

Why No One Will Sue Kanye West for His ‘Famous’ Video



Summary: *The use of images and people that resemble a likeness to a celebrity are being allowed more and more without legal complaints from the affected celebrity.*

Kanye West’s new music video “Famous” features realistic and nude depictions of other celebrities like Caitlyn Jenner, Donald Trump, Bill Cosby, Rihanna, Ray J, Taylor Swift, and Chris Brown. These other celebrities appear in bed with West and his wife Kim Kardashian.

The music video is undeniably intended to stir up controversy. So much so that West even tweeted and later deleted “Can somebody sue me already #I’llwait.”

Read [Kanye West Considers Legal Action against File-Sharing Site](#).

Should one of these celebrities decide to sue West for being depicted in the video, they will probably use claims such as a violation of the Lanham Act, libel, and invasion of privacy cause of action. The Act is a federal statute that prohibits false advertising and infringement of one’s trademarks. West has used this claim in lawsuits of his own against the cryptocurrency “Coinye West” and ElevenParis for their “Kanye Is My Homie” slogan on clothing and other products.

See [Coinye Has Backed Down after Kanye West Files Lawsuit](#).

Claims of libel and rights to publicity are state laws unlike the federal Lanham Act. Many states have their own statutes against privacy rights and prohibiting unauthorized commercial use of one’s likeness. California has very generous laws which allowed Kim Kardashian to sue The Gap for hiring an actor that looked like her to pitch Old Navy. She won \$20 million in a settlement.

What it really comes down to is determining if the video is exploitation or constitutionally protected speech.

Do you think the video qualifies as free speech? Tell us your thoughts in the comments below.

To learn more about Kanye West, read [Musician Sues Kanye West for \\$2.5 Million](#).

Photo: brunchnews.com