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INTELLECTUAL PROPERTY RIGHTS AND ARTIFICIAL INTELLIGENCE IN INDIA: REIMAGINING COPYRIGHT, PATENT, TRADEMARK, AND PERSONALITY RIGHTS IN THE DIGITAL AGE

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I. ABSTRACT

Artificial Intelligence (AI) has emerged as one of the most transformative technologies of the twenty-first century, fundamentally altering the manner in which information is created, processed, disseminated, and commercialized. The integration of AI into creative and innovative processes has generated unprecedented opportunities while simultaneously posing significant challenges to traditional legal frameworks governing intellectual property rights (IPR). Existing intellectual property regimes were developed on the assumption that intellectual creations originate from human ingenuity and labor. However, modern AI systems are increasingly capable of generating literary works, artistic content, software code, inventions, trademarks, and digital identities with minimal human intervention. The emergence of generative AI technologies such as ChatGPT, Gemini, Claude, Midjourney, DALL-E, and Stable Diffusion has intensified debates concerning authorship, ownership, originality, inventorship, and liability. These developments have exposed substantial gaps within existing intellectual property legislation across jurisdictions, including India. Courts worldwide are grappling with questions concerning the copyrightability of AI-generated works, the patentability of AI-assisted inventions, trademark misuse through automated digital platforms, and the unauthorized exploitation of personality rights through deepfakes and synthetic media. This article critically examines the intersection between intellectual property rights and artificial intelligence within the Indian legal framework. Through doctrinal and analytical research, it evaluates statutory provisions, judicial precedents, and emerging legal challenges associated with AI-generated intellectual creations. The article further explores

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comparative approaches adopted in the United States, the United Kingdom, and the European Union. It argues that while Indian courts have demonstrated remarkable adaptability in addressing technological disputes, comprehensive legislative reforms are necessary to ensure legal certainty, promote innovation, and protect creators in the evolving digital ecosystem.

II. KEYWORDS

Intellectual Property Rights (IPR), Artificial Intelligence (AI), Generative AI, Personality Rights, Legislative Reform.

III. INTRODUCTION

The development of intellectual property law has historically been linked with the recognition of human creativity and innovation. Intellectual property rights are designed to reward intellectual labour, encourage innovation, facilitate technological advancement, and contribute to economic growth. In contemporary knowledge-based economies, intellectual property constitutes one of the most valuable forms of intangible assets.

The significance of intellectual property protection has increased exponentially with the advent of the digital revolution. Information technologies have transformed the processes through which intellectual creations are produced, distributed, and consumed. More recently, the emergence of artificial intelligence has accelerated this transformation by enabling machines to perform tasks traditionally associated with human cognition.

Artificial intelligence refers to computational systems capable of performing functions that typically require human intelligence, including learning, reasoning, problem-solving, decision-making, language processing, and creative expression. Unlike traditional software systems, modern AI models are capable of generating original content based on patterns identified within vast datasets.

Generative AI systems can produce:

1. Literary works

2. Musical compositions
3. Artistic creations
4. Software code
5. Scientific discoveries
6. Industrial designs
7. Marketing content
8. Digital avatars
9. Synthetic voices
10. Realistic video simulations.

These capabilities challenge foundational assumptions underlying intellectual property law.

Historically, intellectual property statutes were drafted on the premise that creators and inventors are human beings. Concepts such as authorship, originality, inventorship, creativity, and moral rights have traditionally been associated with human intellectual effort. Consequently, existing legal frameworks often struggle to accommodate situations in which AI systems independently generate valuable intellectual outputs.

The growing use of artificial intelligence raises several complex legal questions:

1. Can an AI-generated work receive copyright protection?
2. Who should be considered the author of AI-generated content?
3. Can an AI system be recognized as an inventor for patent purposes?
4. How should trademark law address AI-driven brand misuse?
5. What remedies should be available against AI-generated deepfakes?
6. Can existing intellectual property laws effectively regulate emerging technologies?

These questions have become increasingly relevant in India due to the rapid adoption of AI technologies across sectors such as education, healthcare, entertainment, finance, manufacturing, and legal services.

India's intellectual property framework primarily consists of:

1. The Copyright Act, 1957;
2. The Patents Act, 1970;
3. The Trade Marks Act, 1999;
4. The Designs Act, 2000; and
5. The Geographical Indications of Goods (Registration and Protection) Act, 1999.

Although these statutes provide extensive protection for traditional intellectual creations, they were enacted long before the emergence of modern artificial intelligence systems.

Consequently, there exists a growing need to examine whether these laws remain capable of addressing contemporary technological realities.

The increasing commercialization of AI-generated content further complicates matters. Businesses now utilize AI systems for content creation, software development, product design, and marketing. As AI-generated outputs acquire substantial economic value, questions concerning ownership and enforcement become increasingly significant.

