
ANIL KAPOOR V. SIMPLY LIFE INDIA & ORS.: PROTECTION OF CELEBRITY RIGHTS IN INDIA

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ABSTRACT

The recent judgment delivered by the Delhi High Court in favour of actor Anil Kapoor¹ invites a moment of reflection on the intricate interplay between technology, individual rights, and the law. Presided over by *Justice Prathiba M. Singh*, the decision raises profound questions about how we, as a society, navigate the promises and perils of artificial intelligence, particularly in a world where personal image and identity are increasingly vulnerable to exploitation.

At its core, the judgment grapples with the unsettling possibilities of AI misuse—how technology, when unchecked, can infringe upon privacy, erode image rights, and compromise the commercial interests of individuals, especially public figures. It compels us to consider whether the existing legal frameworks are adequately equipped to address the challenges posed by this rapidly evolving digital landscape. Does this decision mark the beginning of a more conscientious legal approach to technological advancements, or is it merely a reactive response to an urgent issue? The ruling's implications for intellectual property, privacy rights, and personality rights are profound, particularly in the context of the entertainment industry, where the line between creativity and exploitation is often blurred. It prompts us to question how the rights of individuals—celebrities or otherwise—can be safeguarded without stifling innovation. More importantly, it forces us to reckon with the ethical responsibilities of industries leveraging AI. Are we, as a society, demanding sufficient accountability from those at the forefront of these technological developments?

As we ponder the ripple effects of this decision, it becomes clear that it sets a precedent not just for the protection of celebrity rights but also for the broader conversation about the ethical use of AI. This judgment serves as a reminder of the delicate balance the legal system must strike in a world where technology often outpaces regulation. In protecting individual rights, it urges us to reexamine how we define fairness, accountability, and privacy in an increasingly digital age.

¹ Anil Kapoor v. Simply Life India & Ors., Manu/Deor/248558/2023.

INTRODUCTION

Have you ever purchased a t-shirt from an online store featuring a cartoon depiction of your favourite celebrity or a famous quote attributed to them? It might seem like a harmless way to express admiration, but have you considered whether the seller had permission to use the celebrity's likeness or catchphrase? Often, these sellers profit from such items without authorization, violating the rights of the individual depicted. Without realizing it, many of us have inadvertently supported such infringements, contributing to the unauthorized exploitation of someone's identity.

Take, for instance, the recent viral trend of *"Just Looking Like A Wow."* People began using this phrase widely—whether to boost social media engagement, promote businesses, or gain personal recognition. Now imagine if the individual behind the catchphrase becomes a public figure known for their unique way of speaking and relies on that catchphrase for their livelihood. Shouldn't they have the right to control how and when their phrase is used? Absolutely. If their distinctive speech or expression becomes their identity and a source of income, they have a right to seek protection over its use. Unauthorized exploitation of such identity markers could warrant legal action.

This discussion raises crucial questions: What constitutes an infringement of personality rights? How can individuals or celebrities protect themselves against misuse? What laws govern such situations in India? Let us dive into these issues to understand the emerging relevance of personality rights in the modern era.

PERSONALITY RIGHTS

In today's hyperconnected world, where celebrities are subjected to relentless public scrutiny and their personas are commodified through endorsements and branding, safeguarding their identity has become essential. With the rise of artificial intelligence (AI), deepfakes, and other digital manipulations, unauthorized exploitation of celebrity likenesses is becoming alarmingly common. India, therefore, needs a robust legal framework to address the commercial misuse of personal identity, particularly in the digital age.

But what are personality rights? At their core, personality rights are the exclusive rights of individuals—particularly celebrities or public figures—to control the commercial and non-

commercial use of their identity. This includes aspects such as their name, image, voice, signature, way of speaking, or any unique characteristics that distinguish them. These rights aim to prevent others from exploiting an individual's persona without permission, whether for profit or otherwise.

While the Indian Constitution does not explicitly mention personality rights, they are closely linked to the fundamental right to privacy under Article 21. This connection was firmly established in the landmark case of *Justice K.S. Puttaswamy v. Union of India*², where the Supreme Court recognized privacy as an essential aspect of personal liberty. Unlawful exploitation of someone's identity not only infringes on their personality rights but also violates their right to privacy—a fundamental entitlement to live free from unwarranted interference.

