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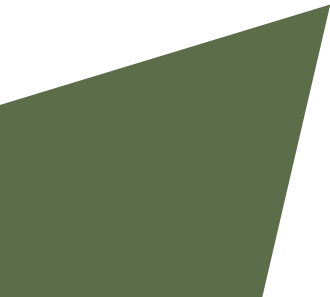
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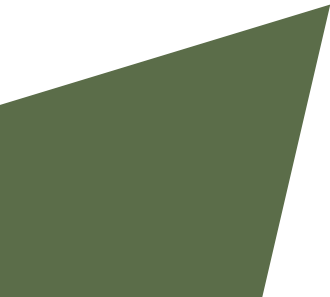
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Analysing The Vague Boundaries Of Fictional Character Merchandise
To Ascertain 'Who Owns What'

Harshit Sankhla

ABSTRACT

The intellectual creativity shouldn't be underestimated and thus be protected.¹

A three-dimensional representation of Mickey Mouse, a t-shirt bearing the picture of Ninja Turtles, a water bottle in the shape of Scooby-Do, are all created from the same mould of one's intellect and later took the shape of a multibillion-dollar industry.

Fictional Characters are the oldest and most popular merchantable characters ever created. The word character is adapted from the Greek word 'Kharakter'. Fiction is the art of imaginary and not real existing creatures. As per David B. Feldman, 'Fiction character has three identifiable and legally significant components: its name, its physical or visual appearance and its physical attributes and personality traits or Characterization.'² Conglomerates are mostly engaged into creating a market of activities to influx their consumer affiliation and create a brand image in the eyes of the public at large.

A character is not a mere description of a name, created for the sake of entertainment, but prone to evolving as it undergoes new experiences.

¹ Yorulmaz Onur, To What Extent Are Personality Rights or Character Merchandising Protected in Intellectual Property Law? To What Extent They Should Be Protected?, (2016).

² Kanti de Biswas Sourav, Copyrightability of Characters, 9 Journal of Intellectual Property Rights, 148, (2004).

INTRODUCTION

All of us have, sometime or other caved in to the temptation of buying a ‘not so deserving’ product for the mere reason that it is being promoted by one’s favourite celebrity. These temptations are what the businessmen take advantage of into creating market for a product. While yielding to the desire to buy a commodity, just for the mark of some fictional character or some popular personality a person mostly looks at the face value of the product. Often the temptation of the endorsement of some character on the product blinds one’s vision to look beyond that.

The merchandising dynamics have established a market of US\$ 2.5 Billion Annual Business in India.³ An entire era of kids growing up watching Chota Bheem, Ben 10, Noddy, Baalveer etc. are much more inclined towards products having the pictures of these characters as compared to normal products. This scenario has led to an extreme hike in the sales of the commodities taking support of endorsements.

The term “Character” has a very vast periphery as it entails fictional or non-fictional persons and real human being. The range varies from Bugs Bunny, Donald Duck, Tarzan, and James Bond to A.R. Rahman, Meryl Streep. When it comes about merchandising of characters, then in that case only those characters who are recognised easily by public gets to have a position in the market. The source of ‘character’ in Character Merchandise can be traced to the literary work, cinematography or any sort of art based or skill-based work.

It is a marketing technique which is very clever in its nature as it targets the temptations and desires of the customer and persuades him by manipulating him into buying that product. To manipulate the customers into buying the product the means used is their likeness towards some well-known celebrity. It is a means to make the product more appealing to the public.

A sudden and steep growth can be seen in the past two decades in the sector of character merchandising and the credit of this boom can be given to the growing demand of television, films, radios etc. among the people. Technological advancement only played in the favour of character merchandising, in addition to it the outreach of television in every household lead to its immense usage in families. A lot of channels are designed in such a way to create and show the content specifically for kids as kids being a soft target can be easily lured.

³ Nishant Kewalramani and Sandeep Hegde M, Character Merchandising, 7 Journal of Intellectual Property Rights, 454, (2012).

Over time, the possibilities of character merchandising have amplified in such diverse forms that what perceived as an ancillary source of commercial abuse by the entertainment industry has become the sign in terms of revenue.

ORIGIN

It is believed that the origin of the concept of character merchandising can be traced back to the South East Asian countries or to be precise, to India. Ramayana has been a prime part of Indian Mythology and it has been told in the Indian society by the means of puppet shows, Dramas, engravings on temples etc. Even though the purpose of all these were not to commercialise the folklore but just to preach a belief and ideology.

