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

INTERIM APPLICATION (L) NO.38621 OF 2026
IN
COMMERCIAL IP SUIT (L) NO. 38397 OF 2026

Ananya Suyash Panday …Applicant/Plaintiff

Vs.

Fankaar Live Experiences Pvt. Ltd. & Ors. …Defendants

Mr. Astad Randeria a/w. Priyanka Khimani and Advi Aadya Saggurthi, Aditi Sen and Rajvi Zala i/b Khimani and Associates, for the Applicant/Plaintiff.
Mr. Hrishikesh Shukla a/w. Mahir Amir, Sammiddha Basu and Shweta Sahu i/b Shardul Amarchand Mangaldas & Co., for Defendant No.20.
Ms. Shivani Choudhary (through VC), for Defendant No. 21.

CORAM: MADHAV J. JAMDAR, J.
DATE : 5th NOVEMBER, 2026

P. C.:

1. At the outset, Mr. Randeria, learned counsel appearing for the Applicant/Plaintiff seeks leave to amend prayer clause (m).

2. Leave as sought is granted. Amendment be carried out forthwith. Re-verification is dispensed with.

3. Mr. Randeria, learned counsel appearing for the Applicant/Plaintiff submits that the Plaintiff, Ananya Suyash

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Panday, known professionally and to the public at large as "Anaya Panday" is a widely recognised and accomplished actor in the Indian film and entertainment industry and the suit is filed for infringement of personality rights, publicity rights, performance rights, violation of right to privacy and passing off.

4. The Plaintiff's rights which are the subject matter of the present suit are the Plaintiff's personality rights, publicity rights and right to privacy, which stem and flow from Article 21 of the Constitution of India, the Plaintiff's performer's right under Section 38, 38A and 38B of the Copyright Act, 1957 and the Plaintiff's rights under common law including the law relating to passing off and dilution.

5. In the plaint, the Plaintiff has *inter alia* stated as under :-

I. The Plaintiff, Ananya Suyash Panday, known professionally and to the public at large as 'Ananya Panday', is a widely recognised and accomplished actor in the Indian film and entertainment industry. The Plaintiff commenced her professional acting career in 2019 and has since featured in a diverse range of commercially successful and critically

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acclaimed films and digital series.

II. The Plaintiff has, by reason of her extensive professional career, commercial associations and public presence, acquired substantial goodwill and recognition in and to her name, image, photographs, voice, likeness, signature/autograph, performance style, mannerisms, dialogue delivery and other distinctive attributes of her personality as are uniquely and exclusively associated with her (collectively, **"the Plaintiff's Personality Attributes"**). Further, the Plaintiff has, over the course of her career, portrayed various dramatic roles in films and digital series and rendered performances therein (collectively, **"the Plaintiff's Performances"**), in respect of which she has acquired valuable performer's rights under Sections 38, 38A and 38B of the Copyright Act, 1957.

III. The Plaintiff's complete filmography to date is set out below:

Sr. No.	Year	Title of the Film
1.	2019	*Student of the Year 2*
2.		*Pati Patni Aur Woh*
3.	2020	*Khaali Peeli*

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Sr. No.	Year	Title of the Film
4.	2022	*Gehraiyaan*
5.		*Liger*
6.	2023	*Dream Girl 2*
7.		*Kho Gaye Hum Kahan*
8.	2024	*Bad Newz*
9.		*Khel Khel Mein*
10.		*CTRL*
11.		*Call Me Bae* (Web Series)
12.	2025	*Kesari Chapter 2*
13.		*Tu Meri Main Tera Main Tera Tu Meri*
14.	2026	*Chand Mera Dil*

IV. The Plaintiff's professional accomplishments have been recognised through numerous awards, nominations and other accolades conferred upon her by industry bodies, including:

i) 26th Screen Awards, 2019 - Fresh Face of the Year

ii) 65th Filmfare Awards, 2020 - Best Female Debut for *Student of The Year 2* and *Pati Patni Aur Woh*

iii) Zee Cine Awards:

a. 2020 - Best Female Debut for *Student of The*

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Year 2

b. 2024 - Performer of the Year for *Kho Gaye Hum Kahan*

c. 2026 - Best Supporting Actress for *Kesari Chapter 2*

iv) 21st IIFA Awards, 2020 - Star Debut of the Year (Female) for *Student of The Year 2*

v) Filmfare OTT Awards:

a. 2024 - Best Actor in a Film Critics (Female) for *Kho Gaye Hum Kahan*

b. 2025 - Best Actor in a Comedy Series (Female) for *Call Me Bae*

vi) 22nd Indian Television Academy Awards, 2022 - Best Debutant Actress of the Year (OTT) for *Gehraiyaan*