Simultaneously, advances in generative AI have facilitated the creation of highly realistic deepfakes capable of replicating an individual's appearance, voice, and mannerisms. Such technologies have generated concerns relating to privacy, reputation, identity theft, and personality rights.

The legal implications extend beyond copyright and patent law. Trademark protection, consumer protection, data governance, and constitutional rights are also affected by AI-driven innovation.

Against this backdrop, intellectual property law finds itself at a critical crossroads. Legislatures and courts must balance competing objectives:

1. Encouraging innovation
2. Protecting creators
3. Promoting public access to knowledge
4. Preserving competition
5. Preventing technological abuse
6. Ensuring ethical AI development

The challenge for policymakers lies in crafting legal frameworks that remain sufficiently flexible to accommodate future technological developments while preserving fundamental principles of intellectual property law.

A. Research Questions

This study seeks to address the following research questions:

- 1. Primary Research Question:** Whether the existing intellectual property framework in India adequately addresses challenges arising from artificial intelligence-generated creations and innovations?
- 2. Secondary Research Questions**
 - How does artificial intelligence challenge traditional concepts of authorship and inventorship?
 - What legal issues arise concerning copyright ownership of AI-generated works?
 - Whether current patent laws can accommodate AI-assisted inventions?
 - How can trademark law respond to AI-enabled digital infringement?
 - What role do personality rights play in regulating deepfakes and synthetic media?
 - What lessons can India derive from comparative international approaches?

B. Research Hypothesis

This article proceeds on the following hypothesis: The existing Indian intellectual property framework, while effective in regulating traditional forms of intellectual property, is insufficient to address legal challenges arising from artificial intelligence-generated works, AI-assisted inventions, and digital identity exploitation, thereby necessitating comprehensive legislative reform.

C. Research Objectives

The objectives of this study are:

1. To examine the relationship between intellectual property rights and artificial intelligence.
2. To analyze the adequacy of existing Indian intellectual property laws in addressing AI-related challenges.
3. To evaluate recent judicial developments concerning AI-generated content and digital identity protection.
4. To study comparative international approaches toward AI and intellectual property.
5. To propose reforms capable of ensuring effective protection of intellectual property in the age of artificial intelligence.

D. Research Methodology

This research adopts a doctrinal and analytical methodology. The study relies primarily upon secondary sources including:

1. Statutory provisions;
2. Judicial decisions;
3. Academic journals;
4. Books

5. Research reports
6. International instruments
7. Government publications
8. Policy documents

A comparative approach has also been employed to examine developments within jurisdictions such as the United States, the United Kingdom, and the European Union.

The methodology is qualitative in nature and focuses upon legal interpretation, policy analysis, and doctrinal examination.

E. Literature Review

The relationship between intellectual property law and technological innovation has attracted significant scholarly attention.

P. Narayanan emphasizes that intellectual property rights exist to encourage innovation while maintaining an appropriate balance between private rights and public interests. According to Narayanan, intellectual property protection must evolve in response to changing technological circumstances.

Similarly, Cornish and Llewelyn observe that intellectual property law functions as an economic instrument designed to promote innovation through limited exclusivity. However, they caution that excessive protection may hinder competition and technological advancement.

N.S. Gopalakrishnan and T.G. Agitha argue that intellectual property rights must be interpreted in a manner consistent with societal welfare and developmental objectives. Their work highlights the importance of balancing proprietary interests with broader public concerns.

Recent scholarship has increasingly focused on artificial intelligence.

Scholars have identified several recurring concerns:

1. Ownership of AI-generated works
2. Originality standards
3. Patentability of machine-generated inventions
4. Algorithmic bias
5. Training-data infringement
6. Personality rights
7. Deepfake regulation
8. Liability for autonomous systems

Many researchers conclude that traditional legal concepts are becoming increasingly inadequate in addressing these issues.

The literature reveals a growing consensus that legislative intervention may be necessary to address emerging technological realities.

IV. CONCEPTUAL FRAMEWORK OF INTELLECTUAL PROPERTY RIGHTS

A. Meaning and Nature of Intellectual Property Rights

Intellectual Property Rights (IPRs) refer to legal rights granted to creators and innovators in respect of their intellectual creations.² These rights provide exclusive control over the use, reproduction, commercialization, and distribution of intellectual works for a specified period.³

The concept of intellectual property is based upon the recognition that human creativity and innovation constitute valuable economic resources deserving legal protection. Intellectual property law seeks to balance two competing interests:

² World Intellectual Property Organization (WIPO), WIPO Intellectual Property Handbook (2d ed.).

³ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C

1. Rewarding creators and innovators for their intellectual labor; and
2. Ensuring public access to knowledge and technological advancement.

The legal recognition of intellectual property emerged as a response to increasing industrialization and commercialization of knowledge. In contemporary economies, intellectual assets frequently possess greater commercial value than physical assets.

