



Digitally
signed by
JITENDRA
SHANKAR
NIJASURE
Date:
2024.07.29
18:23:27
+0530

6-ial-23560-2024.doc

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

INTERIM APPLICATION (L) NO.23560 OF 2024
IN
COM IPR SUIT (L) NO.23443 OF 2024

Arijit Singh

...Applicant /
Plaintiff

Versus

Codible Ventures LLP and Ors.

...Defendants

Hiren Kamod, Prem Khullar, Neha Iyer, Vaibhav Keni and Priyanka
Joshi i/b. Legasis Partners for the Applicant / Plaintiff.

CORAM : R.I. CHAGLA J.
DATE : 26TH JULY, 2024.

ORDER :

1. At the outset, Mr. Kamod, Ld. Advocate for the Plaintiff, tendered a draft amendment seeking to make some corrections to the Plaint, as more particularly set out in the draft amendment. In the interest of justice, the amendment is allowed. The draft amendment is taken on record and marked as 'X' for identification. Reverification is dispensed with. The amendments should be carried out within two weeks from the

date when this order is made available.

2. Mr. Kamod seeks to move without notice to the Defendants for the reasons set out in paragraph 60 of the Plaint. I find that sufficient averments and disclosures are made in the Plaint to sustain the ex-parte application.
3. In the present suit, the Plaintiff is seeking protection of his personality rights viz. his own name, voice, signatures, photograph, image, caricature, likeness, persona, and various other attributes of his personality against unauthorized / unlicensed commercial exploitation, misuse of all hues thereof. The suit also pertains to the violation of the Plaintiff's moral rights in his performances conferred upon him by virtue of Section 38-B of the Copyright Act, 1957.
4. It is stated that the Plaintiff hails from a small town named Murshidabad, in West Bengal, and has had humble beginnings. It is stated that the Plaintiff had immense passion for music from a very young age, leading to his journey from being a contestant on a musical reality TV show "*Fame Gurukul*", to a celebrated playback singer today. It is stated that today, the Plaintiff is one of the most celebrated, acclaimed and successful singers / artists

in the world. It is stated that the Plaintiff is recognized as a cultural icon globally and has been acclaimed as one of the foremost singers worldwide. The Plaintiff's music appeals to a broad audience, across various age groups and demographics. It is stated that the Plaintiff has emerged as the most sought-after playback singers in the Indian music industry.

5. It is stated that the Plaintiff has achieved immense success, goodwill and reputation as a singer due to his notable contributions to the music industry in India as well as abroad. It is stated that the Plaintiff's repertoire spans across romantic ballads, Sufi renditions, peppy party tracks, and everything in between. Some of the Plaintiff's most notable songs, such as "Tum Hi Ho" from the movie "Aashiqui 2", "Channa Mereya" from the movie "Ae Dil Hai Mushkil", "Raabta" from the movie "Agent Vinod", "Kesariya" from the movie "Brahmastra" have become chart-toppers. A list of songs which have been sung by the Plaintiff is at Exhibit "A" to the Plaint. Screenshots / printouts from streaming platforms showing particulars of the videos / sound recordings forming part of the Plaintiff's repertoire as available on various platforms are at Exhibit "A-1"

6-ial-23560-2024.doc

to the Plaintiff. Details as available online / Wikipedia page in respect of the Plaintiff's career are at Exhibit "A-2" to the Plaintiff. A pen drive containing the Plaintiff's voice recordings / songs / repertoire is at Exhibit "A-3" to the Plaintiff.

6. It is stated that the Plaintiff, through his extraordinary contributions and accomplishments, has earned a tremendous reputation and widespread goodwill amongst the members of the general public and in the Indian music industry. It is stated that over the course of his extensive career spanning several years, he has earned tremendous popularity and fandom from both the industry and audiences alike and has also solidified his standing as a prominent figure in the music industry. Screenshots / extracts / pages of the Plaintiff's social media accounts on platforms such as Instagram, Facebook, X (formerly known as Twitter) and YouTube are at Exhibit "B-1" to the Plaintiff. Printouts of various digital articles on the Plaintiff are at Exhibit "B" to the Plaintiff. Printouts of webpages from <https://www.forbesindia.com/> showing the Plaintiff's name amongst the list of celebrities on the Celebrity 100 list for the years 2017, 2018 and 2019 are at Exhibit "C" to the Plaintiff.

