

Analysis on legal validity of Visual Digital Expressions a.k.a Emojis

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Abstract

With the proliferation of emojis in digital conversation, the legal impact of the same has been rapidly increasing day by day. The interpretation of the emojis as a non-verbal cue is a intricate task. The actual meaning of emoji is entangled with circumstances, relationship between the parties and other factors. It is an unavoidable fact that meaning of emojis cannot be static but rather it is dynamic. This article focuses highlighting the need to have a codified legal framework to address the use case of the emojis in the professional as well as personal space and to conduct as scholarly analysis of legal implications of the emoji to identify if it constitutes complete communication, admissible evidence, tortious and criminal liability and obtains other form of legal recognition.

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1. Introduction

Emojis are digitally generated visual expressions. They are one of the important modes of communication. It acts as a carrier of emotions, ideas, intention and expressions. Emojis are the small pictorial representation icons of emotions or ideas. It is mode of express of feeling without usage of words. It is similar to the facial expressions.

The word “emoji” owes its origin to Japanese words, “e” (picture) and “Moji” (letter). The credit of creating emojis goes to Shigetaka Kurita, a Japanese artist. He initially designed a set of 176 daily used expressions and objects as emoji. The objective behind creating emojis is to fill the emotional gap and make communication make more expressive. Later this spread across globe and as of date Emojis have curated a special place in the society without any limitation of age criteria.

In 2010, Unicode Consortium² included emojis as a valid form of communication. It also listed the approved . Since 1993, it has accepted 186 other languages³. There are about 3600 emojis⁴ that are accepted by the Unicode Emoji Subcommittee and also, they are continuously reviewing proposal for new emoji by general public and also published a list proposal status⁵. This ensure that the emojis are standardised across all platforms.

World Emoji Day is celebrated every year on July 17. The rationale behind this is most of the calendar emojis show the date as July 17.

Originally, emojis were restricted to the informal communications but with time dynamics changed and they have found their place in formal and/or official communications. Emojis have transited from informal conversation to formal conversation in the digital era. Emoji

² Unicode Consortium is a standard body for the internationalization of software and services. It was founded in the 1988 and was incorporated in the year 1991.

³ Unicode Consortium, Supported Scripts, Unicode, <https://www.unicode.org/standard/supported.html> (last visited Apr. 28, 2025 at 05:30 AM IST).

⁴ Unicode Consortium, Emoji Versions, v16.0, Unicode, <https://www.unicode.org/emoji/charts/emoji-versions.html> (last visited Apr. 28, 2025 at 06:30 AM IST).

⁵ Unicode Consortium, Emoji Proposals Status, Unicode, <https://unicode.org/emoji/emoji-proposals-status.html> (last visited Apr. 28, 2025 at 07:00 AM IST).

interpretation at several instances has knocked the doors of the court. The courts had to dig out the layer of the visual expressions which is subject to multiple interpretations.

2. Interpretation of Emojis

Interpretation of emojis is always ambiguous. It has several hidden meanings. When a series of emojis is paired together it provides different meaning

- 2.1. 🦵 this flexed biceps emoji indicates strength but is also interpreted as rolling up the sleeve to receive vaccination.
- 2.2. A cartwheel (🤸) emoji when paired with black hole emoji means that the person sending it is ending up in a disaster (🕳️).
- 2.3. 🦈 emoji is not just used to represent the shark but also could be used to convey a message about loan shark and so on.
- 2.4. 🐷, this pig face emoji can also mean hungry.
- 2.5. 💧💧🧼 means washing both hands with soap.
- 2.6. 🍆 (Eggplant) emoji and 🍑 (Peach) also represent buttocks and phallic symbol.
- 2.7. 🐸🍵 (Kermit and Tea) is used to throw shade or ignore a gossip.
- 2.8. 💅 (Nail Polish) emoji, may appear like applying nail polish but it means that the sender is bored or unbothered.

These are few of the examples where emojis have different meaning than what they appear to be. In short, emojis are not always literal. Context and intention of sender plays a major role. Due to the ambiguous and uncertain meaning of the emojis, ascertaining the true meaning of emoji is challenging.

