



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO. 30382 OF 2025
IN
COMMERCIAL IP SUIT (L) NO. 30262 OF 2025

Asha Bhosle

...Applicant/Plaintiff

Versus

Mayk Inc

...Respondent/Defendant

Mr. Ankit Lohia a/w Mr. Vikram Trivedi, Mr. Rashid Boatwalla, Ms. Lipsa Unadkat and Ms. Garima Jain, Advocates i/b Manilal Kher Ambalal & Company for Applicant/Plaintiff.

Ms Charu Shukla and Ms Amishi Sodani i/b Ms Charu Shukla for Defendant No.6 (Google LLC).

CORAM : ARIF S. DOCTOR, J.

DATE : 29th SEPTEMBER, 2025.

P.C.

1. Mr. Lohia Learned Counsel appearing on behalf of the Applicant/Plaintiff, at the outset pointed out that the Defendants though served, have today not appeared. He undertakes to file an Affidavit of Service in the Registry of this Court within a period of one week from today. He thus presses the Interim Application for ad interim reliefs.

2. Mr. Lohia submits that the Applicant/Plaintiff has filed the captioned Commercial IP Suit *inter alia* seeking protection of her personality rights,

which would include within its scope the Applicant/Plaintiff's name, voice, signatures, photographs, images, and caricatures of the Applicant/Plaintiff as also various other attributes of the Applicant/Plaintiff's personality rights against unauthorised/unlicensed use and/or commercial exploitation. Additionally he points out that the Suit also pertains to the violation of the Applicant/Plaintiff's moral rights, which vest in the Applicant/Plaintiff in respect of her performances as conferred upon the Applicant/Plaintiff by virtue of Section 38-B of the Copyright Act, 1957.

3. Mr. Lohia then invited my attention to the Plaint, to point out that the Applicant/Plaintiff is an eminent and well-known personality in the field of music and has played an integral part in the Indian music/entertainment industry for over seven decades. Mr. Lohia pointed out that the Applicant/Plaintiff enjoys immense respect, prestige and goodwill both nationally and internationally and has a staggering repertoire of songs comprising various different genres, including film music, pop, ghazals, classical music, devotional songs, etc. He then invited my attention to Exhibit A to the Plaint which sets out the songs sung by the Applicant/Plaintiff.

4. Mr. Lohia then also invited my attention to paragraph 18 of the Plaint and pointed out therefore that the Applicant/Plaintiff has won and/or been conferred with the following accolades and awards, both National and International :

(i) **Two National Film Awards** for Best Female Playback Singer; **Dadasaheb Phalke Award**, India's highest honour in cinema (2000); **BBC Lifetime**

Achievement Award presented by the then UK Prime Minister Mr. Tony Blair (2002);

(ii) **International Indian Film Academy Lifetime Achievement Award** (2002).

(iii) **Padma Vibhushan, the country's second-highest Civilian Award** (2008);

(iv) **9 Filmfare Awards** (including a Lifetime Achievement Award and a record 7 Awards for Best Female Playback Singer);

(v) **Guinness Book of World Records** (recognized in 2011 as the **"Most Recorded Artist"** in music history);

(v) **Grammy Nominations** (2 nominations); and numerous State awards, including the **Maharashtra Bhushan Award in 2021**.

5. Mr. Lohia has further pointed out that the Applicant/Plaintiff's social media accounts on platforms such as Instagram, Facebook, X (formerly known as Twitter) and YouTube show the Applicant/Plaintiff's following to be 7,46,000 on Instagram, 8,80,000 on Facebook, 46,00,000 on X (formerly known as Twitter) and 2,85,000 on YouTube respectively. He submits that such a vast following on diverse social media platforms is itself a testament to the enormous reputation and goodwill accumulated by the Applicant/Plaintiff. The screenshots / extracts / pages from the social media platforms of the Applicant/Plaintiff are annexed at **Exhibit "B"** of the Plaint.

6. Mr. Lohia then invited my attention to paragraphs 23 to 30 of the plaint to point out that the same in detail set out how the Applicant/Plaintiff's personality rights have come to be exclusively associated with Applicant/Plaintiff, and (a) the Plaintiff's name; (b) the Plaintiff's voice / vocal

style and technique / vocal arrangements and interpretations;(c) the Plaintiff's mannerism / manner of singing;(d) the Plaintiff's image / photograph / caricature and her likeness; and (e) the Plaintiff's signature.