The concept of character merchandising evolved with the creation of cartoon characters of Mickey mouse by Walt Disney and the subsequent exploitation of the character done by one of their workers by selling goods including shirts and other goodies bearing the images of the cartoons.⁴ During this era these characters were further commercialized in the form of posters, bags, badges etc.⁵ The merchandising programs associated with movies like Star Wars, Rambo and James Bond that came into existence in the second half of the 20th century took the phenomenon of character merchandising to a whole new level.

- Character Delineation Test: -

In *Nichols v. Universal Pictures Corp.* Judge Hand held that the less developed the character, the less copyrightability it gets.⁶ Through interpretation by successive courts, the determination of infringement now lies in a three-part test: Firstly, the character must possess physical and conceptual attributes. Secondly, the character must be “sufficiently delineated” to be identified as the same character across multiple occasions. He must therefore show consistent traits. Lastly, the character must be “especially distinctive” and “contain some unique elements of expression.”⁷ The consistency of a character's traits and attributes is considered as the key factor for whether the

⁴ World Intellectual Property Organization, Introduction to Intellectual Property, Theory and Practice, 308, (1997).

⁵ Rahul Bajaj, An Analysis of the Burgeoning Character Merchandising Industry in India, (Jan. 10, 2020, 3:31 PM), <https://blog.ipleaders.in/an-analysis-of-the-burgeoning-character-merchandising-industry-in-india/>.

⁶ Shan Kohli, Giving Due Protection To Fictional Characters: The Possibility of ‘Copymark’, De-Coding Indian Intellectual Property Law, (Jan. 10, 2020, 1:02 PM), <https://spicyip.com/2016/04/giving-due-protection-to-fictional-characters-the-possibility-of-copymark.html>.

⁷ *Halicki Films, LLC v. Sanderson Sales & Mktg.*, 547 F.3d 1213, 1224 (9th Cir.2008).

character qualifies for copyright protection.⁸ Thus, it is a mandatory essential for a character to be copyrightable that it should be well delineated.

By applying this test, copyright protection was held to subsist in the character of Tarzan because it was found to be “sufficiently delineated.”⁹ Similarly, the character of Superman was held to be well delineated by virtue of embodying original literary expressions and incidents, and therefore deserving of copyright.¹⁰

- Story Being told Test: -

Due to lacuna of clear standards, a need to formulate a second test was felt. In the case of Warner Brothers Pictures Inc. v. Columbia Broadcasting System¹¹, the Story Being Told Test evolved.

The test basically conveyed that if a character is not an active part of portraying the story, then it doesn't get the copyright protection, and so others may use it without violating any one's right. The character has to be at the centre of the story to seek the copyright protection.

Never really accepted by jurists, this test has been construed as too high a bar for copyright protection; and for most practical purposes, effectively excludes characters from copyright protection.¹²

SOURCES OF 'CHARACTERS' IN MERCHANDISING

Merchandising of fictional and cartoon characters is one of the oldest known form of merchandising involving use of unique traits of a famous character such as appearance, name, image, sounds / dialogues on consumer products, etc., which may be two-dimensional reproduction (drawings, stickers, etc.) or three-dimensional reproduction (dolls, key rings, etc.). The sources from where these characters are derived include literary, artistic and cinematographic works.

Literary works: From the classic children's literature such as Alice in Wonderland, the Adventures of Pinnocchio to the cartoon strips of Garfield, Aladdin, Chacha Choudhary, Shaktimann, Shikari

⁸ DC Comics v. Towle, 989 F. Supp. 2d 948 (C.D. Cal. 2013).

⁹ *Burroughs v. Metro-Goldwyn-Mayer Inc.*, 683 F.2d 610 (2d Cir. 1982).

¹⁰ *Detective Comics, Inc. v. Burns Publications*, 111 F.2d 432; 434 (2d Cir. 1940).

¹¹ *Warner Bros. v. CBS*, 216 F.2d 945, 950 (9th Cir. 1954).

¹² Shan Kohli, Giving Due Protection To Fictional Characters: The Possibility of 'Copymark', De-Coding Indian Intellectual Property Law, (Jan. 10, 2020, 1:02 PM), <https://spicyip.com/2016/04/giving-due-protection-to-fictional-characters-the-possibility-of-copymark.html>.

Shambhu and Aladdin and the Wonderful lamp, literary works have been one of the largest sources of fictional and cartoon characters.