vii) News18 Reel Awards

a. 2024 - Breakthrough Performance of the Year (Female) for *Kho Gaye Hum Kahan*

b. 2026 - Best Actor (Female) for *Kesari Chapter 2*

viii) Pinkvilla Screen and Style Icons Awards

a. 2023 - Most Glamorous Icon

b. 2024 – Most Stylish Performer of the Year (Female) for *Kho Gaye Hum Kahan*

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c. 2025 - Best Actress (OTT) Popular Choice for *CTRL*

d. 2026 - Best Supporting Actress for *Kesari Chapter 2*

ix) Bollywood Hungama OTT India Fest 2024 - Best Actress (Popular Choice) for *Kho Gaye Hum Kahan*

x) Bollywood Hungama Style Icons

a. 2022 - Stylish Actor People's Choice (Female)

b. 2024 - Most Stylish Leading Entertainer of the Year (Female)

xi) Lokmat Stylish Awards

a. 2021 - Best Stylish Glamorous Icon

b. 2021 - Most Stylish Gen Z Star

c. 2023 - Stylish Glam Icon

xii) NDTV Indian of the Year 2024 - Youth Icon of the Year

xiii) GQ Men of the Year Award 2025 - Outstanding Achievement

V. The Plaintiff has also been featured in numerous prestigious lists and media publications, including the *Forbes Asia 30 Under 30* list, *GQ India's Most Influential Young Indians* list, *The Business of Fashion's BoF 500* list, *The Hollywood Reporter India - Women in Entertainment Power* list and *The*

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Times of India 50 Most Desirable Women list.

VI. The Plaintiff is a highly sought after brand ambassador and has been associated with leading national and international brands, including *Jimmy Choo, Swarovski, American Eagle, Lakmé, Google Gemini, Puma, TRESemmé* and *Maybelline*, among others. In 2025, the Plaintiff was appointed as the first Indian ambassador for the renowned French luxury fashion and beauty brand, *Chanel*.

VII. The Plaintiff further has a substantial social media following of approximately 26.1 million followers on Instagram, 630,000 followers on X and 9.6 million followers on Facebook. The Plaintiff is also the founder of the digital initiative 'So Positive', which seeks to promote mental health awareness and social responsibility.

VIII. The Plaintiff's Personality Attributes include the following:

i. The Plaintiff's name, "Ananya Panday";

ii. The Plaintiff's voice and distinctive manner of speech/diction;

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iii. The Plaintiff's image, photographs and likeness;

iv. The Plaintiff's performance style, mannerisms, expressions and dialogue delivery;

v. The Plaintiff's signature and/or autograph; and

vi. such other distinctive attributes of the Plaintiff's personality that readily identify, and are exclusively associated with, the Plaintiff.

6. The Plaintiff has arrayed 24 persons as the Defendants. Their details and contentions raised in the Plaint concerning them are as under :-

I. Defendant Nos. 1 to 6 operate and maintain websites which use and/or display the Plaintiff's name, image and photographs, and falsely represent that they are authorised to procure and/or book and/or arrange and/or otherwise facilitate the Plaintiff's professional engagements, without the Plaintiff's knowledge, authorisation or consent. The said unauthorised use and/or exploitation of the Plaintiff's Personality Attributes by Defendant Nos. 1 to 6 places the Plaintiff's professional reputation and goodwill at risk by creating an association between the Plaintiff and

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engagements over which she has exercised no control, and in respect of which she has neither given her consent nor agreed to provide her services.

II. Defendant Nos. 7, 11 and 12 are e-commerce platforms on which products bearing and/or incorporating and/or using the Plaintiff's Personality Attributes are being advertised and/or offered for sale and/or sold by the said Defendants, without the Plaintiff's knowledge, authorisation or consent. Defendant No. 12 has also uploaded posts on Defendant No. 16's platforms, 'Instagram' and 'Facebook', to promote its unauthorised products, including through AI-generated depictions of the Plaintiff using the said products, falsely representing that the Plaintiff has endorsed and/or is otherwise associated with the same.

III. Defendant Nos. 14 and 15 are e-commerce platforms which use and exploit the Plaintiff's Personality Attributes, without the Plaintiff's knowledge, authorisation or consent, in connection with the advertisement and/or promotion of products offered for sale by the said Defendants, in a

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manner which falsely suggests that the Plaintiff uses and/or endorses and/or is otherwise associated with such products.

IV. Defendant Nos. 8, 9, 10 and 13 are e-commerce marketplaces on which third-party sellers, without the Plaintiff's knowledge, authorisation or consent: (i) advertise and/or offer for sale and/or sell products bearing and/or incorporating and/or using the Plaintiff's Personality Attributes; and/or (ii) use and exploit the Plaintiff's Personality Attributes in connection with the advertisement and/or promotion of products offered for sale by the said third-party sellers, in a manner which falsely suggests that the Plaintiff uses and/or endorses and/or is otherwise associated with such products.

