

# PERSONALITY RIGHTS IN INDIA

A Ready Reckoner

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## 1. What Are Personality Rights?

Personality rights are the legal rights that protect an individual's control over their name, image, likeness, voice, signature, and other distinctive personal attributes. These rights encompass two key dimensions: first, the right to protect one's personality attributes from being commercially exploited without consent; and second, the right to privacy and dignity under Article 21 of the Constitution of India.

As the Delhi High Court explained, personality rights are rooted in an individual's autonomy to permit or deny the exploitation of their likeness or other attributes of their personality. When someone's identity is used without consent, it may cause commercial detriment and also impact their right to live with dignity.

## 2. Why Are Personality Rights Important?

**Protection against commercial abuse:** For public figures, endorsement rights are a major source of income. Unauthorized use destroys legitimate earning opportunities and diverts commercial benefits to infringers.

**Safeguarding Reputation:** Unauthorized or inappropriate use of one's image, especially through AI-generated deepfakes or morphed content, can cause irreparable harm to reputation and public standing.

**Consumer Protection:** When infringers use a celebrity's image to sell products, consumers are misled into believing there is an endorsement or affiliation that does not exist.

**Dignity and Privacy:** Beyond commercial aspects, personality rights protect fundamental rights to privacy and dignity, especially against obscene, vulgar, or defamatory content.

## 3. Common Types of Infringement

The following are the most common forms of personality rights infringement in today's digital age:

**Unauthorized Merchandise:** T-shirts, posters, mugs, keychains, stickers, phone covers sold on platforms like

Amazon, Flipkart, Meesho, Redbubble, and Etsy without authorization.

**AI-Generated Deepfakes:** Fake videos depicting the person in scenarios they never participated in, including fake movie trailers, advertisements, and pornographic content.

**Fake Social Media Accounts:** Impersonation through accounts using the person's name and image to mislead followers or extract money.

**AI Voice Cloning & Chatbots:** Unauthorized use of voice through AI tools to create fake audio content or interactive bots.

**Cybersquatting:** Registration of domain names incorporating a celebrity's name without authorization.

**False Celebrity Booking Websites:** Fraudulent websites claiming to offer booking services for appearances or events.

**False Quote Attribution:** Publishing fabricated quotes attributed to a person on social media platforms.

#### **4. Notable Cases and Plaintiffs**

In 2025, the Delhi High Court granted personality rights protection to numerous well-known figures:

Plaintiff	Profession	Type of Infringement
Ajay Devgn	Actor	Merchandise, AI deepfakes, pornographic morphed content
Salman Khan	Actor	Merchandise, mobile apps, cybersquatting
Hrithik Roshan	Actor	Merchandise, obscene memes, AI morphing, GIFs
R Madhavan	Actor	Fake AI movie trailers, deepfake pornographic content
Jaya Bachchan	Actor & MP	AI vulgar content, merchandise, pornographic deepfakes
Sunil Gavaskar	Cricketer	Merchandise, false quote attribution
NTR Jr.	Actor	Merchandise, AI deepfakes, impersonation
Pawan Kalyan	Actor & Deputy CM	Merchandise, AI voice tools on websites
Raj Shamani	Podcaster	Fake endorsements, AI bots, Telegram impersonation

## 5. Key Factors Courts Consider

When determining whether to grant protection, courts examine the following factors holistically:

**'Well-Known' Status:** Whether the plaintiff is a "well-known face" who has acquired celebrity status through a successful career, demonstrated through career longevity and body of work.

**Goodwill and Reputation:** Evidence that the plaintiff has built "immense goodwill and reputation" over time *through sustained professional achievement.*

**Distinctiveness:** Whether personality attributes have acquired "unique distinctiveness" in the public mind, serving as source identifiers exclusively associated with the plaintiff.

**Commercial Value:** Proof that personality attributes carry "significant economic value" demonstrated through brand endorsements and commercial agreements.

**Social Media Following:** Follower counts across platforms as evidence of public association extending beyond just fans.

**Trademark Registration:** Registration of name and variations as trademarks strengthens claims of proprietary interest.

## 6. Evidence Required for Court

To successfully pursue personality rights protection, Courts look at the following evidence:

- A. Career Documentation:** A comprehensive work portfolio. Example: In Jaya Bachchan's case, the Court relied on a list of her famous and highest-grossing Hindi films.
- B. Awards and Accolades:** Documentation of all professional recognition, awards and achievements.
- C. Trademark Certificates:** Registration certificates for name and variations. For example, in Ajay Devgn's case, the court relied upon his certificates of trademark registrations for his name and its variations.
- D. Brand Endorsement Agreements:** Copies of endorsement contracts demonstrating commercial value. For example, in Salman Khan's case, the court considered all the brands he had endorsed over time.
- E. Social Media Metrics:** Screenshots of follower counts. For example, in Ajay Devgn's case the court took note of his "*24 million Facebook followers, 12.2 million Instagram followers, and 15.7 million Xfollowers.*"
- F. Evidence of Infringement:** Screenshots with timestamps and URLs organized by category in

Annexures (e.g., "Impersonation," "Sale of Merchandise," "Deepfake Content").

**G. Prior IT Rules Complaints:** Documentation of complaints filed with platforms under IT Rules 2021. For example, in R Madhavan's case the court considered his complaint under IT Rules filed by him with Google.

## 7. Are Only Celebrities Entitled?

The Delhi High Court has clarified that **personality rights are not exclusive to celebrities**. The court observed that "rights which emanate from one's personality would be available to one and all, and not only to celebrities." The law cannot be "a vehicle to promote celebrity culture."

However, the strength of protection correlates with demonstrable public recognition and commercial value. For ordinary individuals, protection is more robust against egregious violations like deepfakes and pornographic content that violate dignity and privacy rights under Article 21.

The Raj Shamani case demonstrates that even content creators and podcasters can claim protection based on their digital following and brand associations.

## 8. Timeline for Protection

Courts grant relief expeditiously in personality rights cases:

**First Hearing:** Ex-parte ad-interim injunctions are typically granted on the very first date of hearing, provided proper documentation is submitted.

**Immediate Compliance:** Courts direct platforms to take down content within 72 hours to 1 week. E-commerce platforms must delist merchandise promptly.

**BSI Details:** Platforms provide Basic Subscriber Information of anonymous infringers within 3 weeks for identification and further action.

**Blocking Orders:** For pornographic deepfake websites, courts issue blocking orders to MeitY and DoT for prompt implementation.

In essence, with well-prepared documentation, meaningful protection can be obtained within the first hearing itself, typically within days of filing.

**This document is for informational purposes only and does not constitute legal advice.**

# About the Author



Puneet Kumar Agarwal (Counsel, Animesh Sinha & Partners) is a trial specialist with expertise in disputes on technology, commercial transactions, property, corporate frauds and other general contractual disputes.

With experience of over 13 years in courts, he also helps B2B businesses avoid expensive disputes by rebuilding their core contracts.