



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 9466 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 9465 OF 2026

Kartik Aaryan

... Applicant/Plaintiff.

Versus

Vinsm Globe Private Limited and Ors.

... Respondents/Defendants.

Dr. Birendra Saraf, Senior Advocate a/w. Mr.Ameet Naik, Ms.Madhu Gadodia, Mr. Aman Saraf, Ms. Amruta Thakur, Ms. Unnati Gambani i/by Anand and Naik for the Applicant/ Orig.Plaintiff.

Mr. Nishad Nadkarni, Mr. Nirupan Lodha, Mr.Aasif Navodia, Ms. Khushboo Jhunjunwala, Ms. Jaanvi Chopra and Ms. Rakshita Singh i/by Khaitan and Co. for Defendant Nos.6 and 12.

Ms. Charu Shukla, Ms. Reeti Shetty i/by Ms.Charu Shukla for Defendant No.8.

Mr. Harit Lakhani, Abhishek Mookherjee i/by Shardul Amarchand Mangaldas and Co. for Defendant No.9.

Mr. Navankur Pathak and Ms.Neeti Nihal i/by Saikrishna and Associates for Defendant No.13.

Coram : Sharmila U. Deshmukh, J.

Date : April 15, 2026

P.C. :

1. At the outset, Dr. Saraf, learned Senior Advocate appearing for the Applicant tenders the draft amendment. He would further seek permission to amend the cause-title of the plaint to delete the representation of Defendant No.5 through Meta Platform and to

correct the name of Defendant No.6. Leave granted. Amendment to be carried out within period of three weeks. Re-verification dispensed with.

2. By this application filed against identified/unidentified individuals/entities, the Plaintiff seeks protection of his personality/publicity rights as well as restraint against infringement of the trade mark "Kartik Aaryan" which has been registered by the Plaintiff. The restraint order is also sought against sale of merchandise utilising the Plaintiff's image which indicates an association with the Plaintiff, against the website advertising as agents of the Plaintiff offering to book the Plaintiff's appearances for performance, de-listing of the fake accounts on Facebook, Instagram and X and chat-bots.

3. The application seeks to protect various aspects of the Plaintiff's personality, his right to privacy as well as his moral rights and the right to publicity by deletion/disabling the infringing contents uploaded on public platforms, artificial intelligence created videos on YouTube, Instagram, Facebook and X and fake pornographic videos.

4. Dr. Saraf has tendered in a sealed envelope the screen shots of the pornographic contents morphing the Plaintiff's image. The

sealed envelope is taken on record.

5. Dr. Saraf would submit that the Plaintiff is a globally recognized actor and philanthropist and is one of the recognizable and popular actors of Hindi film industry enjoying a wide fan following. He points out the pleadings in the plaint enumerating the cinematograph films in which the Plaintiff has acted as well as the list of awards and accolades. He would further point out the brands endorsement secured by the Plaintiff and the huge fan following on various social media platforms. He submits that the Plaintiff has also secured registration of his trade mark "Kartik Aaryan" which is the Plaintiff's personal name and has come to be exclusively identified with the Plaintiff alone being a publicly notable figure.

6. He submits that the action is also in the nature of John Doe action as unidentified parties are misusing the name, likeness, image and other elements of the Plaintiff's persona clandestinely. He would submit that the Defendant Nos.1 and 2 operate website which is misrepresenting itself as a medium to book an appearance/performance by the Plaintiff. He submits that the Defendant No.3 and 4 are entities engaged in marketing infringing merchandise utilising the Plaintiff's name, image and likeness

without his authorisation. He submits that the Defendant No.5 is an infringing Instagram page. He submits that the Defendant No.5 in particular has grossly misappropriated the Plaintiff's image to morph an association with globally infamous sex offenders. He submits that Defendant No.7 is chat-bot accessible at the website where the users can create and interact with AI characters some of which utilize the name and likeness of the Plaintiff to facilitate personal conversations with character purporting to be the Plaintiff, which activity is also being carried out by the Defendant No.6. He submits that the other Defendants are the intermediaries and e-commerce platforms on which the infringing activities are carried out. He would point out to the fake videos which are uploaded on the YouTube and owned by Defendant No.8 as well as the fake videos and photographs uploaded on the Instagram and Facebook owned of the Defendant No.9. He has taken this Court through the infringing contents uploaded on various websites to demonstrate the nature of content which has an effect of tarnishing the image and reputation of the Plaintiff and violating his personality/publicity rights.

7. I have considered the submissions and perused the pleadings in the plaint as well as the annexures.

8. The Plaintiff is a popular and well known film personality having multiple successful films and well known brand endorsement and awards to his credit. The Plaintiff's presence in movies and brand endorsements has leveraged his personality attributes over which the Plaintiff has exclusive right. Being a well known public figure invites the risk of unauthorised exploitation of the person's personality attributes for unjust enrichment forcing the individual to seek recourse to legal remedies to protect his personality/publicity rights and right to privacy.