The exploitation of literary characters started with the works Alice in Wonderland, the characters of which also became soft toys and were later adapted into a motion picture cartoon. As per the definition of “literary works”, the work which is written down is copyright able. However, a character’s characteristics are not copyright able as it remains in imagination of reader and thus the entire story which if read in entirety gives a hint of the character.¹³

In a literary work, the artist describes the characters in its novels and the reader visualises it. Tintin, Tarzan, were some of the well-known cartoon strips which became so popular around the world. Owners and creators seek greater legal protection in part to ensure that no one harms the character by putting it in unflattering or disharmonious situations. For example, Walt Disney Company does not permit its licences to ‘depict Mickey Mouse’ in an unattractive manner which would harm its reputation.

Artistic works: Creating something from the fabrication of one’s imagination is a sheer work of art. Literary works where the physical appearance of the characters is picturised by the reader as per the descriptions given by the author, but still cartoon and fictional characters created through artistic works are more apparent to the readers.

Cinematographic works: Cinematographic works either in the form of animated movies or television serials and other multimedia commercials, provide far more reach to the public through its characters, as it impacts the viewer to a larger extent based on its physical appearance and characterisation.

In case of cinematography works it is seldom the creator of the character who is the primary user. In other cases, the primary use of fictional character can sometimes be referred to as “Promotional, Advertising and Recognition Function.”¹⁴

The characters are visually perceived by the viewers through their senses, as the characters are captured in the form of motion. We have a lot of animated movies such as Chotta Bheem, Jackie Chan, Kung Fu Panda, Tarzan, Mighty Raju, the Lion King, Shrek, Rio 2, Aladdin, Alice in Wonderland, Mickey Mouse and Donald Duck and many more.

¹³ Sourav Kanti De Biswas, Copyrightability of Characters, Vol. 9 Journal of Intellectual Property Rights, 148, (2004).

¹⁴ Ruchi Sharma, Character merchandise scope and presence in the Indian market, (Jan. 13, 2020, 12:32 PM), https://issuu.com/ruchisharma75/docs/character_merchandise_scope_and_prs.

CHARACTER MERCHANDISING IN INDIA

Character merchandising has seen a rampant growth in the last two decades, due to the development of technology which has resulted in the electronic medium becoming accessible to a large mass, including television, films as well as radio content.

Also, character promoting is being seen as an instrument for expanding the viewership for the entertainment sector with which it is connected. Seen through this viewpoint, the intended interest group of character marketing is not the client who is a vigorous adherent of the character being referred to; the client is uninformed of the said character and who might build up a distinct fascination in the character in the wake of seeing the merchandise and lastly it is seen as a very effective tool of growing the T.V. programs or movies and taking them to the next level where the marketing agencies never let the consumers forget about their production by introducing such merchandise and thus also surpassing their competitors who are limited to only the visual medium.

Celebrities from different walks of life allow unique traits of their persona to be used in association with their products and services. From a business perspective, associating Celebrities with consumer goods serves dual purpose: firstly, the consumers can instantly recognise and relate to the products endorsed by their favourite personalities and secondly, consumers tend to buy the products that supposedly form a part of celebrity's lifestyle. Earlier, the Celebrities were neither permitted to flaunt their popularity nor seek any economic benefit from the name and fame they have acquired. But now, Celebrities claim paradoxical rights- the Right to Privacy and the Personality Right and they seek exclusive rights to exploit the name and fame they have acquired through hard labour. But to what extent their success of enforcement lies in India poses a big question, as this concept has not developed much in the Indian scenario. In fact, the public itself is not conversant with this concept and neither are the personalities, who are unaware of the legislation for enforcement.

PROTECTION FOR CHARACTER MERCHANDISING

Character merchandising does not have one specific legislation that governs it but falls under the scope of protection of many IP laws, mainly trademarks, copyrights and designs. Copyright, provides a more essential protection to the owner for merchandising of products, for example, in the cases of cartoons or animated images and pictures, the artist who creates them becomes its owner and can give others the right to exploit it in a manner that allows for merchandising of the characters or any aspect of his/ her work.

Although the copyright-ability of a character depends upon the uniqueness of such character, this was discussed and established in the case of *Arbaaz Khan v. North Star entertainment Pvt. Ltd.* (2016) by the Hon'ble Bombay High Court. The Court while examining if a copyright subsists in the character "Chulbul Pandey" from the Dabangg franchise, was of the opinion that, "As to the general principal that the character is unique and the portrayal of that character, as also the "writing up" of that character in an underlying literary work is capable of protection is something that I think I can safely accept."

