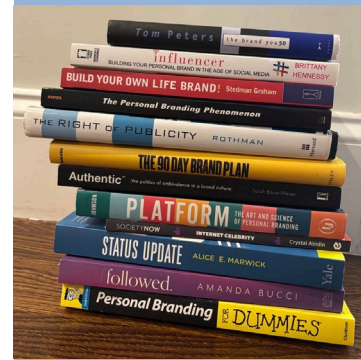
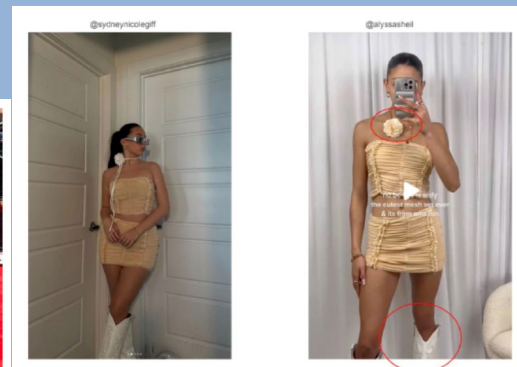


Litigating Personal Brand: Intellectual Property & the Construction of Self

Alexandra J. Roberts

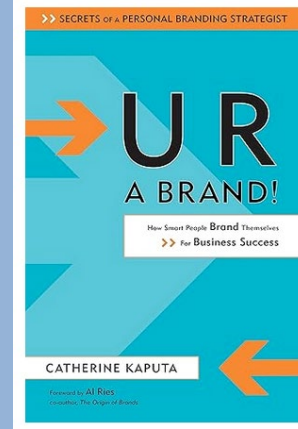
Northeastern University School of Law

IPSC Aug. 7-8, 2025

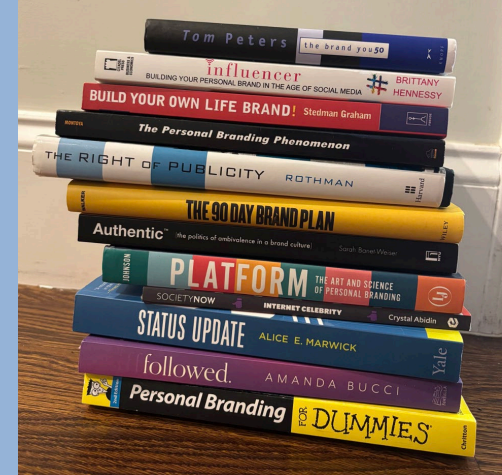


Personal brand (popular)

- Tom Peters: “Starting today you are a brand,” just like Nike & McDonald’s
- Stedman Graham: personal branding is “marketing people & their attributes as if they were products”
- Catherine Kaputa: “What you want to do is burn in a single-minded identity at every touch point, producing a consistent brand experience”
- Personal brand, personal branding, human brand



Personal brand (academic)



- Lair et al: “the rhetoric of personal branding encourages & endorses the process of turning oneself into a product—in effect, engaging in self-commodification.”
- Alison Hearn: “the glossy packaging of the self and the unrelenting pursuit of attention”
- Alice Marwick: “self-branding is intrinsically linked to the features of social media technologies that make self-promotion on a wide scale possible”

IP concepts embedded in personal brand



Trademark

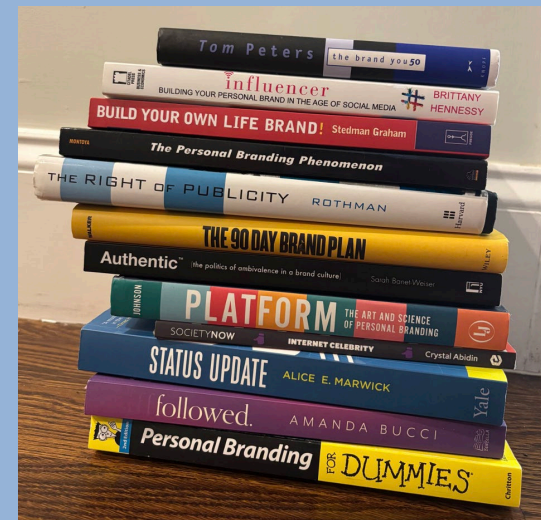
- Distinctiveness, differentiation, uniqueness
- Goodwill, consistency
- Packaging, labeling
- Slogans, taglines

