



Entertainment Law: Protection towards reality TV shows

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The substantial intellectual property (IP) issues have arisen as a result of reality television's explosive growth, especially with relation to contestant ownership and protection of their creations. Reality TV show contestants create creative works, whether in the fields of fashion, cooking, business pitches, or the arts, but the legal status of their ownership rights is still up for debate. Three main legal issues are examined in this paper: ownership and copyrightability, idea theft and format copying, and trademark and brand identification. Contractual agreements give contestants limited authority over their own work and frequently transfer rights to producing firms, raising the fundamental question of ownership. In order to assess the current protection gaps and propose a policy framework to guarantee equitable acknowledgement of contestant contributions in India's entertainment law environment, this study examines legal precedents and industry practices.

Keywords: Reality Television, Intellectual Property, Entertainment Law, Catchphrases, Copyright

It is projected that India's media and entertainment industry would bring in \$100 billion by 2030. Given the rapid expansion of the media and entertainment industry, it is critical to understand the role that intellectual property rights play in this field. The two most significant intellectual property rights in this sector are copyright and trademark. Copyright safeguards material from infringement and acknowledges the rights of creators, whereas trademarks protect movie titles, significant characters, and other film elements. However, as the industry expands, so does the issue of copyright, trademark, cybercrime, and intellectual property rights infringement. By ensuring its unhindered flow and always working to prevent misuse, the law and the courts promote innovation.

Intellectual property is a key component of the multi-crore reality television industry, which offers more than just entertainment. Reality show competitors often create unique material, ranging from dance moves and fashion creations to spontaneous catchphrases. The Indian legal system is still unclear about who is the rightful owner of these artistic creations, though. Reality TV, in contrast to scripted television, blurs the boundaries between platforms, performers, and producers, posing difficult issues with IP rights enforcement, credit, and ownership.

Using Trademark and Copyright Law to Apply to Content Created by Contestants

There are many intricate details involved in applying copyright and trademark law to reality TV. For instance, creative statements are often protected by copyright law, but concepts are not. The contestant's claim over derivative works is complicated by reality TV producers' claims that the program owns the forms and challenges created for participants. Courts have typically maintained that copyright protection does not extend to broad forms or concepts employed in reality TV, which is consistent with the idea-expression split outlined in U.S. copyright law.

Another level of intricacy is introduced by trademark law. Even though competitors could create names or logos for their works during the competition, these components are frequently regarded as part of the show's intellectual property. According to a study published in Pepperdine's journal, participants' post-show chances for brand growth are limited when they are prohibited from independently trademarking these assets. Therefore, in order to participate, contenders must either secure specific rights to their material or look for innovative alternatives outside of standard IP protection, which is seldom possible.

Research Methodology

Using a doctrinal and qualitative methodology, this study examines the legal examination of intellectual

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property rights in relation to Indian reality television. Statutes like the Copyright Act of 1957 and the Trade Marks Act of 1999, as well as seminal rulings like *Amarnath Sehgal v Union of India*, *RG Anand v Deluxe Films*, and *Civic Chandran v Ammini Amma*, serve as key materials for the research. International recommendations issued by organisations such as WIPO and FRAPA are examples of secondary sources. To evaluate how agreements affect participants' rights, entertainment industry contracts are reviewed. In order to highlight global best practices and reform opportunities that are pertinent to India, comparative views from countries such as the United States and the United Kingdom are also incorporated.

Discussion

Ownership and Copyrightability

A creative work's creator is its original owner, under the Copyright Act of 1957, unless the work was produced as part of an assignment or service agreement. This idea gets hazy in the setting of reality television. Agreements that give the production firm complete rights are frequently signed by contestants. However, their performances—whether they be comedic, culinary, or creative songs—may be considered “works” under the Act.

Through participation agreements, producers usually claim broad rights, but it is important to examine the legal basis and equity of these assertions. In light of copyright, trademark, and contractual issues, the purpose of this article is to examine the degree to which reality show performers' creative contribution is acknowledged and protected under Indian intellectual property (IP) law. This study tackles this new problem in entertainment law by combining comparative legal viewpoints with doctrinal analysis. The Delhi High Court, for example, upheld the author's moral rights even after ownership was transferred in *Amarnath Sehgal v Union of India* (2005), emphasising the artist's ongoing ties to the piece. Similar to this, the Kerala High Court acknowledged the importance of performance as a type of authorship in *Civic Chandran v Ammini Amma* (1996), particularly in theatrical contexts. This idea might be applied similarly to reality television.