3. International Precedents

The Canadian Courts in *South West Terminal (SWT) v. Achter Land & Cattle Ltd*⁶ answered if thumbs-up emoji that is (👍) constituted a valid acceptance of the contract. South West

⁶ 2023 SKKB 116

Terminal Ltd. And Achter Land and Cattle Ltd. had a professional relationship. SWT (Kent) sued Achter (Chris) for breach of contract as it failed to deliver flax seeds. Chris stated that there was no valid contract in place where Kent stated that when he texted Chris asking him to confirm the contract, he received a reply in thumbs-up (👍) emoji. Though Chris pleaded in court that he was not aware about the actual meaning of the emoji, Court stated that the emoji thumbs up carry as dictionary meaning as an emoji used to express approval or confirmation. The court also took account of previous and existing business relationship between the parties along with the mode of communication that existed between the parties. Hence court stated that minds have been met and contract is executed and awarded damages.

Southeaster Maritime Ltd v Trafigura Maritime Logistics PTE. Ltd⁷ in this case the Honorable Court after analysing the email and whatsapp conversation in detailed manner came to a conclusion that though whatsapp is an unofficial channel of communication Thumns Emoji on the whatsapp message is considered as a valid acceptance. The court further said that the most of the negotiation took place via whatsapp and the screenshot of the whatsapp communication as attached to the email as reference. Hencforth the validity of the whatsapp message cannot be chnallended merely because it was sent via whastapp but not an email. The court opined that there is no principle that is laying down restrcitions on formation of contracts in instant messaging portals like whatsapp.

A 22-year-old French Boy named, Bilal Azougagh was sent behind bars for a tenure of six months (three months was suspended) and pay damages worth €1000 (\$1400) as he had texted an emoji of “GUN” to his ex-girlfriend⁸. The court considered this as an offence under Article 222-17 of French Penal Code⁹.

⁷ [2024] EWHC 255

⁸ The Telegraph, Frenchman Jailed for Three Months for Sending Ex-Girlfriend Gun Emoji, <https://www.telegraph.co.uk/news/2016/03/31/frenchman-jailed-for-three-months-for-sending-ex-girlfriend-gun/> (last visited Jan. 4, 2025).

⁹ French Penal Code, Article 222-17 (Ordinance No. 2000-916 of 19 September 2000, Article 3, Official Journal of 22 September 2000, effective 1 January 2002), https://www.equalrightstrust.org/ertdocumentbank/french_penal_code_33.pdf (last visited Jan. 4, 2025).

A threat to commit a felony or a misdemeanour against persons, the attempt to commit which is punishable, is punished by six months' imprisonment and a fine of €7,500, if it is repeated, or evidenced by a written document, picture or any other object. The penalty is increased to three years' imprisonment and to a fine of €45,000 where the threat is one of death.

In the year 2017, 26-year-old Sloane Cruise Coake was sentenced to eight months of prison as he threatened his ex-girlfriend. The couple broke up and the women left for Dunedin. However, Coake sent her harassing message and sent her “You’re going to f*****ing get it 🛩️”. The court stated that aeroplane image implied that he is coming to her and this amounts to threatening her¹⁰.

In Dahan v. Shakaroff¹¹, it was ruled by Tel Aviv Small Claims Court that the positive emojis shared between the couples and landlord constituted their intention in renting out the apartment. Judge Amir Weizebluth in consideration of the 😊 (Smiley face), 🍾 (a bottle of champagne), 💃 🕺 (dancing figures) and other emojis awarded damages for the landlord.

Australian post considered 🐛 (Zipper moth emoji) as defamatory in Burrows v. Houda case. The dependent reposted a tweet with no text but with 🐛 emoji. The court stated that as per Emojipedia dictionary the emoji 🐛 means secret or to stop talking. As twitter is a global platform this emoji caused damaged to the reputation and impacted negatively to the career of the plaintiff.

In State v. DRC¹², wherein a mother had approached to the Court against threatening messages that were sent by her teen daughter to her friends. The Court opined that statements were made along with 😈 (Smiling face with horns), 🤣 (rolling on the floor laughing) emoji which shows that the teen daughter never intended the words she said. All it conveyed was expression of frustration and a playful mischief amongst friends.

The Court decided if 🔥 (Fire emoji) supports manslaughter or not in Johnson v. State¹³. However, the court opined that fire emoji signified cool, exciting and awesome. Hence this fire emoji doesn’t testify the voluntary manslaughter conviction, this emoji conveyed the meaning that drugs were really good.

¹⁰ NZ Herald, Judge Stumped by Emoji Threat, <https://www.nzherald.co.nz/nz/judge-stumped-by-emoji-threat/JARMEX55HERKD5NMFJVINCOLWY/> (last visited Jan. 4, 2025 at 11:00 AM IST).

