

PERSONALITY RIGHTS ENFORCEMENT VIA JOHN DOE (ASHOK KUMAR) INJUNCTIONS

A Critical Analysis of Recent Indian Jurisprudence

For most of legal history, a person's identity was tethered to a body: it could be captured on film, but the image remained an object, bound by time and place. Digitisation has severed that tether. A name, a face, a voice, a signature gesture attributes once inseparable from physical presence now exist as data: infinitely copyable, endlessly recombinable, and, with generative artificial intelligence, producible from nothing at all. Indian law has met this shift not with legislation but with improvisation. Personality protection here has grown incrementally a constitutional reading in one case, a passing-off finding in another, an ex parte order somewhere else assembled, suit by suit, from Article 21 of the Constitution, the tort of passing off and the source-identifier provisions of the Trade Marks Act, 1999, the performers' and moral rights recognised under the Copyright Act, 1957, and the intermediary due-diligence obligations under the Information Technology Act, 2000 and the Intermediary Guidelines framed under it. Nowhere in that patchwork has Indian law settled, even once, on one of two competing descriptions of what identity actually is: an extension of constitutional personhood, protected because dignity demands it, or a commercially exploitable asset, protected because unjust enrichment forbids its free taking. Left unresolved, the choice has instead been made by whichever remedy supplies relief the fastest.

In October 2025, the Bombay High Court confronted a video that had already gone viral: a veteran film actor, digitally cloned into fabricated images, circulated across social media together with false endorsements of gambling and astrology websites. The Court expressed its disapproval in unequivocal terms, characterising the conduct as: "*a lethal combination of a depraved mind and the misuse of technology.*"¹ Five months later, in Delhi, a co-founder of a well-known consumer-electronics brand found himself impersonated by forty-five different AI chatbots, fake merchandise listings, on his name and registered trade marks; the Court's ex parte order came with an appended schedule of infringing URLs long enough to fill several pages of the order itself.² These are not isolated curiosities. They are the leading edge of a docket that the Delhi and Bombay High Courts have been building since 2022: a body of

¹Suniel V. Shetty v. John Doe's Ashok Kumar, Interim Application (L) No. 32198 of 2025 in Commercial IP Suit (L) No. 32130 of 2025 (Bombay High Court, Arif S. Doctor, J., order dated 10.10.2025).

²Aman Gupta v. John Doe/Ashok Kumar & Ors., CS(COMM) 462/2026 (Delhi High Court, Tushar Rao Gedela, J., order dated 07.05.2026).

jurisprudence that uses an old procedural device – the “*John Doe*” or “*Ashok Kumar*” injunction, against unidentified defendants to provide swift protection against the unauthorised exploitation of personality and identity rights. Such protection does not arise from a single statutory enactment but has been judicially evolved through the combined application of Article 21 of the Constitution, the law of passing off, the Trade Marks Act, 1999, the Copyright Act, 1957, and the intermediary obligations under the Information Technology Act, 2000 and the rules framed thereunder. It represents a significant judicial response to the challenges posed by generative artificial intelligence and emerging technologies.

What follows traces that jurisprudence from first principles: its conceptual foundations, the John Doe doctrine’s migration from broadcast piracy into persona protection, the procedural standard courts now apply, its interface with trade mark and copyright law, the injunction wave of 2023 to 2026, the constitutional tension with free speech, and, finally, the case for codification.

I. Conceptual Foundations: What the Law Actually Protects

“Personality rights” is an umbrella term. It comprises two analytically distinct interests. The first is the *right of publicity* – the economically exploitable value inherent in a person's name, image, likeness, voice, and signature. The second is the *right to privacy* – the dignitary interest against unconsented use of one's persona, irrespective of whether any commercial gain is shown. The dignitary limb rests on Article 21 of the Constitution, as first recognised by the Supreme Court³ and subsequently elevated to an explicit facet of the fundamental right to privacy.⁴ The commercial limb rests on the common-law tort of passing off, as developed in the well-known persona-merchandising case concerning a celebrated Punjabi singer⁵ and in the celebrity-endorsement advertisement case that followed it.⁶

The unifying test across both limbs is *identifiability*: protection is triggered wherever the public would recognise the plaintiff from the attribute deployed by the defendant – whether that attribute is a name, an acronym, a catchphrase, a voice, or a synthetic AI-generated likeness – irrespective of whether the reproduction is literal. This is the feature of the doctrine that has allowed it to migrate, almost without modification, from analogue merchandising

³R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632.

