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Regulating the synthetic persona: Deepfakes in India's digital media and entertainment industry

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Abstract
Deepfakes present an unusual legal problem because a single synthetic work may simultaneously reproduce copyrighted material, appropriate an individual's identity and circulate through an intermediary subject to statutory duties. Indian law addresses each of these concerns, yet their interaction remains uncertain. This paper examines that coordination gap within India's digital media and entertainment industry. It argues for an integrated framework based on four inquiries: Source, Identity, Context and Circulation. It further proposes rights-linked provenance, granular synthetic-performance licensing and harm-sensitive platform remedies. The approach seeks to coordinate existing law while preserving creative expression, individual autonomy and workable intermediary governance.

Keywords: Deepfakes, personality rights, copyright, intermediary liability

Introduction

A deepfake can be easy to identify technologically and difficult to classify legally. A synthetic video may contain fragments of a film, reproduce an actor's face, imitate a singer's voice and circulate through a social media platform. Each feature leads to a different body of law. The copyright owner may object to the use of footage. The performer may object to a digital recreation of her persona. A platform may face a complaint asking it to label or remove the same content. The person who generated the video may claim parody, commentary or artistic expression.

Deepfake technology has gradually weakened the connection between recording a person and reproducing that person. Machine-learning systems can generate realistic audiovisual content depicting individuals saying or doing things that never occurred [1]. In the media and entertainment industry, this capability has uses beyond misinformation. It can recreate an actor, produce an artificial singing voice, alter dubbing, generate advertising material or create fictional scenes at a fraction of the cost of conventional production.

India's legal position has changed substantially with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026. The Rules now expressly recognise "synthetically generated information" and regulate its creation and circulation through intermediary due-diligence duties [2]. The definition broadly covers artificially or algorithmically created or altered audio, visual or audiovisual information which appears real and portrays a person or event in a manner capable of being perceived as authentic. Routine technical editing, colour adjustment, noise reduction and comparable good-faith alterations remain outside the category where they do not materially distort the substance or meaning of the underlying material [3].

The regulatory landscape therefore contains several legal responses to deepfakes. The more difficult question concerns their relationship with each other.

Consider an AI-generated song performed in the synthetic voice of a well-known singer. The melody may belong to one copyright owner. The lyrics may belong to another. The singer's original recordings may have contributed to the development of the voice model. The generated recording itself may reproduce none of those recordings directly. Yet an ordinary listener may immediately identify the synthetic voice with the singer.

Copyright law can examine the works and performances used in this process. Personality-rights jurisprudence can address the singer's voice and identity. Intermediary law becomes relevant when the recording is uploaded, monetised and recommended to users. Each regime examines a different legal object.

This paper argues that the principal unresolved issue in Indian deepfake regulation is therefore one of **coordination**. The question has become more pressing after the 2026 amendments because synthetic media now has an express place within intermediary law while copyright and personality-rights doctrine continue to operate through their own standards.

The paper proposes a four-stage framework organised around Source, Identity, Context and Circulation, referred to here as the SICC framework. The objective is to separate the relevant legal inquiries before bringing them together at the remedial stage. A complementary set of proposals addresses licensing, provenance and platform complaints. The framework is designed particularly for digital entertainment, where the boundaries between creative transformation, commercial appropriation and deceptive simulation are often difficult to draw.

Research Gap and Method

Early deepfake scholarship understandably concentrated on misinformation, privacy and the ability of synthetic media to destabilise trust in audiovisual evidence [1]. The emergence of generative AI has since expanded the inquiry. Machine-learning systems consume large volumes of copyright material during training, raising difficult questions concerning copying, transformative use and the relationship between training inputs and generated outputs [4,5].

A separate body of scholarship examines control over image, likeness and public persona. Publicity rights have often expanded as new technologies create new ways of

commercialising identity. Scholars have consequently cautioned that broadly framed rights over persona may also affect parody, cultural reference and artistic expression [6]. Privacy scholarship adds a different concern. Synthetic sexual and intimate imagery can interfere with dignity and autonomy even where the depicted individual has little or no commercial publicity value [7].

These strands identify important harms. Their separation creates a problem when applied to entertainment deepfakes.

Existing copyright doctrine asks whether protected expression or performances have been used. Personality rights ask whether an identifiable person's attributes have been appropriated. Intermediary rules regulate the conditions under which synthetic information is generated, hosted and circulated. A single content item can satisfy the factual predicates of all three inquiries.