¹¹ Dahan v. Shacharoff, Herzliya Small Claims Court (2017), Historical and Topical Legal Documents, Document No. 1515.

¹² 2020 Wash. App. LEXIS 1992 (Wash. App. Ct. July 14, 2020)

¹³ 2020 Md. App. LEXIS 80 (Md. Ct. Special App. Jan. 31, 2020)

4. Adoption of New Reality of Communication in India

Indian Laws doesn't explicitly recognise the virtual digital expressions aka emojis as a form of communication in any of its law. Under section 09 of the Indian Contract Act 1872¹⁴, contract can be formed both under express and implied mode. This means that even in the absence of explicit words, a binding contract can exist. To decide if emojis form a part of implied contract, would depend on satisfaction of section 13¹⁵. The sections define the term consent and establishes principle of "consensus ad idem" that is meeting of minds. The emoji should convey same meaning both for the recipient and sender. This will help to achieve meeting of minds and if this is not done then enforceable implied contract won't be established.

However, the same, Madras High Court in Narendra Chauhan v. Director General, Railway Protection Force¹⁶ discussed about the validity of "👍" emoji. The Disciplinary Committee removed an employee of Central Railway Protection Special Force for putting "👍" (Thumbs up) emoji in a WhatsApp group where a video of constable murdering the assistant commandant was shared. When this was questioned in the Court, it opined that though the emoji did not mark a celebration but however served as an acknowledgement that he has received the message, hence reinstated his employment status.

The Madras High Court opined that Emoji Is sent to express an individual feeling about the context of the message that is shared. Hence people reacting with "smiling face with tears" is not an overact. On this ground criminal complaint registered under Section 04 of the Tamil Nadu Prohibition of Harassment of Women Act, Scheduled Caste and Scheduled tribes (Prevention of Atrocities) Act and section 67 of the Information Technology Act in I. Linga Bhaskar & Anrs. v The State & Vijayalaxmi¹⁷ was quashed.

On December 26, 2017 Adv Gurneet Singh, an Advocate from New Delhi issued legal notice to remove 🖕 (middle finger emoji) from its emoji's list. The referred emoji as "obscene and

¹⁴ Indian Contract Act 1872, Act No.9 of 1872

¹⁵ Section 13 of Indian Contract Act 1872, Act No. 09 of 1872.

¹⁶ W.P(MD)No.65 of 2021

¹⁷ CrI MP No 6773/2017

lewd gesture” and hence it is illegal. He referred Section 354 and 509 of Indian Penal Code 1860¹⁸, now Section 74 and 79 of Bharatiya Nyaya Samhitha 2023¹⁹. He is also referred as section 06 of the Criminal Justice (Public Order) Act, 1994²⁰ (An Ireland law) which termed middle finger emoji as offence²¹.

WhatsApp message is a valid electronic document as per Section 11²², 12²³ and 13²⁴ of Indian technology Act 2000²⁵. It is admissible evidence if it is certified under Section 63 in Bharatiya Sakshya Adhiniyam, 2023²⁶ (Section 65B of the Indian Evidence Act 1872²⁷).

In SBI Cards & Payments Service Pvt Ltd v. Rohidas Jadhav²⁸, Notice was shared to the respondent by WhatsApp message as he evaded the regular service of notice. The court noted that the indicators that is blue tick showed that the WhatsApp message, that is the attached was not only delivered but were opened. The court further marked the print out of the WhatsApp message and WhatsApp contact number of the respondent and marked as exhibit. Delhi High Court in Tata Sons Limited and ors v. Jonh Doe²⁹, plaintiff allowed to serve summons to Defendant No. 09 through text message, WhatsApp or email as the Defendants refused accept service through regular mode of service. In Kross Television India Pvt. Ltd. And Anr vs Vikhyat Chitra Productions and Ors³⁰, the Bombay High Court considered that the service of the notice via email and WhatsApp is valid, upon this it was also acknowledged that the message was acknowledged. In this context the question remained open as to interpret the reactions to these digital messages via emojis.

¹⁸ Act No. 45 OF 1860

¹⁹ Act No. 45 OF 2023

²⁰ Number 2 of 1994

²¹ InUth, Delhi Lawyer Wants WhatsApp to Remove the Middle Finger Emoji, Sends Legal Notice, <https://www.inuth.com/trends/tech-gadgets/delhi-lawyer-wants-whatsapp-to-remove-the-middle-finger-emoji-sends-legal-notice/> (last visited Jan. 4, 2025).

