

## Implications of Personality Rights

### Why in news?

The Delhi High Court has recently passed an interim order which prevents the infringement of personality rights of Bollywood star Amitabh Bachchan.

### What is the issue?

- Mr. Amitabh Bachchan approached the court seeking an omnibus order protecting his name, image, voice or any of his characteristics without his consent, in any way or form.
- The court, through its order, restrained persons at large from infringing the personality rights of the actor.
- It also claimed that such misuse of personality rights could cause irreparable loss to the applicant.

### What are personality rights?

- Personality rights refer to the right of a person to protect his/her personality under the **right to privacy or property**.
- These rights are important to celebrities as their names, photographs or even voices can easily be misused in various advertisements to boost sales.
- Therefore, it is necessary for renowned personalities to register their names to save their personality rights.

### How personality rights are protected in India?

- There is **no separate codified law** in India dealing with personality rights.
- **Article 21** - The closest statute to protect personality rights is Article 21 of the Indian Constitution under rights to privacy and publicity.
- **Copyright Act 1957** - Under the act, moral rights are attributed only to authors and performers which comprises of actors, singers, musician, dancer, etc.
- **Indian Trademarks Act, 1999** - Section 14 of this act prohibits the use of personal names.
- Personality Rights are also protected under the common law remedy of passing off and that of Law of Torts.
- **Passing off** - It takes place when someone intentionally or unintentionally passes off their goods or services as those belonging to another party.
- **Law of torts** - It refers to a body of law that provides remedies for non-contractual acts of civil wrongdoings.

## How personality rights are different from the publicity rights?

- Personality rights are different from publicity rights.
- Personality rights consist of two types of rights:
  - **Right of Publicity** - The right to keep one's image and likeness from being commercially exploited without permission, which is similar to the use of a trademark
  - **Right to Privacy** - The right to not have one's personality represented publicly without permission

### • How other countries deal with personality rights?

- In the USA and the UK, there is no specific statute for the purpose of dealing with personality rights alone.
- However, the US provides for protection with respect to false endorsements, associations and affiliations.
- In Canada both laws of torts and statutory laws cover the subject matter.

## What about consumer rights?

- While celebrities are protected from commercial misuse, consumers are also misled owing to false advertisements or endorsements by such personalities.
- Due to such cases, the Ministry of Consumer Affairs has made a notification in 2022 to keep a check on misleading adverts and endorsements of consumer products by imposing a penalty on the endorser.

## What is the way ahead?

- In a free and democratic society, where every individual's right to free speech is assured, the over emphasis on a famous person's publicity rights can tend to chill the exercise of such invaluable democratic right.
- The courts need to strike a balance between protection of high valued rights of personalities and democratic right of individuals in society.
- Meanwhile, it is also equally important to protect the interest of the consumers as well from any kind of misleading advertisements and endorsements.

## References

1. [The Hindu | How do personality rights protect celebrities](#)
2. [DNA India | What are Personality Rights](#)
3. [Lexology | Personality Rights and its protection in India](#)