



A PANORAMIC VIEW ON LEGAL REGIME ON PERSONALITY RIGHT ASSOCIATED WITH INTELLECTUAL PROPERTY RIGHTS

Dr. Kumara. N.J.

Assistant Professor, Vidyavardhaka Law College, Mysuru. Karnataka, India.

ramkumara999@gmail.com

Abstract-- Conceptual aspects of personality rights are comprehensively wide in nature. These personality rights are different from publicity right which focuses on commercial value and exploitation of a persona as his property right. The genesis of personality rights are common law, they are inherent and inalienable in nature and deals of bundle of rights. The significant growth in information technology and digital communication has extended the scope of personality rights. With help of these technologically developed devices and tools such as AI-generated voice, image morphing software, deep fakes have made it possible to imitate or distort someone's identity or image, videos, audio recordings can be modified, replicated, altered. These unregulated acts pose not only serious threats to common public but also serious risks to public figures, like famous celebrities cinema, sports fields and other different sectors. There is no specific statute at the state or national level to govern the personality rights of an individual and his publicity right and these rights are concerned neither state nor central governments have made attempt to frame the law. So far these rights are governed by copyright law, trademarks law and constitutional laws. With these research attempt author wants to explore the pivotal role of Indian judiciary on fostering personality rights within the purview of intellectual property and the author will also examine the efforts of existing international legal framework, national legislations, policies, institutional mechanisms and various aspects of personality rights within intellectual property rights aspects.

Key Words: Right to life, right to privacy, Personality rights, publicity rights, copy right, intellectual property and law.

1. INTRODUCTION

Conceptual aspects of personality rights are comprehensively wide in nature. Specifically, depending on an individual's dignity, identity, and personal attributes like image, name, voice or other traits. These personality rights are different from publicity right which focuses on commercial value and exploitation of a persona as his property right. The genesis of personality rights are common law, they are inherent and inalienable in nature and deals of bundle of rights. The significant growth in information technology and digital communication has extended the scope of personality rights. With help of these technologically developed devices and tools such as AI-generated voice, image morphing software, deep fakes have made it possible to imitate or distort someone's identity or image, videos, audio recordings can be modified, replicated, altered. These unregulated acts pose not only serious threats to common public but also serious risks to public figures, like famous celebrities cinema, sports fields and other different sectors. As has been held by various courts in India, these rights are derived from Art 19 and 21 of the Constitution of India and various elements of these personal rights have been recognized, protected and governed by different intellectual property laws and regulations including Copyright Act, 1957, the Trademarks Act 1999, and the Code of Advertising Standards Council of India. On the other hand, international legal framework like international covenants on Human rights, conventions on intellectual property rights, WIPO, Trips Agreement, etc., have also been recognized, protected and governed the personality rights. Though we have such comprehensive legal framework and mechanism personality rights of an individual, actor, performer or celebrities of different sectors have been occurring. With these research attempt author wants to explore the pivotal role of Indian judiciary on fostering personality rights within the purview of intellectual property and the author will also examine the efforts of existing international legal framework, national legislations, policies, institutional mechanisms and will also focuses and enlighten on various legal aspects of personality rights within intellectual property rights aspects.

2. THEORETICAL ASPECTS PERSONALITY RIGHT AND INTELLECTUAL PROPERTY

The term property mainly represents in tow forms like tangible and intangible and the concept of property has governed by different schools of thoughts. The concept of Intellectual property although it is intangible, analyzed



by utilitarian theory as well as personality theory. George Wilhelm Fredric Hegel has recognized profounder behind the idea of personality theory of property which protect intellectual property against the criticism that the intellectual property is not a form of property in true sense. The notion behind this idea is to recognize the self-identity of an individual invention with his personality. It postulates that an individual invention is the property of an inventor and he can claim ownership as an essential for self-development as well as survival. On these ideas emerging countries justify the protection of intellectual property rights through different intellectual property laws. Artistic works of an individual is his personal mental labor and such works represents artist's identity and not possible to isolate artist and his artistic work. In general, all cinema actors are artists and all have personality right and these rights of cinema artists or celebrities have the right to control under common law against unauthorized use of their image or personality.

