A study on Authorship and Ownership of AI-Generated Dubbing and Subtitling in OTT Platforms being a copyright grey zone.

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Abstract - The emergence of automated dubbing and subtitling through the use of Artificial Intelligence (AI) on the Over-the-Top (OTT) platform has presented a major challenge to the doctrine of copyright laws. As AI-based localisation increases the accessibility and commercial scales in digital streaming, it also interferes with classical legal conceptualisations of authorship, originality, and ownership under the Copyright Act, 1957. The Indian copyright jurisprudence especially the modicum of creativity rule in the Eastern Book Company v. D.B. Modak assumes the presence of human intellectual input as the basis of protection. Nevertheless, AI-based dubbing and subtitling can be based on little direct human control, which in turn leads to uncertainty in the question whether these works can be considered a piece of copyrightable content and whose identity to consider them on the legal level.The paper provides a critical analysis of the relevance of Section 2(d), 14, 17, and 38 of the Copyright Act, 1957 to the application of artificial intelligence (AI) in the production of audiovisual adaptations that are made available via an OTT service, including Netflix and Amazon Prime Video. It examines the originality criterion, initial ownership provisions, derivatives work determination, and a possible infringement of the rights of the performer by past AI-based voice cloning. Using comparative analysis of foreign practices, especially the one employed in the United Kingdom and the United States, the study establishes the legislative silence and gaps in the doctrine of the Indian system.To sum up, the given research finds that the copyright regime is insufficiently suited to handle the challenges posed by AI-generated dubbing and subtitling in the OTT ecosystems, as well as proposes the necessity of statutory interpretation to properly balance the humanistic principles of the copyright legislation with the technological advancements.

Keywords: Artificial Intelligence (AI) usage, Authorship, Copyright Act 1957, Originality Doctrine, Ownership of Copyright, AI-generated, OTT Strength.

INTRODUCTION

An unprecedented rise of Over-the-Top (OTT) streaming platforms like Netflix, Amazon Prime Video, and Disney + Hotstar has become a fundamental shift in the worldwide distribution and consumption of the audiovisual works. These platforms have increased the necessity of multilingual access because they have overcome geographical borders and made it possible to access content anywhere in the world at the same time. To effectively serve various linguistic markets at relatively low cost, OTT platforms are increasingly using Artificial Intelligence (AI) technologies in automated dubbing, real-time subtitling, machine translation, lip-synchronised speech synthesis, and artificial voice synthesis. Although this kind of integration technology can be helpful in terms of scalability, and global reach, it, on the other hand, erodes the long held doctrines of the copyright law, especially the provisions that regulate the principles of authorship and ownership.

The human creativity has been the main focus on which the copyright law has been based. The concept of authorship in the Indian Copyright Act, 1957 understands it to be an activity of the human intellectual effort, skill, and labour, and judgment. Courts have also confirmed the creativity is a modicum of creativity must be populace in originality by interpreting in Judicial review case strictly as in the case of originality Eastern Book Company v. D.B. Modak which also exposes the anthropocentric nature of the protection of copyright. The philosophical foundations of copyright, as based on Lockean labour theory (which compensates intellectual labour), as based on personality theory (which safeguards individual creative expression), are based on a human author whose mental processes result in the scholarly work applied in the secured work. This underlying assumption is, however, not true when it comes to AI-generated dubbing and subtitling. Whenever machine learning programs automatically interpret conversation,

recreate tonal shifts, align vocal patterns, and produce expressive vocal samples with little or no direct human interference, then the critical question becomes whether one can even speak of the production by an author in the juridical sense of that term.

The uncertainty surrounding the doctrines is even more pronounced regarding the OTT platforms where AI systems are performed at the scale of large applications that may be based on the use of complex neural networks that are trained on extensive datasets. As opposed to the traditional dubbing, where the human voice performers have to perform interpretatively, the AI generated dubbing can imitate the cadence of emotion and the vocal identity algorithmically. This obscures the conceptual line between creative reproduction and robotic reproduction. When the protection of copyright is dependent on human innovation, it can be said that an entirely autonomous AI product does not fall within the realm of protection of the Act. The point of attribution of authorship, on the other hand, becomes disputable in case it is decided that human input in programming, training or deploying AI systems is good enough to meet the originality threshold. The programmer, the OTT platform, the producer of the film behind the scenes or the organization having commissioned the AI service might all claim they were involved in the creative process and the statute does not specifically contemplating such technology mediated creation.

