IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.29905 OF 2026

IN

COMMERCIAL IP SUIT NO.346 OF 2026

Samantha Ruth Prabhu ...Applicant/ Plaintiff

Versus

John Doe (Ashok Kumar) & Ors. ...Respondents/ Defendants

Mr. Rashmin Khandekar a/w. Mr. Anand Mohan, Mr. Lavin Hirani, Ms. Jaanvi Chopra i/b. Mr. Vikramaditya Vijay Chavan, Hirani & Associates, for the Applicant/Plaintiff.
Ms. Reeti Shetty i/b. Mr. Hardik Sampat, for Respondent/Defendant No.3-Google LLC.
Ms. Neeti Nihal (through Video Conferencing), for Defendant No.8.

CORAM: MADHAV J. JAMDAR, J.
DATED : 1st OCTOBER 2026

P. C.:

1. At the outset, Mr. Khandekar, learned Counsel appearing for the Applicant/Plaintiff tenders a draft amendment.

2. The said draft is taken on record and marked 'X' for identification.

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3. The Plaintiff is permitted to carry out amendment in terms of the draft amendment. Amendment be carried out forthwith. Re-verification is dispensed with.

4. Heard Mr. Khandekar, learned Counsel appearing for the Applicant/Plaintiff, Ms. Shetty, learned Counsel appearing for Defendant No.3 and Ms. Nihal, learned Counsel appearing for Defendant No.8.

5. Mr. Khandekar, learned Counsel for the Applicant/Plaintiff states that except Defendant Nos.11, 12 and 13, all the Defendants have been served.

6. The rights which are the subject matter of the present Suit are the Plaintiff's "Personality Rights" and "Publicity Rights" i.e. rights which stem and flow from the right to freedom of speech and expression under Article 19(1)(a) of the Constitution of India and right to life and personal liberty including the right to privacy under Article 21 of the Constitution of India and also the Plaintiff's moral rights under Sections 38, 38-A and 38-B of the Copyright Act, 1957 and common law rights such as the right to protect

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oneself against the tort of passing off/misappropriation/unfair competition/unjust enrichment.

7. Mr. Khandekar, learned Counsel for the Applicant/Plaintiff states that at this stage, he will be pressing ad-interim relief in terms of prayer clauses (a), (b), (c), (h), (j) and (n).

8. The Plaintiff-Samantha Ruth Prabhu is one of India's most prominent film actress and performer, with a career spanning over fifteen years across the Hindi, Telugu and Tamil film industries.

9. Mr. Khandekar, learned Counsel for the Applicant/Plaintiff submits the particulars of the Defendants are as follows:

a) Defendant No. 1 ("John Doe / Ashok Kumar") represents various unidentified persons and/or entities who operate clandestinely on the internet without disclosing their particulars or identities, and who are engaged in systematic violation of the Plaintiff's Persona Indicia, inter alia through creation, publication and circulation of fake/ morphed/ AI-generated and deepfake content (including obscene and pornographic content), creation of impersonation profiles and pages, and unauthorised commercial exploitation, for personal gain and to the detriment of the Plaintiff's rights.

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b) Defendant Nos. 2 and 3 are foreign corporations which own / operate, respectively, the Facebook and Instagram platforms (Meta Platforms, Inc.) and the YouTube platform and the internet search engine at www.google.com (Google LLC) (together, the "Social Media Intermediaries"), being intermediaries within the meaning of the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (the "IT Rules, 2021"), on and through which infringing content is hosted and disseminated.

c) Defendant Nos. 4 to 7, 9 to 13 and 16 to 18 are arrayed in view of their role as under:

i. Online entertainment content portals which publish AI-generated, morphed and obscene images of the Plaintiff for advertising revenue (Defendant Nos. 4 and 5);

ii. A generative-AI platform used to create and disseminate morphed/ deepfake content of the Plaintiff (Defendant No. 6);

iii. AI chatbot services / platforms hosting personas or characters which impersonate the Plaintiff, including under obscene usernames, with vulgar and sexually suggestive functionality (Defendant Nos. 7, 16, 17 and 18);

iv. Online retail and 'soundboard' websites unauthorisedly marketing merchandise and voice clips bearing the Plaintiff's name, photographs and likeness (Defendant Nos. 9, 10 and 11); and

v. Pornographic websites hosting AI-generated, morphed

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and digitally fabricated pornographic and obscene material falsely depicting the Plaintiff (Defendant Nos. 12 and 13).

d) Defendant No. 8 operates the e-commerce marketplace www.amazon.in, an intermediary within the meaning of the IT Rules, 2021, on and through which third-party sellers (including Defendant No. 1) list, advertise and sell unauthorised merchandise bearing the Plaintiff's Persona Indicia.

e) Defendant Nos. 14 and 15 are the Union of India (through the Ministry of Electronics and Information Technology and the Department of Telecommunications, respectively), impleaded as Defendants to facilitate compliance with such orders as this Hon'ble Court may be pleased to pass for blocking or disabling access to the offending URLs and content, including the obscene and pornographic content which forms subject-matter of the Suit. No relief is sought against Defendant Nos. 14 and 15 save in aid of effective implementation of this Hon'ble Court's orders, if so required.

