

Rethinking Personality Rights: The Interplay of Public Interest and Individual Protection

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Personality rights, which protect the commercial and moral value of an individual's identity, have emerged as a significant yet unsettled area within Indian intellectual property discourse. In the absence of a statutory framework, Indian courts have progressively shaped the contours of this right through case law and comparative reasoning. This paper examines the evolution of personality rights in India, situating them within the broader framework of intellectual property and constitutional law. It critically analyses judicial approaches to balancing individual control over identity with competing claims of free speech and public interest. Through a doctrinal and policy-based analysis, the study identifies inconsistencies in existing jurisprudence and argues for a structured legal framework that integrates privacy, property, and publicity dimensions. The research offers a conceptual model for harmonising protection of celebrity identity with creative and commercial expression in India's expanding media economy. The paper addresses how personality rights intersect with copyright and trademark laws, suggesting that fair dealing can act as a limit on celebrity control, especially for transformative works that contribute to social and cultural dialogue. In conclusion, the paper argues for a balanced approach: while celebrities need protection against exploitation, these rights should also consider the role of the public in shaping their identity and avoid restricting creative expression in ways that limit cultural engagement and social commentary. By framing celebrity identity as a product of public co-creation, the paper contributes a novel analytical lens for calibrating personality rights within India's constitutional framework.

Keywords: Personality Right, Right of Publicity, Public Interest, Intellectual Property, Constitutional Law

An individual has the right to restrict the commercial exploitation of his or her name, appearance, image, or other unmistakable characteristics of their identity. Most of the time, celebrities who discover that their voice, picture, or other form of representation is being utilized to promote or market a product will demand their right to publicise and gain monetary benefits. Although there is no legislation in India that specifically grants or recognizes personality right,¹ Madras High Court has acknowledged that people who have achieved celebrity status are entitled to personality rights.² In India, right to publicity in the guise of the right of privacy was first recognized by the Supreme Court in *R RajaGopal v. State of Tamil Nadu*,³ where the Court stated that “*the first aspect of this right must be said to have been violated where, for example, a person's name or likeness is used, without his consent*”. This right was then crystallised in *ICC Development v. Arvee Enterprises*⁴ as publicity right and it was clarified that personality rights,

including the right to publicity, are exclusive to individuals and cannot be attributed to corporations or non-living entities. The Delhi High Court held, “[P]ublicity right to be evolved from the right to privacy and any effort to take away the publicity right from the individuals would be violative of Articles 19 and 21 of the Constitution of India.” While the right to privacy is a universal entitlement under Article 21, personality rights in India have evolved as a distinct, market-oriented subset of that broader right. Courts have extended protection to celebrities and public figures not merely to preserve personal autonomy, but to prevent unauthorized commercial exploitation of their publicly valuable identity. Non-famous individuals though equally entitled to privacy cannot claim publicity rights unless their persona has attained commercial significance. This selective application illustrates how Indian jurisprudence treats personality rights as an intersection between constitutional principles and market recognition, rather than as an automatic extension of privacy. Notably, the personality rights in the realm of intellectual property

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draw content from both private and public law domains. The commercial element is derived from private law whereas the protection of the reputation from public law, especially Constitutional law.

In a specific way, society sees a person's artistic actions as an implication of their personalities. Philosophers such as Kant and Hegel, and later theorists like Margaret Radin⁵ and Justin Hughes,⁶ have argued that creative expression reflects an individual's personality and selfhood, a view that informs modern understandings of moral and intellectual property. Accordingly, artistic acts are often interpreted as extensions of personal identity rather than mere commercial products. Property rights over a celebrity's personality are often framed as exclusive rights, allowing the individual to control the commercial use of their image, name, or likeness.⁷ However, this concept must be understood in the broader context of the public's role in establishing that identity. A celebrity's persona gains value largely through public recognition, admiration, and consumption of their work or public appearances.⁸ The public contributes to the creation of a celebrity's identity by engaging with their performances, endorsing their image, and participating in fan cultures. Without widespread acknowledgement and support, the celebrity's personal brand would not hold the same commercial or cultural significance.⁹

