



AI Innovations and their Impact on Personality Rights: A Critical Review of India's Intellectual Property Framework

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From self-driven cars to healthcare, today's era is dominated by AI-driven technology. This technology has entered every realm of day-to-day life and has become a vital part of the modern lifestyle. Undoubtedly, AI has made groundbreaking changes in improving lifestyles; however, several instances of misuse of and bias in AI technology have raised serious ethical and legal concerns. Today's advances in AI have the potential to create a digital human replica (also referred to as AI renditions) within a few hours. This paper employs a qualitative investigative method to delve into the issue of AI's use resulting in a breach of individuals' personality rights. The conceptual analysis of personality rights and the literary survey on AI's potential to damage personal reputation are the basis for several recommendations elaborated in the results section.

Keywords: Artificial Intelligence (AI), Personality Rights, Privacy, Intellectual Property Rights (IPR)

Artificial intelligence originated in the early twentieth century, with mathematician and logician Alan Turing among the pioneers. In the 1930s, he created the Turing machine, now regarded as a theoretical model of computation and the foundation for modern computers. The last few decades have seen a revival in AI research and development. This resurgence has been fueled by several factors such as big data, machine learning, cloud computing, robust hardware systems (e.g., GPUs and TPUs, which have accelerated the AI performance)

The emergence of AI holds vast promise in advancing and safeguarding human rights. It facilitates improved access to education and healthcare in underprivileged areas, promoting inclusivity and equity, and offers the potential to transform criminal justice systems, minimizing unjust convictions and ensuring impartial trials through its predictive capabilities.¹ Nonetheless, we must acknowledge the negative aspects of AI's expansion. Biases and discriminatory actions inherent in AI systems present substantial dangers to human rights, perpetuating systematic disparities. Furthermore, the unwavering quest for insights based on data has prompted serious apprehensions about privacy and safeguarding data. With AI algorithms accumulating extensive personal data, the potential for exploitation and increased surveillance has grown.² Instances of

misuse of AI, such as Deep Fakes, Privacy violations, bias and discrimination in AI, etc., have posed AI-driven challenges.¹ In this paper, the author has analyzed one such recent AI-driven challenge to intellectual rights, i.e., AI renditions and personality rights. The primary objective of the present research is to analyze the Indian position on personality rights and their protection from violation by AI renditions. Personality rights in India are primarily derived from the right to privacy, which the Supreme Court has recognized as a fundamental right. Personality rights are also protected through intellectual property laws, which focus on celebrities' publicity and privacy rights.³

Defining personality rights can be complex, as it covers a wide range of legal interests. The phenomenal work of Warren and Brandeis (1890) laid the groundwork for the concept of a right to privacy in the United States.⁴ EJ Eberle (2012) relies on Kant's philosophy in advocating personality rights and argues that "each individual should be free to develop his personality to the fullest, and the only restriction upon it should be the other's right to develop their own."⁵ The jurisprudential analysis of personality rights necessitates us to consider the social engineering theory propounded by Dean Roscoe Pound, who mainly refers to the interests regarding personality as an integral part of the individual right a man has, which is very important in society and is at par with the social and public interests. In different

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countries, the protection of personality rights has been acknowledged by an individual as both a physical and moral entity.⁶ It also ensures their ability to enjoy their sense of self, which varies in extent. It is a right to protect one personality and is different from property rights as they require a specific recognition, whereas personality rights automatically exist.⁷

From the above-mentioned literature survey, one can conclude that privacy and human dignity are the essential traits of one's personality rights. These personality rights are well recognized under the constitutional documents of most countries in the form of basic/fundamental rights and under international human rights laws in the form of the right to life and liberty. One cannot fully enjoy life and freedom unless human dignity (reputation) and privacy are protected. Hence, AI imitating one's personality without consent violates an individual's basic/fundamental/human rights.

