A HANDBOOK ON

Structuring Personality Rights

for Celebrities in an **AI World**



NAIK NAIK & COMPANY

AURASKA VENTURES

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A Ryan LLC Affiliate

Acknowledgement

This manual represents a collaborative effort between Naik and Naik Company, Auraska Ventures and DIAPL.

It has been jointly developed, compiled, and reviewed by the technical and operational teams of all the organizations to serve as a unified standard for Personality Rights housing, protection and tax compliant and optimization.

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Naik Naik & Company

Naik Naik & Company, founded by Ameet Naik (Founder and Managing Partner), is a Mumbai-headquartered full-service law firm established in 2004, with extensive experience across media & entertainment, sports, gaming, technology and intellectual property with particular expertise in IP protection, licensing, monetization and emerging issues around AI and digital media, alongside corporate, complex litigation, white-collar crime, domestic and international commercial arbitration and dispute resolution practices.

Over the years, Ameet Naik and Deputy Managing Partner, Madhu Gadodia have advised on and been associated with more than 700 films. The entertainment practice extends across the entire ecosystem – from leading Indian and foreign studios, production houses and broadcasters to major OTT platforms including Amazon Prime and JioHotstar. The firm has decade-long relationships with some of the biggest names in the entertainment industry including Mr. Amitabh Bachchan and Deepika Padukone.

Auraska Ventures

Auraska Ventures is a Mumbai-based alternative investments and strategic advisory platform focused on India's evolving consumer, media, technology, sports, gaming, real estate, and intellectual property ecosystems. The platform combines transaction expertise, sector knowledge, and strategic relationships to create value for investors, businesses, and strategic partners.

Led by Vishal Mahajan, Founder & CEO, and Stuti Shetty, Chief Business Officer, Auraska's founding team has collectively advised on and executed transactions exceeding US$3 billion across M&A, private equity, fundraising, growth capital, and cross-border partnerships.

Auraska operates across three core businesses:

Strategic Advisory: Advisory across fundraising, M&A, growth capital, and cross-border partnerships, with a focus on consumer, media, sports, gaming, technology, real estate, and IP-led businesses.

Iconova: A next-generation IP platform focused on acquiring, managing, and licensing personality rights including voice, image, likeness, identity, and publicity rights across AI, entertainment, advertising, gaming, and emerging digital ecosystems.

Private Credit: A specialized platform focused on structured, high-yield financing opportunities within India's Media & Entertainment sector, including production and post-production financing.

Dhruva Advisors

Dhruva Advisors India Pvt. Ltd., a Ryan LLC affiliate, is a leading tax and regulatory advisory firm delivering high-impact solutions across India and key global markets. In a rapidly evolving tax environment, Dhruva helps clients navigate complexity with clear, practical, and insight-driven guidance.

Founded in 2014, Dhruva has grown into one of India's most respected tax firms, operating from 12 offices across India and international locations in Dubai, Abu Dhabi, Saudi Arabia, and Singapore. Dhruva's leadership team includes 28 Partners, 9 Senior Advisors, 18 Associate Partners, and 40 Principals, supported by over 500 professionals with deep technical expertise and a strong commitment to client outcomes.

Dhruva Advisors has been consistently recognized by International Tax Review, earning the "India Tax Firm of the Year" award for five consecutive years (2017–2021) and maintaining a Tier 1 ranking through 2026. These accolades reflect Dhruvs's focus on accountability, innovation, and a client-first mindset.

Dhruv's expertise spans tax disputes, global structuring, advisory, and regulatory strategy. Dhruva supports clients across industries including Aerospace & Defense, Agro & Chemicals, Automotive, Conglomerates, Education, Energy & Resources, Financial Services, Healthcare, IT & ITeS, Manufacturing, Pharma & Life Sciences, Private Equity, Real Estate, Transportation, Telecom, and Media.

Personality Rights

Monetization, Housing and Protection in a Tax efficient structure

I. What Are Personality Rights?

Personality rights (also referred to as publicity rights) protect the commercial and reputational value of an individual's persona by preventing the unauthorized use of attributes that uniquely identify them. These rights recognize that a public personality's reputation, built over years of professional achievement and public recognition, is itself a valuable commercial asset.

