
PERSONALITY RIGHTS OF INFLUENCERS IN THE DIGITAL AGE: LEGAL CHALLENGES IN THE ERA OF ARTIFICIAL INTELLIGENCE

Bethiganti Sharvani, LL.M., Andhra Mahila Sabha, Osmania University, Hyderabad.

ABSTRACT

Social media platforms have become so popular that influencers have become an important and valuable commercial entity, whose name, image, voice, likeness, and social media identity have substantial economic and reputational value. Concurrently, the advent of Artificial Intelligence (AI), generative AI, deepfake technology, voice cloning, and digital avatars has presented new challenges to the safeguarding of personality rights. The use of AI technologies allows the unauthorized creation, duplication and commercial use of an influencer's identity without their consent, which poses complex legal issues involving privacy and publicity, intellectual property, freedom of expression, and digital governance. In India, personality rights have developed incrementally over time, with protection being inconsistent and incomplete due to the lack of a comprehensive statutory framework, especially for content created using AI.

This paper investigates the legal framework of the personality rights of influencers in the digital age and then assesses the suitability of present constitutional, IP and Information technology laws to meet the challenges of AI. The study also delves into new issues of unauthorized endorsement, digital impersonation, deepfakes, virtual influencers and AI-generated commercial exploitation, and examines the conflict between technological progress and the right to autonomy and commercial identity.

This study adopts both doctrinal and empirical approaches, which focus on the constitutional analysis of provisions, laws, judicial rulings, international documents, academic work and policies concerning personality rights, privacy rights and publicity rights, and artificial intelligence. The empirical study was conducted through a structured questionnaire to assess public awareness and perceptions regarding AI-enabled violations of influencers personality rights. The study finds that the judiciary in India has now advanced to safeguard the right to a person guaranteed under Article 19A and 21 of the Constitution, however the legal framework is still inadequate in addressing infringements of personality rights through the use of AI. It calls for a more robust law that will provide clear definitions of personality

rights, commercial use of digital identities, liability for infringements caused by AI and a balance between technological innovation and respect for dignity, privacy and commercial identity of individuals in the digital economy.

INTRODUCTION

The digital revolution has dramatically changed the way people make, communicate and market their identities. Social media sites like Instagram, YouTube, Facebook, X (formerly Twitter), and Snapchat have paved the way for a new generation of public figures called social media influencers.¹ Influencers obtain recognition, credibility and economic worth mostly from digital engagement, personal branding and direct interactions with audiences, as opposed to traditional celebrities. Their names, pictures, voices, signatures, styles, catchphrases, and online personalities have become business assets that can be sold for large sums through branding, sponsorships, affiliate marketing, and even by creating online content.² In this way, the role of an influencer is not only about the expression of personal identity but also an integral part of intellectual and commercial capital.

AI and generative AI technologies have revolutionized the digital world in which influencers work. Today, artificial intelligence tools can create images, video, voice recordings, digital avatars and synthetic content that closely resemble a person's identity without their permission or knowledge.³ AI tools like deepfakes, voice cloning, facial recognition and AI endorsements have allowed for the mass replication and commercialization of an influencer's voice and personality in ways that were unimaginable years ago.⁴ The existence of such technology is a serious concern from legal and ethical perspectives around consent, authenticity, privacy, reputation and the potential for economic exploitation. AI's capacity to create almost indistinguishable copies of a person's voice, image, or profile has made it easier for it to be used for identity theft and reputation damage. AI's ability to replicate an individual's voice, image, or profile with remarkable accuracy has made it easier for it to be used for the purposes of identity theft and reputational damage.

The new developments have given a new lease on the doctrine of personality rights. Personality

¹ Advertising Standards Council of India, Guidelines for Influencer Advertising in Digital Media (2023).

² J. Thomas McCarthy, *The Rights of Publicity and Privacy* (2d ed. 2024).

³ UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021)

⁴ World Intellectual Property Organization (WIPO), *WIPO Technology Trends 2025: The Future of AI* (2025).

rights are the rights that can be granted to an individual's personality, which include their name, image, likeness, voice, signature, gestures, or any other characteristic that is unique to the individual.⁵ The doctrine aims to protect personal autonomy, dignity, privacy, economic interests and to stop the unauthorised commercial use of these attributes. While the term "actor" has long been thrown around to refer to those in the entertainment industry, the expansion of digital creators has broadened the scope of personality rights to the social media influencers whose online presence is a valuable commercial asset.⁶

Unlike other countries, India has not had detailed legislation on personality rights. These rights have been recognised by Courts, basing themselves on constitutional rights of privacy, dignity and personal liberty (Article 21), freedom of speech and expression (Article 19), and passing off and unfair commercial exploitation (common law).⁷ Judicial decisions have established that an individual is entitled to commercialization of his or her identity in its own right and that the law protects this right.⁸ Yet all the judicial developments notwithstanding, there is no single statute in India that thoroughly covers personality rights or addresses the issues that arise with the advent of artificial intelligence and new digital technologies.⁹

The current legal landscape is inadequate to address the potential risks and opportunities associated with the use of AI in advertising, entertainment, e-commerce, and social media. Generative AI models can generate digital surrogates of influencers that can promote products, engage with customers or even generate content without the presence or consent of the person being endorsed.¹⁰ Likewise, deepfake technology can also produce strikingly realistic fake videos that can harm an influencer's reputation, fool consumers, or help to carry out financial fraud. Constitutional law, IP rights, privacy law, the IT Act, 2000, and the Digital Personal Data Protection Act, 2023 offer limited protection and are unable to effectively tackle the specific legal challenges of misuse of identity generated by AI.¹¹

⁵ Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*, 4 Harv. L. Rev. 193 (1890); William L. Prosser, *Privacy*, 48 Calif. L. Rev. 383 (1960)

⁶ McCarthy, *supra* note 2

⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1

⁸ ICC Development (International) Ltd. v. Arvee Enterprises, 2003 (26) PTC 245 (Del.)

DM Entertainment Pvt. Ltd. v. Baby Gift House, 2010 (42) PTC 520 (Del.)

Titan Industries Ltd. v. M/s Ramkumar Jewellers, 2012 (50) PTC 486 (Del.)

