

PUBLICITY RIGHTS IN INDIA: THE CASE FOR LEGAL RECOGNITION AND PROTECTION

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Abstract

The right to publicity is an important right that gives celebrities a choice over how their persona and likeness are portrayed in the media. However, this right has not yet been explicitly recognised in the Indian legal system. This is a problem as, without any protection of this right there can be severe unjust enrichment and harm to the public. This article seeks to make two main points: first, the right to publicity should be explicitly recognised within the legal framework; second, it suggests rules and principles to be followed while drafting such legislation. The author begins by delving into the essential features of the right to publicity and defending its need for recognition. The research then performs a comparative analysis, looking at how governments that have explicitly recognised this right have evolved their legal regimes. To do this, the author has used a doctrinal method of research, analyzing mainly statutes and cases of the Indian as well as legal systems abroad.

Keywords: Publicity, Consumer Protection, Persona, Likeness, Privacy, Expression.

1. Introduction

The right to publicity is a right that essentially arises from the right to privacy. The right to privacy protects individuals from unauthorized use and commercial exploitation of their personality.¹ This right was formally given explicit recognition in the case of *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*² This issue was about whether baseball players own exclusive rights to their identities, especially when they are commercialized as playing cards. The court noted that well-known individuals, such as athletes, have an inherent right to govern the use of their identities. This is because a big part of their income usually flows from their public image which is frequently recognized

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¹ Roberta Rosenthal Kwall, "The Right of Publicity v. the First Amendment: A Property and Liability Rule Analysis," 70 *Indiana Law Journal* 47 (1994).

² *Haelan Laboratories Inc. v. Topps Chewing Gum Inc.*, 202 F.2d 866 (2d Cir.), cert. denied, 346 U.S. 816 (1953).

as a source of cash. As a result, the court recognised the importance of allowing these individuals the right to publicity, ensuring they retain control over how their likeness is used and capitalised on in commercial enterprises. This protection protects not just their financial interests, but also prevents unauthorised use of their personalities.

“*While every person has the right of privacy, the scope of that right dwindles with a person’s increase in popularity and public recognition.*”³ The widespread consensus is that if a person achieves a certain level of celebrity, institutions such as the media are frequently allowed to trespass on their privacy without incurring liability,⁴ something that would not normally be authorized for an average individual. As a result, a celebrity’s right to privacy is frequently compromised in order to defend free speech and expression. Celebrities may lose some privacy rights, but they gain the ability to protect their public reputation. The right to publicity, while personal, has commercial, consumer protection, and emotional implications. The study delves deeper into and analyse these factors. When addressing the right to publicity, it is also important to remember that it does not apply to all people, but only natural people, and must be understood as such.⁵ Another issue with the right to publicity is that it is limited to commercial applications in some regions, but not in others. Furthermore, in certain cases, this right simply covers economic injury, whereas in others, it includes both economic and emotional injury.⁶ It is critical to evaluate the right to privacy since it addresses emotional damage; thus, the right to publicity is limited to economic injuries exclusively.

The groundwork for publicity rights was laid in 1890 when Samuel D. Warren and Louis D. Brandeis published their famous Harvard Law Review article, “*The Right to Privacy.*”⁷ They argued for a legal recognition of an individual's right to be let alone and protect their personal life from public exposure. This article planted the seeds for the eventual recognition of the right to control one's likeness.

³ *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974).

⁴ Pranjal Mishra, “Indian Perspective of Publicity Rights of Celebrities in Modern Times”, 2(3) *International Journal of Legal Science and Innovation* 373-374 (2020).

⁵ Bzhar Abdullah Ahmed, “Critical Analysis of the Right of Publicity: A Comparative Study,” 34 *Revista Electrónica de Direito* 9-44 (2024).

⁶ Robert Post, Jennifer Rothman, “The First Amendment and the Right(s) of Publicity”, 130 *The Yale Law Journal* 86 (2020).

⁷ Samuel D. Warren, Louis D. Brandeis, “The Right to Privacy”, 4(5) *Harvard Law Review* 193-220 (1890).

The right of publicity began to take shape more formally in the mid-20th century. In 1953, the case of *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*⁸ is often cited as the landmark case that established the right of publicity. In this case, the United States Court of Appeals for the Second Circuit recognized that a professional baseball player had a transferable property right in the use of his photograph for commercial purposes, separate from the right of privacy.

