

neha bhuraney safeguarding brand intellectual property the necessity of prenuptial agreements for social media influencer couples Neha Bhuraney

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Abstract:

This research paper explores the emerging necessity of prenuptial agreements tailored for social media influencer couples, whose brand value and intellectual property (IP) are central to both their financial livelihoods and personal identities. In the digital economy, where influencer collaborations blur the line between private relationships and professional partnerships, the dissolution of such unions often results in legal disputes over co-created digital content, monetized platforms, and intangible brand assets. Drawing from private international law, IP regimes, and family law, the study investigates how prenups can serve as strategic instruments for asset protection, income clarity, and brand continuity. Through doctrinal analysis and case studies of high-profile influencer separations—including Indian creators such as Kusha Kapila and Malvika Sitlani—the paper identifies patterns in post-divorce engagement rates, brand value depreciation, and the consequences of unclear IP ownership. It examines key clauses essential for modern prenups: digital asset division, IP valuation, confidentiality, and dispute resolution through arbitration or mediation. The paper also considers enforceability challenges in cross-border relationships and the alignment of such agreements with global IP treaties like TRIPS and WIPO frameworks. Ultimately, this study advocates for a reconceptualization of prenuptial agreements not merely as financial tools but as legal mechanisms embedded within the governance of digital economies and personal branding. By addressing legal gaps and offering a framework for IP-specific marital contracts, the research contributes to evolving legal discourse around influencer culture, gender equity, and transnational contract law.

Keywords: Prenuptials, Influencers, Intellectual Property, Digital Assets, Cross- border Law