



INTELLECTUAL PROPERTY RIGHTS

MEDIA & ENTERTAINMENT

“Khamosh” No More: Actor-Politician Shatrughan Sinha Moves Court To Stop Misuse Of His Image, Voice, And Catchphrase

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Actor, public figure and politician, Shatrughan Sinha has approached the Bombay High Court seeking protection of his personality and publicity rights against unauthorized commercial exploitation of his persona.

The suit seeks protection over distinct and identifiable attributes of Mr. Sinha's personality, including his name, voice and vocal style, signature phrase, i.e. the unique style of delivering the phrase 'Khamosh' image and likeness, caricature, and signature. Before the Bombay High Court, it was pleaded that these elements have, over decades, become inseparably associated with his identity and goodwill, and are commercially valuable facets of his personality.

It was highlighted that the misuse, includes AI-Generated images designed to ridicule and demean Mr. Sinha, memes, GIFs, stickers, caricature impersonating him, and also creating his fake social media accounts. The Defendants were also found selling merchandise like posters, t-shirts, stickers, fridge magnets, mugs, insulating that the same were sold by him or under his authorisation. It was alleged that these activities were not only unauthorized but also deceptive leading the public to falsely believe in his endorsement of such ventures.

When the matter was taken up, the Hon'ble Court raised a query on the maintainability of a commercial IP action premised on personality rights. In response, it was submitted that the Plaintiff's rights are independently enforceable under established common law principles, including passing off under the Trade Marks Act. Unauthorized commercial use of his persona is liable to cause public confusion, false endorsement, and reputational harm.

It was further submitted that such misappropriation infringes the Plaintiff's fundamental rights under Articles 19(1)(a) and 21 of the Constitution of India, including the right to privacy. Additionally, reliance was placed on Section 38B of the Copyright Act, 1957, asserting the Plaintiff's moral rights as a performer, including the right of integrity and attribution, against any distortion or prejudicial use of his performances.

Upon being satisfied with the submissions advanced, the Hon'ble Court has reserved the matter for orders.

The appearance on behalf of Mr. Shatrughan Sinha was by Mr. Hiren Kamod, assisted by Advocates Nidhi Singh, Abha Shah, and Amisha Upadhyay of INDIALAW LLP.

For more details, write to us at: contact@indialaw.in

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