Following the Haelan case, several states in the U.S. began to recognize and develop the right of publicity through case law and legislation. One notable example is the 1977 case of *Zacchini v. Scripps-Howard Broadcasting Co.*,⁹ where the United States Supreme Court upheld the right of a performer (a human cannonball act) to control the broadcast of his entire performance.

In the 21st century, publicity rights have continued to evolve in response to technological advancements and changing cultural dynamics. The digital age, with its proliferation of social media platforms, has created new challenges and opportunities for the protection of publicity rights. The unauthorized use of individuals' images and likenesses in digital content, deepfakes, and virtual reality have raised complex legal questions.¹⁰ Internationally, the recognition and protection of publicity rights vary significantly from country to country. While some countries have well-established legal frameworks, others are still developing their approaches. In India, publicity rights, also known as celebrity rights, are recognized under the broader umbrella of intellectual property law. As India's entertainment and sports industries continue to grow, the legal recognition and enforcement of publicity rights are becoming increasingly significant.

2. Principal Understanding of the Right to Publicity

To properly tie the right to publicity concept with the larger argument for its unique legislative protection, it is necessary to first understand how it varies from other related legal rights such as privacy and copyright. A full grasp of these distinctions will demonstrate why the right to publicity requires a unique legal structure.

⁸ *Supra* note 2.

⁹ *Zacchini v. Scripps-Howard Broadcasting Co.*, 433 U.S. 562 (1977).

¹⁰ Pranav Dabas, "The Impact of Deepfake Technology: Legal Risks and Regulatory Solutions", *Metalegal*, available at: www.metalegal.in/post/the-impact-of-deepfake-technology-legal-risks-and-regulatory-solutions (last visited on March 25, 2026).

The right to publicity even though has evolved from the right to privacy should not be vied as the same thing as a right to privacy as it is popularly viewed. This should not be the understanding and the main difference between these two rights is that the right to publicity is more of a property right that has a commercial exploitation and a financial remedy as compared to the right to privacy, which is a personal right.¹¹ For example, in the well-known case of *D.M. Entertainment v. Baby Gift House and Others*,¹² the respondents manufactured dolls resembling Mehndi, combining his traits and likeness, and even reproducing his songs and dancing moves, all without his permission. The Delhi High Court granted an order, emphasising that obtaining financial advantage from another person's persona without permission is fundamentally unjust. Importantly, the court did not evaluate whether the plaintiff was embarrassed as a result of personal information being leaked, because such factors are irrelevant in a publicity rights suit, which focusses on economic exploitation. These considerations are particularly applicable to privacy claims, emphasising the unique character of publicity rights.

The right to publicity is frequently viewed as the same as copyright, with the idea that an individual's persona is a type of creative work that can be similarly protected. While this argument has some merit, the right to publicity is fundamentally different since it is more personal.¹³ In *Midler v. Ford Motor Company*,¹⁴ the court ruled that a singer's voice cannot be copyrighted since it is a personal expression rather than a work of writing. This case demonstrates how the right to publicity protects personal characteristics, such as voice, image, or likeness that cannot be properly protected under copyright law, which focuses on creative works rather than an individual's identity. Furthermore, the right to publicity has important consumer protection consequences. Protecting an individual's identity is critical since people may be influenced to trust a product just because someone, they admire endorses it.¹⁵ For example, if Shah Rukh Khan promoted a drug that had not been properly tested, many people would buy it because they trusted him. Consumer protection cannot be fully handled by copyright law, which is geared towards commercial exploitation and was never intended to protect consumers. This worry highlights the

¹¹ J. Thomas McCarthy, "The Human Persona as Commercial Property: The Right of Publicity", 19(3+4) *Columbia-VLA Journal of Law & the Arts* 135 (1994-1995).

¹² CS(OS) No. 893/2002.

¹³ *Supra* note 1.

¹⁴ 849 F.2d 460 (9th Cir. 1988).

¹⁵ *Supra* note 1.

necessity for a right to publicity framework that prohibits the use of a person's persona without their agreement, ensuring that customers obtain accurate information about the products being promoted.¹⁶ This underscores that the right to publicity can neither be connected to the right to privacy or a copyright and hence needs distinct legislation.

3. Justification for Right to Publicity

The justification for accepting the right to publicity stems from two major premises: natural rights and economics. It is maintained that the right to publicity promotes broader society interests by encouraging creativity, protecting an individual's right to enjoy the fruits of their labour, preventing consumer fraud, and limiting unfair gain. By providing individuals ownership over the economic use of their identity, the law encourages people, particularly public persons, to devote time and effort into their abilities without fear of unauthorized exploitation.