3. LEGAL ASPECTS OF PERSONALITY RIGHT AND INTELLECTUAL PROPERTY RIGHTS

Personality rights naturally interrelate with intellectual property. Intellectual property law is built on certain core ideas, such as, conceptualization of ideas, creativity, novelty, utility, ownership, control, licensing, distinctiveness, and the prevention of unauthorized commercial exploitation. The personality right replicates same features. Every individual has a distinctive persona, and this uniqueness postulates a natural form of ownership over one's uniqueness. 'Just as creators control how their intellectual creations are used, individuals should have the authority to decide how their personality is presented to the public and what aspects of it should remain private. This parallel brings personality rights and intellectual property rights into close conceptual proximity'¹. All famous cinema celebrities are artists and they do performance as artists in cinematographic work. As far Sec 2(a)(qq) "performer" includes an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecture or any other person who makes a performance.² Actor, even they perform as a performer, they are identified and recognised by their acting skill. As an account of their acting skill, they generate goodwill, recognition, reputation and acquire unique name, image, likeness, signature and other relevant factors based on the perception of the minds of public and also gradually gains huge commercial value which associated with their personality. Any person who tries to utilize, misappropriate or imitate any facet of such personality right including his or her name, image, likeness, signature or any other distinctive elements which are uniquely associated with actor or use to exploit commercially without the authorisation or consent of such actor amounts to infringement personality right.

4. CONSTITUTIONAL ASPECT OF PERSONALITY RIGHT AND INTELLECTUAL PROPERTY RIGHT

Right to privacy and right of dignity is another facet of Fundamental Right guaranteed under Art 21 of the Constitution of India. Article 21 of the Indian Constitution declares that 'No person shall be deprived of his life or personal liberty except according to a procedure established by law'³. The rights of personality and privacy rights are interlinked with right to life. Article 19 and Article 21, are the constitutional base to justify the genesis of personal rights of artist's. As far Art 19(1)(a), all citizen shall have a right to freedom of speech and expression. This right is embedded in preamble and also under Art 21. Freedom of speech and expression under Art 19(1)(a)⁴, grants to citizens 'the right to freely express their thoughts, opinions, and ideas. This includes the freedom to express oneself through speech, writing, printing, visual representations, or any other means'. However, the right granted under 19(1)(a) is not unlimited or absolute.

Reasonable restrictions can be imposed on this right. As stated under Art 19(2) that 'nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with Foreign States,

¹ Importance of Personality Rights as a Form of Intellectual Property-<https://www.aarnalaw.com/insights/importance-of-personality-rights-as-a-form-of-intellectual-property>

² Copy Right Act. 1957, Sec. 2(a)(qq).

³ INDIA CONST. art. 21.

⁴ INDIA CONST. art. 19(1)(a).



public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence⁵. Subject to the reasonable restrictions as stated under Art 19(2), all cinema artists or other celebrities have the personality right over their performances or expression through visual representations or any other means and the same rights are also protected under the Copyright Act.

In the case of *R. Rajagopal & Ors. v. State of Tamil Nadu & Ors*⁶, this case is widely known as Auto Shanker Case. the Supreme Court has held that “the right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a “right to be let alone”. A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent— whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.”

5. INTERNATIONAL LEGAL FRAMEWORK ON PERSONALITY RIGHT

Globally the personality rights of an individual have been governed under different legal framework. As per Art 12 of Universal Declaration of Human Rights, ‘no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks⁷’. European Convention Human Rights also emphasises on personality rights of all human beings. Art 8 deals relating to right respect for private and family life. Clause 1 of Art 8 states that, ‘everyone has the right to respect for his private and family life, his home and his correspondence’. Clause 2 states that ‘there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others⁸’.

The freedom of expression also protected under Art 19 of UDHR, it states that, ‘everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers⁹’. Art 10 of ECHR also emphasise on freedom of expression. Clause 1 of Art 10 says that ‘everyone has the right to freedom of expression. Clause 2 states that ‘this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers¹⁰’.

