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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL APPEAL (L) NO. 9786 OF 2025
IN
INTERIM APPLICATION (L) NO. 17865 OF 2024
IN
INTERIM APPLICATION (L) NO. 19862 OF 2024
IN
COMMERCIAL IPR SUIT (L) NO. 17863 OF 2024**

Sanjay S/o. Girish Kumar Singh
An Indian Inhabitant having his address at
204, 2nd floor, Matranga Bldg,
Opp. Mega Mall,
Andheri (W), Mumbai. ... Appellant

Versus

1. Karan Johar also known as
Rahul Johar
An Indian Inhabitant having his
address At 29, Jains Arcade,
2nd floor, 14th Road, Khar (W),
Mumbai - 400 052.
2. India Pride Advisory Pvt. Ltd.
A company incorporated under
the companies act,
2013, CIN U93090DL2017PTC318057
having its registered office at
Z-107 Prem Nagar, Kashmiri Colony,
South West Delhi, Najafgarh,
Delhi India - 110043
And also at 204, 2nd floor,
Matranga Bldg., Opp. Mega Mall,
Andheri (W), Mumbai.
3. Bablu Singh
An Indian Inhabitant having his address
at 204, 2nd floor, Matranga Bldg.,
Opp. Mega Mall,
Andheri (W), Mumbai. Respondents

**WITH
INTERIM APPLICATION (L) NO. 9929 OF 2025
IN
COMMERCIAL APPEAL (L) NO. 9786 OF 2025
IN
INTERIM APPLICATION (L) NO. 17865 OF 2024
IN
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Sanjay S/o. Girish Kumar Singh
An Indian Inhabitant having his address at
204, 2nd floor, Matranga Bldg,
Opp. Mega Mall,
Andheri (W), Mumbai. ... Applicant

In the matter between

Sanjay S/o. Girish Kumar Singh
An Indian Inhabitant having his address at
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3. Bablu Singh
An Indian Inhabitant having his address
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Opp. Mega Mall,
Andheri (W), Mumbai. Respondents

**WITH
INTERIM APPLICATION (L) NO. 10124 OF 2025
IN
COMMERCIAL APPEAL (L) NO. 9786 OF 2025
IN
INTERIM APPLICATION (L) NO. 17865 OF 2024
IN
INTERIM APPLICATION (L) NO. 19862 OF 2024
IN
COMMERCIAL IPR SUIT (L) NO. 17863 OF 2024**

Sanjay S/o. Girish Kumar Singh
An Indian Inhabitant having his address at
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Andheri (W), Mumbai. ... Applicant

In the matter between

Sanjay S/o. Girish Kumar Singh
An Indian Inhabitant having his address at
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An Indian Inhabitant having his address
at 204, 2nd floor, Matranga Bldg.,
Opp. Mega Mall,
Andheri (W), Mumbai.

.... Respondents

Mr. Ashok M. Saraogi a/w Mr. Anand Mishra, Mr. Sushil Upadhyay, Mr. Amit Dubey, Mr. Siddharth Singh, Ms. Priti Rao, Ms. Kavya Smriti, for the Appellant.

Mr. Zal Andhyarujina, Senior Advocate a/w Rashmin Khandekar, Parag Khandhar, Pranita Saboo, Ms. Anaheeta Verma, Pratyusha Dhoda i/b. DSK Legal, for Respondent No.1.

**CORAM : ALOK ARADHE, CJ &
M. S. KARNIK, J.**

RESERVED ON : 15th APRIL, 2025

PRONOUNCED ON : 7th MAY, 2025

JUDGMENT (PER M.S.KARNIK, J.) :

1. The Appellant/original defendant No.2 in this Appeal under Section 13 of the Commercial Courts Act, 2015 challenges the order dated 7th March 2025 passed by the learned Single Judge of this Court. Before the learned Single Judge the present Respondent No.1 – original plaintiff filed an

Interim Application seeking interim injunction restraining the Appellant and Respondent Nos.2 and 3, the original defendants from using the name of the Respondent No.1 – plaintiff - “Karan Johar” together, or in parts and from using the attributes of the personality of the Respondent No.1 in the title of the cinematographic film “Shaadi Ke Director Karan Aur Johar” / “Shaadi Ke Director Karan Johar” (“said film” for short), in the trailers annexed with the Complaint and in any other promotional materials including that which is posted on social media platforms, website of the Appellant, hoardings/advertisements in public places. The said film is co-produced by Appellant No.1 and Respondent No.2. The said film is written and directed by Respondent No.3 – original defendant No.3.