²² Section 11 of Information technology Act 2000

²³ Section 12 of Information technology Act 2000

²⁴ Section 13 of Information technology Act 2000

²⁵ Act No. 21 OF 2000

²⁶ Act No. 47 of 2023

²⁷ Act No. 1 of 1872

²⁸ NOTICE NO. 1148 OF 2015 IN EXECUTION APPLICATION NO. 1196 OF 2015

²⁹ CS(COMM) 1601/2016

³⁰ COMMERCIAL IP SUIT NO. 571 OF 2017

5. Empirical survey on emoji interpretation and usage

A survey was conducted to understand the use case, interpretations and understanding of legal status of the emojis. Ninety-six people from diverse background participated in the survey and jotted their perspective about emojis. Participants were asked a series of structured question where majority of the questions were multiple-choice questions and open-ended responses. Interpretation of the emojis on circumstantial basis was captured to analyse the uniformity in the interpretation. These finding highlight the evolving landscape of emojis interpretation and use case. Though the survey provides valuable insights, the limitation of the sample size may not fully capture the variation or deviation in the emoji interpretation and usage.

What age group do you belong to?
96 responses

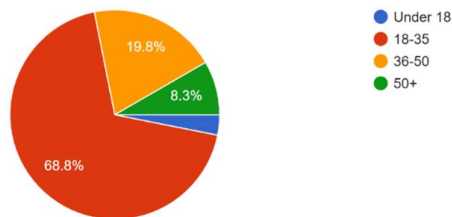


Figure 1 What age group do you belong to?

This questionnaire was circulated amongst 96 participants who were from different age brackets to ascertain the perception of the emojis. This diversity was aimed to collect insights about influencing factor on the acceptance of the emojis and usage of emojis.

How often do you use emojis in digital communication?
96 responses

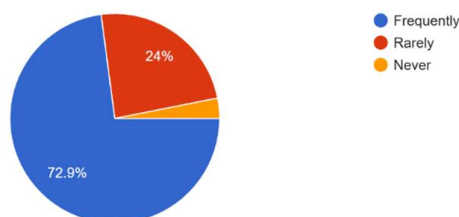


Figure 2 How often do you use emojis in digital communication?

The next question was framed with an intent to understand the dependency on the emojis in digital communication. 72.9% of the participants stated that they use emojis frequently in their communication and only 3.1% of the participants voted for Never.

The findings highlight the growing integration of emojis in the modern communication and which showcases the interpretative value owing due to the potential legal implications.

Do you prefer usage of Emojis ?
96 responses

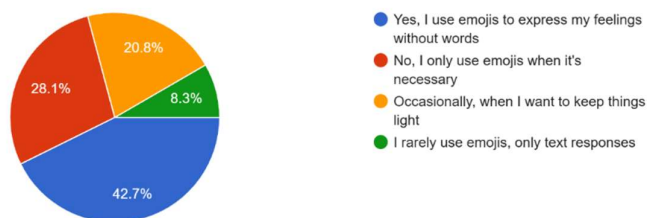


Figure 3 Do you prefer usage of Emojis ?

The next question was objectified to find about the preference of participants to use emoji in their communication. 42.7% of the participants found themselves comfortable in using emojis to express their feeling without words wherein 28.1% opined that they prefer using it only when its necessary. 20.8% of the participants found themselves in the category of using emojis occasionally to maintain an amicable conversation and 8.3% of people preferred text response and rarely prefer emojis.

This trend invited for in-depth exploration of emojis and definitions associated with it to ascertain the intent, mindset and legal meaning in personal, professional as well as contractual communication.

Do you get annoyed when someone responds to you using only emojis instead of text?
96 responses

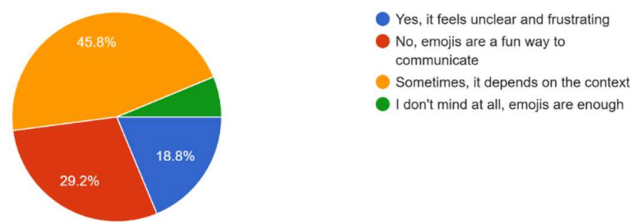


Figure 4 Do you get annoyed when someone responds to you using only emojis instead of text?

This question was framed with an intent to understand the acceptance of emoji as a response to the communication. 45.8% of the participants opined that it would depend on the context however 29.2% of the participants had acceptance as they found it a fun way to communicate. 6.2% of the participants believe that emojis are sufficient and they found the communication as a complete and clear communication. Only 18.8% of the participants found it unclear and frustrating.