Importantly, personality rights are not limited to film stars or celebrities. The determining factor is public reputation, not merely fame. Courts have increasingly recognized the personality rights of celebrities as valuable rights and extended protection to actors, musicians, sportspersons, influencers, entrepreneurs, politicians and other public personalities whose identities possess independent commercial value.

II. What Can Be Protected?

The law protects only those characteristics that uniquely identify an individual. For celebrities and public personalities, these include:

- Name, stage name, playing name, jersey number, initials, aliases and exclusive nickname (e.g., "Master Blaster")
- Signature
- Voice, including AI-generated or cloned voices
- Image, Face, photograph and likeness
- Distinctive hairstyle, appearance or mannerisms, playing style, signature shot or move, victory celebration for a sports celeb, achievements and statistics.
- Catchphrases or iconic dialogue delivery
- Style, signature gestures, expressions or pose (protectable once converted into a specific logo or design)
- Personal logos, monograms, trademarks, merchandise lines you have built or licensed around your identity, brand identifiers and social media handles

Any other attribute that has become exclusively associated with the individual

Generic styles, common expressions or traits shared by many cannot be owned by any one individual. Importantly, registration is not a precondition, even an unregistered pose or catchphrase can be protected if its unauthorized use falsely suggests the individual's endorsement.

III. Digital Assets of Celebrities: Preserving and Commodifying the Digital Self in an AI World

The celebrity's identity as it exists can be reproduced, in digital form. Artificial intelligence and blockchain have made it possible to detach a person's voice, face, body, signature and manner from the person, and to reproduce, license and trade them at scale. That shift converts what were once mere by-products of fame into discrete, ownable, income-generating assets, while simultaneously exposing the individual to reputational and dignitary harm on an unprecedented scale. Therefore, there are two faces of the digital self, the asset to be commodified and the identity to be preserved.

1. What is the "Digital Self"?

The digital self is the aggregate of a person's identifying attributes in machine-reproducible form. It includes the familiar attributes recognized earlier and adds a second layer, the AI models, 3D assets and blockchain tokens that encode or represent those attributes.

2. Case for Preservation and Commoditization

A digital likeness or a voice model can be copied infinitely at near-zero cost. A convincing voice, face or performance can now be generated without the individual's participation or knowledge. Because of these features, control over the digital self is at once a shield (against misappropriation, deepfakes and dignitary harm) and a sword (a proprietary, licensable and potentially transferable asset class) and neither works without the other.

Preservation:

- Public trust - Cloned voices and fabricated endorsements deceive the public. Endorsement of the wrong item can lead to loss of public trust and harm the image of a personality.
- Dignitary harms - AI misuse increasingly runs to obscene, sexualized or other defamatory content. These lead to dignitary harm that is almost irrecoverable.

Commoditization:

- Value add - A celebrity's persona is goodwill built through sustained work and investment. One should harvest it for enrichment and value add to self.
- A balance sheet intangible - Once secured and enforced, the digital self behaves like any other intangible — it can be valued, registered, licensed, assigned and booked on a company's books.

The commercial value of the digital self is only as strong as the individual's ability to exclude unauthorized uses. Therefore, preservation (enforcement) is what makes commodification (monetization) bankable.

Use of publicly available facts, or of a persona for genuine news, satire, art or commentary, will not ordinarily be actionable. Commodification should therefore be built around uses that carry a real or implied endorsement, where the celebrity's control is strongest.

IV. Monetization of Celebrity's Personality Rights

A celebrity's commercial identity attributes can be licensed and monetized across media, advertising, gaming, consumer products and digital experiences.

1. Content & Media

- Film, OTT & Digital Content — Use of the celebrity's name, image, likeness and persona across films, documentaries, series and digital content.

Sanjay Dutt's persona was used in the making of the film Sanju

- Music & Audio — Licensing of voice and persona for music, podcasts, narration, dubbing and other audio content.

Amitabh Bachchan's voice is used in the narration of movies like Lagaan and Shatranj ke Khilari

- Advertising & Branded Content — Use of personality rights across traditional, digital and AI-generated advertising campaigns.