Printouts of digital articles covering the story of the Plaintiff topping the charts on the music platform “Spotify” are at Exhibit “C-1” to the Plaintiff. Printouts of webpages from <https://www.concertarchives.org/bands/> showing the list of tours and concerts done by the Plaintiff are at Exhibit “C-2” to the Plaintiff. A list of awards won by the Plaintiff is at Exhibit “D” to the Plaintiff. Screenshots / pages / articles available online evincing various awards won by the Plaintiff are at Exhibit “D-1” to the Plaintiff. Printouts of webpages from the website hosted on <https://www.tatwamasi.info/> showing the activities of the Plaintiff’s Tatwamasi Foundation are at Exhibit “E” to the Plaintiff.

7. It is stated that the protectable facets of the Plaintiff’s personality right and publicity rights, that are the subject matter of the present suit include the following:
 - (a) the Plaintiff’s name;
 - (b) the Plaintiff’s voice / vocal style and technique / vocal arrangements and interpretations;
 - (c) the Plaintiff’s mannerism / manner of singing;
 - (d) the Plaintiff’s image / photograph / caricature and his likeness; and

(e) the Plaintiff's signature.

At paragraphs 18 to 24 of the Plaint, the Plaintiff has described in great detail the manner in which the aforesaid facets of the Plaintiff's personality rights have come to be exclusively associated with him.

8. It is stated that as a well-known singer and celebrity, the Plaintiff holds the right to command and control the use of his personality traits since the same form part of his exclusive Personality Rights and Publicity Rights. It is stated that the misappropriation of any attribute of the Plaintiff's personality traits without his express permission for a commercial purpose is liable to be restrained not only on the basis of the publicity rights namely the exclusive right to commercially exploit one's personality but also on the basis of the tort of dilution, more particularly, tarnishment. It is further stated that any unauthorized distortion, mutilation, or other modification, or dissemination of the Plaintiff's performances / voice or video recordings thereof, causing prejudice/harm to his reputation, would amount to a violation of the Plaintiff's moral rights in his performances under Sections 38-B of the Copyright Act, 1957.

9. According to the Plaintiff, the infringing activities of the Defendants that necessitated the filing of the present Suit are as under:

A. Artificial Intelligence (AI) models / tools to synthesize artificial sound recordings of the Plaintiff's voice

(i) Defendant Nos. 1 to 8 are Artificial Intelligence platforms and / or their owners / founders / managers / operators as also Promoters that utilize sophisticated algorithms to create audio and visual content *inter-alia* mimicking/reproducing the features, such as the Plaintiff's name, voice, mannerism / manner of singing, photograph, image, likeness, persona, and other attributes of his personality. It is stated that the Defendants Nos. 1 to 8 are deliberately using the Plaintiff's personality traits to ride upon the Plaintiff's goodwill and reputation.

(ii) Defendant No.3 operates an AI platform which allows conversion of any speech or voice recording or audio file *inter-alia* into the Plaintiff's voice by using Real Voice Cloning (RVC) method. It is stated that a data set consisting of 456 songs from the Plaintiff's repertoire are

6-ial-23560-2024.doc

unauthorizedly uploaded onto the AI Platform of Defendant No. 3 for the purposes of enabling any person to convert any text / speech / voice recording / audio file to the Plaintiff's AI voice version. It is stated that one of the founders of the Defendant No. 2 has uploaded a video on the Defendant No. 2's social media channel on YouTube, wherein he is promoting / advertising a step wise guideline for unauthorized conversion of any text or speech or voice recording or audio file *inter-alia* into the Plaintiff's voice by using the AI platform of Defendant No.3. In this Impugned Video 1, the audience / members of the public are urged to use the steps demonstrated in the video to convert their own voice and / or any sound recording and / or song of their choice to the voice of their desired celebrity including *inter alia* the Plaintiff by using the platform of Defendant No.3. A copy of the Impugned Video 1 using the Plaintiff's personality traits as uploaded by the Defendant No. 2 on its YouTube channel is filed in a pen-drive annexed as Exhibit "H" to the Plaint. In the Impugned Video 2 uploaded on a third party's channel on YouTube (as more particularly provided at paragraph 32(I)(vii) of the Plaint), the said

founder of the Defendant No. 2 once again demonstrates, promotes and advertises a stepwise guideline as mentioned for the Impugned Video 1 to unauthorizedly convert text, speech, sound recordings and / or songs to the Plaintiff's voice by using the AI platform of Defendant No.3. The relevant averments in respect of Defendant Nos. 1 to 3 are at paragraphs 32(I)(i) to 32(I)(x) of the Plaint. The documents, screenshots and videos in support thereof are at Exhibits "G" to "K-3" to the Plaint.

