

Case Comments

Influencers and Intellectual Property: Perusing *Devi Prasad Shetty v. Medicine Me* for Personality and Publicity Interests of Non-Entertainer Celebrities

Surjashis Mukhopadhyay

Surendranath Law College, University of Calcutta, Kolkata, West Bengal 700009, India

* Correspondence: mukhopadhyaysurjashis@gmail.com

Abstract: The judgment in *Devi Prasad Shetty and Anr. v. Medicine Me & Ors.* is a major step forward for the privacy and publicity rights of celebrities in Indian law. Protection under the IP law has been extended, to famous entertainers, and well-known professionals. In this case, Dr. Devi Shetty successfully claimed his right to control the sale of goods and services that bear or relate to his name. The ruling made it clear that fame, no matter where it comes from or what its nature is, makes a person's name and image their private property and economic capital that should be protected by privacy and IP laws. The Hon'ble Court, in deciding this dispute, rightfully invoked the torts of passing off, trademark dilution, and defamation to show just how broad and variegated the offense of misusing a celebrity's personal attributes is. The present case commentary analyses the decision in the light of a few affirmative pronouncements of domestic and foreign judiciaries. It also alludes to the intersection of the Trade Marks Act, Competition Act, Copyright Act, and Constitution, while highlighting the judiciary's role in filling legislative gaps. In increasing abuse of identity, this case reiterates that any renowned personality is not just a reflection of fame, but a proprietary asset. Devi Shetty's case sets, a precedent in treating reputation as property, deserving the same legal sanctity as most creative possessions.

Keywords: right to personality; right to publicity; intellectual property law; celebrity rights; privacy, competition, and intellectual property

1. Introduction

The rights to publicity and personality are indelibly connected to the status of 'celebrity' in the modern era. Such rights have entrenched themselves as universal constituents of the rather important interest belonging to any human being under the IP law. To fit everything in a jiffy, publicity rights allow a person (typically a celebrity) to control and profit from merchandising of their socially and professionally popular identity (Luthra and Bakhrui 2019). Personality rights are a broader bundle that protects certain interests in one's persona as regards privacy and exclusivity, encompassing the whole stretch of self-endorsement. In common legal parlance, however, personality rights and publicity rights are used synonymously.

Many scholars view the term celebrity as an accolade of honour; the achievement of becoming the one who is well-known among the many. Performers, athletes, and artists earn it by exerting skill and talent, social media influencers and internet personalities gain it through content and advertisements. Few individuals garner it with accidental association in the limelight of events deemed 'trendy' or 'viral' in the perception of the contemporary generation. According to the criteria of "direct commercial exploitation of identity", a person whose identity has been hijacked automatically gains the status of a celebrity for the publicity when their identity is used without permission and with a forthright and mercantile motive (Lee 1992).

It is necessary to regulate the use of the names and images of celebrities in the capacity of their intangible, personal chattels. The 'name' and 'face' are the two most valuable assets, to which celebrities, directly or indirectly, owe most of their livelihoods and subsistence; and build up a major chunk of their identities. The personality of famous persons becomes inseparable from their names and likeness, and both of the latter are now a market commodity and article of commerce belonging to the relevant celebrity. The individual's personality (under the catalyst of fame) leads to a full-fledged IP, the reins over which are held by him or her. The name, face, and voice of a celebrity, all being his original work, qualify as products or services of commerce on his or her part. The issue of concern to the celebrity is how and by whom his or her name, likeness, and voice

Citation: Surjashis Mukhopadhyay. 2025. Influencers and Intellectual Property: Perusing *Devi Prasad Shetty v. Medicine Me* for Personality and Publicity Interests of Non-Entertainer Celebrities. *Trends in Intellectual Property Research* 3(1), 55-60. <https://doi.org/10.69971/tipr.3.1.2025.68>



Copyright: © 2025 by the authors. This article is licensed under a Creative Commons Attribution 4.0 International License. To view a copy of this license, visit <http://creativecommons.org/licenses/by/4.0>.

will be publicized; what would constitute an authorized user, and what, an exploitative ‘trespass to property’.

