep 2025; Kumar Sanu Bhattacharjee v. Jammable Ltd. & Ors., Delhi HC, 2025c
 - Karan Johar v Ashok Kumar/John Doe & Ors., Delhi High Court, Manmeet Pritam Singh Arora J.,17 September 2025
 - Suniel Shetty v John Doe/ Ashok Kumar, Bombay High Court, 10 Oct 2025
 - Other newer court orders on personality rights in India.
- **Post Mortem Right of Publicity case –**
 - Chitra Jagjit Singh v Panache Media, Notice of Motion (L) 499 of 2016 in Suit (L) 111 of 2016) 2016, Bombay HC
 - K.K. Singh v. Sarla Saraogi [“SSR Case”]
 - Krishna Kishore Singh v. Sarla S. Sarogi & Ors., CS(COMM) 187 OF 2021, Decision of Delhi HC on June 10, 2021.
 - Ratan Tata v Rajat Srivastava, Feb 2025

Understanding the Nature of Right of Publicity in USA and learnings for India

- J. Thomas McCarthy, Rights of Publicity and Privacy § 10:6 to 10:13
- Justice K S Puttaswamy (Retd.) and Anr. v Union Of India And Ors., (WP (Civil) 494 of 2012) SC Decision of August 24, 2017 – _Decision of Justice Kaul and its consequences for Right of Publicity – _Criticism by Prashant Reddy - <https://spicyip.com/2017/08/the->

supreme-courts-privacy-judgment-elevates-personality-rights-to-the-constitutional-plane.html

- Digital Collectibles v. Galactus Funware, DELHI HC SINGLE JUDGE, APRIL 26, 2023 [JUSTICE BANSAL]
- Aakanksha Kumar, Celebrity Domain Name Arbitration: Enforcing The Right of Publicity Through Private Dispute Resolution in India". [2022] Vol. 11, No.2 NTUT J. of Intell. Prop. L. & Mgmt
- Applause Entertainment Pvt. Ltd. V. Meta Platforms Inc., Interim Application No. 10257 In Commercial Suit No. 10238 Of 2023, Bombay Hcorder Dated 2-5-2023 - Interim Application (Lodging) No. 10257 Of 2023 In Commercial Ip Suit (Lodging) No. 10238 Of 2023]

Module 10, Week 13, Last Lecture

- Combatting Deepfakes through the Right of Publicity By JesseLempel, March 2028
 - Understanding copyright issues entailing deepfakes in India, Purvi Nema, International Journal of Law and Information Technology, 2021, 29, 241–254
 - ASCI Guidelines for Social Media Endorsements in India
 - Central Consumer Protection Authority (Prevention of Misleading Advertisements and Necessary Due Diligence for Endorsement of Advertisements) Guidelines, 2020
 - Benjamin Rodrgues - Navigating Actors' Publicity Rights in the age of Deepfakes and A.I. <http://www.fordhamiplj.org/2023/03/30/navigating-actors-publicity-rights-in-the-age-of-deepfakes-and-a-i/#:~:text=the%20right%20of%2>
- Amitabh Bachchan Forays into Generative AI with Iknoz
<https://variety.com/2023/digital/news/amitabh-bachchan-generative-ai-ikonz-1235653944/>

INDIA CASES:

- > Delhi HC (Justice Bansal) order of May 26,2025 in favour of plaintiff Ankur Warikoo
- >Dr Devi Prasad Shetty & Anr. v. Medicine Me & Ors. [Case No. CS(COMM) 1053/2024]
- >Global Health Limited & Anr v John Doe & Ors, CS(COMM) 6/2025]
- >Devinder Singh Kalra vs Meta Platforms Inc. & Ors [CRM No. 1680/2025], [Stay by P&H HC]

Week 14, Revision and Review

[NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

[Since this course is an advanced taught elective, readings are expected to be undertaken diligently by students, **the course manual is a dynamic document and more readings/case studies will be discussed/suggested during the course of teaching** – clear demarcation of mandatory and suggested readings, along with case and article summaries shall be shared before each class]

