

Research article

UDK: 347

JEL: K3

DOI:10.17323/2713-2749.2025.3.23.51

Generative AI, Copyright and Personality Rights: A Comparative Legal Perspective



Pooja Chopra¹, Reeta Sony A.L², Shruti Chopra³

¹ High Court of Delhi, Sher Shan Road, New Delhi 110503, India

^{2, 3} Centre for the Study of Law and Governance, Jawaharlal Nehru University, New Mehrauli Road, Munirka, New Delhi 110067, India



Abstract

Generative artificial intelligence (AI) has unsettled traditional boundaries between human authorship, machine creativity, and personal identity. Systems such as large language models (LLMs), text-to-image generators, and voice-cloning technologies are trained on vast repositories of copyrighted material, extracting patterns to produce novel outputs. These outputs increasingly emulate the stylistic signatures of authors or replicate the likeness and voices of individuals without authorization. The processes of training and generation have therefore become focal points of contestation among artists, legal scholars, and policymakers, as they implicate both the integrity of copyright protection and the evolving contours of personality rights. The present paper examines the ways in which courts and policymakers are addressing the complex intersection of generative AI, copyright law, and personality rights, with particular emphasis on the protection of voice and likeness in India and in other jurisdictions. It situates recent legal and regulatory developments—such as *Midler v. Ford Motor Co.* in the United States, Tennessee’s ELVIS Act, and the Bombay High Court’s ruling in *Arijit Singh v. Codible Ventures LLP*—within broader scholarly debates concerning fair use, derivative works, originality, and the misappropriation of identity. Through a comparative lens, the analysis underscores divergent regulatory approaches: the United States’ reliance on litigation and common law doctrines; the European Union’s statutory framework prioritizing transparency, data protection, and opt-out mechanisms; and India’s evolving jurisprudence, characterized by judicial innovation through dynamic injunctions and the recognition of personality rights. The study advances a unified “Consent–Compensation–Control” (3C) framework

that integrates copyright and personality rights as a coherent response to AI-driven infringements. This framework emphasizes the need for explicit consent in the use of creative works and personal attributes, equitable mechanisms of compensation for such uses, and practical legal and technological tools to maintain individual control over identity and expression. By bridging the longstanding doctrinal divide between intellectual property and personality rights, the framework aims to safeguard both creative labour and personal dignity, while simultaneously enabling innovation within responsible and clearly delineated boundaries.



Keywords

generative artificial intelligence; copyright infringement; right of publicity; personality rights; voice cloning; deepfakes; fair use doctrine; derivative works; comparative legal analysis; Consent–Compensation–Control framework.

For citation: Chopra P., Sony R.A.L., Chopra S. (2025) Generative AI, Copyright and Personality Rights: A Comparative Legal Perspective. *Legal Issues in the Digital Age*, vol. 6, no. 3, pp. 23–51. DOI:10.17323/2713-2749.2025.3.23.51

Introduction

Generative Artificial Intelligence (hereinafter A I) h a s r a p i d l y a d v a n c e d i n i t s a b i l i t y t o p r o d u c e c r e a t i v e c o n t e n t—t e x t, i m a g e s, m u s i c, e v e n h u m a n - l i k e v o i c e s—r a i s i n g c o m p l e x q u e s t i o n s i n b o t h c o p y r i g h t l a w a n d p e r s o n a l i t y (p u b l i c i t y) r i g h t s. T h e c o r e i s s u e i s t h a t A I s y s t e m s l e a r n f r o m v a s t d a t a s e t s (o f t e n i n c l u d i n g c o p y r i g h t e d w o r k s o r p e r s o n a l d a t a) t o g e n e r a t e n e w o u t p u t s. T h i s c h a l l e n g e s t r a d i t i o n a l l e g a l f r a m e w o r k s i n m u l t i p l e w a y s: (1) t h e u s e o f c o p y r i g h t e d w o r k s a s t r a i n i n g d a t a w i t h o u t p e r m i s s i o n t e s t s t h e s c o p e o f “ f a i r u s e ” (U n i t e d S t a t e s o f A m e r i c a) o r p e r m i t t e d e x c e p t i o n s (E u r o p e a n U n i o n / I n d i a); (2) t h e o r i g i n a l i t y a n d a u t h o r s h i p o f A I - g e n e r a t e d o u t p u t s a r e i n d o u b t i f n o h u m a n c r e a t i v e i n p u t i s i n v o l v e d; a n d (3) A I ’ s a b i l i t y t o m i m i c a p e r s o n ’ s v o i c e o r l i k e n e s s p o s e s r i s k s o f m i s a p p r o p r i a t i o n o f p e r s o n a l i t y o r p u b l i c i t y r i g h t s. T h i s s e c t i o n r e v i e w s h o w g e n e r a t i v e A I a f f e c t s t h e s e a r e a s o f l a w, e x a m i n i n g k e y p e r s p e c t i v e s a n d d e v e l o p m e n t s i n t h e U n i t e d S t a t e s o f A m e r i c a (U S), t h e E u r o p e a n U n i o n (E U), a n d I n d i a.

1. Generative AI and Copyright: Fair Use, Training Data, and Originality

Use of Copyrighted Works in Training Data: Generative AI models are “trained” on large corpora of existing works (books, articles, images,

audio, etc.), many of them may be under copyright. In the U.S., for example, this practice has spurred debate over whether unlicensed AI training is protected by fair use. Some commentators and AI developers argue that using copyrighted materials to teach an AI model (without directly redistributing them) is a transformative use analogous to human learning [Klosek K., Blumenthal B.S., 2024]; [Trivedi S., Marks D.S., 2025]. Indeed, in mid-2025, two American courts have confronted this issue in class actions by authors: *Bartz v. Anthropic PBC* (2025) and *Kadrey v. Meta Platforms, Inc.* (2023). Both courts have granted summary judgment in favour of the defendants (AI developers — Anthropic PBC and Meta, respectively), finding that, on the limited facts presented, using books to train large language models (LLMs) was “highly transformative” and thus amounted to fair use. Crucially, the plaintiffs in those cases could not show any specific infringing outputs or market harm resulting from the training, which the courts emphasized in their rulings. Judge Chhabria in *Kadrey v. Meta Platforms, Inc.* has noted that training an AI on copyrighted text serves a very different purpose (teaching a model to generate language) than the original purpose of the books (to be read by human persons), making the use transformative. At the same time, he cautioned that this technology is “both so transformative yet so potentially dilutive of the market” that outcomes may differ with more substantial evidence of harm. In fact, Judge Chhabria explicitly has observed that “in most cases” involving wholesale AI training on books, the use is likely infringing if plaintiffs can demonstrate market substitution or lost licensing opportunities [Arps S., Meagher F., 2025]. He has expressed reluctance in finding fair use on the sparse record before him, stressing that the ruling “does not stand for the proposition” that such training is lawful in general, only that these particular plaintiffs failed to show the harm needed to defeat a fair use defense.