7. In the aforesaid backdrop, Mr. Lohia has submitted that the Applicant/Plaintiff holds the right to command and control the use of all facets of her personality since the same form part of her exclusive personality rights and/or publicity rights in respect of which the Applicant/Plaintiff has acquired common law rights. Mr. Lohia submitted that misappropriation of any attribute/facet of the Applicant/Plaintiff's personality rights without the express permission and/or consent of the Applicant/Plaintiff for any use, commercial or otherwise, is liable to be restrained not only on the basis of the publicity rights, namely the exclusive right to commercially exploit one's personality, but also on the basis of the tort of dilution, more particularly, tarnishment. He submitted that any unauthorized distortion, mutilation, or other modification, of the Applicant/Plaintiff's performances/voice or video recordings thereof, which would prejudice/harm the Applicant/Plaintiff's reputation, would amount to a violation of the Applicant/Plaintiff's moral rights under Section 38-B of the Copyright Act, 1957.

8. Mr. Lohia has then pointed out the details of the infringing activities of the Defendants which necessitated the filing of the present Suit are more particularly set out in paragraphs 41 and 42 of the Plaint and essentially are as follows:

a. Defendant No. 1 is the owner of Defendant No. 2, i.e., a website offering a clone of the Applicant/Plaintiff's voice. Defendant No. 2 is an Artificial Intelligence platform that utilizes sophisticated algorithms, enabling any person to sing any song in the Applicant/Plaintiff's voice. By using this technology, Defendant Nos. 1 and 2 offer to the public at large the conversion of any voice and/or any sound recording and/or song of their choice to the voice of their desired celebrity, more particularly like that of the Applicant/Plaintiff. That Defendants Nos. 1 and 2 are deliberately using the Applicant/Plaintiff's personality traits to ride upon the Applicant/Plaintiff's goodwill and reputation. Defendant Nos. 1 and 2 are unauthorizedly distorting, mutilating and/or making modifications to the Applicant/Plaintiff's voice so as to create AI voice models for the purpose of creating false sound recordings that sound similar to the Plaintiff's voice/vocal techniques, mannerisms/manner of singing and interpretation thereof. A copy of Defendant No. 2's webpage offering to clone the Applicant/Plaintiff's voice is at **Exhibit "D-1"** of the Plaintiff.

b. Defendant Nos. 3 and 4 (i.e., Amazon Seller Services Pvt. Ltd. and Flipkart Internet Pvt. Ltd.) are online marketplaces that are displaying, advertising, promoting, and offering for sale posters, wallpapers, portraits, and animated caricatures of the Applicant/Plaintiff's image, photograph, and likeness which have been unauthorizedly created by unknown or unidentified persons/entities who are commercially exploiting the Applicant/Plaintiff's publicity and personality rights by advertising,

promoting, and selling merchandise/goods bearing the Applicant/Plaintiff's name, image, photograph, and likeness on www.amazon.in, www.flipkart.com and www.harrytiwari.com respectively. Screenshots of listings on Defendant Nos. 3 and 4's platform illegally using the Applicant/Plaintiff's image, photograph, and likeness by unknown persons/entities, respectively, are at **Exhibits "E"** and **"E-1"** of the Plaint.

c. Defendant No. 5 is a sketch artist who offers for sale T-shirts and hoodies for sale carrying *inter alia*, images of the Applicant/Plaintiff amongst other celebrities on his own website at <https://harrytiwari.com/products/asha-bhosle-unisex-t-shirt-bollywood-singer-apparel?pos=1&sid=10a706430&ss=r> and <https://harrytiwari.com/products/asha-bhosle-hoodie-bollywood-legend-singer-apparel?pos=2&sid=10a706430&ss=r>. Defendant No.5 unauthorisedly is commercially exploiting the Applicant/Plaintiff's personality and publicity rights by illegally advertising, promoting and offering for sale such items/merchandise/clothing without any permission or consent of the Applicant/Plaintiff. A screenshot of the webpages on the platform of Defendant No. 5 offering for sale T-shirts/hoodies bearing the Applicant/Plaintiff's name and image is at **Exhibit "E-2"** of the Plaint.

