

“A LEGAL STUDY ON DEEPFAKES, COPYRIGHT INFRINGEMENT, AND CRIMINAL ACCOUNTABILITY”

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ABSTRACT

There is a sudden development of Artificial Intelligence, as a result Deep fake technology arises which fully transformed the Digital Media. Deepfake is a fully transformed digital content like video, images or audio that looks realistic, difficult to differentiate the original and manipulated content. This Deep fake technology is fully applicable for Entertainment and media production, and it also raises serious legal and ethical concerns. The upcoming chapters fully explained the Impact of Deep fake technology in the digital media and the relationship between Deep fake and copyrights. Deep fake can modify the person images or audio without the permission of original author; It violates the individual rights. One of the major concerns of Deep fake technology is Copyright Infringement. Overall, this study deals with the need for a balanced legal system to protect individual rights and advanced technology development.

KEYWORDS: Artificial Intelligence, Deep fake, Copyrights, Intellectual Property Rights, Infringement, Digital, Technology.

IMPACT OF DEEPFAKES ON DIGITAL MEDIA

INTRODUCTION:

This chapter fully explains how the deepfake effect/Impact the Digital Media. In modern world, technology fully converts the way people create and share information. After developing Artificial Intelligence (AI) with machine learning digital media platforms are more interactive and very useful. In last few years, most wanted technology is Deepfake technology. Deepfake is a fully transformed digital content like video, images or audio with the help of artificial intelligence. In most cases it fully replaces the person's face, video, and

audio with someone's at the same time it's more realistic.

Initially, Artificial Intelligence was developed for educational purposes and creative content. But somebody misuses this technology and has created serious legal issues. Deep-fake technology changes the truth and develops the people in wrong way. Due to this digital content raises the question about people's privacy and intellectual property rights. With the fast growth of social media, Deep Fake technology can easily reach millions of people in a very short period. Due to this the result is question markable is correct or not. As

a result, reputation of the individuals, public and organization affected.

The main purpose of this chapter is fully explained the nature of Deep-fake technology and how it affects the digital media, reputation of individuals and organization and personal privacy.

MEANING AND CONCEPT OF DEEPFAKES:

The word deepfake derived from two words one is “Deep Learning” and another one is “fake”. Deep Learning is a part of artificial intelligence it allows the computer to analysis and find the pattern of huge amount of data. With the help of this technology the programming users can create realistic images, videos or audios. Deep-fake Technology works through the algorithm namely **Generative Adversarial Networks (GANs)**. It analyses the thousands of images or videos of the person and creates new content that closely resembles the same person. Creating images or videos by using this technology is most realistic.¹

For example, we can create videos that show the political leader’s speech, but they don’t do this by using deep fake technology. Like that place the celebrity’s face in another person’s body and make a video with this. Even though this technology can be used in positive way in some fields like Educational, Film Production and Entertainment.

GROWTH OF DEEPFAKE TECHNOLOGY IN DIGITAL MEDIA:

In last 20 years there is a rapid growth in Digital Media. Video sharing sites like telegram, Messaging Application and social media site can create a greater impact in modern society. Now new technologies are being created to rectify the mistakes created by the older ones. Usage of Deep fake technology is very high because people can easily access this technology. Earlier we wanted expensive software and high technical knowledge for creating this technology. Now with the help of mobile phone and online platform everyone can create the Deep fake technology easily

As a result, manipulated images and video are increased on the internet. Sometimes it can mainly be created for entertainment purposes but at the same time it teaches the people in wrong way or harm individuals.

IMPACT OF DEEPFAKES ON DIGITAL MEDIA:

Deep fake technology can affect the reliability of digital media. Earlier, videos and images were created for the evidence of real events. But after emerging Deep fake technology, the acceptance of the reliability is very low. **Misinformation** is the main impact of Deep fake technology. People can go in the wrong way by believing fake videos and images.² It may create political misunderstandings and social conflicts.