In India, the legislation on personality rights focuses on the right to privacy, which encompasses aspects of an individual's personal life, reputation, and appearance. Privacy is a fundamental right protected under Article 21 of the Indian Constitution. Article 21 of the Indian Constitution states, "No person shall be deprived of his life or personal liberty except according to the procedure established by law." The Supreme Court of India has recognized the right to privacy as an inherent part of this right to life and personal liberty.⁸ The Information Technology Act of 2000 contains provisions that protect an individual's data and privacy.⁹ Similarly, the Indian Penal Code, 1860, is the comprehensive criminal code of India, which contains provisions related to defamation, which protects an individual's reputation from being falsely damaged.¹⁰ The Data Protection Act of 2023 is the latest legislative development in India, which confers various data protection rights upon the individual by providing for restrictions and obligations upon the processing of digital personal data within India.¹¹ It's important to note that the legal landscape regarding privacy and personality rights is continuously evolving. New laws and court judgments may further refine these rights in India. Additionally, the enforcement and interpretation of these laws can vary, so individuals may seek legal counsel to protect their personality rights in specific cases.

Research Methodology

The paper employs a qualitative doctrinal analysis of available literature on AI renditions and their

adverse impact on personality rights. A qualitative investigation is a nonnumerical analysis of existing data. Doctrinal research analyzes existing law, case laws, and juristic work. Doctrinal research mainly describes how law can be applied to a given phenomenon.¹²

As the research area of this paper is very novel, the existing resources in the domain are very scarce and leave a substantial literary gap and scope for research. This paper tries to fill this gap by analyzing a recent case study from India, wherein the Indian judiciary took a liberal view in extending the scope of personality rights to even the friends and relatives of individuals whose rights are violated by AI renditions. The results and findings of the paper propose concrete recommendations based on the qualitative survey of existing literature to avoid legal complications.

Literature Review

Personality rights refer to the legal recognition and protection of an individual's attributes and dignity.¹³ It encompasses the right to enjoy personal interests related to natural personality expression, maintain and protect personality, and keep it intact from distortion.¹⁴ These rights safeguard an individual's dignity, privacy, and honor.¹⁵ One of the prominent modes of breach of these rights is the unauthorized use of an individual's likeness or persona for commercial gain. With the advent of AI technology, such misuse of an individual's likeness or persona has become very easy and familiar, posing a more significant threat to personality rights. The commercial exploitation of user-generated content by AI systems poses additional challenges regarding individuals' control over their identity characteristics (Franklin, 2023).¹⁶ Technologies such as deepfake videos and artificial speech synthesis allow for the unauthorized appropriation of an individual's likeness and voice, often resulting in misleading representations.¹⁷

AI technologies can imitate human voices, raising concerns about unauthorized use and infringement of personality rights.¹⁸ Individuals often lack control over how their data, including voice and image, is utilized by AI systems, leading to potential exploitation without consent.¹⁶ Arnold R. observes that the rights of performers are increasingly challenged by AI-generated avatars and deepfakes, which can replicate their likenesses without permission, undermining their personality rights.¹⁹

Creating AI-generated personalities (AI renditions) often involves using personal data, which can lead to privacy violations.²⁰ The potential for misuse of personal data in generating these renditions can lead to unauthorized representations, further complicating privacy issues.²¹

The commercialization of AI-generated personalities raises questions about intellectual property rights, particularly regarding ownership of likenesses and the potential for exploitation (Vasa, 2024).²² The effectiveness of personality rights legislation is often contingent on judicial interpretation and societal attitudes toward personal dignity.¹³ The present paper sheds light on Indian judiciaries' understanding of individual rights through a case study of Bollywood actor Mr. Anil Kapoor.

AI Renditions and Personality Rights

Publicity rights and *personality rights* are related yet distinct legal concepts that protect aspects of an individual's identity. Publicity rights refer specifically to the commercial right of a person—typically celebrities or public figures—to control the use of their name, image, likeness, voice, or other identifiable traits for profit. These rights are largely economic in nature and can often be licensed, assigned, or inherited. In contrast, personality rights are broader and rooted in the protection of personal dignity, autonomy, and privacy, applying to all individuals regardless of fame. These rights are typically personal and non-transferable, encompassing protections against unauthorized use of one's image or information in ways that infringe upon privacy or reputation. While publicity rights are often treated like intellectual property, personality rights are grounded in constitutional or civil law principles, such as the right to life and personal liberty under Article 21 of the Indian Constitution.

