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THE LEGAL IMPLICATIONS OF AI VOICE CLONING IN THE ENTERTAINMENT INDUSTRY

~ Shaleen Singh

INTRODUCTION

For most of the twentieth century, a performer's voice belonged unmistakably to them in the public imagination, even if the law took its time catching up with that intuition. The gap between cultural assumption and legal protection has become difficult to ignore. In April 2023, an anonymous producer using the handle “Ghostwriter” released a track called Heart on My Sleeve, built from AI-generated vocals trained to sound exactly like Drake and the Weeknd. The song collected millions of streams before Universal Music Group forced its removal, and the dispute that followed exposed how unsettled the underlying law really was.¹ A year later, Tom Hanks had to publicly disown an AI-generated video peddling a dental plan under his name,² and within weeks a very different kind of dispute broke out when Scarlett Johansson accused OpenAI of giving its ChatGPT assistant a voice that sounded, in her words, eerily similar to her own performance in the film *Her*, despite her having declined the company's earlier request to use her actual voice.³ These episodes are not isolated curiosities. They are symptoms of a deeper structural problem: voice-cloning technology has advanced far faster than the legal frameworks meant to govern its use, and the entertainment industry, where a performer's voice is often the product itself, sits squarely at the center of the resulting uncertainty.

¹Jem Aswad, *AI-Generated Drake and Weeknd Song “Heart on My Sleeve” Is Not Eligible for a Grammy, Recording Academy Chief Clarifies*, Variety (Sept. 8, 2023), <https://variety.com/2023/music/news/drake-weeknd-heart-on-my-sleeve-not-eligible-for-grammy-1235717602/>.

²Tom Hanks Warns Followers to Be Wary of ‘Fraudulent’ Ads Using His Likeness Through AI, NBC News (Aug. 30, 2024), <https://www.nbcnews.com/news/us-news/tom-hanks-warns-followers-wary-fraudulent-ads-using-likeness-ai-rcna168966>.

³Andrew Paul, *OpenAI Pulls ChatGPT Voice That’s Totally ‘Not an Imitation of Scarlett Johansson’*, Popular Sci. (May 20, 2024), <https://tech.yahoo.com/ai/articles/openai-pulls-chatgpt-voice-thats-170654470.html>.

This article surveys that terrain as it currently stands. It traces the common-law right of publicity that first protected voice from commercial imitation, the first significant piece of voice-cloning litigation to reach a judicial ruling, the wave of state and federal legislative responses now working their way through statehouses and Congress, the role collective bargaining has played in filling the gaps left by public law, and a brief comparative look at how Indian courts have approached strikingly similar questions through the lens of personality rights.

VOICE AS PROTECTABLE IDENTITY: THE COMMON-LAW FOUNDATION

Long before anyone spoke of generative AI, the right of publicity already grappled with the question of who owns the sound of a voice. The foundational case is *Midler v. Ford Motor Co.*, in which Ford's advertising agency, unable to secure Bette Midler's participation in a commercial, hired a former backup singer to imitate Midler's distinctive rendition of one of her own songs so closely that friends and industry colleagues believed they were hearing Midler herself. The Ninth Circuit held that this kind of deliberate vocal impersonation for commercial gain is actionable under California law, even though the relevant right-of-publicity statute spoke only of a person's name, photograph, or likeness, terms that courts have traditionally read as visual rather than auditory.⁴ Four years later, the same court reached the same conclusion on behalf of Tom Waits, holding that a distinctive voice need not belong to a superstar of Midler's stature to merit protection, and that a sufficiently convincing imitation can also support a false endorsement claim under the Lanham Act if it is likely to confuse consumers about who is actually speaking or singing.⁵

These cases supplied the conceptual vocabulary that voice-cloning litigation still relies on today: misappropriation of identity, likelihood of confusion, and the idea that a voice can be every bit as identifying as a face. What they did not supply was a uniform national rule. The right of publicity remains a creature of state law, recognized to different degrees and through different mechanisms (statute in some states, common law in others, and not at all in a handful of jurisdictions), and until quite recently almost none of those state regimes mentioned voice

⁴*Midler v. Ford Motor Co.*, 849 F.2d 460, 463 (9th Cir. 1988) (holding that the deliberate imitation of a professional singer's distinctive and widely known voice for commercial purposes is an actionable misappropriation of identity under California common law, notwithstanding that Cal. Civ. Code § 3344 protects only a visual likeness).

