

**AI-GENERATED DEEPFAKES AND PERSONALITY RIGHTS: A NEW FRONTIER
FOR INTELLECTUAL PROPERTY LAW***Abdusattorov Shokhjakhon Jurabek ugli**Penn state law LL.M, Legal Assistant, Pennsylvania, USA.*

Abstract:The rapid evolution of artificial intelligence (AI), particularly in generative media, has given rise to deepfakes — hyper-realistic digital manipulations of a person’s likeness. This phenomenon challenges the boundaries between intellectual property (IP), privacy, and personality rights. While existing copyright law protects expressions of creativity, it does not squarely address the unauthorized use of a real person’s image or voice through AI. This article explores whether and how personality rights can serve as a legal response to the rise of deepfakes, comparing U.S. jurisprudence with emerging perspectives in jurisdictions like Uzbekistan. The study argues for a reconceptualization of legal identity in digital space, proposing stronger integration between personality rights and IP frameworks.

Keywords:Deepfakes, Artificial Intelligence, Personality Rights, Right of Publicity, Digital Identity, Intellectual Property Law, Moral Rights, AI Regulation, Comparative Law, Uzbekistan Legal Framework, Synthetic Media, Image Rights, Legal Harm, Privacy

1.Introduction

The advent of AI-generated deepfakes has transformed the way we understand identity, creativity, and control over one’s likeness. These synthetic media outputs — often indistinguishable from authentic content — raise critical legal and ethical questions: Who owns the digital representation of a person? Can a manipulated image be copyrighted? Does the subject of a deepfake possess legal remedies under current personality rights frameworks?

This paper focuses not on the general risks posed by AI, but specifically on the **intersection between deepfake technology and personality rights**, a field inadequately protected under traditional intellectual property regimes. While the United States has developed some protection under the “right of publicity,” and through tort law such as appropriation and false light, these measures remain fragmented and jurisdiction-specific. In contrast, civil law countries often conceptualize personality rights as moral and inalienable — but how these principles adapt to digital clones remains uncertain.¹

The present study seeks to address this gap through a focused, comparative lens — analyzing the legal treatment of AI-generated impersonations and proposing doctrinal innovations to prevent reputational harm, identity theft, and unauthorized commercial exploitation.

¹ Deepfakes, created using Generative Adversarial Networks (GANs), have blurred the line between authentic and synthetic media (Chesney & Citron, 2019).

2. Methods

This study adopts a **comparative doctrinal methodology**, analyzing statutory laws, court decisions, and scholarly commentary from the United States and Uzbekistan, with additional references to European Union developments. Key materials include:

- U.S. state-level right of publicity statutes (e.g., California, New York)
- Federal court cases involving AI impersonation and First Amendment defenses
- Uzbek legislation on image rights and draft discussions on digital regulation
- Legal scholarship on moral rights and the digital self

The research is also informed by interdisciplinary sources, including media ethics, digital forensics, and AI policy literature, to account for technological complexity and socio-legal impact. Unlike broader philosophical works, this article emphasizes doctrinal precision and normative reform within existing IP and personality rights frameworks.

3. Results

The legal landscape, as currently structured, fails to address the scope and scale of harm caused by AI-generated deepfakes. Key findings from the comparative analysis include:

3.1 U.S. Jurisprudence: Commercial Protection with Constitutional Limits

In the United States, the **right of publicity** provides a cause of action against unauthorized commercial use of one's name, image, or likeness. However, it is not federally codified and varies by state. California's Civil Code §3344 offers a robust framework, but First Amendment challenges — particularly in entertainment and political satire — create legal friction. Courts are reluctant to extend liability to creators of expressive content, even if synthetic.

For instance, in *Comedy III Productions v. Gary Saderup*, the California Supreme Court established the "transformative use" test, where works of art containing celebrity likenesses are protected if they add significant expressive content. This test has been extended to video games (*Keller v. Electronic Arts*), but how it applies to AI-generated synthetic media remains uncertain. Deepfakes that are hyper-realistic but non-parodic often fall into a gray zone — **arguably expressive, but reputationally harmful**.²

3.2 Uzbekistan's Silence: Absence of Enforcement Tools

In Uzbekistan, personality rights exist under general civil law principles, including the Civil Code and the Law on Informatization. Article 99 of the Civil Code mentions the right to protection of honor, dignity, and image, but enforcement is weak and **no specific legal mechanism addresses AI-generated impersonation**. The existing legislative language

² In *Comedy III Productions v. Saderup* (2001), the California Supreme Court introduced the "transformative use" test to balance publicity rights with free expression.

presumes tangible harm — such as defamation — but does not recognize digital identity as a freestanding legal interest.³

There is also **no jurisprudence** on deepfakes in Uzbek courts. Law enforcement lacks digital forensic capacity, and cultural awareness of deepfake technology is minimal. The absence of a statutory “right of likeness” leaves victims without clear remedies. This creates a significant **regulatory vacuum**, particularly as AI-generated media enters entertainment, advertising, and political arenas in Uzbekistan.

