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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010504512026**

\+ CS(COMM) 1132/2026, I.A. 28988/2026, I.A. 28991/2026, I.A. 28993/2026 & I.A. 28994/2026

KRITI SANON .....Plaintiff

Through: Mr. Pravin Anand with Mr. Dhruv Anand, Mr. Ameet Naik, Mr. Dhananjay Khanna & Ms. Bhavya Verma, Advocates.

versus

BBE MARKETING INC & ORS. .....Defendants

Through: Ms. Mamta Rani Jha with Mr. Rohan Ahuja, Ms. Shruttima Ehersa & Ms. Manisha Singh, Advocates for D3.
Ms. Amee Rana with Ms. Sana Banyal & Mr. Intisar Aslam, Advocates for D7.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 29.10.2026

I.A. 28989/2026 (u/O-XI RULE-1 (4) TO FILE ADDL. DOCs)

1. For the reasons stated in the application, the same stands allowed.

2. The documents sought to be placed on record by way of this application, be taken on record.

3. The application stands disposed of.

I.A. 28990/2026 (u/S 151 CPC)

4. Plaintiff shall file legible/original/certified and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.

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5. The application for exemption is allowed, subject to the plaintiff granting inspection of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

6. The application stands disposed of.

I.A. 28992/2026 (EXEMPTION-PRE-LITIGATION MEDIATION)

7. By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the Code of Civil Procedure, 1908 ('CPC'), the plaintiff seeks exemption from attempting pre-litigation mediation.

8. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in ***Yamini Manohar vs. T.K.D. Keerthi,*** [1]and of a Division Bench of this court in ***Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.,***[2] the plaintiff is exempted from attempting pre-litigation mediation.

9. The application stands disposed of.

CS(COMM) 1132/2026

10. Let the plaint be registered as a suit.

11. Issue summons. Ms. Mamta Rani Jha and Ms. Amee Rana, learned counsel accept notice on behalf of defendant nos.3 and 7, respectively. They confirm the receipt of the suit paperbook and waive the right of formal service of summons.

12. Summons on behalf of defendant nos.18 and 19 are permitted to be served though Ms. Nidhi Raman, learned counsel, who normally appears for Government authorities.

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[1](2024) 5 SCC 815.
[2] 2022 SCC OnLine Del 3529.

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13. Upon filing of process fee, issue summons to the remaining defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

14. Liberty is given to the plaintiff to file replication(s) within fifteen days of the receipt of the written statement(s). Along with the replication(s), if any, the plaintiff shall file affidavit(s) of admission/denial of the documents of the defendants, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

15. In order to enable service of summons upon the unidentified parties, defendant nos. 3, 7, 10 and 12 shall furnish to the plaintiff the Basic Subscriber Information ('BSI') and IP logs, to the extent available, in respect of the URLs placed on record, within a period of three weeks. For the time being, defendant nos. 3 and 7 are exempted from filing written statements. The same shall, however, be directed if the need arises.

16. List before the Joint Registrar for completion of pleadings on 21.12.2026.

I.A. 28987/2026 (u/O XXXIX R 1 & 2 CPC)

1. Heard. Issue notice. Ms. Mamta Rani Jha and Ms. Amee Rana, learned counsel accept notice on behalf of defendant nos.3 and 7, respectively.

2. On taking steps, let notice be issued to the remaining defendants by all permissible modes.

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3. Mr. Pravin Anand, learned counsel appearing for the plaintiff, has pointed out that the relief pressed at present is confined to securing the plaintiff's right of publicity as well as her right of privacy. It is contended that the plaintiff is being impersonated by various unknown persons and that, if such acts continue, the same are bound to cause irreparable injury to the plaintiff.

4. Learned counsel appearing for the defendant no.3, on instructions, submits that some of the objectionable URLs have already been blocked / taken down.

5. Learned counsel appearing for the defendant no.7 submits that if the Court so directs, the said defendant shall abide by such directions.

6. The plaintiff complains of five kinds of misuse of her name, image, likeness and voice: ***(i)*** defendant no. 1 offering "bookings" for her appearances; ***(ii)*** accounts on YouTube, Facebook, X and Pinterest (defendant nos. 2, 4 to 6, 8, 9, 11 and John Does) holding themselves out as her official presence, or circulating AI-generated and morphed images, some of them sexually suggestive; ***(iii)*** sale of merchandise by defendant no. 13; ***(iv)*** AI chatbots and synthetic voice models presented as the plaintiff (defendant nos. 14 to 16), and prompt-based image generation (defendant no. 17); and ***(v)*** pornographic deepfakes on the websites listed in Document 6. Defendant nos. 3, 7, 10, 12, 18 and 19 are *pro forma* parties. The plaintiff wrote to the intermediaries on 27.08.2026, and only defendant no. 3 responded by pointing to its reporting mechanism.

7. Mr. Anand, learned counsel for the plaintiff submits that the content multiplies every day, much of it made with AI tools, and that it impersonates the plaintiff and depicts her in obscene settings. As noted above, the relief

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pressed at present is confined to the plaintiff's right of publicity and her right of privacy.

