The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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A CASE COMMENTARY ON ANIL KAPOOR V. SIMPLY LIFE INDIA & ORS.: PERSONALITY RIGHTS AND PROTECTION OF CELEBRITY IDENTITY

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ABSTRACT

The case of Anil Kapoor v. Simply Life India & Ors., deals with unauthorized exploitation of identity of an individual by way of commercial and technological means, and how the law of personality rights can cope with such technological misuses of personality rights. In the present case, the Delhi High Court took up the issue of unauthorized use of the name, image, voice and other identifying aspects of the personality of Anil Kapoor, and its usage for reproduction of the persona by way of merchandise, domain name, GIFs, ringtones, AI-based technology, face morphing and deepfakes. The order is relevant since the alleged acts went beyond mere commercial appropriation and involved synthetic media which could reproduce the identity of an individual without him. This commentary attempts to discuss the reasons behind the decision, the connection between the concepts of personality and publicity, the significance of privacy and dignity and constraints due to freedom of expression.

1. INTRODUCTION

The High Court in the Delhi judgment in Anil Kapoor v. Simply Life India & Ors. Deals with the issue of protecting personality and publicity rights in cyberspace. This matter involved unauthorized use of the name, image, voice, likeness, persona and other personal characteristics of Anil Kapoor on websites, merchandise, domain names, GIFs, ringtones and even artificial intelligence (AI) generated content. The dispute became particularly significant because some of the alleged misuse involved AI-generated images, face morphing and deepfakes.

The dispute therefore extended beyond unauthorized use of a photograph or name. It raised whether law can protect distinctive elements of identity when technology permits third parties

to reproduce or manipulate them without participation. The Court connected personality-related interests with privacy, dignity, livelihood and intellectual-property-related protection.

The order forms part of a developing judicial lineage. 'D.M. Entertainment Pvt. Ltd. v. Baby Gift House' and 'Titan Industries Ltd. v. Ramkumar Jewellers' addressed commercial appropriation of celebrity identity, while 'Shivaji Rao Gaikwad v. M/s Varsha Productions' considered unauthorized use of a celebrity's name, image and distinctive attributes. Anil Kapoor carries this development into synthetic media.[1]

CASE CITATION

- Title: Anil Kapoor v. Simply Life India & Ors.
- Court: High Court of Delhi at New Delhi
- Judge: Prathiba M. Singh J.
- Year: 2023
- Citation: 2023 SCC OnLine Del 6914, CS(COMM) 652/2023, I.A. 18237/2023-18243/2023, Order dated 20 September 2023.

2. FACTS OF THE CASE

Anil Kapoor approached the Delhi High Court seeking protection against the unauthorized use of various elements of his personality. The Plaintiff relied upon his extensive career in films, television and advertising and contended that his identity possessed substantial commercial value. He specifically sought protection for his name, voice, photograph, image, likeness, manner of speaking, dialogue delivery, gestures and signature.

Some defendants allegedly used his name and photographs to falsely represent that he was available as a motivational speaker and collected fees from consumers. Others allegedly sold merchandise such as T-shirts, cups, magnets, stickers, masks and keychains bearing his image or the expression "Jhakaas". His voice, dialogues and name were allegedly used for ringtones and ring-back tones. The proceedings also concerned AI-generated and morphed images, including deepfake material, GIFs and allegedly pornographic videos. Three domain names incorporating his name: '*anilkapoor.in'*, '*anilkapoor.net'* and '*anilkapoor.com'* were also identified.[2]

[1] D.M. Ent. Pvt. Ltd. v. Baby Gift House, 2010 SCC OnLine Del 4790, ¶¶ 14-16; Titan Indus. Ltd. v. M/s Ramkumar Jewellers, 2012 SCC OnLine Del 2382, ¶¶ 9-11, 18-19, (2012) 50 PTC 486 (Del.); Shivaji Rao Gaikwad v. M/s Varsha Prods., 2015 (62) PTC 351 (Mad.).
[2] Anil Kapoor, 2023 SCC OnLine Del 6914, ¶¶ 25–29.

The Plaintiff therefore asserted personality rights, publicity rights, copyright-related claims and common-law protection against passing off, dilution and unfair competition.

3. LEGAL ISSUES

The principal issues before the Court were:

(1) whether Anil Kapoor had established a prima facie case for protection of his name, image, likeness, voice and other elements of his persona;

(2) whether unauthorized commercial exploitation of those attributes could amount to infringement of personality and publicity rights;

(3) whether AI-generated images, deepfakes, face morphing and other technological manipulations could be restrained where they damaged or exploited the Plaintiff's persona;

(4) how personality rights should coexist with freedom of speech, satire, parody, criticism and legitimate public discussion; and

(5) whether domain registrars, internet service providers and governmental authorities could be directed to take measures against the alleged misuse.

AI adds a further dimension because it can generate a representation without necessarily copying an existing photograph or recording. The problem consequently concerns appropriation of recognizable identity itself.