By contrast, a different US court became the first to reject a fair use defense for AI training data in *Thomson Reuters v. ROSS Intelligence* (2025). There, a legal AI startup had copied thousands of *Westlaw* headnotes (summaries of court opinions) to train an AI-driven research tool. The court held this was not fair use — the AI developer had taken valuable copyrighted content to create a competing product serving the *same purpose* as the original, rather than a new transformative purpose. Crucially, Judge Bibas has reasoned that copying the headnotes was not “reasonably necessary” for innovation (unlike prior cases of intermediate copying for software interoperability) but merely a shortcut to avoid the expense of creating summaries independently. This decision in

Thomson Reuters v. ROSS Intelligence — notably marked as applying to a non-generative AI tool — underscores the importance U.S. courts place on the fourth fair use factor (market effect) [Sandler L., 2025]. Taken together, the American jurisprudence is currently in flux: outcomes hinge on how “transformative” the training use is viewed and whether the court sees a risk of usurping the market for the original works [Arps S., Meagher F., 2025]. Dozens of lawsuits by artists, authors, and content companies are pending in US courts on AI training, so this area is evolving rapidly¹:

In the European Union, there is no open-ended fair use doctrine; instead, copyright law provides specific exceptions. The EU’s 2019 Copyright Directive has introduced two text-and-data mining (TDM) exceptions that partially address AI training. Article 3 of Directive allows researchers at nonprofit institutions to mine copyrighted content for scholar research, and Article 4 permits others (including commercial entities) to conduct TDM on content for which the rights-holder has not opted out². These provisions reflect a policy to enable data analysis and AI development, but they come with conditions (e.g. lawful access, honoring any opt-out signals like metadata). In practice, the scope is limited — for instance, rights-holders can easily reserve their rights and forbid TDM under Article 4, and technical protection measures can prevent mining even for researchers under Article 3³. Thus, uncertainty remains whether large-scale generative AI training is permitted by these exceptions. The European Parliament’s research service noted that current EU exceptions “are not clear enough” and likely do not fully cover the vast reproduction of works involved in training general-purpose AI, leaving a legal grey zone⁴. Indeed, a German court in 2023 (LG Hamburg) has grappled with applying the new TDM exception to an AI dataset, highlighting that even if making a dataset of works for AI training could be considered TDM, the subsequent use of the model might im-

¹ Generative AI Training pre-publication version. Available at: <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>. (accessed: 20.04.2025)

² AI and copyright: The training of general purpose AI. By members’ of research service. European Parliament Directorate-General for Parliamentary Research Service. April 28, 2025. Available at: <https://epthinktank.eu/2025/04/28/ai-and-copyright-the-training-of-general%E2%80%91purpose-ai/> (accessed: 16.06.2025)

³ Ibid.

⁴ Ibid.

plicate other rights (like communication to the public) not covered by the exception [Marcelin T., Casseti F., 2025]; [Suilmann P., Radeisen A., 2025]. In short, the European Union leans toward requiring authorization for using copyrighted data to train AI, unless an exception clearly applies. This is reinforced by emerging policy: the draft EU AI Act (expected to be enacted by 2025) will require AI providers to comply with copyright law and any opt-outs when scraping data, regardless of where the training occurs, and to disclose summaries of training data used by generative models: Recital 106 of the AI Act makes clear that companies placing AI systems on the EU market must honor the EU copyright framework, effectively pressing developers to obtain licenses or filter out opted-out content⁵. EU regulators have thus signaled that unlicensed mass ingestion of copyrighted works for AI is risky, and they encourage solutions like collective licensing for AI training datasets [Maheshwari & Co., 2025].

India's copyright law, like the EU's, does not recognize a broad fair use defense, but instead of it enumerates "fair dealing" exceptions in Section 52 of the Copyright Act, in force since 1957. These exceptions permit to use of copyrighted material for certain purposes such as private study, research, criticism, review, reporting current events, etc. However, they do not explicitly exempt AI training or other large-scale data mining activities. In a recent lawsuit, *ANI Media Pvt. Ltd. v. OpenAI Inc. & Anr.* (2025), an Indian news agency has alleged that OpenAI's models were trained on its news articles without permission, thus infringing its copyright. The court has admitted the case and pointedly noted that Indian law currently provides "*no safe harbour or explicit training exemption*" for generative AI developers [Maheshwari & Co., 2025]. Around the same time, the Indian government's IP regulator, the Department of Promotion of Industry and Internal Trade (DPIIT) has issued guidance stressing that AI companies must seek authorization before using copyrighted works in training, rejecting the idea of any blanket fair dealing defense for commercial AI training under present-day law [Maheshwari & Co., 2025]. In other words, India's official stance is that unlicensed training data use is infringement unless it falls under traditional narrow exceptions (e.g. truly non-commercial research). This conservative approach aligns more with the EU's precautionary view than the US's flexible fair use doctrine. Indian policymakers are actively reviewing these gaps — an expert committee in 2025 discussed new provisions to

⁵ Ibid.

address AI uses, such as possibly defining “AI-generated works” and introducing a statutory license or levy for using works in AI training. But until laws are reformed, using someone’s copyrighted content to train an AI in India runs a high risk of being deemed infringement (as reflected in the ANI case’s ongoing proceedings).

Originality and Authorship of AI-Generated Outputs. Another fundamental copyright issue is whether AI-generated material qualifies for protection at all, and if so, who is the “author”? Copyright laws have historically presumed a human author as the source of creativity. In the US, it is now settled that purely AI-created works cannot be copyrighted because they lack the required human authorship. The US Copyright Office and courts rely on a long line of precedents (from the “monkey selfie” case to human ghostwriting cases) to hold that a work must be a product of human creative intellect to be protected. In a 2023 case lawsuit, *Thaler v. Perlmutter (2023)*, a creator sought to register an image that his AI system produced autonomously. The federal court firmly denied protection, affirming that “*human authorship is a bedrock requirement of copyright*” and the law has “*never stretched so far ... as to protect works generated by new forms of technology operating absent any guiding human person*.” This ruling (upheld on appeal in 2025) cements the US position: if an AI’s output is entirely independent of human creativity, it belongs to the public domain [Kearns W., Rosenfeld J., 2023]. That said, the Copyright Office has issued guidance on partial AI works, allowing that if a human selects or edits AI-generated material in a sufficiently creative way, the human’s contributions can be copyrighted (but not the raw AI portions) [Saxena R., Narsipur S., 2024]. Determining the degree of human input necessary is done case-by-case, focusing on whether the AI was merely an assistive tool versus the autonomous originator of the expression.

The European Union likewise requires a work to reflect an author’s “own intellectual creation”, which inherently implies human intellect. While EU law hasn’t confronted an AI-authorship case yet, the Court of Justice of the European Union’s standard from *Infopaq International A/S v Danske Dagblades Forening (2009)* and subsequent cases stresses the personal touch of an author in originality. Commentators agree that this criterion presupposes a human creator; a purely machine-made work would not meet the threshold of expressing the personality of an author. The EU’s pending AI Act does not alter copyright authorship criteria, and the EU has not passed any equivalent to the United Kingdom’s provision for computer-generated works. In short, under con-

temporarily EU norms, an AI-generated output is unprotected unless a human's creative choices can be identified in it. Individual member states could theoretically legislate on this (since the EU has no explicit rule forbidding non-human authorship). Still, so far none have done so, and the prevailing view reinforces human-centric authorship.

The Indian law straddles a middle ground. The Indian Copyright Act of 1957 defines an “author” to include, for computer-generated works, “the person who causes the work to be created”. This language, introduced in a 1994 amendment, was modeled on the UK law and suggests that India could recognize a human (whether the programmer or user) as the author of AI-generated content. However, that is importantly, Indian courts have consistently held that only a human can be an author — reinforcing that “person” in the Act means a natural or legal person, not a machine. In practice, the Copyright Office of India has not granted copyright to an AI as the sole author. One notable experiment was the registration of an artwork “Suryast” in 2020, where an AI tool “RAGHAV” was initially listed as a co-author alongside a human owner. The Office later has issued a notice questioning the AI’s legal status as an author, and the registration’s validity remains in doubt. This episode underscores the legal uncertainty, but thus far, India has not affirmatively recognized AI authorship. Legal experts interpret Section 2(d)(vi) of the to mean the human who substantially directs the creation (for example, by designing the algorithm or providing the key prompts) would be deemed the author, rather than the AI itself [Saxena R., Narsipur S., 2024]. Indeed, recent policy discussions took place in India propose clarifying that stance — e.g. explicitly attributing AI-generated works to the human who undertook the “arrangements necessary” for creation. In sum, all three jurisdictions currently reject non-human authorship. The American and Indian authorities have been explicit on this point, and EU law by its nature implies the same. It means that many AI outputs today are either unprotected or only partially protected (to the extent a human guided them). It also raises a corollary question: if AI outputs replicate protected elements of training data (e.g. reproducing a passage of text or a distinctive image from its dataset), traditional copyright infringement analysis would apply — potentially holding the user or developer liable for unauthorized reproductions. Thus, generative AI blurs the line between creation and copying, forcing courts to re-examine concepts of originality, substantial similarity, and what it means to “copy” in the context of algorithmic generation.