Goibibo used Rishabh Pant's AI – generated persona for advertisement.

- Virtual & Holographic Appearances — Digital or holographic appearances at events, performances, broadcasts and commercial activations.
- Legacy & Archival Content — Commercialization of career highlights, iconic moments, performances and historical content.

The movie 83 used actual footage of cricketer Kapil Dev from the 1983 cricket world cup match.

2. Interactive & Digital Experiences

- Gaming — Integration of likeness, voice, persona, performance attributes or achievements into games and interactive experiences.

Deepika Padukone's character introduced by BGMI games.

- Digital Avatars — Reusable digital representations for gaming, advertising, social media and virtual platforms.

Cricket 24 uses the persona, playing style, pose, avatar of famous cricketers in the game.

- AR / VR — Immersive experiences including virtual appearances, performances and fan interactions.
- AI Chatbots & Digital Companions — Interactive AI representations enabling users to engage with an authorized celebrity persona.

3. Direct-to-Fan

- Personalized Content — AI-enabled personalized video, audio and text messages using the celebrity's authorized identity.
- Virtual Meet-and-Greets — A persistent digital persona, or a celebrity-linked virtual character, which appears and endorses in virtual spaces. Commodified through avatar-endorsement deals, virtual activations and in-world appearances.
- Digital Collectibles — Monetization of iconic moments, achievements, memorabilia, signatures, autograph assets and other fan-oriented digital assets.

Amitabh Bachchan's 2021 collection realized about US$966,000 (≈ ₹7.18 crore), led by the "Madhushala" drop in his own voice (≈ US$756,000) and autographed vintage-poster NFTs (≈ US$94,000). NFTs from the movie 83 sold out within one hour of debut on the platform Social Swag.

4. Consumer & Commercial Licensing

- Merchandise & Collectibles — Licensing of name, image, signature and other recognizable attributes across physical and digital merchandise.
- Celebrity-Branded Products — Extension of the celebrity's identity into fashion, beauty, fitness, F&B, lifestyle and other categories.

Cricketer Virat Kohli launched the restaurant One8 Commune leveraging his jersey number 18.

- Brand Licensing — Long-term licensing of personality rights to brands for campaigns, products and consumer experiences.

Aishwarya Rai Bachchan has been a global brand ambassador for L'Oréal Paris since 2003

- Product Integrations — Embedding the celebrity's identity, expertise or digital persona directly into products and platforms.

5. AI & Synthetic Media

- AI Voice Licensing — Creation and licensing of authorized digital replicas of the celebrity's voice.

Bollywood star Deepika Padukone lent her voice to Meta AI, allowing users across India to interact with the virtual assistant using her authorized voice model.

- AI-Generated Content — Creation of authorized images, videos, audio and social content at scale.
- Digital Doubles — Use of authorized digital replicas where physical participation is not required.
- Synthetic Performance — Recreation or extension of a celebrity's appearance, voice or performance in digital environments.

V. Commodification through Legal instruments

Across every asset identified above, commodification runs through a small set of legal instruments.

The right instrument depends on whether the goal is to secure the asset, to license its use, or to move its economic value into a structure.

Method	What it does	Key terms to get right
Trademark registration	Converts name, signature, catchphrase, pose-as-logo and monogram into a statutory, renewable, assignable right.	Correct classes; use in commerce; treatment of personal names.
Field-of-use licensing	Grants a defined right to use a defined attribute for a defined purpose.	Attribute; media/platform; territory; term; exclusivity; royalty/minimum guarantee; approval and moral-rights controls; post-term takedown; AI/synthetic-use rights.
Model & data licensing (AI)	Licenses the trained voice/likeness model, or the data used to build it.	Permitted outputs; prohibited categories; consent record; watermarking/provenance; security; model deletion and data return on expiry; audit rights.
NFT minting & smart-contract royalties	Tokenizes a moment or asset with engineered scarcity and coded resale royalties.	Rights actually conveyed (token ownership ≠ IP); royalty %; chain/platform; IP warranties; no false endorsement.
Assignment / transfer into a holding entity	Moves the economic interest into a company.	What can validly be assigned (IP can; the personality right itself is personal); license-back; valuation; stamp duty and tax.
Digital endorsement & brand-ambassador deals	Long-form association across a brand's digital estate.	Scope-creep controls; exclusivity carve-outs; expiry and takedown of campaign assets; treatment of AI-generated variants.

