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GENESIS OF PERSONALITY RIGHTS IN INDIA : A CRITICAL STUDY OF JUDICIAL DEVELOPMENTS

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Abstract

This paper traces the genesis and evolution of personality rights in Indian law, from an author's moral interest in a literary or artistic work to an individual's present-day control over name, image, voice and digitally reproduced likeness. India has no dedicated statute on the subject, and the paper argues that this absence has produced a jurisprudence that is doctrinally workable but conceptually fragmented, drawn selectively from copyright, trademark, privacy and the common law of passing off. Beginning with Mannu Bhandari and Amar Nath Sehgal, where courts protected an author's dignity and integrity under Section 57 of the Copyright Act, 1957, the paper follows the shift towards a distinct commercial right of publicity in ICC Development, D.M. Entertainment, Titan Industries and Shivaji Rao Gaikwad, before turning to Justice K.S. Puttaswamy's constitutional recognition of privacy and the recent wave of interim orders, in Amitabh Bachchan, Anil Kapoor, Jackie Shroff and Arijit Singh among others, that have extended the doctrine to deepfakes, voice cloning and AI-generated impersonation, even as a recent order in Janhvi Kapoor's case shows at least one bench pulling back from blanket relief. The paper concludes that Indian courts have built a functional but uneven framework largely through interim relief and analogy, and that the discipline's next stage should aim at statutory clarity rather than further doctrinal expansion.

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1. Introduction

Personality rights are the legal rights which serve to protect an individual's identity and personal character. These rights include a person's name, image, voice, likeness, signature, nickname, reputation, distinctive ways of expressing oneself and any other feature by which the person can be recognised. Such rights are most important when these attributes are used without permission for commercial purposes or in a manner that falsely implies the person is associated with or endorses something. Personality rights are closely linked to privacy rights, moral rights and publicity rights, but they are not the same. Privacy relates to a person's ability to control personal information and their personal autonomy, while moral rights protect the author's personal relationship with a creative work. Publicity rights concern the commercial value of a person's identity and the ability to control how it is exploited.

India has no single statute on personality rights. Protection is provided by copyright law, trademark law, the law relating to passing off, privacy, constitutional rights, contractual principles and judicially recognised publicity rights. The outcome is flexible but fragmented and often uncertain.

1.1. The American Origin of Personality and Publicity Rights

The present debate about personality rights is connected with the development of privacy law in the United States. In 1890 Samuel Warren and Louis Brandeis stated that the law should acknowledge a person's right to have control over the dissemination of personal information and should provide protection against intrusion upon someone's private life.[2] The article is generally regarded as the origin of subsequent personality rights. An early example concerning commercial appropriation was Pavesich v. New England Life Insurance Co., in which the Georgia Supreme Court granted a claim in relation to the

[2] Samuel D. Warren & Louis D. Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193, 195–96 (1890).

unauthorized use of a man's image in an advertisement.[3] The court held that a person should not be shown as endorsing a product without their consent.

The term "right of publicity" originated in Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc. and the Second Circuit ruled that a person may have a separate commercial interest in the exclusive use of their identity, apart from the normal right to privacy.[4] The right was no longer only about emotional or dignitary injury. It now protected the economic value of identity. Later American courts applied the principle beyond names and photographs. In Midler v. Ford Motor Co., a voice imitation in an advertisement was treated as appropriation of the singer's distinctive identity.[5] In White v. Samsung Electronics America, Inc., a robot resembling Vanna White was held capable of appropriating her identity even though her name and exact image were not used.[6] In both cases, what mattered was whether the person could be recognised. The American position is not governed by a federal statute. The right of publicity is regulated mainly by state statutes and common law, and states differ on its scope, its assignability, how long it lasts after death and the remedies available. It also has to be balanced against First Amendment protection of speech and artistic expression.

1.2. Development of Personality Rights in India

India took a different route. Indian courts did not begin with an independent commercial right. They first dealt with the connection between a creator and their work, through moral rights. In Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd., the Delhi High Court heard an author's objection to the distortion of her novel in a film adaptation. The court applied Section 57 of the Copyright Act, 1957, and recognised that an author's interest in the integrity of a work can survive separately from the economic rights in it. Amar Nath Sehgal v. Union of India extended this to the destruction and removal of an artist's mural. The Delhi High Court linked moral rights to the author's artistic identity, dignity and reputation. Neither case created a general right of publicity. They did establish that a person's personality can remain legally relevant after economic rights have been transferred.

[3] Pavesich v. New England Life Insurance Co., 50 S.E. 68, 69–80 (Ga. 1905).
[4] Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc., 202 F.2d 866, 868 (2d Cir. 1953).
[5] Midler v. Ford Motor Co., 849 F.2d 460, 463–64 (9th Cir. 1988).
[6] White v. Samsung Electronics America, Inc., 971 F.2d 1395, 1399–1400 (9th Cir. 1992).

Indian law then moved towards protecting commercial identity. In D.M. Entertainment Pvt. Ltd. v. Baby Gift House, the Delhi High Court recognised the commercial value of Daler Mehndi's persona and restrained the sale of dolls resembling him. The court also separated the right of publicity from false endorsement and passing off.[7] Titan Industries Ltd. v. Ramkumar Jewellers involved a jewellery advertisement that used representations resembling Amitabh Bachchan and Jaya Bachchan. The Delhi High Court held that use of a person's identity can be actionable even if the defendant does not reproduce the exact photograph, so long as the overall presentation makes the person recognisable and suggests commercial endorsement.[8]

Justice K.S. Puttaswamy v. Union of India recognised privacy under Article 21 as part of dignity, autonomy and personal liberty. It was not a case about publicity rights, but its emphasis on personal control gives the protection of identity a constitutional footing.[9]

More recent cases deal with online merchandise, digital collectibles, voice, likeness, NFTs, deepfakes and AI-generated content. These disputes go beyond traditional advertising. They concern the reproduction, manipulation and commercial circulation of identity on digital platforms.

AI tools can generate a person's image, imitate their voice, reproduce their mannerisms, or produce fictional content that appears to involve them. The harm may be commercial, reputational or dignitary. Recent Indian litigation involving celebrities has raised many questions, Digital Collectibles Pte Ltd. v. Galactus Funware Technology Pvt. Ltd., Anil Kapoor v. Simply Life India and Jaikishan Kakubhai Saraf v. The Peppy Store took personality-rights litigation into digital commerce and the technological reproduction of persona.[10] The AI-related cases show courts applying existing principles to new forms of identity manipulation, without dedicated legislation.

2. Concepts Involved And Legal Foundations

[7] D.M. Entertainment Pvt. Ltd. v. Baby Gift House, 2010 SCC OnLine Del 4790 (India).
[8] Titan Industries Ltd. v. Ramkumar Jewellers, 2012 SCC OnLine Del 2382 (India).
[9] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).
[10] Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd., 2023 SCC OnLine Del 2796 (India); Anil Kapoor v. Simply Life India, 2023 SCC OnLine Del 6914 (India); Jaikishan Kakubhai Saraf v. The Peppy Store, 2024 SCC OnLine Del 3664 (India).