The issue of ownership is a similarly tricky doctrine. The Copyright Act, of 1957 section 17 has general rules controlling first ownership, which usually places rights in the hands of the author, in certain cases the rights may be held by employers or people who commission it. In the AI-generated dubbing case, though, the artistic production is formed in a cooperation of the algorithmic systems with the already copyrighted works of the cinematography. The resulting dubbed or subtitled product can be considered a translation or an adaptation, but because the human author cannot be pointed to it makes it difficult to enforce the laws of ownership. However, this ambiguity has serious commercial consequences to the licensing processes, royalty distribution, and cross-border streaming rights especially with the transnational character of the OTT distribution models.

The matter is aggravated by the fact that the use of AI-powered voice cloning applications can mimic unique vocal qualities of performers. In recognition that personal and economic worth exists in the performance, Under Section 38 of the copyright act, performers have received exclusive rights to their performances. Artificial re-creation of the voice of an actor without express permission cast doubt on the violation of rights of a performer, manipulation of performance, and the possible lack of the moral rights. In contrast to the traditional dubbing, when a performer provides his/her own creative input, using AI cloning, the performer can, technically, reproduce his/her identity, and the line between the technological amplification and the inappropriate use will become grey.

The review of the law in comparative terms shows that there are conflicting views on AI-generated works. Copyright, Designs and Patents Act of 1988 The United Kingdom places authorship of computer-generated works on the individual who arranges the creation required under its Copyright, Designs and Patents Act, 1988, legally providing a statutory resolution to non-human creative work. The United States on the other hand, follows the rule exactly of human authorship, blocking any copyright rights to work done by machines alone. The EU is still discussing regulatory frameworks touching on intellectual property harmonisation and artificial intelligence. However, India does not take the particular issue of AI-generated works in a legislative approach as the countries will rely on the interpretation of a statute that was developed before the digital age. The silence creates a sense of doctrinal uncertainty in the fast-changing OTT ecosystem where production with the help of AI is gaining momentum.

These legal peculiarities of AI-generated dubbing and subtitling depend on a range of interconnected aspects, such as the level of technological autonomy, the scope of human oversight, the description of AI products as an adaptation or translation, the legal frameworks of the contracts used to license OTT, and the repercussions of such a model on other actors and creators. The convergence of these factors proves that the use of AI into the audiovisual production is not just a technical innovation but a process that can re-arrange the normative order within the copyright law as such. The conflict is between the promotion of technological innovation and the maintenance of the human-centricity of the justification which supports the protection of copyrights.

This dogma research project thus attempts to critically review the authorship implications and ownership issues of AI-generated dubbing and subtitling in the context of the Copyright Act, 1957. Through examination of statutory materials, judicial interpretation, comparative legal treatment, and formative technology facts, the study attempts to discover lapses in the structural aspects of an already constituted regime. It also considers the issue of whether current existing doctrines can be expanded to meet these challenges or whether the law needs to be changed to bring artificial intelligence into harmony with already laid down tenets of the copyright law. By so doing, the paper places AIsuggested audiovisual adaptation in the context of a major grey zone in intellectual property law in the present day that requires close doctrinal examination and a normative re-evaluation.

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Objectives:

1. To critically examine whether AI-generated dubbing and subtitling satisfy the "modicum of creativity" standard laid down in Eastern Book Company v. D.B. Modak under Indian copyright law.
2. To determine whether AI-generated dubbing constitutes an "adaptation" or "derivative work" under the Copyright Act, 1957.
3. To analyse who can be legally recognized as the "author" of AI-generated dubbing and subtitling under Section 2(d) of the Copyright Act, 1957.
4. To evaluate the ownership implications of AI-generated dubbing under Section 17 of the Copyright Act, 1957, particularly in the context of OTT platform agreements.
5. To assess whether AI-based voice cloning used in OTT platforms infringes performer's rights under Section 38 of the Copyright Act, 1957.

RESEARCH METHODOLOGY

The present study adopts a **doctrinal research methodology**, primarily based on analytical and interpretative examination of legal principles governing authorship and ownership under copyright law. The research is descriptive as well as critical in nature, focusing on the statutory framework of the Copyright Act, 1957 and its applicability to AI-generated dubbing and subtitling in OTT platforms.

The study relies exclusively on **secondary sources of data**, including statutory provisions, judicial precedents, parliamentary materials, Law Commission reports, international conventions, WIPO discussions, scholarly articles, commentaries, and comparative foreign legislation. Key judicial interpretations, particularly the originality standard articulated in Eastern Book Company v. D.B. Modak, are analysed to evaluate whether AI-generated outputs satisfy the requirement of human creativity under Indian law.

