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DIGITAL CLONES AND THE RIGHT TO PERSONA

An Analysis of Celebrity Personality Rights against AI-Generated Deepfakes in the Indian Legal Framework

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Abstract

The fast growth of artificial intelligence has changed the way digital content is made, copied and shared. Deepfake technology allows for the copy of a person's face, voice, look, movements and habits usually without permission. Even though these tools have uses in movies, ads, schools and art they can be used in bad ways. This leads to problems about personal rights, privacy, reputation, business identity and protecting creative work. Celebrities are at risk because their images are worth a lot of money and are often used to change what people buy.

This research looks at the help that celebrities get against deepfakes focusing on the Indian legal system. It looks at how personal rights, the right to use a person's image, copyright, rights for performers, privacy and responsibility of online platformers connected. It studies court cases, like Titan Industries Ltd. V. M/s Ramkumar Jewelers, Anil Kapoor v. Life India and Arijit Singh v. Codible Ventures LLP to see how courts are dealing with illegal digital use. The study also compares India's way with the United States and the European Union looking at how identity's stolen what needs to be clear and what rules are in place.

The paper says that current Indian legal options offer some help but are not complete. Copyright law, by itself is not enough when no real work is copied. There is no special law that deals with permission, money, tech responsibility and good solutions. The research suggests a system based on permission and fairness that protects rights while allowing real art, jokes, comments, news and new technology to continue.

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Keywords

Celebrity personality rights; artificial intelligence; deepfakes; intellectual property rights; right of publicity; copyright; performers' rights; privacy; intermediary liability; India.

Table of Cases

Case Name	**Citation / Court**
Arijit Singh v. Codible Ventures LLP & Ors.	(2024) Bombay High Court
Anil Kapoor v. Simply Life India & Ors.	(2023) Delhi High Court CS(COMM) 652/2023
Titan Industries Ltd. v. M/s Ramkumar Jewelers	(2012) 50 PTC 486 (Del)
Justice K.S. Puttaswamy (Retd.) v. Union of India	(2017) 10 SCC 1
Amitabh Bachchan v. Rajat Nagi & Ors.	(2022) Delhi High Court CS(COMM) 819/2022
Deepa Jayakumar v. AL Vijay	(2021) Madras High Court
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)
Comedy III Productions, Inc. v. Gary Saderup, Inc.	25 Cal. 4th 387 (2001)
ICC Development (International) Ltd. v. Arvee Enterprises	2003 (26) PTC 245 (Del)
Shivaji Rao Gaikwad v. Varsha Productions	2015 (62) PTC 351 (Mad)

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1. Introduction

The beginning of the century brought a major change in how people create content but the later arrival of Generative Artificial Intelligence or GenAI has completely changed the way humans can copy and repeat their own identities.

At the line of this change are deepfakes. Deepfakes are made by using neural networks to replace a person in an existing picture, sound or film with another person's face or voice. Early versions of deepfakes were simple and easy to detect. Modern generative models can produce audio and video that looks and sounds just like real life.

This new ability to copy traits in a digital form raises big legal and ethical problems. While AI can do helpful things—such as bringing historic people back for school videos adding subtitles in many languages that match lips or making cheap advertising spots—making these tools easy for everyone has led to a scary rise in bad uses. The people who suffer most from these uses are public figures and celebrities.

A celebrity's identity includes face, voice, special gestures and overall personality. This identity is more than a person; it becomes a business asset. In today's world this persona is carefully. Used to shape how people buy things to promote goods and to earn money. When deepfakes are used to steal a celebrity's identity without permission it hurts that celebrity's dignity and also damages that celebrity's business value.

The main problem for courts is that old rules of Intellectual Property were made to protect written or recorded works and registered signs not the natural body and behavior of people. Because deepfakes create material instead of copying an already protected work they fall into a confusing part of the law. Courts must stretch rules, about privacy, copyright and passing off to offer temporary help.

2. Introduction (Continued)

Statement of the Problem

The main research problem in this paper is that the current Indian legal system does not fully protect celebrity personality rights from AI-generated deepfakes. Indian courts have taken steps to recognize the "Right of Publicity ". Because there is no written law that spells it out a gap remains. Celebrities must combine legal claims such as copyright infringement, passing off defamation and the fundamental right to privacy. This split approach produces court decisions and does not give a clear rule of responsibility for creators and platforms that host synthetic media. The lack of a codified right for celebrity personality rights creates

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uncertainty and the absence of a specific law for AI-generated deepfakes leaves both celebrities and the public vulnerable, to misuse.

