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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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# **USAGE OF AI IN ENTERTAINMENT INDUSTRY**

AUTHORED BY - H. T. BHARATH

## **ABSTRACT:**

The multimedia industry has been growing a lot over the past few years. With increasing technologies advancements ranging from visual effects shots in real time, to Computer Generated Images (CGI), the use of computer software has been ever increasing and unstoppable. The latest in the list of advancements is the use of Artificial intelligence in assisting the process. But this doesn't seem to be as helpful as it was initially thought off. With the rapid learning of artificial intelligence it has transformed the traditional approach of computer generated effects taking months and months to render, to producing needed effects in a matter of minutes. This unprecedented development has led to a lot of changes in the entertainment industry. This has a taken a quick turn when software is used to overthrow the creative process completely. The main issue arose when artificial intelligence was proposed to recreate the imagery of actors; their voice, body language, expression etc. and used forever without any compensation or royalty. This has created uproar in the entertainment industry as it would violate all the copyright rules. This has resulted in the entire industry of Hollywood to go on an indefinite strike. This was due to the violation of the creative freedom of the artists and how they decide to use their work. Also the creators and writers are also threatened by artificial intelligence as it recreates or continues their work without their authorization or creative input for which they are paid for. This paper aims to analyse the use of artificial intelligence and how it is being used to tamper with the integrity, creative freedom, and copyright of creators and artists. It also aims to provide suggestions to regulate the usage without tampering the artist's right.

## **BACKGROUND OF STUDY**

The use of technology for amusement is always expanding. The entertainment industry has been greatly impacted by artificial intelligence (AI), which has transformed many elements of content generation, delivery, and consumption. Artificial intelligence (AI) systems are capable of creating creative music based on a specified style or mood. However, the technological transformation we are currently experiencing may force us to reconsider how computers and the creative process interact.



The fast advancement of machine learning software, a kind of artificial intelligence that creates self-governing systems with the ability to learn without explicit human programming, is the foundation of this revolution. To paraphrase Chris Langton, the founder of the field, the goal of artificial life is to “model life as it could be so as to understand life as we know it.”<sup>1</sup>

Owing to the rapid advancement of this technology, numerous Hollywood studios have put forth new proposals that would completely eliminate the creative process. These proposals included the idea that background actors should be able to be scanned, receive payment equivalent to a single day's wages, and have their companies own the scan—that is, their image or likeness—so they could use it in any project they choose for eternity without permission or payment. If such an act were to occur, their body scan would be unfairly used for financial advantage without giving them an equitable compensation.

### **RELATED WORK:**

Artificial intelligence has been a huge leap in terms of technological progress but its effects have severely been underestimated. Its increase in usage has prompted a few papers exploring its various functions.

S.NO	TITLE	AUTHOR	JOURNAL/ YEAR	FOCUS	RESEARCH GAP
1	Public understanding of artificial intelligence through entertainment media	Karim Nader, Paul Toprac, Suzanne Scott Samuel Baker	March 2022	Understanding of AI by the public.	Focuses only on the representation or portrayal of AI and not on its effects.
2	Artificial Life Meets Entertainment: Lifelike Autonomous Agents Pattie Maes	PATTIE MAES	November 1995	How computer models can be integrated in various forms of entertainment.	Focuses on early development of computer generated models but not on latest developments.

<sup>1</sup> Artificial Life Meets Entertainment: Lifelike Autonomous Agents Pattie Maes: <https://dl.acm.org/doi/abs/10.1145/219717.219808>



3	Our Heritage Artificial Intelligence: A Digital Transformation Tool in Entertainment and Media Industry	Ravindar Meena Ms Priyanka Jingar Sachin Gupta	January 2020	How AI affects other industries	Focuses only on how AI affects other industries and not on entertainment industry.
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### **RESEARCH PROBLEM:**

The increase in usage of artificial intelligence in entertainment has led to copyright violation of any kind Under the legal framework, whether the existing Intellectual property rights act, 2005 is applicable in governing this.

### **RESEARCH METHOD AND METHODOLOGY:**

This study use a blend of narrative and systematic literature reviews to support its qualitative research technique. This study paper's data came exclusively from a variety of secondary sources, including publications, journals, and online studies. The relevant literature was thoroughly and rigorously examined in order to collect references:

- a) Look into similar keyword combinations
- b) Find and identify articles that have pertinent keyword phrases in the paper's title and text.
- c) Remove articles that have pertinent keywords but don't really relate to the Metaverse.
- d) Arrange the pertinent materials into groups.

A thorough search of numerous internet databases was done to find pertinent literature, including:

- a) IEEEXplore (<https://ieeexplore.ieee.org>).
- b) Google Scholar

The material and articles used in this work are sourced from a variety of web sources. The objective of this research paper was to examine the current usage of artificial intelligence in entertainment industry and how the existing legal framework covers it, and if it is not sufficient what changes may

be done.

