

Artificial Intelligence, Digital Replication of Performances, and Constitutional Protection of Performers' Rights in India

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Abstract: This paper suggests a protection of the performance, but not the performer, under Indian law. The Copyright Act, 1957 organises Chapter VIII around a live acoustic or visual presentation, and it grants performers economic and moral rights that attach to that presentation. Generative artificial intelligence inverts this architecture: it extracts and monetises the identity of the performer while generating expression the performer never produced. The paper develops a four-mode taxonomy of AI-enabled replication - reproduction, transformation, simulation and fabrication - and demonstrates a replication gradient along which statutory coverage collapses precisely as the performer's aggregate harm intensifies. It then compares six legal regimes with the four modes and illustrates that only one of the legal regimes has been in the position of simulating and fabricating, namely a judge-made personality right without a statutory definition. Analysing forty judgments and orders delivered between 1978 and 2026, the paper identifies four structural defects in that judicial substitute: it gates relief behind celebrity, it operates almost entirely at the interim stage, it supplies injunctions where the performer needs remuneration, and it rests on constitutional reasoning the legislature has never ratified. The paper reads Article 21 as imposing a positive obligation to legislate protection for performative identity, and Article 19(1)(a) as setting the ceiling on that protection, producing a double-proportionality standard. Building on the second proviso to Section 18(1), which withholds unforeseen modes of exploitation from historic assignments, the paper proposes a statutory digital replication right, a five-factor test, draft amendments to the Copyright Act, and a collective licensing architecture accessible to non-celebrity performers.

Keywords: digital replica; performers' rights; generative artificial intelligence; constitutional proportionality; synthetic performance

1. Introduction

In September 2025 the Delhi High Court restrained a group of unnamed defendants from generating pornographic imagery of one of India's most recognisable actors using generative models. Three weeks later the



Bombay High Court held that supplying a tool capable of converting an arbitrary voice into that of a named playback singer is itself an actionable wrong, independent of whether any particular recording was copied. Neither order rested on the performers' rights chapter of the Copyright Act, 1957. Both rested on a personality right that appears in no Indian statute.

That absence is the subject of this paper. India possesses a developed neighbouring-rights regime. Section 38 creates a performer's right; Section 38A confers exclusive economic rights over the recording, reproduction, distribution and communication of a performance; Section 38B protects attribution and guards against prejudicial distortion; and Section 39A imports the Act's licensing and enforcement machinery. This scheme is neither empty nor obsolete. It was drafted, however, on an assumption that has now failed. The assumption is that the economically valuable object is a performance that a person actually gave, captured in some fixation, and thereafter reproduced in a system that is generative to break the chain. A model trained on a singer's repertoire can create a "song the singer never sang", in a voice the audience will hear as the singer's, with no trace of any protected fixation whatsoever. The result is a fresh expression, encircled by an ancient identity.

The result is a mis-match between the objects protected by the statute, and the objects that are valued by the market. In the eyes of the Act, it's a performance, but in the eyes of the market, it's more and more a persona: a bundle of vocal timbre, phrasing, facial geometry, gait and mannerism that's recognised, extracted, and infinitely re-instantiable. It is this paper that sees the "bundle" as the sum of the performer's identifiable performative characteristics, and the re-instantiation of these characteristics as a legal object, namely the digital replica, which is currently governed by Indian law, but not in its design.

The stakes are not academic. The Indian media and entertainment sector reached INR 2.78 trillion in 2025, growing nine per cent year on year, with digital media crossing INR 1 trillion for the first time.³ The recorded music segment, in which playback singers and session musicians earn, was valued at approximately INR 6,000 crore in FY25 and is projected to reach INR 10,899 crore by FY28.⁴ Against that expansion sits a synthetic-media problem of comparable scale: the estimated global volume of circulating deepfake files rose from roughly 500,000 in 2023 to approximately eight million by 2025.⁵ The performer sits at the intersection: professionally dependent on the commercial value of a recognisable identity, and technologically exposed because that identity is now trivially reproducible.

Indian courts have responded with unusual speed. Between November 2022 and July 2026, the Delhi and Bombay High Courts issued a run of injunctions protecting name, image, likeness, voice, catchphrase and gesture against generative misuse. That jurisprudence is genuinely creative, and this paper does not disparage it. But judicial improvisation is not a substitute for legislative design, and the improvisation carries four structural defects that the paper documents in Section 7: it is available in practice only to those famous enough to sustain commercial-division litigation; it operates almost wholly through interim and ex parte orders that generate no ratio; it supplies prohibition where the performer's real interest is participation in revenue; and it rests on constitutional propositions that no legislature has endorsed.

Two developments in the period immediately preceding this paper sharpen the argument. First, on 10 February 2026 the Ministry of Electronics and Information Technology notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, which introduce a statutory category of synthetically generated information and impose labelling, provenance and accelerated takedown obligations on intermediaries. Second, on 24 July 2026 the Delhi High Court declined to restrain a large language model developer from training on copyrighted news content, holding on a prima facie basis that such training fell within fair dealing under Section 52(1)(a). Read together, these two developments describe the gap this paper addresses. The Rules regulate the channel through which synthetic content travels. The judgment indicates that copyright will not readily police the input. Neither addresses the transaction that matters most to the performer: the authorisation, or non-authorisation, of the replication itself.

The paper's contribution is therefore threefold. Analytically, it supplies a taxonomy and a coverage matrix that locate the gap with precision rather than asserting it in general terms. Constitutionally, it develops a double-proportionality standard under which Article 21 supplies a floor of protective obligation and Article 19(1)(a) supplies a ceiling. Normatively, it drafts a statutory digital replication right, an accompanying five-factor test, and an institutional architecture that reaches performers who will never file a suit.

2. Literature review and the research gap

2.1 Approach to the review

The review below is organised thematically rather than author by author. The purpose is not to demonstrate familiarity with a field but to establish, with precision, what existing scholarship has settled and what it has left open. Five bodies of writing bear on the question. Each is competent within its own frame; the gap this paper occupies lies at the seams between them. Table 1 summarises the map.

Theme	Representative work	What it establishes	Residual gap
Performers' rights and contractual asymmetry	Towse (1999); Caves (2000); Dietz (2004); Sand (2013); Agrawal (2021); Bansal (2024, 2026)	Formal rights do not translate into income where blanket assignment is the industry default; the performer's problem is contractual in origin and predates AI.	Says nothing about exploitation where no contract exists at all because the exploiting party never engaged the performer.
Deepfakes and synthetic-media regulation	Mirsky and Lee (2021); Van der Sloot and Wagenveld (2022); Pavis (2020, 2021)	Harm-based prohibition captures only the malicious tail; performers' rights are a more sophisticated tool than privacy or defamation, but the technology strains their scope.	Framed against UK and EU definitions of performance; the proposed cure of performers' copyright is foreclosed in India by s. 16; no constitutional dimension.
Personality rights, voice cloning and posthumous identity	Beard (2001); Roberts (2023); Sommer (2024); Kanellopoulou (2025); Shields (2025); Indian case commentary	Identity attributes carry protectable commercial and dignitary value; Indian courts will restrain generative misuse of a recognisable persona.	Celebrity treated as the paradigm; the non-celebrity performer is not examined; rarely connected back to Chapter VIII of the Copyright Act.
AI and Indian copyright	Mishra and Singh (2025); DPIIT Working Paper (2025); ANI Media v OpenAI (2026)	Centres the input side: whether ingestion for training infringes, and whether outputs are copyrightable and by whom.	The performer appears only incidentally, because the debate is framed around works and authors while the performer's claim concerns an identity that is neither.
Constitutional privacy and dignity	Rajagopal (1994); Puttaswamy (2017); Indian commentary on Article 21 and AI	Privacy, dignity and informational self-determination are fundamental and extend to control over commercial use of identity.	Deployed to establish that a right exists, not to ask whether Article 21 generates a duty to legislate, what ceiling Article 19(1)(a) imposes, or whether fame-gated

			protection survives Article 14.
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Table 1. Thematic map of the existing literature and the residual gap addressed by this paper.

2.2 Performers' rights and the contractual critique

The oldest strand treats performers as structurally disadvantaged participants in the creative economy. Towse's economic analysis of performers' rights in the music industry established that the conferral of exclusive rights does not by itself improve performers' incomes where bargaining asymmetry persists, since the rights are routinely assigned at the point of engagement (Towse, 1999). Caves arrived at a similar result from the theory of creative-industry contracting, which indicates that value is systematically allocated to the party who is responsible for the distribution risk (Caves, 2000). Dietz used to quote the most common expression in the Indian literature: "The rights of the right hand of the legislator are often subtracted by the left hand of the publisher (Dietz, 2004)

The critique has been met with nuanced and considered Indian scholarship. Despite some positive steps being taken with the amendments to the Copyright Act, 2012, Agrawal's analysis of the singers' rights under the Copyright Act pointed out that the actual implementation of formal recognition was far from realised due to the interaction of Section 38A(2) and the standard-form contracts (Agrawal, 2021). Motiyani and Shah followed this problem when infringement of the rights of the performers meets broadcasting (Motiyani and Shah, 2019). Bansal's comparative analysis of India and Australia, and her subsequent article which tracks the line from 'Fortune Films' to the modern era of AI cloning, provides the most recent doctrinal treatment, which she concludes casts doubts on the vulnerability of Indian performers due to the lack of clarity in statutory definitions and the dominance of contractual practice (Bansal, 2024; Bansal, 2026). The World Intellectual Property Organization's review of contractual considerations in the audiovisual sector reaches the same conclusion at the level of comparative practice, observing that statutory rights may have little practical effect where blanket assignment is the industry norm (Sand, 2013).

What this strand establishes is that the performer's problem predates artificial intelligence and is contractual in origin. What it does not address is the situation in which no contract exists at all because the exploiting party never engaged the performer.

2.3 Deepfakes, synthetic media and the regulatory response

The second strand is technological and regulatory. Mirsky and Lee's survey established the technical taxonomy of creation and detection that later legal writing depends upon (Mirsky and Lee, 2021). Van der Sloot and Wagenveld mapped the regulatory challenges of what they term the synthetic society, arguing that harm-based prohibition is an inadequate organising principle because it captures only the malicious tail of a much larger distribution of uses (Van der Sloot and Wagenveld, 2022).

Pavis makes the argument closest to this paper's concern. She contends that performers' rights are a more sophisticated regulatory tool for deepfakes than privacy, defamation or misappropriation of personality, because they are internationally standardised and reach authorised as well as unauthorised uses, and she notes that most legislative responses target harm-based misuse while ignoring consent and compensation in ordinary commercial contexts (Pavis, 2020; Pavis, 2021). Crucially, Pavis also identifies the tension this paper develops: performers' rights are attractive as a solution yet the technology challenges their scope of application, and she therefore proposes replacing performers' rights with performers' copyright.

