
GENERATIVE AI IN FILM AND MUSIC: RETHINKING COPYRIGHT PROTECTION IN THE AGE OF DIGITAL CREATIVITY

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ABSTRACT

Generative Artificial Intelligence (AI) has transformed artistic production globally, but its impact is particularly significant in India, where film and music industries constitute major cultural and economic sectors. From AI-generated background scores in Bollywood to deepfake songs in regional industries, India faces unique legal and ethical challenges due to gaps in its copyright regime. The Indian Copyright Act, 1957 was drafted long before the advent of machine learning and does not explicitly address AI authorship, training datasets, or synthetic media. This paper examines how generative AI challenges foundational principles of the Indian copyright system, explores Indian jurisprudence relevant to originality and authorship, discusses threats to performers' rights, and situates India within global regulatory trends. It proposes reforms aimed at harmonizing India's copyright law with emerging technological realities.

Keywords: Generative Artificial Intelligence, Deepfake, Copyright Protection, Film and Music Industry Regulation, Digital Creativity, AI-Generated Work.

Introduction

India's film and music industries—Hindi, Tamil, Telugu, Malayalam, Kannada, Punjabi and others—produce some of the largest volumes of content in the world. As studios increasingly explore AI for scriptwriting assistance, voice cloning, visual effects, and music composition, longstanding copyright assumptions face disruption. Recent controversies, such as AI-generated songs imitating Bollywood singers or deepfake videos of actors circulating on social media, reflect tensions between innovation and rights protection.

Unlike the EU and US, India lacks a clear statutory or judicial position on AI authorship or training data. Courts continue to rely on doctrines of originality, creativity, and fixation that assume human intervention. This necessitates a detailed legal inquiry into whether Indian copyright law can accommodate non-human creativity and protect human artists from AI-driven exploitation.

Generative AI in the Indian Film and Music Industry

Generative AI is being experimented with across multiple segments of the Indian entertainment sector. Bollywood studios are using AI tools for facial enhancement, automated subtitling, and voice modulation. Music producers are employing AI-driven systems to generate background scores quickly and to replicate stylistic patterns of established composers. A notable instance emerged in 2023–2024, when AI-generated deepfake songs mimicking popular Indian playback singers circulated widely on Instagram and YouTube. Actors like Rashmika Mandanna and Alia Bhatt were subject to AI deepfake videos, inviting public debate and parliamentary discussion.

These incidents revealed the vulnerability of Indian artists—whose voice, likeness, and persona constitute a key element of commercial value—to AI-based exploitation.

Indian Copyright Law and the Requirement of Human Authorship

The Indian Copyright Act, 1957 does not explicitly address AI-generated works. Section 2(d)(vi), however, offers clues by defining the author of a “computer-generated work” as the person who causes the work to be created. Although drafted for earlier generations of automation, this provision is similar to UK law and may potentially apply to generative AI outputs.

However, the Indian judiciary has traditionally required human creativity. In “Eastern Book Company v. D.B. Modak” (2008), the Supreme Court held that originality requires a modicum of creativity and application of skill and judgment. If AI acts autonomously, without human creativity, the output may fail this threshold.

Similarly, “Narendra Publishing House v. Orient Longman” (2010) reaffirmed that mechanical or automated processes lacking intellectual effort do not qualify for copyright protection. Under these principles, purely AI-generated film scenes or musical compositions may not be copyrightable in India.

Training Data, Fair Dealing, and Copyright Infringement

India lacks explicit statutory provisions dealing with the use of copyrighted works for training AI models. Section 52 of the Copyright Act lists exceptions for fair dealing, including research, private use, criticism, and review. However, none clearly extend to commercial AI training.

Training on copyrighted film scripts, recordings, or performances could potentially constitute reproduction under Section 14 unless protected by an exception. Given that AI models require massive datasets, much of which may include copyrighted Indian content, developers risk infringement claims—especially when outputs resemble or derive from existing works.

Indian stakeholders, including the Indian Music Industry (IMI), have expressed concern that AI models trained on Bollywood songs may reproduce distinctive melodic patterns or vocal styles, harming human creators’ economic interests.