In the case of *Midler v. Ford Motor Co*¹¹, the famous singer Midler had declined to participate in the Ford Motor Co. advertisement. Thus, a singer was hired to imitate his voice and sing a song that the plaintiff had originally sung. United States Court of Appeals for the Ninth Circuit reversed the district court’s decision, holding that the defendant used an imitation to convey an impression that the plaintiff was singing for them and held in favour of the plaintiff. Here, a distinctive voice identifiable with a particular individual was used for commercial purposes without their permission and their identity was thus, misappropriated.

6. PROTECTION OF PERSONALITY RIGHT AND DOMAIN NAME

World Intellectual Property Organisation (WIPO) is international statutory authority to initiate the governance and protection of personal right within the domain of intellectual property. With the approval concerned stakeholders at international level, WIPO has enacted and has been implementing various policies like, the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain

⁵ INDIA CONST. art. 19(2).

⁶ (1994). 6. SCC. 632.

⁷ UDHR. 1948. Art. 12.

⁸ ECHR. 1950. Art. 8.

⁹ UDHR. 1948. Art. 19.

¹⁰ ECHR. 1950. Art. 10.

¹¹ 849 F. 2d. 460 (9th Cir. 1988)



Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”). With the help of these policies many personality right related issues which are associated with intellectual property rights have been resolving through the WIPO Arbitration and Mediation Centre’s Administrative Panel.

In the case of Jeffrey Archer v. Alberta Hotrods tda CLEBRITY 1000¹², the WIPO Panel held that common law rights are sufficient to support a claim under the Policy and a complainant need not hold a registered trademark to establish rights in a mark. In the case of Kevin Spacey v. Alberta Hot Rods, NAF Claim No. FA0205000114437¹³, the WIPO Panel held that, a celebrity's name can serve as a trademark when it is used to identify the celebrity's performance services. The name in question should actually be used in trade and commerce to prove rights. As per the Overview of WIPO Panel Views on Selected UDRP Questions at paragraph 1.6, the unregistered personal name when used in trade or commerce can establish common law trademark rights in the name. Trademark rights have been recognized for the fame associated with media persons and television broadcasters. Broadcasting services rendered by television talk show, the hosts names have acquired fame as broadcast journalists, are found to have trademark rights in their names. In the case of Larry King v. Alberta Hot Rods¹⁴, the domain name dispute was ‘larryking.com’, in the case of Tucker Carlson v. Domain Privacy Ltd¹⁵, the disputed domain name was ‘tuckercarlson.com’, and in the case of Jay Leno v. Guadalupe Zambrano¹⁶, the disputed domain name was ‘thejaylenoshow.com.’

7. THE FAMOUS BURKHA DUTT V. EASYTICKET, KAPAVARAPU, VAS, CASE

The Complaint was filed with the WIPO Arbitration and Mediation Center on September 22, 2009. Complainant Barkha Dutt, is a journalist known for her proficiency in frontline reporting from conflict regions and she is also a known media figure and anchors television talk shows. She is also recognized for her writings and contributions to news and current affairs discussions in various media. She works with the NDTV News Channel as Group Editor and is an anchor for “We the People”, an award winning television talk show. She also hosts a daily primetime show called “The Buck Stops Here”. The Complainant initially acquired fame as a broadcast journalist reporting from Kargil and from other conflict zones such as Kashmir, Afghanistan, Pakistan and Iraq. The youngest journalist to receive the Padmashri Award, India's highest civilian honor, she has received more than thirty national and international awards, which include: “Global Leader for Tomorrow Award” from the World Economic Forum, and the “Commonwealth Broadcasters' Award” for Journalist Frontline reporting on the Kargil conflict between India and Pakistan, 1999.