AI renditions (also known as AI-generated content or works) refer to inventive works or content produced with the assistance of artificial intelligence technology, such as text, images, music, or even entire works of art. While AI renditions can be enthralling and innovative, they pose several legal issues and challenges. Some of the key legal considerations associated with AI renditions are as follows:

Conflicts over Intellectual Property Rights

Determining the ownership of AI-generated content can be a complex task. In several

jurisdictions, copyright law grants ownership to the work's creator. As a result, in the case of AI-generated content or work, some of the vital questions that pose significant challenges are: who is the creator or owner? Is it the person who programmed the AI, the person who operated the AI, or the AI itself? AI-generated content raises questions about authorship, as current laws typically recognize only human creators. This leads to debates on whether AI should be granted a special status in IPR.²³

The use of copyrighted resources as training data for AI models presents intricate fair use dilemmas, especially regarding transformative usage and territorial discrepancies. Fair use allows for restricted use of copyrighted material without permission if it satisfies certain requirements, including being transformative, non-commercial, or not detrimental to the market for the original work. Training AI systems may be considered transformational if the data is used to generate novel and distinct outputs rather than just replicating old works verbatim. However, whether this counts as fair use or not depends on the jurisdictional standards. In the United States, transformative usage and innovation may support fair use, but the European Union enforces a more stringent regulation that favours creators' rights. Commercial applications of AI models, such as those producing artwork, music, or prose, sometimes encounter heightened scrutiny, particularly if the AI output replaces the original work or undermines its market value. For example, AI that emulates an artist's style might jeopardize their creative market. Furthermore, ethical issues with the use of copyrighted material without permission have sparked discussions, even in instances when fair use may legally apply. Creators may perceive exploitation when their creations are reused without proper acknowledgement.²³ These challenges underscore the need for a more defined legal framework and licensing mechanisms that reconcile innovation with the moral and financial rights of creators, so assuring ethical AI practices while promoting technical progress across countries.

Intellectual Property Rights problems related to AI can include a wide range of challenges, especially as AI evolves and functions with more autonomy. A primary concern is data privacy, security, and openness in artificial intelligence training methodologies. AI systems need extensive datasets, sometimes obtained without express agreement, potentially resulting in privacy infringements and

improper use of sensitive information or copyrighted content.²⁴ The absence of transparency in the curation of these datasets exacerbates the issue, prompting inquiries on accountability and the ethical use of such data. Another problem is establishing ownership and accountability for AI products, especially when AI systems or human copies generate content autonomously.²⁵ It is ambiguous whether accountability for an AI's infringement of existing works or its generation of damaging or defamatory outputs lies with the developer, the user, or the AI itself. This ambiguity also extends to patentability and copyright protection for AI-generated work. Conventional intellectual property rights frameworks established for human inventors and creators find it challenging to include the function of artificial intelligence.²⁶ Patents need a recognizable human inventor, but copyright requires originality and authorship—both of which are challenging to establish when AI generates or derives works without direct human involvement.²⁴

AI also poses issues to copyright ownership, especially when its outputs are based on existing copyrighted materials. Such derivations obscure the distinction between lawful invention and infringement, particularly in places where derivative works are rigorously controlled.²⁷⁻³¹ The issue of uniqueness further complicates matters with AI-generated artwork. Outputs often replicate existing genres or compositions, prompting questions over their authenticity as original works or simple computational duplicates. Recognizing and safeguarding the ethical and economic rights of the artist is an urgent issue. If AI-generated works damage an individual's reputation, diminish their market worth, or neglect to acknowledge the actual creator, these concerns may become quite intricate.²⁷ The existing intellectual property framework is inadequate to accommodate scenarios in which AI systems independently infringe upon or exploit copyrighted works. AI human copies and deepfakes provide substantial challenges to consumer rights by facilitating deception and manipulation. These technologies may deceive customers into executing financial transactions based on false pretences or tarnish reputations via fake information. Such techniques undermine consumer trust, particularly in digitally driven economies like India, where diversified markets and differing degrees of digital literacy exacerbate vulnerabilities.³² These difficulties

need the reassessment of IPR laws, the creation of a licensing framework specific to AI systems, and the formulation of ethical norms that safeguard creators while promoting innovation. In the absence of such safeguards, the rapid advancement and influence of AI will persist in surpassing the capacity of legal systems to address its ramifications, resulting in ambiguity and potential conflicts in the global intellectual property arena.