Objectives of the Study

This research seeks to achieve the following objectives:

- To analyze the concept of personality rights and their intersection with intellectual property in the context of commercial exploitation.
- To evaluate the efficacy of existing Indian laws, including the Copyright Act 1957, Trademark law, and the Information Technology Act 2000, in combating unauthorized deepfakes.
- To critically examine recent landmark judicial pronouncements by Indian High Courts granting interim injunctions against AI-generated personality appropriation.
- To compare the Indian legal landscape with the approaches adopted by the United States and the European Union.
- To propose a tailored statutory framework that effectively balances the protection of personality rights with freedom of speech, artistic expression, and technological innovation.

Methodology

The research uses an approach depending a lot on primary sources like laws, court decisions and rules in the constitution. Secondary sources, such as books written by experts' articles from journals and rules from organizations are used to create a comparison and deep understanding. The study is, about qualitative work looking at how laws are understood and how policies are analyzed instead of collecting real-world data.

3. The Mechanics of Identity Theft

To formulate effective legal responses, one must first comprehend the technical mechanisms underpinning deepfakes. The term itself is a portmanteau of 'deep learning' and 'fake'. The technology relies primarily on Generative Adversarial Networks (GANs), a class of machine learning frameworks introduced in 2014.

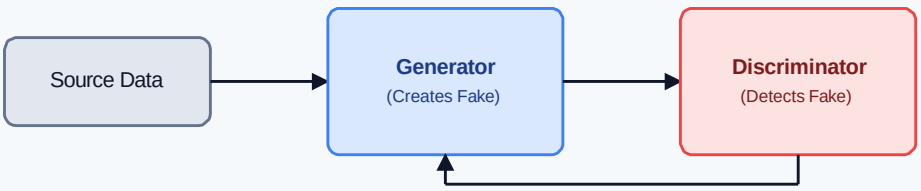


Figure 1: Simplified Generative Adversarial Network (GAN) flowfor media synthesis.

A GAN sets up a contest between two networks: the Generator and the Discriminator. In the

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world of face swapping the Generator works to make an image of a celebrity by drawing from thousands of source photos. The Discriminator checks each image to see if it is a photo or a synthetic one from the Generator. As the Generator and the Discriminator play the Generator becomes better and better at forging images until the Discriminator can no longer spot a difference.

Voice synthesis or audio deepfakes needs less data. Modern AI can clone a celebrity's voice with precision capturing the exact timbre, cadence and emotional tone using only three to five seconds of reference audio. This reality shows that the old rule, about performance fixation is no longer essential to use a person's likeness.

4. Commercialization of the Celebrity Persona

The idea of celebrity in today's world is closely linked to commercialization. A celebrity is a person whose name and identity are known by people and this recognition brings a lot of money. The money does not appear by chance. It comes from years of investment, skill and hard work that shape a public image.

When an advertiser hires a celebrity to promote a product the advertiser is not paying for the celebrity's appearance. The advertiser is buying the transfer of aura. People who respect the celebrity bring the celebrity's qualities—such, as trustworthiness, glamour, athleticism or expertise—into the product they buy. The power to manage this transfer of aura forms the basis of the Right of Publicity.

> *"The identity of a famous personality is akin to a brand. Just as a trademark signifies the origin and quality of goods, a celebrity's persona signifies a specific association and goodwill that can be monetized. Unauthorized appropriation of this persona is essentially commercial theft."*[2]

Deepfakes disrupt this economic model violently. If a third party can generate a synthetic video of a famous actor endorsing a fraudulent investment scheme or a controversial political position, two distinct harms occur:

- **Economic Appropriation:** The third party free-rides on the celebrity's goodwill without paying the customary licensing fees, thereby diluting the scarcity and value of the celebrity's actual endorsements.
- **Reputational Damage:** The celebrity is falsely associated with products or ideologies they may find abhorrent, causing irreparable damage to their carefully curated public image.

Because deepfakes bypass the need for physical cooperation, they represent the ultimate decoupling of a person from their persona, turning human identity into a readily manipulated digital asset.