The two-asset insight

For most digital assets there are two separable legal objects:

> *(i) the finished work or recording, protected by copyright and performers' rights and often owned by a producer; and*

> *(ii) the underlying identity right, which is personal to the celebrity. In the AI context it is sharper still: a producer who owns a recording does not thereby own the right to train a model on it, or to generate new performances from it. Contracts should allocate model-training and synthetic-generation rights expressly and separately from ownership of the recording.*

VI. How Are Personality Rights Exploited?

With the rapid growth of AI, digital commerce and social media, personality rights are increasingly exploited in sophisticated ways. Courts today most commonly encounter unauthorized merchandise, AI voice cloning, morphed imagery and deepfake content.

1. Misuse of Image

A celebrity's photograph or likeness is frequently used without permission on merchandise, advertisements, promotional campaigns and digital content to imply endorsement. Increasingly, AI-generated images and morphed photographs are also being used, including in obscene or defamatory contexts.

Examples Aishwarya Rai Bachchan's photographs and likeness were used on unauthorized merchandise, including T-shirts, mugs and posters, while Naga Chaitanya's image and likeness were used in AI-generated/deepfake content and unauthorized merchandise. Daler Mehndi's likeness was also used on commercially sold dolls capable of singing lines from his songs.

2. Misuse of Name

Unauthorized use of a celebrity's name is often intended to lend credibility to commercial ventures, events, charities or fundraising campaigns.

Examples An NGO falsely projected Aishwarya Rai Bachchan as its Chairperson. An event promoted Anil Kapoor as its keynote speaker and sold tickets despite him not being involved.

3. Misuse of Voice

AI has made voice cloning increasingly accessible. Celebrity voices are now replicated through chatbots, AI assistants, music generation platforms and fake endorsements, often creating the false impression that the celebrity has authorized or participated in the content.

Examples Arijit Singh obtained protection against AI platforms capable of converting text, speech and audio into an AI-generated version of his voice. Asha Bhosle similarly obtained interim protection against AI-based voice cloning and unauthorized exploitation of her voice. In an earlier example, commercially sold Daler Mehndi dolls incorporated his likeness and singing voice.

4. AI, Deepfakes & Digital Impersonation

Artificial intelligence has significantly expanded the scope of personality rights infringement. Common examples include deepfake videos, face-swapped content, AI-generated interviews, cloned voices, manipulated GIFs and edited videos circulated out of context.

Examples Anil Kapoor obtained one of India's landmark orders restraining unauthorized AI face morphing, GIFs, voice imitation and misuse of his famous catchphrase "Jhakaas."

Jackie Shroff secured protection against AI chatbots, unauthorized merchandise and misuse of his identity, voice and distinctive persona.

5. Unauthorized Commercial Association

A celebrity's identity is often used to falsely suggest endorsement or association with products, brands or services. This includes congratulatory advertisements, promotional campaigns, expired endorsement campaigns that remain online, product packaging and social media advertisements. Even where no formal endorsement exists, creating the impression of one may amount to passing off and personality rights infringement.

6. Unauthorized Merchandise

Common examples include apparel, posters, mugs, mobile covers, collectibles, NFTs and AI-generated artwork featuring a celebrity's identity. The fact that a photograph is publicly available does not permit its commercial exploitation.

VII. How Can These Rights Be Protected?

Protection requires a combination of intellectual property registration, contractual safeguards and proactive monitoring.

1. Trademark Registration

Distinctive commercial identifiers — stage names, nicknames, signatures, logos, catchphrases, brand names and monograms — should be registered wherever possible. Trademark protection complements personality rights by converting them into an enforceable IP right, providing statutory remedies against unauthorized commercial use.

