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Stephen Zralek Discusses Recent Carmen Electra Name, Image, and Likeness Cases

Spencer Fane Bone McAllester attorney Stephen Zralek was recently featured in an article for IP Watchdog covering two recent name, image, and likeness (NIL) cases.

The article summarizes these cases where a nightclub used models, including actress Carmen Electra for online advertisements without permission. Stephen weighed in on the legal issues at play, including the brief in opposition filed by the nightclubs. He described the two types of claims plaintiffs can make in these types of NIL cases: "one for violating their right of publicity and one for false endorsement under the federal Lanham Act."

"[W]hen examining false endorsement claims, Electra's Supreme Court petition for certiorari highlights how federal courts are split on whether an individual must provide evidence of celebrity to recover, or whether mere commercial interest in one's name is sufficient," Stephen explained in the article. "On the other hand, when examining the right of publicity (which is a creature of state law), some courts have restricted the right to individuals who can establish their NIL has commercial value (such as celebrities), while courts in other jurisdictions have extended the right to all citizens, regardless of their fame or lack of fame."

To read the full article, please click here.