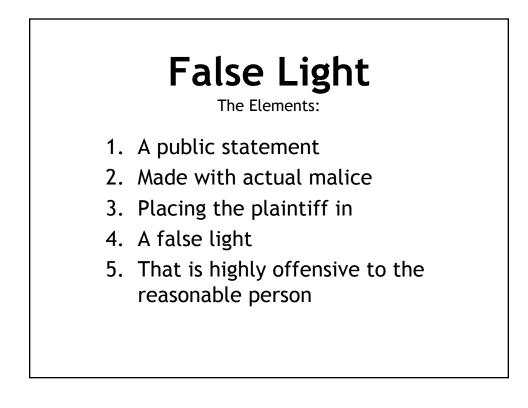
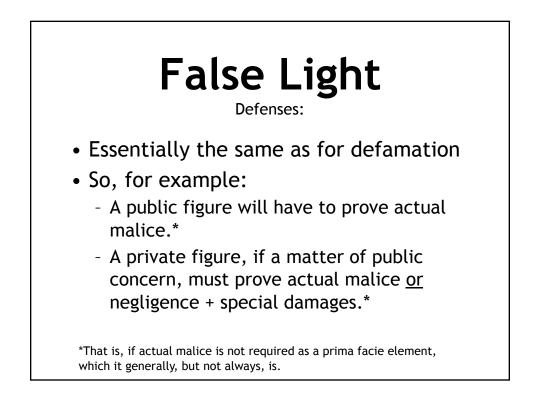
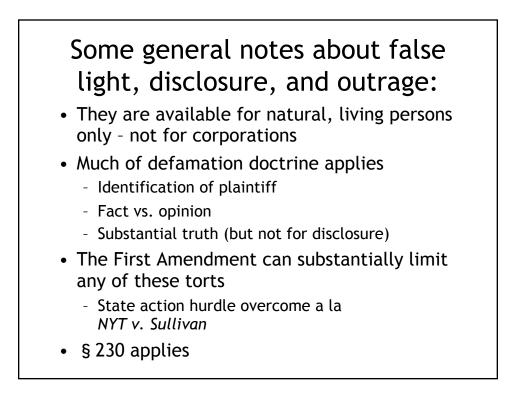


## Disclosure The Elements: A public disclosure Of private facts That is highly offensive to the reasonable person







## **Right of Publicity**

(a/k/a "Appropriation" or "Commercial Misappropriation") The Elements:

- 1. The commercial use
- 2. Of a person's name, voice, likeness, image, or other indicia of identity

**NOTE:** This blackletter formulation is overbroad. The scope of the doctrine is greatly limited by:

- First Amendment freedom of expression
- Copyright preemption
- Ad-hoc "spin"

Three circumstances where rights of publicity actions are commonly recognized:

- Endorsement/advertising
- Merchandising
- "Virtual impressment"





	To how many?	True or false?	Highly offensive?	Intent requirement?	After death?
Intrusion					
Disclosure					
False light					
Defamation					
Outrage / IIED					
Publicity right					

The Indignancy Matrix								
	To how many?	True or false?	Highly offensive?	Intent requirement?	After death?			
Intrusion	n/a	n/a	yes	intent	n/a			
Disclosure	public	true	yes	intent	no			
False light	public	false	yes	actual malice	no			
Defamation	1	false	no	[complex]	no			
Outrage / IIED	n/a	n/a	yes+ (extreme & outrageous)	intent or recklessness	n/a			
Publicity right	commercial	either	no	none	often			