This issue has gained prominence with the increasing use of AI technologies to create deepfakes—highly convincing, digitally manipulated videos or images that portray fictional events. Deepfakes have been misused to exploit the personas of public figures, deceiving audiences and causing reputational damage. These advancements in technology have made digital impersonation more realistic and prevalent, prompting a surge in legal actions by celebrities seeking to safeguard their rights.

A groundbreaking example in this regard is the Delhi High Court's recent judgment in *Anil Kapoor v. Simply Life & Ors.* This case marked a significant milestone in the recognition and protection of personality rights in India. The court ruled in favor of actor Anil Kapoor, protecting his distinctive identity and personal traits—such as his name, image, and voice—from being misused, particularly through AI-generated content like deepfakes.

This decision is a step forward in ensuring that celebrities have control over their identities in an era where technological innovation often outpaces ethical and legal safeguards. The ruling underscores the urgent need for a legal framework that balances technological advancements with the protection of individual rights.

FACTS OF THE CASE

In this case, the celebrated actor Anil Kapoor brought attention to the infringement of his personality rights, which fall under the broader scope of celebrity rights. He asserted his

² Justice K.S. Puttaswamy (Retd.) v. Union of India, AIR 2017 SCC 4161.

entitlement to safeguard his name, image, persona, voice, and all related aspects of his identity from unauthorized exploitation or misrepresentation. Kapoor, known for his national and international acclaim, argued that his extensive body of work—spanning over a hundred films, TV shows, advertisements, web series, and other ventures—along with his numerous accolades, has firmly established his reputation in society.

He emphasized that the commercial value attached to the image and persona of celebrities like himself is immense and must be protected from misuse. Celebrities invest years of dedication and effort to build their reputation, and any unauthorized use of their identity undermines this hard-earned status. Kapoor highlighted that his name, voice, photographs, image, likeness, manner of speech, dialogue delivery style, gestures, signature, and even the unique nuances of his persona are integral components of his identity that merit legal protection.

Kapoor further pointed out the far-reaching nature of celebrity rights, stressing that they encompass not only the tangible elements of a celebrity's persona but also more abstract or distinctive traits that contribute to their public recognition. For instance, he cited his contributions as the voice actor for iconic characters such as "*Babloo the Bear in Mowgli*" and "*Karna in Mahabharata*," showcasing the unique significance of his voice as part of his brand. Additionally, Kapoor's trademark catchphrase "*Jhakkas*," popularized by his character in the film "*Yudh*," was highlighted as a distinctive element that holds immense value and recognition.

Kapoor alleged that these attributes, including his performances and the term "*Jhakkas*," had been wrongfully exploited without his consent. He also raised concerns about the violation of copyright in his works and his rights against passing off—where his persona was misused to deceive the public into believing in unauthorized associations.

Moreover, Kapoor called attention to the dilution of his image through the creation of AI-generated characters that mimicked his persona without his authorization. These deepfake-like portrayals associated him with various actresses and misrepresented his identity in ways that could harm his reputation. He also underlined the issue of unfair competition, where such unauthorized use of his persona for commercial gain creates an uneven playing field.

Through this legal challenge, Kapoor sought recognition and protection of his personality and publicity rights, emphasizing the urgent need for safeguards in an era where technological

advancements increasingly threaten the integrity of individual identities.

ARGUMENTS PRESENTED BY THE COUNSEL FOR THE PLAINTIFF

The defendant's actions involved multiple violations of the personality rights of actor Anil Kapoor, leading to significant concerns over the misuse of his identity and reputation. Among these, the actor was falsely portrayed as a motivational speaker, a role he never endorsed. This deceptive act not only misled the public but also falsely associated the actor's name with unauthorized commercial ventures. Furthermore, the defendants engaged in questionable practices categorized as "dark patterns," charging fees for their services by exploiting the actor's name and image. These tactics, designed to manipulate consumer behavior, have drawn attention due to the recently proposed guidelines titled *Prevention and Regulation of Dark Patterns 2023*³, issued under *Section 18 of the Consumer Protection Act, 2019*⁴, by the Ministry of Consumer Affairs.

