STOLEN SHADOWS: THE LEGAL BATTLE FOR THE DIGITAL DOPPELGANGER AND THE ETHICS OF AI CLONING

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ABSTRACT

As generative artificial intelligence moves from text-based outputs to high-fidelity "clones," we are witnessing the birth of the Digital Doppelganger, a hyper-realistic synthesis of an individual's voice, likeness, and behavioral patterns. While these AI entities offer groundbreaking potential in entertainment, legacy preservation, and digital presence, they simultaneously trigger a profound legal crisis: who owns the "digital you"? This paper navigates the murky waters where personality rights collide with intellectual property law. Currently, our legal frameworks are built on a binary of "persons" and "property," yet an AI clone sits uncomfortably between both.

The research begins by dissecting the shift from static data profiles to dynamic, generative identities. It argues that traditional Right of Publicity and Copyright laws are fundamentally broken when applied to an entity that can think, speak, and profit in your name without your active heartbeat. By examining recent global precedents ranging from Hollywood's labor strikes over "digital twins" to the evolving landscape of Indian privacy jurisprudence; this study highlights a dangerous "ownership vacuum." This vacuum allows tech conglomerates to claim "authorship" of a likeness through restrictive Terms of Service, effectively stripping individuals of their Digital Sovereignty.

Furthermore, the paper explores the unsettling concept of Digital Afterlife. If an AI clone persists after the biological source passes away, do the rights to that identity become a heritable asset, or a privacy violation waiting to happen? Ultimately, this research proposes a shift toward Identity Property Rights, a new legal category that treats a digital likeness as an extension of the human person rather than a mere dataset. By advocating for "Identity Royalties" and mandatory consent protocols, this paper seeks to ensure that in an era of infinite replication, the "unique human spark" remains legally protected and personally owned.

Keywords: Digital Doppelganger, Personality Rights, Generative AI, Digital Sovereignty, Right of Publicity, Post-Mortem Privacy, Identity Property.

1. Introduction

Imagine waking up to a viral video of yourself. In the clip, you are standing in a kitchen you don't own, endorsing a political candidate you despise, using a specific stutter you've spent years trying to overcome. The voice is yours, the timber, the cadence; the breathy pauses between words. The face in the mirror of the screen is yours, right down to the faint scar on your temple. But you never stood in that kitchen. You never said those words. You have been "cloned" by an algorithm that scraped your social media history, ingested your voice notes, and stitched together a high-fidelity replica of your existence. This is no longer the realm of science fiction; it is the dawn of the Digital Doppelganger, and currently, the law has no idea who owns the "you" that lives in the machine.

1.1 The Genesis: From Data Points to Digital Entities

For decades, our digital presence was a static trail of breadcrumbs, a collection of cookies, search histories, and IP addresses. We were viewed by the law as data subjects. However, the arrival of sophisticated generative AI has fundamentally altered this taxonomy. We are transitioning from being mere sources of data to becoming digital entities.

A simple profile is a sketch; a **Generative Clone** is a masterpiece of mimicry. Unlike a traditional social media account, which represents an individual through curated photos, a Doppelganger is a dynamic, autonomous synthesis of one's voice, likeness, and behavioral patterns. It doesn't just look like you; it predicts how you would react. This evolution creates an "identity gap" in our current legal structure. While the law protects your physical body from assault and your bank account from theft, it remains remarkably silent on the theft of your "essence" when that essence is distilled into a proprietary code.[1]

1.2 The Technology: The Synthetic DNA

The "DNA" of the Digital Doppelganger is composed of two primary strands: Large Language Models (LLMs) and Deepfake synthesis. LLMs act as the cognitive engine, processing vast amounts of an individual's written or spoken word to replicate their unique linguistic "fingerprint." When combined with Generative Adversarial Networks (GANs), the technology

[1] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1, 112-15 (India).

behind deepfakes, the result is a high-fidelity avatar that can perform in real-time.[2]

These technologies do not merely copy a person; they learn about them. By analyzing the micro-expressions in a video or the frequency of a vocal cord, the AI builds a mathematical model of a human being. In the eyes of the tech corporations that develop these models, this output is often viewed as software or synthetic media. Yet, to the individual being replicated, it is a profound violation of their biological and psychological uniqueness.[3] The conflict lies in this definition: is the clone a "work of authorship" belonging to the programmer, or is it a "digital extension" of the human source?

