

A Face Worth a Thousand Dollars or Euros: How New Marketing Technologies Will Challenge Privacy Laws on Both Sides of the Atlantic

Research project

Investigator:

Marie-Andrée Weiss

Abstract:

Before social media sites became mainstream, only a happy few were able to boast that their image had commercial value. But now the likeness of every web user, of every consumer, may have commercial value. Advertising is becoming more and more social, and data is gold. Indeed, all the personal data we publish online allow marketers to provide us with finely targeted advertisements.

Sometimes even our friends, and their well known social media profile pictures, appear in these ads. Is this use legal and should individuals be compensated for such commercial use of their likeness? Websites are not the only entities interested in finding ways to use our likeness for their profit, and some brick-and-mortar retailers are already using new face recognition technologies to track consumers while they are visiting their stores.

The paper proposes to present how a consumer's likeness may be used for advertising purposes, whether online or offline (I), and to detail how these new marketing practices may already be regulated in the U.S. and in Europe (II). Such use of consumers' likenesses has already stirred public outrage, and the third part of the article will review the current policy discussions on both sides of the Atlantic. The paper will end by offering proposals about how these practices should be regulated in the future.