⁴Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁵D.M. Entertainment Pvt. Ltd. v. Baby Gift House & Ors., 2010 SCC OnLine Del 4790.

⁶Titan Industries Ltd. v. Ramkumar Jewellers, 2012 (50) PTC 486 (Del).

disputes into the world of generative AI: a deepfake need not copy a single photograph to infringe, so long as an ordinary viewer would recognise the person being impersonated.

II. From Broadcast Piracy to Deepfakes: The Evolution of the John Doe Doctrine

The “*John Doe*” placeholder derives from English pleading practice and was adapted in American procedure to permit suits against unidentified defendants who could later be identified and substituted once discovered. India's first reported John Doe order was granted by the Delhi High Court in 2002⁷ Over the following two decades, Indian courts extended the device under its local nomenclature, “*Ashok Kumar*”, for the defendant equivalent of the anonymous “*John Doe*,” through successive waves of broadcast and film piracy, and dynamic website-blocking orders that could be extended to newly discovered mirror sites without a fresh suit.

The decisive migration into personality-rights protection occurred in November 2022, in what is widely regarded as India's first blanket John Doe order granted specifically to protect a natural person's persona⁸ and, definitively, less than a year later, in the watershed order protecting a leading Bollywood actor against AI-generated morphing, deepfake video, voice cloning, and unauthorised merchandising of his catchphrase and gestures.⁹ That order did more than grant relief on a particular set of facts. It supplied the operative template naming discrete categories of prohibited AI-enabled conduct rather than issuing an undifferentiated restraint

III. Jurisdiction and the Procedural Standard for Interim Relief

Jurisdiction in these suits is governed by Section 20 of the Code of Civil Procedure, 1908 turning on the defendant's residence or place of business, or the situs of the cause of action and, wherever a trade mark or copyright cause of action is additionally pleaded, by the special commercial forum available under Section 134(2) of the Trade Marks Act, 1999 and Section 62(2) of the Copyright Act, 1957, both of which have been held to operate in addition

⁷Taj Television Ltd. v. Rajan Mandal, I.A. No. 5628/2002 in CS(OS) No. 1072/2002 (Delhi High Court) —generally regarded as India's first “John Doe” order, restraining unlicensed cable operators from pirating the broadcast of the 2002 FIFA World Cup, granted under Section 151 CPC read with Order XXXIX Rules 1 and 2.

⁸Amitabh Bachchan v. Rajat Nagi & Ors., CS(COMM) 819/2022 (Delhi High Court, order dated 25 November 2022) regarded as the first blanket John Doe order for personality-rights protection.

⁹Anil Kapoor v. Simply Life India & Ors., CS(COMM) 652/2023, 2023 SCC OnLine Del 6914 (Prathiba M. Singh, J.).

to, and not in exclusion of, the ordinary forum under Section 20.¹⁰ Where the infringing AI-generated content is hosted outside India, as is now routine, courts apply the well-established “effects” or “purposeful availment” test to found jurisdiction on the accessibility and targeting of the forum public.¹¹

Such suits are typically instituted as commercial intellectual property actions before the Hon’ble High Courts exercising jurisdiction over the matter, which brings them within the pre-institution mediation requirement of Section 12A of the Commercial Courts Act, 2015 a requirement from which courts routinely grant exemption where urgent interim relief is genuinely sought, applying the Supreme Court's guidance on the point.¹² That exemption has been readily granted in the recent orders protecting a well-known entrepreneur and television panel investor¹³ and a retired international cricketer.¹⁴ Once the suit is properly before the court, the governing standard for ad interim relief remains the familiar tripartite test a prima facie case, the likelihood of irreparable injury, and the balance of convenience applied under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure. What has changed is not the standard, but the speed and breadth with which courts are now prepared to apply it: ex parte relief, granted within days of institution, against defendants who by definition cannot yet be named.