COMMERCIAL IPR SUIT :-

2. The Commercial IPR Suit was urgently filed before the learned Single Judge as the said film was scheduled to be released in theatres on the next day when the application for ad-interim relief was moved i.e. 14th June 2024. The Complaint proceeds on the footing that on 5th June 2024, to the complete shock and surprise of the Respondent No.1, he came across

the trailer of the said film to be released in theatres on 14th June 2024. A cease and desist notice dated 6th June 2024 was issued by the Respondent No.1 through his advocates to the Appellant and Respondent Nos.2 and 3 *inter alia* calling upon them to immediately cease and desist from using the Respondent No.1's name in the said film in any manner whatsoever, and to immediately cease and desist from releasing the said film until the Appellant changes or removes the title of the said film as set out in the notice. In view of the Appellant failing to reply to the cease and desist notice despite service, the application was moved by Respondent No.1 for ad-interim reliefs. By an order dated 13th June 2024 the learned Single Judge granted ad-interim reliefs in terms of prayer clauses (a) and (b) of the Interim Application.

3. The Appellant filed an application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 for vacating the ad-interim order. The application made for vacating the ad-interim order was treated as a reply and the Interim Application filed by the Respondent No.1 came to be heard by the learned Single Judge. The case of the Respondent No.1 as set out in the Complaint is as under :-

The Respondent No.1 is a well known personality and is entitled to enforce his “personality” and “publicity” rights. The Respondent No.1 is a highly credited and leading Indian Director, Producer, Writer Filmmaker and Television Personality primarily working in the media and entertainment industry and is the recipient of several awards and accolades. The Respondent No.1 has been honoured with Padma Shree, the countries 4th highest Civilian Award by the Government of India in the year 2020. The Respondent has directed and/or produced several blockbuster films including Kuch Kuch Hota Hai, Kabhi Khushi Kabhi Gham, Kal Ho Na Ho, Dear Zindagi, Brahmastra, Student of the Year, Rocky or Rani Ki Prem Kahani etc. The Respondent No.1 has appeared as a Judge in reality competition shows viz. Jhalak Dikhla Jaa, India’s Got Talent, India’s Next Superstar, Dil Hai Hindustani and Hunarbaaz : Desh Ki Shaan. The Respondent No.1 is also the host of the popular talk show “Koffee with Karan” for which he has also won the award for the Best Anchor – Talk / Chat Show.

4. The Respondent No.1 has established an esteem and reputation for directing and producing cinematic films of romantic genere, boasting larger than life wedding scenes and is highly credited for making films of this genere. The

Respondent No.1 is also well known for directing and producing family oriented films and films based on the concept of marriage suitable for all audiences of all ages. The movies directed by the Respondent No.1 generally contains scenes where marriages are shown in grandeur and therefore leave a strong impact in the minds of the viewers. Therefore, audience associates films in or around the grand marriages / weddings scenes and in or around marriage as the main theme of the film with the Respondent No.1. The Respondent No.1 is stated to have garnered immense goodwill and reputation in the media and entertainment industry in India and globally. The Respondent No.1's name has become a brand name and has obtained a brand value and "Karan" "Johar" when used together as done by the Appellant in relation to the said film clearly identifies the Respondent No.1. The Respondent No.1 being a well known public figure has undoubtedly obtained a celebrity status and he is identifiable by his name itself by public at large. The Respondent No.1 claims that his name has become his brand name and he has economic right to commercially exploit the same as per his discretion. It is the Respondent No.1's case that while each individual has a right to personality and publicity it is clearly

identifiable in case of a well known individual. The Appellant has used the Respondent No.1's name and attempted to associate it with a film that is sleazy, B-grade, in bad taste and one which is laced with innuendos that are directly attributable to the Respondent No.1. The Respondent No.1 is entitled in law to claim that his name must not be associated with any film without his consent.

