INTERNATIONAL JOURNAL OF HUMAN RIGHTS LAW REVIEW
An International Open Access Double Blind Peer Reviewed, Referred Journal

Volume 5 | Issue 6 | 2026 Art. 1

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Recommended Citation
Devika Singhal, *Anil Kapoor v. Simply Life India: Personality Rights, Deepfakes and Doctrinal Boundaries in Protecting the Digital Self Without Owning the Public Persona*, 5 IJHRLR 1-11 (2026).
Available at www.ijhrlr.in/current-issues/.

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Anil Kapoor v. Simply Life India: Personality Rights, Deepfakes and Doctrinal Boundaries in Protecting the Digital Self Without Owning the Public Persona

Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914, CS(COMM) 652/2023, decided on 20 September 2023 (Delhi High Court).

INTRODUCTION

Artificial intelligence has changed the scale of identity that can be usurped. A photograph can be altered, a voice duplicated, a face superimposed on fabricated sexual content, and an ostensible endorsement manufactured without the person's participation. These issues arose before the Delhi High Court with regard to the unauthorized exploitation of the name, image, voice, likeness, mannerisms and other attributes of the persona of actor Anil Kapoor in Anil Kapoor v. Simply Life India & Ors.[1] The decision is significant because it brings the emerging Indian law of personality rights into an environment where artificial intelligence can replicate identity with increasing accuracy and negligible cost.

The Court granted an ex parte ad interim injunction restraining certain defendants from commercially exploiting Kapoor's persona (including through artificial intelligence, machine learning, deepfakes and face morphing). The order is right to acknowledge that the injury caused by digital impersonation is not solely economic. Synthetic representation can also endanger dignity, privacy, reputation and control over identity. But the judgment also reveals a deeper problem in Indian personality-rights jurisprudence. In India, there is no comprehensive statute defining the content, limits or defenses available to a right of publicity. The courts therefore range across privacy, passing off, intellectual property, dignity and tort principles, sometimes without identifying exactly which interest is being protected.[2]

On its facts, this comment argues that Anil Kapoor reached a defensible result, particularly regarding false endorsement, commercial merchandising and non-consensual pornographic deepfakes. But the Court's reasoning would have been stronger if it had articulated a more disciplined distinction between commercial appropriation, deceptive impersonation, privacy injury, and expressive use. Such differentiation

[1] *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.
[2] Sakshi Mehta, Aditya Kumar Tomar and Monika Kothiyal, "Protection of Celebrity Rights under IPR Regime in India", 29 Journal of Intellectual Property Rights 540 (2024).

is necessary if personality rights are to be a shield against AI-enabled identity exploitation, rather than a general proprietary right over public identity.

FACTS OF THE CASE

Anil Kapoor had moved the Delhi High Court seeking protection to his name, image, likeness, persona, voice, manner of speaking, dialog delivery, gestures and signature in a commercial suit. He also relied on his association with the phrase "Jhakaas", which he claimed had become inextricably linked to his public persona.[3]

The alleged infringements were diverse. Websites allegedly advertized him as a motivational speaker, using Kapoor's photographs and collecting fees. Vendors sold T-shirts, masks, magnets, stickers, keychains and other merchandise carrying his image. Others had offered ringtones using his voice and film dialogs. His photos and videos were doctored with digital devices, and artificial intelligence systems were allegedly employed to generate synthetic representations and defamatory visuals. Among the most serious were allegations of fabricated pornography combining Kapoor's face digitally with those of female actresses. Third parties had also registered domain names that included his name.[4]

The proceeding considered on 20.09.2023 was an application under Rules 1 and 2 of Order XXXIX of the Code of Civil Procedure, 1908. So the Court was not finally adjudicating liability after a contested trial, but rather deciding whether Kapoor had established a prima facie case for immediate protection.

ISSUES BEFORE THE COURT

The order posed four interrelated questions. Firstly, whether the name, image, voice, likeness and other distinctive attributes of a celebrity are legally protectable elements of personality in India. Secondly, whether the unauthorized commercial exploitation of those attributes through merchandise, ringtones, websites and false endorsements could be curbed.

Third and more significantly for modern technology law, the Court had to decide whether AI-generated and digitally morphed images of a person could infringe on personality rights, privacy and dignity. Ultimately, the Court needed to find the line between such protection

[3] *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.
[4] Ibid.

and constitutionally protected expression, in particular news, criticism, parody and satire.

