

WHEN IDENTITY BECOMES PROPERTY: THE EMERGING JURISPRUDENCE OF PERSONALITY RIGHTS IN INDIA

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INTRODUCTION

In an age driven by digital media and AI, the identity of any celebrity and influencer has become a marketable asset. Celebrities, athletes, and social media influencers derive significant value from their public image. Their personality is often monetised and licensed for endorsements, sponsorships, and collaborations that silhouette both reputation and revenue. However, in recent years, with growing AI, Indian courts have progressively observed a surge in disputes involving the unauthorised commercial use of celebrity and influencer personalities. Third parties commonly use celebrity likenesses to draw consumers and obtain unfair financial advantage, from manipulated ads and edited videos to AI-generated deepfakes and unauthorised merchandise. The royalties and endorsement income that celebrities legitimately receive from their image and creative output are directly impacted by such unauthorised use by diverting the legitimate economic gains to the infringers. This not only misleads the public but also undermines the celebrity's brand value. Consequently, many celebrities over the years have resorted to courts to safeguard their identity and the economic rights attached to it.

WHAT ARE PERSONALITY RIGHTS?

Personality rights refer to the legal rights that allow individuals to control the commercial and public use of their identity, including their name, image, voice, likeness, signature, and other distinctive attributes. In essence, they protect a person's personality, identity, character, image etc from unauthorised exploitation.

The law's growing recognition of these rights is therefore not about elevating fame but about ensuring that the exploitation of identity remains consensual, fair and economically just. The Courts see whether such use of their voice, image, or likeness, without their consent, causes them an irreparable loss or harm to their reputation. Therefore, the protection of personality rights has become increasingly essential to preserving both individual dignity and commercial integrity in the wake of AI-generated content, where personal identity serves as intellectual property.

LEGAL FRAMEWORK FOR PERSONALITY RIGHTS IN INDIA

Unlike copyright or trademark, personality rights are not codified in a specific statute in India. Instead, their protection has been developed through judicial interpretation of Constitutional Rights, Tort Law, and Intellectual Property Law.

I. Constitutional foundation

Courts have treated control over one's identity, image, and likeness as an extension of the '*Right to life and personal liberty*' under Article 21¹, encompassing dignity, privacy, and autonomy. However, this protection must coexist with the '*Freedom of speech and expression*' under Article 19(1)(a)². The courts balance these rights through proportionality, asking whether the use of a person's image or name serves public interest or merely exploits fame for profit. So, the Journalistic, artistic, or satirical expression is protected, while commercial misappropriation without consent attracts injunctions. This balance ensures that privacy and creativity coexist without one eroding the other.

II. Intellectual property statutes

- **Copyright Act, 1957** - Personality right doesn't have a fixed definition *per se*, as it is currently evolving in India. For instance, some company uses the voice of an actor, without her permission, who is well known and has a significant influence on the people, to create an assumption in the mind of the public that that actor promotes that product or is associated with that product, then that is the violation of her personality right, which is very well protected under the Copyright Act, 1957 which safeguards a *celebrity's creative, performative, and visual expressions*.
 - (i) **Section 13** - Under the Copyright Act, photographs, cinematograph films, and sound recordings featuring a celebrity qualify as artistic or audiovisual works entitled to protection under Sections 13.
 - (ii) **Section 14** - Section 14 grants exclusive rights to the copyright holder, including the right to reproduce the work, issue copies to the public, communicate it to the public, and make adaptations or translations. These provisions collectively give the author, producer, or

¹**21. Protection of life and personal liberty** - No person shall be deprived of his life or personal liberty except according to procedure established by law.

² **All citizens shall have the right-** (a) to freedom of speech and expression.

performer a statutory protection against unauthorised commercial use or distortion of their personality by guaranteeing that they maintain control over how their voice, performance, or image is used. *For instance*, without obtaining the license or permission, it is unlawful and illegal to reproduce or use a singer's voice or an actor's photos in a commercial or digital content.

