

**MORAL RIGHTS IN AI-GENERATED VOCAL PERFORMANCES:
INTERPRETING SECTION 57 OF THE COPYRIGHT ACT, 1957 ALONGSIDE
EMERGING PERSONALITY RIGHTS IN THE WAKE OF ARIJIT SINGH V.
CODIBLE VENTURES LLP**

by

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ABSTRACT :

Current developments in generative artificial intelligence and voice cloning pose a risk to the livelihood of vocal artists and leave huge gaps in current IP law. This paper explores the interim order of Arijit Singh v Codible Ventures LLP (2024) and the lack of adequate structures in India's copyright regime. The Bombay High Court limited the unauthorised algorithmic copies but faced difficulty in not referring to the copyright text but rather common-law personality rights and the right to privacy under Article 21. This detour shows that there is a very important “double lacuna”. The first is that moral rights, as defined by the Copyright Act 1957, are apparently linked to “works that exist prior to the creation of the copyrighted work. The result is a large divide in the realm of synthetic copyright. The second is that Sections 38A and 38B will have the effect of limiting the rights of performers to fixed or live performances. That means that non-celebrity performers are not protected. This paper will also analyse a number of global legal systems, including the UK, the EU and the USA, to see how potential solutions can be identified, and the author's suggestion of a universal non-waivable right of publicity that would ensure a high standard of ‘fair dealing’, in order to safeguard the dignity of artists and consumers.

Keywords: Artificial Intelligence (AI), Voice Cloning, Section 57, Copyright Act 1957 Performers' Rights , Arijit Singh v. Codible Ventures, Personality Rights, Sui Generis Right of Publicity, Synthetic Origination, Section 2(qq), Human Dignity

1. INTRODUCTION: THE SYNTHETIC VOICE AND THE LEGAL LACUNA

A performer's voice is their most prized possession. It is an intangible asset developed through years of practice, acquiring technical commands, and creative labour to get a distinct voice recognizable by others. This recognition and aesthetic distinction add commercial value to their voice.

But in today's digital landscape, the rapid proliferation of generative artificial intelligence has enabled it to synthesize realistic vocal performances. AI voice synthesis is the process by which Artificial Intelligence generates realistic human speech patterns, singing voices. This is done through lyrical and musical inputs. These systems are developed through training by large datasets which include recorded human vocal performances, it also includes transcripts, lyrics, or musical annotations. Neural text-to-speech (TTS) model, which extends to singing voice synthesis (SVS) learn to analyze input content and learn features such as timing, pitch, timbre, and convert them into natural-sounding audio waveforms. The model is now capable of voice cloning with human characterization like timbre, emotion, accent or singing techniques. Now only with a short voice sample new AI content can be generated without the physical presence of a real human.¹

Commercial application of this technology has exploded, and this includes integration into music streaming platforms for personalised content, virtual collaboration and posthumous release of deceased artists' voices for new songs. This has also led to increased use of deepfakes for entertainment or marketing. Consequently, this leaves the original performer in a vulnerable state, raising significant legal and ethical concerns. The unauthorised voice includes violation of consent and personality rights, identity distortion through fabricated performances, false association of voices with products or statements never endorsed by the original artist, resulting in reputational damage due to damaging synthetic contents.² This technological advancement has shed light on the fact that the traditional copyright act doesn't have an adequate framework to address the infringement of voice likeness. It raises the question of how an artist can protect its moral rights in today's digitally advanced landscape which can easily steal their identity and be used without permission.³

This challenge to the problem came to India officially in the interim order passed by the Bombay High Court in *Arijit Singh v. Codible Ventures LLP* (2024)⁴. The court granted relief

¹ Arik et al., *Neural Voice Cloning with a Few Samples*, arXiv:1802.06006 (2018).

² Robert Chesney & Danielle Keats Citron, *Deepfakes and the New Disinformation War*, 107 Cal. L. Rev. 1753 (2019).

³ See 'Bollywood Singer Prevails in First AI Voice-Cloning Infringement Decision in India' (World Trademark Review) <<https://www.worldtrademarkreview.com/article/bollywood-singer-prevails-in-first-ai-voice-cloning-infringement-decision-in-india>> accessed 29 June 2026, observing that existing copyright law does not squarely address the unauthorised synthesis of a performer's voice.

⁴ **Arijit Singh v. Codible Ventures LLP**, Interim Application (L) No. 23560 of 2024 (Bombay H.C. July 26, 2024) (interim, ex parte order).

to the singer, stating that AI platforms are infringing on his personality rights and publicity rights by using his voice and persona in a synthetic manner. As a preliminary and interlocutory order, it was the first such order in India, it was issued in an ex parte proceeding and it was an order, which addressed the question of a singer's moral rights in his performances, under Section 38-B of the Copyright Act (raised but left undecided at this stage)..⁵

This paper argues that they are not. Section 57 of the Copyright Act, 1957, which was designed to safeguard human authorial integrity from distortions of an existing work, is not suited to protecting the interests of the AI that creates a work from human voice. The same is true of the framework for the performers' rights in Sections 38, 38A and 38B, which is also based on the requirement that the work must be a human performance, a requirement that an AI-generated work cannot meet. What ends up here is a double lacuna: the reproduction of the performer's voice is carried out synthetically and the resultant performers are left only in the grip of ad hoc constitutional remedies, which are only available to those with celebrity status and means to seek them out. This paper goes further and contends that the right to statutory protection for synthetic media should be a sui generis right of publicity, rather than a limited amendment to Section 57, and that the rights of performers should also be reinforced, with proper innovation exceptions.⁶