¹⁰Burger King Corporation v. Techchand Shewakramani & Ors. (Delhi High Court), holding that Section 134(2) of the Trade Marks Act, 1999 and Section 62(2) of the Copyright Act, 1957 operate in addition to, and not in exclusion of, the ordinary forum under Section 20 CPC.

¹¹Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy (Delhi High Court, 2009); India TV Independent News Service Pvt. Ltd. v. India Broadcast Live LLC (Delhi High Court, 2007) (the “effects”/“purposeful availment” test for jurisdiction over extraterritorially hosted content).

¹²Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815 (guidance on exemption from pre-institution mediation under Section 12A of the Commercial Courts Act, 2015 where urgent interim relief is sought).

¹³Aman Gupta v. John Doe/Ashok Kumar & Ors., CS(COMM) 462/2026 (Delhi High Court, Tushar Rao Gedela, J., order dated 07.05.2026).

¹⁴Yuvraj Singh v. Ashok Kumar & Ors., CS(COMM) 796/2026 (Delhi High Court, Jyoti Singh, J., order dated 29.07.2026).

IV. Intersection of Personality Rights with Trade Mark and Copyright Law

Personal names and signatures function as source identifiers under Section 2(1)(m) of the Trade Marks Act, 1999¹⁵, and this is what sustains passing-off and character-merchandising claims of the kind seen in Part I above. Where voice cloning specifically is alleged, Sections 38, 38A, 38B and 57 of the Copyright Act, 1957 supply performers' rights and the moral rights of attribution and integrity¹⁶, as applied in the leading ruling protecting a celebrated playback singer's voice against unauthorised AI synthesis.¹⁷

These intellectual-property doctrines are useful, but they were not built for this problem. Passing off requires proof of consumer confusion; copyright requires copying of protected expression. Neither requirement sits comfortably with dignitary harm arising from synthetic content that deceives no one as to its authenticity a pornographic deepfake, for instance, rarely leaves the viewer confused about whether the depicted act genuinely occurred, yet the harm to the person depicted is real and often severe. This mismatch is precisely why courts have, with increasing confidence, anchored relief directly in Article 21 and a sui generis personality-rights framework, treating trade mark and copyright causes of action as complementary grounds rather than the primary basis for relief.

V. Personality Rights and Deepfakes: Legal Developments in the Era of Generative AI, 2023–2026

Following the watershed order of September 2023¹⁸ and the first AI voice-cloning ruling of July 2024 protecting a playback singer¹⁹, the doctrine was applied in rapid succession: to a veteran film actor against unauthorised merchandising and AI chatbot impersonation²⁰; to a leading actress against fake websites and generative-AI face-morphing²¹; to a filmmaker against misappropriation of his name and persona in a dramatised film title²²; and to a celebrated former cricketer and commentator against fabricated match commentary attributed to him.²³

¹⁵Trade Marks Act, 1999, Section 2(1)(m).

¹⁶Copyright Act, 1957, Sections 38, 38A, 38B and 57.

¹⁷Arijit Singh v. Codible Ventures LLP & Ors., 2024 SCC OnLine Bom 2445 (R.I. Chagla, J.).

¹⁸Anil Kapoor v. Simply Life India, note 7 above.

¹⁹Arijit Singh v. Codible Ventures LLP & Ors., 2024 SCC OnLine Bom 2445 (R.I. Chagla, J.).

²⁰Jaikishan Kakubhai Saraf alias Jackie Shroff v. Peppy Store & Ors., 2024 SCC OnLine Del 3664.

²¹Aishwarya Rai Bachchan v. Aishwaryaworld.com & Ors., 2025 SCC OnLine Del 5943.

²²Karan Johar v. Ashok Kumar/John Doe, 2025 SCC OnLine Del 6108.

²³Sunil Gavaskar v. Cricket Tak (CRICKETTAK557) & Ors., CS(COMM) 1329/2025.