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5. Personality Rights in India: A Common Law Evolution

India does not have a law that deals with personality rights or the right of publicity. Instead, the legal support for these rights has grown naturally over time through law, court decisions and the use of current laws in new ways.

In the past the right to protect a person's image was seen as a privacy issue or a defamation issue. Privacy rights stop when a person's identity is used for business reasons, in public. Seeing this Indian courts started to split the right into two parts:

1. **The Right to Privacy:** The right to be left alone, protecting an individual against unconsented intrusion into their private life (actionable under tort and Article 21 of the Constitution).
2. **The Right of Publicity:** The proprietary right to control the commercial exploitation of one's name, image, likeness, or other identifiable traits.

One of the recognitions of the right of publicity in India happened in the case ICC Development (International) Ltd. V. Arvee Enterprises in 2003. The Delhi High Court clearly said that the right of publicity comes from the right of privacy and can exist in a person or in any sign of a person's personality. The Court noted that a person can become a status where that person's name and likeness have commercial value and the right of publicity cannot be taken by another party for profit.

This foundational understanding opened the path for celebrities to ask for injunctions, against merchandising, false endorsements and more and more digital manipulation all under the right of publicity. Because there is no definition, the scope of what counts as an identifiable trait—whether it includes AI-synthesized voice and mannerisms—is largely decided by new court rulings in recent years. This creates a somewhat unpredictable legal environment, all governed by the right of publicity.

6. Landmark Jurisprudence: Titan Industries

The jurisprudential cornerstone for celebrity rights in India is the judgment of the Delhi High Court in Titan Industries Ltd. V. M/s Ramkumar Jewelers (2012). This case dealt with the use of photographs of the well-known celebrity couple Mr. Amitabh Bachchan and Mrs. Jaya Bachchan by a jewelry retailer. The plaintiffs, who had an endorsement contract with the couple for their 'Tanishq' brand asked the court to grant an injunction.

Justice Manmohan Singh gave an analysis of personality rights, which helped establish the right of publicity, in Indian law. The court said that a celebrity has a transferable right to control how their identity is used for commercial purposes.

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Importantly the court outlined the basic elements needed to prove a violation of the right of publicity.

- **Validity:** The plaintiff must own an enforceable right in the identity or persona of a human being.
- **Identifiability:** The celebrity must be clearly identifiable from the defendant's unauthorized use.

The ruling, about Titan is important when it comes to deepfakes because it makes clear that the right of publicity is a property right. It is not just part of copyright (which belongs to the photographer) or trademark. If an AI creates an image of Amitabh Bachchan selling jewelry there is no traditional copyright violation because the AI did not copy a specific protected photo. According to the Titan rule the right of publicity is definitely broken because the celebrity's identity is used for money without permission. This case changed the focus from the way something is copied to the person who is being copied.

7. The Anil Kapoor Injunction: Expanding Likeness

As technological capabilities expanded so did the scope of protection. The Delhi High Court's ruling in Anil Kapoor v. Life India & Ors. (September 2023) marks a moment in protecting celebrities specifically against Artificial Intelligence and digital manipulation [3].

Renowned Bollywood actor Anil Kapoor approached the court seeking an injunction against defendants who were utilizing his name, acronym ('AK') image, voice and his signature catchphrase "Jhakaas" for commercial gain. Crucially the defendants were using AI tools to create deepfakes, audio and derogatory morphed videos of the actor alongside unauthorized merchandise.

Justice Prathiba M. Singh granted an ex-parte omnibus injunction against the defendants and the world at large ("John Doe" order). The Court observed that while freedom of speech and expression is paramount it cannot be weaponized to jeopardize a person's dignity and livelihood through tools.

The significance of the Anil Kapoor case lies in its interpretation of "personality rights". The Court protected not the actors face but his voice, his mannerisms and a catchphrase deeply associated with his public persona. The judgment explicitly addressed the threat of AI noting that the creation of ringtones, GIFs and deepfakes using the plaintiff's identity without consent is a violation of his personality rights and right to privacy. By restraining the use of AI tools for generating media of the actor the Delhi High Court set a formidable precedent against digital cloning, in India.

