

26th September, 23



Daily News Juice

1. Delhi HC protects Anil Kapoor's personality rights
2. Humans breach most of the planetary boundaries
- 3 Scientists figure out how brain cells die, will help in Alzheimer's treatment

Prepmate.in

 **The Indian EXPRESS**

THE  HINDU



Press Information Bureau
Government of India

To get this Daily News Juice PDF,
WhatsApp on 75979-00000

Delhi HC protects Anil Kapoor's personality rights

Relevance: Prelims & Mains Paper II; Governance

Why in news?

- The Delhi High Court recently allowed Kapoor's pleas for protection of his personality rights from misuse by third parties.
- In the past, the courts have given similar judgements to protect Rajinikanth's name and Amitabh Bachchan's voice.



What is a personality right?

- The name, voice, signature, images or any other feature easily identified by the public are markers of a celebrity's personality and are referred loosely as "personality rights." These could include a pose, a mannerism or any aspect of their personality.
- Many celebrities even register some aspects as a trademark to use them commercially. For example, Usain Bolt's "bolting" or lightning pose is a registered trademark.
- The idea is that only the owner or creator of these distinct features has the right to derive any commercial benefit from it. Exclusivity is a big factor in attracting commercial dividends for celebrities. So unauthorised use causes a tangible loss of revenue.
- Celebrities can move the Court and seek an injunction when an unauthorised third party uses their personality rights for commercial purposes.

How does the law protect it?

- Personality rights or their protection are not expressly mentioned in a statute in India but are traced to fall under the right to privacy and the right to property. Even as the Delhi High Court and the Madras High Court have passed interim orders, the law is at a nascent stage in India.
- Many concepts in intellectual property rights used in protection of trademarks such as passing off, deception can be applied while deciding whether a celebrity deserves to be protected through an injunction.
- In the case of Anil Kapoor, the Delhi High Court granted an ex-parte, omnibus injunction restraining 16 entities from using Kapoor's name, likeness, image, using technological tools like Artificial Intelligence, face morphing and even GIFs for monetary gain or commercial purpose.
- An ex-parte injunction is when relief is granted to a party without hearing the other side. An omnibus injunction refers to an injunction granted against any unauthorised use- even those that are not mentioned in the plea.



(more ahead)

Cont'd

- The injunction acts as a deterrent. However, even when a Court grants an injunction, it is not easy for a celebrity to track all misuse and take action. The celeb has to then issue a takedown order to an online intermediary like Google to have them removed. These legal processes have significant costs involved but could still be beneficial compared to the loss in revenue to the celebrity.

Past rulings



- Anil Kapoor had moved the Delhi High Court in a civil suit seeking protection of his personality- his name, photographs, manner of speaking, gestures etc. He also claimed protection of his copyright in the dialogue and in the image and other associated works.
- Kapoor's lawyer, who is an intellectual property rights specialist, argued that several defendants had misappropriated Kapoor's name and elements of his persona to earn profits. For e.g., the expression "Jhakaas", Kapoor's trademark dialogue is a Marathi slang word but is popularised by Kapoor in Hindi films. The lawyer cited news reports stating that the manner in which Kapoor delivers the expression is exclusively associated with him.
- He distinguished the unauthorised use from "fair use." A fair use would be for example depiction in news, teaching material or other non-commercial uses or even artistic uses like mimicry or satire which is a copy but not mere reproduction. However, if a third-party uses it to profit from it, it cannot be termed fair use.
- Earlier in 2022, the Delhi High Court had dealt with a similar case involving Amitabh Bachchan. From using variations of his name such as "Big B" to including his "unique style of addressing the computer as 'Computer ji' and lock kiya jaye", the HC enjoined the use of his personality rights.

(more ahead)

Cont'd

- The HC had relied on a 2012 order which also involved Bachchan. Titan Industries, the Tata company which also owns the jewellery brand Tanishq had moved the HC against a Muzaffarnagar-based jewellery store for using Bachchan's images from the Tanishq ad.
- In 2015, the Madras High Court, in a similar case involving actor Rajnikanth had observed that "personality right vests on those persons, who have attained the status of celebrity". The court's observation came in the actor's lawsuit against the producers of the movie "Main hoon Rajnikanth" claiming that his name, image, style of delivering dialogues had infringed his personality right.
- The HC had observed that from the title of the movie, the public viewing the movie would identify it with only the actor alone. The court said that the producers after admitting that the actor has a high reputation can't now say that Rajnikanth is a common name.

When can the Court grant an injunction?