2. Robust Contractual Safeguards

Endorsement, appearance, recording, production and licensing agreements should clearly define:

- Whether use of a recording is for internal or public purposes
- Duration of permitted use
- Territory
- The specific platforms and scope of distribution/exploitation allowed
- Post-expiry obligations
- AI and digital usage rights
- Ownership of recordings and promotional content

Importantly, ownership of a recording and the right to commercially exploit an individual's identity are separate legal issues. An event organizer or producer owning the copyright in a recording (e.g., an interview) does not automatically acquire the right to use the athlete's or celebrity's image, voice, statements or persona beyond the agreed scope.

3. Digital Monitoring & Record-Keeping

Given the speed at which AI-generated content can spread, continuous monitoring of social media, e-commerce platforms, mobile applications, AI tools and domain registrations is increasingly essential.

Maintaining organized records of:

- Registered trademarks and identifiers
- Endorsement and licensing agreements
- Active sponsorships and commercial partnerships
- Verified social media accounts
- Publicity material

helps detect infringement early and strengthens enforcement action when it becomes necessary.

4. Know the Exceptions

Consent is generally required for commercial use of an individual's identity. However, courts distinguish commercial exploitation from protected expressive use, and consent is generally not required for genuine:

- News reporting
- Documentaries
- Historical commentary and retrospectives of events
- Criticism
- Satire or parody
- Academic discussion
- Books, articles and factual commentary
- Other genuine editorial or journalistic uses

These exceptions are narrowly interpreted and do not extend to advertisements or promotional campaigns disguised as editorial content. Consent is still required where the individual's identity is used primarily to promote or sell a product/service, or in commercial dramatizations, films or AI recreations intended for entertainment or advertising.

Digital Self specific protection tools –

The protection of a celebrity's digital self requires a structured framework that identifies, secures and controls each element of their digital identity and its underlying assets. This should be supported through a combination of IP protection, contractual safeguards, ownership structures and ongoing monitoring and enforcement, including:

- Audit and catalogue the client's digital assets — attributes, models, tokens and archival data.
- Register core persona elements as trademarks; secure copyright and ownership of key digital assets and data.
- Insert AI/synthetic-use, model-training, watermarking and model-deletion clauses in every recording, endorsement and production agreement.
- Separate the two assets — recording versus identity right — expressly in every contract.
- For NFTs and AI products, confirm there is no false endorsement and code royalties into the smart contract.
- Vest durable IP in the holding entity during lifetime for legacy continuity.
- Pair every monetization with an enforcement and monitoring plan — value depends on excludability.

Preserving the Digital Self across death

Rights to privacy, publicity and personality are personal and not heritable — they are extinguished on death and do not pass to legal heirs. Therefore, a celebrity cannot assume that the raw personality or publicity right will survive them for their family or estate to exploit or defend.

The solution is to convert and vest the digital self in durable, transferable form during lifetime:

- Register persona elements (name, signature, catchphrase, pose-as-logo) as trademarks — property that is renewable in perpetuity and survives the individual.
- Capture and own the underlying digital assets (voice models, 3D scans and rigs, archival footage) as copyright works and data owned by a holding entity.

- Vest those IP assets in a company with perpetual existence, independent of the individual.
- Support this with contractual and testamentary controls.

What the personality right cannot do posthumously in India, a properly structured combination of trademark plus copyright plus corporate housing can. This is where preservation, commodification and tax structuring converge.

VIII. Building a Personality Rights Claim

A successful personality rights action generally requires demonstrating:

- The individual's reputation and public goodwill
- Unauthorized commercial use of their identity
- A likelihood that the public would believe there is an association or endorsement
- Resulting commercial or reputational harm

Evidence commonly relied upon includes media coverage, verified social media profiles, awards and public recognition, trademark registrations, endorsement agreements, screenshots of infringing content, AI-generated material, counterfeit merchandise and consumer complaints. Maintaining this evidence substantially improves the likelihood of obtaining swift interim relief.

IX. What Legal Action Can Be Taken?

Informal Resolution vs Formal Litigation

The appropriate response depends largely on the relationship with the infringing party.

Where the dispute involves an existing commercial relationship, such as a broadcaster, production house or long-term brand partner, it is often commercially sensible to begin with discussions or a legal notice.