⁹ Digital Personal Data Protection Act, 2023 (India).

¹⁰ OECD, *Artificial Intelligence, Digital Economy and Society* (2024).

¹¹ Information Technology Act, 2000 (India)

Digital Personal Data Protection Act, 2023 (India).

Beyond the ethical and privacy issues of AI infringement, there are social and consumer protection concerns, platform responsibility, misinformation, and technological governance.¹² With the advancement of AI, a delicate balance between technological innovation and safeguarding individual rights is increasingly becoming a legal imperative. Innovation must not be at the cost of human dignity, autonomy, privacy or the value of the individual's identity and should be ensured by regulatory systems. In this perspective, the authors provide a critical analysis of the concept and the legal foundation of personality rights in the context of social media influencers and the problems the concept has in the wake of the developments of AI. It examines the effectiveness of the existing legal regime in India, using constitutional principles, existing jurisprudence, and intellectual property doctrines. The paper also aims to identify the regulatory voids and recommends legal reform that will safeguard influencers from being misappropriated by artificial intelligence and foster responsible technological innovation in the digital economy.

RESEARCH PROBLEM

With the rapid development of Artificial Intelligence, the unauthorized use of social media influencers' names, images, voices, digital identities, and so on, has skyrocketed by deepfakes, voice cloning, and the creation of AI-generated content.¹³ While the concept of personality rights has been recognized by Indian courts, the country currently lacks a comprehensive statutory definition or protection for influencers against misuse of their identity with the help of AI. There is a lack of coherence in the current legal system, including questions of liability, consent, and appropriate remedies. This study therefore seeks to highlight whether the existing law is sufficient to protect the personality rights of influencers in the age of artificial intelligence.

RESEARCH OBJECTIVES

1. To explore the nature and extent of personality rights in the digital world.
2. To discuss the legal issues that arise with Artificial Intelligence and social media influencers when it comes to their personality rights.

¹² NITI Aayog, *Responsible AI for All: Approach Document for India* (2021).

¹³ UNESCO, *supra* note 3.

WIPO, *supra* note 4.

3. To look into the current provisions of the law in India for protection of the rights of personality of the influencers.
4. To recommend legal measures to enhance the enforcement of protection of the right to personality in the context of its potential misuse by AI.

RESEARCH QUESTIONS

1. What are social media influencers personality rights?
2. How does AI impact the influence personality rights?
3. Whether the current Indian laws are sufficient to safeguard the personality rights of influencers?
4. Does there need to be a robust legal framework for the regulation of violations of personality rights with AI?

RESEARCH METHODOLOGY

The research methods used in the present study are a combination of doctrinal and empirical research methods. The doctrinal component explores constitutionally relevant provisions, laws, judicial decisions, scholarly works, policy documents and international instruments on personality rights, privacy, intellectual property and Artificial Intelligence. The empirical component, which involves the collection of primary data, is done by giving a structured questionnaire to social media users, content creators, legal professionals, academicians and students to find the level of awareness and perceptions about the protection of personality rights of influencers in the era of Artificial Intelligence.

PERSONALITY RIGHTS

Personality rights are rights which safeguard the special features of a person's personality from misuse or exploitation. Such rights protect a person's name, image, likeness, voice, signature, photograph, gestures, and other special personal features which identify a person.¹⁴ The core of personality rights is the right of any person to control and block both commercial and

¹⁴ McCarthy, *supra* note 2.

noncommercial use of his or her personality by others for economic and reputational interests, respectively, without his or her consent.¹⁵ While once more commonly linked to celebrities, sportspersons and public figures, the rise of digital media has been increasing the importance of the protection of personality rights in regard to social media influencers and their presence online, which is a valuable commercial asset.¹⁶

The idea of personality rights has developed as a result of the recognition of two closely related but different rights: privacy rights and publicity rights.¹⁷ The right of privacy encompasses the concepts of autonomy, dignity and personal life and would ensure that there is no inappropriate intrusion into a person's existence; the right of publicity protects the commercial use of the person's identity.¹⁸ These rights combine to allow for a person to have control over both their personal and economic identity. Today, the image and the reputation of the personality has become a crucial instrument for the economic success of the activity of commercial enterprises, so that personality rights have become a growing field of intersection between constitutional, IP and media law.¹⁹

The history of personality rights dates back to the 1890 article, "The Right to Privacy," written by Samuel D. Warren and Louis D. Brandeis, which asserts that people have a legal right "to be let alone."²⁰ The article mainly dealt with privacy but set the intellectual groundwork to acknowledge the legal rights of an individual to their identity. In the twentieth century especially in the United States, the courts slowly began to define the right to the public's use of the name, likeness, or likeness of a person for commercial purposes.²¹ This was an important development in the arena of personality rights law in a variety of jurisdictions.

The concept of personality rights in India has come from judicial interpretation rather than legislation.²² Indian courts have found these rights worthy of recognition by reading them into the constitutional protections of privacy, dignity and personal liberty guaranteed by Article 21 of the Constitution of India, and by invoking other principles of common law such as the

¹⁵ Id.

¹⁶ Advertising Standards Council of India, *supra* note 1.

¹⁷ William L. Prosser, Privacy, 48 Calif. L. Rev. 383 (1960).

¹⁸ *Zacchini v. Scripps-Howard Broad. Co.*, 433 U.S. 562 (1977)

¹⁹ *McCarthy*, *supra* note 14

²⁰ Samuel D. Warren & Louis D. Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890)

²¹ *Haelan Labs., Inc. v. Topps Chewing Gum, Inc.*, 202 F.2d 866 (2d Cir. 1953)

²² *ICC Development (International) Ltd. v. Arvee Enterprises*, 2003 (26) PTC 245 (Del.)

passing off and unfair commercial exploitation.²³ Judicial rulings have also extended the protection to anyone whose identity has commercial value, so that other than conventional celebrities, anyone can fall under this protection.²⁴ The constitutional basis of personality rights has also gained further support with the Supreme Court judgment in **Justice K.S. Puttaswamy (Retd.) v. Union of India** (2017), where it was held that autonomy, dignity and informational privacy are part of Article 21.²⁵