1. Examples include
2. Software programs
3. Digital content
4. Brand identities
5. Pharmaceutical inventions
6. Artistic works
7. Research innovations
8. Artificial intelligence technologies

The emergence of artificial intelligence has fundamentally altered the nature of intellectual creation by enabling machines to participate in activities traditionally performed by humans.

Consequently, traditional assumptions concerning ownership, creativity, originality, and inventorship require reconsideration.

B. Theoretical Foundations of Intellectual Property Rights

1. Natural Rights Theory

The Natural Rights Theory is primarily associated with the writings of John Locke.

According to Locke, individuals acquire proprietary rights over the products of their labor. Since intellectual creations result from mental labor, creators possess a natural entitlement to exclusive rights over such creations.

This theory continues to influence modern copyright and patent systems.

However, artificial intelligence presents a challenge to Locke's framework because AI-generated outputs may not involve direct human intellectual labor.

The question therefore arises: Can a machine-generated work attract proprietary rights in the absence of human labor?

2. Utilitarian Theory

The utilitarian justification views intellectual property as a mechanism for promoting innovation and social welfare.

According to this approach, creators are granted temporary monopolies to encourage investment in creative and inventive activities.

The objective is not merely to reward creators but to generate broader societal benefits through increased innovation.

Artificial intelligence complicates this rationale because AI systems may generate outputs without requiring the same economic incentives traditionally associated with human creators.

Consequently, policymakers must determine whether extending intellectual property protection to AI-generated works would promote or hinder innovation.

3. Personality Theory

The Personality Theory is commonly attributed to Georg Wilhelm Friedrich Hegel.

According to this theory, creative works represent extensions of an individual's personality and identity.

Copyright protection therefore safeguards not merely economic interests but also personal and moral interests.

This theory provides the foundation for moral rights recognized under copyright law.

However, AI-generated creations raise fundamental questions because machines lack personality, consciousness, dignity, and moral agency.

Consequently, personality-based justifications become difficult to apply in the context of autonomous AI-generated works.

V. COPYRIGHT LAW AND ARTIFICIAL INTELLIGENCE

A. Copyright Protection under Indian Law

Copyright law protects original literary, dramatic, musical, artistic, cinematographic, and computer-generated works.

The primary legislation governing copyright in India is the Copyright Act, 1957.

Section 13 of the Act provides protection for:

1. Literary works
2. Dramatic works
3. Musical works
4. Artistic works
5. Cinematograph films
6. Sound recordings

Copyright arises automatically upon creation and does not require mandatory registration.

The rationale underlying copyright protection is to encourage creativity while ensuring eventual public access through limited-duration protection.

B. The Requirement of Originality

Originality is one of the most important prerequisites for copyright protection.

Indian courts have progressively refined the concept of originality.

Eastern Book Company v. D.B. Modak

In *Eastern Book Company v. D.B. Modak*, the Supreme Court rejected the traditional “sweat of the brow” doctrine and adopted a modified creativity standard.⁴

The Court held that copyright protection requires:

1. Skill
2. Judgment
3. A minimal degree of creativity.

The decision significantly influenced Indian copyright jurisprudence.

C. AI-Generated Works and the Problem of Authorship

Artificial intelligence systems now generate:

1. Articles
2. Paintings
3. Songs
4. Software code
5. Marketing materials
6. Academic content
7. Digital illustrations

Generative AI models such as ChatGPT, Midjourney, Claude, Gemini, and DALL-E are capable of producing outputs that resemble human-created works.

The principal legal question concerns authorship.

Section 2(d) of the Copyright Act identifies authors based upon human creative activity.

The statute does not explicitly contemplate autonomous artificial intelligence systems.

⁴ *Eastern Book Co. V. D.B. Modak*, (2008) 1 S.C.C. 1 (India)

Consequently, uncertainty exists regarding:

1. Ownership
2. Authorship
3. Copyright duration
4. Liability for infringement
5. Moral rights

Several competing approaches have emerged:

1. **Human User Approach:** Under this approach, the individual providing prompts to the AI system is recognized as the author.
2. **Developer Approach:** This approach attributes authorship to the creator of the AI system.
3. **Owner Approach:** The owner of the AI system receives copyright ownership.
4. **Public Domain Approach:** AI-generated works receive no copyright protection and enter the public domain immediately.

Each approach presents advantages and disadvantages. Indian legislation presently provides no definitive answer.

D. Computer-Generated Works under Indian Law

Section 2(d)(vi) of the Copyright Act provides:

In relation to any literary, dramatic, musical, or artistic work which is computer-generated, the author shall be the person who causes the work to be created.

This provision was enacted before the emergence of modern generative AI.

The term “computer-generated” originally contemplated automated computational processes rather than autonomous machine learning systems.

Nevertheless, some scholars argue that this provision may provide a basis for recognizing copyright protection in AI-assisted works.

The interpretation of the phrase: “person who causes the work to be created”. Is likely to become central in future AI copyright litigation.