- In the Titan case, the HC in its order listed out the "basic elements comprising the liability for infringement of the right of publicity."
- First, the right has to be valid. This means that the Court must be satisfied that the "plaintiff owns an enforceable right in the identity or persona of a human being."
- Second, is that the celebrity has to be easily identifiable in the alleged misuse.
- On how to prove that the celebrity is identifiable, the HC said that a simple "unaided identification" should be enough if the celebrity is well-known. Otherwise, the plaintiff will have to bring evidence "of a number of elements in the context of defendant's use which add up at a geometric rate to point to the plaintiff."
- The other evidence is to show evidence of the "defendant's intent to trade upon the identity of the plaintiff, from which identifiability can be presumed."

Humans breach most of the planetary boundaries

Relevance: Prelims & Mains Paper III; Environment

Why in news?

- Earth's blood pressure has shot up because of human activities. If they aren't curtailed soon enough, the planet could get severely ill.
- Six out of nine planetary boundaries, which can be imagined as blood pressure, that make Earth healthy and habitable have been transgressed because of human-induced pollution and destruction of the natural world, according to a new study. It has been carried out by a team of 29 scientists from eight different countries.
- The broken boundaries show Earth's life-support systems have been driven far away from the safe operating space for humanity that existed during the Holocene period. The period started with the end of the last ice age and the start of the Industrial Revolution. It's characterised by relatively stable and warm planetary conditions.



What are the planetary boundaries?

- Planet boundaries are a framework that identifies guardrails for humanity's impacts on the Earth system. Put simply, it sets limits on how much humans can be allowed to impact not only the climate but also other global processes that are essential for maintaining conditions on the planet to support modern civilisations.
- Developed in 2009, the framework includes nine planet boundaries that scientists believe capture all of the processes critical for maintaining the Earth's system state. These boundaries and their control variables are:
 - Biosphere integrity: The health of ecosystems and rate of extinction of species.
 - Climate change: Atmospheric CO₂ concentration and the change in radiative forcing — a measure of the balance of energy from sunlight that hits Earth, in comparison with thermal energy the planet loses.
 - Novel entities: Levels of plastic, concrete, synthetic chemicals, gene-modified organisms, etc. that would not be found on Earth if we humans were not here.
 - Stratospheric ozone depletion
 - Freshwater change: It includes an examination of the human-induced impact on blue water (found in lakes, rivers, and reservoirs) and green water (available in the soil for plants and soil microorganisms)
 - Atmospheric aerosol loading: Tracking various particles from anthropogenic emissions that affect cloud formation as well as global and regional atmospheric circulation.
 - Ocean acidification: Reduction in the pH of the ocean over an extended period of time.
 - Land system change: Changes in land use, especially the conversion of tropical forests to farmland.
 - Biogeochemical flow: Alteration in the natural flows and the forms of nitrogen and phosphorus cycles, which are essential elements for plant growth.