Additionally, the defendants carried out blatant acts of passing off by using Anil Kapoor's name, image, voice, and signature dialogues without his consent for monetary gain. The misuse of advanced technologies like artificial intelligence added another layer of infringement, as the actor's face was digitally morphed and manipulated to create fabricated associations, including appearances with other celebrities like *Katrina Kaif*, *Sridevi*, and *Madhuri Dixit*. These AI-generated images not only diluted but also tarnished the actor's reputation, an issue seen in similar cases involving *Rashmika Mandanna* and *Sara Tendulkar*.

The violations extended further, as the actor's likeness was exploited on various commercial products such as wallpapers for mobile phones, magnets, t-shirts, cups, and stickers. Popular phrases associated with Anil Kapoor, such as his iconic dialogue "*Jhakkas*," were also used on merchandise without authorization, causing financial and reputational damage. The sale of clothing items bearing his name in the market further emphasized the unauthorized commercial exploitation of his identity.

The situation was exacerbated by the unauthorized operation of domain names such as "*Anilkapoor.net*", "*Anilkapoor.com*", and "*Anilkapoor.in*" by unknown parties. These websites were misused for purposes unrelated to the actor, prompting his legal representatives

³ Prevention and Regulation of Dark Patterns 2023.

⁴ Consumer Protection Act, 2019, § 18.

to seek control over these domain names to prevent further damage. Adding to the concerns, cartoon characters based on Anil Kapoor's image were developed and commercialized without his consent, further undermining his personality rights.

Anil Kapoor Films Company, which owns registered trademarks in *Class 41* under the registration number '1811341', also faced intellectual property violations. The infringement extended to the creation and distribution of fabricated pornographic content, falsely associating the actor with inappropriate material alongside actresses. This act not only defamed the actor but also caused significant emotional and reputational harm.

The primary relief sought by the actor, Anil Kapoor, in this case was an injunction order under *Order XXXIX Rule 1 and 2 of the CPC*⁵. This legal action, heard in the Delhi High Court before *Justice Pratibha M. Singh*, was filed by the actor against Simply Life India and several other defendants. The Plaintiff, Anil Kapoor, filed an application seeking exemption from the requirement of pre-litigation mediation, and also sought an ex-parte ad-interim injunction to immediately stop the defendants from continuing their unlawful activities. As the case progressed, the court carefully examined the facts and, after evaluating the necessary conditions for granting an injunction, removed certain defendants who were found to have no involvement in the matter.

The advocate representing the actor relied on several key legal precedents to support the claims, particularly referencing notable cases such as "*Bette Midler v. Ford Motor Company*"⁶ and "*Vanna White v. Samsung Electronics America*"⁷. In "*Bette Midler v. Ford Motor Company*", the California court emphasized the importance of protecting a celebrity's voice as a unique and personal aspect of their identity. The court pointed out that a voice is as intimate and recognizable as a face, with even a few words spoken over the phone being sufficient to identify someone. The ruling made it clear that imitating a celebrity's voice, especially when used for commercial gain, constitutes an infringement of their identity, as it exploits a personal quality that belongs exclusively to the individual. The case underscored that unauthorized use of a well-known performer's voice is considered a tort under California law, as it unlawfully benefits the defendant by taking something that does not belong to them.

⁵ Order XXXIX Rule 1 and 2 of the Civil Procedure Code, 1908.

⁶ *Bette Midler v. Ford Motor Company*, 849 F.2d 460 (1988) (USA).

⁷ *Vanna White v. Samsung Electronics America*, 971 F.2d 1395 (1992) (USA).

Similarly, in “*Vanna White v. Samsung Electronics America*”, the court affirmed the importance of protecting a celebrity’s right of publicity, which safeguards individuals from the unauthorized commercial exploitation of their identity. In this case, Vanna White sued Samsung for using her likeness in a commercial, arguing that her identity was used without permission to sell a product. Despite the defendants’ claim that the commercial was intended as a parody, the court distinguished between commercial and non-commercial parodies, ultimately ruling that the advertisement was an improper use of her identity. The decision reinforced that a celebrity’s right to protect their persona extends beyond just the use of their name or likeness, and includes any unauthorized commercial use of their image or personal characteristics.

