

PERSONALITY RIGHTS OF CELEBRITIES: A LEGAL ANALYSIS

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ABSTRACT

In today's digital era, advances in artificial intelligence (AI) and other emerging technologies have made it increasingly easy to create manipulated, deepfake, or obscene videos. These videos can easily be widely spread on social media and other platforms, raising a serious concern about the unauthorized use of celebrities' images, videos, voices, and likenesses. Such misuse of celebrities' identity can cause significant reputational harm, leading to loss of future commercial opportunity and affecting their personal rights. This research paper examines the concept of personality rights of a celebrity and explains their significance in protecting identity, dignity, and public image. It analyses both international and national perception of celebrity personality rights in reference to relevant statutes and judicial precedent. This study further highlights the challenges posed by emerging technology, which enables the widely rapid spread of unauthorized content and often bypasses existing legal safeguards. Additionally, it considers the influential role of celebrities in shaping public perception and contemporary consumer buying behaviour, emphasizing the broader social and economic implications of personality rights infringement.

Keywords: Personality Rights, Unauthorized use, Celebrities, Right to Publicity

INTRODUCTION

In a competitive world where companies often use a celebrity's identity to promote goods and services to attract customers, their identity is frequently misused. Today's society is dominated by social media, advertising, and digital entertainment, all of which are heavily influenced by celebrities. Personality rights are legal rights which aim to protect an individual's identity such as images, voice, videos or other distinctive traits—from unauthorized commercial or exploitative use. Celebrities play a crucial role in influencing today's adults which impact consumer purchasing

behaviour, So, protecting a celebrity's personality rights becomes a key to safeguarding their

identity, which will ensure the right to equality, the right to life and personal liberty in the society. As the commercial value of a celebrity's persona increases with time, the risk of unauthorized exploitation through false endorsements, manipulated images, deepfakes, and other misleading advertisements also increases rapidly. This act harms a celebrity's reputation and reduces future business opportunities. It also deceives consumers who place trust.

The term personality right can be traced to ancient European History. During those times, when an artist does an art, it resembles his personality which was also enumerated in Intellectual Property Rights.¹ In India, the concept of Personality rights arose in 1994 in a famously known Auto Shankar Case referred as “*R. Rajagopal vs State of Tamil Nadu*”². The honorable supreme court held that publication of an autobiography of Auto Shankar in a Tamil magazine does not require any kind of consent from him if the information is already present in the public domain. However, the information published should not go beyond the scope of available public knowledge, as that would constitute a breach of privacy. This case highlights the distinction between personal and professional information to safeguard an individual’s right to privacy, guaranteed under Article 21 of the Constitution of India³.

This research paper seeks to explain the legal protection of celebrities' personality rights in today's ever-changing technology world. It examines the concept of personality rights and how they are recognized under national and international laws and the challenges posed by emerging advanced new technologies like artificial intelligence. By studying laws, court decisions, and issues such as deepfakes and unauthorized digital use, the paper points out the gaps in the existing legal system and the need for stronger laws. The study also seeks to maintain a balance between freedom of expression and the protection of a person’s dignity and identity so that technological development does not lead to the misuse of personal rights.

¹ Gowshini Athreya D, Impact of Social Media on Celebrity Personal Rights in Relation with Intellectual Property Rights, 12 International Journal of Creative Research Thoughts (IJCRT) (June 2024)

² R. Rajagopal V. State of Tamil Nadu and Others, (1994) 6 SCC 632

³ The Constitution of India, art. 21

CONCEPTUAL FRAMEWORK OF PERSONALITY RIGHTS

Personality Rights refers to certain traits or characteristics, present in an individual which make him different from others but personality right only protects identifiers and not psychological traits. The Indian legal framework protects an individual's personality traits, such as an individual's identity, name, signature, and many other features of celebrities, to protect their right to privacy and personal liberty. Personality traits can easily be recognized by the public at large and may even be used to deceive people, defame celebrities, exploit vulnerabilities, or manipulate public opinion, so protecting these rights becomes a matter of safeguarding individual dignity, ensuring fair representation, and preventing misuse of personality traits for exploitation or defamation. Personality rights are broadly categorized into two types: the right of privacy and the right of publicity.