E. AI Training Data and Copyright Infringement

A separate challenge concerns the training of AI systems.

Large language models and generative AI systems are trained using massive datasets containing:

1. Books
2. Articles
3. Images
4. Videos
5. Music
6. Online content

Many copyright owners argue that such training constitutes unauthorized reproduction.

AI developers often contend that training processes involve transformative use and should therefore be permissible.

This debate has generated extensive litigation internationally.

Indian courts have yet to develop a comprehensive jurisprudence concerning AI training datasets.

Future judicial decisions will likely determine whether AI training constitutes:

1. Fair dealing
2. Copyright infringement
3. A new category requiring legislative regulation

VI. PATENT LAW AND ARTIFICIAL INTELLIGENCE

A. Duration of Protection and Regulatory Authorities under Intellectual Property Law in India

The effectiveness of intellectual property rights largely depends upon the duration of legal protection granted to the rights holder. Indian intellectual property laws provide different periods of protection depending upon the nature of the intellectual creation.

Copyright protection in India is governed by the Copyright Act, 1957.⁵ In the case of literary, dramatic, musical, and artistic works, copyright generally subsists for the lifetime of the author and continues for sixty years after the author's death. The administration and registration of copyright are overseen by the Copyright Office under the Department for Promotion of Industry and Internal Trade (DPIIT).

Trademark protection is regulated by the Trade Marks Act, 1999.⁶ A registered trademark enjoys protection for a period of ten years from the date of registration and may be renewed indefinitely for successive periods of ten years. The Trade Marks Registry functions as the competent authority responsible for trademark registration and renewal in India.

Patent protection is governed by the Patents Act, 1970.⁷ A patent remains valid for twenty years from the date of filing of the patent application, subject to the payment of annual renewal fees. Upon expiration of the twenty-year term, the patented invention enters the public domain and cannot be renewed further. The Indian Patent Office administers patent registration and enforcement.

Industrial designs are protected under the Designs Act, 2000.⁸ A registered design receives protection for an initial period of ten years, which may be extended for an

⁵ Copyright Act, No. 14 of 1957, sec- 22-29 (India).

⁶ Trade Marks Act, No. 47 of 1999, sec- 25, 47 (India).

⁷ Patents Act, No. 39 of 1970, Sec- 53 (India).

⁸ Designs Act, No. 16 of 2000, Sec 11 (India).

additional five years upon application by the proprietor. Consequently, the maximum duration of design protection in India is fifteen years.

Geographical Indications are protected under the Geographical Indications of Goods (Registration and Protection) Act, 1999.⁹ Registration remains valid for ten years and may be renewed indefinitely for further periods of ten years. The Geographical Indications Registry located in Chennai serves as the regulatory authority for GI registration and renewal.

The varying duration of protection reflects the legislative objective of balancing private proprietary interests with broader public interests. While temporary exclusivity encourages innovation and creativity, eventual entry into the public domain promotes access to knowledge, competition, and technological advancement.

B. Purpose of Patent Protection

Patent law seeks to encourage innovation by granting inventors exclusive rights over inventions for a limited period.

The governing legislation is the Patents Act, 1970.

Patent protection is available only if an invention satisfies three requirements:

1. Novelty
2. The invention must be new.
3. Inventive Step
4. The invention must not be obvious to a person skilled in the relevant field.
5. Industrial Applicability
6. The invention must be capable of practical use.

C. AI-Assisted Inventions

Artificial intelligence increasingly contributes to scientific and technological innovation.

⁹ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, Sec- 18 (India).

AI systems are now used in:

1. Drug discovery
2. Medical diagnostics
3. Material science
4. Engineering design
5. Robotics
6. Predictive analytics

These developments raise significant legal questions.

If an AI system substantially contributes to an invention:

1. Who should be identified as the inventor?
2. Can a machine qualify as an inventor?
3. How should patent rights be allocated?

Traditional patent law assumes that inventors are natural persons. AI-generated inventions challenge this assumption.

D. The DABUS Controversy

One of the most influential international disputes concerning AI inventorship involved the DABUS system. DABUS (Device for the Autonomous Bootstrapping of Unified Sentience) was developed by Dr. Stephen Thaler. Patent applications were filed naming DABUS as the inventor. Patent offices in multiple jurisdictions rejected these applications.

Courts generally held that: “Only natural persons can qualify as inventors: The DABUS litigation illustrates the growing tension between technological innovation and existing patent frameworks.”

India has now confronted the DABUS inventorship question directly. In relation to Indian Patent Application No. 202017019068, filed by Dr. Stephen L. Thaler and naming DABUS

as the inventor of a food-container invention, the Indian Patent Office issued a refusal order under Section 15 of the Patents Act, 1970 on 15 April 2026. The Assistant Controller held that DABUS could not be recognised as the “true and first inventor” under the existing statutory framework, particularly Sections 2(1)(y), 6, 7, and 10 of the Patents Act, since the scheme of the Act presupposes an inventor capable of legal personality, assignment of rights, declaration of inventorship, and legal accountability.

