



INTELLECTUAL PROPERTY RIGHTS

MEDIA & ENTERTAINMENT

Identity Under Siege: Personality Rights, Deepfakes, and the Future of Digital Protection

Introduction Artificial Intelligence's great advance, deepfake technology, and digital content creation has very much transformed the online environment. Though these new technologies bring out many benefits, also they create large scale issues with privacy, reputation, and personality rights. We see that which private individuals in public also grow as targets of not authorized digital exploitation [...]

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Introduction

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In a major turn of events the Delhi High Court in Akkineni Naga Chaitanya v. www.se****.xxx & Ors. put forth the importance of personality rights in the digital age. The Court issued interim protection to actor Akkineni Naga Chaitanya against the use of his identity which was unauthorized on various online platforms which include porn sites, unauthorized merchandise sellers, and AI generated content. This decision is also a very large step in the development of personality rights case law in India and also brings to light the judiciary's growing issue with the use of tech for misdeed.

Table of contents

- [Introduction](#)
- [Factual Background](#)
- [Issues Before the Court](#)
- [Observations of the Court](#)
- [Interim Relief Granted by the Court](#)
- [Significance of the Judgment](#)
- [Conclusion](#)

Factual Background

Akkineni Naga Chaitanya the leading man with an extensive career which has span of over 15 years took the Delhi High Court into the picture in a bid to protect what is his by birth his personality and publicity rights. In the case the plaintiff put forth that many websites and online entities are in fact breaking the law by using his name, image, and reputation without permission.

In the suit it was reported that many websites had put out material which used the actor's name in relation to pornographic content which in turn created a false and damaging association between the star and hard core material. Also, we see that which put out products with his name, image and photos without his say so. Also brought forward was the issue of AI generated content and deepfakes which put out false depictions of him in improper situations.

Plaintiff reports that these actions not only brought about commercial loss but also which in great degree affected his reputation, dignity and privacy. He put forth that the use of his persona without permission is a clear breach of his personality rights which he supported with urgent injunctive relief.

Issues Before the Court

In this case the Delhi High Court had to look at:

- Whether a celebrity has protectable rights in their name, image, voice and likeness?
- Whether a celebrity's identity is being misused for commercial gain which is an issue of personality rights?
- Whether we are seeing the issue of private and public persons' reputations, privacy, and dignity in the age of AI generated deepfakes and doctored media?
- Did the plaintiff have a right to interim protection of which websites, intermediaries, and unidentified parties that were a part of these actions were made aware?

Observations of the Court

After perusing the pleadings and supporting material the Court reported that Akkineni Naga Chaitanya is a public figure of note which he has built up over the years' reputation and goodwill.

The Court noted that personality rights go beyond commercial benefits which are of a business nature and are very much related to an individual's privacy, dignity, and identity. Also it reported that a celebrity's name, image, voice, and likeness have

independent commercial value and may not be used without permission.

Importantly the Court in the past had looked at cases like that of Anil Kapoor v. Simply Life India,^[1] Jaikishan Kakubhai Saraf v. Peppy Store,^[2] and Aishwarya Rai Bachchan v. Aishwaryaworld.com^[3] which in each reported instance did see fit to present the case that celebrity may not have their identity misused.

The Court also brought up the issue of growth in the use of AI created deepfakes and digital manipulation. It reported that this type of content is to pass off as facts which in turn misrepresent people, hurt reputations and produce false connections which may in the end have very lasting results for the affected individual.

Recognition of Personhood in the Digital Age.

In a large degree what this judgment does is to recognize the issue of technological violation of personality rights in the digital age. The Court reported that we are seeing great speed in tech which has in turn created new cases of unauthorized use of a person's identity, reputation, and personal information. Also it is up to traditional legal protections to adapt to these new issues.

The Court found that which is put forward by the plaintiff is to be protected against the use of their identity through a large set of present-day technologies. Which include Artificial Intelligence (AI) and its subbranch Generative AI, Machine Learning tools, deepfakes, AI powered chat bots, face morphing tech and also any other which is to come out in the field which is able to replicate, manipulate or misrepresent an individual's persona.