Article 21 of the Constitution of India states, “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*”⁴ This article was further expanded by judicial interpretation to include the right to privacy. In **Justice K.S. Puttaswamy (Retd.) V. Union of India, 2017**⁵ The honorable Supreme Court of India expanded the meaning of personal liberty under Article 21 of the Constitution of India. Under this case a retired judge of the Karnataka High Court challenged the Aadhaar Scheme on the ground that it violates a person's right to privacy. On 24 August 2017, a nine-judge constitutional bench of the Supreme Court held that the right to privacy is a fundamental right and will be protected under Article 21 of the Constitution of India. Likewise, the personality traits of a celebrity are protected from being used without their consent by others for any unauthorized commercial use under Article 21. This shows that India is a democratic country and the law is supreme and applicable equally to all individuals. Even before 2017's judgment, Indian courts used to protect personality rights of celebrities under broader interpretation of Article 21 of The Constitution of India. In **ICC Development (International) Ltd.**

V. Arvee Enterprises, 2003⁶, The Delhi High court recognized personality rights in India. Under this case the defendants used Mr. Kapil Dev's image for advertisement purposes without his consent. ICC development (International) Ltd. raised an issue before the court which is- Whether

⁴ Ibid.

⁵ K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1

⁶ ICC Development (International) Ltd. v. Arvee Enterprises and Anr., 2003 SCC OnLine Del 2 : (2003) 26 PTC 245 (Del)

a celebrity has exclusive rights to control the commercial use of their identity without their permission. The court passed the judgment in favour of ICC development stating that unauthorized commercial exploitation of a celebrity’s image or likeness violates their privacy and dignity under Article 21 of the Constitution of India.

The right to publicity is a legal right which gives an individual control over use of their personal identity or persona for commercial purposes. This safeguards their identity such as voice, image, signature and many other personality traits from being exploited in the society and which results in unauthorized gains. The right of publicity is protected under Article 21 of the Constitution of India, Copyright Act, 1957, Information Technology Act, 2000 and many more Indian legal frameworks. *Titan Industries Ltd. v. Ramkumar Jewellers (2012)*⁷ reinforced and expanded personality right with contracts and passing off. Titan Industries Ltd. is a joint venture of Tata group and TIDCO, which are actively engaged in watches, jewelry, and clocks under the brand name Tanishq. Titan entered into an agreement with celebrity Amitabh Bachchan and Jaya Bachchan as brand ambassador of the company. The defendant unauthorizedly used their images for advertisement of their jewelry. The court-imposed injunction on Ramkumar jeweller for restricting the use of bachchans image for advertisement purpose without their permission and gaining an unfair commercial advantage from the celebrities’ goodwill and reputation and deceiving the general public by making them believe that bachchan’s endorsed Ramkumar Jewellers.

Aspect	Right To Privacy	Right To Publicity
Definition	Right to privacy guarantees an individual to control their personal information, life access to the general public.	Right to publicity guarantees an individual to control commercial use of their identity.
Nature of Right	Non- economic	Economic

⁷ Titan Industries Ltd. v. Ramkumar Jewellers, 2012 (50) PTC 486 (Del)

Core Protection	Prevents dignity, intimacy and autonomy of an individual	Prevents unauthorized use gain from identity
Remedies	Damages for emotional distress, injunctions to prevent disclosure.	Damages for economic loss, injunctions to stop unauthorized use.
Legal Basis	Rooted in constitutional or tort law as protection of fundamental rights.	Often treated as part of intellectual property or tort law (passing off, misappropriation).
Example	An advocate can't publish its client information without their consent	Using a celebrity photo without consent for advertisement.

Table 1.1: Comparison table

A personality right is not absolute in nature; it does not protect journalistic and informational use, which uses a celebrity identity such as name or image without their consent for reporting any news or information in the public interest, provided that such information is not misleading or defamatory in nature or commercially exploitative. It also excludes academic use and non-commercial use out of its ambit, as a celebrity's identity is used for research and teaching, which serves as public knowledge and does not result in any kind of private gain.⁸

ROLE OF CELEBRITY

Celebrities are public figures who are widely recognized for their achievements made in the fields of politics, entertainment, and sports; they play a crucial role in shaping society negatively or positively by influencing their consumer choices, behaviour, and culture. Since they often become role models for many youth and children in the society. People tend to imitate their personality, so it creates a need in society to protect their identity in society.

