



# Protection of Voice Rights in the Era of Artificial Intelligence: An Analysis of the Personality Rights Dispute Case between Yin Mouzhen and a Beijing Intelligent Technology Company

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**Abstract.** In the era of artificial intelligence, the right to voice lacks dedicated legislation. There are also no clear regulations for ruling on AI-generated voice infringement cases. This article analyzes the personal rights dispute between Yin Mouzhen and a Beijing-based intelligent technology company. It discusses the criteria for judging if AI-generated voice use infringes voice rights, the identification of responsible parties, and compensation for such infringements, and it also offers legislative and judicial recommendations to protect personal voice rights in the context of AI.

**Keywords:** Artificial Intelligence (AI), Personal Rights, Voice rights, Voice Rights Infringement.

## 1 Introduction

Recently, the use of AI technology to clone singers' voices and apply them to other artists' songs has become increasingly common on various video platforms. For example, users have used AI to clone singer Na Ying's voice and apply it to songs by singer Faye Wong. The AI-processed music is then released on music platforms or short video platforms to gain online attention and traffic. With the continuous development of artificial intelligence (AI), AI-powered speech synthesis technology has become widely used. Voice simulation software such as DeepVoice and ElevenLabs can now clone natural human voices input by users, achieving a realistic effect. AI-powered speech synthesis technology achieves this imitation of natural human voices through the learning and imitation capabilities of artificial intelligence. However, its misuse can lead to fraud and infringement of personal voice rights. Given this situation, China's judicial practice regarding AI-powered speech generation technology is still incomplete. In the absence of an independent voice right, the identification, allocation, and liability for voice infringement arising from AI-powered speech generation technology remains unclear. Therefore, this article uses the case of Yin Mouzhen v. a Beijing-based intelligent

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technology company as an example to discuss the types of infringement and the division of liability associated with AI-powered speech generation.

## 2 Statement of the Issue

Regarding the issue of AI-generated voices infringing upon personal voice rights, the Supreme People's Court's judgment in the case of Yin Mouzhen v. a Beijing intelligent technology company (No. (2023) Jing 0491 Minchu 12142)<sup>[1]</sup> on personal rights disputes has guiding significance for the adjudication of voice rights infringement issues brought about by AI voice synthesis and cloning technologies.

### 2.1 Basic Facts of the Case

In the personality rights dispute case between Yin Mouzhen and a Beijing-based intelligent technology company, plaintiff Yin Mouzhen, a professional voice actor with a recognizable voice, sued the Beijing-based intelligent technology company, a Beijing-based cultural media company, a China Software Company, a Shanghai-based network technology company, and a Beijing-based technology development company for obtaining his voice work through non-public channels, using artificial intelligence to learn and clone a voice highly similar to Yin Mouzhen's, and then, without Yin Mouzhen's authorization, directly using the AI-generated voice through text-to-speech products for commercial purposes. Yin Mouzhen claimed that the defendants' actions seriously violated his voice rights and affected his public image.

### 2.2 The Court's Views

(1) The voice generated by AI based on the plaintiff's voice falls within the range of the voice right.

Based on Article 1023, Paragraph 2 of the Civil Code of China, which provides for the protection of voice rights, the court stated that whether a voice processed by AI falls within the range of protection of voice rights depends on whether the voice can be used to associate or identify the specific natural person who owns the original voice. During the first instance trial of this case, after an on-site inspection and on-site use of the defendant's text-to-speech product to perform AI-generated voice operations, the court confirmed that the AI voice in this case was highly consistent with the natural person voice of the plaintiff, Yin Mouzhen, and could be used to identify Yin Mouzhen himself. Therefore, the AI-generated voice of Yin Mouzhen in this case falls within the range of voice rights, and the defendant infringed on Yin Mouzhen's voice.

(2) The defendant does not have the legal right to use Yin Mouzhen's voice.

Article 1023, Paragraph 2 of the Civil Code of China stipulates that the protection of voice rights can refer to the relevant legal provisions on the protection of portrait rights, while Article 1019 of the Civil Code of China stipulates that no individual or organization may use information technology to forge or infringe upon the portrait rights of others, and may not disclose the portraits of others without the consent of the

portrait rights holder. This also means that no one may forge or infringe upon the voice rights of others, and no one may disclose the voice information of others without the permission of the voice rights holder. In this case, based on factual evidence, Yin Mouzhen himself did not authorize the defendant to use his voice information. The defendants, a Beijing cultural media company, and a Chinese software company, signed the contract without Yin Mouzhen's knowledge and consent. Therefore, the defendant does not have the legal right to use Yin Mouzhen's voice, and his voice rights have been infringed.