This ruling is an example of the judiciary's recognition of the large scale which technology can play in issues of personal rights. By introducing legal protection for digital and AI based issues related to identity theft the Court noted that present conceptions of personality rights must be reevaluated within the context of today's technology. Also, a very forward thinking decision which reports to the fact that we are in an ever more digital world and which also reports the issue of protecting individual's autonomy and dignity.

Importantly the Court reported that which is to say digital impersonation is at par with physical misappropriation. We see that which which isn't physical but rather AI enabled technologies' use of a person's image, voice, likeness or identity has the toad to mislead the public, damage reputation and infringe upon an individual's right to what is commercial and what is private to them. In what may be a key decision for the age of AI the Court has put forth a very important precedent for the protection of personality rights in the age of technology.

Interim Relief Granted by the Court

After looking at the facts and evidence put forth by the plaintiff the Delhi High Court reported that a strong prima facie case had been made out in the plaintiff's favor. In terms of the urgency of the issue and the chance of irreparable damage the Court issued an ex parte ad interim injunction to protect the plaintiff's personality rights until the full determination of the case.

The Court issued an order which stopped the defendants from using the plaintiff's identity, image, voice, likeness or any other element of his public personae which had not first been authorized by the plaintiff. Also included in the ban was any AI generated material which put forth a false representation or which in any way passed off as the plaintiff. The injunction also covered the manufacture, sale, advertising or promotion of products and services which did not have the plaintiff's permission and which in fact played on the plaintiff's name, image or reputation for profit.

Also the Court prevented defendants' commercial gain from the plaintiff's personality which they had been using. In terms of the extensive scale of the infringement across digital platforms the Court ordered the removal of many infringing URLs and online content hosted on various sites and platforms. Also, it was brought to the concerned entities' attention that they are to comply with the takedown instructions within 24 hours of the issue of the order.

The issue of that interim relief is a sign of the judiciary's which to step in immediately and effectively in cases of digital rights violations. We see in this decision that the Court also notes the fast which online content can spread and the great harm that may be done by it which is best dealt with at once.

Significance of the Judgment

In a major step forward the field of personality rights and digital identity protection in India we see the judgment which puts in place a stronger legal framework which protects an individual's right to determine the use of his or her identity, image, voice, and likeness which we also see as having a dual value in terms of privacy and commerce.

In that which the ruling is concerned, it puts forth a response to present day tech issues which include AI, deepfakes and digital impersonation. As we see AI generated content become more advanced the judgment in this case puts forth important judicial input on the issue of use and abuse of an individual's persona via new technologies.

The court also reports to online platforms, intermediaries, content creators, and commercial entities that which of their actions may be against an individual's will not be accepted. We see from this decision that the judiciary's role is to step in when technology is used to break personality rights which in turn misrepresent to the public.

Also, in that which the judgement puts forth a point of view in the greater debate of constitutionality as it pertains to issues of privacy, dignity, autonomy and digital rights as enshrined in Article 21 of the Indian Constitution. By identifying the damaging results of digital impersonation and AI enabled identity theft the Court has also put forth that which the constitutionally granted protections must grow along with technology to in turn provide meaningful protection of individual rights in the digital age.

Conclusion

The Delhi High Court's judgement in the case of Akkineni Naga Chaitanya v. www.se**** and others stands out as a milestone which in the digital age protects personality rights. By which the Court recognized that there is harm in AI generated deepfakes, unauthorized commercial use, and online use which is improper it is also what the Court did which is to expand the scope of what is protected legally for public figures.

As technology progresses courts will see an increased charge to balance innovation with individual rights. That which we see is that Indian courts are putting in place protections for reputation, dignity, and identity against what we see as new digital issues. Also it is very much to become a preeminent precedent in issues of AI, deepfakes, privacy and personality rights.

For more information contact us at : contact@indialaw.in

1. Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914 ?
2. Jaikishan Kakubhai Saraf alias Jackie Shroff v. The Peppy Store & Ors., 2024 SCC OnLine Del 3664. ?
3. Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors., CS(COMM) 956/2025 ?

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