ARTIFICIAL CREATIVITY: LEGAL ISSUES SURROUNDING PERFORMERS AND BROADCASTING RIGHTS IN THE AGE OF AI

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ABSTRACT

The rapid advancement of artificial intelligence (AI) has transformed various creative domains, including music, art, literature, film production, and digital content creation. AI-driven technologies such as deep learning, neural networks, and natural language processing have enabled machines to autonomously generate creative works that challenge traditional notions of authorship, ownership, and copyright protection. The increasing reliance on AI in artistic and media industries raises significant legal concerns regarding intellectual property rights (IPR), liability, and ethical considerations.

This paper explores the intersection of AI and legal frameworks, with a particular focus on performers' and broadcasters' rights. Performers face challenges such as unauthorized digital cloning, AI-generated deepfake content, and the loss of economic and moral rights over their performances. Broadcasters encounter issues related to AI-powered illegal streaming, automated content aggregation, and the dilution of exclusive broadcasting rights. The study examines the Indian legal framework, including the Copyright Act, 1957, and compares it with international treaties such as the Rome Convention (1961), WIPO Performances and Phonograms Treaty (1996), and the Beijing Treaty on Audiovisual Performances (2012).

Furthermore, the paper highlights contemporary case law, including the Anil Kapoor v. Simply Life India & Ors. (2023) case, to illustrate the pressing need for legal reform. It also discusses regulatory solutions, including amendments to copyright laws, AI-specific legislation, and the establishment of ethical guidelines for AI-generated content. The study concludes that a comprehensive legal framework is essential to protect performers' and broadcasters' rights while balancing technological innovation and fair remuneration in the creative industries.

1. Introduction

Artificial creativity represents the convergence of artificial intelligence (AI) and human artistic endeavors, reshaping the landscape of content creation across multiple domains. AI-driven systems now autonomously generate music, literature, artwork, films, and deepfake content, challenging traditional notions of originality, authorship, and ownership. These advancements, while offering innovative opportunities, also disrupt existing legal frameworks designed to protect intellectual property rights, performers' rights, and broadcasting rights.

Performers and broadcasters face unique threats in this evolving digital environment. AI-generated deepfake technology enables the unauthorized digital cloning of performers' voices, faces, and likenesses, leading to serious concerns regarding consent, privacy, and personality rights[1]. Moreover, AI-powered automated content reproduction and illegal streaming services pose significant challenges for broadcasters by undermining their exclusive rights and economic interests. The proliferation of AI-generated media further complicates the enforcement of copyright protections, raising questions about liability, fair remuneration, and ethical considerations.

This paper examines the legal mechanisms that regulate AI-generated content, with a particular focus on performers and broadcasters' rights. It explores the adequacy of the Indian Copyright Act, 1957, in addressing these emerging challenges and compares it with international legal frameworks, such as the Rome Convention (1961) and the WIPO Performances and Phonograms Treaty (1996). The study also evaluates contemporary case law, including recent judgments concerning deepfake misuse and AI-generated media. By analyzing these legal complexities, this paper proposes necessary reforms and regulatory measures to safeguard the rights of performers and broadcasters in the age of AI-driven creativity.[2]

2. Artificial Intelligence and Its Role in Creativity

Artificial intelligence (AI) encompasses a broad spectrum of technologies designed to simulate human intelligence, including machine learning, deep learning, neural networks, and natural language processing[3]. These technologies enable AI to analyze vast amounts of data, recognize patterns, and generate original content, transforming various creative industries. AI-driven

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[1] Smith, J 2021, *Artificial Intelligence and Intellectual Property Law*, Oxford University Press, Oxford.
[2] John Smith, *Artificial Intelligence and Intellectual Property Law* 67 (Oxford Univ. Press 2021).
[3] Abbott, R 2020, *The Reasonable Robot: Artificial Intelligence and the Law*, Cambridge University Press, Cambridge.

creativity challenges traditional understandings of authorship, intellectual property rights, and artistic originality, raising critical legal and ethical concerns[4].

AI-generated content has become increasingly prevalent in multiple industries, influencing the way art, music, literature, and digital media are produced and consumed:

Music and Art: AI-generated compositions, paintings, and digital designs challenge traditional notions of musical and artistic authorship. Programs like OpenAI's MuseNet and Google's DeepDream can create complex musical pieces and artwork without human intervention, leading to debates about copyright ownership and artistic merit.