10. The Plaintiff has raised the following contentions in the plaint:

i. The Plaintiff, Ms. Samantha Ruth Prabhu, is one of India's most prominent film actors and performers, with a career spanning over fifteen years across the Hindi, Telugu and

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Tamil film industries, enjoying pan-India recognition and a substantial international following; she is a globally recognized actor and public figure whose name, image, likeness, voice, signature, distinctive screen-persona, mannerisms and characteristic performance style (the "Persona Indicia") are uniquely, distinctively and exclusively associated with her, and carry tremendous goodwill and reputation.

ii. The Plaintiff made her acting debut in 2010 in the Telugu film 'Ye Maaya Chesave', for which she received the Filmfare Award for Best Female Debut – South, and the same year headlined the Tamil film 'Vinnaithaandi Varuvaayaa'; she has since delivered a string of commercially successful and critically acclaimed films across Telugu, Tamil and Hindi cinema, including 'Eega', 'Rangasthalam', 'Yashoda' and 'Shaakuntalam', besides acclaimed streaming performances including 'Raji' in 'The Family Man – Season 2' and the song 'Oo Antava' in 'Pushpa: The Rise'.

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iii. The Plaintiff has been nominated for 68 awards, of which she has won more than 40, including, *inter alia:*

- Filmfare Awards South – Best Female Debut – South (2010), for Ye Masya Chesave;
- Filmfare Awards South – Best Actress (Telugu) – (2012), for Eega;
- Filmfare Awards South – Best Actress (Tamil) – (2012), for Neethsane En Poovasantham;
- Nandi Awards – Special Jury Award – (2012), for Eega;
- SIIMA Awards – Best Actress (Critics) (Telugu) (2012);
- SIIMA Awards – Best Actress (Telugu) (2013, 2014, 2018);
- SIIMA Awards – Best Actress (Critics) (Tamil) (2016);
- Vijay Awards – Best Actress (2013)
- The Plaintiff has also been consistently featured in the Forbes India Celebrity 100 list.

iv. The Plaintiff is one of India's most sought-after brand ambassadors, having been associated as brand ambassador with leading brands including Myntra, MamaEarth, Samsung, OnePlus and Nykaa, besides co-founding the clean-perfumery brand 'Secret Alchemist', which she personally endorses.

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v. The Plaintiff's pan-India and global recognition is reflected in her substantial social media following of approximately 38 million followers on Instagram, 17 million on X (formerly Twitter) and over 1.06 million subscribers on YouTube, all on her official, verified handles, as on the date of filing of the Suit.

vi. It is the contention raised in the Suit that the Plaintiff's Persona Indicia i.e. the following aspects of her personality are valuable and protectable facts of her personality and her publicity rights:

- The Plaintiff's name "Samantha Ruth Prabhu" and all identifiable variants and abbreviations thereof including "Samantha", "Samantha Prabhu" and "Samantha Ruth";

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

- The Plaintiff's image, photograph, likeness, silhouette and persona;

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- The Plaintiff's signature/autograph and endorsement style;

- The Plaintiff's distinctive performance-style, expressions, gestures, mannerisms and iconic dialogues / catchphrases including her signature performances such as "Raji" in the "The Family Man – Season 2" and "Oo Antava" in "Pushpa: The Rise"l

- The Plaintiff's public image and persona as developed through the course of her career in the film industry and

- All other uniquely identified attributes of the Plaintiff's personality, recorded/archived performances and her digital/social media persona.

- Evidently, the Defendants have utilized the Plaintiff's identity in an unwholesome and unsavory manner which maligns her reputation and exposes her to ridicule, thereby tarnishing her image and violating her moral rights. The Plaintiff's perceived association with inferior quality goods and services may further result in debasement of her persona.