In the light of doctrinal analysis of copyright and constitutional law in India, close reading of the relevant judgments, and comparative scrutiny of copyright laws in the United Kingdom, the United States and the European Union, the paper unfolds thus. Part II of the article charts the architecture of moral rights under Section 57, unearthing the work-anchor and author-prerequisite as provisions that exclude AI vocal replication from its scope. In the third part, the performers' rights framework is discussed and the similar shortcomings of the human performance prerequisite are analyzed. The analysis in Part IV is a sustained examination of Arijit Singh v. Codible Ventures LLP's doctrinal importance and its value as a general protective precedent. Part V reviews the comparative legislative responses, with a focus on the components that are suitable for adaptation in India. Part VI builds on the paper's reform recommendations, including a proposed sui generis approach and a minimal amendment

⁵ See 'Synthetic Singers and Voice Theft: Bombay High Court Protects Arijit Singh's Personality Rights (Part I)' (SpicyIP, 6 August 2024) <<https://spicyip.com/2024/08/synthetic-singers-and-voice-theft-bomhc-protects-arjit-singhs-personality-rights-part-i.html>> accessed 29 June 2026, noting that although the plaintiff pleaded moral rights, the Court granted relief on the basis of personality and publicity rights and did not address the moral rights claim.

⁶ *Copyright Act*, No. 14 of 1957

stance. Part VII ends with a reaffirmation of the trade-off of innovation and dignity that any serious legal solution must achieve.

2.THE ARCHITECTURE OF MORAL RIGHTS UNDER SECTION 57: STATUTORY SCOPE AND DOCTRINAL BOUNDARIES

In Indian copyright law, the idea of moral rights is recognised in Section 57 of the Copyright Act, 1957, in compliance with Berne's convention. This section works to safeguard an author's right to paternity, integrity and publication. This sets the fact that an author's non-economical right to their work extends beyond mere monetary ownership. Moral rights are different from other IP rights, in that they are not based on an economic interest. The French are the major contributors to developing these rights. Historically, they divided the moral rights into three main areas: right of paternity, right of integrity and right of publication.⁷ The concept of paternity is that the author has the sole right to determine whether or not they wish to be associated with the work. The right of integrity allows the author to ensure that their work is not modified, altered or destroyed in any way, intentionally or not. This basic thought gives a protection of the Creator's personality in work. These legal rights are personal, non-economic in nature and non-proprietary, as they are conceptualized as an author may divest himself of his economic copyright in the work, but cannot divest himself of the moral rights associated with the work. They still hold the right to sue in relation to derogatory changes to the work.⁸

The Berne Convention (Paris Act 1971), Article 6bis introduced the concept of Moral rights in a multilateral treaty. The Article provides for the existence of two kinds of moral rights for the author: the right to be recognized as such, and the right to oppose any modification that might harm his/her good name or reputation. It provides a framework for individual countries to establish its own statutory procedures for safeguarding these rights. The TRIPS Agreement does not explicitly support the protection of works under moral rights, although it requires Member States to respect the essential provisions of Articles of the Convention. Judicial determinations of the infringement of moral rights are dependent on various factors, such as

⁷ William Cornish & David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (8th ed. 2013).

⁸ Berne Convention for the Protection of Literary and Artistic Works, art. 6bis, July 24, 1971, 1161 U.N.T.S. 3.

the particular facts of the case; the category of works; the fact of the alleged derogatory treatment; the context of use; the laws of the country in question; and the exceptions.⁹

When the Copyright Act was initially introduced, the provision of moral rights was perpetual. This meant nobody could steal or ruin any author's work after expiry. In 1994, India decided to make its domestic law compliant with the Berne Convention (Paris, 1971). This resulted in the separation of commercial rights from moral rights but accidentally ended the "forever" rule. This meant both rights expired at the same time; moral rights expired with economic rights. The Copyright (Amendment) Act, 2012 reintroduced perpetual moral rights.¹⁰ At the same time, in this amendment they extended these rights to performers in compliance with WIPO Performers and Phonograms Treaty, 1996 ("WPPT")¹¹ and the Beijing Treaty on Audio-Visual Performances, 2012.¹²

The Copyright (Amendment) Act 2012¹³ marked the peak of statutory growth for human creators and performers in India, and with the recent explosion of generative AI, a significant shortcoming has arisen in the legislative structure—the 'author' prerequisite. It now gets reinforced to ensure protection for the human reputation and performance and has become firmly established as a human agency under Section 2(d) in the Indian Copyright Act, 1957. The need for a human touch is still there, although the desire to recognize the human factor is indicated in the language of section 2(d)(vi) (which incorporates the phrase "authored by the person who causes the work to be created").¹⁴ So, an AI system that generates literature, art or music without anyone else's help can't be the legal owner of the creation. If the works are completely created by self-learning and autonomous artificial intelligence systems, proof of copyrightability may be extremely hard, especially the statutory requirement to establish authorship – among others. If an AI produces a work alone, the statutory requirements for establishing authorship are likely to be satisfied, and it could be considered to be a "work

⁹ World Trade Organization, 'Overview: The TRIPS Agreement' (WTO)

<https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm> accessed 29 June 2026, explaining that article 9(1) requires compliance with articles 1 to 21 of the Berne Convention (Paris Act 1971) but that members have no rights or obligations in respect of the moral rights conferred by article 6bis.

¹⁰ Ravi Singhania, 'Moral Rights Under Copyright Law' (Singhania & Co) <<https://singhania.in/blog/moral-rights-under-copyright-law>> accessed 29 June 2026, tracing how moral rights were originally perpetual, were later tied to the term of the economic copyright, and were restored to a perpetual footing by the Copyright (Amendment) Act 2012.