8. The application raises questions which go to the root of what is described as "personality rights", and it will be decided on its own merits after the contesting defendants are heard. What is made today is an *ad interim* arrangement, simpliciter, for the period until then. As explained in ***Wander Ltd. v. Antox India (P) Ltd.***,[3] "The interlocutory remedy is intended to preserve in *status quo,* the rights of parties which may appear on a *prima facie*."

9. Here the uncertainty is of law as much as of fact, which counsels against the omnibus restraint prayed for. But a part of the content, namely sexually explicit deepfakes, morphed images, impersonating accounts and chatbots presented as the plaintiff, causes harm which cannot be undone later. The arrangement is, therefore, confined to that content and to identified URLs.

10. Paragraph 32 of the plaint pleads "Personality Rights / Publicity Rights" as a single right, said to flow from privacy under Articles 19 and 21, and joins it with performers' moral rights, passing off, dilution and tarnishment. No statute creates any such right. Before deciding what deserves protection, the Court must ask what right is said to be infringed.

11. The Indian starting point is ***R. Rajagopal v. State of T.N.,***[4] which placed the commercial use of a person's likeness within the privacy tort:

> *"9. ... The first aspect of this right must be said to have been violated where, for example, a person's name or likeness is used, without his consent, for advertising — or non-advertising — purposes or for that matter, his life story is written — whether laudatory or otherwise — and*

[3]1990 Supp SCC 727, para 9.
[4](1994) 6 SCC 632.

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published without his consent as explained hereinafter. …"

12. The American right of publicity grew out of and was de-moored from the right to privacy by Judge Jerome Frank of the United States Court of Appeals for the Second Circuit in ***Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc.*** (1953)[5]. That case was a dispute between two chewing gum companies over exclusive licences to use baseball players' photographs. The players' privacy was already protected under the New York statute[6]. But that protection was personal to the players and could not be passed on to a licensee. The Court, therefore, recognised that, "in addition to and independent of that right of privacy", a person has a right in the publicity value of his photograph, which can be granted to another "in gross". By recognising this licensable right in the commercial value of a likeness, ***Haelan*** (supra) separated the right of publicity from privacy.

13. In India, the right of publicity was recognised in ***D.M. Entertainment Pvt. Ltd. v. Baby Gift House,***[7] and it held as under:-

> *"13. … The right of publicity protects against the unauthorized appropriation of an individual very persona which would result in unearned commercial gain to another. …*
>
> *14. … Thus, for instance, caricature, lampooning, parodies and the like, which may tend to highlight some aspects of the individual's personality traits, may not constitute infringement of such individual's right to publicity. If it were held otherwise, an entire genre of expression would be unavailable to the general public. …"*

14. In ***Titan Industries Ltd. v. Ramkumar Jewellers,***[8] this Court held that "The right to control commercial use of human identity is the right to publicity." Both suits were brought by an assignee or licensee, showing that

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[5] 202 F.2d 866 (2d Cir. 1953).
[6] Sections 50 and 51, New York Civil Rights Law.
[7] 2010 SCC OnLine Del 4790.

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the right is commercial and licensable.

15. The observations in ***K.S. Puttaswamy v. Union of India,***[9] that every individual should be able "to control commercial use of his/her identity", are often relied upon, as in the present plaint, to treat the right of publicity as part of the fundamental right to privacy. A coordinate Bench in ***Digital Collectibles Pte. Ltd. v. Galactus Funware Technology Pvt. Ltd.***[10] did not accept that reading, noting that ***K.S. Puttaswamy*** (supra) "was not in any manner holding that the right of publicity is recognized under Indian law". It further held:

> *"55. ... The right of publicity cannot be infringed merely on the basis of a celebrity being identified or the defendant making commercial gain ...*
>
> *57. In my opinion, use of celebrity names, images for the purposes of lampooning, satire, parodies, art, scholarship, music, academics, news and other similar uses would be permissible as facets of the right of freedom of speech and expression under Article 19(1)(a) of the Constitution of India and would not fall foul to the tort of infringement of the right of publicity."*

16. In ***Krishna Kishore Singh v. Sarla A. Saraogi,***[11] this Court rejected the notion of "celebrity rights" as an extra bundle, observing that "Rights which emanate from one's personality, and persona, would be available to one and all, and not only to celebrities". It also goes on to establish that "The law cannot allow itself to be a vehicle to promote celebrity culture".

17. From the above, it is clear that there is no statute on the point. Pleadings in suits of this kind also tend to join several distinct claims under the single label of "personality rights". The contesting defendants have not yet been heard, and the full arguments on these questions are yet to be

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[8]2012 SCC OnLine Del 2382.
[9](2017) 10 SCC 1.
[10]2023 SCC OnLine Del 2306.
[11]2023:DHC:4631.

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addressed. In these circumstances, this Court does not propose to finally decide any of the questions at this stage. What is set out below is only a *prima facie* understanding of the issue, formed from consideration of the material presently on record.

18. "Personality rights" is not a single cause of action. It is a description of several distinct claims that may arise when a person's identity is used without consent. The right of publicity, passing off, the right of privacy, defamation, and, where their conditions are met, rights under the Trade Marks Act, 1999 and the Copyright Act, 1957, including performers' rights.