These insights showcase the wide acceptance of emoji in both formal and informal setting. This is encouraging the use case of emojis and innovation of different forms like stickers.

Is it appropriate to use emojis in official communication?
96 responses

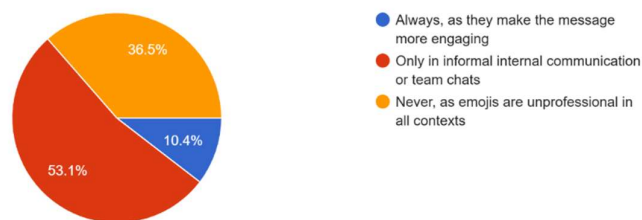


Figure 5 Is it appropriate to use emojis in official communication?

Next question was on leveraging emojis in official platforms. The question was intended to identify the acceptance of emojis in a formal workplace interaction. Majority that is 53.1% of the participants opined that emojis should be restricted only to internal communication or teams' chats. 10.4% of the participants accepts emojis in professional platforms as they believe

that emojis influences the engagement. On the other hand, 36.5% of the participants opine that emojis are unprofessional in all contexts and hence should avoided.

These responses showcase the evolving dimensions of the professional etiquettes. Majority of the participants are open to the restricted usage of the emojis. This data shows that though there is acceptance to the emojis, they are avoided in the formal communication, hence it can be concluded that acceptance of emojis in formal communication is contextual.

You send a message to a friend: "Let's meet tomorrow!" and they reply with "👍" (Thumbs Up emoji). What do you interpret this as?
96 responses

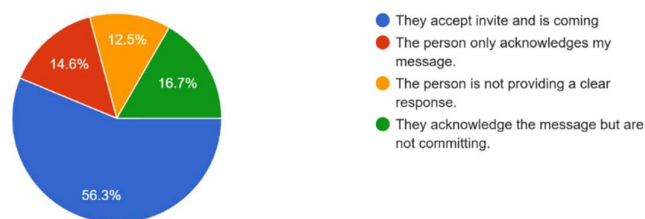


Figure 6 You send a message to a friend: "Let's meet tomorrow!" and they reply with "👍" (Thumbs Up emoji). What do you interpret this as?

The participants were asked how would they interpret Thumbs-up (👍) emoji as a response to their question. It was crucial to understand the perception of this emoji as it is being used both in formal and informal communication. 56.3% of participants considered it as a complete communication as the emoji conveyed acceptance. However, 14.6% considered it as an acknowledgment, 12.5% as not a clear response and 16.7% as acknowledgement to the message which also meant that they won't be showing up.

Though the context is same in the question, the interpretation of Thumbs-up (👍) differed. In the context of everyday communication either professional or personal, relying on the communication of emojis would lead to ambiguity and potential disputes. Hence the need of a uniform definition of the emojis is crucial irrespective of formal or informal atmosphere.

What would you think if someone replied to your message with "😊"?
96 responses

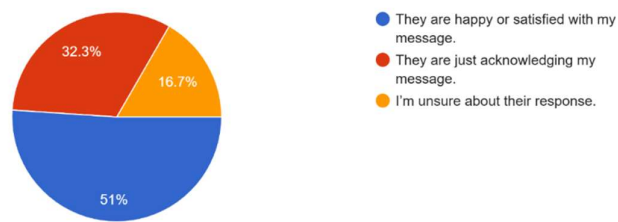


Figure 7 What would you think if someone replied to your message with "😊"?

To further assess and justify the finding, similar question on interpretation was asked to participants for "smiley" (😊) emoji as a response to the question asked. The response again conveyed a wide range of interpretation. 51% of the participants felt that it conveyed a message that recipient is satisfied and happy wherein 32.3% interpreted as acknowledgment. However, 16.7% participants were unsure about the interpretation of the response.

A simple emoji of "smiley" (😊) also failed to deliver a common interpretation amongst the participants. It could be interpreted as sarcastic or dismissive or careless response to the situation that demanded for serious verbal responses. The emoji failed as a substitute for clear, unambiguous complete communication.