¹¹ WIPO Performances and Phonograms Treaty (WPPT), Dec. 20, 1996.

¹² Beijing Treaty on Audiovisual Performances, June 24, 2012.

¹³ Copyright (Amendment) Act, No. 27 of 2012 (India).

¹⁴ Pranay Sundriyal, *AI-Generated Works And Copyright Ownership: The Indian Perspective*, Indian J. of Law & Legal Research (IJLLR) (2024).

produced by an artificial intelligence system”, and therefore enter the public domain if it is not possible to establish that it was produced “with express purposeful direction” by a human.

This rigid statutory focus on human agency can be interpreted with more clarity through Indian jurisprudence, which recognizes the relationship between a creator and their creation as a deeply personal one. This is demonstrated in *Amar Nath Sehgal v. Union of India*.¹⁵ In this pioneering case, the Delhi High Court tackled the issue of moral rights for the first time. The Court decided that the dismantling and dumping of the plaintiff's bronze sculpture by the Government was an extreme case of mutilation as per section 57 of the Act. The Court based its decision on the so-called ‘soul of the author’ theory, which states that every artistic creation is an extension of the personality of the author and therefore, any distortion or destruction of the creation is an injury to the author’s reputation and to his or her body of work. To protect the Court’s interpretation of the human tie, the Court used section 57 to identify four distinct rights: the right to attribution, the right to maintain purity of work, the right to withdraw the work, and the right to control the economic distribution of the work. By binding moral rights to the ‘soul’ of the author, *Amar Nath Sehgal* establishes the reason why autonomous AI, which lacks personality and reputation, is fundamentally inappropriate for the human-centric safeguards of the Indian copyright system.¹⁶

By rooting moral rights in the ‘soul’ of the author, *Amar Nath Sehgal* illustrates that autonomous AI, which is void of any ‘soul’ or personality, will always be fundamentally incompatible with the human-centric defenses vis-à-vis the Indian copyright system.

As such, when generative AI interacts with this deeply human-centric system, contemporary legal thought must slice apart the doctrinal distortions produced by AI into a critical dichotomy of Derivative Distortion and Synthetic Origination. Derivative Distortion describes an AI system that absorbs, manipulates and transforms an individual creator’s work or likeness and, in the view of moral rights and performers’ rights, breaches the moral rights and the 2012 Amendment and the enlarged interpretation of Section 57, as articulated in *Amar Nath Sehgal*. On the other hand, Synthetic Origination describes an instance of AI producing a new and novel, independent work; at this juncture, the legal contest shifts, from the violation of the reputation of a creator, to the threshold of copyright, as defined in Section 2(d). The post-2012

¹⁵ *Amar Nath Sehgal v. Union of India*, 117 DLT 717 (Del. H.C. Feb. 21, 2005).

¹⁶ ‘Judiciary’s Approach to Moral Rights under Copyright Law’ (Lexology, 17 February 2021) <<https://www.lexology.com/library/detail.aspx?g=9b382ee1-567f-4514-ac12-3858bc5131da>> accessed 29 June 2026, discussing *Amar Nath Sehgal v Union of India* and the reading of section 57 to treat the destruction of an artistic work as the gravest form of mutilation.

paradigm empowers human creators to defend against the reputational damage caused by Derivative Distortion. However, with respect to Synthetic Origination, it is structurally incapable of resolving the imbalance that is created by autonomous AI in the absence of a legal framework.

3. THE PERFORMERS' RIGHTS FRAMEWORK AND THE AI GAP: SECTIONS 38, 38A, AND 38B

India's statutory recognition of performers' rights has gone through a transformative journey. It evolved from no judicial acknowledgement to robust, global treaty-compliant laws to protect the very rights. This development indicates a broader legislative shift from a purely proprietary approach to copyright toward a framework that recognises the distinct economic and moral interests of individual performers.

The evolution of recognition of performers' rights in India started with the landmark ruling in *Fortune Films International v. Dev Anand*¹⁷. In this case, the Bombay High Court held a cine-artist's live or fixed performance did not qualify as a protected "work" under Section 2(y) of the Copyright Act, 1957. This left the cine artist vulnerable and with no control over their post-production exploitation¹⁸

To fill this gap and meet international obligations, various amendments were made to the Copyright Act over the years. The Copyright (Amendment) Act 1994¹⁹ introduced two provisions that protect the rights of performers. These provisions are sections 38 and 39 of the Act, which are designed to be easy for producers to understand and follow. The Copyright (Amendment) Act 2012 has completely changed this regime by aligning domestic copyright law with the WIPO Performances and Phonograms Treaty (1996) and the Beijing Treaty on Audiovisual Performances (2012). It was in the context of the above that the 2012 Amendment added to Section 38A of the Copyright Act 1957 a new inalienable right for performers to receive ongoing royalties for the commercial use of their work outside of cinema halls, and Section 38B to the Copyright Act 1957, which extends to performers the perpetual moral rights of paternity and integrity alongside the rights of authors under Section 57. This evolution

¹⁷ **Fortune Films Int'l v. Dev Anand**, AIR 1979 Bom. 17 (Bombay H.C. Mar. 14, 1978).

¹⁸ 'Protecting Performers: Addressing Infringement and Securing Remedies' (TheLaw.Institute, 23 February 2026) <<https://thelaw.institute/copyright-and-related-rights/protecting-performers-infringement-remedies/>> accessed 29 June 2026, noting that in *Fortune Films International v Dev Anand* AIR 1979 Bom 17 the Court held that an actor's performance was not a 'work', which prompted the recognition of performers' rights by the Copyright (Amendment) Act 1994.