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8. Voice Cloning & Moral Rights: Arijit Singh

Following the path established by the Delhi High Court the Bombay High Court took up the issue of AI misuse in the case of Arijit Singh v. Codable Ventures LLP & Ors. (July 2024). Arijit Singh, a known Indian playback singer discovered that his voice had been cloned by several AI platforms and voice conversion tools. The defendants were producing audio tracks that mimicked his unique vocal style and using them for commercial purposes.

The court issued an injunction acknowledging that a singer's voice is a core part of their personal identity and thus protected under the right of publicity. The ruling made it clear that using AI to create voice clones for profit is a wrongful act that can be legally challenged.

This case shows how vulnerable vocal artists are in the age of AI. While a singer has performer's rights under the Copyright Act for recorded performances AI voice cloning does not copy the actual performance. Instead, it captures the features of the voice to create new original performances. The Bombay High Court's decision highlights that the right of publicity is needed to cover what copyright law cannot—protecting the artist's artistic identity from being taken and used without permission.

The case also brings attention to the rights of artists. When AI generates songs in the voice of Arijit Singh that're of poor quality or inappropriate it damages his public image and the artistic reputation he has built over years. The court's decision to issue John Doe orders—, against AI platforms—shows that the legal system is trying to adapt. Still, it also points out that the current legal response is mostly reactive catching up after damage has already been done.

9. The Limitations of Copyright Law

When combating deepfakes, copyright infringement is often the first instinct of legal practitioners. However, the Indian Copyright Act, 1957, is ill-equipped to serve as a comprehensive shield against identity appropriation due to fundamental structural limitations.

Copyright law protects original "works" of authorship—literary, dramatic, musical, or artistic works, cinematograph films, and sound recordings (Section 13). The law requires that the work be fixed in a tangible medium. A person's face, voice, or abstract persona is not a "work" within the meaning of the Act; it is a fact ofnature. Consequently, one cannot copyright one's own face or voice.

If a photographer takes a picture of a celebrity, the copyright in that photograph generally vests with the photographer (subject to contracts), not the celebrity. If a deepfake creator downloads that copyrighted photograph and copies it exactly, it is copyright infringement against the photographer.

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However, GenAI models rarely copy a single image. They ingest thousands of images to learn the mathematical representation of the face, and then output a completely novel, uncopyrighted image. Because the AI output is a newly generated visual, the traditional copyright test of "substantial similarity" to a specific, protected work often fails. The AI has abstracted the idea of the celebrity's face, not the expression of a specific photograph. Therefore, relying exclusively on copyright law to defeat deepfakes is doctrinally unsound, as it misidentifies the harm: the injury is not the theft of a specific photograph, but the theft ofthe identity itself.

10.Performers' Rights under the Copyright Act, 1957

While basic copyright falls short the Copyright Act gives performers a layer of protection through "Performers' Rights" in Sections 38 and 38A. A performer—an actor, singer or dancer—has the exclusive right to make sound or visual recordings of their performance and to share those recordings with the public.

Section 38B adds rights for performers. It lets them claim authorship of their performance and stop any distortion, mutilation or change that harms their reputation.

At look this seems like a strong defense against deepfakes. If an actor's scene in a movie is altered so that they say something they never did Section 38B is clearly broken. The problem comes from how "performances defined. It refers to a fixed act, such as a particular scene in a film or a particular live concert.

Now imagine an AI model trains on an actor's filmography and then makes a synthetic video of the actor in a brand-new invented situation. Which "performance" has been infringed? The AI has not altered an existing performance; it has created a copy of the performer that produces a performance. Because Performers' Rights focus on a performance rather, than the performer's identity they do not fully protect against completely synthetic, ground-up deepfakes.

11.Trademark Law and Passing Off

In the absence of a statutory right of publicity, celebrities frequently rely on Trademark Law and the common law tort of 'Passing Off' to protect their commercial identity. Under the Trade Marks Act, 1999, a celebrity can register their name, signature, or even a catchphrase (as seen with Amitabh Bachchan and Anil Kapoor) as a trademark in specific classes ofgoods or services.

