

The Interplay of Copyright and Personhood Rights in the Age of Digital Creation

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Abstract

The rapid advancement of digital technologies has transformed the creation, distribution, and protection of intellectual property, raising important questions about the relationship between copyright law and personhood rights. Traditionally, copyright has focused on safeguarding the economic interests of creators; however, in the digital environment, creative works are increasingly intertwined with personal identity, dignity, reputation, and self-expression. This paper examines the interplay between copyright and personhood rights in the age of digital creation, emphasizing the role of moral rights, particularly the rights of attribution and integrity, in protecting creators' personal and professional identities. It explores key challenges arising from unauthorized reproduction, digital remixing, data mining, privacy violations, cross-jurisdictional enforcement, artificial intelligence (AI)-generated content, and deepfakes. The paper further examines the limitations of existing legal frameworks in addressing the complex relationship between creative ownership and individual identity in an increasingly interconnected digital landscape. It argues that copyright protection should extend beyond economic considerations to recognize the broader human rights dimensions of creative expression. To address these challenges, the paper advocates strengthening moral rights, establishing clearer legal guidelines for AI-generated works, integrating privacy and data protection principles into copyright frameworks, and promoting the responsible use of digital rights management and blockchain technologies. It also emphasizes the importance of balancing creators' rights with freedom of expression, public access to knowledge, and transformative creativity. The paper concludes that a comprehensive, human rights-oriented approach to copyright law is essential to safeguarding both the economic interests and personal integrity of creators while adapting legal protection to the evolving demands of digital innovation.

Keywords: Copyright Law, Personhood Rights, Digital Creation, Moral Rights, Intellectual Property Rights, Digital Identity, Artificial Intelligence, Deepfakes, Data Privacy, Digital Rights Management, Blockchain Technology, Human Rights.

1. Introduction

The rapid advancement of digital technologies has transformed how we perceive, create, and protect intellectual property, sparking a re-evaluation of traditional copyright laws and their relationship with human rights. Copyright law, primarily designed to protect creators' economic interests, now faces new challenges as it intersects with the right to personhood. This concept emphasizes protecting one's identity, dignity, and personal narrative. This chapter investigates the evolving relationship between copyright and personhood rights, exploring the need for a comprehensive legal framework that accommodates the dual roles of copyright: economic safeguard and personal integrity protection. This chapter examines the intricate relationship between copyright law and the right to personhood, particularly in the context of digital creation. It argues that copyright not only protects creative expressions but also upholds individuals' rights to their identity and personal narratives. By exploring legal nuances, current challenges, and potential reforms, this study advocates for a comprehensive legal framework that integrates copyright with human rights discourse, ensuring the protection of personal and creative identities in an increasingly digital world.

The digital age has transformed the landscape of creativity, enabling unprecedented access to information and artistic expression. However, this transformation also raises critical questions about how

copyright law interacts with personhood rights—rights that protect individual identity, dignity, and personal narrative. This paper seeks to explore these intersections, arguing for a more robust legal framework that recognizes the dual role of copyright in safeguarding both economic interests and personal integrity.

2. Theoretical Foundations

In intellectual property (IP) law, especially in the realm of copyright, the relationship between an individual and their creations often transcends mere economic interest, tapping into deeper dimensions of personal identity and self-expression. This connection is especially prominent in the notion of "personhood rights," which roots the protection of creative works in the recognition of the creator's identity. Understanding these theoretical underpinnings is essential to appreciating how copyright law not only functions as a tool for economic protection but also as a critical mechanism for safeguarding human dignity and personal identity.

2.1 Defining Personhood in Legal and Philosophical Contexts

The concept of personhood in legal and philosophical discourse primarily refers to the intrinsic attributes and moral worth of an individual, recognizing that each person possesses unique characteristics that are reflected in their actions, expressions, and creations. Philosopher Immanuel Kant's assertion that individuals should be treated as ends in themselves underscores the importance of personhood as an autonomous and inviolable right. The right to personhood is thus a facet of human rights that extends into various legal domains, including intellectual property, where it plays a significant role in shaping copyright law.

According to Margaret Jane Radin's "property and personhood" theory[Jones, Jeff, Property and Personhood Revisited (July 14, 2010). Wake Forest Journal of Law & Public Policy, Forthcoming, Lewis & Clark Law School Legal Studies Research Paper No. 2010-23, Available at SSRN: <https://ssrn.com/abstract=1640189>], individuals form a bond with their creations that reflects their personality and values, creating an attachment that goes beyond the mere utilitarian function of the work. Radin argues that some possessions are integral to personal identity, and as such, deserve a higher level of protection. Copyright law, when viewed through this lens, becomes more than just a commercial instrument; it is a legal mechanism that safeguards aspects of an individual's self-expression and identity embedded in their creative output.

