



# Personality Rights

[Source: TH](#)

## Why in News?

The **Madras High Court (HC)** ordered **Meta** and **Telegram** to remove fake accounts and channels misusing **choreographer Anita R. Ratnam's images** and **deep fake audio** in investment frauds citing violation of [Personality Rights](#).

- She is a pioneer of **Neo Bharatam**, a unique **dance style** combining Bharatanatyam, Kathakali and Yoga.

## What are Personality Rights?

- **About:** Personality Rights protect an individual's **public persona** like **name, voice, image, mannerisms** as part of their broader [right to privacy](#) or **property**.
  - It grants control over the **commercial use of one's name, image, or likeness**.
  - **It can be further divided into two categories:**
    - **Right of Publicity:** Protecting an individual's image and likeness from unauthorized commercial use, akin to trademark rights.
    - **Right to Privacy:** Safeguarding against public representation of one's personality without consent.
      - The **Right to Privacy** under [Article 21](#) of the **Indian Constitution** offers the closest legal protection (**though not explicitly mentioned**).
- **Key Related Provisions in India:**
  - **Copyright Act, 1957:** It indirectly protects **personality rights** via **passing off** and **deception** against misusing a person's identity.
    - **"Passing off"** is when **goods** or services are **misrepresented** as belonging to someone else, while **deception** involves **misleading** use of a person's name or likeness.
    - Under this, **creators or performers** hold **moral rights**, including the **right to be credited (attribution)** and to **oppose any alterations** that could **harm** their **reputation (integrity)**.
  - **Indian Trademarks Act, 1999: Section 14** restricts the use of a **trademark** that **falsely** suggests a **connection** with a **living person or a deceased person** within the **last 20 years** unless **consent** is obtained.
  - **Information Technology Act, 2000: Section 66C** of the act addresses the **punishment** for **identity theft**, specifically using someone else's electronic **signature, password, or unique identification** feature **fraudulently or dishonestly**.
- **Related Key Judgments:**
  - **Krishna Kishore Singh vs Sarla A Saraogi Case, 2021:** The Supreme Court (SC) ruled that **rights to privacy, publicity, and personality** are **not inheritable** and cease upon the actor's death.
  - **Justice KS Puttaswamy vs Union of India Case, 2017:** The **SC** affirmed **privacy** as

part of the **right to life** under **Article 21**, but noted it can be **restricted** for a **legitimate state aim** with **proportionate measures**.

- **Shivaji Rao Gaikwad vs Varsha Production Case, 2015:** The Madras HC **recognized personality rights**, even though there is **no specific statutory definition** in India.
- **Arun Jaitley vs. Network Solutions Private Limited Case, 2011:** The **Delhi HC** noted that an individual's **popularity** or **fame** is equally significant **online** as in **real life**.
- **M. Entertainment Pvt. Ltd. vs. Baby Gift House Case, 2010:** The **Delhi HC** ruled in favor of **D.M. Entertainment Pvt. Ltd.**, holding that the **unauthorized** sale of **dolls imitating** singer Daler Mehndi's **likeness and songs** constituted a **violation** of his **personality rights**, thereby affirming his **commercial right to control the use of his public image**.





# INTELLECTUAL PROPERTY RIGHTS (IPRs)

**IP refers to intangible assets owned/legally protected by an individual/company from outside use or implementation without consent.**



## NEED FOR IPR

- Encourages Innovation
- Economic growth
- Safeguard rights of creators
- Enhances ease of doing business



## RELATED CONVENTIONS/TREATIES (INDIA SIGNATORY TO ALL)

- WIPO Administered (first recognised IPR under):
  - Paris Convention for the Protection of Industrial Property 1883 (Patents, Industrial Designs)
  - Berne Convention for the Protection of Literary and Artistic Works 1886 (Copyrights)
- WTO - TRIPS Agreement:
  - Ensures adequate standard of protection
  - Argues for incentives for technology transfer to developing countries
- Budapest Treaty 1977:
  - International recognition of the deposit of micro-organisms for the purposes of patent procedure
- Marrakesh VIP Treaty 2016:
  - Facilitate access to published works by visually impaired persons and persons with print disabilities
- IPR also outlined in Article 27 (Universal Declaration of Human Rights)



## INDIA AND IPRS - INITIATIVES

- National IPR Policy 2016:
  - Motto: "Creative India; Innovative India"
  - Compliant with TRIPS Agreement
  - Brings all IPRs to single platform
  - Nodal Dept - Department of Industrial Policy & Promotion (Ministry of Commerce)
- National (IP) Awareness Mission (NIPAM)
- Kalam Program for Intellectual Property Literacy and Awareness Campaign (KAPILA)

**World Intellectual Property Day: 26th April**

Intellectual Property	Protection	Law in India	Duration
Copyright	Expression of Ideas	Copyright Act 1957	Variable
Patent	Inventions- New Processes, Machines, etc.	Indian Patent Act 1970	20 years Generally
Trademarks	Sign to distinguish business goods or services	Trade Marks Act 1999	Can last Indefinitely
Trade Secrets	Confidential Business Information	Protected without Registration	Unlimited time
Geographical Indication (GI)	Sign used on specific geographical origin and possess qualities due to site of origin	Geographical Indications of Goods (R & P) Act, 1999	10 years (Renewable)
Industrial Design	Ornamental or aesthetic aspect of an article	Design Act, 2000	10 years

## UPSC Civil Services Examination Previous Year Question (PYQ)

**Q. 'Right to Privacy' is protected under which Article of the Constitution of India? (2021)**

(a) Article 15

- (b) Article 19
- (c) Article 21
- (d) Article 29

**Ans: (c)**

**Q. Right to Privacy is protected as an intrinsic part of Right to Life and Personal Liberty. Which of the following in the Constitution of India correctly and appropriately imply the above statement? (2018)**

- (a) Article 14 and the provisions under the 42nd Amendment to the Constitution.
- (b) Article 17 and the Directive Principles of State Policy in Part IV.
- (c) Article 21 and the freedoms guaranteed in Part III.
- (d) Article 24 and the provisions under the 44th Amendment to the Constitution.

**Ans: (c)**

PDF Reference URL: <https://www.drishtiias.com/printpdf/personality-rights-2>