Moral rights are the personal rights an author keeps in a creative work. They are separate from the economic rights that let the copyright owner reproduce, distribute, adapt or commercially exploit the work. Moral rights concern the relationship between the author and the work, and protect the author's reputation, identity and creative integrity. There are two main moral rights: the right of attribution (or paternity), which is the right to claim authorship of a work, and the right of integrity, which is the right to restrain distortion, mutilation or other modification that prejudices the author's honour or reputation. In India both are recognised by Section 57 of the Copyright Act, 1957. The section gives an author the right to claim authorship, and the right to restrain or claim damages for distortion, mutilation or modification of the work where it is prejudicial to the author's honour or reputation.[11]

Moral rights protect more than the economic value of a work, since a creative work can carry the personality, labour and reputation of its author. Even after the economic copyright has been assigned, the author may keep certain personal interests in it. Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd. shows this. The author objected to the distortion of her novel in a film adaptation, and the Delhi High Court treated her rights under Section 57 as independent of ordinary economic copyright. An author's personal connection with a work can therefore continue after someone else has acquired the right to exploit it commercially.[12] Amar Nath Sehgal v. Union of India developed the point. The Delhi High Court held that the destruction and removal of the artist's mural affected more than a physical object. It affected his reputation, his artistic identity and his relationship with the work. The case tied moral rights to dignity and artistic personality and treated the right of integrity as a continuing interest of the author.[13] Moral rights are still not the same as personality rights. Moral rights concern the author's relationship with a particular creative work. Personality rights can protect an individual's identity even where no creative work is involved.

[11] Copyright Act, No. 14 of 1957, § 57 (India).
[12] Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd., AIR 1987 Delhi 13 (India).
[13] Amar Nath Sehgal v. Union of India, 2005 (30) PTC 253 (Del.) (India).

2.1. Personality Rights and Publicity Rights

Personality rights are broader than moral rights. They protect a person's identity and personal attributes: name, image, voice, likeness, signature, nickname, reputation, distinctive mannerisms and any other feature by which the person can be recognised. The commercial aspect of personality rights is usually called the right of publicity. It lets an individual control the commercial exploitation of their identity and stop others from using their persona without authorisation. It matters most for celebrities, whose identity can carry substantial commercial value through endorsements, merchandising and licensing. No statutory provision in India recognises the right of publicity in full. Courts have built it from passing off, false endorsement, trademark protection, copyright law, privacy and dignity, contractual licensing and common-law principles against commercial misappropriation.

In D.M. Entertainment Pvt. Ltd. v. Baby Gift House, the Delhi High Court dealt with the unauthorised sale of dolls resembling Daler Mehndi. It accepted that an individual has a protectable interest in preventing commercial exploitation of their likeness and personality attributes. It also distinguished the right of publicity from passing off, although both claims can arise from the same conduct.[14] The distinction matters. A passing-off claim asks whether the defendant's conduct misleads consumers into thinking the claimant endorsed or authorised a product. A publicity claim asks more directly whether the claimant's identity was appropriated for commercial benefit. Titan Industries Ltd. v. Ramkumar Jewellers concerned an advertisement using representations resembling Amitabh Bachchan and Jaya Bachchan. The Delhi High Court held that the overall presentation could suggest endorsement and commercial association even if the defendants did not use the celebrities' exact photographs. A personality-rights claim can therefore rest on recognisable attributes and context and does not require literal copying.[15]

Personality rights thus have two dimensions. The dignitary dimension concerns autonomy, privacy, reputation and control over personal identity. The commercial dimension concerns the financial value of a person's identity and their endorsement potential.

[14] D.M. Entertainment, supra note 6.
[15] Titan Industries, supra note 7.

2.2. Distinction between Privacy, Personality and Publicity Rights

These concepts overlap but protect different interests. Privacy rights protect a person against unwanted intrusion into private life and against unauthorised collection, disclosure or use of personal information. Their concern is autonomy and control over the private parts of a person's life. Personality rights protect the wider identity of an individual, including the features that make the person publicly recognisable, and they can apply even where the attribute is already publicly known. Publicity rights protect the commercial value of identity, and the central question is whether someone's identity has been used to promote or sell a product, service or platform. Moral rights protect the author's personal relationship with a creative work. They concern authorship and integrity, and do not reach commercial use of the author's identity in general. Passing off protects goodwill against misrepresentation and is most relevant where the defendant's use suggests that a person has endorsed, sponsored or authorised a product or service.

Several of these rights can arise together, and they should still be kept apart. An unauthorised use of a celebrity's image in an advertisement may give rise to claims for personality-rights and publicity-rights infringement, passing off and trademark infringement, and may raise privacy or dignity concerns. If an endorsement or licence agreement already exists, it may also be a breach of contract.

2.3. Identifiability as the Connecting Principle

Identifiability links the different forms of personality-rights protection. The point is whether the representation in question enables the appropriate audience to recognise the claimant. Recognition can come from a name, a photograph, a likeness, a distinctive voice, a nickname, a signature, a characteristic pose or gesture, a well-known line of dialogue, a combination of visual and contextual elements, or an AI-generated or digitally manipulated representation. The claimant does not always have to show that their full name or exact image was used. A representation can be actionable where its overall presentation leads the public to associate it with the claimant. The question is therefore not simply whether the defendant copied the claimant's appearance. It is whether the defendant took attributes that identify the claimant to the relevant public.

In Titan Industries, the lookalike representations were assessed in the setting of a commercial advertisement and the likelihood that viewers would link them to the celebrities. In Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd., the Delhi High Court asked whether the use of athletes' names, images and attributes made them identifiable in the context of digital collectibles.[16]

Identifiability has to be judged in context. The same image or expression can lead to different legal results depending on whether it appears in a news report, a documentary, a parody, a political cartoon, an artistic work, an advertisement, a commercial product, a digital collectible or an AI-generated promotional video. The fact that someone has used a work commercially strengthens the case since it shows that the work has been taken for the purpose of making a profit, but it should not be the sole factor on which the issue is decided. Courts must also take into account consent, the public interest, consumer confusion, artistic expression and the claimant's legitimate expectation of having control.

3. The Statutory And Constitutional Framework

3.1. Copyright Act, 1957

The Copyright Act, 1957 is the main statutory source of moral rights in India. Copyright ordinarily protects the economic interests of the owner, and Section 57 protects the author's personal relationship with the work. Section 57 recognises two interests: the right to claim authorship of the work, and the right to restrain or claim damages for distortion, mutilation or modification of the work where that treatment is prejudicial to the author's honour or reputation.[17] The provision treats the author's connection with a work as legally independent of the economic rights in it. As Mannu Bhandari and Amar Nath Sehgal show, an author can keep moral interests after assigning or transferring the economic copyright.