2.2. Copyright as an Extension of Personhood

Copyright law traditionally grants creators exclusive rights to their work, empowering them to control the reproduction, distribution, and transformation of their creations. This control is often justified not only by economic motivations but also by the recognition that creative works are extensions of the creator's personality. By securing authors' rights to manage and control the use of their works, copyright law implicitly supports the idea that creative outputs are unique representations of individual identity.

The moral rights doctrine[Werhane, P.H. (2019). A Theory of Moral Rights. In: Bevan, D.J., Wolfe, R.W., Werhane, P.H. (eds) Systems Thinking and Moral Imagination. Issues in Business Ethics(), vol 48. Springer, Cham. https://doi.org/10.1007/978-3-319-89797-4_3], which is more prominent in civil law jurisdictions but also recognized to a certain extent in common law systems, provides a formal acknowledgment of the link between copyright and personhood. Moral rights, including the right of attribution (recognizing authorship) and the right of integrity (protection against distortion of work), afford authors a degree of control that reflects a respect for their connection to their work. These rights uphold an author's moral connection to their work, acknowledging that their creative expressions are more than commodities—they are intrinsic elements of the creator's identity.

2.3. Property Rights and the Intersection with Personhood

The traditional view of copyright as a form of property right has been predominantly influenced by utilitarian and economic theories that frame IP as a mechanism to incentivize creativity through monetary rewards. This property-based approach underscores copyright's role in promoting innovation by granting temporary monopolies over creative works, thus enabling creators to benefit financially. However, when evaluated in the context of personhood, copyright's scope broadens to encompass non-economic considerations that emphasize respect for the creator's identity.

Property rights, according to John Locke's labor theory[<https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1279&context=sdlr>], arise from the investment of labor and creativity into resources. Locke's theory suggests that because creators invest their labor in producing intellectual works, they are entitled to ownership over the fruits of their labor. In copyright law, this perspective supports the notion that creators have a legitimate claim not only to the economic benefits of their works but also to the protection of their identity as expressed through their creations[See generally Mautner, Locke on Original Acquisition, 19 AM. PHIL. QUARTERLY 259, 260 1982 claiming "enough and as good" condition not actually a premise in Locke's argument. Although some scholars agree with Mautner, most seem to treat the proposition as a central premise of Locke's argument.

See, e.g., C.B. MACPHERSON, THE POLITICAL THEORY OF POSSESSIVE INDIVIDUALISM: HOBBS TO LOCKE 201 1962; G. PARRY, JOHN LOCKE 1978. Perhaps even Mautner implicitly retreats from saying the "enough and as good" condition is not a premise by admitting that Locke makes an "assumption of original abundance." Mautner, at 260.]. Therefore, copyright can be seen as balancing both property and personhood interests, providing a dual framework that supports creators' financial and personal stakes in their work.

2.4 The Dual Role of Copyright in the Digital Age

In the digital era, the role of copyright has become even more complex as digital platforms both facilitate and challenge the preservation of personhood rights. On one hand, digital media offers creators new avenues for self-expression and broad dissemination of their work, amplifying their public identity and reach. On the other hand, the ease with which digital works can be replicated, transformed, and distributed has raised concerns about unauthorized uses that may distort or misappropriate the creator's identity and personal expression.

The tension between copyright as a property right and copyright as a personhood right is thus magnified in the digital age. For instance, digital content creators often face issues of copyright infringement that not only affect their economic rights but also threaten their association with their works. Without robust mechanisms to ensure the authenticity and integrity of digital works, creators risk losing control over their expressions, which may be altered or misused in ways that violate their personhood rights. In this context, copyright's dual role is critical, as it must adapt to protect both economic and personal interests in an increasingly digital and interconnected world.

2.5. Legal Theories Supporting Personhood-Centric Copyright

Several legal theories support the idea of copyright as a personhood-centric concept. The Hegelian theory of personality, for example, suggests that individuals externalize aspects of themselves in their creations, making their work an extension of their inner self. According to Hegel[See generally https://www.researchgate.net/publication/344365521_Justifications_of_Intellectual_Property_Rights_A_Discussion_on_Locke_and_Hegel's_Theories. Last accessed on 01st October, 2024.], property is a manifestation of personal freedom, as it allows individuals to shape the world according to their vision and identity. Applying this theory to copyright implies that protecting creative works is an acknowledgment of the creator's autonomy and individuality.

Similarly, the natural rights theory of property argues that individuals have an inherent right to the products of their labor, a viewpoint that reinforces the notion that copyright should safeguard the unique aspects of the creator's identity as reflected in their work. This natural rights perspective aligns with the moral rights approach, advocating for copyright laws that recognize creators' non-economic interests in maintaining the integrity and authorship of their works.

3. Legal Nuances at the Intersection of Copyright and Personhood Rights

The relationship between copyright and personhood rights is one of intricate balance, requiring nuanced legal frameworks that recognize both economic and personal interests. Copyright law traditionally serves as a mechanism to protect the monetary value of creative works, yet it also encompasses aspects that safeguard the creator's identity and integrity. As digital technology continues to redefine creative expression and ownership, new challenges emerge, highlighting the need to adapt copyright law to more explicitly acknowledge the personhood rights associated with creative works. This section explores several key legal dimensions that arise at the convergence of copyright and personhood rights.

