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Agenda

- General Copyright Framework
- Challenges Raised by Synthetic Media
 - Voice Cloning
 - Likeness
 - Style
- Gaps and Uncertainty
 - Limitation of Copyright law
 - Alternative legal frameworks

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General Copyright Framework

- Core legal requirements for a work to receive copyright protection
: It should be an "**Expression**", not idea, style or method (*idea-expression dichotomy*)
- Legal test for copyright infringement
: **Proof of access** plus **substantial similarity** is the key evidentiary standard
= Unauthorized copying of "substantial part (qualitative)" of original expressive elements of a work

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Application to AI-generated synthetic media

- Copyright infringement will be determined based on the same criteria as for normal infringement.
- If an AI-generated image/video or any other creation is found to have **similarity in creative expression** and **was created based on existing copyrighted work**, and there are no applicable copyright exceptions, it will be considered an infringement of copyright.

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Challenges Raised by Synthetic Media

1. Difficulty in Proving Access and Copying

- (1) When it is **unknown** whether the existing work was used for AI training
- (2) When it **can be proven** the work was used for AI training : Practical difficulties in identifying the proper claimant

ex) Numerous paparazzi pictures of one celebrity



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Challenges Raised by Synthetic Media

2. Imitation of “non-expression”

- The cloning of a person’s **voice timbre** or **facial likeness** typically reflects a *style* or *idea*, not a fixed *expression*.
- This exposes a critical gap: **Copyright law does not extend to personal style or human attributes.**
- AI-generated imitations may appear exploitative, but they do **not constitute copyright infringement under the current copyright regime.**



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Voice cloning

- Copyright protects *recordings* of voice performances, such as a singer's track or an actor's dialogue: It does **not** protect the *voice* or its *timbre* as such.
- Recordings of actual performances are protected as **sound recordings** and often separately under **performer's rights or neighboring rights**.
- **Synthetic imitation:** A cloned synthetic voice typically falls outside copyright's scope unless it reproduces a protected recording.

THE STANDARD

Drake and The Weeknd AI track goes viral: What does this mean for music?

The rise of AI generated vocals is sparking conversation in the music industry



ES COMPOSITE

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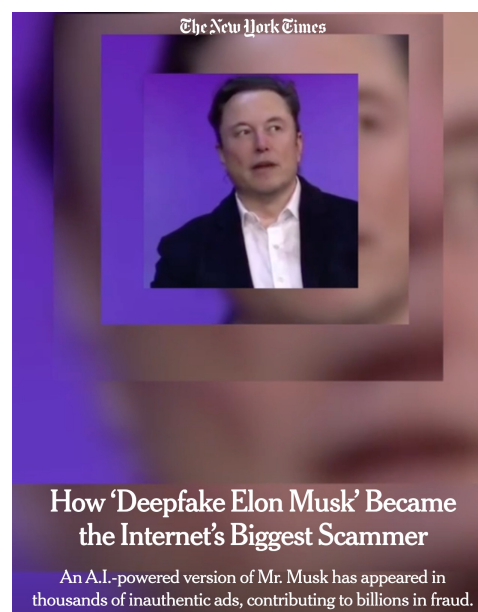
1 COMMENTS

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Likeness

- Copyright protects *creative photographs, film stills, and artworks* depicting a person, but **not** the *likeness* itself (face, body, appearance).
- Photographs, drawings, and film frames remain protected as artistic works.
- **Synthetic likeness:** A **deepfake portrait** or **digital replica** that does not copy a specific image generally lies **outside copyright**.



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Style

- Copyright protects the **expression** of an idea.
- “**Style**”—a painter’s brushstroke technique or a novelist’s tone—is generally classified as an *idea* or *technique* rather than a protectable expression.
- Courts across all major jurisdiction consistently hold that **style alone is not protectable**: Only the *specific selection or arrangement* of elements manifesting that style in a concrete work can be protected.

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The “Ghiblification” Case

- In March 2025, ChatGPT’s new image-generation feature sparked a viral trend known as “**Ghiblification**”—the creation of AI-generated images imitating the **distinctive visual style of Studio Ghibli**.
- From a copyright perspective, **imitation of style**—no matter how recognizable—is **not, by itself, infringement**.

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Limitations of Copyright law

- Copyright law was designed to protect **fixed, original expressions**, not **abstract traits** such as style, tone, or timbre.
- Extending copyright protection to stylistic features would risk **overreach**, potentially **chilling legitimate inspiration**, artistic borrowing, and cultural evolution.
- Copyright is **not well-suited** to regulate stylistic imitation: A **hybrid approach**, combining existing legal regimes with possible new frameworks, may achieve a more balanced and future-proof solution.

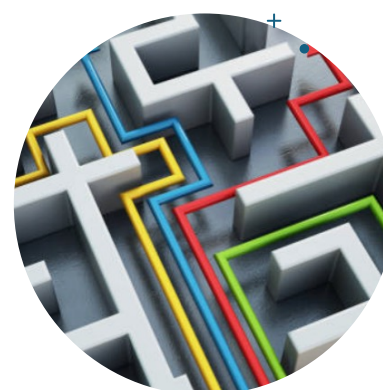


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Alternative Legal Frameworks

- **Publicity and portrait rights** — safeguard an individual's likeness or voice against unauthorized commercial exploitation.
- **Unfair competition and passing off** — address misleading or deceptive commercial uses, especially when AI-generated works suggest false endorsement or association.
- **Sui generis rights** — emerging debates on new rights to guard against unauthorized synthetic replicas of an artist's style, voice, or identity, filling the gap between copyright and personality-based protections.



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