To defend the personality rights; particularly, the right to publicity of A personality, two distinct aspects should be considered (Ahmad and Swain 2011). Firstly, the right to privacy, which includes the right to be left alone to oneself, allowed to freely enjoy and deal with one’s property to the exclusion of the rest of the world, Secondly, the right to prevent one’s image from being economically exploited without permission, primarily as a tortious offence of passing off; primarily known as interest of publicity and is covered by the IP law, since nobody can falsely represent another’s goods as one’s own.

To avail a common law remedy for the tort of passing off, goodwill, misrepresentation and damage must be fulfilled (Tiwari 2005). The aggrieved must demonstrate that their personality viz. name and face has a famous reputation or goodwill in the market, and as such, worth intrinsic economic utility. The tortfeasor must have made a willful misrepresentation using the personality of the aggrieved, and which misrepresentation is likely to mislead consumers into believing that their goods, products or services are either those of the aggrieved person’s or are endorsed by or personally associated with him or her. The aggrieved party has to, finally, prove that he or she wrongfully has suffered or is likely to suffer financial loss or harm to their goodwill and reputation as a result of the tortfeasor’s misrepresentation.

The evolving jurisprudence in India, notably through *Devi Prasad Shetty and Anr. V. Medicine Me and Ors.* [CS (COMM) 1053/2024] (Devi Shetty’s case), highlights the expanding recognition of personality rights. It extends celebrity concept to entities who are professionals with significant commercial reputations. This case commentary analyses the factual intricacies of Devi Shetty’s case, its impact on IP law, and its role in protecting personality rights in the digital era. The study will examine jurisprudential developments, relevant case laws, and statutory provisions wrapping it with IP law implications in India.

2. Factual Matrix

Dr. Devi Prasad Shetty, a distinguished cardiac surgeon is a philanthropist and the chairman of one incorporated company, namely, Narayana Hrudayalaya Ltd. Dr. Shetty, together with the said company (hereinafter to be referred to as ‘Plaintiff 2’), instituted a lawsuit before the Delhi High Court against several defendants, including anonymous operators of webpages, namely, Medicine Me and QDD Milano Nightlife TV on the popular social networking site Meta Facebook.

The plaintiffs sought a permanent injunction against the defendants. The injunction aimed to stop the defendants, from exploiting Dr. Shetty’s personality and publicity rights; infringing registered trademarks belonging to him, namely, ‘Narayana Health’ and ‘Narayana Hrudayalaya’; misappropriating goodwill; engaging in deceptive trade practices; and causing trademark dilution and reputational harm.

His lawyers spoke at length during the proceedings about Dr. Shetty’s global prominence that arose from his definitive efforts in affordable healthcare, including establishing the College of Nursing, Asia Heart Foundation and the Rabindranath Tagore International Institute of Cardiac Sciences in Kolkata. The Court noted that Dr. Shetty is the inventor of a US-patented “System and Method for Facilitating Delivery of Patient-Care” and has, by the time of the present lawsuit, earned widespread acclaim through media interviews, and public lectures. A documentary produced by Netflix by the name of “The Surgeon’s Cut” showcased his commitment to cost-effective medical care and went through Dr. Shetty’s various accolades.

The plaintiff’s counsel pointed out that the company Narayana Hrudayalaya Ltd. had already been incorporated in 2000, and subsequently, had adopted the trademarks ‘Narayana Hrudayalaya’ and ‘Narayana Health’ before 2002. Both trademarks garnered substantial goodwill through consistent use, robust promotion, and high-quality healthcare services. The defendants misused Dr. Shetty’s name, image, photographs, and videos by producing and sharing deceptive content on social media platforms, without obtaining any prior permission from Dr. Shetty to do so. This content falsely implied Dr. Shetty’s endorsement of health products, to secure unethical profits for the defendants at the cost of Dr. Shetty’s reputation. The plaintiffs, contended that the defendants risked misleading consumers, potentially leading them to purchase inferior products, posing a severe threat to the goodwill of both Dr. Shetty and Narayana Hrudayalaya. The malicious intent of the defendants in this regard was further evidenced by their intentional manipulation and alteration (with the help of digital editing software) of Dr. Shetty’s existing videos to suggest an affiliation with their products.