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vii. The Plaintiff's rights in her Persona Indicia are pleaded as separately and independently protectable on each of several footings:

(a) as personality and publicity rights, unauthorised commercial misappropriation of which is actionable per se;

(b) as the moral rights of a performer, statutorily protected under Section 38-B of the Copyright Act, 1957;

(c) under the common law tort of passing off;

(d) under the common law tort of unfair competition and misappropriation; and

(e) as part of the Plaintiff's fundamental rights to freedom of speech and expression under Article 19(1)(a), and to life, personal liberty, privacy and dignity under Article 21, of the Constitution of India.

viii. The rights of the Plaintiff, as identified above, are a facet of her personality rights and / or publicity rights, in

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which the Plaintiff exercises exclusive control. As the Plaintiff is a renowned actress, her name, image, and likeness, and other elements of her persona, constitute exclusive capital assets that may be exploited only as per her discretion and only by permitted persons and it may have value much greater than any tangible property.

ix. In particular, no one would be entitled to utilize and / or misappropriate and / or imitate any facet of the Plaintiff's personality and / or exploit the same commercially in any manner, without her consent and authorization. Such unauthorized and infringing conduct, would constitute violation of the Plaintiff's Personality Rights and liable to be restrained by this Hon'ble Court.

x. The law also casts obligations on intermediaries under Rule 3(1)(b) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to ensure that such infringing and illegal activities ought not to be permitted to take place.

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xi. In or around the third week of July 2026, the Plaintiff and her team discovered widespread, organised and systematic violation of the Plaintiff's Persona Indicia by Defendant Nos. 1, 4 to 7, 9 to 13 and 16 to 18, falling under five distinct heads:

(a) creation, hosting and dissemination of fake, AI-generated deepfake and morphed pornographic and obscene content depicting the Plaintiff, on the Impugned Pornographic Platforms operated by Defendant Nos. 12 and 13;

(b) creation and dissemination of AI-generated/morphed/deepfake images, videos and 'news' content falsely depicting the Plaintiff, on the Impugned Content Portals of Defendant Nos. 4 and 5 and by Defendant Nos. 6 and 1;

(c) creation, hosting and offering for use of AI-powered chatbots impersonating the Plaintiff, by Defendant Nos. 7 and 16 to 18;

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(d) unauthorised marketing and sale of merchandise bearing the Plaintiff's Persona Indicia, by Defendant Nos. 8, 9 and 10; and

(e) unauthorised commercial use of the Plaintiff's name, image, likeness and voice to drive online traffic and commercial gain, by Defendant No. 11.

xii. Plaintiff has also discovered that Defendant Nos. 12 and 13 are operating the Impugned Pornographic Platforms, on which AI-generated, morphed, digitally fabricated and obscene pornographic videos and images falsely depicting the Plaintiff are hosted, circulated and disseminated which is tagged and indexed under the Plaintiff's name to maximise traffic and revenue, which is causing the gravest injury to Plaintiff's dignity, reputation and goodwill.

xiii. Some Defendants also operate AI chatbot platforms hosting chatbot personas (including one branded under the Plaintiff's own name with the obscene username '@pinkpussy69') which use the Plaintiff's name, image and

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persona without authorisation and engage users in vulgar and sexually suggestive conversations over which the Plaintiff exercises no control whatsoever.

xiv. Certain Defendants operate online retail websites and a 'soundboard' website which unauthorisedly market and sell goods and 'sound clips'/ 'voice bites' using the Plaintiff's name, photographs and likeness as a hook to attract custom and drive engagement.

xv. The Plaintiff has impleaded Defendant No. 1 and other unidentified persons as John Doe Defendants, given the difficulty of identifying anonymous infringers who mushroom through new handles, accounts and websites, and given the need for an omnibus order to prevent destruction of evidence and further dissemination of prejudicial content.

11. Learned Counsel appearing for the Plaintiff tenders a chart giving particulars of infringing material being made available online by various Defendants. The relevant part of the same chart is reproduced hereinbelow:

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Defendants
Unidentified Defendants
John Doe / Ashok Kumar ("D1"): Represents unidentified persons/entities operating clandestinely, engaged in systematic violation of the Plaintiff's Persona Indicia including obscene and pornographic content, impersonation and unauthorised commercial exploitation; joined as a John Doe Defendant given the difficulty of identifying anonymous, mushrooming infringers. [See: Para 2 / Pg. 26, 27; Para 33 / Pg. 50; Paras 41, 42 / Pg. 56, 57 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (g) / Pg. 24; Prayer (i) / Pg. 25 of the IA] • Joinder of unknown defendants as John Does: para 2 / pg. 26, • Need for order against John Does: paras 41, 42 / pg. 56, 57
Social Media Intermediaries
Meta Platforms, Inc. ("D2"): Operates Facebook and Instagram platforms. Platform and infrastructure of D2 is used by Defendant No. 1 / unknown persons to conduct infringing activities and monetize through the same. [See: Para 3 / Pg. 27; Para 33 / Pg. 50; Para 52 / Pg. 62, 63 of the Plaint; Exhibit K / Pg. 1289–1318; 1321-1323 (Instagram) & Pg. 1320, 1330-1333 (Facebook) of the Plaint; Prayer (g) / Pg. 24; Prayer (k) / Pg. 26, 27; Prayer (n) / Pg. 28 of the IA]
Google LLC. ("D3"): Operates YouTube platform and the internet search engine www.google.com. Platform and infrastructure of D3 is used by Defendant No. 1 / unknown persons to conduct infringing activities and monetize through the same. [See: Para 3 / Pg. 27; Para 33 / Pg. 50; Para 52 / Pg. 62, 63 of the Plaint; Exhibit K / Pg. 1319, 1324-1329 (YouTube) of the Plaint; Prayer (g) / Pg. 24; Prayer (k) / Pg. 26, 27; Prayer (n) / Pg. 28 of the IA]

