IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 111 OF 2026
IN
COMMERCIAL IP SUIT NO. 720 OF 2025

Shilpa Shetty Kundra ...Applicant/Plaintiff

Versus

Getoutlive.in and Others ...Defendants

Ms. Sana Raees Khan, Ms. Palak Kasliwal, Mr. Haider Tapia for the Applicant.
Mr. Prabudh Singh (through VC), Mr. Dhrupad Vaghani, Ms. Gayatri Mohite and Mr. Ajij M. K. for Defendant No. 9.
Mr. Navankur Pathak and Ms. Bargavi Baradhwaj (through VC) i/b Sai Krishna and Associates for Defendant No. 13.
Ms. Amishi Sodani and Ms. Charu Shukla i/b Ms. Charu Shukla for Defendant Nos. 15 and 24.
Mr. Nishad Nadkarni, Mr. Aasif Navodia, Ms. Khushboo Jhunjhunwala, Ms. Jaanvi Chopra and Ms. Rakshita Singh i/b Khaitan and Co. for Defendant No. 18.
Mr. Krishnakant Deshmukh for Defendant Nos. 26 and 17.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MARCH 4, 2026

P. C. :

1. By order dated 26th December, 2025, the vacation bench of this Court considered prayer clause (b) of the application and directed the Defendants to delete the URLs, the list of which had been furnished to them, from their respective platforms/websites forthwith. The

Defendant Nos. 26 and 27 i.e. Ministry of Electronics and Information Technology and Department of Telecommunications respectively were also directed to pull down the links and posts which unlawfully infringed the privacy right of the Applicant-Plaintiff. The order clarified that the Court was not adjudicating the the issue of personality rights under the Copyright Act, 1957.

2. The order came to be passed in light of the submissions canvassed that the URLs *prima facie* infringed upon the Plaintiff's likeness, image, persona without her consent and appeared to be deepfakes generated by AI. The URLs which tarnished her image and reputation were directed to be deleted. Pursuant thereto, learned counsels appearing for Defendant Nos. 9, 15, 18, 24, 26 and 27 have submitted that they have complied with the order of 26th December, 2025.

3. The contention of learned counsel appearing for Plaintiff was that all the URLs have not been deleted. As the contention is about non-compliance of order dated 26th December, 2025, let an appropriate application be filed placing on record material to demonstrate non-compliance of the order dated 26th December, 2025.

4. Learned counsel appearing for Defendant No. 18 would submit that despite communicating the name of correct entity to the Plaintiff, there has been no amendment as a result of which the Advocate for

Defendant No. 18 is unable to even file his vakalatnama. Let amendment be carried out within period of one week from today correcting the name of Defendant No. 18 to bring the correct entity on record. Re-verification is dispensed with.

5. Learned counsel appearing for Plaintiff would seek consideration of other interim reliefs. Learned counsel appearing for Defendant Nos. 15 and 24 would contend that the interim relief sought in prayer clause (a) of injunction against the present Defendants from exploiting or misappropriating the Plaintiff's name, image, personality, etc. cannot be granted against the Defendant Nos. 15 and 24 which are intermediaries. She submits that Defendant Nos. 15 and 24 are not averse to deleting the URLs which infringed the Plaintiff's personality rights but there cannot be any blanket injunction against intermediaries. She would submit that the direction of deletion of infringing listing may be granted subject to their right to communicate to the Plaintiff with reasons any objections to such deletion.

6. Learned counsel appearing for Plaintiff would submit that insofar as the Defendants, which are intermediaries, are concerned, the Plaintiff will be satisfied by deletion of the infringing content which are uploaded on their websites/platforms/portals upon being notified by Plaintiff or her authorized representative which exploit the Plaintiff's name, image, likeness or any other uniquely identifiable

attribute and is not pressing prayer clause (a) against the Defendants which are digital platforms.

7. With this consensus, the present interim application will have to be considered. The suit has been filed seeking to injunct Defendant Nos. 1 to 11, 14 to 22 and 28 from violating the Plaintiff's personality rights by using or exploiting the Plaintiff's name, image and likeness and other attributes of personality in any form for any commercial or personal gain and against passing off.

8. The Plaintiff is a renowned Hindi film actress, popular TV personality and notable public figure having huge social media fan following. By the present action, the Plaintiff seeks protection of her personality rights and rights to publicity. The personality attributes are protectable elements of Plaintiff's personality rights, which cannot be permitted to be commercially exploited without the consent and authorisation of the Plaintiff. Apart from the general commercialisation of the personality attributes of the Plaintiff which requires immediate restraint, the most disturbing aspect is the deepfakes and AI generated pornographic and obsecene content generated and uploaded on publicly accessible platforms which results in tarnishing the image of the person involved and violates the right to privacy and right to live with dignity guaranteed under Article 21 of Constitution of India.

9. The Defendant Nos. 1 to 11 are commercial entities stated to be commercially exploiting the Plaintiff's name and image to market their merchandise without the Plaintiff's authorization and misrepresenting that the products are endorsed by the Plaintiff which amounts to passing off their products as that of the Plaintiff. *Prima facie* there is sufficient material produced on record being the extract of the websites, which demonstrates the misrepresentation of association with the Plaintiff in respect of the products marketed on the websites.