- (iii) It is stated that the Defendant No. 4, is an AI platform operated through the website, i.e., www.jammable.com (formerly www.voicify.ai), for creating music using AI models of well-known singers / celebrity, etc. and appears to be founded by the Defendant No. 5. It is stated that AI Voice Models with the Plaintiff's name and photographs have been created on the website of the Defendant No. 4, which can be accessed at <https://www.jammable.com/models?q=arijit%20singh> (formerly on www.voicify.ai). On this website, by providing any YouTube link or audio file, the Defendant No. 4's

6-ial-23560-2024.doc

website converts it to the Plaintiff's AI voice and results / output. The Impugned Video 3 evincing the above is stored electronically in a pen-drive filed along with the Plaint at Exhibit "M". Screenshots from the website i.e. www.jammable.com are at Exhibit "M" to the Plaint.

- (iv) It is stated that the Defendant No. 6 operates the AI platforms through the websites i.e., www.topmediai.com and <https://filme.imyfone.com> as per the contact us pages at <https://www.topmediai.com/contact-us/> and <https://www.imyfone.com/company/contact-us/>, respectively. It is stated that on the website www.topmediai.com, there is a blog post / article on how to use their portal for text / speech / voice conversion to Plaintiff's voice, which can be found at <https://www.topmediai.com/text-speaker/arijit-singh-voice/>. It is stated that apart from this blog post, the said website also directs the user to <https://www.topmediai.com/text-to-speech/>, where any text/ speech or voice can be converted into the Plaintiff's AI voice. Screenshots from the website, i.e.,

<https://www.topmediai.com/text-to-speech/> and a video of the screen recording from the said website in a pen drive, evincing the above are at Exhibit “O” to the Plaintiff.

(v) It is stated that Defendant No. 6’s website <https://filme.imyfone.com>, has a page on how to convert text or speech / voice to Plaintiff’s AI voice which can be found at <https://filme.imyfone.com/voice-change/arijit-singh-voice/>. It is stated that apart from this page, the said website also directs the user to AI platforms i.e., voxbox and magic mic, where any text/ speech or voice can be converted into the Plaintiff’s AI voice. Screenshots of the website, i.e., <https://filme.imyfone.com> are at Exhibit “P” to the Plaintiff. Sand screenshots from the page <https://filme.imyfone.com/voice-change/arijit-singh-voice/> and a video of the screen recording from the said website in a pen drive are at Exhibit “P-1” to the Plaintiff.

(vi) It is stated that the Defendant No. 7 is a company which *inter-alia* produces music and conducts modules / courses and uses AI tools for the same such as Defendant No. 8’s portal, for creating music using AI models of well-known

6-ial-23560-2024.doc

singers / celebrity, etc. It is stated that the Impugned Video 4 uploaded on the Defendant No. 7's YouTube channel "*Basslila*" provides a tutorial for members of the public to convert text or speech / voice to Plaintiff's AI voice and unauthorizedly uses deepfake and face morphing technology to create the Impugned Video 4 which uses, imitates and misappropriates for commercial gain, the Plaintiff's name, voice, mannerism / manner of singing, image, likeness, persona, without the Plaintiff's consent. An electronic copy of the Impugned Video 4 is stored in a pen-drive filed at Exhibit "Q" to the Plaint. Printouts of other relevant webpages are at Exhibits "Q-1" to "Q-3" to the Plaint.

B. Falsely representing an association with the Plaintiff

- (i) My attention is drawn to the averments in respect of the Defendant No. 9 which are at paragraph 32(V)(i) of the Plaint and documents in support thereof at Exhibit "R" to the Plaint. It is stated that the Defendant No. 9 is a restaurant / pub which, as it appears, hosted an event in Bengaluru, Karnataka by unauthorizedly using for

commercial gain, the Plaintiff's name and image.