3. The Verdict

The matter was disposed of on November 28, 2024. The Hon’ble Mini Pushkarna J., the presiding judge of this dispute, determined that Dr. Shetty soundly met the gauge for a ‘facets of celebrity personality’ as established in *Arijit Singh v. Codible Ventures* (2024). The Court ruled that the unauthorized use of Dr. Shetty’s likeness, image, and videos by the defendants for commercial gain has violated his publicity rights and, risked deceiving the public especially in such a critical issue as health. The Court affirmed that the plaintiffs succeeded in establishing a strong prima facie case for an interim injunction, by demonstrating a likelihood of irreparable harm, and a balance of convenience in their favor. Consequently, the Court issued an ex parte interim injunction, prohibiting the defendants from exploiting Dr. Shetty’s name, likeness, image, or any other personal attributes without his consent, including through Artificial Intelligence (AI), Deep Fake technology, or other mediums. The Court also barred the defendants from infringing Narayana Hrudayalaya’s trademarks and mandated the removal of infringing social media content, reinforcing the protection of IP rights and the prevention of deceptive trade practices.

4. The Trajectory of Past and Present Jurisprudential Developments

The “right to be left alone” principle, the foundation for the right to publicity is where the origins of respect for individuality and safety from interference may be found (Augustian and Sankar 2023). Celebrity publicity rights developed for the first time in the US through societal changes and legal precedents, and are interwoven with privacy rights. In the early 20th century, people realized the right to publicity, which gives them authority over the mercantile utilization of their name, likeness, and other personal characteristics. Below are a few judicial precedents to help understand the Court’s decision in Devi Shetty’s case.

A pivotal precedent was set in *Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc. Haelan Laboratories* (1953), a chewing gum manufacturer, issued trading cards featuring baseball players under an exclusive contract, prohibiting the players from granting similar rights to competitors. Their rival, Topps Chewing Gum, persuaded the athletes to use their images for its own brand. The US Court of Appeals ruled that Topps violated the contract, thus recognizing the right to publicity as a distinct commercial interest. The Court held that a person's interest in the publicity value of his or her photograph is a strong legal tenet irrespective of the question of his privacy, and that right to publicize may be made validly without the need for a transfer of anything else to accompany.

Besides the right to privacy, entrenched by the Supreme Court's decision in *K.S. Puttaswamy v. Union of India* (2017) as a fundamental right of life under Article 21 of the Constitution of India, personality rights gained popularity as the entertainment sector grew, and the public identity associated with individual actors and musicians became commodified. The Supreme Court acknowledged a person's right to regulate the profiting off their identity in *R. Rajagopal v. State of Tamil Nadu* (1994), which served as a stimulus for the legalization of personality rights in India. The Court clarified that it was crucial to balance between the freedom of the press and the right to privacy, noting that the former "flows from the freedom of speech and was subject to reasonable restrictions provided in Article 19(2)." According to the Court, no one can publish anything about someone's private matters without that person's agreement—unless it was based on public records, and privacy is definitely a "right to be left alone." This decision recognised that people, including celebrities, have a right to limit the use of their image for profit.

In *Jaikishan Saraf v. The Peppy Store & Ors.* (2024), the Delhi High Court explained that personality and publicity rights consist of the legally guaranteed interests to one's "name, voice, image, likeness, mannerisms, gestures", and other distinctly identifiable traits that one has sole control over. The Court, relied on the case of *D.M. Entertainment Pvt. Ltd. v. Baby Gift House* (2002), wherein it was decided that people's right to publicity shields them against the impermissible use of their names, voices, images, and other distinguishing characteristics. The Court acknowledged that such unapproved usage may result in unjustified financial advantage for a third party, violating the aggrieved person's right to privacy.