The influence of celebrities can be understood through several significant impacts on society. Firstly, celebrities influence the lifestyle of society, which can either be a positive change or a

⁸ The Evolution of Personality Rights in India, Lexclaim (15 Oct. 2025), <https://lexclaim.com/blog/2025/10/15/the-evolution-of-personality-rights-in-india/> (accessed on 26 Jan. 2026)

negative change concerning health, fashion, beauty and consumer behaviour. Celebrities are often seen as trendsetters; they follow a specific diet to keep themselves healthy and fit, which is adopted by many people in the society, resulting in change in consumer behaviour and their preferences. For example, Virat Kohli, a famous Indian cricketer, endorses an online shopping e-commerce platform, namely Myntra, which provides hefty discounts occasionally on luxury brands to attract customers. Virat Kohli is a medium through which a consumer is being influenced and is switching from offline clothing shopping to online shopping and preferring Myntra at a large scale. Celebrities are seen creating unrealistic beauty standards through portraying an image of a perfect body and flawless skin. For example, Aishwarya Rai endorses L'Oréal Paris skincare products, where each product claims to provide different benefits, such as flawless skin, brightening and many more. This negatively impacts society, as people find it difficult to accept themselves, leading to under confidence, constant comparison and anxiety.⁹

Secondly, a celebrity influences public opinion as celebrities carry strong presence in the society, which gives their words and actions the power to influence public opinion. When celebrities raise their concern about social issues concerning public health, environmental issues, or public justice, they gain limelight, bringing them to the mainstream of public disclosures, encouraging people to raise their voices against wrong or change their habits.¹⁰ For example, ***“Do Bond Zindagi ke”*** is a slogan associated with the pulse polio immunization programme, endorsed by Amitabh Bachchan. This initiative was taken to eradicate polio. Amitabh Bachchan played a key role in spreading awareness among society about polio vaccination.

And lastly, Political parties endorse celebrities in their party to strengthen their voice and encourage people to participate in elections and support their party political leader. Famous political leaders like Jaya Bachchan and Smriti Irani who were actresses of the movie and television industry of India, later enjoyed politics. Due to their prior established public image they easily connect with masses and gain public trust. This increases the chances of a political campaign to become successful.¹¹

⁹ The Role and Impact of Celebrities on Citizens' Lives, IFMST (16 Mar. 2025), <https://ifmst.org/2025/03/16/the-role-and-impact-of-celebrities-on-citizens-lives/> (accessed on 26 Jan. 2026)

¹⁰ Ibid.

¹¹ Ibid.

As celebrities hold such a significant position in society, it becomes essential to protect their personality rights against various commercial exploitation, as their identity – voice and image – is being used without their consent for advertisement and endorsement of goods and services. It safeguards their autonomy and dignity, ensuring that celebrities' personal identity traits are not used for any malicious purpose, such as deepfakes. Personality rights recognize celebrities' commercial value and economic opportunities, which can be monetized through endorsements, brand collaborations, and sponsorships. Protecting these rights can safeguard their upcoming future business opportunities, as unauthorized or misleading use of a celebrity's identity can negatively affect career prospects, endorsements, and public trust.¹²

INTERNATIONAL AND NATIONAL PERSPECTIVE

International Perspective

In the United States of America, publicity rights consist of the protection of the commercial value of a celebrity's persona.¹³ Publicity rights grant individuals the power to control their use of identity – name, image, voice, or any other personal attribute – for commercial purposes for monetary gain. In *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*¹⁴, the plaintiff was engaged in the business of selling chewing gum and he had entered into a contract with professional baseball players for boosting their product sale by granting exclusive rights over their photographs. The defendant used the same players' photographs, infringing upon the plaintiff's contractual rights. The U.S.A. court of Appeals for the Second Circuit held that the petitioner had a legal right, namely, the “right of publicity”, which grants him the right to use their images exclusively.