- (ii) My attention is then drawn to the averments in respect of the Defendant No. 37 which are at paragraph 32(IX)(i) of the Plaintiff and documents in support thereof at Exhibit "V" to the Plaintiff. It is stated that the Defendant No. 37 invited its users to sign up for a music event taking place in a virtual reality city hosted the website www.maicity.io. Upon signing up for the Defendant No. 37's event, the name and image / likeness of the Plaintiff was broadcasted / advertised / displayed to users so as to misrepresent to such users that the Plaintiff would be performing at Defendant No. 37's music event and / or that the Plaintiff had endorsed the Defendant No. 37's music event.

C. Sale of Merchandise bearing the Plaintiff's name, image, likeness and caricature

- (i) Mr. Kamod draws my attention to the averments in respect of the Defendant Nos. 11 to 23 which are at paragraph 32(VII)(i) to (xi) of the Plaintiff and documents in support thereof at Exhibits "T" to "T-12" to the Plaintiff. It is stated that the Defendant Nos. 11 to 23 are commercially

6-ial-23560-2024.doc

exploiting the Plaintiff's publicity rights, goodwill and reputation i.e. by advertising, promoting and offering for sale various merchandise such as posters, caricatures, portraits, t-shirts / clothing, framed photographs, guitar tabs, face-masks, phone cases, pillows, bottles, hoodies, sweatshirts, greeting cards, mugs, pins, magnets, spiral notebook, tote bags and zipper pouches bearing the Plaintiff's name, image, photograph and / or likeness on various e-commerce websites / platforms viz. www.amazon.in, www.flipkart.com, www.desertcart.ae, www.kreateworld.in, www.thebong.in, www.prints4u.net, www.swagshirts99.com, www.meesho.com and www.redbubble.com.

D. Platforms to create, store, search for and share Graphic Interchange Format files (GIFs) in respect of the Plaintiff

- (i) My attention is drawn to the averments in respect of the Defendant Nos. 24 and 25 at paragraph 32(VIII) of the Plaint and documents in support thereof at Exhibits "U" to "U-2" to the Plaint. It is stated that the Defendant Nos. 24 and 25 are allowing their users / members of the general

public to create, store, search for and share GIFs comprising of short video recordings of the Plaintiff's performances which also exploit the Plaintiff's image, likeness and persona. It is stated that the Defendant Nos. 24 and 25 are unauthorizedly commercially exploiting the Plaintiff's name, image, photograph / caricature, likeness, goodwill and reputation to make undue profits for themselves. Further, the unauthorised and uncontrolled dissemination and use of the GIFs bearing the Plaintiff's image, likeness and persona through the Defendant Nos. 24 and 25's platforms has subjected the Plaintiff to ridicule, embarrassment and humiliation thereby prejudicially affecting his reputation.

E. Infringing domain names

- (i) It is stated that certain unknown entities have registered the domain names arijitsingh.com and arijitsingh.in containing the whole of the Plaintiff's name. It is stated that upon accessing the website hosted on arijitsingh.com, the webpage redirects to <https://goid.com/app/home> which appears to be a third-party website. There is no

6-ial-23560-2024.doc

website available on arijitsingh.in. Printouts from Whois showing the particulars of the domain names arijitsingh.com and arijitsingh.in are at Exhibit W to the Plaintiff which show that Defendant Nos. 26/27 and 30 are the Registrar of the said domain names.

10. It is stated that the Defendant Nos.26/27 are the registrars of www.100xengineers.com and arijitsingh.com, Defendant No. 28 is the registrar of www.jammable.com (formerly www.voicify.ai), Defendant No. 29 is the registrar of www.topmediai.com, www.filme.imyfone.com, and www.huggingface.co, Defendant No. 30 is the registrar of arijitsingh.in and Defendant No. 31 is the registrar of www.audimee.com.
11. It is stated that the Defendant Nos. 32 is the owner / operator of the cloud data storage platform hosted on the domain name www.drive.google.com, the website hosted on www.docs.google.com and the video streaming platform hosted on www.youtube.com used by the Defendant Nos. 1, 2 and 7 to store and share their files / data and the Impugned Videos. It is stated that the Defendant Nos. 33 to 36 are the owners of the e-commerce platforms hosted on www.amazon.in,

www.flipkart.com, www.meesho.com, and www.redbubble.com, respectively, on which the Defendant Nos. 11 to 23 are listing their impugned goods bearing the Plaintiff's name / image / photograph / likeness / caricature. For the purposes of the present suit, the reliefs sought by the Plaintiff against these Defendant Nos. 32 to 36 are limited to disclosure of the particulars of the Defendant Nos. 1 to 25, 37 and 38, and take down / removal of the infringing links / listings on their respective platforms.