5. The learned Single Judge after considering the reply and the materials on record by the impugned order dated 7th March 2025 held that the Appellant unauthorizedly used the Respondent No.1's name and personality attributes in the title of the said film which *prima facie* violates the Respondent No.1's personality rights, publicity rights and right to privacy. Learned Single Judge further held that the Respondent No.1 has been able to establish that by using his brand name, the Appellant is attempting to ride upon the goodwill and reputation of the Respondent No.1 to earn unjust profits. For the reasons mentioned in the impugned order the learned Single Judge was of the opinion that a strong *prima facie* case has been made out by the Respondent No.1 and that the Appellant has infringed the Respondent No.1's personality and

publicity rights as well as use of the brand name of the Respondent No.1. The Interim Application therefore was made absolute in terms of prayer clauses (a), (b), (c) and (d) which read thus :-

“(a) Pending the hearing and final disposal of this suit, pass an order and direction of temporary injunction restraining the Defendants and their associates/representatives from using the Plaintiff's name or any other attributes of the Plaintiff or reference to the name of Plaintiff "Karan Johar", together or in parts or in any other manner, in the title of the said Film or in the promotion, endorsement and publicity of the said Film, directly or indirectly or in any manner whatsoever, including but not limited to all goods, promotional materials, advertisements, film posters, letterheads, signs, labels and all other things produced by the Defendants, or on behalf of the Defendants, which may be in the possession, custody or control of the Defendants, which are intended to be sold, promoted or otherwise distributed in relation to the said Film;

(b) Pending the hearing and final disposal of this suit, pass an order and direction of temporary injunction restraining the Defendants and their associates/representatives, from releasing the said Film on any mode or medium whatsoever including in theatres or running any promotional materials in relation to the said Film on any mode or social media platform, including but not limited to, the said Trailers, until the Defendants remove the name of Plaintiff "Karan Johar", together or in parts, or his attributes from title of the said Film;

(c) Pending the hearing and final disposal of this suit, Pass an order and direction of temporary injunction restraining the Defendants and their associates/representatives, from using the Plaintiff's name or any other attributes of the Plaintiff on the said Website owned and operated by the Defendants or by the Defendants' associates, related entities or any other platform /website where the said Film is promoted and/or publicized directly or indirectly in any manner whatsoever, as well as on other social media platforms including YouTube and Instagram;

(d) Pending the hearing and final disposal of this suit, direct the Defendants to remove the name of the Plaintiff and other attributes of the Plaintiff or any references to the Plaintiff, whether direct or indirect, from the said Trailers and from any other promotional materials including that which is posted on social media platforms, the said Website, hoarding/advertisements at public places, if any, whatsoever;"

6. In challenge to the impugned order, Mr. Ashok Saraogi, learned counsel for the Appellant submitted as under :-

The said film which was scheduled to be released on 14th June 2024 in as many as 89 cinema halls could not be screened as a result of the ex-parte ad-interim order. The Appellant had to suffer huge losses as a result of the ex-parte motion made by the Respondent No.1. The said film was under production since the year 2019 and which was known to each and every person in the film trade. In such circumstances, it was not at all necessary to have the screening of the said film stalled on the eve of its release. The Appellant had registered the title in respect of the said film with the Producer's association which works along with the other Associations and accordingly, a certificate dated 22nd May 2023 was issued. The Appellant - Sanjay had also entered into necessary agreement with various parties, artists etc. and he spent an amount of Rs.3 crores for the purpose of

production of the said film. The film was noticed and seen by many persons and therefore in these circumstances the Respondent No.1's approaching the Court to stall the release of the film at the last minute was a request which the learned Single Judge ought not to have entertained. The Appellant had also applied for grant of necessary censor certificate in respect of the film as well as for the trailer which came to be granted by the Censor Board. Since the month of September 2023 the said film and/or part thereof which is known as show reel and/or trailer has been uploaded on various social medias and the same has been seen by all concerned. The Respondent No.1 was well aware about the production of the said film and despite the same he had chosen to wait till the last moment i.e. a day before the said film is due for release. The said film has nothing to do with the name of the Respondent No.1 as the name of two characters of the film which are the central characters of the said film is "Karan" and "Johar". The Respondent No.1 cannot claim a monopoly in respect of the name "Karan" "Johar" which are commonly used and it cannot be associated only with the Respondent No.1. The entire story line indicates and also confirms the fact that the generic names are given to the characters of the said

