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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 828/2024, I.A. 40391/2024, I.A. 40392/2024, I.A.
40393/2024, I.A. 40394/2024, I.A. 40395/2024 & I.A. 40396/2024

MANCHU VISHNU VARDHAN BABU ALIAS VISHNU
MANCHUPlaintiff

Through: Mr. Pravin Anand, Ms. Jaya Negi and
Ms. Yashi Agrawal, Advs.
M: 8076454840
Email: yashi@anandandanand.com

versus

AREBUMDUM & ORS.Defendants

Through: Mr. Aditya Gupta and Mr. Sauhard
Alung, Advs. for Google LLC.
M: 9425341404
Email: sauhard@ira.law

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
01.10.2024

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I.A. 40393/2024 (Exemption from filing original and clear copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 (“CPC”), on behalf of the plaintiff, seeking exemption from filing clearer copies or documents with exact margins and/or which are handwritten or English translations and from filing originals of the relevant documents.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file legible, clear, and translated copies of the



documents, on which the plaintiff may seek to place reliance, before the next date of hearing.

4. Accordingly, the present application is disposed of.

I.A. 40395/2024 (Exemption from instituting Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar Versus T.K.D. Keerthi, 2023 SCC OnLine SC 1382*, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption from attempting Pre-Institution Mediation, is granted.

7. Accordingly, the application stands disposed of.

I.A. 40392/2024 (Application seeking leave to file additional documents)

8. This is an application under Order XI Rule 1(4) read with Section 151 CPC, as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

9. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015, and the Delhi High Court (Original Side) Rules, 2018.

10. With the aforesaid directions, the application is disposed of.

I.A. 40396/2024 (Application seeking time for filing the Certificate under Section 63(4) (C) of the Bhartiya Sakshya Adhiniyam, 2023)

11. This is an application under Section 151 CPC seeking extension of time for filing required certificate under Section 63(4)(C) of Bharatiya



Sakshya Adhiniyam, 2023 (“BSA”).

12. In view of the averments made in the application, the same is allowed, and extension as sought, is granted.

13. Let the needful be done, accordingly.

14. With the aforesaid directions, the present application is disposed of.

I.A. 40394/2024 (Application seeking extension of time for filing Court Fees)

15. The present is an application seeking extension of time for filing Court Fees.

16. This Court notes that the Court Fees has already been paid by the plaintiff.

17. Accordingly, noting the same, the present application is disposed of.

CS(COMM) 828/2024

18. Let the plaint be registered as suit.

19. Upon filing of the process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff’s documents, without which, the written statement shall not be taken on record.

20. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the



timelines.

21. List before the Joint Registrar (Judicial) for marking of exhibits, on 22nd November, 2024.

22. List before the Court on 22nd January, 2025.

I.A. 40391/2024 (Application under Order XXXIX Rules 1 & 2)

23. The present suit has been filed for permanent injunction restraining defamation, infringement of copyright, misappropriation of personality/publicity rights, unfair competition, passing off, damages and rendition of accounts, etc.

24. It is submitted that the present suit is being filed to protect the plaintiff's name, voice, image, likeness, and all other elements of the plaintiff's persona which are distinctive and the unauthorized use of which by third parties is likely to create confusion and deception amongst the public.

25. The suit also pertains to the violation of the plaintiff's moral rights in his performances conferred upon him by virtue of section 38B of the Copyright Act, 1957. The plaintiff, as an actor has acted in many cinematographic films and thus, enjoys moral rights in his performances in such films and is entitled to restrain any third party from distorting, mutilating or making other modifications to his performance that are prejudicial to his reputation. In the context of the claims in the present proceedings, the defendants are extracting clips from movies or other cinematographic works which contain performances of the plaintiff and other interviews of the plaintiff, for the purpose of creation and communication of videos, which bring ridicule to the plaintiff. The plaintiff has not been informed prior to the creation and dissemination of such



videos, nor has his consent been sought or secured. The defendants, by reproducing clips containing the plaintiff, and that too in a manner which brings disrepute to the plaintiff, and makes him the subject of unsavoury humour, are violating his moral rights in his performances.