The Act does not expressly create a general right of publicity. It can still matter in personality-rights disputes, for instance where a person's image or voice is reproduced in a copyrighted work, where a photograph, advertisement or audiovisual recording is used without authorisation, where a person's performance is copied or manipulated, or where a defendant claims copyright in material that appropriates someone else's identity. Copyright

[16] Digital Collectibles, supra note 9.
[17] Copyright Act, supra note 10, § 57.

law is a useful foundation, but it cannot address every unauthorised use of a person's identity.

3.2. Trade Marks Act, 1999

The Trade Marks Act, 1999 applies where a person's name, signature, image or other identity-related feature works as a commercial mark. Section 27(2) preserves the common-law remedy of passing off, and Section 29 deals with infringement of registered trademarks.[18] A celebrity can protect a name, logo, signature or brand identity by registering it as a trademark. Trademark law does not, however, protect every aspect of personality automatically. The claimant generally has to show that the feature functions as a mark, or that the defendant's use creates a misleading commercial association.

Passing off is especially important in personality-rights disputes. The claimant has to establish goodwill or reputation, a misrepresentation by the defendant, and likely damage to the claimant's goodwill or commercial interests. A false advertisement suggesting that a celebrity endorses a product can therefore support both a personality-rights claim and a passing-off claim. The two differ in focus: passing off is concerned with consumer deception and commercial misrepresentation, while publicity rights are concerned more directly with the unauthorised appropriation of identity.

3.3. Common-law principles

As India does not have an all-encompassing statute on personal rights, the common law carries out a great deal of the necessary functions.

The practice of passing off serves to protect the goodwill and reputation associated with a person's identity or their commercial persona, and it is most applicable in cases where the defendant's use implies that the claimant had sponsored, approved or authorised the product. False endorsement is also closely related; it involves behaviour which gives the impression that a person has endorsed, sponsored or approved a product, service or activity, and it focuses on the implied commercial association with the claimant. In India, misappropriation, which is the unauthorized use of another person's identity or characteristics for commercial gain, is not always recognised as a separate tort, but the

[18] Trademarks Act, No. 47 of 1999, §§ 27(2), 29–30 (India).

concept does influence the way judges approach cases involving publicity rights. A breach of confidence may be applicable when private photographs, personal information, recordings or other confidential material are used commercially without consent.

Contracts also provide a source of protection; endorsement, management, licensing and merchandising agreements can specify the extent of the authorised use, how long it lasts, the territories and media involved, the ownership of the photographs or recordings, and the situation following termination. It is important in reality since courts can treat differently a use which was never authorised and a use which goes beyond the scope of an existing licence.

3.4. Constitutional Provisions

3.4.1. Article 21: privacy, dignity and autonomy

Article 21 forms the principal basis in the Constitution for safeguarding a person's identity. In the case of Justice K.S. Puttaswamy v. Union of India, the Supreme Court acknowledged privacy as a fundamental right closely linked to dignity, autonomy and personal liberty.[19] Although the judgment is not one concerned with personality rights, its reasoning is applicable since the protection of a person's identity relies on their ability to control how their attributes are presented and used. Article 21 can be used to provide protection against the unauthorized use of personal images, the commercial exploitation of one's identity, defamatory or humiliating manipulation, voice cloning, deepfakes, the unlawful disclosure of personal information and digital impersonation. However, it does not grant a complete monopoly over all public references to a person and its application must be weighed against freedom of expression, the public interest and the open dissemination of information.

3.4.2. Article 19(1)(a): Freedom of Speech and Expression

Article 19(1)(a) applies in any case where a dispute concerning personality rights involves news reporting, criticism, satire, parody, caricature, documentary films, biographies or political commentary and artistic expression. A public figure's personality cannot be placed wholly outside public discussion, and using a person's name or referring to their public activities should not by itself lead to liability. The usual question is whether the use

[19] Puttaswamy, supra note 8.

is genuinely expressive or is a disguised attempt to exploit the person's identity commercially. A news report about a celebrity and an advertisement using the same celebrity's image may refer to the same facts and still have very different legal consequences.

3.4.3. Article 19(2): Reasonable Restrictions

The interests behind personality rights can also engage the restrictions in Article 19(2), in particular those relating to defamation, decency or morality, public order and incitement to an offence. Courts need to avoid granting personality-rights injunctions so broadly that they suppress legitimate criticism, public debate or artistic expression.

3.4.4. Article 14

Article 14 bears on the need for clear and consistent standards. Personality rights in India are largely judge-made, so courts have to apply identifiability, commercial exploitation and free speech in a non-arbitrary way. The article may also matter where different kinds of claimants (celebrities, athletes, influencers and ordinary individuals) seek protection against similar unauthorised uses.

3.5. International Principles, Doctrines, Conventions and Treaties

3.5.1. Universal Declaration of Human Rights

Article 27(2) of the Universal Declaration of Human Rights recognises every person's right to protect the moral and material interests resulting from their scientific, literary or artistic production.[20] It supports the view that creative production has both economic and personal dimensions, and it informs the international understanding of moral rights.

3.5.2. Berne Convention

Article 6bis of the Berne Convention gives the author the right to claim authorship and to object to distortion, mutilation or other modification of a work that would prejudice the author's honour or reputation.[21] It is the central international source of moral rights, and it

[20] Universal Declaration of Human Rights art. 27(2), G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).
[21] Berne Convention for the Protection of Literary and Artistic Works art. 6bis, Sept. 9, 1886, as last revised July 24, 1971, 1161 U.N.T.S. 3.

supports the principle that an author's personal connection with a work can continue independently of any transfer of the economic copyright.

3.5.3. TRIPS Agreement

Article 9.1 of the TRIPS Agreement incorporates substantial parts of the Berne Convention but expressly excludes Article 6bis from the obligations it imposes.[22] Moral rights are therefore recognised internationally without having been fully harmonised through the trade-based intellectual-property system. TRIPS also creates no universal right of publicity, so the commercial protection of personal identity depends largely on domestic law.

3.5.4. Rome Convention

The Rome Convention protects performers, producers of phonograms and broadcasting organisations. Its relevance here is that it treats a performer's interests in a performance as distinct from ordinary copyright interests, which gives a basis for thinking about the relationship between a performer's identity, the performance and its commercial exploitation.

3.5.5. WIPO Performances and Phonograms Treaty

The WIPO Performances and Phonograms Treaty recognises certain moral and economic interests of performers. Article 5 protects a performer's right to claim identification and to object to distortion or modification of a performance that would prejudice the performer's reputation.[23] A performer's voice, appearance and style can be inseparable from the commercial value of the performance, which is why the treaty bears on personality-rights analysis.

