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When AI wears a celebrity's face: Personality Rights, Commercial Exploitation and the Call for Statutory Reform in India

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Abstract

The Digital Era of Artificial Intelligence (AI), Deepfake Technologies, and Voice Cloning has made it easier to violate a celebrity's personality rights. Though the Indian judiciary recognizes these rights under Article 21 of the Indian Constitution, it has been providing supplementary remedies by combining various sections of the Information Technology Act 2005, Copyright Act 1957, Trademarks Act 1999, and DPDP Act 2023. These alone cannot tackle the unprecedented issue created by these technologies.

Celebrities such as Anil Kapoor and Arijit Singh have approached the court for the issue of the use of AI & Deepfake technologies to replicate or mimic their personal traits— name, image, voice, and likeness—or any other form of artistic expression to create phony Ads, fraudulent brand endorsements, and social media content without their permission. Such acts cause emotional and reputational damage to these stars and commercially exploit them by infringing on their right to control their public image. The absence of codified statutory law on this issue leads to ambiguity and uncertainty. Judgements differ on a case-by-case basis that allows judges to narrow or expand the scope of personality rights. India needs a dedicated law on this, as seen in other international jurisdictions, such as Denmark, the USA, and the European Union.

This paper argues that India needs a specific statutory framework defining Personality Rights, violations by AI, and providing appropriate remedies. Such specific legislation is called for when individuals become commercially significant through their public persona. People are becoming overnight celebrities on social media, and their public personas need protection from the rapidly evolving technological landscape. **Keywords:** Personality Rights, Artificial Intelligence, Deepfakes, Right to Publicity, Commercial Exploitation, Right to Privacy

Introduction

A major threat has been seen with the rapid popularization of Artificial Intelligence, Deepfakes, and Voice cloning. Phony Advertisements (Ads), Fake brand endorsements, and Misleading social media content are being created and shared across India. These technologies have been used to mislead people by replicating celebrities' looks, personalities, voices, and likenesses without their knowledge or consent for commercial gain, infringing their personality rights, including the right to publicity. It has become an unprecedented legal issue that combines civil & criminal law, intellectual property law, and constitutional rights.

People have been prompting AI—by the click of a button—to create a realistic celebrity persona that replicates their personal charisma in advertising and product endorsements. This is the very case of Anil Kapoor and other celebrities, where their personality rights have been violated in the creation of phony Ads that have taken advantage of the goodwill they have created for themselves, which has immense commercial value attached to it, and is used to mislead the public, causing emotional and reputational damage to these stars. It raises the question of how a celebrity can protect their personal identity and right to privacy and publicity when it has become so easy to replicate with present-day technology.

The Indian Judiciary has creatively handled this issue by recognising personality rights as an inherent part of the Right to Privacy and Human Dignity under Article 21 of the Indian Constitution.¹and combining this with various other statutory laws like the Information Technology Act (IT Act), 2000, Copyright Act, 1957, and Trade Marks Act, 1999. Although Indian courts have been remarkably proactive in their approach to personality rights, they cannot fill the gaps in legal uncertainty and ambiguity. Without a specific law, every judgment on this issue differs on a case-by-case basis. This creates hurdles for celebrities seeking justice, as courts may interpret the scope of personality rights differently.

I. What is Personality Right?

Personality Rights refer to the rights of a person to protect his/her personality traits and any other form of artistic expression —such as his name, image, voice, and likeness— under the Right to Privacy. Every celebrity or personality has a set of rights. These rights have been broadly classified into two:

¹ India Const. art.21

a. Right to Publicity

The right of publicity is also often referred to as the personality right. It is an intellectual property right given to celebrities to protect their name, voice, photograph, signature, and likeness from unauthorised use for commercial gain without their knowledge or consent. Celebrities have the right to choose which brands to endorse and to be associated with which company. If such a right is violated, these celebrities can file for an injunction in court.

b. Right to Privacy

This is a fundamental human right that allows individuals to protect their personal information, maintain autonomy, and preserve their dignity from unlawful private or state interference. It is a broader concept that encompasses personality rights, including the right to publicity. Although not explicitly stated in the Indian Constitution, it is recognized as an intrinsic part of the Right to life and Personal liberty under Article 21, as decided in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017)².

