



ANIL KAPOOR'S REMARKABLE MOVE TO SHIELD HIS PERSONALITY RIGHTS

The High Court of Delhi, recently, passed an ex-parte ad-interim injunction order against known defendants and a John Doe order against stray websites in an infringement suit filed by the veteran Hindi film actor Mr. Anil Kapoor to safeguard his personality rights including the right to publicity. Personality rights are an individual's legal right to control the commercial use of his/her attributes including name, image, voice, and other aspects of their personality. These rights are particularly integral to public figures, for maintaining a sense of privacy and having complete control over their personal attributes.

The present case stemmed from numerous instances where the defendants have utilised various features of the actor's personal attributes for commercial gain. The counsel for the actor also pointed out specific instances and links qua which the unauthorised sale of merchandise comprising of the actor's image, his famous dialogue 'Jhakkas', his autograph, his image morphed in derogatory ways and the sale of his pictures with forged autographs is being made. The Court while granting relief to the actor stated that there is no doubt that free speech related to a well-known person is protected in the form of write-ups, satires, and criticism which is genuine and honest, when the same acts cross the line and result in tarnishing or jeopardising someone's personality, it would be illegal. The Court also observed the need to protect the personality rights of the actor not only as his intellectual property rights but also to protect the actor's right to privacy and right to life with dignity.

It's not the first time that an issue like this has come up before the Indian courts. Prior to this, a similar court order was sought by Mr. Amitabh Bachchan in November last year which restrained defendants from using his name, pictures, voice, or any of his personality

characteristics without his permission. This case was filed against the Kaun Banega Crorepati (KBC) lottery scam and other similar online frauds that were illegally exploiting his personal attributes for commercial gain. This suit marks a significant step in the ongoing discussion on celebrity rights and the blurred boundaries between their personal and public personas, especially in an age where Artificial Intelligence (AI) and deepfake technology have made tremendous advancements. While some believe that public figures should expect a certain degree of scrutiny as part of their fame, others emphasize the importance of consent and respect for the public figures' personal rights. This has prompted a broader debate about the need for explicit regulations in the digital age to address the complex interplay between public and private rights. The outcome of this case could set a precedent for similar future cases on how celebrities and individuals can protect their identities and personality rights and prevent the misuse of their personal attributes in the face of evolving media landscapes, the emerging use of artificial intelligence, and changing notions of privacy.

DISCLAIMER:

This news flash has been written for the general interest of our clients and professional colleagues and is subject to change. This news flash is not to be construed as any form of solicitation. It is not intended to be exhaustive or a substitute for legal advice. We cannot assume legal liability for any errors or omissions. Specific advice must be sought before taking any action pursuant to this news flash. For further clarification and details or advice on the above, you may write to tm-mumbai@almtlegal.com .