⁵*Waits v. Frito-Lay, Inc.*, 978 F.2d 1093, 1098, 1102 (9th Cir. 1992) (extending *Midler* to hold that a distinctive voice need not belong to a superstar to be protectable, and that imitation likely to cause consumer confusion may also support a false endorsement claim under the Lanham Act, 15 U.S.C. § 1125(a)).

explicitly. That gap is precisely what generative AI has exploited, and it is precisely what the current wave of litigation and legislation is now trying to close.

LITIGATING THE ISSUE: LEHRMAN V. LOVO, INC.

The first significant judicial test of these theories against a generative-AI voice company arrived in *Lehrman v. Lovo, Inc.* Paul Lehrman and Linnea Sage, two professional voice actors, were hired in 2019 and 2020 through the freelance marketplace Fiverr by individuals who later turned out to be employees of Lovo, an AI text-to-speech startup. They were told their recordings would be used only for internal or academic research. Instead, Lovo used the recordings to train its voice-generation product, Genny, and sold synthetic clones of their voices to paying customers under invented names. Lehrman discovered what had happened only when he heard his own cloned voice narrating a podcast episode about the dangers of artificial intelligence, an irony that made national headlines.⁶

Lehrman and Sage sued in the Southern District of New York, asserting claims under the Lanham Act, the Copyright Act, breach of contract, and New York's statutory right of publicity and consumer protection laws. In July 2025, Judge J. Paul Oetken issued a sixty-page ruling on Lovo's motion to dismiss that split the difference in a way likely to shape how similar disputes are litigated for years to come.⁷ The court dismissed the Lanham Act false advertising claim, reasoning that Lovo's alleged misrepresentations about the scope of its rights concerned licensing status rather than the nature, characteristics, or qualities of the product itself, and so fell outside the statute. It dismissed most of the copyright claims as well, on the ground that the sound of a voice, its timbre and characteristic qualities, is not copyrightable expression separate from the particular fixed recordings in which it appears, and most of the contested uses did not involve those specific recordings.⁸

What survived is just as instructive as what did not. The court allowed Sage's copyright claim relating to Lovo's direct use of her actual recordings in investor presentations and promotional videos to proceed, along with the breach of contract claims arising from Lovo's misuse of the

⁶*Lehrman v. Lovo, Inc.*, No. 1:24-cv-03770, 2025 WL 1902547 (S.D.N.Y. July 10, 2025).

⁷See *New York Court Tackles the Legality of AI Voice Cloning*, Skadden, Arps, Slate, Meagher & Flom LLP (July 17, 2025), <https://www.skadden.com/insights/publications/2025/07/new-york-court-tackles-the-legality-of-ai-voice-cloning>.

⁸See *Fundamental Copyright Principles Underscored in AI Context: Voice Attributes Are Not Protectable*, Crowell & Moring LLP (July 28, 2025), <https://www.crowell.com/en/insights/client-alerts/fundamental-copyright-principles-underscored-in-ai-context-voice-attributes-are-not-protectable> (noting that the court found a voice's sound is not itself copyrightable expression, distinct from copyright in a particular fixed recording).

Fiverr engagement, and, critically, the claims under New York's right of publicity statute and its consumer protection provisions. In other words, copyright law, built around fixed, original works of authorship, fits awkwardly onto the abstract, identity-bearing qualities of a voice, while state-law publicity and consumer protection theories are doing the real protective work in this generation of disputes. That asymmetry is a central reason why so much of the current legislative energy, described below, is aimed at creating a federal cause of action tailored specifically to digital replicas rather than forcing the problem into copyright's existing categories.