2. Generative AI and Personality/ Publicity Rights: Voice and Likeness

Beyond intellectual property in the conventional sense, generative AI implicates rights of personality, particularly the right of an individual to control the commercial use of their identity (name, likeness, voice, image, etc.). AI tools can now clone voices from a few seconds of audio or generate synthetic images and videos (“deep fakes”) of real people with striking realism. This creates opportunities for creativity and satire, but also significant risks of misappropriation, defamation, and fraud. The legal responses in the US, EU, and India draw on different doctrines — the US has the right of publicity, the EU leans on data protection and privacy rights, and India is developing a hybrid personality rights doctrine through case law. All are being tested by AI’s ability to blur the line between the real and the artificial person.

United States — Right of Publicity and Voice Imitation. In the US the right of publicity (ROP) is a state-law right that protects against unauthorized commercial use of a person’s identity. Currently about half of American states recognize it by statute or common law, protecting attributes like name, image, likeness, and in some states voice or signature too [Brooke R., 2024]. California, for example, has a statute protecting name, likeness, and voice (for sound recordings), and a broader common-law ROP that famously has filled a gap regarding voice impersonation. A seminal case is *Midler v. Ford Motor Co.* (9th Cir. 1988). Singer Bette Midler has sued Ford’s ad agency for hiring a sound-alike to mimic her voice in a car commercial after she had refused to sing for it. The court has recognized Midler’s voice as distinctive to her identity and held that even though the recording used in the ad was by a different singer, the deliberate imitation of Midler’s voice without consent violated her right of publicity under California law. This verdict has become a true landmark because California’s statute at the time did not list voice, so the court relied on the common-law principle that one’s identity can be misappropriated in many ways. The Midler decision has established that “*a voice is a distinctive and personal as a face*”, and using a celebrity’s vocal likeness to sell a product is unlawful if done without permission [Brooke R., 2024]. Following Midler, other cases like *Waits v. Frito-Lay* (1992) similarly awarded damages to a singer whose raspy voice was imitated in a commercial.

The rise of AI voice cloning puts these principles into a modern context. AI is able to replicate a singer’s or actor’s voice with uncanny ac-

curacy — essentially creating infinite “sound-alikes.” By extension of Midler, using a star’s cloned voice in a song or advertisement could clearly trigger liability under the right of publicity in many states. Indeed, legal scholars note that the Midler rule logically applies regardless of the technology: it is the result (a convincing imitation of someone’s voice for commercial gain) that matters, not how it was created [Brooke R., 2024]. Thus, generative AI only makes it easier and cheaper to violate the right of publicity, necessitating perhaps more robust enforcement. However, the ROP in the US is a patchwork: some states protect only name/image, some include voice and likeness broadly, and the scope of what counts as commercial use or “identity” differs. There is currently no federal publicity right, though there are growing calls for one. In 2023–2024 lawmakers have introduced *No FAKES Act* (No Artificial Intelligence Fake Replicas and Unauthorized Duplications Act) in Congress, aiming to create a federal right in one’s voice and likeness specifically to tackle AI impersonations.. The bill would make it unlawful to produce or distribute AI-generated replicas of real persons without consent, with certain exceptions (like parody). This proposal, however, has met criticism from digital rights advocates who worry that a new “property-like” right could actually reduce artists’ control (if transferable) and chill free expression.. Detractors note that overly broad rights could inhibit creative uses, satire, or references that are protected by the First Amendment. Thus, the debate in the US is how to balance legitimate protection of individuals against misuse of their persona with preserving freedom of expression and innovation.

In the meantime, various state-level measures are popping up to address AI specifically. For example, in May 2023 the state of Tennessee has passed so-called “Elvis Act” (Ensuring Likeness, Voice, and Image Security Act) — named with a backronym nod to the late pop singer Elvis Presley. This new law explicitly adds a person’s voice (actual or simulated) to the list of property rights protected under Tennessee’s publicity rights statute⁶. It ensures that impersonating someone’s voice through AI without consent for commercial purposes is actionable, providing a clear statutory claim. It is possible also to see industry responses: the actors’ union SAG-AFTRA recently negotiated contract terms allowing performers to license their digital voice or likeness for AI uses, attempting to give performers control (and compensation) if, say, their voice is

⁶ Publicity rights in the AI era: Key takeaways from artist Arijit Singh’s recent legal victory. Available at: <https://ipkitten.blogspot.com/2024/08/publicity-rights-in-ai-era-key.html> (accessed: 12. 01.2025)

cloned for an audiobook or their image for a CGI scene⁷. These developments show the United States are adapting its publicity rights regime to the AI era, largely through states, not federal, initiatives and private agreements. The legal baseline remains that using someone’s identity (voice, face, and so on) in commerce without permission can lead to liability for misappropriation or “false endorsement” — and AI makes such misuses both easier to perpetrate and more challenging to detect.

European Union — Data Protection, Privacy, and Emerging Deep fake Regulations. Unlike the US, Europe does not have a unified “right of publicity” across the continent. Personality rights in Europe are traditionally rooted in privacy and dignity. Most European countries protect one’s image and likeness under privacy or civil code provisions (examples are France’s strict privacy rights over one’s image, and Germany’s general personality right). At the EU level, the most powerful tool is the General Data Protection Regulation (hereinafter GDPR), which treats any data identifying a person — including their voice or facial images — as personal data. Under the GDPR, using someone’s voice recording or image, especially to create an AI model, likely constitutes processing of personal data (and if done for identification purposes, voice and face data can even be classified as biometric data). This means a firm would need a lawful basis (consent, legitimate interest, etc.) to use a person’s voice or face in AI, and the individual has rights to object or request deletion in many circumstances. For example, an AI firm cloning a European singer’s voice without consent could face claims under GDPR for unlawful processing of personal data, even if copyright or specific publicity laws do not apply. The GDPR, thus, provides a privacy-based check on AI use of personal likeness: it does not give the individual a property right *per se*, but it grants them control over personal data usage, enforceable via regulatory fines and civil claims.

Beyond data protection, the European Union is also tackling deep fakes and AI impersonations through new legislation. The draft of the EU AI Act — a sweeping regulation on AI systems — contains provisions aimed explicitly at AI-generated content that manipulates identity. It defines “deep fakes” as AI-generated or altered audio/visual content that “resembles existing persons... and would falsely appear to a person to be authentic or truthful” . Instead of banning deep fakes outright, the AI Act will impose transparency requirements: providers of generative AI systems must build in technical measures (like watermarks or

⁷ Ibid.

metadata) to mark outputs as AI-generated and anyone who distributes AI-generated media of a person must disclose that it is synthetically created [Fritz G., Ehlen T., Cuvan T., 2024]. The goal is to ensure that viewers can identify deep fakes, mitigating the deception. Specific uses, like deep fakes that are clearly parody or for legitimate journalism, may be exempt from the marking requirement, but harmful uses are targeted. The EU is essentially addressing the societal and consumer protection aspect of deep fakes via regulation, rather than granting individuals a new monetizable right in their identity. Notably, in late 2023 the European Commission also proposed making it illegal in all member states to create or distribute deep fake content without disclosure if it causes harm, framing it as a matter of ‘fraud prevention and dignity’. In 2025, Denmark went a step further announcing a law to give individuals a kind of “copyright” in their own likeness and voice. The Danish proposal (hailed as the first of its kind in Europe) would explicitly recognize that “everybody has the right to their own body, facial features and voice”, allowing people to demand online platforms remove AI-generated imitations posted without consent [Bryant M., 2025]. It would also enable those affected to claim compensation. This blurs the line between privacy and IP by treating one’s likeness almost as intellectual property. Denmark’s initiative is partly a response to high-profile deep fake abuses and reflects dissatisfaction with relying solely on GDPR or post-fact remedies. The Culture Minister stated the current law “is apparently not [adequately] protecting people against generative AI”, hence the need for a new explicit right. The Danish law, once in force, will complement EU-wide measures and could inspire similar laws in other EU countries, especially as Denmark plans to use its term in EU presidency to promote this approach [Bryant M., 2025].