In *Arun Jaitley v. Network Solutions Private Limited & Ors.* (2011), it was held that the reputation or popularity of an individual on the internet or the world-wide-web is not disparate from what it is in reality. The Court realized that the name of a renowned person belongs to the category where, in addition to personality, the very name has also acquired its own distinguishing features. The judicial interpretation of the wide scope of the right to personality, makes it clear that the personal names or proper nouns associated with famous people can themselves be elevated to the level of a 'brand', hence, are worthy of safeguard plus exclusivity under the law pertaining to IP.

In *Titan Industries Ltd. v. Ramkumar Jewellers* (2012), the right to publicity was defined as the legal interest to "control commercial use of human identity." The defendant, in this case, had erected billboards featuring two public figures (plaintiff) promoting the defendant's jewelry store. Based on the contract in which the personalities granted the plaintiff their personality rights, the plaintiff asserted that personality rights were being violated. The plaintiff filed a lawsuit to obtain an injunction to prevent the misappropriation of personality rights underway. The Court determined that the plaintiff is the legitimate proprietor of the copyright in the aforementioned advertisement in accordance with Section 17(b) of the Copyright Act 1957. This is supported by the endorsement agreements, which unequivocally declare that the plaintiff is the true owner of the copyright. The defendant was held liable for the dishonest use of and the non-consensual reproduction of the likeness of the celebrities.

The Court outlined that publicity rights infringement requires validity (i.e., an enforceable legal interest in the plaintiff's persona) and identifiability (i.e., clear recognition of the particular celebrity in the defendant's unauthorized use), without necessitating proof of the consumer's confusion or mistake or that of the defendant's deceit. Read with *Devi Shetty's* case, this thought of the Hon'ble Court in *Titan* (supra) suggests that publicity rights are currently limited to celebrities. Such rights only protect personality attributes linked with the ownership of copyright or trademark, as the case may be. The *Titan* (supra) case, underscores the restricted scope of copyright law in addressing personality rights violations by reason of the fact that remedies hinge on IP ownership, being a pre-requisite in all like cases. To speculate on our own, had the plaintiff in *Titan* (supra) assigned all IP rights to the defendant under Section 17, they would have little recourse if the defendant exploited the celebrities' images in a manner ultra vires to the contract. This is simply because the defendant, as the first owner, would hold absolute control over the use of the impugned advertisement. This matter highlights the glaring limitations of current IP protections with an oblique reference to *Devi Shetty's* case.

In *ICC Development Ltd. v. Arvee Enterprises* (2003), where the pertinent question as to whether or not a corporation would possess personality rights, the Delhi High Court ruled that the right to publicity resulted from the right to privacy and only applied to a particular individual or any indication of their personality. Consequently, the right of publicity does not apply to inanimate creatures or fictitious persons. Articles 19 and 21 of the Indian Constitution would be breached if someone tried to give their right to publicity to the event's organizer, which remains a non-human entity. One may earn the right of publicity by participating in an event; however, this right does not extend to the event itself or to its organizer. As a result, only a real individual has the right to benefit and profit from the proprietary right of publicity.

In *Shivaji Gaikwad v. Varsha Productions* (2015), it was observed that those who have achieved the status of celebrities are entitled to the right of personality. The Madras High Court said that although there is no statutory definition of the expression 'personality right' under any Act of Parliament in India, the judiciary, nevertheless, ought to give the concept a legal recognition. It was also affirmed that "infringement of the right of publicity requires no proof of falsity, confusion, or deception, especially when the celebrity is identifiable." The Court concluded that the plaintiff is likely to be granted an order in its favour based on the presumption that the celebrity is identifiable by the use of his name by the others, which otherwise amounted to a violation.

In *Anil Kapoor v. Simply Life India & Ors.* (2023), the court held that personality rights encompass an individual's photograph, likeness, voice, name, speaking style, catchphrases, dialogue delivery, cadence, gait, gestures, and signatures. These elements deserve protection against misuse, for the celebrity's benefit and to prevent distress to their loved ones and associates, particularly in cases of defamation. The court noted that fame and reputation can impact privacy, livelihood, and dignity within a community. While free expression, including news, media, satire, parody, and criticism, is protected, it is unlawful if it excessively harms or endangers a person's reputation or related attributes.