The Complainant claims that her name is widely recognized by the public and any reference to “Barkha Dutt” is instantly associated with her alone, as the renown Indian journalist and no other entity has rights to use the name. The Complainant writes columns for leading daily newspapers such as Hindustan Times and Khaleej Times and is nominated as a member of the National Integration Council of India. She has also been recognized as “ASIA 21 Fellow” by the New York based Asia Society. The Complainant states that her name is distinctive and has acquired secondary meaning, which has trademark significance. Her name therefore ought to be accorded protection as a trademark and a domain name serves as an identity mark on the Internet. She asserts that due to the fame associated with her name, she enjoys the status of a celebrity, and she that celebrities have the right to restrain third parties from exploiting their name and fame and cites UDRP cases where celebrities have obtained the transfer of domain names bearing their names, stating that, such cases recognize common law trademark rights in celebrity names without a formal trademark registration. The Complainant asserts that celebrities also commonly use domain names incorporating their name to host websites to be in touch with their fans and the public. Therefore, the disputed domain name, which wholly incorporates her name, not only impinges her rights, but also causes deception and confusion to users.

¹² WIPO. Case No.D2006-0431

¹³ <https://www.wipo.int/amc/en/domains/decisions/html/2009/d2009-1247.html>

¹⁴ WIPO. Case No. D 2005-0570

¹⁵ WIPO. Case No. D2008-0474

¹⁶ WIPO. Case No. D2009-0570



The Complainant states that she has not authorized the Respondent to use her name. Further, as the Respondent's name is not "Barkha Dutt", he has no interest in the name. The purpose of the Respondent's registration of the domain name is for renting, selling or otherwise transferring it for valuable consideration or for deriving illegal gains by capitalizing on the fame and goodwill associated with her name. He has placed links such as "Car Insurance", "Insurance Rates" "Questionnaire on Reverse Mortgage" and "Real Estate" on the website connected to the domain name. Internet users may be misled to think that the Complainant endorses these links. The use of her name in this manner, by the Respondent to derive commercial gain is unauthorized and illegal and therefore requests for transfer of the disputed domain name for the above stated reasons and as the Respondent's registration precludes her from using a domain name that incorporates her name.

The Panel finds that based on the substantial evidence provided by the complainant, she has acquired considerable fame associated with her name as a television reporter and as a talk show host. The Panel accepts the Complainant's contention that due to her fame she has acquired the status of a celebrity broadcast journalist who regularly appears in the media. In the light of this finding, the Panel is convinced that due to her fame the public has come to recognize and identify the Complainant with her services as a television broadcast journalist and the Complainant therefore has unregistered common law trademark rights in her name. The Panel finds no merit in the argument extended by the Respondent that the dictionary meaning of the term "Barkhadutt" is "adaption of rain/life giving" in Sanskrit. It is well established that dictionary words or personal names that have acquired fame are found to have secondary meaning and have obtained distinctiveness in commerce which have protectable trademark rights. The complainant has established that her name BARKHA DUTT has acquired fame and secondary meaning due to use in commerce prior to the Respondent's registration of the disputed domain name, therefore the Respondent arguments do not help the Respondent's case.

The Panel finds that the disputed domain name is identical to the Complainant's name and mark in which the Complainant has unregistered rights. The respondent has chosen a domain name that is identical to the Complainant's name and mark and has placed links to derive revenue from Internet traffic shows that it is likely that the Respondent has registered the domain name due to the fame associated with the Complainant's name and mark. Where the Complainant's fame precedes the Respondent's registration of the domain name, there is a strong suggestion that the Respondent has selected the domain name because of the fame of the name and mark and not because of some interest of his own.

Panel's finds that 'the Complainant is a well-known broadcast television personality and public associates the name "Barkha Dutt" with the Complainant, it is clear that the Respondent has intentionally attempted to attract, for commercial gain, users to his website for commercial gain by creating a likelihood of false association with the Complainant's name and mark as to the source, sponsorship, affiliation or endorsement of his website. Under paragraph 4(b)(iv), this is evidence of bad faith registration an use. The circumstances of the present case show that the Respondent has targeted the Complainant's name and mark and not the generic or descriptive expression in the name. Unauthorised use of a famous name/mark as a marketable commodity to promote another's goods and services is bad faith use. The Complainant has met the burden of proving bad faith registration and on all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name 'barkhadutt.com' be transferred to the Complainant.'

