Role of AI in Current Technology Regarding Performers and Broadcasting Rights

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I. INTRODUCTION

Artificial Intelligence (AI) has profoundly changed the technological landscape of today, impacting a number of sectors, including broadcasting and entertainment. The distribution of material, management of performers' rights, and protection of intellectual property have all undergone radical changes as a result of the emergence of AI-driven systems. AI is becoming a vital tool in the digital era, used for everything from deepfake detection and tailored media recommendations to automatic content identification. As a result of the convergence of AI and broadcasting rights, more advanced copyright protection systems have been developed, guaranteeing that inventors and performers are fairly compensated for their labor. As technology advances, artificial intelligence's role in defending and overseeing broadcasting rights will only grow in importance, necessitating thorough ethical and legal analysis.

AI uses blockchain-based technologies and machine learning algorithms to play a key role in content identification and rights management. These tools support equitable royalty distribution, identify unlawful distribution, and monitor the use of intellectual content. Nowadays, a lot of television firms, music labels, and streaming platforms utilize AI-powered content recognition algorithms to automatically identify copyrighted audio and video content, which lowers the number of illegal uses and piracy cases. Additionally, smart license agreements and AI-driven contracts are simplifying legal frameworks, which makes it simpler for producers and performers to effectively manage their digital rights.

AI integration in broadcasting has also improved content customization and audience engagement. To provide personalized content experiences, AI-powered recommendation engines examine user preferences, viewing behaviors, and behavioral trends. This helps performers become more visible to the intended audience while also helping broadcasters by increasing audience retention. Technologies like voice synthesis, dubbing, and AI-generated subtitles have further increased material accessibility for a larger range of language and geographic audiences, giving artists and performers a greater platform. AI is thereby facilitating more inclusive and immersive media consumption by bridging the gap between content producers and viewers throughout the world.

4.1 AI in Content Creation and Distribution

Artificial Intelligence (AI) has emerged as a transformative force in the entertainment and media industries, revolutionizing content creation, distribution, and consumption. While AI offers unprecedented opportunities for innovation, it also poses significant challenges to the protection of performers and broadcasting rights. This chapter explores the role of AI in content creation and distribution, focusing on AI-generated music, videos, and performances, as well as the implications of deepfake technology. It also examines the legal and ethical concerns arising from these advancements and discusses potential solutions to safeguard the rights of performers and broadcasters in the age of AI.[1]

AI-Generated Music, Videos, and Performances, has become a powerful tool in the creation of music, videos, and performances, enabling the production of high-quality content with minimal human intervention. AI algorithms, particularly those based on machine learning and deep learning, can analyse vast amounts of data to generate original compositions, replicate artistic styles, and even create virtual performers. This has opened up new

[1] Thomas, S. (2024). AI and Actors: Ethical Challenges, Cultural Narratives and Industry Pathways in Synthetic Media Performance. Emerging Media.

possibilities for creativity and efficiency in the entertainment industry.[2]

AI-Generated Music, AI-powered tools like OpenAI's Jukedeck, Amper Music, and AIVA (Artificial Intelligence Virtual Artist) can compose music in various genres and styles.[3] These tools use neural networks to analyses existing music and generate new compositions that mimic the patterns and structures of human-created music.

AI has been used to create soundtracks for films, video games, and advertisements, reducing the time and cost associated with traditional music production. In some cases, AI-generated music has even been released commercially, blurring the lines between human and machine creativity. the rise of AI-generated music raises questions about authorship and ownership. Who owns the rights to a piece of music composed by an AI, is it the developer of the AI, the user who inputs the parameters, or the AI itself, these questions challenge traditional notions of copyright and Performers rights.[4]

AI-Generated Videos, is also being used to create videos, including short films, advertisements, and social media content. Tools like Runway ML and Synthesia enable users to generate videos by inputting text or images, which the AI then processes to produce a finished product. AI can be used to create personalized video messages, where a virtual avatar delivers a scripted message in multiple languages. This has applications in marketing, education, and entertainment. The use of AI in video production raises concerns about the rights of performers whose likenesses or voices may be used without their consent. Additionally, the ease with which AI can generate videos increases the risk of copyright infringement and unauthorized use of protected content.[5]

AI-Generated Performances, has enabled the creation of virtual performers, such as Hatsune Miku, a Japanese virtual pop star, and FN Meka, an AI-generated rapper. These virtual performers are powered by AI and can sing, dance, and interact with audiences in real-time. Virtual performers offer unique opportunities for entertainment, as they can be customized to suit different audiences and perform in ways that may not be possible for human performers. However, they also raise ethical and legal questions about the rights of human performers whose work may be replicated or replaced by AI. If an AI-generated performer replicates the voice or style of a human artist, who holds the rights to that performance. How can human performers protect their intellectual property in a world where AI can replicate their work with ease.