3.5.6. Beijing Treaty on Audiovisual Performances

The Beijing Treaty extends related-rights protection to audiovisual performers and recognises their personal and economic interests in recorded audiovisual performances.[24] It is particularly relevant to modern disputes over film performances, digital reproduction,

[22]Agreement on Trade-Related Aspects of Intellectual Property Rights art. 9.1, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 401.
[23] WIPO Performances and Phonograms Treaty art. 5, Dec. 20, 1996, 2186 U.N.T.S. 203.
[24] Beijing Treaty on Audiovisual Performances art. 5, June 24, 2012, S. Treaty Doc. No. 112-6.

audiovisual manipulation, synthetic performers, digital avatars and AI-generated audiovisual content.

3.5.7. International Covenant on Civil and Political Rights

Article 17 of the International Covenant on Civil and Political Rights protects individuals against arbitrary or unlawful interference with privacy, family, home or correspondence, and against unlawful attacks on honour and reputation.[25] Article 19 protects freedom of expression. Read together, they show the same tension found in Indian personality-rights disputes: protecting personal identity has to be weighed against the freedom to receive and communicate information and ideas.

4. Chronological Evolution Of Personality Rights In Indian Case Law

4.1. Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd. (1986)

The first stage in the development of personality-related protection in India is Mannu Bhandari v. Kala Vikas Pictures Pvt. Ltd. The dispute arose from the adaptation of Mannu Bhandari's novel Aap Ka Bunty into a film. The author alleged that the film distorted and mutilated the literary work. The Delhi High Court examined the scope of Section 57 of the Copyright Act, 1957, and held that the author's special rights were independent of ordinary economic copyright. Transferring the economic rights did not take away her ability to object to treatment of the work that harmed her honour or reputation. The case recognises that a creative work can carry the author's personality. It is not only an economic commodity, since it can also reflect her reputation, creative identity and personal expression. This gave later personality-rights law an early foundation, although the case itself had nothing to do with publicity or celebrity identity.[26]

4.2. Amar Nath Sehgal v. Union of India (2005)

In Amar Nath Sehgal v. Union of India, the plaintiff, a well-known artist, had created a mural for Vigyan Bhavan. The Government later removed it and damaged it. The Delhi High Court held that the artist's moral rights had been violated. It treated the right of integrity as a continuing right tied to his honour, reputation and artistic personality, and

[25] International Covenant on Civil and Political Rights arts. 17, 19, Dec. 16, 1966, 999 U.N.T.S. 171.
[26] Mannu Bhandari, supra note 11.

said that Section 57 protects more than the material or economic value of a work. The judgment did two things. It recognised that moral rights can survive the transfer of economic rights, and it linked creative integrity to the dignity and identity of the author. That strengthened the idea that intellectual-property law can protect personal and dignitary interests as well as commercial ownership.[27] The case still concerned an author's relationship with one creative work. It did not establish a general right to control the commercial use of a person's name, image or identity.

4.3. ICC Development (International) Ltd. v. Arvee Enterprises (2003)

The commercial strand of the doctrine in fact opens earlier than D.M. Entertainment. In ICC Development (International) Ltd. v. Arvee Enterprises, the International Cricket Council objected to an advertisement that linked a consumer promotion to the Cricket World Cup without its authorisation. The Delhi High Court rejected the claim, holding that the right of publicity vests only in an individual or in the indicia of an individual's personality, such as a name, personality trait, signature or voice, and cannot be claimed by a corporate body or an event organiser that has no persona of its own. The judgment matters less for its outcome than for its reasoning: it treated the right of publicity as having evolved from the right of privacy, available only to a natural person who can be identified by the use complained of. This fixed, at an early stage, the proposition that would guide every later publicity-rights case in India, namely that the claimant must be a person capable of being recognised, and not merely an entity associated with an event, product or brand.[28]

4.4. D.M. Entertainment Pvt. Ltd. v. Baby Gift House (2010)

A distinct right of publicity began to emerge in D.M. Entertainment Pvt. Ltd. v. Baby Gift House, which concerned the unauthorised sale of dolls resembling the singer Daler Mehndi. The Delhi High Court held that the commercial value of a celebrity's identity can be legally protected. It explained that the right of publicity is the ability of an individual to permit or refuse the commercial exploitation of their likeness or other personality attributes. The court also separated the right of publicity from false endorsement and passing off. Passing off generally requires a misrepresentation that causes, or is likely to

[27] Amar Nath Sehgal, supra note 12.
[28] ICC Development (International) Ltd. v. Arvee Enterprises, 2003 (26) PTC 245 (Del) (India).

cause, consumer confusion. A publicity claim is concerned more directly with the unauthorised appropriation of the claimant's persona for commercial gain. The court also warned that publicity rights should not be expanded so far that they restrict legitimate freedom of speech. The decision thus set out both sides of the doctrine: protection against commercial appropriation, and the need to preserve public expression.[29]

4.5. Titan Industries Ltd. v. Ramkumar Jewellers (2012)

Titan Industries Ltd. v. Ramkumar Jewellers concerned representations resembling Amitabh Bachchan and Jaya Bachchan in a jewellery advertisement. The Delhi High Court found that the advertisement created an association with the celebrities and suggested that they endorsed the defendant's product. It is not necessary to reproduce the claimant's exact photograph. A lookalike representation placed in a recognisable commercial context can be enough to identify the celebrity. The judgment helped develop the concept of identifiability. The question is not only whether the defendant copied a particular image, but whether the overall representation would lead the public to associate the advertisement with the claimant. The case also shows how personality rights, passing off and false endorsement overlap. Commercial use of a celebrity's identity can confuse consumers, damage goodwill and deprive the celebrity of control over the economic value of their endorsement.[30]

4.6. Shivaji Rao Gaikwad v. Varsha Productions (2015)

In Shivaji Rao Gaikwad v. Varsha Productions, the actor Rajinikanth challenged the use of his name and persona in connection with the film Main Hoon Rajinikanth. The Madras High Court granted interim protection. It looked at the public association between the name "Rajinikanth" and the actor, and at the possibility that viewers would think the film was connected with him or authorised by him. The case shows that a celebrity can object to the unauthorised commercial use of a name that has become strongly identified with them. It also shows that at the interim stage, proof of literal copying or direct deception may not be necessary where the claimant is readily identifiable and the use is commercial. With this

[29] D.M. Entertainment, supra note 6.
[30] Titan Industries, supra note 7.

decision, Indian personality-rights law moved from advertisements and merchandise into film titles and entertainment content.[31]

4.7. Justice K.S. Puttaswamy v. Union of India (2017)

Justice K.S. Puttaswamy v. Union of India was not a personality-rights case, but it matters as a constitutional development. The Supreme Court recognised privacy as a fundamental right under Article 21, and understood it to include dignity, autonomy, decisional freedom and control over aspects of personal life and identity. The judgment helps explain why unauthorised use of a person's identity can cause more than economic harm. It can also interfere with autonomy, dignity and the ability to control how one is represented to the world. Puttaswamy still has to be read together with Article 19(1)(a). Recognising privacy does not give a public figure complete control over every public reference, criticism or artistic representation of them.[32]