The Lockean Labour Theory is one of the most effective explanations for the natural rights perspective on the right to publicity. This notion contends that when someone devotes substantial time and effort to developing or attaining anything, they should benefit from it and have ownership of the outcome. The major argument supporting the right to publicity is that a celebrity or any renowned individual devotes a significant amount of time, effort, and attention to developing their persona and attaining recognition. As such, they should be able to reap the benefits of their efforts, including any business opportunities that develop as a result of their public image. This viewpoint supports the notion that people have an inherent right to the fruits of their labour, particularly when it comes to their personal identities. This conception was supported by the US District Court of Minnesota in the case of *Uhlaender v. Henricksen*,¹⁷ where the court said: "*A celebrity must be considered to have invested his years of practice and competition in a public personality which eventually may reach marketable status. That identity, embodied in his name, likeness, statistics, and other personal characteristics, is the fruit of his labours and is a type of property.*"

¹⁶ Michael Madow, "Private Ownership of Public Image: Popular Culture and Publicity Rights," 81 *California Law Review* 127, 179-205 (1993).

¹⁷ 316 F. Supp. 1277.

The economic justification is that, while celebrities or public personalities may receive assistance from others in constructing their image, they are ultimately responsible for creating the majority of the financial value connected with their identity. Managers, agents, and publicists are often compensated for their time, expertise, and efforts in helping to establish a celebrity's public image.

Protecting the right to publicity is critical for protecting the moral rights of attribution and the right against mutilations. This ensures that when a person's personality is used, they are given proper credit for their efforts, and their characteristics and persona are not distorted or mistreated in public. It also safeguards economic rights, such as the right to distribute, which allows individuals to transfer or license specific activities and profit from them.

Furthermore, from the aspect of consumer protection as mentioned previously, the right to publicity protects against deceptive commercial activities. Allowing corporations to freely utilise a celebrity's name or likeness in conjunction with their products could easily lead to customer confusion, as they may feel the celebrity promotes or supports those things. This type of misinformation not only misleads consumers, but it also has the potential to harm the celebrity's reputation, lowering the value of their legitimate endorsements and commercial collaborations. As a result, maintaining publicity rights is critical not only for safeguarding individual interests, but also for ensuring consumer fairness and openness.

4. Comparative Study of Different Jurisdictions

4.1. USA

Even though the US does not have a federal law that protects the right to publicity, a lot of states have legislations protecting this. New York was the first state in the United States to advocate for the acknowledgement of the right to publicity in legislation. Therefore, the right of publicity was restricted by Sections 50 and 51 of the New York Civil Rights Act. These statutes, together with current case law, protect an individual's name, image, voice, and likeness against unauthorised use in advertisements or for other commercial reasons. Notably, commercialisation is not required to assert publicity rights.

In California, the right is protected by the State's Common Law Right of Publicity and the Statutory Right of Publicity, defined in the California Civil Code under Section 3344 for living persons and Section 3344.1 for deceased individuals. In the remainder of this section of this paper, we will examine the development of jurisprudence related to the right to publicity and explore the principles used by the country to protect this right. This analysis will provide insight into the legal framework and standards employed to ensure that individuals' identities are adequately safeguarded.

The jurisprudence with regard to the right to publicity has developed most substantially and was specifically recognised. The United States has the most extensive and officially recognised jurisprudence on the right to publicity. Understanding the growth and breadth of this right in the United States is critical for extracting concepts that can be used to design an effective right to publicity framework in India. The development of a publicity framework started off with the case of *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*¹⁸ The court in this case officially recognised that even though the right to publicity is a derivative of the right to privacy, it should be established as a distinct right as it has very distinct properties and has a much wider ambit as compared to the right to privacy.¹⁹ The United States' jurisprudence has evolved in response to this decision, with the goal of prohibiting unreasonably interfering with and using the persona of a human individual, but there have been exceptions.²⁰ There are broadly 3 recognised exceptions:

- Written Consent - Using a person's persona for commercial gain is completely fine with the consent of that individual.²¹
- Recognizability - In the case of *Pesina v. Midway Mfg. Co.*,²² the defendants were able to prove that the person claiming a violation of the right is not even recognised by the consumers of the game and hence the court ruled that this cannot count as a violation of right.

¹⁸ *Supra* note 2.