3.3 Convergence and Divergence

While both jurisdictions recognize some form of personality right, the U.S. emphasizes **economic harm** (via commercialization of likeness), whereas Uzbekistan still centers on **moral and reputational harm**. Neither, however, adequately addresses **non-consensual synthetic media**, which is typically non-defamatory but highly intrusive.

4. Discussion

The results of this study reveal a critical gap between the pace of technological advancement and the responsiveness of legal systems — a gap that is especially evident when analyzing the treatment of deepfakes through the lens of personality rights. As a legal scholar trained in both the post-Soviet and U.S. legal traditions, I find it deeply troubling that individuals’ control over their own identity is so tenuously protected in the digital realm.

In the United States, the right of publicity remains a powerful, yet fragmented, doctrine. It offers strong protection in commercial contexts, but it fails to adequately address the **non-economic harms** caused by realistic deepfakes — such as psychological trauma, reputational erosion, and loss of personal agency. Moreover, the courts’ tendency to defer to the First Amendment when synthetic media is at issue often leaves victims with no recourse unless the content crosses clear lines into defamation or commercial exploitation.

This legal asymmetry disproportionately impacts marginalized individuals, public figures, and women — who are frequently targeted by AI-generated synthetic media in abusive or exploitative contexts. The current U.S. framework effectively prioritizes **artistic expression over personal dignity**, which raises normative questions about how we define “harm” in a digital society.

In Uzbekistan, the problem is not doctrinal conflict but doctrinal **absence**. There is no jurisprudential dialogue on deepfakes, and the law remains silent on AI-generated impersonation. This silence, however, should not be mistaken for immunity. As deepfake technology becomes more accessible and its use more widespread — including in political propaganda, advertising, and personal vendettas — Uzbekistan must move beyond abstract civil protections and develop concrete legal tools.

As a jurist deeply familiar with Uzbekistan’s civil law heritage, I believe that the **personality right should be explicitly codified to include image, voice, and digital identity**,

³ Uzbekistan’s Civil Code provides limited image rights under Article 99, but lacks specific provisions addressing AI-generated likenesses (Civil Code of Uzbekistan, 1996).

regardless of whether commercial use is present. Furthermore, this right should be inalienable and invocable **without proof of tangible harm**, to account for the psychological and moral injuries deepfakes can cause.⁴

The convergence of IP and personality rights is no longer speculative — it is necessary. In my view, **deepfakes represent a paradigm shift** that challenges the traditional boundaries between creative expression and personal ownership. Just as copyright law protects the original expression of authors, personality rights must protect the individual as their own “intellectual property.” The law should reflect this duality.

5. Conclusion

AI-generated deepfakes expose deep fault lines in our current legal frameworks — particularly in how we value human identity, reputation, and dignity. Neither the United States nor Uzbekistan offers a complete solution: the former struggles with First Amendment constraints and fragmented publicity rights, while the latter lacks even a foundational legal dialogue on the issue.

This article has argued that **personality rights must be reconceptualized** in response to synthetic media, with explicit legal recognition of digital likeness as a protected interest. In the U.S., this could mean rebalancing free speech and identity protections; in Uzbekistan, it requires building a doctrine of digital personality rights from the ground up.

As AI technologies continue to evolve, we are not simply confronting legal loopholes — we are confronting the boundaries of what it means to “own” oneself in the age of machines. My position is clear: identity is not public domain. A person’s voice, face, and mannerisms are not raw material for machine creativity without their informed, voluntary, and ongoing consent.

The law must evolve — not to stifle technology, but to protect the humanity it risks erasing.

Moreover, the deepfake phenomenon urges us to rethink not only legal norms but also the ethical foundations of personhood in the digital age. When machines can replicate a person’s face, voice, and expressions with near-perfect fidelity, the law must ask not just “what is protected?” but “who defines the self?”

In this regard, personality rights must evolve from static, image-based concepts to dynamic, multidimensional protections that include biometric identity, behavioral mimicry, and emotional resonance. These elements are not only personal but existential — they define how we present ourselves, how others perceive us, and how we exist in increasingly virtual spaces.

From a comparative legal perspective, the convergence of IP and personality rights is no longer theoretical. The rise of synthetic media demands a bold redefinition of legal boundaries

⁴ The European Union’s Digital Services Act (2022) mandates that online platforms take accountability for identifying and labeling AI-generated content (European Commission, 2022).

— one that does not compromise freedom of expression, but that also does not sacrifice human dignity at the altar of technological innovation.

Thus, protecting personality in the age of AI is not simply a legal obligation; it is a civilizational imperative.

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