

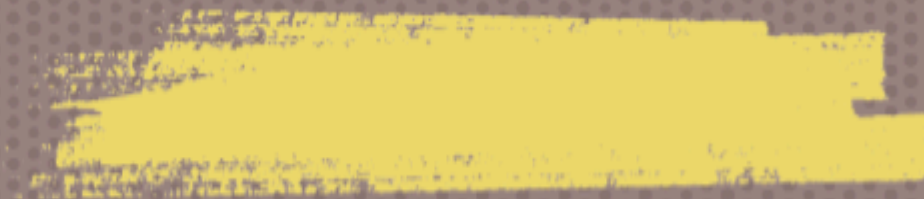
VIRTUOSITY

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*Lexicon*²⁰²⁶

VERDICTUM 2.0

Judgement Writing Competition



PROPOSITION

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VIRTUJOSITY *Lexicon*²⁰²⁶

VERDICTUM 2.0 PROPOSITION

□ **BACKGROUND AND CONTEXT**

1. Armaan Khanna, a celebrated actor from the country Eldia, television personality, and public figure, has been associated with the Eldian entertainment industry for over three decades. During this period, he has acted in numerous films and television productions and has endorsed several commercial products and services. His distinctive appearance, voice, mannerisms, signature style of speaking and certain expressions associated with his public persona have become closely identified with him.
2. Over the course of his career, Armaan Khanna has entered into commercial endorsement agreements with various brands. His name, image, likeness and voice constitute significant components of his professional identity and are regularly used by him, through authorised commercial arrangements, for advertising and promotional activities.
3. In March 2025, Vistara Media Private Limited, a digital advertising and entertainment company, launched an online advertising campaign for its newly introduced artificial-intelligence-powered lifestyle application, "VIVA". The campaign was disseminated through social-media platforms, video-sharing websites, and digital advertising networks.
4. The campaign featured a digitally generated male character who bore a striking resemblance to Armaan Khanna. The character appeared like Khanna's well-known public persona and reproduced certain features associated with him, including his voice, manner of speaking, characteristic gestures, and a phrase popularly associated with him.
5. The promotional material did not expressly state that Armaan Khanna had endorsed or participated in the campaign. However, the advertisements were accompanied by captions stating, "Experience the charisma. Experience VIVA." In certain versions of the advertisement, the digitally generated character appeared to speak in Khanna's distinctive voice while promoting the application.
6. Vistara Media subsequently released a second series of advertisements in which the digitally generated character was placed in situations resembling scenes from some of Khanna's well-known films. The advertisements contained a disclaimer in small print

stating that the character was "AI-generated and used for creative purposes."

7. Armaan Khanna denied having authorised, participated in, or endorsed the campaign. He asserted that Vistara Media had not licensed his name, image, voice, or any other element of his personality.

8. Around the same time, several independent users began circulating altered versions of the advertisements. Some of these videos replaced the digitally generated character with an apparently realistic digital replica of Khanna. Other videos portrayed him making statements endorsing VIVA and commenting favourably on the product, despite Khanna having made no such statements.

9. One such video was subsequently reproduced by third-party accounts and circulated widely on social media platforms. The video was accompanied by captions suggesting that Khanna had "finally joined the AI revolution" and had personally endorsed the product.

10. Khanna issued legal notices to Vistara Media and the relevant online platforms demanding cessation of the advertisements and removal of the allegedly unauthorised material. Vistara Media declined to withdraw the original campaign. It maintained that the advertisements used a fictional, digitally generated character and did not technically reproduce Khanna's actual photograph or physical performance.

11. Vistara Media further contended that the campaign constituted creative expression and commercial communication rather than an unauthorised endorsement. It argued that no individual should have a monopoly over generic elements such as a particular style of speaking, gestures, mannerisms or a recognisable public persona.

12. Khanna thereafter instituted a commercial suit before the High Court of Marley seeking, inter alia, protection of his personality and publicity rights under the Intellectual Property law, permanent injunction against the continued use of his identity and associated attributes, removal of the offending material, damages and other consequential reliefs.

13. In support of his claim, Khanna relied upon the developing jurisprudence concerning personality and publicity rights, including decisions recognising protection against unauthorised commercial exploitation of a celebrity's name, image, likeness and other distinctive attributes and relevant provisions of the copyright law. He also relied upon the increasing use of artificial intelligence and deepfake technology to argue that legal protection could not depend upon whether the defendant had copied an actual photograph of the celebrity.