4.1.1 Deepfake Technology and Its Implications

Deepfake technology, which uses AI to create hyper-realistic but fake audio and video content, has emerged as one of the most controversial applications of AI in the entertainment industry. While deepfakes have legitimate uses, such as in filmmaking and education, they also pose significant risks to performers and broadcasting rights. In the film industry, deepfake technology is used to de-age actors, resurrect deceased performers, or replace actors in scenes. For example, deepfakes were used to recreate the likeness of Carrie Fisher in Star Wars the Rise of Skywalker and to de-age Robert De Niro in The Irishman. Deepfakes are also used in advertising, where they can create personalized messages featuring celebrities or influencers.[6] This has the potential to enhance audience engagement and drive sales. The use of deepfakes in these contexts raises questions about consent and compensation. The biggest lacunae are that does performers have the right to control how their likenesses are used after their death Should they be compensated for the use of their digital replicas. One of the most significant risks of deepfake technology is its potential for misuse. Deepfakes can be used to

[2] Ooms, S., César, P., El Ali, A., Ceolin, D., Hollink, L., Slokom, M., Pauwels, E., Robu, V., & La Poutre, H. (2024). Technological Innovation in the Media Sector: Understanding Current Practices and Unraveling Opportunities.

[3] https://ai-for-all.in/#/home

[4] Ginsburg, J.C. (2017). Performers Rights in the Digital Era. Columbia Journal of Law & the Arts, 40(3), pp. 401–430.

[5] Peschot, J. (2022). Performers' rights and artificial intelligence (pp. 218–224). Edward Elgar Publishing eBooks.

[6] Peschot, J. (2022). Performers' rights and artificial intelligence (pp. 218–224). Edward Elgar Publishing eBooks.

create fake news, defame individuals, or commit fraud. For performers, deepfakes can be used to create non-consensual explicit content or to impersonate them in ways that damage their reputation. The proliferation of deepfakes also undermines trust in media and entertainment. Audiences may struggle to distinguish between real and fake content, leading to confusion and scekpticism.[7] From a legal perspective, deepfakes challenge existing frameworks for performers and broadcasting rights. For example, if a deepfake replicates a performer's voice or likeness, is it considered a violation of their moral rights, How can performers enforce their rights when the technology used to create deepfakes is widely accessible and difficult to regulate.[8]

The use of deepfake technology raises several legal and ethical concerns, particularly in relation to consent, privacy, and intellectual property. Performers have the right to control how their likenesses and voices are used, but deepfakes often bypass these rights by creating content without the performer's knowledge or permission. deepfakes may infringe on copyright laws by using protected content without authorization. For example, a deepfake video that incorporates clips from a copyrighted film or song may violate the rights of the original creators. Ethically, the use of deepfakes raises questions about the boundaries of creativity and the responsibility of content creators. Should there be limits on how AI can be used to replicate or manipulate human performances, how can we balance the benefits of deepfake technology with the need to protect performers rights.