Three limitations follow for present purposes. Pavis writes principally against the United Kingdom and European frameworks, in which the definitional treatment of performance differs materially from Section 2(q). Her proposed remedy - converting related rights into copyright - is unavailable in India, where Section 16 forecloses the recognition of copyright otherwise than as the Act provides. And the constitutional dimension, which is central in an Indian setting because Part III is directly justiciable against protective and restrictive legislation alike, does not arise in her analysis.

2.4 Personality rights, voice cloning and the posthumous question

The third strand concerns identity rather than performance. Beard's early treatment of digital personae anticipated much of the current debate, distinguishing the interests of the living, the dead and the imaginary (Beard, 2001). Roberts addresses unauthorised posthumous resurrection directly (Roberts, 2023), and Sommer situates the problem in the industrial context of the 2023 SAG-AFTRA dispute (Sommer, 2024). Kanellopoulou examines unauthorised voice cloning specifically at the intersection of performers' rights, sound-recording protection and image rights (Kanellopoulou, 2025), and Shields analyses cloned voices in the music industry (Shields, 2025).

Indian writing in this strand is abundant but concentrated on case commentary. A substantial periodical literature now analyses Amitabh Bachchan, Anil Kapoor, Jackie Shroff, Arijit Singh and Asha Bhosle, and Indian commentators including Tripathi and Gupta have examined voice cloning at the intersection of AI and intellectual property (Tripathi and Gupta, 2024; Josan, 2024). The characteristic form of this literature is the case note, and its characteristic conclusion is that India should codify personality rights. Two features limit its analytical yield. It treats celebrity as the paradigm case, so the position of the non-celebrity performer is rarely examined. And it seldom connects the personality-rights discussion back to Chapter VIII of the Copyright Act, with the result that two regimes governing the same underlying conduct are analysed in isolation from one another.

2.5 Artificial intelligence and Indian copyright

The fourth strand addresses AI and copyright in India. Mishra and Singh examine the implications of AI-generated work for Indian copyright law, focusing on authorship and originality (Mishra and Singh, 2025). A policy literature has developed rapidly around the DPIIT Working Paper of December 2025 and the India AI Governance Guidelines of November 2025, and around the litigation in ANI Media v OpenAI. The centre of gravity of this strand is the input side: whether ingestion of protected works for training infringes, and whether fair dealing or a text-and-data-mining exception should apply. Authorship of outputs is the second preoccupation.

The performer appears in this literature only incidentally. The reason is structural: the debate is framed around works and authors, whereas the performer's claim concerns neither a work nor authorship but an identity that is neither.

2.6 The residual gap

The gap this paper occupies can now be stated without overstatement. It is not that AI voice cloning has gone unexamined in India; it has been examined extensively. It is not that the inadequacy of Indian performers' rights is unremarked; Agrawal, Bansal and others have remarked it. The gap is threefold.

First, there is no study that has systematically compared and organized the different ways in which AI enables replication with the operative provisions of Chapter VIII to identify exactly where and why existing law does not reach. The literature claims that there is a gap, but it does not identify this gap provision-by-provision or mode-by-mode.

Second, there are two strands of literature: the personality-rights literature and the performers'-rights literature, which do not interact. This separation means that the result is a set of protective law which have not been evaluated as a system - its incidence of distribution, its precedent-setting value, its remedial value have not been examined.

Third, the constitutional analysis in the existing literature is thin and is almost always directed at establishing that a right exists. The harder questions - whether Article 21 generates a positive obligation to legislate protection, what limit Article 19(1)(a) imposes on such legislation, and whether a regime distributing protection according to fame survives Article 14 - are not addressed. This paper takes those three questions as its principal contribution.

3. Research questions, objectives and methodology

3.1 Research questions

The paper addresses five questions.

First, can the statutory concept of performance under Section 2(q), and the rights built upon it in Sections 38 to 39A, accommodate a synthetic output that involves no new live presentation by the performer?

Second, where the statute does not reach, what has filled the space, and with what institutional consequences for performers who are not celebrities?

Third, do Articles 14, 19 and 21 furnish a constitutional basis for a dedicated protective regime, and what limits do they impose on it?

Fourth, how should consent operate when a technology creates modes of exploitation that no party contemplated when the original contract was signed? Fifth, what legislative and regulatory model should India adopt?

3.2 Objectives

Five objectives follow. First, To define and classify AI-enabled digital replication of performances in terms usable by a court. Secondly To assess the Copyright Act, 1957 provision by provision against that classification. To evaluate the judge-made personality jurisprudence as a system of protection rather than as a series of individual orders. To locate the constitutional foundation and the constitutional limit of any protective regime. And to formulate draft statutory language and an institutional architecture capable of reaching the whole class of performers.

3.3 Methodology

The study is doctrinal and comparative, supplemented by a structured case-law survey and by descriptive quantitative material drawn from published industry and policy sources. It is qualitative and interpretive; it involves no fieldwork, survey instrument or human participants, and no ethical clearance was therefore required.

The doctrinal component proceeds by textual and purposive analysis of the Copyright Act, 1957 as it stands on 15 June 2026, incorporating amendments through the Jan Vishwas (Amendment of Provisions) Act, 2026. Provisions are read in relation to one another - definitions with rights, rights with exceptions, exceptions with remedies - rather than in isolation, on the footing that the Act's failure in this area is architectural rather than lexical. Doctrinal legal research is used here in the sense described by Gawas, as a method directed at identifying and reforming defects internal to a legal system (Gawas, 2017).

The constitutional component applies the proportionality framework established in *Puttaswamy*, but applies it in two directions: conventionally, to test the permissible limits of a protective regime against Article 19(1)(a); and inversely, to test the adequacy of the State's existing protective response against the positive dimension of Article 21. Section 8 develops this as a double-proportionality standard.

The case-law component surveys judgments and reported orders of the Supreme Court and of the Delhi, Bombay and Madras High Courts from *Fortune Films International v Dev Anand* in 1978 to *Salman Khan v Ashok Kumar* in July 2026. Decisions were identified through Indian Kanoon, SCC Online, official court records and contemporaneous reporting by established legal-news services, and were coded on four variables: the attribute claimed, the technology alleged, the statutory or constitutional hook relied upon, and the procedural posture of the order. The coded results are reported in Table 3 and, in aggregate form, in Figure 4.

The comparative component is functional rather than encyclopaedic. Instruments were selected because each solves a discrete problem that Indian law has not solved: the United States federal proposal for its definitional treatment of a digital replica; the Danish amendment for its extension to all natural persons and its separate performer provision; the European framework for transparency; and the WIPO instruments for the treaty floor. The question asked of each is whether the mechanism is receivable into the Indian statutory architecture, not whether the jurisdiction is admirable.

The normative component formulates draft statutory language and tests it against the double-proportionality standard and against three anticipated objections, which are answered in Section 11.6.

3.4 Scope, sources and limitations of method

Limited to performers as defined in Section 2(qq). The paper does not consider authorship of AI-generated works, copyrightability of model outputs or training using works protected by copyright, except as it relates to the rights of the performer. The paper makes no claim that Indian law today provides copyright in a voice or a face. It does not. It is important to note that there are three methodological limitations. The case-law survey is not a census as most recent decisions are interim or ex parte orders reported via law-reporting services and not consolidated law reports, and there is no public register of personality-rights filings in India. Volume statements, then, are therefore indicative of direction and order of magnitude, not of absolute numbers, and this too is analytically significant, as Section 7 explains. Secondly, the numbers in Figures 2 and 3 are ordinal scores that serve as analytical tools for the author's doctrinal evaluation, not as empirical measures. Third, some of the instruments analysed are still in motion and the position mentioned is that as from August 2026..

4. From performance to persona: a conceptual framework

4.1 Three legal objects

The precision here is crucial - if the debate is held with three objects in one, then all that follows is of a poor standard.

The performance can really be any kind of performance, whether it's the interpretation of a scene by an actor or a singer recording a vocal performance or a dancer performing a choreographed sequence.

The persona is the set of identity characteristics that make a particular performer recognisable across performances. A voice is not a performance; it is the instrument through which performances are given. A face is not a performance; it is the surface on which performances are enacted. The persona is what allows an audience to identify the same person across two unrelated works, and it is what carries endorsement value. Indian law protects the persona, when it protects it at all, through privacy, passing off and the emerging publicity right.

The digital replica is a synthetic representation capable of re-instantiating elements of the persona and generating content that was never performed. It is neither a copy of a performance nor a description of a persona. It is a productive artefact: a capability that can be invoked repeatedly to manufacture new expression bearing an existing identity. Indian law does not name it.

The key takeaway is that the digital duplicate is legally new just because of its disembodied expression of identity. The right of copyright is capable of controlling expression. Personality doctrine is competent to regulate identity. A synthetic performance is the combination of new expression with old identity, and therefore it is caught between two competent performances, neither of which can claim it for its own. .

4.2 Four modes of replication

The paper presents a taxonomy of four modes: closer to a protected fixation, farther from a protected fixation.

Mode 1, reproduction, is where a system reproduces an existing recorded performance or a large part of it. It's the old offense in new garb. It directly applies to Section 38A.

Mode 2 (Transformation) is when a system changes a performance in an existing performance: pitch shifting a vocal, re-timing a delivery, replacing a face in existing footage. The code in the output can still be traced to be a protected performance. Distortion, mutilation or modification of the performance becomes the key issue as the statutory language of section 38B fits.

Mode 3: simulation: A system produces new content which is produced by the performer's identifiable characteristics but not a particular fixation. A model that learns a catalogue generates a song that the singer didn't sing. There is no copying in the same sense but there is learning and re-expression.

Mode 4 (Fabrication) is where a system creates something that suggests that the performer said, did or endorsed something that was not true. The damage done is reputational and to the dignity before economic. There's little in the statute to distort, for there's little of it to be distorted.