A related pre-grant opposition was also rejected separately. This development places India alongside jurisdictions such as the United Kingdom and Australia, where courts have similarly declined to recognise DABUS as an inventor. However, Dr. Thaler has reportedly appealed the refusal before the Delhi High Court, making the matter India’s first significant patent appeal concerning an AI-attributed invention.

The outcome of this appeal will be important for determining whether existing executive and judicial interpretation is sufficient, or whether legislative reform is necessary to clarify the treatment of AI-assisted and AI-generated inventions.

E. Novartis AG v. Union of India

The leading Indian patent decision remains:

The Supreme Court rejected patent protection for a modified version of a pharmaceutical product on the ground that enhanced therapeutic efficacy had not been demonstrated.¹⁰

The judgment emphasized:

1. Public health
2. Access to medicines
3. Prevention of patent evergreening
4. Strict application of patentability standards

¹⁰ Novartis AG v. Union of India, (2013) 6 S.C.C. 1 (India).

Although not an AI case, Novartis remains significant because it demonstrates the Indian judiciary's balancing approach toward innovation and public interest.

VII. TRADEMARK PROTECTION AND ARTIFICIAL INTELLIGENCE

A. Introduction to Trademark Protection

A trademark serves as a source identifier that distinguishes the goods and services of one enterprise from those of another. In the digital economy, trademarks have acquired unprecedented significance because consumer interaction increasingly occurs through online platforms, e-commerce marketplaces, mobile applications, and social media channels.

The primary legislation governing trademarks in India is the Trade Marks Act, 1999.

Section 2(zb) defines a trademark as a mark capable of graphical representation and capable of distinguishing the goods or services of one person from those of others.

Traditional trademark infringement generally involved unauthorized use of identical or deceptively similar marks in physical marketplaces. However, artificial intelligence and digital technologies have transformed the nature of trademark violations.

B. AI-Driven Trademark Challenges

Artificial intelligence has created several new forms of trademark-related disputes:

1. **Automated Brand Impersonation:** AI tools can rapidly generate websites, advertisements, and social media content that imitate established brands. Such misuse may create consumer confusion and dilute brand goodwill.
2. **Deepfake Advertising:** AI-generated videos can falsely depict celebrities endorsing products or services. These advertisements may simultaneously violate trademark rights, publicity rights, and consumer protection laws.
3. **AI-Generated Logos:** Modern AI systems are capable of creating logos and branding material that closely resemble existing trademarks. Determining

liability becomes difficult were infringement results from automated generation.

4. **Domain Name Abuse:** AI technologies can automate cybersquatting and generate deceptive domain names resembling established trademarks. Such activities threaten both consumers and trademark owners.

C. Trademark Infringement in the Digital Environment

Indian courts have increasingly recognized that trademark infringement can occur through digital means. The internet has expanded the geographical reach of infringing activities and complicated enforcement mechanisms.

Traditional legal doctrines have therefore evolved to accommodate technological realities.

1. Courts now routinely issue
2. Dynamic injunctions
3. Website-blocking orders
4. Domain-name transfer orders
5. Platform compliance directives
6. Search engine takedown orders

D. Sporta Technologies Pvt. Ltd. v. John Doe (2024)

One of the most important recent decisions concerning digital trademark protection involved Dream11.¹¹

1. **Facts:** The plaintiff alleged that several unauthorized websites and digital platforms were exploiting its well-known Dream11 trademark. These platforms created deceptive interfaces and domain names capable of misleading consumers.

¹¹ Sporta Technologies Pvt. Ltd. v. John Doe, 2024 SCC OnLine Del 7666.

2. **Judgment:** The Delhi High Court granted extensive injunctive relief. The Court emphasized that trademark protection extends beyond physical markets and must adequately protect consumers in digital environments.
3. **Significance:** The judgment illustrates the judiciary's willingness to adapt trademark law to emerging technological threats. It also demonstrates the growing importance of online brand protection.

VIII. PERSONALITY RIGHTS, DEEPFAKES, AND ARTIFICIAL INTELLIGENCE

A. Understanding Personality Rights

Personality rights refer to the legal protection afforded to an individual's identity, image, likeness, voice, reputation, and commercial persona.

Although India does not possess a standalone Personality Rights Act, courts have recognized such rights through constitutional principles, common law doctrines, and intellectual property jurisprudence.

The commercial value associated with celebrity identities has increased significantly in the digital era.

Artificial intelligence has amplified these concerns by enabling realistic replication of human identities.

B. Deepfake Technology

A deepfake refers to synthetic media generated through artificial intelligence that realistically imitates a person:

1. Face
2. Voice
3. Expressions
4. Gestures

5. Mannerisms.

Modern deepfake systems can create highly convincing content that is often difficult to distinguish from authentic recordings.