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Legal Concept	Core Requirement	Limitation against Deepfakes
Trademark (Registered)	Registration in specific classes.	Only protects against use in trade/commerce for registered goods. Does not stop non-commercial deepfakes.
Passing Off (Common Law)	Proof of goodwill, misrepresentation, and damage.	Requires proving consumer confusion (that the public actually thought the celebrity endorsed the fake).
Right of Publicity	Identifiability of the persona.	Not codified in Indian statute; relies entirely on variable judicial interpretation.

Passing off occurs when a deepfake creator misrepresents to the public that a celebrity is endorsing their product. For example, a deepfake video showing a famous cricketer promoting a betting app is a classic case of passing off. The plaintiff must prove that their identity has established goodwill, that the deepfake constitutes a misrepresentation, and that it causes or is likely to cause damage.

While effective for false endorsements, passing off fails when the deepfake is non-commercial, such as a satirical video, political manipulation, or non-consensual synthetic pornography, because the element of trade misrepresentation is absent.

12. The Right to Privacy and Data Protection

When legal options do not work celebrities can rely on the right to privacy. In the landmark case of Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) the Supreme Court of India declared that privacy is a right protected by Article 21 of the Constitution, which guarantees the Right to Life and Personal Liberty.

The Puttaswamy judgment specifically said that privacy covers privacy and the right to control how personal information is spread. The Court also recognized that people have a right to control their identity thereby linking privacy with publicity.

From a data protection view biometric data needed to train a deepfake model, such as geometry and voiceprints is highly sensitive personal data. The Digital Personal Data Protection Act, 2023 (DPDP Act) controls how digital personal data is processed. Under the Act processing data must have clear informed consent. Scraping a celebritys face and voice from the internet without consent to train an AI model would in theory break data protection rules.

However, the DPDP Act mainly targets fiduciaries and gives little help against anonymous

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people who create deepfakes using open-source software. Also, the Act allows exceptions, for available personal data, which weakens its power because celebrity images are naturally public. Thus, although privacy offers a base enforcing it against individual deepfake creators is still very complicated.

13.Defamation and the IT Act

When a deepfake shows a celebrity doing something immoral or highly controversial the biggest harm is to their reputation. In these cases, the law steps in through defamation laws. In India this is covered under Sections 499 and 500 of the Indian Penal Code which're now part of the Bharatiya Nyaya Sanhita. To win a defamation case the person claiming harm must show that the fake content lowered their reputation in the eyes of people in society.

There are also laws under the Information Technology Act, 2000. Section 66E makes it a crime to capture or share someone's body parts without their permission. Section 67 and Section 67A deal with publishing sexually explicit content online. These parts of the law are often used to fight what is considered the kind of deepfakes—non-consensual synthetic pornography. This abuse often targets celebrities more than others.

Even though these laws can punish people after the fact they only work after the damage is done. By the time the fake content is taken down it may have already spread widely. Caused lasting harm to the celebrity's image. Defamation laws also face problems with deepfakes that are clearly labeled as satire or parody. Creators say no one would actually believe the content is real. The reality is that a realistic-looking video can still hurt a person's image even if a disclaimer is shown. The emotional impact of seeing something that looks often sticks, even if the mind knows it's fake. That means the damage, to reputation can linger, even after the truth is out.

14.Intermediary Liability and the IT Rules 2021

Because finding out who made a deepfake that's anonymous is usually impossible with technology, the people who get hurt often try to take action against the companies that share the fake videos. These companies are the ones people use to post and share videos, like X, YouTube and Meta.

Section 79 of the IT Act gives these companies protection from being blamed for the content as long as they don't create the content themselves. This protection only works if the companies follow certain rules. They have to check that users aren't sharing content.

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According to Rule 3(1)(b) these companies must try their best to stop people from sharing content that looks like someone. The Ministry of Electronics and Information Technology has told the platforms to find and remove deepfakes within 24 hours after someone complains. If they don't do this, they lose the protection that the law gives them.

With these rules the problem is still mostly on the person who gets hurt. A famous person has to look over the internet find the fake videos and ask the companies to take them down. This is, like a game of whack-a-mole. It doesn't work because there are so many fake videos made every day. The law doesn't make the companies use technology to check for fake videos when they are uploaded. So, the famous people have to take care of their online reputation by themselves.

15. Comparative Analysis: The United States (State Law)

To understand the legal system, it's helpful to look at how other countries handle similar issues. In the United States there is no federal rule that protects a person's right to their own image or voice. Instead, each state has its laws, which means the rules can be very different depending on where you are. California and New York which are centers for the entertainment industry have the most developed legal rules on this topic.