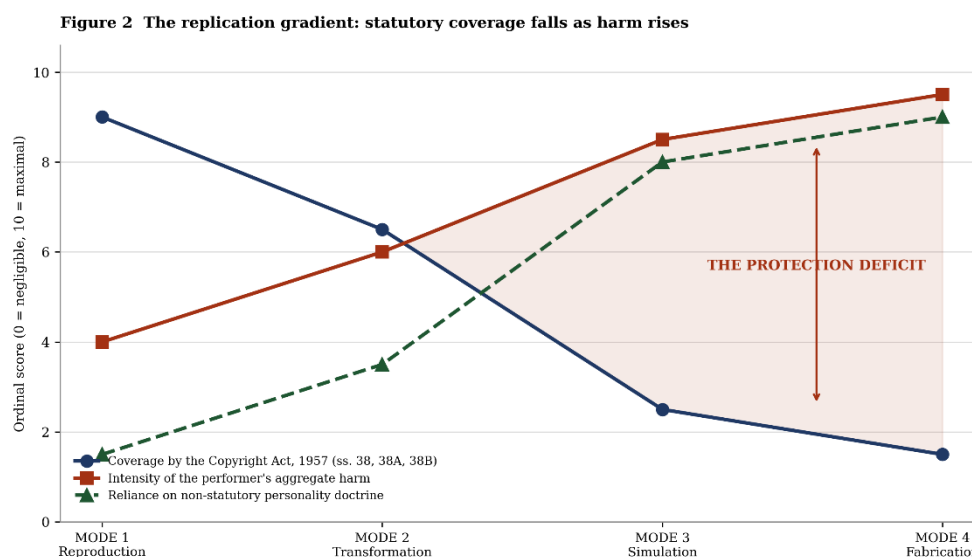
4.3 The replication gradient

The main analytical argument in the paper is stated in Figure 2. When the mode of replication moves from reproduction to fabrication, three things happen at the same time but take divergent directions.

Statutory coverage falls. The wording of Section 38A is "in respect of the performance or any substantial part of it. At Mode 1 that language is satisfied. But it is not at Mode 3, where the synthetic output is a statistical abstraction learned from many and does not include a significant portion of any particular performance. At Mode 4 the language is just inappropriate

The total harm is increased for the performer. If the injury occurs at Mode 1, it is a lost licence fee. At Mode 3 it's market substitution - it's a synthetic voice that's bidding against the living artist for the next commission, at a much lower price and for unlimited quantity. In Mode 4, it is injury to dignitaries, false endorsement, and damage to reputation, which cannot be addressed by licence fee measures.

As reliance on non-statutory doctrine increases, it fills the space. All Indian orders which hold personalities in check and sought privacy have been based on personality and privacy arguments, not on Chapter VIII



In Figure 2, the shaded area is the protection deficit area -the area where the law's coverage and the performer's exposure don't match. The remainder of this paper is concerned with that region.

Figure 2. The replication gradient. The ordinal scores are assigned by the author based on the doctrinal analysis in Section 6, and are used as a comparative heuristic only and not as a measurement.

4.4 The framework never covers the following:

Two exclusions matter. First, the paper makes no claim that style should be made property. Like any special style of expression, a distinctive way of stating, say, a poem, is part of the common heritage of expression, and copyright has always and justly failed to fence it off. The claim is narrower - that if there is a synthetic output, that is the protected interest and not the style, if it is commercially exploited as a result of the identification by a particular person..

Secondly, the paper does not presume that all synthetic outputs are necessarily illegal or improper. The capacity to represent real people is crucial for the science of parody, satire, criticism, historical dramatisation, scholarship and archival restoration. As is appropriate, the exception architecture is built before the right in Section 11.

5. The statutory architecture and its founding assumption

5.1 Exclusion, 1957 to 1994

The Copyright Act enacted did not include a performer's right. Section 2(q) adopted a much broader approach to defining performance, and included any type of visual or acoustic presentation, including a cinematograph film, radio-diffusion and a record. India had signed the Rome Convention in 1961, yet implemented none of its performer protections domestically for nearly three decades.

The consequence was demonstrated in *Fortune Films International v Dev Anand*. The Bombay High Court held that an actor's contribution to a cinematograph film attracted no separate copyright, so that a contractual restriction on territorial release could not be enforced through copyright, and that an attempted assignment of copyright to a performer might have no legal effect where the underlying right was not recognised by the Act. Two propositions from that decision remain instructive. The first is that Indian courts will not construct rights that the statute has not conferred, a principle now codified in Section 16. The second is that where the statute is silent, contract fills the space, and the party with superior bargaining power drafts the contract.

5.2 Negative rights, 1994

The Copyright (Amendment) Act, 1994 introduced a performer-centric definition. Section 2(q) was restricted, for the purposes of the performer's right, to "any visual or acoustic presentation made live by one or more performers", and Section 2(qq) defined performer inclusively to cover actors, singers, musicians, dancers, acrobats, jugglers, conjurers, snake charmers, lecturers and any other person who makes a performance. Section 38 created the performer's right for a term now fixed at fifty years.

The rights of 1994 were basically negative. They permitted another individual to fix and use without their permission, but they gave no proactive control or a portion of the exploitation revenue. It is relevant to the present argument that the word "live" was added to the operative definition by the amendment. That word was presumably meant to differentiate between mechanical output and human.

5.3 Economic and moral rights, 2012

The Copyright (Amendment) Act, 2012, enacted following India's accession to the WIPO Performances and Phonograms Treaty, transformed the position. Section 38A conferred exclusive rights to make a sound or visual recording of the performance, to reproduce and store it, to issue copies, to communicate it to the public and to commercially rent it. Section 38B conferred moral rights of attribution and of integrity. Section 39A extended assignment, licensing, copyright-society and enforcement provisions to performers' rights.

Two limitations were built in at the same moment. Section 38A(2) provides that once a performer has consented in writing to incorporation of the performance in a cinematograph film, he shall not, absent contrary agreement, object to the producer's enjoyment of the performer's right in that film. The proviso preserves an entitlement to royalties for commercial use, but the default position remains a statutory transfer triggered by a signature. Second, India signed but has never ratified the Beijing Treaty on Audiovisual Performances, which entered into force in April 2020 and now binds forty-eight contracting parties. India therefore remains outside the only multilateral instrument directed specifically at audiovisual performers.

Figure 1 Chronology of performers' rights and digital replication in India, 1957-2026

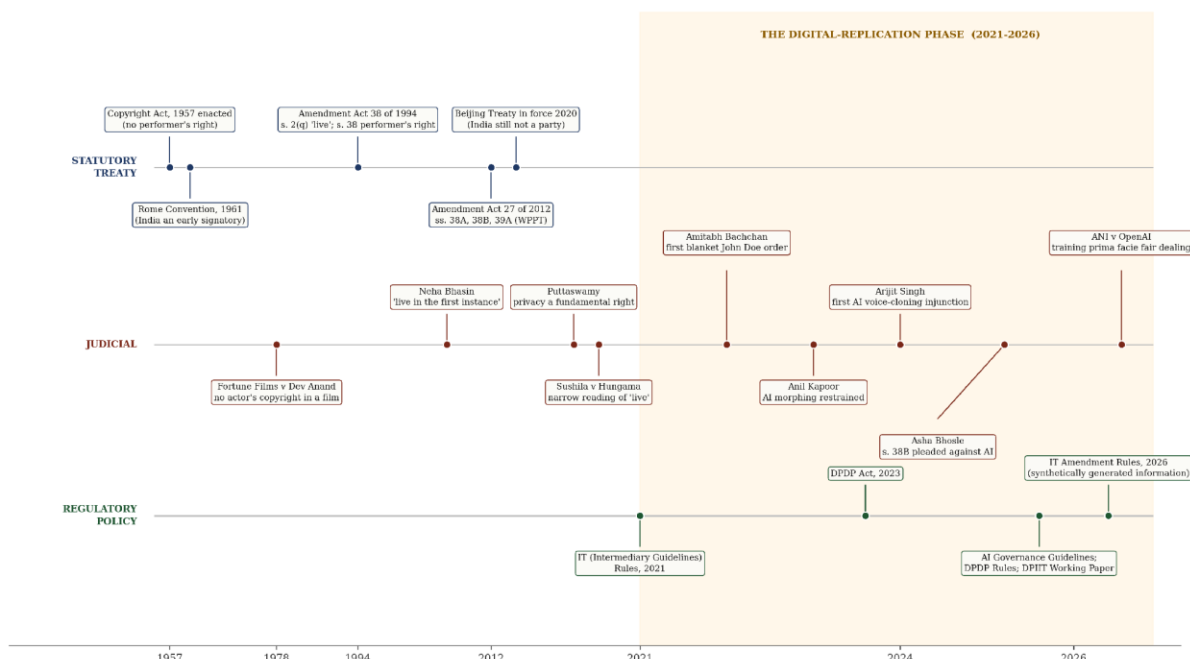


Figure 1. Chronology of performers' rights and digital replication in India, 1957-2026. The horizontal axis is compressed before 2021 and expanded thereafter to accommodate the density of recent developments.

5.4 The unresolved question of 'live'

Indian courts have not settled what "live" means. In *Neha Bhasin v Anand Raj Anand* the Delhi High Court held that "every performance has to be live in the first instance, whether it is before an audience or in a studio", bringing studio recordings within the protective scheme. Rule 68 of the Copyright Rules, 2013 supports that reading for the purposes of performers' societies. In *Sushila v Hungama Digital Media Entertainment Pvt Ltd*, however, a Delhi District Court adopted a dictionary construction requiring an unmediated connection between performer and audience, and aligned itself with the Division Bench reasoning in *Indian Performing Right Society Ltd v Aditya Pandey*. The Delhi High Court's interim observations in *Indian Singers' Rights Association v Dharma Productions Pvt Ltd* reverted to the *Neha Bhasin* formulation and described the question as raising a serious triable issue.

The doctrinal instability is worth stating plainly, because it is diagnostic. A statutory regime that cannot decide whether a studio recording is a live performance is unlikely to resolve, by interpretation alone, whether a machine-generated vocal that no human ever performed falls within its protective scope. The interpretive resources are exhausted before the harder question is reached.

6. The doctrinal fault line: a provision-by-provision assessment

This section tests the operative provisions against the four modes identified in Section 4. Table 2 summarises the result.

