

Intellectual property laws

Law



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Intellectual property laws What property rights are involved in the picture? Debatable fact evident in this scenario entails use of celebrity's image in advertising Wheaties cereal. Therefore, the involved parties especially those intending to use it for commercial purpose ought to seek Tiger Woods' consent.

Property rights involved in this case encompass " Rights of Publicity" (Fishman, 2010). The right safeguards any person's personality, image or voice from exploitation especially when the potential user incorporates it for commercial purposes.

Based on some states' laws, protection from exploitation of unsuspecting persons include those who are dead since any firm, businesspersons or corporation ought to attain a legal consent from the necessary authorities. This is before utilizing a person's image or voice for commercial gain, which in this case is Tiger Woods' picture.

Therefore, " Right of Publicity" ensures corporations, firms and businesspersons do not exploit people's persona either famous or not to benefit themselves. Hence, protect them and compel those who wish to use these pictures to obtain a legal consent from the owners (Fishman, 2010).

2. Who " owns" these rights?

States usually recognize people's rights by granting them free will to either allow or disallow usage of their images especially for commercial purposes (Fishman, 2010). Hence, in this case Tiger Woods has a sole responsibility of deciding if Wheaties cereal firm is liable of using his image or not by agreement.

In this case, Tiger woods ought to exercise the " Right of Publicity" in controlling how Wheaties cereal's firm utilizes his pictures and others that

may intend to do so (Fishman, 2010). This is via granting them consent besides deciding the required compensation based on how long the firms will have to use his reputation in advertising their products.

Tiger Woods owns the “ Right of Publicity” similar to any other people in ensuring firms do not exploit his reputation and pictures. Hence, he has the authority of demanding compensation in return, which is in form of cash though this is as per the agreement with the corporate firms.

3. What can the owners do?

Based on the “ Right of Publicity”, owners have the mandate of prosecuting anyone who might have used their images without their consent (Fishman, 2010). This is especially through advertising or through other forms like reputation riding when the owners are not aware. However, the right also grants owners like Tiger Woods freedom to negotiate with the potential businesspersons, firms and corporations if they are ready to pay for his pictures in advertising their products at predetermined duration (Fishman, 2010).

4. What can non-owners do?"

Non-owners ought to seek Tiger Woods’ consent before utilizing his pictures on their products when advertising (Fishman, 2010). Since, they will be using his reputation in promoting their products, which is illegal, if they will not have consulted him before putting own pictures (Fishman, 2010). Hence, Tiger Woods has the right of prosecute them and demand compensation where possible if they fail to consult him. Since, using his picture or voice is unlawful based on “ Right of Publicity” (Fishman, 2010).

References

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Fishman, S. (2010). *The Public Domain: How to Find & Use Copyright-Free Writings, Music, Art & More*. California: Nolo.