Performers’ Rights and Personality Rights in India

AI challenges not only copyright but also performers’ rights, which gained recognition in India through the 2012 amendment to the Copyright Act. Sections 38 and 38A grant performers exclusive rights over their performances and prohibit unauthorized reproduction or communication to the public. Voice cloning tools that replicate playback singers’ voices may therefore violate these provisions. Additionally, Indian courts have increasingly recognized personality rights. Cases such as “Titan Industries v. Ramkumar Jewellers” (2012) and “ICC Development v. Arvee Enterprises” (2003) recognize the right of publicity, protecting celebrities’ names, images, and personas from unauthorized commercial exploitation. Deepfake videos or AI-generated performances of Indian actors may therefore violate personality rights

even if copyright is not infringed. Given India's celebrity-driven entertainment culture, misuse of AI-generated likenesses poses significant legal and ethical risks.

Originality, Derivative Works, and Style Imitation in Indian Context

AI-generated film scenes or musical compositions that emulate the style of Indian artists raise complex questions. Copyright law in India, like most jurisdictions, does not protect artistic style *per se*. However, if AI outputs reproduce substantial elements of pre-existing works—melodies, dialogues, or cinematographic sequences—they may qualify as derivative works requiring authorization.

Indian courts employ a “substantial similarity” test in infringement analysis, as seen in **R.G. Anand v. Deluxe Films** (1978). If AI-generated music closely resembles a popular Bollywood composition, or if AI-generated visuals echo iconic scenes, this test becomes relevant.

Given that many Indian musical traditions rely on recurring ragas and rhythmic patterns, determining originality in AI output becomes even more complex.

Ethical and Economic Implications for Indian Artists

The Indian entertainment industry is heavily labor-driven, involving thousands of musicians, lyricists, background dancers, dubbing artists, and sound engineers. The widespread adoption of generative AI risks job displacement and economic instability.

Indian playback singers have publicly expressed concerns over voice cloning technologies that threaten their livelihoods. Writers and composers fear that AI may reduce demand for creative labor, particularly for low-budget productions. This is especially significant in regional industries like Bhojpuri, Marathi, and Kannada cinema, where budgets are limited and AI-generated content may appear more economical.

Ethical questions also arise concerning cultural authenticity, especially when AI models trained predominantly on Western datasets generate content for Indian audiences.

Indian Regulatory Landscape and Policy Gaps

India lacks a dedicated AI law. However, the Ministry of Electronics and Information Technology (MeitY) has issued advisories urging platforms to label AI-generated content and

prevent the spread of deepfakes. Parliamentary committees have recommended stronger legal safeguards for digital impersonation.

The Personal Data Protection Act (2023) recognizes biometric data—such as voice and facial patterns—but does not directly regulate AI-generated replicas unless personal data is used in training.

The Copyright Office and judiciary have not issued clear guidance on AI authorship or training data. This regulatory vacuum creates uncertainty for film studios, AI developers, and content creators.

Policy Recommendations for India

A coherent framework is necessary for India to balance innovation with creative rights. The following recommendations may guide policymakers:

1. Clarify Applicability of Section 2(d)(vi)

Parliament or the judiciary should determine whether the “person who causes the work to be created” in computer-generated works applies to modern generative AI systems.

2. Introduce an AI Training Data Exception with Compulsory Licensing

A new provision could authorize AI training on copyrighted Indian works subject to payment of royalties to rights holders, similar to collective management models.

3. Strengthen Performers' and Personality Rights

Explicit protection against voice cloning, face replication, and digital impersonation is essential, including civil and criminal penalties.

4. Mandate Watermarking and Source Disclosure

AI-generated film scenes and music tracks should contain invisible or visible watermarks identifying them as synthetic.

5. Establish an AI Ethics Framework for Indian Entertainment

Industry bodies like CBFC, IMI, and FWICE should collaborate on ethical guidelines for AI use in filmmaking and music production.

Conclusion

Generative AI offers immense creative possibilities for India's film and music sectors but poses serious challenges to copyright, performers' rights, and cultural authenticity. India's current legal framework, designed for human creativity, must evolve to accommodate hybrid and synthetic creative processes. By adopting clear statutory reforms, developing ethical guidelines, and strengthening personality rights, India can ensure that technological innovation coexists with the protection of its rich artistic heritage.

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