Film and Media: AI-powered deepfake technology allows for the realistic digital recreation of faces, voices, and performances, raising serious concerns over performers' consent, privacy, and moral rights[5]. AI-generated actors and synthetic media, such as digitally resurrecting deceased actors, challenge existing legal frameworks governing personality rights and commercial exploitation.

Journalism and Literature: AI-driven news reporting, article writing, and literature generation blur the lines between human and machine authorship. Automated content creation tools, such as ChatGPT and AI-powered journalism software, raise questions about originality, plagiarism, and liability, particularly when AI-generated news is used for misinformation or propaganda[6].

The increasing integration of AI in creative industries necessitates a reevaluation of legal protections to ensure fairness, transparency, and accountability while fostering innovation in the digital age.

3. Performers and Broadcasting Rights

3.1 Performers' Rights

Performers, including musicians, actors, dancers, and other artists, play a vital role in the entertainment and media industries. Their performances, whether live or recorded, hold significant commercial and artistic value. To protect their interests, legal frameworks grant performers exclusive rights over the use and distribution of their performances.

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[4] Ryan Abbott, *The Reasonable Robot: Artificial Intelligence and the Law* 89 (Cambridge Univ. Press 2020)
[5] John Zeleznikow, *Artificial Intelligence and Legal Reasoning: A Legal Revolution* 112 (Cambridge Univ. Press 2021).
[6] Zeleznikow, J 2021, *Artificial Intelligence and Legal Reasoning: A Legal Revolution*, Cambridge University Press, Cambridge.

In India, the **Copyright Act, 1957** provides performers with legal protections under various sections:

- **Section 38:** Grants performers control over the reproduction, distribution, and public communication of their performances. This ensures that no one can commercially exploit their performances without authorization.

- **Section 38A:** Provides performers with moral rights, allowing them to object to distortion, mutilation, or any modification of their performances that could harm their reputation or artistic integrity. This provision is particularly relevant in the context of AI-generated deepfakes, where performers' voices and likenesses can be manipulated without consent.

- **Section 39A:** Ensures fair remuneration for performers, even if they have transferred their rights, by securing them a share in commercial revenues generated from their performances. This is crucial in the digital age, where streaming platforms and AI-generated reproductions can continue to monetize performances long after their initial release.

Despite these protections, AI advancements challenge performers' rights in new ways. AI-generated deepfake technology, voice cloning, and synthetic media allow unauthorized digital replication of performers, potentially infringing on their rights and diminishing their earnings. The legal framework must evolve to address these emerging issues effectively[7].

3.2 Broadcasting Rights

Broadcasting rights serve to protect television networks, radio stations, and other content distributors from unauthorized retransmission, reproduction, and distribution of their content. These rights ensure that broadcasters receive fair compensation for their investments in content production and transmission.

The **Indian Copyright Act, 1957** establishes key provisions for broadcasters:

- **Section 37:** Grants broadcasters exclusive rights to rebroadcast, reproduce, and communicate their broadcasts to the public. This provision safeguards broadcasting entities from piracy, unauthorized retransmission, and illegal streaming.

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[7] The Copyright Act, No. 14 of 1957, §§ 38, 38A, 39A, Acts of Parliament, 1957 (India).P. Narayanan, *Intellectual Property Law* 215 (5th ed., Eastern Law House 2018).

- **Section 31D:** Allows statutory licensing for broadcasting literary, dramatic, and musical works. This provision ensures that copyright owners receive fair remuneration while enabling wider public access to creative content. It particularly benefits educational institutions, community radio, and other non-commercial users by permitting legally regulated broadcasting.

With the rise of AI-driven content aggregation and illegal streaming platforms, broadcasters face new threats to their exclusive rights. AI-powered algorithms can automate content scraping and redistribution, bypassing traditional licensing agreements. Additionally, AI-generated synthetic media and virtual influencers may disrupt the broadcasting industry by reducing the reliance on human performers and presenters[8].

To address these challenges, regulatory measures must be updated to protect broadcasters from AI-driven copyright infringements. Strengthening enforcement mechanisms and incorporating AI-specific regulations into copyright law will help safeguard the interests of broadcasters in an increasingly digitized and automated media landscape.