¹⁹ Melville B. Nimmer, "The Right of Publicity," 19 *Law and Contemporary Problems* 203-223 (1954).

²⁰ Samarth Krishnan Luthra, Vasundhara Bakhru, "Publicity Rights and the Right to Privacy in India", 31(1) *National Law School of India Review* 125 (2019).

²¹ *Supra* note 11.

²² 48 F Supp 40 (ND Ill 1996).

- It should pertain to an individual - The right to publicity is a right that has been given to a natural person and a violation of this can only be enforced by the suitable individual.²³

One of the conflicts of enforcing a publicity right is its implications of the right to free speech and expression. The first amendment of the US constitution safeguards the right to free speech and expression and serves as a very large limitation in enforcing the right to publicity in the country.²⁴ Courts have used a variety of tests to find a balance between the right to publicity and the freedom of expression. These tests weigh the repercussions of exploiting a celebrity's persona against the merit of the expressive work that includes it. Courts seek to defend an individual's ownership over their identity while still recognising the value of creative freedom and public interest.²⁵

One of the interesting tests used is the predominance use test which looks at whether the persona has been used to make a new expressive work by the maker or whether it has just been used for unjust commercial gain.²⁶ The Supreme Court of Missouri used this test in the case of *Doe v. TCI Cablevision*,²⁷ which pertained to an Ice Hockey players name was used in a comic book, the court held that the author did not make any expressive addition to the players identity and persona and blatantly copied his persona for their commercial use.

Another interesting test that has been used is the transformative use test.²⁸ This effectively indicates that if a person's picture or likeness is utilised without any transformative expression by the author and merely for commercial gain, such usage will be prohibited. The transformative use concept demands that the individual's persona be altered or used in a way that incorporates significant creative aspects, distinguishing it from mere duplication. This effectively indicates that if a person's picture or likeness is utilised without any transformative expression by the author and merely for commercial gain, such usage will be prohibited. The transformative use concept demands that the

²³ *Supra* note 20.

²⁴ Rosina Zapparoni, "Propertising Identity: Understanding The United States Right of Publicity and Its Implications - Some Lessons for Australia," 28 *Melbourne University Law Review* 690 (2004).

²⁵ *Supra* note 5.

²⁶ *Id.*

²⁷ 110 S.W.3d 363 (Mo. 2003).

²⁸ *Supra* note 25.

individual's persona be altered or used in a way that incorporates significant creative aspects, distinguishing it from mere duplication. This test was famously used by the California Supreme Court in the case of *Comedy III Prods. Inc. v. Saderup*²⁹ where the court held: “*When artistic expression takes the form of a literal depiction or imitation of a celebrity for commercial gain, directly trespassing on the right of publicity without adding significant expression beyond that trespass, the state law interest in protecting the fruits of artistic labor outweighs the expressive interests of the imitative artist.*” Hence the law in US supports a fair use type approach to publicity rights but will not tolerate direct imitations for commercial exploitation.

4.2. UK

Unlike the United States, the United Kingdom does not specifically safeguard the right to publicity, but its doctrine has developed via case law. Analysing a system in which the right to publicity is not expressly recognised allows for a comparison of whether it is more advantageous for a country to legally recognise this right, as the United States does, or to keep it unrecognised but handled indirectly through other legal procedures. This assessment helps to weigh the advantages and disadvantages of explicit recognition versus a more implicit, case-based approach.³⁰ In the case of *Campbell v. MGN Ltd.*,³¹ a super models photo was captured in a narcotics clinic without her consent and headlines in the news the next day came out essentially calling her a drug addict. The court in this case held that celebrities have the right to their personal autonomy and condescending photos like this cannot be posted just because they are public figures.

More importantly, in the case of *Douglas v. Hello Ltd.*³² a celebrity couple granted exclusive rights for their wedding photographs to a certain magazine called OK!, Hello magazines got the photos from some guests of the wedding and published them as theirs. The courts in this case held that the couple had the right to choose where and how their pictures are posted, and they can prevent others from using these pictures.³³ When analysing this case, it is important to note that, while the court recognised the couple's

²⁹ 21 P.3d 797 (Cal. 2001).

³⁰ Reshma Amin, “A Comparative Analysis of California’s Right of Publicity and the United Kingdom’s Approach to the Protection of Celebrities: Where Are They Better Protected?”, 1 *Case Western Reserve Journal of Law, Technology & the Internet* 92 (2010).