3 Main Textbooks/Monographs:

- DAVID TAN, THE COMMERCIAL APPROPRIATION OF FAME: A CULTURAL ANALYSIS OF THE RIGHT OF PUBLICITY AND PASSING OFF (Cambridge, 2017) (Kindle ebooks edition, full eBook provided by instructor to students on Class SharePoint)
- HUW BEVERLEY-SMITH, ANSGAR OHLY, AGNES LUCAS-SCHLOETTER, PRIVACY, PROPERTY AND PERSONALITY: CIVIL LAW PERSPECTIVES ON COMMERCIAL APPROPRIATION (2005) (full eBook provided by instructor to students on Class SharePoint)
- JENNIFER E ROTHMAN, PRIVACY RE-IMAGINED FOR A PUBLIC WORLD (2018) (full eBook provided by instructor to students on Class SharePoint)

Other Indicative Readings

Statutes/Conventions/Treaties/Draft Legislations

India

- .IN Domain Name Dispute Resolution Policy
- Constitution of India, 1950
- Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India).
- Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).
- Trademarks Act, 1999, No. 47, Acts of Parliament, 1999 (India).
- Trade Marks Rules 2017 (replacing Trademarks Rules 2002)

USA

- 2013 Hawaii Revised Statutes: Title 26. Trade Regulation And Practice, Section 482P-1
- 2014 New York Laws - CVR - Civil Rights [NYCRL]
 - ARTICLE 3. Penal Damages [3344 - 3346] (Article 3 enacted 1872.)
 - Article 5 - (50 - 52) Right of Privacy [As amended by Senate Bill Senate Bill S5959D]
- CALIFORNIA CIVIL CODE – CIV [CCC]
 - CHAPTER 2. Measure of Damages [[3300.] - 3361] (Chapter 2 enacted 1872.)
- Digital Millenium Copyright Act of 1998, 17 U.S.C
 - DIVISION 4. GENERAL PROVISIONS [3274 - 9566] (Heading of Division 4 amended by Stats. 1988, Ch. 160, Sec. 16.)
- ELVIS Act or Ensuring Likeness Voice and Image Security Act, signed into law by Tennessee Governor Bill Lee on March 21, 2024
- Federal Copyright Act of 1976, 17 U.S.C.
- Federal Trademark Dilution Act of 1995, 15 U.S.C
- Indiana - IN ST 32-36-1- Section 17. IC 32-36-1-1 [Amendments To Sections 1 and 8 Effective July 1, 2012]:
- Lanham (Trademark) Act of 1946, 15 U.S.C.
- Draft No Artificial Intelligence Fake Replicas And Unauthorized Duplications Act (No AI FRAUD Act), H.R.6943, 118th Cong. (2024).
- Draft Nurture Originals, Foster Art, and Keep Entertainment Safe (NO FAKES) Act of 2023

- South Dakota : Title 21, Chapter 21-64, Section 21-64(1) (2) read with (3)
 - TITLE 2. COMPENSATORY RELIEF [3281 - 3361] (Title 2 enacted 1872.)
- Trademark Law Revision Act of 1988 (“TLRA”), Pub. L. No. 100–667, 102 Stat. 3935 (codified at 15 U.S.C. § 1051 (2006))
- Washington: WA ST 63.60.040, Title 63. Personal Property, Chapter 63.60. Personality.

United Kingdom

- Human Rights Act 1998, c. 42

European Union

- European Convention on Human Rights

Australia

- Trade Marks Act 1995 (Cth) (Austl.).

China

- Civil Code of the People’s Republic of China (Adopted at the Third Session of the Thirteenth National People’s Congress on May 28, 2020)
 - Book Four Personality Rights

Other International Legal Materials

- Uniform Domain Name Dispute Resolution Policy (‘UDRP’), 1999 <https://www.icann.org/resources/pages/policy-2024-02-21-en>
- Domain Name Dispute Resolution Service for Generic Top-Level Domains, WIPO *available at:* <https://www.wipo.int/amc/en/domains/gtld/>

Guidelines

India

- Guidelines For Celebrities In Advertising (‘Celebrity Guidelines ASCI’), *in* Advertising Standards Council of India, The Code For Self-Regulation Of Advertising Content In India https://www.ascionline.in/wp-content/uploads/2024/04/Code-Book_Codes_Webready.pdf.
- The Information Technology (Intermediary Guidelines And Digital Media Ethics Code) (‘Intermediary Guidelines’), *In* Digital Media Guidelines And Policies By Ministry Of Information And Broadcasting <https://www.meity.gov.in/writereaddata/files/Revised-IT-Rules-2021-proposed-amended.pdf>

Case Law

India

- A.Balakrishnan v.. R.Kanakavel Kamaraj, 1999 SCC Online Mad 563; Madras High Court, Aug 1999