26. It is submitted that some of the defendants in the present suit are making use of artificial intelligence such as machine learning algorithms and other technology to morph/superimpose the face of the plaintiff and create images and/or audio-video clips of the plaintiff, which are not in good taste, and which makes the plaintiff the subject of humiliation. It is further submitted, that such videos about the plaintiff generate revenues for the defendants, as they are uploaded and streamed on YouTube.

27. It is submitted that the plaintiff, Mr. Vishnu Manchu is a prominent Indian Actor, Producer, and Director known for his work primarily in Telugu cinema.

28. On account of his vast reputation garnered through his extensive appearance in over 25 films, television shows and advertisements etc., while also being a producer, director and educationalist, the plaintiff's name, voice, image, likeness, signature, mannerisms, gestures and other elements of the plaintiff's persona have acquired a unique distinctiveness. Further, on account of their inimitable nature, the plaintiff's name, voice, image, likeness, signature, mannerisms, gestures and other such elements of the plaintiff's persona also have a huge commercial value associated with them. Therefore, any third party found using any of the above stated elements of the plaintiff's persona is bound to cause confusion and deception amongst the general public as to affiliation with / sponsorship by the plaintiff.

29. It is submitted that apart from being an actor having acted in over 25



projects, the plaintiff is also the founder of '24 Frames Factory', a film production company based in India and also a founder of 'ThinkSmart', a special effects and visual effects studio based in Hyderabad. By way of integrated technology and the role of the plaintiff, the said companies played a significant role in elevating the standards in Telgu films, thereby reflecting the plaintiff's commitment to innovation and excellence in filmmaking.

30. It is submitted that the plaintiff is not merely a niche Telugu actor, as the plaintiff's movies are released globally in various languages, including in Hindi. Further, the plaintiff's movies are also available on various OTT Platforms which can then be accessed in any part of the country / world.

31. Apart from appearing in movies, the plaintiff's production company has created 'Happy Days' and 'Lakshmi Talk Show'. The plaintiff has also forayed into directing with an episode of the show 'Happy Days' which achieved the highest TRP ratings among the 700 episodes of the series and an ad film for the Ministry of Water Resources.

32. The plaintiff is also the Youngest ever President of the 'Movie Artists Association', a trade union which represents over 900 principal and background performers working in the Telugu Film Industry after having contested and recorded victory in the elections in 2021.

33. It is submitted that the plaintiff has acquired a prominent stature as an entrepreneur and philanthropist. Furthermore, he has employed substantial time, effort, labor and skill to produce the goodwill and reputation associated with his name 'VISHNU MANCHU' over the years in the entertainment industry. Even his Instagram handle is called @vishnumanchu and his Twitter handle (now X) handle is called @iVishnuManchu.



34. The extensive goodwill and reputation that the plaintiff has built for himself is evident from the fact on social media itself, on platforms such as Facebook, X (*Formerly known as Twitter*) and Instagram, the plaintiff has garnered 1.5 million, 6,73,486 and 8.2 million followers respectively.

35. The plaintiff's commercial endorsements are done through the utilization of his personality, name, voice, image, likeness, mannerisms, gestures and other characteristics that are uniquely identifiable and associated with the plaintiff, and over which the plaintiff enjoys exclusive control as the same form the plaintiff's 'personality rights' and/or 'publicity rights'. Therefore, it is submitted that no one can utilize and/or misappropriate and/or imitate any facet of the plaintiff's personality and/or exploit the same commercially in any manner whatsoever, without the consent and/or express authorization of the plaintiff.

36. It is submitted that the different aspects of the plaintiff's personality which are protectable, and which are a subject matter of the present proceedings include, the plaintiff's name; his voice; his image/photograph/likeness; his unique style of dialogue delivery; his unique gestures and mannerisms.

37. It is submitted that over the years, the plaintiff has also become well known for his voice. His voice is distinctive and has become exclusively associated with him. As such, if any member of the public bears the plaintiff's voice, he/she will unmistakably associate the same with the plaintiff and no-one else.