ANALYSIS OF JUDGEMENT

The judgment delivered in the Anil Kapoor case represents a landmark moment in the evolution of celebrity rights in India, particularly in an era dominated by rapid technological advancements. This decision has laid down important legal principles that will help navigate the complex intersection of fame, technology, and individual rights. The court delved deeply into the vulnerabilities that accompany fame, recognizing that while celebrity status brings recognition and opportunities, it also exposes individuals to violations of their fundamental rights, such as the right to privacy, dignity, and personal autonomy. This nuanced approach showcases the court’s understanding of the challenges faced by public figures in a digital and interconnected world.

The judgment sets a clear distinction between legitimate uses of a celebrity’s identity and unlawful exploitation. It recognizes that while freedom of expression is a cornerstone of any democratic society, it must not be used as a shield for activities like defamation, misrepresentation, and unauthorized commercialization of an individual’s persona. The court acknowledged that legitimate uses of a celebrity’s image or identity, such as for authentic news reporting, satire, or critique, are permissible under the law. However, it drew a firm line against acts that exploit a celebrity’s fame for financial gain without their consent. This balance between protecting free speech and safeguarding individual rights is one of the most significant takeaways from the judgment.

A major focus of the court’s reasoning was the recognition of a celebrity’s persona as a source

of income. Anil Kapoor, as the plaintiff, highlighted how the unauthorized use of his name, likeness, voice, and other personal traits by the defendants not only harmed him financially but also violated his dignity and privacy. The court agreed that the unauthorized commercialization of a celebrity's persona is more than just an economic issue; it infringes on fundamental rights. This acknowledgment underscores the need for strong protections to ensure that the years of effort and dedication celebrities invest in building their image are not misused for others' benefit.

The judgment also took into account the challenges posed by new technologies such as artificial intelligence, deepfakes, and manipulative digital practices like dark patterns. These innovations, while powerful and transformative, have introduced fresh avenues for the exploitation of identity and reputation. The court noted the harmful potential of these tools, especially in creating false or manipulated representations of a celebrity's persona. For instance, in this case, AI was reportedly used to morph Anil Kapoor's image and voice into false advertisements and other content, tarnishing his reputation. By addressing these emerging threats, the court demonstrated a forward-looking approach, ensuring that legal frameworks evolve alongside technological developments.

In its ruling, the court granted an ex parte injunction in Favor of Anil Kapoor. This decision was based on the principle of "balance of convenience," which requires the court to weigh the potential harm to both parties. The court prioritized the protection of Kapoor's personality rights and privacy, recognizing that allowing the defendants to continue their infringing activities would cause irreparable harm to the actor's reputation. The injunction reflects the judiciary's commitment to proactively safeguard the rights of individuals, especially in cases where exploitation is evident.

The judgment also draws from previous landmark decisions, including the famous "*R. Rajagopal v. State of Tamil Nadu*⁸" case, widely known as the "*Auto Shankar case*." This Supreme Court decision firmly established the constitutional right to privacy and prohibited the misuse or unauthorized commercial exploitation of an individual's name, voice, persona, or likeness. The court in "*Anil Kapoor v. Simply Life India and Others*" cited a key excerpt from the "*R. Rajagopal*" case, stating:

⁸ R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632.

“The right to privacy as an independent and distinctive concept originated in the field of Tort law, under which a new cause of action for damages resulting from unlawful invasion of privacy was recognised. This right has two aspects which are but two faces of the same coin - (1) the general law of privacy which affords a tort action for damages resulting from an unlawful invasion of privacy and (2) the constitutional recognition given to the right to privacy which protects personal privacy against unlawful governmental invasion.”

This precedent was instrumental in shaping the court’s understanding of privacy and personality rights. The court reiterated that Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty, also encompasses the right to privacy. The judgment emphasized that any unauthorized intrusion into an individual’s personal life, whether through the publication of private information or the misuse of their identity, constitutes a violation of their constitutional rights. However, the court also clarified that exceptions exist in cases where publication serves a larger public interest, such as in matters derived from public records or involving victims of sexual assault, kidnapping, or similar crimes. This balanced approach ensures that privacy rights are upheld while maintaining societal decency and constitutional values.