12. Mr. Kamod submits that the aforesaid instances of violation of the Plaintiff's personality rights are not exhaustive and that in addition to the above, there are several entities / persons who are operating in a clandestine manner without a clear disclosure of their names, address and other details. He submits that the Defendants whose details are available with the Plaintiff are being impleaded in their named capacity, while the Defendants who have taken steps to ensure that their details are not freely available to the public, are being impleaded as Defendant No. 38 viz. "Ashok Kumar" or "John Doe". He further submits that at this *ex-parte* stage, the Plaintiff is not pressing for any reliefs against

the Defendant No. 10.

13. Mr. Kamod further submits that the Defendant Nos.3 to 8 appear to be in the business of providing means and tools to their customers to unauthorizedly create AI generated voice models of celebrities and popular fictional characters. He submits that the Defendant Nos. 9, 11 to 25 are unauthorizedly commercially exploiting the Plaintiff's personality traits namely, his name, image, photograph / caricature and likeness on various merchandise. He submits that these Defendants are misusing and exploiting the Plaintiff's personality traits for personal and commercial gain at the expense of the Plaintiff's rights. He submits that permitting the Defendants to continue exploit / violate the Plaintiff's personality / publicity rights, without Plaintiff's consent also jeopardizes the Plaintiff's career as a performer / singer and his status of a celebrity. He submits that in so far as acts of Defendant Nos.1,2 and 7 are concerned, the act of creating and disseminating videos (by using the name, photograph etc. of the Plaintiff) that instruct individuals on how to use unauthorized AI models to replicate a celebrity's voice such as Plaintiff without his consent cannot be shielded under the right of freedom of speech and expression. He submits that

unless reliefs as prayed for are granted, grave and irreparable loss and injury will be caused to the Plaintiff, and monetary compensation will not be an adequate relief.

14. In support of his submissions, Mr. Kamod relied upon the following decisions:

- a. *Karan Johar (Also known as Rahul Kumar Johar) v. Indian Pride Advisory Pvt. Ltd. & Ors., Order dated 13th June 2024 in Interim Application (L) No.17865 of 2024 in Commercial IPR Suit (L) No.17863 of 2024,*
- b. *Anil Kapoor v. Simply Life India, 2023 SCC OnLine Del 6914,*
- c. *Amitabh Bachchan v. Rajat Nagi, (2022) 6 HCC (Del) 641,*
- d. *D.M. Entertainment (P) Ltd. v. Baby Gift House, 2010 SCC OnLine Del 4790, and*
- e. *Applause Entertainment Private Limited v. Meta Platforms Inc. and others, Order dated 13th June 2024 in Interim Application (L) No.17865 of 2024 in Commercial IPR Suit (L) No.17863 of 2024.*

15. I have heard Mr. Kamod at length, and I have perused the

6-ial-23560-2024.doc

documents on record. I have also seen some of the videos / recordings stored on the per-drive annexed along with the Plaintiff. *Prima facie*, I am convinced that the documents on record establish that the Plaintiff is a notable singer / performer in India who has gained immense goodwill and reputation over the course of a very successful career and has acquired a *celebrity status* in India.

16. It is now well-settled that celebrities are entitled to protection of the facets of their personality such as their name, images, likeness, voice, signature, etc. against unauthorized commercial exploitation by third parties. Recently, this Court in *Karan Johar (Also known as Rahul Kumar Johar) v. Indian Pride Advisory Pvt. Ltd. & Ors. (supra)* has held that personality / publicity rights are vested in celebrities and the unauthorized use of the name or other persona attributes of celebrities would amount to violation of their valuable personality rights and right to publicity. In this regard it would also be relevant to consider the following observations of the Delhi High Court in *Anil Kapoor v. Simply Life India, 2023 SCC OnLine Del 6914*:

“40. The celebrity's right of endorsement would in fact be a major source of livelihood for the celebrity, which

cannot be destroyed completely by permitting unlawful dissemination and sale of merchandise such as t-shirts, magnets, key chains, cups, stickers, masks, etc. bearing the face or attributes of their persona on it without their lawful authorisation.