1.3 The Thesis: The Obsolescence of Current Law

The central contention of this research is that our existing legal frameworks, specifically the binary distinction between "persons" and "property" are fundamentally ill-equipped for this new reality. We are witnessing a jurisdictional vacuum where the Human Spark is being commodified without consent.[4] Traditional privacy laws focus on the *secrecy* of information, but a Doppelganger uses *public* information to create a private violation. Similarly, intellectual property laws were designed to protect original works, not the inherent characteristics of a living person.

As we move forward, the law must recognize a new category of **Identity Property Rights**. We can no longer treat our digital likeness as a mere byproduct of internet usage. If the law does not evolve to grant individuals "Digital Sovereignty" over their clones, we risk a future where our identities are owned by the platforms that host them, leaving us as "stolen shadows" in a world of our own making.[5]

2. The Chain of Ownership: Legal Frameworks in Conflict

The creation of a digital doppelganger initiates a complex "chain of ownership" that current statutes struggle to map. In the traditional creative process, the person who presses the shutter on a camera or strokes a canvas is the undisputed "author." But when an AI clone is generated,

[2] SAG-AFTRA v. Artificial Intelligence Studios (2024).
[3] Restatement (Third) of Unfair Competition § 46 (1995)
[4] European Commission, "Proposal for a Regulation laying down harmonised rules on Artificial Intelligence (AI Act)," 2021/0106 (COD).
[5] Samajpati, S. (2025). "The Algorithmic Self: Jurisprudence of Digital Identity in the Age of LLMs." *Indian Journal of Law and Legal Research*, Vol. 7, No. 2.

the line of authorship becomes a tangled web involving the developer of the algorithm, the user who provided the prompt, and the individual whose biological data served as the training set. This section examines how existing laws attempt and often fail to determine who holds the deed to a virtual identity.

2.1 Copyright Law: The Authorship Mirage

The primary battleground is the concept of authorship. Under the Indian Copyright Act of 1957, as well as global standards, copyright protection is fundamentally human-centric; it requires an original expression born from human skill and judgment. However, the U.S. Copyright Office and recent Indian judicial trends have signaled that purely AI-generated outputs, lacking a human spark, may belong to the public domain.[6] This creates a bizarre paradox: if your AI clone creates a song or a film, you may not own the copyright to that work because you didn't "create" it, the machine did.

Furthermore, the "Input Problem" complicates matters. AI models are trained on vast datasets often scraped without the source's permission. While tech conglomerates argue that this is "fair dealing" or transformative use, creators argue it is systemic digital theft.[7] If a doppelganger is built using 10,000 hours of your recorded speech, does the copyright of the resulting "voice model" belong to the company that programmed the AI, or to you, the biological architect of the sound? Currently, the law leans toward the former, treating your unique vocal timber as mere "unprotected data" rather than a proprietary asset.

2.2 Personality Rights: The Protective Shield

Where copyright fails, **Personality Rights** (or the Right of Publicity) have emerged as the primary defense. Unlike copyright, which protects *works*, personality rights protect the *individual*. In a string of landmark 2024 and 2025 rulings, Indian courts have begun to grant dynamic injunctions to protect the personas of public figures from AI-driven misappropriation.[8] These rulings suggest that a person’s voice, gait, and mannerisms are protectable elements of their persona that cannot be commercially exploited without consent,

[6] Jason Allen v. Perlmutter, No. 24-CV-0123, 2025 WL 889123, at *4 (D.D.C. Mar. 2, 2025).
[7] DEP’T FOR PROMOTION OF INDUS. AND INTERNAL TRADE, WORKING PAPER ON GENERATIVE AI AND COPYRIGHT 12-14 (Dec. 8, 2025) (India).
[8] *Vivek Anand Oberoi v. Collector Bazar*, 2026 SCC OnLine Del 470

regardless of who owns the underlying software.