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Impugned Content Portals

Grenyium Information Technologies Private Limited ("D4"): Operates the online entertainment content portal www.filmibeat.com, which systematically publishes unauthorised, AI-generated, morphed and obscene images of the Plaintiff (including images falsely depicting her as pregnant and in suggestive poses) for advertising revenue.

[See: Para 4 / Pg. 27, 28; Para 34 / Pg. 50, 51 of the Plaint; Exhibit A / Pg. 105–117; Exhibit K / Pg. 1335 of the Plaint; Prayers (a) to (e) / Pg. 20–23 of the IA]

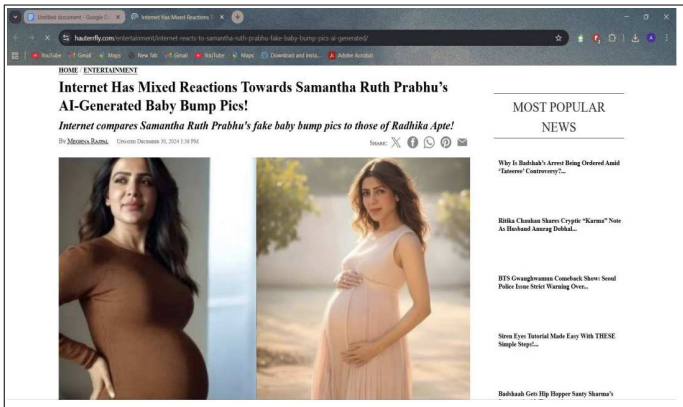
Hauterfly Digital Media Private Limited ("D5"): Operates the online entertainment content portal www.hauterrfly.com, which systematically publishes unauthorised, AI-generated, morphed and obscene images of the Plaintiff for advertising revenue.

[See: Para 4 / Pg. 27, 28; Para 34 / Pg. 50, 51 of the Plaint; Exhibit B / Pg. 118–144; Exhibit K / Pg. 1334 of the Plaint; Prayers (a) to (e) / Pg. 20–23 of the IA]

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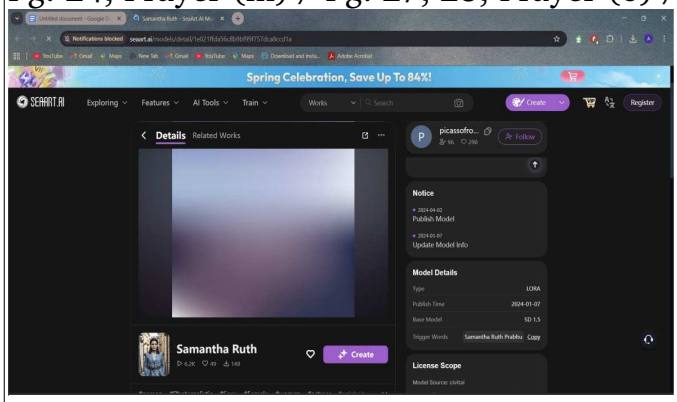
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Infringing Defendant

SeaArt Inc ("D6"): Owns/operates www.seaart.ai, a platform that deploys generative artificial intelligence to enable users to generate morphed/edited/deepfake content, and which has been used to generate unauthorised, morphed and AI-fabricated images and videos of the Plaintiff.