Where infringement involves counterfeiters, anonymous websites, fake social media accounts, AI platforms or unknown third parties, immediate legal proceedings are generally the preferred course of action.

Available Remedies

Depending on the facts, remedies may include:

- cease-and-desist notices
- civil suits seeking injunctions and damages
- passing off actions
- personality rights infringement actions
- takedown requests against websites, app stores and social media platforms
- disclosure orders directing intermediaries to identify anonymous infringers
- complaints under the Information Technology Act, 2000 where impersonation or fraud is involved
- complaints under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
- defamation proceedings where manipulated content harms reputation

Litigation Strategy

Proceedings are generally instituted before the appropriate High Court seeking:

- interim and permanent injunctions
- damages
- removal of infringing content
- disclosure of anonymous infringers
- blocking of future infringements

Indian courts increasingly grant urgent interim injunctions in personality rights matters.

To strengthen digital enforcement, proceedings commonly include:

- Intermediaries such as Google, Meta, Amazon and Flipkart, enabling courts to direct takedown of infringing listings and content
- John Doe (Ashok Kumar) Defendants, allowing action against unidentified infringers without filing fresh proceedings whenever additional violations are discovered

The bundle of rights mentioned above applies in full to digital assets. In addition, two rights specific to digital assets are –

- An NFT or AI asset carrying a real or implied endorsement is squarely protectable and licensable; one built only on publicly available facts, with no endorsement signal, may not be
- Unauthorized AI reproduction of voice, face and likeness through "any technology, including AI and deepfakes can be restrained by courts

X. Quick Reference: Common Scenarios across Media and Sports Celebrities

Scenario	Legal Position / Celebrity's Options
Deepfake or morphed videos	Injunction, takedown, damages, platform reporting and criminal remedies where appropriate.
Fake events / tournaments using celebrity's name	Passing off, personality rights infringement and fraud; cease-and-desist, injunction a notice demanding correction and litigation wherever required.
Merchandise using celebrity's image	Commercial use requires consent; unauthorized merchandise can be restrained through injunctions and damages.
Fake endorsements or advertisements	Actionable where the public is likely to believe the celebrity has endorsed the product or service. Remedies include cease and desist, passing off or personality rights suit for an injunction and damages.
Expired endorsement campaigns remaining online	May constitute breach of contract as well as continued unauthorized commercial exploitation.
Unauthorized use of interviews or recordings	Copyright ownership of the recording does not override personality rights; commercial reuse beyond the agreed scope requires consent.
Old interviews edited or AI-manipulated	May amount to personality-rights infringement, defamation and/or impersonation. Remedies: takedown notices, civil suits, defamation claims, IT Rules 2021 reporting, criminal complaints under the IT Act, 2000.
AI-generated voice, chatbot, advertisements	Unauthorized commercial exploitation actionable through injunctions, takedowns and damages.
Impersonation accounts	Cease-and-desist, platform reporting, civil proceedings, criminal complaints and John Doe orders where appropriate.
Impersonation accounts with altered names and Nicknames (e.g., V. Kohli and Master Blaster)	Actionable even without an exact trademark match if the name/profile is deceptively similar and likely to mislead the public. Remedies: cease-and-desist, civil suit, platform reporting, criminal complaint (if fraud/financial gain involved), personality rights or passing off claim
Caricature/avatar in a game or app	Requires consent if the character is recognizably the celebrity, even without using the real name. Remedies: cease-and-desist, civil suit, damages/account of profits, app-store takedown requests, a personality rights claim
Broadcast footage used beyond license / Match or practice photos used without consent	Broadcasters/news channels/ photographers may use footage only within their license or for genuine reporting, not entertainment or commercial exploitation implying endorsement, even with valid media rights.
Photographs used commercially	Photographer generally owns copyright (unless assigned), but commercial use (merchandise, ads, promotions) needs the personality's separate consent; copyright and personality rights are distinct.
Sale of autographs/signed items	Reselling a genuine, lawfully acquired signed item is generally permissible. Action lies against forged autographs, or sales falsely claiming official endorsement/affiliation. Takedown requests, police / consumer protection authority complaints and personality rights claim are the possible actions.