These issues mattered because the right of publicity is largely a creature of judicial law-making in India. Although Article 21 of the Constitution provides constitutional protection for privacy, there is no single statute that comprehensively defines a transferable or proprietary personality right analogous to a conventional intellectual-property entitlement.[5]

ARGUMENTS OF THE PARTIES

Kapoor argued that his extensive professional career had created substantial goodwill and commercial value in his personality. The unauthorized use of his identity thus allowed third parties to appropriate an economic value rightfully his. Amongst others, he relied on the American decisions in Midler v Ford Motor Co and White v Samsung Electronics America, which recognize that distinctive attributes beyond an exact photograph may identify a celebrity.[6]

The plaintiff further distinguished Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd., where the Delhi High Court refused to hold that the use of the publicly available names, images and statistics of sportspersons in a fantasy-sports product, infringed publicity rights. Kapoor argued that Digital Collectibles involved materially different circumstances, including disclaimers and a different type of digital representation.[7]

The relief was ex parte and the impugned users did not present any substantial counter-arguments at this stage. That procedural feature is important. The order is a prima facie judicial assessment based largely on the evidence of the plaintiff and cannot be read as if it was the result of a fully contested determination of the boundaries of personality rights.

JUDICIAL REASONING

Justice Prathiba M. Singh started by stating that fame can subject an individual to unique harms that can affect their livelihood, privacy and dignity. Importantly, the Court did not conclude that any use of celebrity identity was illegal. It specifically recognized the protection of freedom of speech and expression regarding authentic information, news,

[5] *ICC Development (International) Ltd. v. Arvee Enterprises*, 2003 SCC OnLine Del 2; *Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd.*, 2023 SCC OnLine Del 2306.
[6] *Midler v. Ford Motor Co.*, 849 F.2d 460 (9th Cir. 1988); *White v. Samsung Electronics America, Inc.*, 971 F.2d 1395 (9th Cir. 1992).
[7] *Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd.*, 2023 SCC OnLine Del 2306.

genuine criticism, satire and parody of a famous person.[8] The Court finds the difficulty to arise where use becomes tarnishing or jeopardizing an individual's personality.

Commercial deception was easier to handle. A website could not falsely claim Kapoor was available as a motivational speaker and take money on that basis. Third parties also could not freely turn his celebrity identity into merchandise for their own economic gain. The Court noted that endorsement was an important source of livelihood and held that unauthorized exploitation could directly interfere with that commercial interest.

The constitutional aspect was taken mainly from R. Rajagopal v. State of Tamil Nadu, wherein the Supreme Court recognized that privacy includes protection from certain unauthorized uses of a person's name or likeness.[9] The Court then dealt with technological replication directly. It said artificial intelligence allows imitation of a celebrity's image, voice and likeness, but pornographic or derogatory morphing is not only about commercial interests but also about privacy and dignity.

The Court held that Kapoor had made out a prima facie case, balance of convenience and irreparable injury in his favor and restrained the concerned defendants from using his name, likeness, image, voice, personality or other attributes for commercial purposes including through AI, machine learning, deepfakes, face morphing and other technological tools. It also ordered the suspension and lock-up of certain domain names.[10]

CRITICAL ANALYSIS

The Court Properly Recognized that AI Changes the Nature of Identity Appropriation

The good thing about Anil Kapoor is it doesn't treat AI-generated identity misuse as just another form of traditional merchandising. Deepfakes change the nature and extent of the damage. Conventional unauthorized advertising uses an existing representation or photograph. Generative AI, however, can produce behavior that never occurred, words that were never uttered and intimate situations in which the subject was never present.

The difference makes privacy and dignity extra significant. In K.S. Puttaswamy v. Union of India, privacy was described as autonomy,

[8] *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.
[9] *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632.
[10] *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.

dignity and the ability of an individual to exercise control over the dissemination and use of personal information.[11] A synthetic sexual image does not merely appropriate endorsement value. It interferes with a person's ability to define the person's social representation. As recent scholarship has also pointed out, AI-generated copies reveal flaws in a privacy-tort-intellectual-property doctrine that is dispersed across an Indian framework.[12]

The judgment was therefore prescient in recognizing that identity itself might become an input for technological reproduction. This trend was continued by decisions involving Jackie Shroff and Arijit Singh, including protection against unauthorized AI-based replication of persona and voice.[13] Anil Kapoor thus represents an important bridge between traditional celebrity merchandising disputes and the emerging problem of digital replicas.

The Judgment Continues to Confuse Distinct Legal Interests

The main weakness is the aggregation of doctrine. The Court refers variously at different points to livelihood, privacy, dignity, endorsement value, tarnishment, dilution, blurring and intellectual property. These are meant to protect different interests, and traditionally require different elements.

A false advertisement showing Kapoor as a motivational speaker is essentially deceptive appropriation and is akin to passing off or false endorsement. His photograph on a T-shirt is being commercially exploited . This is the economic right of publicity . A fabricated pornographic deepfake is mainly about dignity, privacy and reputation. Another type of misuse is a domain name that falsely appropriates his identity. Treating all four as mere infringements of "personality rights" provides a powerful remedy, but an uncertain rule.