Provision	Statutory object	Modes reached	Nature of the gap
s. 2(q)	Performance as a live visual or acoustic presentation	1, 2	Anchors protection to an event. A synthetic output involves no new live presentation, so the performer acquires no hook against it.

s. 2(qq)	Performer as a category of persons	1-4	Identifies who is protected but not which attributes are protected. Voice, likeness and mannerism are nowhere named as legal objects.
s. 2(m)	Infringing copy as a reproduction, copy or recording	1	A simulated output is generated rather than reproduced. Its relation to the corpus is statistical, not reproductive.
s. 38	The special right 'in relation to such performance'	1, 2	Ties the fifty-year entitlement to a particular presentation rather than to a continuing identity.
s. 38A	Exclusive economic rights over the performance or a substantial part	1, partly 2	Substantiality is an atomistic comparison against an identified antecedent. Simulation learns a distribution across many fixations and reproduces none.
s. 38A(2)	Statutory transfer on written consent to incorporation in a film	1-4	A signature at the point of engagement operates as a default transfer. The royalty proviso is not expressed to be non-waivable.
s. 38B	Moral rights of attribution and integrity	2, partly 4	Reaches distortion of an existing performance but not wholly fabricated attribution, which is the graver injury.
s. 39	Exceptions for private use, teaching, research, review	1-4	Sound in principle and portable to any new right, but framed around uses of a performance rather than of an identity.
s. 39A	Importation of licensing and enforcement machinery	1-4	Adequate as a vehicle. It imports remedies but creates no new subject matter.
ss. 18-19	Specificity in assignment; unforeseen modes withheld	1-4	The second proviso to s. 18(1) already withholds synthetic replication from legacy assignments, but attaches to the fixation, not to the persona.

ss. 65A-65B	Technological measures and rights management information	1-4	s. 2(xa) can accommodate consent markers, supplying a provenance skeleton. It lacks a right to which provenance would attach.
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Table 2. Provision-by-provision assessment of the Copyright Act, 1957 against the four modes of AI-enabled replication.

6.1 *The definitional layer*

Section 2(q) anchors performance to a live presentation. A synthetic output is not a live presentation, and the performer gives no new presentation when a model generates in her voice. Two consequences follow. The synthetic output is not itself a protected performance, which is correct and should be preserved: machine output should not acquire neighbouring-rights protection merely by resembling a human. But the performer also acquires no statutory hook against the output, which is not correct and is the gap.

Section 2(qq) is broad and functional, extending to any person who makes a performance. It identifies a category of persons, not a category of protected attributes. Nothing in the Act suggests that the person's voice, face or manner is itself a protected object.

Section 2(m) defines infringing copy by reference to reproductions, copies and recordings. A Mode 3 output is none of these in any ordinary sense. It is a newly generated artefact whose relationship to the training corpus is statistical rather than reproductive. The definitional layer thus cannot be stretched to cover simulation without doing violence to the language.

6.2 *The rights layer*

Section 38 vests the right "in relation to such performance", tying the entitlement to a particular presentation. Section 38A enumerates acts done "in respect of the performance or any substantial part thereof". Substantiality is a comparison between an output and an identified antecedent work. At Mode 1 the comparison is available. At Mode 3 there is frequently no single antecedent against which to measure; the model has learned a distribution across hundreds of recordings. The Bombay High Court's own account of the pleadings in Arijit Singh recorded an allegation that a dataset of 456 songs had been ingested, which illustrates the point precisely: the wrong is aggregate, and Section 38A's substantiality test is atomistic.

Section 38B is the most promising provision and the one most frequently overlooked. It confers a right to be identified as the performer and a right to restrain or claim damages for "any distortion, mutilation or other modification of his performance that would be prejudicial to his reputation". At Mode 2 this fits well: an altered performance is a modified performance. At Mode 4 it strains, because a wholly fabricated output modifies nothing; there is no antecedent performance to distort. The moral-rights provision therefore reaches the case where a real performance is degraded but not the case where a fake performance is invented, which is the graver injury. The Asha Bhosle pleadings expressly invoked Section 38B, and the resulting order proceeded principally on personality reasoning - a revealing indication that even a well-drafted moral-rights provision is being asked to do work it was not designed for.

Section 39 preserves private use, bona fide teaching and research, and fair dealing in reporting, review and research. These exceptions are sensible and must be carried into any new right. Section 39A imports the enforcement architecture, and is the natural vehicle for extending remedies to a new entitlement without re-legislating them.

6.3 *The transactional layer*

Sections 18 and 19 are, in this author's view, the most underused provisions in the entire debate, and they supply the single most useful doctrinal foothold available under existing law.

The second proviso to Section 18(1) states that no assignment shall apply to any medium or mode of exploitation of the work that did not exist, or was not in commercial use, at the time the assignment was made, unless the assignment specifically referred to it. Section 19(2) requires an assignment to identify the work and specify the rights, duration and territorial extent. Section 19(3) requires specification of royalty and other consideration payable. Section 19(5) supplies a default five-year term where none is stated.

Read together, these provisions establish that Indian copyright law already embodies a principle of specificity in the transfer of rights, and already refuses to treat historic assignments as capturing modes of exploitation that were unforeseen when they were executed. Generative voice cloning and audiovisual replica generation were not in commercial use when the overwhelming majority of subsisting Indian performance contracts were signed. The strong reading follows: a pre-2023 performance agreement, silent on synthetic replication, does not authorise the training of a generative model on the fixation or the generation of synthetic performances from it. That reading is available today, requires no amendment, and should be litigated.

The limitation is equally clear. Section 18 operates on assignments of copyright and, through Section 39A, on performers' rights in a performance. It does not operate on the persona, because no right in the persona exists to assign. Once the exploitation moves from the fixation to the identity, the specificity principle has nothing to attach to. The transactional layer thus confirms the diagnosis: the Act's instincts are sound, but its subject matter is misaligned.

6.4 The technological layer

Sections 65A and 65B protect technological measures and rights management information. Section 2(xa) defines rights management information to include the name of the performer and terms and conditions regarding the use of rights. This is a genuinely useful hook. A consent marker attached to a lawful digital replica - recording who authorised what, for which purposes and for how long - would fall naturally within the existing definition, and its removal or alteration would attract Section 65B. The Act therefore already contains the skeleton of a provenance regime for performers. It lacks only the right to which provenance would attach.

Figure 3 Doctrinal coverage matrix: which regime reaches which mode of replication

Copyright Act s. 38A (economic rights in the performance)	direct	partial	indirect	none
Copyright Act s. 38B (moral rights in the performance)	indirect	direct	indirect	indirect
Personality / publicity rights (judge-made)	partial	direct	direct	direct
Article 21 (privacy, dignity, autonomy)	indirect	partial	partial	direct
IT Amendment Rules, 2026 (SGI labelling and takedown)	indirect	partial	partial	direct
DPDP Act, 2023 (personal-data processing)	indirect	indirect	partial	indirect
	Mode 1 Reproduction	Mode 2 Transformation	Mode 3 Simulation	Mode 4 Fabrication

Figure 3. Doctrinal coverage matrix. Cell values represent the author's assessment of whether each regime supplies a direct cause of action, partial coverage, indirect or contingent coverage, or no meaningful coverage for each mode of replication.

7. Judicial migration: how personality doctrine absorbed the gap

7.1 The doctrinal sequence

Indian courts did not wait. Between 2022 and 2026 they built, at speed, a protective jurisprudence assembled from constitutional privacy, passing off and the tort of unfair competition. Table 3 sets out the sequence.

Case	Court, year	Attribute or technology	Contribution to the doctrine
Fortune Films v Dev Anand	Bombay HC, 1978	Cinematic performance	No separate copyright in an actor's contribution; statutory silence prevails over contract.
R. Rajagopal v State of Tamil Nadu	Supreme Court, 1994	Life story, privacy	Privacy read into Article 21; the constitutional root of the later doctrine.
ICC Development v Arvee Enterprises	Delhi HC, 2003	Right of publicity	The publicity right vests in the individual, not the event organiser.
Neha Bhasin v Anand Raj Anand	Delhi HC, 2006	Studio recording	Every performance is live in the first instance, whether before an audience or in a studio.
Titan Industries v Ramkumar Jewellers	Delhi HC, 2012	Image after lapsed endorsement	Supplies the operative test: identifiability plus misappropriation for commercial gain.
K.S. Puttaswamy v Union of India	Supreme Court, 2017	Informational privacy	Privacy a fundamental right including a measure of control over commercial use of identity.
Sushila v Hungama Digital Media	Delhi District Court, 2018	Meaning of 'live'	Narrow dictionary construction requiring an unmediated audience connection.
Amitabh Bachchan v Rajat Nagi	Delhi HC, 2022 (interim)	Name, image, voice	The blanket John Doe template on which every later suit is modelled.
Digital Collectibles v Galactus	Delhi HC, 2023	Public-domain player data	The publicity right is subservient to Article 19(1)(a); the ceiling case.
Anil Kapoor v Simply Life India	Delhi HC, 2023 (interim)	AI morphing, deepfakes, GIFs	Brings generative misuse squarely within the doctrine while preserving parody and criticism.

Jackie Shroff v The Peppy Store	Delhi HC, 2024 (interim)	AI chatbots, catchphrase	Extends the doctrine to conversational systems impersonating a real person.
Arijit Singh v Codible Ventures	Bombay HC, 2024 (interim)	AI voice cloning	Vocal style and technique are protectable; the wrong lies in supplying the replication capability.
Dr Devi Prasad Shetty v Medicine Me	Delhi HC, 2024 (interim)	Professional likeness	Protection reaches a recognisable non-entertainer; identifiability, not stardom.
Aishwarya Rai Bachchan v Aishwaryaworld.com	Delhi HC, 2025 (interim)	Generative deepfakes	Ex parte relief expressly against AI, deepfake and face-morphing technologies.
Asha Bhosle v Mayk Inc	Bombay HC, 2025 (interim)	Voice conversion tools; s. 38B	Making a voice-conversion tool available is itself a violation; s. 38B expressly pleaded.
Hrithik Roshan v Ashok Kumar	Delhi HC, 2025 (interim)	Merchandise, morphed content	Separates commercial exploitation from non-commercial fan and tutorial use.
Jubin Nautiyal v John Doe	Delhi HC, 2026 (interim)	Voice models, digital avatars	Directed at AI platforms rather than at individual uploaders.
ANI Media v OpenAI OpCo	Delhi HC, 2026	LLM training on protected content	Training prima facie fair dealing under s. 52(1)(a); the input side will not carry the performer's claim.
Salman Khan v Ashok Kumar	Delhi HC, 2026 (interim)	Persona in a dramatised film	Persona exploitation restrained inside expressive content; the boundary remains contested.

Table 3. Documented sequence of Indian decisions bearing on performer identity and digital replication. Orders marked interim were granted ad interim or ex parte and record prima facie satisfaction rather than final findings.

The constitutional root is *R. Rajagopal v State of Tamil Nadu*, which read privacy into Article 21 and recognised a person's control over the publication of matters concerning their own life. *ICC Development (International) Ltd v Arvee Enterprises* located the right of publicity in the individual rather than in an event organiser or corporation. *Titan Industries Ltd v Ramkumar Jewellers* supplied the operative test - identifiability plus misappropriation for commercial gain - and held that a lapsed endorsement confers no residual licence. *K.S. Puttaswamy v Union of India* then elevated privacy to a fundamental right and located within it a measure of control over the commercial use of identity.