8. RECENT TRENDS AND APPROACHES OF INDIAN JUDICIARY

There is no specific statute to name on governance of personality rights in Indian judicial system but over period of time courts have gradually recognised and treating them as emerging form of intellectual property. This approach acknowledges that an individual's persona holds personal significance and economic value and any attempts or acts of unauthorised commercial use amounts to passing off or violation of common law rights. In recent past there are many incidents of violation of personality rights have occurred in India.

The judiciary has also clarified that the personality rights vests on those persons who is a well acclaimed actor, who attained high reputation in film industry, who have attained the status of celebrity.

In case of ICC Development (International) Ltd., Vs. Arvee Enterprises and another, the Delhi High Court held that, "right of publicity has evolved from the right of privacy and can inhere only in an individual or in any indicia



of an individual's personality like his name, personality trait, signature, voice, etc., An individual may acquire the right of publicity by virtue of his association with an event, sport, movie, etc. However, that right does not inhere in the event in question, that made the individual famous, nor in the corporation that has brought about the organization of the event. Any effort to take away the right of publicity from the individuals, to the organiser (non-human entity) of the event would be violative of Articles 19 and 21 of the Constitution of India. No persona can be monopolised. The right of Publicity vests in an individual and he alone is entitled to profit from it. For example if any entity, was to use Kapil Dev or Sachin Tendulkar's name/persona/indicia in connection with the 'World Cup' without their authorization, they would have a valid and enforceable cause of action.¹⁷

In the case of Mr. Shivaji Rao Gaikwad v. M/s.Varsha Productions¹⁸, in this case, plaintiff is an internationally acclaimed actor Rajinikanth who has largest fan base in the world and acquired super hero image, well known for his charismatic expressions and dialogues, has approached the Madras High Court to stay the release of the Hindi Film 'Main Hoon Rajinikanth' on the basis of any use misuse of his name, caricature, image, style of delivering dialogue amounts to infringement of his personality right as well as passing off. Moreover, the respondent had not taken any permission from the plaintiff and is attempting to make unlawful benefits out of the misuse of name, image, caricature or style of delivering dialogues and if the film is allow to released, the plaintiff will suffer irreparable loss as it will cause substantial damage to the plaintiffs reputation and goodwill and also cases other hardships which cannot be compensated in pecuniary terms.

Further, the plaintiff has contended that he has deliberately chosen not to authorise any biopic featuring him or create any work based upon his personality. Various non-governmental and governmental bodies, national and international associations recognise his contribution to the arts and culture and he has been repeatedly referred to as the most popular Indian actor by the media across the world and his widespread fan base has been universally acknowledged to be one of the largest in the world. The defendant's forthcoming film amounts to infringement of copyright, infiltration of personality right and passing off, besides being a gross violation of privacy, being defamatory, scandalous and causing considerable confusion amongst the public. The plaintiff, through his hard work and persistence has attained immense knowledge and goodwill that even a child would relate the name 'Rajinikanth' only with that of plaintiff and none else.

The defendant contended that the plaintiff name is common name and claiming his right called "Personality Right", which does not even have a definition under any statute. The personality right has not been recognized under any statute in India and Section 17 of the Copyright Act states only the first owner can claim copyright and would be entitled to a licence of copyright. Single Judge of Madras High Court has held that, by virtue of persons who have attained the status of celebrity, personality right vests on those persons and if any person uses the name of a celebrity without his/her permission, the celebrity is entitled for injunction. On seeing the name of Rajinikanth in the title of the impugned movie, the persons, who are coming across the tile of the impugned movie, are identifying the name only with the plaintiff. On above observation the court held that plaintiff has made out a prima facie case for granting interim injunction. Hence, the interim injunction granted by this Court is made absolute.

In Amitabh Bachchan v. Rajat Nagi & Ors¹⁹, the Delhi High Court, for the first time passed a John Deo order (an order against the world at large, including unknown defendants) for protection of personality rights. The court through the order restricted known and unknown defendants from illegally exploiting Amitabh Bachchn's rights including his right to personality, right to publicity, rights under Copyright Act 1957 and other common law rights. The order not only restricted conventional methods of misuse, but also frowned upon any kind of passing off whether via standard means and modes or future mediums inclusive of NFT (Non-Fungible Token) and the Metaverse.

