



Personality Rights

For Prelims: Personality Rights, Article 21, Right to Privacy

For Mains: Government Policies & Interventions

Why in News?

Recently, the Delhi High Court recently passed an interim order **to prevent the unlawful use of a Bollywood star's name, image and voice.**

- The court, through its order, restrained persons at large from infringing the **personality rights of the actor.**

What are Personality Rights?

- Personality rights refer to the **right of a person to protect his/her personality** under the right to privacy or property.
- These rights are **important to celebrities as their names, photographs or even voices can easily be misused** in various advertisements by different companies to boost their sales.
- Therefore, it is **necessary for renowned personalities/celebrities to register their names to save their personality rights.**
- A large list of unique personal attributes contribute to the making of a celebrity. All of these attributes need to be protected, such as name, nickname, stage name, picture, likeness, image and any identifiable personal property, such as a distinctive race car.

What is the Difference between Publicity Rights and Personality Rights?

- Personality rights **consist of two types of rights:**
 - **First:** The right of publicity, or the right to keep one's image and likeness from being commercially exploited without permission or contractual compensation, which is similar (but not identical) to the use of a trademark.
 - **Second:** The right to privacy or the right to not have one's personality represented publicly without permission.
- However, under common law jurisdictions, **publicity rights fall into the realm of the 'tort of passing off'.**
 - **Passing off takes place when someone intentionally or unintentionally passes off their goods or services** as those belonging to another party.
 - Often, this **type of misrepresentation damages the goodwill of a person or business,** resulting in financial or reputational damage.

What about the Personality Rights in India?

- The closest statute to protect personality rights is [Article 21](#) of the **Constitution of India under rights to privacy and publicity.**

- Other statutory provisions protecting personality rights include the **Copyright Act, 1957**.
 - According to the Act, **moral rights are only granted to authors and performers**, including actors, singers, musicians, and dancers.
 - The provisions of the Act mandate that the Authors or the Performers have the right to be given credit or claim authorship of their work and also have a right to restrain others from causing any kind of damage to their work.
- **The Indian Trademarks Act, 1999** also protects personal rights under Section 14, which restricts the use of personal names and representations.
- Further, the Delhi High Court in its judgment in **Arun Jaitley vs Network Solutions Private Limited and Ors Case (2011)** observed that the popularity or fame of an individual will be no different on the internet than in reality.
 - The court had also **stated that the name also falls in the category** wherein besides it being a personal name it has also attained distinctive indicia of its own.

What about Consumer Rights?

- It has been documented that celebrities' names and personalities are protected from commercial misuse, but **false advertisements and endorsements by celebrities can also mislead consumers**.
- Due to such cases, the **Ministry of Consumer Affairs has made a notification in 2022 to keep a check on misleading adverts and endorsements of consumer products by imposing a penalty on the endorser**.

UPSC Civil Services Examination Previous Year Question (PYQ)

Q.1 '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.2 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)

Source: TH