Furthermore, using copyrighted material as training data for AI models can raise questions about fair use. While using copyrighted works to train AI systems might be considered a transformative use, the extent to which this constitutes fair use varies by jurisdiction.

Freedom of Expression and the Commodification of Identity: Rethinking Publicity Rights

The right to publicity, sometimes referred to as personality rights, fundamentally entails the right to safeguard, regulate, and derive financial benefit from one's image, name, or likeness. Publicity rights include two distinct aspects: firstly, the right to safeguard one's image from unauthorized economic use, and secondly, the right to privacy, which includes the entitlement to solitude. The right to privacy encompasses non-economic harm inflicted against a person, which cannot be addressed via passing off, deception, or similar means. In India, publicity rights are mostly addressed within the framework of Intellectual Property Rights. The primary reason for this is that the definitive status of the right to privacy as a basic right was not established until the recent Puttaswamy verdict in August 2017.⁸ Consequently, the evolution of the right to publicity as an aspect of the right to privacy in India has been little.

In an article published in the 1890 edition of the Harvard Law Review, future US Supreme Court Justice Louis Brandeis and Samuel D. Warren argued for the recognition of a "right to be left alone," defining privacy as "part of the more general right to the immunity of the person, the right to one's personality."⁴ The article went on to describe a new tort similar to defamation that would enable a wronged person to seek compensation for the release of factual, non-privileged, non-public information.⁴ In 1954, Melville B. Nimmer wrote an essay titled *The Right of Publicity*, which proposed the notion of a right of publicity.³³ Nimmer emphasized that a celebrity needs not protection from unjustified invasions of privacy but a right to regulate the

economic worth of their name.³³ An important aspect of this discussion is Article 19 of the Indian Constitution, which is similar to the First Amendment rights in the United States. Here, we will discuss some of the heated discussions that have arisen around the potential overlap between the right to privacy and the right to free speech, specifically around the question of whether or not one may use free speech to legitimize the use of another person's personality qualities.

To prevent a rice production firm from utilizing and trademarking photos of Mahatma Gandhi, Lalit Bhasin sued them in 2013 before the Ecuadorian Institute of Intellectual Property.³⁴ The court found that it was in favour of Bhasin on the grounds that all Indians have a right to challenge any trademark relating to Gandhi, the father of the country and that this case involves Indian sensibilities.³⁵

According to this judgment, publicity rights have been given a very broad reach, which might provide many parties *locus standi* depending on the kind of dispute. Although the national renown of Mahatma Gandhi is immense, the author raises the concern that a zealot could theoretically try to claim ownership of any public figure's likeness, which is unacceptable because the right to do so should rightfully belong to the figure itself. Although the Ecuadorian board took the route of establishing legitimate interests for all residents, the Indian courts have appropriately opted for a more balanced approach. Numerous decisions from the Delhi High Court have shown that the right to publicity does not exist in a vacuum. The importance of granting publicity rights in a way that protects free speech as the courts have acknowledged as a whole. It is common for defendants in situations involving American publicity rights to use the First Amendment as an excuse for their commercial exploitation of an individual's likeness for amusement purposes. Similarly, parodies and other kinds of entertainment that may be seen as violating publicity rights are shielded from legal action using the same reasoning. This is because, as Judge Kozinski noted in his dissenting opinion in the American case *Vanna White v Samsung Electronics America Inc.*,³⁶ there must be a balance between the rights to publicity and free speech. He also acknowledged the importance of entertainment criticism, arguing that both are necessary for the advancement of culture and the economy. This method makes sure that publicity rights aren't given a wide berth and are utilized in conjunction with other rights.

Furthermore, as previously mentioned in the article, the same reasons may be made under personality and labor theory to support the claim that the parody-creator has used their talent and labor and is therefore entitled to protection.

