

## News

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**'Khamosh' to online abuse of Shatrughan Sinha's identity, according to the Bombay High Court .**



***Until March 30, Sinha's name, image, and famous "Khamosh" speech will be shielded from deepfakes, phony profiles, porn websites, and e-commerce abuse by an ex parte injunction order.***

Veteran actor and Lok Sabha MP Shatrughan Sinha has been granted ad-interim protection by the Bombay High Court against the misuse of his name, image, and iconic "Khamosh" character on pornographic websites, e-commerce sites, and social media [Shatrughan Sinha v. John Doe, Meta & Ors.].

***On February 16, the Court issued the ex-parte order in chambers, and on February 21, it was made public.***

Judge Sharmila Deshmukh's order prohibited a number of John Doe entities—anonymous, primarily online entities that are the target of general cease and desist orders—as well as social media platforms, content-sharing websites, and e-commerce portals from taking advantage of Sinha's reputation and publicity rights.

***These consist of his name, "Shatrughan Sinha," his voice, his catchphrase, "Khamosh," his likeness, his image, and other distinguishing characteristics.***

According to the High Court, Sinha's unique name and the phrase "Khamosh" have developed trademark-like uniqueness and are therefore protected even under Section 27(2) of the Trade Marks Act.

The judge took note of content that included the 79-year-old actor in altered pornographic material, memes, GIFs, digital stickers, AI-generated deepfakes, and phony profiles.

***The order stated, "This Court is of the prima facie opinion that the Plaintiff's name, likeness, image, persona, etc., deserves to be protected in view of the material which has been placed on record, which prima facie demonstrate the infringement of the Plaintiff's personality rights and public rights and violate his privacy."***

Additionally, the judgment prohibited defendants from altering his persona and performances through the use of GIFs, deepfakes, face morphing, and AI techniques.

***The Court determined that the performer's moral rights under Section 38B of the Copyright Act are violated by such mutilation and distortion.***

Major platforms and e-commerce websites were also ordered to reveal subscriber and seller information, including as names, addresses, and contact and payment data of those who upload or sell content that violates intellectual property rights.

***The Court determined that there was enough evidence to award ex parte relief and extended the injunction until March 30, when it will further consider Sinha's interim plea.***

The ruling was issued after Sinha filed a lawsuit in the High Court, claiming that his character had been widely misused online and demanding ₹20 crore in damages from tech companies, e-commerce sites, and other parties for using his "Khamosh" voice, appearance, and mannerisms without his permission.

***Sinha was represented by attorneys Hiren Kamod, Nidhi Singh, Abha Shah, and Amisha Upadhyay, who were briefed by India Law LLP.***

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