[See: Para 5 / Pg. 28; Para 33 / Pg. 50 of the Plaint; Exhibit K / Pg. 1336 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (g) / Pg. 24; Prayer (m) / Pg. 27, 28; Prayer (o) / Pg. 29 of the IA]



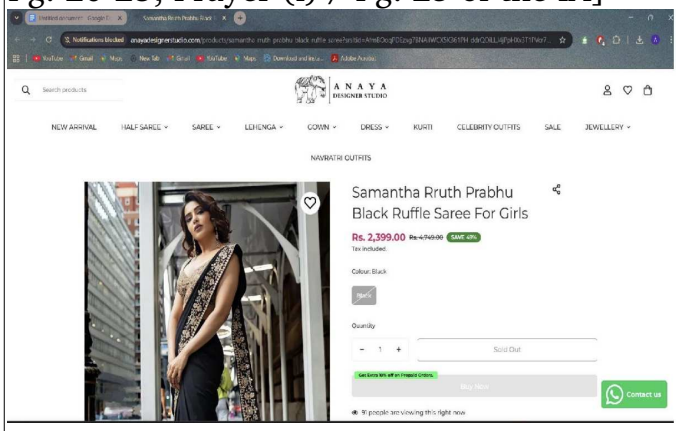
Impugned Chatbots

NextDay AI Incorporated ("D7"): Owns/ operates www.spicychat.ai, on which it has created, hosts and offers for use a generative-AI 'chatbot' falsely impersonating the Plaintiff, branded under her own name with the obscene username '@pinkpussy69', engaging users in vulgar and sexually suggestive conversations.

[See: Para 6 / Pg. 28, 29; Para 37 / Pg. 52, 53 of the Plaint;

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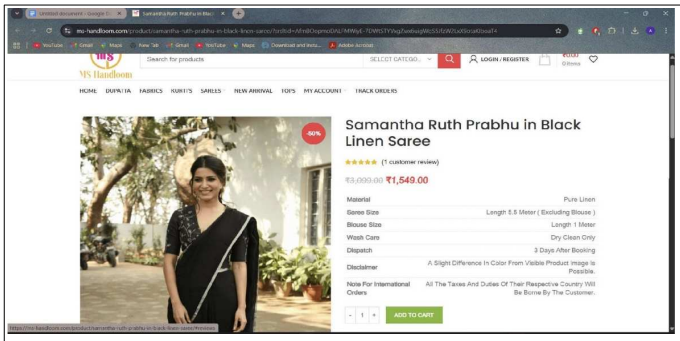
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Exhibit L / Pg. 1337–1338 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (h) / Pg. 24, 25; Prayer (m) / Pg. 27, 28; Prayer (o) / Pg. 29 of the IA]
E-Commerce Platform
Amazon Seller Services Private Limited ("D8"): Operates the e-commerce marketplace www.amazon.in, on which third-party sellers (including Defendant No. 1) list and sell unauthorised merchandise bearing the Plaintiff's Persona Indicia; an intermediary within the meaning of the IT Rules, 2021. [See: Para 7 / Pg. 30; Para 38 / Pg. 54; Para 52 / Pg. 62, 63 of the Plaint; Exhibit M / Pg. 1353–1356 of the Plaint; Prayer (i) / Pg. 25; Prayer (k) / Pg. 26, 27; Prayer (n) / Pg. 28; Prayer (o) / Pg. 29 of the IA]
Infringing Defendants
M/s Mahavir Traders ("D9"): Operates retail websites and unauthorizedly market, advertise and sell goods using the Plaintiff's Persona Indicia being www.anayadesignstudio.com. [See: Para 8 / Pg. 30; Para 39 / Pg. 54 of the Plaint; Exhibit N / Pg. 1357; Exhibit O / Pg. 1358 of the Plaint; Prayers (a) to (e) / Pg. 20-23; Prayer (i) / Pg. 25 of the IA] 
MS Handloom ("D10"): Operates retail websites and unauthorizedly market, advertise and sell goods using the Plaintiff's Persona Indicia being www.ms-handloom.com. [See: Para 8 / Pg. 30; Para 39 / Pg. 54 of the Plaint; Exhibit N / Pg. 1357; Exhibit O / Pg. 1358 of the Plaint; Prayers (a) to (e) / Pg. 20-23; Prayer (i) / Pg. 25 of the IA]

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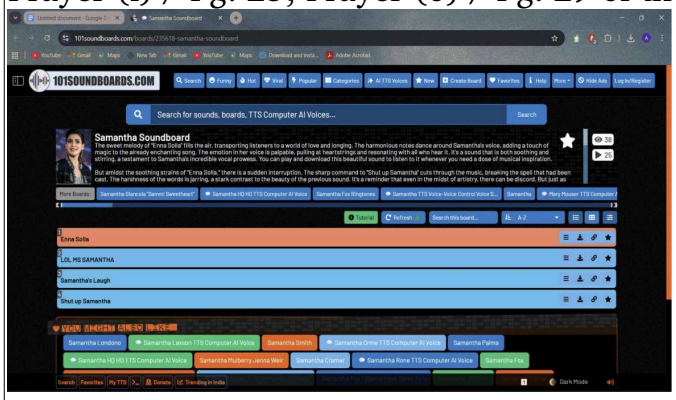
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101SoundBoards.com ***("D11")***: Proprietor of www.101soundboards.com unauthorizedly marketing and making available sound clips in the name of the Plaintiff

