

# Evolving Dimensions of Celebrity Rights: An IPR Perspective on Personality, Publicity and Digital Identity

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**Abstract:** *The accelerated development of the media, technology, and digital platforms has radically transformed the contemporary perception of celebrity and legal protection of the interest of celebrities. The personality rights and the right of publicity were traditionally used to protect celebrity rights, which relied majorly on privacy principles, tort law, and intellectual property law. These legal systems were geared towards stopping the unlicensed commercial use of the name, image, likeness and reputation of a celebrity. However, the advent of digital identities has made the definition as well as the implementation of these rights extremely difficult.*

*Social media influencers, artificial intelligence-based content, deepFake technologies, virtual avatars, and non-fungible tokens (NFTs) have dismantled the demarcation between offline and online identity, generating new types of economic values alongside legal susceptibility. It has exposed celebrities to dangers of identity theft, digital misuse and unauthorized and unlicensed digital reproduction like never before, usually across multiple jurisdictions. The current legal frameworks which are mostly created with respect to the traditional media are unable to cope with these technological induced predicaments.*

*This research article is a critical discussion of how the concept of celebrity rights has been changing in terms of Intellectual Property Rights (IPR), specifically, personality rights, publicity rights, and digital identity. By analyzing the judicial trends, the statutory frameworks, and the global practices, the paper is able to evaluate the sufficiency of the existing legal safeguards, and identify the emerging gaps. It also suggests legal and policy changes to guarantee a fair shield of the celebrity interests and maintain freedom of speech, creativity and the interest of the people in the digital era..*

**Keywords:** Celebrity Rights, Personality rights, Right of Publicity, Digital identity, Intellectual Property Rights, deep fakes, Social Media, Artificial Intelligence

## I. INTRODUCTION

The contemporary society has become characterized by the celebrity culture that is promoted by the mass media, the digital world, and global connectivity. Modern celebrities are no longer just a recognizable name in the society, but are extremely influential commercial brands whose identity, likeness, voice and persona create considerable economic opportunities. The illegal commercial use of these features has led to a legal protection, which has led to the invention of personality rights and the right of publicity.

The rights of the celebrities lie at a border zone of copyright, trademark, privacy, and unfair competition law on the IPR perspective. This complexity has been compounded by the digital revolution that has created the ability to reproduce, manipulate and spread celebrity images and identities across boundaries very fast.



### 1.1 Background of the Study

The understanding of celebrity rights has greatly changed over the years where the simple principles of privacy have been transformed to a more detailed system of proprietary and intellectual property rights. The legal privacy has historically given rise to the legal protection given to celebrities on the basis of the right to privacy, especially the right to be left alone, the earliest conception of which emerged in the early jurisprudence and legal literature.<sup>1</sup> The key issue in regard to this right was to secure people against objectionable intrusion, exposure to the public and abuse of personal information. Although this was first applied to ordinary people, over time, courts realized that even though they were of the publicity, celebrities had some privacy interests, which deserved the protection of the law.

With the growth of mass media and the blossom of commercial advertising, it was clear that the image of the celebrity system held an enormous economic price. Courts started appreciating the fact that the name, image, likeness, voice, and persona of a celebrity may be commercially exploitable assets and not just personal qualities.<sup>2</sup> This was the unveiling of privacy-based protection to a proprietary system leading to the right of publicity. Celebrities have a right of publicity, which enables them to regulate and commercially use their identity to prevent the instance of unauthorized endorsement and misuse by third parties.<sup>3</sup>

In some regions like the United States, the right of publicity has evolved as a legal doctrine with a set and established legal framework between state laws and the common law principles. Some states even explicitly acknowledge publicity rights, many of which are also granted even in the situations when the celebrity is deceased.<sup>4</sup> The courts have always pointed out that the rights to publicity are both economical and moral since they are used to reward individual efforts and to avert unjust enrichment. But the coverage of these rights and their term is very different and varied in jurisdictions and this leaves the international protection in tiny fragments.