- (iii) **Sections 38 and 39** – These sections of copyright Act recognise and protect every performer's rights, be an actor, singer, dancer, sportsperson, musician or any individual who participates in a visual or acoustic performance, the exclusive right to control the reproduction, broadcasting or communication. Section 39 further extends these protections by outlining remedies and exceptions, ensuring that performers can prevent unauthorised commercial exploitation or misrepresentation of their performances.
 - (iv) The 2012 amendment further enhanced these rights by introducing performers' moral rights, which allow performers to defend authorship and protest any alteration, mutilation, or distortion of their performance that might damage their reputation. Courts have been interpreting these rights more and more in light of contemporary digital realities and the rise of the use of AI, acknowledging that performers' rights and copyright work together as effective safeguards against misuse or appropriation of a person's reputation and publicity interests.
- (i) **Trade Marks Act, 1999** - The Trade Marks Act, 1999, complements personality rights by recognising that a person's name, signature, or even nickname of distinctiveness and commercial value which can serve as a trademark when used in trade and is capable of distinguishing goods or services.
- (i) **Section 28** – Section 28 gives the registered proprietor the exclusive right to use the trademark and the ability to seek redress for infringement. This exclusivity gives public personalities and celebrities the ability to manage and profit from their personal identifiers, including their name, initials, catchphrases, or slogans, and to take legal action against unauthorised use.
 - (ii) **Section 29** – This section defines trademark infringement to include any unauthorised use of an identical or deceptively similar mark in the course of trade that is likely to cause

confusion among the public or suggest a false association with a registered trademark. This provision is particularly significant in cases where third parties exploit the reputation or personality of well-known individuals to market goods or services through advertising or otherwise. This section also protects registered marks against unauthorised use by the way of speaking of certain words such as catchphrases or signature way of speaking of certain celebrities, *For Instance* Jackie Shroff's catchphrase "*Bhidu*" or Shatrughan Sinha's catchphrase "*Khamosh!*". Consequently, many celebrities and public personalities in India register their names, stage names, or popular expressions as trademarks, as a commercial brand as well as a legal defence to strengthen their personality rights and prevent unauthorised exploitation of their public image.

III. **Information Technology Act, 2000 and Intermediary Guidelines, 2021** - Information Technology Act, 2000 and Intermediary Guidelines, 2021 together establish the framework for reporting and removal of online content that infringes identity or publicity rights. They impose *due diligence* obligations on intermediaries, requiring timely takedowns once notified of infringing material, which is a crucial safeguard in the context of deepfakes and digital impersonation.

GLOSSARY OF SOME OF FAMOUS PERSONALITY RIGHT CASES:

1. **Daler Mehndi** – In the fundamental case of *D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors*³, the Delhi High Court recognised and enforced the right of publicity of the famous singer Daler Mehndi. The defendants were involved in manufacturing and selling a doll which were imported from China, mimicked Mehndi's appearance and even sang parts of his songs, misleading consumers into believing that they were officially endorsed products. The Court held that a celebrity's identity has proprietary value and the unauthorised commercial use of a celebrity's persona amounted to infringement of their right of publicity and constituted false endorsement and passing off. However, it cautioned that publicity rights must be balanced with freedom of expression, allowing space for parodies and caricatures. The Court ruled *ex parte*, granting a permanent injunction restraining further infringement and awarding ₹1,00,000 as token damages, thereby affirming legal protection of celebrity persona in India.

³ *D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors*, MANU/DE/2043/2010.

2. **Aishwarya Rai Bachchan** - Aishwarya Rai Bachchan filed a case⁴ before the Delhi High Court alleging misuse of her persona through merchandise, AI deepfakes, and impersonating chatbots. The Court observed that the unauthorized use of Aishwarya Rai's name, image, likeness, and other aspects of her personality amounted to clear infringement. Such use, without her consent, was likely to mislead the public and create a false impression of her endorsement. On this basis, the Court found that a strong *prima facie* case had been made out in her favour. The Court granted interim relief restraining over thirty defendants from using her name, initials "ARB", photographs, likeness, or voice. The Court further directed domain registrars, platforms like Google and YouTube, and governmental intermediaries to remove infringing content. This order is significant for expressly acknowledging misuse via AI technologies.
3. **Abhishek Bachchan** - Abhishek Bachchan moved the Delhi High Court for protecting his personality rights. The Court noted that the unauthorized use of Abhishek Bachchan's name, image, signature, likeness, and other aspects of his personality amounted to clear infringement. Such misuse, without his consent, was bound to cause confusion and give the false impression of his endorsement. It was therefore held that a *prima facie* case had been made out in his favour. The Court granted interim relief against websites and social media platforms using his name and likeness without consent⁵ and relied on earlier precedents including *Amitabh Bachchan v. Rajat Nagi*⁶, to strengthen the rights over personality.
4. **Amitabh Bachchan** - In the case of *Amitabh Bachchan v. Rajat Nagi*⁷, Amitabh Bachchan sued the defendant for unauthorised commercial use of his photograph. The Plaintiff claimed that his name, image, and voice were being misused through WhatsApp messages promoting fake Kaun Banega Crorepati game shows and lottery scams. He also pointed out that several domain names had been registered using his name. After reviewing the evidence and submissions, the Delhi High Court recognized Amitabh Bachchan as a well-known public figure and held that the continuation of such activities would cause him serious and irreparable damage to his reputation. The Delhi High Court