- Academy of General Education, Manipal v. B. Malini Mallya [AIR 2009 SC 1982]
- Ajit Pramod Talpade and Ors.v. Rajesh Banga and Ors., Writ Petition (L) NO.199 OF 2015, Bom HC, Jan 2015
- Akshaya Creations v V.Muthulakshmi; C.R.P(PD)Nos.3943 and 3944 of 2012) [1 Feb 2013, Madras HC]
- Alokesh Lahiri @ Bappi Lahiri v. Kireet Khurana & Ors, CS(OS) 2590/2010, Delhi HC Decision of August 17, 2012.
- Amit R. Kalyanaraman v. Gurfateh Films, (2016) SCC 2367.
- Amitabh Bachchan v. Rajat Nagi and Ors. MANU/DEOR/195516/2022
- Anupama Mohan v State of Kerala, WP(C). No. 22790 of 2015
- Anupama Mohan v The Director, Kerala High Court decision of January 19, 2016 and February 28, 2022
- Anil Kapoor Film Co (P) Ltd v Make My Day Entertainment 2017 SCC OnLine Bom 8119
- Anil Kapoor v. Simply Life Media And Ors., CS(COMM) 652/2023 Delhi High Court Decision of 20 September, 2023.
- Applause Entertainment Pvt. Ltd. v. Meta Platforms Inc., Interim Application No. 10257 in Commercial Suit No. 10238 of 2023, BOMBAY HC Order dated May 2, 2023 in Interim Application (Lodging) No. 10257 of 2023 In Commercial IP Suit (Lodging) No. 10238 of 2023
- Arbaaz Khan Production Private Limited v. Northstar Entertainment Private Limited, (2016) SCC 1812.
- Arun Jaitley v. Network Solution, CS(OS) 1745/2009 Delhi HC Decision of 4 July 2011.
- Associated Publishers (Madras), v. K. Bashyam Alias 'Arya' And Anr (1962) 1 MLJ 258.
- Babuji Shah v. Hussain Zaidi and Ors., Bom HC, Feb 2021 – SC appeal dismissed on 24 Feb 2022
- Barbara Taylor Bradford & Anr. v. Sahara Media Entertainment Ltd. & Ors, (2004) 28 PTC 474
- Barkha Dutt v. Easyticket, Kapavarapu, Vas, WIPO Case No.D2009-1247
- Beyond Dreams Entertainment Pvt Ltd & Ors. v. Zee Entertainment Enterprises Ltd & Anr., (2015) SCC 4223.
- Bharatiya Minorities Suraksha Mahasangh & anr v. Balaji Motion Pictures & ors, Appeal from Order No. 813 of 2010 with Civil Application No. 1015 of 2010, Bom HC, July 2010
- Biswaroop Roy Choudhary v. Karan Johar, 131 (2006) DLT 458.
- Blackwood And Sons Ltd. And Ors. v. A.N. Parasuraman And Ors., AIR 1959 Mad 410.
- Chitra Jagjit Singh v. Panache Media, 2016 SCC OnLine Bom 2364
- Chorion Rights Limited, v. M/S Ishan Apparel & Ors., CS(OS) 1154/2009, Delhi HC Decision of April 15, 2010.
- Christian Louboutin Sas v. Nakul Bajaj, CS(OS) 2995/2014, Delhi HC Decision of September 26, 2014.