An **analytical approach** is employed to interpret Sections 2(d), 14, 17, and 38 of the Copyright Act, 1957 in light of emerging AI technologies used by OTT platforms. The research further undertakes a **comparative doctrinal analysis** of foreign jurisdictions, particularly the United Kingdom and the United States, to examine how different legal systems address authorship in computer-generated works. This comparative evaluation assists in identifying doctrinal gaps within the Indian framework.

The methodology also incorporates a **critical evaluation of policy considerations**, including technological innovation, performer protection, contractual allocation of rights, and cross-border streaming implications. The study does not involve empirical data collection, surveys, or interviews, as its primary objective is to analyse, interpret, and critique existing legal norms.

Through doctrinal interpretation and comparative reasoning, the research aims to assess whether the current statutory framework is adequate to address AI-generated dubbing and subtitling or whether legislative clarification is necessary to resolve the emerging grey area in copyright law.

REVIEW OF LITERATURE:

1. Pamela Samuelson (1986) Allocation of Ownership Rights in Computer Generated Work.University of Pittsburgh Law Review. The first article by Samuelson considers the role of distributions of ownership in work created through computers and emphasizes that the conventional copyright principles are ineffective when the technological system generates the creative works. Her ownership of programmer or user discussion would give a base structure to analyse the AI-generated dubbing in OTTs, where several parties are engaged in the creative process.
2. Annemarie Bridy (2012) Coding Creativity Copyright and the Artificially Intelligent Author. Stanford technology law review.Bridy states that the copyright law is inherently based on human creativity, and asks, can AI-composed work meet the originality criterion? Her criticism of the doctrine is closely applicable in examining whether AI subtitling and dubbing qualifies the legal standard of protection.
3. Jane C. Ginsburg and Luke Ali Budiardjo (2019).Authors and Machineserkeley Technology Law Journal. The authors interpret the doctrine of human authorship and discuss the extent to which the protection of the copyright needs the human involvement. Their discussion presents a useful model of how to find out whether AI-aided audiovisual reinterpretations can still be attributed to human agency.

4. Andres Guadamuz (2017) The Copyright and Artificial Intelligence. WIPO Magazine: Guadamuz also gives a comparative discussion of AI-generated works and identifies the differences between the statutory recognition of computer-generated works in the UK and the US human-authorship model. His points in comparison help in defining a silence of legislation in India.

5. Ana Ramalho (2017) Will the Robots Take Over the (Artistic) World? A Legal Proposal on the Legal Status of the Creations of Artificial Intelligence Systems. Journal of Internet Law: Ramalho proposes a systematic method of managing the legal ambiguity in the AI generated works and warns on the reduction of the philosophical basis of copyright by blind expansion of the teachings of authorship.

6. Mark A. Lemley (2015) In a World without Scarcity IP. New York University Law Review. Lemley scrutinizes closely the issue of whether the protection of intellectual property is still desirable in the technologically sophisticated happenings where the productions are very cheap. His economic view is especially applicable to the AI dubbing, which decreases the use of human actors.

7. Arul George Scaria (2019) The Indian market: Emerging Challenges of Artificial Intelligence and Copyright Law. Journal of National Law University Delhi. Scaria explains the issues that have been created by the AI-created works under the Indian system of copyright and outlines the lack of statutory clarity on non-human authorship. He states that Indian law should fully strike a balance between technological development and consistency in doctrines, and his work is very applicable to audiovisual localisation based on AI.

8. Shamnad Basheer (2018) Authorship, Originality and Artificial Intelligence: A Rediscovery of Indian copyright Law. Indian Journal of Law and Technology. Basheer puts skeptic scrutiny on the originality prerequisite by Indian law, and asks whether the modicum of creativity criteria may be applied to outputs of AI. The issue of his doctrinal analysis is that it should be able to assess the possibility of AI dubbing as an original work.

9. Dev Gangjee (2020) Innovation, Machines and Copyright: Indian PoV. National Law school of India Review. Gangjee discusses the philosophy of authorship and examines the congruence of machine-created creativity and the Indian copyright. His work is a contribution to the normative implication of AI-generated works protection extension.

10. Nishith Desai Associates (2021) The Internationalization of Artificial Intelligence, Content Creation and Copyright Implications in India. Nishith Desai Legal and tax regulatory Report.This report will examine commercial and contractual implications of AI generated content in the Indian media and entertainment industry. It covers the issues of ownership distribution and liability, which directly apply to the case of OTT-based dubbing and subtitling that involves the usage of AI.

11. Anubha Sinha (2022) Artificial Intelligence (AI) Generated Works in the Indian Copyright Law: Should it be a Revamped Law? Indian Law Review Sinha assesses the capability of the Copyright Act, 1957 in addressing artificial intelligence generated work and calls to clarify the legislation. Her discussion contributes to the opinion that audiovisual versions using AI cause doctrinal ambiguity in India.