⁴ *Aishwarya Rai Bachchan v. Aishwaryaworld.com*, 2025 SCC OnLine Del 5943.

⁵ *Abhishek Bachchan v. The Bollywood Tee Shop*, 2025 SCC OnLine Del 5944.

⁶ *Amitabh Bachchan v. Rajat Nagi*, 2022 SCC OnLine Del 4157.

⁷ *Ibid.*

granted an injunction restraining such use. The court held that celebrity image rights are protectable and unauthorised exploitation amounts to passing off and misappropriation. The Court further directed the Ministry of Electronics and Information Technology along with internet service providers to remove all websites and links that infringed his personality rights. It also instructed the Department of Telecommunications and telecom operators to block the phone numbers being used to spread WhatsApp messages that violated his rights.

5. **Amitabh Bachchan and Jaya Bachchan (Tanishq)**- Tanishq jewellers, which is owned by Titan Industries Ltd., appointed these two celebrities as its Brand Ambassadors and subsequently reserved all intellectual property rights related to their services to Titan. Later on, their images were used in an extensive advertisement campaign, “True Diamonds” by Tanishq Jewellers, which was exactly copied by the defendant company, Ramkumar Jewellers, by putting up such hoardings. Titan Industries Ltd filed a suit⁸ for copyright infringement and passing off, seeking a permanent injunction. The court granted a judgment in favour of the plaintiff, held, *“When the identity of a famous personality is used in advertising without their permission, the complaint is not that no one should commercialize their identity but that the right to control when, where and how their identity is used should vest with the famous personality. The right to control commercial use of human identity is the right to publicity”*.
6. **Anil Kapoor** - In *Anil Kapoor vs Simply Life India & Ors.*⁹, the Delhi High Court granted an *ex-parte* interim injunction restraining multiple entities (*including unknown persons known as John Doe or Ashok Kumar*) from using his name, image, voice, persona attributes, or likeness without his permission. He had sought relief against defendants using his identity including references to his name, acronym “AK”, nicknames like “Lakhan”, “Mr. India” and his signature catchphrase “Jhakaas”, and other identity attributes in merchandising, domain names, images, videos, GIFs, AI-generated or morphed content. The Court recognized that an actor’s personality is a valuable asset and its unauthorized use for commercial purposes constitutes a violation of their rights. The Court directed that three domain names using his name be blocked, suspended, or transferred to him. It also restrained *John Doe or Ashok Kumar* (unknown persons) from disseminating infringing videos or links and required Internet Service Providers (ISPs) to remove such content promptly. In its reasoning, the court

⁸ *Titan Industries Ltd. v. M/s. Ramkumar Jewellers*, 2012 (50) PTC 486 (Del).

⁹ *Anil Kapoor vs Simply Life India & Ors* CS (COMM) 652/2023.

observed that misuse of his personality could degrade his reputation, dignity, and commercial stake in how his identity is exploited.

