

Nicknames, notoriety and IP: The fine print in celebrity branding

'Captain Cool' MS Dhoni is the latest to join the ranks of celebrities claiming exclusivity over given names and fan-given nicknames. But when a nickname achieves its status through public use, can one claim legal ownership?

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BY [KIRTI BALASUBRAMANIAN](#), [PAARTH SAMDANI](#)

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Image: Akshay: Sujit Jaiswal/AFP; Rajinikanth: courtesy Kabali; Dhoni: Francis Mascarenhas / Reuters; Jackie: Prodip Guha/Getty Images; Sachin: Visionhaus/Getty Images

India loves its celebrities—larger-than-life characters, who are elevated, adored, and revered. So it is no surprise that celebrities who are most beloved receive fan-given nicknames.

These sobriquets, especially in sports and cinema, sometimes become so embedded in public consciousness that they are inseparable from the individual. For instance, there is no dispute that Rajinikanth is 'Thalaivar' and Sachin Tendulkar the 'Master Blaster'.

These titles begin as informal expressions of admiration and are freely used by the public.

Over time, they become exclusive identifiers for the celebrity. But when a nickname achieves this status through public use, can one claim legal ownership? Though the issue raises ethical questions, we attempt to analyse it from a legal perspective.

Celebrities are increasingly claiming exclusivity, both over their given names as well as fan-given nicknames. Sachin Tendulkar and Akshay Kumar have already filed trademarks for their nicknames, Master Blaster and Khiladi, for business activities from apparel to entertainment. Most recently, MS Dhoni joined their ranks, seeking a trademark for his moniker 'Captain Cool'. This seems reasonable in a world where celebrities command mass attention but where reputations are fragile, and minor missteps damage commercial value.

The Trade Marks Act, 1999 recognises the need to protect identity, barring the registration of marks which falsely suggest a connection with a person, living or deceased (20 years). Indian courts have protected well-known celebrities such as Amitabh Bachchan, and even the renowned heart surgeon Dr Devi Shetty. However, whether celebrities can trademark fan-given nicknames is a more nuanced matter.

First, a trademark is any sign—name, logo, trade dress, sound, etc—that identifies the source of goods or services and distinguishes them from others. A nickname qualifies as a mark capable of protection, provided it denotes specific goods and services. For example, Captain Cool has been filed for sports coaching, while Khiladi is intended for a broad array of activities. However, protection is not absolute. Unless a trademark is formally designated as “well-known”, exclusivity is limited to specific business activities.

Trademark filing is also a claim of ownership. A celebrity may adopt a fan-coined nickname and seek trademark protection. This is largely possible as no one person has proprietorship over such nicknames. Though a given name is part of one's core identity, fan-given nicknames emerge from the public sphere. In rare cases, where third parties hold prior rights, the celebrity may need to acquire such rights. Public records suggest that Akshay Kumar may have followed this approach to acquire the Khiladi name.

That said, not all trademarks are registrable. A trademark must not be generic, misleading, offensive, confusingly similar to an existing mark, or lack intent of genuine use. Each application is examined against these standards for the specified goods or services. The Khiladi trademark, for instance, is registered for animation, stationery, etc, but rejected for entertainment services. A trademark must also be put to use in relation to the business activities for which it is registered. Squatting and non-use can result in cancellation of the registration, and this equally applies to any claimed nicknames.

Trademark registrations can give celebrities additional rights to sue perpetrators, provided all conditions are satisfied. A celebrity can secure quick relief from courts on the basis of such registration. Publicly available registration details also act as deterrents to misuse.

Globally, laws vary. For instance, in the United States many states grant a statutory “right of publicity”. In Germany and France, civil law provides protection to all elements of personality. India does not have a codified law on personality rights, but courts have repeatedly stepped in to prevent commercial misuse, including recently in the case of Jackie Shroff's nickname, 'Bhidu'. However, in the absence of a comprehensive legislation protecting their rights, celebrities often rely on trademark filings as a proxy, which blurs the line between branding and personal identity.

In conclusion, trademark registration can be a powerful tool for celebrities to protect their public image and commercial interests. However, the process must be grounded in legitimate business needs, not

monopolise public affection, or suppress harmless fan expression. Overreaching claims risk both legal rejection and public backlash.

(Kirti Balasubramanian is Partner-Technology, Media and Telecom, Trilegal. Paarth Samdani is Associate-Technology, Media and Telecommunications, Trilegal. These are their personal views).