While deepfakes may have legitimate uses in entertainment and education, they also pose substantial risks.

1. These include
2. Identity theft
3. Defamation
4. Fraud
5. Political manipulation
6. Cyber harassment
7. Commercial misappropriation
8. Reputation damage

C. Legal Issues Arising from Deepfakes

Deepfakes create a unique intersection between:

1. Intellectual property law
2. Privacy law
3. Constitutional law
4. Information technology law
5. Consumer protection law

Several legal questions arise:

1. **Ownership:** Who owns AI-generated representations of a person's identity?
2. **Consent:** Can AI systems lawfully reproduce an individual's image without authorization?

3. **Liability:** Who bears responsibility for harmful deepfakes?
4. **Enforcement:** How can courts effectively remove deepfake content from digital platforms?

These questions are no longer entirely unresolved, particularly after the notification of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 by the Ministry of Electronics and Information Technology on 10 February 2026, which came into force on 20 February 2026. The 2026 Amendment Rules introduce India's first express intermediary-liability framework dealing with "synthetically generated information" (SGI), including deepfakes and AI-generated or AI-altered audio, visual, and audio-visual content.

The Rules define SGI as audio, visual, or audio-visual information that is artificially or algorithmically created, generated, modified, or altered through a computer resource in a manner that appears real, authentic, or true and depicts an individual or event in a way that is, or is likely to be, perceived as indistinguishable from a natural person or real-world event.

The 2026 framework is particularly relevant to personality rights because it directly addresses AI-enabled impersonation, misrepresentation of identity, synthetic voice or image manipulation, and harmful deepfake content. Intermediaries that enable the creation, modification, publication, transmission, sharing, or dissemination of SGI are required to deploy reasonable and appropriate technical measures, including automated tools or other suitable mechanisms, to prevent users from creating or disseminating unlawful SGI. The Rules specifically cover synthetic content that falsely depicts or portrays a natural person or real-world event by misrepresenting identity, voice, conduct, action, or statement in a manner likely to deceive.

The Amendment Rules also create transparency obligations. Permissible SGI must be prominently labelled in a visually noticeable manner, or, in the case of audio content, through a prefixed audio disclosure. Such content must also be embedded with permanent metadata or other appropriate technical provenance mechanisms, including

a unique identifier where technically feasible. Intermediaries are further prohibited from enabling the modification, suppression, or removal of such labels, metadata, or identifiers.

The enforcement framework has also been strengthened through compressed takedown timelines. Intermediaries must remove or disable access to unlawful information, including SGI where applicable, within three hours of receiving actual knowledge through a court order or authorised governmental intimation. In cases involving intimate imagery, nudity, sexual conduct, impersonation in electronic form, or artificially morphed images, intermediaries must act within two hours of receiving a complaint from the affected individual or a person acting on their behalf.

These amendments significantly strengthen the legal response to deepfakes in India and should be read alongside emerging personality-rights litigation such as *Sadhguru Jagadish Vasudev v. Igor Isakov*. While the *Sadhguru* litigation illustrates the judiciary's willingness to protect personality attributes against AI-enabled misuse, the 2026 Amendment Rules demonstrate that regulatory intervention has now begun through the intermediary-liability framework.

However, the Rules do not fully substitute a dedicated personality-rights statute, as they primarily regulate platform duties, labelling, provenance, and takedown obligations rather than comprehensively defining the proprietary, dignitary, and commercial dimensions of personality rights. Therefore, the present legal position supports the argument that India has taken an important first step toward deepfake regulation, but further legislative reform remains necessary.

D. *Sadhguru Jagadish Vasudev v. Igor Isakov* (2025)

1. **Facts:** The plaintiff sought protection against unauthorized exploitation of his personality through digital technologies.¹²

¹² *Sadhguru Jagadish Vasudev v. Igor Isakov*, 2025 SCC OnLine Del 3804.

2. **Judgment:** The Delhi High Court granted protection against unauthorized use of personality attributes and emphasized the need to safeguard individual identity from technological misuse.
3. **Significance:** The decision represents an important development in India's emerging jurisprudence concerning AI-generated content, deepfakes, and personality rights. It reflects judicial recognition that digital technologies require enhanced legal protection mechanisms against unauthorized exploitation of identity, image, likeness, voice, and digital persona. When read with the IT Amendment Rules, 2026, the case demonstrates a developing two-track response in India: judicial protection of personality attributes through injunctions and regulatory control of synthetic media through intermediary due diligence, labelling, metadata, and expedited takedown obligations.

E. Emerging Celebrity Personality Rights Litigation

Indian courts have increasingly addressed unauthorized digital exploitation involving public figures.

Recent cases demonstrate growing concern regarding:

1. Deepfake videos
2. Synthetic voice cloning
3. Unauthorized endorsements
4. AI-generated advertisements
5. Commercial identity theft

The judiciary has adopted a proactive approach in granting injunctions and directing removal of harmful digital content. These developments suggest that personality rights may soon evolve into a distinct area of statutory protection.