4.8. Amitabh Bachchan v. Rajat Nagi (2022)

In Amitabh Bachchan v. Rajat Nagi, Amitabh Bachchan sought protection against the unauthorised use of his name, image, voice and other attributes by several defendants. The Delhi High Court granted an ad interim ex parte injunction. It restrained the defendants from using aspects of his personality for commercial or personal gain, including "Amitabh Bachchan," "Bachchan," "Big B," "AB," his voice, his image and other attributes exclusively identifiable with him. The conflict concerned online content, products and websites, and therefore brought the scope of protection beyond that of traditional advertising to include digital exploitation. The court also recognised that personality rights can protect a combination of characteristics, not merely a single image. A person's identity may be taken over by means of their name, voice, image or one or more of these together.[33]

4.9. Galactus Funware Technology Pvt. Ltd. v. Digital Collectibles Pte. Ltd. (2023)

The case of Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd. was about the use of cricketers' names, images and attributes in digital collectibles and in other related products. The defendants maintained that publicity rights only applied in the context

[31] Shivaji Rao Gaikwad v. Varsha Productions, 2015 SCC OnLine Mad 158 (India).
[32] Puttaswamy, supra note 8.
[33] Amitabh Bachchan v. Rajat Nagi, 2022 SCC OnLine Del 4110 (India).

of traditional endorsement or advertising. At the prima facie stage the Delhi High Court dismissed that narrow interpretation and ruled that the right of publicity may include the unauthorised use of identifiable personality attributes for commercial purposes. The case applies personality-rights principles to digital assets and makes identifiability the key point in the analysis. The claimant must prove that the name, image or attribute refers to a specific individual and that it is being used commercially without permission. The fact that the exploitation takes the form of an advertisement, a physical product, an NFT or a digital collectible is not in itself sufficient to establish that personality rights have been infringed.[34]

4.10. Anil Kapoor v. Simply Life India (2023)

In Anil Kapoor v. Simply Life India, the Delhi High Court dealt with the unauthorised use of Anil Kapoor's name, image, voice, likeness and other distinctive attributes. The court recognised that a celebrity's endorsement rights can be an important source of livelihood. Unauthorised use of a celebrity's persona can therefore affect commercial interests and the right to earn a livelihood, in addition to reputation and privacy. The case bears particularly on technology-driven misuse. The court was willing to protect a combination of identity attributes, including voice, expressions and other recognisable aspects of the claimant's persona. It also accepted that legitimate news reporting, criticism, satire and parody should remain protected, so the judgment reflects the continuing need to balance personality rights against freedom of expression.[35]

4.11. Jaikishan Kakubhai Saraf v. The Peppy Store (2024)

In Jaikishan Kakubhai Saraf v. The Peppy Store, the actor Jackie Shroff sought protection against the unauthorised use of his name, nickname, image, voice and other aspects of his personality. The case involved online merchandise, videos, digital content and an unlicensed chatbot using aspects of his persona. The Delhi High Court treated a celebrity's name, image, voice and distinctive attributes as potentially protectable elements of personality. The case shows that personality-rights disputes now run across several digital formats, and that a claimant can seek protection against future technological forms of exploitation, including artificial intelligence and digital avatars. It also shows the need for

[34] Digital Collectibles, supra note 9.
[35] Anil Kapoor, supra note 9.

limits. Not every reference to a celebrity, humorous imitation or public discussion should amount to infringement, and the analysis has to distinguish commercial appropriation from legitimate expressive use.[36]

4.12. Arijit Singh v. Codible Ventures LLP (2024)

Arijit Singh v. Codible Ventures LLP carried the doctrine into generative artificial intelligence and, notably, into a different jurisdiction. The playback singer approached the Bombay High Court against several defendants who were using artificial intelligence tools to synthesise his voice, sell AI-generated tracks and merchandise bearing his name, and register domain names that traded on his identity. The court granted an ex parte ad interim injunction, holding that making available a tool capable of converting any voice recording into the plaintiff's voice, without his consent, violated his personality and publicity rights, and restrained the defendants from using his name, image, voice or other attributes through artificial intelligence or otherwise. The decision is the first Indian judgment to treat generative AI itself, rather than a single infringing image or recording, as the object of the injunction, and it shows the Bombay High Court reaching the same destination as the Delhi High Court, by a parallel route, in treating a cloned voice as an appropriation of identity rather than a mere technical novelty.[37]

4.13. Ranganthan Madhavan v. G Fimlz Studioz (2025)

Ranganthan Madhavan v. G Fimlz Studioz is the most recent AI-related dispute in this line of cases. It involved allegedly AI-generated content and other unauthorised material portraying the actor R. Madhavan. The Delhi High Court considered it possible to take legal action over the use of a person's name, image, voice and other characteristics when such content is used for commercial purposes. The case brings up issues which previous rulings had not directly dealt with, such as whether an AI-generated likeness can make a person identifiable and whether synthetic content can violate personality rights without making use of an original photograph. Is commercial AI-generated content protected by fair dealing or free speech? Can platforms be required to remove infringing material? How should courts tell parody from deceptive impersonation? The decision concerns an area

[36] Jaikishan Kakubhai Saraf, supra note 9.
[37] Arijit Singh v. Codible Ventures LLP, 2024 SCC OnLine Bom 2445 (India).

that is still developing and is not a comprehensive statutory ruling, so it is best treated as an important development and not as a final statement of the law.[38]

4.14. Akshay Kumar v. Ashok Kumar/John Doe (2025)

In Akshay Kumar's suit against a set of anonymous online defendants, the Bombay High Court granted interim protection against AI-generated deepfake images and videos circulating across social media platforms, e-commerce sites and AI content-creation tools. Justice Arif S. Doctor observed that the realism of the material was itself a concern, since a viewer could no longer easily tell a synthetic video from a genuine one, and held that the fabrications violated both personality rights and the moral rights attached to the actor's image. The order went further than earlier interim relief in one respect: it treated the risk as extending beyond commercial loss or reputational harm to the physical safety of the actor and his family, given how convincingly the deepfakes could be mistaken for him. The suit relied on Article 21 together with the moral-rights protection in the Copyright Act, 1957, so the reasoning sits closer to the dignitary strand of personality rights than to the purely commercial right of publicity.[39]

4.15. Ajay Devgn v. Ashok Kumar/John Doe (2025)

Ajay Devgn obtained similar interim relief from the Delhi High Court a month later, restraining a further set of unidentified defendants from using his name, image and voice across websites and social media, with directions for the takedown of material already in circulation. The order adds little doctrinally to Amitabh Bachchan or Anil Kapoor, both of which it follows closely in structure and reasoning, but it is worth noting for what it shows about volume rather than substance: by late 2025, a personality-rights suit against anonymous AI-content defendants had become close to a routine filing, decided on broadly settled principles rather than contested argument.[40]

4.16. Allu Arjun v. Frankly Retail Private Limited (2026)

Allu Arjun v. Frankly Retail Private Limited extended the doctrine to a performer's physical mannerism rather than his name, image or voice. The Delhi High Court restrained