Another issue that emerges is whether the right to publicity encompasses all individuals. Justice Sanjay Kishan Kaul opines that the right to publicity is applicable to all individuals.⁸ The Delhi High Court, in *ICC Development International Ltd. v Arvee Enterprises*³⁷, determined that the right to publicity is intrinsic to an individual and does not apply to an event. Additionally, Justice Dhananjay Chandrachud, in his separate ruling in *Indian Young Lawyers Association v State of Kerala*³⁸, emphasized that the Constitution regards each person as its fundamental unit. The rights enshrined in Part III of the Constitution are designed to acknowledge the person as the fundamental unit. The person has rights as outlined in Part III of the Constitution. The right to publicity applies to "all persons," although the specific facts and circumstances of each case will determine if the protection of Fundamental Rights is warranted for the offended party.

Judicial Interpretation of AI Renditions: Case Study of *Anil Kapoor v Simply Life India & Ors (2023)*

In a recent landmark decision, the High Court of Delhi granted an *ex parte* injunction against 16 defendants using AI-generated images, voices, personalities, or any other aspects of a famous Bollywood actor, Mr. Anil Kapoor. The court, in clear words, held that "misuse of name, likeness, image, voice, personality or any other aspects using technological tools such as Artificial Intelligence, Machine Learning, deepfakes, face morphing, GIFs either for monetary gains or otherwise to create any videos, photographs, *etc.*, for commercial purposes result in violation of the Plaintiff's (Mr. Anil Kapoor's) rights." The court recognized the personality rights of Mr. Kapoor and observed that protection of personality rights is necessary not only for the concerned individual but also for his family and friends, who would not like to see his image, name, and other elements being misused or tarnished in any way.

The above case study suggests that it's essential to consult legal experts specializing in intellectual property and privacy laws to navigate the complex

and rapidly changing legal aspects of AI renditions and personality rights. Additionally, responsible use of AI technology should prioritize obtaining informed consent when creating and using AI renditions of individuals and respecting their rights to control their image and likeness.

Justice Prathiba Singh acknowledged the necessity of striking a balance between the right to free speech and safeguards against the illegal exploitation of celebrity personalities. In order to maintain accountability in the entertainment and digital industries, the court underlined the significance of avoiding the "dilution" and "tarnishment" of a celebrity's reputation.

International precedents such as *Bette Midler v Ford Motor Company* and landmark cases such as *Amitabh Bachchan v Rajat Negi*³⁹ and *Sourav Ganguly v Tata Tea Ltd.*⁴⁰ were referenced to bolster Kapoor's arguments. Together, these instances demonstrate how the judiciary's position on defending celebrity rights has changed over time.

Implications of Anil Kapoor's Verdict

In this pivotal case, the actor claims that his rights over all aforementioned matters have been infringed, including a breach of the copyright associated with the term "Jhakkas" and other performances of the star. The actor has sought protection of his common law rights regarding the right against passing off related to his persona and image, the dilution of his image through the creation of AI characters based on his personality without consent, and the association with various actresses, while also addressing the scope of unfair competition.

This ruling signifies a pivotal moment in the legal framework, offering significant insights into the intricate challenges of safeguarding a celebrity's rights in the contemporary digital realm. The court precisely delineates the many disadvantages associated with celebrity, elucidating how notoriety and recognition might inadvertently subject persons to infringements of their basic rights. The ruling underscores that the ramifications of celebrity status extend beyond simple acknowledgement, often violating essential aspects of human liberty, including the rights to life, privacy, and dignity. Moreover, the ruling meticulously differentiates between valid expressions of free speech and the illicit use of a celebrity's reputation for financial profit. Celebrity status beyond simple recognition, sometimes encroaching into essential

aspects of human liberty, including the rights to life, privacy, and dignity.

- (i) The ruling establishes a standard for dealing with technical abuse of celebrity image rights.
- (ii) It emphasizes the necessity for comprehensive laws to adequately protect celebrity rights in India and argues for the ethical use of AI.
- (iii) This decision shows that there has been progress in distinguishing commercial and non-commercial infringement acts.