¹⁹ **Copyright (Amendment) Act**, No. 38 of 1994 (India)

reflects India's commitment to protect the performers and their rights by being more human centric.

This human centric approach was crystallized in the Amar Nath Singh Sehgal case, which anchors the moral right with its creator's soul. The law is different for people performing and it's different for rights. It's a significant point to make when discussing the rights of the performers. A new law was added to enable people who perform to have control of their work in 2012. This law says that people who perform have the right to be recognised as the creators of their work and to have their work treated with respect. This law works only for those people, not for the music-making computer or for the music-making machine.

Law defines performing as someone, such as an actor, singer, musician or dancer. May also be anyone who is in front of people performing. Music and/or a voice created by a computer program is not a person's performance. So, it is not the case that computer-generated music and voices are exempt from this law. This means that computer-generated music/musical sounds are NOT the rights of the person who created them, just as there is no copyright to a song created by a person. A person who is copied on a computer has no protection, as he would if he were copied in person.

Things escalate even further when it comes to the law's treatment of money and time for those who perform. The law stated that after 2012, people who perform have the right to receive payment for their work for 50 years following their performance.²⁰ No one gets paid if someone is making music with a computer or a voice. The law doesn't consider a computer to be a performer. There is no one to collect the money that the law specifies they should collect. For music and computer-generated voices, the law intended to benefit people performing is not fulfilled.

The similar structural failure of the Section 2(d)(vi) authorship vacuum is present in primary copyright. The parallel structural failure in primary copyright is the authorship vacuum under the Section 2(d)(vi) requirement that it be the work of the author of the underlying work.

²¹Section 2(d)(vi) of the Copyright Act, 1957, tries to catch up with technological change by making the person who causes the work to be created the author of the computer-generated

²⁰ 'Performers' Rights in Indian Copyright Law' (Maheshwari & Co, 7 April 2024)

<<https://www.maheshwariandco.com/blog/performers-rights-in-indian-copyright-law/>> accessed 29 June 2026; under section 38 of the Copyright Act 1957 a performer's right subsists for fifty years from the beginning of the calendar year following the year of the performance.

²¹ Diksha Kumari & Sudhanshu Kumar, *Artificial Intelligence and Authorship: Rethinking Copyright Law in India*, Indian J. of Legal Review, Vol. 5, Iss. 14 (2025) at 282–292.

work. But the swift pace of the development of generative AI creates a significant mismatch between the statutory interpretation of the “proximate cause” of a work and the definition of the actual cause. In standard Indian copyright jurisprudence, a simple text prompt typed by a user is unlikely to meet the legal standard of ‘creative control’ or ‘original expression’ as it is merely a ‘setting of ideas’ or ‘parameters’ provided to the algorithm which takes over the final, uncertain expression of those ideas.²² On the other hand, no software developer can say that he is the creator of an individual user output since he doesn't control it, foresee it, or have the intention of creating it in his own image.

AI-generated work that is wholly unaided by a natural or juristic entity, like an AI Chatbot, however, cannot be registered for copyright protection because the Copyright Act's definition of “author” assumes the presence of a natural or juristic person. A complete transfer of the “creative labour” involved in selecting the precise notes of a melody, arranging the exact pixels, the exact form of a text and so on would not satisfy the general principle of agency underlying Indian copyright law. This tension can be seen in the Copyright Office's own processing of the Suryast application, which initially registered the Copyright for an application that attributed the work to both authors, Ankit Sahni and his AI tool RAGHAV, before later sending a withdrawal notice casting doubt on RAGHAV's role as an author in relation to Section 2(d) of the Act, an implication that human authorship is necessary as a prerequisite. While this judgment does not cast a definitive light on whether AI can qualify as authors, it does leave the question open as the Court's order only addresses the issue of administrative delay and does not address AI authorship on its merits.²³ There is a legal anomaly in that one can have a “computer-generated” work under the provisions of the law, but there may be no human “person” to whom the initial copyright can attach. This means that if a man does not achieve originality in his expression, these synthetic works become autonomous and may enter the public domain – a point which is still to be finally decided by an Indian court.²⁴

²² Khurana & Khurana, *AI-Generated Content & Copyright Gap in Indian Law* (practitioner note, 2026)

²³ Ankit Sahni, Registration of “Suryast” as a Co-Authored Work with AI Tool RAGHAV, Diary No. 13646/2020-CO/A (Copyright Office, India, Nov. 19, 2020), as discussed in Sreelakshmi B, *Recognition of AI Co-Author RAGHAV — An Anomaly?*, CSRIIPR, NUSRL (Mar. 11, 2022), <https://csriprnusrll.wordpress.com/2022/03/11/recognition-of-ai-co-author-raghav-an-anomaly/>.

²⁴ Sadie Ovendon, *AI, Authorship, and Administrative Delay: The Delhi High Court's Nudge in Thaler v. Union of India*, RFKN Legal (Apr. 27, 2026), <https://rfkn.legal/blog/ai-authorship-india-thaler-union-of-india-delhi-high-court-ruling/>.