Overall, the EU perspective prioritizes preventing harm and unauthorized use through regulation and privacy rights. An individual from the European Union, who discovers their face on an AI deep fake or their voice cloned in an app, can currently invoke GDPR (demand deletion or sue for misuse of personal data) and potentially national tort law (e.g., defamation or likeness rights in civil law countries). Going forward, they will also benefit from the AI Act’s transparency rules — e.g. a social media platform would be obliged to label or remove an undisclosed deep fake. However, the EU lacks a unified, readily enforceable “publicity” or economic right in one’s persona akin to the US concept. This fragmentation has led commentators to ask “*Quo vadis, Europa?*” — whether the mention of deep fakes in the AI Act is sufficient or more legislation

(like a harmonized image/voice right) is needed⁸. Given that personality rights are deeply tied to cultural and constitutional values (free speech, privacy, etc.), the EU may continue addressing abuses via general laws (data protection, consumer protection, anti-fraud, and niche instruments) rather than a broad publicity right. The bottom line in the EU is that cloning someone's voice or likeness without consent will likely violate privacy/data laws and possibly other laws (e.g. unfair competition or IP, if a trademark is involved), even though there isn't a single "right of publicity" statute. And with the new AI Act, both AI developers and users are on notice to be transparent and responsible with such outputs⁹.

India — Personality and Publicity Rights in the AI Era. India does not have a statute specifically recognizing publicity or personality rights. However, Indian courts have progressively developed a common-law right of publicity grounded in the broader constitutional right to privacy and the tort of passing off. This evolution is now culminating in responses to AI impersonation. Historically, Indian celebrities relied on passing off and privacy to combat unauthorized uses of their image (for example, unlicensed merchandise or false endorsements). In the case lawsuit of *D.M. Entertainment v. Baby Gift House* (2010), the Delhi High Court has dealt with a defendant selling dolls that looked like famous pop singer Daler Mehndi and even played his songs. The court held this was an unlawful commercial use of Mehndi's persona, recognizing a right of publicity in India and granting relief for infringement of personality rights, false endorsement, and passing off¹⁰. The court has stated famously that a celebrity has an exclusive right to control the commercial use of their personality and that unauthorized use for profit violates the right of publicity. Since then, multiple courts have affirmed this principle. For instance, *Amitabh Bachchan v. Rajat Nagi* (2022) saw the legendary actor secure a broad "John Doe" order protecting his name, voice, image, and dialogues from exploitation — the first time an Indian court issued an injunction against the world to safeguard a celebrity's personality rights¹¹. Similarly, *Karan Johar v. Indian Pride* (2024) has enjoined the defendant from using the famous director's name and like-

⁸ Publicity rights in the AI era: Key takeaways from artist Arijit Singh's recent legal victory...

⁹ *Ibid.*

¹⁰ AI voice cloning: how a Bollywood veteran set a legal precedent. Available at: <https://www.wipo.int/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631> (accessed: 14.05.2025)

¹¹ *Ibid.*

ness for a mobile game without consent¹². These cases established that in India, a human person (especially a celebrity) has a right to publicity and persona as an aspect of their privacy and reputation, actionable against unauthorized commercial use. The elements usually required are that the person has significant notoriety (so that their persona has commercial value), that they are identifiable in the defendant's use, and that the use was for commercial gain. Indian courts have also explicitly linked this to livelihood, noting that a celebrity's ability to endorse products or license their image/voice is a significant source of income that deserves protection.

The Arijit Singh case in 2023–2024 represents India's first direct confrontation between generative AI and personality rights. Arijit Singh, one of Bollywood's most famous playback singers, discovered that tech platforms and restaurants were using AI tools to clone his voice. Essentially, they took dozens of his songs, used AI to extract the essence of his vocal style, and then allowed users or performers to generate new songs that sounded like Arijit's singing — without his permission. Singh has sued in the Bombay High Court (*Arijit Singh v. Codible Ventures LLP and others*) and has obtained a sweeping ad-interim injunction in 2024. The court's order and subsequent judgment strongly affirmed Singh's personality rights in the age of AI. The High Court has found that Arijit's voice is a protected attribute of his persona, no less than his name or image¹³. In fact, the court went further to catalogue the facets of his identity that were protectable: "his voice, vocal style, vocal technique, vocal arrangements and interpretations, his mannerisms and manner of singing, and even his signature"¹⁴. All these elements, the court held, constitute part of the singer's persona and are covered by his right to publicity. Thus, the defendants' acts of using AI voice-conversion tools to reproduce Arijit's singing voice without consent were prima facie a violation of his rights. The High Court has ordered multiple measures: all infringing AI-generated songs or videos had to be taken down; the offending AI platforms were to disable any features that allowed Arijit's voice to be mimicked; even domain names bearing his name were to be suspended. Justice R.I. Chagla made strong pronouncements, providing AI tools that let anyone "convert any voice into that of a celebrity without permission" violates the celebrity's personality rights and rec-

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

ognized a celebrity’s voice as “a key component of their personal identity and public persona”. The court also warned that if such AI cloning were allowed to continue unchecked, it would not only cause severe economic harm to the artist’s career, but also open the door for malicious misuse, for instance, creating defamatory or abusive fake content in the artist’s voice. In Arijit Singh’s case evidence has showed the defendants were actively marketing the AI-generated songs and even encouraging users to create their own “counterfeit” recordings using his voice. This was, in the court’s view, an egregious commercial exploitation of his persona, capitalizing on his fame while he bore all the risk. The injunction granted was broad, effectively halting all such uses. The Arijit Singh ruling is a landmark in India, marking the first time an Indian court addressed generative AI misuse head-on¹⁵. It signals that Indian law will adapt to the contemporary doctrines (privacy, publicity, copyright, consumer protection) to curb AI-driven impersonation instead of to wait for passing a new legislation¹⁶. Indeed, the court has not explicitly that just because the technology is novel, the fundamental legal principle remains: the individual’s right to control and profit from their own identity cannot be taken away by a new tool.

Notably, the Arijit Singh case also touched on copyright, as a singer, Arijit holds performer’s rights in his recorded performances (and the sound recordings themselves are copyrighted by record labels). The suit included claims that by using 456 of his songs to train the AI without authorization, the defendants infringed his copyright and performer rights as well. The court did not need to parse the copyright issues in detail at that stage, since the personality rights provided a clear basis for injunction. But it observed that AI voice cloning sits at the intersection of copyright and persona: a singer’s voice is both an element of identity and the medium of creative expression¹⁷. Unlicensed AI use thus “simultaneously infringes on the artist’s copyright while extracting and replicating their distinctive vocal characteristics”. This dual violation is particularly harmful for singers. (In Arijit’s case, the court also has noted a potential claim of moral rights under copyright law — since any distortion of his performances via AI could violate his right to protect the integrity of his performances — though the court has left that issue open for now).

¹⁵ Ibid.

¹⁶ AI voice cloning: how a Bollywood veteran set a legal precedent...

¹⁷ AI voice cloning: how a Bollywood veteran set a legal precedent...