- D.M. Entertainment Pvt. Ltd. v. Baby Gift House and Ors, CS(OS) 893/2002, Delhi HC Decision of April 29, 2010.
- Deepa Jayakumar v. AL Vijay and ors., O.S.A.No.75 of 2020.
- Diamond Comic Private Limited & Another v. Raja Pocket Books & Others, CS (OS) 1104/1999, Delhi HC Decision of September 16, 2005.
- Diamond Comic Private Limited & Another v. Raja Pocket Books & Others, LNIND 2005 DEL 641.
- Digital Collectibles PTE Ltd and Ors v. Galactus Funware Technology Private Limited and Anr., CS (COMM) 108/2023, Delhi HC Decision of April 23, 2023.
- Disney Enterprises, Inc. & Anr. v. A.M Siddiqui & Anr, CS (COMM) 120/2018, Delhi HC Decision of July 22, 2019.
- Disney Enterprises, Inc. & Anr. v. Pankaj Aggarwal & Ors., (2018) SCC 10166.
- Espn Star Sports vs Global Broadcast News Ltd. & Ors, RFA (OS) No.25/2008, Delhi High Court Decision of 26 September 2008.
- Fortune Films v. Dev Anand, AIR 1979 Bom 17
- G.A. Modefine S.A. v. Naveen Tiwari trading as MKHOJ, NIXI Award dated February 20, 2009
- Garapati Prasad Rao v Parnandi Saroja & Ors, AIR 1992 AP 230.
- Gautam Gambhir v. D.A.P. and Co.and Ors., CS(COMM) 395/2017 Delhi High Court Decision of 13th December, 2017
- Gautam Gambhir v D.A.P., RFA(OS)(COMM) 2/2018 & CM APPL. 1871-1872/2018 before the Delhi High Court, Division Bench
- Green Gold Animation (P) Ltd. v. Thirupathy Brothers media (P) Ltd., 2019 SCC OnLine Mad 13395.
- Havells India Limited and Ors. v. Vivek Kumar and Ors., CS(OS) 164/2016, Delhi HC Decision of April 30, 2016.
- ICC Development (International) ... v. Arvee Enterprises And Anr, 2003 VIIAD Delhi 405, Delhi HC Decision of January 1, 2003.
- ICC Development (International) v. Arvee Enterprises and Anr, 2003 (26) PTC 245 (Del).
- India Tv Independent News Service ... vs Yashraj Films Pvt. Ltd., AIR 2013 (NOC) 315 (DEL.)
- Jaikishan Kakubhai Saraf Alias Jackie Shroff v The Peppy Store & Ors (CS(COMM) 389/2024), Delhi HC Order of May 15, 2024; 2024 SCC OnLine Del 3664 (Next listed for October 15, 2024)
- Janata Pictures v. A V M Productions, LNIND 1973 KANT 60.
- J.K. Rowling & Others v. City Publication & Another, CS(OS) NO.1785 OF 2007, Delhi HC Decision of 13 January 2010.
- John Richard Brady v. Chemical Process Equipments Private Limited, AIR 1987 Delhi 372.
- Justice K.S. Puttaswamy & Anr. vs. Union of India & Ors., AIR 2018 SC (SUPP) 1841
- Karan Johar v. India Pride Advisory Pvt. Ltd., Interim Application (L) No.17865 Of 2024 in Com IPR Suit (L) No.17863 Of 2024.; Delhi HC Order of Justice R.I. Chagla, June 13, 2024

- K.K. Singh v. Sarla Saraogi, CS (COMM) 187/2021 Delhi High Court Decision of July 11, 2023.
- Kenneth Cole Productions Inc v. Viswas Info media, INDRP Dispute Case no: INDRP/093.
- Khushwant Singh and Anr. v. Maneka Gandhi, AIR 2002 Delhi 58
- King Features Syndicate Inc. & Ors. v. Sunil Agnihotri & Ors., LQ 1997 HC 9051.
- Kirtibhai Raval & Ors v. Raghuram Jaisukhram Chandrani Appeal from Order No. 262 of 2007, 20th January 2010 by the Gujarat High Court
- K.P. Selvah @ Panner Selvam v/s Atlee (Director & Writer) & Others C.R.P (NPD) No. 3331 of 2019, Madras HC - Decided On, 22 October 2019
- Krishna Kishore Singh v. Sarla S. Sarogi & Ors., CS(COMM) 187 OF 2021
- Krishna Kishore Singh v. Sarla S. Sarogi & Ors., [Order of Justice Hari Shankar, Delhi HC, July 11, 2023]
- Magna Publishers Co. Ltd. & Ors v Shilpa S. Shetty, AIR 2008 SC 681
- Manisha Koirala v. Shashilal Nair And Ors. , Bom HC Single Judge Order of August 30, 2002 (Justice Rebello), 2003 (2) BOMCR 136
- Manisha Koirala v Shashilal Nair and Ors, BOM HC DB Order of October 17, 2002 (Justice Lodha and Justice Bhosale), 2003 (2) BOMCR 647
- Mr. Sonu Nigam v. Mr. Amrik Singh (alias Mr. Mika Singh) & Anr., MANU/MH/0517/2014, Bombay High Court decision of April 26, 2014.
- Mr. Shivaji Rao Gaikwad v. M/S. Varsha Productions, Madras HC Decision of February 3, 2015.
- M/S. Kaleidoscope (India) P. Ltd.v. Phoolan Devi And Others, Delhi HC DB Decision of Jan 19, 1995, AIR 1995 DELHI 316
- M/S Super Cassettes Industries Private Limited v. Nandi Chinni Kumar and Ors – 19 Oct 2020, Telangana HC
- Neha Bhasin v Anand Raj Anand & Anr, 2006 (32) PTC 779 (Del)
- Paramjit Kaur and Ors. v Union of India (UOI) and Ors, Civil Writ Petition No. 8820 of 2002, Punjab & Haryana High Court, July 2003
- Percept Picture Company Pvt Ltd v. Karma Productions Pvt Ltd, (2010) SCC 7302.
- Petronet LNG Ltd. v. Indian Petro Group and Another, [2009] 95 SCL 207(Delhi)
- Phoolan Devi v. Shekhar Kapoor and Ors., 57 (1995) DLT 154.
- QRG Enterprises and Ors. v. HPL (India) Limited and Ors., CS(COMM) No. 1218/2016, Delhi HC Decision of December 20, 2016.
- R.G. Anand v Deluxe Films 1979 SCR (1) 218
- R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632.
- Radhey Shyam v. Sunder Dass Lnind, 29(1986)DLT 276, Delhi HC Decision of November 7, 1985.
- Raghu Nath Pandey And Anr. v. Bobby Bedi And Ors. CS (OS) No.1212 of 2005, Delhi High Court
- Raja Pocket Books v Radha Pocket Books 1997(40)DRJ791
- Rajat Sharma v. Zee Telefilms, CS(COMM) 15/2019, Delhi High Court Decision of 11 January, 2019.
- Ramgopal Varma And Another vs Perumalla Amrutha, CMA 351 of 2020, Telangana High Court on 6 November, 2020.