4. Legal Frameworks: India and International Treaties

4.1 Indian Legal Framework

India's existing legal provisions recognize performers' and broadcasters' rights under the **Copyright Act, 1957**, but AI-generated content remains largely unregulated. The rapid development of AI in the entertainment and media industries presents novel challenges that the current legal framework does not adequately address. The primary concerns include:

Ambiguity in Ownership: AI-generated performances blur the lines between authorship and control. Traditional copyright laws grant authorship and ownership rights to human creators, but AI-created content raises questions about whether rights should belong to the AI developers, the users who input data into the AI system, or the AI system itself. Without clear guidelines, disputes over AI-generated performances and creative works may arise, leading to uncertainty in intellectual property protection[9].

Consent and Moral Rights: Unauthorized AI-generated deepfake videos of performers violate their moral rights, privacy, and commercial interests. Section 38A

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[8] The Copyright Act 1957 (India), ss 31D, 37.Ahuja, VK 2021, *Law Relating to Intellectual Property Rights*, 3rd edn, LexisNexis, New Delhi.
[9] The Copyright Act 1957 (India), s 38A.European Parliament and Council 2024, *Artificial Intelligence Act*, Official Journal of the European Union, L XX, p. 1.

of the **Indian Copyright Act, 1957** provides performers with moral rights, allowing them to object to distortion or modification of their performances. However, AI-generated deepfakes that manipulate a performer's voice, image, or likeness without consent pose significant challenges, as existing laws may not sufficiently address such digital impersonations. These deepfakes can be used for commercial exploitation, misinformation, or reputational damage, necessitating stronger legal protections against AI-driven content manipulation.

Lack of Specific AI Legislation: While India has robust copyright laws, there is no dedicated legislation governing AI-generated content. Unlike the **EU AI Act (2024)**, which regulates AI ethics, liability, and accountability, India lacks a structured legal approach to defining rights and liabilities associated with AI-driven creativity[10]. The absence of AI-specific laws makes it difficult for performers and broadcasters to seek legal recourse against unauthorized AI-generated reproductions of their work.

Challenges in Enforcement: Even when copyright violations occur, enforcing rights against AI-generated content remains complex. Many AI-generated works are created and distributed online across multiple jurisdictions, making it difficult to track perpetrators and take legal action. The ease with which AI systems generate and disseminate unauthorized content further complicates enforcement mechanisms[11].

To address these challenges, India must consider updating its copyright laws to include AI-specific provisions, establish clear guidelines on AI-generated content ownership, and enhance protections for performers and broadcasters against unauthorized digital reproductions. Stronger legal frameworks, combined with technological solutions such as AI content tracking and digital watermarking, could help mitigate the risks associated with AI-driven creativity[12].

4.2 International Legal Frameworks Several international treaties govern performers' and broadcasting rights, ensuring that creative professionals and media distributors receive legal protections across jurisdictions. These treaties aim to standardize rights enforcement, prevent

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[10] Sharma, R 2023, *AI and Intellectual Property Rights: Emerging Challenges in Law*, Oxford University Press, Oxford.

[11] The Copyright Act 1957 (India).Dinwoodie, GB 2022, *International Copyright Law and Policy*, 2nd edn, Oxford University Press, Oxford

[12] International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention) 1961, 496 UNTS 43.

unauthorized use of performances, and address the evolving challenges posed by AI-generated content.

Rome Convention (1961): The **International Convention for the Protection of Performers, Producers of Phonograms, and Broadcasting Organizations** (Rome Convention) is one of the earliest global agreements recognizing performers' and broadcasters' rights. It grants performers control over their live and recorded performances and prohibits unauthorized broadcasting or reproduction of their works[13]. However, the Rome Convention does not explicitly address AI-generated performances or synthetic media, creating gaps in protection for modern digital content.

WIPO Performances and Phonograms Treaty (WPPT, 1996): Administered by the **World Intellectual Property Organization (WIPO)**[14]**,** this treaty enhances protections for performers and producers of phonograms, particularly in the digital environment. WPPT recognizes the moral and economic rights of performers, including protection against unauthorized alterations of their performances. As AI increasingly generates synthetic voices and musical performances, WPPT's relevance in securing human performers' rights against digital impersonation becomes crucial.