The Anil Kapoor judgment is a milestone in the legal protection of celebrity rights. It carefully balances the right to free expression with the need to protect individual dignity, privacy, and commercial interests. By addressing the challenges posed by technology and digital exploitation, the court has demonstrated its adaptability to the evolving legal landscape. This decision not only safeguards the rights of celebrities but also provides crucial guidance for navigating the complexities of identity, technology, and law in the modern era. It sets a powerful precedent for protecting the hard-earned reputation and persona of public figures, ensuring that their contributions are respected and their rights upheld.

CURRENT APPLICABLE LAWS

The legal framework surrounding personality rights in India is evolving, drawing from several existing statutes to address the complexities of protecting such rights. While the *Copyright Act*⁹ does not explicitly mention personality rights, its provisions can occasionally be invoked to provide limited protection. For instance, copyright law can be interpreted to safeguard creative

⁹ Copyright Act, 1957.

elements associated with a person's persona, such as unique performances or artistic expressions. However, the *Trademark Act, 1999*¹⁰, is often a more fitting framework for understanding and enforcing personality rights, especially as it allows individuals to safeguard distinct attributes linked to their identity.

Under the *Trademark Act*, famous individuals have the ability to trademark distinctive features of their persona, such as voices, tone signatures, body movements, names, dialogues, and other identifiable traits. *Section 14*¹¹ of the Act is particularly relevant, as it restricts the unauthorised use of first names, representations, or depictions of well-known individuals. Any entity engaging in the misrepresentation or exploitation of a celebrity's identity without proper authorisation may face legal repercussions under this provision.

The *Copyright Act* also includes certain key sections that can be leveraged to address violations of personality rights. *Section 2(qq)*¹², for example, defines the term "performer" and outlines the scope of protection available to individuals whose work constitutes a performance. *Section 38*¹³ further reinforces this by granting enforceable rights to performers, effectively preventing the unauthorised commercialisation of their work. In cases where a performer's moral rights are violated, *Section 57*¹⁴ can provide additional protection, ensuring that their work and identity are respected and not distorted.

Judicial precedents have also played a significant role in shaping the understanding of personality rights. A notable case is "*Titan Industries Ltd. v. Ramkumar Jewellers*"¹⁵, where the unauthorised use of *Jaya Bachchan* and *Amitabh Bachchan's* likenesses in advertisements was challenged. The court acknowledged the concept of personality rights, as the personas of these celebrities had been contractually assigned to the plaintiff. The case highlighted the intersection of copyright and personality rights, as the plaintiff sought to prohibit the unauthorised use of copyrighted material and the exploitation of personal attributes, while also claiming damages for misrepresentation.

These legal provisions and judicial interpretations illustrate the growing recognition of

¹⁰ Trademark Act, 1999.

¹¹ Trademark Act, 1999, § 14.

¹² Copyright Act, 1957, § 2(qq).

¹³ Copyright Act, 1957, § 38.

¹⁴ Copyright Act, 1957, § 57.

¹⁵ *Titan Industries Ltd. v. Ramkumar Jewellers*, 2021 SCC ONLINE DEL 2382.

personality rights in India, albeit through the application of existing laws. While these statutes offer a foundation, the need for a more comprehensive framework to explicitly address the nuances of personality rights in the digital and commercial age remains evident.

DEFENCES AGAINST CLAIMS OF PERSONALITY RIGHTS

Defences against claims of personality rights are rooted in the idea of balancing individual identity protection with legitimate uses of personal names and likenesses. These safeguards ensure that not every use of a well-known identity automatically constitutes a violation, provided certain conditions are met. One such defence is the principle that the use of a famous name is permissible so long as it does not imply any association with or endorsement by the individual in question.

A significant precedent in this regard is the case of *“Gautam Gambhir v. D.A.P.”*¹⁶. Here, the defendant operated dining establishments named *“Play Reloaded by Gautam Gambhir”* and *“Blu Ways by Gautam Gambhir.”* The defendant’s name was identical to that of the well-known cricketer Gautam Gambhir. The court ruled in favor of the defendant, stating that the cricket player’s personality rights had not been infringed. The rationale was that individuals are entitled to conduct business using their own names, provided it is done in good faith and does not lead to confusion with another person’s identity or commercial ventures. This judgment highlights the necessity of intent and good faith in determining whether a claim of personality rights infringement is valid.