7. **Jackie Shroff aka Jaikishan Kakubhai Saraf** - Actor Jackie Shroff filed a lawsuit before the Delhi High Court¹⁰ to protect his personality and publicity rights. He sought to prevent unauthorized commercial use of his name, voice, image, likeness, distinctive dialogue delivery, gestures, and mannerisms. He is the registered proprietor of the trademarks “BHIDU” and “Bhidu Ka Khopcha”. The defendants included both identified and unidentified parties who allegedly sold autographed posters of Jackie and published distorted videos using Generative AI tools to create misleading content by exploiting his image and persona without authorization. He particularly objected to a video produced by one of the Defendant who was a YouTuber who had published derogatory compilations of Jackie’s interviews on his YouTube channel. The video highlighted his responses, followed by a pause during which his face was prominently displayed with a photoshopped gold chain, sunglasses, and the caption “Thug Life”. The court granted an *ex-parte* ad-interim injunction against most of the defendants for tarnishing his reputation and violating his personality rights. The Court, in this case, referred to *D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors*¹¹, where it was clearly held that the right of publicity shields individuals from unauthorized exploitation of their personality, including their name, image, voice, and other unique traits.
8. **Rajinikanth aka Shivaji Rao Gaikwad** - In *Shivaji Rao Gaikwad (Rajinikanth) v. Varsha Productions*¹², the Madras High Court intervened to restrain the makers of the film *Main Hoon Rajinikanth* from using Rajinikanth’s name, style, image, caricature, or other persona elements without his consent. The Court acknowledged that although India lacks a statutory framework on personality rights, courts have long recognised that a celebrity may seek injunctive relief against misuse of identity when the public perception links the use clearly to them. The Court went on to emphasise that such rights are *not res integra* and invoked McCarthy’s definition of the right of publicity as “*the inherent right of every human being to control the commercial use of his or her identity.*” The Court also stressed that infringement of personality rights can be established without the need to prove falsity, confusion,

¹⁰ *Jaikishan Kakubhai Saraf v. Peppy Store*, 2024 SCC OnLine Del 3664.

¹¹ *D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors*, 2010 SCC OnLine Del 4790.

¹² *Shivaji Rao Gaikwad (Rajinikanth) v. Varsha Productions*, 2015 SCC OnLine Mad 158.

or deception. The decision rejected the defence that a celebrity's name, having appeared elsewhere or in the public domain, is open for general use, noting that unauthorized commercial usage exploiting fame is not bona fide. The court's approach foreshadows the view that the "*right of integrity*" i.e. protecting one's artistic identity from distortion or misuse, is a critical aspect of a celebrity's protected personal interest. The Court emphasized that moral rights remain with the author and can be enforced even when economic rights have been licensed or transferred.

9. **Arijit Singh** – In July 2024, Arijit Singh, a renowned Bollywood playback singer, filed a lawsuit¹³ against Codible Ventures LLP and other defendants in the Bombay High Court, seeking protection of his personality and publicity rights. The defendants allegedly exploited his name, voice, image, and other personal attributes without his consent, utilizing advanced artificial intelligence (AI) tools to replicate his voice and likeness. These unauthorized uses included AI-generated audio recordings, merchandise bearing his image, and promotional materials falsely associating him with various events and platforms. The Court granted an *ex-parte* ad-interim injunction in favor of Arijit Singh, restraining the defendants from using his name, voice, image, likeness, and other personal attributes for commercial purposes without his explicit consent. The court emphasized that such unauthorized use violated his personality and publicity rights, which are protected under Indian law. It also recognized the potential harm to Arijit's reputation and economic interests caused by the misuse of his personality through AI technologies.
10. **Yuvraj Singh** - The former cricketer alleged that the developer continued using his image, endorsements, and other promotional materials even after the expiration of a Memorandum of Understanding (MoU) dated November 24, 2020, which had expired on November 23, 2023. He claimed that billboards, social media posts, project site displays, and articles featuring his likeness were deployed without his consent, thereby violating his personality rights, right of publicity, and related intellectual property interests.¹⁴ In response, the Delhi High Court appointed an arbitrator under the aegis of the Delhi International Arbitration Centre to adjudicate all factual and legal questions raised by Singh against the developer, including the use of his likeness post-MoU, delay in possession, and alleged inferior quality of the promised property.

¹³ *Arijit Singh v Codible Ventures LLP and Ors.*, Com IPR Suit (L) No.23443 of 2024.

¹⁴ *Yuvraj Singh Bundhel v, M/S Brilliant Etoile Private Limited*, Arb.P. 984/2024.