4.2 AI In broadcasting

Artificial intelligence (AI) has taken the spotlight in broadcasting in the modern era, revolutionizing the content curation, personalization, and delivery to members of the audience. Ranging from automated recommendation systems for the content to AI-powered streaming platforms, AI technologies have revolutionized broadcasting. Although these developments yield tremendous advantages, including increased viewer engagement and operational effectiveness, they also pose significant issues regarding intellectual property rights, privacy, and the ethics of AI utilization.[9] This section covers the use of AI in broadcasting, including automated content curation and personalization and AI-based streaming services, and their implications for Performers and broadcasting rights. Personalization and automated content curation are two most evident uses of AI in broadcasting. The machine's software sifts through a vast amount of information to study the disliking, liking, consumption habits, and viewing patterns of the viewers, allowing the broadcasters to show the suggestions for the content. It is now emerging to be one of the primary drivers of viewer engagement and stickiness for the highly competitive media arena. Artificial intelligence systems employ machine learning and natural language processing (NLP) to monitor metadata, user activity, and contextual information. A good example is online streaming platforms such as Netflix, YouTube, and Spotify applying AI to recommend films, videos, or songs to listen to or watch based on content watched or heard before. They can identify patterns and trends less visible to human curators. For instance, AI is aware that consumers of a given film genre would also like to watch a certain type of documentary or TV show. Therefore, it becomes more specific in recommendations. AI allows broadcasters to tailor content to millions of viewers simultaneously. With metrics like watch time, search history, and even device usage, AI is able to present content streams that are personalized to the unique tastes of each viewer. But personalization doesn't end with content recommendation, with elements like personalized ads, dynamic thumbnails, and even personalized video previews. Personalization makes the viewer experience more enjoyable and helps drive more content consumption.[10]

[7] Attfield, R. (2023). AI Philosophy: Sources of Legitimacy to Analyze Artificial Intelligence

[8] Alanazi, S., & Asif, S. A. S. (2024). Exploring deepfake technology: creation, consequences and countermeasures. Human-Intelligent Systems Integration.

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[10] George, S. (2024). Impact of Artificial Intelligence in News Broadcast. International

Benefits to Creators and Broadcasters, AI-fuelled content curation drives audiences' involvement and stickiness deeper, resulting in more ad dollars and subscription. It keeps operating costs at bay by minimizing the effort required in curation. For creators, algorithmic recommendations can render them discoverable, enabling them to reach fresh masses and receive payment for their work more. Independent filmmakers and artists, for example, can be assisted by AI algorithms that promote their art to specialized audiences. Algorithms are only as good as the data they were trained on; AI systems being biased. If the training data is biased, the recommendations Can Favor some content over others, even concealing unknown artists or styles. Transparency and Control: The artists and content creators have little or no control when their work is recommended or tailored. Transparency could lead to mis-valuation or misrepresentation of the content. Dependence on user information for curation by AI for content is one of the factors contributing to the data security and privacy concern. The broadcasters must also make sure that they do not breach the data protection legislation, such as the General Data Protection Regulation (GDPR) for the EU.[11]

AI-based streaming sites are the future of TV, and they offer uninterrupted, interactive, and highly personalized TV viewing experiences. AI is leveraged by these sites to automate content delivery, enhance user interfaces, and even create original content. Video streaming is optimized through the application of AI, in which video quality is dynamically changed in real time based on the viewer's internet bandwidth, thereby ensuring a disruption-free viewing experience even on low-bandwidth connections.[12]

AI also optimizes servers and load balancing to reduce downtime and buffering during maximum usage. Amazon Prime Video, for example, and Netflix both utilize AI for demand forecasting and resource allocation as a result. AI is used to sell interactive content, which enhances as much audience engagement as possible. For example, Netflix's "Black Mirror" episode "Bandersnatch" utilized viewer choice to direct the action with a personalized narrative experience. Artificial intelligence (AI) virtual reality (VR) and augmented reality (AR) technology is also being used in streaming services, creating immersive experiences that make it difficult to distinguish between content and reality. AI is also being used to create original content for streaming services. For example, IBM's Watson was used to create a trailer for the horror film Morgan by analysing the scenes in order to find out what were the scariest parts.[13]

AI platforms are also capable of gathering content from different sources and creating user-interest playlists or channels. This can be particularly helpful for platforms that are bringing content from multiple producers and distributors. The second problem with the application of AI in content creation or compilation is that of ownership and licensing. For example, if a compilation of videos or playlist has been compiled using an AI application, who owns the rights over the content? Broadcasters and artists must see to it that their interests are protected under such circumstances. AI-based platforms would typically use complex algorithms when determining who gets what share of earnings among distributors, performers, and content creators. Honesty and fairness in dealing with models of income is important for the preservation of all interests. AI-based use in the creation and curation of content has to be ethical in nature. This can be viewed as, say, not allowing the use of AI to create infringing material against the moral rights of performers or to gain financially from their work without appropriate compensation.