The development of personality rights has been propelled by the advent of social media and AI. Notable economic value is added to influencers' digital identity via endorsements, sponsorships, affiliate marketing and branded content today.²⁶ At the same time, the development of technologies like deepfakes, voice cloning, generative AI and digital avatars has facilitated the easier reproduction and commercial use of a person's identity without permission.²⁷ The rise of these technologies has revealed that current legal frameworks are inadequate and has made personality rights a crucial legal protection for digital creators and influencers in today's digital economy.²⁸

RISE OF INFLUENCERS IN THE DIGITAL ECONOMY

Emergence of the Influencer Economy

Thanks to the swift development of the web and social media, now people have new methods to speak with each other, to seek info, and to interact with businesses. This digital revolution has given rise to the 'influencer economy,' where people create online communities and shape public opinion online.²⁹

Growth of Social Media Platforms

Social platforms are gaining popularity. People can now connect with millions of people around the world thanks to these popular platforms like Instagram, YouTube, Facebook, X, Snapchat, LinkedIn, and more. These platforms have allowed content creators to become

²³ DM Entertainment Pvt. Ltd. v. Baby Gift House, 2010 (42) PTC 520 (Del.).

²⁴ Titan Industries Ltd. v. M/s Ramkumar Jewellers, 2012 (50) PTC 486 (Del.).

²⁵ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

²⁶ Advertising Standards Council of India, Guidelines for Influencer Advertising in Digital Media (2023)

²⁷ UNESCO Supra note 13.

²⁸ Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914.

²⁹ Advertising standard council of India Supra note 1.

influencers in different sectors such as fashion, beauty, fitness, education, technology, travel, and finance.³⁰

Influencers as Digital Entrepreneurs

No longer just content creators, influencers are now becoming digital entrepreneurs. Influencers can earn a lot of money through sponsored posts, brand collaborations, affiliate marketing, product promotions, and paid subscriptions by monetising their online presence and personal brand.³¹

Commercial Value of Digital Identity

The name, image, voice, likeness and online presence of an influencer are valuable assets to its business. These are all characteristics that set influencers apart from the rest and that call for brand collaborations, and that's why their digital identity is a valuable asset for the business which needs legal protection.³²

Influence on Consumer Behaviour

The rise of influencer marketing is partly due to consumers belief that influencers are more authentic and relatable than traditional advertisements. Being influential can influence customers' buying choices, brand recognition, and trust in brands, thereby giving influencers an even greater economic value.³³

Economic Contribution of the Influencer Industry

The economic impact of the influencer industry has been undeniable. The economic impact of the influencer industry has been undeniable. Some of the most significant contributors to the digital economy are the people who can make a living out of influencer marketing: creators, marketing agencies, photographers, editors, advertisers, and technology platform. It's now an integral aspect of digital trade and online business.³⁴

³⁰ Id.

³¹ Id.

³² McCarthy, supra note 14.

³³ Advertising Standards Council of India Supra 29.

³⁴ NITI Aayog, Responsible AI for All: Approach Document (2021).

Challenges in the Digital Economy

Even though the influencer economy is booming, some challenges need to be addressed, such as unauthorized use of influencers' identities, fake accounts, copyright infringement, online impersonation, unfair commercial exploitation of personal information, and others. With the progress of Artificial Intelligence, these problems have grown worse.³⁵

Need for Legal Protection

With its reliance on digital platforms for their livelihoods, protection for the rights to the personality of influencers is becoming crucial. In the absence of a comprehensive legal framework, influencers can be open to financial losses, reputational damage, and even the use of their content without permission in the digital era, which is why there is a need for more robust legal protection.³⁶

AI AND NEW THREATS TO INFLUENCER PERSONALITY RIGHTS

Deepfake Technology

With Artificial Intelligence, one can create realistic videos and images that influencers say or do things they never did. These deepfakes can lead to false endorsements, misinformation, reputational damage, defamation and financial/commercial loss, which is a considerable financial and commercial cost.³⁷

Voice Cloning

With a bit of sound data, AI voice synthesizers can mimic an influencer's voice. Voice cloning without the influencer's consent could be used to voice fake ads, promotional material or deceptive public statements.³⁸

AI-Generated Digital Avatars and Virtual Replicas

With generative AI, one can create digital versions of influencers that look, move, and

³⁵ UNESCO, *supra* note 27.

³⁶ *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.

³⁷ UNESCO, *supra* note 27

³⁸ WIPO *supra* note 4.

communicate like actual influencers. A brand dilution and violation of their personality rights occurs when such replicas are used commercially without their consent.³⁹

Unauthorized Commercial Exploitation

Businesses and third parties can use images, video or voices created by AI of influencers for advertising and marketing purposes without prior authorization. This illegally-engaged exploitation means that influencers lose out on any endorsement or licensing income.⁴⁰

Identity Theft and Digital Impersonation

AI enables the generation of fake social media accounts, fake identities, and fake impersonation accounts that resemble influencers. These will mislead consumers, harm the professional image and can be used for fraudulent purposes.⁴¹

Misleading Endorsements and Consumer Deception

AI-generated content can make it appear that influencers are promoting products or services that may not be true. These misleading endorsements can infringe upon the rights of the person they claim to represent as well as consumer confidence and could constitute unfair trade practices.⁴²

Copyright and Intellectual Property Challenges

AI-generated content is frequently plagiarized material that takes the pictures, videos, voice or creative expression of an influencer without permission. This gives rise to overlapping problems of copyright infringement, trademark protection, passing off and personality rights.⁴³

Data Privacy and Biometric Misuse

AI systems use a large amount of personal data like photos, facial features, voice recordings, and biometric data, to create synthetic media. Such data collection and processing without

³⁹ Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914.

⁴⁰ ICC Development (International) Ltd. v. Arvee Enterprises, 2003 (26) PTC 245 (Del.).

⁴¹ Information Technology Act, 2000 (India).