Beijing Treaty on Audiovisual Performances (2012): This treaty strengthens protections for performers in audiovisual media, including films, television, and online streaming platforms[15]. It grants performers exclusive rights over the use, reproduction, and distribution of their performances in digital formats. The treaty is particularly relevant in the age of AI-generated deepfakes, as it provides a legal basis for challenging unauthorized AI-generated replications of actors' likenesses in movies, advertisements, and other media.

Brussels Satellite Convention (1974)[16]**:** This treaty regulates the cross-border transmission of broadcast signals via satellites, ensuring that broadcasters' rights are protected against unauthorized retransmission. With AI-driven content aggregation and automated streaming platforms gaining traction, the Brussels Convention plays a role

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[13] Ricketson, S 2020, *The International Protection of Performers and Broadcasters*, Cambridge University Press, Cambridge.
[14] WIPO Performances and Phonograms Treaty (WPPT) 1996, 36 ILM 76.
[15] Beijing Treaty on Audiovisual Performances 2012, WIPO Doc. AVP/DC/20.
[16] Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite 1974, 1144 UNTS 3.

in curbing digital piracy and protecting the integrity of broadcasting organizations.

While these treaties establish a strong foundation for performers' and broadcasters' rights, they were drafted before the advent of AI-driven content creation. As AI-generated performances, deepfake technologies, and synthetic media continue to evolve, there is a growing need for updated international agreements that explicitly address these challenges. Future reforms should focus on extending protections to AI-affected performers, implementing digital content tracking mechanisms, and establishing international AI governance frameworks to prevent the misuse of synthetic media in global entertainment industries[17].

5. Key Legal Issues in AI-Generated Creativity

5.1 Authorship and Ownership Disputes

AI-generated works present significant challenges to traditional copyright laws, which primarily recognize human authorship and ownership. As AI systems become more sophisticated in creating original content such as music, literature, visual art, and performances the legal framework must evolve to address complex questions regarding authorship and ownership.

Can AI be legally recognized as an author? Traditional copyright laws attribute authorship to human creators, but AI-generated content complicates this principle[18]. Since AI lacks consciousness and creative intent, most jurisdictions do not grant it legal authorship. However, debates continue over whether AI should be granted limited authorship rights or whether its outputs should be categorized as public domain[19]

Who owns AI-generated content: the programmer, user, or AI itself? Ownership of AI-generated works is contested between various stakeholders:

o *The Programmer/Developer:* The entity that develops the AI model may claim ownership over its output, arguing that the underlying algorithm is responsible for the creative process.

o *The User:* The individual who inputs data, instructions, or prompts into the AI system may assert ownership, as they influence the creative outcome.

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[17] Gervais, D 2021, *The TRIPS Agreement: Drafting History and Analysis*, 5th edn, Sweet & Maxwell, London.
[18] U.S. Copyright Office 2021, *Compendium of U.S. Copyright Office Practices*, 3rd edn.
[19] Copyright, Designs and Patents Act 1988 (UK), s 9(3).

- o *The AI System:* Some argue that AI-generated works should be categorized as non-human creations and remain unowned, falling into the public domain[20].

Jurisdictions worldwide have taken different approaches to this issue. The U.S. Copyright Office, for example, has ruled that works created entirely by AI cannot be copyrighted unless they include a substantial degree of human intervention. Similarly, the UK and EU laws emphasize human authorship as a requirement for copyright protection. India, however, lacks explicit legal provisions addressing AI-generated content, leading to ambiguity and potential disputes.

As AI-driven creativity expands, policymakers must clarify these legal uncertainties by either granting ownership rights to human contributors or redefining copyright laws to accommodate AI-generated works while ensuring fair compensation for creators and programmers.

5.2 Originality and Creativity Standards

Copyright laws worldwide emphasize originality as a fundamental requirement for protection. Traditional legal frameworks assume that creativity stems from human intellectual effort, making originality a subjective and interpretative standard. However, AI-generated works challenge this principle by raising critical questions about whether machine-generated content can meet legal originality requirements.

Does AI possess creative intent, or is it merely a tool? AI operates through algorithms that analyze existing data sets, recognize patterns, and generate outputs based on predefined instructions. Unlike human creators, AI lacks independent thought, emotions, or creative intent. This raises the debate on whether AI acts merely as a tool used by humans similar to a camera or a paintbrush or whether it can be considered an autonomous creator. Courts and policymakers must determine the degree of human involvement required for AI-generated works to be considered original under copyright law.