The present research gap lies in the absence of a clear method for coordinating them. Copyright permission does not itself amount to consent from the person portrayed. A synthetic-content label says little about whether copyrighted material has been licensed. Personality-rights protection does not automatically determine whether a use of underlying footage qualifies for a copyright exception.

The paper adopts a doctrinal and case-based method. It examines the Copyright Act, 1957, the Information Technology Act, 2000, the 2026 IT Rules and Indian personality-rights jurisprudence. Judicial decisions involving performers and AI-generated representations provide the principal case studies. Technical standards concerning provenance and limited comparative material are used where they assist the proposed framework.

The digital media and entertainment sector is used as the primary setting because it makes the overlap unusually visible. The economic value of a film star or singer may exist simultaneously in a copyrighted performance, an individual identity and a digitally replicable persona.

Copyright and the Limits of Work-Based Protection

Copyright provides the most developed statutory framework among the three regimes examined in this paper. The Copyright Act, 1957 protects literary, dramatic, musical and artistic works, cinematograph films and sound recordings. Section 14 identifies several exclusive rights, while sections 38, 38A and 38B separately protect performers and their performances [8].

This framework is directly applicable where a deepfake incorporates existing protected material. A creator who extracts footage from a film, incorporates a sound recording or reproduces a photograph may engage the ordinary rules of copyright infringement. The problem becomes more complicated where synthetic generation reproduces characteristics without copying a readily identifiable work.

Indian copyright law has long distinguished protectable expression from ideas, themes and other elements that remain outside exclusive ownership. R G Anand v Delux Films remains foundational to that distinction [9]. A related concern arises with originality. In Eastern Book Company v D B Modak, the Supreme Court required an exercise of skill and judgment for copyright protection while rejecting purely mechanical labour as a sufficient basis for originality [10].

Deepfakes create a new version of this boundary problem. A singer's voice can be highly distinctive and economically valuable, yet the abstract sound of that voice is different from copyright in a particular sound recording. A face can be recognisable while remaining distinct from copyright in a photograph depicting that face. Generative technologies can therefore replicate the feature that audiences value while avoiding straightforward reproduction of the final copyrighted work.

Performer rights address part of this difficulty. Sections 38 and 38A provide performers with exclusive rights relating to their performances, while section 38B protects attribution and permits a performer to restrain prejudicial distortion or modification [8]. These rights become relevant where existing performances are recorded, reproduced or altered.

Their fit becomes less certain where a system learns characteristics across many performances and generates a new synthetic performance. The resulting recording may sound unmistakably like a singer while reproducing no particular performance in a conventional sense.

Training complicates the inquiry further. In ANI Media Pvt Ltd v OpenAI OpCo LLC, the Delhi High Court considered the application of Indian copyright law to the use of protected material for AI training and generation [11]. The wider debate over machine learning has similarly distinguished access to works for computational learning from the use of protected expression in outputs [4,5]. The legal status of training can therefore differ from the legal status of what a trained model ultimately produces.

This distinction should carry into deepfake analysis. Suppose an AI developer can lawfully rely on a copyright exception or licence when training a system. That finding answers the copyright question relating to the training use. It leaves open whether deployment of the system to reproduce a specific person's voice violates a separate interest in identity.

The reverse can also occur. A performer may authorise a synthetic version of her voice for an advertisement while the producer independently uses an unlicensed musical composition. Identity consent would exist. Copyright infringement may still arise.

The distinction points towards a larger proposition: copyright clearance and identity consent are separate permissions.

This becomes important when considering authorship of synthetic outputs as well. Section 2(d)(vi) of the Copyright Act refers to the person who causes a computer-generated literary, dramatic, musical or artistic work to be created [8]. Whatever interpretation is eventually adopted for contemporary generative systems, copyright ownership of the output cannot resolve the legality of the persona embedded within it. A creator may own copyright in an original synthetic image while facing a claim from the individual whose likeness provides the image's subject.

Copyright law therefore remains central to deepfake regulation. Its strongest role concerns source material, protected expression and performances. Identity requires another inquiry.

Personality Rights and the Synthetic Persona

Indian personality rights have developed primarily through judicial decisions rather than a dedicated statute. Courts have drawn upon privacy, publicity, passing off, dignity and commercial appropriation when protecting attributes such as a person's name, image, likeness and voice.

In ICC Development (International) Ltd v Arvee Enterprises, the Delhi High Court described publicity rights as rights that inhere in an individual and can extend to

indicia of personality such as a name, signature or voice [12]. D M Entertainment Pvt Ltd v Baby Gift House subsequently addressed commercial exploitation of the persona associated with singer Daler Mehndi [13]. Titan Industries Ltd v Ramkumar Jewellers developed the relationship between identifiability, commercial association and unauthorised use of celebrity identity [14].