4.3 Legitimacy of AI Content

The introduction of content developed through AI has raised very grave concerns of ownership, authorship, license, and royalty sharing in accordance with the law. With the AI software getting progressively wiser every day with its capacity to develop music, video

Journal of Innovative Science and Research Technology, 1084–1085.

[11] Harliantara, H. (2024). Case Study Using Artificial Intelligence Broadcasters for Broadcasting Programs on Radio Mustang Jakarta. Communicatus: Jurnal Ilmu Komunikasi, 8(1).

[12] Shukla, M. (2024). Artificial intelligence and copyright law: navigating the challenges of ownership, infringement, and ethics in the age of ai-generated content. 139–150

[13] Gulyamov, S. (2023). AI Authorship and Ownership of Intellectual Property in Industrial Power and Control Systems. 217–221.

material, texts, and other artistic work, there are ever-evolving legal mechanisms which cope with such historic challenges. This chapter looks at how far existing law already does or does not recognize AI output, in terms of owner and authorship, and licensing and royalty allocation.[14]The chapter also looks at the implications for performers, broadcasters, and the wider creative economy.[15]

Under the majority of copyright regimes, including the Berne Convention and the U.S. Copyright Act, copyright protection extends to "original works of authorship" made by human beings. Thus, work created by AI alone won't be under copyright protection. Under United States law, the Copyright Office itself has taken in no uncertain terms the position that it will not register work made by a machine or by mechanical process alone without human authorship.

Where human beings are actively involved in the creation of AI-created content, i.e., by choosing input data, determining parameters, or editing outputs, then the human contributor is the author. For example, if a musician uses an AI program to create a song but makes aesthetic choices in so doing, then the musician will be the author. The quantity of human intervention needed to make authorship is not known. Regulators and the courts have not been successful in developing good criteria for deciding when human input is adequate to be deserving of protection as a copyright.

AI as a Tool vs. AI as a Creator, one solution to authorship problems is to view AI as a tool, not a creator. From this perspective, the user or the organization that employs the AI software to create content will be regarded as the author, just like a photographer is the owner of the copyright for a photo taken using a camera. This is difficult when the autonomous AI systems create content based on implicit human commands.[16]

In such cases, there can be a need to identify the developer or owner of the AI system as the creator but it raises issues of justice and incentive to innovate. Reforms in the laws of many nations are starting to address these issues. For instance, the United Kingdom provides protection for computer-generated works in copyright, and the author is the one who provided the arrangements for the making of the work. Harmonization of law internationally must be there so that consistency and clarity of approach to content created by AI are present. Institutes such as the World Intellectual Property Organization (WIPO) are looking at such issues now and are well-positioned to make an effective contribution to setting international standards.

4.3.1. Licensing and Royalty Distribution

Commercialization of works generated by AI raises serious questions of licensing and distribution of royalties. Performers, broadcasters, and others have to navigate through a maze of confusion to safeguard their rights and receive adequate compensation for use of their work.

Licensing deals for AI content must cover areas of ownership, permeability of use, and revenue splits. For the sake of argument, suppose an AI program creates a song. The license would decide if rights go to the AI programmer, the user of the content generator, or both. Clear-cut terms in the license need to be employed to prevent dispute and make sure that everyone is reasonably paid. This is especially crucial in situations where work that has been created by AI is being utilized in business, for example, in films, commercials, or video games. Royalty Distribution Models, classic royalty distribution models are founded on the premise that human creators are legally entitled to receive a portion of the income generated as a consequence of their works. But AI content makes the model more complex because it may have various stakeholders such as AI developers, consumers, and artists whose work is being used for training.[17] One method of moving forward is by implementing new models of distribution that consider the value addition of all stakeholders who are involved in producing and consuming AI-generated content. For instance, part of

[14] Honecker, F., & Chalmers, D. (2023). How Artificial Intelligence Shapes Legitimacy Judgement Formation. Proceedings - Academy of Management, 2023(1).

[15] Stone, J. E., & Mittelstadt, B. (2024). Legitimate Power, Illegitimate Automation: The problem of ignoring legitimacy in automated decision systems.

[16] Rostamian, S., & Moradi Kamreh, M. (2024). AI in Broadcast Media Management: Opportunities and Challenges. 2(3), 21–28.