THE STATE LEGISLATIVE RESPONSE: TENNESSEE'S ELVIS ACT AND THE PATCHWORK PROBLEM

While *Lehrman v. Lovo* was working through the federal courts, Tennessee moved to close the statutory gap that case exposed. On March 21, 2024, Governor Bill Lee signed the Ensuring Likeness Voice and Image Security Act, universally known by its acronym as the ELVIS Act, amending the state's 1984 Personal Rights Protection Act.⁹ For the first time, Tennessee's right-of-publicity statute extends explicitly to an individual's voice, defined broadly enough to cover not only an actual recording but also a simulation, regardless of whether the underlying sound contains a person's real voice at all. The Act also widens the scope of liability well beyond the traditional advertising context, reaching anyone who publishes, performs, distributes, or otherwise makes a person's voice or likeness available to the public without authorization, and, in a provision aimed squarely at the AI supply chain, anyone who distributes the algorithm, software, or tool used to create the unauthorized replica in the first place.¹⁰ A fair-use exemption preserves space for news reporting, commentary, criticism, and parody, addressing the First Amendment concerns that any law of this breadth inevitably raises.¹¹

Tennessee's law matters less for its substance, which other states have since begun to mirror, than for what it reveals about the underlying problem. The right of publicity in the United States remains a patchwork: some states protect it by statute, others through common law alone, a few states recognize no clear right at all, and until the ELVIS Act, essentially none addressed

⁹Ensuring Likeness Voice and Image Security Act, Tenn. Code Ann. §§ 47-25-1101 to -1107 (2024), amending the Personal Rights Protection Act of 1984.

¹⁰Tenn. Code Ann. § 47-25-1105 (2024) (extending liability to any person who publishes, performs, distributes, or transmits an individual's voice or likeness without authorization, and to any person who distributes an algorithm, software, or other technology principally designed to produce an unauthorized digital replica).

¹¹See generally Sarah Luppen Fowler & John D. Fowler, *Why Tennessee's ELVIS Act Is the King of Artificial Intelligence Protections*, 27 Vand. J. Ent. & Tech. L. 259 (2024).

voice with any precision. More than twenty states introduced some form of digital-replica legislation within roughly two years of generative AI's emergence as a mainstream concern, each with its own definitions, exemptions, and remedies. For an industry that produces and distributes content nationally and often internationally, that patchwork is not a minor inconvenience; it is the central reason the entertainment industry's lawyers and lobbyists have pushed so hard for a single federal standard, the subject of the next section.

FEDERAL EFFORTS: THE NO FAKES ACT, THE TAKE IT DOWN ACT, AND THE COPYRIGHT OFFICE'S RECOMMENDATIONS

Congress has not yet enacted a comprehensive federal answer, but the pieces of one have been visibly taking shape. The Nurture Originals, Foster Art, and Keep Entertainment Safe Act, universally shortened to the NO FAKES Act, was reintroduced in April 2025 as companion bills in the House and Senate.¹² As drafted, it would create a federal property right in every individual's voice and visual likeness against unauthorized digital replicas, paired with a notice-and-takedown mechanism modeled on the Digital Millennium Copyright Act and a subpoena power allowing victims to compel online platforms to identify anonymous infringers. The bill would generally preempt overlapping state-law claims going forward, while carving out state statutes and common-law rights already in existence, as well as state laws specifically addressing sexually explicit or election-related deepfakes, an effort to avoid stripping away protections that already exist in places like Tennessee. The proposal has drawn bipartisan sponsorship and vocal support from musicians, including testimony before the Senate Judiciary Committee from country artist Martina McBride, but as of this writing it remains pending rather than enacted.¹³

Congress has moved further and faster on a narrower problem. The TAKE IT DOWN Act, signed into law in May 2025, is the first federal statute to target deepfakes directly, though its focus is nonconsensual intimate imagery rather than commercial voice cloning.¹⁴ It makes the knowing publication of AI-generated nonconsensual intimate depictions a federal crime and requires platforms to remove flagged material within forty-eight hours of notice, with a

¹²NO FAKES Act of 2025, H.R. 2794, 119th Cong. (2025); NO FAKES Act of 2025, S. 1367, 119th Cong. (2025).

¹³See *The Clone Wars: A New Congress Reconsiders the NO FAKES Act to Combat Digital Deepfakes*, Temple 10-Q (Apr. 29, 2025), <https://law.temple.edu/10q/the-clone-wars-a-new-congress-reconsiders-the-no-fakes-act-to-combat-digital-deepfakes/>.

¹⁴TAKE IT DOWN Act, Pub. L. No. 119-12 (2025).

compliance deadline for that takedown infrastructure that arrived in May 2026.¹⁵ The Act's significance for the entertainment industry is mostly structural: it establishes, for the first time at the federal level, the kind of rapid notice-and-takedown architecture that a future NO FAKES Act could extend to voice and likeness misuse more generally.