Copyright

- Story, storytelling
- Narrative
- Creativity

Right of Publicity

- Name
- Image, appearance
- Persona, identity



Personal Brand as Property



Lawyers:

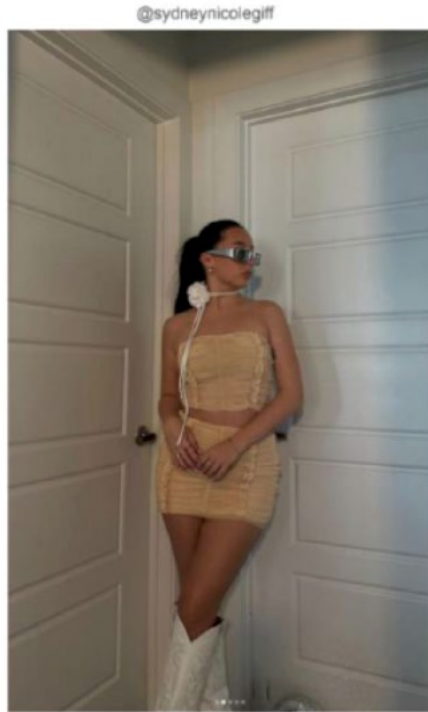
- **“Personal branding is a legal asset”**
- **“Part of having a personal brand is to monitor it & make sure that others are not using your brand without your permission”**
- **“Keep an eye out for unauthorized uses of your brand or IP, & if you come across any, take legal action immediately to put a stop to it”**
- **Registering TM & © “can safeguard your investment [in your personal brand] & enhance your ability to monetize your following effectively”**

Personal Brand Stories: Sydney Nicole Gifford

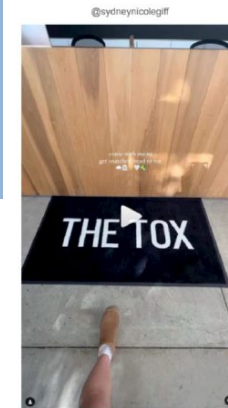
Bad influence

One Amazon influencer makes a living posting content from her beige home. But after she noticed another account hawking the same minimalist aesthetic, a rivalry spiraled into a first-of-its-kind lawsuit. Can the legal system protect the vibe of a creator? And what if that vibe is basic?

If you buy something from a Vine link, this studio may earn a commission. [See our affiliate statement.](#)



Can You Copyright a Vibe?
One influencer is suing another, accusing her of copying her minimalist aesthetic on social media. It turns out there is a lot of gray area in shades of beige.



<https://www.instagram.com/reel/CyIBzOZeg/>

Posted 10/19/2023

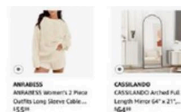


<https://www.instagram.com/reel/CzHwKcp4Ab/>

Posted 11/3/2023



my most basic lounge set + ached minor x3 size reference: 5'10" and 115 and size up to M in this set for a comfy fit



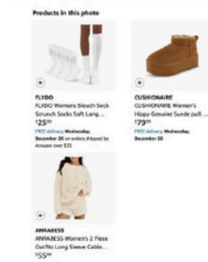
AMAZON
Amazon's Choice for 'Beige Long Sleeve Cable Knit Top'.



COSULAND
COSULAND's Choice for 'Beige Long Sleeve Cable Knit Top'.