3.1 Moral Rights as Protectors of Personhood

Moral rights[Thomas F. Cotter, Pragmatism, Economics, and the Droit Moral, 76 N.C.L.Rev. 1 (1997).] represent one of the primary legal mechanisms within copyright law that acknowledges personhood rights. Originating from European civil law traditions and subsequently adopted in various forms by other jurisdictions, moral rights recognize that a creator's identity is often intrinsically linked to their work. The two principal moral rights are the right of attribution and the right of integrity, each serving a distinct purpose in protecting personhood:

- **Right of Attribution**[Rebecca Tushnet, 'Naming Rights: Attribution and Law' (2007) 2007(3) *Utah Law Review* 789.]: This right ensures that creators are credited as the authors of their work, acknowledging their contribution and identity. Attribution is critical in reinforcing the creator's public identity and allows for recognition that links the creator's narrative to the work. In cases of misattribution or non-attribution, creators may experience a form of "identity theft," as their works are disassociated from their names, diminishing their personhood rights.
- **Right of Integrity**[Smith, Cathay Y. N., "Creative Destruction: Copyright's Fair Use Doctrine and the Moral Right of Integrity" (2020). *Faculty Law Review Articles*. 191.

https://scholarworks.umd.edu/faculty_lawreviews/191]: The right of integrity allows creators to object to distortions, modifications, or mutilations of their work that could harm their reputation or misrepresent their identity. The right of integrity is especially significant for creators whose works contain elements closely tied to their cultural or individual identity, as it prevents unauthorized alterations that might dilute or misinterpret the original meaning or intent of the work. In the digital sphere, where remix culture and unauthorized adaptations are common, maintaining the integrity of the creator's work is crucial to preserving their personhood rights.

Despite the essential role of moral rights, their application varies significantly across jurisdictions. Civil law countries, such as France, emphasize moral rights as perpetual and inalienable, while common law countries, like the United States, typically offer more limited protections. The Berne Convention for the Protection of Literary and Artistic Works attempts to harmonize these rights by requiring member countries to recognize moral rights; however, the lack of uniform enforcement leaves creators in some jurisdictions with limited personhood protection under copyright law[https://www.wipo.int/edocs/pubdocs/en/wipo_pub_909_2016.pdf].

3.2 The Digital Dilemma: Reproductions, Remixing, and Loss of Control

The digital age has introduced unprecedented challenges to the interplay between copyright and personhood rights. Unlike physical works, digital creations can be infinitely reproduced, modified, and disseminated, often without the creator's consent. This raises complex legal questions about ownership, authorship, and the extent to which creators can control their works in a digital environment:

- **Loss of Control Over Reproductions**[See generally Comm. On Intellectual Prop. Rights & The Emerging Info. Infrastructure, Nat'l Research Council, *The Digital Dilemma: Intellectual Property In The Information Age* (2000).]: The ease of copying digital works presents significant hurdles for creators seeking to protect their personhood rights. Unauthorized reproductions, particularly when distributed through platforms that fail to credit the original author, can diminish the creator's connection to their work. Additionally, these unauthorized reproductions risk exposing the creator to unwanted associations or reputational harm if their work is altered or misused in offensive contexts.
- **Remixing Culture and Transformative Works**: Digital culture is marked by the rise of remixing and transformative creations, which often involve modifying existing works to create something new. While these practices have contributed to a rich culture of digital innovation, they also challenge traditional copyright protections and personhood rights. For creators whose works are remixed without permission, the resulting transformation can distort the original message or aesthetic, leading to a loss of personal identity tied to the original work. Legal frameworks often struggle to balance copyright infringement with the fair use or transformative nature of remixing, leaving creators with limited avenues for recourse.

3.3 Privacy and Right to Control Personal Data in Digital Creations

As digital content becomes increasingly personalized, the line between intellectual property and personal data begins to blur. Creators often imbue digital works with aspects of their identity, which may include biographical elements, cultural symbols, or unique expressions reflective of their personality[<https://illinoislawrev.web.illinois.edu/wp-content/illr-content/articles/2013/2/Eble.pdf>]. The appropriation or misuse of these works can therefore impact the creator's privacy and right to control their data:

- **Right to be Forgotten and Digital Erasure**[Allegri, M.R. (2022). *The Right to be Forgotten in the Digital Age*. In: Comunello, F., Martire, F., Sabetta, L. (eds) *What People Leave Behind. Frontiers in Sociology and Social Research*, vol 7. Springer, Cham. https://doi.org/10.1007/978-3-031-11756-5_15]: The "right to be forgotten," primarily recognized in European law, allows individuals to request the removal of personal information from digital platforms. While traditionally applied to data privacy, this concept has implications for copyright and personhood in cases where a creator's digital work is widely disseminated without consent. The ability to control or remove digital copies of one's work can be crucial for creators who wish to dissociate themselves from certain representations, particularly when these representations carry personal significance.
- **Digital Identity and Personal Branding**: For many digital creators, their works are not only products of creativity but also integral elements of their brand and identity. Unauthorized uses or misrepresentations can affect the creator's digital identity, which is often intertwined with their professional reputation. Copyright law, when integrated with principles of data privacy, could offer a more robust framework for addressing these concerns, enabling creators to exercise greater control over how their works contribute to their digital identity.