⁴² Advertising Standards Council of India, *supra* note 1

⁴³ Copyright Act, 1957 (India).

informed consent is highly problematic about privacy.⁴⁴

Jurisdictional and Enforcement Challenges

AI-generated content can be created anonymously and circulated across multiple digital platforms within seconds. The cross-border nature of the internet makes it difficult to identify perpetrators, determine jurisdiction, and enforce legal remedies effectively.⁴⁵

Inadequacy of the Existing Legal Framework

India do not have any legislation to address with violations of personality rights using AI. Current legal solutions based on constitutional law, passing off, copyright, trademark, privacy, and information technology law offer disjointed coverage of problems raised by the use of artificial intelligence, and do not necessarily provide sufficient protection.⁴⁶

CONSTITUTIONAL AND STATUTORY FRAMEWORK

A. Constitutional Framework

While personality rights are not specifically mentioned in the Constitution of India, they have been made a fundamental right in Indian legislation, through the right to privacy, dignity, liberty, freedom of expression, etc. The Supreme Court and other High Courts have broadened fundamental rights to safeguard an individual's identity from misuse.⁴⁷

Article 14 Right to Equality- It guarantees equality before the law and equal protection of laws. Arbitrary or discriminatory exploitation of an individual's identity without consent may violate the constitutional guarantee of equal protection.⁴⁸

Article 19(1) (a) Freedom of Speech and Expression- Article 19(1)(a) protects an individual's right to express and communicate their identity. For influencers, social media

⁴⁴ Digital Personal Data Protection Act, 2023 (India).

⁴⁵ UNESCO, *supra* note 35.

⁴⁶ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1
Information Technology Act, 2000 (India)
Digital Personal Data Protection Act, 2023 (India).

⁴⁷ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

⁴⁸ Article 14, Constitution of India.

content is an important form of expression and professional activity. However, this right must be balanced against the misuse of another person's identity under the guise of free speech.⁴⁹

Article 19(1)(g) Freedom to Practise any profession – Influencers earn their livelihood through brand endorsements, advertisements, sponsorships, and digital content creation.

Unauthorized commercial exploitation of their identity interferes with their constitutional right to practice a profession and carry on an occupation.⁵⁰

Article 21 Right to Life and Personal Liberty- It forms the strongest constitutional foundation for personality rights. Judicially interpreted, it includes the rights to privacy, dignity, reputation, autonomy and informational self-determination. In *Justice K.S. Puttaswamy (Retd.) v. Union of India (2017)*, the right to privacy was recognized as a fundamental right, and the protection of personal identity, such as image, voice, and other identifying features was reinforced.⁵¹

B. Statutory Framework

India does not have a standalone statute governing personality rights. Instead, protection is gained from intellectual property laws, information technology law, and data protection laws.⁵²

Trade Marks Act, 1999- The Act protects registered trademarks and well-known marks. Influencers who register trademarks on their names, logos, slogans, or brand identifiers can prevent unauthorized commercial use that causes consumer confusion or dilution of goodwill.⁵³

Copyright Act, 1957-The Copyright Act protects original literary, artistic, musical, dramatic, cinematographic, and sound recording works. While personality itself is not protected by copyright, photographs, videos, podcasts, and other original content created by influencers are protected by copyright. Unauthorized reproduction of such works may constitute copyright

⁴⁹ Article 19(1) (a), Constitution of India.

⁵⁰ Article 19(1)(g), Constitution of India.

⁵¹ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

⁵² Information Technology Act, 2000 (India)
Digital Personal Data Protection Act, 2023 (India).

⁵³ Trade Marks Act, 1999 (India).

infringement.⁵⁴

Information Technology Act, 2000- The Act provides remedies against certain forms of electronic misuse, including identity theft, cheating by personation, and publication of unlawful digital content. Although enacted before the emergence of generative AI, some of its provisions may be invoked against digital impersonation and online misuse of an influencer's identity.⁵⁵

Digital Personal Data Protection Act, 2023- The Act regulates the processing of personal data and recognises consent as the primary basis for such processing. The Act also offers a crucial protection mechanism for influencers against the unauthorized collection and processing of their personal data, as AI systems often utilize photos, videos, voice recordings, and biometric data. But it doesn't explicitly address replicas of AI or personality rights.⁵⁶

Common Law Remedy of Passing Off-The common law principle of passing off has been adopted by Indian courts to safeguard personality rights. If the unauthorized use of an influencer's identity misrepresents its endorsement or commercial connection, the person concerned can obtain injunctions and damages for unfair use of his or her goodwill. While constitutionally and statutorily protected, the current legal system is fragmented. The vast majority of provisions that have been made prior to the rapid growth of Artificial Intelligence do not explicitly mention deepfakes, voice cloning, AI-generated avatars or synthetic media. Thus, the need for special laws to address the personality rights of influencers and to offer remedies to prevent identity misuse, using AI, is growing.⁵⁷

JUDICIAL DEVELOPMENTS

Judicial interpretation has played significant role in the recognition of personality rights in India as there has been limited legislation.⁵⁸ Without a specific act, judges have used constitutional principles, IP law and common law principles to safeguard an individual's identity against the unauthorised commercial use of it. Indian law has transformed over the

⁵⁴ Copyright Act, 1957 (India).

⁵⁵ Information Technology Act, No. 21 of 2000, India.

⁵⁶ Digital Personal Data Protection Act, 2023 (India)

⁵⁷ ICC Development (International) Ltd. v. Arvee Enters., 2003 (26) PTC 245 (Del.)

DM Ent. Pvt. Ltd. v. Baby Gift House & Ors., 2010 (42) PTC 520 (Del.).

⁵⁸ McCarthy, *supra* note 32

years from focussing on the commercial aspect of a celebrity's identity to grappling with new issues introduced by artificial intelligence, deepfakes, and digital impersonation.

1. ICC Development (International) Ltd. v. Arvee Enterprises (2003)

This case was one of the first to be recognized by the Courts in India as being concerning publicity rights. The Delhi High Court pointed out that the right of publicity derived from the personality and protects the commercial value of the personality. The Court has said that it is not permissible for a person to use the identity of another person in a commercial manner without obtaining permission. The case was principally about the ICC Cricket World Cup but it paved the way for recognition of personality rights in Indian law.⁵⁹

2. DM Entertainment Pvt. Ltd. v. Baby Gift House & Others (2010)

Delhi High Court has granted protection to the personality rights of famous artist Daler Mehndi, and prohibited the defendants from selling any dolls with his image without his consent. The Court concluded that the name, image and likeness of a celebrity have commercial value and that using their name, image or likeness for commercial purposes without permission is a violation of personality rights. The judgment affirmed the rule of "economic benefit from the identification" being only for the individual.