Analysis of Pertinent Judicial Precedents

Every aspect of our lives has been influenced by AI. Artificial intelligence (AI) is transforming several aspects of our life, including our employment and interaction with technology. However, the current legal framework allows for significant interpretation, necessitating the implementation of further rules. The advancement of AI has resulted in the unrecognized representation of some facets of renowned individuals' personalities.⁴¹ The creation of deepfake videos is one of the various drawbacks of this emerging technology; they have perpetrated extensive fraud and tarnished the reputations of several celebrities. The notion of 'personality rights' in India, despite the absence of a comprehensive legislative framework, has developed subtle importance via various judicial interpretations in modern legal discussions. The position adopted by the Indian Courts has mostly aimed to reconcile and maintain a balance between the right to freedom of speech and personality rights, particularly in a digital landscape where Artificial Intelligence seamlessly integrates into our everyday existence.

The fundamental rights to privacy and freedom of expression were upheld in the landmark case of *R. Rajagopal and Ors v State of Tamil Nadu (1995)*.⁴² An autobiographical book written by a death row inmate called Shankar was the subject of the lawsuit that sought to block its release. It also delineates a discourse on numerous dimensions about the press's right to examine the facts and actions of public officials and to critique them when warranted. The most prominent conclusion was that the right to freely express one's ideas in public places is a basic human right that guarantees everyone the chance to voice their opinions. The book was released due to the consent of the Supreme Court judges, who affirmed that, according to Article 21 of the Indian Constitution, all individuals had an inherent right to

privacy. Although the right to privacy has become a hotly contested topic, it is important to remember that the Constitution does not explicitly recognize it as a separate right, even though it is covered by Article 21. Therefore, it is crucial to properly implement this right in order to prevent future uncertainty. Neither statutes nor precedents gave any weight to this rudimentary idea in bygone days. A key figure in the evolution of the right to privacy has been the judiciary, and this body of case law in particular. Similarly, Phoolan Devi contested a film she believed misrepresented the facts of her life in the matter of *Phoolan Devi v Shekhar Kapoor And Ors. (1995)*.⁴³ Having reconciled with her past, Phoolan Devi emphasized her transition to a new phase in her life as a married woman and a political figure dedicated to public service. She sought an injunction to safeguard her privacy and reputation, attempting to prevent the video's distribution. The Supreme Court recognized the significance of the issue and the ramifications of permitting these films to be shown without sufficient scrutiny throughout its deliberations. The court emphasized the need of examining the issue from all perspectives, including its impact on individuals' personal life. This ruling underscores the fundamental principle that all individuals, even public figures such as Phoolan Devi, has the right to protect their reputation, image, and identity. The Supreme Court affirmed the right of individuals, even celebrities, to safeguard their professional and personal identities by acknowledging the importance of privacy and reputation. This ruling underscores the court's commitment to safeguarding individual rights and integrity, particularly when public perception threatens reputations and personal lives.

Since celebrities are inseparable from the public and their lives are in the public domain, proponents of the idea that personality rights do not need to be secured to use information about them in the public domain contend that this is not necessary. The concept of celebrity personality rights hinges on the delicate balance between what is considered public domain and what is considered public records. The celebrity's individuality rights were acknowledged by the Madras High Court in the case of *Shivaji Rao Gaikwad v Varsha Productions (2015)*.⁴⁴ Rajnikanth, the well-known actor, claimed that Defendant had used his likeness, manner of speaking, mannerisms, and caricature in its film without his permission and while pretending to pay respect to him. The actor

went on to say that the film's portrayal of sexually explicit content will bring down his star power. In an unfair attempt to profit on the actor's already-established goodwill, the producers set out to court his devoted audience. Nevertheless, the court, in its judgment in Rajnikanth's favour, noted that the film would constitute an infringement of his personality rights. Similarly, an intriguing case is *Titan Industries v Rajkumar Jewellers (2012)*⁴⁵, a landmark lawsuit. Not only did the Court define "celebrity," but it also proclaimed that the right to publicity includes the ability to regulate the economic use of one's identity. Further, another case involving *Sourav Ganguly v Tata Tea Ltd. (1997)*⁴⁰, in which the defendant, Sourav Ganguly, was a manager at Tata Tea Ltd., and he became very upset upon returning from Lords after scoring magnificent centuries. The promotion of Tata Tea's 1 kilo tea packet included a postcard that gave customers the opportunity to congratulate Sourav. Considering Sourav's immense popularity in the Indian market, the company's indirect goal was to boost sales of its tea package there. The court agreed with Sourav that his notoriety and success were his intellectual property and therefore decided in his favour.

