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DOCTORS IN THE DEEPPAKE ERA: DR. DEVI PRASAD SHETTY v. MEDECINE ME & ORS.

~ Yutika Rachh

If it looks like a duck, swims like a duck, quacks like a duck, then it probably is a duck. But what if it isn't? What if it's a deepfake – an AI-generated illusion of a duck? The rise of generative artificial intelligence has made identity theft effortless, automated and alarmingly convincing. Fabricating videos of recognized individuals endorsing a product they never touched has now become child's play. The term "Deepfakes" combines "deep learning" and "fake"; it is a form of synthetic media usually created by generative adversarial networks. They are hyper-realistic and can trick viewers into believing someone said or did something without it actually happening. The convergence of deepfake technology with legal domains of intellectual property rights, consumer protection, defamation, data privacy etc. presents new enquiries regarding liability, jurisdiction, and the extent of protection granted to individuals and businesses.¹

In the absence of a dedicated statutory framework, Indian courts have relied on judicial creativity to develop comprehensive jurisprudence for safeguarding personality rights of individuals and preventing the harm that may be caused by their misappropriation. The 2024 Delhi High Court Judgement of *Dr. Devi Prasad Shetty & Another v. Medicine Me & Others CS(COMM) 1053/2024* serves this very purpose.

I. FACTS AND BACKGROUND

Plaintiff No.1 in this case is Dr. Devi Prasad Shetty, a renowned cardiac surgeon, philanthropist and medical pioneer. The Padma Bhushan awardee has headed major medical initiatives such as Karnataka's COVID-19 task force and is the founder of Narayana Hrudayalaya Ltd.- a chain

¹ S.M. Qureshi et al., *Deepfake Forensics: A Survey of Digital Forensic Methods for Multimodal Deepfake Identification on Social Media*, 10 PeerJ Comput. Sci. e2037 (2024), <https://doi.org/10.7717/peerj-cs.2037>.

of medical institutions and the Plaintiff No. 2. Dr. Shetty is also a patent holder in the USA, registered as the inventor of “System and Method for Facilitating Delivery of Patient-Care”. Suffice it to say that he is considered a highly respectable and decorated member of the medical fraternity, across the world.

The defendants in the matter were anonymous account administrators on Facebook, a widely-used social media platform. This includes pages operating under the names of “Medicine Me” and “QDD Milano Nightlife TV”.²

The plaintiff, owing to his stature, often made public appearances for interviews, talk shows and delivering lectures. The defendants used these photographs, videos and voice recordings to create synthetic media through generative AI to make it appear as though Dr. Shetty was speaking. These AI-generated videos and articles, deep faked a persona of Dr. Shetty, in which he is endorsing certain unverified health products, therapies and medical services. They also contained the likeness of the names and logos of “Narayana Hrudayalaya” and “Narayana Health” both registered trademarks by Plaintiff No. 2 further enhance trustworthiness.

The goodwill of the plaintiffs’ persona and registered trademarks was being used for commercial gain without their knowledge or consent. The plaintiffs sought a permanent injunction restraining the defendants exploiting any aspect of Dr. Shetty’s personality and publicity rights; restraining infringement of Narayana Health Ltd.’s registered trademarks. At the interim stage, the plaintiffs sought an ex parte ad interim injunction.

II. COURT’S REASONING

The threshold question before the court was to determine whether Dr. Shetty qualified as a holder of personality rights in law. The court accepted the plaintiff’s submission of the two pronged approach for determining the existence of personality rights. First: the plaintiff is a well-known personality whose words and actions can assert actual influence and second: the plaintiff’s identity is clearly identifiable in the impugned infringed content.³

The court analysed the plaintiff’s many accolades and his role as a globally renowned surgeon. This includes his chairmanship of Narayana Health Ltd., his contributions to affordable healthcare and his appearance on the Netflix documentary series “The Surgeon’s Cut”. On the

² *Dr. Devi Prasad Shetty & Anr. v. Medicine Me & Ors.*, CS(COMM) 1053/2024 (Del. High Ct. Nov. 28, 2024) (interim order).

³ King Stubb and Kasiva *Safeguarding identity in the Digital Age: Delhi HC Judgment*, KSK Attorneys at Law, <https://ksandk.com/newsletter/identity-digital-age-delhi-hc-judgment/>.

other hand, the court established the videos and articles uploaded by the defendants unmistakably used the plaintiffs' images, videos, voice and likeness. The plaintiff's previous audios and videos were deliberately distorted in order to indicate an endorsement of the defendants' healthcare products by Dr. Shetty. This satisfied the dual test.

The court identified a misappropriation of Dr. Shetty's persona for commercial gain without his consent, which violates his personality and publicity rights and causes hurt to his reputation. This act also posed a significant threat to unsuspecting members of the public who may be misled into purchasing the unverified and falsely promoted products.

