When Your Persona Becomes Your Business: Personality Rights of Influencers in India

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For a creator, the product and the person are often indistinguishable. A finance educator's credibility, a teacher's cadence, a comedian's catchphrase: these are not ornaments on the business; they are the business. Brands pay for borrowed trust, and trust attaches to a recognisable face, voice and manner. The real question is not whether a persona has value, but whether the law lets its owner enforce that value.

India has no statute codifying personality rights. Courts have assembled the doctrine from privacy, passing off, trade mark law, the Copyright Act's performers' and moral rights, and Article 21. In *Puttaswamy* (2017), Justice Kaul's concurrence recognised an individual's right to control commercial use of their identity, a proposition High Courts have since leaned on heavily.

Fame is a Fact; the Right is a Conclusion

The cases separate interests easily blurred. Privacy protects dignity and seclusion. Goodwill, the currency of passing off, protects against misrepresentation, such as an endorsement that never happened. Publicity protects the commercial value of identity itself. A large following can evidence goodwill; it does not turn every appearance of a creator's face into infringement.

Digital Collectibles v Galactus Funware (Delhi High Court, 2023) is the corrective. Refusing an interim injunction over cricketers' names and images on digital player cards, the court held that publicity rights are not absolute, yield to free speech, and are not infringed by use of publicly available information that does not falsely suggest endorsement. A recent review of personality-rights orders likewise found relief withheld where claimants showed only views rather than monetisation.

What the Courts Have Actually Protected

The foundation was laid by celebrity litigation. *Anil Kapoor* (2023) restrained misuse of the actor's name, image, voice and signature phrase, including through AI, while acknowledging that satire and genuine criticism remain protected. *Jackie Shroff* (2024) extended protection against e-commerce sellers and AI chatbots. These are celebrity cases and should be read as such.

Creators, however, are now litigants in their own right. In *Ankur Warikoo v John Doe* (2025), the Delhi High Court granted the personal-finance educator a John Doe injunction against deepfakes showing

him promoting stock-tip WhatsApp groups, restraining misuse of his name, image, voice and likeness, and of the registered mark "Warikoo". In August 2026, in *Alakh Pandey v John Doe*, the court protected the PhysicsWallah founder, who began as a YouTube educator, against sexually vulgar content, unlicensed monetisation and impersonation.

Two cautions. Both plaintiffs are also founders with formalised brands; each persona arrived in court already partly converted into a business. And nearly all these rulings are interim orders. The doctrine is being written in the shadow of urgent relief, not settled at trial.

When the Persona can be Rebuilt

A creator's archive, hundreds of hours of face and voice, is ideal training data. In *Arijit Singh v Codible Ventures* (2024), the Bombay High Court restrained platforms offering AI models of the singer's voice, observing that unauthorised synthetic content could jeopardise his livelihood. *Warikoo* applies the same logic to a creator, with a sharper edge: the injury fell not only on him but on followers induced to trust a forgery.

Regulation is arriving at the edges. The IT Rules amendments took effect on 20 February 2026. They define "synthetically generated information" and impose labelling and takedown duties on intermediaries.

These rules govern platforms. They do not create property rights in a person's likeness. Harder questions remain open. What about licensed AI twins? What about sound-alike voices created without original recordings? And what about synthetic influencers who resemble everyone and no one?

Where the Right Must Stop

The more valuable a persona becomes, the stronger the temptation to treat every reference as trespass. Courts have resisted. In *Jackie Shroff*,the court declined to take down a YouTuber's "Thug Life" compilation. It treated the video as creative expression. The Court noted that suppressing such expression could chill free speech.

In *Pandey*, Justice Bhambhani cautioned that the claim, as framed, might be too broad. Personality rights must not suppress information about alleged wrongdoing. They must also not extinguish caricature, lampooning or parody where there is no commercial exploitation. A parody video was left untouched.

That restraint matters most for creators, who are themselves public voices on money, education and culture. Reviews, reaction videos, criticism, reporting and satire are the commons of the very

ecosystem that made their personas valuable.

The creator economy is pushing Indian law toward a subtle distinction. It is not between the famous and the obscure, but between being talked about and being spoken for. The law should guard against the second. This includes forged endorsements, cloned voices and borrowed faces selling products their owners never endorsed. The first should remain untouched. A persona can be a business. It cannot be a monopoly over the conversation it started.

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