Another defence stems from the practice of personality merchandising, which involves leveraging a celebrity’s image or persona to market products or services. While this is typically done with the celebrity’s consent, cases of unauthorised merchandising can become contentious. However, if the use does not directly suggest that the celebrity is endorsing or affiliated with the product or service, it may not constitute a violation. For instance, if a celebrity’s likeness is used generically or in a manner unlikely to mislead the public into believing there is an endorsement, it could serve as a defence.

Such defences reinforce the principle that personality rights are not absolute and must be balanced against legitimate and non-exploitative uses of personal identities. This ensures that

¹⁶ *Gautam Gambhir v. D.A.P. & Co. Anr.*, [CS(COMM) 395/2017].

rights protection does not impede fair commercial practices or an individual's right to use their own name in a lawful manner.

CONCLUSION, SUGGESTIONS, AND WAY FORWARD

The judgment in the Anil Kapoor case marks a significant advancement in the protection of celebrity rights within India's legal landscape. Although the court rejected the privacy defense employed by Anil Kapoor, it underscored that privacy and publicity are two essential facets of personality rights. This distinction aligns with *Shakespeare's* visionary quote, "*what's kept in a name?*", highlighting the intrinsic value of a name and identity regardless of its label. In today's fiercely competitive world, where celebrities vie for fame and advertising opportunities, safeguarding these rights is more crucial than ever.

Personality rights have existed for a long time, but the absence of specific laws has often left celebrities vulnerable to exploitation. For instance, in 2021, Sushant Singh Rajput's father sought legal protection for his son's personality rights posthumously, but the court did not fully rule in their favour¹⁷. Historically, cases like Shahrukh Khan's protection over his signature step in the movie "DDLJ"¹⁸ and Amitabh Bachchan's battle against the unauthorized use of his image, voice, and persona in misleading contexts such as a false "Kaun Banega Crorepati" (KBC) lottery scheme have highlighted the evolving nature of personality rights¹⁹. These cases demonstrate the challenges of protecting celebrity identities, especially with the advent of advanced tools like artificial intelligence, which complicate the identification of the main culprits behind infringements.

The Anil Kapoor and Amitabh Bachchan verdicts set important precedents against the illegal commercial use of an individual's identity. The proliferation of deepfake technology on social media platforms, where content creators often misuse AI to generate misleading or harmful portrayals, underscores the urgent need for robust legal protections. For example, the unauthorized use of Sidhu Moose Wala's voice in a song illustrates how AI can be exploited

¹⁷ PTI, Sushant Singh Rajput's father moves Delhi High Court against order refusing stay on film based on actor's life, The Economic Times, https://m.economictimes.com/magazines/panache/sushant-singh-rajputs-father-moves-delhi-high-court-against-order-refusing-stay-on-film-based-on-actors-life/amp_articleshow/102816876.cms.

¹⁸ Vikrant Rana et al., Celebrity Rights: Body Movement And Signature Poses As Trademarks, SSRANA, <https://ssrana.in/articles/celebrity-rights-body-movements-signature-poses-trade-marks/>.

¹⁹ Amitabh Bachchan vs Rajat Nagi, [CS(COMM) 819/2022].

to create deceptive content, further emphasizing the necessity for clear legal boundaries.

Personality marketing, which relies heavily on the right of exposure, is intricately linked to various legal domains, including privacy, defamation, copyright, and unfair competition laws. While personality advertising is a powerful tool for enhancing brand visibility and business growth, it also poses significant risks when used to deceive consumers into purchasing inferior goods or services. The misuse of a celebrity's persona for commercial gain without consent undermines their reputation and economic interests. Consequently, the legal framework must evolve to prevent the unrestricted exploitation of personality rights.

Currently, existing laws like the *Copyright Act* and the *Trademark Act, 1999*, provide some level of protection for personality rights. However, these statutes are not entirely sufficient to address the complexities of modern personality rights violations. The *Copyright Act*, for instance, does not explicitly cover personality rights, though certain sections can be interpreted to offer limited protection. In contrast, the *Trademark Act* allows celebrities to trademark distinctive aspects of their persona, such as their voice, tone signatures, body movements, names, dialogues, and other identifiable traits. Section 14 of the Trademark Act restricts the unauthorized use of a celebrity's name or likeness, imposing legal consequences on those who exploit these elements without permission.