Conversely, other nations like India lack a certain legal framework that regulates the right of celebrity or publicity. Rather, the defence is based on the clauses of the constitution especially the right to life and personal liberty under Article 21 and rules of common law including passing off and unfair competition.<sup>5</sup> Judicial interpretation of the concept of personality rights through the Indian courts has been a key element in identifying the concept of personality right, commonly by drawing on a mix of privacy, trademark law, and the tort law. Such judicial creativity has served to fill discrepancies in the legislative statutes, but the lack of a written law has also created confusion and the lack of established rules to apply.<sup>6</sup>

The issues of celebrity rights have only multiplied in regard to the introduction of digital technology and the emergence of the digital economy. With the advent of digital identity, the ways in which celebrity images are produced, distributed, and abused have completely changed. Through the social media platforms, celebrities and influencers have been able to directly interact with the audiences, and personal identity has become a sustained commercial activity.<sup>7</sup> Simultaneously, these mediums have facilitated the ease with which third parties can use the identities of celebrities without their permission and in most cases, outside the jurisdiction of legal recourse.

The legal environment has also been complicated by such technological innovations as artificial intelligence, deepfake technology, and virtual reality. The AI-made imitations of celebrities such as artificial voices and hyper-real pictures are the great threats to identity control and authenticity. False endorsement or misleading information can be created with the help of deepfakes that will lead to reputational losses and the loss of money.<sup>8</sup> Also, the combination of virtual

<sup>1</sup> Warren, S. D., & Brandeis, L. D. (1890). *The right to privacy*. Harvard Law Review, 4(5), 193–220.

<sup>2</sup> McCarthy, J. T. (2022). *McCarthy on trademarks and unfair competition* (5th ed.). Thomson Reuters.

<sup>3</sup> Zacchini v. Scripps-Howard Broadcasting Co., 433 U.S. 562 (1977).

<sup>4</sup> Dogan, S. L., & Lemley, M. A. (2006). *What the right of publicity can learn from trademark law*. Stanford Law Review, 58(5), 1161–1205.

<sup>5</sup> Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

<sup>6</sup> Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

<sup>7</sup> Senft, T. M., & Baym, N. K. (2015). *What does the selfie say? Investigating a global phenomenon*. International Journal of Communication, 9, 1588–1606.

<sup>8</sup> Chesney, R., & Citron, D. (2019). *Deep fakes: A looming challenge for privacy, democracy, and national security*. California Law Review, 107(6), 1753–1820.



influencers and digital avatars erases the line between human and artificial characters, with significant and intricate questions of ownership, authorship, and legal responsibility.

The other issue arising is the posthumous exploitation of celebrities in digital form. Technological improvement has led to the resurrection of the dead celebrities in digital form, which is used to produce movies, commercials, and virtual shows. Although these practices provide commercial opportunities, they also pose ethical and legal issues about consent, dignity and time of publicity rights.<sup>9</sup> The current legislation in most jurisdictions offers protection against unauthorized posthumous use that is limited or uneven and thus there is the need to create clarity in the legislation.

In Intellectual Property Rights (IPR), these developments reveal the weaknesses in the conventional legal systems. Copyright law does not effectively shelter the elements of the identity which are not original works and trademark law serves only commercially identified indicators and registered marks. Celebrity rights, therefore, are in a patchy legal territory that has to be approached more unified and flexible.<sup>10</sup> The convergence of personality rights, publicity rights, and digital identity requires the legal amendments that will consider technological innovation, and reconcile opposing interests like freedom of expression, creativity and accessibility by the people.

It is against this background that the current paper aims at analyzing how the law on IPR can be developed to ensure that the rights of celebrities in the digital era can be safeguarded. The study will examine the trends in judicial proceedings, statutory strategies, and international comparison as a way of establishing loopholes in the current systems and offering remedies to the problems to provide fair protection without suffocating innovations and democratic debates.