41. Moreover, any form of misuse or commercial use of a celebrity's name, voice, persona, likeness has also been disapproved by the Supreme Court in the seminal judgment of *R. Rajagopal v. State of T.N.*, (1994) 6 SCC 632, famously called as the 'Auto Shankar case'. The relevant extracts of the same are set out below:

"9. The right to privacy as an independent and distinctive concept originated in the field of Tort law, under which a new cause of action for damages resulting from unlawful invasion of privacy was recognised. This right has two aspects which are but two faces of the same coin — (1) the general law of privacy which affords a tort action for damages resulting from an unlawful invasion of privacy and (2) the constitutional recognition given to the right to privacy which protects personal privacy against unlawful governmental invasion. The first aspect of this right must be said to have been violated where, for example, a person's name or likeness is used, without his consent, for advertising — or non-advertising — purposes or for that matter, his life story is written — whether laudatory or otherwise — and published without his consent as explained hereinafter [...]

26. We may now summarise the broad principles flowing from the above discussion:

(1) *The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right*

to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.

(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interests of decency [Article 19(2)] an exception must be carved out to this rule, viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicised in press/media.

(3).....”

42. The technological tools that are now freely available make it possible for any illegal and unauthorised user to use, produce or imitate any celebrity's persona, by using any tools including Artificial Intelligence. *The celebrity enjoys the right of privacy, and does not wish that his or her image, voice, likeness is portrayed in a dark or grim manner, as portrayed on the porn websites. Moreover, the Plaintiff's image is being morphed along with other*

actresses in videos and images generated in a manner, which are not merely offensive or derogatory to the Plaintiff, but also to such other third-party celebrities and actresses.

43. The Court cannot turn a blind eye to such misuse of a personality's name and other elements of his persona. Dilution, tarnishment, blurring are all actionable torts which the Plaintiff would have to be protected against.

44. Even the domain names that have been registered are just being squatted upon, and there can be no reason why the same could be allowed to be squatted upon. The creation of ringtones and GIF images for commercial gains would also be a complete misuse of Plaintiff's rights.

45. Under these circumstances, this Court has no doubt in holding that the Plaintiff's name, likeness, image, persona, etc., deserves to be protected, not only for Plaintiff's own sake but also for the sake of his family and friends who would not like to see his image, name and other elements being misused, especially for such tarnishing and negative use.

46. The present case shows how elements of intellectual property that protect the attributes of an individual, in fact have other dimensions including rights protected by the Constitution of India.

(emphasis is mine)

17. In view of the aforesaid, *prima facie*, I am of the view that the Plaintiff's personality traits and/or parts thereof, including the Plaintiff's name, voice, photograph / caricature, image, likeness, persona, and other attributes of his personality are protectable elements of the Plaintiff's personality rights and right to publicity.

18. It is a settled proposition of law that in an action for protecting personality rights and right to publicity, establishing the celebrity status of the plaintiff is only the primary ingredient. Additionally, it must be established that the plaintiff is identifiable from the defendant's unauthorized use and that such use by the defendant is for commercial gain. In the present Suit, *prima facie*, the record shows that in the course of their impugned activities Defendant Nos. 1 to 9, 11 to 25, 37 and 38 are unauthorizedly using the Plaintiff's personality traits such as name, image, likeness, etc. and that the Plaintiff can be specifically identified during such use. It also appears that such illegal exploitation of the Plaintiff's personality rights and right to publicity by the Defendant Nos. 1 to 9, 11 to 25, 37 and 38 is for commercial and personal gain. Pertinently, all this is being done by these Defendants without any permission or authorization of the Plaintiff. Making AI tools available that enable the conversion of any voice into that of a celebrity without his/her permission constitutes a violation of the celebrity's personality rights. Such tools facilitate unauthorized appropriation and manipulation of a celebrity's voice, which is a key component of their personal identity and public persona.

This form of technological exploitation not only infringes upon the individual's right to control and protect their own likeness and voice but also undermines their ability to prevent commercial and deceptive uses of their identity.