Amitabh Bachchan v Rajat Nagi supplied the procedural template: a single omnibus John Doe order binding named and unnamed defendants alike, coupled with directions to intermediaries. *Anil Kapoor v Simply Life India* brought the technology squarely within the doctrine, restraining AI morphing, deepfake video, face-swapped GIFs

and the commercial exploitation of a catchphrase and a signature gesture, while expressly preserving legitimate comment, criticism, parody and satire. *Jaikishan Kakubhai Saraf v The Peppy Store* extended the reasoning to AI chatbots impersonating a real person.

Arijit Singh v Codible Ventures LLP is the pivotal decision. The Bombay High Court held that a singer's voice, vocal style, technique, arrangements and interpretations are protectable facets of personality, and restrained platforms offering text-to-voice conversion into the plaintiff's voice. The reasoning marks the point at which Indian law recognised that the wrong lies in the availability of the replication capability, not merely in any particular output. *Asha Bhosle v Mayk Inc* confirmed and generalised that holding, the Court observing that making AI tools available to convert any voice into that of a celebrity without permission would itself constitute a violation of personality rights.

The counterweight is *Digital Collectibles Pte Ltd v Galactus Funware Technology Pvt Ltd*, in which the Delhi High Court held that the right of publicity is not absolute and is subservient to Article 19(1)(a), and declined to restrain the use of publicly available player names and match statistics. *Hrithik Roshan v Ashok Kumar* refined the line further, granting relief against commercial exploitation and morphed content while declining to order *ex parte* removal of non-commercial fan pages and holding that a dance tutorial using publicly available work did not infringe. These two decisions are indispensable to a balanced account, and Section 11 treats them as the design constraint on any statutory right.

Figure 4 The litigation wave against the value of the protected sector

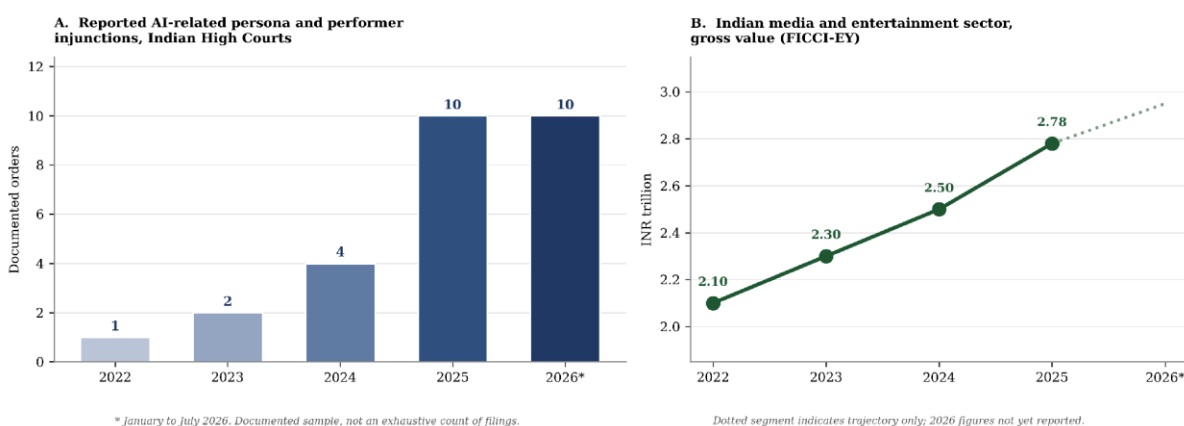


Figure 4. Panel A shows reported AI-related persona and performer injunctions in the documented sample described in Section 3; the 2026 figure covers January to July only. Panel B shows the gross value of the Indian media and entertainment sector as reported by FICCI and EY.

7.2 Four structural defects

The jurisprudence is impressive. It is also, considered as a system of protection, defective in four respects.

The first is called the “fame gate” requirement. All the documented orders in the sample were from the hands of the people who are nationally recognised: film actors, playback singers, filmmaker, cricketer, surgeon of national repute and a spiritual leader. It's no accident. The doctrine's elements are identifiability and reputation and the procedural mechanisms are a commercial-division on an *ex parte* application for urgency, senior counsel, and evidentiary collation of URLs and listings. A session musician, a dubbing artist, a background dancer, a junior artist or a folk performer falls short of the doctrinal requirement, and also of the economic. But these entertainers are more vulnerable, not less: their work can be easily emulated and synthesized, and their contracts often include blanket waivers, and they have no self-promotion or endorsement value to fall back upon. A regime that is inverse to vulnerability is a regime with an equality problem, and Section 8 develops the Article 14 argument that follows from it.

The second fault is the flimsiness of the evidence and the lack of precedential value of interim relief. There are number of orders that are ad interim or ex parte in nature, and they are definitely the majority. They make findings and note satisfaction, rather than satisfaction; they are rarely tested on contest; few are reported in consolidated law reports; and they create persuasive, not binding ratio. A body of law built up largely on unopposed interim orders is of shaky construction and will remain so until the propositions are put to the test by a contestation.

Third fault is that the harm does not match up with the available remedy. Relief given is prohibitory – takedown, blocking, disclosure of subscriber information, domain suspension. The remedy for fabrication is prohibition and the remedy for non-consensual intimate imagery is prohibition. It is an inappropriate solution to the economic problem, which is not that there's synthetic performance, but that the performer isn't being paid for it. The actor's license is needed at Mode 3, so is his/her remuneration entitlement. Neither can be provided by injunctions. Yes, an injunction-only regime encourages opaque markets: it discourages (but does not prevent) licensed replication that is visible; it does not discourage (and does prevent) unlicensed replication that is not visible.

The fourth fault is the failure to have the constitution ratified. In effect, the courts are building a new property-like interest in identity – and building it via interlocutory orders on the basis of constitutional values that the law-makers have never made part of statute. No one has copyright or any other right of same except in so far as provided by this act or other law in force (section 16 of the Copyright act). It is not under, but alongside, judicial development of a personality right. It's obvious, therefore, that a durable regime needs legislation, not because the courts have got it wrong, but because the courts have now gone as far as courts can go.

7.3 The significance of ANI v OpenAI

The Delhi High Court has denied an interim injunction in ANI Media Pvt Ltd v OpenAI OpCo LLC, adding the final touch. The Court, prima facie, found that the outputs could not be considered to be substantially similar and the plaintiff failed to show any memorisation or regurgitation of the work or any similarity of the underlying facts, and that the plaintiffs' training was a reproduction under Section 14(a)(i), but that the use was protected under Section 52(1)(a). The results were specifically preliminary and non-conclusive.

For performers the implication is significant even though the case concerned news content. If the input side of copyright is unlikely, at least on current authority, to restrain ingestion, then a performer's protection cannot be built on the training stage. It must be built at the point of output and identification: not on whether a fixation was consumed, but on whether the resulting artefact is identifiable to a specific person and exploited on the strength of that identification. This is precisely the architecture the paper proposes, and the ANI decision strengthens rather than weakens the case for it.

8. The constitutional dimension

8.1 Article 21 as a floor: the positive obligation to protect

Puttaswamy is ordinarily deployed as a shield. Privacy is a fundamental right; state action invading it must satisfy legality, legitimate aim, proportionality and procedural safeguards. In the digital-replication context the more useful reading is the converse one. If informational self-determination and control over one's identity are constituent elements of the liberty protected by Article 21, then a legal order in which private actors may extract, model and re-instantiate a person's voice and face at will is not merely a market failure. It is a condition in which a fundamental right is systematically defeated by non-state power.

Positive obligations have always been recognized in Indian constitutional law under Article 21. The duty is not limited to abstention, but it is also responsibility to set up conditions under which the protected interest can be enjoyed. That the State has a vested interest in responding to a technology that is out of the reach of the person whose interests it is is not new. It's the same logic that led to workplace harassment, environmental clearance, data protection laws and so forth.

The performer's case is unusually strong because three protected interests converge. Autonomy is engaged because replication substitutes machine agency for the performer's choice about what she will and will not perform. Dignity is engaged because fabrication attributes to her conduct she never engaged in - a harm that Indian courts have repeatedly characterised in dignitary rather than proprietary terms when confronted with synthetic sexual imagery. Informational self-determination is engaged because the vocal and facial characteristics from which a model is built are, on any sensible reading, personal data.

The argument must be stated with discipline. Article 21 does not create a copyright in a voice. Section 16 forecloses that route in any event. What Article 21 supplies is a constitutional reason why Parliament should legislate, and a constitutional standard against which the adequacy of the resulting legislation can be measured. It supplies a floor, not a title.

8.2 Article 19(1)(a) as a ceiling

The same constitutional order that supplies the floor supplies the ceiling. A broadly drafted replica right would be a formidable instrument of censorship. It would reach political satire, investigative journalism using reconstructions, biographical film, archival restoration, comedic impersonation and scholarly analysis. Digital Collectibles states the principle: the right of publicity is subservient to Article 19(1)(a) and cannot be extended to fence off publicly available information. Hrithik Roshan applies it, distinguishing commercial exploitation from fan expression and non-commercial creative use.

Any statutory right must therefore be drafted to the ceiling as carefully as it is drafted to the floor. Three drafting consequences follow. The right must be defined by reference to identifiable commercial or deceptive exploitation rather than to use simpliciter. The exception architecture must be enacted in the same instrument as the right, not left to subsequent judicial construction. And the remedy must be proportionate and graduated, so that a labelling failure does not attract the same response as non-consensual intimate fabrication.

8.3 A double-proportionality standard

The two constitutional vectors can be combined into a single working standard, which this paper terms double proportionality. A statutory digital replication regime is constitutionally sound where, first, it is adequate to discharge the Article 21 protective obligation - meaning that it actually reaches the modes of replication that produce the gravest harm, and reaches performers who are not celebrities; and second, it is no more restrictive of expression than is necessary to achieve that aim - meaning that it is confined to identifiable exploitation, admits robust expressive exceptions, and graduates its remedies.

Neither limb alone is sufficient. A regime that satisfies only the second limb is the present position: minimally restrictive of speech and largely useless to the performer. A regime that satisfies only the first would be an identity monopoly incompatible with Article 19(1)(a). The design task is to satisfy both.