(3) The court divides liability based on the defendant's subjective malice in audio infringement.

In this case, all five defendants infringed upon the plaintiff, Yin Mouzhen's voice rights and should bear corresponding legal liability in accordance with relevant regulations. The defendants, Beijing Cultural Media Company and China Software Co., Ltd., privately used AI technology to generate Yin Mouzhen's voice without Yin Mouzhen's knowledge and consent and profited from it, infringing upon Yin Mouzhen's voice rights and causing a certain degree of damage to his reputation. They are required to compensate Yin Mouzhen for his economic losses and issue a written apology. Meanwhile, Beijing Intelligent Technology Company, Shanghai Internet Technology Company, and Beijing Technology Development Company merely provided AI-generated voice technology or unknowingly purchased or used AI Yin Mouzhen's voice. They lacked intent or subjective fault in infringing Yin Mouzhen's voice rights and therefore are not liable for compensating Yin Mouzhen for his economic losses.

### 2.3 Analysis of the Court's Views

According to the ruling in the personal rights dispute between Yin Mouzhen and a Beijing-based intelligent technology company, different responsible parties bear different forms of liability and are required to pay varying levels of compensation. In this case, the defendants—a Beijing-based cultural media company and a China-based software company—used artificial intelligence technology to simulate the plaintiff Yin Mouzhen's voice for profit without authorization, constituting an infringement of his voice rights. As the primary users of the AI-generated voice technology and the initiators and profiteers of the infringement, these two defendants demonstrated both intent and negligence. Their actions amounted to direct infringement, requiring them to provide financial compensation and a written apology. At the same time, a Beijing-based intelligent technology company, a Shanghai-based network technology company, and a Beijing-based technology development company were the developers of AI voice technology. They were unaware of how the technology was used and therefore unknowingly facilitated infringement. Since they did not participate in cloning Yin Mouzhen's voice for profit, their actions constitute contributory infringement. As a result, the three AI voice technology developers did not demonstrate intent or negligence and are not required to pay financial compensation to Yin Mouzhen.

However, the court's approach was based on a comprehensive consideration of various factors. The author believes that:

First, the court's opinion lacks clarity regarding the criteria for determining the scope of protection of voice rights. The standard for determining whether AI-generated voices are identifiable and highly consistent with the original natural person's voice is too personalized and vague, potentially leading to varying judgments in similar cases.

Second, the court's direct reference to the rules governing portrait rights in determining the defendant's infringement of voice rights is appropriate and innovative, but also has limitations and shortcomings. For example, voices are intangible, making it difficult to link them to a specific natural person through the use of portrait rights. The court's ruling in this case did not clarify whether authorization from the original natural person is required when a voice "forged through information technology" differs slightly from the original voice, nor whether it constitutes a forgery.

Third, it is reasonable for the court to divide liability based on subjective malice, but there may be the following problems: exempting technology providers from liability for compensation will lead these technology providers to ignore their copyright review obligations when producing such products, and their obligation to inform themselves of relevant precautions regarding infringement of generated content when selling the products, thereby contributing to the increase in the number of AI infringement cases.

### **3 Definition of Voice Rights**

From the perspective of acoustic principles, sound is determined by loudness, pitch, and timbre. Because each person's timbre is unique and varied<sup>[2]</sup>, a person's voice is highly recognizable. Consequently, a person's voice is specific to that person and, under legal protection, is considered a personal right<sup>[3]</sup>. It's important to emphasize that voice rights protect the sound itself, not the content or product of the sound<sup>[2]</sup>.

#### **3.1 Definition of the Right to Voice under China's Domestic Law**

China's existing laws have made the following provisions for the protection of voice rights: Article 1023 of the Civil Code of China made provisions for the protection of voice for the first time, stipulating that "the protection of natural persons' voices shall refer to the relevant provisions on the protection of portrait rights". Regarding portrait rights, Article 1018 of the Civil Code of China stipulates that a portrait is the identifiable external image of a specific natural person reflected on a certain carrier through images, sculptures, paintings, etc.; Article 1019 stipulates that no organization or individual may use information technology to forge or infringe upon their portrait rights, and the portrait of a portrait right holder shall not be disclosed without the consent of the portrait right holder.