[See: Para 9 / Pg. 30, 31; Para 39 / Pg. 54, 55 of the Plaint; Exhibit P / Pg. 1359 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (i) / Pg. 25; Prayer (o) / Pg. 29 of the IA]



Impugned Pornographic Platforms

Hammy Media Ltd. ("D12"): Operates pornographic website being https://xhamster45.desi/ which hosts, circulates and disseminates AI-generated, morphed and digitally fabricated pornographic and obscene material falsely depicting the Plaintiff.

[See: Para 10 / Pg. 31; Para 31 / Pg. 47, 48 of the Plaint; Exhibit J / Pg. 1269-1288 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (f) / Pg. 23, 24 of the IA]

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WebGroup Czech Republic, a.s. ("D13"): Operates pornographic website being https://www.xvideos.com which hosts, circulates and disseminates AI-generated, morphed and digitally fabricated pornographic and obscene material falsely depicting the Plaintiff.

[See: Para 10 / Pg. 31; Para 31 / Pg. 47, 48 of the Plaint; Exhibit J / Pg. 1269-1288 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (f) / Pg. 23, 24 of the IA]



Proforma Defendant

Meity, DoT ("D14", "D15"): The Union of India, impleaded to facilitate compliance with such orders as this Hon'ble Court may pass for blocking or disabling access to the offending URLs and content; no relief is sought against them save in aid of implementation.

[See: Para 11 / Pg. 31–32 of the Plaint; Prayer (j) / Pg. 26; Prayer (q) / Pg. 30 of the IA]

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Impugned Chatbots
Ex-Human Inc. ("D16"): Operates Al chatbot on services i.e., botify.ai under obscene and vulgar user names which also use the Plaintiff's name, image, photographs and persona without any authorization falsely impersonating the Plaintiff. [See: Para 6 / Pg. 28, 29; Para 37 / Pg. 52, 53 of the Plaint; Exhibit L / Pg. 1339–1352 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (h) / Pg. 24, 25; Prayer (m) / Pg. 27, 28; Prayer (o) / Pg. 29 of the IA]
Singularity Mutual Entertainment Culture Media Limited ("D17"): Operates Al chatbot services i.e., botify.ai which owns/operates www.polybuzz.ai/ which hosts AI-generated chatbot personas which mimic the Plaintiff's personality and use her name and images without any authorization. [See: Para 6 / Pg. 28, 29; Para 37 / Pg. 52, 53 of the Plaint; Exhibit L / Pg. 1339–1352 of the Plaint; Prayers (a) to (e) / Pg. 20–23; Prayer (h) / Pg. 24, 25; Prayer (m) / Pg. 27, 28; Prayer (o) / Pg. 29 of the IA] 
Flowgpt, Co. ("D18"): Operates Al chatbot services i.e. www.flowgpt.com which owns/operates www.polybuzz.ai/ which hosts AI-generated chatbot personas which mimic the Plaintiff's personality and use her name and images without any authorization. [See: Para 6 / Pg. 28, 29; Para 37 / Pg. 52, 53 of the Plaint; Exhibit L / Pg. 1339–1352 of the Plaint; Prayers (a) to (e) / Pg.

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20–23; Prayer (h) / Pg. 24, 25; Prayer (m) / Pg. 27, 28; Prayer (o) / Pg. 29 of the IA]



12. The Plaintiff has compiled an extensive list of infringing URLs and has produced representative screenshots and printouts (at Exhibits I to P of the Plaint) demonstrating the nature and extent of the infringements across the various online platforms referred to above.

13. Learned Counsel appearing for the Plaintiff has relied on various Orders of this Court passed in such matters, including the Order of this Court passed on 3 September 2026 in *Shruti Haasan v. Mahalaxmi Arts and Craft Works & Ors.*, Interim Application (L) No. 26123 of 2026 in Commercial IP Suit (L) No. 26069 of 2026, which relied upon and applied the order of this Court passed on 8 July 2026 in *Preity G. Zinta vs. Google LLC & Ors.*, Interim

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Application (L) No. 20703 of 2026 in Commercial IP Suit No. 245 of 2026. The Plaintiff also relies, *inter alia*, *Akshay Hari Om Bhatia v. John Doe and Ors.*, 2025 SCC OnLine Bom 4044, *Shilpa Shetty Kundra v. Geoutlive.in & Ors.,* Interim Application No. 111 of 2026 in COM IP Suit No. 720 of 2025 in support of the reliefs sought. The observations made in the said orders, concerning the grant of ad-interim relief in cases of AI-generated deepfakes, morphed content and chatbots infringing an individual's personality and publicity rights, are equally applicable to the present case.