8.4 Articles 19(1)(g) and 14

The economic aspect comes from Article 19(1)(g). A person practising a trade or craft is a trade person that uses a specialized instrument, usually in a unique way. Where a synthetic replica competes for her commission, at almost no marginal cost, it is her practice of the profession that is being interfered with, not just a revenue stream for license. The importance of this should not be underestimated: There is no right to be free from competition in Article 19(1)(g). It does not, however, assert that simply substituting a person with a model of that person falls short of a real competition between two or more market participants, and that a reasonable regulatory response is constitutionally acceptable.

The most critical attack on the current state is contained in Article 14, which is a direct result of the fame gate described in Section 7.2. The present-day system gives protection on the basis of reputation and capacity to litigate. Two performers exposed to identical technological harm receive radically different protection depending on whether

they are nationally famous and able to fund an urgent commercial-division application. It is difficult to identify the rational nexus between celebrity and the legislative object of protecting performers from unconsented synthetic replication. If anything the relationship is inverse: the celebrity has contractual leverage, professional representation and residual endorsement value, while the session musician has none of these and is the first to be displaced by synthesis.

The Article 14 argument therefore does more than criticise. It prescribes a design constraint: any statutory right must be available on the basis of identifiability rather than fame, and must be enforceable through a channel that does not require the performer to litigate. Section 11.4 addresses that requirement institutionally.

9. The governance layer: what the 2026 settlement does and does not do

9.1 The Information Technology Amendment Rules, 2026

The Amendment Rules notified on 10 February 2026 and in force from 20 February 2026 introduce synthetically generated information as a regulatory category covering audio, visual or audiovisual content created or algorithmically altered by computer resources so as to appear authentic. Intermediaries must ensure that such content carries a prominent label and embedded provenance metadata; users are prohibited from removing or suppressing the label or metadata; takedown timelines are compressed, with an accelerated window for complaints concerning non-consensual intimate content and impersonation; and significant social media intermediaries carry enhanced due-diligence obligations. The proposal in the October 2025 draft that a visible label occupy at least ten per cent of the visual surface did not survive into the final instrument.

This is a substantial and, in the author's assessment, well-directed intervention. Provenance and labelling address the epistemic harm of synthetic media - the erosion of the audience's ability to tell what is real - and they do so at the layer where it can be operationalised.

They do not, however, address the performer's problem. The Rules regulate distribution, not authorisation. A labelled synthetic performance in a named singer's voice, distributed with impeccable provenance metadata, remains a synthetic performance in that singer's voice, generated without her consent and yielding her nothing. Labelling makes the misappropriation transparent; it does not make it lawful or unlawful, and it does not create an entitlement. The Rules are a necessary complement to a performer's right, not a substitute for one.

Two further limitations deserve notice. First, the Rules operate through intermediary due diligence, so their bite depends on the intermediary's continued reliance on safe harbour, which is a weak lever against a foreign-hosted model provider with no Indian establishment. Second, the compression of takedown timelines to as little as three hours creates a real risk of over-removal, which is an Article 19(1)(a) concern in its own right and reinforces the need for the graduated remedial ladder proposed in Section 11.

9.2 Data protection and the AI governance framework

The Digital Personal Data Protection Act, 2023, with Rules notified in November 2025, governs the processing of personal data. The elements of voice and facial characteristics used to train a model of an identified individual are personal data on any reasonable construction and the purpose limitation and specific consent requirements of the Act are directly relevant to training of the model.. The difficulty is one of fit rather than principle. The Act is architected around a data principal and a data fiduciary in a service relationship; it is not architected around the commercial exploitation of an identity as a productive asset. It supplies a consent norm without supplying a remuneration norm, and it addresses the collection of the data rather than the deployment of the resulting capability.

The India AI Governance Guidelines released on 5 November 2025 confirm that India will not enact umbrella AI legislation but will adapt existing frameworks through a sectoral, principle-led approach organised around seven sutras and six pillars, with deepfake risk addressed principally through watermarking and provenance standards. That

choice is defensible. It also means that the performer-specific gap will not be closed by a general AI statute, and must therefore be closed within the copyright framework, which is precisely where this paper locates the reform.

9.3 The DPIIT Working Paper

The Working Paper on Generative Artificial Intelligence and Copyright released by the DPIIT committee on 8 December 2025 proposes a hybrid model under which lawfully accessed copyrighted content is available for AI training as of right, subject to a statutory remuneration entitlement administered through a proposed Copyright Royalties Collective for AI Training, with training-data disclosure obligations and a revenue-share royalty set by a rate-setting committee.

For the argument developed here, three features of the Working Paper matter. It accepts that a remuneration right, rather than an exclusive right, may be the appropriate response to large-scale machine learning. It contemplates a collective administration body capable of distributing to rights holders who would never litigate. And it proposes disclosure of training data, which is an evidentiary precondition for any identity-based claim. Each is directly transposable to performers. The paper's proposal in Section 11 is accordingly designed to interlock with the DPIIT architecture rather than to compete with it: training and ingestion handled through collective remuneration, identity and output handled through a dedicated replication right.

10. Comparative reference points

Comparison is used here functionally. The question is which mechanism addresses which failure, and whether it can be received into Indian law.

Instrument	Mechanism	What it solves	Transferability to India
NO FAKES Act (US), S. 4591, advanced from Senate Judiciary Committee, 18 June 2026; not enacted	Federal licensable property right in voice and visual likeness; post-mortem term on registration; DMCA-style counter-notification	Isolates simulation and fabrication through the formulation 'did not actually perform or appear'; supplies a speech safeguard	High for the definition and the counter-notification procedure. Low for the property framing, which sits awkwardly with s. 16 of the Copyright Act.
Danish Copyright Act amendment (proposed)	Neighbouring right over realistic digital imitation of appearance and voice, with a separate provision for performing artists; parody preserved	Extends to every natural person, not only public figures; treats synthetic performance as distinct from synthetic likeness	High. It is the closest structural analogue to placing the right in Chapter VIII, and it supplies the equality correction Article 14 requires.
EU AI Act and DSM Directive	Transparency and disclosure for synthetic content; rights reservation and training-data summaries for general-purpose models	Audience-facing epistemic harm and model-level accountability	Partial. India has already taken this route through the 2026 IT Rules. It informs the audience without creating a performer entitlement.
Rome Convention 1961; WPPT 1996	Minimum standards for performers in aural performances and phonograms	The treaty floor for economic and moral rights, already implemented in ss. 38A and 38B	Implemented. Supplies the baseline against which any new right must be additive, not substitutive.
Beijing Treaty on Audiovisual	Economic and moral rights for audiovisual	Strengthens audiovisual performers' moral rights	Available but unused. India signed and has not ratified. Accession would

Performances 2012, in force 2020	performers; forty-eight contracting parties	and cross-border national treatment	not solve replication but would improve India's negotiating position.
DPIIT Working Paper (India), 8 December 2025	Statutory remuneration for AI training administered by a proposed collective, with training-data disclosure	Converts an unenforceable individual right into a distributable revenue stream; supplies evidentiary disclosure	Directly interlocking. Training handled by collective remuneration; identity and output handled by the proposed replication right.

Table 4. Comparative mechanisms assessed functionally: what each instrument solves, and what it does not.

The United States model treats the digital replica as property. The NO FAKES Act, advanced by the Senate Judiciary Committee on 18 June 2026, would create a federal, licensable right in an individual's voice and visual likeness, define digital replica to include a newly created, highly realistic electronic representation readily identifiable as the individual in which the individual did not actually perform, provide for post-mortem rights subject to registration, and add a counter-notification procedure modelled on the Digital Millennium Copyright Act. The definitional work is the transferable part: the formulation "did not actually perform or appear" isolates simulation and fabrication with a precision Indian drafting should borrow. The counter-notification mechanism is equally instructive as an Article 19(1)(a) safeguard.

Denmark has taken the neighbouring-right route. The proposed amendment to the Danish Copyright Act would confer on every natural person rights over realistic digital imitations of their appearance and voice, and would insert a dedicated provision protecting performing artists against unauthorised AI-generated imitations of their performances, with parody and satire preserved. Two features are directly relevant. First, protection extends to all persons and not only to public figures, which is exactly the equality correction that Section 8.4 requires. Second, the performer provision is separate from the general likeness provision, recognising that a synthetic performance raises issues that a synthetic photograph does not.

The European Union addresses the problem through transparency rather than entitlement. The AI Act's disclosure obligations for deepfakes and synthetic content, and the copyright and rights-reservation obligations imposed on general-purpose model providers, together with the text and data mining framework of the Digital Single Market Directive, produce a regime of visibility and opt-out. The lesson for India is the limit rather than the model: transparency obligations, like the 2026 IT Rules, tell the audience what it is looking at without telling the performer what she is owed.

At the international level India remains a party to the Rome Convention and to the WPPT but not to the Beijing Treaty on Audiovisual Performances. Accession would not by itself solve the digital-replica problem, since the Beijing Treaty is directed at conventional audiovisual exploitation. It would, however, align India with the forty-eight contracting parties, strengthen audiovisual performers' moral rights, and place India in a position to argue for a synthetic-performance instrument from inside the treaty framework rather than outside it.

11. A proposal: the statutory digital replication right

Figure 5 Proposed constitutional digital-replica framework for Indian performers

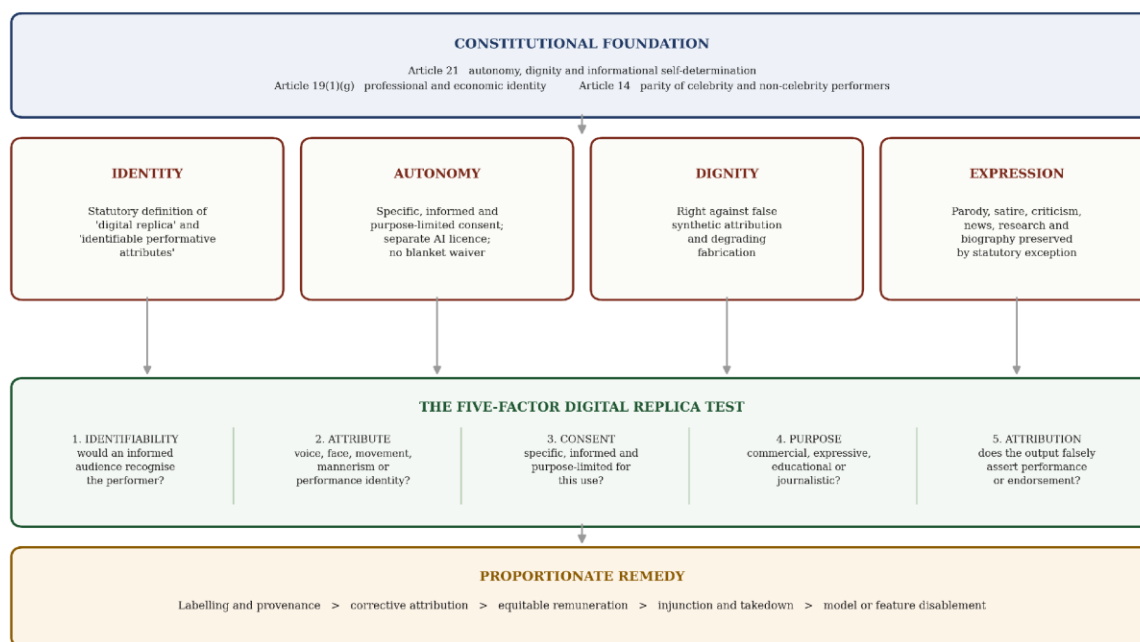


Figure 5. The proposed framework. The constitutional foundation supplies both the obligation to legislate and the limit on legislation; the four pillars translate that foundation into statutory design principles; the five-factor test operationalises the right; and the remedial ladder gives effect to proportionality.