4. COURT'S DECISION

The Court granted an ex parte interim injunction after finding that the Plaintiff had established a prima facie case and that the balance of convenience favoured protection. It concluded that continued unauthorized exploitation could cause financial and reputational harm and could also affect the Plaintiff's right to live with dignity.[3]

The Court restrained the relevant defendants from using Anil Kapoor's name, likeness, image, voice, personality or other aspects of his persona for merchandise, ringtones, ring-back tones and other commercial purposes, including through AI, machine learning, deepfakes, face morphing and GIFs. It also directed domain-name registrars to lock and suspend the three disputed domain names. Unknown persons were restrained from disseminating specified videos, while ISPs were directed to take down the identified links. The DoT and MeitY were

[3] Id. ¶ 47.

directed to issue blocking orders concerning the identified links and other links uploading pornographic videos concerning the Plaintiff.[4]

LEGAL REASONING

The Court connected commercial identity with personal dignity. A celebrity's name, image and voice may possess economic value because public recognition and endorsement opportunities can form part of livelihood. Unauthorized commercialization can therefore interfere with the economic value attached to identity.[5]

Celebrity status, however, does not extinguish freedom of expression. This involves the legitimate use of information, news, satire, parody or any form of critical commentary in relation to celebrities. The problem came up where such use went beyond tarnishing, blackening or behaviour that was likely to damage the personality or personal characteristics of the individual.[6]

The Court also considered the decision in R. Rajagopal v. State of T.N., specifically in relation to privacy and unauthorized use of one's name or likeness.[7] In this way, personality protection was not seen as a proprietary right but as part of a larger legal context.

These arguments have followed the development of the doctrine through judicial pronouncements. While D.M. Entertainment recognized the commercial nature of publicity along with the need for expression to be protected, the Titan Industries case concerned the misuse of celebrities' identity in advertising. The Anil Kapoor order takes both of these ideas further in an age of digitally generated identity.[8]

In doing so, the court explicitly mentioned AI, machine learning, deepfakes and face morphing as part of the injunction, in an attempt to avoid technological changes undermining protection.[9] However, the order did not create a new test for an AI-generated representation becoming actionable. Such a test becomes crucial in cases when the use of AI-generated content can be deemed satirical or artistic rather than commercial in nature.

5. IMPACT OF THE CASE AND THE WAY FORWARD

[4] Id. ¶ 48-50.
[5] Id. ¶ 40.
[6] Id. ¶ 38-39.
[7] R. Rajagopal v. State of T.N., (1994) 6 SCC 632, 647–51; Anil Kapoor, 2023 SCC OnLine Del 6914, ¶ 41.
[8] D.M. Ent. Pvt. Ltd. v. Baby Gift House, 2010 SCC OnLine Del 4790, ¶ 14; Titan Indus. Ltd. v. M/s Ramkumar Jewellers, 2012 SCC OnLine Del 2382, ¶¶ 9–11, 18–19; Shivaji Rao Gaikwad v. M/s Varsha Prods., 2015 (62) PTC 351 (Mad.).
[9] Anil Kapoor, 2023 SCC OnLine Del 6914, ¶ 48.

This order considered exploitation of identity through merchandise, domain names, digital content and AI-generated content rather than protecting against a single photograph or endorsement. This explains the rationale for personality rights remedies needing to consider misuse of identity irrespective of the digital format used.

However, the ex parte character of the relief and the procedural aspects of directions to domain registrars, Internet service providers and governmental agencies raise questions whether directions that impact unidentified persons and changing nature of online information would cause effects other than those directed to the initial defendant. In fact, later approach towards domain name relief highlights the importance of distinguishing temporary measures from irreparable consequences that require respondents' reaction.

This order does not provide a statutory test for personality rights issues. The infringement criteria, acceptable use of personality and the use of artificial intelligence technology in creating representations remain unclear. The significance of this case is in its demonstration of possibilities to adapt existing legal principles to a novel issue.

Future developments in this sphere should address the criteria for AI-generated impersonation, the actions of intermediaries and acceptable expression. There is a need to balance the protection from inappropriate commercial exploitation of personal characteristics and harmful usage on one side, and criticism, parody, news media activities and artistic expression on the other.

6. CONCLUSION

Anil Kapoor v. Simply Life India & Ors. represents an important milestone in the developing Indian approach to personality rights in the era of the Internet. In the Delhi High Court case, the identity of the Plaintiff: his name, image, likeness, voice and persona was protected against misuse in a commercial context and explicitly in relation to artificial intelligence technology such as deepfakes, face morphing and other forms of technologically assisted misuse.

The order integrates individual control of one's identity, the value of identity in commercial transactions, and freedom of expression. What makes the order uniquely valuable is the application of the evolving personality-rights doctrine to situations where identity may be artificially reproduced without participation in the process.

The order establishes a legal framework, but only part of it. Further developments will have to define the conditions under which artificial representations would qualify as misappropriation,

the role of intermediary remedies and whether any forms of legitimate criticism, parody, news reporting or artistry are still available.