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Reputation *versus* Image

How to protect them on the web - the Indian experience

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Two different rights. One takedown button.



REPUTATION

What others are entitled to believe about you

A dignitary interest.

- Article 21 - reputation is part of the right to life and dignity
- Criminal defamation survives: BNS 2023, s. 356 (from 1 July 2024)
- Remedy: injunction, apology, prosecution — and now, de-indexing



IMAGE

What you are entitled to sell

A commercial asset.

- Goodwill, passing off, Trade Marks Act 1999 ss. 27(2), 29
- Publicity rights - judge-made; there is no Indian statute
- Remedy: injunction and account of profits

India regulates both through the same pipe: the intermediary. Which means the same 2-hour clock, whichever right you are asserting.

Subramanian Swamy v. Union of India (2016) 7 SCC 221 · Bharatiya Nyaya Sanhita 2023, s. 356 · ICC Development v. Arvee Enterprises, 2003 (26) PTC 245 (Del)



For brands, the rule has not moved since 1999

*“A tradesman can say his goods are the best in the world, even though the declaration is untrue. He can say his goods are better than his competitors’ - **but he cannot say that his competitor’s goods are bad.**”*

Reckitt & Colman of India v. M.P. Ramachandran, 1999 PTC (19) 741 (Cal)

And the test the courts still apply to a fifteen-second reel:

1 Intent

of the commercial

2 Manner

of the commercial - the decisive limb

3 Storyline

and the message it conveys

Pepsi Co. v. Hindustan Coca Cola, 2003 (27) PTC 305 (Del) (DB) · defence: honest comparative use, Trade Marks Act 1999 ss. 29(8), 30(1); Havells India v. Amritanshu Khaitan, CS(OS) 107/2015 (Del, 2015)



What changed is the injunction, not the rule

72

hours to pull the campaign
from every platform at once

Dabur v. Patanjali

- Calling a whole licensed product class “dhoka” - deceit - is not puffery.
- Misleading commercial speech gets no Article 19(1)(a) protection.
- Injunction runs against TV, YouTube, social media, the advertiser’s own site and third-party platforms - in one order.

“Removal of the two words ‘42 ingredients’ will not render [the advertisements] which are otherwise disparaging to be not disparaging.”

Dabur v. Shree Baidyanath

- The single judge had let the ads run with the offending comparison deleted.
- The Division Bench enjoined both outright.
- You cannot redline your way out of a disparaging advertisement - the court reads the whole message.

The operational consequence: your client must be able to take a live campaign off every surface within 72 hours. Most cannot.

Dabur India v. Patanjali Ayurved, CS(COMM) 1182/2025, Delhi HC, 6 November 2025, 2025 SCC OnLine Del 8347 · Dabur India v. Shree Baidyanath Ayurved Bhawan, APO/27/2022, Calcutta HC (DB), 11 December 2025



Same court, same year, opposite answers

INJUNCTED

Zyduz Wellness v. Prashant Desai

- Instagram video: “Don’t give these 3 foods to your kids ever” — brands named.
- Influencer had no professional qualification for a nutrition claim.
- Content left online is a continuing cause of action - every view a fresh harm.

REFUSED

San Nutrition v. Arpit Mangal

- Reviewers alleged quality failures - on the strength of laboratory results.
- “Reasonable criticism, comment and parody is largely protected.”
- The court declined to apply a stricter standard to the internet than to print.

The dividing line is evidence, not tone. Ask whether the critic had an objective basis - not whether the video hurt.

Zyduz Wellness Products v. Prashant Desai, CS(COMM) 684/2024, Delhi HC, 26 September 2024, 2024:DHC:7432 · San Nutrition v. Arpit Mangal, 2025:DHC:2973, Delhi HC, 1 May 2025 · outer limit: Bloomberg Television v. Zee Entertainment, 2024 SCC OnLine SC 426 (ex parte gag orders must be exceptional)



No statute. And probably the world's busiest docket.

Validity + Identifiability

An enforceable right in the persona, and a celebrity identifiable from the defendant's use.

No proof of confusion, falsity or deception is required. Easier to plead than passing off in London.

Titan Industries v. Ramkumar Jewellers, 2012 SCC OnLine Del 2382

What the bundle now covers

● A catchphrase **"Jhakaas"**

Anil Kapoor v. Simply Life India, CS(COMM) 652/2023, Delhi HC, 20 Sept 2023 - expressly covers deepfakes, face-morphing, GIFs, ringtones

● A nickname and mannerisms **"Bhidu"**

Jackie Shroff v. The Peppy Store, 2024:DHC:4046, 15 May 2024 - but parody and meme content carved out

● A voice **AI cloning**

Arijit Singh v. Codible Ventures, Bombay HC, 26 July 2024 - offering the tool is itself the violation

● A face, at scale **275 URLs**

Preity Zinta v. Google, Bombay HC, 8 July 2026 - removal ordered across Google, Meta, X, YouTube, Instagram

Doctrinal sources: Article 21 (K.S. Puttaswamy v. Union of India (2017) 10 SCC 1) · passing off · Copyright Act 1957 ss. 38A–38B (performers' rights) · Trade Marks Act 1999 ss. 2(1)(m), 14



2026: the courts start pulling the two apart again

“I do not incline to grant any blanket orders in the name of personality rights.”