That makes a difference because intellectual property rights are generally delineated by statute, duration, subject matter and express limitations. In India, there is no such legislative architecture for personality rights. In ICC Development v. Arvee Enterprises, the Delhi High Court warned against extending the publicity doctrine beyond its rationale. It held that the right is in the individual and not in an event or a corporate entity.[14] Digital Collectibles took this further, stating that publicity rights are not

[11] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[12] Vikrant Sopan Yadav, Abhijeet Dhere and Anuttama Ghose, "AI Innovations and their Impact on Personality Rights: A Critical Review of India's Intellectual Property Framework", 31 Journal of Intellectual Property Rights 228 (2026).
[13] *Jaikishan Kakubhai Saraf v. The Peppy Store*, 2024 SCC OnLine Del 3664; *Arijit Singh v. Codible Ventures LLP*, 2024 SCC OnLine Bom 2445.
[14] *ICC Development (International) Ltd. v. Arvee Enterprises*, 2003 SCC OnLine Del 2.

limitless, and that publicly available aspects of identity cannot be automatically monopolized.[15]

The same problem is found in the academic commentary. Indian personality protection has evolved through the overlapping privacy, trademark, copyright and passing-off principles rather than a coherent independent statute.[16] That flexibility allows courts to address new harms quickly, but can blur the legal test defendants must meet.

THE FREE-SPEECH LIMITATION IS CORRECT, BUT NOT FULLY DEVELOPED

The Court should be commended for explicitly protecting news, information, satire, parody and genuine criticism. But its later formulation, that this expression becomes illegal when it crosses a "line" and results in tarnishment, blackening or jeopardizing personality, does not explain where that line is.

Satire, in particular, is doubly problematic. Satire almost always works because it exaggerates, distorts or depicts a public figure in an unflattering light. If "tarnishment" alone were sufficient, legitimate political, artistic, and cultural expression could be imperiled simply because it harms the preferred public image of its subject.

The judgment could have benefited from a more thorough consideration of Digital Collectibles, decided by the same High Court only a few months ago. That decision ruled that publicity rights have to be tested against Article 19(1)(a), and recognized art, satire, parody, scholarship, music and news as specifically acceptable uses.[17] More importantly, it tied infringement to the concepts of passing-off and possible misrepresentation, rather than treating all commercially valuable uses as actionable.

The significance of this distinction can be seen in the following decision of Jackie Shroff v. The Peppy Store. The Court declined to grant immediate restraint against a humorous Youtube compilation, noting that meme, spoof and parody culture is part of contemporary expression, and indiscriminate blocking could chill speech.[18] While protecting Shroff

[15] *Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd.*, 2023 SCC OnLine Del 2306.

[16] Karun Sanjaya, "The Right to Be Me: Legal Framework for Protecting Personality Rights in India", 31 Journal of Intellectual Property Rights 121 (2026); Sakshi Mehta, Aditya Kumar Tomar and Monika Kothiyal, "Protection of Celebrity Rights under IPR Regime in India", 29 Journal of Intellectual Property Rights 540 (2024).

[17] *Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd.*, 2023 SCC OnLine Del 2306.

[18] *Jaikishan Kakubhai Saraf v. The Peppy Store*, 2024 SCC OnLine Del 3664.

against multiple unauthorized commercial uses, the Court held that This deeper, contextual inquiry provides an analytic safeguard that Anil Kapoor claims but does not fully develop.

RELIANCE ON RAJAGOPAL GREATER QUALIFICATION NEEDED

The reliance on R. Rajagopal by the Court establishes an important foundation of privacy but one that must be carefully applied. Rajagopal did not create an unlimited right to control all circulation of the names or images of public personalities. It also recognized limits to public records and legitimate publication at the same time.[19]

Similarly, Puttaswamy bolsters the autonomy-based justification for control over identity, but also conceptualizes privacy as contingent rather than absolute. The doctrinal basis of Anil Kapoor would therefore be stronger if privacy was invoked predominantly for manipulative or intimate synthetic representations, whereas commercial appropriation was addressed through publicity, passing off or false-endorsement principles.

That distinction would also free the right from celebrity. The lack of commercial motive does not diminish the gravity of a sexually explicit deepfake's assault on the victim's dignity. A framework that only focuses on the value of celebrity endorsement might end up protecting celebrities better than ordinary people from the same technological harm.

THE DECISION'S VALUE AS PRECEDENT IS LIMITED BY THE EX-PARTE NATURE

Finally, it is worth emphasizing the procedural posture. The Court granted interim relief on prima facie grounds. There was no developed defense to test whether each and every GIF, ringtone, cartoon or AI-generated image fell within protected expression, transformative use or legitimate cultural reference.