The U.S. Copyright Office has also weighed in with considerable institutional weight. In July 2024, the Office released the first installment of its multi-part report on copyright and artificial intelligence, devoted entirely to digital replicas.¹⁶ After reviewing roughly ten thousand public comments, the Office concluded that existing federal intellectual property law and the uneven patchwork of state publicity rights leave a serious gap, and it recommended that Congress enact a new federal law protecting all individuals, not merely celebrities, from the knowing distribution of unauthorized digital replicas, lasting for the individual's life with a limited postmortem term, and built with explicit First Amendment safeguards. That recommendation has become something of a blueprint for the NO FAKES Act debate, and its core insight, that the harm here is distinct from anything copyright was designed to address, runs through nearly every development described in this article.

PRIVATE ORDERING: SAG-AFTRA AND COLLECTIVE BARGAINING

While legislatures and courts have moved cautiously, organized labor has moved fastest of all, and arguably with the most concrete results for working performers. Concern over unconsented digital replication was a central driver of SAG-AFTRA's 320-day strike in 2023, and the resulting television and theatrical agreement now requires producers to obtain a performer's informed consent, with at least forty-eight hours' notice, before creating a digital replica, along with compensation and residuals tied to its subsequent use.¹⁷ The union followed in 2024 with a Sound Recording Code requiring clear and conspicuous consent and minimum compensation before any sound recording employing a digital replica of an artist's voice may be released, and, notably, defining the contractual terms artist, singer, and royalty artist to mean human beings only, foreclosing by contract the idea of a wholly synthetic recording artist standing in

¹⁵See *Deepfake & AI Voice Cloning Laws by State*, Recording Law (2026), <https://www.recordinglaw.com/us-laws/deepfake-laws/> (noting the May 19, 2026 compliance deadline for platform takedown infrastructure under the Act).

¹⁶U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 1: Digital Replicas* (July 31, 2024), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf>.

¹⁷See SAG-AFTRA, *Digital Replicas 101* (2023), https://www.sagaftra.org/sites/default/files/sa_documents/DigitalReplicas.pdf; SAG-AFTRA, *2023 TV/Theatrical Contracts: Artificial Intelligence Resources*, <https://www.sagaftra.org/contracts-industry-resources/contracts/2023-tvtheatrical-contracts/artificial-intelligence-resources> (last visited June 17, 2026).

for a human one. A separate Dynamic AI Audio Commercials Waiver, adopted later that year, extends the informed-consent requirement to advertising specifically, requiring separate consent for each individual commercial use of a performer's digital voice replica.¹⁸

These contractual protections are, at present, doing more day-to-day protective work for organized performers than any statute or judicial opinion. But their reach is necessarily limited to union members and signatory companies. Freelance voice actors working through platforms like Fiverr, the very category of performer at issue in *Lehrman v. Lovo*, fall outside that bargained-for protection entirely, which is precisely why the litigation and legislative tracks described above remain indispensable rather than redundant.

A COMPARATIVE PERSPECTIVE: PERSONALITY RIGHTS AND AI IN INDIA

India offers an instructive parallel, having developed protection for voice and persona almost entirely through judge-made doctrine rather than dedicated statute. Lacking a codified right of publicity, Indian courts have built personality rights out of the common-law torts of passing off, dilution, and unfair competition, anchored in the constitutional guarantees of free expression and personal dignity. The Delhi High Court recognized as much over a decade ago in *Titan Industries Ltd. v. Ramkumar Jewellers*, which protected the commercial identity of actors Amitabh and Jaya Bachchan against an advertiser's unauthorized use of their endorsement.¹⁹ That foundation proved directly useful once AI-driven impersonation arrived. In November 2022, the same court granted Amitabh Bachchan an unusually broad *ex parte* injunction, restraining not just named defendants but unknown infringers at large, the Indian equivalent of a John Doe order, from exploiting his name, image, voice, or catchphrases, in a case arising from a fraudulent lottery scheme that traded on his fame.²⁰

The clearest signal that Indian courts now see generative AI as a distinct category of threat came in September 2023, in *Anil Kapoor v. Simply Life India & Ors.* The Bollywood actor sought protection not only against conventional misuse of his name and image but against deepfakes, face-morphing, and AI-generated merchandise built from his persona. The Delhi High Court agreed, issuing an omnibus injunction restraining sixteen named defendants, and

¹⁸See SAG-AFTRA, *A.I. Bargaining and Policy Work Timeline*, <https://www.sagaftra.org/contracts-industry-resources/member-resources/artificial-intelligence/sag-aftra-ai-bargaining-and> (last visited June 17, 2026) (describing the April 2024 Sound Recording Code and the June 2024 Dynamic A.I. Audio Commercials Waiver).