3.4 Jurisdictional Variations and Enforcement Challenges

Copyright and personhood rights are treated differently across jurisdictions, creating challenges in a global digital landscape where works are accessible worldwide. While some jurisdictions provide strong protections for personhood, others prioritize economic rights, and in some cases, personhood rights may be overlooked entirely. These discrepancies raise legal issues that impact creators' ability to protect their connection to their work across borders:

- **Discrepancies in Moral Rights Protection**[Smith, Cathay Y. N., "Creative Destruction: Copyright's Fair Use Doctrine and the Moral Right of Integrity" (2020). *Faculty Law Review Articles*. 191. https://scholarworks.umd.edu/faculty_lawreviews/191]: Countries with robust moral rights protections, such as France and Germany, afford creators greater legal recourse to safeguard their personhood rights in the case of unauthorized reproductions or modifications. Conversely, jurisdictions with limited moral rights, such as the United States, restrict creators' ability to challenge misrepresentations or misuse of their works, particularly when those works are used commercially or in transformative contexts.
- **Enforcement in the Digital Environment**: The borderless nature of the internet complicates the enforcement of copyright and personhood rights, as works can easily be accessed, reproduced, or altered in countries with limited protections. This lack of cohesive international standards can hinder creators' efforts to enforce their rights, necessitating more robust international frameworks for digital rights and personhood. The World Intellectual Property Organization (WIPO) has sought to address some of these gaps, but practical enforcement remains challenging, particularly for individual creators with limited resources.

2.5 Legal Reforms and the Future of Copyright for Personhood Protection

As copyright law continues to evolve, there is a growing recognition of the need for legal reforms that reflect the dual purpose of copyright in protecting both economic and personal interests. Potential reforms could include the expansion of moral rights protections, the development of digital rights management technologies, and the recognition of new legal categories that account for the complex intersection of copyright, personhood, and digital identity:

- **Expansion of Moral Rights Protections**[Smith, Cathay Y. N., "Creative Destruction: Copyright's Fair Use Doctrine and the Moral Right of Integrity" (2020). *Faculty Law Review Articles*. 191. https://scholarworks.umd.edu/faculty_lawreviews/191]: Increasing moral rights protections in common law jurisdictions could provide creators with more comprehensive tools to protect their personhood rights. This might involve extending moral rights to cover digital works more explicitly or implementing stricter attribution requirements across digital platforms.
- **Technological Solutions for Right Management**[https://www.researchgate.net/publication/255993106_Does_India_Need_Digital_Rights_Management_Provisions_or_Better_Digital_Management_Strategies]: In simple words, management of copyright on the internet is known as Digital Rights Management (DRM). Digital Rights Management is a technology designed to track and/or copy-protect digital copyright content; includes Secure Distribution[Secure Distribution is a means of distributing digital content that is typically encrypted and contains embedded usage rules; a *trusted device? is then required to access the content. The device may only be activated, for example, once payment for the content has been made.] mechanisms which generally Encryption[Encrypt/Scramble means to convert into unreadable form (without the right Decryption key).] and Digital Watermarks[Digital Watermark: Data embedded in digital content that will identify the copyright proprietor and usage rules; it also refers to code placed into a content file (text, audio, visual etc.) which makes the content difficult to copy or destroy it if an attempt is made to copy or use the content without permission.]. DRM typically controls the exploitation of content by 'meta-tagging content with the relevant usage rules (license rights) prior to the content being encrypted. It can only be unlocked by a user who has access to the necessary decryption[Decrypt/Descramble is the opposite of Encrypt/Scramble] technology and used within the permitted usage rules[<https://www.manupatra.com/roundup/328/Articles/digital%20rights%20management.pdf>] . Blockchain and digital rights management (DRM) technologies offer promising tools for helping creators retain control over their works and maintain their personhood rights. Blockchain technology, for example, enables the creation of immutable records of ownership and provenance, allowing creators to maintain a traceable link to their works. DRM technologies can also enforce usage rights automatically, ensuring that digital reproductions of works adhere to specific attribution or integrity requirements.
- **Integration with Privacy Law for Comprehensive Protection**: Privacy law, particularly in jurisdictions with strong data protection frameworks, could complement copyright law by recognizing creators' rights to control their data and representations in digital works. An integrated

approach that combines IP and privacy protections could address the unique challenges posed by digital platforms, enabling creators to safeguard their personal and creative identities.