Two orders from October 2025 illustrate the doctrine at its most consequential. In the first, the Bombay High Court restrained AI voice-cloning platforms and an impersonating chatbot from trading on a leading Bollywood actor's persona, in a matter arising from fabricated AI trailers that included a deepfake depicting the actor as a religious sage and, separately, as a sitting Chief Minister content that had already triggered public protest before the suit was filed.²⁴ Days earlier, in the veteran-actor matter described above, the same Court restrained obscene deepfakes, false gambling and astrology endorsements, and a cluster of impersonating social-media accounts.²⁵ Both orders relied on the intermediary due-diligence obligation under the Intermediary Guidelines to ground platform take-down directions²⁶ the mechanism, discussed further below, that gives an in rem order teeth against platforms that are themselves neither named defendants nor, in the ordinary sense, wrongdoers.

Crucially, the doctrine's reach is no longer confined to entertainers. The order protecting the consumer-electronics co-founder described above²⁷ extended it, in terms, to AI chatbots, unauthorised merchandise trading on registered trade marks, pornographic redirection, and impersonating accounts a dynamic ex parte injunction against forty-five defendants, with a court-appended schedule of infringing URLs. Most recently, an order protecting a retired international cricketer against AI-fabricated narratives, including a religiously insensitive depiction and a fabricated social-media post attributing views to the plaintiff, described the underlying conduct as “*a classic case of passing off, misappropriation of goodwill, and consumer deception.*”²⁸ The trajectory across these orders is unmistakable: personality-rights protection in India is no longer a remedy reserved for film stars, but a general-purpose response to any AI-enabled appropriation of an identifiable individual's name, face, or voice.

VI. Testing the Limits: Free Speech and the Courts’ Growing Caution

A doctrine this expansive inevitably collides with Article 19(1)(a). Genuine parody, satire, and news reporting concerning a public figure remain constitutionally protected, and courts have expressly carved out this exception, as in the recent order concerning a prominent yoga

²⁴Akshay Hari Om Bhatia v. John Doe & Ors., Interim Application (L) No. 33184 of 2025 in Commercial IP Suit (L) No. 32986 of 2025 (Bombay High Court, Arif S. Doctor, J., order dated 15.10.2025).

²⁵Suniel V. Shetty v. John Doe's Ashok Kumar, Interim Application (L) No. 32198 of 2025 in Commercial IP Suit (L) No. 32130 of 2025 (Bombay High Court, Arif S. Doctor, J., order dated 10.10.2025).

²⁶Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Rule 3(1).

²⁷Aman Gupta v. John Doe/Ashok Kumar & Ors., CS(COMM) 462/2026 (Delhi High Court, Tushar Rao Gedela, J., order dated 07.05.2026).

²⁸Yuvraj Singh v. Ashok Kumar & Ors., CS(COMM) 796/2026 (Delhi High Court, Jyoti Singh, J., order dated 29.07.2026).

guru.²⁹ The outer, public-domain limit of the right was separately confirmed in the Delhi High Court's ruling on NFT-based cricketer player cards, which held the right of publicity subservient to Article 19(1)(a) where the impugned use draws only on information already in the public domain.³⁰

More striking still is that the courts have begun to police the doctrine's own boundaries. In a recent matter concerning a dramatised biographical film, the Court itself posed the question of “*how far can personality rights be stretched,*”³¹ and in a separate proceeding arising from an investment-scam impersonation, the Court expressed doubt as to whether the claim was properly framed as a personality-rights suit at all, rather than a matter for ordinary criminal and fraud remedies.³² These are not minor asides. They signal a developing judicial caution against the opportunistic invocation of personality rights as an expedited, in rem alternative to the slower and more exacting processes of conventional criminal and tortious law—a caution that any competent practitioner advising a client in this space would be well advised to note before drafting the next John Doe plaintiff.