38. In addition to his voice, the plaintiff also has a unique style of delivering dialogues, for which the plaintiff has become very popular in the past few years. Several Telugu films have become popular only because of



certain signature dialogues of the plaintiff. The plaintiff's style of dialogue delivery is another attribute that is exclusively associated with him by members of the trade and public. Therefore, even true aspects in relation to the plaintiff fall under protective rights under the Trade Mark Act, 1999 and any such use would also amount to Passing Off as being associated with and/or endorsed by the plaintiff in some manner, and thus also liable to be judicially restrained.

39. It is submitted that the defendants have infringed the rights of the plaintiff, in the following manner:

(i) The defendant no. 1 is operating a channel on YouTube named "AreBumDum". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=TweXlplmXc>.

(ii) The defendant no. 2 is operating a channel on YouTube named "Trollers street". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=MGMsn4mKW3M>.

(iii) The defendant no. 3 is operating a channel on YouTube named "Lingam Mama 2.0". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=2JjVmdQR1gE>.

(iv) The defendant no. 4 is operating a channel on YouTube named "Babai Trolls". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=IPSb307CTKU>.

(v) The defendant no. 5 is operating a channel on YouTube named "SOSO TROLLS". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=zmaYJZW3Cwk>.

(vi) The defendant no. 6 is operating a channel on YouTube named "Thaggedele Trolls". The infringing video on the channel is accessible on



the link <https://www.youtube.com/watch?v=B1waaSIUzTY>.

(vii) The defendant no. 7 is operating a channel on YouTube named "Filmy trolls". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=1UmoIK08wM>.

(viii) The defendant no. 8 is operating a channel on YouTube named "DIGITAL DIARIES". The infringing video on the channel is accessible on the link <https://youtube.com/shorts/DRgDNana5IQ>.

(ix) The defendant no. 9 is operating a channel on YouTube named "Barbell Pitch meetings". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=aL2DIFa1Vf4>.

(x) The defendant no. 10 is operating a channel on YouTube named "phanumantu". The infringing video on the channel is accessible on the link <https://www.youtube.com/watch?v=fYKc5rD69F8>.

40. It is submitted that most of the parties that are misusing the name, voice, image and other elements of the plaintiff's persona are doing so clandestinely and surreptitiously without a clear disclosure of their names, address and other details.

41. The plaintiff states that the infringement of the plaintiff's personality/publicity rights as well as defamation of the plaintiff is being carried out by the defendants by publishing videos posts on their social media channels which bring ill- repute to the plaintiff. The videos / posts are of the following nature:

i. Comparing the Image of the plaintiff with Animals: These involve instances where the defendants have superimposed the pictures of animals beside the plaintiff's image / overlaying terms used to refer to the plaintiff while short clips of the plaintiff's interviews from different sources are taken



out of context to portray the plaintiff in a negative light.

ii. By use of Technology: The defendants have used technology to morph the plaintiff's face onto videos, superimpose the plaintiff's face on the bodies of other people and distort the plaintiff's facial expressions while short clips of the plaintiff's interviews from different sources are taken out of context to portray the plaintiff in a negative light.

iii. By way of Defamatory Content: Various entities have been found to be publishing content which is defamatory in nature by using profane language or maligning the character of the plaintiff and making false and baseless allegations against the plaintiff.


iv. Through use of Affiliate Links: Certain defendants have also been found using the elements of the plaintiff's personality / publicity rights such as the plaintiff's name, image, voice, likeness, persona, mannerisms etc. as also using the clips from the plaintiff's movies/interviews to gain traction on their videos. From the viewership gained, the defendants are making commercial gains / attempting to make commercial gains by providing affiliate links for mobile applications and other paid services in the description section of their videos. The defendants therefore earn money when any user clicks/downloads the mobile applications / paid services using these links.

v. Through utilization of the name of the Plaintiff to host various pornographic videos: The plaintiff's name has been found to be utilized by various parties to host pornographic videos on their websites. On account of the utilization of the name of the plaintiff to host such obscene videos, the plaintiff's reputation, integrity and dignity are prejudicial to his honor and reputation and subjects the plaintiff to humiliation for the sake of cheap humor, or by portraying the individual in an obscene setting.