Social media has transformed the process of creating and sustaining celebrity status. Unlike traditional media, where celebrity status was built over years of work in films, sports, or other public performances, social media allows individuals to achieve fame almost instantly. Viral moments, trends, and online engagement dictate who rises to prominence.¹⁰ Platforms like Instagram, TikTok, and X give individuals the ability to control their own narrative, bypassing traditional gatekeepers such as television networks and film studios. However, just as quickly as social media can create a celebrity; it can also diminish their status through public scrutiny and criticism. Public perception plays a crucial role in both elevating and dismantling a celebrity. A single controversy, misstep, or shift in audience sentiment can cause social media users to withdraw their support.¹¹ Online criticism—especially in the form of mass “cancel culture” or public backlash—can rapidly erode a person's fame. For example, Rhea Chakraborty was hounded and faced a smear campaign on social media after her boyfriend and actor Sushant Singh Rajput died by suicide, Vivek Agnihotri's directorial ‘The Kashmir Files’ faced the same ‘cancel culture’ from the film industry itself in 2022, ‘The Kerala Story’, was another

film that faced a vicious campaign even before its release. Critics labelled the 2023 film intolerant when it presented a narrative that did not align with their views.¹²

This demonstrates that celebrity status is not a permanent or inherent right but rather a fluid social construct. This instability raises questions about whether the legal entitlement to celebrity rights should be permanent. If celebrity status is dependent on continued public recognition, then the indefinite protection of personality rights may be unjustified. Laws granting prolonged control over publicity rights assume that celebrity status is a lifelong condition, but in reality, it is conditional and subject to public sentiment. A recent example of this is Ranveer Allahbadia's controversial joke on Samay Raina's show, India's Got Latent.¹³ Before his downfall, Ranveer was the host Beerbiceps and The Ranveer Show (TRS). He had received a number of awards¹⁴ for his success and was a role model for the budding young entrepreneurs in the entertainment industry. After the episode of India's Got Latent was aired among the member community of YouTube, through social media he faced widespread criticism for his alleged misconduct. As public sentiment shifted, so did their celebrity status, showing how public perception directly affects fame.

This shared role suggests that a balance is needed when granting exclusive rights over a celebrity's persona. While celebrities should have protection against exploitation, over-restricting access to their identity can ignore the collective contribution that made their celebrity status possible. Legal frameworks around personality rights must account for the interdependence between individual effort and public participation in the creation of fame. This article begins with a conceptual explanation of stakeholders involved in creation of personality right followed by the approach taken by Indian courts in granting injunction in favour of celebrities. The next part explains how public interest can be used as a lens in the manifestation of publicity right of a celebrity and how such a right differs in the sports industry. Ultimately, the article describes how personality right is seen under law of copyright and trademark.

Personality Right – Concept and Evolution

Personality right is not defined under any law in India. It has a genesis in common law and nurtured on the premise of the right guaranteed under Articles 19 and 21 of the Constitution of India. Personality rights are anchored in the idea of attributes of autonomy and

individual well-being. The economic value of distinctive characteristics over personality justifies the fundamental right of every person to control commercial use of his or her identity. Besides it is also argued that personality rights are based on Locke's labour-based theory of property of reaping the benefit of what one has sown.¹⁵

But we can understand it as the legal rights an individual holds over the commercial use of their identity, which includes their name, image, voice, signature, or likeness.¹⁶ These rights aim to protect an individual's control over how they are portrayed and prevent unauthorized exploitation, especially in the context of media, advertising, and commerce. The concept of personality rights evolved as a recognition of an individual's unique personal identity, which can have significant commercial value, particularly for celebrities, artists, or public figures. Unlike traditional property rights, which are tied to tangible assets or the outcome of an individual's labour, personality rights stem from an inherent characteristic of a person—their identity. This gives them a unique place in legal discourse as they are tied to an individual's personhood rather than their creative or material efforts. Personality rights are distinct from other property rights, as they are not earned through effort or labour but instead arise from one's identity which became distinct based on the uniqueness of the celebrity and the acknowledgement by the people or the audience. This gives personality rights a different character and makes it essential to treat them with care to balance individual privacy with public interest in media or cultural contexts. For instance, property rights generally protect the fruits of one's labour, such as intellectual property like patents, copyrights, or even physical property like land. These rights are typically granted based on the effort, skill, or creativity an individual invests into something. In contrast, personality rights protect an individual's identity, which they do not "earn" or create but simply possess by virtue of their existence. As a result, the justification for protecting personality rights differs from that of traditional property rights.