10. The Defendant Nos. 12 and 13 are e-commerce websites listing for sale various merchandise bearing the Plaintiff's name/photographs/image or likeness on their platforms. It is pleaded that the relief against Defendant Nos 12 and 13 is limited to disclsoure of the details of the entities marketing the infringing products and for deletion of the infringing links.

11. The Defendant Nos. 14 and 15 are publicly accessible digital platforms on which the GIFs are uploaded by allowing the members of the general public to create, store, search for GIFs comprising of short video recordings of Plaintiff's movie clips. Perusal of the extract of relevant pages from the website of Defendant Nos. 14 and 15 would indicate the unauthorized use of the Plaintiff's movie clips exploiting the Plaintiff's image, likeness and persona. Section 2(qq) of the Copyright Act, 1957 defines 'performer' to include an actor and Section

38 B of Copyright Act, 1957 protects the moral rights of the performer to restrain or claim damages in respect of any distortion, mutilation of personality rights that would be prejudicial to their reputation. *Prima facie* perusal of content which has been uploaded on the website of Defendant Nos. 14 and 15 would indicate distortion of the Plaintiff's performance in various cinematograph films which amounts to infringement of Section 38B of Copyright Act, 1957. The order of 26th December, 2025 rightly directs taking down/deletion of URLs which have been furnished by the Plaintiff to the Defendants.

12. Insofar as the Defendant No. 16 is concerned, the content which has been uploaded on Defendant No. 16's platform and which has been reproduced from page 218 to 220, is especially disturbing as *prima facie* by use of artificial intelligence, model, tools, the Plaintiff has been depicted in obscene, indecent and defamatory manner through morphed visuals. The AI-generated deepfakes, morphing and pornography content of the Plaintiff is degrading and tarnishing the Plaintiff's reputation, personal dignity as well as professional standing. There could be no justification for permitting such content to be uploaded on the digital platforms for unauthorized exploitation for commercial gain. The consequence is violation of personality rights and the violation of Plaintiff's dignity. The Plaintiff is renowned celebrity and AI-generated deepfakes, pornographic content which is circulated

widely amounts to violation of Plaintiff's personality rights over which the Plaintiff has exclusive right and control. The material which has been annexed to the Plaint shows digitally manipulated content by artificially created images and videos uploaded on content sharing websites.

13. The Defendant Nos. 17 to 22 are stated to be platforms that utilize sophisticated algorithms to create audio and visual content. It is *prima facie* apparent that the content is uploaded on these platforms by using artificial intelligence and there is *prima facie* no explanation for permitting use of artificial intelligence for creating and manipulating digital content, using the Plaintiff's name, voice, mannerism, image, persona and other attributes without her consent.

14. The Defendant Nos. 23 to 25 are global social media and digital communication platforms including Instagram and Facebook wherein the morphed visuals of the Plaintiff are uploaded by third-party. The extracts of the relevant pages of the website of Defendant No. 23 would indicate the morphed pictures of the Plaintiff being uploaded on social media platforms. These Defendants are hosting, disseminating and enabling the public access to infringed and manipulated content which adversely affects the Plaintiff's personality rights.

15. Insofar as these publicly accessible digital platforms are concerned, the order of 26th December, 2025 is continued and the

Defendant Nos. 12 to 25 are directed to delete the URLs which are forwarded and which will be forwarded by the Plaintiff from their respective platforms/websites within 8 days of receiving information about the URLs. In event of any objection to the removal of such URLs, it is open for these Defendants to approach the Court and seek appropriate reliefs.

16. One of the submissions canvassed is that some of the content which is uploaded on Youtube, etc are news article pertaining to the Plaintiff. *Prima facie* upon perusal of the relevant extracts from so-called news article is concerned, it is evident that this content has not been uploaded by responsible media houses but by general public without any authentication of the report and appears to be *prima facie* defamatory in nature.

17. Upon *prima facie* consideration of the material which has been placed on record, it is evident that by unauthorized use of the Plaintiff's persona/ name/ image/likeness and other personality attributes of the Plaintiff. photographs, the Defendant Nos. 1 to 11 are passing-off their goods as being associated with that of the Plaintiff. The Defendant Nos 12 to 25 are permitting their platforms to be utilised for violating the Plaintiff's personality rights including her image, likeness, name etc which violates the moral protectable rights under Section 38B of Copyright Act, 1957 by creation of deepfakes, AI-

generated content which is required to be restrained.

18. In light of the above, this Court is of the *prima facie* opinion that the Plaintiff's personality rights deserve to be protected and are hereby protected by granting interim relief as against Defendant Nos. 1 to 11 in terms of prayer clause (a) of the Interim Application.

19. Insofar as prayer clause (b) is concerned, the Defendant Nos. 1 to 28 are ordered to take down/delete/remove/suspend all infringing contents that have been uploaded on their websites as well as the infringing URLs which have been identified by the Plaintiff and in event, of further URLs identified and communicated to the Defendants, they shall forthwith take down/suspend all such URLs.

20. Interim Application is allowed in the above terms.

[SHARMILA U. DESHMUKH, J.]