Simultaneously the court deliberated upon the trademark infringement against the Plaintiff No. 2. The court recorded the extensive history, with the trademark for "Narayana Hrudayalaya" being adopted at incorporation in 2000 and for "Narayana Health" in 2001. The marks were described as "formidable" and were reinforced by the fact that an internet search for "Narayana Health" solely furnished the plaintiff's services. The defendants' use of these marks or their deceptive variants was undoubtedly a statutory violation of the Trade Marks Act of 1999.

The legal standard for grant of an ex parte ad interim injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 is well-established: the applicant must demonstrate (i) a prima facie case, (ii) irreparable harm if relief is withheld, and (iii) balance of convenience in their favour. On prima facie case: The dual test for personality rights was met, trademark infringement was evident, and the mala fide intent of the defendants was apparent from the deliberate doctoring of authentic videos. On irreparable harm: The court accepted that the rapid viral spread of fake medical endorsements on social media platforms meant that harm to both the plaintiff's reputation and to public health would compound with every day of delay. On balance of convenience: The defendants had no legitimate interest in using the plaintiff's identity or trademarks without consent. The balance plainly favoured the plaintiffs.

III. JUDGEMENT

In its final judgement the court restrains the Defendants Nos. 1–8 and 13 from any misuse of Dr. Shetty's persona covering not only existing technology but via "any existing or future technology such as Artificial Intelligence, deep fake technology in any medium, format or platform". This reflects judicial awareness that the AI landscape will continue to evolve.⁴

⁴ *Dr. Devi Prasad Shetty & Anr. v. Medicine Me & Ors.*, CS(COMM) 1053/2024 (Del. High Ct. Nov. 28, 2024) (interim order).

Second, it restrains the same defendants from infringing Plaintiff No. 2's registered trademarks.

Third, it directs Defendant No. 9 (Facebook/Meta) to block and take down the infringing content at specific URLs and to disclose the complete identity details — name, address, email, phone numbers, of the anonymous defendants operating those pages, in accordance with law. This treats the social media intermediary not merely as a passive host but as an entity with affirmative obligations to assist in unmasking anonymous wrongdoers.

Fourth, it directs the Defendant No. 10 (Google LLC) to similarly take down infringing YouTube content and disclose defendant details, and directs the Defendant Nos. 11 and 12 i.e. the Ministry of Electronics and Information Technology (MeitY) and the Department of Telecommunications (DoT) respectively to issue directions to telecom and internet service providers to block infringing websites identified during the suit.

If the plaintiffs discover further infringing videos during the pendency of the suit, they may directly approach the platforms for takedown without returning to court, failing which they may seek further orders.

IV. CRITICAL ANALYSIS AND FUTURE IMPLICATIONS

By way of this order the Delhi High Court has not only prevented the fraudulent use of a medical professional's identity but also widened the scope for personality rights' infringement in India.

Prior to this judgement, matters pertaining to personality rights were mostly limited to the entertainment industry, with popular plaintiffs including Amitabh Bachchan, Anil Kapoor, Jackie Shroff and Arijit Singh. An extension of this principle in the healthcare sector opens the door for understanding how fame and goodwill can exist in different forms. In this case a greater societal risk reveals itself over and above the reputational and commercial harm caused. People are vulnerable to grievous hurt that may occur because they followed medical advice that they believed came from a genuine and trusted source.⁵ Such action necessitates strict legal consequences in order to protect public health and safety along with an individual's rights.

⁵ Bisman Kaur & Gaurangi Sharma, *Delhi High Court Takes Strict Approach to Personality Rights Violation in Healthcare Industry Amid Spike in Use of AI and Deepfakes*, World Trademark Rev. (Feb. 13, 2025), <https://www.worldtrademarkreview.com/article/delhi-high-court-takes-strict-approach-personality-rights-violation-in-healthcare-industry-amid-spike-in-use-of-ai-and-deepfakes>. (worldtrademarkreview.com)

There is still the absence of a clear statutory framework to govern cases of personality rights' infringement. Nowhere is a personality right explicitly defined or who can hold one and is entitled to remedies upon its infringement. Regulation can be tricky as it would involve balancing permissible uses like satire, parodies and news reports with illicit exploitation and false endorsements.⁶ A statute that codifies the right, elucidates on what constitutes infringement and the kind of remedy that can be obtained would allow courts to address matters more effectively. It would also bring some uniformity in judgements passed by courts in different regions.

Dr. Devi Prasad Shetty and Anr. v. Medicine Me and Ors. is a judgement necessary for its time. It has helped establish a stronger foundation for adjudication of future disputes on deepfake and synthetic media. However, in this age of generative AI, big data and machine learning, restorative relief is not sufficient. Preventive legislations that better predict and encompass the extent and types of harm that may be caused, are crucial.

⁶ Yash Bajpai, *Me, Myself and AI: Chasing Deepfakes Across Borders Without Losing Your Rights*, SCC Online Blog (Nov. 8, 2025), <https://www.sconline.com/blog/post/2025/11/08/deepfake-regulation-rights/>. (SCC Online)