19. What shocks the conscience of this Court is the manner in which celebrities, particularly performers such as the present Plaintiff are vulnerable to being targeted by unauthorized generative AI content such as that of some of the Defendants herein. These Defendants are attracting visitors / drawing traffic to their websites and/or AI platforms by capitalizing on the Plaintiff's popularity and reputation, thereby subjecting the Plaintiff personality rights to potential abuse. These Defendants are emboldening internet users to create counterfeit sound recordings and videos that misuse the Plaintiff's character and identity. In my view, creation of new audio or video content / songs / videos in the Plaintiff's AI name / voice, photograph, image, likeness and persona without his consent and commercially using the same could potentially jeopardize the Plaintiff's career / livelihood. Additionally, allowing the Defendants to continue using the Plaintiff's name, voice, likeness

etc. in the form of an AI content, without consent of the Plaintiff, not only risks severe economic harm to the Plaintiff's life/career, but also leaves room for opportunities for misutilization of such tools by unscrupulous individuals for nefarious purposes.

20. Further, there cannot be any doubt that the advertisement, promotion and sale of merchandise such as posters, caricatures, portraits, t-shirts / clothing, framed photographs, guitar tabs, face-masks, etc. bearing / exploiting the Plaintiff's personality traits as done by the Defendant Nos. 11 to 23, without any permission from the Plaintiff, is in violation of the Plaintiff's personality rights and right of publicity. Moreover, in the present case, the Plaintiff has specifically pleaded that he has made a conscious personal choice to refrain from any kind of brand endorsement or gross commercialization of his personality traits for the past several years.

21. In the context of freedom and speech and expression, I agree with the submission of Mr. Kamod that even though such freedom allows for critique and commentary, it does not grant the license to exploit a celebrity's persona for commercial gain. In these circumstances, this Court is inclined to protect the

Plaintiff against any wrongful exploitation of his personality rights and right to publicity.

22. In view of the aforesaid and considering the averments made paragraphs 42 to 45 and 53 of the Plaint, I am of the *prima facie* view that the Plaintiff has made out a strong case for the grant of *ad-interim* injunction, which may also operate as a dynamic injunction. Mr. Kamod's reliance on the judgment of this Court in *Applause Entertainment Private Limited v. Meta Platforms Inc. and others (supra)* is apposite. The balance of convenience is in favour of the Plaintiff and against the Defendant. Unless the reliefs as prayed for are granted, the Plaintiff will suffer irreparable injury which cannot be compensated in terms of money.
23. Mr. Kamod submits that at this *ex-parte* stage, the Plaintiff is only pressing for reliefs in terms of prayer clause (a), (d), (e), (f) and (g) of the captioned Interim Application and that the Plaintiff will press for further ad-interim reliefs in respect of the remaining prayer clauses at a later stage, after giving notice to the Defendants.

24. According to me, in view of what is stated hereinabove and in paragraph 60 of the Complaint, giving notice to the Defendants would defeat the purpose of the Plaintiff's present application. In these circumstances, there shall be an *ex-parte ad-interim* order in terms of prayer clauses (a), (d), (e), (f) and (g) of the captioned Interim Application, except the portion in red brackets and modifications / clarifications hereinbelow. The extracted prayer clauses are as under:

“(a) that pending the hearing and final disposal of the suit, the Defendant Nos. 1 to 25, 37 and 38, by themselves, their partners, proprietors, directors, owners, developers, servants, subordinates, representatives, employees, suppliers, affiliates, agents, stockists, distributors, dealers, subsidiaries, franchisees, licensees, assigns, predecessors and / or all persons / entity claiming through them be restrained by a temporary order of injunction from violating the Personality Rights and / or Publicity Rights of the Plaintiff by utilizing and/or in any manner, directly or indirectly, using or exploiting or misappropriating the Plaintiff's Personality Rights and / or Publicity Rights by the use of his (i) name “Arijit Singh”, (ii) voice / vocal style and technique / vocal arrangements and interpretations, (iii) mannerism / manner of singing, (iv) photograph, image or its likeness, (v) signature, persona, and / or any other attributes of his personality in any form, for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever, without the Plaintiff's consent and/or authorization, including but not limited to through the use of any technology including but not limited to (i) unauthorized use of any of the