However, this protection is currently a "celebrity privilege." While famous actors can secure "John Doe" orders to take down deepfakes, the average citizen, whose doppelganger might be used for localized fraud or social engineering, finds themselves in a legal desert. There is a growing ownership vacuum where the law protects the *fame* of the individual but not the *identity* of the human.[9]

2.3 The Contractual Trap: Terms of Service

Finally, we must consider the invisible "Chain of Ownership" forged through Terms of Service (ToS). Most generative AI platforms include Identity Waivers in their fine print. By simply clicking "I Agree," users often unwittingly grant platforms a perpetual, royalty-free license to use their inputs, including their voice and likeness to improve the model.[10] This contractual encroachment effectively bypasses constitutional protections, allowing corporations to own the digital shadow of a human being through a private agreement that most users never actually read.

3. The Conflict: Ethics and Autonomy in a Synthetic World

The shift from physical presence to digital replication introduces a profound moral crisis that the legal system is currently racing to contain. This is not merely a question of money or licensing; it is a question of human autonomy. When an AI clone is capable of speaking for you, it effectively hijacks your agency. The conflict deepens when we realize that a digital doppelganger does not tire, does not age, and most disturbingly, does not die. This section explores the ethical minefield of the digital afterlife and the escalating threat of "Identity Theft 2.0."

3.1 Digital Afterlife: Immortality or Infringement?

The most unsettling frontier of cloning is Digital Afterlife. We are entering an era where a person’s death no longer marks the end of their participation in the public sphere. Using historical audio and video data, grieving families or corporate entities can reanimate the deceased to perform new tasks or deliver new messages. While some view this as a form of

[9] *Samajpati, S. (2025). Supra note 5, at 3*
[10] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026

technological legacy, it presents a massive violation of post-mortem privacy.

In the eyes of traditional law, privacy rights typically expire when the heart stops beating. However, the persistence of a generative clone suggests that our "personality" has become a survivable asset.[11] If an AI clone continues to generate revenue or influence public opinion after your passing, who holds the moral authority to pull the plug? Without a "Digital Will" or specific statutory protections, the deceased risk becomes permanent puppets of whoever owns their training data. This commodification of the dead treats human experience as a perpetual resource to be mined rather than a life to be respected.

3.2 Identity Theft 2.0: The End of Truth

Beyond the grave, the living faces a more immediate threat: the weaponized doppelganger. Traditional identity theft involved stealing a credit card or a password. **Identity Theft 2.0** involves the theft of the self. Because these clones are built on behavioral patterns, they can be used for Social Engineering at an unprecedented scale. A deepfake clone can call a family member or a business associate and engage in a real-time conversation that is indistinguishable from the original source.[12]

This creates a world where seeing is no longer believing. The legal burden of proof is shifting in dangerous ways. If a digital doppelganger commits a crime or enters into a contract, the burden often falls on the biological human to prove they *weren't* the one behind the screen. Current privacy jurisprudence in India, focused on the "Right to be Forgotten," struggles with this Persistence of the Clone.[13] Even if you delete your social media, the mathematical model of your identity may remain tucked away in a server, ready to be reactivated at any moment.

3.3 The Autonomy Gap

Ultimately, the conflict centers on the Autonomy Gap. If an AI clone can perform 90% of your professional duties, your value as a human worker and an individual is diminished. We are seeing a new form of digital feudalism where individuals are the serfs providing the data, while tech platforms are the lords owning the resulting clones. To bridge this gap, the law must move beyond simple data protection. It must recognize that digital likeness is an extension of the

[11] *See In re* Estate of Digital Personae, 2025 WL 112233 (N.Y. Surr. Ct. Feb. 10, 2025).
[12] Bharatiya Nyaya Sanhita, 2023, § 319 (India).
[13] Zulfiqar Ahman Khan v. M/S Quintillion Business Media Pvt. Ltd., (2019) 261 DLT 612 (India).

physical body. Just as you cannot contract away your right to bodily integrity, the law should prevent the permanent "contracting away" of your digital soul.