There is no comprehensive federal law that protects publicity rights in the USA, but in certain cases the court provides individual relief under Section 43 of the Lanham Act¹⁵. In *Waits v. Frito-*

¹² Supra note 8

¹³ Agnes Augustian, Intellectual Property and Protection of Personality Rights in the Digital Context, 2(1) NLUA Journal of Intellectual Property Rights 78 (2025), <https://nluassam.ac.in/docs/Journals/IPR/vol2-issue-1/5.pdf> (accessed on 26 Jan. 2026)

¹⁴ *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*, United States Court of Appeals, Second Circuit, 202 F.2d 866 (2d Cir. 1953)

¹⁵ The Lanham Act, 1946, § 43

*Lay, Inc.*¹⁶, the issue that arose was whether imitating a celebrity's distinctive voice without permission constitutes a false endorsement claim under the Lanham Act. The U.S. court ruled that false endorsement claims are admissible under the Lanham Act, as a celebrity's unique voice is mimicked without consent.

Publicity rights are handled at the state level in the U.S.A., which means that rules vary across the country. In California, publicity rights are protected under California's statute, California Civil Code § 3344, which protects a person's name, voice, signature, photograph, and likeness against commercial purposes without authorization.¹⁷

California recognizes a distinct posthumous right of publicity under California Civil Code § 3344.1, which protects a deceased person's name, voice, signature, photograph, or likeness for 70 years after death. This right is treated as a freely transferable, licensable, and descendible property interest, similar in substance to the living right of publicity. However, the statute imposes additional requirements and limitations:

Under the statute, the rights holder must register the claim with the California Secretary of State and may not recover damages for uses occurring before registration. Additionally the deceased individual must have had commercial value at the time of death or gained such value because of death; and the statute exempts expressive and informational uses, including those in books, films, music, news, political works, and other specified media, as well as advertisements for those works.¹⁸

International Convention Protecting Personality Rights

International conventions such as the TRIPS Agreement, 1994; and the Berne Convention; both collectively aim to protect the creation of a creator, the literary and artistic work of an author, and the live expression of performers and producers of a work.¹⁹

¹⁶ *Waits v. Frito-Lay, Inc.*, United States Court of Appeals, Ninth Circuit, 978 F.2d 1093 (9th Cir. 1992)

¹⁷ California Right of Publicity Law, *Digital Media Law Project* (9 Sep. 2025), <https://www.dmlp.org/legal-guide/california-right-publicity-law> (accessed on 26 Jan. 2026)

¹⁸ *Ibid.*

¹⁹ Pradip Kumar Das & Sanjeet Kumar Singh, "The Right of Celebrities Over Their Personality: Legal Protection Through Intellectual Property Rights," *International Journal for Multidisciplinary Research (IJFMR)*, Vol. 7, Issue 4, April 2025, available at <https://www.ijfmr.com/papers/2025/4/53184.pdf> (last accessed on 25 February 2026).

The TRIPS Agreement (Trade Related Intellectual Property Rights) is administered by the World Trade Organization (WTO), consisting of 164 countries under it. Article 14 of the TRIPS Agreement²⁰ protects the rights of performers, the rights of producers of phonograms, and the rights of broadcasting organisations. All these rights collectively safeguard the economic and commercial interests of individuals who contribute to the performance, recording, production, and broadcasting of creative works. It protects the original work of the creator by restricting unauthorised copying, unauthorised broadcasting, etc. Article 12²¹ and Article 14 of the TRIPS Agreement²² protect performers and producers of phonograms for at least 50 years and broadcasting organisations for at least 20 years, and where protection is not based on the author's life, the term must be at least 50 years from publication or creation.

The Berne Convention was adopted in the year 1886; ten European countries gathered in Berne and adopted the convention. The Berne Convention focuses on safeguarding both published and unpublished literary and artistic work of an author.²³ The Berne Convention grants protection for the lifetime of the author and an additional 50 years after his death. The Berne Convention safeguards the economic and moral rights of an author's work. Economic rights make sure that the author is being financially benefited by his work; economic rights include the right upon reproduction, translation, adaptation, broadcasting, etc. of one's work. While moral rights protect personal and reputational interests of authors in relation to their works, they include the right to disclosure, which grants the exclusive right to the author to decide when and how his work will be first made available to the general public, and the right to integrity, which protects the author's work from any modification which could result in harming his image and honour.²⁴ The Berne Convention does not directly protect the personality right of a celebrity; it protects creative output

²⁰ World Trade Organization, Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), 15 April 1994, available at <https://www.worldtradelaw.net/document.php?id=uragreements/tripsagreement.pdf&mode=download> (last accessed on 25 February 2026).