4. Current Challenges in Protecting Personhood Rights

As digital technology reshapes the landscape of creative expression, the protection of personhood rights—those tied to an individual's identity and dignity—faces unique and pressing challenges. The global nature of the internet, the ease of reproducing and transforming content, and the evolving cultural norms around authorship and ownership contribute to a complex environment where traditional copyright law often struggles to safeguard creators' personhood rights effectively. This section examines the key obstacles that impede the protection of personhood rights within the existing copyright framework.

4.1 Unauthorized Reproduction and Attribution Challenges

One of the fundamental ways copyright laws protects personhood rights is through attribution, allowing creators to be recognized as the originators of their work. In the digital age, however, ensuring accurate attribution has become increasingly difficult. Unauthorized reproductions and sharing of creative works across various online platforms often result in the creator's name being stripped from the work, which diminishes their connection to it and erodes their public identity. Online platforms, such as social media and content-sharing sites, often facilitate the widespread sharing of images, music, and text without clear attribution. For example, visual artists frequently face instances where their work is reposted without credit, effectively severing their connection to their creations. This loss of attribution not only impacts their economic interests but also diminishes their personhood, as their identity is no longer linked to their work.

The internet allows for content to be shared anonymously or under pseudonyms, which can make it challenging for creators to enforce their rights. While pseudonymous sharing can sometimes protect creators from retaliation or exploitation, it can also obscure authorship and weaken claims of personhood by distancing creators from their work. Enforcing attribution rights across different platforms is another challenge. The varying policies of platforms like YouTube, Instagram, and Facebook regarding copyright infringement and attribution make it difficult for creators to control how their works are credited or shared. Additionally, the absence of international standards for attribution limits creators' ability to assert their rights globally.

4.2 Remix Culture and the Erosion of Work Integrity

Remix culture [Rai, Prabin. (2021). Copyright Laws and Digital Piracy in Music Industries : The Relevance of Traditional Copyright Laws in the Digital Age and How Music Industries should cope with the ongoing Piracy Culture. 10.13140/RG.2.2.27375.36003.], which involves the creative adaptation and transformation of existing works, is a hallmark of the digital age. While remixing can be a form of homage and innovation, it also poses challenges to the integrity of the original work, often impacting the creator's personhood rights by altering or distorting their original expression. When a work is remixed or transformed in ways that significantly alter its original meaning, the creator's intended message or expression can be lost. This is particularly concerning for works that carry cultural or deeply personal significance, as remixing may distort these elements, misrepresenting the creator's identity and values. Such unauthorized transformations can thus infringe on the creator's moral rights, which, in certain jurisdictions, include the right to protect the integrity of their work.

Different countries apply varying standards for what constitutes fair use or permissible transformative work, creating ambiguity for creators trying to protect the integrity of their work internationally. While some transformations are allowed under fair use doctrines in the United States, other jurisdictions may consider them violations of moral rights. This inconsistency can lead to legal conflicts and confusion, particularly in the digital space where works are easily accessible across borders. Transformative uses of a creator's work without their consent can result in reputational harm, particularly if the modifications create associations that are damaging or undesirable. For instance, if a song is used in a parody or an altered form without the musician's approval, it could affect the musician's reputation or undermine the intended emotional impact of the original piece.

4.3 Data Mining and Exploitation of Digital Identity

Digital platforms not only facilitate the sharing and transformation of creative works but also collect and mine personal data associated with those works, often without the creator's consent. This data can include usage patterns, behavioral analytics, and metadata that reflect aspects of the creator's identity, style, and personality.

Many platforms embed tracking mechanisms within digital works, allowing them to gather data on how, where, and by whom the work is accessed. This data, while technically a byproduct of online interaction, reveals insights into the creator's digital identity. When aggregated and analyzed without the creator's consent, this data mining infringes upon the creator's personhood rights, as it effectively exploits

their identity for commercial purposes.

The use of algorithms to profile creators based on their work can impact their digital identity. Platforms may promote or suppress certain works based on algorithmic analyses, potentially affecting a creator's reputation and public perception. In some cases, creators have limited control over how algorithms categorize and display their work, leaving their digital identity at the mercy of platform-driven algorithms that prioritize engagement over personal narrative.

Creators often lack insight into how their data and metadata are used by platforms, undermining their control over their digital identity. Many digital services operate under opaque terms of service agreements, making it difficult for creators to understand or consent to the ways their personal information is extracted, processed, and commercialized.

4.4 Jurisdictional Disparities in Moral Rights Protection

As copyright laws vary considerably across jurisdictions, so too do the protections afforded to personhood rights. These jurisdictional disparities complicate the protection of moral rights in a globalized digital landscape, where creative works are accessible and shareable worldwide.