42. It is submitted that the defendants' defamatory content is highly prejudicial to the goodwill and reputation of the plaintiff, which maligns his character and has the potentiality to cause immense harm to the plaintiff, owing to his position in the leadership of various educational institutions as well as his position in the Telugu film industry, as also his personality / publicity rights.




43. The plaintiff's name has been found to be utilized by various parties to host pornographic videos on their websites. On account of the utilization of the name of the plaintiff to host such obscene videos, the plaintiff's reputation, integrity and dignity are harmed since such content portrays him in a distasteful manner and subjects the plaintiff to humiliation by portraying the individual in an obscene setting. A short summary of the nature of misuse of the plaintiff's personality and name is as follows:

S. No	Category	Defendant	Illustrative Example
1.	Comparing the Plaintiff with Animals and portraying him in a negative light	Defendant Nos. 1 and 2	



			
2.	By use of Technology <ul style="list-style-type: none"> • Morphing the Plaintiff's face on videos • Superimposing the Plaintiff's face on someone else's body. • Distorting the Plaintiff's face 	Defendant Nos. 3 to 7	  
3.	By publishing Defamatory Content <ul style="list-style-type: none"> • False allegations of the Plaintiff 	Defendant No. 1-8	



	<p>rigging the MAA election ballot boxes</p> <ul style="list-style-type: none">• Suggesting that the words and actions of the Plaintiff are irrelevant and that the public wants to beat the Plaintiff.• Suggesting that the Plaintiff's father is solely instrumental in the Plaintiff's success.• Suggesting that the Plaintiff is a mad / stupid person / imbecile.• Suggesting that the Plaintiff is a bad dancer.		  
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4.	By using Affiliate Links	Defendant Nos. 9 and 10	

44. The plaintiff submits that being in the leadership team of various educational institutions, the acts of the defendants show the plaintiff in a negative light which have the potentiality of creating a negative image of the plaintiff and his various educational institutions in the minds of prospective students which not only brings ill-repute to the plaintiff and his institutions, but also has the potentiality to cause monetary harm to the plaintiff.

45. Attention of this Court has been drawn to the order dated 20th



September, 2023 passed in *CS(COMM) 652/2023* and in particular to paragraph 42 and 43 of the said order, which is reproduced as under:

“xxx xxx xxx

42. The technological tools that are now freely available make it possible for any illegal and unauthorised user to use, produce or imitate any celebrity’s persona, by using any tools including Artificial Intelligence. The celebrity enjoys the right of privacy, and does not wish that his or her image, voice, likeness is portrayed in a dark or grim manner, as portrayed on the porn websites. Moreover, the Plaintiff’s image is being morphed along with other actresses in videos and images generated in a manner, which are not merely offensive or derogatory to the Plaintiff, but also to such other third party celebrities and actresses.

43. The Court cannot turn a blind eye to such misuse of a personality’s name and other elements of his persona. Dilution, tarnishment, blurring are all actionable torts which the Plaintiff would have to be protected against.

xxx xxx xxx”

46. Accordingly, in view of the aforesaid submissions, the plaintiff has demonstrated a *prima facie* case for grant of permanent injunction and in case no *ex-parte ad interim injunction* is granted, the plaintiff will suffer an irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff, and against the defendants.

47. Accordingly, till the next date of hearing, the following directions are issued:

i. Defendants (including John Does), their associates, servants, agents, affiliates, holding companies, assignees, substitutes, representatives, group entities, their subscribers, employees and/or persons claiming through them or under them and all other persons, are restrained from creating/ publishing communicating to the public/ disseminating any content, which defames the plaintiff.



ii. Defendants (including John Does), their associates, servants, agents, affiliates, holding companies, assignees, substitutes, representatives, group entities, their subscribers, employees and/or persons claiming through them or under them and all other persons, are restrained from infringing the plaintiff's personality rights by utilizing and/or in any manner directly and/or indirectly, using or exploiting or misappropriating the plaintiff's personality/ publicity rights by the use of the plaintiff's, (a) name 'VISHNU MANCHU', (b) voice; (c) image; (d) any other attribute which is exclusively identifiable with him, for any commercial and/or personal gain, and/or otherwise by exploiting them in any manner whatsoever, without the plaintiff's consent and/or authorization, including, on all formats and mediums like the Metaverse / Artificial Intelligence medium or any future formats / mediums.