Personality rights, particularly in the context of celebrities or public figures, are not solely the result of the individual's own effort but are significantly shaped by public involvement. While an individual may possess certain talents or attributes, the value of their personality—name, image, or likeness—often depends on how the public perceives and engages with them.

This public engagement plays a critical role in transforming a person's identity into a commercially valuable asset. A key argument supporting this view is that fame and public recognition are co-created by society. For instance, a celebrity's image gains value not merely because of their inherent talent or effort but because the public elevates that image by consuming media, buying products associated with them, or attending events they participate in. This collective recognition and interest from the public turn the individual into a brand or persona that has commercial worth. The celebrity's identity becomes more than just a personal attribute—it is a public phenomenon driven by societal attention and admiration. It is public who creates the celebrity status.¹⁷

This public dimension challenges the notion of personality rights being a result of individual effort. While personal effort may lead to talent or achievement, the commercial value of one's personality often emerges from a symbiotic relationship with society. The public's engagement with that persona is what elevates an individual from private obscurity to public prominence, giving rise to a valuable asset that is in large part a product of societal involvement. Therefore, personality rights should be viewed through the lens of public co-creation, where the commercial value attached to a person's identity cannot be attributed solely to their own efforts. Since these rights are fundamentally linked to public perception and collective recognition, they need to be treated differently from rights derived purely from individual effort or labour. A celebrity's marketability depends on the public's emotional investment, admiration, and even criticism, all of which transform personal identity into a shared social construct. This participatory process differentiates personality rights from traditional property rights, which reward individual creativity or effort. In contrast, personality rights exist within a relational economy of fame, where recognition is co-produced through collective engagement. Consequently, granting absolute proprietary control to celebrities overlooks the public's constitutive role in generating that value. This calls for a more qualified protection model that recognises the individual's autonomy to prevent misuse, yet also safeguards freedom of expression and access to cultural participation. Such a model would align with the democratic ethos underlying Indian constitutional law, ensuring that personality rights do not become instruments of over-exclusivity but remain consistent with their social origins.

Role of Judiciary in Protecting Publicity Rights

Knowledge driver economy has made immense contribution in cementing the position of intellectual property rights in the contemporary times. Every institution of the state has facilitated the growth of intellectual property and strengthens the protection of the property by giving overarching meaning and the content. Personality rights emerging out of honour and reputation of an individual are one such rights gaining clarity through judicial interventions.

The enforcement of the intellectual property is becoming a trend in contemporary times. The judicial intervention to protect the intellectual property rights is on rise and it has been witnessed that the court is laying down valuable jurisprudence to strengthen the intellectual property. Pertinently, the judicial interventions are becoming significant in seeking interim relief for the grant of injunction against the infringer of the rights. In India, since we do not have an independent legislative provision protecting an individual's right of publicity, the courts have stepped in to safeguard the same. The right of a celebrity as publicity right is recognised in India by the help of Indian Court.¹⁸

“A celebrity is defined as a famous or a well-known person. A ‘celebrity’ is merely a person who ‘many’ people talk about or know about. When the identity of a famous personality is used in advertising without their permission, the complaint is not that no one should not commercialize their identity but that the right to control when, where and how their identity is used should vest with the famous personality. The right to control commercial use of human identity is the right to publicity.”

The Court also declared that the aforementioned celebrity must be easily recognized from the illegal use by the infringement and must be able to show validity – that the plaintiff owns an enforceable right and identifiability – that plaintiff must be identifiable from defendant's unauthorised use; in such scenario, no additional proof of untruth or deceit is needed.