A ground breaking decision in the field of personality rights in India was handed down by the Delhi High Court in the matter of *Amitabh Bachchan v Rajat Nagi and Ors (2022)*³⁹ For infringement of his famous personality rights, Amitabh Bachchan (plaintiff) sued ten known defendants and two unidentified infringers (the John Does and the Ashok Kumar). Claiming to have used his likeness and voice to promote their own websites, applications, and businesses, the defendants allegedly stole major parts of his character. One defendant, for example, was running a KBC Lotteries fraud utilizing the plaintiff's fame, while another defendant, on his website, sold t-shirts with the plaintiff's image. In this case, the court issued an ad interim in rem injunction prohibiting the commercial use of Amitabh Bachchan's voice and pictures without his authorization. This is a first for India, a blanket John Doe order protecting personality rights, imposed against both identified and anonymous defendants. Without a doubt, the right to publicity is being fortified by the imposition of a general prohibition on the commercial use of the plaintiff's famous status. The plaintiffs will no longer have to identify all of the defendants who infringe in order to bring an action to restrain them if the courts

continue to grant this remedy in future instances. When there is widespread unauthorized use of an individual's likeness, voice, etc., this becomes quite useful. On the other hand, a ruling was handed down by the High Court of Delhi in 2023 over a dispute between Galactus Funware Technology, doing business as "Mobile Premier League" (MPL), and Digital Collectibles, a Singaporean firm that operates under the "Rario" name [*Digital Collectibles Pte Ltd v Galactus Funware Technology Pvt. Ltd.*, 2023] ⁴⁶. At stake was the question of whether the defendants' right to free speech was infringed upon or not by the plaintiff's right to publicity in relation to the creation of Digital Player Cards using the names and photos of athletes. Publicly available material about athletes or celebrities, such as their names and performance statistics, cannot be exclusively leased and is not susceptible to infringement claims, according to the Court's thorough analysis of both international and Indian law on the right of publicity. The Court also upheld the defendant's right to free speech since it deemed his use of artistic elements that may be both transformational and innovative to be within the bounds of free speech. The Court also pointed out that player personas were only one of several criteria that played a role in the trade of digital player cards. The Court's decision to reject the defendants' request for an interim injunction demonstrates its commitment to protecting the right to free speech in this particular case. This ruling may significantly alter the way Indian courts decide cases involving the incorporation of modern, state-of-the-art technology into our everyday life. Although the Court's decision shows that we are ready to accept the new reality and incorporate new ideas into our existing jurisprudence, this field of law is still in its early stages, so it will be interesting to see if the Indian judiciary follows this trend of interacting with new concepts.

Findings

Preventing legal issues in AI renditions requires careful consideration of various factors, including intellectual property, privacy, ethics, and compliance with existing laws. Familiarizing yourself and your team with the relevant laws and regulations governing AI, such as GDPR in Europe, the CCPA in California, or domestic intellectual property laws, needs an hour. Compliance is essential to avoid legal issues.

Personality rights have received widespread recognition at the international level. The WTO's Agreement on Trade-Related Aspects of Intellectual

Property Rights (TRIPS) establishes international standards for protecting intellectual property, which can include elements of personality rights. For example, copyrights and trademarks can be linked to an individual's identity and creative expression. However, specific recognition of personality rights by WTO may pave the way for national recognition and better protection of personality rights.

When it comes to AI renditions and personality rights, there are several important considerations:

Consent: Using an individual's likeness, voice, or other identifying features in AI renditions, such as deepfakes or virtual influencers, without their consent may infringe upon their personality rights. Consent is a crucial factor in determining whether such technology is legal.