iii. Defendants (including John Does), their associates, servants, agents, affiliates, holding companies, assignees, substitutes, representatives, group entities, their subscribers, employees and/or persons claiming through them or under them and all other persons, are restrained from passing off their goods and/or services as those emanating or being endorsed by the plaintiff by utilizing and/or in any manner directly and/or indirectly, using or exploiting or misappropriating the plaintiff's personality/ publicity rights by the use of the plaintiff's (a) name 'VISHNU MANCHU'; (b) voice; (c) image; (d) any other attribute which is exclusively identifiable with him for any commercial and/or personal gain and/or otherwise by exploiting them in any manner whatsoever with the plaintiff's consent and/or authorization, without plaintiff's consent and/or authorization as also from causing dilution and tarnishment of the same.



iv. Department of Telecommunications (“DoT”) and Ministry of Electronics and Information Technology (“MeitY”) are directed to suspend all links/websites as well as links/URLs, which are reproduced as under:

1. <https://www.alldesiporn.com/s/vishnu-manchu-hit-movies-20-20/3/>
2. <https://mat6tube.com/video/vishnumanchu>
3. <https://www.redwap3.com/to/vishnu-manchu-hit-movies-2015-2016/>
4. <https://dewafilm.xyz/video/manchu-vishnu-sex>
5. <https://mypornvid.fun/videos/manchu-vishnu-saleem-movie-sex>
6. <https://sexcelebrity.net/search/Vishnu-Manchu-sex/>
7. <https://www.redporn.video/manchu-vishnu-fucking-tapsee-.htm>
8. <https://pornmaster.fun/hd/vishnu-manchu>
9. <https://hifixxx.fun/downloads/6/search/manchu-vishnu-nude-sex>
10. <https://hifixxx.fun/downloads/3/search/manchu-vishnu-nude-sex>

v. Directions are given to defendant nos. 1 to 10 to take down all the infringing content uploaded by them from the websites as given in paragraphs 17 to 26 of the present application, i.e., as follows:

1. <https://www.youtube.com/watch?v=TweXIpnlmXc>
2. <https://www.youtube.com/watch?v=MGMSn4mKW3M>
3. <https://www.youtube.com/watch?v=2JjVmdQRlqE>
4. <https://www.youtube.com/watch?v=IPSb307CTKU>
5. <https://www.youtube.com/watch?v=zmaYJZW3Cwk>
6. <https://www.youtube.com/watch?v=B1waaSIUzTY>
7. https://www.youtube.com/watch?v=1Umo_IK08wM
8. <https://youtube.com/shorts/DRgDNana5IQ>



9. <https://www.youtube.com/watch?v=aL2DIFalVf4>

10. <https://www.youtube.com/watch?v=fYKc5rD69F8>

vi. In case the infringing content from the aforesaid URLs are not taken down by defendant nos. 1 to 10 within 48 hours, then YouTube shall take necessary steps to block access to/ suspend all the infringing content as uploaded by the defendant nos. 1 to 10, as given in the present order.

vii. The plaintiff is also at liberty to notify the YouTube to block/ suspend all the infringing URLs that have been/are uploaded by the defendants.

viii. In case YouTube finds that any content is not infringing, it can write to the plaintiff. In that eventuality the plaintiff is at liberty to move an appropriate application in this regard to this Court, to seek appropriate orders from this Court.

ix. YouTube is also directed to provide the plaintiff with the necessary details of defendant nos. 1 to 10.

48. Issue notice to the defendants by all permissible modes.

49. Let reply be filed within a period of four weeks.

50. Rejoinder thereto, if any, be filed within two weeks, thereafter.

51. Compliance of Order XXXIX Rule 3 CPC be done within a period of one week, from today.

52. Re-notify on 22nd January, 2025.

MINI PUSHKARNA, J

OCTOBER 1, 2024/kr