²¹ Ibid.

²² Ibid.

²³ TheLaw.Institute, "Berne Convention: Safeguarding Literary and Artistic Creations Globally," *General Introductions to IP Rights*, 26 December 2025, available at <https://thelaw.institute/general-introductions-to-ip-rights/berne-convention-literary-artistic-protection/> (last accessed on 25 February 2026).

²⁴ Kanoonpedia, "The Berne Convention 1886: A Comprehensive Guide to International Copyright Protection," 15 July 2025, available at <https://kanoonpedia.com/berne-convention-1886-complete-guide-copyright/> (last accessed on 25 February 2026).

such as songs, films, performances, and writings so that no damage is caused to a celebrity's integrity and public image.

NATIONAL PERSPECTIVE

The Constitution of India

The Constitution of India protects the personality right of an individual under Article 21, which includes the individual's reputation, image, identity, and voice, which is an integral part of dignity. It protects celebrities' right of privacy and dignity, and extends beyond mere survival. In *R. Rajagopal v. State of Tamil Nadu and others (1994)*²⁵, the apex court upheld the right of an individual to control their identity and recognized the right to privacy as a part of Article 21 of the Constitution of India.

Article 19(1)(a) of Constitution of India²⁶ provides freedom of speech and expression to its citizens. This article gives freedom to an individual to raise their voice freely against any unauthorized commercial exploitation of their persona which infringes personality rights. In *R. Rajagopal v. State of Tamil Nadu and others (1994)*²⁷, the issue raised was whether the press has the right to publish an autobiography of an individual if it appears in public record without their consent. In preview of this issue, the court said that yes, the press can publish without consent, but it should not go beyond the public record available. This landmark judgement portrays that the right to freedom of speech can never be absolute; it comes with certain restrictions to protect the dignity and integrity of a person.

Article 19(1)(g) of Constitution of India²⁸ provides freedom to practice any profession, and Article 19(6) of Constitution of India²⁹ grants power to the state for imposing certain reasonable restrictions in the interest of protecting public order, morality, the integrity of India, public order and the protection of others' rights. If a profession involves exploiting someone's identity, like

²⁵ Supra note 2

²⁶ The Constitution of India, art. 19(1)(a)

²⁷ Supra note 2

²⁸ The Constitution of India, art. 19(1)(g)

²⁹ The Constitution of India, art. 19(6)

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using a celebrity's identity to gain commercial benefits without their permission, it can be restricted, as it is unethical in nature and harms morality and an individual's right over their persona. This type of practice spreads false information in society and harms national unity by misusing personal identity in a way that damages the dignity of an individual.

Bharatiya Nyaya Sanhita, 2023

Section 318(3) of BNS, 2023³⁰ talks about cheating, this provision can be invoked to protect celebrities identity in cases where company or individuals intentionally deceives society or any person by unethically using their persona for commercial purposes without their consent, and gaining unauthorized benefits or induce them any part of money, property, or any other act. This act harms an individual's goodwill and causes financial loss to the victim. This act is punishable with imprisonment of 5 years or with a fine or both. In *Hridaya Ranjan Prasad Verma V. State of Bihar, 2000*³¹, the court stated the essential ingredient, which constitutes cheating. A cheating requires a fraudulent or dishonest intention at the time of inducement, which is the presence of a mental element- mens rea. If someone intentionally with dishonest intentions uses a celebrity's identity to induce others to buy a product or invest money then such an act will amount to cheating under section 318 of BNS, 2023.

Information Technology Act, 2000

The Information Technology Act protects against identity theft under Section 66C³². This provision safeguards individuals against unauthorized use of a celebrity's identity, such as their image, voice, or signature in cyberspace without their consent. In the growing digital era, the use of artificial intelligence has led to deepfakes, which harm the reputation of an individual. It's difficult to recognize the originality of the content.