[17] Lin, Y. (2024). Research on Rights Ownership of Artificial Intelligence-Generated Content. Deleted Journal, 7(2), 1–3.

the revenue can be provided to the AI creator and the remaining to the user who created the content and to the performers whose work was utilized as inputs. Performer rights such as the right to fair remuneration and moral rights must be taken into account in the case of AI-generated content. For example, where an AI employs the voice or image of an actor, such an actor ought to be given a right of control over the utilization of their work as well as payment for the use of the same.[18] Moral rights like right of attribution and right to object to derogatory treatments ought to extend to work performed by AIs too. The artists must be positioned to be able to exercise these rights even when their work is being used as input material for AI systems. It is not easy to apply licensing arrangements and royalty models of delivery in AI-created content, especially when content is being distributed through various platforms or jurisdictions. Blockchain and smart contracts address issues by creating transparent and tamper-evident ownership and usage rights records. Blockchain technology and smart contracts can pay royalties automatically and make sure that everyone gets their rightful share of revenues. Legal protection of AI-generated content has broad implications for performers, broadcasters, and other industry players. Some of the most important issues are outlined below. The creatives must take the initiative to protect themselves and their work from being exploited without authorization or reward. This involves negotiating licenses that take the form of contracts protecting against exploitation of their work in AI systems as well as tracking uses of AI-generated content to keep an eye out for potential violations. Industry organizations and performer unions can be the driving force for implementing the performer's rights and creating standard contracts that take care of the specific issues arising due to AI. Other buyers and distributors of content created through AI are also required to ensure that everyone gets their rightful pay for their work, either the performer or the creators of AI. They require open and transparent royalty regimes that reflect the various roles involved in consuming and producing AI-produced content. Broadcaster must also make moral judgments about the consumption of AI-generated content, especially when it copies or substitutes for human performers.[19]

The pace of technology innovation with AI requires ongoing revision of law and industry practice. Industry stakeholders need to remain abreast of AI evolution and its effects on performers and broadcasting rights. Technology companies, legal experts, and industry stakeholders need to come together and develop solutions that strike a balance between innovation and rights protection.[20]

4.4 Judicial Pronouncement

Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd. (2008)[21]

The two companies were Entertainment Network (India) Ltd. (ENIL), the owner of the FM radio channel Radio Mirchi, and Super Cassette Industries Ltd. (SCIL), a record company with the copyright in a huge database of sound recordings. ENIL was broadcasting SCIL's sound recordings over its radio channel without paying any royalties to SCIL or acquiring a license from SCIL. SCIL filed an action for copyright infringement and equitable relief against ENIL to restrain ENIL from broadcasting its sound recordings without the owner's consent. ENIL replied that it was justified in broadcasting the recordings under the grant of statutory license under the Indian Copyright Act, 1957, to use work of a copyright by payment of a royalty to be determined by the Copyright Board. The central issue before the Supreme Court of India was whether or not ENIL would be permitted to retransmit SCIL's sound recordings over the airwaves without obtaining a license from SCIL but based on Section 31D statutory licensing under the Copyright Act. The Court was to determine whether or not the scheme of licensing under the statute was applicable to sound recordings and whether or not the copyright owners' rights could be pre-empted in the public interest in music.

II. ANALYSIS

[18] Pan, Z., Wang, S., & Zhang, C. (2024). The Research on The Ownership of Copyright Of AI-generated Content. Highlights in Business, Economics and Management, 39, 362–368.

[19] Adesanya, D. S., & Imran, M. (2024). Examination of the ownership of intellectual property rights in artificial intelligence generated documents. Afe Babalola University Law Journal, 12(1), 173–190.

[20] Kirakosyan, A. (2024). Intellectual Property Ownership of AI-Generated Content. Cifrovoe Pravo. https://doi.org/10.38044/2686-9136-2023-4-3-3

[21] 2008, 9 S.C.R. 165.