11.1 Location and definitions

The existing architecture for enforcement, assignment and collective-administration as provided under Section 39A can be extended by cross-reference. Finding the right in copyright law leaves it in the Union List entry under which the Copyright Act was passed, and prevents the federal headache of a freestanding personality statute. The paper proposes the following definitions, inserted in Section 2. A digital replica is an audio, visual or audiovisual representation made using a computer or an algorithm that is easily recognizable to a person reasonably acquainted with the performer, as the voice or likeness of a performer, but who did not actually perform or appear in the representation, or in whose performance or appearance the character was materially changed.

11.2 The operative right and the five-factor test

There is a conscious division of the right. The commercial limb is an authorisation right based on remuneration and is appropriate to Mode 3, where the interest of the performer is participation as opposed to prohibition. The dignitary limb is a one-way prohibition right which can only be asserted where Mode 4 exists – there may be no channel of the market, and there may be no licence fee to cure the injury. The five factors outlined in Figure 5 must be considered in adjudication. Identifiability queries if a reasonably informed audience would know the attribute is a performer. Attribute: What was repeated? Consent refers to whether a specific, informed and purpose limited authorisation was provided for the use in question and not a general authorisation in a historic document. Purpose is whether or not it is commercial, expressive, educational, journalistic or research-related. In attribution, it is important whether the output represents the person falsely as having performed or endorsed something. The first two provide the content of the subject matter, the third and fourth assign the responsibility, and the fifth identifies the limb of the right that is being invoked and thus the remedy.

11.3 Consent, contract and the treatment of legacy agreements

Digital replicas should be specifically covered by Section 38D, in accordance with the specificity principle of Sections 18 and 19. There are four proposed requirements. An authorisation to make a digital replica shall be in writing, specify the attributes for which the authorisation is granted, the purposes for which the digital replica may be made, the media and territories covered by the authorisation, the period for which the authorisation shall last and the consideration to be paid in that respect, and shall not be derived from a general assignment of copyright or of performer's rights. No consent to a fixation can be interpreted as consent to the training of a model on that fixation, nor to the generation of digital replicas from that fixation. This makes it clear for the performer what is already implicit for any assignment in the second proviso to Section 18(1). The proviso to Section 38A(2) should be expanded to mean that a performer's rights under Section 38A(1) to obtain royalties for commercial use of such work may not be waived in relation to the digital replication and mirroring of the work. That a performer should have the right of withdrawal in respect of prospective generation, subject to compensation for reliance and a notice period, to prevent the giving of consent at one point in a career from being the giving of consent at all points in the career. A temporary solution will be necessary for the legacy question. The paper suggests that agreements signed before the amendment should not be interpreted as giving the producers the right to digitally replicate the product, unless they explicitly refer to the synthetic reproduction, and that there should be a time window for producers to renegotiate based on a new agreement that clearly does grant such right. This is not retrospective expropriation; it's the extension of a principle that the Act has been putting into practice since 2012. .

11.4 Reaching the non-celebrity performer

This is the one most frequently left behind and it is the element which is decisive on Article 14 analysis of the constitutional sufficiency of the reform. Three institutional measures are suggested. The Central Government should register under Section 33 a collective of performers, competent to administer digital replication rights, and should extend the discipline of tariff schemes contained in Section 33A to the registration of replication licences. The Indian Singers' and Musicians' Rights Association is already the natural nucleus for administering the performer royalties. Collective administration transforms an individual right – a right only the famous can assert – into a revenue stream that touches everyone in the repertoire. Second, the Copyright Office shall keep a Digital Replica Registry in which a reservation shall be set against an authorized replica for a purpose of synoptic replication, and in which the parameters of an authorized replica shall be recorded with the consent of the performer. Registration should be declarative, not constitutive; for the same equality considerations as guide the design in general. The purpose of the registry is quite clear: It provides evidence and a transaction. Third, the information in respect of consent parameters in the registry should be considered as information about rights management in Section 2(xa) such that removal of or falsification of it should result in Section 65B. This will link the entitlement to the existing IT Rules 2026 provenance obligations, bringing two instruments working in parallel together.

11.5 Exceptions, posthumous rights and remedies

A new Section 39(d) should exclude from the right: parody, satire, caricature and pastiche; criticism, review and commentary; bona fide news reporting and documentary reconstruction where the synthetic character is disclosed; teaching, scholarship, archival preservation and restoration; biographical or historical depiction that does not falsely assert endorsement; and incidental or de minimis use. Each exception should be conditioned on disclosure of the synthetic character of the output where the output could otherwise be mistaken for an actual performance. Disclosure, rather than prohibition, is the appropriate regulatory tool where the use is expressive.

On posthumous protection, Indian law is presently unsettled. The Delhi High Court in *Krishna Kishore Singh v Sarla A. Saraogi* treated the survivability of publicity rights as an open question, engaging the maxim *actio personalis moritur cum persona*. Uncertainty is the worst outcome for all parties, since it deters legitimate licensed use of archival performance while providing no reliable remedy against exploitation. The paper suggests that the term of post-mortem should be fixed at 20 years, vested in the legal heirs and restricted to the commercial limb of the right and fabrication that would have been actionable during life, and with the same exceptions. Twenty years is not as long as the interest

protected by Section 38, for the interest protected after death is not the interest of the performer's livelihood but the estate value of his body and the legacy of his soul.

The remedies are to be graduated and the order, according to the ladder in Figure 5, is to: Label; correct the provenance; make an attribution or disclosure if there has been false endorsement; offer equitable remuneration; issue an injunction and take down; and, in the most serious of circumstances, an order to turn off a particular model or a particular function of replication. Section 39A should be amended to make Sections 55, 58, 63 to 65B and 62 apply to the new right. This may be important for a not-very-rich performer who faces a foreign platform, because section 62(2) already allows a plaintiff to sue in a jurisdiction where he lives or works for hire.

11.6 Objections

Since 1994, Three has had three objections that call for an immediate response. The first is that the idea will “freeze” innovation in a field India is actively seeking. The answer is that the right is only engaged when there is an identifiable individual output and that output is used for a commercial purpose on that basis. It doesn't inhibit training in general, output is not comparable to anyone else, and it offers a licensing option, not a ban on regular commercial use. It's closest to the regime that is already followed by AI developers for musical works. The second is that the level of identifiability is unduly broad. The answer is that Indian courts have already adopted just this test in the case of Titan Industries and have done so on the brink in Gautam Gambhir and Digital Collectibles. The test is known, adjudicated and applicable. The third is that a remuneration right is not scalable. Yes, it is because Indian copyright law has implemented tariff-setting, collective distribution Sections 31C, 31D, 33 and 33A for AI training which is proposed by the DPIIT Working Paper. Incorporating performers into an already constructed building is a smaller step than building one.

12. conclusion

There are three restrictions on the argument. The case-law survey is not a census - the numbers of litigations in Figure 4 are directional, rather than quantitative. Figures 2 and 3 are ordinal; they are analytical tools in which the author's doctrinal judgment was used, and not empirical measurements. Several of the most important developments from the last couple of years are still on-going - the 2026 IT Rules, the proposals from DPIIT, the NO FAKES Act, and the Danish amendment, to name just a few. With those limitations, let's get to the end of the story. The Copyright Act, 1957 is not a statute of yesteryear. Section 38, 38A, 38B and 39A provide an actual and in some instances an ample neighbouring-rights scheme, and Sections 18 and 19 represent a doctrine of transactional specificity that is already (where adequately litigated) being litigated against legacy assignments. The issue with the Act is not “neglect” but rather an “alignment error. It safeguards a performance in which the market has learned a performer. This misalignment creates the replication gradient recorded in Figure 2, whereby the more the performer replicates, transforms, simulates and fabricates, the more the performer's aggregate harm drops and the more the statute covers. Indian courts have rushed to fill the void with speed and imagination, but the alternative that they have created is only accessible to the famous, has few precedents, is remuneration-depreciating, and unlegislated. The 2026 regulatory settlement applies to the channel where the synthetic goes. This implies that the use of copyright on the input side will not be an impediment to ingestion, a decision that the ANI refrains from making. Channel and in-between the in-between is the transaction, which decides whether a performer's identity can be re-instantiated at all, and which is at present ungoverned. The case is double for closing the gap in the Constitution. Article 21 provides the obligation, not as an entitlement to a voice but as a benchmark by which to assess the sufficiency of protective legislation. Under this interpretation of Article 19(1)(a) (as applied to Digital Collectibles and to Hrithik Roshan), the limit is provided. A statutory digital replication right, binding on both arms, based on the notion of identifiability as the threshold for replication, a specific and purpose-limited consent as the transactional norm, equitable remuneration in replication for commercial simulation, prohibition of dignitary fabrication, powerful exceptions of expression, collective administration for performers who will never litigate, and a graduated remedial ladder, is available and is constitutionally defensible, and has been drafted in this paper. Instead of being neutral, the alternative should be

another approach. It's a continuation of the law that is protecting the performance of the famous and hiding the identity of the rest.

