

# INDIA: Delhi Court Continues Recent Trend of Upholding Personality Rights

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A recent judgment of the Delhi High Court has protected the personality rights of a Bollywood celebrity. The plaintiff, actor Anil Kapoor, was granted an *ex-parte* interim injunction, preventing multiple defendants from using his name, voice, photograph/image/likeness, his manner of speaking/dialogue delivery, his gestures, and signatures.

The court stated in its ruling in the matter of *Anil Kapoor v. Simply Life India & Ors.*, CS(COMM) 652/2023, on September 20, 2023, that the celebrity enjoys the right to privacy and that in the instant case, the defendants infringed the plaintiff's personality rights and the plaintiff's right to privacy.

The court restrained the defendants or anyone acting for or on their behalf from using plaintiff Anil Kapoor's name, likeness, image, voice, personality, or any other aspects of his persona to create any merchandise, ringtones, or ringback tones, or in any other manner misuse the said attributes using technological tools such as artificial intelligence, machine learning, deep fakes, face morphing, or GIFs, either for monetary gain or otherwise to create any videos, photographs, etc., for commercial purposes, which would result in the violation of the plaintiff's rights.

The court also restrained other unknown persons from disseminating videos infringing the plaintiff's personality rights and ordered Internet service providers (ISPs) to take down such videos immediately. In addition, the court directed the Department of Telecommunications (DoT) under the Ministry of

Electronics and Information Technology (MeitY) to issue blocking orders against all the infringing links and any other links, which may upload fake pornographic videos of the plaintiff.

The Delhi High Court had issued a similar *ex-parte* ad interim injunction last year in the case of *Amitabh Bachchan v. Rajat Nagi and Ors.*, CS(COMM) 819/2022, prohibiting the defendants from using the actor's name, gesture, voice, or any of his attributes without his approval. The court stated that the defendants appeared to be using the plaintiff's celebrity status to promote their own activities without the actor's authorization or permission.

The courts in India have been protecting celebrity/publicity rights for some time. In 2015, the Chennai High Court granted Superstar Rajnikanth an *ex-parte* interim injunction in the matter of *Shivaji Rao Gaikwad v. Varsha Productions*, C.S. No. 598 of 2014, stating that personality right vests in those people who have attained celebrity status. Especially where it is possible to identify the celebrity, the infringement of publicity rights does not require any proof of falsity, confusion, or deception.

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