9. The Plaintiff seeks to assert the statutory right conferred by reason of registration of the trade mark "Kartik Aaryan" and also his personality/publicity rights. The restraint order is sought against unauthorised commercial exploitation of the Plaintiff's image and likeness through sale of infringing merchandise by utilising the Plaintiff's name, image etc and misrepresenting association with the Plaintiff, and against the violation of right to privacy, moral rights and personality rights by unauthorised exploitation through AI generated content.

10. The relief sought against the intermediaries, is to take down/remove/disable access to all listings pages/contents which are set out in Exhibits B, C, D and E of the plaint which are identified links resulting an unauthorized exploitation of the

Plaintiff's personality attributes and the similar injunction is sought against the unidentified infringer. The right of intermediary is protected as the interim relief seeks deletion of the listing upon being notified by the Plaintiff or by his representative in writing subject to the intermediary's right to communicate to the Plaintiff with reasons any objection to such removal.

11. The consideration of the contents of Exhibit B, which sets out the merchandise marketed by utilising the Plaintiff's personality attributes, *prima facie* indicates a likely association and endorsement by the Plaintiff of the merchandise. The contents uploaded on the public viewing platforms such as YouTube, Instagram etc. and screen shots whereof are annexed at Exhibit C onwards, leaves no room for doubt about the unauthorised exploitation of the Plaintiff's personality attributes. The infringing website advertising itself as a medium for booking the performances by the Plaintiff implies a false association with the Plaintiff and carries strong possibility of duping the public.

12. *Prima facie*, the material which has been annexed to the plaint would demonstrate the need for an immediate restraint order. *Prima facie*, at this stage, there cannot be any objection to the relief of injunction and deleting the infringing URLs. The facts

in the plaint asserts about the Plaintiff being a notably public personality with inherent rights over his personality and associate attributes. The right of publicity protects an individual against unauthorized exploitation of their personality attributes including their name, image, likeness, voice and other distinctive attitudes. The Court in the past have consistently upheld the right to privacy going to the extent of extending the said right to the realm of publicity/personality rights recognising that a person's personality attributes are protectable elements incapable of being commercially exploited without the consent of the individual.

13. Such unauthorized use does not only lead to unjust commercial enrichment but also infringes on the individual personality rights and in cases of a pornographic content tarnish the Plaintiff's reputation and goodwill. The material on record *prima facie* makes out a case of violation of the Plaintiff's personality/publicity rights and right to privacy. The unauthorised use of the Plaintiff's personality right for commercial purpose has the effect of diminishing the Plaintiff's brand value.

14. This Court has perused the sexually explicit AI generated content tendered in a sealed envelope which is *prima facie* prejudicial to the Plaintiff's reputation. The obscene and

disparaging content uploaded on public viewing platform needs urgent deletion/delisting. Insofar as the artificial intelligence chat-bot platform is concerned, such platform permits the user to chat with the chat-bot which responds as the Plaintiff would. Through such user, the voice, image and likeness of the Plaintiff's persona is sought to be commercially exploited without consent.

15. The application was sought to be opposed by learned counsel appearing for the Defendant No.8 contending that blanket injunction against deletion of uploaded channels cannot be directed and it is necessary to implead the individual entities. Firstly, the interim injunction itself contains a caveat that upon the links being identified and notified, the intermediary has a right to communicate to the Plaintiff with the reasons and objections to such removal and Secondly, it cannot be heard that all the content uploaders should be impleaded as party which is a physical impossibility. It is open for the concerned individual/entity to approach the Court seeking redressal of his grievance, if any, as imposition of any restraint. It is pertinent to note that *prima facie* the contents do not demonstrate that there is dissemination of information available in public domain.

16. In light of the above, the Plaintiff is entitled to ad-interim

relief in terms of prayer clauses (a) to (e) with the modification of Defendant numbers insofar as the prayer clause (a) is concerned to Defendant Nos.1 to 5 and 7 by excluding Defendant No.6. Insofar as the prayer clause (b) is concerned, the intermediaries, identified as well as unidentified, upon being communicated of the URLs which exploits or misuse the Plaintiff's personality attributes, shall, if there is no objection to such removal, delete the infringing contents within 36 hours of the communication by the Plaintiff or by his representative.

17. The Plaintiff to serve copy of the order on the Defendants, who are not represented and to file an affidavit of service on the next date. The compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 is permitted by considering the number of the Defendants, in addition to service by speed post. The compliance to be done within a period of three weeks of the order being uploaded on the official website of this Court.

18. Stand over to **10th June, 2026.**

[Sharmila U. Deshmukh, J.]