11. **Rajat Sharma** - In *Rajat Sharma & Anr. v. Tamara Doc & Ors.*¹⁵, the Court granted an interim injunction protecting journalist Rajat Sharma’s personality rights against unauthorized online misuse. The Rajat Sharma alleged that the defendants had posted AI-generated manipulated videos depicting him endorsing health remedies, and had used trademarks associated with his channel, India TV, and its program footage without authorization. The Court held that the plaintiffs had made out a prima facie case of *passing off* and violation of personality/publicity rights, and that balance of convenience favored protecting his identity and public trust. The Court’s order restrained the defendants and their associates from misusing Rajat Sharma’s name, voice, image, likeness, photos, videos, or any other persona attribute, for commercial or personal gain, in any format or platform including via AI and deepfake technologies without his written consent. The Court also directed Meta Platforms Inc. to block or remove impugned content and to disclose relevant details of the defendants and empowered the plaintiffs to request further takedowns during litigation.
12. **Hrithik Roshan** - In *Hrithik Roshan v. Ashok Kumar & Ors.*, several websites and apps created and circulated AI-generated audio in the actor’s voice, morphed and obscene videos, and fake images using his likeness without consent. E-commerce platforms such as Amazon, Flipkart, Etsy, and Alibaba sold merchandise bearing his image and name, while certain sites falsely claimed associations with him or hosted misleading fan pages. Domain registrars and AI tools further enabled misuse by offering “Hrithik Roshan” voice and image generators. These acts collectively infringed his right to control the commercial use of his personality, diluted his brand value, and caused reputational harm. The Delhi High Court relied upon and reaffirmed the law established in *D.M. Entertainment v. Baby Gift House & Ors*, *Anil Kapoor’s* case and *Jackie Shroff’s* case and held that a celebrity’s control over the commercial use of their image, name, or voice is part of their right to publicity and that unauthorized exploitation of the same constitutes infringement. Accordingly, the court granted an ex-parte ad-interim injunction, restraining the infringing defendants and “John Doe” entities from using Roshan’s name, voice, likeness, or any personality trait to create content, merchandise, or AI-generated material for monetary or other gains. Platforms such as Google, Meta, Telegram, Amazon, and others were directed to take down infringing URLs and provide basic subscriber information (BSI) of offenders.

¹⁵ *Rajat Sharma & Anr. v. Tamara Doc & Ors*, CS(COMM) 1147/2024.

Domain registrars were ordered to suspend the offending domain names, and e-commerce sites were told to delist unauthorized products.

13. Vishnu Manchu Vardhan Babu- In the case of *Manchu Vishnu Vardhan Babu Alias Vishnu Manchu v. AreBumDum & Ors.*¹⁶, the Delhi High Court granted an ex parte interim injunction in favour of actor Vishnu Manchu after he alleged that various YouTube channels and unknown persons were misusing his personality attributes and even AI-generated morphed visuals to create defamatory, ridiculing and obscene content for commercial gain. Recognising that a celebrity's persona has commercial value and is entitled to legal protection, the Court found that unauthorised exploitation of his personality rights could cause irreparable harm to his reputation and dignity. Further, the court restrained all defendants, including John Doe from using his photo, video, image or likeness and directed YouTube, DoT and MeitY to take down the infringing URLs, block access where required, and disclose identifying details of the infringers.

14. Nagarjuna Akkineni - In the *Akkineni Nagarjuna v. X & Ors*¹⁷, the Telugu star filed a suit before Delhi HC, for infringement of personality rights when several websites and online platforms were misusing his identity by circulating his photographs, name, likeness and even AI-generated or morphed visuals without permission. The Court ordered the defendants to remove the infringing links within strict timeframes and asked government authorities to block the identified URLs after finding a clear *prima facie* case and a risk of irreparable harm. The Court also prohibited the defendants from producing, hosting, sharing, or monetizing any content that exploited his persona. The order, which will be in effect until the next hearing, reaffirms that a public figure's identity cannot be used for commercial or digital purposes without their express consent, whether on websites, social media, or through emerging technologies.