film and has nothing to do with the Respondent No.1. There is a wide difference in the title and the name of the Respondent No.1 and the question of identifying the title of the said film with the name of the Respondent No.1 does not arise. The Suit proceeds on the footing that the Respondent No.1 is having his rights as a celebrity. There is no concept like celebrity rights. The film of the Appellant does not even resemble to the actual name and/or pet name of the Respondent No.1 and even the subject matter of the film has nothing to do with the name and personality of the Respondent No.1 in any manner whatsoever. The entire film is fictional and nowhere the Appellant claimed that the film is produced on the Respondent No.1. The Appellant had in fact suggested to the learned Single Judge that he is willing to accept whatever suggestions have been given except the change in the name of the film. The Appellant corrected the poster in respect of the said film in order to differentiate the name and character of the Respondent No.1 in the film. The personality rights and/or a personal right cannot come in the way of the Appellant in the production of the said film. There is no challenge to the censor board certificate issued by the Central Board of Film Certification (CBFC). Once the film is censored, the Appellant

had every right to release the said film and there was no occasion for grant of any injunction against the release of the film. The learned Single Judge has not appreciated the decisions relied upon by the Appellant and the Respondent No.1 in its correct perspective. The finding of the learned Single Judge that the name “Karan Johar” is a peculiar name coupled with his popularity as a well-known producer and actor in the Bollywood industry is erroneous and contrary to the materials on record.

7. Mr. Saraogi relied upon the following decisions in support of his submissions :-

1. **D. M. Entertainment Pvt. Ltd. vs. Baby Gift House & Ors.**¹
2. **ICC Development (International) Ltd. vs. Arvee Enterprises and Anr.**²
3. **Titan Industries Ltd. vs. M/s. Ramkumar Jewellers.**³
4. **Mr. Shivaji Rao Gaikwad vs. M/s. Varsha Productions.**⁴
5. **Anil Kapoor vs. Simply Life India and Others.**⁵

1 2010 SCC OnLine Del 4790
 2 2003 SCC OnLine Del 2
 3 2012 SCC OnLine Del 2382
 4 (2015) 2 Mad LJ 548
 5 2023 SCC OnLine Del 6914

6. R. Rajagopal and Ors. Vs. State of Tamil Nadu and Ors.⁶

7. Jaikishan Kakubhai Saraf Alias Jackie Shroff vs. Peppy Store and Others.⁷

8. Arijit Singh vs. Codible Ventures LLP and Others.⁸

9. Hamdard National Foundation & Anr. vs. Hussain Dalal & Ors.⁹

10. Prakash Jha Productions vs. Bata India Limited & Ors.¹⁰

11. Krishna Kishore Singh vs. Sarla A. Saraogi and Others.¹¹

8. Mr. Andhyarujina, learned Senior Advocate for Respondent No.1, on the other hand invited our attention to the findings of the learned Single Judge which according to him do not warrant any interference. Learned Senior Advocate argued in support of the findings of the learned Single Judge.

9. Before we proceed to analyse the impugned order of the learned Single Judge in the context of the submissions made by learned counsel, we find it worth referring to some of the key decisions having a material bearing on our opinion. At

6 AIR 1995 SC 264
 7 2024 SCC OnLine Del 3664
 8 2024 SCC OnLine Bom 2445
 9 2013 SCC OnLine Del 2289
 10 2012 SCC OnLine Del 5458
 11 2023 SCC OnLine Del 3997

the outset a reference needs to be made to the celebrated decision of the Supreme Court in **Justice K. S. Puttaswamy (Retd) and another vs. Union of India and others**¹². The separate concurring opinion of His Lordship Sanjay Kaul, J. is significant in the context of the present case. His Lordship dealt with the issue of privacy as a right, as an important core of any individual existence. The observations in paragraph 613, 614 and 615 are significant which read thus :-

“613. The challenges to protect privacy have increased manifold. The observations made in the context of the need for law to change, by Bhagwati, J., as he then was, in *National Textile Workers’ Union v. P.R. Ramakrishnan* would equally apply to the requirements of interpretation of the Constitution in the present context: (SCC p. 255, para 9)

“9. ... We cannot allow the dead hand of the past to stifle the growth of the living present. Law cannot stand still; it must change with the changing social concepts and values. If the bark that protects the tree fails to grow and expand along with the tree, it will either choke the tree or if it is a living tree, it will shed that bark and grow a new living bark for itself. Similarly, if the law fails to respond to the needs of changing society, then either it will stifle the growth of the society and choke its progress or if the society is vigorous enough, it will cast away the law which stands in the way of its growth. Law must therefore constantly be on the move adapting itself to the fast-changing society and not lag behind.”