In *Gautam Gambhir v. D.A.P. & Co. & Anr.* (2017), it was contended, that the right to publicity gives people the exclusive authority in rem to manage their identity and likeness. It establishes a monopoly that restricts the public's access to ideas, information, expressions, and conduct which may stifle competition in an unfair manner. The Court determined that the plaintiff (a celebrity) possesses commercial value over his name and that any infringement would be a breach of the plaintiff's right to publicity. However, the Court also decided that just because a generic word happens to be a celebrity's name and has a potential of financial exploitability, it shouldn't be protected as an IP. For instance, when a famous personality adopts an extant and popular name, and claims the sole license to use that name, then this act may amount to unfairness in certain cases.

In *Amitabh Bachchan v. Rajat Nagi & Ors.* (2022), the Delhi High Court issued an omnibus order on *ex parte ad interim* injunction, which, forbids the public from using a very well-known individual's names, images, voices, or any other of his characteristics and traits of his personality without his prior consent. The Court noticed that without the plaintiff's approval or authorization, the defendants seemed to have exploited his famous position to advertise their own ventures. Resultantly, the plaintiff is at the risk of a greater probability to sustain serious, irreversible injury to his reputation and, through such reputation, to his financial interests.

5. Intersection of Statutory Provisions for the Bigger Picture

In the English Common Law system, publicity rights emerged relatively recently. The principle shied away from a historical focus on protection of reputation through defamation laws as it stood back then. The *Douglas v. Hello! Ltd.* (2005) set a pivotal moment for the personality, privacy, and publicity rights of celebrities in particular. This was a case wherein the wedding photographs of a certain celebrity couple were 'leaked' or published without permission. During this case, the English Court underscored the need to safeguard privacy against intrusive media practices.

In India, while no specific legislation explicitly governs personality rights, courts have applied existing IP laws. The judiciary has interpreted the statutes on trademark and copyright laws to address the unwarranted economic exploitation of a celebrity's persona. These laws, while partially effective indeed, still leave critical gaps unaddressed. The first legal provision regarding the IP of personality of a celebrity, is the Indian Constitution. Article 19(g) of the Indian Constitution enacts the fundamental freedom of all citizens to practice any profession, or to carry on any occupation, trade, or business. As a corollary, all rights related to one's famous personality (especially that of its publicity) ought to be safeguarded. If a celebrity's personality, the largest basis of his occupation and business, is left vulnerable to external interference, then his freedom to practice the profession of his choice can't be secured. Further, a celebrity has the constitutional right to acquire, manage, and retain property under Article 300A, which applies to all his IP, including the personality and publicity rights.

In India, the Trade Marks Act 1999 offers significant protections for personality rights. Section 14 prohibits the registration of trademarks that include a living person's name or likeness without their concurrence, directly protecting individuals like Dr. Shetty from uncertified commercial exploitation. As per Section 2(m) of the Act, the definition of a "mark" means and includes, inter alia, a name. This provision makes it explicit that the name of a renowned individual can serve as a trademark that distinguishes the said individual's products or services with an innate merit. Hence, the Court, in the present case, was correct in recognizing Dr. Shetty's name as his IP forming an essential part of his personality. Now, by offering personality rights over his name and face, Dr. Shetty is given the full authority to decide how, when, and where such aspects of his personality get utilized, besides granting him the infeasible opportunity to financially benefit from the worth of his identity. This personality right is a negative legal interest in as much as it gives him the authority to stop the impermissible use of Dr. Shetty's personal characteristics for any undue gain to a third party. As a necessary legal incident to possess the right to personality, Dr. Shetty now obtains the clear right of publicity of such personality, including his name and images. Hence, the publicity rights are technically equivalent to the broader property rights that also grant the right to profit commercially from the use of the attributes of their identity.