In many common law countries, including the United States, moral rights receive limited legal recognition outside of specific sectors, such as visual arts. This lack of comprehensive moral rights protection means that creators may struggle to protect the integrity or attribution of their works within these jurisdictions[Griffiths, Jonathan. (2015). *Moral Rights from a Copyright Perspective*.]. For instance, while the United States grants attribution and integrity rights under the Visual Artists Rights Act (VARA)[Visual Artists' Rights Act of 1990, Pub. L. No. 101-650, Title VI, 104 Stat. 5128 (1990) (codified at 17 U.S.C. §§ 101, 106A, 107, 113, 301, 411, 412, 501, 506). Some commentators suggest that VARA was enacted in order to bring the U.S. closer to complying with the Berne Convention. Other commentators suggest that the enactment of VARA was merely part of a Senate compromise where a package of several bills including VARA was allowed to pass in exchange for a federal judgeship bill to pass. See Roberta Kwall, *How Fine Art Fares Post VARA*, 1 Marq. Intell. Prop. L. Rev. 1, 5 (1997).], these rights do not extend to other forms of media, leaving authors, musicians, and filmmakers without robust moral rights protections.

The international nature of digital distribution means that a work created in one jurisdiction may be accessible globally, potentially subjected to different legal standards in each region. The Berne Convention mandates minimum moral rights protections across member countries, but enforcement remains inconsistent. Creators seeking to protect their work's integrity and attribution often face practical difficulties in asserting their rights across borders, particularly in countries where moral rights are weaker.

Platform-specific policies can supersede or complicate the enforcement of jurisdictional rights, as many digital platforms operate under global terms that may disregard or undermine certain local legal protections. For example, user agreements on large social media platforms often include clauses that grant the platform extensive rights over user-uploaded content, limiting the creator's ability to enforce their personhood rights effectively.

4.5 Insufficient Legal Frameworks for Emerging Digital Technologies

Emerging technologies, such as artificial intelligence (AI) and blockchain, present new complexities for protecting personhood rights in the digital realm. While these technologies offer potential solutions, they also raise unprecedented challenges for copyright and personhood. AI-generated content blurs the lines of authorship and originality, raising questions about who, if anyone, holds personhood rights over such works. Creators who use AI as a tool may still feel a personal connection to the output, yet current copyright laws may not fully recognize their personhood rights in these contexts, as the authorship of AI-generated works remains a contentious issue.

DRM and blockchain offer promising tools for tracking and enforcing copyright, but their practical application remains limited. Blockchain, for example, could establish an immutable record of authorship and distribution, helping creators retain attribution and control. However, the lack of widespread adoption and regulatory frameworks for blockchain technology means that creators still face obstacles in using it effectively to protect their personhood rights.

The recent practical advances realized by Artificial Intelligence, have also given rise to the phenomenon of deepfakes, which can be considered as a form of fake news. Deepfakes is the phenomenon of creation of realistic digital products, and a plethora of videos have emerged over the last two years in social media. Especially the low technical expertise and equipment required to create deepfakes, means that such content can be easily produced by anyone and distributed online. The societal implications are significant and far-reaching. This work investigates the deepfakes via multi-angled perspectives that include media and society, media production, media representations, media audiences, gender, law, and regulation, as well as politics. Some key implications of these viewpoints are identified and critically discussed. The results indicate that as a society, we are not ready to deal with the emergence of deepfakes at any level. That we have not witnessed any severe impacts so far is due to their early stage of development, that shows imperfections in addressing the issue, a combination of technology, education,

training, and governance is urgently needed. The rise of deepfakes and AI-driven media manipulation[Karnouskos, Stamatis. (2020). Artificial Intelligence in Digital Media: The Era of Deepfakes. IEEE Transactions on Technology and Society. PP. 1-1. 10.1109/TTS.2020.3001312.] poses significant risks to personhood rights, as individuals' images, voices, and likenesses can be digitally altered or recreated without their consent. These technologies enable unprecedented forms of identity theft, undermining creators' personhood by allowing unauthorized reproductions or distortions of their appearance or expressions.