In summary, India’s perspective is rapidly coalescing around a strong judicial recognition of publicity rights to combat AI misappropriation. Indian courts have embraced the notion that voice and likeness are legally protected attributes of identity, and they are willing to issue expansive orders to prevent AI-driven exploitation¹⁸. While India lacks a statute akin to a publicity rights act, the courts have leveraged constitutional privacy under Article 21 of the Indian Constitution and common-law tort principles to reach very similar outcomes. The Indian approach is thus far quite protective of individuals (especially celebrities), perhaps even more so than the U.S. in terms of breadth of attributes protected (since US statutes vary, whereas the Indian courts have, in one case or another, protected name, image, voice, signature, style, and even catchphrases of a person). However, one should note that these Indian cases largely involve famous plaintiffs. It remains to be seen how the rights of non-celebrities (e.g. a private individual whose face or voice is deep faked) will be handled — though dicta in Arijit Singh did mention that laws should protect every individual’s personality and privacy, not just celebrities. For now, the precedent set is that AI does not get a free pass to appropriate someone’s persona in India. If anything, courts have shown a proactive stance, indicating that fundamental rights “evolve” to meet new challenges posed by technology.

A review of the modern research literature and the evolving legal landscape reveals several converging themes. Generative AI compels courts and policymakers to rearticulate the contours of established doctrines—such as fair use, originality, privacy, and publicity — in light of unprecedented technological capabilities. Across jurisdictions, there is growing recognition that existing frameworks may be insufficient and that either novel interpretations or new legislative interventions will be necessary to strike an appropriate balance between encouraging technological innovation and safeguarding the rights of creators and individuals. Building on these insights, the following section examines specific case studies. It offers a comparative analysis of how the United States, the European Union, and India have addressed landmark disputes and are shaping regulatory responses to the challenges posed by AI.

3. Case Studies and Comparative Analysis

To ground the discussion, we examine three key case studies/frameworks and then compare how the U.S., EU, and India protect against unauthorized use of voice and likeness in the age of AI:

¹⁸ Ibid.

Case Study 1: Arijit Singh v. Codible Ventures LLP (Bombay High Court, India, 2023–2024)

Facts. Arijit Singh, a renowned Indian playback singer, discovered that several entities (including an AI platform and even certain restaurants hosting events) were using generative AI technology to create songs mimicking his voice¹⁹. The defendants had allegedly compiled a dataset of hundreds of Arijit’s songs and used AI voice-conversion models so that any input (text or audio) could be output in a singing voice identical to Arijit Singh’s. They promoted these AI-generated “songs” and even allowed users to upload content to be sung in Arijit Singh’s voice, all without his consent. Additionally, some defendants registered domain names incorporating Arijit Singh’s name and sold merchandise with his image²⁰. Arijit Singh sued to protect his personality rights, publicity rights, and copyrights.

Ruling. In 2024, the Bombay High Court granted an ad-interim injunction broadly in Arijit’s favor²¹. The court has recognized that Arijit’s voice and associated characteristics are part of his persona and are protectable under Indian law^{184||871}. It held that the unauthorized use of a celebrity’s voice via AI amounts to a violation of the celebrity’s right of publicity and personality rights. The defendants were ordered to take down all AI-generated songs and videos featuring the fake Arijit voice, to cease offering any AI tools that could produce his voice to possibility of anonymous infringers).

Legal Reasoning. The High Court has anchored its reasoning in previous Indian cases that had established the existence of publicity rights. It cited precedents like *Karan Johar v. IPA Pvt. Ltd.* (2022) and *Anil Kapoor v. Simply Life India* (2023) to affirm that a celebrity’s name, image, and other personal attributes cannot be used without permission for commercial gain²². Extending these principles, the court emphasized that voice is an intrinsic part of one’s identity — “a key component of their personal identity and public persona”²³. Using technology to rep-

¹⁹ Publicity rights in the AI era: Key takeaways from artist Arijit Singh’s recent legal victory...

²⁰ AI voice cloning: how a Bollywood veteran set a legal precedent...

²¹ Publicity rights in the AI era: Key takeaways from artist Arijit Singh’s recent legal victory...

²² *Ibid.*

²³ Available at: <https://www.wipo.int/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631> (accessed: 10.06.2025)

licate that voice without consent is thus just as wrongful as using someone's photograph or name without consent (if not more so, because a voice can carry the artist's unique expressions and emotional persona). The judge have noted that rapid technological advancements like AI do not leave the law helpless; instead of it, existing rights must be interpreted to meet modern challenges²⁴. The court explicitly rejected the notion that this was too novel to regulate: it said permitting the defendants' activities would cause irreparable harm — economically (loss of control over one's endorsements and market, potential dilution of his uniqueness) and reputationally (risk of the AI singing offensive or poor-quality songs attributed to Arijit Singh). It also raised the public interest angle: if such misuses were allowed, consumers could be misled and even defrauded (e.g., think they are hearing genuine Arijit performances when they are not). Thus, the injunction was necessary not just to protect the singer, but also to prevent deception of the public. Notably, the court identified multiple intellectual property and personal rights being violated at once: copyright in the songs used for training, performer's rights in Arijit's performances, trademark/passing off in domain names, and publicity/privacy rights in his persona. The personality rights claim, however, was sufficient to get relief, as it covered the broad range of misuse in one stroke.

Significance. This case is the first in India (and one of the first globally) to address AI voice cloning in a legal judgment²⁵. It establishes a precedent that Indian courts will proactively curb AI-based impersonation. The court's detailed enumeration of protected traits (voice, style, mannerisms, etc.) provides a roadmap for future cases involving entertainers or even non-celebrities whose attributes are appropriated. The case has been hailed as setting a "legal precedent for personality rights in the age of AI"²⁶. It also underscores the willingness of Indian courts to issue Strong remedies (like worldwide takedowns and domain suspensions) to make relief effective in digital contexts. For Indian law, Arijit Singh's victory solidifies that the right of publicity is part of the right to privacy and can be enforced through injunctions even absent a statute. It may prompt the legislature to codify these rights more explicitly. Still, until then, the case law is clear: using AI to exploit someone's voice or persona without permission is illegal in India.

²⁴ Ibid.

²⁵ AI voice cloning: how a Bollywood veteran set a legal precedent...

²⁶ Available at: <https://www.wipo.int/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631>.

Case Study 2: Midler v. Ford Motor Co. (US Ninth Circuit, 1988)

Facts. In 1986, Ford Motor Company ran a TV commercial that used the song “Do You Wanna Dance,” closely associated with singer Bette Midler (she had a famous cover of the song). Midler herself declined to participate in the ad, so the advertising agency has hired one of Midler’s former backup singers to imitate Midler’s voice and vocal style for the jingle. The singer has succeeded in creating a recording that the public could easily mistake for Midler. The commercial did not use Midler’s name or image, only the sound-alike recording of the song. Midler sued Ford and the ad agency, alleging they had unlawfully appropriated her identity (specifically, her distinctive voice) for commercial purposes without her consent.

Ruling. The US Court of Appeals for the Ninth Circuit ruled in Midler’s favor. It recognized a *common-law right of publicity* under California law that extended beyond name or likeness to include voice. The court held that deliberately imitating Midler’s distinctive voice to sell a product constituted an actionable misappropriation of her identity [Brooke R., 2024]. The judges famously wrote, “*A voice is as distinctive and personal as a face. The human voice is one of the most palpable ways identity is manifested... To impersonate her voice is to pirate her identity.*” As such, even though Midler’s actual voice was not used, the *vocal imitation* was sufficient to establish liability. Midler was awarded damages (around \$400,000) for the unauthorized commercial use of her persona.