Do you think certain emojis could be legally considered a threat? For example, "🔫" (Gun emoji) or "💣" (Bomb emoji).
96 responses

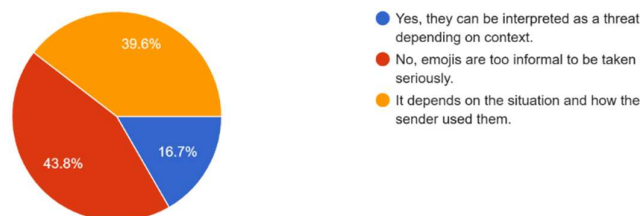


Figure 8 Do you think certain emojis could be legally considered a threat? For example, "🔫" (Gun emoji) or "💣" (Bomb emoji).

Next question was placed to understand if gun emoji (🔫) or bomb emoji (💣) is interpreted as a threat. The interpretation is crucial as it could lead to potential legal consequences. The response should a variable pattern. 43.8% of the participants interpreted the same as playful context and opined that emojis are informal and should not to be considered seriously. 39.6% of the participants considered the interpretation is dependent on the circumstances and intent of the sender. However, 16.7% of the participants stated that it is a threat dependent on the context of the message.

This dilemma in interpretation leads to a concern on the legal interpretations. Courts may find it difficult to conclude if it constitutes a threat or not. Case by case assessment should be done and the courts should apply their best consciousness to decide it based on their understanding. As digital communications are growing rapidly and dominating amongst the communication modes days are not far where Courts in India would be knocked repeatedly by victims alleging criminal intimidation, threat to life, harassment by accused in the form of emojis.

What does the following emoji mean to you? "🙏"
96 responses

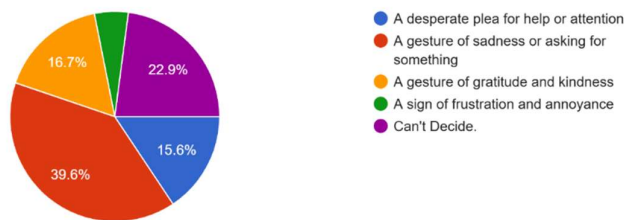


Figure 9 What does the following emoji mean to you? "🙏"

To assess the emotional impact of emojis, pleading face emoji (🙏) was placed before the participants to interpret. 39.6% opined that it is a gesture of sadness or asking for something, 22.9% of the participants were not able to decide, 15.5% of the participants found the emoji as a desperate plea for help or attention and 16.7% of the participants found it as gesture of gratitude and kindness. Further a small portion of participants found it as sign of frustration and annoyance.

The non-alignment of the interpretation of the participants is alarming. Emotional emojis are contextually sensitive and should be correctly interpreted in both formal and informal communications.

What do you think of when someone sends "🙏" (Folded Hands emoji)?
96 responses

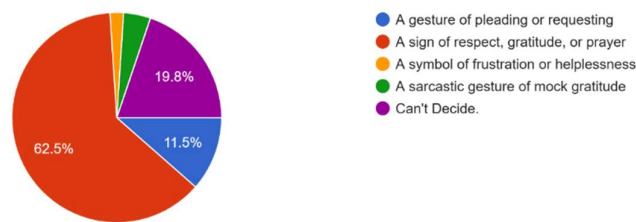


Figure 10 What do you think of when someone sends "🙏" (Folded Hands emoji)?

Participants were asked their views on interpretation of folded hands emoji (🙏). 62.5% of the participants opined that it is a sign of respect, gratitude or prayer, however 19.8% of participants were not able to decide the meaning. 11.5% of the participants considered the emoji as a gesture of pleading and requesting. Participants also felt that the emoji could be a sarcastic gesture of mock gratitude.

Though this emoji is largely received as a polite or respectful gesture, the chances of it being interpreted in a sarcastic tone cannot be nullified.

What would you think if someone responded to your work update with "🙌" (Raising Hands emoji)?
96 responses

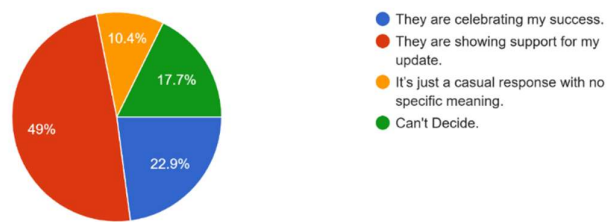


Figure 11 What would you think if someone responded to your work update with "🙌" (Raising Hands emoji)?

"🙌" (Raising Hands emoji) is undoubtedly one of the trending emoji. 49% of the participants associated it as showcase of support, however 22.9% received it as substitute of verbal celebration of their success wherein 17.7% opined that they were not able to decide. 10.4% of participants considered it as neutral response with no specific meaning.