5. Potential Reforms for Integrating Copyright with Human Rights Discourse

The integration of copyright law with human rights discourse is increasingly essential in the digital age, where the boundaries between personal identity and creative expression are often blurred. As digital technologies transform how we create, share, and consume content, the implications for individual rights become more pronounced. This calls for potential reforms that not only enhance copyright protections but also align them with the fundamental principles of human rights. Such reforms are necessary to ensure that copyright law serves its dual purpose: protecting economic interests while upholding personal dignity and identity. One of the primary areas for reform involves strengthening moral rights within copyright law. Moral rights, which include the right to attribution and the right to integrity, are crucial for safeguarding an individual's connection to their creative work. These rights empower creators to control how their works are used and presented, thereby protecting their reputations and personal narratives. Current legal frameworks often inadequately address moral rights, particularly in jurisdictions where they are not recognized or are limited in scope. By expanding the recognition and enforcement of moral rights globally, we can better protect creators' identities and ensure that their contributions are respected in both commercial and non-commercial contexts. Furthermore, as artificial intelligence (AI) plays an increasingly significant role in content creation, legal frameworks must evolve to address the unique challenges posed by AI-generated works. The question of authorship becomes complex when machines produce creative outputs without direct human input. Reforming copyright law to establish clear guidelines for AI-generated content is essential. This could involve defining ownership rights based on the degree of human involvement in the creation process or establishing a new category of copyright that recognizes AI as a tool rather than an author. Such reforms would help clarify legal ambiguities surrounding AI-generated works while ensuring that human creators retain their rights and identities in an evolving digital landscape. Another critical area for reform is the incorporation of privacy protections into copyright law. The right to privacy is a fundamental aspect of personhood that often intersects with copyright issues, particularly in cases where personal information is used without consent. Digital platforms frequently exploit user-generated content, raising concerns about unauthorized use and misappropriation of individuals' identities. By integrating privacy protections into copyright law, we can create a more comprehensive framework that respects individuals' rights to control their personal information and narratives. This could involve requiring explicit consent for the use of personal data in creative works or establishing stronger penalties for unauthorized use that infringes on individuals' privacy. , enhancing public access to information while protecting individual rights is a delicate balance that requires thoughtful reform. Copyright law has historically prioritized the interests of creators but has often overlooked the broader societal benefits of access to knowledge and culture. Reforms should aim to create a more equitable system that allows for fair use and transformative uses of copyrighted material without undermining creators' rights. This could involve expanding fair use provisions to accommodate educational purposes, commentary, and criticism while ensuring that creators are still compensated for their work when appropriate. By fostering an environment where both individual rights and public interests are respected, we can promote a richer cultural landscape that benefits society as a whole. In addition to these specific reforms, there is a pressing need for a holistic approach that integrates copyright law with broader human rights principles. This entails recognizing the interconnectedness of various rights—such as freedom of expression, privacy, and economic rights—and understanding how they interact within the digital ecosystem. Policymakers should engage in interdisciplinary dialogue involving legal scholars, human rights advocates, technologists, and creators to develop comprehensive solutions that address the complexities of digital creation. Such collaborative efforts can lead to innovative legal frameworks that not only protect individual identities but also promote creativity and innovation in a manner consistent with human dignity. Finally, education plays a crucial role in advancing these reforms. Raising awareness about the importance of personhood rights within copyright law among creators, consumers, and policymakers is essential for fostering a culture that values both creativity and individual dignity. Educational initiatives should focus on informing stakeholders about their rights and responsibilities in the digital realm while promoting ethical practices around content creation and sharing. By empowering individuals with knowledge about their rights under copyright law and human rights frameworks, we can cultivate a more respectful digital environment where personal identities are honored alongside creative expressions. Integrating copyright law with human rights discourse presents an opportunity to create a more just and equitable legal framework in the digital age. By strengthening moral rights, clarifying authorship in AI-generated works, incorporating privacy protections, balancing

public access with individual rights, fostering interdisciplinary dialogue, and promoting education on these issues, we can better safeguard both economic interests and personal dignity. As we navigate the complexities of digital creation, it is imperative to recognize that copyright serves not only as a tool for protecting creative expressions but also as a vital means of upholding individual identity and integrity in an increasingly interconnected world. Through these reforms, we can ensure that our legal systems adapt to contemporary challenges while respecting the fundamental principles of human dignity at their core.

5.1 Strengthening Moral Rights Protections

To better protect personhood rights within copyright law, reforms should focus on enhancing moral rights protections for creators. This section will outline specific legislative changes that could strengthen these protections while considering the needs of follow-on authors. Strengthening moral rights protections is essential in the contemporary landscape of copyright law, particularly as digital technologies continue to evolve and reshape creative expression. Moral rights, which include the right to attribution and the right to integrity, serve to protect the personal and reputational interests of creators, ensuring that they are recognized for their contributions and that their works are not altered in ways that could harm their reputation. In an age where digital content can be easily manipulated and disseminated without consent, enhancing these protections is crucial for upholding the integrity of creative works. This is especially pertinent in the context of social media, where unauthorized use and misrepresentation of content are rampant. By reinforcing moral rights, we can provide creators with greater control over how their works are used and presented, thereby safeguarding their narratives and identities. Moreover, strengthening moral rights aligns with the broader discourse of human rights, recognizing that individuals have a fundamental right to maintain their dignity and identity through their creative expressions. Legislative reforms could include clearer definitions of moral rights within copyright law, as well as extending these protections to digital platforms where content is frequently shared and repurposed. Additionally, education and awareness campaigns can empower creators to assert their moral rights effectively. As emerging technologies such as artificial intelligence complicate traditional notions of authorship, it becomes increasingly important to ensure that moral rights are adaptable and robust enough to address these challenges. Ultimately, by prioritizing moral rights protections, we affirm the value of individual creativity and identity in the digital age, fostering an environment where personal integrity is respected alongside economic interests. This holistic approach not only benefits creators but also enriches society by preserving the authenticity and diversity of cultural expressions in an increasingly interconnected world.