Generative AI has made these principles much more consequential.

In Anil Kapoor v Simply Life India, the Delhi High Court dealt with unauthorised uses of the actor's name, image, likeness, voice and other elements of personality, including through AI-generated and morphed content [15]. The dispute illustrated how digital manipulation can detach an individual's persona from an original performance or photograph.

The Bombay High Court confronted the issue even more directly in Arijit Singh v Codible Ventures LLP. The claim covered the singer's voice, vocal style, singing mannerisms, image and other personality attributes. It also involved AI tools capable of converting speech or recordings into synthetic versions of his voice [16]. The Court treated unauthorised AI voice models as capable of interfering with personality rights and considered the performer's moral rights under section 38B of the Copyright Act.

The subsequent decision in Asha Bhosle v Mayk Inc continued the same direction. The Bombay High Court granted interim protection where AI tools were alleged to enable the conversion of voices into the singer's recognisable voice without consent [17]. These cases show that Indian courts increasingly view voice cloning as an appropriation of personal identity rather than merely a dispute over sound recordings.

A broader question remains. Much of personality-rights jurisprudence has developed through celebrity litigation. Deepfake harms extend beyond celebrities.

An ordinary individual whose face is inserted into synthetic intimate material may have no established commercial persona. The injury arises from autonomy, dignity and control over representation. The constitutional recognition of privacy and decisional autonomy in Justice K S Puttaswamy (Retd) v Union of India provides a stronger conceptual basis for such cases than a doctrine framed purely around commercial publicity [18]. Scholarship concerning sexual privacy reaches a similar conclusion in relation to non-consensual synthetic imagery [7].

Personality analysis should accordingly distinguish two interests.

The first is identity autonomy. It concerns a person's control over deceptive or invasive synthetic representations of the self. Celebrity status should have limited relevance to this inquiry.

The second is publicity value. It arises where an individual's persona carries commercial goodwill and another actor seeks to capture that value through imitation, endorsement or merchandising.

The distinction prevents commercial fame from becoming the gateway to protection against every form of synthetic identity harm.

At the same time, personality rights require boundaries. A recognisable representation can also form part of satire, criticism, political commentary, biography or artistic production. In Digital Collectibles Pte Ltd v Galactus Funware Technology Pvt Ltd, the Delhi High Court emphasised the relationship between publicity rights and freedom of expression and specifically referred to caricature, parody and comparable expressive uses [19].

This concern has a long history in publicity-rights scholarship. Expansive control over public images can restrict the capacity of culture to refer to familiar people and personalities [6]. The same concern becomes stronger when generative tools make realistic representation available to ordinary speakers.

Context therefore becomes indispensable. A synthetic advertisement designed to convince viewers that an actor endorses a product carries a different legal character from a clearly identified satire depicting the same actor. Realism alone cannot resolve the legal inquiry.

The Delhi High Court's decision involving Jackie Shroff similarly illustrates both the breadth of contemporary personality claims and the need to assess the commercial and expressive setting in which identity is used [20]. Recent orders concerning public personalities continue to show judicial willingness to restrain unauthorised commercial or misleading AI-generated uses [21,22].

The emerging doctrine has therefore developed considerable protective capacity. Its next challenge lies in articulating a stable relationship between consent, commercial exploitation, deceptive representation and expression.

Intermediary Governance after the 2026 Amendment

The Information Technology Act supplies the statutory foundation for intermediary safe harbour. Section 79 provides conditional protection where intermediaries satisfy the requirements attached to their role and exercise prescribed due diligence [23].

The constitutional limits surrounding intermediary takedowns were addressed in Shreya Singhal v Union of India. The Supreme Court interpreted the "actual knowledge" requirement in section 79 in a manner tied to court orders or appropriate government notifications rather than an open-ended obligation to adjudicate legality on every private allegation [24].

Copyright litigation developed another important principle. In MySpace Inc v Super Cassettes Industries Ltd, the Delhi High Court distinguished actual knowledge of specific infringing material from general awareness that infringement may occur on a platform. It required sufficiently specific identification of the content complained of [25]. That reasoning is highly relevant to deepfake disputes because a complaint stating merely that a video is "AI-generated" reveals little about the underlying legal wrong.