In California the Civil Code Section 3344 says that you cannot use someone's name, voice, signature, photo or image for business reasons without their permission. This protection has been around for a time even before artificial intelligence became common. A famous case from 1988 called Midler v. Ford Motor Co. Showed how important this protection is. In that case a singer named Bette Midler won her case when a company used a person who sounded like her to promote a product. The court said that a voice is just as unique and personal as a face and using a known voice without permission is like stealing something that belongs to someone else.

This strong protection at the state level gives US celebrities a way to fight against fake videos and audio made by computers. Because each state has different rules it can be hard to deal with problems that cross state lines. To handle the dangers from AI some lawmakers in the US have proposed a new law called the NO FAKES Act. This law would create a national rule to protect people's voices and images from being used without their permission, in digital form.

16. Comparative Analysis: US First Amendment

The biggest problem with the right of publicity in the United States is the First Amendment, which strongly supports speech and the ability to express ideas. Courts often have to decide

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between a celebrity's right to control their image and an artist's right to create something

To handle this conflict US courts, use the 'Transformative Use Test'. This rule came from a case called Comedy III Productions, Inc. Gary Saderup, Inc. In 2001. The test checks if a product that uses a celebrity's image has changed much that it is mostly the creators own work not just the celebrity's image. If the product only copies the celebrity to make money from their fame, then the right of publicity is stronger. If the work includes a lot of parts like a funny drawing, then free-speech rights are stronger.

When it comes to deepfakes this is a situation. A realistic AI video might not be considered transformative because it tries to copy the person exactly. If the story or the situation, in the video makes the celebrity part of a funny or political message it could be protected speech. Indian courts, even though they believe in speech usually take a stricter approach. They often protect a person's name and image especially if there is a lot of money involved or if the persons reputation is hurt, as seen in the rules given by the Delhi High Court.

17. Comparative Analysis: The European Union (GDPR)

Unlike the United States, which deals with the problem through property and publicity rights the European Union mainly looks at the copying of identity through data protection and core human rights. The General Data Protection Regulation or GDPR is the tool to fight deepfakes in Europe.

Under the GDPR photographs, video recordings and voiceprints are seen as data. More important biometric data that is used to uniquely identify a real person is called special category data in Article 9. Handling biometric data is usually not allowed unless the person gives clear consent.

If an AI developer trains a model on a celebrity's pictures to build a deepfake generator that developer is working with data. Without the celebrity's consent this is a big breach of the GDPR and can bring huge fines to the developer. The GDPR also gives people the Right to Erasure also known as the Right to be Forgotten. A celebrity can ask AI sites and search engines to remove the training data or the fake images that come out.

The EUs focus on data gives a prevention system that stops problems before the deepfake is made. This is very different from the reactive, after-the-fact style of court orders.

before the deepfake is even generated

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18. Comparative Analysis: The EU AI Act

The European Union has further solidified its regulatory dominance by enacting the AI Act, the world's first comprehensive legal framework specifically targeting artificial intelligence. The Act categorizes AI systems based on risk. While generative AI models are not deemed 'high-risk', they are subject to stringent transparency obligations.

Jurisdiction	Primary Legal Tool	Focus Area
United States	State-level Right of Publicity / First Amendment	Commercial misappropriation vs Free Speech.
European Union	GDPR / EU AI Act	Data privacy, biometric consent, and transparency labelling.
India	Common Law / Ad-hoc Injunctions	Protecting commercial equity and dignity via judicial interpretation.

Crucially Article 50 of the AI Act says that people who use an AI system that creates or changes image, audio or video content must tell others that the content was made by a computer or changed. This means that fake media must have a mark or label that shows it is not real. This rule about being open and honest is important for keeping the reputation of people safe. If someone watches a video that shows a figure in a bad light a clear label that says it was made by AI stops people from being tricked. The way the EU is handling these focuses on making sure all information online is honest not just protecting the rights of one person. This helps keep the world of information fair and real, for everyone.