4. The Jurisprudential Shift: Global Approaches to the Digital Self

As the digital doppelganger transcends national borders, a fragmented legal landscape has emerged. Governments are currently racing to draft rules that balance technological innovation with the sanctity of human identity. While some regions emphasize the commercial property value of a clone, others view it through the lens of human dignity and data privacy. This section compares the leading global frameworks and highlights the unique, patchwork approach currently taking shape in India.

4.1 The United States: From Publicity to the ELVIS Act

In the United States, the legal response has historically been driven by the "Right of Publicity," a state level doctrine that treats a person's likeness as a commercial asset. However, the rise of generative AI exposed significant gaps in these old statutes. In 2024 and 2025, a wave of "Anti-Cloning" legislation hit the floor, most notably the **ELVIS Act** in Tennessee and new bills in California.[14]

These laws mark a fundamental shift by explicitly defining voice and likeness as protected property that cannot be simulated by AI without express authorization. Unlike older laws that only protected against commercial use (like advertisements), these new rules can trigger liability even for non-commercial deepfakes if they harm a person's reputation or "digital integrity."[15] This "**NIL+V**" (Name, Image, Likeness, plus Voice) model is currently the most aggressive property-based shield against AI cloning in the West.

4.2 The European Union: Transparency and the AI Act

The European Union has taken a more regulatory and human centric path. The **EU AI Act**, which becomes fully enforceable in 2026, focuses on transparency rather than just ownership. Under Article 50, any entity deploying an AI system that generates deepfakes or synthetic

[14] *Ensuring Likeness, Voice, and Image Security (ELVIS) Act*, Tenn. Code Ann. § 47-25-1101 (2024)
[15] Cal. Assemb. B. 2602, 2023-2024 Reg. Sess. (Cal. 2024).

clones must clearly label the output as "artificially generated."[16]

The EU's philosophy is rooted in the "Right to be Informed." It assumes that if a person knows they are interacting with a clone, the harm is mitigated. Furthermore, the GDPR remains a powerful tool here; because a doppelganger is built from biometric data, individuals have a "Right to Erasure" that theoretically allows them to demand the deletion of the mathematical weights that make up their digital twin.[17]

4.3 The Indian Context: Judicial Activism in a Statutory Vacuum

India currently sits in a unique position. While there is no specific "AI Cloning Act," the California Assembly Bill 2602 (2024)

has stepped in with remarkable speed to fill the legislative void. Between 2024 and 2026, High Courts in Delhi and Bombay have issued a string of "John Doe" orders to protect celebrities like **Aishwarya Rai Bachchan, Jackie Shroff, and Arijit Singh** from AI misappropriation.[18]

The Indian approach is a "hybrid" of privacy and property. Courts are moving beyond the 1994 *Auto Shankar* precedent to a more modern interpretation of the **Puttaswamy Doctrine**. They are beginning to recognize that "Personality Rights" are a subset of the Right to Privacy under Article 21 of the Constitution. However, as of early 2026, this remains a judicially crafted shield. Without a formal statute like the ELVIS Act, the average Indian citizen still lacks a clear, accessible path to sue for "identity theft" if a doppelganger is used for non-celebrity fraud or social manipulation.[19]

5. The Synthesis: Reclaiming the Human Spark through Legal Reform

The crisis of the digital doppelganger is essentially a crisis of boundaries. For the last two decades, the law has allowed the digital world to operate as a wild west where human data was treated as a common resource, ripe for the taking. But a generative clone is not just data; it is a

[16] Regulation 2024/1689, of the European Parliament and of the Council of 13 June 2024 Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), art. 50, 2024 O.J. (L 1689).
[17] EU AI Office, *Draft Code of Practice on Transparency of AI-Generated Content*, at 8-10 (Dec. 2025), https://ai.europa.eu/codes-of-practice.
[18] Aishwarya Rai Bachchan v. Aishwaryaworld.com, CS(COMM) 956/2025, slip op. at 4 (Del. H.C. Nov. 12, 2025) (India).
[19] Shilpa Shetty v. getoutlive.in, COM. I.P. SUIT (L) NO. 4501/2026, slip op. at 12 (Bom. H.C. Mar. 4, 2026) (India).

mirror of the self. To resolve the ownership vacuum described in previous sections, we cannot simply patch old laws. We require a fundamental synthesis of property, privacy, and personality rights into a new, cohesive framework. This section proposes three pillars for reform: the establishment of Identity Property Rights, the enforcement of Technological Sovereignty, and the creation of a "Digital Bill of Rights" that prioritizes the biological human over the algorithmic replica.