REFERENCES

1. **A. Legislation, subordinate legislation and treaties**
2. Constitution of India 1950, arts 14, 19(1)(a), 19(1)(g), 21.
3. The Copyright Act 1957 (Act 14 of 1957), as amended to 15 June 2026, ss 2(m), 2(q), 2(qq), 2(xa), 13, 14, 16, 18, 19, 33, 33A, 38, 38A, 38B, 39, 39A, 51, 52, 55, 62, 65A, 65B. Available at https://copyright.gov.in/Documents/Copyright_Act_1957.pdf
4. The Copyright (Amendment) Act 1994 (Act 38 of 1994), cl 14.
5. The Copyright (Amendment) Act 2012 (Act 27 of 2012), ss 26-28.
6. The Copyright Rules 2013, r 68.
7. The Digital Personal Data Protection Act 2023 (Act 22 of 2023); Digital Personal Data Protection Rules 2025 (notified November 2025).
8. The Information Technology Act 2000 (Act 21 of 2000), ss 66C, 66D, 79.
9. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, r 3.
10. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026, notified vide G.S.R. 120(E), 10 February 2026, in force 20 February 2026. Ministry of Electronics and Information Technology, <https://www.meity.gov.in>
11. The Indian Succession Act 1925, s 306.
12. The Trade Marks Act 1999 (Act 47 of 1999), ss 2, 9.
13. International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention) 1961, art 7.
14. WIPO Performances and Phonograms Treaty 1996.
15. Beijing Treaty on Audiovisual Performances 2012 (in force 28 April 2020), WIPO Lex No TRT/BEIJING/001, <https://www.wipo.int/en/web/beijing-treaty>
16. NO FAKES Act of 2026, S 4591, 119th Congress (advanced by the Senate Committee on the Judiciary, 18 June 2026; not enacted), <https://www.congress.gov/bill/119th-congress/senate-bill/4591/text>
17. Regulation (EU) 2024/1689 (Artificial Intelligence Act); Directive (EU) 2019/790 on Copyright and Related Rights in the Digital Single Market, art 4.
18. **B. Cases and orders**
19. Aishwarya Rai Bachchan v Aishwaryaworld.com, CS(COMM) 956/2025 (Delhi HC, 9 September 2025), <https://indiankanoon.org/doc/192177197/>
20. Amitabh Bachchan v Rajat Nagi, CS(COMM) 819/2022 (Delhi HC, 25 November 2022), <https://indiankanoon.org/doc/23523817/>
21. ANI Media Pvt Ltd v OpenAI OpCo LLC, CS(COMM) 1028/2024 (Delhi HC, 24 July 2026).
22. Anil Kapoor v Simply Life India, CS(COMM) 652/2023; 2023 SCC OnLine Del 6914 (Delhi HC, 20 September 2023), <https://indiankanoon.org/doc/113724486/>
23. Arijit Singh v Codible Ventures LLP, 2024 SCC OnLine Bom 2445; COM IPR Suit (L) No 23443 of 2024 (Bombay HC, 26 July 2024), <https://indiankanoon.org/doc/103091928/>
24. Asha Bhosle v Mayk Inc, Interim Application (L) No 30382 of 2025 (Bombay HC, 2 October 2025).
25. Digital Collectibles Pte Ltd v Galactus Funware Technology Pvt Ltd, CS(COMM) 108/2023 (Delhi HC, 26 April 2023), <https://indiankanoon.org/doc/97144838/>
26. Dr Devi Prasad Shetty v Medicine Me, CS(COMM) 1053/2024 (Delhi HC, 2024).
27. Eastern Book Company v D.B. Modak (2008) 1 SCC 1.
28. Fortune Films International v Dev Anand (1978) 80 BOMLR 263; AIR 1979 Bom 17.
29. Gautam Gambhir v D.A.P. & Co (Delhi HC, 13 December 2017), <https://indiankanoon.org/doc/106318101/>
30. Hrithik Roshan v Ashok Kumar/John Doe (Delhi HC, 15 October 2025).
31. ICC Development (International) Ltd v Arvee Enterprises, 2003 (26) PTC 245 (Del), <https://indiankanoon.org/doc/358048/>
32. Indian Performing Right Society Ltd v Aditya Pandey, 2012 SCC OnLine Del 2645.
33. Indian Singers' Rights Association v Dharma Productions Pvt Ltd, CS(COMM) 562/2020 (Delhi HC).
34. Jaikishan Kakubhai Saraf alias Jackie Shroff v The Peppy Store, 2024:DHC:4046 (Delhi HC, 15 May 2024), <https://indiankanoon.org/doc/165756699/>
35. Jubin Nautiyal v John Doe, CS(COMM) 166/2026 (Delhi HC, February 2026).
36. Justice K.S. Puttaswamy (Retd.) v Union of India (2017) 10 SCC 1, <https://indiankanoon.org/doc/91938676/>
37. Krishna Kishore Singh v Sarla A. Saraogi, CS(COMM) 187/2021 (Delhi HC, orders of 2021 and 11 July 2023), <https://indiankanoon.org/doc/152020280/>
38. Neha Bhasin v Anand Raj Anand (2006) 132 DLT 196.
39. R. Rajagopal v State of Tamil Nadu (1994) 6 SCC 632, <https://indiankanoon.org/doc/501107/>
40. Salman Khan v Ashok Kumar/John Doe (Delhi HC, July 2026).

41. Shivaji Rao Gaikwad v Varsha Productions (Madras HC, 3 February 2015), <https://indiankanoon.org/doc/26058025/>
42. Sushila v Hungama Digital Media Entertainment Pvt Ltd, CS 426/18 (ADJ-01, Patiala House Court, New Delhi, 2018).
43. Titan Industries Ltd v M/s Ramkumar Jewellers, 2012 (50) PTC 486 (Del), <https://indiankanoon.org/doc/181125261/>
44. **C. Official reports, policy documents and industry data**
45. Department for Promotion of Industry and Internal Trade, Working Paper on Generative Artificial Intelligence and Copyright (Part I) (Government of India, 8 December 2025), <https://www.dpiit.gov.in/static/uploads/2025/12/ff266bbeed10c48e3479c941484f3525.pdf>
46. FICCI and EY India, Stories, Scale and Impact: Unlocking India's Media and Entertainment Economy (Mumbai, 24 March 2026), https://ficci.in/press_release_details/5190
47. India Brand Equity Foundation, Media and Entertainment Industry in India (2026), <https://www.ibef.org/industry/media-entertainment-india>
48. Ministry of Electronics and Information Technology, India AI Governance Guidelines (Government of India, 5 November 2025).
49. Ministry of Electronics and Information Technology, Frequently Asked Questions on Synthetically Generated Information (2026), <https://www.meity.gov.in>
50. Reserve Bank of India, Framework for Responsible and Ethical Enablement of Artificial Intelligence (FREE-AI Committee Report, August 2025).
51. Sand K, WIPO Review of Contractual Considerations in the Audiovisual Sector (World Intellectual Property Organization, 2013), https://www.wipo.int/edocs/pubdocs/en/copyright/1034/wipo_pub_1034.pdf
52. Sumsb, Identity Fraud Report 2025-2026 (November 2025), <https://sumsub.com/fraud-report-2025/>
53. US Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (January 2025).
54. World Intellectual Property Organization, Performers' Rights: Background Brief, <https://www.wipo.int/pressroom/en/briefs/performers.html>
55. **D. Books, articles and commentary**
56. Agrawal A (2021) Interpreting 'performers rights' in the Indian Copyright Act to appropriately provide for singers' rights. *Journal of Intellectual Property Rights* 26(1): 5.
57. Bansal K (2024) Copyright Law and Performers' Rights in the Entertainment Industry: A Case Study Analysis of India and Australia (Thesis, Swinburne University of Technology), <https://swinburne.figshare.com/articles/thesis/26282020>
58. Bansal K (2026) From 'Dev Anand' to digital clones: a critical look at performers' rights in India. *Journal of Intellectual Property Rights* 31(3): 342-350. DOI: 10.56042/jipr.v31i3.28454
59. Beard JJ (2001) Clones, bones and twilight zones: protecting the digital persona of the quick, the dead and the imaginary. *Berkeley Technology Law Journal* 16(3): 1165, <https://www.jstor.org/stable/24116971>
60. Caves RE (2000) *Creative Industries: Contracts Between Art and Commerce*. Cambridge, MA: Harvard University Press.
61. Dietz A (2004) International and European aspects of copyright contract law. *Auteurs & Media* 5: 527.
62. Gawas VM (2017) Doctrinal legal research method: a guiding principle in reforming the law and legal system towards the research development. *International Journal of Law* 3(5): 128.
63. Josan HHS (2024) AI and Deepfake Voice Cloning: Innovation, Copyright and Artists' Rights. Waterloo: Centre for International Governance Innovation, <https://www.cigionline.org/static/documents/DPH-paper-Josan.pdf>
64. Kanellopoulou C (2025) Unauthorized Voice Cloning: The Legal Response at the Intersection of Performers' Rights, Sound Recording Protection and Image Rights in the Age of AI, <https://www.diva-portal.org/smash/get/diva2:1976771/FULLTEXT01.pdf>
65. Mirsky Y and Lee W (2021) The creation and detection of deepfakes: a survey. *ACM Computing Surveys* 54(1): 7:1-7:41. DOI: 10.1145/3425780
66. Mishra N and Singh D (2025) AI-generated work and its implications on copyright law in India. *Journal of Intellectual Property Rights* 30(1): 35.
67. Motiyani PV and Shah SR (2019) A study on convergence of technology and its impact on copyright with special reference to broadcasting and performers' rights. *GNLU Law Review* 6(1): 193.
68. Pavis M (2020) Submission to the UK Intellectual Property Office: Artificial Intelligence and Performers' Rights. Exeter: Centre for Science, Culture and the Law.
69. Pavis M (2021) Rebalancing our regulatory response to deepfakes with performers' rights. *Convergence: The International Journal of Research into New Media Technologies* 27(4): 974-998. DOI: 10.1177/13548565211033418
70. Roberts RJ (2023) You're only mostly dead: protecting your digital ghost from unauthorized resurrection. *Federal Communications Law Journal* 75(2): 273.
71. Shields E (2025) The AI doppelganger dilemma: cloned voices in the music industry. *Seattle University Law Review* 48: 761.
72. Sommer E (2024) Real concerns for an artificial threat: artists, AI, and the battle to script Hollywood's future. *Nevada Law Journal* 25(1): 449.
73. Towse R (1999) Copyright and economic incentives: an application to performers' rights in the music industry. *Kyklos* 52(3): 369. DOI: 10.1111/j.1467-6435.1999.tb00224.x
74. Tripathi J and Gupta H (2024) Exploring the murky waters: the intersection of voice cloning technology, artificial intelligence and intellectual property rights. *DNLU Student Law Journal* 3: 52.

75. Van der Sloot B and Wagenveld Y (2022) Deepfakes: regulatory challenges for the synthetic society. *Computer Law & Security Review* 46: 105716. DOI: 10.1016/j.clsr.2022.105716