14. The Plaintiff has a strong *prima facie* case for grant of reliefs as sought. The Plaintiff has discovered numerous AI-generated deepfake videos, manipulated and morphed photographs, chatbot personas (including one operating under an obscene username), unauthorised merchandise and, in particular, AI-generated pornographic and obscene content falsely depicting the Plaintiff on the Impugned Pornographic Platforms all of which were created and disseminated without her consent.

15. The continuing dissemination of the AI-generated deepfake videos, morphed photographs, chatbot content, unauthorised

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merchandise and, most seriously, the pornographic and obscene content complained of has caused and continues to cause irreparable injury to the Plaintiff's goodwill, reputation, dignity and commercial interest. Such injury cannot be adequately compensated by monetary damages alone, as once such content (particularly content of a pornographic or obscene nature) is disseminated across the internet, it is capable of unlimited replication and circulation, resulting in permanent dilution of the Plaintiff's personality rights, publicity rights and public image.

16. The material on record clearly shows that the Plaintiff's personality rights, publicity rights and moral rights are violated by the creation of the said morphed, deepfake, AI-generated and pornographic content comprising the Plaintiff's morphed image, photographs and videos, and by the unauthorised use of her Persona Indicia in chatbots and merchandise. The Plaintiff's "Personality Rights" and "Publicity Rights" are protected by Article 19(1)(a) of the Constitution of India, i.e., the right to freedom of speech and expression, as also by Article 21 of the Constitution of India, i.e., the right to life and personal liberty, including the right to privacy and the right to live with dignity; and her moral rights

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as a performer are separately protected under Section 38-B of the Copyright Act, 1957. Thus, all these valuable rights of the Plaintiff are violated and adversely affected by the impugned actions of the Defendants.

17. The material on record shows that Plaintiff's personality rights, publicity rights and moral rights are violated by creation of said morphed, deep-fake and/or super-imposed contents comprising the morphed Plaintiff's image, photographs and videos. The Plaintiff's "Personality Rights" and "Publicity Rights" are protected by Article 19(1)(a) of the Constitution of India i.e. the right to freedom of speech and expression as also the right to life and personal liberty including the right to privacy which are protected by Article 21 of the Constitution of India. The right to life as contemplated under Article 21 of the Constitution of India includes the right to live with dignity. Thus, all these valuable fundamental rights of the Plaintiff are violated and adversely affected by the impugned actions of the Defendants.

18. Mr. Khandekar, learned Counsel for the Applicant/Plaintiff submits that the law casts obligations on intermediaries under Rule

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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 28 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.

19. Thus, a very strong *prima facie* case is made out for grant of ad-interim relief in terms of prayer clauses (a) to (c), (h), (j) and (n), which are reproduced hereinbelow for ready reference:

a. "Pending the hearing and final disposal of the suit, Defendant Nos. 1, 4 to 7, 9 to 13, 16 to 18, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them, from in any manner whatsoever, be restrained by a temporary order and injunction from this Hon'ble Court from directly or indirectly, using, exploiting, imitating or misappropriating the Plaintiff's personality rights and/or moral rights and/or performer's rights or the Plaintiff's

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2 (2015) 5 SCC 1

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Persona Indicia (as defined in the Plaint, viz. her name "Samantha Ruth Prabhu" and all variants/abbreviations thereof, voice, image, likeness, signature, distinctive performance-style, mannerisms, catchphrases and any other uniquely identifiable attribute of her persona/personality), whether through Artificial Intelligence, Generative Artificial Intelligence, Machine Learning, Deepfakes, AI Chatbots, face-morphing, GIFs, voice-cloning or any other technology, and in any medium or format (physical, virtual, social media, metaverse, websites or any other), for any commercial or personal gain, without the Plaintiff's prior written consent, including by acts of the nature set out at Exhibits "J" to "P" of the Plaint;

b. Pending the hearing and final disposal of the suit, Defendant Nos. 1, 4 to 7, 9 to 13, 16 to 18, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them, be restrained by an order and temporary injunction from this Hon'ble Court from passing off their goods, services, schemes, content, promotions or advertisements, materials etc. as emanating from, endorsed by, and/ or associated with the Plaintiff by use of any of the Plaintiff's Persona Indicia and on any platform, including through the use of any technology of any kind, and including by acts of the nature set out at Exhibits "J", "K", "M" to "P" of the Plaint in any manner whatsoever;