d. Defendant No. 6 company is a provider of search and advertising services on the internet. YouTube is Defendant No. 6's online social media platform and social media service provider for video sharing. There are several videos containing songs along with visuals that had been uploaded by various unknown persons/entities on Defendant No.6's video sharing

platform YouTube in a short span of time. None of these songs have ever been sung by the Applicant/Plaintiff in her entire career spanning 82 years. Details of such instances of these songs/videos are more particularly set out at para 41(3)(b) of the Plaint. Screenshots of the impugned videos featuring the cloned AI voice of the Applicant/Plaintiff as appearing on YouTube is set out at **Exhibit “F”** of the Plaint. A bare perusal of the description of each of the said videos as uploaded on YouTube makes it clear that the voice of the Applicant/Plaintiff is cloned and generated via AI and is not that of the Applicant/Plaintiff at all. Mr. Lohia submits that some of the websites identified by the Applicant/Plaintiff are as under:

- i. <https://youtu.be/oCIyZ9toEn0?feature=shared>
- ii. <https://youtu.be/-SmEi7aciz0?feature=shared>
- iii. https://youtu.be/qIOXJK_v6oY?feature=shared
- iv. <https://youtu.be/3ZoI9DpW5vg?feature=shared>

e. Mr. Lohia submits that by using this AI technology, unknown users are able to upload videos accompanied by audio demonstrating to the viewers/public at large that they can clone the Applicant/Plaintiff’s voice and make her “sing” any song and/or create a song of their choice in her voice and monetise such content. He submits that it is clear that these videos have been created/uploaded/broadcast on YouTube for commercial gains by exploiting the rights of the Applicant/Plaintiff. Defendant No. 6 is therefore facilitating unauthorised users to proliferate and deliberately use, imitate, misappropriate and exploit the Applicant/Plaintiff’s personality rights.

9. Mr. Lohia, additionally submitted that in addition to the identifiable

instances of violation of the Applicant/Plaintiff's personality rights there are several entities/persons who are operating in a clandestine manner without a clear disclosure of their names, addresses and other details. He has further submitted that the Defendants whose details are available with the Applicant/Plaintiff are being impleaded in their named capacity, while the Defendants who have taken steps to ensure that their details are not freely available to the public are being impleaded as Defendant No. 7, viz., "John Doe".

10. Mr. Lohia then pointed out that the Defendant Nos. 1 and 2 appear to be in the business of providing means and tools to their customers to unauthorizedly create AI generated voice models of celebrities and popular fictional characters. It is further submitted that the Defendant Nos. 3 to 5 are unauthorizedly commercially exploiting the Applicant/Plaintiff's personality traits, namely, her name, image, photograph/caricature and likeness on various merchandise. These Defendants are misusing and exploiting the Applicant/Plaintiff's personality traits for personal and commercial gain at the expense of the Applicant/Plaintiff's rights. It is submitted that permitting the Defendants to continue to exploit/violate the Applicant/Plaintiff's personality/publicity rights, without Applicant/Plaintiff's consent also jeopardizes the Applicant/Plaintiff's career as a performer/singer and her status of a celebrity. In so far as acts of Defendant Nos.1 and 2 are concerned, the act of creating and disseminating songs and videos (by using the voice, photograph, etc. of the Applicant/Plaintiff) that instruct individuals

on how to use AI models to replicate a celebrity's voice, such as the Applicant/Plaintiff without her consent cannot be shielded under the right of freedom of speech and expression. It is thus submitted that unless reliefs as prayed for are granted, grave and irreparable loss and injury will be caused to the Applicant/Plaintiff, and monetary compensation will not be an adequate relief.

11. Mr. Lohia has then submitted that this Court as well as the Delhi High Court have recognised and granted relief in cases of violation of personality rights. In support of his contention he has placed reliance upon the decision of this Court in ***Arijit Singh vs. Codible Ventures LLP and Others***¹ from which he has invited my attention to the following findings rendered by this Court.

"17. In view of the aforesaid, prima facie, I am of the view that the Plaintiff's personality traits and/or parts thereof, including the Plaintiff's name, voice, photograph/caricature, image, likeness, persona, and other attributes of his personality are protectable elements of the Plaintiff's personality rights and right to publicity.

18 . It is a settled proposition of law that in an action for protecting personality rights and right to publicity, establishing the celebrity status of the plaintiff is only the primary ingredient. Additionally, it must be established that the plaintiff is identifiable from the defendant's unauthorized use and that such use by the defendant is for commercial gain. In the present Suit, prima facie, the record shows that in the course of their impugned activities Defendant Nos. 1 to 9, 11 to 25, 37 and 38 are unauthorizedly using the Plaintiff's personality traits such as name, image, likeness, etc. and that the Plaintiff can be specifically identified during such use. It also appears that such illegal exploitation of the Plaintiff's personality rights and right to publicity by the Defendant Nos. 1 to 9, 11 to 25, 37 and 38 is for commercial and personal gain. Pertinently, all this is being done by these Defendants without any permission or authorization of the Plaintiff. Making AI tools available that enable the conversion of any voice into that of a celebrity without his/her permission constitutes a

1 2024 SCC Online Bom 2445

violation of the celebrity's personality rights. Such tools facilitate unauthorized appropriation and manipulation of a celebrity's voice, which is a key component of their personal identity and public persona. This form of technological exploitation not only infringes upon the individual's right to control and protect their own likeness and voice but also undermines their ability to prevent commercial and deceptive uses of their identity."

