

Секция 6 ПРАВОВОЕ ОБЕСПЕЧЕНИЕ БИЗНЕСА

A. Trushkina, A. Andreichykova

School of Business of BSU, Minsk, Belarus

INTELLECTUAL PROPERTY AND ARTIFICIAL REPRODUCTION OF HUMAN VOICE AND APPEARANCE

Scientific work is devoted to the study of artificial reproduction of human voice and appearance and its regulations. The study will show which regulations are used for the protection of human voice and appearance in the CIS countries as well as in the United States of America.

Keywords: *intellectual property, artificial intelligence, deepfake, regulation, artificial reproduction of human voice, artificial reproduction of human appearance*

Deepfake is a technology that allows you to create high-precision imitation of a person's voice or appearance using neural networks. It emerged in 2017 and went into the masses – studies show that the number of deepfake video on the Internet doubles every six months.

Deepfakes are a common occurrence today, influencing many facets of our life and inevitably leading to a host of legal problems. The preservation of the rights of the creators of the original works upon which deepfakes are built is obviously one of these issues. The prevalence of producing deepfakes based on well-known works has greatly increased during the past several years. Deepfakes enable us to change movie characters, the Mona Lisa's moving smile, and the appearance of things in images.

All of this raise concerns over the legal implications of such actions, and at the moment, authors and potential violators lack clear direction due to the lack of a well-established legislative or jurisprudential framework and a shortage of doctrinal research on the subject.

The technology cannot be considered evil in its essence – it can be very useful in television and in the film industry. Most of the deepfake videos that Internet craftsmen publish today are harmless parodies of stars. However, deepfakes can be used for slander, fraud and misinformation.

In the present era, deepfakes range from celebrity-filled adult content to possible dangers to democratic processes. Deepfake technology first appeared in 2017 when a Reddit user going by the handle “deepfakes” posted edited films with famous faces placed on adult film actresses. A few months later, University of Washington researchers published an extremely convincing deepfake video starring Barack Obama that shocked the IT community [1].

Deepfake technology has advanced quickly since then. According to a study by the Italian IT firm Sensity, there will be a startling 49,081 deepfake films available online by the middle of 2020. About 62.7 % of these, mostly in the entertainment category, had a sizable amount of adult material, including sexually explicit material. Only over 21.7 percent of these videos were about fashion, and another 4 % were about sports, business, and politics.

After numerous platforms vowed to fight against explicit deepfakes in 2018–2019, celebrity parodies became the most popular type of deepfake material. Many famous people have decided not to interact with harmless deepfake content that features them.

Research have been conducted on public awareness of deepfakes and got the following results. According to our survey, 80% of participants are familiar with deepfake, but most of them are not acquainted with real-life cases of their usage and distribution as well as with legal regulations. The most popular topic appeared to be Internet memes, AI covers, politics and adult content. Considering the topic of creation of specific laws and regulations dedicated to deepfakes, 85% of respondents expressed an opinion in support of this thesis. They have also figured out some challenges in regulating deepfake technology legally such as defining what constitutes a deepfake, enforcing penalties for malicious use and international coordination and enforcement.

The regulatory framework for addressing the creation of deepfakes in the United States lacks a dedicated federal law but draws upon a constellation of existing legal provisions. Deepfake creators may be subject to copyright, fraud, identity theft, defamation, privacy, and cybercrime laws, depending on the

specific circumstances of their actions. Furthermore, federal campaign finance and cybercrime regulations may apply in cases involving deepfakes with political implications. The Digital Millennium Copyright Act (DMCA) can address copyright violations in deepfake content, while the Computer Fraud and Abuse Act (CFAA) could be invoked in cases involving unauthorized computer system access during deepfake creation [2]. The legal landscape is dynamic, with ongoing discussions about the need for more tailored legislation, and individual states may enact specific laws to regulate deepfakes, emphasizing the importance of staying informed about evolving legal developments in this field.

In both the Republic of Belarus and the Russian Federation, there is a notable absence of specific legislative provisions directly addressing the creation and distribution of deepfakes. Moreover, there is an absence of any kind of plans to introduce legislation expressly targeting deepfake-related activities. This approach can be attributed to the ability to potentially ascribe legal responsibility for such actions under extant legal articles. For instance, in the Republic of Belarus, activities involving deepfakes may be subject to legal repercussions under existing statutes such as Article 188 of the Criminal Code of the Republic of Belarus, pertaining to “Slander,” or Article 189, addressing “Insult” [4].