In *Amitabh Bachchan v Rajat Negi & Others*¹⁹ the Delhi High Court protected the publicity rights of the plaintiff and passed an omnibus order restraining the defendants and the unknown defendants from using the celebrity status of the plaintiff to promote their own activities without authorisation. Another case of violation of someone's personality rights, was *Jaikishan Kakubhai Saraf v Peppy Store*²⁰ where the plaintiff, Jackie Shroff, was deemed to have the

advantage of convenience, meaning that the balance of convenience favoured granting interim protection. In other words, the likely harm to the plaintiff's dignity and commercial interests from continued misuse outweighed any inconvenience the injunction would cause the defendants. According to the Court, which established a prima facie case for the granting of an ex-parte injunction against the defendants who sold items like wall art, animated images, t-shirts, autographed posters, etc., having names “JACKIE”, “JAGGU DADA” and AI generated distorted videos featuring the voice of the plaintiff. The Court further said that the plaintiff would suffer irreversible loss or suffering in the event that an injunction was not granted in this case. This harm would extend beyond financial losses and would violate his constitutionally guaranteed right to live in dignity under Article 21. Similarly, the Delhi High Court passed an interim order restricting the defendants from using the name of another Bollywood celebrity Anil Kapoor, acronym ‘AK’, nicknames like ‘Lakhan’, ‘Mr. India’, ‘Majnu Bhai’ and phrase ‘Jhakaas’ and his voice and images, commercially as they were recognised to be protected as his personality rights.²¹

The judicial recognition of personality rights has largely been grounded in commercial contexts such as advertising and merchandising. However, as these cases increasingly intersect with digital media and public commentary, the boundary between economic misuse and personal intrusion becomes blurred. This overlap necessitates a constitutional lens, particularly when the enforcement of personality rights risks impinging on freedom of expression. It is within this constitutional context that the principles of privacy, defamation, and proportionality assume significance, guiding courts in determining the legitimate extent of protection. There is an inherent conflict of personality rights with part III of the Constitution as the media more specifically YouTubers and Instagrammers consider that under Article 19 of the constitution, which embeds “freedom of the press”, they have a basic right to publish and inform the public on all things that are of “public interest” or “public concern.” In cases involving the right of publicity, the judiciary can use the proportionality test to guide the decision on whether to grant an injunction against defendants. Right of publicity cases often involve a tension between an individual's control over the commercial use of their image or likeness, right to privacy and other rights, such as freedom of

expression. The proportionality test helps ensure that the judiciary weighs these conflicting rights fairly and decides on the least restrictive but effective remedy. A word of caution was expressed while giving emphasis to publicity rights where the Delhi High Court held that, “*where every individual’s right to free speech is assured, the over emphasis on a famous person’s publicity rights can tend to chill the exercise of such invaluable democratic right. Thus, for instance, caricature, lampooning, parodies and the like, which may tend to highlight some aspects of the individual’s personality traits, may not constitute infringement of such individual’s right to publicity*”.²² In this case, the court gave emphasis on individual right and autonomy when there is a commercial exploitation of the likeness or attributes of his/her personality at the same time permitting fair dealing in the form of a meme, spoof, or parody, criticism, etc. This kind of format is a part of a growing comedy subgenre that uses well-known people’s cultural resonance to produce interesting content. The community of YouTubers is expanding, and the large number of viewers who subscribe to these videos provide a major income for the content producers, proving that this type of material is not only entertaining but also an important source of income for a sizable portion of the population, especially the younger generation. Videos like these are an artistic form of expression that demands careful consideration from content creators. This entails investigating target groups, selecting videos that are likely to be engaging for viewers, and combining a wide range of accessible information into a coherent and enjoyable whole. As a result, it is possible to take into account that this creative process creates jobs for a large number of young people in addition to economic value. For this thriving group, limiting such innovative expressions or banning these movies might have far-reaching effects. More importantly, it may establish a precedent that restricts freedom of speech, which might discourage people from using their right to free speech out of concern for possible legal ramifications.