For India, the task of demystifying character merchandising, more specifically personality and image merchandising become herculean given the absence of a specific statute or legal provision squarely governing such merchandising activity. Unlike USA that has a specific 'right of publicity', India has to constantly take recourse to either the age old constitutional principle of right to publicity or to the common law of passing off, which are both not only vague but also too old fashioned to match the fast paced entertainment industry and its business dynamics. The instances of conflict over character merchandising are plenty, however, only a few see courtroom actions in India. An analysis of the legal provisions along with the judicial pronouncements is imperative to understand how the legal provisions in India relate to character merchandising.

Copyright and Character Merchandising

The producer of a cinematographic film is considered to be the author of the film. When we talk about fictional character-based films the producers have complete right to exploit the character in a manner they desire. Cases where a role is played by a real-life person producer may have to see some limitations in exploiting the character in question or need to take consent of the person playing such character. Principle behind giving copyright to the author is to recognize and give incentive to the author for his contribution and labour. Advocates of the celebrity right aver that a celebrity also puts his labour in creation, hence, that makes him also eligible to be incentivized for his contribution.

The Indian Copyright Act, 1957 looks like the only system which provides for an explicit protection for the rights of copyright holders and the producers. Section 2 (d)(v) of the Copyright Act declares producer of a cinematographic film as the author of that film and gives him exclusive right to make copies of the film or any photograph from any image from that film within the meaning of Section 14 (d) of the Act. ¹⁵If we take a look at the Section 38(4) of the Act, it states that, ones a performer has consented for putting his performance in a cinematographic film his

¹⁵ Copyright of Cinematograph Films and Sound Recording, Legal Services India, (Jan. 15, 2020, 9:22 AM), <http://www.legalserviceindia.com/copyright/Cinematograph-Films.htm>.

right over the performance does not subsist further. In other words, once any kind of performance has been added to a cinematographic film with due consent, all rights goes to the producer.

Indian Constitution

In case of conflicts related to character merchandising, to be specific personality merchandising India mostly takes recourse to old constitution principle of 'right to publicity' or common law principle of passing off. Looking at the pace at which entertainment industry is growing these principles are becoming vague. Article 21 of the Indian Constitution contemplates about right to life and personal liberty. Delhi High Court in 2003 opined that the right to publicity of a celebrity is enshrined in Article 21 of the Constitution¹⁶. Present observations show that the Indian constitution does not cover the interests of the producers and copyright owners.

Trademark related issues

Owner of a trademark enjoys exclusive right to use such mark and unauthorized use of such mark amounts to infringement of such trademark. A situation where the trademark is not registered, then the owner of the trademark can seek remedy under common law of passing off. Mostly owners of a character registers trademark or goes for a remedy under passing off for stopping anyone from using any character or from using any indication which shows the customers any kind of connection between the product and character. An association of a celebrity with a product puts fame of celebrity on the product and allows people to connect with the product instantly.

In India the Trademarks Act, 1999 is the most utilized statute on adjudicating matter related to character merchandising. Provisions of the Trademarks Act are broad in nature and therefore are easy to apply on matters related to character merchandising.

Section 102 and 103 contemplates that, falsely using any trademark or falsely applying any trademark on any goods or services without consent of the respective trademark owner is an offence punishable with imprisonment and penalty. If any person wants to use any registered trademark on any goods or services, he needs to take prior permission from the trademark owner and become registered user of the mark.

¹⁶ *ICC Development International v. Arvee Enterprises*, (26) PTC 245 (2003).

COPYMARK: - BUILDING THE NEXUS

Time and time again, the expansion of copyright law has been proposed to bring trademark law in its ambit, to create a hybrid institution of intellectual property. ‘Copymark’ is the new arena of intellectual property that is still very much unknown and need to be discovered. Where a copyright law acts as a custodian to prevent the author’s rights, Trademark law works to prevent both the consumers and the trademark holders. Even though both acts protect other’s work and rights from being abused, but vary from each other in the terms of functionality. Thus, the term ‘Copymark’ has been thrown around, it was Gregory S. Schienke, who hypothesized ‘Copymark’ as a solution to the current dilemma of character protection.