12. He has also placed reliance upon the decision of the Delhi High Court in the case of ***Aishwarya Rai Bachchan vs. Aishwaryaworld.com and others***,² (2025 SCC OnLine Del 5943) from which he has, placed reliance upon the following paragraphs:

"...34. Personality Rights of individuals, simply put, entail the right to control and protect the exploitation of one's image, name, likeness or other attributes of the individuals' personality, in addition to the commercial gains that can be derived from the same. Personality Rights can be located in the individuals' autonomy to permit or deny the exploitation of the likeness of other attributes of their personality.

35. When the identity of a famous personality is used without their consent or authorization, it may not only lead to commercial detriment to the concerned individual but also impact their right to live with dignity. In other words, the unauthorized exploitation of the attributes of an individual's personality may have two facets – first, violation of their right to protect their personality attributes from being commercially exploited; and second, violation of their right to privacy, which in turn leads to undermining their right to live with dignity. The Courts in such cases of unauthorized exploitation of one's Personality Rights, cannot turn a blind-eye to the same and shall protect the aggrieved parties so as to avert any harm to them resulting from the said unauthorized exploitation.

36. Considering the pleadings, documents and submissions made by the learned Senior Counsel for the Plaintiff, it is clear that the attributes of the Plaintiff's persona, including her name and images, are being misused by Defendant Nos. 1 to 9 and 13, without any authorization from the Plaintiff, by employing technological tools, including Artificial Intelligence. The said misuse is not only causing financial detriment to the Plaintiff, but also leads to harming her dignity, reputation and goodwill..."

13. Basis above, Mr. Lohia has submitted that it is well-settled that celebrities are entitled to protection of the facets of their personality, such as their name, images, likeness, voice, signature, etc., against unauthorized commercial exploitation by third parties. It is further settled that personality/publicity rights are vested in celebrities, and the unauthorized use of the name or other persona attributes of celebrities would amount to violation of their valuable personality rights and right to publicity.

14. Ms Charu Shukla, Learned Counsel appearing on behalf of the Defendant No. 6 (Google LLC), has submitted that since her client is in the United States of America, she would need two days' time to take instructions. However, she submitted that insofar as sites/links which are annexed to the Complaint, insofar as Defendant No. 6 is concerned, her client shall take down the same. However, in respect of the broader reliefs, she would need to take instructions.

15. Having heard Mr. Lohia and having perused the material which has been placed before me, as also the case law upon which reliance has been placed by Learned Counsel for the Applicant/Plaintiff, I find that the Applicant/Plaintiff has made out a case for the grant of ad interim reliefs. The fact that the Applicant/Plaintiff is a pre-eminent personality in the field of music is really beyond the realm of doubt. The Applicant/Plaintiff therefore, entitled to protection of her personality rights, including the Applicant/Plaintiff's name, voice, photograph/caricature, image, likeness, persona, and other attributes of her personality. Basis the material upon

which reliance has been placed and what has been attributed to Defendant Nos. 1, 2 and 5 in the Plaint in my *prima facie* makes clear that Defendant Nos.1, 2 and 5, are unauthorizedly using the Applicant/Plaintiff's personality rights. In my *prima facie* view, making AI tools available to enable the conversion of any voice into that of a celebrity without his/her permission would constitute a violation of the celebrity's personality rights. Such tools facilitate the unauthorized appropriation and manipulation of a celebrity's voice, which is a key component of their personal identity and public persona, and such technological exploitation not only infringes upon the individual's right to control and protect their own likeness and voice but also undermines their ability to prevent commercial and deceptive uses of their identity.

16. The fact that Defendant Nos. 1, 2 and 5, though served, have today not appeared, in my view, only lends support to the Applicant/Plaintiff's case that the conduct of Defendant 1, 2 and 5 is purely unauthorized and infringing of the Applicant/Plaintiffs personality rights. It is for this reason that I find that the Applicant/Plaintiff has made out a strong *prima facie case* for the grant of ad-interim relief. The balance of convenience is also entirely in favour of the Applicant/Plaintiff and I am satisfied that if the ad-interim relief is not granted, the Applicant/Plaintiff would suffer irreparable injury.