Delhi High Court, August 2026, declining blanket relief over 6,884 URLs — warning that such orders could be used by celebrities to conceal wrongdoing, and that fan pages may be satire, criticism or admiration.

The right narrows to three things

1 Commercial exploitation

monetised use of the persona

2 Impersonation

passing yourself off as them

3 Obscenity

sexualised or vulgar depiction

Not covered: caricature, lampooning, parody, informational use of material already public, and criticism of what a public figure actually did. Which is exactly where the 2003–2023 line had drifted.

Digital Collectibles v. Galactus Funware, 2023:DHC:2796, 26 April 2023 · Alakh Pandey v. John Doe, 2026 LiveLaw (Del) 736, 22 August 2026 · Janhvi Kapoor and Khushi Kapoor suits, Delhi HC, August 2026 (reported)



The machine: India now measures takedown in hours

3 hours

Court order or authorised government intimation

Rule 3(1)(d) - was 36 hours

2 hours

Nudity, impersonation and artificially morphed images

Rule 3(2)(b) - was 24 hours;
complaint alone, no court order

7 days

Grievance officer to resolve a complaint

Rule 3(2)(a) - was 15 days

Plus a labelling duty on synthetic content

“Synthetically generated information” is defined and must be labelled prominently, with permanent provenance metadata that users cannot strip. Large platforms must collect a declaration on upload and deploy tools to verify it. Text-only AI output is excluded.

The draft’s 10%-of-display watermark did not survive into the notified rules — if you have read that it is law, it is not.

IT (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026, G.S.R. 120(E), notified 10 February 2026, in force 20 February 2026 · architecture still governed by Shreya Singhal v. Union of India (2015) 5 SCC 1 — “actual knowledge” means a court order or an authorised government notification



Reputation's slow lane: erasing the past



Delhi High Court builds a de-indexing framework

End-May 2026 - forty-plus petitions decided together

- Writ jurisdiction runs against private search engines: informational privacy under Article 21.
- Three-part test: outcome of the proceedings; the public role of the person; continuing relevance.
- Absolute bars: convictions for offences against women and children; breach of public trust.
- De-indexing is not erasure - the judgment stays, the name stops being the key. Ordered globally, across all domains.

Pulling the other way

The Supreme Court has intervened twice - July 2024 and February 2026 - and both times to protect publication. "A wall of privacy ... is not good for democracy."

And the statute is not here yet

The DPDP Act has an erasure right, not a right to be forgotten and no de-listing right against search engines. Its Rules phase the data principal's rights in only from mid-May 2027.

The structural point: India has no Google Spain machinery — no form, no regulator, no notice-and-action. The entry ticket is a writ petition. Which is why the fast remedy for reputation in India is still an interim injunction, not a privacy right.

Laksh Vir Singh Yadav v. Union of India, 2026:DHC:4891 (Del, end-May 2026) — under appeal · Ikanoon Software v. Karthick Theodore, SLP(C) 15311/2024 (SC, 24 July 2024, stay) · SLP(C) 4054/2026 (SC, 6 February 2026, stay) · DPDP Act 2023 s. 12; DPDP Rules 2025, G.S.R. 846(E), 13 November 2025



What I would actually tell a client

If you are under attack - the ladder

1 Preserve, then notify

Timestamped captures first. Then the grievance officer, URL by URL, citing the rule and the clock.

2 Use rule 3(2)(b) if it fits

Morphed or impersonating imagery: two hours, no court order needed.

3 Appeal to the GAC

Thirty days, free, online. Filing alone often produces the result.

4 Then court - and implead

Dynamic and John Doe relief; implead MeitY and the DoT so the order is state-enforced.

If you are the advertiser - four rules

Substantiate before you compare.

The whole message is judged, not the clause you deleted.

Build a 72-hour multi-platform kill switch.

Indian injunctions no longer distinguish between television and a reel.

Buy the person, not the property.

Publicity rights are personal - a federation or event licence does not carry the athletes.

Label your synthetic creative, and warrant it.

Prominent label plus provenance metadata; push the obligation down to your AI vendor by contract.

Self-regulation runs in parallel and is faster: ASCI resolves in about seventeen days, 97% of the violations it saw in 2025 were digital, and it referred over 4,800 advertisements to statutory regulators in six months. For listed companies, SEBI LODR reg. 30(11) puts a 24-hour clock on a market rumour.



IN CLOSING

India has made **image** very easy to protect,
and **reputation** very hard to repair.

A fake endorsement comes down in two hours. An acquittal takes a writ petition, four years and an appeal. If you advise brands entering India, build for the first and budget for the second.

Thank you.

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