II. AI, Deepfakes & the New Moods of Celebrity Exploitation

Artificial Intelligence (AI) is a branch of computer science that enables computers to perform human cognitive abilities such as learning, reasoning, problem-solving, and decision-making. The most common way AI is used to violate a celebrity's personality rights is through voice cloning, i.e., it analyses audio to create a 'voice skin' that sounds identical to a specific person. E.g., A popular singer's voice is being replicated to produce AI covers and AI-generated songs. Another is the use of Deepfakes, which involve creating falsified images, audio, and videos. It uses Generative Adversarial Networks (GANs) to overlay one person's face onto another's body in videos and images or to deepfake one's voice into another in the creation of a hoax audio to deceive people. The AI's capacity to mimic human identity has become a tool for the systematic violation of celebrities' rights. As Paterson emphasizes, AI's mimicry raises profound legal and ethical dilemmas. When AI is deployed to fabricate a celebrity's persona for commercial gain without consent it becomes a serious violation of human dignity and personal rights, slowly stripping away the individual's autonomy and public identity.³

² INDIA CONST. art. 21; *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

³ Jeannie Marie Paterson, *AI Mimicking and Interpreting Humans: Legal and Ethical Reflections*, 22 J. BIOETHICAL INQUIRY 539, 542 (2025).

III. Protection of Certain Aspects of Personality Rights Under Law (Existing Legal Remedies & Legislative Gaps)

1. Constitutional Provisions

Article 21: Right to Life and Personal Liberty: This fundamental right includes the right to privacy and human dignity, thereby covering personality rights. High Courts have used it to recognise personality rights as valuable assets that require legal protection. The courts have granted interim injunctions against unauthorised commercial exploitation and awarded damages for defamation and brand dilution. This provides immediate relief to celebrities, as their personal traits – name, voice, likeness – become constitutionally protected against unconsented or unlawful use. However, there is no statutory definition provided of what constitutes ‘personality right’ or explicitly stated damages for its violation anywhere in the Constitution or any codified Act. Without this, the protection provided under Article 21 remains vulnerable to inconsistency presented in judicial interpretation.⁴

Article 19(1) (a): Freedom of Speech and Expression: Courts have invoked this provision for the legitimate use of a person’s identity in satire, parody, commentary, and news reporting. It balances out personality rights with freedom of speech and expression, recognising the clear differentiation needed between the unauthorised use of a person’s identity for commercial gain and protected speech. This allows creative expression while maintaining clear boundaries against commercial exploitation. However, without a specific statute, it relies upon judicial discretion on what to be interpreted as ‘protected speech’ or ‘unauthorised use of a person’s identity’, which again leads to unpredictability, as judges' opinions may differ on a case-by-case basis.⁵

2. Information Technology Act, 2000

Section 66(c): Identity Theft: It penalizes persons who dishonestly or fraudulently uses digital signature, password, or other unique identification feature of another person. Courts use this section to prosecute cases where individuals' unique identifying features are being fraudulently used for unauthorized access or

⁴ INDIA CONST. art. 21.

⁵ INDIA CONST. art. 19, cl. 1(a)

impersonation. This has been invoked in cases of deepfakes created with the intent to defraud. However, its critical limitation is that it covers only a narrow conception of identity theft, focusing on ‘fraudulent intent’. For instance, a brand uses a deepfake in an advertisement to mimic the celebrity’s likeness for commercial gain without false claims or intent to defraud; then that conduct falls outside the ambit of section 66 (c).

Section 66(d) Cheating by Personation Using Computer Resources: It addresses conduct where a person unlawfully induces another to deliver money, property, or a valuable asset via false representation made through computer resources. Like section 66(c), this section is also limited to fraud and cheating, leaving broader issues of personality rights unaddressed.⁶

3. Copyright Act, 1957

Section 38 Performers' Rights: This provision grants performers — actors, singers, dancers— exclusive rights in their performances, which include the right to prevent unauthorised reproduction, broadcasting, or public communication of their performances. However, this protection does not extend to celebrities' personal characteristics, such as distinctive voice patterns, facial features, or mannerisms, which AI-generated deepfakes can exploit without reproducing an actual performance, which falls outside the scope of copyright protection.

Section 57: Moral rights of authors and performers: It protects the moral rights of authors and performers against any distortion, mutilation, or modification of their work that causes reputational damage. Since deepfakes create entirely new synthetic content rather than altering a pre-existing work, there is no ‘original work’ being mutilated, which offers very little protection against such misuse.⁷

4. Trade Marks Act, 1999

Section 14: Prohibition on Registration using a Living Person’s Name or Likeness: It prohibits registration of a trademark that uses the name or likeness of a living person (or one who died within 20 years) without written consent. It was applied to prevent the registration of trademarks using celebrities' names and identities,

⁶ Information Technology Act, No. 21 of 2000, § 66C; § 66D.