## **II. LITERATURE REVIEW**

The academic literature on celebrity rights indicates a varied and dynamic range of literature that cuts across various legal traditions, jurisdictions and technological settings. The initial scholarly debates have theorized celebrity rights in a way that is based on privacy and individual rights. Gradually, theorists started recognizing the increasing commercial importance of that identity of celebrities, resulting in the rise of the right of publicity as a separate legal concept. Among the most significant works of this area is the one made by J. Thomas McCarthy, who defines the right of publicity as a proprietary right, which safeguards the commercial worth connected with the identity of a person, name, likeness, voice and personality.<sup>11</sup> The writings of McCarthy have played a great role in the lawmaking as well as in the interpretation of the law especially in the United States.

Although the supporters of the right to publicity focus on the advantages of ensuring that there is no unjust enrichment and that creative work is encouraged, a number of academics warn on the uncontrolled growth of the rights. According to critics, excessive publicity rights can destroy freedom of expression, artistic creativity, and discourse.<sup>12</sup> This is of particular concern in situations relating to parody, satire, news coverage, and biographical works where the exploitation of celebrity identity may be in the best interest of the population instead of in the business. The proponents of a moderate stance point out the necessity to strike the right balance between proprietary interests and the First Amendment values and cultural exchange.

The comparative legal literature indicates that there is a lot of jurisdictional deviation in the recognition and enforcement of the rights of the celebrities. In the United States, the right of publicity is established and evolves through the state statutes as well as common law to give rather clear solutions to the instances of unauthorized commercial use.<sup>13</sup> However, the United Kingdom does not know of an independent right of publicity, and thus,

<sup>9</sup> Madow, M. (1993). *Private ownership of public image: Popular culture and publicity rights*. California Law Review, 81(1), 125–238.

<sup>10</sup> World Intellectual Property Organization. (2020). *Intellectual property and artificial intelligence*. WIPO Publications.

<sup>11</sup> McCarthy, J. T. (2022). *McCarthy on the right of publicity and privacy* (2nd ed.). Thomson Reuters.

<sup>12</sup> Volokh, E. (2003). *Freedom of speech and the right of publicity*. Stanford Law Review, 40(5), 1219–1249.

<sup>13</sup> *Zacchini v. Scripps-Howard Broadcasting Co.*, 433 U.S. 562 (1977).



celebrities can invoke passing off, breach of confidence and privacy law to safeguard their interests.<sup>14</sup> European law focuses more on human dignity and data protection, especially in the European Convention on Human Rights and the General Data Protection Regulation (GDPR) than on a more straightforward commercial understanding of celebrity rights.<sup>15</sup>

The Indian legal scholarship has a unique story that has been formed with the help of constitutional premises and judicial creativity. Researchers observe that in India there is no set right of publicity and the judiciary has been instrumental in formulating personality rights via interpretations of Article 21 of the Constitution, trademark legislation and the tort principles.<sup>16</sup> The Indian courts have also gradually acknowledged that the identity of a celebrity has some economic value that is worth protection, but critics state that the common law approach has led to the adoption of unequal treatment and legal ambiguity.<sup>17</sup> The weakness in the Indian legislative structure is often pointed out to be a significant shortcoming due to the absence of clarity in the legislation.

The effects of digital technologies on celebrity rights have recently become the subject of more and more literature. It has turned the emergence of social media into the creation of the perpetual digital brands where the boundary between the personal expression and a commercial activity is erased.<sup>18</sup> Researchers note that digital space increases the economic and the vulnerability of the identity of a celebrity, because it is easy to spread images, videos, endorsements both rapidly and without authorization. The influencer culture also makes the very concept of celebrity more complicated because the people, who do not possess any celebrity status in conventional terms, can gain considerable commercial power online.

The technological advances of artificial intelligence, deepfake, and voice cloning have become the topic of discussion in modern studies. Law scholars claim that the current copyright and trademark laws are not well-prepared to address AI-generated personalities imitations because such applications are not usually covered by the classic concepts of authorship and originality.<sup>19</sup> Some of the solutions, especially deepfakes, are determined to be a significant challenge to the integrity of identity, and they can lead to reputational damage, misinformation, and financial abuse. To deal with such emerging threats, scholars support the proliferation or redefinition of publicity and personality rights.