Scenario	Legal Position / Celebrity's Options
Conflict between sports person's personal sponsors and his team sponsors	Team/league sponsorship (e.g., official kit branding) generally takes precedence during official events; personal sponsorships govern off-field activity, subject to the athlete's actual contracts and can be made time-bound.
Social Media impersonation or using fake "'official" fan account	Platform report, police complaint, domain name dispute and transfer / takedown of domain wherever required.
Use of signature celebration or gesture to sell a product	As a prevention, such gestures should be registered as a trademark. Personality Rights or passing off claim can also be used wherever applicable.
Jersey number / such strong association's commercial use without consent	When used to present endorsement, trademark registration and personality rights claim are realistic options.
Use of career statistics (especially for sports personality) and historic achievements in a commercial campaign	When used to present endorsement, a personality rights claim and a passing off claim are options to consider.
Sale of an NFT or digital collectible without consent	A copyright takedown and a personality rights claim are available remedies. Licensing of digital rights is an important preventive measure

XI. Commercial & Tax Structuring: Corporatization of Personality Rights

Why Corporatize?

Once a celebrity's personality rights are established and actively enforced, they represent a valuable, monetizable intangible asset. Globally, and increasingly in India, actors and artists house these rights in a dedicated corporate or 'Image Rights' company, for both commercial and tax rationalization. For instance, income from a celebrity's performance-based and image-based commercial activities, when earned in an individual capacity, is taxable in India at maximum effective tax rate (ETR) of around 39%1. Where the same commercial activities are undertaken through a company, such income (net) shall be subject to income tax at effective rate of 25.17% at the company level. This is a distinct, though complementary, workstream to the protection and enforcement work described above, and is set out here on a high-level, preliminary basis only.

Rationale for a Dedicated Entity

- Enhanced credibility and better governance of brand management / personality rights exploitation activities
- Limited liability, with ring-fencing from third-party liability
- Facilitate legal protection and ability to defend against any claim
- Perpetual existence, independent of any one individual
- Facilitates legacy succession beyond generation
- Focused approach on commercialization
- Attract funding, investment and better prospect for value unlocking

How It Works Commercially

- Identification of the personality rights which can be transitioned to the corporate structure
- A dedicated organizational structure for brand management activities
- A team with credentials and expertise in scouting, screening and negotiating commercial opportunities
- Separate organizational structures at the India and overseas level, where relevant
- Separate entities for Professional and Business activities

Practical Precedents

Tax authorities across jurisdictions have dealt with cases involving corporatization of Personality Rights.

> *Example — Amitabh Bachchan v. DCIT: [2005] 2 SOT 189 (Mumbai ITAT) — an Indian precedent in the case of corporatization of Personality rights of celebrity.*

> *Example — Retief Goosen v. Commissioner of Internal Revenue: US Tax Court, Docket No. 23323-09 — addressing allocation of a sportsperson's endorsement income between personal services and image rights, a comparable analysis to that undertaken for actors/artists.*

> *Example — Sergio Garcia v. Commissioner of Internal Revenue: US Tax Court, Docket No. 13649-10 — a further US precedent on the tax treatment of a personality's image-rights income.*

Key Tax Attributes to Evaluate

Attribute	Consideration
ETR rationalization	Individual taxation (~39%) versus corporate taxation (~25%)
Identification & valuation of intangibles	Identify the nature of the personality rights which can be transitioned to the corporate structure and determination of fair valuation as per internationally accepted methodology.
Mode of transfer	• Structuring the transfer of rights (succession, assignment, business transfer agreement) in a tax-efficient/ neutral manner (from both, income-tax and GST perspective) from sole proprietorship to corporation • Other aspects include determination of appropriate consideration, discharge of such consideration (i.e. through cash or issuance of shares/ securities).
Splitting rights – India/ Rest of the World	Structuring for jurisdictional bifurcation/ monetization of the rights – differentiate marketing approach, wealth creation outside India, transfer pricing, PE/POEM mitigation
Depreciation on intangible assets	Evaluate availability of tax depreciation on the intangible assets transitioned to Corporate entity factoring its nature (e.g., personality rights etc.) and its cost of acquisition basis the fair valuation
Tax impact on future exits	Determination of cost of acquisition, period of holding (e.g., long term/ short term) to rationalize tax cost of future exits (e.g., asset sale vs share sale, secondary transfer, IPO exit etc.)