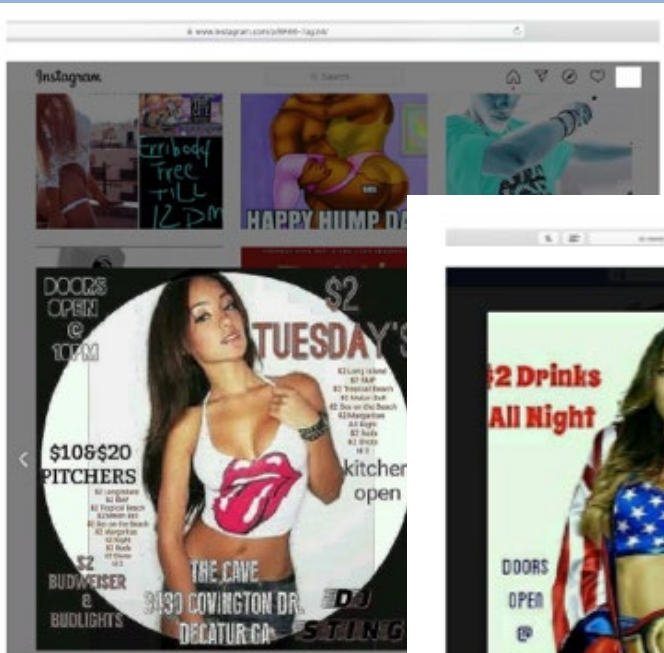


neutral neutral set #10/10/2023

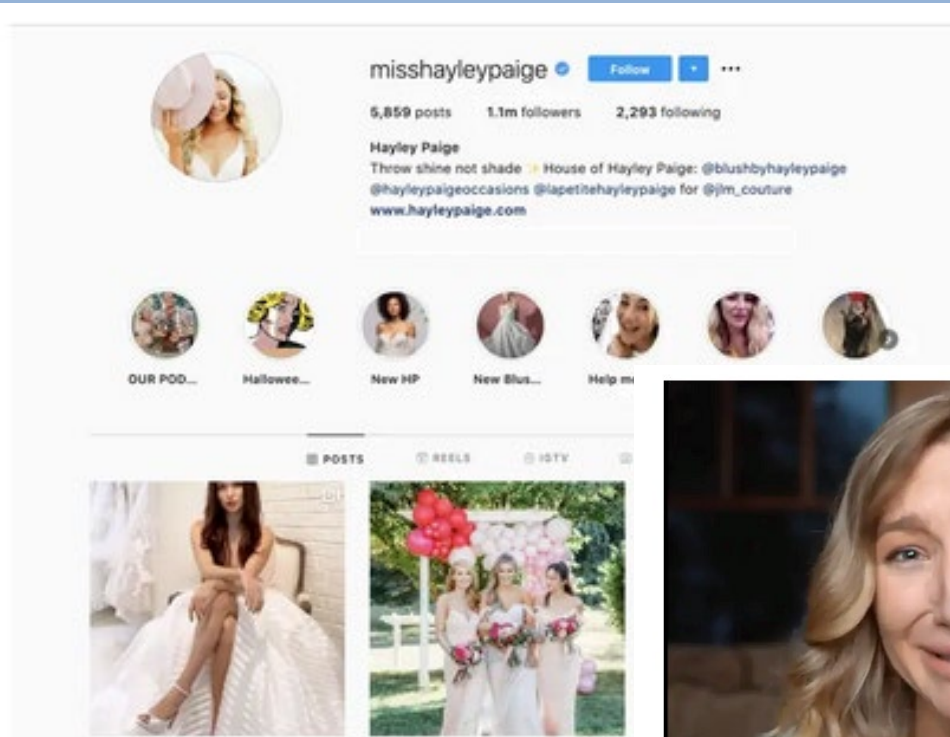


AMAZON
Amazon's Choice for 'Beige Long Sleeve Cable Knit Top'.