[38] Ranganthan Madhavan v. G Fimlz Studioz, CS(COMM) 796/2025 (Delhi H.C. Dec. 22, 2025) (India).
[39] Akshay Kumar v. Ashok Kumar/John Doe, order dated Oct. 2025 (Bom HC) (India).
[40] Ajay Devgn v. Ashok Kumar/John Doe, order dated Nov. 2025 (Del HC) (India).

the defendants from using the actor's identity, including his recurring screen gesture from the film Pushpa, through AI tools, deepfakes and unauthorised merchandise. Justice Tushar Rao Gedela treated the gesture as identifiable in the same way a signature or a voice is identifiable: the question was not whether the exact movement had been copied, but whether its use would lead an ordinary viewer to associate it with the actor. The decision confirms that identifiability, as the concept has developed through Titan Industries and Digital Collectibles, is not limited to a fixed set of attributes and can extend to any feature distinctive enough to call the claimant to mind.[41]

4.17. Toprankers Edtech Solutions (P) Ltd. v. LPT Edtech (P) Ltd. (2026)

Toprankers Edtech Solutions (P) Ltd. v. LPT Edtech (P) Ltd. tests the doctrine at its outer edge. The dispute arose between two competing educational businesses over the commercial use of the identity of a candidate who had topped the CLAT 2026 examination, and it raised a question the earlier cases had not needed to confront directly: whether a person who becomes known for a single achievement, rather than through a sustained public career, acquires a commercially protectable persona at all. The Delhi High Court's handling of the dispute suggests that fame built on one result can still ground a personality-rights claim, but that courts will have to work out some threshold short of simply asking whether the claimant is, in fact, identifiable, since almost anyone who has appeared in the news is identifiable to someone. The point is taken up again in the critical evaluation below.[42]

4.18. Development reflected in the case law

The cases fall into three stages. In the first, Mannu Bhandari and Amar Nath Sehgal concerned the author's relationship with a creative work and protected attribution, integrity and artistic dignity. In the second, ICC Development, D.M. Entertainment, Titan Industries and Shivaji Rao Gaikwad moved towards protecting the commercial value of an identifiable celebrity persona. In the third, Amitabh Bachchan, Digital Collectibles, Anil Kapoor, Jackie Shroff, Arijit Singh and Ranganthan Madhavan extended the doctrine to online platforms, digital merchandise, voice, NFTs, chatbots and AI-generated content, and

[41] Allu Arjun v. Frankly Retail Private Limited, CS(COMM) 403/2026 (Del HC 2026) (India).
[42] Toprankers Edtech Solutions (P) Ltd. v. LPT Edtech (P) Ltd., 2026 SCC OnLine Del 1772 (India).

a further run of 2025–26 orders, Akshay Kumar, Ajay Devgn, Allu Arjun and Toprankers Edtech among them, carried the same reasoning into deepfake safety concerns, routine enforcement and the outer limits of who counts as identifiable. Overall, the law has moved from protecting creative personality to protecting commercially identifiable identity.

5. Limitations And Defences

Personality rights are not absolute; the interest in protecting one's identity must be weighed against freedom of speech, artistic expression, the public interest and the free flow of information. Although a wide doctrine can prevent commercial exploitation, it should not allow public figures to have control over every reference to their lives, their work or their public image.

5.1. Consent & Identifiability

Consent is the most effective defence, and it can be either express or implied as well as written or oral; it may be restricted in terms of time, place, medium, product or campaign and it can be granted by an agent or through a licensing agreement. The extent of the consent is important since approval to use a photograph in one advertisement does not mean that it can be used on merchandise, websites, NFTs or AI-generated content. A defendant might base their case on a contract, a licence, an endorsement agreement or a release, and the claimant could respond by saying that the defendant has gone beyond the authorisation or has continued to use the identity after the licence had expired.

Identifiability also places restrictions on the kinds of objections that can be made. A claimant cannot raise an objection just because a representation resembles them in a general or coincidental manner; they have to prove that the representation refers to them and that the appropriate audience would identify it with them on the basis of features which are distinctive enough to enable recognition. A generic figure, a common name or an ordinary voice would usually not be sufficient. This requirement prevents personality rights from becoming a monopoly over common characteristics, ideas or general styles.

5.2. News, Public Interest and Publicly Available Facts

Genuine news reporting should generally be protected. Public figures are legitimate subjects of news reports, investigative journalism, documentaries, biographies and political

commentary, and the law should separate the commercial exploitation of a person's identity from the reporting of information about them. A celebrity's photograph in a news article about a public event is different from the same photograph used to sell an unrelated product. The first can be justified by public interest, and the second suggests endorsement.

The same logic covers publicly available facts. The fact that a person attended an event, acted in a film, played a sport or held public office cannot ordinarily be privately owned. What the law protects is the manner of use. A news report can refer to a public event, but an advertiser cannot use the same event to imply that the person endorses its product. The line falls between reporting or discussing a fact and appropriating a person's identity for commercial benefit.

5.3. Criticism, Satire, Parody and Artistic Use

Satire and parody constitute protected forms of expression and typically involve exaggeration, imitation, or a reference to public figures. It is not the case that a person should be protected from criticism or mockery simply because such criticism or mockery makes use of recognizable aspects of their public image. When dealing with such cases, courts may consider whether the work is genuinely expressive, whether it is intended to comment on the individual, whether it is primarily for commercial purposes, whether it is misleadingly presented as being authorized, and whether it causes reputational or dignitary harm that goes beyond what might be expected from ordinary criticism. In the case of D.M. Entertainment, the Delhi High Court warned that placing too much emphasis on publicity rights could have the effect of restricting free speech.[43] Karan Johar v. Ashok Kumar/John Doe dealt with the unauthorised use of the plaintiff's name and persona in commercial content, and the court also took account of the importance of parody, caricature and satire.[44]

Artistic and transformative use raises a related point. Paintings, films, theatre, literary works, documentaries, digital art, political cartoons and fictionalised portrayals can use a person's identity without infringement where it is transformed into a new expressive work. That a work is sold should not make it unlawful, because many expressive works are published commercially. The better question is whether the person's identity forms part of

[43] D.M. Entertainment, supra note 6.

[44] Karan Johar v. Ashok Kumar/John Doe, CS(COMM) 974/2025, order dated Sept. 17, 2025 (Delhi H.C.) (India).

the expressive content or serves only as a product feature or marketing device. American courts have approached this through Rogers v. Grimaldi, where the Second Circuit set out a test balancing artistic expression against the likelihood of consumer confusion.[45] Indian courts could develop a similar contextual approach under Article 19(1)(a).

The case of fan activity is more complicated. If fan pages, tribute videos, memes and non-commercial artwork which make use of a celebrity's name, image or voice are genuinely not intended for commercial gain and do not imply that the celebrity is endorsing them, then an injunction is not usually granted. Such activities can, however, be considered actionable if the fan page sells unauthorised merchandise, promotes other goods that have nothing to do with the celebrity, imitates an official website, collects money by falsely endorsing a product, or if it publishes defamatory or sexually explicit material. The key issues remain the commercial purpose and the likelihood of confusion.