In Abhishek Bachchan v. The Bollywood Tee Shop & Ors²⁰, the plaintiff Abhishek Bachchan, one of the celebrated and recognized actors, film producers, and entrepreneurs. Over the years, the he has built a brand of

¹⁷ ICC Development (International) Ltd., Vs. Arvee Enterprises and another – 2003 (26) PTC 245

¹⁸ 2015. (62). PTC. 351. (Madras),

¹⁹ (2022) 6 HCC (Del) 64

²⁰ CS (COMM) 960/2025



himself, wherein the public associates both 'trust' and 'quality' with every brand that he endorses. On account of his work, he has generated extensive goodwill and recognition. In order to protect and preserve his goodwill and reputation, he is extremely cautious about which brands and / or products he endorses. He ensures that he endorses a product only after carrying out a thorough background check of the brand, its perception in the minds of the public and other relevant factors. Further, plaintiff contended that unauthorized commercial exploitation of Personality Rights by the defendants directly impacts the economic interests as well as the dignity of the concerned individual, potentially causing irreversible injury to their reputation and goodwill, attributes of his persona, including his name, images and signature, are being misused by Defendant Nos. 1 to 14 and 18, without any authorization from him, by employing technological tools, including Artificial Intelligence. The use of technology to depict the Plaintiff in settings that are misleading, derogatory or inappropriate, intrudes upon the Plaintiff's right to privacy. Such misappropriation is further aggravated by the ease with which online content can be disseminated.

Being a celebrated personality in the Indian entertainment industry has acquired significant goodwill and reputation for himself. Any infringement of the personality rights will lead to dilution of his reputation and goodwill that he has garnered over the years, while also causing confusion amongst members of the public regarding the authenticity, endorsement or sponsorship of a product or service by the Plaintiff. The court considered and held that plaintiff has established a prima facie case for the grant of an ex-parte ad-interim injunction. Balance of convenience lies in favour of the Plaintiff and if an injunction is not granted in the present case, it will lead to an irreparable loss / harm to the Plaintiff and his family, not only financially but also with respect to his right to live with dignity.

In the case of Arijit Singh v. Codible Ventures LLP²¹, the defendants were AI platforms, merchandise sellers and domain registers. Defendants synthesize and clone plaintiff a renowned playback singer Arijith Singh's voice for unauthorised recordings. The plaintiff Arijith Singh filed a suit for the protection of his celebrity personal rights. The Bombay High Court considered that famous and renowned playback singer personality and publicity rights have violated by the defendants and barred the unauthorised commercial exploitation of his name, voice, likeness, and digital persona, particularly misuse of AI voice cloning and deepfakes and granted a landmark ad- interim injunction on behalf of renowned singer Arijith Singh.

9. CONCLUSION & SUGGESTION

A personality right or publicity right of individuals depends on multifactor like their name, image, likeness, voice, signature and other traits. The preliminary aspect such rights are to protect the individual or personal dignity, privacy and reputation. In India, even the absence of particular legislation to deal with the personal right of an individual, the judiciary played vital role in recognising and protecting the same. Over a period of time, these rights are gradually becomes the themes of discussion at public platform. These rights and protection of these rights gradually attaches with judicial innovation and not statutory in nature in strict sense. In India's judicial journey, there are several landmarks judgments by Supreme Courts and High Courts enlarged the scope of personality rights of individuals and courts have ruled that individuals have right to control the commercial use of their identity and it has been declared as fundamental right to privacy under Art 21 of Indian Constitution and upholds 'the right to be let alone' against the unauthorised misuse. Since in recent past, due to development of information technology and in digital technological development many tools and devises have been inventing and members of belongs different sectors have been misusing those tools and devises and causing damages to personality rights by using personal traits of persona. Hence, the particular legislation is urgently required to deal with matters of personality and publicity rights to protect the interest of largest interest.

²¹ OM IPR. SUIT (L) NO. 23443 OF 2024,