Findings of the study

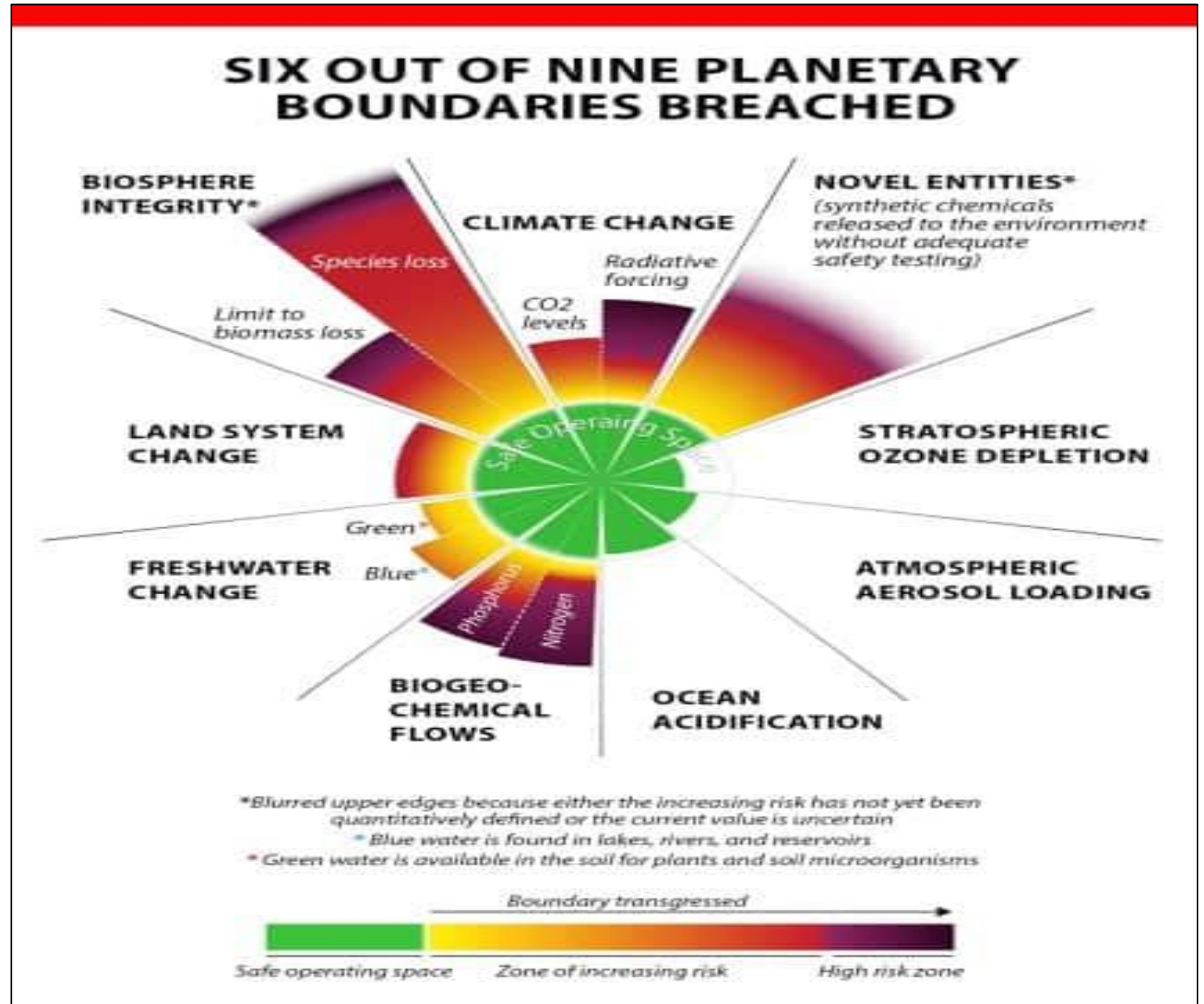


- Out of the nine planetary boundaries, humans have breached six: climate change, biosphere integrity, freshwater change, land system change, biogeochemical flows and novel entities.
- While atmospheric aerosol loading and ozone depletion remain within the constraints, ocean acidification is close to being breached.
- One of the most concerning evaluations is the overflow of nitrogen and phosphorus — the biogeochemical flow boundary — in the environment. Although nitrogen and phosphorus are essential for life, their widespread use as crop fertilisers is wreaking havoc by, for instance, triggering algal blooms (it can cause entire fish populations to leave an area or even die) and ocean dead zones (a reduced level of oxygen in the water).
- Researchers have also noted that the biosphere integrity boundary was violated in the last 19th century when acceleration in land use caused a strong impact on numerous species. In the case of freshwater, the boundary was breached last century, between 1905 and 1929.
- Another alarming finding is the rising levels of novel entities in the environment. Humans have been releasing unprecedented amounts of synthetic chemicals like pesticides and plastic, without adequate safety testing for decades. This is destabilising and harming the Earth's system.
- Among the violated boundaries, there is also the land system change. "Land-use conversion and fires are causing rapid change in forest area, and deforestation of the Amazon tropical forest has increased such that it has now transgressed the planetary boundary," the study says.

(more ahead)

Cont'd

- For climate change, the analysis notes that both the atmospheric CO₂ concentration and radiative forcing are steadily increasing. For instance, CO₂ concentration currently stands at 417 parts per million (ppm), whereas it was just 280 ppm before the Industrial Revolution. Its safe boundary limit is 350 ppm, which was breached in the 1980s.



Can Earth's health still recover?

- The transgressed boundaries can be brought back into “safe operating space” if humans do away with fossil fuel burning and end destructive farming.
- Notably, the one improving boundary, the stratospheric ozone depletion boundary, is recovering owing to the combined international efforts initiated by the Montreal Protocol in 1987. Researchers say this level of coordinated change may help in dealing with other boundaries.

Scientists figure out how brain cells die, will help in Alzheimer's treatment



Relevance: Prelims & Mains Paper III; Science & Technology

Why in news?

- About 55 million people worldwide live with some form of dementia — of which Alzheimer's is just one such disease.
- Two-thirds of people with dementia live in developing countries. As the global population ages, it is estimated that the number of dementia cases will grow to about 139 million by the year 2050. People in China, India, Latin America and Sub-Saharan Africa are likely to be worst hit.
- Researchers have been looking for medical treatments for Alzheimer's for decades, but their successes have been limited.
- There has been new hope, however, since the discovery of an active agent called Lecanemab.
- The drug was approved for use by the US Food and Drug Administration in 2023 and shows signs that it slows the development of Alzheimer's in its early stages.