The other emerging field of study is the concept of virtual avatars, digital resurrection and posthumous use of celebrity names. The ethical and legal issues that are illustrated in literature are issues of consent, dignity, and how long can the rights to publicity persist after death.<sup>20</sup> Whereas in certain jurisdictions there are post-mortem publicity rights, in other jurisdictions there is limited protection and therefore there are patchy and insufficient protections in the digital marketplace.

Although there has been the growing literature on the topic, there is a significant gap in how personality rights, the rights of publicity and the question of digital identity can be integrated and form part of a single Intellectual Property Rights model. A good part of the literature available looks at these concepts either in isolation or in jurisdiction-specific situations. This study aims to fill this gap by providing a comparative and holistic examination of the rights of celebrities in the wider context of the IPR system and more so in the new digital challenges.

### III. RESEARCH METHODOLOGY

#### 3.1 Research Design

The current research will have a doctrinal and analytical research design, which is specifically applicable to legal research with conceptual interpretation and evaluation of law norms. The field of doctrinal research is concerned with

<sup>14</sup> Irvine v. Talksport Ltd., [2002] EWHC 367 (Ch) (UK).

<sup>15</sup> von Hannover v. Germany, 59320/00, European Court of Human Rights (2004).

<sup>16</sup> Justice K. S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

<sup>17</sup> Titan Industries Ltd. v. Ramkumar Jewellers, 2012 (50) PTC 486 (Del) (India).

<sup>18</sup> Abidin, C. (2018). *Internet celebrity: Understanding fame online*. Emerald Publishing.

<sup>19</sup> Chesney, R., & Citron, D. (2019). *Deep fakes: A looming challenge for privacy, democracy, and national security*. California Law Review, 107(6), 1753–1820.

<sup>20</sup> Madow, M. (1993). *Private ownership of public image: Popular culture and publicity rights*. California Law Review, 81(1), 125–238.



the systematic examination of available legal principles based on statutes, judicial rulings, and authoritative texts on the law. Within the context of the rights of celebrities, this design allows an in-depth analysis of how the rights of personality, publicity, and other protective measures of the digital identity have developed in intellectual property law systems.

A critical evaluation element is added to evaluate the sufficiency and performance of the existing legal procedures in responding to arising issues of technological progress. Through an analysis on statutory provisions, precedent court determinations and international conventions, the study reveals inconsistencies, overlaps and gaps in current legal systems. The design further enables the testing of the judicial reasoning and policy deliberations underpinning the rights protection of celebrities.

The research design is the doctrinal and analytical one because the study does not have the aim to prove any facts empirically, but rather to emerge in the understanding of the concepts and normative criticism of the development of law. Such a scheme guarantees the lucidity of doctrine, but permits a reform-oriented inquiry based on the theory and practice of law.<sup>21</sup>

### 3.2 Research Approach

The research is based on the principles of qualitative and comparative research to examine the protection of celebrity rights in various jurisdictions. Interpretation of legal texts, judicial reason, and legal arguments of a scholarly nature require a qualitative approach, especially in areas where the right is determined by judicial discretion, and not codified laws. By using this method, one can gain subtle insights into the way in which courts understand personality rights, publicity rights, and digital identity in different socio-legal settings.

The comparative method entails the study of legal systems in other jurisdictions like India, United States, the United Kingdom and the European Union. The study reveals some similarities, differences, and best practices of safeguarding the rights of celebrities by comparing statutory recognition, judicial interpretation, and enforcement mechanisms. The comparative analysis also assists in determining the ways other legal regimes react to the digital issues of artificial intelligence, deepfakes, and online avatars.