3. Titan Industries Ltd. v. M/s Ramkumar Jewellers (2012)

In this landmark judgment, Delhi High Court imposed an injunction on the use of Amitabh Bachchan, and Jaya Bachchan's pictures for commercial advertisements without their permission. The Court ultimately determined that celebrities do have a right to control the use of their name and likeness in a commercial fashion and their use without permission is misappropriation of personality rights. The judgment has reinforced the rights of publicity in India to a great extent.⁶⁰

4. Justice K.S. Puttaswamy v. Union of India (2017)

In the case, the primary issue was the constitutional right to privacy, but the Supreme Court had accepted that privacy was a fundamental right in the constitution, Article 21. The three

⁵⁹ ICC Development (International) Ltd. v. Arvee Enters., 2003 (26) PTC 245 (Del.).

⁶⁰ Titan Indus. Ltd. v. M/s Ramkumar Jewellers, 2012 (50) PTC 486 (Del.).

elements stressed by the judgment were autonomy, dignity and informational self-

determination, which were also the nucleus of the constitutional basis for personality rights. It found that individuals have more control over personal information and attributes of identity, especially in the era of artificial intelligence.⁶¹

5. Amitabh Bachchan v. Rajat Nagi & Others (2022)

In a landmark ruling, the Delhi High Court issued a sweeping interim injunction in favor of the personality rights of the Bollywood superstar Amitabh Bachchan to prevent unauthorized use of his name, image, voice, and other identifiable features across digital platforms. The Court issued a 'dynamic injunction' to ensure that infringing content can be removed from online platforms, reflecting the increasing danger of online identity misuse and the importance of digital technologies.⁶²

6. Anil Kapoor v. Simply Life India & Others (2023)

This is an important step in safeguarding privacy and personal rights against misuse by AI technologies. The Delhi High Court has banned the use of Anil Kapoor's voice, likeness, image, signature, dialogue and artificial intelligence/DV, which prevents their unauthorised use. The Court acknowledged that the advent of technology has made it easy to impersonate someone online and that protection of an individual's personality from unauthorized use of his name for commercial purposes is vital. The ruling could serve as precedent in cases involving personality rights violations caused by the use of AI.⁶³

Judicial Trend

Indian jurisprudence reflects a clear movement from providing only protection of commercial interests of celebrities to protecting the overall constitutional rights of identity, privacy, dignity, and autonomy. Recent rulings suggest a growing trend of courts granting protection to the digital sphere by blocking AI-generated deepfakes, voice cloning, digital avatars, and unauthorized use of online content. However, the lack of a detailed statute does not stop the

⁶¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁶² Amitabh Bachchan v. Rajat Nagi & Ors., CS (Comm.) 819/2022 (Delhi High Court).

⁶³ Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914.

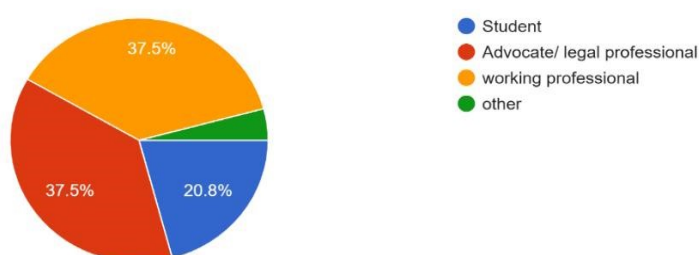
protection from relying mainly on judicial creativity, which highlights the importance of specific legislation on the protection of personality rights in the age of Artificial Intelligence.⁶⁴

EMPIRICAL STUDY-

The empirical study was carried out it was a 9-question survey with closed-ended questions.

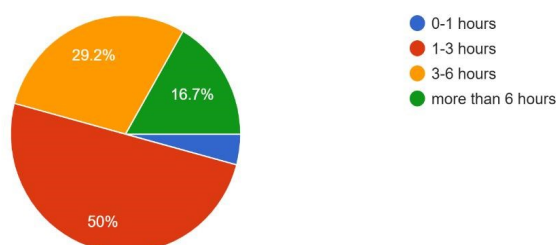
Approximately 24 people with various educational and professional experiences participated.

Which Category best describes you?
24 responses



The survey included 24 respondents from diverse professional backgrounds. Advocates/Legal Professionals and Working Professionals each constituted **37.5%** of the respondents, followed by Students **20.8%** and Others **4.2%**. The varied respondent profile enhances the reliability of the empirical findings by incorporating perspectives from both legal professionals and the general public.

How frequently do you use social media?
24 responses

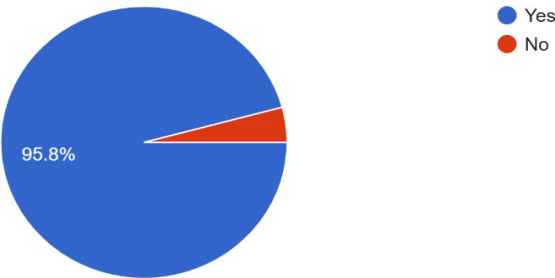


The survey findings reveal that a majority of the respondents **50%** spend 1–3 hours daily on

⁶⁴ Id. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

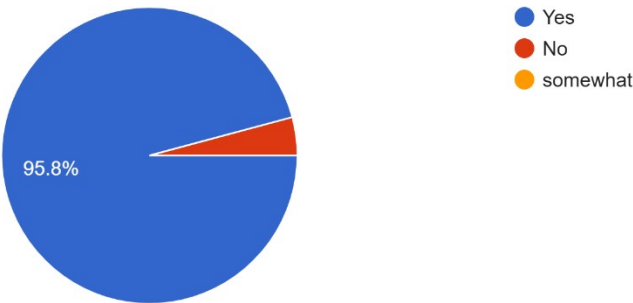
social media, followed by **29.2%** who spend 3–6 hours. Additionally, **16.7%** of the respondents reported using social media for more than 6 hours each day, while only **4.2%** spend less than one hour daily. These findings indicate that most respondents are active users of social media, making them well-positioned to provide informed opinions on issues relating to influencers, personality rights, and the impact of Artificial Intelligence in the digital environment.

