



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

INTERIM APPLICATION (L) NO. 2870 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 2167 OF 2026

Shatrughan Prasad Sinha ...Applicant/Plaintiff
Versus
John Doe and Others ...Respondents

*Mr. Hiren Kamod, Ms. Nidhi Singh, Ms. Abha Shah and Ms. Amisha Upadhyay i/b
India Law for Plaintiff/Applicant.*

Coram : Sharmila U. Deshmukh, J.

Date : 16th February, 2026

ORDER :

1. The present suit has been filed seeking permanent and mandatory injunction against Defendants to restrain the continuing infringement and unauthorized commercial exploitation of Plaintiff's personality rights including his name, screen name, unique manner of delivery of dialogue, likeness, voice, distinctive performance style, mannerism and other identifiable attributes. There is sufficient material on record to seek *ex-parte* ad-interim relief.

2. The Defendant No. 1 is John Doe, the Defendant Nos. 2 to 4 are social media platforms, the Defendant No. 5 is pornographic website, Defendant Nos. 6 to 9 are e-commerce/merchandise selling platforms

and Defendant Nos. 10 to 11 are content sharing and design platform that allow users to upload, curate and distribute visual content including images, graphics, GIFs and illustration, Defendant No. 15 is blog hosting platform, Defendant Nos. 16 to 20 are cartoon/satire content sharing website, Defendant Nos. 21 to 24 are celebrity blog websites and Defendant Nos. 25 to 26 are Ministry of Electronic and Information Technology and Ministry of Communication.

3. Mr. Kamod, learned counsel appearing for Plaintiff submits that by the present action, the Plaintiff seeks protection of his personality rights, moral rights as well as to restrain the act of passing-off. He submits that the Plaintiff's personality attributes constitutes his valuable personality rights which has been unauthorizedly commercially exploited and misused in various mediums by the Defendants and the Defendants are also liable for committing tort of passing-off.

4. He submits that the Plaintiff is renowned artist and actor who has acted in several cinematograph films, has conducted live performance in private and public life and enjoys moral rights in his performance authorizing the Plaintiff to restrain third-party from distorting, mutilating and other modifications to his performance which is prejudicial to his reputation. He would point out the goodwill earned by the Plaintiff being one of the Bollywood's most prominent

and leading actor and has taken this Court through the list of cinematograph films in which the Plaintiff has acted. He would submit that the Plaintiff's screen persona has earned him the iconic screen name "Shotgun" and his unique dialogue delivery and unique manner of delivering of term "khamosh" has become inseparably associated with the Plaintiff and is acknowledged as one of the Hindi cinemas most memorable cinematic expression. He submits that not only in the Hindi film industry, the Plaintiff has also made remarkable contribution in television, public performance and national politics and the Plaintiff has been prominently associated with the market's leading brands and has sufficient endorsement to his credit.

5. He submits that there has been unauthorized infringement and commercial exploitation of the Plaintiff's personality rights by the Defendants. He has taken this Court through the URLs annexed at Exhibit-E of the Plaint which shows the unauthorized commercial exploitation of Plaintiff's personality rights including his screen name, catchphrase, image etc. by various Defendants. He would further submit that the Plaintiff's persona has been unauthorizedly, unlawfully used across multiple social media platforms without his approval and there has been commercial exploitation of Plaintiff's real name, screen name, image and other unique identifiable aspects of his identity which constitutes serious infringement of his statutory as well as common

law rights. He would point out to the details which are set out in Paragraph No. 39 of the Plaint as regards the misuse of the personality rights of the Plaintiff. He submits that multiple unidentified persons has created or are operating fake profiles or pages on various social media platforms by impersonating the Plaintiff who are impleaded as Defendant No. 1-John Doe. He submits that there is commercial exploitation by reason of unauthorized creation of memes, GIFs and digital stickers featuring the various aspects of Plaintiff's personality without authorization. He would further submit that there are blog hosting platforms and caricature and satire websites engaged in spreading and dissemination of Plaintiff's personality traits which digital assets are widely spread across the social media as well as the content hosting website often used for publicity gain. He would further submit that even the celebrity and lifestyle websites have unauthorizedly exploited the Plaintiff's personality rights by displaying advertisement and AI generated illustration by misusing the Plaintiff's name and image linking likeness of face which are circulated widely. He has taken this Court through the material appended to the Plaint to substantiate his submissions.

6. He would submit that there are e-commerce websites engaged in unauthorized sales of various merchandise using Plaintiff's name, image, photograph and signature face. He submits that the most

disturbing aspect is AI generated deepfakes, face morphing and pornography content which is degrading and tarnishing the Plaintiff's reputation and is causing irreparable harm to his personal dignity, goodwill as well as professional standing. He submits that this Court as well as the Delhi High Court have recognized and granted relief protecting the personality rights not only under statutory enactment but also the common law remedy as well as under Article 21 of Constitution of India dealing with the right of privacy.