This two-sided strategy allows this research to go beyond the restrictions imposed by jurisdictions and make more generalized findings about the development of celebrity rights in the world. It also contributes to the establishment of recommendations that would help to balance the legal norms but remain sensitive to the diversity of jurisdictions.<sup>22</sup>

### 3.3 Data Collection

All the research is founded on the secondary sources of data, which are suitable in the field of doctrinal and comparative legal research. A large variety of authoritative and reliable legal sources have been used to gather data to achieve academic rigor and completeness. It has mainly focused on judicial authority with some of the most notable rulings in Indian courts or international courts that have influenced the doctrine of personality and publicity rights.

Alongside these, other relevant statutes and international legal instruments have been reviewed to appreciate the intent in the legislation and recognition and statutory of the rights of celebrities. Peer-reviewed journal articles, academic books, and legal commentaries on the topic have been used as scholarly sources to obtain both theoretical and critical views on the topic. Digital media-related reports and publications along with digital AI and emerging technologies have also been consulted to provide the context of the legal issues associated with misuse of digital identities.

The use of secondary data makes sure that the research is based on the developed legal literature and judicial power. It also makes it possible to conduct a thorough review of the changing trends in the legal field without the constraints of primary empirical studies.<sup>23</sup>

<sup>21</sup> Hutchinson, T., & Duncan, N. (2012). *Defining and describing what we do: Doctrinal legal research*. Deakin Law Review, 17(1), 83–119.

<sup>22</sup> Zweigert, K., & Kötz, H. (2011). *An introduction to comparative law* (3rd ed.). Oxford University Press.

<sup>23</sup> McConville, M., & Chui, W. H. (Eds.). (2017). *Research methods for law* (2nd ed.). Edinburgh University Press.





### 3.4 Data Description

The information gathered in this study is mainly legal documents, analyses of the case laws, statutory law and comparative jurisdictional documentations. These data sources have been properly classified so as to make them to be analyzed and interpreted in a structured manner. To facilitate easy analysis, the data has been summarized into three central thematic areas; personality rights, publicity rights and digital identity.

The personality rights data consists of judicial interpretations of privacy, dignity, and autonomy of celebrities. The data on publicity rights revolves around incidences and laws on the commercial exploitation of identity features like name, image, likeness and voice. The digital identity information includes the legal reactions to the new technologies, such as the artificial intelligence-generated imitations, deepfakes, online personas, and posthumous digital embodiments.

The descriptive classification of data helps to concentrate the analysis process on each of the thematic areas as well as to cross-reference the themes. This systematic treatment facilitates the fact that complicated legal evolution is brought out in a logical manner and is analyzed concerning the larger principles of intellectual property. This form of organization makes the research findings more reliable and interpretive.<sup>24</sup>

### 3.5 Data Analysis

The data obtained has been processed under the themes and comparative legal analysis techniques. Thematic analysis helps in the determination of recurring legal principles, judicial trends and conceptual patterns in case law and statutory provisions on the rights of celebrities. The approach aids in comprehending the ways in which the courts and the legislatures conceptualize identity, ownership, and commercial exploitation in both-traditional and digital contexts.

Comparative legal analysis is utilized to study the disparities and the similarities between jurisdictions. The study based on the comparative strategies used in India, the United States, the United Kingdom, and the European Union reveals those advantages and disadvantages of the existing legal regimes. The analysis reveals the areas of weakness in protection, especially on digital identity abuse and artificial intelligence.

The analytical approaches used together allow the research to get beyond simple descriptions and provide insightful information on the systemic failures and new challenges. The analysis is also built to suggest the legal changes to ensure the design of a more coherent and technologically sensitive system of protecting the rights of celebrities.<sup>25</sup>

### 3.6 Ethical Consideration

This study follows the set ethics in scholarly studies on legal research. Since the research uses only secondary sources like judicial decisions, statutes, and literature in scholarly publications, it is not a case where human subjects are involved in the research or where the researcher gathers primary data. As a result, the problems with informed consent and confidentiality, as well as participant welfare, are not present.

Ethical responsibility is, however, upheld by proper referencing, proper crediting of sources and plagiarism is avoided. All written texts, case laws and literature used in the study have been properly referenced as per the academic citing conventions. Objectivity is also guaranteed through the study since there is a presentation of both sides of the legal developments, and no misrepresentation of the judicial reasoning or scholarly opinion is made.