Are you aware of personality rights before taking this survey?
24 responses



95.8% of the respondents were aware of the concept of personality rights, while only **4.2%** reported that they were not aware of it. This demonstrates a high level of awareness among the respondents regarding personality rights, suggesting that the participants were well-informed and capable of providing meaningful opinions on the legal challenges faced by influencers in the era of Artificial Intelligence

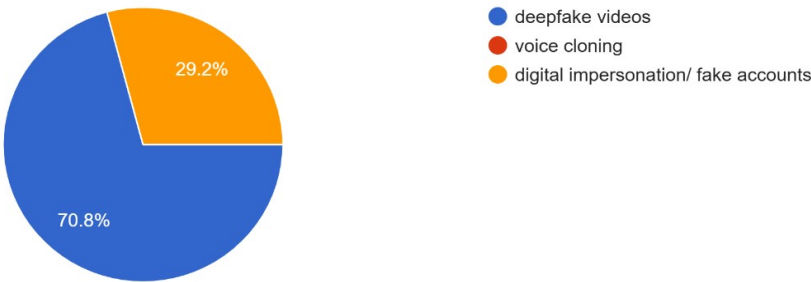
Are you aware of AI technologies such as Deepfakes, Voice cloning, and AI generated avatars?
24 responses



The survey results reveal that **95.8%** of the respondents are aware of Artificial Intelligence technologies such as deepfakes, voice cloning, and AI-generated avatars, while only **4.2%**

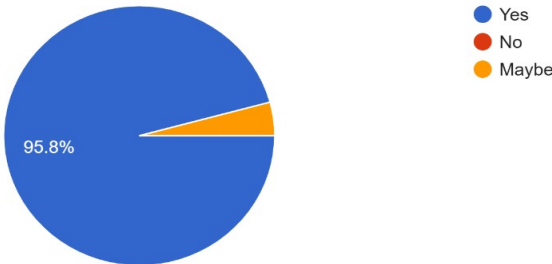
reported that they were not aware of these technologies. This high level of awareness indicates that the respondents are familiar with emerging AI tools and are therefore well-equipped to assess their potential impact on the personality rights of influencers in the digital age.

Which AI-enabled activity do you believe poses the greatest threat to an influencer's personality rights?
24 responses



70.8% of the respondents consider deepfake videos to be the greatest AI-enabled threat to an influencer's personality rights, while **29.2%** identified digital impersonation or fake accounts as the primary concern. Notably, none of the respondents selected voice cloning as the most significant threat. These findings suggest that respondents perceive deepfake technology as the most serious risk due to its potential to facilitate unauthorized identity exploitation, reputational harm, and misleading commercial endorsement.

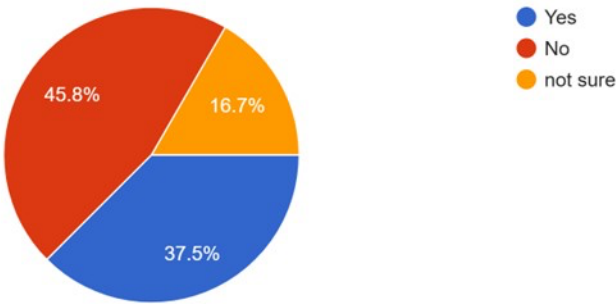
Do you believe that using an influencer's name, image, voice, or likeness through AI without consent amounts to a violation of their personality rights?
24 responses



The survey findings indicate that **95.8%** of the respondents believe that the use of an influencer's name, image, voice, or likeness through Artificial Intelligence without consent constitutes a violation of personality rights, while **4.2%** responded "Maybe." Notably, none of

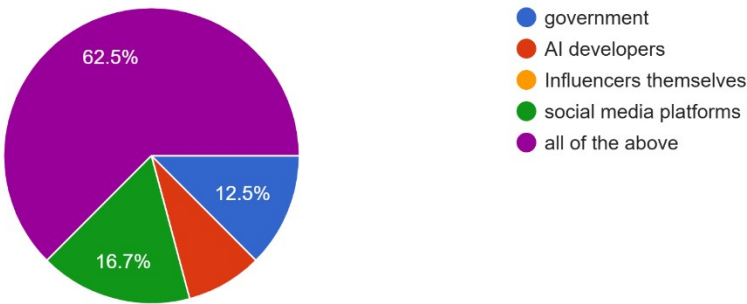
the respondents disagreed with the statement. These findings demonstrate a strong consensus that AI-enabled unauthorized use of an influencer's identity infringes their personality rights and underscores the perceived need for robust legal protection against such misuse.

Do you think the existing Indian legal framework adequately protects influencers against AI-generated misuse of their identity?
24 responses



45.8% of the respondents believe that the existing Indian legal framework does not adequately protect influencers against AI-generated misuse of their identity, while **37.5%** believe that the current legal framework is adequate. A further **16.7%** of the respondents were not sure about the adequacy of the existing laws. These findings suggest that a significant proportion of respondents perceive gaps in the current legal framework and highlight the need to strengthen legal protections to address emerging AI-related challenges affecting influencers' personality rights.

Who should bear the primary responsibility for preventing AI-enabled misuse of influencers' identities?
24 responses

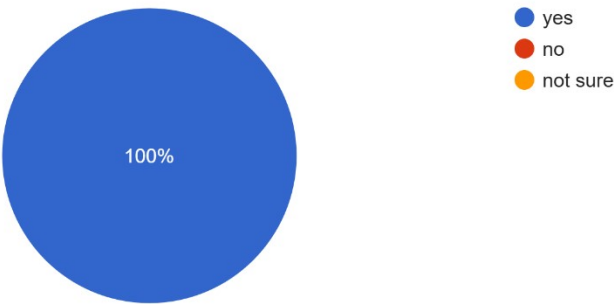


The survey results show that **62.5%** of respondents think the blame for the misuse of

influencers' identities using AI should be shared with the Government, AI developers, social media platforms and the influencers themselves. Furthermore **16.7%** of the respondents felt that social media platforms were the main culprits and **12.5%** on the Government. **8.3%** felt that developers of AI had the primary responsibility. In particular, none of the respondents named influencers as their main responsibility. The results are an affirmation of the high level of public opinion that there is a need to tackle the misuse of AI in a collaborative manner rather than a single player taking blame.

