Right to Publicity in India: From Celebrity Image to AI-Generated Identity

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A person's identity was once understood as something inseparable from the person. In the digital economy, it can also become an asset: a name that sells, a face that endorses, a voice that identifies, a likeness that carries commercial value.

That has made the right to publicity one of the more interesting areas of Indian intellectual property jurisprudence. Unlike copyright or trademarks, India does not have a dedicated statute setting out a standalone right of publicity. The law has instead developed through judicial decisions, drawing on privacy, personality, passing off and related principles.

What makes the recent jurisprudence particularly significant is the speed with which the subject has moved beyond conventional celebrity endorsements. The courts are now dealing with merchandise, impersonation, manipulated images, AI-generated content, synthetic voices and even questions concerning the commercial use of a well-known person's identity after death.

When Identity Became Commercially Protectable

The foundation of the modern discussion lies in recognising that a person's identity can have value beyond personal privacy. A famous person's name, image, voice or likeness may carry goodwill capable of commercial exploitation.

The Delhi High Court's 2023 decision in **Anil Kapoor v. Simply Life India & Ors.** illustrates how broad that question had already become. The proceedings concerned unauthorised uses of Kapoor's name, image, likeness, voice and other attributes, including merchandise, ringtones, domain names, morphed images and AI-generated content. The Court held that these elements of his persona warranted protection and restrained their unauthorised use.

The significance of the decision lies not merely in protecting a celebrity's photograph. The Court dealt with the persona as a collection of commercially and personally significant attributes. It also recognised that technology had made it possible to reproduce or manipulate those attributes in ways that were previously difficult to contemplate.

The Difficult Line Between Protection and Expression

Publicity rights, however, do not exist in isolation.

The more broadly personality rights are understood, the more important the relationship with freedom of expression becomes. A person's name or image can appear in news reporting, criticism, satire, parody, artistic works or commentary without necessarily becoming an unlawful commercial exploitation of that person's identity.

The Jackie Shroff litigation brought this tension into sharper focus. In 2024, the Delhi High Court considered claims involving the unauthorised use of Shroff's name and persona, including merchandise, videos and an AI chatbot. The Court granted protection against several forms of unauthorised exploitation, while the broader jurisprudence also recognised the need to balance personality rights with legitimate artistic and economic expression.

This distinction matters. The legal question is not simply whether someone's identity has been used. It is also **h**ow, why and in what context that identity has been used.

From Deepfakes to Synthetic Personas

Artificial intelligence has changed the scale of that question.

In the Anil Kapoor proceedings, the misuse alleged before the Court included AI-generated images and videos, voice-based content, face morphing and other forms of synthetic manipulation. The Court observed that technological tools now make it possible to imitate elements of a person's persona with considerable ease and held that the law could not remain indifferent to such misuse.

The issue also arose in the Jackie Shroff proceedings, where one defendant had used the actor's persona in an unlicensed AI chatbot. The Court's order demonstrates how publicity-rights disputes are moving from the familiar territory of photographs and merchandise into interactions with synthetic versions of identity.

The development is important because a photograph reproduces an existing image; an AI system can potentially generate an entirely new representation that nevertheless derives its commercial or recognisable value from the individual.

Aishwarya Rai Bachchan and the Expanding Digital Persona

The same evolution can be seen in the proceedings involving **Aishwarya Rai Bachchan**. The Delhi High Court proceedings concerned unauthorised commercial exploitation of her identity, including morphed images, merchandise and AI-based impersonation. The order also addressed the use of her identity in ways capable of creating confusion regarding endorsement or association.

The significance of such cases is cumulative. Each dispute adds another dimension to the question of what constitutes a person's protectable persona in an increasingly digital environment.

Can a Public Persona Survive Its Owner?

The question becomes even more difficult when the individual is no longer alive.

In **Sir Ratan Tata Trust & Anr. v. Dr. Rajat Shrivastava & Ors.**, decided by the Delhi High Court in February 2025, the Court considered the unauthorised commercial use of Ratan Tata's name and associated identity following his death. The Court restrained the defendants from using his well-known personal name, along with associated trademarks and other identifiers.

The case sits at an interesting intersection of personality, privacy and trademark law. Indian jurisprudence has contained differing approaches to whether personal rights such as privacy and publicity survive death. Yet where a personal name has acquired independent commercial significance and functions as a source identifier, trademark principles provide another basis for protection.

The Law Is Moving Faster Than the Labels

The progression from Anil Kapoor to Jackie Shroff, Aishwarya Rai Bachchan and Ratan Tata reflects something larger than a series of celebrity disputes.

Indian courts are increasingly being asked to decide what happens when identity itself becomes reproducible, transferable and commercially exploitable.

The vocabulary is still developing. There is no single Indian statute comprehensively defining publicity rights, and much of the doctrine continues to emerge through judicial interpretation.

But the direction of the jurisprudence is increasingly clear: a person's identity may carry interests that

are simultaneously personal, reputational and commercial. As AI makes the replication of names, faces, voices and likenesses easier, the difficult question will no longer be whether identity has value. It will be where the law should draw the boundary between protecting that value and preserving the freedom to use, discuss, portray and transform the identities of public figures.

That boundary is still being drawn.

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