## **FUNDAMENTAL CONCEPTS:**

### **ARTIFICIAL INTELLIGENCE**

AI's place in the creative process is a subject of constant research and debate. Although artificial intelligence (AI) has promise for improving and streamlining many elements of creativity, there are worries that technology will impede the authentic human creative process. There's a chance that human expression and the human touch will be diminished or eliminated if artists rely too much on AI to produce concepts, pieces of content, or full works. This can lead to a standardised creative environment. The data that AI algorithms were trained on may have included biases. There's a chance that producers who only depend on AI-generated content or suggestions will reinforce and magnify preexisting prejudices, which will reduce the variety and originality of creative production. A personal connection to one's work is often a prerequisite for creativity. Over-reliance on AI in the creative process might cause artists to lose emotional connection and fulfilment since they will feel cut off from their work. Because AI models are trained on large datasets, they may discover patterns that have widespread appeal. This may result in an artificial intelligence-generated material that follows current trends rather than breaking new ground or investigating unusual concepts, standardising creativity. The application of AI in the creative industries raises ethical questions, particularly in relation to concerns about plagiarism, intellectual property, and the moral consequences of automated content creation.

Digital cloning is one of the most debated use of AI in Hollywood. Digital re-creation of voices, faces, and entire bodies is now possible. AI can help with character development, dialogue writing, and story concept generation. An algorithm that is included into a computer programme created for machine learning enables the programme to learn from data input, evolve, and make future decisions that may be directed or independent. Programmers offer the input that machine learning algorithms use to learn when they are applied to literary, musical, and artistic creations. They use the knowledge they get from this facts to create new art, coming to their own independent conclusions about the form of the new work as they go.

The fact that the computer software itself generates the job, even though programmers can set

parameters, is a crucial aspect of this kind of artificial intelligence. Characters that act in certain environments can be found in a lot of entertainment mediums. This holds true for movies, video games, theatre, puppetry, simulation rides, animation, animatronics, and even party lines. Casting autonomous semi-intelligent agents as amusing characters could potentially help each of these entertainment formats.

## **EXISTING FRAMEWORK:**

Copyright conferring on artificial intelligence-generated works has never been expressly forbidden. Nonetheless, there are hints that non-human copyright may not be allowed under the rules of many nations. According to the Copyright Office in the United States, for instance, "an original work of authorship may be registered, provided that the work was created by a human being." Similarly, a court in Australia recently decided in the case of *Acohs Pty Ltd v. Ucorp Pty Ltd* that a work created by a machine could not be covered by copyright because a human was not involved in its creation.

A number of times in Europe, the Court of Justice of the European Union (CJEU) has ruled that copyright is only applicable to original works and that originality must reflect the "author's own intellectual creation." This was most notably stated in the historic *Infopaq* decision (C-5/08 *Infopaq International A/S v Danske Dagbaldes Forening*). This is commonly interpreted to suggest that an original work must convey the author's personality, which makes it obvious that the existence of a human author is required for a copyrighted work.

Giving the programmer authorship is the second alternative, and it is visible in a few nations, including the UK, Ireland, Hong Kong (SAR), India, and New Zealand. The best way to express this strategy is to look at section 9(3) of the Copyright, Designs and Patents Act (CDPA), which deals with copyright laws in the UK. It says that "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken in the case of a literary, dramatic, musical or artistic work which is computer-generated." Moreover, a computer-generated work is one that "is generated by computer in circumstances such that there is no human author of the work," according to section 178 of the CDPA. The idea behind such a provision is to create an exception to all human authorship requirements by recognizing the work that goes into creating a program capable of generating works, even if the creative spark is undertaken by the machine.

In India, the Copyright Act of 1957 was revised in 1994. This was done in order to incorporate computer-generated artistic, musical, theatrical, and literary works. Section 2(d)(v), a particular clause, was added to define authorship of these types of works as "the person who causes the work to be created." The definition and interpretation of the term "person" in its context determine AI authorship. "In relation to any literary, dramatic, musical, or artistic work that is computer-generated, the person who causes the work to be created" is defined as "author" in Section 2(d) (vi).

Artificial intelligence (AI) systems are not covered by the Patents Act of 1970, which limits the rights of natural persons. As is evident from Sections 2 (1) (p), 2 (1) (t), where the term "person" refers to the patentee, and Section 6 (1) (a), which specifies that "any person" may file a patent application, as well as from Section 2 (1) (ja), which defines "inventive step," which is a necessary condition for an invention to be patentable, meaning that it cannot be "obvious to a person skilled in the art."

"In the case of a literary, dramatic, musical, or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken," according to Section 9(3) of the Copyright, Designs and Patents Act, 1988 (CDPA) in the United Kingdom. Computer-generated work is described as "generated by computer in circumstances such that there is no human author of the work" in Section 178 of the CDPA.

The ownership of works produced by artificial intelligence may be contested, much like authorship. When humans collaborate with AI to create a work, the human who provided the AI's creative contribution may be entitled to ownership. They have the right to claim ownership because of their contributions to knowledge. However, in the event that the AI produces works devoid of human intervention, the copyright holder of the AI software itself may assert ownership. The person or entity possessing the copyright for the AI software has the ability to claim ownership of the works produced by the AI. It's crucial to remember that the laws governing ownership of works created by AI are still developing and are complex.

### **RECOMMENDATIONS:**

- To regulate the usage of A.I. in movies and other art works.
- To create regulations to the usage of A.I. in filmmaking process
- To stop the exploitation of the artists and creators by limiting the involvement of A.I.



With the advent development of A.I. there has been a number of questions as to how to curb its interference in the creative process. There have been various instances where it has violated the copyright laws and rightful compensation being denied. So technology must always be to help our creative process and not to replace the human imagination and human expression through art.

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