Section 27(2) of the said Act, which governs the tort of passing off, safeguards unregistered trademarks and extends to personality rights by preventing misrepresentations that damage an individual's goodwill or reputation. A notable example is the case of P.V. Sindhu, India's pioneering athlete who secured a bronze medal at the 2020 Tokyo Olympics and a silver at the 2016 Rio Olympics. Following her successes in the capacity of the nation's sportswoman, various companies including MG Motor, Pan Bahar, Eureka Forbes, Vodafone-Idea, State Bank of India, and ICICI Bank used her image in their own, individual social media campaigns without first asking for her consent to do so (The Face of Image Rights 2023). Sindhu's image rights agency, namely, Baseline Ventures, issued legal notices to the complicit organizations seeking damages from each of them. This event illustrated how the civil offence of passing off under Section 27(2) can address deceptive practices that falsely imply endorsement, hence, protecting the celebrity's commercial interests as well as the trust of consumers in a two-pronged approach.

The Copyright Act, 1957 offers limited protection to personality rights to authors and performers. Section 2(qq) defines a "performer" as actors, singers, musicians, and dancers. Copyright Act potentially covers individuals with performative public personas. Section 38 of the Act grants performers the rights to prevent unauthorized commercial use of their performances, an example of which was seen in Titan (supra), where the Hon'ble Court, relying on Section 17(b), upheld the plaintiff's copyright in advertisements featuring an aggrieved celebrity. Section 57 of the Copyright Act protects moral rights, allowing authors and performers to claim authorship and safeguard their work's integrity. Thus, Section 57 indirectly supports personality rights tied to creative expressions. These provisions do not explicitly cover broader personality attributes like a celebrity's name, likeness, or voice in non-performative contexts.

The proverb "one may not reap where another has sown," as articulated in an appropriate backdrop in the case of *Hirsch v. S.C. Johnson & Son, Inc.* (1979), underscores the role of the competition law in curbing unfair trade practices that exploit the attributes of somebody's personality for commercial gain. The Competition Act 2002 protects consumers from deceptive practices, complementing IP protections. Though the *litera legis* of the Competition Act does not express it, but given the object, purpose, and scope of the statute, the *sententia legis* is in support of the lawful rights to personality and publicity belonging as IP to a celebrity.

Since the competition law encourages fair and bona fide competition, any unapproved use of any aspect of a celebrity's personality does not contribute to the advancement of fair competition in the market but rather amounts to the exploitation of personal identity for unfair advantage in one's own business venture. Therefore, this use amounts to a violation of personality rights under

unfair trade practices. Hence, an unauthorized use can be deterred by competition laws if it directly or indirectly misleads or deceives the belief of consumers about the presence of sincere endorsements in commercial advertisements by another, more famous individual, or if the wrongdoer engages in dishonest tactics to promote oneself at the cost of the personality of the celebrity injured.

Privacy rights, IP, and competition law theoretically intersect where data pertaining to creativity is a key asset. A celebrity's data trove is in the form of personality. This personality is protected as IP or a trade secret because this simple, intangible thing can create insurmountable market power. Contractual obligations to share such so-called data to foster business and competition might conflict with IP protections and privacy interests. Thus, regulators must harmonize incentivizing innovation, safeguarding individual autonomy, control over publicity of personality, and ensuring ethical open markets sans monopoly or wrongful exploitation.

According to the *Advertising Standards Council of India* (2024), 91% of advertisements violated guidelines on celebrity endorsement, with the highest incidence of violations happening in the food, beverages and personal care.