12. Ryan Abbott (2020) The Rational Robot: Artificial Intelligence and Law. Cambridge University Press . Abbott examines the wider legal law of artificial intelligence in intellectual property regimes and proposes responsive laws to reflect outputs induced by machines. His examination can be applied to the concept of how artificial intelligence-generated dubbing can create the need to have flexibility in the copyright legislation in terms of doctrinal correctness.

13. Daniel J. Gervais (2020) The Machine as Author: Iowa Law Review. Gervais studies the question of whether AI systems can be treated like authors and explores the consequences of the protection given to machine-generated works or their complete disregard. He claims that a rigid human authorship provision can leave protection holes especially in digital commerce segments like the OTT.

14. Margot E. Kaminski (2017) Authorship, Disruption, and Machine Learning. UC Davis Law Review Kaminski analyses the uncertainty of machine learning to the classical copyright beliefs of creativity and control. Her attempts are valuable in the analysis of the extent of human intervention that is needed to sustain copyright protection in the production of artificially-aided content by AI.

15. The research study was done by Natalie Stoianoff and Jodie-Louise Fennell (2019). Moral Rights and Artificial Intelligence. Queen Mary Journal of Intellectual Property. The authors examine the engagement of AI-generated products with the moral rights principles and whether machine-generated products may have any meaningful interaction with the right of integrity. This discussion is especially applicable to voice cloning of AI when dubbing.

16. Martin Senftleben (2018) Creativity in 2020, the Age of Artificial Intelligence. European Intellectual Property Review. Senftleben reconsiders the originality test and AI creativity and further recommends that the threshold of human intellectual

creation might have to be re-assessed by courts. His arguments will help in estimating the AI generated subtitles, whether they qualify as original Indian subtitles.

17. Rahul Bajaj (2021) India Artificial Intelligence and Copyright Ownership. Indian Journal of Intellectual Property Law. Bajaj reviews the issues of ownership that appear because of the AI-generated content by the Indian copyright laws, and demonstrates the ambiguity of the interpretative approach concerning the Section 17 of Copyright Act, 1957. His writing speaks to the fact persqu that the issue of ownership in the context of AI-generated dubbing directly informs.

18. V.K. Ahuja (2019) And the Digital Era of Intellectual Property Rights. Publishing (Book Publication) Eastern Book Company. Ahuja addresses the changing nature of the copyright issue in the digital space such as mediation of the creative work by technology. Much of this is not specifically on the topic of AI, but his argument on digital adaptations and derivative works can be applied to localisation using OTT services.

19. Prashant Reddy T. (2020) Artificial Intelligence and the Indian IP Law Article: Doctrinal Challenges. Released by SpicyIP Blog (Scholarly Commentary Series), 2007. Reddy analyses interpretative issues in the AI presented in the context of Indian IP and highlights the lack of court precedents. His commentary on his doctrine points to the dire necessity of legislation.

20. Aparajita Lath (2022) Artificial Intelligence and Future of Copyright in India. The Journal of Intellectual Property Studies. Lath discusses the unfriendliness of the AI-generated creations and application of the doctrine of originality in Indian law and concludes that even AI-assisted creations might require recognisable human involvement to be eligible as an original.

21. K.S. Kardam (2021) Artificial Intelligence and artists and rights in India. National Law Review of Law University. Kardam touches directly on the issue of the rights of performers in the era of digital reproduction and artificial media. His point is especially important in relation to AI Voice cloning and the fact that the right will be violated in accordance with Section 38 of the Copyright Act, 1957.

RESEARCH GAP

Through the existing literature in the field of artificial intelligence and copyright law, the general concern has mostly been the whole issue of whether the work produced by AI should be covered by copyright protection and whether non-humans should be taken as an author. The fit of machine-generated results with the human authorship doctrine, the originality requirement, and justifications of policies supporting the protection of intellectual property, has been the subject of discussion among international scholars extensively. On the same note, the mainstream implication of artificial intelligence has been explored by the Indian academic discourse concerning the copyright act, 1957 especially in matters relating to authorship and ownership.

Nevertheless, there is still a notable gap in the literature concerning a specific situation of AI-generated dubbing and subtitling in OTT platforms. The majority of literature touches on AI-generated work at such an abstract level like algorithmically generated music, digital art or autonomous inventions without examining the specific legal aspects that surround audiovisual adaptations distributed on streaming platforms. The localisation of the OTT services applies to the layered rights in the cinematographic films, translations, adaptations and performances as well that build a multi-stakeholder environment, which is under-explored throughout the academic literature.