614. It is wrong to consider that the concept of the supervening spirit of justice manifesting in different forms to cure the evils of a new age is unknown to Indian history. Lord Shri Krishna declared in Chapter 4 Text 8 of The Bhagavad Gita thus:

“ परित्राणायसाधूनां विनाशायचदुष्कृताम् |
धर्मसंस्थापनार्थाय सम्भवामि युगे युगे || ”

¹² (2017) 10 SCC 1

The meaning of this profound statement, when viewed after a thousand generations is this: That each age and each generation brings with it the challenges and tribulations of the times. But that supreme spirit of justice manifests itself in different eras, in different continents and in different social situations, as different values to ensure that there always exists the protection and preservation of certain eternally cherished rights and ideals. It is a reflection of this divine "Brooding spirit of the law", "the collective conscience", "the intelligence of a future day" that has found mention in the ideals enshrined in inter alia, Articles 14 and 21, which together serve as the heart stones of the Constitution. The spirit that finds enshrinement in these articles manifests and reincarnates itself in ways and forms that protect the needs of the society in various ages, as the values of liberty, equality, fraternity, dignity, and various other constitutional values, constitutional principles. It always grows stronger and covers within its sweep the great needs of the times. This spirit can neither remain dormant nor static and can never be allowed to fossilise.

615. An issue like privacy could never have been anticipated to acquire such a level of importance when the Constitution was being contemplated. Yet, today, the times we live in necessitate that it be recognised not only as a valuable right, but as a right fundamental in constitutional jurisprudence."

10. In the context of privacy-right to control information, in paragraph 625 His Lordship observed that every individual should have a right to be able to exercise control over his/her own life and image as portrayed to the world and to control commercial use of his/her identity. This also means that an individual may be permitted to prevent others from using his image, name and other aspects of his/her personal life and identity for commercial purposes

without his/her consent. Then in paragraph 626 His Lordship observed that aside from the economic justifications for such a right, it is also justified as protecting individual autonomy and personal dignity. The right protects an individual's free, personal conception of the 'self.' The right of publicity implicates a person's interest in autonomous self definition, which prevents others from interfering with the meanings and values that the public associates with her.

11. In an article titled 'A Cause Célèbre : Publicity Rights in India' by Nina R. Nariman¹³, the author says that the tort of publicity has been recognised in various jurisdictions abroad, with different facets of the tort being legally recognised in different jurisdictions. In India, the tort of publicity (interchangeably known as "the tort of personality") has been recognised in a piecemeal manner, looking to the peculiar facts of the case before the court. This article aims to analyse the theoretical basis for the right of publicity, and its remedy, the publicity tort, and the practical implications thereof on the development of this unique tort in India. The most famous conception of property as a right is that of Blackstone : the right of property; or that sole and despotic

¹³ Advocate practising at the Supreme Court of India, and High Court of Delhi; LLB from the Campus Law Centre, Faculty of Law, Delhi University and LLM from Harvard Law School.

dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe.¹⁴ This conception of property as the “sole and despotic dominion” of the individual is wide enough to take within its sweep the common law of torts as well.¹⁵ However, this interpretation of the right to property is not universally accepted.

12. According to the author the concept of a property right which would include in its sweep a right to privacy appears to have stemmed from the very article which brought the right to privacy to the fore. Warren and Brandies had stated in 1890 : The right of property in its widest sense, including all possession, including all rights and privileges, and hence embracing the right to an inviolate personality, affords alone that broad basis upon which the protection which the individual demands can be rested.¹⁶ The article then goes on to discuss the publicity rights abroad.

