



\$~37

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 1147/2024 with I.A. 48740/2024, I.A. 48741/2024, I.A. 48742/2024, I.A. 48743/2024, I.A. 48744/2024 and I.A. 48745/2024

RAJAT SHARMA & ANR.Plaintiffs
Through: Mr. Saikrishna Rajagopal, Ms. Disha Sharma, Ms. Snehima Jauhari and Ms. Deepika Pokharia, Advocates.

versus

TAMARA DOC & ORS.Defendants
Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
18.12.2024

%

I.A. 48741/2024 (u/O XI Rule 1 (4) of CPC, 1908 as amended by the Commercial Courts Act, 2015)

1. The present application has been filed on behalf of the Plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. The Plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

I.A. 48742/2024 (u/S 12-A of the Commercial Courts Act, 2015)

4. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023



SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

5. The application stands disposed of.

I.A. 48743/2024 (seeking exemption from filing original documents etc.)

6. Allowed, subject to the Plaintiffs filing legible copies of the annexures within four (4) weeks from today.

7. The application stands disposed of.

I.A. 48744/2024 (seeking exemption from advance service)

8. The present application has been filed on behalf of the Plaintiffs seeking exemption from advance service to the Defendants No. 1 to 8.

9. In view of the urgent *ex parte* relief sought by the Plaintiffs, the application is allowed.

I.A. 48745/2024 (seeking leave to file videos in a pen drive)

10. This application has been filed on behalf of the Plaintiffs seeking leave to file videos in a pen drive along with supporting affidavits.

11. For the reasons stated in the application, the same is allowed. The Plaintiffs are permitted to file videos in pen drive along with supporting affidavits.

CS(COMM) 1147/2024

12. Let the Plaint be registered as a suit.

13. Issue summons.

14. Summons be issued to the Defendants through all modes. The summons shall state that the written statement shall be filed by the Defendants within thirty days from the date of the receipt of summons. Along with the written statement, the Defendants shall also file affidavit of admission/denial of the documents filed by the Plaintiffs, without which the



written statement shall not be taken on record.

15. Liberty is given to the Plaintiffs to file replication, if any, within thirty days from the receipt of the written statement. Along with the replication filed by the Plaintiffs, affidavit of admission/denial of the documents of the Defendants be filed by the Plaintiffs.

16. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

17. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

18. List before the Joint Registrar on 19th February, 2025 for completion of service and pleadings.

19. List before the Court on 3rd April, 2025.

I.A. 48740/2024 (u/O-XXXIX Rule 1 & 2 of CPC, 1908)

20. The present suit has been filed seeking permanent injunction restraining infringement of personality and publicity rights of Plaintiff No. 1, as well as for restraining infringement of the registered trademarks of Plaintiff No. 2, misappropriation of goodwill, unfair trade practices and restraining infringement of copyright in cinematographic films along with associated broadcasting rights and moral rights of Plaintiff No. 2, along with other ancillary reliefs.

21. It is the case of the Plaintiffs that Plaintiff No. 1, *i.e.*, Mr. Rajat Sharma, is a renowned journalist and has been a household name and face on Indian television for over two decades. The Plaintiff No. 1 has acquired



an impeccable reputation, both in India and abroad. Plaintiff No. 1 is the recipient of various awards for his contribution to the field of journalism in India including Padma Bhushan by the Government of India in 2015 in recognition of his service in the field of literature and education. It is further submitted that Plaintiff No. 1 is a pioneer in news programming in India and has been hosting India's most successful and longest running television show “Aap Ki Adalat” for the last 29 years, besides hosting a large number of news shows which take up important public issues, including his daily primetime show “Aaj Ki Baat: Rajat Sharma Ke Saath”. Plaintiff No. 1 is the Founder, Chairman and Editor-in-Chief of Plaintiff No. 2 Company viz. M/s Independent News Service Private Ltd. (operating as ‘INDIA TV’).

22. The plaint avers that the Plaintiffs are aggrieved by the acts of several known and unknown Defendants that are misusing and exploiting the name, likeness, image, photos, videos and/or infringing any other personality and publicity rights of Plaintiff No. 1; infringing the registered trademarks



“INDIA TV”, “बदले भारत की तस्वीर”,



etc. of Plaintiff No. 2, and claiming association and/or connection with the Plaintiffs.