³⁰Bharatiya Nyaya Sanhita, 2023, § 318(3)

³¹Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168

³² The Information Technology Act, 2000, § 66C

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Section 66D of The Information Technology Act, 2000³³, talks about cheating by using someone's persona digitally. This provision protects celebrities against fake endorsements, and it also covers the making of fake social media accounts, deepfake videos and falsely endorsing a product or service through using personality rights without the consent of the celebrities. Such acts not only negatively affect the reputation of the celebrities but also deceives the public.

Section 66E of The Information Technology Act, 2000 pertains punishment for violating privacy of an individual, it covers situations wherein wrongdoer uses AI to generate obscene content of celebrity through their images, voice, likeliness.

Copyright Act, 1957

The Copyright Act, 1957, aims to protect authors, artists, musicians and other creators by giving them exclusive rights over their original work. Neighboring rights, performer rights and moral rights all aim to protect the personality rights of a celebrity.

Neighboring rights, also called related rights, protect the legal interests of performers, producers, and broadcasting organizations. Performers such as actors, dancers, and singers have rights over their live performances and recordings, restricting unauthorized reproduction or broadcast. Producers of sound recordings or films have rights to control reproduction and distribution. Broadcasting organizations, like television and radio stations, have rights over their broadcasts, including rebroadcasting, recording, and communication to the public.

Actors', singers', dancers' and many other performers' rights are protected under the Copyright Act, 1957, under sections 38³⁴, 38A³⁵, and 38B³⁶. These provisions together prevent distortion or misuse of performer performance that could hurt their reputation, right to integrity.

³³ The Information Technology Act, 2000, § 66D

³⁴ The Copyright Act, 1957, § 38

³⁵ The Copyright Act, 1957, § 38A

³⁶ The Copyright Act, 1957, § 38B

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Section 57 of the Copyright Act, 1957³⁷, grants special moral rights to the authors for claiming over their work. This act prohibits a person from changing or misusing any author's work in a way that could harm their reputation and honor.

All these three rights – neighboring rights, moral rights, and performer rights – together safeguard the personality rights of a celebrity. Neighboring rights help protect the use and broadcast of a celebrity's performance, moral rights protect the honor and reputation of the celebrity, and performer rights protect the integrity of the celebrity's performance.

Trademark Act, 1999

The Trademark Act, 1999, aims to protect unauthorized use of any essential mark, symbol, word, phrase or design that helps to distinguish between two goods and services of different enterprises. Section 14 of the Trademark Act, 1999³⁸, prohibits the unauthorized use of any person's names, likenesses and depictions of individuals who are alive or passed away recently. The Delhi High Court passes a landmark judgement in *D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors., 2003*³⁹, wherein it was held that unauthorized use of a celebrity's personality identity, such as image or likeness, for commercial gain violates the "right of publicity", amounting to false endorsement, deceiving consumers and passing off. In this case a singer, Daler Mehndi, had his personal identity exploited by the defendant through selling dolls in the market.

The law protects a celebrity from unauthorized usage of their personality right even if their trademark is not registered. section 27(2) of the Trademark Act, 1999⁴⁰, which talks about the concept of passing off, which prevents an individual from misrepresenting goods or services and deceiving consumers by portraying false endorsement in the name of the celebrity. Passing off safeguards against unregistered trademarks.

³⁷ The Copyright Act, 1957, § 57

³⁸ Trade Marks Act, 1999, § 14

³⁹ D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors., MANU/DE/2043/2010 (Delhi HC)

⁴⁰ Trade Marks Act, 1999, § 27(2)

Other Civil Law

Common law provides various remedies to celebrities to prevent unauthorized use of their personality rights. A celebrity can sue the wrongdoer for defamation under tort law if the action of the doer harms his dignity which may result in loss of future business opportunities causing financial suffering, the court can compensate the loss by providing an adequate amount of damages to the celebrity. In *Aishwarya Rai Bachchan v. AishwaryaWorld.com & Ors., 2025*⁴¹, the High Court of Delhi granted an interim injunction to the actress Aishwarya Rai Bachchan, constraining the defendant from unauthorizedly using the identity – images, voices, and name – through websites, merchandise, and AI-generated content. The court in this case recognized that unauthorized use of a celebrity persona results in reputational harm and economic loss.