V. The unauthorised commercial exploitation of the Plaintiff's Personality Attributes by Defendant Nos. 7, 11, 12, 14 and 15 and/or the third-party sellers operating through Defendant Nos. 8, 9, 10 and 13's platforms, interferes with the Plaintiff's legitimate merchandising, licensing and endorsement opportunities, including the Plaintiff's right to

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determine the products and brands with which the Plaintiff and/or the Plaintiff's Personality Attributes are associated and to exercise control over the commercial exploitation thereof. Such unauthorised exploitation may further conflict with, prejudice or otherwise interfere with the Plaintiff's existing and/or potential brand associations, merchandising arrangements and commercial endorsements, including exclusivity/non-compete restrictions on the Plaintiff thereunder.

VI. Further, the unauthorised use of the Plaintiff's Personality Attributes in connection with the advertisement and/or promotion of products which she has neither endorsed nor approved of, and over which she has not exercised any control, including in relation to their quality, design and other characteristics, causes grave prejudice to the Plaintiff's reputation and goodwill, particularly where consumers may be misled to believe that the Plaintiff has used and/or endorsed and/or is otherwise associated with such products.

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VII. Defendant Nos. 16 to 19 are social media intermediaries within the meaning of the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The platforms operated by Defendant Nos. 16 to 19 are being used by multiple unidentified persons to create and disseminate:

(i) obscene and/or vulgar and/or sexually explicit and/or degrading and/or false and/or misleading and/or otherwise objectionable content incorporating the Plaintiff's Personality Attributes; and/or

(ii) content comprising distorted, manipulated and altered images of the Plaintiff, including images derived from the Plaintiff's Performances, created through the use of Artificial Intelligence and/or other technological means, depicting the Plaintiff undertaking fictitious actions and/or displaying fictitious expressions which she has never undertaken or displayed;

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(iii) content unauthorisedly using and/or exploiting the Plaintiff's Personality Attributes, including AI-generated and/or morphed and/or digitally manipulated and/or otherwise altered content, and dishonestly presenting, as statements of fact, false and/or misleading and/or untrue information in relation to the Plaintiff, including, *inter alia*, in relation to her appearance and in relation to her having undergone alleged elective cosmetic procedures.

VIII. The creation and dissemination of the aforesaid content, which is entirely outside the knowledge and consent of the Plaintiff, constitutes a grave violation of the Plaintiff's privacy and dignity, and has caused, and continues to cause, irreparable harm to the Plaintiff's reputation and goodwill. The Plaintiff, through her advocates, addressed formal complaints dated 7th October 2026 to Defendant Nos. 16 to 19, identifying the unauthorised and unlawful content available on their respective platforms and calling upon them to take appropriate action for the removal and/or disabling of access thereto. Notwithstanding receipt thereof, Defendant Nos. 16 to 19 provided automated responses

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without taking any effective action to remove the reported content and/or disable access thereto.

IX. Defendant Nos. 20, 21 and 22 are domain name registrars in respect of websites which provide AI-enabled chatbots incorporating the Plaintiff's Personality Attributes, without the Plaintiff's knowledge, authorisation or consent, which enable users to interact and engage in conversations with AI-generated representations of the Plaintiff and generate and attribute statements, responses and characteristics to the Plaintiff, including those of a sexually suggestive, obscene, derogatory or otherwise objectionable nature. The identities and particulars of the persons and/or entities responsible for creating, operating and maintaining the aforesaid websites are not readily available in the public domain and/or are otherwise presently unknown to the Plaintiff. Accordingly, Defendant Nos. 20 to 22 are impleaded as *pro forma* Defendants for the effective implementation and enforcement of orders and/or directions that may be passed by this Hon'ble Court.

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X. Defendant Nos. 23 and 24 are the Ministry of Electronics and Information Technology, Government of India (MeitY) and the Department of Telecommunications, Government of India (DoT) respectively. The Plaintiff's Personality Attributes are being unauthorisedly and unlawfully used and/or exploited by unidentified third parties to create and/or disseminate AI-generated and/or deepfake and/or morphed and/or otherwise digitally manipulated pornographic and sexually explicit images and videos purportedly depicting the Plaintiff. The creation and dissemination of the said content, which is entirely outside the knowledge and consent of the Plaintiff, constitutes a grave violation of the Plaintiff's privacy and dignity; and has caused, and continues to cause, irreparable harm to the Plaintiff's reputation and goodwill.