23. It is contended that Plaintiff No. 2 is the producer of the various news shows, footages, videos, etc., including *inter alia* the prime-time news show, “Aaj Ki Baat: Rajat Sharma Ke Saath”, which are communicated on Plaintiff No. 2’s Channel ‘INDIA TV’. Plaintiff No. 2 has the exclusive distribution rights to publicly exhibit and communicate the said content






through any medium or mode including on Plaintiff No. 2 Channel. It is stated that Plaintiffs' works are protected as "Cinematograph Film" under Section 2(f) read with Section 13 of the Copyright Act, 1957 ("the Copyright Act"). These include shows like "Aaj Ki Baat: Rajat Sharma Ke Saath", "Aap Ki Adalat", etc.

24. Mr. Saikrishna Rajagopal, counsel appearing on behalf of the Plaintiffs submits that Defendant Nos. 1 to 8 herein are perpetuating gross misinformation including through wrongful use of AI technology for creation of doctored videos bearing distorted, modified and modulated images/voice and other personality traits of Plaintiff No. 1.

24.1 It is submitted that the impugned content is being circulated either to promote purported drug(s) for diabetes/ prostatitis/ joint pain alleged to have been formulated by certain eminent doctors or certified by the government, or as alleged health tips by Plaintiff No. 1 along with other eminent persons such as Mr. Amitabh Bachchan and Dr. Naresh Trehan, thereby resulting in gross violation of the personality and publicity rights of Plaintiff No. 1.

25. Mr. Rajagopal submits that the Defendants are also unauthorisedly using and infringing various registered trademarks of Plaintiff No. 2

including but not limited to 'INDIA TV', , , , etc., along with Plaintiff No. 2's copyright in its 'AAJ KI BAAT: RAJAT SHARMA KE SAATH' show footage, resulting in infringement of Plaintiff No. 2's registered trademarks and copyright in cinematographic films, respectively.

26. Mr. Rajagopal emphasises that any false endorsement and



misattribution purporting that Plaintiff No. 1 endorses fraudulent remedies for serious health concerns such as diabetes and joint pain—constitute a grave misuse of Plaintiff No. 1’s personality rights. The misuse of Plaintiff No. 1’s reputation in this context amplifies the potential harm, as the general public may be misled into purchasing ineffective or harmful products under the false assumption of credibility and endorsement. Unlike other celebrities, whose association with commercial products might predominantly involve lifestyle or luxury goods, Plaintiff No. 1’s professional standing as a journalist entails a heightened sense of accountability and trustworthiness.

27. It is further submitted that given Plaintiff No. 1's unique position as a trusted voice in Indian households, any misrepresentation of his endorsement risks irreparable damage not only to his personal reputation but also to public trust at large. The misuse of his *persona* for fraudulent health claims exacerbates the propensity for harm, potentially endangering the health and safety of countless individuals who rely on the purported endorsement. It is submitted that such acts of misrepresentation disproportionately harm Plaintiff No. 1, as they strike at the very foundation of his professional standing, which is inextricably linked to public trust. For these reasons, the gravity of the present case extends beyond mere economic considerations and implicates larger issues of public welfare, consumer protection, and the integrity of public discourse.

28. Lastly, Mr. Rajagopal submits that Plaintiff No. 1 is a ‘celebrity’ in his own right and has a valid and enforceable personality right. As such, Plaintiff No. 1 satisfies the dual test of personality rights, *viz.* having a valid and enforceable personality right on account of being a well-known reputed personality and the same is clearly identifiable in the infringing content



uploaded by Defendant Nos. 1 to 8 on their social media accounts. Hence, the said Defendants' unauthorized usage of Plaintiff No. 1's image, likeness, videos, etc. for commercial gain and unjust enrichment, not only at the cost of Plaintiff No. 1, but more importantly to the detriment of the members of the public, is in violation of Plaintiff No. 1's personality rights under law.

29. Considering the aforesaid, a *prima facie* case is made out in favour of the Plaintiffs and against the Defendants. Balance of convenience is also in favour of the Plaintiffs and against the Defendant. Irreparable injury would be caused to the Plaintiffs if the Defendants are allowed to continue posting the aforesaid infringing posts/videos.

30. Issue Notice.

31. Despite service, none appears on behalf of Defendant No. 9/ Meta Platforms INC, Defendant No. 10/ Department of Telecommunication (DOT) and Defendant No.11/Ministry of Electronics & Information Technology (MEITY).

32. Notice be issued to the Defendants *via* all permissible modes, including e-mail.

33. Reply(ies) be filed within four (4) weeks.

34. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.