VII. Conclusion: Two Kinds of Anonymity, One Doctrine

The “John Doe” or “Ashok Kumar” order has always been an order against anonymity. In 2002, that anonymity was logistical: cable operators who could be raided but not first identified, in an infringement that stopped the moment the broadcast ended. In 2025 and 2026, the anonymity is architectural: a deepfake generator, a cluster of impersonating accounts, a chatbot trained to mimic a stranger’s voice—none of which behaves like a wrongdoer the law has ever had to restrain before, and all of which can be reconstituted within hours of being taken down. What has carried the doctrine across that twenty-year distance is not that the underlying mischief stayed the same, because it plainly has not, but that the procedural insight animating *Taj Television* has proved durable: relief need not wait on a name, so long as the wrong itself can be described with precision.

That durability has rested, at every stage, on borrowing rather than building. Personality rights in India possess no independent statutory home; they have grown instead at the meeting point of three doctrines pressed into unfamiliar service. Trade mark law lends its

²⁹Swami Ramdev v. John Doe(s), CS(COMM) 147/2026 (Delhi High Court, Jyoti Singh, J.).

³⁰Digital Collectibles Pte Ltd. & Ors. v. Galactus Funware Technology Pvt. Ltd. & Anr., CS(COMM) 108/2023, [2023:DHC:2796] (Amit Bansal, J.).

³¹Salman Khan v. Ashok Kumar/John Doe & Ors. (Delhi High Court, order dated 27.07.2026).

³²Aditya Birla Sun Life AMC Ltd. v. John Doe & Ors. (Delhi High Court, July 2026).

source-identifier logic, letting a name or signature function as an unregistered mark and sustaining the passing-off claims. Copyright law lends, through the performers' and moral rights under the Copyright Act, 1957, a vocabulary for voice and attribution well suited to the AI voice-cloning disputes. Article 21 lends the dignitary register that neither of those doctrines was built to carry the register in which a pornographic deepfake, confusing no consumer and copying no protected expression, is nonetheless recognised as a serious wrong. None of these three doctrines, alone or together, was designed for a wrongdoer with no face, no fixed address, and no need ever to appear in court; each has simply been the closest tool at hand.

Borrowed tools eventually show their seams, and the courts' own recent questioning of the doctrine's outer limits is the clearest sign that those seams are beginning to show. Three deficits stand out. First, the absence of a statutory definition of the protected attributes, including AI-synthesised likeness, leaves the threshold for infringement to be reconstructed, order by order, without settled guidance on where legitimate commentary ends and actionable appropriation begins. Second, the absence of any settled position on post-mortem survivability leaves estates, heirs, and the creative industries that increasingly seek to license or "*digitally resurrect*" deceased performers without a determinate answer. Third, and most pressing, relief granted against an adversary with no name and no fixed address inevitably runs in rem, prospectively, and often ex parte necessary features of an emergency response to anonymous and multiplying infringement, but ones that sit at a considerable, and as yet structurally unexamined, distance from the ordinary safeguards of notice and adversarial hearing that due process is designed to secure.

For the wider intellectual-property community practitioners advising on brand and endorsement contracts, registries administering trade marks that increasingly double as personal identifiers, technologists building the very generative tools now subject to these injunctions, and the ordinary citizens whose photographs and voices circulate on the open internet without their active knowledge the lesson of the last four years is not that Indian courts have failed to keep pace with generative AI. It is that they have kept pace by stretching a single old procedural fiction relief against the person who cannot be named across two entirely different eras of anonymous wrongdoing. While judicial innovation has provided interim protection, it cannot substitute for a comprehensive statutory framework. The law requires clearly defined protected attributes, a prescribed protection period, express safeguards for parody, satire and public-interest reporting, and structured principles of

proportionality governing the grant, scope and duration of relief, particularly against unidentified defendants. Until such a legislative framework is established, Indian law will continue to address emerging technological challenges through the adaptation of existing legal and procedural remedies.

This article explains general provisions of Indian personality-rights jurisprudence for awareness purposes. It is not legal advice. Confirm current case status, orders, and procedures with the relevant High Court registry before relying on any of the above.

The views expressed are the author's own and are not those of the Office of the CGPDTM. The author, Rahul Matharu, is an advocate, a graduate of Law Centre-II, Faculty of Law, University of Delhi, and currently works with the Legal and Litigation Cell, O/o CGPDTM.