XI. The identities and particulars of the persons and/or entities responsible for creating, operating and maintaining the aforesaid websites and/or platforms are not readily available in the public domain and/or are otherwise presently unknown to the Plaintiff. Accordingly, Defendant Nos. 23

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and 24 are impleaded as *pro forma* Defendants for the effective implementation and enforcement of orders and/or directions that may be passed by this Hon'ble Court.

XII. Defendant No. 25 represents the category of unidentified persons and/or entities impleaded as John Doe/Ashok Kumar Defendants. The Plaintiff is also seeking reliefs against persons and/or entities whose names, addresses and other identifying particulars are not readily available in the public domain and/or are otherwise presently unknown to the Plaintiff, and who are responsible for creating and/or publishing and/or hosting and/or communicating and/or disseminating content unauthorisedly using and/or exploiting the Plaintiff's Personality Attributes and/or the Plaintiff's Performances.

7. Learned counsel appearing for the Plaintiff has tendered a chart setting out the particulars of unauthorized activities complained of in the suit against the respective Defendants. The said chart is reproduced hereinbelow for ready reference :-

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"FALSE REPRESENTATION OF AUTHORITY TO PROCURE AND/OR FACILITATE THE PLAINTIFF'S PROFESSIONAL ENGAGEMENTS

Defendant No. 1 operates the website www.fankaar.co, Defendant No. 2 operates the website www.tkctalent.com, Defendant No. 3 operates the website www.exchange4artist.com, Defendant No. 4 operates the website www.skyevents.in, Defendant No. 5 operates the website www.blackhattalent.com, Defendant No. 6 operates the website www.starclinch.com - Using and/or displaying the Plaintiff's name, image and photographs and falsely representing that they are authorised to procure and/or book and/or otherwise facilitate the Plaintiff's professional engagements.

[Para No. 4 @ Pg. No. 40, Para Nos. 43 – 46 @ Pg. Nos. 63 – 66 of the Plaint], [Exhibits "H", "I", "J", "K", "L", "M" @ Pg. Nos. 303 - 308 of the Plaint]

UNAUTHORISED ADVERTISEMENT, OFFER FOR SALE AND SALE OF PRODUCTS BEARING AND/OR INCORPORATING THE PLAINTIFF'S PERSONALITY ATTRIBUTES

Defendant No. 7 operates the website www.iceposter.com - Enabling users to select from numerous photographs and images of the Plaintiff for reproduction on, and/or incorporation into, a range of merchandise and customised products, including, *inter alia*, posters, mugs, calendars, pillows, mouse pads and phone cases, which are thereafter

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made available for purchase, without the Plaintiff's knowledge, authorisation or consent.

[Para No. 5 @ Pg. Nos. 40 - 41, Para Nos. 47 – 49 @ Pg. Nos. 66 – 68, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "N" @ Pg. Nos. 309 – 312 of the Plaint]

Defendant No. 11 operates the website www.desertcart.in - Advertising and/or offering for sale and/or selling posters bearing and/or incorporating the Plaintiff's name, image, photographs and likeness, along with the name and logo of the Plaintiff's mental health awareness initiative 'So Positive', without the Plaintiff's knowledge, authorisation or consent.

[Para No. 6 @ Pg. No. 41, Para No. 54 @ Pg. Nos. 70 – 71, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "R" @ Pg. Nos. 324 – 325 of the Plaint]

Defendant No. 12 operates the website www.pvt-ltd.in - Advertising and/or offering for sale and/or selling T-shirts bearing and/or incorporating the Plaintiff's name, image, photograph and likeness, without the Plaintiff's knowledge, authorisation or consent.

[Para No. 6 @ Pg. No. 41, Para No. 55 @ Pg. Nos. 71 – 72, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "S" @ Pg. No. 326 of the Plaint].

Defendant No. 12 has also uploaded posts on Defendant No. 16's platforms, 'Instagram' and 'Facebook' to promote the

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said T-shirts, including through AI-generated depictions of the Plaintiff wearing the said T-shirts falsely representing that the Plaintiff has used and/or endorsed and/or is otherwise associated with the same.

[Para No. 55 @ Pg. Nos. 71 – 72, Para No. 65 @ Pg. No. 78, Para No. 67 @ Pg. Nos. 79 - 80 of the Plaint], [Exhibit "T" @ Pg. Nos. 327 – 335 of the Plaint]

UNAUTHORISED USE AND EXPLOITATION OF THE PLAINTIFF'S PERSONALITY ATTRIBUTES IN CONNECTION WITH THE ADVERTISEMENT AND/OR PROMOTION OF PRODUCTS OFFERED FOR SALE

Defendant No. 14 operates the website www.fashionrazor.com, Defendant No. 15 operates the website www.nuvansh.com - Advertising and/or offering for sale and/or selling clothing that replicates designs of clothing worn by the Plaintiff, using the Plaintiff's name along with images and photographs of the Plaintiff wearing the original clothing, in a manner which falsely suggests that the Plaintiff uses and/or endorses and/or is otherwise associated with such clothing.