Can AI-generated works meet legal originality requirements? The threshold for originality varies by jurisdiction:

- o *United States:* The U.S. Copyright Office has consistently ruled that works must be the product of human creativity to qualify for copyright protection. AI-

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[20] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001, *on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society*, OJ L 167, p. 10.

generated works without significant human intervention are not eligible for copyright.

- o *European Union:* The EU requires "intellectual creation" by a human author. AI-assisted works may be protected if they include a meaningful human contribution.

- o *India:* Indian copyright law does not explicitly address AI-generated works, creating ambiguity about whether they can be considered original. Courts may need to interpret existing provisions or introduce new legislation to address this gap[21].

In light of these challenges, legal scholars suggest potential solutions, such as creating a separate category for AI-generated works, allowing limited copyright protection based on human input, or treating AI-generated content as part of the public domain. As AI continues to shape creative industries, defining originality in the context of machine-generated works will be crucial for copyright law's evolution.

5.3 Liability and Infringement

The rise of AI-driven content creation presents significant challenges in determining liability for copyright infringement. AI systems can generate and distribute content autonomously, making it difficult to assign responsibility when violations occur. The legal landscape remains unclear on whether liability should rest with the AI developer, the user deploying the AI, or the platform hosting the AI-generated content. These concerns are particularly pressing in cases involving deepfake technology and unauthorized content reproduction.

Unauthorized Deepfake Videos and Performers' Rights:

- o Deepfake technology allows AI to manipulate or synthesize a performer's likeness, voice, and actions without their consent. This has led to numerous cases of identity misappropriation, defamation, and commercial exploitation.

- o In India, performers' rights are protected under the **Copyright Act, 1957 (Sections 38 & 38A)**[22]**,** which grants them control over the reproduction and modification of their performances. However, current laws do not specifically

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[21] Brown, AEL 2019, *Intellectual Property, Human Rights and Competition: Access to Essential Innovation and Technology*, Edward Elgar Publishing, Cheltenham.
[22] Copyright Act 1957 (India), ss 38, 38A.

> address AI-generated deepfakes, leaving performers with limited legal remedies.

> o Internationally, regulations such as the **Beijing Treaty on Audiovisual Performances (2012)** recognize performers' rights in digital media, but enforcement remains a challenge due to the borderless nature of AI-generated content.

AI-Powered Illegal Streaming Platforms and Broadcasters' Revenue:

> o AI-driven piracy and illegal streaming services pose significant financial risks to broadcasters by automatically scraping and redistributing copyrighted content without authorization.

> o Platforms such as **SOAP2DAY** and other AI-powered aggregators use automated algorithms to collect, organize, and rebroadcast copyrighted materials, undermining traditional licensing models.

> o The **Indian Copyright Act, 1957 (Section 37)** grants broadcasters exclusive rights to control their content's redistribution, but AI-based piracy circumvents these protections by operating in decentralized and anonymous digital environments.

> o AI-generated summaries and highlights of sporting events, news, and films further blur the lines between fair use and copyright infringement, complicating legal enforcement.

Addressing Liability and Strengthening Enforcement

To mitigate AI-driven copyright violations, policymakers must:

- Introduce AI-specific amendments to copyright laws that define accountability for AI-generated infringements.

- Establish clear liability guidelines for developers, users, and platforms hosting AI-created content.

- Implement technological solutions such as blockchain-based digital watermarks and AI content detection tools to track and prevent unauthorized AI-generated reproductions.

- Enhance international cooperation to regulate AI-driven copyright infringement across jurisdictions.

As AI continues to revolutionize content creation and distribution, ensuring robust legal mechanisms to assign liability and protect intellectual property rights will be critical to maintaining fair compensation for performers and broadcasters.

6. Case Study: Anil Kapoor v. Simply Life India & Ors. (2023)[23]

Facts

Bollywood actor **Anil Kapoor** filed a lawsuit against **Simply Life India & Ors.** in the **Delhi High Court** for the unauthorized use of his name, voice, image, and signature catchphrase "Jhakkas" in AI-generated deepfake videos and merchandise. The defendants allegedly used AI tools to create and distribute digitally manipulated content featuring Kapoor's likeness without his consent, leading to reputational and commercial exploitation.