In your opinion, should India enact a comprehensive law specifically protecting the personality rights of influencers against AI-generated misuse?

23 responses



The survey results show that **100%** of respondents feel that there is a need for all-in-one legislation to safeguard the personality rights of influencers from misuse of AI. No respondents picked "No" or "Not Sure". What's clear from this unanimous response is that there is a high level of public agreement that the current system of laws must be changed and that specific legislation is needed to tackle new threats arising from the use of artificial intelligence, like deepfakes, voice cloning, digital impersonation and more.

Overall findings

Question	Key finding	Interpretation
Q1	Advocates/Legal Professionals and Working Professionals each constituted 37.5% , Students 20.8% , and Others 4.2% .	The answers encompass a variety of perspectives from legal experts and the general public.

Q2	50% of respondents use social media for 1–3 hours , while 29.2% use it for 3–6 hours .	The majority of the respondents are social media users and understand how social media and influencers work.
Q3	95.8% of respondents were aware of personality rights.	The percentage of respondents that knew the answer was high, which means that they were well-informed and able to provide meaningful opinions on the subject.
Q4	95.8% of respondents were familiar with deepfakes, voice cloning, and AI-generated avatars.	The respondents have a good understanding of new technologies of AI and their applications in the area of digital identity.
Q5	70.8% identified deepfakes as the greatest threat, while 29.2% selected digital impersonation/fake accounts.	The threat of deepfake technology is seen as the greatest, because it enables violations of identity, reputation and deceptive practises on behalf of consumers.
Q6	95.8% agreed that using an influencer's identity through AI without consent violates personality rights.	The public is generally in agreement that the use of another person's identity without permission for AI-generated content is a violation of the right to personality.

Q7	45.8% believed that existing laws are inadequate, 37.5% believed they are adequate, and 16.7% were unsure.	Many respondents feel that the existing law is weak and needs to be strengthened.
Q8	62.5% believed responsibility should be shared among the Government, AI developers, social media platforms, and influencers	Respondents prefer a multi-stakeholder, rather than single stakeholder, regulatory model.
Q9	100% of respondents supported the enactment of a comprehensive law specifically protecting influencers against AI-enabled personality rights violations.	The overwhelming consensus reflects a strong desire for specific legislation around AI use of personality rights.

Conclusion

The advent of new social media platforms has made influencers important economic actors, with identities having tangible commercial value. Their names, photos, soundbites, likenesses and online avatars are no longer just personal attributes but valuable digital assets that can be monetized through brand endorsements, sponsored content, affiliate marketing, and other commercial relationships. But the rise of Artificial Intelligence, especially generative AI tools like deepfakes, voice cloning, digital avatars and synthetic media, has changed the face of threats that influencers are encountering. These technologies allow the production and sharing of highly realistic digital replicas, without the consent of the person, leading to identity misappropriation, reputational damage, economic loss, consumer misinformation and autonomy violation. The study shows that the judiciary has recognised the concept of personality rights in India, but the existing legal framework is fragmented and insufficient to effectively combat misuse of digital identities using AI. Indian courts have increasingly broadened the ambit of personality rights, securing protection through constitutional rights to privacy, dignity and personal freedom under Article 21, and common law concepts of passing off and/or unfair commercial exploitation. There have been judicial decisions that recognised the commercial value of an individual's identity and provided remedies against the

unauthorised commercial exploitation. However, these protections are not codified but are developing through the case law, which leaves uncertainty about the nature of rights, liability, enforcement and remedies in disputes involving the new, evolving, and fast-changing capabilities of AI. The constitutional and statutory examination conducted during this research indicates that there is a limited and indirect protection available to prevent misuse of identities by AI. Existing laws such as the Information Technology Act 2000, the Digital Personal Data Protection Act 2023, Intellectual Property laws and common law provide only limited and indirect protection against identity misuses by AI. These laws were not drafted to control technologies that can produce realistic digital avatars of people, nor with an eye towards consent, ownership of digital identity, algorithmic accountability, or cross-border spreading of synthetic images. As a result, there are still many gaps in the legal and regulatory protection of the personality rights of influencers in the digital landscape. The study's empirical results corroborate these legal concerns. The survey identified that the public are very aware of the issues of personality rights, and the emerging role of Artificial Intelligence in a digital identity. The vast majority of respondents viewed the use of an influencer's name, image or voice without their consent, using AI, as a breach of personality rights. The majority of respondents also held that the existing legal structure does not adequately protect against such misuse, and agreed that a comprehensive law should be enacted to deal with such misuse specifically regarding personality rights. The results also suggest a need for a collaborative approach to digital identity protection, involving the Government, the AI industry, social media platforms, and influencers.

Suggestions

Based on these findings, the study recommends that India needs to have a comprehensive legal framework which explicitly acknowledges and protects personality rights as a distinct legal right and also ensures adequate protection against misuse of an individual's identity by AI tools. It should clearly define what constitutes personality rights, set clear consent requirements, hold the developer of AI and digital platforms liable for unlawful exploitation, offer effective civil and criminal remedy, and include clear regulatory processes that can adapt to technological innovations. This would protect the legal rights of influencers not only because it would protect their economic and reputational interests but also because it would reinforce the constitutional values of dignity, privacy, autonomy and informational self-determination. In conclusion, technological innovations and Artificial Intelligence should be

used as tools for human advancement and not for exploiting individual identity. This will foster the public confidence in new technologies and ensure that the Indian digital economy evolves in its rightful way, balancing responsible innovation with the protection of personality rights, through a balanced legal framework. As AI technology advances, safeguarding one's personality rights will become more and more important to maintain the old-fashioned nature of human interactions and autonomy in the 21st century. The following recommendations are made on the basis of doctrinal analysis, judicial developments and empirical findings of the study to make the protection of the personality rights of social media influencers stronger in the age of Artificial Intelligence:

1. Adopt comprehensive personality rights legislation.

Specific legislation on personality rights as a standalone legal right must be formulated in India. The legislation should explicitly establish the scope of personality rights and protect an individual's name, image, likeness, voice, signature, biometric identifiers, digital avatar, and other identifiable characteristics. It must also expressly prohibit reproductions created with AI and provide for effective civil and criminal penalties for unauthorized use.