The study practice is ethical as it embraces transparency, academic honesty, and methodological integrity. These are considerations which are necessary to guarantee the credibility, reliability and academic worth of the research findings.<sup>26</sup>

<sup>24</sup> Smith, K. J. (2019). *Lawyers, legal research and the law*. Oxford University Press.

<sup>25</sup> Chynoweth, P. (2008). *Legal research*. In A. Knight & L. Ruddock (Eds.), *Advanced research methods in the built environment* (pp. 28–38). Wiley-Blackwell.

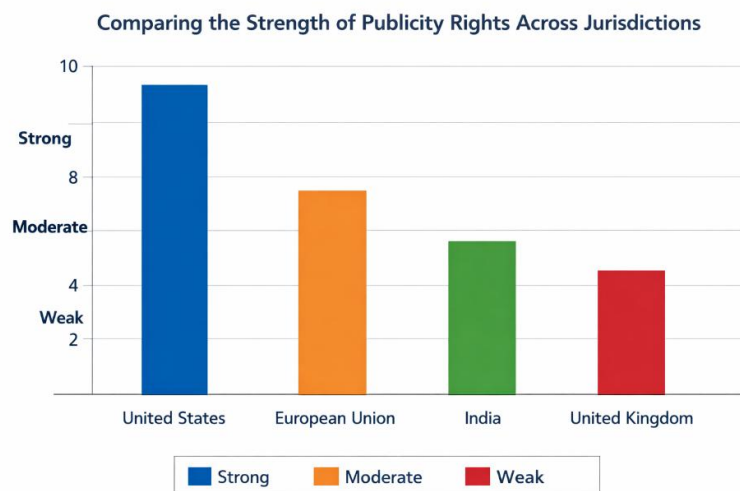
<sup>26</sup> Resnik, D. B. (2020). *What is ethics in research and why is it important?* National Institute of Environmental Health Sciences.



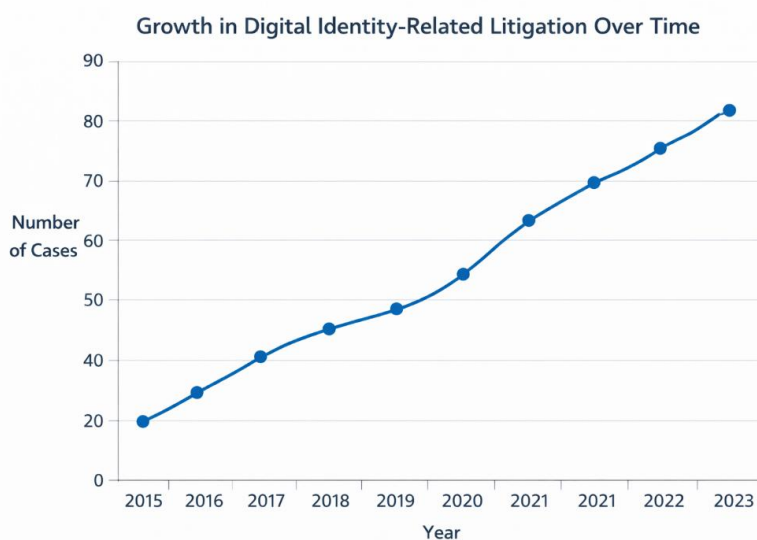
**3.7 Table: Comparative Protection of Celebrity Rights Across Jurisdictions**

Jurisdiction	Legal Basis	Personality Rights	Publicity Rights	Digital Identity Protection
India	Constitution, Tort, Passing Off	Recognized judicially	Limited, judge-made	Emerging, unclear
USA	State Statutes, Common Law	Recognized	Strong statutory protection	Developing through case law
UK	Privacy, Passing Off	Limited	No independent publicity right	Minimal
EU	Human Rights, Data Protection	Strong privacy focus	Limited commercial recognition	Strong under GDPR

The above data can be evaluated using:



**Bar Chart: Comparing the strength of publicity rights across jurisdictions**



**Line Graph: Showing the growth of digital identity-related litigation over time**

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### Interpretation

The bar chart shows that the United States offers the highest protection to the right to publicity because of well developed statutory and common law systems, which guarantee the clear remedies against an illegal use of the commercial rights.