According to Article 1023 of the Civil Code, although China does not have separate legislation on voice rights, it does protect voice rights through the same provisions as those for portrait rights. Because voice and portrait share similar principles, functions, and inherent value in identifying natural persons, Article 1018 of the Civil Code of China is applied by reference, stating that voice rights encompass the production, use, disclosure, and licensing of voice use. The provisions on voice rights protect the voice

of a natural person who can identify a specific individual from infringements of voice rights, such as those caused by fabrication using information technology.

Because China currently does not have an independent law to protect the right to voice, nor has it introduced any artificial intelligence laws, the penalties for voice infringement rely on relevant provisions on personal rights such as portrait rights. This, to a certain extent, imposed restrictions and difficulties on the adjudication of sound rights infringement cases and artificial intelligence-generated sound infringement cases, the clarification and division of responsibilities, and the judgment of compensation for voice rights infringement.

### **3.2 Definition of Voice Rights in U.S. Law**

In the United States, where artificial intelligence is rapidly developing, legal protection of voice rights is primarily based on the theory of the Right of Public, which protects the personal and property interests of natural persons in their voices<sup>[4]</sup>. Some states have adopted statutes to explicitly protect voice rights. In California, California Code, Civil Code-CIV § 3344 states that anyone who knowingly uses another person's name, voice, signature, photograph, or likeness in any manner on or in products, merchandise, or goods, without the prior consent of the other person or the prior consent of the minor's parent or legal guardian, for the purpose of advertising, selling, or soliciting the purchase of products, merchandise, goods, or services, shall be liable for any damages suffered by any person injured thereby<sup>[5]</sup>. In judicial practice, past cases concerning voice rights have also helped define the infringement of voice rights in American case law. In *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992), Frito-Lay, Inc. produced a radio commercial for "SalsaRio Doritos" and, after singer Tom Waits, known for his distinctive raspy voice, declined to appear in the commercial, sought a singer to impersonate him. The jury found that Waits's well-known and distinctive voice could directly mislead listeners into believing it was actually Waits, and that Frito-Lay, Inc.'s actions were intentional and motivated by commercial gain. Therefore, under California's right of publicity law, the jury and court found that Frito-Lay, Inc. had infringed Waits's rights<sup>[6]</sup>. The case also points out that under US law, according to the Right of Public, a unique voice can become the exclusive mark of a specific natural person, and acts such as simulating the voice without permission to obtain commercial benefits are all infringements of voice rights.

### **3.3 The Current Judicial Status of Voice Rights in China**

Unlike the United States, where the right of publicity protects voice rights<sup>[2]</sup>, current judicial practice in China regarding voice rights relies on legal provisions governing general personality rights, such as the right of portrait. The Civil Code of China protects voice rights as a personal right, emphasizing the personal nature of voice rights while not specifying their economic benefits<sup>[7]</sup>. While Article 1023 of the Civil Code of China allows the Chinese judicial system to refer to relevant provisions regarding the right of portrait when adjudicating infringements of voice rights, Article 990 of the Civil Code of China does not recognize voice rights as an independent, specific personal right.

Therefore, voice rights in China currently fall outside the scope of general personality rights protection. In cases involving voice rights infringement, judges must determine whether the infringer has violated the personal freedom and rights of others<sup>[4]</sup>, which makes the standard for determining infringement overly reliant on judicial decision-making and lacks clarity.

## **4 Identification of Sound Rights Infringement Patterns Induced by Artificial Intelligence Technology**

According to the Supreme People's Court's ruling on the personal rights dispute case between Yin Mouzhen and a Beijing intelligent technology company, legal rules on infringement by artificial intelligence voices can be constructed based on this.

### **4.1 The Recognizability of Voice is a Prerequisite for its Legal Protection**

Due to the natural variations in vocal organs, such as vocal cords, a natural person's voice is generally unique and stable. Like portrait rights, voice rights offer identifiable identity and can be used to link or identify a specific natural person<sup>[4]</sup>. Given these shared characteristics, Article 1023 of the Civil Code of China stipulates that the protection of a natural person's voice can be referenced to provisions protecting portrait rights. Article 1018 of the Civil Code of China, regarding portrait rights, defines portrait as the recognizable external image of a specific natural person as reflected on a specific medium, such as an image, sculpture, or painting. Therefore, if an AI-generated voice can reflect the voice characteristics of a natural person and be linked to that person, then that person's voice is protected by voice rights. In the case of Yin Mouzhen, the AI-generated voice of Yin Mouzhen, generated using a text-to-speech product, was highly consistent with Yin Mouzhen's natural voice in timbre, intonation, and pronunciation style, and could be specifically attributed to Yin Mouzhen. Therefore, the AI-generated voice also falls under voice rights and meets the criteria for determining infringement. In summary, to determine whether an AI-generated or cloned voice infringes upon the original natural human voice, the first consideration should be whether the protection scope of the voice right includes the AI voice. Specifically, whether the timbre, intonation, and other information conveyed by the voice can identify or be associated with a specific natural person. If the AI-generated voice can help locate a specific natural person, then infringement has occurred; otherwise, infringement has not occurred under the relevant provisions on voice rights protection.