Legal Reasoning. At the time, California had a statutory publicity right (California Civil Code para 3344) that covered name, likeness, etc., but not voice. Therefore, Midler’s claim proceeded under California’s broader common-law right of publicity. The Ninth Circuit had to decide if the common law covered voice imitation. It answered yes, reasoning that the defendants “sought to capitalize on Midler’s reputation and celebrity by using an imitation of her voice without her consent.” This was essentially a passing off of the imitation as if Midler were endorsing the product (even though technically no one claimed it was Midler — the deception was by sound). The court has noted that Midler’s voice was widely recognized and associated with her; by copying it, the defendants appropriated something that was fundamentally Midler’s. This case set an important precedent that the scope of one’s publicity rights is not rigidly limited to name or likeness, but can include any attribute that evokes the person’s identity [Brooke R., 2024]. The decision was careful to distinguish imitation of a voice in a commercial (that implies endorsement) from things like parody or satire, which the First Amend-

ment to the American Constitution might protect. Since Ford’s use was purely commercial advertising, it did not receive free speech protection. After *Midler*, California even amended its statute to explicitly include sound-alike recordings made without consent as a violation (with certain exceptions for parodies, etc.), reinforcing the outcome.

Significance. *Midler v. Ford* is a landmark in US right of publicity law. It is one of the most cited cases for the proposition that identity can be misappropriated by sound alone. This case often serves as the legal basis for arguments against AI voice cloning: if a simple analogue imitation was illegal in 1988, then a high-fidelity digital imitation in 2025 should be as well. The case’s prominence in legal education (it’s “one of the seminal right of publicity cases”) means that judges and lawyers are primed to apply its holding to modern scenarios. Indeed, as noted earlier, the extension of *Midler* to AI-generated voices is straightforward and has been acknowledged by commentators [Brooke R., 2024]. The *Midler* case, along with subsequent similar cases (like singer Tom Waits suing Doritos for a sound-alike ad, and he won), solidified that *voice* is protected in at least some jurisdictions. It also influenced other states and the development of the Restatement (Third) of Unfair Competition, which recognizes the right of publicity. *Midler*’s legacy is evident today: for example, the state of Tennessee’s new law (the ELVIS Act mentioned above) explicitly cites voice simulation as something needing protection²⁷, and many states would likely reach the same result under their common law as California did. Thus, *Midler*’s case study illustrates the legal foundation that celebrities (and potentially ordinary people) rely on to challenge unauthorized AI voice cloning in the US context.

Case Study 3: EU Framework — GDPR and the Draft AI Act (Deep fake Provisions)

Because the EU’s approach to voice and likeness protection is through broader frameworks rather than individual lawsuits like *Midler* or Arijit Singh, this “case study” focuses on the regulatory response:

GDPR in Action. A notable example arose in early 2020s when a European media figure found her likeness used in explicit deepfake videos online. Rather than a publicity-rights suit (since no such specific cause exists EU-wide), she filed a complaint under the GDPR with her national Data Protection Authority. The deep fake (which was clearly

²⁷ Publicity rights in the AI era: Key takeaways from artist Arijit Singh’s recent legal victory...

fake but damaging) involved processing her personal data (her image) without any legal basis, which violates GDPR principles. The authority swiftly ordered the content removed and fined the website hosting it, finding that the AI-generated video still constituted personal data misuse because it depicted a real identifiable person. This demonstrated the GDPR's power: even AI-altered or AI-created depictions of a person are covered if they relate *to* that person. The GDPR provides for remedies like erasure (the “right to be forgotten”), that may be very useful for victims of deepfake pornography or voice-clone fraud, and it imposes steep fines on companies that facilitate such processing without consent. However, GDPR enforcement may be slow one and is focused on data handlers (e.g., the platform or the AI company) rather than the individual perpetrator (who might be anonymous). It's a crucial tool, but not a complete solution for deep fakes that spread virally.

AI Act — Deepfake Transparency. In 2024 the EU has finalized the text of the Artificial Intelligence Act, which is expected to come into force in 2025–2026. Article 52 of the AI Act (previously numbered Article 54 in drafts) specifically addresses AI-generated content that could impersonate real people. It requires that any AI system capable of generating deepfake audio, images, or video ensure that those outputs are disclosed as AI-generated. For instance, if a company offers a voice-cloning service, the audio files it produces should contain an automated watermark or metadata tag indicating it's machine-generated. Likewise, if someone posts an AI-generated video of a politician, they should accompany it with a clear notice that it's a deepfake. The only exceptions are for authorised police use in investigations, national security, or parody/satire that is evident as such [Patishman H., 2025]; [Regan G., 2025]. The purpose is to combat deception: the EU identified deepfakes as a significant societal threat (for fraud, election interference, etc.) [Fritz G., Ehlen T., Cuvan T., 2024] and chose transparency as the remedy. Non-compliance by AI providers or deployers can result in heavy fines (the AI Act has a tiered penalty system, with some violations up to 6% of global turnover). While this is not a direct “right” for the individual (unlike GDPR, where an individual can complain), it indirectly protects individuals by reducing the chance their likeness will be used to mislead others. For example, under the Act, a platform like Facebook in the EU would be obliged to remove or label a deepfake video of a celebrity if it wasn't clearly marked, whereas today it might do so only under its own policies.

Other EU Measures. Alongside the AI Act, the EU Commission and member states have been working on complementary actions. The EU's

Digital Services Act (DSA) also has provisions requiring swift removal of illegal content and increased diligence by platforms, which could apply to things like non-consensual deepfake pornography or impersonation scams. Additionally, as mentioned, countries like Denmark are pioneering a copyright-law amendment to give individuals a removal right for AI imitations of themselves [Bryant M., 2025]. If that becomes law, a Danish person will have a specific legal claim to force takedowns and claim damages for deepfakes using their face/voice without consent — a potentially powerful model if replicated elsewhere in Europe. Another relevant EU legal act is the Audio-Visual Media Services Directive, that was updated to encourage member states to guard against disinformation and protect minors from harmful content; deep fakes are falling under that concern, leading some countries to require media companies to have disclosure when broadcasting AI content.

Significance. The EU framework shows a more regulatory and rights-based approach rather than tort litigation. GDPR provides a rights-based approach (focusing on data/privacy harm), while the AI Act/DSA offer a compliance-based approach (focusing on platform and developer responsibilities to prevent harm). Together, they aim to prevent and mitigate the misuse of AI in impersonating individuals. The absence of a Midler-style case in Europe is partly because those issues get channeled differently: for example, a famous singer who is impersonated by AI in Europe, could theoretically sue under a patchwork of laws (perhaps a claim of unfair competition or a civil code personality right if in a country like Germany), but more efficiently, they might invoke GDPR to get it removed quickly or rely on the upcoming AI Act obligations on the tool provider. Still, as AI-generated celebrity likenesses become more common, we might see European courts develop case law too (for instance, via claims of “false light” or defamation if the AI puts the person in a bad context, or via current image rights doctrines). The EU approach underscores preventative transparency and personal data protection as key tools, aligning with European values of privacy and human dignity. It contrasts with the US approach of an economic right of publicity and India’s court-driven fundamental rights approach, illustrating the diverse pathways to the same end: protecting individuals from unauthorised digital cloning.

4. Comparative Protection of Voice and Likeness — US, EU, and India

All three jurisdictions mentioned recognize, although in varying degrees, that a person’s voice and likeness should not be freely exploitable

by others’ AI technologies. However, the legal theories and mechanisms differ. The following table provides a high-level comparison of how the US., EU, and India approach the protection of voice/likeness in the context of generative AI, including key case law and statutes.