IX. COMPARATIVE PERSPECTIVES

1. **United States:** The United States adopts a fragmented approach toward personality rights and AI regulation. Copyright protection generally requires human authorship. The United States Copyright Office has repeatedly maintained that works generated solely by artificial intelligence do not qualify for copyright protection. Several ongoing disputes concerning generative AI training data are likely to influence future copyright jurisprudence.
2. **United Kingdom:** The United Kingdom adopts a distinctive approach through the Copyright, Designs and Patents Act 1988. Section 9(3) provides that in relation to computer-generated works: The author shall be the person by whom the arrangements necessary for the creation of the work are undertaken. This provision is frequently cited in discussions concerning AI-generated works. However, it predates modern generative AI technologies.
3. **European Union:** The European Union has pursued a comprehensive regulatory strategy. Recent initiatives emphasize:
 - Transparency obligations;
 - Data governance;
 - Ethical AI principles;
 - Risk-based regulation; and
 - Fundamental rights protection.

The European approach increasingly focuses on balancing innovation with accountability.
4. **Lessons for India:** India may derive several lessons from comparative jurisdictions.
5. **Legislative Clarification:** Statutory amendments should clarify ownership of AI-generated works.

6. **Personality Rights Framework:** Dedicated legislation may be required to address deepfakes and identity misuse.
7. **Platform Accountability:** Digital intermediaries should bear greater responsibility for harmful AI-generated content.
8. **International Cooperation:** Cross-border enforcement mechanisms must be strengthened.

X. CRITICAL ANALYSIS OF INDIAN JURISPRUDENCE

Indian courts have generally adopted a pragmatic approach toward technological disputes.

Several themes emerge from recent decisions:

1. **Technology-Neutral Interpretation:** Courts frequently interpret statutes in a manner capable of accommodating technological developments.
2. **Consumer Protection:** Judicial decisions emphasize preventing deception and protecting consumers.
3. **Protection of Reputation:** Increasing recognition is being accorded to personality rights and digital identity.
4. **Balancing Innovation and Public Interest:** Courts seek to encourage innovation while preventing abuse of legal monopolies.

Despite these strengths, significant gaps remain. The absence of explicit statutory provisions concerning AI-generated works creates uncertainty for creators, businesses, investors, and courts. Comprehensive legislative intervention is therefore increasingly necessary.

XI. FINDING OF THE STUDY

The present study reveals that Artificial Intelligence has fundamentally altered the traditional understanding of intellectual property law. Existing intellectual property frameworks were designed around the assumption that intellectual creations originate from human creativity, skill, judgment, and labor. However, modern AI systems

increasingly participate in creative and inventive processes, thereby challenging foundational legal concepts such as authorship, inventorship, originality, ownership, and liability. Based upon the doctrinal analysis undertaken in this article, the following findings emerge:

A. Inadequacy of Existing Statutory Frameworks

Indian intellectual property statutes were enacted long before the emergence of contemporary generative AI technologies.

Neither the Copyright Act, 1957 nor the Patents Act, 1970 explicitly addresses:

1. Autonomous AI-generated works;
2. AI-assisted inventions;
3. Machine authorship;
4. Synthetic media; or
5. Deepfake technologies.

Consequently, significant legal uncertainty exists regarding ownership and enforcement.

B. Human-Centric Nature of Intellectual Property Law

Existing intellectual property laws continue to operate upon a human-centered model.

Concepts such as:

1. Author;
2. Inventor;
3. Creator;
4. Performer; and
5. Proprietor
6. Presuppose human participation.

The emergence of autonomous AI systems therefore exposes substantial doctrinal limitations.

C. Growing Importance of Personality Rights

The study demonstrates that personality rights are rapidly emerging as a crucial area of legal protection.

The increasing misuse of:

1. Images;
2. Voices;
3. Likenesses;
4. Names; and
5. Digital identities

Through AI-generated content necessitates stronger legal safeguards.

D. Judicial Adaptability

Indian courts have demonstrated considerable flexibility in responding to technological developments.

Recent decisions indicate a willingness to:

1. Protect digital identities;
2. Combat online infringement;
3. Recognize technological harms; and
4. Extend traditional legal principles to emerging contexts.

However, judicial innovation alone cannot substitute comprehensive legislative reform.

E. Need for Harmonized Regulation

The fragmented regulation of AI through intellectual property, information technology, privacy, and consumer protection laws creates uncertainty. A coordinated regulatory framework is therefore necessary.

XII. SUGGESTIONS AND RECOMMENDATIONS

The findings of this study demonstrate that India requires a calibrated and technology-responsive legal framework to address the challenges posed by artificial intelligence to intellectual property law. The existing statutory framework should not be displaced entirely; rather, it should be amended and supplemented to clarify authorship, inventorship, ownership, liability, and remedies in cases involving AI-generated or AI-assisted intellectual creations.