[Para No. 7 @ Pg. No. 41, Para Nos. 61 – 65 @ Pg. Nos. 75 – 78 of the Plaint], [Exhibit "X" (D14) @ Pg. No. 340, Exhibit "Y" (D15) @ Pg. No. 341 of the Plaint]

E-COMMERCE INTERMEDIARIES

I. UNAUTHORISED ADVERTISEMENT, OFFER FOR SALE AND SALE OF PRODUCTS BEARING AND/OR

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INCORPORATING THE PLAINTIFF'S PERSONALITY ATTRIBUTES BY THIRD-PARTY SELLERS

Defendant No. 8 operates the website www.amazon.in - Used by third-party sellers to advertise and/or offer for sale and/or sell posters bearing and/or incorporating the Plaintiff's name, image, photographs and likeness, without the Plaintiff's knowledge, authorisation or consent.

[Para No. 5 @ Pg. Nos. 40 - 41, Para No. 50 @ Pg. No. 68, Para No. 53 @ Pg. No. 70, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "O" @ Pg. Nos. 313 – 314]

Defendant No. 9 operates the website www.flipkart.com - Used by third-party sellers to advertise and/or offer for sale and/or sell posters bearing and/or incorporating the Plaintiff's name, image, photographs and likeness, without the Plaintiff's knowledge, authorisation or consent.

[Para No. 5 @ Pg. Nos. 40 - 41, Para No. 51 @ Pg. No. 69, Para No. 53 @ Pg. No. 70, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "P" @ Pg. Nos. 315 – 322 of the Plaint]

Defendant No. 10 operates the website www.etsy.com - Used by third-party sellers to advertise and/or offer for sale and/or sell T-shirts bearing and/or incorporating the Plaintiff's name, image, photographs and likeness, without the Plaintiff's knowledge, authorisation or consent.

[Para No. 5 @ Pg. Nos. 40 - 41, Para No. 52 @ Pg. Nos. 69 –

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70, Para No. 53 @ Pg. No. 70, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "Q" @ Pg. No. 323 of the Plaint]

Defendant No. 13 operates the website www.copn.in - Used by Defendant No. 12 to advertise and/or offer for sale and/or sell the aforesaid unauthorised T-shirts manufactured by Defendant No. 12.

[Para No. 6 @ Pg. No. 41, Para No. 56 @ Pg. Nos. 72 – 73, Para No. 57 @ Pg. No. 73, Para No. 65 @ Pg. No. 78 of the Plaint], [Exhibit "U" @ Pg. No. 336 of the Plaint]

II. UNAUTHORISED USE AND EXPLOITATION OF THE PLAINTIFF'S PERSONALITY ATTRIBUTES IN CONNECTION WITH THE ADVERTISEMENT AND/OR PROMOTION OF PRODUCTS OFFERED FOR SALE BY THIRD-PARTY SELLERS

Defendant Nos. 9 and 10's websites www.flipkart.com and www.etsy.com respectively - Used by third-party sellers to advertise and/or offer for sale and/or sell clothing that replicates designs of clothing worn by the Plaintiff, using the Plaintiff's name and images and photographs of the Plaintiff wearing the original clothing, in a manner which falsely suggests that the Plaintiff uses and/or endorses and/or is otherwise associated with such clothing.

[Para No. 5 @ Pg. Nos. 41 - 42, Para Nos. 58 - 60 @ Pg. Nos. 74 - 75, Para Nos. 64 – 65 @ Pg. Nos. 77 - 78 of the Plaint], [Exhibit "V" (D9) @ Pg. Nos. 337 – 338, Exhibit "W" (D10) @ Pg. No. 339 of the Plaint]

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UNAUTHORISED CREATION AND DISSEMINATION OF CONTENT ON SOCIAL MEDIA PLATFORMS USING AND/OR INCORPORATING THE PLAINTIFF'S PERSONALITY ATTRIBUTES AND/OR INFRINGING THE PLAINTIFF'S PERFORMER'S RIGHTS

Defendant No. 16 owns and operates the social media platforms accessible at www.instagram.com and www.facebook.com respectively. Defendant No. 17 owns and operates the social networking platform 'X' accessible at www.x.com. Defendant No. 18 owns and operates the social media platform accessible at www.reddit.com. Defendant No. 19 owns and operates the online video-sharing platform 'YouTube' accessible at www.youtube.com. The aforesaid social media platforms are being used by multiple persons to upload and disseminate:

(i) AI-generated and/or morphed and/or digitally manipulated and/or otherwise altered content depicting the Plaintiff in an obscene and/or vulgar and/or sexually explicit and/or otherwise objectionable manner; and/or

(ii) content comprising distorted and manipulated images and videos of the Plaintiff, including images derived from the Plaintiff's Performances, depicting the Plaintiff undertaking fictitious actions and/or displaying fictitious expressions which she has never undertaken or displayed; and/or

(iii) content which dishonestly presents, as statements of

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fact, false and/or misleading and/or untrue information in relation to the Plaintiff, including in relation to her having undergone alleged elective cosmetic procedures to enhance her appearance, for the purpose of promoting similar services offered by such persons.