⁷ Copyright Act, No. 14 of 1957, § 38; § 57.

protecting celebrities from malicious actors. For example, Shah Rukh Khan has trademarked his initials 'SRK' and nickname 'King Khan' to prevent others from using his name to imply endorsements. Courts have extended this provision through the doctrine of passing-off, which protects celebrities against false suggestions of endorsement or association. However, this protection is very narrow and leaves most personality traits unprotected.⁸

5. DPDP (Digital Personal Data Protection) Act, 2023

It classifies that 'biometric data'—facial features, fingerprints, voice patterns, and iris scans—as sensitive personal data that requires explicit consent before processing. The DPDP Act is a consent-based framework that empowers individuals to control the collection and use of their biometric data and imposes legal duties for data fiduciaries. It also recognises AI violations involving the unauthorised collection of biometrics to create deepfakes. However, this act does not address the generation of synthetic content with the use of unauthorised biometric data.⁹

6. Tort of Passing Off

It is derived from common law and is incorporated into Indian Jurisprudence. It prevents third parties from falsely suggesting an association with, endorsing, or misrepresenting the source of goods and services as coming from a real person or entity. Courts have applied passing-off principles to prevent the unauthorized use of a celebrity's name or likeness in contexts that suggest false endorsement or association. However, if a brand uses a deepfake synthetic likeness without falsely claiming that a celebrity endorses it, merely using their likeness for views, passing off does not apply. It is consumer-oriented; it protects consumers from marketplace deception, not against personality rights violations.¹⁰

⁸ Trade Marks Act, No. 47 of 1999, § 14.

⁹ Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023, § 6.

¹⁰ Trade Marks Act, No. 47 of 1999, § 27(2).

7. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026

It gives a formal definition of ‘synthetically generated information’, which covers audio, visual, and audio-visual content created or altered using a computer resource (AI). Platforms such as YouTube, Instagram, and Facebook must ask users whether the content is AI-generated. Even after self-declaration, platforms must also cross-verify it. It mandates that every AI-generated content be labelled, or it will be taken down immediately. However, technical disclosure overrides consumers’ psychology, leading them to believe in False ads.¹¹

Aside from these remedies, courts have also passed John Doe orders to restrain unidentified perpetrators, thereby extending judicial protection given to personality rights in the absence of a sui generis statute for ‘Personality Rights and Publicity Rights’. While the above-mentioned laws provide fragmented safeguards, they fail to address the full spectrum of identity misuse in synthetic content. Though gaps remain on this issue, the judiciary has put in tremendous efforts into bridging them by providing interim protections to these celebrities. Nevertheless, with the popular use of AI and Deepfakes in the creation of synthetic media, demands for the proper codification of personality rights becomes more necessary. Ensuring that uniform standards are maintained across digital platforms regarding AI-generated content and its potential misuse to tarnish a celebrity's public image.

IV. The Evolution of Personality Rights: Landmark Precedents and Modern Trends

The Indian judiciary recognized personality rights—commonly known as publicity rights in various judgments. In *R. Rajagopalan v. State of Tamil Nadu* (1994)¹² The Supreme Court recognised a limited right of publicity, holding that a state cannot commercially exploit a citizen’s public image without consent; this established the principle that one’s right to personality includes economic and dignitary damages. Concurrently, the Supreme Court, in *Shivaji Rao Gaikwad v. Varsha Productions*

¹¹ Information Technology (Intermediary Guidelines and Digital Media Ethics Code), 2021, Amendment Rules, 2026, Rule No. 2(w)(a)

¹² *R. Rajagopalan v. State of Tamil Nadu*, (1994) 6 SCC 632.

(1998) recognised these rights as the right to control and monetise one's identity as a protectable interest under the common law of passing off. In *ICC Development (International) Ltd. v. Arvee Enterprises* (2003)¹³ It held that every individual has an inherent right to control the commercial use of their Identity. This ruling was based solely on the tort of passing off, marking the start of recognizing personality rights as more than mere reputational interests. The case of *Titan Industries Ltd. v. Ramkumar Jewellers* (2012)¹⁴ dealt with protecting the goodwill of Amitabh Bachan and Jaya Bachchan. Where their lookalikes were used in advertisements similar to the plaintiff. The court held that a celebrity's persona has commercial value, and the law should protect it. The court granted a permanent injunction restraining the defendant from using any of the plaintiff's likenesses in commercial activity. Subsequently, in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017), the right to privacy was recognized as part of Article 21 of the Indian Constitution, paving the way for Personality Rights in Indian jurisprudence.¹⁵ The digital era brought new changes to the doctrine. These challenges can be seen through the following recent cases:

A. Anil Kapoor v. Simply Life Ltd & Ors. (2023)

The renowned Indian actor Anil Kapoor discovered that his image, likeness, and distinctive facial features were being used without authorization in online advertisements and promotional materials for consumer products through digital manipulation and synthetic media. The respondents used AI to imitate Anil Kapoor's likeness in brand endorsements without consent, compensation, or contractual agreement, and used 'dark patterns' to mislead consumers. The legal issue was whether the unauthorized creation and commercial use of a digitally synthesized person derived from an individual's biometric data and unique characteristics constitutes a violation of personality rights, even when no traditional 'reproduction' of original content or likeness occurs. Expressions, such as names and signatures, and their whole identity in addressing synthetic creation.¹⁶

¹³ *ICC Dev. (Int'l) Ltd. v. Arvee Enters.*, 2003 (26) PTC 245 (Delhi H.C.).

¹⁴ *Titan Indus. Ltd. v. Ramkumar Jewellers*, 2012 (50) PTC 486 (Delhi H.C.).

¹⁵ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; INDIA CONST. art. 21.

¹⁶ *Anil Kapoor v. Simply Life India & Ors.*, CS(COMM) 652/2023, I.A. 18237/2023, (Delhi HC Sept.20, 2023) (Order granting ex-parte interim injunction).

B. Arijit Singh v. Codible Ventures LLP & Ors (2024)

Indian musician and singer Arijit Singh discovered that his distinctive voice, vocal tone, and performance style had been cloned using AI synthesis technology. Synthetic audio tracks were created that mimicked his voice and were released on the digital platform YouTube under misleading attribution, generating revenue through royalties and streams while falsely representing the audio as an authentic plaintiff's performance. The legal issue was whether AI mimicking the plaintiff's voice and manner of singing constitutes a personality right violation, and what remedy exists when a violation occurs across multiple jurisdictions via digital platforms. While preliminary injunctions were granted under the trademark act and the tort of passing off principle, the core issue— protection of voice as a personality attribute— remained inadequately addressed. Even copyright law does not protect the inherent voice itself, only recorded performances.¹⁷

C. Aishwarya Rai Bachan v. AishwaryaWorld.com (2025)

The plaintiff sought an injunction against unauthorised commercial use of their identity by defendants who operated a fake official website, sold unlicensed merchandise, and utilized generative AI to create sexually explicit deepfake videos and interactive chatbots that impersonated her voice and persona. The key legal issue was whether a celebrity's personality right could be protected against AI-driven exploitation that not only caused economic damage but also damaged their personal dignity and reputation. The Delhi High Court granted an omnibus interim injunction against the primary respondents and unknown entities by enforcing 'John Doe' orders. Setting a precedent that courts must proactively intervene against AI violations that enable non-consensual digital impersonation.¹⁸

All of these cases raise a central question of whether the use of a celebrity's persona in synthetic creation without their knowledge would be considered a violation of their personality rights or would be a constitutionally protected expression of free speech. Although the courts have protected celebrities from commercial exploitation on digital platforms, this analysis was solely based on the interim order

¹⁷ *Arijit Singh v. Codible Ventures LLP & Ors.*, 2024 SCC OnLine Bombay H.C. 2445

¹⁸ *Aishwarya Rai Bachchan v. AishwaryaWorld.com*, 2025 SCC OnLine Delhi H.C. 5943

passed by the courts, as most of the recent cases against AI violations remain unresolved. There are other harms highlighted in these cases that are related to the creation of non-consensual deepfake intimate imagery and publishing such materials on online platforms, but this crime is dignitary and sexual in nature. However, this paper confines itself to the commercial exploitation of personality rights through AI-generated content.

V. Personality Rights and AI in International Jurisprudence

The unconsented exploitation of an individual's likeness through artificial intelligence has compelled jurisdictions across the world to develop legal frameworks protecting personality rights in the digital age. Article 12 of the Universal Declaration of Human Rights (UDHR) states that "no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation."¹⁹ This recognises the right to privacy as an inalienable human right and led to the creation of many national laws safeguarding personality rights. The EU (European Union) Artificial Intelligence Act constitutes the world's first AI governance framework. It imposes mandatory transparency obligations under Article 50, requiring that AI-generated content be clearly labelled as synthetic. Article 5(1) (a) prohibits manipulative AI content that undermines individual autonomy.²⁰ Combined with the General Data Protection Regulation's (GDPR) special category protections for biometric data and the Digital Services Act content removal obligations, the EU framework provides layered, enforceable personality protection with appropriate penalties.²¹

Denmark introduced a draft proposal to amend its Copyright Act in 2025, making it the first country to treat biometric identity as intellectual property. The proposed provisions protect both the performing artist and all other persons from AI-generated imitations of

¹⁹Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), art. 12 (Dec. 10, 1948).