7. I have considered the submissions and carefully perused the record.

8. The Plaintiff seeks protection against infringement of his personality right which is broadly categorized as :

(a) infringing content and creation of fake profiles on social media platforms impersonating the Plaintiffs,

(b) unauthorized use of the Plaintiff's persona by creation and dissemination of digitally manipulated photographs,

(c) AI generated content of Plaintiff uploaded on multiple website including pornographic sites.

9. The Plaintiff's personality attributes are protectable elements of the Plaintiff's personality right as well as right to publicity. The concept of personality right has gained momentum by reason of unauthorized exploitation on digital platforms and social media for commercial gain which often results in tarnishing or damaging the personality rights of

an individual and more often of a renowned and well-known personality. The present case is one such instance of misuse and unauthorized exploitation of the personality rights of a well-known individual. The Plaintiff, Mr. Shatrughan Sinha is well-known and renowned actor and apart from having substantial body of work in the Hindi film industry, which is marked with various awards and recognition being bestowed for his work and performance, is also actively involved in national and regional politics. The Plaintiff has also contributed to many social and welfare issues.

10. The Plaintiff has unique style of dialogue delivery and is especially known for the unique manner of delivery of term "Khamosh", which is widely recognized and associated with the Plaintiff. The right of protection of the personality right can be *prima facie* traced to the provisions of passing-off under the Trade Marks Act, 1999 as well as the moral rights protected under Copyright Act, 1957. Under Section 27(2) of the Trade Marks Act, 1999, the common law remedy against the passing-off of goods or services as that of the other person is recognized. Section 2(qq) of the Copyright Act, 1957 defines "performer" to include an actor and Section 38B of the Copyright Act, 1957 protects moral right of the performer to restrain or claim damages in respect of any distortion, mutilation of personality rights that would be prejudicial to his reputation.

11. Insofar as the Defendants herein are concerned, the unidentified persons impleaded as John Doe are alleged to be creating, publishing and circulating fabricated and manipulated content impersonating the Plaintiff through obscene, morphed, pornographic videographs and fake endorsement. *Prima facie* there cannot be any debate about goodwill and reputation of the Plaintiff as well as his remarkable and unparalleled contribution to the film industry. The Plaintiff has his official social media channels which has followers in lakhs. *Prima facie* the material on record demonstrates infringement of his personality rights by creation of infringing and fake profiles on social media platforms impersonating the Plaintiff, creation and dissemination of digital manipulated photographs using the Plaintiff's persona and AI generated content of the Plaintiff uploaded on multiple websites online and other publications falsely attributing the Plaintiff's persona as also pornographic content using artificial intelligence which has been tendered across the bar in a sealed envelope. The Plaintiff's personality rights are his personality attributes such as his name, catchphrase, pornography, image, etc. over which the Plaintiff has exclusive right and control. The Plaintiff's personality traits are infringed by the fake social media profiles, digitally manipulated photographs and digital content showing artificially created images and videos on content sharing platforms.

12. In the case of *Mr. Arun Jaitley vs. Network Solutions Private Limited and Others*¹, which was an action for restraining the Defendant from misuse of and immediate transfer of domain names containing the Plaintiff's name, the Delhi High Court considered the provisions of Trade Marks Act, 1999 and reiterated the basic principles of passing-off. It held that right to use one's own name is personal right as against the right to use the trade mark which is merely a commercial right and if the name which besides being a personal name is distinct due to his inherent distinctiveness also fulfills the criteria of the trade mark. The decision of Delhi High Court has equated personal name, which is distinctive not only by virtue of inherent distinctiveness but also by popularity of person specific to hold that it fulfils the criterion of the trade mark. I am in agreement with the view taken by the Delhi High Court and when applied to the facts of the present case, the present Plaintiff who is an acclaimed actor and well-known personality not only in Hindi film industry but also in politics, the distinctive name fulfills the criteria of trade mark and is liable to be protected under Section 27(2) of Trade Marks Act, 1999.

13. It needs no reinforcement that the expression "Khamosh" which was delivered by the Plaintiff in his unique and distinct style in one of the cinematograph film is associated exclusively with the Plaintiff's

1 2011 SCC OnLine Del 2660.

persona. The rights which are claimed by the Plaintiff in the present suit are : (a) personality rights i.e. right to publicity, (b) copyright in dialogue, image and also associated works, (c) and common law rights against passing-off, dilution and unfair competition.