Plaintiff's personality traits in any form or media, including online platforms, publications, advertisements, promotional materials, merchandise, domain names, or any other commercial endeavor, (ii) creating or using artificial intelligence voice models, or voice conversion tool, synthesized voices or digital avatars, caricatures, that imitate or mimic or represent the Plaintiff or Plaintiff's personality traits, and (iii) artificial intelligence, generative artificial intelligence, machine learning, deepfakes, face morphing and / or GIFs, or any of them, on any medium or formats including but not limited to the physical medium, the virtual medium such as websites, Metaverse, social media, etc;

(d) that pending the hearing and final disposal of the suit, Defendant Nos. 26, 27 and 30 be ordered and directed to remove or cancel or suspend the impugned domain names arijitsingh.com and arijitsingh.in, or in the alternative transfer the impugned domain names arijitsingh.com and arijitsingh.in to the name of the Plaintiff;

(e) that pending the hearing and final disposal of the suit, the Defendant Nos. 1 to 37 be ordered and directed to take down / remove / delete / block access to / suspend all [infringing content that has been uploaded by the Defendants herein as well as] the infringing URLs identified by the Plaintiff in Exhibit X to the plaint;

(f) that pending the hearing and final disposal of the suit, the Defendant Nos. 33 to 36 be ordered and directed to disclose all particulars of the Defendant Nos. 11 to 23;

(g) that pending the hearing and final disposal of the suit, the Defendant Nos. 26 to 31 be ordered and directed to disclose all particulars of the Registrant(s) of the impugned domain names www.100xengineers.com, www.jammable.com,

www.topmediai.com, www.filme.imyfone.com, and www.huggingface.co, “arijitsingh.com”, “arijitsingh.in” and “www.audimee.com” to the Plaintiff;”

25. The aforesaid order / directions shall not operate against the Defendant No. 10 at this stage.
26. In so far as aforesaid prayer clause (d) is concerned, it is clarified that at this stage, the Defendant Nos. 26, 27 and 30 shall only lock / suspend the domain names arijitsingh.com and arijitsingh.in and they shall not permit any transfer thereof to third parties until the next date of hearing. On the next date, after giving notice to these Defendants, this Court shall consider the Plaintiff’s application to take over these domain names subject to payment of requisite charges.
27. While there cannot possible be any reasonable justification for the blatant violation of the Plaintiff’s personality rights and right to publicity as aforesaid, I do not think that taking down the entire videos of the Defendant Nos. 1, 2 and 7 on the following links is appropriate. A direction to these Defendants to simply remove or delete all the references to the Plaintiff’s name, image, voice, personality traits etc. in the said videos should suffice. Accordingly, in so far as the videos on the following links

(also reproduced in Exhibit “X” to the Plaintiff) are concerned, the Defendant Nos.1, 2 and 7 are directed to edit/delete/remove all references to the Plaintiff’s personality traits, including his name, voice, image, likeness, etc. from the said videos:

- a. <https://www.youtube.com/watch?v=RJ0fgV-kXwI>
- b. <https://www.youtube.com/watch?v=4GmiiekhOak>
- c. <https://www.youtube.com/watch?v=6lhof7oKeU4>
- d. <https://www.youtube.com/watch?v=Kni5mn9TFgU>
- e. <https://www.youtube.com/watch?v=0iGSNeU-tDY>

28. The Defendant Nos. 26 to 36 are directed to comply with the directions passed in terms of prayer clauses (f) and (g) of the Interim Application reproduced above, within two weeks from the date of service of this order. The Defendant Nos. 26 to 36 are directed to co-operate with the Plaintiff, its representatives and Advocates to provide the necessary details for the effective implementation of this order.

29. Compliance of Order XXXIX Rule 3 CPC is also permitted by email considering the large number of Defendants, and the fact that most of the contact details may not be available. In so far as those Defendants for whom postal addresses are available, the

6-ial-23560-2024.doc

Plaintiff shall also in addition do compliance by speed post service. The said compliance shall be done within two days of this order being made available.

30. Liberty to the Defendants to apply for a variation or modification of this order after at least 7 clear working days' notice to the Advocates of the Plaintiff.
31. List the above Interim Application on 2nd September, 2024 for further *ad-interim* reliefs.
32. This order will continue till 3rd September, 2024.
33. This order will be digitally signed by the Private Secretary / Personal Assistant of this Court. All concerned will act on production of a digitally signed copy of this order.

[R.I. CHAGLA J.]