14. Vistara Media, on the other hand, contended that personality rights could not be

interpreted so broadly as to prevent legitimate creative expression, imitation, parody, fictional characters or references to well-known public figures. It further submitted that extending proprietary protection to a celebrity's mannerisms, voice or style could have a chilling effect upon artistic and commercial expression.

15. The High Court has now to decide the proceedings based on the contentions of the parties and after considering the pleadings and material placed before it, and decide whether a permanent injunction restraining Vistara Media and persons acting through or under it from using Khanna's name, image, likeness, voice or other distinctive attributes of his persona for unauthorised commercial endorsement should be issued or not. The Court also has to decide whether to order the removal of specified digital content and restrain the creation or dissemination of materially similar AI-generated representations intended to suggest Khanna's endorsement or association with VIVA.

□ **CHRONOLOGY OF EVENTS**

DATE	EVENT
21 March, 2025	Defendant launches its initial advertising campaign for VIVA.
02 April, 2025	Defendant releases its second series of advertisements depicting scenes resembling ones from some of Plaintiff’s well-known films.
29 April, 2025	Plaintiff issues legal notices to Defendant and the relevant online platforms, demanding cessation of the advertisements and removal of the allegedly unauthorized material
01 June, 2025	Institution of a commercial suit in the Marley High Court by Plaintiff.

□ CURRENT PROCEEDINGS

Armaan Khanna has approached the Court seeking broader protection against the unauthorised digital reproduction and imitation of his persona, including future AI-generated content. The connected petitions have consequently been clubbed for consideration. The Court is now called upon to determine the extent of personality and publicity rights, particularly in relation to AI-generated imitation, unauthorised commercial endorsement, deepfakes and the use of distinctive attributes of a public figure's persona.

Vistara Media Private Limited has also approached the High Court of Marley, challenging the finding that the use of the AI-generated character amounted to unauthorised exploitation of Armaan Khanna's personality and publicity rights. Novara Digital contends that the character was fictional, that Khanna's name and actual recordings were never used, and that the impugned campaign constituted legitimate creative and commercial expression.

□ CONTENTIONS OF THE PARTIES

Plaintiffs' Contentions

The Plaintiff submits that the right to privacy under Article 21 includes dignity and autonomy over one's own identity. Using a person's name or likeness without consent for advertising is a violation, and it is no defence that the use is flattering or fictional. The test is identifiability, not literal copying, and the character's resemblance, voice, phrase and film-style scenes plainly identify him. A small-print disclaimer cannot cure an imitation meant to suggest endorsement.

The Plaintiff submits that Article 19(1)(a) protects genuine criticism, satire and parody, not the appropriation of identity to sell a product. The law of torts on privacy is an existing law saved under Article 19(2), so the injunction is a reasonable restriction. The rule against prior restraint targets State suppression of the press, not relief in a private dispute over commercial misappropriation of already published

content.

In his own petition, the Plaintiff contends that AI makes replication endless and cheap, so relief limited to identified content would be illusory. He seeks an injunction covering future AI-generated content by the defendant or those acting in concert with it, and time-bound takedown and re-upload prevention by intermediaries on notice. The deepfakes were a foreseeable and false consequence of the campaign, causing serious reputational and commercial harm

Defendants' Contentions

The defendant contends that the campaign is protected expression under Article 19(1)(a) and lawful business activity under Article 19(1)(g). The character was fictional; no name, photograph or recording of the Plaintiff was used, and the second series carried a disclaimer. Expression does not lose protection merely because it is published for profit.

The defendant submits that Article 21 protects the private sphere of an individual, not a public persona that the Plaintiff has voluntarily built and commercialised. His mannerisms, voice quality and catchphrase are in the public domain, and personality rights cannot create a monopoly over style. Article 19(2) permits restriction only under an existing law on an enumerated ground, and none has been shown. The remedy, if any, lies in damages after publication.

The Defendant contends that the restraint on "materially similar AI-generated representations" is a prior restraint, which carries a heavy presumption of invalidity. It is vague, overbroad, and has a chilling effect on lawful expression. The plaintiff is not liable for deepfakes made by independent third parties, and an open-ended injunction and enlarged intermediary obligations would be disproportionate.