Copyright law is a protection mechanism, but its protection is not restricted to just the Character, but it also protects the goodwill that the character has gained over the years. Schienke suggested that as fictional character is a concept, touched by both Copyright Law and Trademark Law, an implementation of a scheme that deals with the fusion of both worlds could be the most effective way to deal with the complication.

‘Copymark’ provides protection to the intellectual law on few levels. Firstly, copyright law acknowledges the assumption that, generally, the value of a creative work decreases with time. By granting protection to famous characters through trademark law, the original works become almost superfluous. Secondly, ownership of the character cannot be lost as long as it is in use.¹⁷ This is the area which attracts lot of worries for the copyright holder. Copymark guarantees safeguard to the character during its entire lifeline, as it evolves. In 1938, Superman was a “vigilante character willing to battle social injustice.” Today, Superman has been referred to as something of a “boy scout” due to the Intellectual Property protection and fame it has achieved.

Even after all the revolutionary changes ‘copymark’ can bring to the field of intellectual property law, it faces certain criticism due to its infinite protection. Law needs to maintain some nexus between the protection granted to any character and making the character accessible to public domain.

¹⁷ 17 Shan Kohli, Giving Due Protection To Fictional Characters: The Possibility of ‘Copymark’, De-Coding Indian Intellectual Property Law, (Jan. 10, 2020, 1:02 PM), <https://spicyip.com/2016/04/giving-due-protection-to-fictional-characters-the-possibility-of-copymark.html>.

CASES IN INDIA

***Star India Pvt. Ltd v. Leo Burnett*¹⁸**

This case is in relation to the TV show “kyunki saans bhi kabhi bahu thi”, where the Defendants came up with the commercial for a consumer product “Tide Detergent” telecasting it with a title, “kyonki bahu bhi kabhi saas banegi” and characters of a grandmother, mother-in-law and daughter-in-law, similar to the characters of J.D., Savita, Tulsi as in the serial of the plaintiff.

The plaintiffs contended that there has been an infringement of copyright because an average viewer will have an impression that the plaintiffs are endorsing the defendant’s product and there is a connection between plaintiffs in the said serial and the defendants and their product.

The court opined that, "The characters to be merchandised must have gained some public recognition, that is, achieved a form of independent life and public recognition for itself independently of the original product or independently of the milieu/area in which it appears". The test of substantial similarity was applied to the case at hand only to conclude that prima facie, quantitatively and qualitatively, the two works are different and there is no work of substantial copying or similarity between the two.

The case was hence granted in the favour of the defendants that no infringement had occurred and no cause of action arose. The Court stated that this was because the Plaintiffs pleading by way of passing off and character merchandising was of a future potential and no actual or substantial damage was established.

***Diamond Comic Ltd. & another v. Raja Pocket Books & Others*¹⁹**

In the present case the Defendant was the owner of a popular character by the name of ‘Shakitman’, had assigned the rights to the Plaintiff to turn his character into comics by the Plaintiff. After a period of time when the character had gained popularity after being marketed by the Plaintiff and had gained a reputation in the comics market, the Defendants started manufacturing comics on their own. The Hon’ble Delhi High Court in this case held that the Defendant had assigned his character to the Plaintiff and therefore he was not in a position to exploit it by making comics of their own as it would constitute copyright infringement.

***Disney Enterprises & Anr. v. Santosh Kumar & Anr.*²⁰**

¹⁸ Star India Pvt. Ltd. vs Leo Burnett (India) Pvt. Ltd., 2 BomCR 655 (2003).

¹⁹ Diamond Comic Pvt. Ltd. And Anr. v. Raja Pocket Books and Ors., 125 DLT 35 (2005).

²⁰ Disney Enterprises Inc & Anr. vs Santosh Kumar & Anr., CS (OS) 3032/2011 (2014).

In this case the Hon'ble Delhi High Court held the Defendants (Santosh Kumar & Anr.) were liable for selling products that contained representations of characters such as Hannah Montana, Winnie the Pooh, etc. whose merchandising rights were owned by the Plaintiffs (Disney Enterprises Inc. & Anr.).

The Court held that there is an intense degree of association between the plaintiffs and the aforementioned characters, which is why any reference to these characters reminds the public exclusively of the plaintiffs.