[D16: Para No. 8 @ Pg. No. 42, Para No. 66 @ Pg. No. 79, Para Nos. 68 – 69 @ Pg. Nos. 80 – 82, Para Nos. 74 – 76 @ Pg. Nos. 85 – 88 of the Plaint], [Exhibit "Z" @ Pg. Nos. 342 – 343, Exhibit "AB" @ Pg. Nos. 345 – 352 of the Plaint, Tendered in a sealed envelope]

[D17: Para No. 8 @ Pg. No. 42, Para Nos. 70 – 71 @ Pg. Nos. 82 – 83, Para Nos. 75 – 76 @ Pg. Nos. 87 – 88 of the Plaint, Tendered in a sealed envelope]

[D18: Para No. 9 @ Pg. No. 42, Para Nos. 70 – 71 @ Pg. Nos. 82 – 83, Para Nos. 75 – 76 @ Pg. Nos. 87 – 88 of the Plaint, Tendered in a sealed envelope]

[D19: Para No. 9 @ Pg. No. 42, Para Nos. 72 – 76 @ Pg. Nos. 83 – 88 of the Plaint], [Exhibit "AA" @ Pg. No. 344, Exhibit "AC" @ Pg. No. 353 of the Plaint, Tendered in a sealed envelope]

UNAUTHORISED USE AND EXPLOITATION OF THE PLAINTIFF'S PERSONALITY ATTRIBUTES IN CONNECTION WITH AI-ENABLED CHATBOTS AND SERVICES

Defendant No. 20 is the domain name registrar in respect of the websites (i) www.beta.opedia.ai; (ii) www.botify.ai; and (iii) www.janitorai.com. Defendant No. 21 is the domain

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name registrar in respect of the websites (i) www.character.ai; (ii) www.hiwaifu.com; and (iii) www.flowgpt.com. Defendant No. 22 is the domain name registrar in respect of the website www.polybuzz.ai. – Impleaded as *pro forma* Defendants for the purpose of facilitating the implementation of any orders and/or directions that this Hon'ble Court may pass for the blocking and/or disabling of access to the aforesaid websites providing AI-generated chatbots incorporating the Plaintiff's Personality Attributes and enabling users to interact and engage in conversations with AI-generated representations of the Plaintiff and generate and attribute statements, responses and characteristics to the Plaintiff, including those of a sexually suggestive, obscene, derogatory or otherwise objectionable nature.

[Para No. 10 @ Pg. Nos. 42 – 43, Para Nos. 77 – 82 @ Pg. Nos. 88 – 91 of the Plaint], [Exhibits "AD", "AE", "AF", "AG", "AH", "AI", "AJ" (Chatbot Screenshots) @ Pg. Nos. 354 – 360, Exhibit "AK" (WHOIS records) @ Pg. Nos. 361 – 373 of the Plaint]

Defendant Nos. 23 and 24 are the Ministry of Electronics and Information Technology, Government of India (MeitY), and the Department of Telecommunications, Government of India (DoT), respectively, impleaded as *pro forma* Defendants for the purpose of facilitating the implementation of any orders and/or directions that this Hon'ble Court may pass for the blocking and/or disabling of

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access to websites containing AI-generated and/or deepfake and/or morphed and/or otherwise digitally manipulated, pornographic and sexually explicit images and videos purporting to depict the Plaintiff.

[Para No. 11 @ Pg. Nos. 43 - 44, Para Nos. 83 – 84 @ Pg. Nos. 91 - 92 of the Plaint], [Exhibit "AL" @ Pg. Nos. 374 - 390 of the Plaint]

Defendant No. 25 represents the category of unidentified persons and/or entities impleaded as John Doe/Ashok Kumar Defendants, who are responsible for creating and/or publishing and/or hosting and/or communicating and/or disseminating content unauthorisedly using and/or exploiting the Plaintiff's Personality Attributes and/or infringing the Plaintiff's performer's rights.