- Ray Marks Co. LLC v Rachel Ray Techniques Pvt. Ltd., NIXI Award dated July 9, 2011
- Re: Measures for Prevention of fatal accidents of small children due to their falling into abandoned bore wells and tube wells, (2010) 15 SCC 224.
- Royal Challengers Sports Private Limited v Sun Pictures a Division of Sun TV Network Ltd and Anr; CS(COMM) 581/2023 and I.A. 15859/2023-15864/2023.
- Ruba Ahmed & Anr v. Hansal Mehta & Ors, MANU/DE/4011/2022.
- Saregama India Ltd. v. Viacom 18 Motion Pictures & Ors., 2013 SCC OnLine Cal 3729.
- Satyam Infoway Ltd. vs. Sifynet Solutions Pvt. Ltd. (2004) 6 SCC 145
- Shamoil Ahmad Khan v. Falguni Shah and Ors, 2020 Indlaw MUM 426, Bombay HC Decision of May 26, 2020.
- Shanti Sagar v. New Shanthi Sagar, IPAB, 2004 SCC OnLine IPAB.
- Shivaji Rao Gaekwad v. Varsha Production, 2015 (62) PTC 351 (Madras).
- Sholay Media and Entertainment Pvt. Ltd and Anr v. Parag Sanghavi and Ors, CS(OS) 1892/2006, Delhi HC Decision of August 24, 2015.
- Shilpa Shetty v Magna Publications, Bom HC Decision of Jan 12, 2001, AIR 2001 BOM 176
- Shri Adepu Surrender v. M/s Adepu Ramaiah Narayana & Co, IPAB, 2012 SCC OnLine IPAB.
- Shri Babuji Rawji Shah v. S. Hussain Zaidi & Ors, Special Leave Petition (Civil) No. 15711 OF 2021; SC Decision of February 24, 2022
- Sourav Ganguly v. Tata Tea ltd, (2008) 1 CS 361.
- Star India Private Limited v. Leo Burnett (India) Private Limited, (2002) SCC 942.
- Star India Pvt. Ltd. vs Piyush Agarwal & Ors., Delhi HC decision of November 8, 2012 in CS(OS) 2722/2012, CS(OS) 3232/2012 and CS(OS) 2780/2012.
- Super Cassettes Industries Ltd. v. Hamar Television Network Pvt. IA No. 12926/2009 in CS(OS) 1889/2009 Delhi High Court Decision of 24 May 2010.
- Super Cassettes Industries Ltd. vs M/S Shreya Broadcasting Pvt. Ltd, AIRONLINE 2019 DEL 1287.
- Sweety Priyanka Vempati Ravi Shankar vs. Facebook India Online Services and Ors IA. No, 01/2021 in O.S. No. 06/2021 District Court of Thiruvananthapuram order of 2 July 2011.
- T Series v. Dreamline Reality Movies, FAO No. 6386 of 2023., Punjab and Haryana HC Order of 23 November 2023, 2024 SCC OnLine P&H 661
- Tata Sons Limited & Ors. v. John Doe & Ors., CS(COMM) No.1601/2016, Delhi HC Decision of December 7, 2016.
- Tata Sons Limited and Ors. v. Aniket Singh, CS (OS) 681/2012, Delhi HC Decision of November 17, 2015.
- Tata Sons Limited v. Deep Bhasin/PrivacyProtect.org, WIPO Arbitration and Mediation Center, Case No. D2012-2188
- Tata Sons Limited v. Dharmendra, CS (OS) 2963/2011, Delhi HC Decision of December 1, 2011.
- Tata Sons Limited v. Greenpeace International and Anr, Delhi HC Decision of January 28, 2011.