2. Introduce AI-Specific Consent Requirements

Prior, informed and explicit consent must be required before any AI system can reproduce, modify or commercially use an individual's identity. Consent mechanisms are to be clearly defined and indicate the purpose, duration, scope of use and consent revocation rights as much as possible. This would enhance people's autonomy and lower risks from unauthorised AI exploitation.

3. Ensure liability of AI developers and digital platforms.

It is not just the duty of the users creating AI-generated content. AI Developers, software providers and social media platforms must also be held accountable in a proportionate manner when they are not taking reasonable steps to prevent unlawful creation or dissemination of deepfakes and AI-generated impersonations. The regulatory regime should include mandatory due diligence requirements, effective notice and takedown processes and a mechanism for redressing complaints transparently.

4. Strengthen Existing Laws through Legislative Amendments

Current laws, such as the Information Technology Act 2000, the Digital Personal Data Protection Act 2023, the Copyright Act 1957 and the Trade Marks Act, 1999, etc., need to be updated to explicitly cover the misuse of identities through AI. Legislative measures need to acknowledge that the use of AI-generated impersonation is a specific type of harm and effective remedies for economic loss, reputational damage and unlawful commercial use should be provided. To create Regulatory Guidelines for Artificial Intelligence.

5. Develop Regulatory Guidelines for Artificial Intelligence

The Central Government should develop a comprehensive regulatory framework for AI governance to define transparency and accountability requirements, explainability, traceability, and ethical use of AI systems. These guidelines should also mandate that AI-generated media be appropriately labeled or otherwise watermarked to enable consumers to identify authentic from synthetic media.

6. Create a Fast-Track Dispute Resolution Mechanism

With the rapid dissemination of digital content online, traditional litigation can be ineffective as a means of providing timely relief. In this regard, specialist tribunals or judicial procedures should be established to facilitate the speedy resolution of cases concerning personality rights, deepfakes and misuse of identity via artificial intelligence, as well as the provision of timely injunctive measures and removal of infringing materials.

7. Promote Digital Awareness and Legal Literacy

Awareness raising initiatives should be carried out by government institutions, schools, social media companies and industry organisations to raise awareness among the general public, AI developers, content creators and influencers about personality rights, responsible use of AI, consent principles and legal remedies. Raising awareness of the public can help minimize misuse and promote responsible technology use.

8. Encourage Self-Regulation by Digital Platforms

Social media companies need to have tighter policies for detecting and taking down

AI-generated authentic impersonations, misleading endorsements and deepfake content. The proliferation of unauthorised synthetic media would be significantly diminished if these systems were advanced and user verification, transparent reporting and strict enforcement of community guidelines were established.

9. Promote International Cooperation

As AI-generated content often extends beyond national jurisdictions, India must take an active role in global initiatives to establish consistent guidelines for AI governance and enforcement and safeguard personality rights at an international level. International organisations and foreign regulators could help in fighting international abuse of digital identities.

10. Balance Innovation with Protection of Fundamental Rights

Future regulation of technology should take into account that innovation and respect for constitutional rights and values, such as dignity and privacy, autonomy and freedom of expression and informational self-determination, are not mutually exclusive. The goal is not to stifle innovation, but to ensure that technological progress is taken forward in a way that is compatible with respect for individual rights and responsible development of Artificial Intelligence. These recommendations, put together, aim at filling the current regulatory lacunae found in the study and to establish a well-evolved legal framework that can balance the rights of influencers and promote innovation in India's growing digital economy. These are also in line with the empirical results of the study, which showed that there is an overall high level of public support for comprehensive legislation and shared responsibility between the Government, AI developers, digital platforms and influencers in tackling identity misuse, enabled by AI.

References

1. Advertising Standards Council of India. *Guidelines for Influencer Advertising in Digital Media*. 2023.
2. *Amitabh Bachchan v. Rajat Nagi & Others*, CS (Comm.) 819/2022 (Delhi High Court).
3. *Anil Kapoor v. Simply Life India & Others*, 2023 SCC OnLine Del 6914.
4. Constitution of India, 1950.
5. Copyright Act, No. 14 of 1957.
6. Digital Personal Data Protection Act, No. 22 of 2023.
7. *DM Entertainment Pvt. Ltd. v. Baby Gift House & Others*, 2010 (42) PTC 520 (Del.).
8. *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*, 202 F.2d 866 (2d Cir. 1953).
9. *ICC Development (International) Ltd. v. Arvee Enterprises*, 2003 (26) PTC 245 (Del.).
10. Information Technology Act, No. 21 of 2000.
11. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
12. McCarthy, J. Thomas. *The Rights of Publicity and Privacy*. 2d ed. Thomson Reuters, 2024.
13. NITI Aayog. *Responsible AI for All: Approach Document*. Government of India, 2021.
14. Organisation for Economic Co-operation and Development (OECD). *Artificial Intelligence, Digital Economy and Society*. Paris: OECD Publishing, 2024.
15. Prosser, William L. "Privacy." *California Law Review* 48, no. 3 (1960): 383–423.
16. *Titan Industries Ltd. v. M/s Ramkumar Jewellers*, 2012 (50) PTC 486 (Del.).
17. Trade Marks Act, No. 47 of 1999.
18. UNESCO. *Recommendation on the Ethics of Artificial Intelligence*. Paris: UNESCO, 2021.
19. Warren, Samuel D., & Louis D. Brandeis. "The Right to Privacy." *Harvard Law Review* 4, no. 5 (1890): 193–220.
20. Westin, Alan F. *Privacy and Freedom*. Atheneum, 1967.

21. World Intellectual Property Organization (WIPO). *WIPO Technology Trends 2025: The Future of AI*. Geneva: WIPO, 2025.
22. *Zacchini v. Scripps-Howard Broadcasting Co.*, 433 U.S. 562 (1977).