35. Consequently, till the next date of hearing, the following directions are issued:

- I. The Defendant Nos. 1 to 8 and 12 (and such other individuals / entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs' personality and publicity rights, and notified on affidavit by the Plaintiffs), their associates, partners, directors, principal officers,



family members, servants, agents, or anyone acting for and on their behalf, or anyone claiming through, by or under them are restrained from directly or indirectly misusing, misappropriating or exploiting the name, likeness, image, voice, photos, videos, or any other aspects of Plaintiff No. 1's persona which are solely and exclusively associated and identified with him for any commercial and/or personal gain, in any manner whatsoever, without Plaintiff No. 1's express written authorization, including through the use of any existing or future technology such as Artificial Intelligence, deepfake technology in any medium, format or platform, resulting in infringement of personality and publicity rights of Plaintiff No. 1.

II. The Defendant Nos. 1 to 8 and 12 (and such other individuals / entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs' intellectual property rights, and notified on affidavit by the Plaintiffs), their associates, partners, directors, principal officers, family members, servants, agents, or anyone acting for and on their behalf, or anyone claiming through, by or under them are restrained from using the registered trademarks of Plaintiff No. 2

such as 'INDIA TV', , , , and misappropriating, tarnishing and diluting the goodwill and reputation of the Plaintiffs.

III. The Defendant Nos. 1 to 8 and 12, (and such other individuals /



entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs' intellectual property rights, and notified on affidavit by the Plaintiffs), their associates, partners, directors, principal officers, family members, servants, agents, dealers, or anyone acting for and on their behalf, or anyone claiming through, by or under them are restrained from in any manner communicating, including by way of uploading, sharing, hosting, streaming, and/or making available for viewing, without authorization, Plaintiff No. 2's copyright-protected works and content related thereto, so as to infringe Plaintiff No. 2's exclusive rights and copyrights, and from violating Plaintiff No. 2's exclusive moral rights its works, as captured in such works, by utilizing or exploiting, including by distorting and mutilating, Plaintiff No. 2's works for any commercial and/or personal gain and/or in any manner whatsoever without Plaintiff No. 2's express written authorisation, including through the use of any technology such as Artificial Intelligence and in any medium, format or platform.

- IV. Defendant No. 9 (Meta Platforms Inc.) is directed to immediately block/remove/take down the following impugned content of Defendant No. 1 to 8, and further disclose complete details (such as name, address, email, phone number, etc.) of Defendant No. 1 to 8 available with it:



A.	https://www.facebook.com/61555625872647/posts/122099580236187529/?mibextid=K8Wfd2
B.	https://www.facebook.com/100095378325934/posts/7129678940388672/
C.	https://www.facebook.com/story.php?story_fbid=706796678271532&id=100068236174425&mibextid=KsPBc6
D.	https://www.facebook.com/reel/1147839199529410
E.	https://www.facebook.com/share/p89uSyTy8XRynknK/
F.	https://www.facebook.com/story.php?story_fbid=502964776061061&id=100090426283350&mibextid=WC7FNe&rdid=TephLucA5ahPM8Ze#
G.	https://www.facebook.com/story.php?story_fbid=502964776061061&id=100090426283350&mibextid=WC7FNe&rdid=qyF2IEQalbpzFYLG
H.	https://www.facebook.com/61560505245263/posts/8594703227316571/?mibextid=WC7FNe&rdid=rHGiKzxp87WCmJPM
I.	https://www.facebook.com/100090561363891/posts/8659476337441383/?rdid=xMvJwnd7juxxMZPt#
J.	https://www.facebook.com/100090561363891/posts/28616455441275142/?rdid=biHJLjEhN9aZk15X#
K.	https://www.facebook.com/share/19davSemQV/?mibextid=WC7FNe



- V. In case the Plaintiffs, during the pendency of the suit discovers any more false, fake and infringing videos not originating from or associated with the Plaintiffs, the Plaintiffs shall be at liberty to approach Defendant No. 9 requesting them to block/take down any such post/video/text or any material, which is published on its platforms or utilizing its platforms, and file an affidavit to that effect before this Court. In case Defendant No. 9 raises any doubt, the Plaintiffs shall be at liberty to approach this Court, for appropriate orders.
- VI. Defendant Nos. 10 and 11 are directed to issue necessary notifications/directions to all telecom and internet service providers to block/suspend/the websites, telephone numbers, social media accounts, channels, platforms, etc. that may subsequently be notified on affidavit by the Plaintiffs to be infringing their exclusive rights, as identified during the course of the present suit, that are found to be violating the rights of the Plaintiffs.
36. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) shall be filed within three (3) days from today.
37. List before the Joint Registrar on 19th February, 2025 for completion of service and pleadings.
38. List before the Court on 3rd April, 2025.
39. Copy of this order be given *dasti* under signatures of the Court Master.

AMIT BANSAL, J

DECEMBER 18, 2024/Vivek/-