This emoji also failed to achieve a common interpretation by the participants. The meaning of 🙌 emoji potentially has multiple interpretations and could influence intention and understanding.

You receive a "💪" (Flexed Bicep emoji) after sharing a challenging task you completed. What do you think it conveys?
96 responses

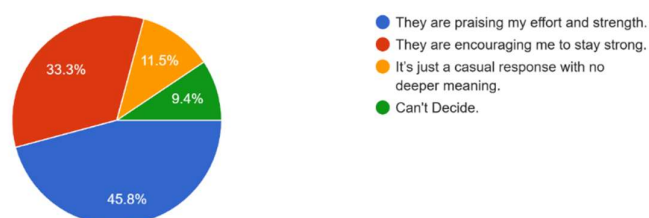


Figure 12 You receive a "💪" (Flexed Bicep emoji) after sharing a challenging task you completed. What do you think it conveys?

"💪" (Flexed Bicep emoji) is interpreted as 45.8% appraisal of their effort and strength. 33.3% opined that they are been encouraged to stay strong by the sender wherein 11.5% felt that it is a casual response with no deeper meaning. 9.4% failed to decide the meaning.

This emojis means support, showcasing strength and on a lighter note also means rolling up sleeves to receive injection. This emoji is an example how the meaning of the emoji can shift into different dimensions and verticals.

If a prospective tenant responds with a "🙏" emoji after being informed of the rent, what could this likely mean?
96 responses

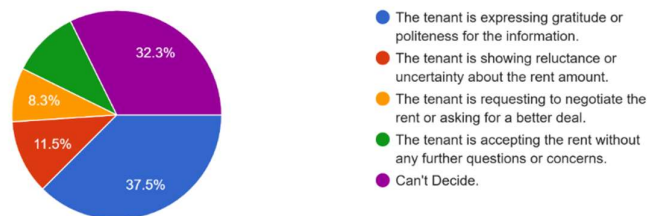


Figure 13 If a prospective tenant responds with a "🙏" emoji after being informed of the rent, what could this likely mean?

The participants were asked how would they interpret "🙏" emoji as a response from prospective tenant who was informed about the rental amount. 37.5% felt it as an acknowledgement or gratitude, 32.3% opined that there is ambiguity hence they are unable to decide. 8.3% felt that it is indication of negotiation and he is laying foundation for further discussion. 11.5% of participants felt that tenant is showing reluctance and rest 10.4% felt that is could be acceptance.

"🙏" emoji is undoubtedly one of the most frequently used emoji and ironically there is no uniformity in the interpretation of the same. This is conclusive evidence that the emoji conveys gratitude but also carries ambiguity contextually.

Do you believe the interpretation of emojis changes based on the sender's tone, context, or relationship with you?
96 responses

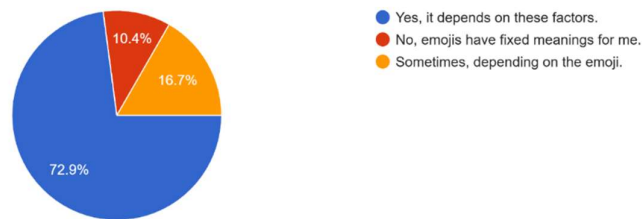


Figure 14 Do you believe the interpretation of emojis changes based on the sender's tone, context, or relationship with you?

The participants were asked about their perspective if interpretation of emoji is dependent on senders' tone, context and relationship. 72.9% of the participants opined affirmatively. 10.4% of the participants voted contrary to this and said that emojis have a defined meaning irrespective of other factors. 16.7% opined that emojis carry different nuances at certain time but not always.

Emoji interpretation is dynamic and not static. It is not uniform and/or universal. Careful attention to the entire communication, background, analysis of equation between the parties, context and other dependent factor should be analysed to ascertain the actual meaning of the emoji.

Can emojis be legally considered as a form of communication in contracts?
96 responses

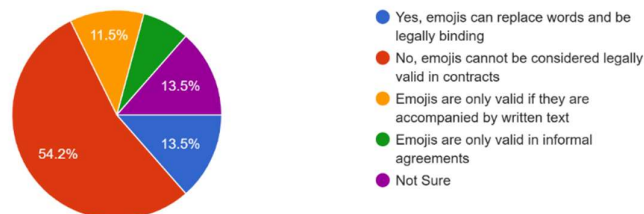


Figure 15 Can emojis be legally considered as a form of communication in contracts?