13. From the pleadings and the materials, *prima facie*, it does appear that the Respondent No.1 has garnered

¹⁴ William Blackstone, Commentaries on the Laws of England (1809 Vol. II, Book 2, 15th Edn.) Ch 1, 2 cited in Pavlos Eleftheriadis, “The Analysis of Property Rights”, 16 Oxford J Legal Stud 31 (1996) (hereinafter referred to as “P. Eleftheriadis, Property Rights”) and Theodore M. Benditt, “private Land Ownership and its Limitations”, Public Affairs Quarterly, Vol. 29, No.3, 2015, 297-312 at p.298.

¹⁵ For instance, see John Oberdiek (Ed.) Philosophical Foundations of the Law of Torts, (United Kingdom: OUP Oxford, 2014) at p. xxxvi. See also Shyamkrishna Balganesh, “Debunking Blackstonian Copyright”, The Yale Law Journal, Vol. 118, No.6 (April, 2009), pp. 1126-181.

¹⁶ Warren and Brandeis, “Privacy” at p.221.

immense goodwill and reputation in the media and entertainment industry in India and globally. The Respondent No.1's name has become a brand name and has obtained a brand value. The names "Karan" "Johar" when used together as done by the Appellant in relation to the said film clearly identifies the Respondent No.1. Respondent No.1 is a well known public figure and he is identifiable by his name itself by public at large. We are in agreement with the learned Senior Advocate Mr. Andhyarujina that since the name of Respondent No.1 has become his brand name, he has the economic right to commercially exploit the same as per his discretion. We do not find force in the submission of Mr. Saraogi, learned counsel for the Appellant that the said film has nothing to do with the name of the Respondent No.1. Using the name "Karan" and "Johar" in the title of the film together along with "directors" clearly indicate the intention of the Appellant to use the brand name of Respondent No.1 to attract the audience and violate Respondent No.1's goodwill and reputation, right to privacy and personality right. The name "Karan Johar" is solely associated with the Respondent No.1 and forms a germane part of his personality and brand name. Further, it is an admitted position that the two characters "Karan" and "Johar"

play the role of Bollywood film directors in the said film. Thus, the juxtaposition of the name of the characters in the film and their profession in the film, makes a direct reference to only Respondent No.1 and nobody else. The submission of the learned Senior Advocate that the general public would associate the film with the Respondent No.1 on the basis of the title of the said film has merit.

14. Reliance placed by learned counsel for the Appellant on the cinematographic film titled “Karan Arjun”, and other such films which uses the names of the protagonists in the title of the film in support of his submissions is completely misplaced. The name of the Respondent is “Karan Johar” and the claim that he widely recognised by this name merits consideration, for this is a distinguishing feature from the film titled “Karan Arjun”. The contention of learned counsel for the Appellant that there is a wide difference in the title of the said film and the name of the Respondent No.1 and that the title of the said film does not identify the name of the Respondent No.1 can only be stated to be rejected.

15. The Courts of India have time and again recognised personality right and publicity right of public figures including

celebrities. Much emphasis has been placed by learned counsel for the Appellant that there is no such concept of “celebrity rights” in individual in support of his submission that the learned Single Judge has given undue importance to the concept of “celebrity rights”. However, in paragraph 76 of the impugned order, the learned Single Judge observed that in the present case, Respondent No.1 is not claiming “celebrity rights” but is infact enforcing “personality and publicity rights”. It is the Respondent No.1’s case that “celebrity rights” itself are not independent and separate from publicity and personality rights. In our opinion mere use of the expression “celebrity rights” by the Respondent No.1 will not be a factor to deprive the Respondent No.1 of an injunction if otherwise the Respondent No.1 makes out a case for enforcing his “personality and publicity rights”.

16. From the pleadings and the materials on record, *prima facie*, we are satisfied that Respondent No.1 is a highly credited and leading Indian Director, Producer, Writer Filmmaker and Television Personality primarily working in the media and entertainment industry and is the recipient of several awards and accolades. The Respondent No.1 has established an esteem and reputation for directing and

producing cinematic films of romantic genere and larger than life wedding scenes. The Respondent No.1 is also known for directing and producing family oriented films and films based on the concept of marriage suitable for all audiences of all ages. We find force in the submission of learned Senior Advocate for Respondent No.1 that he has garnered immense goodwill and reputation in the media and entertainment industry and that Respondent No.1's name has become a brand name and has obtained a brand value and that "Karan" "Johar" when used together as done by the Appellant in relation to the said film clearly identifies the Respondent No.1.