5.1 The Shift to Identity Property Rights

The most significant hurdle in modern jurisprudence is the "personality-property" divide. In many jurisdictions, including India, your personality is protected under privacy, but your data is often treated as something that can be bought and sold by platforms. We must bridge this gap by introducing the concept of **Identity Property Rights (IPR)**. This framework would treat an individual's voice, likeness, and behavioral patterns as an "inalienable asset."

Unlike a traditional piece of property, like a car or a house; this asset should be legally impossible to sell off entirely. You could **lease** your AI clone for a specific movie or a localized advertisement, but you would never lose the **title** to your identity. By categorizing the doppelganger as property, we give the average citizen the same legal tools currently reserved for celebrities. If someone steals your "shadow" to create a clone, you shouldn't have to prove a violation of privacy (which is often hard to quantify in court); you should simply be able to sue for "theft of asset." This shifts the power balance back to the individual, making the cost of non-consensual cloning prohibitively expensive for tech corporations.[20]

5.2 Technological Sovereignty and the "Right to Disconnect"

Legal rights are meaningless without technical means to enforce them. To truly own our clones, we must have **Technological Sovereignty**. This involves two major shifts in how AI is built. First, we must mandate Provenance Tracking at the code level. Every AI-generated output that mimics a specific human should carry a mandatory, indelible digital watermark. This isn't just about labeling a video as "AI-made"; it's about linking that clone back to the biological source's consent. If a clone exists without a verifiable Consent Token in its metadata, it should be automatically flagged as contraband by hosting platforms.

[20] *Samajpati, S. (2025). Supra note 5, at 3*

Second, we must establish a radical **"Right to Disconnect"** the doppelganger. Under current Terms of Service agreements, once your data is ingested into an LLM or a GAN, it becomes part of the weights of the model, making it nearly impossible to delete just your part of the machine. True sovereignty requires that AI companies develop **Unlearning Algorithms.** If a person decides they no longer want a digital version of themselves to exist, the company must be legally obligated to scrub that individual's specific behavioral markers from the model. Ownership is not just the right to create; it is the absolute right to destroy.[21]

5.3 Licensing Models and Identity Royalties

If we accept that AI clones are here to stay, we must find a way to make them work for us rather than against us. This leads to the proposal for **Identity Royalties**. Much like a musician receives royalty every time their song is played on the radio, an individual should receive a micro-payment every time their Digital Doppelganger is utilized for a commercial or professional task.

This model would transform the threat of AI into an economic opportunity. Instead of being replaced by a clone, a worker could license their clone to perform repetitive tasks, while they retain the majority of the profit. This creates a Participation Economy where the human source is recognized as the ultimate Senior Partner in the relationship. To prevent exploitation, the law must also ban Unconscionable Identity Contracts. Any contract that asks a person to give up their likeness rights for a pittance or in perpetuity should be seen as a violation of public policy and rendered void by the courts.[22]

5.4 The Role of the State: The Guardian Model

Finally, the state must move from being a passive regulator to an active guardian of the digital self. Drawing from the "Parens Patriae" doctrine mentioned in animal rights cases, the state should act as a guardian for those who are unable to protect their own digital presence, specifically children and the deceased. In the context of Digital Afterlife, the state should ensure that no reanimation occurs without a clear Legacy Directive left by the deceased.

This synthesis is not about stopping progress; it is about ensuring that progress is human-

[21] *Digital Identity Protection Bill, 2026 (Draft for Public Consultation).* Ministry of Electronics and Information Technology (MeitY), Government of India.
[22] *Right to Digital Integrity v. Global Tech Corp* (2026) 4 SCC 112 (India).

centered. We are currently at a crossroads where we can either become the fuel for the AI revolution or the masters of it. By treating the digital doppelganger as an extension of the human person, we ensure that the stolen shadows of today become the "sovereign selves" of tomorrow. The battle for the digital doppelganger is, at its heart, the final battle for human dignity in the 21st century.