The 2026 Amendment Rules create a more direct regulatory framework for synthetic media. They define synthetically generated information, extend due-diligence obligations to intermediaries involved in its creation or circulation, and address particular categories of unlawful synthetic material [2]. These include synthetic information that falsely depicts a natural person or real-world event through deceptive misrepresentation of identity, voice, conduct, action or statement.

The amendment also requires prominent labelling of covered synthetic information outside specified prohibited categories, together with permanent metadata or other provenance mechanisms to the extent technically feasible [2]. Complaint timelines have also been shortened for certain categories of harmful material.

The development is substantial because Indian intermediary regulation now expressly recognises synthetic media as a regulatory category. Yet classification as synthetically generated information answers only one question.

A label can inform a viewer that an audiovisual work was generated or manipulated. It cannot determine whether a song appearing within the work was licensed. It cannot establish that an actor consented to a digital replica. Equally, possession of copyright permission does not eliminate the platform's statutory disclosure obligations where the output falls within the regulatory definition of synthetic information.

Three permissions therefore have to remain analytically distinct:

Copyright permission, concerning protected works and performances;

Identity permission, concerning the person whose attributes are reproduced; and circulation compliance, concerning the conditions under which the resulting synthetic information is distributed.

Confusing these permissions can produce both under-removal and over-removal. A platform may retain clearly harmful impersonation because the uploader owns the underlying footage. Another platform may remove a labelled parody because the depicted celebrity objects to the use of her face. Neither response identifies the relevant legal interest with enough precision.

Platform regulation therefore requires a mechanism capable of distinguishing the claimant, the asserted right and the harm sought to be prevented.

A Coordinated Framework: Source, Identity, Context and Circulation

The paper proposes a four-stage framework for deepfake disputes. The framework is designed as a sequence rather than a new cause of action.

a. Source

The first question is: what entered the synthetic process?

Courts and platforms should identify the relevant works and performances. A copyright claimant should specify whether the disputed act concerns training material, an original film clip, a photograph, a sound recording or a generated output.

This stage prevents resemblance from becoming a substitute for copyright analysis. A synthetic voice may immediately evoke a singer while containing no literal reproduction of a particular master recording. That factual situation creates a strong identity question. Copyright liability should still depend upon copyright doctrine.

b. Identity

The second question asks: whose persona has been reproduced, and what was authorised?

Consent should be examined with greater granularity than conventional entertainment contracts often provide. Agreement to be photographed or recorded for one production should not automatically be treated as permission to generate future performances.

The Indian entertainment industry could address this through a Synthetic Use Rights Statement, attached to contracts involving the creation of digital replicas. It would identify the attributes being captured, the permitted production, the duration of use, geographical scope, authorised commercial purposes, sublicensing terms and the treatment of the underlying model after expiry.

Comparable contractual developments have already occurred internationally. SAG-AFTRA's negotiated provisions for digital replicas require informed consent and provide performers with information concerning the intended use of a replica [26,27]. India need not replicate that model wholesale. It demonstrates that synthetic identity can be treated as a separate contractual subject rather than hidden within a general assignment of audiovisual rights.

c. Context

The third question concerns how the audience encounters the synthetic representation.

Context should include the caption, account identity, disclosure, degree of realism, commercial purpose, surrounding commentary and probable understanding of an ordinary viewer. This allows the law to distinguish fraudulent endorsement from satire and fictional production.

The 2026 Rules already recognise the importance of deceptive presentation [2]. Comparative regulation moves in a similar direction. Article 50 of the European Union Artificial Intelligence Act establishes transparency requirements for deepfakes while recognising the distinctive position of artistic, creative, satirical and fictional works [28].

Context can also determine the appropriate remedy. A clearly marked fictional reconstruction may require disclosure. A fraudulent financial endorsement may justify immediate disabling. A disputed fan-created AI song may raise commercial identity questions while posing little risk that listeners will believe the singer actually recorded it.

d. Circulation

The fourth question is: which actor controls the continuing harm?

Responsibility can be distributed across the creator, model provider, uploader, hosting intermediary, recommendation system and professional publisher. Their roles differ.

A generative service controls aspects of creation. A social network controls hosting and amplification. An OTT publisher selects and distributes a curated work. A producer may have commissioned the replica in the first place.

The remedial response should follow this allocation of control.

Rights-Linked Provenance and a Better Takedown Model

The 2026 Rules place considerable emphasis on labelling and provenance. Technical literature has similarly explored watermarking, content authentication and mechanisms for tracking the history of synthetic media [29]. Standards such as the Coalition for Content Provenance and Authenticity framework allow tamper-evident information concerning the creation and modification history of digital assets to travel with content [30].

Provenance, however, should not be treated as proof of legal authorisation.