4. ARIJIT SINGH V. CODIBLE VENTURES LLP (2024): JUDICIAL INNOVATION AND ITS DOCTRINAL LIMITS

The case of Arijit Singh v Codible Ventures LLP (2024) before the Bombay High Court was a watershed moment in the evolution of Copyright Act. The High Court implemented common law principles to safeguard human artists from being algorithmically cloned. This controversy came to the fore when popular playback singer Arijit Singh said that several tech platforms were using advanced "Real Voice Cloning" technology to create singers with his style, voice and personality without his permission. The High Court issued a sweeping and dynamic interim ex-parte injunction to stop the defendants from using his name, voice or identifiable personality features on any digital platform. The Bombay High Court created a doctrinal framework to justify this massive intervention by declaring that the unauthorized creation of a copy of an AI image of a celebrity was a tortious appropriation of their "commercial persona" and that personality and publicity rights are the primary means of relief, placing the celebrity's voice as an inherent part of personal identity, not just a copyrightable creation.

The court emphasized on this tortious framework by firmly rooting the personality rights into the constitutional protection accorded to Article 21 of the Constitution of India, referring to the landmark privacy jurisprudence of *K.S. Puttaswamy v. Union of India* (2017)²⁵. This indicated that the technological encroachment upon the person's biometric substance is encroaching upon the dignity and body sovereignty of an individual. However, the statutory route, based on the Copyright Act, 1957, was structurally compromised when it was used in conjunction with the plaintiff's invoking of the statutory moral rights track. This due to the fact that the Act's provisions such as Section 38B and Section 57 require a strict human prerequisite under Section 2(qq). This raises questions as to how the traditional text is meant to punish for a non-human algorithm that produces a completely new digital file from the beginning. This limitation points to another general ad hoc issue: that the ruling is reactive and local, rather than systemic and proactive, and leaves tech companies with no consistent or predictable rules to follow as they work to comply with data mining exemptions or understand how to avoid them.

Moreover, the relief was provided on an ad-interim, ex-parte basis, and, in that capacity, it could not be considered as a final determination of the merits of the case. This is due to the fact the Court did not conduct a thorough or vigorous examination of the principles of AI voice

²⁵ **Justice K.S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 S.C.C. 1 (India). Constitution of India, art. 21.

doctrine or fair use and intermediary liability. This strong emphasis on the doctrine of publicity rights also creates a problem of “celebrity-scope” that leaves ordinary, non-celebrity performers completely vulnerable to exploitation by AI. Background singers or independent voice actors do not have to meet the high bar of “commercial marketability” to claim a violation of their persona. This dependence leads to additional doctrinal uncertainty, as there is no statutory definition of innovation exception, transformative use, or commercial threshold, and existing case law is likely to result in unpredictable, overly broad injunctions that will harm technological progress.

This celebrity threshold is not incidental to the reasoning in *Arijit Singh* but central to it. The Bombay High Court proceeded on the footing that personality rights attach only where the plaintiff is established as a celebrity, is identifiable from the impugned use, and where that use is for commercial gain.²⁶ The consequence is that the very performers most exposed to uncompensated voice cloning, namely session musicians, background vocalists, dubbing artists and independent performers without marketable fame, fall outside the protective logic of the doctrine. This limitation is not peculiar to India. In its 2024 report on digital replicas, the United States Copyright Office found that existing rights of publicity and privacy are applied inconsistently and are frequently confined to individuals whose identity carries demonstrable commercial value, and on that basis recommended a federal right protecting every individual, not merely the famous, during their lifetime.²⁷ The Indian position, resting on common law publicity rights, reproduces precisely the gap that the Copyright Office identified, reinforcing the conclusion that a celebrity-contingent remedy cannot discharge the protective function that a synthetic media regime must perform.

However, the judicial precedents, namely *Anil Kapoor v. Simply Life India* (2023)²⁸ and *Aishwarya Rai Bachchan v. Aishwaryaworld.com* (2025)²⁹ before the Delhi High Court, serve as significant parallels to support the structural patterns found in *Arijit Singh*. In *Anil Kapoor*, the court protected the actor's voice and catchphrases against deepfakes to shield his livelihood.

²⁶ ‘Bollywood Singer Prevails in First AI Voice-Cloning Infringement Decision in India’ (World Trademark Review) <<https://www.worldtrademarkreview.com/article/bollywood-singer-prevails-in-first-ai-voice-cloning-infringement-decision-in-india>> accessed 29 June 2026, recording that the Court required the plaintiff to be established as a celebrity, to be identifiable from the unauthorised use, and that the use be for commercial gain.

²⁷ United States Copyright Office, *Copyright and Artificial Intelligence, Part 1: Digital Replicas* (July 2024) <<https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf>> accessed 29 June 2026, recommending a federal right protecting all individuals during their lifetimes and noting that existing publicity and privacy protections are inconsistent and often confined to well-known persons.

²⁸ *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914

²⁹ *Aishwarya Rai Bachchan v. Aishwaryaworld.com*, 2025 SCC OnLine Del 5943

A protective lineage extended in the 2025 *Aishwarya Rai Bachchan* decision, which granted urgent ex-parte relief against defendants deploying AI chatbots and deepfakes to simulate the actress's persona in explicit contexts. Collectively, these cases demonstrate a consistent judicial trend across Indian High Courts to step into the legislative vacuum, utilizing an aggressive mix of publicity, privacy, and passing-off doctrines to protect celebrity assets while simultaneously underscoring the urgent, systemic need for an explicit statutory framework to regulate generative AI uniformly.³⁰

The most significant consolidation of this trend, and the one closest to the present argument, came in *Asha Bhosle v Mayk Inc*, decided by the Bombay High Court on 29 September 2025. Confronted with platforms offering AI tools capable of converting any voice into that of the playback legend, Justice Arif S. Doctor held that making such tools available without consent itself violates a celebrity's personality rights, observing that the voice is a key component of personal identity and public persona.³¹ Two features of the order deepen the analysis offered here. First, the Court expressly located part of the wrong in the performer's moral rights under Section 38B of the Copyright Act 1957, rather than resting on publicity rights alone, signalling a judicial willingness to read the performers' rights regime into the voice-cloning context. Second, the relief reached beyond the immediate infringers to intermediaries such as Google, Amazon and Flipkart, which were directed to remove infringing material and to disclose uploader details.³² Yet Bhosle, like the litigants before her, was a pre-eminent artist, and the protection she secured continued to flow from her eminence rather than from any generally available statutory right, which is the precise deficiency this paper seeks to remedy.