In 2016, Gautam Gambhir, a well-known cricketer and former captain of the Indian cricket team, filed a case against a restaurant owner for using the tagline “by Gautam Gambhir” in his restaurant branding. He argued that his name had become famous and was instantly recognized in connection with him. Since he had never been involved in the restaurant business, he claimed that the defendant’s use of his name created public confusion and wrongfully benefited from his

reputation. Gambhir further stated that people had approached him assuming he owned or endorsed the restaurants, which could mislead the public and affect his personal brand. He issued a legal notice to the restaurant owner in 2016, asking him to stop using his name, but the defendant refused. The restaurant owner, who happened to share the same name, argued that he had legally registered his restaurant business and trademarks under Class 43 of the Trade Marks Act, meaning his use of the name was lawful. He was simply using his own name to build his own identity in the restaurant industry, with no intention to mislead anyone and that he had never used the cricketer’s image or implied any connection with him. The court ruled in favour of the restaurant owner, stating that while Gautam Gambhir is a famous name, there was no clear proof that the defendant misled the public into believing the cricketer was involved. There was no evidence given by the plaintiff to prove deliberate confusion caused by the defendant. Although, this case being largely under the purview of trademarks law, it highlights the fine balance between celebrity personality rights and an individual’s right to use their own name in business. While celebrities can protect their identity from commercial misuse, this protection does not automatically apply when someone is honestly using their own name, especially if no deception is involved.²³ The Gambhir case outcome reflects this approach: mere fame is not sufficient to oust another person’s honest use of a shared name absent evidence of confusion or misrepresentation. The court has appropriately refrained from going overboard on the matter of the personality rights and we can see this first step in balancing the public rights over the monopolistic personality right of an individual. By contrast, personality rights claim focus on unauthorized commercial exploitation of an identifiable persona. Thus, although both bodies of law can protect similar interests (for instance, preventing false endorsement), they ask different primary questions: trademark/passing off asks *will consumers be misled?* While publicity rights ask *was the identity commercially exploited without consent?* This difference has consequences for both the legal tests and remedies. Trademark law requires proof of confusion and may deny relief if honest concurrent use exists; publicity claims may succeed where identifiability and commercial exploitation are established even absent a classic confusion analysis, but they are frequently cabined by proportionality considerations (free expression, parody, and the public interest).

Creative use of a celebrity's identity should not inherently conflict with that celebrity's publicity rights, particularly when such use involves substantial original input from the user. If the utilization of a celebrity's identity contributes to new cultural or artistic expression, it transcends mere exploitation and leans toward a transformative creation. This aligns with the principle that publicity rights protect against pure commercialization devoid of added value rather than the stifling of creativity and expression. Such rights are intended to prevent unfair commercial exploitation rather than to restrict cultural commentary or satire. The burden of proof should rest on the celebrity to demonstrate that the user's gain relies solely on their identity, without any added creativity. This approach ensures that publicity rights do not overextend to encompass creative works where the use of identity is incidental to broader artistic, comedic, or expressive purposes. Furthermore, the mere use of a celebrity's identity should not automatically provide grounds for an injunction or liability without assessing additional factors, such as the intent behind the use and its public benefit. Freedom of expression, especially in artistic or satirical forms, is essential to a healthy cultural environment. Hence, only when a defendant's use is shown to exploit the celebrity's identity purely for commercial gain without creative or transformative elements should courts consider upholding the celebrity's right to publicity. This approach aligns with safeguarding individual rights without curtailing public discourse, innovation, or cultural critique. Consequently, a plea for injunctive relief by a celebrity must be scrutinised against the backdrop of other fundamental rights or the public interest.

Personality Rights under the Purview of Public Interest

The broader legitimacy debate surrounding intellectual property provides a useful analogue for personality rights. Just as patents and copyrights are justified only to the extent that they advance public welfare, personality rights must also serve a social purpose beyond private enrichment. Their legitimacy depends on whether they fulfil the function of preventing deception and preserving human dignity, rather than merely extending proprietary control over fame. The earlier discussion established that public recognition co-creates celebrity value. Within the framework of public interest, however, this recognition assumes a normative dimension: because

the public participates in producing celebrity identity, it also has a legitimate interest in accessing, commenting on, and reinterpreting that identity. Thus, public engagement does not merely generate commercial worth—it also forms the constitutional and cultural basis for limiting the scope of exclusive personality rights. Recognising this dual role of the public moves the analysis from the descriptive (how fame is created) to the normative (why the law must balance it).