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c. Pending the hearing and final disposal of the suit, Defendant Nos. 1, 4 to 7, 9 to 13, 16 to 18, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them be restrained by an order and temporary injunction from this Hon'ble Court from publishing, posting, hosting, sharing, transmitting, circulating, displaying or otherwise disseminating the defamatory, offending, derogatory, distorted, mutilated, morphed, AI-generated or pornographic content particularised at Exhibits "J" to "P" of the Plaint, or any content similar in nature, and direct the Defendants to forthwith take down, remove and disable access to the same and direct the said Defendants to forthwith take down, remove and disable access to the same, provided that, in respect of any content similar in nature, the said Defendants shall do so upon being notified by the Plaintiff or by her authorised representative in writing subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal;

h. Pending the hearing and final disposal of this suit, Defendant Nos. 2 to 8 and 16 to 18, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them be ordered and directed to: (i) forthwith remove, delete, take down, suspend and disable access to the infringing content particularised at Exhibit "K" of the Plaint as appearing on their respective platforms (in the

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case of Defendant Nos. 2, 3, 4, 5 and 6), and to the Impugned Chatbots and all infringing content particularised at Exhibit "L" of the Plaint (in the case of Defendant Nos. 7 and 16 to 18), and all infringing listings at Exhibit "M" of the Plaint (in the case of Defendant No. 8); and (ii) forthwith takedown / remove / disable access to any further infringing listings / pages / content of a similar nature to the material at Exhibits "K" and "L" of the Plaint, as appearing on their respective portals / platforms / websites, which exploit / misuse the Plaintiff's Persona Indicia and/or moral rights and/or performer's rights, upon being notified by the Plaintiff or by her authorised representative in writing subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal;

j. Pending the hearing and final disposal of this suit, Defendant Nos. 14 and 15, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them be ordered and directed to forthwith issue necessary directions to block, take down and disable access to: (i) the infringing URLs and content (including the obscene/pornographic content) particularised at Exhibit "J" of the Plaint; and (ii) any further infringing URLs / content of a similar nature to the material at Exhibit "J" of the Plaint, which exploit / misuse the Plaintiff's Persona Indicia and/or moral rights and/or performer's rights, upon being notified by the Plaintiff or by her authorised representative

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in writing subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal;

n. Pending the hearing and final disposal of this suit, Defendant Nos. 2, 3 and 8, their servants, agents, affiliates, representatives, assignees, group entities, subscribers, employees and all persons claiming through or under them be ordered and directed to: (i) forthwith remove, delete, take down, suspend and disable access to the infringing content particularised at Exhibit "K" of the Plaint (in the case of Defendant Nos. 2 and 3) and the infringing listings particularised at Exhibit "M" of the Plaint (in the case of Defendant No. 8), as appearing on their respective platforms; and (ii) forthwith takedown / remove / disable access to any further infringing listings / pages / content of a similar nature to the material at Exhibits "K" and "M" of the Plaint, as appearing on their respective portals / platforms / websites, which exploit / misuse the Plaintiff's Persona Indicia and/or moral rights and/or performer's rights, upon being notified by the Plaintiff or by her authorised representative in writing subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal;"

20. At this stage, Mr. Khandekar, learned Counsel appearing for the Applicant/Plaintiff submits that the Defendant No.16 has informed the Plaintiff's Advocate that after service of the plaint

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along with the Interim Application, Defendant No.16 has disabled access to the Botify AI character identified by the Plaintiff.

21. Ms. Shetty, learned Counsel appearing for Defendant No.3 and Ms. Nihal, learned Counsel appearing for Defendant No.8 submit that they have no objection in implementing the order. However, some difficulty may arise if some of the links, if communicated by the Plaintiff in future and also which are the subject matter of the Interim Application contains genuine photographs and material. Thus, in such a case, the Defendants will communicate the same to the Plaintiff's Advocate and if such an objection is raised, the Plaintiff is at liberty to approach the Court to seek appropriate further orders.

22. In such event, liberty is also granted to all the Defendants to approach this Court. This liberty is granted to the Defendants as Rule 3 of the Information Technology (Intermediary Guidelines & Digital Media Ethics Code) Rules, 2021 contemplates due diligence by an intermediary.

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23. The Defendants to file affidavit in reply within a period of six weeks from today. Rejoinder, if any, be filed within three weeks thereafter.

24. Stand over to **10th December 2026**.

25. Ad-interim relief to continue till further orders.

[MADHAV J. JAMDAR, J.]

SONALI MILIND PATIL

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