17. Hence, I grant the Applicant/Plaintiff ad-interim relief against Defendant Nos. 1, 2 and 5 in terms of prayer clauses (a) and (c) which read as under.

"a. Pending the hearing and final disposal of the Suit, Defendant Nos. 1 to 7, by themselves, their agents, servants, associates, and/or any person claiming through or under them, be restrained by a temporary order of injunction from utilizing, exploiting and / or dealing with and / or violating the Applicant's Personality Rights and / or Publicity Rights and / or moral rights and/or Passing off their goods and services as those emanating from or being endorsed by the Applicant by utilizing and/or in any manner, directly or indirectly, using or exploiting or misappropriating the Applicant's (i) name "Asha Bhosle", (ii) voice / vocal style and technique / vocal arrangements and interpretations, (iii) mannerism / manner of singing, (iv) photograph, image or its likeness, (v) signature, persona and / or any other attributes of her personality, for any commercial and / or personal gain and/or otherwise by exploiting them in any manner whatsoever, without the Applicant's written consent and/or written authorization, including but not limited to through the use of any technology such as AI Voice Models, Artificial Intelligence, Generative Artificial Intelligence, Machine Learning, Face Morphing and / or on any medium or formats including but not limited to the physical medium, the virtual medium such as websites, social media, etc;

....

c. Pending the hearing and final disposal of the Suit, Defendant Nos. 1 to 7, by themselves, their agents, servants, associates, and/or any person claiming through or under them, be ordered and directed to take down / remove / delete / block access to / suspend all infringing content that has been uploaded by these Defendants herein, inter alia the infringing URLs identified by the Applicant in Exhibit "D-1", Exhibit "E", Exhibit "E-1", Exhibit E-2" and Exhibit "F" to the Complaint, and to deliver up to the Applicant for destruction all copies of all Impugned Materials shown at Exhibit "D-1", Exhibit "E", Exhibit "E-1", Exhibit E-2" and Exhibit "F" to the Complaint, within the Defendants' possession or control through the use of any technology, including all the copies stored in as computer records, pen drives, compact disks, hard disks, memory cards, email repositories, servers of the Defendants, including cloud based servers, artificial intelligence, machine learning, computer systems, advertising material, brochures, flyers, and to further be directed and ordered to provide all available basic subscriber information, including the names, email addresses, contact numbers, IP logs and registration details of the owners, operators, sellers of goods and/or services through the

URL's identified by the Applicant in Exhibit "D-1", Exhibit "E", Exhibit "E-1", Exhibit E-2" and Exhibit "F" to the Plaint that have been uploaded by the Defendants herein."

18. Insofar as Defendant Nos. 3, 4 and 6 are concerned, I pass the following order:

(i) Pending the hearing and final disposal of the Interim Application, Defendant Nos. 3 and 4 are directed to take down / remove / disable access to all listings/pages identified in the Plaint and annexed at Exhibits "E" and "E-1" thereto, which display, advertise, promote and/or offer for sale posters, wallpapers, portraits, caricatures, merchandise or other goods bearing the Applicant/Plaintiff's name, image, photograph and likeness, within a period of one week from the date of receipt of this order.

(ii) Defendant Nos. 3, 4 and 6 are further directed that in the event the Applicant/Plaintiff notifies them in writing of any further infringing listings/pages of a similar nature appearing on their platforms/websites which exploit the Applicant/Plaintiff's name, image, likeness, photograph or caricature without authorization, they shall, similarly take down / remove / disable access to such infringing listings/pages, subject to their right to communicate to the Plaintiff, with reasons, any objection to such removal.

(iii) Defendant Nos. 3, 4 and 6 shall, upon request and subject to any restrictions furnish to the Plaintiff the basic subscriber / seller information in their possession including name, address, email ID, contact number, IP logs, registration details and payment details of the sellers/uploaders of the

infringing listings/content so notified, to enable the Plaintiff to either implead them as parties to the present proceedings or place there relevant details before the Court in those instances where found necessary.

(iv) Defendant No. 6 shall as per statement of Learned Counsel takedown the specific URLs annexed to the Plaint at Exhibit "F".

19. Stand over to 13th October 2025.

[ARIF S. DOCTOR, J.]