²⁰ *Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)*, 2024 O.J. (L 1689) art. 5(1)(a), 50.

²¹ *Council Regulation (EU) 2016/679, On the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data (General Data Protection Regulation)*, 2016 O.J. (L 119) 1; *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 Oct. 2022 on a Single Market For Digital Services (Digital Services Act)*, 2022 O.J. (L 277) 1.

their physical characteristics without consent for their lifetime plus fifty years.²² Remedies include content removal, compensation, and platform liability. Exceptions are preserved for satire and societal criticism.

The United States of America has state-level laws, such as Tennessee's ELVIS Act 2024, which prohibits AI voice mimicry without consent²³, while the TAKE IT DOWN Act 2025 criminalises non-consensual AI-generated intimate imagery.²⁴ The proposed NO FAKES Act 2025 is legislation aiming to protect individuals from unauthorized AI-generated digital replicas of their voice and likeness. It would establish a federal right to publicity, allowing individuals to take legal action against producers and platforms having unauthorized AI content.²⁵ These nations recognise personality as a legally protectable interest against AI-driven commercial exploitation— such frameworks are much needed in India. It can take inspiration from such countries to recognise 'personality right' as an independent concept of intellectual property.

VI. Recommendations

Personality rights serve as an important shield for individuals' personal and social identity against unauthorised commercial use, which AI and Deepfakes are actively exploiting. India should accommodate personality rights either by **a) amending the current Intellectual Property Laws**, like the Copyright and Trademark Acts, which are right now inadequate for protecting these rights, as they focus on specific expressions rather than an individual's unique characteristics that identify them, to include specific provisions regarding personality rights that would regulate commercial use of distinctive elements of one's persona. Similarly, the Digital Personal Data Protection Act, 2023, should also cover cases of digital misappropriation to prevent unauthorized collection, manipulation, and distribution of personal data. This approach is efficient as it integrates personality rights into already existing legal frameworks, or by **b) enacting a sui generis Personality Rights Act** that defines 'personality rights'

²² *Draft Proposal to Amend the Copyright Act (Denmark)*, 2025 (proposing protections for biometric identity as intellectual property).

²³ *Ensuring Likeness Voice and Image Security (ELVIS) Act*, H.B. 2091, 113th General Assembly (Tennessee 2024).

²⁴ *Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks (TAKE IT DOWN) Act*, S. 4569, 118th Cong. (2024).

²⁵ *NO FAKES Act (Federal Bill): Nurture Originals, Foster Art, and Keep Entertainment Safe (NO FAKES) Act of 2024*, S. 4875, 118th Cong. (2024).

as intellectual property that protects characteristics like name, voice, image, and likeness of celebrities, states appropriate penalties for its violation, defines terms of protection, and provides adequate remedies to the victims.²⁶ This legislative framework needs to specifically criminalize AI-enabled commercial exploitation done through ‘cloning’ celebrities in false ads, brand endorsements, and social media content.

Along with the **creation of a special regulatory body**—potentially a wing of the Data Protection Board—it is necessary to address the viral nature of deepfakes. This body must be empowered to grant fast-track, ex-parte interim relief, ensuring that unauthorized content is dealt with immediately before it causes irreparable reputational or financial damage to public personalities and the public. **Mandate Intermediary Liability** upon digital platforms to implement methods like ‘Hashing’ or ‘digital watermarking’ to verify and block re-uploads of harmful AI-generated videos. To put **‘Personality Recognition Guardrails’** much like the ‘Safety and Ethical Guardrails’ on AI models that prohibit it from processing prompts on cloning personal features like body & vocal mannerisms, biometric data, and distinguishable elements without their consent.

VII. Conclusion

The emergence of AI has created an unprecedented threat to personality rights in India. It operates at viral velocity, often rendering reputational and economic damage irreversible within hours of content dissemination. This paper has argued that India’s existing IP laws are inadequate to address the synthetic exploitation of persona. The Indian judiciary’s protection of these celebrities’ rights remains uncertain based on case-specific factors. International jurisprudence from the European Union, Denmark, and the United States of America has comprehensive personality rights statutes and remedial procedures. India must urgently enact a sui generis Personality Rights and Right to Publicity Act or amend current IP laws to provide robust safeguards against synthetic exploitation.

²⁶ Karun Sanjaya, *The Right to Be Me: Legal Framework for Protecting Personality Rights in India*, 31 J. Intell. Prop. Rts. 126 (2026).

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