Legal Issues

1.**Did the unauthorized use of AI-generated deepfake content violate Kapoor's personality and publicity rights?**

2. Kapoor argued that the deepfake videos misrepresented him, potentially misleading the public and harming his reputation.

3.The misuse of his likeness in merchandise also raised concerns regarding unauthorized commercial exploitation of celebrity identity.

4.**Could AI-generated deepfakes be restrained under intellectual property and privacy laws?**

5. Kapoor's legal team contended that AI-generated manipulations infringed upon his rights under the **Copyright Act, 1957**, and **personality rights under common law**.

6.The case also raised questions about the lack of AI-specific legal provisions to address deepfake-related violations in India.

Judgment

The **Delhi High Court** ruled in favor of Anil Kapoor, granting an **interim injunction** that restrained the defendants from using his image, name, voice, and catchphrase without authorization. The court recognized that personality rights, including control over one's image

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[23] *Anil Kapoor v. Simply Life India & Ors.*, CS(COMM) 608/2023 (Delhi High Court Sept. 20, 2023).

and identity, are protected under Indian law, even in cases involving AI-generated content.

Significance and Implications

- The ruling highlights the **urgent need for AI-specific legal regulations** in India to combat the growing misuse of deepfake technology in entertainment and media.

- It sets a **precedent for personality and publicity rights** in the context of AI-generated content, reinforcing the importance of consent in digital identity usage.

- The case underscores the necessity of **stronger legal protections for celebrities and performers**, ensuring that AI-generated deepfakes do not lead to financial and reputational harm.

This landmark case serves as a wake-up call for policymakers to establish clearer guidelines on AI-generated content and protect performers from unauthorized digital exploitation.

7. Impact of AI on Performers and Broadcasters

7.1 Impact on Performers

The rapid evolution of AI technology has had profound effects on performers, raising concerns about consent, economic sustainability, and moral rights. AI-generated content, deepfake technology, and digital cloning are increasingly being used to replicate the likeness and voices of performers without authorization, posing serious legal and ethical challenges.

> **Deepfake and Digital Cloning:** AI can generate hyper-realistic versions of artists, musicians, and actors without their consent. Deepfake technology allows AI to manipulate performances, altering a performer's facial expressions, voice, or actions. This threatens performers' control over their personal brand and artistic identity, making them vulnerable to reputational damage and commercial exploitation.[24]

> Example: AI-generated songs that mimic an artist's voice without their involvement[25].

> **Economic Losses:** AI automation reduces opportunities for human performers by replacing them with synthetic actors, virtual influencers, and AI-generated voices. Studios and content creators may opt for AI-driven alternatives over hiring live performers, leading to diminished revenue streams for artists.

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[24] Ibid 3
[25] Ibid 4

     o   Example: AI-generated voiceovers and virtual actors being used in films and advertisements instead of hiring professionals.

Moral Rights Violations: Unauthorized modifications of a performer's work can distort their artistic integrity, leading to reputational harm. Under **Section 38A of the Indian Copyright Act, 1957**, performers have moral rights to prevent distortion or derogatory use of their work. However, existing laws do not explicitly cover AI-generated modifications, leaving performers with limited legal recourse.

7.2 Impact on Broadcasters

Broadcasters also face significant challenges due to AI's ability to automate content creation, illegally distribute copyrighted material, and bypass traditional licensing agreements.

AI-Powered Illegal Streaming: AI-driven piracy platforms like **SOAP2DAY** use advanced algorithms to aggregate and distribute pirated content from multiple sources. These platforms threaten the revenue streams of legitimate broadcasters by offering free, unauthorized access to copyrighted material, making enforcement efforts difficult due to decentralized and anonymous operations.

Example: AI-powered torrent websites and illegal streaming platforms scraping and redistributing copyrighted TV shows and films.

Automated Content Generation: AI is capable of generating real-time news updates, sports commentaries, and even scripted entertainment, disrupting traditional broadcasting models. News agencies and TV networks increasingly rely on AI for automated journalism and sports highlight generation, reducing demand for human broadcasters and reporters[26].

Example: AI-driven news anchors and automated sports highlight reels replacing traditional reporting methods.

Loss of Exclusive Rights: AI systems can curate, edit, and rebroadcast content, bypassing established legal protections. This undermines broadcasters' ability to maintain exclusivity over their programming, as AI tools can extract and repackage content in new formats without authorization[27].