19. Gaps in the Indian Legal Framework

Synthesizing the analysis of Indian jurisprudence and international comparisons reveals significant lacunae in India's current legal architecture regarding celebrity rights and AI:

- **Lack ofStatutory Recognition:** The right ofpublicity is entirely a creature ofcommon lawin India. Without legislative codification, there are no defined contours regarding its scope, duration, or survivability (whether the right descends to heirs after death).
- **Over-reliance on Reactive Injunctions:** High Courts grant ex-parte injunctions only after the celebrity discovers the infringement and approaches the court. This is time-consuming, expensive, and fails to deter the initial creation ofthe deepfake.
- **The 'Commercial' Limitation:** Common lawpersonality rights generallyrequire proofof

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commercial exploitation. This leaves celebrities exposed to non-commercial deepfakes—such as malicious political framing or harassment—which may not easily fit into passing off or commercial misappropriation doctrines.

- **Inadequate Intermediary Obligations:** The IT Rules 2021 operate on a notice-and-takedown regime. There is no statutory obligation for platforms to implement proactive AI-detection filters or mandatory watermarking for synthetic media, shifting the enforcement burden entirely onto the victim.

The current patchwork of copyright, trademark and privacy laws is not enough. It pushes courts to do gymnastics. They try to stretch rules made for physical goods or fixed artistic works to control new fluid biometric algorithms.

20. Proposed Statutory Model for India

To make sure people are safe and protected India really needs a law that focuses on personality rights and fake media. A new law called the "Protection of Digital Persona Act" should include these parts:

1. **Codification of the Right of Publicity:** The law must explicitly define personality rights, including the exclusive right to commercialize one's face, voice, signature, and distinct behavioral traits. This right should be recognized as assignable and licensable property.
2. **Post-Mortem Rights:** The statute should clarify that personality rights survive the individual's death for a specified period (e.g., 50 years), preventing the unauthorized digital resurrection of deceased actors and musicians by studios without compensating their estates.
3. **Mandatory Consent for AI Training:** Aligning with data protection principles, the law should stipulate that utilizing an individual's biometric data or likeness to train a generative AI model requires explicit, opt-in consent, distinct from general terms of service agreements.
4. **Strict Transparency and Watermarking:** Drawing inspiration from the EU AI Act, India must mandate that all AI-generated media depicting identifiable individuals carry clear, cryptographically secure metadata and visual watermarks indicating their synthetic nature.

By setting statutory boundaries legislation gives celebrities the power to take control of their digital equity step by step. Legislation also gives AI developers rules that're easy to follow.

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Legislation feels like a step, toward fairness.

21.Balancing Rights: Fair Dealing and Satire

Any statutory expansion of personality rights must be carefully balanced to avoid limiting freedom of speech. If a celebrity is given control over their image they might block valid criticism, news stories or artistic parodies. The proposed framework should include Fair Dealing" exceptions, just like those, in Section 52 of the Copyright Act.

Exceptions to the right of publicity should explicitly protect:

- News and Public Interest: The use of an identity in connection with news reporting, public affairs, or sports broadcasts.
- Satire and Parody: Transformative works where the celebrity is spoofed or caricatured. A deepfake used in a clearly labelled comedy sketch must be protected under Article 19(1)(a) of the Constitution.
- Biographical Works: The creation of unauthorized biographies or historical documentaries, provided they do not constitute false endorsement.

The main test should be about "Economic Harm vs. Expressive Value". If the synthetic media takes the place of the celebrity's commercial work (, like an AI voice reading an audiobook instead of the actor) then the right of publicity is important. If the use helps in discussion or cultural comments without mainly taking away commercial value then freedom of expression should be protected. Clear labels (as suggested in the part) makes it hard for someone to say they were tricked, which naturally gives more room for funny or satirical work.

22.Conclusion

The rise of AI and deepfakes has broken the old ways of protecting identity. Celebrities, whose images and voices are worth a lot in the marketplace are especially at risk from cloning. The Indian courts have acted quickly in some cases—like the Anil Kapoor and Arijit Singh rulings—using existing tools to issue broad injunctions. This reactive method, applied case by case does not work well in the age of AI. Relying on copyright or passing off laws misses the problem: the unauthorized use of a person's biometric features. India needs a new kind of law made for this moment. A special legal framework should protect the right of publicity require transparency, from AI systems. Still respect free speech and artistic expression. The balance must be right—protecting people without stifling innovation or creativity.

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