Note: The above tax implications are subject to verification of the facts of each case and interpretation of the Income-tax Act, 2025 and Goods and Services Tax Act, 2017

Interplay with Personality Rights Protection

A corporatized structure is only as valuable as the underlying rights it holds. The litigation and enforcement track record described earlier in this note — securing injunctions, takedowns and damages against infringers — directly protects and preserves the value of the intangible assets (name, image, voice, likeness) transferred into, or licensed by, such an entity. Robust personality-rights enforcement and sound commercial/tax structuring should therefore be pursued together, not in isolation.

How can Auraska Ventures, Naik Naik & Company and Dhruva Advisors work with you to house and protect your personality rights legally and in a tax efficient manner for future value unlocking?

1. Monetizing Avenues for Personality Rights

Auraska Ventures, through its Personality Rights platform, Iconova, aims to acquire / house and license celebrity rights and effectively monetize them through various avenues, thereby establishing personality rights as a new asset class.

2. Protection of Rights

Mr. Ameet Naik, founder of Naik Naik & Company, is a pioneer in the protection of personality rights in India. Naik Naik & Company will provide the legal framework and protection for the celebrity rights acquired and housed through Iconova, ensuring their effective protection, enforcement and commercialization.

3. Structuring the Rights in a Tax efficient way

Dhruva Advisors, through its tax optimization strategy, aims to help celebrity's rights to be monetized and housed in a tax compliant and effective manner.

Naik Naik & Company Personality Rights Landmark Cases

1. Amitabh Bachchan v. Rajat Negi & Ors., CS(COMM) 819/2022 (Delhi HC, ad-interim order dated 25 Nov 2022)

> *First major Indian celebrity personality-rights order of the AI/digital era — restrained unauthorized commercial use of Bachchan's name, image, voice and signature; directed DoT/MeitY-level blocking of infringing URLs.*

2. Anil Kapoor v. Simply Life India & Ors., 2023 SCC OnLine Del 6914 (Delhi HC, order dated 20 Sep 2023, Prathiba M. Singh J.)

> *Extended protection to catchphrase "Jhakaas", character names (Lakhan, Mr. India, Majnu Bhai), voice and likeness; addressed GenAI misuse explicitly. Naik and Naik Company lawyers (Pravin Anand, Ameet Naik) appeared for Kapoor.*

3. Jaikishan Kakubhai Saraf alias Jackie Shroff v. The Peppy Store & Ors. (Delhi HC, order dated 15 May 2024, Sanjeev Narula J.)

> *Protected name, voice, image and the trademarked sobriquet 'Bhidu'; restrained AI chatbots, e-commerce sellers, and pornographic/meme misuse. Notable for extending protection to a registered trademark plus persona attributes together.*

4. Aishwarya Rai Bachchan — Delhi HC petition against AI-generated image misuse (2025/2026)

> *Filed to restrain deepfake/AI misuse of her image; illustrates the firm's continuing mandate on AI-personality-rights intersection for its client roster.*

5. Varun Dhawan v. Artist Booking Company & Ors., (Delhi HC, order dated 29 May 2026, Jyoti Singh J.)

> *Extended protection to registered trademark names and autographs, personal attributes (name, voice, image, and likeness); restrained unauthorized artist-booking platforms, e-commerce merchandise, and explicitly restricted digital exploitation via AI deepfakes, generative AI, face-morphing, and pornographic content.*

6. Kartik Aaryan v. Vinsm Globe Private Limited & Ors., (Bombay HC, order dated 15 April 2026, Sharmila U. Deshmukh J.)

> *Extended protection to his registered trademark name, personality, privacy, moral, and publicity rights (including name, voice, image, and likeness); restrained unauthorized commercial exploitation, e-commerce merchandise, fake social media accounts, and fake booking platforms; and explicitly directed the takedown of obscene or disparaging AI-generated content, deepfakes, and interactive AI chatbots mimicking his persona.*

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