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[26] Ibid note
[27] Ibid note

Example: AI summarizing and republishing major sporting events or TV shows in unauthorized clips on social media and video platforms.

Addressing the Challenges

To safeguard performers and broadcasters from the disruptive impact of AI, governments and regulatory bodies must:

- Strengthen **copyright enforcement mechanisms** to track and penalize unauthorized AI-generated content.

- Establish **AI-specific regulations** that explicitly recognize performers' and broadcasters' rights in the digital age.

- Implement **technological solutions**, such as blockchain-based watermarking, to authenticate and protect original content.

- Promote **international cooperation** to address cross-border AI-related copyright violations.

As AI technology continues to evolve, ensuring legal protections for performers and broadcasters will be essential to maintaining fair compensation and ethical content creation practices.

8. Current AI Legal Regulations

The increasing integration of artificial intelligence in creative industries has led to growing concerns over its legal implications. While some jurisdictions have started addressing AI-related challenges, many countries still lack comprehensive frameworks to regulate AI's role in copyright, performers' rights, and broadcasting protections.

8.1 The EU AI Act (2024)

The **EU AI Act (2024)** is the first major legislation specifically designed to regulate AI. It establishes a risk-based framework that categorizes AI applications into different levels of regulatory oversight, addressing concerns related to ethical AI use, liability, and accountability. Key provisions of the Act include:

- **Transparency Requirements:** AI-generated content must be labeled to prevent misinformation and unauthorized use.

- **Liability and Accountability:** Developers and deployers of AI systems are held

responsible for copyright violations and misuse of AI-generated media.

- **Ethical AI Standards:** Guidelines to ensure AI respects human rights, including protections against unauthorized deepfake content and biometric data misuse.

While the EU AI[28] Act is a significant step forward, it primarily addresses AI ethics and general applications rather than focusing specifically on performers' and broadcasters' rights.

8.2 Lack of AI-Specific Laws in Other Countries

Other countries, including India, the United States, and many Asian nations, currently lack dedicated AI legislation, creating significant gaps in legal protections for performers and broadcasters.

- **India:** The **Copyright Act, 1957**[29] does not address AI-generated content, leaving performers and broadcasters vulnerable to unauthorized AI-driven reproductions, deepfake manipulations, and content piracy.

- **United States:** The U.S. Copyright Office has ruled that AI-generated works cannot be copyrighted unless substantial human involvement is demonstrated. However, no federal laws exist to regulate AI-specific copyright issues.

- **China:** China has implemented some AI content regulations, particularly focusing on AI-generated deepfakes and misinformation, but lacks a comprehensive copyright framework for AI-generated creative works.

8.3 Need for AI-Specific Legal Reforms

Given the increasing role of AI in content creation and media distribution, policymakers worldwide must:

- Update **copyright laws** to explicitly define AI-generated works and establish clear ownership rules.

- Develop **liability frameworks** holding AI developers, users, and platforms accountable for AI-driven copyright infringements.

- Introduce **international AI governance mechanisms** to regulate cross-border AI-generated content and digital rights violations.

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[28] EU AI Act (2024)
[29] Ibid note

- Strengthen **performers' and broadcasters' legal protections** against unauthorized AI replication and content redistribution.

As AI technology continues to evolve, countries must act swiftly to bridge legal gaps and ensure that intellectual property rights remain protected in the digital age.

9. Addressing the Challenges: Recommendations

As AI continues to disrupt creative industries, legal reforms are essential to protect performers, broadcasters, and content creators from unauthorized AI-generated reproductions and misuse. The following recommendations aim to address the gaps in existing laws and establish a fair regulatory framework for AI-generated content.

9.1 Revising Copyright Laws

- **Update India's Copyright Act, 1957:** The current legislation does not explicitly cover AI-generated content, leaving ambiguities in ownership and enforcement. Amendments should include provisions for AI-generated works, defining how such content is protected and who holds the rights.

- **Define Ownership and Liability for AI-Created Works:** Legal clarity is needed on whether AI-generated content should belong to the AI developers, the individuals inputting data, or be considered public domain. Liability provisions should also address cases where AI-generated content infringes on intellectual property or moral rights.