European Union has moderate protection whereby privacy and data protection are major concerns as opposed to commercial exploitation (especially under GDPR-based protection).

India displays developing yet slight publicity rights, which are mostly influenced by judicial interpretation, rather than a thorough legislation, and therefore, they are uncertain under the law.

The UK is a relatively loose protection jurisdiction with no autonomous right to publicity and an application of privacy and passing-off doctrines.

The line graph shows a progressive increase in the number of litigation cases concerning digital identity, which supports the emergence of legal conflicts due to the development of new technologies and the flaws of the current frameworks.

## IV. RESULTS AND ANALYSIS

The discussion shows that in jurisdictions where statutes specifically identify the rights to publicity, legal protection of celebrities is more evident, uniform, and predictable. The rights and available remedies as well as limitations in such systems are more well defined limiting uncertainty in their enforcement and judicial interpretation. This practice can be seen in the example of the United States where the protection against illegal commercial use of celebrity identity is organized in the form of state laws and the determined case law.

India on the other hand offers a disjointed legal system even though some progressive decisions have been made by the judiciary in addressing personality and publicity rights. Lack of specific legislation implies that protection is obtained based on the constitutional principles, tort, and passing-off actions which usually leads to inconsistency in application and uncertainty to both the right holder and user. This is mostly discretionary with the interpretation of the law by the judicial system instead of definite statutory guidelines.

Moreover, digital identity issues are very problematic in the majority of legal frameworks. The intensive development of artificial intelligence, deepfakes and voice cloning, and virtual avatars has revealed significant loopholes in current intellectual property laws. The conventional copyright and trademark regulations are not well prepared to combat AI-powered usage of celebrity identity in case of the absence of originality or commercial indicators. Consequently, illegal digital replication and exploitation is a common phenomenon without viable legal solutions. The implications of these results are that it is necessary to have an overhaul of legislation to ensure that publicity rights as well as the protection of the digital identity are incorporated in a new intellectual property framework.

## V. FINDINGS

### 5.1 Existing of Celebrity Rights Past Privacy

The rights of celebrities have transformed over the years slowly and steadily to the level of privacy protection and to commercial and proprietary rights. Courts are becoming more aware that the identity of a celebrity has economic value that can be exploited and should be protected by a court of law. This change is indicative of the commercialisation of celebrities in the media and advertisement sectors.<sup>27</sup>

### 5.2 Inequacy of Traditional IPR Frameworks

The standard intellectual property law including copyright and trademark laws fail to curb misuse of digital identity. Such frameworks do not secure the non-original identity traits and the replicant ones created by an AI, leaving major holes in legal redress to unauthorized digital use of celebrity identities.<sup>28</sup>

<sup>27</sup> Madow, M. (1993). *Private ownership of public image: Popular culture and publicity rights*. California Law Review, 81(1), 125–238.

<sup>28</sup> McCarthy, J. T. (2022). *McCarthy on the right of publicity and privacy* (2nd ed.). Thomson Reuters.





### 5.3.1 Jurisdictional Inequality

The world has huge jurisdictional differences in the acknowledgement and application of the rights to publicity. Some jurisdictions offer statutory protection, but other ones are judicially interpreted or based on other related doctrines. This inconsistency is ambiguous particularly where digital exploitation takes place across borders.<sup>29</sup>

### 5.4 Digital Identity: the New Asset

The digital identity has turned out as an asset with value and commercial exploitation in the contemporary economy. Online branding, virtual avatars and AI-created personas take the presence of celebrity beyond physical appearance, which requires legal status of digital identity as an intellectual property interest that can be protected.<sup>30</sup>

Since CW has yet to achieve significant market share, it is prone to over-commercialization.