14. The Defendants in one or other manner by sale of merchandise utilizing the Plaintiff's persona, name, image, photographs for commercial benefit are passing-off their goods as being associated with Plaintiff. The use of artificial intelligence to produce images and videos of the Plaintiff by morphing the Plaintiff's face tarnishes the reputation and goodwill of the Plaintiff. The creation of the digital manipulated photographs as well as AI-generated content by mutilating and distorting the Plaintiff's persona including his image, photographs violates the moral protectable right under Section 38B of the Copyright Act, 1957.

15. The personality rights broadly speaking encompasses right to exclusive use of one's own name, style, voice, personality, etc. and with advent of artificial intelligence, digital mediums have been uploaded with digital forgeries resulting in violation of personality rights. In the present case, there is sufficient material which is produced on record to demonstrate the violation of the Plaintiff's personality rights. There cannot be any justification for misutilizing the Plaintiff's personality for commercial exploitation which ultimately results into dilution and

tarnishing the Plaintiff's image. The creation of digital content without the authority of the Plaintiff and exploiting the same unauthorizedly violates the Plaintiff's right.

16. In light of above, this Court is of *prima facie* opinion that the Plaintiff's name, likeness, image, persona, etc. deserves to be protected in view of the material which has been placed on record which *prima facie* demonstrate the infringement of the Plaintiff's personality rights and public rights and violate his privacy.

17. In light of above, the ad-interim relief is granted in terms of prayer clauses (H), (I), (J) and (L), which reads as under :

“(H) that pending the hearing and final disposal of the suit, the Defendant Nos. 1 to 24, by themselves, their partners, proprietors, directors, owners, developers, servants, subordinates, representatives, employees, suppliers, affiliates, agents, stockists, distributors, dealers, subsidiaries, franchisees, licensees, assigns, predecessors and/ or all persons / entity claiming through them be restrained by a temporary order of injunction from violating the Personality Rights and / or Publicity Rights of the Plaintiff by utilizing and/or in any manner, directly or indirectly, using or exploiting or misappropriating the Plaintiff's Personality Rights and / or Publicity Rights by the use of his (i) name "Shatrughan Sinha", (ii) Plaintiff's vocal mannerisms, (iii) signature phrase / catchphrase "Khamosh", (iv) photograph, image or its likeness, (v) signature, persona, and / or any other attributes of his personality in any form, for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever, without the Plaintiff's consent and/or authorization, including but not limited to through the use of any technology including but not limited to (i) unauthorized use of any of the Plaintiff's personality traits in any form or media, including online platforms, publications, advertisements, promotional materials, merchandise, domain names, or

any other commercial endeavor, and (ii) use of artificial intelligence, generative artificial intelligence, deepfakes, face morphing and / or GIFs, or any of them, on any medium or formats including but not limited to the physical medium, the virtual medium such as websites, metaverse, social media, etc.;

(I) that pending the hearing and final disposal of the suit, the Defendant Nos.1, 10 to 18, by themselves, their partners, proprietors, directors, owners, developers, servants, subordinates, representatives, employees, suppliers, affiliates, agents, stockists, distributors, dealers, subsidiaries, franchisees, licensees, assigns, predecessors and / or all persons / entity claiming through them be restrained by a temporary order of injunction from violating the moral rights of the Plaintiff by utilizing and/or in any manner, directly or indirectly, using or exploiting or misappropriating the Plaintiff's performances and / or substantial parts thereof, including but not limited to through the use of any technology including but not limited to artificial intelligence, generative artificial intelligence, deepfakes, face morphing and / or GIFs, or any of them, on any medium or formats including but not limited to the physical medium, the virtual medium such as websites, Metaverse, social media, etc.;

(J) that pending the hearing and final disposal of the suit, the Defendant Nos. 1, 6 to 9, by themselves, their partners, proprietors, directors, owners, developers, servants, subordinates, representatives, employees, suppliers, affiliates, agents, stockists, distributors, dealers, subsidiaries, franchisees, licensees, assigns, predecessors and / or all persons / entity claiming through them be restrained by a temporary order of injunction from passing off their goods and / or services as those emanating or being endorsed by the Plaintiff by utilizing and / or in any manner directly and / or indirectly, using the Plaintiffs personality traits or any of them for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever, through the use of any technology including but not limited to Artificial Intelligence, Generative Artificial Intelligence, Deepfakes, Face Morphing, Graphic Interchange Formats (GIFs) and on any mediums and formats, including but not limited to the physical

medium, the virtual medium such as websites, Metaverse, social media etc.;

(L) that pending the hearing and final disposal of the suit, the Defendant Nos. 2 to 4, 6 to 9 and 10 to 18 be ordered and directed to disclose all particulars of the Defendants including the basic subscriber/seller information in their possession (including name, address, email ID, contact number, IP logs, registration details, and payment details) of the sellers/uploaders of the infringing listings/content so notified;"

- 18.** List on **30th March, 2026.**
- 19.** Ad-interim relief granted to continue till next date.

[Sharmila U. Deshmukh, J.]