□ EVIDENCE AND FINDINGS

Documentary Evidence

The Plaintiff has produced the following documentary evidence:

1. Endorsement Agreements: Licensing and endorsement contracts between the Plaintiff and various brands, showing the fees commanded by his persona, exclusivity clauses, and the fact that his name, image and voice are commercialised only through authorised arrangements.

2. Campaign Material: Screenshots and recordings of the first series of VIVA advertisements, showing the digitally generated character, the caption "Experience the charisma. Experience VIVA.", and the absence of any disclaimer. The second series is also produced, showing the small-print disclaimer displayed for only a brief period on screen.

3. Forensic Voice Analysis Report: An expert report finding that the voice used in the advertisements is synthetic but bears a high degree of similarity to the Plaintiff's voice and manner of speaking. The report does not establish that his actual recordings were used to generate it.

4. Consumer Perception Survey: A survey showing that a substantial majority of Plaintiffs identified the character as the Plaintiff and believed he endorsed or was associated with VIVA. The Defendant's counter-survey, showing a lower figure, is also on record.

5. Internal Creative Brief: The Defendant's internal campaign brief, describing the character as a "charismatic classic-hero persona" and referring to the Plaintiff's film characters as reference points, without naming him.

6. Commercial Performance Data: Download and reach analytics for VIVA before and after the campaign, showing a marked increase in downloads and engagement following its launch.

7. Forensic Report on Altered Videos: A technical report showing that the altered videos and deepfakes were created by independent third-party accounts, using high-resolution character assets from the Defendant's publicly accessible promotional material, and that one such video was widely recirculated with the caption that the Plaintiff had "finally joined the AI revolution."

8. Brand Partner Correspondence: A letter from an existing brand partner of the Plaintiff seeking clarification on his association with VIVA, and deferring the renewal of an endorsement pending clarification.

9. Legal Notices and Correspondence: The Plaintiff's notices to the Defendant and the platforms, the Defendant's reply refusing withdrawal on the ground that the character was fictional, and platform records showing takedown timelines and re-uploads of removed content.

Findings

The Court, based on the above, arrived at the following findings:

1. Commercial Value of Persona: The Plaintiff is a celebrated public figure whose name, image, voice and manner of speaking carry substantial commercial value, which he licenses only through authorised agreements.

2. Identifiability: The digitally generated character is identifiable as the Plaintiff by its resemblance, voice, mannerisms, associated phrase, and film-style scenes. Actual copying of his photograph or recording is not necessary for infringement.

3. Commercial Purpose: The campaign was advertising for a commercial product and not parody, satire or commentary. The caption invited viewers to link the character's charisma with VIVA, creating a perception of association or endorsement.

4. Inadequacy of Disclaimer: The disclaimer appeared only in the second series, in small print and for a brief duration. It was insufficient to dispel the impression of association created by the campaign as a whole.

5. Limits of Findings: There is no finding that the Defendant used the Plaintiff's actual recordings or that the Defendant itself created the altered videos.

6. Foreseeability of Deepfakes: The altered videos were a foreseeable consequence of releasing high-resolution, recognisable character assets in a campaign evoking the Plaintiff, and they falsely attributed statements to him.

7. Harm: Although damages have not been quantified, the Plaintiff has suffered irreparable harm to his goodwill and commercial relationships, as shown by the brand partner's deferral of renewal.

8. Intermediaries: The platforms acted only after receiving notice, and some removed

content was re-uploaded, which supports the need for time-bound takedown and measures against re-upload.

□ ISSUES BEFORE THE COURT

ISSUE 1: Whether the advertisement by the Defendant constitutes an infringement of the Plaintiff's right to privacy under Article 21?

ISSUE 2: Whether a restraint on advertisements based on "materially similar AI-generated representations" amounts to an unreasonable restriction on freedom of trade under Article 19(1)(g)?

ISSUE 3: Whether any assertion of personality rights would amount to an unreasonable restriction of the Defendant's rights under Article 19(1)(a)?

ISSUE 4: Whether personality rights extend to abstract elements such as manner of speech and gestures, as opposed to name, image, and actual voice?

ISSUE 5: Whether the Plaintiff can sufficiently claim his personality rights under the existing statutory protections granted by the copyright law and trademark law of India?

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