³¹ (2004) 2 AC 457.

³² 006 QB 125; 2005 EWCA Civ. 595.

³³ *Supra* note 20.

right to preserve their photos, it was hesitant to award considerable damages to them. The majority of the damages were instead awarded to OK! Magazine, indicating a reluctance on the part of the courts to adequately safeguard the commercial interests linked with a celebrity persona. This judgement demonstrates a court predilection for prioritising the preservation of third-party contractual rights, such as media organisations, above explicitly validating and compensating celebrities' individual economic rights.³⁴

The situation in the UK clearly shows that in a system where the commercial right to publicity is not explicitly protected, it is extremely uncertain as to how much economic gain a person can get out of their hard work to build their persona. The US system gives clear protection and hence brings confidence into a person to gain their popularity for economic gain.³⁵

4.3. India

India, like the United Kingdom, does not specifically recognise the right to publicity. However, there have been important decisions in which the courts recognised an individual's right to preserve their appearance and persona. In rare cases, the court has also ruled that a celebrity's identity cannot be financially used without their permission, giving implicit protection against unauthorized commercial usage.

The case of *R. Rajagopal v. State of T.N.*³⁶ also popularly known as the Auto Shankar case, is a landmark ruling that recognises an individual's right to control their image and appearance. The case involved an auto driver who was convicted of murder and sentenced to death, and he wrote his own autobiography. The state challenged the editors and publishers, claiming that the book should not be released in the public interest. The court ruled that an individual has the right to control how information about their life is disseminated and can restrict or allow its release, provided consent is obtained.³⁷ This decision began the evolution of Indian jurisprudence regarding an individual's ability to own and control their image and persona.

³⁴ *Supra* note 30.

³⁵ F. Jay Dougherty, "Foreword: The Right of Publicity-Towards A Comparative and International Perspective", 18 *Loyola of Los Angeles Entertainment Law Review* 421 (1998).

³⁶ 1995 AIR 264.

³⁷ *Supra* note 20.

In the case of *Mr. Shivaji Rao Gaikwad v. M/S. Varsha Productions*,³⁸ the actor, famously known as Rajinikanth, sought to protect his personality rights against a film titled “Main Hoon Rajinikanth.” Rajinikanth had not given consent to the filmmakers to use his name, and the film also featured numerous dialogues and actions imitating his iconic on-screen persona. The court relied on the precedent set in *ICC Development (International) Ltd. v. Arvee Enterprises*,³⁹ which recognized that an individual may acquire a right to publicity based on their unique persona and likeness. The court highlighted the requirement of identifiability for granting publicity rights protection, noting that the name “Rajinikanth” was unmistakably associated with the actor. It was evident that the filmmakers intended to exploit his name commercially without his consent, which the court deemed unjust.

Although the court rejected the defendants’ claims, studying them is critical because they highlight significant flaws in the Indian legal system’s protection of publicity rights. The defendants first contended that for a property right to be enforced, it must be clearly stated. They argued that the plaintiff’s claimed right - personality rights is not defined in Indian law. As a result, even if the court granted an injunction, it would be discretionary and lack a clear legal basis. Furthermore, the defendants maintained that the Copyright Act only allows the primary holder of the right to assert it and that no one can claim ownership of a name. As a result, the name “Rajinikanth” cannot be protected as intellectual property. These reasons clearly demonstrate the need for the creation of a specific publicity rights framework, as the current legal system is insufficient to defend these rights.

The case of *Anil Kapoor v. Simply Life India & Ors.* is one of the more recent cases in India addressing the protection of celebrities’ personas from exploitation. The plaintiff sought protection of his personality rights, alleging that the defendants used his name, image, voice, and trademark actions to promote their products without his consent. The court issued an injunction in favor of the plaintiff, stating: “*The Court cannot turn a blind eye to such misuse of a personality’s name and other elements of his persona. Dilution, tarnishment, blurring are all actionable torts which the Plaintiff would have to be protected against.*” The court also noted: “*The present case shows how elements of*

³⁸ (2015) 62 PTC 351.

³⁹ (2003) 26 PTC 245.

intellectual property that protect the attributes of an individual, in fact have other dimensions including rights protected by the Constitution of India.” Furthermore, the court recognized that the defendants’ actions could cause reputational and economic harm to the plaintiff, thereby justifying the relief granted.