“Original literary, dramatic, musical, and artistic works,” including expressions based on performances, are protected under the Copyright Act of 1957. Such

emotions are often spontaneously produced by reality TV competitors, whether through a spontaneous musical composition, a rehearsed dance routine, or a distinctive performance style. It is still unclear if the candidate has any remaining rights to their original creative contributions, even though the producer may assert ownership of the televised video.

Idea Theft and Format Copying

Indian copyright law does not extend protection to mere ideas, procedures, or methods of operation. This has significant implications for reality show formats. In *RG Anand v Deluxe Films* (1978), the Supreme Court clarified that only the expression of an idea—not the idea itself—is protectable. As a result, even if a show format is copied, unless the expression is identical, legal remedies are limited.

However, standard contestant contracts often include sweeping assignment clauses. The fairness and enforceability of these contracts must be analyzed under Section 19 of the Copyright Act, which mandates clarity and specificity in assignments. Courts could use this provision to examine whether blanket assignments in reality TV violate statutory requirements. Producers attempt to mitigate this gap through a combination of contractual clauses, trademarks, and international registration. Organizations like FRAPA (Format Recognition and Protection Association) facilitate format protection globally but have no binding legal authority in India. Nonetheless, industry players may voluntarily adopt FRAPA guidelines to assert ownership and licensing control.

In the absence of statutory format rights, reliance on copyright and trade dress becomes necessary. Indian courts have occasionally protected the ‘look and feel’ of television programming when substantial similarity can be established, such as in *Krishna Kishore Singh v Sarla A. Saraogi & Ors.* (2021), which addressed the portrayal of real-life personalities in entertainment media.

Copyright law's foundational principle—the idea-expression dichotomy—asserts that while ideas are free, the unique expression of those ideas is protectable. In the context of reality television, however, this principle becomes challenging to apply. Participants in shows like Project Runway or MasterChef work within producer-defined themes, generating content under structured conditions. As a result, determining whether the creative output truly originates from contestants or is co-authored with producers becomes murky.

Specific components—dialogues, performances, and catchphrases—may be considered protected expressions, but broad notions like talent searches or survival contests are not protected as ideas. Nevertheless, courts in India and the United States have opposed granting copyright to formats. U.S. courts dismissed allegations that *The Apprentice* plagiarised an earlier reality show concept in *Bethea v Burnett* (2005), highlighting that the formula lacked enough uniqueness to merit protection.

Guidelines are provided in *Zee Entertainment Enterprises Ltd. v Sony Pictures Networks* in India. The lawsuit concerned an allegation that Zee’s “India’s Best Dramebaaz” was imitated in Sony’s “Sabse Bada Kalakar.” Despite acknowledging Zee’s goodwill, the Bombay High Court determined that the overall program structure and concept in question did not reach the copyright threshold.

Additionally, participants frequently use contracts and disclosures to give up their rights. Their contributions are encased in producer-owned frameworks, even though they may be unique. The American Idol case in the United States, where previous participants claimed that musical compositions were repeated without their agreement, provides a pertinent analogy. Similar to this, given the contractual requirements of the sector, players seldom ever maintain control under Indian law. In situations when contestant-created works exhibit uniqueness in selection and arrangement, compilation protection under *Feist Publications v Rural Telephone Service* (1991) may be applicable. However, courts have not applied similar logic to reality show performances that are just temporary. As a result, legal certainty is still elusive.

Trademark and Brand Identification

Catchphrases

Contestants’ or judges’ catchphrases frequently turn into memorable phrases that catch the public’s attention and become viral. Examples of this tendency include “Kya Baat Hai!” from reality dance programs and “Thoda Ruk Shah Rukh” from Bigg Boss. Legally speaking, catchphrases that become unique and assist to identify origin may come under the purview of the Trade Marks Act of 1999. The Indian judiciary has not yet taken a firm stand on the protection of celebrity catchphrases through copyright and trademarks. But since taglines and company slogans are legally protected, it stands to

reason that celebrity catchphrases may be given the same respect.

In *Godfrey Phillips India Ltd. v Dharampal Satyapal Ltd. & Anr.*, the Delhi High Court ruled that “Shauq Badi Cheez Hai” was a common phrase and thus not eligible for copyright protection. However, it could still be protected under the passing-off law if distinctive goodwill and reputation were established. Similarly, in *Reebok India v Gomzi Active*, the Karnataka High Court stated that a slogan must acquire a secondary meaning and distinctiveness to qualify for trademark protection. The phrase “I am what I am” was deemed too generic to be granted exclusive rights. Conversely, in *Raymond Limited v Radhika Export and Anr.*, the Bombay High Court acknowledged that Raymond’s slogan, “The Complete Man,” had built substantial goodwill over time, warranting legal protection. These cases indicate that for a celebrity catchphrase to gain legal recognition in India, it must demonstrate distinctiveness, goodwill, and market reputation.