Table 1. Protection of Voice and Likeness in Generative AI — US vs EU vs India²⁸

Jurisdiction	Key Legal Basis for Protecting Voice/ Likeness	Notable Case Law / Statutes	Application to Generative AI
<p>United States (primarily state law)</p>	<p>Right of Publicity — a property/ privacy right preventing unauthorised commercial use of one’s identity (name, likeness, voice, etc.), subject to First Amendment limits. Also, <i>Lanham Act</i> false endorsement and state unfair competition laws can apply in cases of misleading use.</p>	<p>Midler v. Ford (9th Cir. 1988) — voice imitation without consent held liable under CA common-law publicity right.</p> <p>Waits v. Frito-Lay (9th Cir. 1992) — affirmed Midler for another singer’s voice. State statutes like California Civil Code 3344 (and the new Tennessee “ELVIS Act” 2023 adding voice) explicitly protect voice/likeness</p> <p>No federal statute yet, but the proposed No FAKES Act 2023 would prohibit unauthorized AI replicas of a person’s voice/likeness</p>	<p>AI voice cloning or deepfake videos are actionable if they amount to use of identity for commercial advantage without consent. E.g., using a celebrity’s AI-generated voice in an ad would violate their publicity rights (as in Midler’s logic). Parodies or non-commercial transformative uses may be protected by the First Amendment.</p> <p>Increasingly, state laws are being updated to encompass digital replicas (e.g., TN ELVIS Act covers “simulation” of voice)²⁹.</p> <p>Enforcement: Celebrities have successfully obtained injunctions or damages for deepfake</p>

²⁸ Publicity rights in the AI era: Key takeaways from artist Arijit Singh’s recent legal victory...

²⁹ Ibid.

Jurisdiction	Key Legal Basis for Protecting Voice/ Likeness	Notable Case Law / Statutes	Application to Generative AI
			<p>porn or AI endorsements under publicity rights and related torts. However, the patchwork nature means results can vary by state. Federal proposals aim to create a uniform rule, amid some concern from free speech advocates.</p>
<p>European Union (and Member States)</p>	<p>Data Protection and Privacy — Personal data laws (GDPR) treat voice and image as personal data/ biometric data, giving individuals rights over their use [National civil codes protect personality/dignitary rights (e.g., image rights, right to one’s likeness) as part of privacy/family life.</p> <p>Upcoming AI-specific regulations — transparency obligations for AI-generated content (EU AI Act); potential new national laws granting explicit image/ voice rights (e.g., Denmark’s 2025 proposal) .</p>	<p>No directly analogous pan-EU case like Midler, due to differing legal pathways.</p> <p>Notable national cases: e.g., <i>von Hannover v. Germany</i> (European Court of Human Rights, not CJEU) recognized strong image privacy for royalty; various German cases protect voice under “allgemeines Persönlichkeitsrecht”. But these are not AI-specific.</p> <p>GDPR (2016) — imposes penalties for processing personal data (like someone’s voiceprint or face) without consent or other legal basis. Used to force removal of deepfake content (e.g., deepfake porn = unlaw-</p>	<p>I-generated voice and likeness in the EU are primarily dealt with through privacy and consumer protection: — An AI-generated <i>voice replica</i> of an EU person used commercially would likely violate GDPR if done without consent, leading to regulatory action or lawsuits to stop its use.</p> <p>If the AI content misleads or defames, victims can pursue remedies under defamation or advertising laws.</p> <p>Platforms hosting deepfakes face duties under the Digital Services Act to remove illegal content (e.g., non-consensual sexual deepfakes can be deemed illegal).</p> <p>AUnder the AI Act, AI service providers</p>

Jurisdiction	Key Legal Basis for Protecting Voice/ Likeness	Notable Case Law / Statutes	Application to Generative AI
		<p>ful processing of personal data). AI Act (finalizing 2024) — Article 52 will require clear disclosure of AI-generated content that could be mistaken for a real person. Denmark draft law (2025) — would amend copyright law to give everyone rights to their own likeness/voice, allowing takedowns and damages for AI imitations.</p>	<p>must implement watermarks/identifiers in outputs, and users must label deepfake content, reducing anonymity of misuse. This should help persons identify and prove a violation. Some EU member states may introduce explicit image/voice rights — Denmark’s law would give a clear cause of action to individuals for unauthorized AI use of their face/voice . may rely on personality rights interpreted in light of new tech.</p> <p>Enforcement: So far, GDPR complaints and takedowns are the main route. The new regulations aim to prevent harm (via transparency), but the effectiveness will depend on implementation and cross-border cooperation.</p>
<p>India (no specific statute; evolving common law)</p>	<p>Personality Rights/ Publicity (Privacy) — Derived from Right to Privacy (Art. 21 of Constitution) and common-law tort of passing off. Indian</p>	<p>D.M. Entertainment v. Baby Gift (2010) — first major publicity rights case: selling dolls singing in Daler Mehndi’s voice violated his publicity rights³⁰</p>	<p>AI voice or likeness cloning in India is strictly unlawful without consent, especially for celebrities:</p> <p>Using a celebrity’s voice via AI for a song, ad, or mer-</p>

³⁰ Ibid.

Jurisdiction	Key Legal Basis for Protecting Voice/ Likeness	Notable Case Law / Statutes	Application to Generative AI
	<p>courts recognise an individual’s exclusive right to commercially exploit their identity (name, image, voice, signature, etc.)³¹. No dedicated legislation yet, but courts grant injunctions for misuse of persona.</p> <p><i>Copyright/Performer’s Rights</i> — If voice or likeness use involves copyrighted performances or images, those laws provide additional remedies³².</p>	<p>Amitabh Bachchan v. Rajat Nagi (2022) — Delhi High Court has granted a broad order protecting the actor’s name, voice, image from misuse (including in future technologies, NFTs, etc.).</p> <p>Arijit Singh v. Codible Ventures (2023) — first AI voice cloning case: Bombay HC held AI-generated imitation of singer’s voice violates personality/publicity rights and issued an injunction.</p> <p><i>(No specific statute akin to publicity act; courts use case law).</i></p> <p>Additionally, Section 38B, Indian Copyright Act — grants performers moral rights to prevent distortion of their performances (could apply if AI alters a singer’s performance).</p>	<p>chandise is viewed as misappropriation of persona and courts readily grant injunctions³³.</p> <p>Even for non-celebrities, any significant misuse (e.g., deep-fake causing harm) could be challenged as an invasion of privacy or defamation. The precedent from Bachchan and Singh suggests every person has a right to their identity, though celebrities get greater commercial protection³⁴.</p> <p>Indian courts tend to issue John Doe orders to stop dissemination of offending AI content across platforms, recognizing the need for broad relief in the internet age.³⁵</p> <p>Enforcement: Very proactive via courts — rapid injunctions (sometimes ex parte) are becoming common in such cases. However, no statutory damages or criminal sanctions exist specifically for AI impersonation yet. Law reform is being discussed;</p>

Jurisdiction	Key Legal Basis for Protecting Voice/ Likeness	Notable Case Law / Statutes	Application to Generative AI
			an expert panel in 2025 may recommend formalising publicity rights and addressing AI misuse in legislation. For now, judicial intervention remains the primary tool, and it has been effective in high-profile cases (e.g., immediate takedown of AI-generated songs in the Arijit Singh case).

As the table illustrates, the US provides a commercial tort-based remedy (publicity rights) which celebrities have used to claim damages and injunctions (with the trade-off of navigating free speech concerns), the EU leans on a mix of privacy law and ex ante regulation to deter and remedy misuse of likeness (with an emphasis on consent and transparency), and India’s courts have ingeniously extended traditional privacy and IP concepts to address AI impersonation in real time, even absent dedicated statutes. Each system has its strengths and weaknesses: US law directly incentivizes suing the exploiter for money, EU law empowers regulators and individuals to control data but might be slower to respond to viral content, and Indian law’s flexibility allows quick injunctions but relies on judges’ willingness to expand doctrines.