Another major impact of this technology is breaking the trust of Digital Platforms. As a result, genuine information may be dismissed as fake. Therefore, the presence of Deep fake technology, digital media are very aware before relishing any content in the social media or any other online platform.

DEEPFAKES AND VIOLATION OF PRIVACY:

Privacy is one of the important factors in human life. In Digital words people’s personal images, videos and audios are shared frequently in social media online platforms. Deep fake technology without individuals’ consent can misuse personal information like images and videos. One of the major concerns of Deep fake technology is the creation of nonconsensual content with someone’s personal images.

The images and videos of the person are used to train Artificial Intelligence without individual concern. For Example, person image can be inserted in the unauthorized video and uploaded it to the social media platform. It leads people to mental stress & emotional distress. It also violates the individual’s right to privacy. The victims face many difficulties to remove such video in the social media platform after spreading. This makes it very challenging to protect personal rights.

DAMAGE TO PERSONAL REPUTATION:

Reputation is very important for every individual in the social world. It can create the greater impact in both Personal and professional life (Relationship, career opportunities, and social standing). So Deep fake technology deeply affects the reputation of every individual. The manipulated videos portray the persona involved in inappropriate or illegal behavior. After proving the video uploaded in the media is fake but the damage happening to their reputation cannot be altered. Mainly Political Leaders, Business leaders, actors are affected for the deepfake attacks Even though ordinary public people are also affected. One law told that individual rights is basic need for person's life. ³

For example, Student, businesspeople, employees are the victims of the deepfake attack like harassments. Such incidents can lead to mental stress and loss of employment opportunities.

ETHICAL AND SOCIAL CONCERNS:

Not only legal issues, Ethical and social problems are also raised by deep fake technology. The people who are using digital tools and artificial intelligence are very aware of Ethical and social concerns. The modern society faces the challenges of balancing the technical innovation and protection of individual rights. Artificial intelligence has potential to improve many areas of life.

Educational awareness is very important for solving the problem arising by the deep fake attacks. People need to develop their skills by evaluating the social media contents and identifying the manipulation signs. Social media platforms and online technology tools have the major role for controlling the spreading of faking videos and images. With technical knowledge people can develop the AI tool by identifying the manipulated images and video can reduce the negative impact of deep fake technology. ⁴

NEED FOR LEGAL REGULATION:

The deep fake technology highlighted the need for new legal law rises. Existing laws related to privacy and cybercrimes may address some parts of the deep fake attacks. But the legal system is facing struggles to adopt the sudden rapid growth of deep fake technology. Government, Law scholars & technology experts are currently involving creating strong law against the deep fake attacks. Therefore, legal regulation is required to protect the people from manipulation issues, privacy violation and reputation damage. At the same time laws must ensure the use of artificial intelligence otherwise it is not restricted.

CONCLUSION:

Deep fake technology is one of the important parts in developing Artificial Intelligence and Digital Media. It offers many opportunities for newly creation activities and at the same time mishandling the deep fake technology cause harm for society as well as individuals. By spreading the manipulation images, videos, and audios causes mis information privacy violation, reputation damage etc., Anyway Deep fake technology is more advanceable, easily accessible and it requires for developing the modern society. Therefore, people before using Deepfake technology with Artificial Intelligence, must be aware of the Legal Laws, Ethical and Social concerns.

COPYRIGHT PROTECTION AND DEEFAKE TECHNOLOGY

MEANING AND NATURE OF COPYRIGHT:

Copyright is one of the legal rights that protects the original content created by the Content creators and author. The law is fully helpful to protect the original content created by the creators and authors. This law gives special recognition for the original content creator and author to use, reproduce, distribute, and adapt their work. Creative works that are usually protected by copyright are,

➤ Literary Works

- Artistic Works
- Musical Compositions
- Films
- Photographs
- Computer Programs

When the person successfully created the original content, then the content automatically got copyright protection it does not need any formal/ legal registration. When another person uses this copyrighted work without the permission of original content creators/ authors, then take the sever legal action and penalties on the person for unauthorized use under copyright law.⁵

In the developed digital technology, the protection of copyrights content faces many challenges because Deep fake technology easily produced or copied similar content and shared through the Internet.

