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INTELLECTUAL PROPERTY RIGHTS

Deepfakes, AI, and the Law: Protecting Celebrity Personality Rights in India

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The Evolving Legal Framework for Celebrity Rights

The legal framework in India is rapidly evolving to protect the personality rights of public figures. While there is no single, dedicated statute on the subject, the judiciary has proactively created a strong legal framework by interpreting existing laws and constitutional principles. This article examines the foundation of these rights, the legal safeguards available, and the judiciary's roLe in shaping the law in the face of modern technological threats like artificial intelligence (AI) and deepfakes.

Table of contents

- The Evolving Legal Framework for Celebrity Rights
- The Foundational Principles of Personality Rights
- Legal Safeguards and Enforcement Mechanisms
- Landmark Rulings in the Age of AI: The Bachchan Cases
- Aishwarya Rai Bachchan's Case
- Abhishek Bachchan's Case
- Conclusion

The Foundational Principles of Personality Rights

Personality rights in India are right primarily rooted in the foundational principles: right to privacy. The right of publicity is a proprietary right, recognizing that a celebrity's persona including their name, image, voice, signature, and other distinctive characteristics, possesses significant commercial value. This right empowers them to control and monetize their own public identity and prevents others from commercially exploiting it without permission. The right to privacy is a personal right that protects individuals from unwanted public exposure or the misrepresentation of their private lives.

In India, this right has been given constitutional backing by the Supreme Court, which has interpreted Article 21 of the Constitution (the right to life and personal liberty) to encompass the right to privacy and the right to live with dignity. This constitutional foundation provides a strong basis for protecting a person's identity from unauthorized use. These principles have recently been reinforced in publicity rights cases and in digital safety rulings, such as the Madras High Court's 2025 judgment in *X v. Union of India (WP No. 25017 of 2025)* on Non-Consensual Intimate Images (NCII), which underscored that online identity protection is inseparable from dignity under Article 21.

Legal Safeguards and Enforcement Mechanisms

In addition to constitutional protection, various intellectual property laws and common law principles are used to enforce personality rights in India. The Copyright Act, 1957, offers protection to performers by granting them "moral rights," which allow them to claim authorship and prevent any distortion of their work that could harm their reputation. Similarly, the Trademarks Act, 1999, provides a crucial layer of defense, as a celebrity's name or a famous catchphrase can be registered as a trademark to prevent its commercial misuse.

A key common law principle used in these cases is the tort of "passing off," which prevents businesses from misleading the public into believing a celebrity has endorsed their products, thereby protecting both the celebrity's brand and the consumer from deception. The Indian judiciary has consistently granted injunctions to protect these rights, recognizing that a celebrity's fame should not be unfairly exploited for someone else's gain. Further, intermediary liability under the IT Act, 2000 and the IT Rules, 2021 (as amended in 2023) now plays a central role, with courts requiring platforms to implement expedited notice-and-takedown mechanisms for personality rights violations.

Landmark Rulings in the Age of AI: The Bachchan Cases

While earlier judicial pronouncements laid the foundation of personality rights in India, the Delhi High Court's recent interim orders have marked a new phase in their evolution, particularly in confronting the challenges posed by artificial intelligence (AI) and deepfake technology. Two recent and notable cases are Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors. (CS(COMM) 956/2025) and Abhishek Bachchan v. The Bollywood Tee Shop & Ors. (CS(COMM) 960/2025). These separate but

related cases addressed the widespread misuse of the Bachchans' personas in the digital space.

Aishwarya Rai Bachchan's Case

In her suit, filed on September 9, 2025, Aishwarya Rai Bachchan sought to restrain multiple websites and unidentified individuals from the unauthorized use of her name, image, and likeness for commercial and personal gain. The infringements included the sale of unauthorized merchandise, the operation of fake websites impersonating her, and the creation of AI-generated content, including sexually explicit and derogatory deepfakes. The court found that the unauthorized use of her persona, without any authorization, was causing financial detriment and harming her dignity and reputation. The court by an interim order, issued an injunction, directing platforms and e-commerce sites to immediately take down infringing content and block identified URLs within 72 hours of notice. The court noted that it would not "turn a blind eye" to such exploitation.

Abhishek Bachchan's Case

Following a similar pattern, Abhishek Bachchan's suit, filed on September 10, 2025, raised concerns about the extensive infringement of his personality rights. The misuse included the sale of unauthorized merchandise, the generation of AI-manipulated videos, and fake photographs with forged signatures. His counsel highlighted that sexually explicit and derogatory content was being circulated, and that the unauthorized use of his name, voice, and image was causing "grave irreparable harm and injury to his reputation". The court issued an interim injunction, mirroring the order passed in his wife's case. It reiterated that the unauthorized use of a celebrity's attributes inevitably causes confusion and creates a false perception of endorsement

Conclusion

The interim orders in Abhishek Bachchan and Aishwarya Rai Bachchan reaffirm the judiciary's commitment to protecting individual dignity in the face of evolving technological threats. They establish that personality rights are not only a matter of economic interest but are also fundamental to the right to live with dignity. By insisting on swift take-downs, accountability from platforms, and even government involvement.

Taken together, the Bachchan rulings and allied digital rights cases mark a doctrinal shift: personality rights are no longer viewed merely as economic entitlements but as integral to dignity, privacy, and autonomy. With AI-driven misuse rising, legislative codification of personality rights in India appears both urgent and inevitable.

In the author's view, these rulings are both timely and necessary, striking a careful balance between free expression and the protection of personal autonomy in an age where AI and deepfakes can easily distort reality. They also mark an important step in the evolution of Indian jurisprudence, ensuring that the law remains responsive to technological risks while protecting the reputation and privacy of individuals who, by virtue of their public standing, are uniquely vulnerable to digital exploitation.

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