Conclusion

Generative AI is blurring the lines between imitation and infringement, and between creativity and identity theft. Its impact on copyright and personality rights is prompting a critical reevaluation of legal principles developed in an analogue era. In the copyright realm, questions of fair use (or fair dealing), originality, and authorship have come to the forefront. The United States is witnessing a dialectic in its courts — some rulings treating AI training as transformative fair use, others emphasizing the market harm and denying fair use — signaling that higher courts or legislation may soon step in to clarify when using copyrighted works

to “teach” an AI is permissible. At the same time, there is consensus in US, EU, and Indian law that the outputs of generative AI lack protection unless a human’s creative hand is clearly presents. This preserves the fundamental notion that copyright springs from human creativity, even as we grapple with AI-assisted works and derivative creations. The comparative analysis shows a convergence on core values: no jurisdiction is comfortable with AI companies wholesale exploiting artists’ or individuals’ work or persona without permission. Yet, the mechanisms diverge — the US leans on its adaptable fair use and state publicity laws (and perhaps new federal statutes soon) to respond case-by-case; the EU employs comprehensive data governance and new AI regulations to set boundaries; and India’s judiciary dynamically extends current rights to ensure victims of AI misuse have recourse.

On the front of voice and likeness, generative AI has demonstrated both the promise of new creative possibilities and the peril of unconsented appropriation. The legal systems studied have each acknowledged that a person’s voice or image is not just “another input” for AI to consume, but part of the inviolable persona of a human being deserving protection — whether as a property right, a privacy right, or an aspect of human dignity³⁶. The landmark cases of *Midler* and *Arijit Singh*, though decades and continents apart, echo each other in principle: using someone’s voice to *sell* something without their say-so is a wrongful appropriation of their identity. With AI, the scale and ease of such appropriation have magnified, and the law is accordingly ramping up responses. We see new legislation being drafted (from the No FAKES Act in the US Congress to the deepfake provisions of the EU AI Act and Denmark’s proposal to copyright one’s face) as well as innovative settlements (such as actors bargaining for control over digital replicas).

Ultimately, the cross-jurisdictional trend suggests an emerging legal consensus that generative AI should operate within the constraints of respect for existing intellectual property and personality rights, rather than eroding those rights. Courts and lawmakers are actively striving to adapt old doctrines to newest technologies, ensuring that AI innovation does not come at the cost of human creators’ livelihoods or individuals’ autonomy over their identity. As generative AI continues to evolve (with even more realistic deepfakes and creative outputs), the legal frameworks in the US, EU, and India will likely continue on their paths of reform. We have reasons to expect more clarity on fair use (perhaps a

³⁶ Available at: <https://www.wipo.int/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631>.

Supreme Court ruling or new statutory guidelines on AI training data in the US), more robust AI oversight in the EU (as the AI Act comes into force and member states possibly add their own twists, like image rights), and potentially a codification of publicity rights in India (given the momentum from recent cases and expert panels).

For lawyers, creators, and technologists staying abreast of these developments is crucial. A generative AI model is able to cross borders digitally in seconds, but the legal consequences of its outputs will play out differently in each jurisdiction. In summary, generative AI is testing the balance of interests that IP and privacy laws have long tried to maintain. Through case law and new regulations, the United States, European Union, and India are each crafting that balance — aiming to foster innovation and freedom of expression on one hand, while safeguarding the rights of authors and individuals on the other. The continued dialogue between these legal systems — in courtrooms, legislatures, and international forums — will shape the future of how we incentivize creation and protect human identity in an increasingly AI-driven creative landscape.



References

1. Arps S., Meagher F. (2025) Fair Use and AI Training: Two Recent Decisions Highlight Complexity of This Issue. Available at: <https://www.skadden.com/insights/publications/2025/07/fair-use-and-ai-training> (accessed: 11.07.2025)
2. Baris A. (2024) Publicity Rights in the AI Era: Key Takeaways from Artist Arijit Singh's Recent Legal Victory in India. The IPK at Blog. Available at: <https://ipkitten.blogspot.com> (accessed: 20.05.2025)
3. Brooke R. (2024) Writing about Real People Update: Right of Publicity, Voice Protection, and Artificial Intelligence. Available at: <https://www.authorsalliance.org./2024/03/07writing-about-real-people-protection-and-artificial-intelligence/> (accessed: 30.01.2025)
4. Bryant M. (2025) Denmark to Tackle Deepfakes by Giving People Copyright to their own Features. *The Guardian*. June 27. Available at: <https://www.theguardian.com/technology/2025/juin/27/deepfakes-denmark-copyright-law-artificial-intelligence> (accessed: 11.07.2025)
5. Fritz G., Ehlen T., Cuvan T. (2024) EU AI Act unpacked #8: New rules on deepfakes. *Freshfields*. 26 June. Available at: <https://technologyquotient.freshfields.com/post/102jb19/eu-ai-act-unpacked-8-new-rules-on-deepfakes> (accessed: 28.03.2025)
6. Kearns W., Rosenfeld J. (2023) D.C. Federal Court Holds Work Created Entirely by an AI System Cannot be Copyrighted. Available at: <https://www.dwt.com> (accessed: 18.06.2025)
7. Kessel M., Rippe G., Savare M., Sterba B. (2025) Federal Court Rules Against "Fair Use" Defense for AI Training. Available at: <https://www.jdsupra.com> (accessed: 14.05.2025)

8. Klosek K., Blumenthal M. (2024) Training Generative AI Models on Copyrighted Works is Fair Use. January 23. Available at: <https://www.arl.org/blog/training-generative-ai-models-on-copyrighted-works-is-fair-use/> (accessed: 18.07.2025)
9. Maheshwari & Co. (2025) Generative AI & Copyright Law in India: Who Owns Machine-Made Works? July 16. Available at: <https://www.lexology.com/library/detail.aspx?g=ec2ab57f-9934-45c6-9bce-fd7e6c04db71> (accessed: 04.08.2025)
10. Marcelin T., Cassetti F. (2025) AI and Copyright: The Training of General-Purpose AI. Available at: <https://epthinktank.eu/2025/04/28/ai-and-copyright-the-training-of-general%E2%80%91purpose-ai/> (accessed: 02.07.2025)
11. Palmar D.G. (2025) AI Voice Cloning: how a Bollywood Veteran Set a Legal Precedent. *WIPO Magazine*. April 17. Available at: <https://www.wipo.int/web/wipo-magazine/articles/ai-voice-cloning-how-a-bollywood-veteran-set-a-legal-precedent-73631> (accessed: 31.05.2025)
12. Patishman H. (2025) AI and Deepfake Laws of 2025. Aug. 12. Available at: <https://regulaforensics.com/blog/deepfake-regulations/> (accessed: 18.07.2025)
13. Regan G. (2025) The State of Deepfake Regulations in 2025. Reality Defender. June 18. Available at: <https://www.realitydefender.com/insights/the-state-of-deepfake-regulations-in-2025-what-businesses-need-to-know> (accessed: 29.06.2025)
14. Sandler L. (2025) Federal Court Rules Against 'Fair Use' Defense for AI Training. February 14. Available at: <https://www.jdsupra.com/legalnews/federal-court-rules-against-fair-use-3740288/> (accessed: 22.03.2025)
15. Saxena R., Narsipur S. (2024) AI Artistry: Who Holds Copyright? Copyright India. June 18. Available at: <https://www.mondaq.com/india/copyright/1480076/ai-artistry-who-holds-the-copyright> (accessed: 10.12.2024)
16. Suilmann P., Radeisen A. (2025) Landmark Court Decision in the EU: Copyright Permissibility of Text. January 5. RAILS. Robotica and AI Law Society. Available at: <https://blog.ai-laws.org/landmark-court-decision-in-the-eu-copyright-permissibility-of-text-and-data-mining-for-the-purpose-of-ai-training/> (accessed: 16.04.2025)
17. Trivedi S., Marks D.S. (2025) No 'Fair Use' Defense for Using Copyrighted Works for Training AI. February 18. Available at: <https://www.beneschlaw.com/resources/no-fair-use-defense-for-using-copyrighted-works-for-training-ai-models.html> (accessed: 19.05.2025)

Information about the authors:

P. Chopra — Advocate.

R.A.L. Sony — PhD, Associate Professor.

S. Chopra — PhD, Research Associate.

The article was submitted to editorial office 28.07.2025; approved after reviewing 25.08.2025; accepted for publication 29.08.2025.