The growing nature of celebrity rights is a matter of concern with regard to over-commercialization and how it can be in conflict with the freedom of expression. Unreasonable proprietary control over identity can limit artistic creativity, journalism, and the general discourse, and it is necessary to carefully balance competing interests in the law.<sup>31</sup>

## VI. RECOMMENDATIONS AND SUGGESTIONS

### Pass Specialized Publicity Rights Law

The jurisdictions that do not have any statutory acknowledgement of the right to publicity need to come up with a comprehensive act that clearly spells out the extent, time, and effectiveness of certain rights. Codification would bring about uniformity of application, decrease ambiguity, and offer predictable solutions to unauthorized commercial exploitation of celebrity identity both in traditional and digital media.

### Digital Identities are legally recognized

Laws should be enlarged to be able to identify digital identities, such as AI-based likeness, voice imitations, and virtual avatars. The protection of these digital manifestations explicitly will deal with an issue of new types of misuse of identity and will make sure that the technological progress does not harm the individual autonomy and economic interests.

### Striking a balance with Freedom of Speech

It should be made clear in terms of the law to balance the rights of celebrities with the freedom of expression. News reporting, parody, satire, and artistic expression exceptions are necessary to avoid excessive use of power and to make sure that the rights of publicity do not stifle publicity, news coverage, or artistic expression.

### International Standardization of Standards

Since digital media is cross-border, there should be international collaboration towards harmonization of rights of the celebrities. Standard principles and minimum safeguards would increase legal certainty and make it easier to enforce against transnational identity misuse.

### Technological and Judicial Awareness

Judicial authorities ought to be advised to become technologically aware by the way of training and professional involvement. The knowledge of new technologies like artificial intelligence and deepfakes will help courts give effective and informed judgment in cases of identity misuse.

## VII. CONCLUSION

Due to fast technologies development and growing digital economy, celebrity rights undergo a radical change. A shift toward the understanding of the traditional concept of celebrity as a public personality guarded, in the first place, by privacy-based solutions has become a more complicated legal category based on economic valuation, brand name, and

<sup>29</sup> Dogan, S. L., & Lemley, M. A. (2006). *What the right of publicity can learn from trademark law*. Stanford Law Review, 58(5), 1161–1205.

<sup>30</sup> World Intellectual Property Organization. (2020). *Intellectual property and artificial intelligence*. WIPO Publications.

<sup>31</sup> Volokh, E. (2003). *Freedom of speech and the right of publicity*. Stanford Law Review, 40(5), 1219–1249.



online existence. In Intellectual Property Rights (IPR) terms, the personality rights, publicity rights, and digital identity have become interdependent and different legal interests that have to be approached with caution and delicacy. Collectively, they are indicative of the increased understanding that there are dual, personal and commercial aspects of identity, which are not limited by physical corpus and extend to virtual and digital space, of a celebrity.

The concept of judicial innovation has been important in dealing with these changes, especially in those jurisdictions where statutory affirmation of publicity rights has not been instituted yet. By enlarging the current legal principles, courts have given protection to the interests of celebrities against unethical commercial use and online misuse. Nonetheless, solely the practice of judicial interpretation has brought about coherent and piecemeal protection, particularly with the cases of artificial intelligence, deepfake, virtual avatars, and posthumous digital representations. The current system of copyright and trademarks is not always well-structured to face these issues because digital identity abuse can often be beyond the limits of conventional conceptions of authorship and originality.

In this respect, extensive legislative change has become a necessity. Statutory acknowledgement of publicity rights and digital identity would offer certainty to the law, predictable enforcement, and enforceability of the law in a digital environment that continues to be more and more borderless. Meanwhile, these reforms have to be skillfully drawn to prevent excessive commercialization and make sure that right of the celebrity does not on top of freedom of speech, artistic expression, and general discussion. A progressive and sensible legal structure, a legal framework that incorporates technological factuality and essential legal doctrines, will be integrative in protecting the interest of celebrities and also enhancing innovation, cultural exchange, and democracy in the digital era.

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