First, Section 2(d) of the Copyright Act, 1957 should be amended to expressly address AI-generated and AI-assisted works. At present, the Act recognizes, in relation to computer-generated literary, dramatic, musical, or artistic works, the author as “the person who causes the work to be created.” This formulation may be retained, but a clarificatory explanation should be inserted to distinguish between works created with substantial human creative control and works generated autonomously by AI systems. Copyright protection should be available only where a human person exercises meaningful selection, arrangement, direction, or creative control over the final output. Works generated entirely by autonomous AI without sufficient human intellectual contribution should either remain outside copyright protection or be governed through a limited *sui generis* framework. This approach would preserve the human-centered foundation of copyright while accommodating legitimate AI-assisted creativity. The statutory basis for this recommendation lies in the current wording of Section 2(d)(vi), which already refers to computer-generated works but does not expressly address modern generative AI systems.

Secondly, the Patents Act, 1970 should be amended to introduce a statutory test for AI-assisted inventorship. The Act presently requires patent applications to name the person claiming to be the true and first inventor, thereby reflecting a human-centered model of inventorship. A suitable reform would clarify that an AI system cannot itself be named as an inventor, but AI-assisted inventions may remain patentable where a natural person has made a substantial intellectual contribution to the conception, identification, selection, validation, or practical application of the invention. The law should also require patent applicants to disclose material AI involvement in the inventive process where such involvement is substantial. This would promote transparency without discouraging the use of AI in scientific and technological research.

Thirdly, India should consider enacting a dedicated Personality Rights and Synthetic Media Protection statute. Such legislation should define protectable personality attributes, including name, image, likeness, voice, signature, gestures, performance style, and other identifiable features of a person's persona. It should prohibit unauthorized commercial exploitation, AI-generated impersonation, deepfake advertisements, voice cloning, and deceptive synthetic endorsements. The statute should also provide civil remedies such as injunctions, damages, account of profits, takedown directions, and dynamic injunctions against continuing digital misuse. Recent judicial developments concerning AI-enabled misuse of personality attributes demonstrate the need for statutory clarity, particularly where courts have restrained unauthorized use of name, voice, image, likeness, and AI-generated or deepfake content.

Fourthly, trademark law enforcement should be strengthened for AI-driven digital infringement. The Trade Marks Act, 1999 should be supplemented with procedural mechanisms enabling faster action against AI-generated brand impersonation, deceptive domain names, synthetic advertisements, and automated counterfeit digital storefronts. Courts and registries should be empowered to direct prompt domain suspension, platform-level takedown, search-result de-indexing, and preservation of digital evidence in cases involving automated trademark misuse.

Fifthly, intermediary and platform accountability should be enhanced. Digital platforms hosting AI-generated content should be required to maintain accessible notice-and-takedown systems, preserve records of repeat infringers, and act expeditiously against unlawful deepfakes, counterfeit advertisements, and deceptive uses of protected marks or personality attributes. Such obligations should be framed carefully so that legitimate innovation, parody, criticism, research, and fair use are not unduly restricted.

Finally, India should adopt a harmonized regulatory approach linking intellectual property law with data protection, information technology law, consumer protection, and constitutional privacy principles. A fragmented approach may produce uncertainty for creators, inventors, businesses, consumers, and courts. A coordinated legislative framework would allow India to protect human creativity and dignity while also encouraging responsible AI innovation.

XIII. CONCLUSION

Artificial Intelligence represents one of the most significant technological developments in human history. Its ability to generate creative works, produce inventions, imitate human identities, and transform economic activity presents both unprecedented opportunities and complex legal challenges.

Traditional intellectual property doctrines were developed in a world where intellectual creations originated exclusively from human effort. The emergence of generative AI has fundamentally disrupted this assumption.

The present study demonstrates that while existing intellectual property laws remain broadly relevant, they are increasingly inadequate for addressing contemporary technological realities.

The analysis reveals that significant uncertainty exists concerning:

1. Copyright ownership;
2. AI-generated works;

3. Patent inventorship;
4. Trademark misuse;
5. Deepfake regulation; and
6. Personality rights protection.

Indian courts have responded admirably by adopting flexible and technology-neutral interpretations. Nevertheless, judicial innovation cannot permanently compensate for statutory gaps.

The future of intellectual property law in India will depend upon the ability of lawmakers to develop a regulatory framework that simultaneously:

1. Encourages innovation;
2. Protects creators;
3. Preserves public interests;
4. Promotes technological growth; and
5. Safeguards human dignity.

Artificial intelligence should not be viewed merely as a technological challenge but as an opportunity to reimagine intellectual property law for the digital age.

Comprehensive legislative reform, informed by comparative experience and constitutional values, will be essential to ensuring that India's intellectual property regime remains effective, equitable, and future-ready.

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