Further to check the legal knowledge, it was asked if emojis can be considered as a form of communication in contract. 54.2% of the participants opined that emojis cannot be considered

legally valid in contractual space. 11.5% opined that emojis validity depends on the text associated with it. 13.5% of participants were not sure about it and same percentage of participants opined that emojis are legally binding in contracts.

Can emojis be used as evidence in harassment or defamation cases?
96 responses

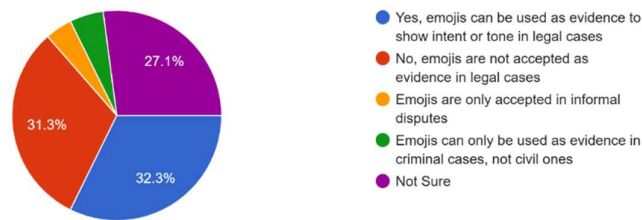


Figure 16 Can emojis be used as evidence in harassment or defamation cases?

Evidentiary value of the emojis were questioned to the participants. 31.3% opined that emojis are not accepted as evidence wherein 32.3% opined that emojis are admissible evidence in the courts. 27.1% of participants expressed their ignorance in the matter however few participants opined that they are acceptable in informal disputes. Few participants also opined that they can be used as evidence in criminal cases and not in civil cases.

Do you think emojis should be given legal status in contracts and agreements?
96 responses

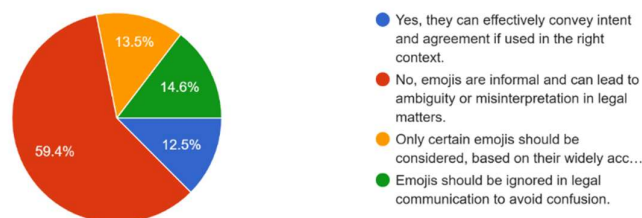


Figure 17 Do you think emojis should be given legal status in contracts and agreements?

Opinion of the participants was collected if emojis should be provided legal status in contracts and/or agreements. 59.4% of the participants opined negatively as they felt that it could lead to ambiguity or misinterpretation in legal matters. 13.5% of participants opined that only certain

emojis should be considered based on their wide acceptance. 14.6% strictly stated that they should be totally ignored.

In contracts, “Complete Communication” is one of the essential ingredients. Providing legal status to the emojis would be threat to the same. It would be unprofessional to add definition of emojis in the definition section of the contract, however if used to ensure clarity and precision this should be followed.

This survey clearly highlights that the ingrained difficulty and increasing significance of uniform interpretation of emojis in the communication. This is important in professional, personal and legal context.

6. Suggestions and Recommendations

Emojis modulate the conversation. Currently as per the statistics above, interpretation of emoji is dependent on relationship between the parties, situation, connect and other factors. This leads to ambiguity and disputes. Digital communication continues to lead communication at both professional and personal avenues, therefore the accurate and interpretation of emojis is need of the hours. This is also closely connected with the obligations, legal rights and commitments.

In the light of above discussions the following legal framework is recommended:

6.1. Judicial/Legislative Guidelines

A codified guideline should be used to interpret emojis in Legal areas including but not limited to contract law, criminal laws, harassment, intellectual property. Emojis define the tone and meaning of the text, hence carry evidentiary value.

6.2. Uniformity in emoji display and interpretation

Guidelines have to be framed at global level related to the intellectual property rights, appearance across devices, uniform standards of interpretation, policies on emoji usage and other allied factors. The need

6.3. Create legal awareness

Digital mode of communication has been increasing rapidly and framing digital linguistics is the need of hour. In this emoji era, it is vital to spread awareness about legal consequences about using emojis in personal as well as professional space.

6.4. Risk assessment

Emojis carry different meaning when interpreted in different culture, context and environment. It is important to conduct risk assessment before introducing or officially launching any emojis so that it doesn't impact or hurt any religious or political sentiments.

6.5. Internal Policies for communication

Limit and/or restrict usage of emojis in official communication including but not but not limited to email communication, contracts, official documents. Educate employees on risk associated with it.

To conclude, the sender should analyse the content and legal implications before sending emojis in official and personal platforms. Always it is to be considered that emojis are never replacement for text. Emojis are rapidly becoming a important part of the daily communication, both at professional and personal environment. Due to lack of standardised and uniform interpretation, it has become a hurdle to judges and legal professionals as well as common man to understand the intent and act accordingly. The legislators and policy makers should assess and understand the significance as well as increasing trend of incorporating the same in the day-to-day communication and frame rules and regulations accordingly.
