

News

Why the Delhi High Court is the preferred court for defending celebrities' personality rights



Why is the Delhi High Court the best place to make a personality rights claim?

Jackie Shroff, Anil Kapoor, Aishwarya Rai Bachchan, Abhishek Bachchan, Akkineni Nagarjuna, and Amitabh Bachchan

Jackie Shroff, Anil Kapoor, Nagarjuna, Abhishek Bachchan, Aishwarya Rai Bachchan, and Amitabh Bachchan. These celebrities have all come before the Delhi High Court in recent

months to defend their personality rights, despite the fact that one may assume they are the main actors of a blockbuster movie.

It's not just actors, either. To protect their personality rights, a journalist (Rajat Sharma), two spiritual gurus (**Jaggi Vasudev and Sri Sri Ravi Shankar**), and a filmmaker (Karan Johar) have all petitioned the court. As a result, several courts have issued a number of important directives, such as instructions to stop deepfakes, artificial intelligence-generated content, and pornographic content that misuses the identities of these celebrities.

The majority of these well-known individuals are not headquartered in the nation's capital, which is remarkable. However, they still decide to defend their rights at the Delhi High Court.

What, therefore, makes the Delhi High Court the favored venue for claiming personality rights, and why do these cases get up there?

The environment of intellectual property

The Delhi High Court has been the center of intellectual property (IP) cases for many years.

According to Pravin Anand, Managing Partner at Anand & Anand, the Delhi High Court gained a reputation for effectively defending intellectual property rights shortly after it was established. Therefore, they wanted the High Court to defend their intellectual property, regardless of where in the country they developed it.

He stated, "**You want it safeguarded by what you believe to be the most effective**

system, and the Delhi High Court has earned that reputation."

According to Anand, Delhi has created a whole IP-focused ecosystem of practitioners, law firms, books, and seminars. He claimed that the Central government's seat in Delhi aids in the enforcement of the court orders.

Thus, the entire infrastructure needed to grant IP created here particular recognition. It's a healthy environment that wouldn't be able to flourish elsewhere in the nation. And I believe that's why Delhi accounts for over 70% of all IP cases.

Like the majority of the globe, India does not have a law that recognizes personality rights. Judicial rulings have shaped the surrounding legislation. Additionally, the Delhi High Court was among the first to acknowledge and defend these rights.

In an article published last month in Bar & Bench, Shwetasree Majumder, Managing Partner of Fidus Law Chambers, said that the Delhi High Court's 2010 ruling in DM Entertainment Pvt Ltd v. Baby Gift House & Ors was the country's first significant ruling on personality rights.

In this instance, singer Daler Mehndi's persona was deemed to be a quasi-property right of commercial worth by Justice Ravindra Bhat.

Ameet Naik, the founder and managing partner of Naik Naik & Company, attributes the establishment of enforceable personality rights to the 2012 ruling in Titan Industries Ltd. vs. M/S Ramkumar Jewellers. In this case, Justice Manmohan made it possible for a celebrity to manage how their identify is used for profit.

The Delhi High Court issued that order, which served as the foundation for additional proceedings. For example, Mr. Jackie Shroff, Mr. [Anil] Kapoor, or Mr. [Amitabh] Bachchan. The reason for this is that the Delhi High Court established a body of precedent there, and

usually you go to the High Court that issued the most recent ruling," Naik explained.

North Indian violation

Anand has a view about how Delhi's IP protection laws have evolved. He contends that the majority of counterfeiting and piracy started and thrived in North India over time, which is why countermeasures also evolved there.

The warriors in the North were brave enough to initiate piracy and take the chance of engaging in counterfeiting since, in my opinion, the invasions into India originated in the North. As a result, piracy and counterfeiting were more common here than elsewhere in India. Therefore, the North has also created new instruments to combat counterfeiting. Thus, he claims, the Delhi High Court developed into a hub for intellectual property cases.

According to Naik, the violation was evidently in Delhi in each of the cases he has brought.

He continues, **"And that's why we come to Delhi."**

The Division of IP

In July 2021, the Delhi High Court became the nation's first court to create an IP Division to deal with IP rights issues. Since then, a number of other High Courts have likewise set up specialized departments to handle IP cases.

According to Naik, the establishment of an IP Division by the Delhi High Court has contributed to the growth of intellectual property law and brought several cases to the city.

From the perspective of the Delhi High Court, the IP Division is a significant asset. He stated, **"It is a fantastic development that has contributed to the**

development of jurisprudence around IP rights, not just personality rights."

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