The Court looked into provisions of the Copyright Act, i.e., Section 31D, for broadcast of literary, dramatic, and musical works on statutory license on payment of royalties as determined by the Copyright Board. The Act was unclear so far as sound recordings were concerned with respect to statutory licensing. SCIL was contending that sound recordings were distinct from musical works and that the statutory licensing provision did not extend to them. ENIL, however, contended that the statutory scheme of licensing was intended to strike a balance between the interests of the copyright owners and the public interest in listening to music and that sound recordings should be within its purview. The Court also referred to the Rome Convention and WIPO Performances and Phonograms Treaty (WPPT), both of which grant protection to producers' and Performers rights in sound recordings. The Court noted that India had not ratified the said treaties but that they were the global standard on protection of sound recordings. The Court was eager to balance copyright owners' rights against the public interest, namely where broadcasting is concerned, an essential role of guaranteeing access to culture and music.

III. JUDGMENT

The Supreme Court ruled in favour of SCIL that the regime of licensing contained in Section 31D of the Copyright Act did not cover sound recordings. The Court held that sound recordings were distinct from musical works and that the licensing regime of license was only necessary for literary, dramatic, and musical works. ENIL could not therefore transmit SCIL's sound recordings unless they had an SCIL license. The Court was mindful of safeguarding the rights of copyright holders, particularly in the case of sound recordings, which are the result of considerable investment and labor. The Court also respected the public interest in listening to music and encouraged the parties to negotiate a license. The Court stated that it was within the jurisdiction of the Copyright Board to determine reasonable royalties where parties were unable to agree. The decision was highlighting the doctrine that a balance of proportion between the public interest and the rights of copyright owners needs to be upheld, keeping in mind the uniqueness of the sound recordings as well as the rights of producers and performers. This is a milestone judgment in the Indian law of copyright since it explained the scope of statutory licensing and emphasized protecting the rights of the owners of the copyright, with specific regard to the case of sound recordings. It also emphasized protecting these rights and the public interest in listening to music and culture.

Star India Pvt. Ltd. v. Piyush Aggarwal[22]

IV. ANALYSIS

Star India Pvt. Ltd., a broadcasting company, had instituted an action against Piyush Aggarwal, who was busted watching unauthorized streaming of cricket matches. The question hanging in the balance was whether a cricket match would qualify as a "performance" under the Copyright Act and if cricketers, commentators, and umpires could be classified as "performers" under the meaning of the Act. The main issue was whether a cricket match constitutes a "performance" under the Copyright Act, and if so, whether the cricketers, commentators, and umpires are entitled to protection as "performers." The Delhi High Court ruled that a cricket match constitutes a "performance" under the Copyright Act. The Court held that cricketers, commentators, and umpires are all involved in the production of the match as a performance and hence are "performers" under the Act.

V. CONCLUSION

AI is revolutionizing the entertainment and television sectors by bringing cutting-edge approaches to audience interaction, rights protection, and content management. Even though AI has many advantages, such smart licensing, automatic content identification, and increased customisation, it also has drawbacks that call for close ethical and legal supervision. In order to ensure that technology acts as a facilitator rather than a disruptor, the role of AI in managing artists' rights and broadcasting rules must be considered from a balanced standpoint. Policymakers,

[22] Star India Pvt. Ltd. v. Piyush Aggarwal CS(COMM) 738/2018

legal professionals, and industry stakeholders must work together as AI develops to provide a just and long-lasting framework for broadcasters and performers. The industry can optimize AI's potential while protecting content creators' rights and interests by using it properly.

AI is transforming the television and entertainment industries by bringing innovative approaches to content regulation, rights management, and audience interaction. While there are many benefits to AI-powered breakthroughs like smart licensing, automatic content recognition, and improved personalization, there are also difficult moral and legal issues that need to be carefully considered. A balanced strategy is required for the integration of AI in content production and dissemination, one that maximizes its potential while guaranteeing responsibility, equity, and adherence to intellectual property regulations. Creating a legal framework that upholds the integrity of the creative industries, guarantees ethical AI usage, and safeguards performers' rights is crucial to striking this balance. To create rules that stop exploitation, illegal deepfake use, and copyright violations, legal experts, legislators, and business executives must work together.

In the end, AI ought to be a tool that improves efficiency and creative expression rather than a disruptive force that diminishes artistic contributions. The entertainment sector can capitalize on the revolutionary potential of technology while preserving the rights and interests of artists, broadcasters, and content producers by implementing responsible AI governance. By doing this, the industry may set the stage for a more moral, ecological, and inventive future in which artificial intelligence and human creativity can coexist together.

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