5.4. Reputation and Defamation

A claim based on personality can overlap with a defamation claim when the use of a person's identity is false and has a degrading or damaging effect on their reputation. This situation is particularly common in the case of deepfakes, photos that have been morphed, false advertisements, sexually explicit synthetic material, fake interviews and statements that have been voice cloned. The person making the claim might ask for redress on the grounds that their identity was used without permission and also because the content falsely assigns words, actions or an endorsement to them. However, the courts still have to distinguish between defamation and criticism; a negative opinion or a severe review can be protected if it is clearly stated as such an opinion and does not falsely attribute facts.

5.5. Interim Relief, John Doe Orders and Intermediaries

A large number of decisions concerning personality rights are issued at the interim stage. When a claimant establishes a prima facie case, shows that a balance of convenience exists and proves that there is a likelihood of irreparable harm, courts will grant ad interim or ex parte injunctions. This kind of justification is common when the content is spreading rapidly online, when the claimant's reputation is in danger, or when an unauthorised

[45] Rogers v. Grimaldi, 875 F.2d 994, 999–1000 (2d Cir. 1989).

advertisement poses immediate commercial harm. However, interim orders do not determine at that stage whether the right in question actually exists in the form claimed, whether the defendant has a valid defence based on free expression, whether the claimant owns or controls the identity in issue, whether the use is transformative, or whether the content is defamatory. It is advisable for courts to refrain from making orders which have the effect of imposing permanent restrictions before the merits of the case have been properly examined.

Online disputes frequently concern anonymous websites, social media accounts, or unknown sellers, and as a result courts issue John Doe or Ashok Kumar orders directed at unnamed defendants. Such orders are useful in cases where the content is reproduced rapidly, the defendants are unidentified, there are multiple sellers involved, or it is necessary to carry out a takedown quickly. The orders should specify the prohibited conduct exactly and must not prevent legitimate criticism, parody, news reporting or independent content just because it refers to the claimant.

The online marketplaces, social-media services, search engines, video-sharing sites, domain registrars, hosting providers and AI-generation services are included in this category. A claimant has the option of requesting the removal of infringing content, the disclosure of the identity of the uploader, the blocking of URLs, the removal of listings, the suspension of accounts that are impersonating others, or action to be taken in the case of repeated uploads. However, such claims must be balanced against the safe-harbour principles and the issue of imposing an unrealistic duty to monitor all content.

5.6. Balancing

The court ought to consider whether the claimant can be identified, whether the use was authorised, whether it is commercial, whether it implies endorsement, and whether it results in reputational or dignitary harm; it should also examine whether the defendant’s use is expressive, newsworthy or transformative, whether the remedy is proportionate, and whether an injunction would place an undue restriction on freedom of expression. The central principle is that personality rights protect against unauthorised appropriation of identity. They do not protect against all public discussion, criticism or artistic reference.

6. Critical Evaluation

Indian personality-rights law has developed mainly through judicial decisions and not through a comprehensive legislative framework. That has let courts respond quickly to digital merchandise, synthetic voices, chatbots and AI-generated content. It has also left key terms undefined: personality rights, publicity rights, the relationship between privacy and publicity, the scope of identifiability, ownership and transferability, the duration of post-mortem protection, and the liability of online platforms. Copyright, trademark law, passing off and constitutional law each cover part of the problem, but none covers all of it.

6.1. Moral rights and personality rights

Indian case law has moved from moral rights to personality rights, but the two are not interchangeable. Moral rights protect an author's relationship with a creative work, through attribution and integrity under Section 57 of the Copyright Act, 1957.[46] Personality rights protect a person's identity whether or not it is expressed through a copyrighted work, so someone can claim protection for their name, voice, image or likeness even where no copyright is infringed.

They are still linked together. Mannu Bhandari and Amar Nath Sehgal demonstrated that a creator's personality and dignity can be important legally even beyond the issue of economic ownership, and in later cases involving publicity this principle was applied to commercial identity as well.[47] The danger, however, is that a wide conception of 'personality' enables claimants to regard every public association as property, and the courts should specify in each case exactly what interest they are safeguarding.

6.2. Identifiability

The key aspect in these claims is identifiability, and the Indian courts have not agreed on a single test. A claimant may be identified by their name, image, voice, nickname, signature, mannerism, costume, dialogue, context or a combination of these. The difficulty lies in determining when a combination of common features becomes sufficiently distinctive. A broad approach wrongly protects ordinary characteristics, while a narrow one allows

[46] Copyright Act, supra note 10, § 57.
[47] Mannu Bhandari, supra note 11; Amar Nath Sehgal, supra note 12.

defendants to escape by making small alterations to a recognizable representation. A test based on context would be useful since it would take into account how distinctive the attribute is, how closely the use resembles it, who the relevant audience is, the commercial context, the claimant's reputation, the likelihood of public association, and whether the use suggests endorsement. Thus, it would provide greater predictability without requiring exact copying.

6.3. Celebrity-Centred Development

It is reasonable that the majority of cases in India concern actors, singers and athletes since of the commercial value of their identities and the fact that they are frequently the target of such activities. Personality rights are not limited to celebrities; ordinary people can also be affected by deepfakes, identity theft, voice cloning, unauthorised sexual imagery, false online profiles and manipulated defamatory content. The main difference lies in the type of harm caused: celebrities usually seek protection against the commercial use of their identities, while ordinary people place greater reliance on their privacy, dignity and reputation, as Puttaswamy has stated.[48] Toprankers Edtech shows how unsettled the threshold still is: a single examination result was enough to generate litigation over commercial identity, without any of the sustained public career the earlier cases assumed.[49] A future framework should treat the commercial value of a celebrity's identity separately from the dignitary and privacy interests of all individuals.

6.4. Post-Mortem Rights and Assignability

It is uncertain under Indian law whether personality rights continue after a person's death or whether such rights can be assigned or inherited. A celebrity's identity can retain its commercial value via films, archival recordings, merchandise, biographies, digital recreations and posthumous endorsements. Since these rights have both a personal and a dignitary aspect, viewing them merely as transferable property is inconsistent with the connection to autonomy. Legislation should therefore decide whether the rights survive death, who is entitled to enforce them, for how long, whether they can be licensed, whether

[48] Puttaswamy, supra note 8.
[49] Toprankers Edtech Solutions (P) Ltd. v. LPT Edtech (P) Ltd., supra note 41.

assignment has to be explicit, whether heirs can make commercial use of the identity, and how post-mortem rights relate to public-interest expression.