[Para No. 12 @ Pg. Nos. 44 - 45, Para Nos. 50 - 53 @ Pg. Nos. 68 - 70, Para Nos. 57 - 60 @ Pg. Nos. 73 - 75, Para No. 65 @ Pg. No. 78, Para Nos. 68 - 85 @ Pg. No. 80 of the Plaint]

8. Perusal of the plaint and documents annexed to the plaint clearly show that the Plaintiff's right to control and determine whether, and the manner in which, the Plaintiffs Personality Attributes may be used, depicted, reproduced, communicated to the public or otherwise exploited by any third party is violated. Various averments raised in the plaint and documents annexed to

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the plaint clearly show that the Plaintiff's right to privacy including her rights of personal autonomy, bodily privacy and dignity and her right to control the use, representation and depiction of the Plaintiff's identity and persona are affected. Her right to privacy is a fundamental right guaranteed under Article 21 of the Constitution of India.

9. Mr. Randeria, learned counsel submitted that the law casts obligations on intermediaries under Rule 3(1)(b) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. He submitted that the said Rule has been duly noted by this Court in ***Akshay Hari Om Bhatia vs. John Doe & Ors***.[1] This Rule was incorporated by an amendment on 28th October, 2022, which is after the judgment of the Supreme Court in ***Shreya Singhal vs. Union of India***[2]. He therefore, submits that the reliefs sought in the Interim Application as amended be granted.

10. Mr. Randeria, learned counsel appearing for the Plaintiff states that at this stage, the Plaintiff is seeking ad-interim relief in terms of prayer clauses (h) to (r).

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1 2025 SCC OnLine Bom 4044

2 (2015) 5 SCC 1

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11. Accordingly, a case is made out for grant of ad-interim injunction. There shall be ad-interim relief in terms of prayer clauses (h) to (r), which read as under :

> h. Pass a temporary order of injunction restraining Defendant Nos. 1 to 7, 11, 12, 14, 15 and 25, and their respective associates, agents, their representatives, affiliates, servants, employees, assigns, substitutes, Expires group entities and all persons acting through or under them, from, directly or indirectly, using, reproducing, incorporating, appropriating, manipulating, modifying or otherwise exploiting the Applicant's Personality Attributes viz., (i) the Applicant's name 'Ananya Panday'; (ii) The Applicant's image; (iii) The Applicant's photographs; (iv) The Applicant's likeness; (v) The Applicant's voice; (vi) The Applicant's signature and/or autograph; (vii) The Applicant's performance style, mannerisms and dialogue delivery; and (viii) such other distinctive attributes of the Applicant's personality as are uniquely identifiable with, and associated with, the Applicant, including: (a) through the creation and

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dissemination of obscene, pornographic, sexually suggestive, vulgar, defamatory, derogatory, false, misleading or otherwise objectionable content, including content created through the use of Artificial Intelligence or other technological means; and/or (b) through the creation and operation of Al-enabled chatbots, characters, simulations or other digital representations purporting to be the Applicant and/or otherwise using and/or incorporating the Applicant's Personality Attributes; and/or (c) in connection with the advertisement and/or offering for sale and/or sale of goods, merchandise, products or services offered by Defendant Nos. 1 to 7, 11, 12, 14, 15 and 25 on their respective websites/digital platforms or otherwise, in any manner whatsoever, without the Applicant's knowledge, authorisation and consent;

i. Pass a temporary order of injunction restraining Defendant Nos. 1 to 7, 11, 12, 14, 15 and 25, and their respective associates, agents, representatives, affiliates, servants, employees, assigns, substitutes, group entities

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and all persons acting through or under them, from passing off any goods, merchandise, products or services being advertised and/or offered for sale and/or sold and/or otherwise provided to the public by Defendant Nos. 1 to 7, 11, 12, 14, 15 and 25, through their respective websites/digital platforms or otherwise, as being authorised by, endorsed by, associated with, or otherwise connected to, the Applicant, including by: (i) making false representations of authority to procure and/or facilitate the Applicant's professional engagements; and/or (ii) manufacturing, creating, printing, reproducing, advertising, promoting, offering for sale, selling, distributing or otherwise dealing in any goods, merchandise or products bearing and/or incorporating and/or otherwise exploiting the Applicant's Personality Attributes; and/or (iii) using and/or exploiting the Applicant's Personality Attributes in connection with the advertisement and/or marketing and/or promotion of any goods, merchandise, products or services offered by the said Defendants, in any