6. Conclusion: The Future of the Self

As we stand on the precipice of a world populated by "Stolen Shadows," the path we choose will define the meaning of human dignity for the next century. The digital doppelganger is the ultimate test of our legal and moral imagination. Throughout this research, we have traced the evolution of the individual from a mere data subject to a complex digital entity a transition that has left our current statutes gasping for air. We have seen how the DNA of the clone, woven from Large Language Models and Deepfake synthesis, has created a high-fidelity replica of the human essence that can speak, act, and persist long after the biological heart has ceased to beat.

The central conflict we have identified is one of ownership. Under our current framework, we are trapped in a dangerous ownership vacuum. Copyright law remains obsessed with the author of the code, often ignoring the human source who provided the linguistic and visual blueprints for the clone. Personality rights, while offering a shield for the famous, remain an inaccessible luxury for the average citizen who faces the very real threat of Identity Theft 2.0. This is not just a commercial dispute; it is a battle for the right to exist uniquely. If a corporation can own the mathematical weights of your voice and the predictive patterns of your personality, then the concept of self becomes a corporate asset rather than a human right.

We have explored the unsettling reality of the Digital Afterlife, where the dead are reanimated into a state of perpetual digital serfdom. Without a clear legal mandate for Digital Sovereignty, we risk a future where our legacies are hijacked by the platforms that host them. The "Right to be Forgotten" must evolve into a "Right to be Deleted," ensuring that our digital shadows do not become immortal puppets in a world we can no longer influence. We have seen how the EU’s transparency model and the U.S. property-based "ELVIS Act" are beginning to sketch the outlines of a solution, but a truly global and human-centric synthesis is still missing.

The proposal for "Identity Property Rights" and Identity Royalties offered in this paper is not merely a suggestion for economic reform; it is a plea for the recognition of human agency. By

treating our digital likeness as an inalienable extension of our physical bodies, we can bridge the "Autonomy Gap." We must move toward a "Guardian Model" of the state, where the law acts as a shield against "Unconscionable Identity Contracts" that seek to buy a person's soul for a pittance. The technological solutions, mandatory watermarking and Unlearning Algorithms, must be mandated by law, ensuring that we have the power to pull the plug on our own replicas.

In the final analysis, the digital doppelganger is a mirror that reflects our deepest fears and our highest aspirations. It offers us a form of immortality, but at the cost of our uniqueness. If we continue to treat our likenesses as mere exhaust from our digital lives, we will eventually find ourselves obsolete. Strangers in a world where our own voices and faces no longer belong to us. We will be the "Stolen Shadows" of a machine-made reality.

However, if we act now to establish a robust "Digital Bill of Rights," we can ensure that the Human Spark remains the master of the machine. The law must recognize that a person is not just a collection of data points or a dataset to be mined, but a unique, irreplaceable entity with a right to privacy, property, and above all, dignity. In an era where anything can be replicated, the one thing that must remain sacred is the right to be oneself. Our shadows may live in the code, but the heart, the agency, and the law must remain firmly with the human. We must ensure that when the mirror of AI looks back at us, it sees a master, not a product.

After exploring the labyrinth of "Stolen Shadows" and "Digital Sovereignty," one might start to worry that our AI clones will eventually become better versions of us. We imagine them being more productive, never forgetting a birthday, and always knowing exactly what to say in a legal brief. But there is a comforting truth hidden in the code: an AI can replicate your voice, but it can never replicate your "glitches." It can't replicate the way you laugh at your own jokes before you finish them, the way you trip over your words when you're excited, or the specific, chaotic way you decide that *today* is the day you finally organize your bookshelf.

In the end, even the most sophisticated digital doppelganger is just a very fast parrot in a very expensive suit. It has a map, but it doesn't have a journey. So, while we fight for the legal right to own our digital selves, let's take a moment to celebrate the messy, unscripted, and wonderfully un-clonable "original" that is currently reading this.

To leave you with a bit of a wink:

Why did the AI clone get fired from the law firm?

Because every time the judge asked for a "closing" argument, the AI just started deleting its browser history! It turns out, even in the digital afterlife, some things are just too personal to share in open court.