### **4.2 Users of AI Voice Generation Technology Must Obtain the Legal Right to Use the Original Natural Person's Voice**

Personal rights emphasize personal dignity and also encompass the protection of personal property. Voice, as an asset that can be profitably exploited, also possesses property-like characteristics in its associated voice rights<sup>[4]</sup>. For example, when using voice

as a profit-making tool in commercial transactions, individuals have the right to authorize others to use their natural voices, granting others the legal right to use their voices. The Civil Code stipulates that the protection of voice rights is analogous to the protection of portrait rights. Article 1019 of the Civil Code stipulates that no organization or individual may infringe upon a person's portrait rights by forging or otherwise using information technology, and that the portrait of a person with portrait rights may not be disclosed without the consent of the portrait rights holder. Therefore, individuals and organizations cannot use artificial intelligence technology to simulate a person's voice and generate a highly consistent voice without legal authorization to use the person's voice, nor can they disclose the AI voice without the person's knowledge and consent. In the case of Yin Mouzhen, the defendant company, while violating the lawful right to use Yin Mouzhen's voice, used artificial intelligence to learn Yin Mouzhen's voice and generate an AI voice that was highly similar to Yin Mouzhen's. Without Yin Mouzhen's knowledge and consent, the company used the AI voice in commercial projects to profit, infringing Yin Mouzhen's voice rights. In summary, when determining whether the generation of voices by artificial intelligence technology infringes on voice rights, factual evidence is required as to whether the user of artificial intelligence voice generation technology has obtained the lawful right to use the original natural person's voice. If the user of AI technology uses artificial intelligence to simulate or forge a natural person's voice without obtaining the right to use the voice, and uses or disseminates it in public and profits from it, this constitutes an infringement of the voice right; otherwise, it does not constitute an infringement of the voice right.

## **5 Legal Application Suggestions for the Civil Law Protection of Voice Rights**

### **5.1 Clarifying the Definition of Specific Personality Rights to Include Voice Rights**

While the case of Yin Mouzhen v. a Beijing intelligent technology company et al. in a personality rights dispute provides a precedent and guidance for judicial decisions regarding infringements of natural persons' voices generated and processed by AI technology, where the voices originally belong to natural persons without authorization and fall within the scope of protection for natural persons' voices, there are still areas for improvement in the issue of AI voice infringement, and the legal boundaries of specific personality rights need to be clarified urgently. With the rapid development of AI technology, the need for legislative protection of voice rights is increasing<sup>[2]</sup>. Specifically, voice rights should be given the status of specific personality rights, with separate legal provisions supporting the adjudication of such cases, rather than solely relying on the relevant provisions on portrait rights (which are categorized as specific personality rights in the Civil Code of China, but which do not recognize the specific personality rights status of voice rights). Portrait rights cannot completely replace voice rights in judicial proceedings. Compared to portraits, voices have intangible characteristics that are difficult to directly attribute to natural persons<sup>[4]</sup>. Therefore, rulings on voice rights

infringements involving malicious destruction and defacement of portrait rights are unlikely to be relevant or useful in judicial decisions<sup>[8]</sup>. If voice rights were given the status of specific personality rights, the adjudication of unique voice infringements, such as misappropriation and imitation, would be more clearly defined.

## **5.2 Establishing Clear Rules for Determining Infringement of Voice Rights**

First, accelerate the development of legal provisions related to AI-generated voice technology. Particularly in the AI sector, legislative protection of voice rights will benefit both the trial and adjudication of cases. Unlike the right to one's image, voice, as an intangible personal characteristic, presents a certain degree of difficulty in identifying natural persons<sup>[4]</sup>. AI-generated voices further increase this difficulty. Therefore, to protect the voices of natural persons using AI-generated voice technology, legislation is needed to require that all AI-generated voices must be labeled with the original natural person's information with the informed consent of the original voice, ensuring that each AI-generated voice can be traced back to the original natural person. Such legislative improvements can help determine, in the event of AI-generated infringement, whether the natural person who created the voice authorized their natural voice, whether the AI-generated voice is being used for commercial purposes within the legal scope, whether the AI-generated voice constitutes infringement, and how to allocate liability for infringement.