5. COMPARATIVE FRAMEWORKS: LEGISLATIVE APPROACHES TO AI VOICE AND LIKENESS PROTECTION

³⁰ See 'Personality Rights in India in the Age of AI' (Cyril Amarchand Mangaldas Dispute Resolution Blog, 14 May 2026) <<https://disputeresolution.cyrilamarchandblogs.com/2026/05/personality-rights-in-india-in-the-age-of-ai/>> accessed 29 June 2026, surveying recent injunctions of the Delhi and Bombay High Courts protecting celebrities against AI generated replicas, including *Anil Kapoor v Simply Life India* 2023 SCC OnLine Del 6914 and *Aishwarya Rai Bachchan v Aishwaryaworld.com* 2025 SCC OnLine Del 5943.

³¹ *Asha Bhosle v Mayk Inc* (Bombay High Court, 29 September 2025) Interim Application (L) No 30382 of 2025; see 'Conversion of Voice into That of Celebrity Violates Personality Rights: Bombay High Court Grants Relief to Asha Bhosle' (Verdictum, 3 October 2025) <<https://www.verdictum.in/court-updates/high-courts/bombay-high-court/asha-bhosle-v-mayk-inc-personality-rights-artificial-intelligence-misuse-interim-relief-1593276>> accessed 29 June 2026.

³² 'Bombay High Court Protects Asha Bhosle's Personality Rights Against AI Exploitation' (BW Legal World, 2 October 2025) <<https://www.bwlegalworld.com/article/bombay-high-court-protects-asha-bhosle-s-personality-rights-against-ai-exploitation-573899>> accessed 29 June 2026, noting reliance on section 38B of the Copyright Act 1957 and directions to Google, Amazon and Flipkart to remove infringing content and disclose uploader details.

Generative AI has made cloning a human voice or likeness effortless, blurring the line between personal identity and digital data. This change presents a problem for traditional copyright laws, designed to safeguard the work of humans rather than themselves. The situation of the UK, US and the EU with this synthetic frontier could help chart a middle course for India. Finally, by grounding these world-wide lessons in Section 57 of the Indian Copyright Act, moral rights as they exist in traditional practice can develop and safeguard a creator's dignity and reputation from the risk of unauthorized digital cloning.

Under the Copyright, Designs and Patents Act (CDPA) 1988 the United Kingdom deals with machine-created creativity. The model provides copyright protection for computer-generated works which are entirely without human authorship. It gives the credit to the person who makes the "arrangements necessary for the creation of the work. This rule is applicable to simple software outputs; however, voice and likeness are dealt with as data which can be bought and sold. A major problem is that this corporate focus lacks the protection of the individual's personal moral rights from synthetic exploitation.³³

With a modern generative AI, this difference becomes a complete paradox. Who made the "necessary arrangements" is hard to determine in deep learning models as they process data on their own. Was it the developer who programmed the model, the user who typed the prompt, or the voice actor who recorded the data used for training the system? This is a generative AI paradox, that classic copyright is not able to safeguard the human identity. Rather, it could hand over to the corporate deployers a replica of the human face.

The United States resolves this problem by turning its law based on the copyright owner into law based on the individual identity, the Right of Publicity. This property right is moving rapidly at a state level to meet the challenges of generative AI. The Tennessee ELVIS Act (2024) ³⁴specifically recognises the property right of "voice", which is intended to prevent unauthorized voice-cloning by AI.³⁵ Now, the federal NO FAKES Act³⁶ proposes to harmonize

³³ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK)

³⁴ Ensuring Likeness Voice and Image Security (ELVIS) Act of 2024, Pub. Ch. 661, Tennessee General Assembly (2024)

³⁵ Office of the Governor of Tennessee, 'Tennessee First in the Nation to Address AI Impact on Music Industry' (10 January 2024) <<https://www.tn.gov/governor/news/2024/1/10/tennessee-first-in-the-nation-to-address-ai-impact-on-music-industry.html>> accessed 29 June 2026; the Ensuring Likeness Voice and Image Security Act took effect on 1 July 2024 and amended the Tennessee Personal Rights Protection Act 1984 to add 'voice' as a protected attribute.

³⁶ Nurture Originals, Foster Art, and Keep Entertainment Safe Act of 2026 (NO FAKES Act), S. 4591, 119th Cong. (2026)

the state laws. It establishes a national, assignable, IPR against anyone copying the digital counterpart.