¹⁹*Titan Indus. Ltd. v. Ramkumar Jewellers*, 2012 SCC OnLine Del 2382 (India).

²⁰*Amitabh Bachchan v. Rajat Nagi*, CS(COMM) 819/2022 (Del. H.C. Nov. 25, 2022) (India).

the world at large, from using Kapoor's name, voice, image, or likeness through artificial intelligence, machine learning, deepfake, or face-morphing tools for any commercial purpose.²¹ The order is notable for naming the technology itself rather than simply the act of impersonation, treating AI-enabled cloning as a distinct and foreseeable harm worth addressing explicitly rather than folding it into older categories.²² Singer Arijit Singh secured comparable interim relief from the Bombay High Court the following year against platforms using AI to mimic his voice and name, suggesting that what began as a single high-profile ruling is becoming a recognizable line of Indian jurisprudence, built case by case in much the same incremental fashion as the American common law of voice misappropriation was built by Midler and Waits, but without, so far, a legislative backstop comparable to the ELVIS Act.²³

PRACTICAL GUIDANCE FOR INDUSTRY STAKEHOLDERS

For producers, advertisers, and AI developers, the safest course at present is to treat consent as something that must be specific, informed, and documented, rather than something implied by the broad terms of service of a freelance marketplace. The lesson of *Lehrman v. Lovo* is that a recording obtained for one stated purpose cannot safely be repurposed to train a commercial voice model, however permissive a platform's fine print might appear; courts are willing to look past boilerplate to what a performer was actually told. Companies operating across multiple states should also assume, until a federal standard is enacted, that they are subject to the most protective state regime touching any part of their production, distribution, or advertising chain, which in practice increasingly means designing consent and compensation practices around the Tennessee model and the SAG-AFTRA framework even where neither technically applies.

For performers and their representatives, the practical advice runs the other direction: assume that copyright will rarely protect a voice itself, and build protection instead through contract language that explicitly addresses AI training and digital replication, through registration of any available state-law publicity rights, and through prompt action the moment an unauthorized

²¹*Anil Kapoor v. Simply Life India & Ors.*, CS(COMM) 652/2023 (Del. H.C. Sept. 20, 2023) (India).

²²*Id.* (granting an ad interim, omnibus injunction restraining sixteen named defendants, and the world at large, from using the plaintiff's name, voice, image, or likeness through artificial intelligence, machine learning, deepfakes, or face-morphing tools).

²³See India Const. arts. 19(1)(a), 21; see also *A Landmark Case in India on AI-Generated Avatars*, DDG (2024), <https://www.ddg.fr/actualite/a-landmark-case-in-india-on-ai-generated-avatars> (noting the Bombay High Court's July 2024 interim relief for singer Arijit Singh against AI platforms mimicking his voice and name).

replica surfaces, since several of the remedies described above, particularly injunctive relief, are most effective before a synthetic voice has been widely distributed rather than after.

CONCLUSION

The episodes that opened this article, an AI ghost-singing Drake and the Weeknd, a fraudulent dental ad wearing Tom Hanks's voice, a chatbot that sounded uncomfortably like Scarlett Johansson, are no longer the strangest stories in entertainment law; they are becoming its central preoccupation. What has emerged in response is not a single rule but a layered and still-incomplete structure: a decades-old common-law doctrine stretched to cover a technology its authors never imagined, one significant federal court decision sorting which legal theories actually fit the problem, a state statute willing to name the technology directly, federal legislation still working its way through Congress, a union contract doing much of the practical protective work in the meantime, and, half a world away, an Indian judiciary building a remarkably similar doctrine from first principles. Whether the NO FAKES Act ultimately passes, whether more states follow Tennessee's lead, and how *Lehrman v. Lovo* resolves on the merits will likely determine the baseline rules of the road for an industry that, for the first time in its history, can no longer assume a voice belongs only to the person who made it.