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- Tata v. Greenpeace, IA 9089/2010 in CS(OS) 1407/2010 Delhi High Court order of 28 January, 2013.
- The Chancellor, University of Oxford & Ors v. Rameshwari Photocopy Services & Anr., 2016 SCC Online Del 6229.
- The Indian Singers Rights Association v. Chapter 25 Bar And Restaurant Cs (Os) 2068/2015, Delhi High Court Decision of 12 August 2016.
- The Indian Singers Rights Association vs Night Fever Club & Lounge, CS (OS) 3958/201, Delhi High Court Decision of 30 September, 2016.
- Titan Industries Ltd. v. M/s Ramkumar Jewellers, CS(OS) No.2662/2011, Delhi HC Decision of April 26, 2012.
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- Twentieth Century Fox Films Corporation v. Zee Telefilms Ltd & Ors., (2012) SCC 3524.
- V.T Thomas and Ors. v. Malayala Manorama Co. Ltd., AIR 1989 Ker 49
- Vadlapadla Naga Vara Prasad v Chairperson, Central Board of Film Certification, Bharat Bhavan, Mumbai and seven others, Writ Petition No. 30376 of 2011, High Court of Andhra Pradesh, Dec 2011
- Vijay Singh Rawat v Sandhya Entertainment and Ors; Citation: (W.P.(C) 1317/2018 & CM Nos.5512 & 5513/2018, Delhi HC, Feb 2018
- Wadia Movietone Pvt, Wadia Movietone Pvt. Ltd v. Vishal Bhardwaj And 6 Ors, Notice Of Motion No. 154 Of In Commercial Ip Suit No.211 Of 2017, Bombay HC, Orders of February 23 – 27, 2024 available at: <https://spicyip.com/wp-content/uploads/2017/03/rangoon.pdf> (“Rangoon Case”)
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- Warner Bros. Entertainment Inc. v. Harinder Kohli, IA No.9600/2008 in CS (OS) 1607/2008 Delhi High Court Decision of 22 September 2008.
- World Wrestling Entertainment Inc v. Savio Fernandes & Ors, CS (OS) 784/2013, Delhi HC Decision of January 19, 2015.
- XYZ Films v. UTV Motion Pictures, (2016) SCC 3970.
- Zee Telefilms Ltd v. Sundial Communications Pvt. Ltd., (2003) SCC 344.

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- A v B plc and Another (Flitcroft v MGN Ltd): CA 11 Mar 2002.
- A versus B plc (Flitcroft v MGN Ltd); [2002] 2 All ER 545; [2003] QB 195.
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- Alexander v. Take-Two Interactive Software, Inc., Case No. 3:18-CV-966-SMY-MAB (S.D. Ill. May. 20, 2019).
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- Anderson v. Stallone, United States District Court for the Central District of California, 11 U.S.P.Q.2d 1161 (1989)
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- Brodeur v. Atlas Entm't, Inc., 248 Cal.App.4th 665, 204 Cal. Rptr. 3d 483 (Cal. Ct. App. 2016).
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- d. Charles Kurzman et al, *Celebrity Status* 25 (4) Sociological Theory 347 – 367 (December 2007)
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- b. Influencer.in Report – Influencer Marketing Report 2022
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Social Media accounts/Blogs to follow for US Law Entertainment / Right of Publicity updates:

- a. Prof Jennifer Rothman’s blog - <https://rightofpublicityroadmap.com/>
- b. Tony "Prof. T" Iliakostas (@theipprofessor) on Instagram
- c. Prof Alexandra J Roberts (@lexlanham) on Twitter [Now, X]
- d. Lawyer – Vivek Jayaram (@vivekjayaram) on Instagram [Instructor for the course
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