The American response, moreover, extends well beyond the two instruments considered above. In September 2024 California enacted Assembly Bills 1836 and 2602, the first prohibiting the commercial use of a digital replica of a deceased performer's voice or likeness without the consent of the performer's estate, and the second rendering unenforceable any contractual term that authorises an AI-generated replica of a living performer in place of their actual services unless the performer received a reasonably specific description of the intended use and was represented by counsel or a union.³⁷ These statutes, championed by the Screen Actors Guild and American Federation of Television and Radio Artists after its 2023 strike, are instructive for India because they translate two of the reform principles advanced below, post-mortem protection and non-waivability, into operative legislative form. They also confirm that the legislative impetus has come not from abstract theory but from concrete episodes of synthetic appropriation, of which the viral 2023 track imitating the voices of Drake and The Weeknd, generated without either artist's consent, is the most frequently cited.³⁸

The structure of this federal bill offers a much-needed model for legislative design. It delicately strikes a balance between personal identity control and free speech. The bill eliminates unnecessary exceptions that would have stifled public discourse, and includes clear statutory exceptions for news, parody, biography, and history. The fact that this framework illustrates the need for predictable and structured limits in order to effectively operate in a modern digital ecosystem shows that any strong personality right requires it.

The European Union has a very different approach: market regulation rather than property rights, as it moves across the Atlantic. Article 50 of the EU AI Act ³⁹is based on a transparency-first model. It calls for developers and users to "explicitly mark" deepfakes and AI-generated content. This is an administrative protection of the public but it does not make the community

³⁷ Office of the Governor of California, 'Governor Newsom Signs Bills to Protect Digital Likeness of Performers' (17 September 2024) <<https://www.gov.ca.gov/2024/09/17/governor-newsom-signs-bills-to-protect-digital-likeness-of-performers/>> accessed 29 June 2026; Assembly Bill 1836 and Assembly Bill 2602 took effect on 1 January 2025.

³⁸ 'Copyright Office Cites 'Urgent' Need for Digital Replicas Law as Legislation Introduced' (FedScoop, 31 July 2024) <<https://fedscoop.com/copyright-office-cites-urgent-need-for-digital-replicas-law-as-legislation-introduced/>> accessed 29 June 2026, describing the viral 2023 track imitating the voices of Drake and The Weeknd.

³⁹ Artificial Intelligence Act, Regulation 2024/1689 (EU), art. 50

safer. It does not provide any direct legal means for individual creators to protect their dignity or prevent someone from copying their voice.⁴⁰

A fourth model, more radical than any considered above, has emerged in Denmark. In 2025 the Danish government announced proposals to amend its copyright legislation so that every individual would hold rights in their own bodily features, including their face and voice, against unauthorised deepfake reproduction, with remedies of takedown and damages and with obligations placed on generative platforms that fail to act.⁴¹ The Danish approach is significant for the present argument precisely because it attempts what this paper cautions against, namely the assimilation of identity into copyright itself rather than the creation of a distinct right. Whether identity sits comfortably within a regime built for original works, or whether it is better served by a dedicated publicity right of the kind proposed below, is the central design question that the comparative material poses for India.

Combining these frameworks at a global level helps in defining an ideal road map for India – a hybrid approach. India can have the property-based replica protections of the USA, and the strict transparency rules of the EU. What is required for this change is already there in Section 57 of the Indian Copyright Act, 1957. The emphasis of the moral rights under Section 57 can be extended to cover human identity as Indian courts rapidly evolve common-law "personality rights". Indian law could go beyond text and music by recognising an unauthorised use of an AI voice clone of a person being considered a "distortion or mutilation" of their reputation. This turns the tables: unlicensed AI creation goes beyond commercial licensing, it's a direct assault on human dignity.

6. THE LEGISLATIVE REFORM AGENDA: TOWARD A PREDICTABLE PROTECTIVE FRAMEWORK FOR SYNTHETIC MEDIA IN INDIA

This chapter outlines a strategic legislative blueprint to safeguard human creators by replacing ad-hoc judicial remedies with a predictable statutory framework. A minimalist approach to legislation for synthetic media in India is an androcentric one, as it is the structure of traditional

⁴⁰ European Commission, 'Article 50: Transparency Obligations for Providers and Deployers of Certain AI Systems' (AI Act Service Desk) <<https://ai-act-service-desk.ec.europa.eu/en/ai-act/article-50>> accessed 29 June 2026; providers must mark synthetic outputs in a machine-readable format and deployers must disclose deepfakes, with these obligations applying from 2 August 2026.

⁴¹ 'More Layers Than Their Pastries: Denmark's Deepfake Copyright Proposal' (Gowling WLG, 21 August 2025) <<https://gowlingwlg.com/en/insights-resources/articles/2025/denmark-deepfake-copyright-proposal>> accessed 29 June 2026.

copyright that is the problem. It may appear as though a simple patch is being applied to the Copyright Act, 1957, to address AI changes. The proposed amendment to the Copyright Act, 1957 to incorporate the changes in AI might immediately strike you as a quick fix. But this is a flawed approach. It presents non-human technological innovations within a legal structure that is based exclusively on human expression. Under Section 57, an author's reputation and creative identity is not subject to distortion. Generative AI does not only mess up a physical job, creates brand new output from jumbled training sets. The lightest possible amendment would leave significant questions unanswered about data mining and digital replicas, while placing creators, developers, and platforms in uncertain legal limbo.

India's preferred route is a sui generis statutory right of publicity, along with greater rights for performers in relation to AI. This method shifts the conflict from the confines of 'authority' in Section 2(d) to the realm of personality. India can create an explicit property right over a voice and face of a person by borrowing the ideas from such international frameworks as the US "NO FAKES Act of 2026" and the "ELVIS Act of 2024" of Tennessee, USA. This consolidated right would block the unauthorized algorithmic reproduction at ingestion and output. It does not consider biometric identity as an unreachable asset like finding a voice to fit into the traditional definitions of copyright.