The subsequent order dated 30 April 2024 converted the interim protection into a permanent injunction against several non-appearing defendants. But the central doctrinal boundaries of personality rights still had not been fully tested by the adversary process, because those defendants had not filed written statements.[20]

The injunction was clearly coercive in relation to false endorsements and pornographic morphing. But sweeping statements about all commercial

[19] *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632.
[20] *Anil Kapoor v. Simply Life India & Ors.*, CS(COMM) 652/2023, order dated April 30, 2024 (Delhi High Court).

uses of persona should not be made into an absolute doctrinal rule without adversarial testing. Protection of Kapoor is not the risk. The risk is that later litigants might abstract the language of the order from the extreme facts that warranted the urgent relief.

COMPARATIVE PERSPECT

Comparative regulation indicates that protection of personality does not demand absolute control over synthetic identity.

In the United States, publicity rights and free-speech protection are uneasy bedfellows. Jennifer Rothman refers to this overlap between trademark, publicity and identity as a "identity thicket", warning that a too-proprietary treatment of identity can threaten autonomy and expression.[21] The American jurisprudence therefore provides a useful warning against the automatic equation of recognizability with infringement.

The European Union has taken a different regulatory path. Article 50(4) of the EU Artificial Intelligence Act obliges deployers of artificial intelligence systems which generate or manipulate deepfake image, audio or video content to notify that the content has been artificially generated or manipulated. Importantly the provision provides for clearly artistic, satirical, fictional and the like by applying a calibrated disclosure requirement rather than an automatic prohibition.[22]

For India, this provides a useful conceptual model: some AI-related harms may be better addressed through transparency, consent and anti-deception rules rather than through an ever-expanding proprietary right over persona.

POLICY IMPLICATIONS

Anil Kapoor has far-reaching ramifications beyond celebrity litigation. Generative AI separates identity from physical participation. A person can seem to have sold a product, sung a song, made a statement or acted without having done so. So the legal question is moving from who owns a photograph to who controls synthetic representation.

The decision provides speedy injunctive relief, which is essential, as digital harms can become practically irreversible once they go viral. But a remedy created largely through case-specific injunctions can be

[21] Jennifer E. Rothman, "Navigating the Identity Thicket: Trademark's Lost Theory of Personality, the Right of Publicity, and Preemption", 135 Harvard Law Review 1271 (2022).
[22] Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence, art. 50(4).

inconsistent. The recent Indian scholarship thus calls for a more explicit legislative treatment of personality rights and AI-generated identity while preserving public-interest and expressive uses.[23]

RECOMMENDATIONS

First, Indian law must clearly differentiate between commercial publicity rights and dignitary identity rights. The first should prevent unauthorized commercial use or misleading endorsement, the second should protect all persons, famous or not, from damaging synthetic impersonation, especially intimate or deceptive deepfakes.

Second, courts should engage in a structured inquiry that considers: whether the individual is identifiable; whether there is consent; whether the use amounts to false endorsement or commercial substitution; whether the work is transformative, satirical, journalistic or other expressive work; and the degree of dignitary or reputational injury.

Thirdly, Parliament should consider a narrowly framed statutory regime for digital-replica covering voice, face, likeness and other uniquely identifying attributes. Such legislation should specifically exempt news reporting, scholarship, criticism, parody and artistic transformation.

Finally, transparency obligations partially inspired by Article 50 of the EU AI Act could oblige the prominent labeling of materially synthetic audio-visual content. Disclosure wouldn't wipe out all harmful deepfakes, but it would reduce deception without criminalizing all AI-assisted expression.

CONCLUSION

Anil Kapoor v. Simply Life India is an important response to a real transformation in the architecture of identity harm. The Delhi High Court has rightly recognized that AI-generated impersonation can threaten simultaneously commercial autonomy, privacy, dignity and reputation and that conventional remedies cannot remain technologically indifferent.

But its enduring value should not be in the conversion of celebrity identity into absolute intellectual property. The stronger principle is more limited: law must preserve an individual's meaningful control against deceptive, exploitative and seriously harmful appropriation,

[23] Michelle Dias and Uday Shankar, "Rethinking Personality Rights: The Interplay of Public Interest and Individual Protection", 31 Journal of Intellectual Property Rights 535 (2026); Karnika Bansal, "From 'Dev Anand' to Digital Clones: A Critical Look at Performers' Rights in India", 31 Journal of Intellectual Property Rights 342 (2026).

while leaving adequate constitutional space for information, criticism, satire, art and cultural participation.

The next phase of Indian personality rights jurisprudence must therefore begin from the recognition of the right to demarcating its limits. In the era of generative AI, protecting the digital self is fundamental; owning every public representation of that self is neither necessary nor constitutionally desirable.