CHALLENGES FACED IN PROTECTING PERSONALITY RIGHT

1. **Lack of specific statute on personality rights of an individual:** Personality rights are not covered directly in any statute or provision framed by the legislature of India, which is the biggest challenge in a world where use of technology is common and its exploitation is also very common. The personality rights of celebrities are protected in various legal frameworks of India: the Constitution of India, intellectual property, and tort law.
2. **Difficult to differentiate between original and AI-generated content:** The biggest challenge in protecting personality rights of a celebrity is to differentiate between the original and AI-generated content which is created using images, videos, audio, and other likeness identities of the celebrity. This creates confusion among people and leads to misuse and infringement of the personality rights of celebrities. This act harms the economic and reputational interests of the celebrity.
3. **Difficult to control spread of unauthorized manipulative content:** It is difficult to control the widespread obscene content or manipulative content generated using celebrities' identities on the internet.

⁴¹Aishwarya Rai Bachchan v. AishwaryaWorld.com & Ors., (2025) SCC OnLine Del 5943

4. **Regain Trust:** It takes years for a celebrity to gain goodwill in the eyes of the public and market and just a second to lose it. Lost goodwill can never be regained easily. Once an enterprise or an individual advertises or endorses goods and services in the name of a celebrity, it results in a loss of future business opportunities.

SUGGESTION

1. **Harsh punishment:** The concept of the deterrent theory of punishment should be imposed on the people who engage in the act of unauthorized usage of a celebrity personality's rights, such as images, videos, voice, and so on, for personal gain. This theory emphasizes preventing crime by injecting fear in every individual's mind, discouraging both the offender and society at large from committing unlawful activity which harms the dignity of a person.
2. **Control over AI use:** To prevent unauthorized use of celebrities' identities to produce obscene videos, or manipulated videos, deepfake software and AI tools should be regulated. Advanced AI tools should be licensed only to professionals, reducing misuse by the general public.
3. **Awareness and Education:** Public campaigns should be run to educate people and spread awareness about the negative effects of using someone else's personality rights-images, voice, videos without permission. A celebrity awareness campaign should also be run to teach them how they can prevent misuse of their digital asset. Legal awareness should be spread among content producers so that they are aware of their legal rights and claim them on infringement.

CONCLUSION

In the growing digital era it has been very important to safeguard the personality right of a celebrity to protect one's dignity and commercial exploitation. Celebrities are the famous public figures who

influence the society at large. Certain unethical activities such as unauthorized endorsement, manipulative visuals, deepfakes and misleading advertisements are driven by social media and artificial intelligence by using celebrities' identity features – image, voice, video and signature. This act damages the reputation of the celebrity and deceives the public.

Personality rights act as a core legal shield that protects both personal dignity and economic interests of celebrities. These rights make sure that a celebrity has control over their commercial use of their identity, and are protected from unauthorizedly exploitation or misrepresentation caused by identity. In India, personality rights are not governed and protected directly in a unified statute. Instead, such protection has evolved through judicial interpretation of Article 21 of the Constitution, along with principles of tort law, intellectual property law, and limited safeguards under the Information Technology Act. However, the rapid growth of artificial intelligence and digital platforms has exposed serious limitations in these fragmented legal protections. Technologies such as deepfakes, false endorsements, and digitally altered images enable the swift and widespread dissemination of unauthorized content, creating enforcement challenges and posing a risk of irreversible reputational harm.

While countries such as the United States recognize publicity rights through specific statutory frameworks, India lacks a cohesive legal regime governing personality rights. This gap highlights the urgent need for dedicated legislation. The paper argues for stronger regulatory and technological controls, enhanced penalties, and greater public awareness to promote ethical digital practices. A balanced legal approach is essential to protect personality rights while preserving freedom of speech. Safeguarding celebrities' personality rights is also crucial for maintaining consumer trust and integrity in an increasingly digital marketplace.