5.2 Establishing Clear Guidelines for AI-Generated Content

As AI continues to play a significant role in content creation, clear legal guidelines are needed to address authorship issues related to AI-generated works. This section will propose a framework for determining ownership and copyright implications for AI-generated content. Establishing clear guidelines for AI-generated content is essential in navigating the complexities of copyright law and personhood rights in the digital age. As artificial intelligence increasingly contributes to creative processes, questions surrounding authorship, ownership, and moral rights become more pronounced. Current copyright frameworks often struggle to address the unique challenges posed by AI-generated works, leading to ambiguity regarding who holds the rights to such content. To mitigate these challenges, it is imperative to develop comprehensive guidelines that clarify the legal status of AI-generated creations. These guidelines should define the criteria for authorship, considering whether the AI acts merely as a tool for human creators or if it can be regarded as an independent author. Additionally, establishing ownership protocols is crucial; this involves determining whether the rights belong to the developers of the AI, the users who input data, or potentially even the AI itself, depending on its level of autonomy in generating content. Moreover, these guidelines should incorporate moral rights protections to ensure that creators maintain control over how their works are used and presented. This includes addressing issues of attribution and integrity, which are vital for preserving personal narratives and reputations in a digital landscape where content can be easily manipulated. Furthermore, as AI technologies evolve, ongoing assessments of these guidelines will be necessary to adapt to new developments and societal expectations. By fostering a legal framework that recognizes both economic interests and personal integrity, we can create an environment that respects individual identities while promoting innovation. Ultimately, clear guidelines for AI-generated content will not only enhance legal clarity but also ensure that copyright law evolves in tandem with technological advancements, safeguarding both creative expressions and personhood rights in an increasingly automated world.

5.3 Incorporating Human Rights Perspectives into Copyright Law

Integrating human rights discourse into copyright law can provide a more comprehensive approach to protecting personhood rights. This section will discuss how aligning copyright with human rights principles can enhance protections for individuals in the digital age. Incorporating human rights perspectives into copyright law is essential for addressing the complexities of the digital age, where individual identities and creative expressions are increasingly intertwined. Copyright law, traditionally

focused on economic rights, must evolve to recognize the broader implications of protecting personal narratives and reputations. The right to personhood encompasses the dignity, identity, and integrity of individuals, which are often compromised in the digital landscape due to the unauthorized use and manipulation of creative works. By integrating human rights principles into copyright frameworks, we can ensure that creators maintain control over their work and its representation, thereby safeguarding their moral rights alongside economic interests. This holistic approach acknowledges that copyright is not merely a tool for financial gain but also a vital mechanism for preserving individual dignity and identity. Moreover, as emerging technologies such as artificial intelligence challenge traditional notions of authorship and ownership, it becomes increasingly important to embed human rights considerations into copyright legislation. Such integration would provide a more comprehensive legal structure that addresses issues like privacy breaches and the unauthorized appropriation of personal content, ensuring that individuals can protect their reputations in an era of rapid digital dissemination. Furthermore, aligning copyright law with human rights discourse fosters a legal environment where both creators and consumers are empowered[Laurence R. Helfer, *Human Rights and Intellectual Property: Conflict or Coexistence?*, 5 MINN. INTELL. PROP. REV. 47 (2003). Available at: <https://scholarship.law.umn.edu/mjlst/vol5/iss1/2>]. It encourages respect for personal narratives while promoting access to information and cultural expression. As we navigate the complexities of digital creation, it is crucial to advocate for reforms that reflect this interconnectedness, ensuring that copyright law evolves in tandem with societal values surrounding human rights. By doing so, we can create a legal framework that not only protects economic interests but also champions the fundamental rights of individuals in an increasingly digital world.

6. CONCLUSION

As digital creation continues to evolve, understanding the interplay between copyright law and personhood rights is essential for fostering an environment where individual identities are respected and protected. By advocating for a more robust legal framework that integrates these two domains, this paper calls for ongoing dialogue among legal scholars, policymakers, and creators to ensure that our legal systems adapt to the challenges posed by emerging technologies while safeguarding human dignity. As digital technologies continue to reshape creative expression and distribution, copyright law must evolve to protect not only the economic interests of creators but also their identities and dignity. The interplay between copyright and personhood rights reflects a critical shift in legal theory, one that acknowledges the dual role of copyright in safeguarding economic and personal integrity.

By incorporating personhood rights into copyright frameworks, lawmakers can address the unique challenges posed by digital creation, ensuring that copyright law aligns with the broader discourse on human rights. This approach will provide creators with the protection they need in the digital age, respecting both their economic interests and their right to identity, dignity, and self-expression.

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