

Personality Rights [UPSC Notes]

The Delhi High Court passed an interim order preventing the unlawful use of Bollywood star Amitabh Bachchan's name, image and voice. Through its order, the court restrained persons at large from infringing the personality rights of the actor. In this context, read this article to understand what are personality rights and how they protect celebrities. This is an important current topic under the polity and governance section of the [UPSC Syllabus](#).

What are Personality Rights?

Personality rights refer to the right of a person to protect his/her personality under the right to property or privacy.

- Personality rights are important to celebrities as their names, image or voices can be easily misused in various advertisements by different companies to enhance their sales (commercial purposes).
- It becomes important for celebrities/renowned persons to register their names to protect their personality rights.
- A celebrity acquires his/her celebrated status through intellectual, emotional and physical efforts. Hence, only a celebrity can authorise the manner in which his/her name, goodwill and reputation can be used and successfully exploited commercially. This exclusive right needs legal protection from being encroached upon by people willing to ride on the fame of celebrities.

Personality Rights Types

There are two types of personality rights. They are described below.

- **The Right to Publicity**
 1. The right to keep one's image or likeness from being commercially exploited without permission or contractual compensation, which is similar (however, not identical) to the use of a trademark.
 2. Under common law jurisdictions, publicity rights fall into the realm of the 'tort of passing off'. Any misrepresentation of a mark to consumers in the course of trade, which injures the trademark owner and causes damage is said to be liable for passing off.
 3. Publicity rights are governed by statutes like the Trade marks Act 1999 and the Copyright Act 1957.
- 1. **The Right to Privacy**
 1. The right to not have one's personality represented publicly without permission.

2. Article 21 of the Indian Constitution speaks about the Right to life and the Right to personal liberty. The definition of [Article 21](#) has been expanded by the Hon'ble Supreme Court to include the Right to privacy.

Personality Rights on the Internet

Arun Jaitley vs Network Solutions Pvt. Ltd and Ors -

- In 2011, the Delhi High Court in the above-cited case observed that the popularity/fame of a person will be no different on the internet than in reality.
- Mr. Jaitley filed a suit seeking a permanent injunction against the defendants from misuse and immediate transfer of the domain name www.arunjaitley.com.
- The court passed judgement in favour of the petitioner, Arun Jaitley stating the “said name due its peculiar nature/distinctive character coupled with the gained popularity in several fields whether being in politics, or in advocacy, ...has become a well-known personal name/mark under the trade mark law which enures him the benefit to refrain others from using this name unjustifiably in addition to his personal right to sue them for the misuse of his name”.

FAQ related to Right to Privacy

Q. Which article of the Indian Constitution protects the “Right to Privacy”?

Ans: Article 21.

Q. Personality Rights are considered to consist of two types of rights. Name them.

Ans: The “Right to Publicity” and the “Right to Privacy”.