In *Krishna Kishore Singh v. Sarla Saraogi and Ors.*,⁴⁰ the plaintiff, Krishna Kishore Singh, father of late actor Sushant Singh Rajput, approached the Delhi High Court seeking an injunction against the defendants, including Sarla Saraogi, from producing or releasing a movie titled *Nyay: The Justice*. The plaintiff contended that the film utilized Sushant Singh Rajput’s name, persona, and likeness without consent, infringing upon his publicity, personality, and privacy rights. He argued that these rights, as part of his son’s celebrity status, were descendible and should not be exploited without authorization from the family.

The defendants, however, maintained that their work was a tribute to the actor and fell within the public domain. Under the Copyright Act, 1957, facts, historical events, and biographical details that are publicly known cannot be protected under copyright, as they lack the originality and creativity required for such protection. This principle supports the view that anyone is entitled to create works based on publicly known events.

The Court observed that there was no evidence suggesting that the film was a biopic or would lead the audience to believe it was an authentic depiction of Sushant Singh Rajput’s life. The inclusion of a disclaimer clarifying this point was deemed sufficient to address concerns about misrepresentation. Moreover, the Court held that restraining the film’s release at this stage would cause irreparable harm to the defendants, particularly if the plaintiff’s claims were ultimately unsuccessful. The Court also clarified that publicity rights, while significant, are not absolute. The descendibility of such rights, whether they transfer to heirs posthumously, is a matter of legal debate. While the Court did not make a definitive ruling on this aspect, it noted that the plaintiff could seek compensatory damages or reapply for an injunction if future circumstances warranted such action. Furthermore, the defendants were directed to provide a full accounting of the revenue generated from the film. Consequently, the plaintiff’s application for an interim injunction was dismissed.

⁴⁰ (2023) SCC OnLine Del 3997.

Additionally, The Delhi High Court recently reinforced the significance of these rights in *Amitabh Bachchan v. Rajat Nagi & Ors.*,⁴¹ where an interim order was issued to safeguard the personality and publicity rights of the renowned Bollywood actor, Mr. Amitabh Bachchan.

In the instant case, the plaintiff, Mr. Bachchan, filed a suit alleging unauthorized use of his personality traits by the defendants for commercial purposes. The defendants were accused of misusing his photograph, name, and voice across websites and mobile applications, falsely implying an association with the actor. This included circulating messages via WhatsApp regarding the game show *Kaun Banega Crorepati* (KBC) and linking these messages to fraudulent lottery schemes. Additionally, the defendants created a website, *www.amitabhbachchan.com*, to sell products that exploited the plaintiff's identity. These acts, the plaintiff argued, not only misled the public but also caused reputational harm and unauthorized commercialization of his persona.

After reviewing the evidence, the Delhi High Court issued an ex-parte ad-interim injunction against the defendants, restraining them from using Mr. Bachchan's name, photograph, voice, or any other distinctive traits to promote their ventures. The Court acknowledged that such actions, if unchecked, could lead to irreparable damage to the actor's reputation and goodwill. The interim order also directed the Department of Telecommunications and the Ministry of Electronics and Information Technology to ensure that infringing links and websites were removed. Additionally, telecom service providers were ordered to block contact numbers disseminating infringing content through WhatsApp.

The Court emphasized that unauthorized use of a celebrity's identity could lead to unjust enrichment at the expense of the celebrity's goodwill and reputation. This recognition of personality rights underscores their importance in protecting the personal and commercial interests of public figures. This is not the first instance where Mr. Bachchan's personality rights have been violated. In *Titan Industries Ltd. v. M/s Ramkumar Jewellers*,⁴² the Delhi High Court similarly intervened when Mr. Bachchan and his wife, Jaya Bachchan, were depicted in advertisements without consent. Such cases

⁴¹ 2022 SCC OnLine Del 4110.

⁴² 2012 (50) PTC 486 (Del).

highlight the recurring issue of infringement on the personality rights of public figures, often driven by the intent to capitalize on their reputation.

A review of previous cases reveals that although India lacks specific legislation addressing personality rights, Indian courts are inclined to recognise the right to publicity, in order to prevent unfair exploitation of an individual's persona and provide robust protection against their infringement. However, the current legal system fails to provide enough protection, highlighting the necessity for a specific law that clearly specifies the boundaries and scope of this right. The author has made a persuasive case for specific publicity rights legislation in India, exposing the flaws of a system that lacks such protection and examining the holes in India's legal framework regarding this right. The following section of the paper will present principles that the author believes should guide the legislators while drafting this law.