Commercial Use: The primary concern in personality rights cases often relates to commercial usage. Using an individual's likeness or identity for advertising or marketing purposes without their consent can violate personality rights. This is particularly relevant when AI-generated content is used for promotional or commercial purposes.

Public Figures v Private Individuals: The legal standards for personality rights can differ for public figures (e.g., celebrities) and private individuals. Public figures often have less protection due to their higher public profile, while private individuals may have more extensive personality rights.

Jurisdictional Differences: Personality rights laws vary from one jurisdiction to another, so the legality of using AI renditions without consent can depend on the specific laws in a given region. Some countries may have strong protections for personality rights, while others may have more permissive regulations.

The legal landscape regarding AI renditions and personality rights is continuously evolving. Lawmakers and courts are still grappling with the challenges posed by AI technology, and new legislation and legal precedents may emerge to address these issues.

Recommendations

Based on the findings of the above-mentioned judicial precedents, the authors propose the following recommendations for better protection of personality rights:

- (i) Implement compliance frameworks and engage with experts or legal counsel specializing in AI and technology law to ensure your AI renditions adhere to legal standards. This intra-institutional framework may comprise neutral

experts from academics and industry (both technical and legal) who analyze and flag potential concerns before the AI system is released for everyday use.

- (ii) As observed in the case of Mr. Anil Kapoor, AI renditions may infringe on someone else's personality rights. AI developers should ensure that AI systems are transparent and that their decision-making processes are explainable. This can help build trust and mitigate potential legal issues from opaque AI algorithms.
- (iii) In countries like India, obtaining cybersecurity and AI liability insurance to mitigate financial risks in case of legal issues or data breaches is still a novel phenomenon. Liabilities arising out of AI's breach of personality rights may put a substantial financial liability upon the developers, which may bankrupt them. Hence, insurance to counter the possible liabilities may be a solution to balance the need for AI invention for a better society and its potential legal repercussions.
- (iv) Establish dedicated tribunals for quick resolution of disputes involving celebrity rights and misuse of personality.
- (v) AI-generated content transforms the original identity into something substantially different or is used for purposes like satire or artistic expression; it may be considered fair use, thereby restricting legal liability for such substantial transformations.
- (vi) Introduce legal guidelines to regulate the use of AI and deep fake technology in recreating celebrity personas.
- (vii) Mandating watermarking or labeling for AI-generated content to differentiate it from real content.
- (viii) Set up mechanisms to monitor and address online misuse of celebrity identities, including unauthorized websites and e-commerce platforms.
- (ix) Educate consumers and business entities on the legal implications of the unauthorized use of celebrity personas.
- (x) Encourage ethical practices among businesses, including explicit disclaimers when using likenesses for parody or satire.
- (xi) Facilitate swift issuance of injunctions in cases of misuse, as seen in *Amitabh Bachchan v Rajat Negi*³⁹ and *Anil Kapoor v Simply Life India & Ors (2023)*⁴⁷.

- (xii) Ensure violators face significant monetary penalties to discourage exploitation.

Conclusion

Personality rights, often called the right of publicity, are legal rights that individuals have to control the commercial use of their name, image, likeness, or other aspects of their identity. This legal concept varies by jurisdiction but generally allows individuals to prevent others from using their identity for commercial gain without their consent. Personality rights can extend to various aspects of a person's identity, including their voice, signature, and even their unique mannerisms. The case of Mr. Anil Kapoor and many similar instances involving a violation of personality rights in recent times underscores the need for stringent legislation at the state and international levels. Consent and elimination of jurisdictional differences should be the focal points of legal reforms shortly.

Many instances after this case draw an anomaly with the case of Mr. Anil Kapoor. Actor Jackie Shroff, similarly, has filed a suit before the Delhi High Court, seeking protection of his personality rights. The suit has been filed against various entities using his name, photographs, voice, and word "*Bhidu*", for which he is famous, and this has become his identity without his consent. Many actors are coming up with such claims. Law enforcement agencies must look into this cautiously to fix the misuse of the personality rights of the persons working in the public domain. This article is a small attempt to initiate the discussion about the impact of AI and regulatory frameworks needed to protect the personal rights of individuals.

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