When we bring into picture sports industry and sportspersons, personality rights in sports industry differ from those in entertainment industry due to the distinct ways athletes and entertainers connect with the public and how their identities are formed and valued commercially. While both athletes and entertainers achieve fame through demonstrable skill, the basis of their public recognition manifests differently. In sports, performance outcomes—records, victories, and measurable achievements—constitute the primary source of reputation, though charisma and sportsmanship often amplify public identification. In entertainment, by contrast, performance is inseparable from persona: the actor's ability to embody characters, sustain audience empathy, and craft a relatable public image forms part of the talent itself. Thus, attributes like acceptance and charisma are not antithetical to skill but integral to the craft of performance. The distinction, therefore, is not that entertainers lack talent-based recognition, but that their professional identity merges more visibly with the public's emotional engagement. This convergence makes personality rights in entertainment particularly sensitive to public interest limitations, as the audience's participation in constructing that persona is greater than in competitive sports, where achievement metrics are more objectively defined.

Personality Rights under Copyright and Trademark Law

People strive to copy celebrities because they admire their accomplishments and moral character. Celebrities can be approved, criticized, or disputed. Celebrities can be celebrated or derided in order to belong to something larger than the specific culture within which each of us may identify. Celebrities' existence is influenced by the public. Indeed, celebrities may be promoted by the sectors in which they work, using market research and advertising skills, but their worth is established by how the public reacts.

Parallels can be drawn between a person imitating famous moves, lines or demeanour which is the

personality of a celebrity with that of parody observed mostly with respect to songs. The Intellectual Property Law namely the Indian Copyright Act of 1957 provides protection to such ideas under the fair dealing doctrine under section 52 which serves as an exemption that shields certain actions that do not constitute copyright infringements. Although the term ‘fair dealing’ is not included in IP legislations, Indian courts have provided a significant degree of protection to parodies via a number of precedents ruling that they do not constitute copyright infringements. This overlap between copyright exceptions and personality rights illustrates a deeper normative question that whether creative transformation should take precedence over proprietary control of identity. Indian jurisprudence, though still evolving, implicitly applies a proportionality approach in such conflicts: courts must determine whether the secondary use of a celebrity’s likeness adds sufficient transformative value to qualify as social or cultural commentary. Parody, as a creative form, uses humour or ridicule to comment upon an existing work and thereby raises a critical tension between copyright protection and freedom of expression. The U.S. Supreme Court in *Campbell v Acuff-Rose Music Inc.*²⁴ provided the leading articulation of this balance, holding that parody may constitute fair use when it transforms the original by adding new expression, meaning, or message. The greater the transformative character, the stronger the claim to fair use. In India, the position remains less certain. The Copyright Act, 1957 does not explicitly refer to parody, and therefore courts assess such works under the general “fair dealing” exception in Section 52(1)(a). In *Civic Chandran v Ammini Amma*,²⁵ the Kerala High Court recognised a “counter-drama” as legitimate criticism rather than infringement, emphasising that intent and market effect are key factors. Similarly, *Blackwood & Sons Ltd. v A.N. Parasuraman*²⁶ clarified that fair dealing cannot be claimed where the purpose is commercial competition with the copyright owner. Thus, an Indian parodist must show (i) absence of competitive intent and (ii) addition of transformative commentary. While U.S. courts have afforded broad latitude to parody, Indian jurisprudence remains cautious, requiring case-by-case evaluation to preserve both creative freedom and the author’s economic rights.²⁷ Extending that reasoning to personality rights would mean that the mere presence of a celebrity’s image or voice in a creative or critical context should not automatically invite liability. Instead, courts should assess intent, transformative character, and

potential market substitution—criteria parallel to the “fair dealing” analysis under Section 52(1)(a) of the Copyright Act. Recognising this parallel ensures that personality rights remain consistent with India’s broader commitment to freedom of expression under Article 19(1)(a), preventing these rights from hardening into instruments of censorship.