Second, judicial trials require the assistance of professional and technical personnel to exercise reasonable discretion. Because the characteristics of voice are intangible, it is sometimes difficult to identify the original natural person, especially when the voice is similar or has been processed by artificial intelligence. It is extremely difficult to determine whether a voice infringement has occurred and the subject and object of a voice infringement. As a result, in the judicial process of handling infringement cases involving artificial intelligence-generated voices, it should be stipulated that voice experts be included to conduct voiceprint comparisons and establish a voiceprint matching threshold to determine the consistency between the generated voice and the original voice to determine whether the case meets the conditions for artificial intelligence voice infringement.

## **5.3 Establishing a Diversified Compensation Mechanism for Voice Rights Damages**

In the personal rights dispute between Yin Mouzhen and a Beijing-based intelligent technology company, the defendant was ordered to pay compensation for the damage to his voice rights, as well as a written apology for the infringement of his voice rights and the damage to his reputation. In this case, because Yin Mouzhen failed to provide evidence that the defendant's infringement of his voice rights caused him severe mental distress, the defendant was not required to pay compensation for mental distress to the plaintiff.

Regarding the measurement of economic damages, Article 1182 of the Civil Code of China regulates that if an infringement of another's personal rights and interests



causes property damage, compensation shall be paid in proportion to the losses suffered by the injured party or the profits gained by the infringer. If the losses suffered by the injured party and the profits gained by the infringer are difficult to determine, and the injured party and the infringer cannot reach an agreement on the amount of compensation, and the infringer files a lawsuit with the Court, the Court shall determine the amount of compensation based on the actual circumstances. In judicial practice, the economic losses caused by infringement of voice rights are often difficult to determine. Compared with the perspective of portrait rights infringement, China's determination of economic damages for portrait rights infringement also appears to be somewhat symbolic<sup>[4]</sup>. Considering the characteristics of voice infringement, Austrian tort law can provide a specific penalty scheme, namely, the profits gained by the infringer are equivalent to his unjust enrichment, and the calculation of unjust enrichment can be based on a hypothetical sufficient license fee<sup>[9,10]</sup>.

Regarding compensation for the emotional distress, Article 1183, Paragraph 1 of the Civil Code of China provides that if a person's personal rights and interests have been severely damaged, they may request compensation for emotional distress. Voice can be used to identify personal characteristics and is part of a personal rights. Voice infringement can cause varying degrees of emotional distress. Article 847 of the German Civil Code defines voice infringement as a violation of general personal rights, allowing victims to request consolation payments<sup>[10,11]</sup>. According to the ruling in the Yin Mouzhen case, AI-generated voice infringement can result in compensation for emotional distress, provided the plaintiff provides evidence proving the defendant's infringement caused the emotional distress.

## 6 Conclusion

Artificial intelligence technology is developing rapidly. Whether AI-generated sound constitutes an infringement of voice rights and how to punish such infringements is crucial. This paper analyzes Articles 1023, 1018, and 1019 of the Civil Code, as well as the basis and outcome of the personal rights dispute case between Yin Mouzhen and a Beijing-based intelligent technology company. The paper concludes that infringement by AI-generated sound requires two conditions: that the scope of protection of voice rights includes AI-generated sound, and that the user of AI-generated sound technology lacks the lawful right to use the original natural person's voice. The determination and adjudication of tort liability requires categorizing the responsible party based on the nature of the infringement, namely, whether there was intentional direct infringement or unintentional contributory infringement. Furthermore, according to Articles 1182 and 1183 of the Civil Code, compensation for economic losses and emotional distress can be sought. In summary, the Yin Mouzhen case marks a guiding response by the Chinese judiciary to the issue of AI-related voice infringement. Although current legal development lags behind the rapid advancement of AI, we can remain confident that, with representative cases like Yin Mouzhen as examples, voice rights will be recognized as a specific personal right in the future, and that AI-related infringements (such as voice rights infringement) will see detailed rules and standards established within

the judicial system. We believe that a legal system for voice rights protection adapted to the AI era will safeguard the legitimate rights and interests of every individual and their voice.

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