The legal framework in India regarding the intellectual property rights of celebrity catchphrases remains ambiguous. However, established precedents in trademark law concerning brand slogans and taglines provide a foundation for extending protection to celebrity phrases. Internationally, countries like the United States grant trademark protection based on factors such as creativity, distinctiveness, and strong brand association. For example, Cardi B’s attempt to trademark “Okurr” was denied due to its widespread usage, whereas Disney successfully secured the trademark for “Hakuna Matata” in 2003 due to its significant association with *The Lion King*, though its use was restricted to specific product categories.

For many celebrities, securing intellectual property rights for their catchphrases is crucial for protecting their brand identity and commercial interests. While India’s copyright laws remain stringent in this regard, trademark laws provide a viable avenue for obtaining legal protection. Strengthening legal clarity on this subject would further empower celebrities and businesses to capitalize on their unique catchphrases while preventing unauthorized exploitation.

One possible solution is for contestants to register their trademarks early to establish legal ownership before the network can claim them. Some jurisdictions allow for provisional trademark applications, which contestants could use as a

protective measure while on the show. Intellectual property disputes in reality TV highlight the complex interplay between contestant creativity and network control. While reality TV provides a powerful platform for aspiring creators, it also exposes them to significant legal vulnerabilities. Addressing issues of ownership, idea theft, and trademark disputes requires clearer legal frameworks, contract reforms, and greater awareness among contestants about their intellectual property rights. By implementing these measures, the entertainment industry can ensure fair recognition and protection for contestant contributions while balancing the interests of networks and producers.

Contestants' catchphrases, distinctive looks, or business ideas can develop into personal brands as they become more well-known. Networks, on the other hand, usually assert ownership, claiming that the celebrity was a result of their platform. There are protection options under trademark law, however these options are debatable. The scope for contestants seeking protection was limited by the U.S. Supreme Court's decision in *Dastar Corp. v Twentieth Century Fox Film Corp.*, which made it clear that trademark law should not be used in place of copyright when asserting authorship. Similar misunderstanding still exists in India. Only if distinctiveness and consumer connection can be proven can a contestant's brand, including stylised slogans or items, be registered.

Illustratively, in *Drag Race*, contestant Crystal sought to trademark a catchphrase coined during the show. Legal friction with the producers followed, indicating the need for clearer ownership policies. Contestants must strategically secure trademarks early, ideally before public use dilutes their claim.

Catchphrases often become cultural markers, as seen with globally recognized lines like Nike's "Just Do It" or Taylor Swift's "This Sick Beat." In India, public figures like Navjot Singh Sidhu ("Thoko Taali") and brands like Thums Up ("Taste the Thunder") illustrate how slogans merge identity and commercial appeal. For reality TV contestants, a well-received phrase can evolve into a personal brand asset. Yet without early legal registration, producers may exploit these phrases commercially.

To balance rights, Indian IP law should evolve to accommodate dynamic media formats. Recognition of co-authorship under certain circumstances, reforms to include show-specific IP categories, and contractual guidelines to protect contestants' post-show interests

are necessary. Contestants should also be educated on IP protection prior to participation, equipping them with tools to retain control over their creations.

Conclusion

Reality television in India occupies a unique space at the intersection of creativity and commerce. Yet, the intellectual property rights of the very individuals who generate this content remain precariously protected. This paper has highlighted key doctrinal conflicts, including the ambiguity around format rights, the undervaluation of catchphrases and personal branding, and the lack of clarity in ownership agreements. The situation is analogous to the use of celebrity names and slogans in merchandise, which Indian law addresses under passing off and misappropriation. Still, a legislative clarification or judicial precedent is needed to determine whether contestant catchphrases should be jointly owned or eligible for profit-sharing. Despite the doctrinal insights, understanding the real-world implications of IP law in reality TV requires empirical investigation. Interviews with former contestants, contract lawyers, and producers could illuminate the actual practices surrounding rights assignment. Preliminary insights suggest that many contestants lack legal literacy and sign contracts without understanding the implications. There is often no negotiation process, especially for first-time participants. Industry standards rarely include royalty models for repeat broadcasts or merchandise use, even when contestants' personas and phrases are central to the show's success. Policymakers should consider instituting mandatory disclosures and consent procedures modeled on the film industry. Reality shows should provide a summary of IP clauses and offer contestants an opportunity for independent legal consultation before signing contracts. Legal reform is necessary—not only to update IP statutes to reflect digital and broadcast realities—but also to ensure that the law values the voices and contributions of performers. In the meantime, the judiciary, producers, and IP practitioners must find ways to interpret existing laws more equitably and promote fairer contracting practices.

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