Despite these provisions, there remains a gap in comprehensive legal protection for personality rights. Judicial precedents like "*Titan Industries Ltd. v. Ramkumar Jewellers*"²⁰ have shown that courts can recognize and enforce personality rights within existing legal frameworks. However, these cases often rely on interpreting existing laws rather than on a dedicated legal structure for personality rights. This approach highlights the need for more explicit and thorough protections within intellectual property law to address the unique challenges posed by the digital age.

Although the Anil Kapoor case did not delve into the philosophical underpinnings of celebrity rights protection, it aligns with established intellectual frameworks like the *Labour Theory of John Locke*²¹, *Kant and Hegel's Theory of Personality Rights*²², and *Jeremy Bentham's*

²⁰ Titan Industries Ltd. v. Ramkumar Jewellers, *Supra* note. 15.

²¹ Jeffery J. Brown, "Defending the Right of Publicity: A Natural Rights Perspective", 10 Intell. Prop. L. Bull. 131 (2005-2006).

²² Margaret Jane Radin, "Property and Personhood", 34 Stan. L. Rev. 957 (1982).

*utilitarianism theory*²³. These theories highlight the importance of protecting personal identity and reputation, which are valuable in both private and commercial contexts.

To bridge this gap, it is essential to incorporate specific provisions for personality rights into the legal framework. This could involve enacting dedicated legislation that explicitly defines and protects personality rights, ensuring that celebrities have clear and enforceable rights over their name, image, voice, and other personal attributes. Such legislation would provide a more robust foundation for addressing unauthorized use and exploitation, particularly in cases involving advanced technologies like AI and deepfakes.

Moreover, there is a need for greater awareness and understanding of personality rights among both the public and legal practitioners. Educational initiatives and legal reforms should emphasize the importance of these rights and the mechanisms available for their protection. This would help prevent inadvertent infringements and ensure that celebrities are adequately protected against misuse of their identities.

The setback in the *Digital Collectibles PTE Ltd. v. Galactus Funware Technology Pvt. Ltd.*²⁴ case of 2023, where the court ruled that information in the public domain cannot be protected by the right to privacy, further complicates matters. The court's reliance on foreign precedents and emphasis on free speech raises questions about the balance between privacy, publicity, and public interest. However, the Anil Kapoor verdict offers a promising path forward for the protection of celebrity rights in the future.

While some argue that personality rights should not be exclusively tailored to benefit the affluent and famous, the reality is that those who invest significant effort into building their public personas deserve protection against unauthorized exploitation. Effective legal safeguards can ensure that the hard-earned reputation of public figures is respected and maintained, preventing financial and reputational harm caused by malicious actors.

The Indian judiciary has struggled with preserving celebrity rights, leading to ambiguity in case law. The lack of a specific statute, akin to those in the United States²⁵, complicates the protection of personality rights. While some cases have focused on privacy, others, like the

²³ An Introduction to the Principles of Morals and Legislation”, <https://www.utilitarianism.com/jeremy-bentham/index.html>.

²⁴ Digital Collectibles PTE Ltd. v. Galactus Funware Technology Pvt. Ltd. & Anr., CS(COMM) 108/2023.

²⁵ Ohio Revised Code, § 2741 (USA).

Anil Kapoor and Amitabh Bachchan cases, reflect a shift towards protecting the commercial side of celebrity rights. This evolving landscape calls for clearer guidelines and more consistent application of laws related to personality rights.

In conclusion, the Anil Kapoor verdict is a pivotal step toward strengthening the protection of celebrity rights in India. It clearly recognized the scope of personality rights, including the right to privacy, personality, and publicity, and emphasized that unauthorized commercial exploitation of a celebrity's identity is unacceptable. By addressing the challenges posed by technological advancements and setting legal precedents, the judgment provides a way forward for safeguarding the interests of public figures. Future legal reforms should build on this foundation, creating comprehensive and explicit protections for personality rights within the intellectual property framework. This will ensure that the legal system remains adaptable and responsive to the evolving dynamics of fame and technology, ultimately fostering a more just and equitable environment for both celebrities and the broader society.

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