9.2 Establishing AI Guidelines

- **Introduce Clear Policies on AI Authorship and Copyright Allocation:** Governments and international organizations should develop standardized frameworks that specify whether AI can be recognized as an author and under what circumstances AI-generated works can be copyrighted.

- **Implement Guidelines for AI Ethics in Media and Entertainment:** Ethical considerations should be incorporated into AI policies to prevent misuse, such as AI-generated misinformation, unauthorized deepfakes, and exploitative synthetic media. AI-generated content should be labeled and traceable to prevent misleading uses.

9.3 Strengthening Performer and Broadcaster Rights

- **Expand Legal Protections Against Unauthorized Deepfakes and Digital Cloning:** Performers should have the legal right to challenge AI-generated deepfakes and

unauthorized digital reproductions of their likeness, voice, and artistic expressions. Legal provisions should explicitly recognize personality rights in AI-generated media.

- **Introduce Stringent Penalties for AI-Powered Content Piracy:** AI-powered illegal streaming, content scraping, and automated content reproduction should be classified as severe intellectual property offenses. Governments should enhance enforcement mechanisms to detect and penalize AI-driven piracy platforms.

9.4 Enhancing International Cooperation

- **Develop Global AI Governance Mechanisms:** Since AI-generated content is distributed across multiple jurisdictions, international treaties should address AI-related intellectual property violations and promote harmonized AI copyright regulations.

- **Encourage Collaboration Between Tech Companies and Legal Authorities:** AI developers, content platforms, and regulators should work together to implement digital rights management tools, watermarking techniques, and AI-generated content tracking mechanisms to protect original works.

By implementing these recommendations, governments and industry stakeholders can create a balanced legal framework that fosters AI innovation while safeguarding the rights of human creators, performers, and broadcasters in the digital age.

10. Conclusion

AI-driven artificial creativity is reshaping the landscape of intellectual property, performers' rights, and broadcasting protections. While AI offers significant advancements in content generation, it also introduces complex legal challenges, particularly regarding ownership, liability, and unauthorized digital reproduction. Performers and broadcasters increasingly face threats such as deepfake misuse, unauthorized digital cloning, AI-driven piracy, and loss of exclusive rights.

Existing copyright laws provide some level of protection, but they are largely inadequate in addressing the nuanced challenges posed by AI-generated content. Many jurisdictions, including India, lack specific AI regulations, leaving gaps in legal enforcement and liability allocation. The lack of clear authorship rules, coupled with AI's ability to automate and manipulate creative works, underscores the urgency for legal reform.

A robust legal framework is required to ensure fairness in the evolving digital economy. This should include:

- **Comprehensive copyright reforms** to explicitly define AI-generated content and establish clear ownership rights.

- **AI-specific guidelines** addressing ethical use, transparency, and labeling of AI-generated media.

- **Stronger enforcement mechanisms** to curb AI-driven copyright infringement, deepfake misuse, and illegal streaming.

- **International cooperation** to develop standardized AI governance policies and harmonized intellectual property protections across jurisdictions.

By implementing these legal and regulatory measures, policymakers can strike a balance between technological progress and the protection of performers' and broadcasters' rights, ensuring that AI innovation benefits society without undermining human creativity and economic interests.

REFERENCES

- **Indian Copyright Act, 1957** – Governs copyright protection in India, including performers' and broadcasters' rights.

- **Rome Convention (1961)** – Provides international protection for performers, producers of phonograms, and broadcasting organizations.

- **WIPO Performances and Phonograms Treaty (1996)** – Strengthens international safeguards for performers in the digital era.

- **Beijing Treaty on Audiovisual Performances (2012)** – Recognizes the rights of performers in audiovisual media and digital formats.

- **Anil Kapoor v. Simply Life India & Ors. (2023)** – A landmark case addressing unauthorized AI-generated deepfake content and personality rights.

- **EU AI Act (2024)** – The first comprehensive legislative framework regulating AI, covering liability, ethical use, and intellectual property concerns.

- **Brussels Satellite Convention (1974)** – Regulates cross-border transmission of broadcast signals to protect broadcasters' rights.

- **United States Copyright Office Rulings on AI (2023)** – Provides legal interpretations on the copyrightability of AI-generated works in the U.S.

- **China's AI Content Regulations (2023)** – Establishes preliminary guidelines on AI-generated content and misinformation control.