6.5. Expression, Overprotection and Interim Orders

Personality rights should not be used as a means of suppressing criticism or controlling public debate. It is not automatic that the use of a celebrity's name or image constitutes commercial exploitation, and the courts ought to distinguish between using a person's identity to convey an idea and using it to promote a product. This is important since a great many expressive works are sold, and a documentary, a book or a film can generate income without thereby acting as an advertisement or making a false endorsement. The courts should therefore consider whether an injunction is necessary and whether a more limited remedy would suffice to protect the claimant without suppressing legitimate expression.[50] The same worries apply in the case of interim relief. Since online content can spread rapidly and delays might result in actual harm, there is a frequent need for urgent applications. However, a large number of the more recent decisions involve interim or ex parte orders, which set up a prima facie case without providing fully reasoned final findings. Such overbroad orders may suppress lawful speech, extend to third parties who are not identified, restrict parody or criticism, impose a burden on intermediaries and leave unclear what sort of activity is prohibited. It is necessary for the orders to specify the exact identity attributes, commercial behaviour and forms of misuse that they are intended to restrain.

6.6. Judicial Restraint: The Janhvi Kapoor Course-Correction

Janhvi Kapoor's suit against a large set of websites and accounts hosting unauthorised content is a useful corrective to the pattern described above. The plaintiff sought a blanket injunction covering 6,884 URLs. The Delhi High Court declined to grant it in that form, holding that a claim pitched at that level of generality was overbroad, and directed the plaintiff to sort the URLs into distinct categories, pornographic and sexually explicit material, content that directly monetised her persona, and content that merely referenced her name or image in connection with unrelated goods, before the court would consider relief for each category on its own footing. Interim protection was granted only for the first

[50] D.M. Entertainment, supra note 6.

category, where the content was ex facie pornographic, and the remainder was left for further scrutiny.[51]

The order does not reverse the expansive run of personality-rights injunctions traced through this paper. It does show, however, that at least one bench is prepared to treat an injunction request as something that must be justified category by category, rather than granted wholesale because the claimant is well known and the defendants are numerous. If the volume of interim orders continues at its current pace, this kind of sorting is probably where the real discipline in the doctrine will end up living, since no legislature has stepped in to supply it.

6.7. Artificial Intelligence and Platform Liability

It is possible to reproduce a person's identity without having to copy an existing photograph, recording, or performance. AI can mimic a person's face, voice, accent, mannerisms, and professional image. Although current law addresses some of these issues through the use of personality rights, passing off, copyright, privacy, defamation and remedies available to intermediaries, it does not clearly state whether a synthetic representation counts as a direct reproduction.[52] Among the unresolved issues are AI-generated endorsements, voice cloning, digital duplicates, deepfake pornography, political impersonation, synthetic interviews, the use of identity-related material to train AI systems, and compensation for unauthorized commercial use. The problem is to stop deceptive impersonation without banning legitimate parody, experiment, criticism or artistic transformation.

It is important to consider platforms since a single unauthorized image, recording or video can be copied onto a large number of websites in a short space of time. The framework should specify when a platform has received adequate notice, whether it is necessary to have actual knowledge, how swiftly the content must be taken down, whether it should prevent repeated uploads, when user information can be disclosed, how safe harbour applies, and whether AI-generated platforms must guard against deceptive impersonation. If monitoring duties were completely unrestricted, this could lead to excessive removals

[51] Janhvi Kapoor v. Ashok Kumar/John Doe, order dated 2026 (Del HC) (India).
[52] Anil Kapoor, supra note 9; Jaikishan Kakubhai Saraf, supra note 9; Arijit Singh, supra note 36.

and have a negative impact on lawful expression, so the obligations must remain proportional.

6.8. Reform and Overall Assessment

India should have a specific statute which establishes personality and publicity rights, acknowledges both dignitary and commercial interests, introduces an identifiability test, clarifies how these rights relate to copyright and trademark law, includes exceptions for news, criticism, parody and the public interest, regulates licensing and assignment, deals with rights that apply after death, offers remedies in cases of misuse of an AI-generated identity, clarifies the duties of intermediaries, and provides remedies that are proportionate in both the civil and administrative spheres. It should not merely copy the American model; instead, it should combine commercial protection with India's constitutional focus on dignity, privacy and autonomy.

The courts of India have established a practical and flexible framework, though the law is still in an intermediate phase. While it has gone beyond the mere protection of copyrighted works to acknowledge the commercial value of a person's identity, uncertainty remains since it relies so much on interim orders, detailed case-by-case reasoning, and overlapping grounds of action. The next stage should be to achieve clarity rather than to carry out further expansion, the objective being to stop unauthorized commercial use of a person's identity without impeding lawful expression and public discussion, and not to grant ownership over every aspect of a person's public identity.

7. Conclusion

In India, personality rights have gradually shifted from covering creative works to focusing on personal identity. The initial moral-rights cases, Mannu Bhandari and Amar Nath Sehgal, proved that an author's connection with their work includes aspects of dignity, reputation and integrity, and that these concerns are separate from economic copyright. The judicial approach then turned to the commercial area. ICC Development first held that the right of publicity vests in an individual rather than in a corporate sponsor, a principle D.M. Entertainment then applied directly to protect a celebrity's right to control the commercial use of their likeness. The cases of Titan Industries and Shivaji Rao Gaikwad demonstrated that a person can be identified by means of context, resemblance, name or

other distinctive features even if their exact photograph is not employed. Justice K.S. Puttaswamy provided a constitutional foundation based on dignity, autonomy and personal control. Subsequent cases concerning Amitabh Bachchan, digital collectibles, Anil Kapoor, Jackie Shroff and Arijit Singh widened the protection to include voices, nicknames, digital merchandise, online content, cloned voices and chatbots.[53]

The open questions are now more urgent because of AI. A person's identity can now be reproduced through synthetic images, cloned voices, deepfakes and digital avatars. Existing principles reach some of these harms, but they do not clearly answer who owns personality rights, whether they can be transferred, how long they last or how they are enforced. Indian law has developed a good deal through the courts and is still fragmented, because it protects personality through several overlapping doctrines and has no unified statute. The main gaps are the lack of a statutory definition, an inconsistent identifiability test, the line between commercial appropriation and legitimate expression, the position of ordinary individuals compared with celebrities, post-mortem protection, assignability and licensing, platform liability and AI-generated impersonation.

The comparison with the United States shows that India could use clearer rules on publicity rights, commercial licensing and post-mortem protection. India should not adopt a purely property-based model, though, since its framework also has to protect privacy, dignity, autonomy and freedom of expression. The next step should be clarification and not unlimited expansion. A suitable framework would prevent unauthorised commercial appropriation and harmful impersonation while leaving room for news reporting, criticism, satire, parody, biography, artistic expression and public-interest discussion.

This concludes that Indian personality-rights law has evolved from protecting the creative personality of the author to protecting the commercially identifiable identity of the individual. What remains to be decided is how that identity should be protected when the boundary between the real and the artificial is harder to draw.

[53] Amitabh Bachchan, supra note 32; Digital Collectibles, supra note 9; Anil Kapoor, supra note 9; Jaikishan Kakubhai Saraf, supra note 9; Arijit Singh, supra note 36.