***Chorion Rights Ltd v. M/s Ishan Apparels and others*²¹**

In this case the famous cartoon character 'NODDY' was used on different articles without any authorisations. The plaintiff claimed to be the owner of the worldwide trademark rights in 'NODDY', including the NODDY name and character image and expanded its use of the NODDY word and image mark through a range of merchandise in India and filed suit against the defendant who was manufacturing, selling and marketing cheap and low quality readymade children's apparel under the identical trade name NODDY in Delhi and National Capital Region. Though the court held that the case at hand is clearly one involving Character Merchandising, however, plaintiff's claim for trade mark was with effect from 1997 while defendants were users since 1995. The plaintiff had established its huge sales in India and abroad for the period during 2000 and 2008, however the plaintiff failed to establish user of the mark prior to 1995, as the plaintiffs were not the prior registered owner of the trademark in India.

INTERNATIONAL CONVENTIONS PROTECTING PRIVACY RIGHTS

The right to protect one's dignity is the fundamental right that any individual seeks for protection. This right includes the right to be protected from intruding into the private life, and the right to exploit the name and fame acquired by a person. Various international conventions have recognised the inherent value of this right.

United Nations Charter

The United Nations is an international organisation with 193 signatories to it as Members. It was found in the year 1945. The preamble to the UN charter states "we the people of the United

²¹ Chorion Rights Ltd v. M/s Ishan Apparels and others, CS (OS) 1154 of 2009 (2010).

Nations determined..... To reaffirm faith in the fundamental human rights in the dignity and worth of the human persons....”

Article 13 (b) of the Charter postulates in promoting international cooperation and assisting in the realisation of human rights and fundamental freedom. Similar powers are entrusted to the Economic and Social Council of the United Nations.

Universal Declaration of Human Rights, 1948

The Universal Declaration of Human Rights is considered as a milestone in the history of human rights. The preamble begins with “whereas recognition of the inherent dignity and the equal and unalienable rights of all members of the human family is the foundation freedom justice and peace in the world... this declaration shall strive to promote respect for these rights and freedom.

Article 12 states that, *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*

The ‘arbitrariness’ in this article is intended to guarantee that even interference provided by the law should be in accordance with the provisions, aims and objectives of the covenant and in any event, reasonable in the practical circumstances.

International Covenant on Civil and Political Rights

In recognising Article 12 of the UDHR principles, Article 17 of International Covenant on Civil and Political Rights states, *‘No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence nor to attacks upon his honour and reputation’.*

European Convention of Human Rights

ECHR seeks to balance the privacy rights of an individual with the rights of the media to publish personal information of individuals. Article 8 provides emphasis on the following:

- *Everyone has the right to respect the private and family life, his home and his correspondence;*
- *There shall be no interference by a public authority except such as is in accordance with law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the protection of health or morals or for the protection of the rights and freedoms of others’*

This convention affords maximum protection against invasion of privacy rights of an individual, however subject to national interest and in the larger interest of the public.

The Constitution of the United States of America

The First, Fourth and Fourteenth Amendments of the Bill of Rights interpreted to include Right to Privacy from unwarranted search or seizure and due process right for protecting right to privacy of person within family, marriage, motherhood, procreation, etc.

The UK Constitution

The Human Rights Act, 1998 incorporated the European Convention of Human Rights in UK law & Data Protection Act, 1998 regulates receiving, processing, retention etc., of personal data. However, there is no express Right to Privacy Law in UK.

There are quite many conventions which recognise the Right to Privacy. In all the conventions, the protection of human rights and dignity is of primary concern. The UK Human Rights Act was drafted in accordance with the ECHR, which provides ample protection in Article 8. It is in accordance with the conventions of the human rights, each country has framed in its constitution the right to privacy. The Indian Constitution has in its protection Article 19 and 21. However, comparatively to the individual rights, the rights of the society at large matter more and hence exceptions are provided in the said Articles like 'except according to the due process of law'.

CONCLUSION

The paper deals with the concept of 'Character Merchandising' under Copyright, Trademark and Industrial Design Act, along with case laws from United States of America, United Kingdom and India and how they have led to the evolution of character merchandising as we see it today.

Emphasis has been given on the growth of the concept of character merchandising in India with the help of case laws in the Intellectual Property Rights Domain. It is stated that the concept is though young with respect to the Indian jurisdiction yet, it has incorporated the essential features and protection which have been provided by the different countries.

Character Merchandising is a new concept which has gained importance in the last few decades and it is still growing with the licensors being able to merchandise different aspects of the characters, therefore, laws will have to keep pace with the changing nature of the concept so as to prevent exploitation and unauthorized use.