The draft law on responsibility for the creation and distribution of deepfakes in the Russian Federation was proposed several years ago by State Duma Deputy Sergei Leonov. However, the Russian government’s commission on legislative activity did not support this proposal for the use of the criminal liability for the distribution of deepfakes [6].

They also reminded that if the deepfakes contain personal data of a person that was distributed illegally, then this will fall under Article 137 of the Criminal Code of the Russian Federation “Violation of privacy”, therefore a separate article is not needed. And the formulations used in the draft “creation of information about the private life of a person” and “content processing technology” are not defined, unclear and ambiguous [3].

The leap in the development of generative AI directly affects the music industry. Since the beginning of 2023, AI covers of popular songs regularly appear, imitating the voices and manner of performance of different musicians.

Usually, the creators of such tracks do not coordinate their activities with musicians, do not take permission from them and do not pay for the use of their voice and lyrics. Music labels tried to fight this phenomenon but realized that it was impossible to sue everyone. It’s easier to head off the AI covers phenomenon, put it within the law and make it make money.

Google and Universal Music are in talks to license melodies and artist voices for songs created by artificial intelligence. They are currently at an early stage. The companies aim to develop a tool that would allow fans to legally create such tracks and pay copyright owners to do so. Musicians will have the option to ban or authorize the use of their lyrics and voice. Warner Music, the third-largest music label, is also in talks with Google [5].

In May, Google also launched MusicLM, an experimental product that generates songs and tunes from text queries. The company says it worked on its development with musicians, who were rewarded for their labor.

In conclusion, deepfake technology’s quick development, which allows for hyper-realistic impersonations of people, raises moral and legal questions. Although it has beneficial applications, there are several issues with the lack of defined legal guidelines. Public knowledge of deepfake use is high, and many people support special regulations to control its use. Deepfake-related copyright, fraud, and privacy issues are covered by current legal regulations in the U.S. Russia and Belarus rely on existing legislation without specific restrictions.

The music industry is also impacted by generative AI, which has sparked discussions about the licensing of AI-generated music. In order to protect artists’ rights, Google and Universal Music are in discussions about developing tools for legal AI song covers. It is clear that well defined legal framework is necessary in this rapidly changing technology environment.

References

1. *Артамонов, А.* Может ли настоящий Том Круз засудить поддельного? Как регулируются дипфейки в России и США [Электронный ресурс] / А. Артамонов // Skillbox.ru. – Режим доступа: https://skillbox.ru/media/business/mozhet_li_nastoyashchiy_tom_kruz_zasudit_poddodel_kak_reguliruyutsya_dipfeyki_v_rossii_i_ssha/. – Дата доступа: 20.10.2023.
2. *Sheldon, R.* Computer Fraud and Abuse Act (CFAA) [Electronic resource] / R. Sheldon // Techtarget. – Mode of access: <https://www.techtarget.com/searchsecurity/definition/Computer-Fraud-and-Abuse-Act-CFAA>. – Date of access: 20.10.2023.

3. *Костерин, Н.* Нарушение авторских прав созданием дипфейков [Электронный ресурс] / Н. Костерин // *Zakon.ru*. – Режим доступа: https://zakon.ru/blog/2023/5/5/narushenie_avtorskih_prav_sozdaniem_dipfejkov. – Дата доступа: 20.10.2023.
4. Уголовный кодекс Республики Беларусь [Электронный ресурс] : 9 июля 1999 г. № 275-З // Национальный правовой Интернет-портал Республики Беларусь. – Режим доступа: <https://pravo.by/document/?guid=3871&p0=hk9900275> – Дата доступа: 20.10.2023.
5. IP Implications of AI-Generated Voices [Electronic resource] // *Gecić Law*. – Mode of access: <https://geciclaw.com/ai-generated-voice/> – Date of access: 20.10.2023.
6. Правительство не поддержало введение уголовной ответственности за дипфейки [Электронный ресурс] // *Lenta.ru*. – Режим доступа: <https://lenta.ru/news/2023/06/04/deepfake/> – Дата доступа: 20.10.2023.