



DAILY EDITORIAL ANALYSIS

TOPIC

**DECODING PERSONALITY RIGHTS IN
THE AGE OF AI**

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Context

- Recently, a lawsuit was filed in the **Delhi High Court** related to **AI-generated deepfake videos** infringing upon **personality rights** underscores how **AI blurs the line between authenticity and deception**, compelling societies to rethink the **legal and ethical boundaries of human identity** in the digital era.

Understanding Personality Rights in the Age of AI

- Personality rights** encompass an individual's control over their **name, image, likeness, voice**, and other personal identifiers.
- These rights aim to prevent **unauthorised exploitation** of identity, historically rooted in privacy and commercial protection.
 - However, **AI and deepfake technologies** have radically disrupted this framework.
- Deepfakes—AI-generated videos or audios that mimic real people—can **spread misinformation, enable extortion**, and **erode public trust**.
- Its misuse risks **commodifying human identity**, prompting the need for **comprehensive regulation**, while generative AI advances creativity and commerce.

Legal Precedents & Gaps in India

- India **currently lacks a comprehensive statute** defining personality rights. Enforcement **relies on fragmented judicial precedents**, leaving individuals vulnerable to digital impersonation and exploitation.
- India's legal framework for personality rights **remains uncoded**, deriving from **Article 21 of the Constitution** and the landmark **Justice K.S. Puttaswamy v. Union of India (2017)** privacy judgment.
 - Courts have addressed AI-related infringements as **privacy** or **intellectual property** violations.
- Key precedents include:**
 - Amitabh Bachchan v. Rajat Nagi (2022)**: Recognised celebrity personality rights.
 - Anil Kapoor v. Simply Life India (2023)**: Prohibited AI-generated uses of Kapoor's likeness and his catchphrase 'Jhakaas'.
 - Arijit Singh v. Codible Ventures LLP (2024)**: Protected Singh's voice from AI cloning.
 - Jackie Shroff Case (2024)**: Delhi HC restrained unauthorised use of his persona by AI chatbots and e-commerce platforms.
- India's **Information Technology Act (2000)** and **Intermediary Guidelines (2024)** address impersonation and deepfakes but suffer from **weak enforcement** due to **anonymity** and **cross-border complexities**.

Related Legal & Constitutional Provisions

- Copyright Act, 1957**: It grants performers rights over their work, ensuring that their image and voice are not used without permission.
- Trade Marks Act, 1999**: It allows individuals to trademark their name or likeness, preventing unauthorized commercial use.
- Tort of Passing Off**: It prevents misleading commercial use of a person's identity, ensuring that their reputation is not exploited.
- Advisories, Guidelines, and IT Rules**: Though India lacks specific legislation for AI, IT rules govern the advancement of AI, Generative AI, and Large Language Models (LLMs).

Global Perspectives

- World Intellectual Property Organization (WIPO)**: It recognizes personality rights as an essential part of intellectual property law.
- United States**: Personality rights—framed as the '**Right of Publicity**'—are treated as **transferable property interests**, varying by state.
 - It, in **Haelan Laboratories v. Topps Chewing Gum (1953)**, recognised the right to commercially exploit one's identity.

- Recent developments include:
 - Ensuring Likeness, Voice, and Image Security Act of 2024 (ELVIS Act)** was passed in the State of Tennessee, USA to protect musicians from unauthorised use of their voice, i.e. 'soundalikes'.
 - Character.AI Lawsuits (2024):** Courts rejected First Amendment defences where AI chatbots allegedly encouraged **self-harm** and **impersonation**, signalling judicial concern over AI's real-world harms.
- EU's General Data Protection Regulation (GDPR, 2016):** It treats personal and biometric data as **dignity-based rights**, requiring **explicit consent**.
 - The **EU AI Act (2024)** further classifies **deepfake technologies as high-risk**, mandating **disclosure, transparency, and labelling** of synthetic content.
- China:** The **Beijing Internet Court, in 2024**, ruled that **synthetic voices must not deceive consumers**.
 - China's approach represents **tight state regulation** over generative content.

Expanding the Scope of Personality Rights

- The 'AI Ethics and Creators' Feelings: Extended Personality Rights as (Property) Rights to Object', propose extending rights to cover **style and persona appropriation**.
- The 'Safeguarding Identity' argues for **statutory AI definitions** and **high-risk classification** of deepfakes in **India's fragmented legal system**.
- The Ethics and Challenges of Legal Personhood for AI (Yale Law Journal), cautions against granting AI **legal personhood**, warning of potential **erosion of human rights**.

Human Dignity and AI Autonomy (Ethical Dimension)

- Ethical debates focus on **human dignity, autonomy, and accountability**.
- The **UNESCO Recommendation on the Ethics of AI (2021)** emphasises a **rights-based framework**, asserting that **AI must never exploit individuals**.
- As AI-generated recreations of deceased artists become more common, Indian jurisprudence—which considers personality rights **non-heritable**—faces renewed scrutiny.

Towards a Unified Framework

- The present lawsuit filed at **Delhi High Court** exemplifies a **systemic gap** in AI regulation. India urgently needs:
 - Codified personality rights legislation;**
 - Mandatory watermarking** of AI-generated content;
 - Platform liability provisions** for hosting deepfakes;
 - Global cooperation** for enforcement parity.
- The **deepfake advisory (2024)** is a start, but **robust statutory safeguards** are essential to ensure **ethical AI governance** and **cross-border accountability**.

Conclusion

- The intersection of **AI, law, and identity** is no longer a theoretical debate—it is a lived reality. The Bachchan lawsuit epitomises the **urgent need to recalibrate legal frameworks** in response to AI's growing ability to replicate human likeness and voice.
- As global jurisdictions diverge between **dignity-based** and **property-based** models, only **international harmonisation**, guided by **UNESCO's ethical principles**, can safeguard both **innovation** and **human integrity** in the digital future.

Daily Mains Practice Question

[Q] Examine the challenges posed by artificial intelligence to individual identity and privacy. How should Indian legal frameworks evolve to address these concerns?

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