This sui generis regime has to have four key ingredients to work: universal coverage, a commercial threshold, non-waivability, and a prescribed time of post mortem. Universal cover means that protection is extended beyond those who meet the common law standard of being a common celebrity. The commercial threshold follows the trend set by the ELVIS Act 2024 which will punish those who are benefiting from the sale of unauthorised copies, but will protect private, non-commercial expression. The right, most importantly, must be irremovable in order to avoid any possibility of corporate exploitation. This prevents talent agencies from requiring signing an agreement for lifetime likeness waiver. Lastly, a set time after death helps to prevent the unauthorized use of a creator's digital assets after death.

There needs to be clear innovative safeguards within the framework to avoid this property right from freezing innovation. The exemptions should be similar to the fair dealing provisions set out in Section 52 of the Indian Copyright Act that limit the scope of copyright protection for news reporting, academic research, education and public interest commentary. There must also be clear exceptions to protect parody, satire and transformative art. This is a balance between the freedom of expression guaranteed under Article 19(1)(a) of the Constitution of India and

property rights. They are inspired by the US NO FAKES Act, which has provisions to protect biographical and parodic speech, creating a more predictable environment for the development of AI.

A secondary, minimum reform position is possible if there is no politically feasible sui generis statute by reforming Section 57. The following is a fall-back approach: increase the scope of the mutilation and distortion of an author's "stylistic or biometric characteristics" in Section 57(1)(b) to cover the digital extraction, training and synthesis of the author's stylistic or biometric characteristics. As per this approach, if an AI model is trained with a creator's corpus and produces a work that is at least comparable to the original, the AI model would infringe upon the creator's integrity right, even if it does not literally reproduce the work. This is an awkward fit with the existing copyright system, but at the very least, it would provide a statutory tool for human creators to be able to take legal action against the economic harm done by AI infringement.

Both paths of reform would need to involve clear institutional roles in the Copyright Office, the Ministry of Information and Broadcasting (MIB), and Collective Management Organizations (CMOs). The Copyright Office needs to modernise its registry to manage digital likeness licensing and to establish human creative minimums for registering. At the same time, the MIB should cooperate with platforms to enact a notice-and-takedown provision, like the NO FAKES Act platform liability provision, which enables people to request removal of unauthorized replicas. India needs to give CMOs the power to manage collective licensing frameworks to deal with the vast number of micro-transactions that are part of AI. These bodies would guide the collection of royalties for datasets using human voice, ensuring that the market is open, transparent and legally compliant.

These institutional reforms must also be read against the regulatory step India has most recently taken. By the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2025, notified by the Ministry of Electronics and Information Technology and brought into force in February 2026, India introduced its first explicit framework for synthetically generated information, defining such content and requiring that it

be conspicuously labelled, embedded with permanent provenance metadata, and verified by significant social media intermediaries before publication.⁴² The reform is welcome, but it is important to see what it does and does not do. Built on a transparency and intermediary due diligence logic close to that of Article 50 of the European Union's Artificial Intelligence Act, it informs the public that content is synthetic; it does not vest any performer with a substantive right to prevent the extraction and synthesis of their voice in the first place. The labelling regime therefore complements, but cannot substitute for, the *sui generis* right of publicity advanced here, and the two are best understood as the transparency and entitlement halves of a single protective architecture.

7. CONCLUSION: EARNED PROTECTION, BALANCED INNOVATION

The intersection of AI and identity rights calls for a paradigm shift in how the law safeguards the human persona, beyond the notion of traditional authorship, toward the new challenges of synthetic replication.

A careful examination of the Indian law in force shows that there are two major gaps in Section 57 and the law on performers' rights. First, Section 57's special moral rights are doctrinally attached to an underlying copyrighted 'work' and are not easily applicable to protecting uncopyrighted biometric features such as a person's natural voice or facial appearance when they are simulated in real-time by AI. Second, the existing performers' rights regime in Section 38A does not cover an unauthorized use of a fixed performance; it does not have anything in place to stop downstream AI models from extracting an artist's unique stylistic DNA to produce all new synthetic content. This creates a problematic legal gray area that a performer's phonetic and physical likeness can be algorithmically 'mine' without a traditional copyright attack being made.

India needs to step away from the old surgical approach to the judiciary and think about a holistic legislative reform programme to address these gaps. The best route forward is a hybrid one: to draft a *sui generis* statutory Right of Publicity, alongside of an enhancement of the rights of performers under the Copyright Act. This standalone right has to be universal, enforceable in the market, not waived to lock in vulnerable creators in contracts with predatory

⁴² 'AI Content: MeitY Notifies Much-Anticipated IT Amendment Rules' (Lexology, 11 February 2026) <<https://www.lexology.com/library/detail.aspx?g=e5ce5689-b74a-4d74-9838-bba2a87f89f9>> accessed 29 June 2026; the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2025 take effect on 20 February 2026 and require labelling and provenance metadata for synthetically generated information.

corporations, and have a clearly defined end-of-life period. This way, the rights to one's identity are separated from the restrictive standards of copyright ownership, and a person's voice and likeness are legally considered as extensions of personal dignity and privacy.

In conclusion, the future of synthetic media regulation in India will depend on finding a balance between technological advancements and respect for human dignity. Individual creators should be given strong, enforceable rights to prevent their characters from being surreptitiously duplicated on the Internet, but those rights should not be used to stifle innovations or to stifle free expression. India needs to build a robust AI ecosystem while respecting the moral rights of its artists, which can be achieved by incorporating explicit provisions in the act that protect innovation, such as statutory exceptions for parody, news reporting, education and transformative use. Identity protection in the digital era is not the business of slowing technological development; it is the business of making sure innovation is grounded in human dignity, and is based not on raw data to be used for training, but on partners to be treated as creative individuals.



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