COPYRIGHT PROTECTION UNDER THE LAW:

In most countries, copyright protection is governed by international agreements and national legislation. But in India copyright protection is mainly governed by the **Copyright Act, 1957**, it provides the legal information about how copyright protection for various types of creative works. These rights are,

- Authority to reproduce
- Authority to publish
- Authority to adapt
- Communicate the work to the public.

Any unauthorized use of original content by another person considered as a Copyright Infringement. This law provides the solution to the original content creators/ authors whose rights are violated. The solutions are injunctions, damages, and other legal actions against the copyright infringing party.⁶

For International treaties, **Berne Convention** and the **TRIPS Agreement** play an important role in protecting the copyrights' content.

DEEPFAKE TECHNOLOGY AND USE OF EXISTING CONTENT:

Deepfake technology mostly relies on existing digital materials like images, videos and audio. At the same time large amounts of visual and audio are required to develop Artificial Intelligence (AI). For Example,

- Photographs
- Film Clips
- Voice Recordings
- Other copyrighted works.

For Example, Deep fake video has been created by the clips of images or movies of well-known actor, now the original content used by the person without the original content creator or author then it comes under copyright Infringement. In many cases deep fake video creators that collect data from social media, video-sharing websites and internet. Another major issue arises when deepfake creators modify or transform existing/ original work created by the creator. Therefore, the relationship between the Deep fake technology and copyright infringement plays a major role in the legal Discussion.

DEEPFAKES AS DERIVATIVE WORKS:

One of the major concepts of Copyright law is Derivative work. Derivative work is creation of new works based on the existing copyrights works. Deep fake video has been created by the video clip from the movie of well-known actor, but the actor's face is replaced by another person's face, although the final video comes under the copyrighted work. The above such derivative works created by the creator without the original author's permission then its leads to copyright infringement. Finally, courts play a major role in examining the derivative work created by the creator whether it has been created from the existing works or fully developed from the new original material. The Supreme Court held that copyright protects expression of ideas, not the ideas themselves. It also laid down the "substantial similarity" test to determine infringement between original and alleged copied work.⁷

COPYRIGHT ISSUES IN DEEP FAKE VIDEOS:

There are lots of problems are raises in the Deep fake videos. From those two major issues available, one of the major issues is the video clip created into the manipulated content by the television programmer.

1. Other issues are raised when the image of well-known people like actors and musicians is used for manipulated content without their permission.
2. Audio of public figures using the recording voices of Speeches, Actor, politician, etc.,

Therefore, the digital nature of deep fake technology is easily modified and reproduced by the original content created by the author. As a result, copyrighted owners face many difficulties while protecting their copyrighted works.

POSSIBLE LEGAL RESPONSES:

To address the challenges created by deep fake technology in the field of copyright, several laws and regulatory measures are to be considered. Government and other legal institutions need to update the existing laws and terms to face difficulty with the new forms of manipulated content created by the deep fake video. To address the challenges provided by the deep fake technology are,

- Technologies companies play an important role in development the new tools or software that detect the manipulated media/copyrighted content and prevents the spreading of that content.⁸
- Stronger copyright mechanisms are developed to protect the unauthorized uses of creative work.
- Another easy approach is awareness given to the

people through social media, internet or any other public programs conducted by the government about the risk associated in the deepfake technology.

Collaboration between the legal institution and the government research technology companies is essential for developing better solutions to protect the copyright of the owner.

CONCLUSION:

Even though deep fake technology gives the opportunity for producing nee creative things in the digital world, but in another it leads to serious concern about the unauthorized use of creative works. In the advanced development of digital technology makes very difficult to control the spread of manipulated content like images, videos and audio. As a continuous development of technology, the legal system needs to be improved to protect the original content created by the author/ creator. The relationship between deep fake videos and copyright protection is essential to protect the rights of copyright owners.

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