6. Conclusions

The judicial approach and its resultant take in Devi Shetty's case has marked a seminal expansion of the law and legal mentality in so far as the status quo of IP subsists in South Asia. The Court has taken a due note of the fact that contributions of Dr. Shetty to the cardiac health and the social services rendered by him to this niche of the medical sphere, has decorated his identity plus visage with a hue of global familiarity which is impossible to ignore. This truth appropriately makes him stand at par with celebrities, despite him not fitting conventionally understood description of "pop icons" of the internet and the television regime. Dr. Shetty as a celebrity is eligible for enforceable personality rights all the same because, after prolonged recognition with positive (or, maybe sometimes, untoward) traction, Dr. Shetty professionally and financially now depends mostly on the publicity of his persona, an entrepreneurial capital in its own position. Dr. Shetty's IP in his name and likeness or that in his feats, invention and company, is not moot on such grounds. The name and face of a popular person are his merchandise cum assets, in the sense of an inherent brand value capable of economic exploitation. The 'self' is so closely assimilated into and attached to the services of one that the 'self' turns, at the discretion of the person, into a mercantile commodity and an institutional marque. A celebrity's right to endorse his or her personality is a significant source of his or her income, and it cannot be diluted or destroyed by allowing the illegal sale and distribution of merchandise or service without the celebrity's assent *Karan Johar v. India Pride Advisory* (2025). The public identity of a celebrity is literally a private resource held by him or her in rem. Since the personality is treated as a hallmark of quality or a label of distinction in the commercial scene, is eligible to be protected as IP and this principle of law has been made stare decisis yet again by the Court's decision in Devi Shetty's case. Courts often protect only specific IP-linked attributes, neglecting broader personality aspects. Hence, robust and comprehensive legislation should address the full scope of personality and publicity rights in the digital age. Fortifying personality rights is vital to tackle the escalating challenges of manipulation through generative AI, safeguarding personal privacy, honor, and genuineness in the digital era. Even though there isn't currently any explicit legislation or case law in India to support this stance, the right of publicity, following the law on economic copyright, should be transmissible by inheritance and may, thus, pass to the person's legal representatives as part of his estate after his death. But the right of personality is naturally imbued with only the person to whom it belongs and, thus, cannot realistically be passed onto other people without some pervasive and definite loss to its financial practicality and restraints on its user. So, a doubt lingers—what will to happen to the legal interests of a celebrity's personality posthumously? Common sense dictates that a personality is close to nothing without the person. Given how a celebrity's personality and all aspects of publicity related to it are, a personal asset or resource capable of lawful economic user as any other chattel; the legal heirs of the deceased have a legitimate interest to possess all rights to celebrity personality as inheritance from the deceased's estate. Devi Shetty's case was a probable opportunity for the Court to delve into the issue of transmission of the right to personality of a deceased celebrity, as also unequivocally declare whether the economic interests within a right to publicity can, indeed, be succeeded to without an express Will to that effect. This judicial decision has made express the liberalized legal notion that the parameters of celebrity for the purposes of preserving one's IP interests are not the prerogative of any single industry or vocation.

References

- Ahmad, Tabrez., and Satya Ranjan Swain. 2011. Celebrity rights: Protection under IP laws. *Journal of Intellectual Property Rights* 16: 7-16. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1940926
- Amitabh Bachchan v. Rajat Nagi & Ors., CS (COMM) 822/2022. *Khurana and Khurana*. <https://www.khuranaandkhurana.com/2023/01/14/personality-rights-an-examination-of-amitabh-bachchan-v-rajat-nagi-and-ors/>
- Anil Kapoor v. Simply Life India & Ors., Manu/Deor/248558/2023. *Indian Journal of Integrated Research in Law* 5:428-443. <https://ijirl.com/wp-content/uploads/2025/03/ANIL-KAPOOR-V-SIMPLY-LIFE-INDIA-ORS-PROTECTION-OF-CELEBRITY-RIGHTS-IN-INDIA.pdf>
- Arijit Singh v. Codible Ventures LLP & Ors., 2024 SCC OnLine Bom 2445. <https://www.wipo.int/en/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631#:~:text=Arijit%20Singh's%20personality%20rights%20victory,for%20defamatory%20or%20nefarious%20purposes.&text=Singh%20had%20successfully%20defended%20his,platforms%2C%20from%20commercially%20exploiting%20them>
- Arun Jaitley v. Network Solutions Private Limited & Ors., 2011 (47) PTC 1 (Del). <https://vlex.in/vid/mr-arun-jaitley-vs-571918918>
- Augustian, A., & Sankar, V. (2023). Guarding the self: Unraveling the intersection of personality rights, competition, and unfair practices. *ICREP Journal II*, 2. <https://icrep.cusat.ac.in/journal/d/7f288a10-824c-4d13-b6d4-9d1a0282981a>
- D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors., CS (OS) 893/2002. http://student.manupatra.com/Academic/Studentmodules/Judgments/2022/June/MANU_DE_2043_2010.pdf
- Dr. Devi Prasad Shetty & Anr. v. Medicine Me & Ors., CS(COMM) 1053/2024, 2024 SCC OnLine Del 8565 (Delhi High Court Nov. 28, 2024). https://images.assettype.com/barandbench/2024-12-02/dkbh5704/Dr_Devi_Prasad_Shetty_Vs_Medical_Me.pdf
- Elroy Hirsch v. S.C. Johnson & Son, Inc., 90 Wis. 2d 379, 280 N.W.2d 129 (Wis. 1979). <https://law.justia.com/cases/wisconsin/supreme-court/1979/76-620-7.html>
- Gautam Gambhir V. D.A.P & Co. & Anr., CS COMM 395/2017. https://judicateme.com/wp-content/uploads/2020/07/GAUTAM-GAMBHIR-V.-D.-A.-P.-CO.-ANR._JudicateMe.pdf

- Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc., 202 F.2d 866 2d Cir. 1953. <https://law.justia.com/cases/federal/appellate-courts/F2/202/866/216744/>
- ICC Development (International) Ltd. v. Arvee Enterprises & Anr. 2003. 26 PTC 245. <https://indiancaselaw.in/icc-development-international-ltd-v-arvee-enterprises-and-anr/>
- Jaikishan Kakubhai Saraf @ Jackie Shroff v. The Peppy Store & Ors., CS (COMM) 389/2024.
- Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors., AIR 2017 SC 4161. <https://privacylibrary.ccgnlud.org/case/justice-ks-puttaswamy-ors-vs-union-of-india-ors>
- Karan Johar @ Rahul Kumar Johar v. India Pride Advisory Pvt. Ltd. and Ors., 2025 SCC OnLine Bom 546. https://www.verdictum.in/pdf_upload/karan-johar-v-indian-pride-advisory-pvt-ltdwatermark-1630888.pdf
- Lee, H. 1992. Direct commercial exploitation of identity: A new age for the right to publicity. *Columbia-VLA Journal of Law & the Arts*, 17(1), 1-32.
- Luthra, Samarth Krishnan, and Vasundhra Bakhru. 2019. Publicity rights and the right to privacy in India. *National Law School of India Review* 31: 125-149. <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1259&context=nlsir>
- Michael Douglas and Ors. v. Hello! Ltd. & Ors. 2005. *EWCA Civ* 595: 1-2. <https://www.lawteacher.net/cases/douglas-v-hello.php>
- R. Rajagopal v. State of Tamil Nadu. 1994. 6 SCC 632. <https://blog.ipleaders.in/r-rajagopal-and-ors-v-state-of-tamil-nadu-1994-scc-6-632-case-study/>
- Shivaji Rao Gaikwad @ Mr. Rajinikanth v. M/s Varsha Productions. 2015. 62 PTC 351 Mad. <https://indiancaselaw.in/shivaji-rao-gaikwad-v-varsha-productions/>
- The Advertising Standards Council of India. 2024. Charting The Way to Excellence in Advertising Self-Regulation. *38th Annual Report* 20. <https://www.ascionline.in/wp-content/uploads/2024/09/agm-report-20-Aug-2024.pdf>
- The Face of Image Rights. 2023. *Asia Intellectual Property Law*. <https://asiaiplaw.com/section/in-depth/the-face-of-image-rights>
- Titan Industries Ltd. v. M/s Ramkumar Jewellers. 2012. 50 PTC 486 Del. <https://indiancaselaw.in/titan-industries-ltd-v-ms-ramkumar-jewellers/>
- Tiwari, Anu. 2005. Passing off and the law on 'trade dress' protection: Reflections on Colgate v Anchor. *Journal of Intellectual Property Rights* 10: 480-490. <https://docs.manupatra.in/newsline/articles/Upload/09AE0DD1-E248-4AC7-9E9D-91FE5675E4AB.pdf>