15. Mohan Babu – In *Manchu Bhaktavatsalam Naidu Alias Mohan Babu vs Phanmantu & Ors*¹⁸, the Delhi High Court granted an ex-parte interim injunction in favour of veteran Telugu actor Mohan Babu, finding that he had made out a strong *prima facie* case for protection of his personality/publicity rights. The court restrained various social-media accounts, AI chatbots, and e-commerce platforms from using

¹⁶ *Manchu Vishnu Vardhan Babu Alias Vishnu Manchu v. AreBumDum & Ors*, CS(COMM) 828/2024.

¹⁷ *Akkineni Nagarjuna v. X & Ors*, CS (COMM) 1023/2025.

¹⁸ *Manchu Bhaktavatsalam Naidu Alias Mohan Babu vs Phanmantu & Ors*, CS(COMM) 1167/2024.

his name, image, voice or likeness without his permission. It expressly prohibited the use of unapproved content in the Metaverse or through AI, acknowledging that doing so could seriously damage his reputation. The court also ordered Google and Meta to remove content that he had flagged as infringing and forbade the sale of goods using his persona without his express consent.

16. **Suniel Shetty**- The *Bombay High Court in Suniel V Shetty v. John Doe S Ashok Kumar*¹⁹ held that Unauthorized use of plaintiff's name, image, likeness, and other identifiable attributes, including AI-generated deepfakes, constitutes infringement of personality rights, violation of the right to privacy, and the right to live with dignity under Article 21 of the Constitution of India. Suniel Shetty, a renowned Bollywood celebrity approached the court when his image and voice were used by various social media accounts and websites without his consent. The court ruled that using AI-generated pictures of him and his family is a grave violation of his privacy and dignity, and that the misuse could lead people to believe he endorses specific websites (like gambling).

17. **Asha Bhosle** – Asha Bhosle filed a commercial lawsuit²⁰ in the Bombay High Court against Covers AI, Mayk Inc. (a virtual music/AI company), some e-commerce sites (like Amazon and Flipkart), Google LLC (YouTube), and other people for using her name, voice (and vocal style), image, likeness, signature, mannerisms, and other persona attributes without permission. She claimed that e-commerce sites were selling goods like posters and clothes that featured her image without her permission, and that AI tools were being used to clone her voice and sell voice models or content that mimicked her. Additionally, she contended that these actions infringed upon her moral rights as a performer under Section 38-B of the Copyright Act. The court acknowledged that she is a “*pre-eminent personality*” in the music industry, and her name and voice carry substantial goodwill. The court, while passing an ad-interim injunction, noted that enabling AI-based voice conversion into her voice without permission would infringe her personality rights. The court restrained the defendants from using her persona in any way, including AI, for commercial or personal gains.

18. **Karan Johar** – The Delhi HC granted Karan Johar²¹ an ex-parte interim injunction to stop the unauthorized commercial use of his persona including his name, image, voice, and likeness ruling that

¹⁹ *Bombay High Court in Suniel V Shetty v. John Doe S Ashok Kumar*, Commercial IP Suit (L) NO. 32130 of 2025.

²⁰ *Asha Bhosle v. Mayk Inc*, 2025 SCC Online Bom 3485.

²¹ *Karan Johar v. Ashok Kumar/John Doe*, 2025 SCC Online Del 6108.

his reputation and goodwill are intangible assets that deserve legal protection. The court restrained the sale of merchandise (mugs, T-shirts, etc.), the operation of fake profiles, and the use of AI tools like deepfakes, face-morphing, GIFs, and voice cloning which constituted unauthorized use of his persona. However, the court refused to grant a blanket “*dynamic injunction*” (which could censor all content). It held that satire, memes, and parody are not entirely prohibited, and asked Johar to specify which posts, GIFs or memes are actually offensive. The order requires takedown of identified infringing URLs, domain names, and merchandise, but leaves room for commentary or harmless parody, and also signals that platforms like Meta, Google, X, GIPHY and others may need to provide identifying information for infringing accounts.

19. **Kumar Sanu** - Veteran singer Kumar Sanu approached the Delhi HC²² aggrieved by various GIFs, audio and video recordings of his performances and voice, which were uploaded and streamed on various social networking websites, including but not limited to Facebook, Instagram and YouTube, which generate revenue. He claimed that these make him the subject of “*unsavoury humour*”, violating his moral rights in his performances. The Court granted him interim protection, directing the takedown of the impugned content and affirming that an artist’s identity, creative expression, and distinctive attributes cannot be commercially exploited without consent, especially in the evolving AI technologies era.