Complex processes in the brain

- It's been challenging to develop medicines against Alzheimer's because researchers have yet to fully understand what happens in the brain when the disease takes hold. One of the most pressing questions is why brain cells die.
- Researchers know that amyloid and tau proteins develop in the brain, but until recently, they did not know how they function together or influence cell death.
- But researchers in Belgium and the UK say they can explain what's happening now.

Mystery of cell death solved

- According to a recent study, there is a direct connection between these abnormal proteins, amyloid and tau, and what's called necroptosis, or cell death.
- Cell death usually happens as an immune response to infection or inflammation and rids the body of undesirable cells. That enables new, healthy cells to grow. When the supply of nutrients collapses, the cells swell up, destroying a plasma membrane. The cells get inflamed and die off.
- In the study, the researchers suggest that cells in Alzheimer's patients get inflamed when amyloid protein gets into neurons in the brain. That changes the internal chemistry of the cells. The amyloid clumps into so-called plaques, and the fiber-like tau protein forms its own bundles, known as tau tangles.
- When these two things happen, the brain cells produce a molecule called MEG3. The researchers attempted to block MEG3 and said that the brain cells survived when they could block it.
- Notably, it was the first time after three to four decades of speculation that scientists had found a possible explanation for cell death in Alzheimer's patients.

Hope for new medicines

- As per researchers based in Europe, their findings will help in the discovery of new medical treatments for Alzheimer's patients.
- Their hope is not without good reason: the drug Lecanemab explicitly targets the protein amyloid. If it's possible to block the MEG3 molecule, medicine may manage to stop cell death in the brain altogether.

This News Analysis is just a sample. We have an exceptional skill to produce high quality and error free content.

If you are looking for high quality study material to Prepare for Civil Services Exam, then next page is awaiting you....

Message from Shubham Singla

Author

Civil Services Coach

B Com Hons., CA, CISA, Ex-Civil Services Aspirant



GS Pre-cum-Mains Study Material for IAS Preparation

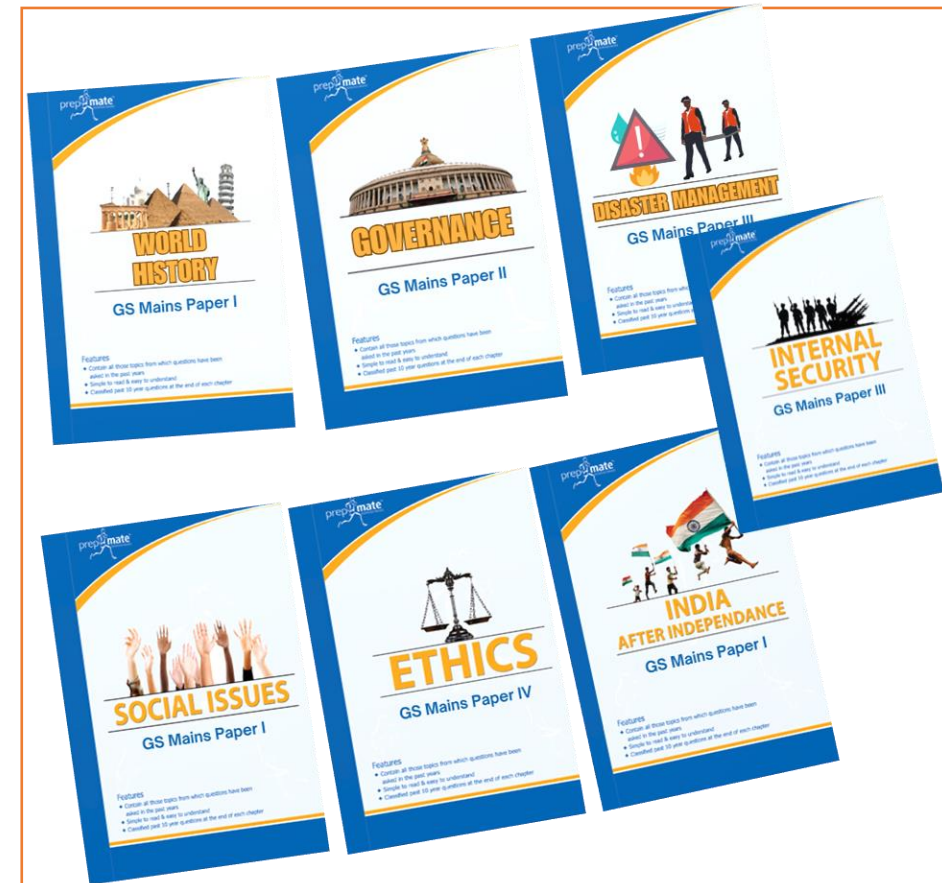
1. 10 Published Books for Pre cum Mains



2. Value Added Material



3. Mains Study Material



Rs. 10,000/-

4. Guidance

To Order send 'Study material for IAS' on WhatsApp number 75979-00000