Personal Brand Stories: Carmen Electra & friends



Personal Brand Stories: Hayley Paige



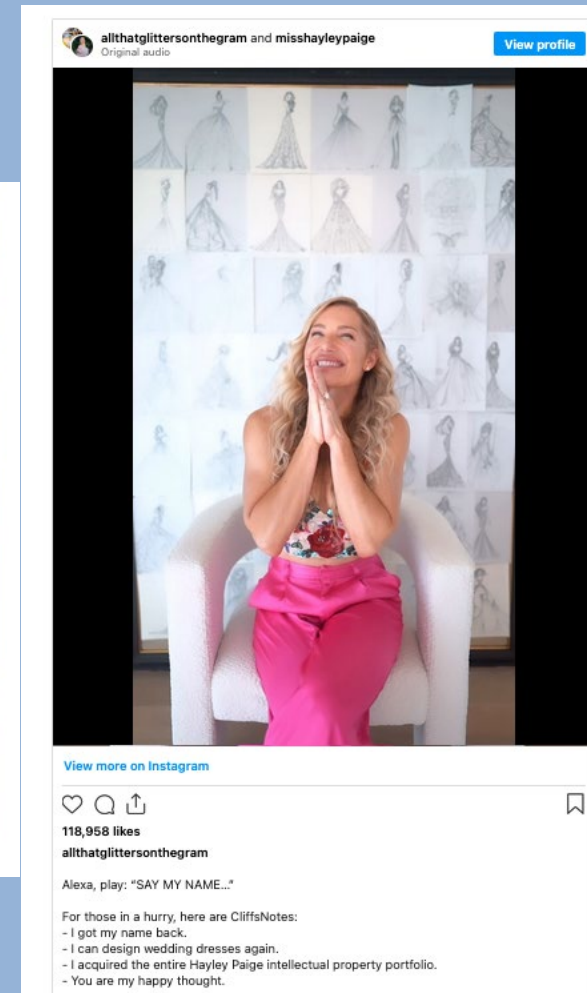
A screenshot of the @misshayleypaige Instagram page. @missh



A post on the Hayley Paige Instagram account promotes goods from another company. Hayley, Paige Gutman/JLM Couture/Instagram



Gutman's December 21 Instagram video went viral. Hayley Paige Gutman/Instagram

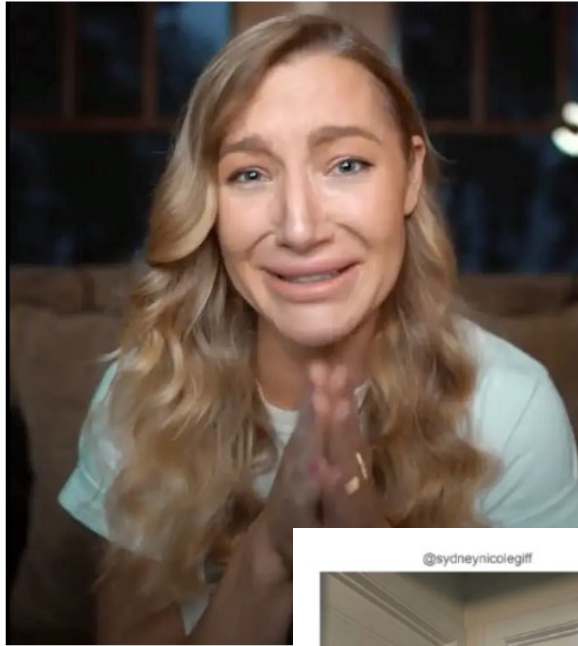


Personal Brand Stories: OMG Girlz

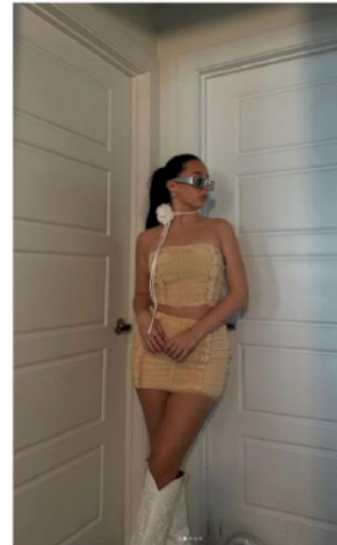


Judge slashes T.I. and Tiny's \$53M lawsuit to just \$1

Is personal brand a form of IP?



Gutman's December 21 Instagram video went vir



Personal brand(ing)

- *Personal brand* is a set of characteristics of an individual...rendered into the differentiated narrative & imagery to establish a competitive advantage in the minds of the target audience
- *Personal branding* is a strategic process of creating, positioning, & maintaining a positive impression of oneself...