20. **Raj Shamani** – The Delhi High Court has granted extensive ex-parte interim protection to content creator and entrepreneur Raj Shamani, in the case *Raj Shamani & Anr. v. John Doe & Ors.*²³ The High court highlights how unknown entities, digital platforms, and AI-enabled tools have been misusing Shamani’s name, image, voice, likeness, and podcast content for commercial gain, fake endorsements, impersonation, and misleading promotions. The Court issued a wide-ranging set of directions, including:

- (i) Restraints on all infringing defendants from using Shamani’s persona, trademarks (“Figuring Out”), or podcast content without authorization.
- (ii) Mandatory takedown orders targeting AI-generated deepfakes, fake endorsements, unauthorized bots, and reuploaded video clips.

²² *Kumar Sanu Bhattacharjee v. Jammable Limited & Ors*, CS(COMM) 1097/2025.

²³ *Raj Shamani & Anr. v. John Doe & Ors.*, CS(COMM) 1233/2025.

- (iii) Directions to major platforms (Telegram, Meta, Google/YouTube) to remove listed infringing content and disclose Basic Subscriber Information (BSI) of the unknown infringers.
- (iv) Acknowledgment that fabricated or obscene content using AI is inherently harmful to reputation, warranting swift judicial intervention.
- (v) As deepfakes and digital impersonation rise, this judgment sets an important precedent for safeguarding personality rights in the age of AI.

LEGAL ISSUES

- **Recognition without statute:** Indian courts have repeatedly affirmed that personality rights exist even without classification. The absence of a dedicated statute creates uncertainty in scope and remedies.
- **Scope of protected attributes:** Courts have expanded coverage from names and photographs to nicknames, initials, voice, and even AI-generated likeness.
- **Remedies and enforcement:** Remedies include interim injunctions, takedowns, blocking of URLs, damages, and account of profits. Aishwarya Rai's and Rajat Sharma's case is notable for broad intermediary liability orders.
- **Balancing with free speech:** Defences include legitimate use for news reporting, parody, satire, or artistic expression. However, Indian jurisprudence lacks clear guidelines on balancing personality rights with *Article 19(1)(a)*.
- **Arbitration of personality disputes:** The personality disputes arising from contract are arbitrable. This opens the door for alternative dispute resolution in celebrity endorsement contracts.
- **Jurisdiction and cross-border enforcement:** With global digital platforms, jurisdictional enforcement is a recurring challenge. Indian orders against foreign-based entities may require cooperation with intermediaries.

INSTANCES WHEN THE COURT HAS DENIED PERSONALITY RIGHTS

While Indian courts have been proactive in recognising personality rights, there have been notable instances where they refused to extend this protection, primarily on the ground that it comes under the broader ambit of freedom of speech and expression. The following cases illustrate this judicial balance.

- **Auto Shankar case** – In the landmark case of *R. Rajagopal v. State of Tamil Nadu*²⁴ (popularly known as the *Auto Shankar case*) established a crucial limitation on privacy and personality rights on the grounds of freedom of speech and expression under Article 19(1)(a) and (2). The plaintiff was a magazine company that intended to publish the autobiography of Shankar, a convicted prisoner. However, certain public officials attempted to stop the publication as it might expose their misdeeds, arguing it was defamatory and violated privacy. The Supreme Court established that the Right to Privacy, or more precisely, the “*right to be let alone*”, is implicit in Article 21. Hence, no person can publish anything, whether laudatory or derogatory, without the consent of the person. However, this principle is subject to the exception of “*public records*”. This means once a matter becomes part of official public records, such as court proceedings or exclusive media coverage, no one can claim a right to privacy to prevent its publication. The Court ensured that privacy claims do not completely override legitimate journalistic and historical documentation.
- **Case of Movie “Nyay: The Justice”** – In *Krishna Kishore Singh vs. Sarla A. Saraogi and Others*²⁵, the Delhi High Court denied an injunction sought by the father of the late actor Sushant Singh Rajput against filmmakers producing a movie, “*Nyay: The Justice*”, purportedly based on the actor's life. The plaintiff argued that these films violated the celebrity's posthumous personality and privacy rights, which he claimed to inherit. In contrast, the defendants claimed that the movie is a product of fiction inspired by the real-life events, which were already available in the public forum by way of exclusive news coverage. The Court, relying on the *R. Rajagopal* case, however, held that personality rights, being inextricably linked to the individual, extinguish with the death of the celebrity and cannot be unconditionally inherited by legal heirs to stifle artistic expression. Furthermore, the Court observed that the information relied upon by the filmmakers was already in the public domain through media reports. It ruled that content based on public records cannot be restrained as it would violate the filmmakers' fundamental Right to Freedom of Speech and Expression under Article 19(1)(a), emphasising that publicity rights cannot be used as a tool to censor biographical content derived from public sources.