17. The decisions referred to by learned counsel demonstrate that time and again the Courts in India have recognised personality rights and publicity rights as judicially enforceable rights. If it is the Respondent No.1's case that his name has become his brand name and he has economic right to commercially exploit the same as per his discretion, we do not see any legal provision which comes in the way of his discretion in commercially exploiting his brand name.

18. The Respondent No.1 claims to be a celebrity and therefore, if the materials on record justify this claim, he is

entitled to the protection of his personality and publicity rights and can claim protection against unauthorised commercial exploitation by third parties.

19. It is an admitted position that the two protagonists of the said film named "Karan" and "Johar" are characters that are attempting to become directors. The conjoint use of "Director" which is the profession of the Respondent No.1 and "Karan Aur Johar" / "Karan-Johar" which is the name of the Respondent No.1 along with the plot of the film is clearly indicative that there is a direct reference to the Respondent No.1. It is the Appellant's case that the Respondent No.1's personality and publicity rights have not been infringed in the present case since two separate characters are named as "Karan" and "Johar". The materials on record demonstrate that the trailer of the film shows the name of the film as "Shaadi Ke Director Karan-Johar"; website of the Applicant indicates that its latest movie is titled "Shaadi Ke Directors Karan Aur Johar"; posters displayed by the Appellant indicate that the name of the film is "Shaadi Ke Director Karan Aur Johar"; script of the film submitted by the Appellant along with its Interim Application repeatedly indicates the use of the name "Karan Johar" conjointly; script directly identifies the Respondent

No.1's company Dharma Productions Private Limited; the audio-video clip of the interviewer asking the Appellant why he has chosen to name the film as "Shaadi Ke Directors Karan Aur Johar", when the same is a direct reference to a prominent figure in the Bollywood industry; in the initial scene of the film submitted by the Appellant, the shop is reflected as "Shaadi Ke Director Karan_Johar Ji", which supports the case of the Respondent No.1.

20. Learned counsel for the Appellant submitted that the Appellant is willing to add the word "Aur" between the names "Karan" and "Johar". In our opinion the use of the words "director" - "Karan" - "Johar" in any combination is sufficient to create a confusion in the minds of the public at large as the same would be directly associated with the name of the Respondent No.1. The Appellant cannot be allowed to exploit the reputation and goodwill of the Respondent No.1 in this manner. Learned Senior Advocate submitted that a simple google search of "Karan Aur Johar" provides the output of Wikipedia page of Respondent No.1 and news articles related to the Respondent No.1. This material in the form of google search is a part of the compilation of the documents.

21. Let us briefly analyse the decisions referred by learned counsel for the Appellant. The case of *Mr. Shivaji Rao Gaikwad* (supra) expressly acknowledges that the name of a celebrity is an attribute of his personality and therefore a celebrity has personality rights in his name which the celebrity is entitled to protect. Further, it was held that if a person uses the name of a celebrity without his/her permission, the celebrity is entitled for injunction, if the said celebrity could be easily identified by the use of his name by others.

22. In *Arijit Singh* (supra), the defendants were running websites using the name of the plaintiff therein. The Court acknowledged that the name is also a personality right of a person. In *Anil Kapoor* (supra) the defendants were enjoined from running the websites using the name of the personality. In *Titan Industries Ltd.* (supra) the publicity right of the celebrity was recognised and it was observed that the right to control use of human identity is the right to publicity. It is only the personality (celebrity), who has the right to use his name which is his property and only he can commercially control and exploit this right.

23. The submission of learned counsel for the Appellant

that as there is a certification of CBFC and hence it is immaterial in determining whether the rights of the Respondent No.1 had been violated, in our opinion, is completely misplaced. The CBFC considers various factors under the provisions of the Cinematograph Act, 1952 prior to certifying a film for public exhibition. There are guidelines notified by the Central Government dated 7th January 1978 governing the CBFC with respect to certification of films. We are in agreement with the submissions of learned Senior Advocate for the Respondent No.1 that the CBFC does not examine or evaluate whether the film violates the personal rights, inter alia, trade marks, personality rights, privacy rights or brand name. The remedy of the Respondent No.1 to take action against the violation of his personality or publicity rights is not barred merely because there is a certification of the film by CBFC.

