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TECHNOLOGY INSIGHT

Supreme Court Mandates Self-Declaration by Advertisers/ Advertising Agencies
Before Releasing Advertisements

Delhi HC passes order recognising actor Jackie shroff's personality rights



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The Hon'ble Supreme Court in the case of Indian Medical Association and Ors. vs. Union of India (UOI) and Ors. (Writ Petition Civil No. 645/2022) vide its order dated May 7, 2024 and exercising its power under Article 32 and Article 141 of the Constitution of India, has directed all advertisers/ advertising agencies to submit a 'Self- Declaration' Certificate before publishing or broadcasting any advertisement on television, radio, print and digital media.

The order further states that no advertisements will be permitted to run on television, print media, or the internet without a valid Self-Declaration Certificate and the advertiser must provide a proof of uploading the Self-Declaration certificate to the relevant broadcaster, printer, publisher, or electronic media platform for their records. The Ministry of Information and Broadcasting is further instructed to create a dedicated portal for functioning of the order and the advertising agencies have to upload the certificate on the Broadcast Sewa Portal.

The order was issued in the context of misleading advertisement by Patanjali which advertised about ayurvedic products as a complete cure for certain diseases without scientific evidences that are explicitly prohibited to be advertised and are in clear violation of the provisions under the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (Drugs Act, 1954) and the Consumer Protection Act.

Delhi HC passes order recognising actor Jackie shroff's personality rights

The Hon'ble Delhi High Court in the case of Jaikishan Kakubhai Saraf v. Peppy Store, 2024 SCC OnLine Del 3664, passed an ad-interim injunction order in favour of the plaintiff, Jackie Shroff, restraining various entities from infringing his personality/publicity rights.

The Hon'ble High Court further ordered the defendants to refrain from infringing upon the plaintiff's personality and publicity rights by exploiting his name 'JACKIE SHROFF' and other sobriquets such as 'JACKIE' and 'JAGGU DADA' as well as his voice and image for making downloadable wallpaper, creating distorting videos of the plaintiff which tarnishes his reputation and violates his moral rights for any commercial purpose without his consent and/or authorization.



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