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A Comparative Study of the Nature of the Publicity Right and its Feasibility as a Type of Intellectual Property Rights

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Abstract

The right to publicity is a credit status that, in addition to the possibility of exploiting identity benefits, gives its owner control over the use of personality symbols by prohibiting abuse. The mysterious and unobtrusive nature of this legal establishment has caused division and the emergence of different views on it. In common law systems, the voices of the supporters of this right are more expressive than those of other legal systems, and they evaluate it based on the property right. On the other hand, in civil law systems, the non-financial view prevails, and their proponents justify it through the general theory of personality right. Therefore, the main question of the current research is: What is the nature of the publicity right? Can it be considered a new type in the category of intellectual property rights? In response to this question, employing a comparative-analytical method and a library approach, it becomes evident that the publicity right includes both financial and non-financial aspects. It is of the type of intellectual property, but it is different from it, which can be considered as one of the cases of expanding and shifting of the frontier of knowledge in the field of intellectual property rights.

Keywords: Publicity right; Common law; Civil law; Hybrid right; Goodwill; Intellectual property rights.

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