²⁴ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632.

²⁵ *Krishna Kishore Singh vs. Sarla A. Saraogi and Others*, 2021 SCC OnLine Del 3146.

- **Galactus Funware** – Digital Collectibles Pte Ltd & Ors vs. Galactus Funware Technology Pvt. Ltd. & Anr.²⁶, both the plaintiff and defendant are a platforms for the sale and purchase of Digital Player Cards of esteemed cricket players, the only difference being that the defendants do not have any license or authorization to use the image or likeness of these cricket players on their Digital Player Cards. The plaintiff, having the intellectual property rights of these players regarding their service, sued the defendant for breach of personality rights of these players, passing off and unfair enrichment. The Delhi High Court denied an interim injunction against the defendants and reasoned that the defendants used player names and performance statistics, which are factual information in the public domain and cannot be monopolized or exclusively licensed. Furthermore, the court observed that these were transformative artwork rather than actual photos, entitling them to protection under Article 19(1)(a) of the Constitution, and were primarily ‘*in-game assets*’ for fantasy gameplay rather than purely merchandise for trading. The court found no evidence of false endorsement, as the platform utilized all available players without claiming official licenses, and observed that the value of these cards derived significantly from game-specific features like ‘*Experience Points*’ and rarity, rather than solely from player personas.
- **Gautam Gambhir** – A restaurant was using a tagline, “*By Gautam Gambhir*” making it seem like the restaurant was authorised by him, even though he was not asked for his permission. In Mr. Gautam Gambhir vs D.A.P & Co. & Anr.²⁷, the Court stated, the said restaurants are owned by the defendant. Apparently, he is entitled to carry on 'his' business in 'his' 'own' name. The law is that no one is entitled to carry on his business in such a way as to represent that it is the business of another or is in any way connected with the business of another. Of course, an individual is entitled to carry on his business in his 'own' name so long as he does not do anything more to cause confusion with the business of another and if he does so honestly/*bonafide*. In the instant case, the plaintiff is not associated with the restaurant business. Nothing has come on record if any time, the plaintiff was invited for any inauguration or function of the restaurants in question. No overt act has been attributed to the defendant whereby he at any time attempted to make representation to any individual or the public at large that the restaurants were owned by the plaintiff.

²⁶Digital Collectibles Pte Ltd & Ors vs. Galactus Funware Technology Pvt. Ltd. & Anr., CS(COMM)108/2023.

²⁷ Mr. Gautam Gambhir vs D.A.P & Co. & Anr., CS(COMM) 395/2017.

SUGGESTIONS FOR REFORM

The recent legal precedents show the judiciary's willingness to adapt to challenges to Personality Rights posed by digital media and AI. The following measures could be incorporated through legal reforms to better protect the rights.

1. Enact a statutory framework on personality rights, defining scope, protected attributes, exceptions, and remedies.
2. Clarify intermediary liability and notice-and-takedown obligations, especially for AI and deepfake misuse.
3. Provide explicit carve-outs for satire, parody, criticism, and legitimate news reporting to protect free expression.
4. Develop guidelines for damages assessment, possibly adopting statutory damages models.
5. Encourage registration of celebrity names or catchphrases as trademarks for added protection.
6. Explore specialised benches or tribunals for IP and media disputes to ensure expertise and consistency.

END NOTE

Personality rights in India are at a pivotal stage. The courts have progressively recognised and enforced the right of individuals to control commercial exploitation of their personality. Challenges in implementing personality rights remain due to lack of codification, difficulty in balancing with free speech, and enforcement hurdles in the digital domain.