19. These claims protect two different interests. Privacy, dignity and reputation are personal interests; they cannot be assigned and they end with the person. The right of publicity protects the commercial value of identity; it can be licensed.

20. The right of publicity is, therefore, not the same as the right of privacy, though it has roots in it. If it were merely a facet of a fundamental right, it could not be licensed at all, and the endorsement arrangements on which it rests would have no legal basis. Nor is it the same as passing off, which requires a misrepresentation as to endorsement or association.

21. Each claim carries its own elements, defences and remedy. Placing them all under one label cannot lower the threshold that applies to any one of them, whether the high threshold for pre-trial restraint of defamatory speech, or the free speech limits on the right of publicity.

22. The rights are available to every individual. Fame bears on whether an identity has commercial value and on the loss caused by its misuse; it is not a condition of the right. Equally, the mere use of a person's identity is not, by itself, unlawful.

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23. It follows that a plaintiff, as in the present case has, must indicate, defendant-wise and content-wise, which of these claims is made and on what material; and relief, particularly at the interim stage, must be correspondingly specific. All the claims in a suit of this kind cannot be put under one umbrella and met with one omnibus injunction.

24. Additionally, Section 79 of the Information Technology Act, 2000 protects an intermediary from liability for third-party information, unless, under Section 79(3)(b), it fails to expeditiously remove unlawful material upon receiving actual knowledge. In ***Shreya Singhal v. Union of India***,[12] this provision was read down to mean actual knowledge "that a court order has been passed asking it to expeditiously remove or disable access to certain material". The intermediaries are, thus, parties for compliance, not wrongdoers, and a direction to them must identify the material. A direction to remove "all other content" infringing personality rights, as sought in prayer (x), would leave them to decide the very boundaries of the right that are in dispute.

25. Under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Rule 3(1)(b) requires intermediaries to make reasonable efforts to prevent hosting of content that is obscene, invades privacy, infringes intellectual property or impersonates another person. Rule 3(1)(d) requires removal upon a court order; and Rule 3(2)(b) provides a complaint route for an individual against nudity, sexual content, impersonation and artificially morphed images.

26. The Amendment Rules of 2026 (G.S.R. 120(E), in force from 20.02.2026) bring "synthetically generated information" within this

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framework and shorten the time for action to three hours on a court order and two hours on a Rule 3(2)(b) complaint. In ***Ajay alias Vishal Veeru Devgan v. The Artists Planet & Ors***.,[13] a coordinate Bench rightly observed that a plaintiff who comes to Court without availing this mechanism may be directed "to first avail its remedy under the aforesaid Rules". Here, however, the plaintiff wrote to the intermediaries on 27.08.2026 and three of them did not respond; she cannot be faulted for approaching the Court. The present order will now constitute actual knowledge for the purposes of Rule 3(1)(d).

27. Tested on this basis, *prima facie* the conduct of defendant nos. 1, 2 and 8 misrepresents an association with the plaintiff and, in the case of defendant nos. 2 and 8, impersonates her; the AI-generated, morphed and sexually suggestive content of defendant nos. 4 to 6, 9 and 11 and the John Does engages her privacy and dignity; the chatbots and voice models of defendant nos. 14 to 16 and the image generation of defendant no. 17 appropriate the commercial value of her identity and also affront her dignity; and the pornographic deepfakes in Document 6 have no expressive value at all.

28. Whether merchandise in which the image is itself the product falls within the right of publicity will be examined at the hearing; defendant no. 13 is included for the present because some of its products are said to use images of the plaintiff's personal life.

29. Accordingly, until the next date of hearing, and subject to the orders to be passed on the application:

30. Defendant nos. 3, 7, 10 and 12 shall take down/disable access to the

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[12](2015) 5 SCC 1.
[13]CS(COMM) 1269/2025, order dated 27.11.2025.

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URLs in Documents 2, 3, 4 and 5, as referred to in paragraph 51(x) of the application, within the time prescribed under Rule 3(1)(d) of the IT Rules. URLs already taken down need not be acted upon again.

31. Defendant nos. 18 and 19 shall issue the necessary blocking directions in respect of the websites in Document 6, as referred to in paragraph 51(xi) of the application.

32. Defendant nos. 1, 2, 4 to 6, 8, 9, 11, 13 to 17 and 20 (John Does) are restrained from uploading, hosting, generating or making available further material of a similar nature, namely: (i) material impersonating the plaintiff or falsely representing an association with her; (ii) sexually explicit, obscene or morphed images, videos or audio of the plaintiff, including AI-generated ones; (iii) chatbots or voice models presented as the plaintiff; and (iv) merchandise of the kind placed on record.

33. Nothing in this order restrains news, review, criticism, commentary, satire, parody, caricature or fan expression which does not fall within the directions specified in para 32.

34. The observations hereinabove are *prima facie* and only for this interim arrangement.

35. Compliance with Order XXXIX Rule 3 of the CPC be made within one week.

36. List before this Court on 10.12.2026.

PURUSHAINDRA KUMAR KAURAV, J

OCTOBER 29, 2026
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