24. **Sanjay Leela Bhansali and others vs. State of Rajasthan and others**¹⁷ is distinguishable on facts as the case concerned criminal allegations and/or allegations of defamation. The film was in respect of whether public decency and morality was being affected by exhibition of the film.

¹⁷ 2018 SCC OnLine Raj 283

25. The Delhi High Court in **Hamdard National Foundation and another vs. Hussain Dalal and others**¹⁸ restrained the defendant from using the brand name of the plaintiff "Roohafza" in the film "Yeh Jawaani Hai Deewani". The aforesaid relief was granted and the content of the film was modified without any challenge to the CBFC certification, even after the CBFC certificate was obtained. The contention of learned counsel for the Appellant that because there is a certification by the CBFC there is no question of entitling the Respondent No.1 to an order of injunction, does not appeal to us.

26. So far as the contention of learned counsel for the Appellant that the disclaimer at the beginning of the film and on the poster of the film which reads as "This film has nothing to do with Producer/Director Shri Karan Johar Ji" is sufficient to safeguard the interest of the Respondent No.1, in our opinion, such a disclaimer is not an adequate remedy for protecting the personality and publicity rights of the Respondent No.1. Thus, so far as the disclaimer is concerned, as held by the Delhi High Court in *Hamdard National Foundation and another* (supra), the restrictions and conditions in the form of

18 2013 SCC OnLine Del 2289

disclaimer can be put on a case to case basis.

27. The decision relied upon by the learned counsel for the Appellant in **Krishna Kishore Singh vs. Sarla A. Sarogi**¹⁹ viz. order dated 10th June 2021 in Interim Application No.5697 of 2021 and order dated 11th July 2023 in Interim Application No.10551 of 2021 is of no assistance to the Appellant herein as the plaintiff therein was unable to make out a *prima facie* case. In the facts of the case the Court observed that only a trial can determine whether the plaintiff therein has *locus standi* to claim relief on behalf of his late son as the plaintiff therein was claiming posthumous rights.

28. Reliance placed by learned counsel for the Appellant on the decision in **Dr. Reddy Laboratories Limited vs. Eros International Limited and another**²⁰ does not help the Appellant's case as the film showed a company 'DRL' whose area of business/trade was completely different from the plaintiff's business and 'DRL' is not used in the title of the film, whereas in the present case the characters "Karan" and "Johar" are attempting to become Bollywood film directors and the title of the film itself uses "directors" along with "Karan" and "Johar". Further, the Delhi

¹⁹ 2021 SCC OnLine 3818

²⁰ 2021 SCC OnLine Del 1298

High Court was of the opinion that there are various other entities whose trade name consists of the acronym 'DRL' that was submitted by the defendant therein before the Court.

29. We have carefully gone through the findings recorded by the learned Single Judge. Having regard to the well considered findings of the learned Single Judge and for the reasons mentioned hereinabove we find no scope to interfere with the impugned order in this Appeal.

30. Regarding to the scope of interference in Appeal from an order of injunction passed by the learned Single Judge, the principles laid down by the Supreme Court in **Wander Limited vs. Antox India Pvt. Ltd.**²¹, **Shyam Sel and Power Limited and another vs. Shyam Steel Industries Limited**²², **Ramakant Ambalal Choksi vs. Harish Ambalal Choksi and others**²³ and the Full Bench of this Court in **UTO Nederland B. V. & Anr. vs. Tilaknagar Industries Ltd.** of this Court dated 28th April 2025 in Appeal No.66 of 2012 dissuades us from interfering with the discretion exercised by the learned Single Judge granting an injunction in favour of Respondent No.1, as it is not possible

21 1990 (supp) SCC 727

22 (2023) 1 SCC 634

23 2024 SCC OnLine SC 3538

for us to hold that the exercise of discretion is arbitrary, capricious or perverse. The exercise of discretion is on well settled sound legal principles.

31. The Appeal is dismissed. Interim Application (L) No.9929 of 2025 and Interim Application (L) No.10124 of 2025 are disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)