Celebrities are now seeking protection of their famous phrases, poses, taglines, etc. under trademark law. Bollywood celebrity Jackie Shroff has trademarked ‘BHIDU’ under No. 3227968 in Class 25 and under No. 3227969 in Class 41. Further, the Plaintiff is also the registered proprietor of the mark “Bhidu ka khopcha” under No. 4362494 in Class 41.²⁸ In *Arun Jaitley v Network Solutions*,²⁹ the plaintiff, Arun Jaitley, a prominent politician sought to register the domain www.arunjaitley.com. However, he discovered that the domain had already been registered as of 2009. The plaintiff formally requested Network Solutions (the second defendant) to facilitate the registration of this domain. At the time of this request, the domain was marked as “pending deletion”. The following day, Network Solutions responded, advising the plaintiff that he could either purchase the domain or await its deletion. The court held that domain names are subject to protection under the law of passing off, and personal names used as domain names receive similar legal safeguards. Furthermore, the court recognized the name as inherently distinctive, warranting trademark protection due to its popularity. Consequently, although the plaintiff had a personal right to use his own name, he successfully demonstrated to the court that it was sufficiently distinctive and widely recognized to justify commercial trademark protection. Although this case does not explicitly mention the principle of right of publicity, the decision of the Delhi High Court is based on the essence of that very principle.

Trademark law permits an individual to earn from and exert control over the commercial application of his name and likeness, while also lowering search costs for customers and encouraging excellence via accountability. Trademarks serve four fundamental purposes: (a) To identify products sold by one seller and set them apart from products sold by others; (b) To indicate that all goods bearing the trademark originate from or are under the control of a single, albeit anonymous, source; (c) To indicate that all goods bearing the trademark are of the same quality; and (d) As a key tool in the promotion and sale of the goods.³⁰ The public benefits derived from the personality

right are not as evident, particularly in contrast to the justifications surrounding trademarks. The arguments supporting the recognition of a personality right are typically weaker than those supporting trademark rights. A person's identity has commercial worth when they succeed in endeavours like athletics or entertainment that have significant financial benefits of their own. It is possible that any extra motivation resulting from the publicity right will be insignificant. The public gains clearly from trademark law, but the relationship between the personality right and public welfare is rather weak—too weak to justify the personality right's continued existence as an individual monopoly.

Conclusion

Personality rights are an intricate balance between an individual's control over their identity, the commercial appeal of that identity, and the public's active role in shaping a celebrity's cultural significance. These rights give celebrities the ability to manage and benefit from how their name, image, or persona is used commercially, yet they must be viewed through the lens of public involvement. The public's recognition and engagement transform an individual into a public figure, meaning that the protections for celebrity identity must respect both individual rights and society's contribution to their fame. Judicial intervention in matters concerning personality rights must be grounded in parameters distinct from those applied to ordinary property rights. Courts must strike a balance that acknowledges the individual's control over their image while considering the public's role in giving shape and value to these rights. The court should be careful in conferring the equivalent status to personality right with other rights emerging solely from labour/creativity of individual. Legal tools like fair dealings and the proportionality test help courts ensure that personality rights do not restrict creative freedom, especially in areas like satire, parody, and cultural commentary. Protecting these forms of expression allows for meaningful public dialogue and respects the public's role in making celebrities who they are.

Ultimately, a balanced approach to personality rights should empower individuals to protect their identity from exploitation while still supporting public engagement and creative expression. The protection of personality rights should manifest on the ground of privacy rather than on protecting commercial interest of the celebrity. Otherwise, such overemphasis would stifle the creativity which lies at

the core of intellectual property regime. When courts and policymakers embrace this balance, they can uphold both individual dignity and societal enrichment, ensuring that personality rights protect individuals without limiting freedom of expression, creativity, and innovation.

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