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manner whatsoever, without the Applicant's knowledge, authorisation and consent;

j. Pass a temporary order of injunction restraining Defendant Nos. 1 to 7, 11, 12, 14, 15 and 25, and their respective associates, agents, representatives, affiliates, servants, employees, assigns, substitutes, group entities and all persons acting through or under them, from distorting, mutilating, modifying, adapting or otherwise dealing with the Applicant's Performances in a manner prejudicial to the Applicant's honour or reputation, and from doing any act that amounts to infringement of the Applicant's performer's rights under Sections 38, 38A or 38B of the Copyright Act, 1957, including through the use of Artificial Intelligence, face morphing, superimposition or other technological means, in any manner whatsoever;

k. Pass an order directing Defendant Nos. 8, 9, 10 and 13, being e-commerce intermediaries, to remove and/or disable access to the unauthorised and unlawful product listings available at the URLs identified in Exhibit AL

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annexed to the Plaint, and to take such reasonable and practicable measures, in accordance with their obligations under applicable law and the orders and directions of this Hon'ble Court, to prevent the continued availability of the said goods, merchandise and products, or of other goods, merchandise and products bearing and/or incorporating and/or exploiting the Applicant's Personality Attributes and/or purporting to be authorised by and/or endorsed by and/or otherwise associated with the Applicant, without the Applicant's knowledge, authorisation and consent;

1. Pass an order directing Defendant Nos. 16, 17, 18 and 19, being social media intermediaries, to remove and/or disable access to the unauthorised and unlawful content available at the URLs identified Exhibit AL annexed to the Plaint and to take such reasonable and practicable measures, in accordance with their obligations under applicable law and the orders and directions of this Hon'ble Court, to prevent the continued availability of the said content and/or identical and/or substantially

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similar content bearing and/or incorporating and/or exploiting the Applicant's Personality Attributes and/or the Applicant's Performances, without the Applicant's knowledge, authorisation or consent;

m. Pass an order directing Defendant Nos. 20, 21 and 22 to lock and/or suspend the domain names and/or websites accessible at the AL annexed to the Plaint URLs identified in Exhibit AL annexed to the Plaint, which unauthorisedly host and/or publish and/or otherwise make available AI-enabled chatbots, characters, simulations and other digital representations purporting to be the Applicant and/or otherwise using and/or incorporating the Applicant's Personality Attributes and/or the Applicant's Performances, without the Applicant's knowledge, authorisation or consent;

n. Pass an order directing Defendant Nos. 23 and 24 to take such steps as may be necessary in accordance with applicable law, to block and/or disable access to the websites accessible at the URLs identified in Exhibit AL annexed to the Plaint, which host and/or publish and/or

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otherwise make available digitally manipulated pornographic and sexually explicit content unauthorisedly using and incorporating the Applicant's Personality Attributes;

o. Pass an order directing Defendant Nos. 8, 9, 10, 13, 16, 17, 18, 19, 20, 21, 22, 23 and 24, upon being notified by the Applicant and in accordance with the orders passed by this Hon'ble Court, to remove and/or disable access to any unauthorised and unlawful content that is identical and/or substantially similar to the content identified in Exhibit AL annexed to the Plaint, whether already available or subsequently made available, including any re-uploads, mirrors, redirects, modified or derivative versions thereof;

p. Pass an order directing Defendant Nos. 8, 9, 10, 16, 17, 18, 19, 20, 21 and 22 to disclose to the Applicant and/or place before this Hon'ble Court, such information as is available with them concerning the identity, particulars and other identifying information of the

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persons and/or entities responsible for creating, uploading, publishing, communicating or disseminating the unauthorised and unlawful content identified in Exhibit AL annexed to the Plaint, subject to such AL safeguards as this Hon'ble Court may deem appropriate;

q. Pass an order permitting the Applicant to place before this Hon'ble Court, by way of an appropriate application and without being required to institute fresh proceedings, details of any additional mirror, redirect, alphanumeric or other variant of the websites, URLs, domain names, social media accounts or social media handles identified in the Plaint and/or any additional websites, URLs, domain names, social media accounts or social media handles disseminating identical and/or substantially similar unauthorised and unlawful content and/or otherwise engaging in materially similar unauthorised and unlawful use and/or exploitation of the Applicant's Personality Attributes, and upon the satisfaction of this Hon'ble Court, extend the injunctions and consequential directions passed herein to such

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additional unauthorised and unlawful content and/or the persons/entities responsible therefor;

r. Pass an order directing Defendant Nos. 7, 11, 12, and 25 to deliver up to the Applicant and/or destroy, in such manner as may be directed by this Hon'ble Court, all unauthorised goods, merchandise, products, materials, packaging, labels, promotional and advertising material, and other physical or digital material unauthorisedly using and/or bearing and/or incorporating and/or otherwise exploiting the Applicant's Personality Attributes."

ARJUN VITTHAL KUDHEKAR
Digitally signed by ARJUN VITTHAL KUDHEKAR
Date: 2026.11.06 17:22:04 +0530

12. List the matter on **17th December 2026.**

[MADHAV J. JAMDAR, J.]

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