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Bombay High Court Grants Injunctive Relief For Artist's Personality Rights In Light Of AI Tools Being Used To Replicate Artists' Voice And Other Likeness

AUTHOR Brian Noronha, Amisha Upadhyay

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The Hon'ble Bombay High Court ("**HC**") in a recent judgment, passed in the matter of **Arijit Singh v. Codible Ventures LLP**[i], upheld the personality right of Arijit Singh, the Applicant, and restrained third parties from exploiting any of the attribsutes of his personality. The HC opined in favour of the Applicant by holding that, creation / generating any new video or audio content without the consent of the Applicant for any commercial purposes would possess a potential threat to the livelihood of the Applicant.

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Backdrop:

The HC was hearing an interim application filed in a commercial intellectual property suit filed by Mr. Arijit Singh, ("**Applicant**") who is a reputed and celebrated singer / artist across the globe. The Commercial IPR Suit was filed against unauthorised / unlicensed usage of Artificial Intelligence content creators. The Applicant over the years, through his hardwork and talent, has earned a tremendous reputation and widespread goodwill which ought to be protected. The Applicant filed a suit under section 38-B of the Copyright Act, 1957[ii] for protection of his moral rights provided to him by the virtue of the aforesaid provision. The interim application was filed seeking protection of the personality rights of the Application's name; voice / vocal style, technique / vocal arrangements and interpretations; mannerism / manner of singing, image / photograph / caricature; his likeness and signature.

Analysis by the Hon'ble Bombay High Court:

The HC firmly held that celebrities are entitled to protection of the facets of their personality *namely* their name, images, likeness, voice, signature, amongst others against unauthorized commercial exploitation by third parties. The HC relied upon a previous decision in **Karan Johar (also known as Rahul Kumar Johar) v. Indian Pride Advisory Pvt. Ltd. & Ors[iii]** wherein it was observed by the Hon'ble Court therein that celebrities by the virtue of their profession have a right to protect their personality / publicity rights and any unauthorised or unconsented use of their name or any attributes thereof, for any commercial purposes would be deemed to be a violation of such rights.

Furthermore, the HC also relied upon **Anil Kapoor v. Simply Life India**[iv], stating any violation to celebrities' persona or part thereof including but not limited to name, voice, signature amongst others are protectable elements. Thereby, concluding that, elements of intellectual property that protect the attributes of an individual, is enshrined by the Constitution of India, 1950.

The HC *prime facie* held that, the Applicant is a reputed singer / artist and the attributes of his personality are thereby, protectable elements. The HC, thus, granted ad-interim relief to the Applicant by restraining the Defendants from violating the personality right / publicity right for the purpose of monetary gain without the consent of the Applicant. In addition, the HC also noted that Article 19(1)(a) of the Constitution i.e. freedom of speech and expression, provides for commentary and in lieu of the same, does not grant any authorization / license to a third party to exploit celebrity's persona for commercial purposes.

Conclusion:

In the opinion of the authors, the HC has rightly upheld the personality rights of the Applicant since the same constitute a valuable part of the artist's exclusivity and uniqueness. Hence, third parties using Artificial Intelligence tools to use personal aspects of artists would definitely cause a negative effect on the unique perception of such artist. The rights of artists, thus, ought to be protected and the HC in the present case has correctly done so.

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[i] Interim Application (L) No. 23460 of 2024.

[ii] 38-B. Moral rights of the performer (The performer of a performance shall, independently of his right after assignment, either wholly or partially of his right, have the right,)

(a) to claim to be identified as the performer of his performance except where omission is dictated by the manner of the use of the performance; and

(b) to restrain or claim damages in respect of any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation.

Explanation.—For the purposes of this clause, it is hereby clarified that mere removal of any portion of a performance for the purpose of editing, or to fit the recording within a limited duration, or any other modification required for purely technical reasons shall not be deemed to be prejudicial to the performer's reputation.]

[iii] Interim Application (L) No.17865 of 2024 in Commercial IPR Suit (L) No.17863 of 2024.

[iv] 2023 SCC OnLine Del 6914.