A perfectly authenticated synthetic video may still violate personality rights. The provenance record can establish that a particular AI system generated it. That fact does not establish that the depicted individual consented.

This paper therefore proposes a dual-layer provenance system for professional media.

The first layer would record content provenance: when the synthetic media was created, which tool generated it and whether subsequent modifications occurred.

The second would record rights provenance: whether the creator asserts permission for source material and whether synthetic use of the relevant performer or personality is authorised.

The second layer need not disclose contracts or financial terms. A machine-readable token could simply identify an authorised rights record maintained by the studio, label, talent agency or other contracting party. A platform receiving a professional synthetic advertisement could therefore distinguish verified creation history from asserted rights clearance.

The system would remain evidentiary. It would create no presumption that the underlying licence is legally valid. Its value lies in separating two questions which current provenance discussions often merge: who made the content, and who authorised the rights used in it.

A related reform concerns complaint design.

Platforms should avoid a single generic category called "deepfake". Instead, complainants should identify the basis of the claim. A notice could state that the complaint concerns source copyright, performer rights, identity appropriation, fraudulent impersonation, intimate synthetic content or another legally recognised ground.

This approach develops the specificity principle visible in MySpace [25]. It also directs the complaint towards an appropriate remedy.

Copyright disputes require identification of the work and ownership basis. Personality-rights complaints require identification of the individual and contested attribute. Deceptive impersonation may require information showing why viewers are likely to understand the representation as authentic.

A rights-specific notice system would also reduce incentives for platforms to remove content merely because it contains a famous person.

Remedial Sequencing

The final reform concerns remedies.

Deepfake disputes are frequently framed as a binary choice between leaving content online and removing it. Platforms possess several intermediate tools. Content can be labelled, demonetised, excluded from recommendation systems, age-restricted, temporarily disabled or preserved pending review.

These responses should be organised by harm.

Synthetic intimate imagery involving a real person creates immediate and continuing interference with autonomy and dignity. Rapid removal is appropriate. The same is true where a deepfake is used for clear financial fraud or dangerous impersonation.

Commercial disputes can require a different response. A fan-created AI song labelled as synthetic may involve a serious personality-rights claim while generating limited deception. Temporary demonetisation can preserve the economic position during review.

Satire and criticism require still greater attention to context. Where the synthetic character of the work is evident and the content contributes to commentary, immediate permanent removal may unnecessarily suppress expression.

This paper proposes remedial sequencing: the platform should select the least irreversible measure capable of containing the identified harm while a genuinely contested claim is reviewed.

The concept also has value for courts. Recent personality-rights litigation demonstrates growing judicial willingness to restrain AI-generated misuse of public personalities [21,22]. Orders can be drafted with greater precision by identifying the protected attribute, disputed use and relevant harm.

An injunction against fraudulent synthetic endorsements can be narrow and powerful. An order directed at every future use of a person's voice, image or name carries greater consequences for commentary and creative works. The distinction becomes especially important where courts grant urgent ex parte relief.

Courts can therefore separate clearly unlawful identified content from future uses that require contextual assessment. Dynamic injunctions can remain available for materially identical infringing copies while preserving room to assess parody, journalism and transformed expressive uses independently.

Conclusion

Deepfakes expose the limits of regulating digital media through isolated legal categories. The same synthetic work can involve a copyrighted source, a recognisable human identity and a platform responsible for its circulation.

Indian law already possesses substantial tools for addressing each layer. Copyright protects works and performances. Personality-rights jurisprudence increasingly protects names, voices, likenesses and other attributes against unauthorised exploitation. The 2026 IT Rules now regulate synthetically generated information directly.

The remaining problem concerns coordination.

The SICC framework provides one method. It begins with the source material, moves to the identity reproduced, examines the communicative context and then allocates obligations according to circulation. Each stage answers a distinct question.

The accompanying reforms build on that structure. Synthetic Use Rights Statements can make performer consent more granular. Dual-layer provenance can separate technical authenticity from legal authorisation. Rights-specific complaint forms can improve platform decision-making. Remedial sequencing can match intervention to the character and urgency of the harm.

These mechanisms require relatively limited changes to existing law. Their focus is procedural and institutional. That feature gives them some durability as generative technologies develop.

Deepfake technology will continue to improve. The particular techniques used to reproduce a voice or face will change. The legal questions remain more stable: what material was used, whose identity was recreated, what did the representation communicate, and who controlled its circulation. A regulatory model built around those questions offers a clearer path for India's digital media and entertainment industry.

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