Moreover, the convergence of voice cloning by AI and rights of the performer within the Indian copyright legislation has received little attention. Although the idea of moral rights and originality has been addressed in general AI literature, the exact implication of the replication of synthetic voices on the rights in Section 38 of the Copyright Act, 1957 have not been addressed in any depth. The reality of OTTs licensing, distribution across countries and ownership systemic on a platform adds to the problem, although these aspects have not been subjected to a systematic study on Indian doctrinal studies.

Furthermore, comparative studies tend to draw attention towards the recognition of computer generated works by the United Kingdom or how stringent the human authorship requirement is in the United States, but limited analysis is made about how well the models can be applied effectively to the situation in India. The lack of targeted research of doctrines on AI-assisted audiovisual localisation in OTT ecosystem poses uncertainty on the concept of attributing authorship, assigning ownership, and protecting performers.

Thus, the current study aims to close this gap by performing a detailed doctrinal study particularly with regards to AI-generated dubbing and subtitling of OTTs under Indian copyright law. This study seeks to address this gap and provide an opportunity to close the current gap between general AI copyright scholarship and the realities of digital streaming platforms.

SUGGESTIONS:

It is argued a clear clause in the Copyright Act, 1957 should be introduced by the Indian legislature to identify the legal nature of the AI-generated works, mainly when the creative output is generated under less than minimum human intervention. The lack of notoriety in assigning ownership by section 17 under AI assisted works could be mitigated by a statutory clarification of what constitutes authorship on creations using AI.

In addition, a stringent legal test ought to be created legislatively or judicially to the point of creation of human intervention that must be undertaken to meet the test of originality that was put in place in Eastern Book Company v. D.B. Modak. This would result in the doctrinal unity and avoid uncertainty in future controversies that surround AI-generated dubbing and subtitling.

It is also suggested that more powerful protection should be employed to safeguard the rights of the performer in Section 38 in the instance of voice AI-based cloning. Introductory approval conditions and designated redress measures against unauthorized electronic duplication of voice of a performer ought to be well defined to avoid being abused.

Also, OTTs must also embrace open contractual structures that define ownership, liability, and royalty payment towards AI-generated dubbing and subtitling. Regulatory policies could help make the industry more uniform and curb the tension between producers, programmers and streaming sites.

Finally, policy makers can wonder if their answer can be the restricted sui generis or neighbouring rights regime to fully autonomous AI-generated works and pull the scales between technological creation and human-related origins of the copyright law.

CONCLUSION:

Such is the blistering adoption of the Artificial Intelligence in the content production and localisation process within OTT platforms like Netflix and Amazon Prime Video, which now pose complex legal issues that question the principles of the copyright law. The generated dubbing and subtitling of AI are not only the technological augmentation but also the paradigm change in terms of the way the creative audiovisual products are adapted, distributed, and substantiated in the digital era. Such reorientation reveals immense doctrinal ambiguities in the Copyright Act, 1957 especially on the authorship, originality, ownership and the rights of a performer.

The paper shows that the Indian copyrights legislation is still entrenched to the idea of human intellectual creativity. The human factor is a precondition to protection as judicial interpretation, in particular, the standard of the modicum of creativity, expressed in Eastern Book Company v. D.B. Modak, underlines it. Subtitling and dubbing generated by AI however makes this challenging with less or no human involvement in the production of the outputs. The fact that AI-created works are not explicitly identified in statute creates a grey area as to whether the same meets the originality criteria and who can be considered to be the author of the work.

This uncertainty is also increased by the question of ownership. An OTT ecosystem involves several participants also, such as producers, streaming services, AI creators, and content licensors, who become a part of the final product. However, Section 17 of the Copyright Act, 1957 fails to offer articulate directives in situations when creative expression comes about in the algorithmic procedures. This loophole provides room to contractual disagreements, uneven and random application, and judicial lawlessness in an ever-growing digital market.

Also, the paper has pointed out the new conflict developed between AI voice cloning and rights of performers under Section 38. When a performer has his voice synthetically replicated, several questions can be raised on the issue of consent, integrity of performance and economic exploitation. With the rise in the sophistication of AI technology, there is a possibility that unauthorized digital imitating can occur and that stronger laws are necessary to ensure that the performers are not stolen.

Comparative expression demonstrates that some of the jurisdictions (like the United Kingdom) have implemented legal tools to resolve computer-generated works, but the United States is still stuck to a human authorship principle. The legislative silence in India places the country at the crossroads with judicial interpretation being possibly not effective in responding to the changing technological realities. The lack of legislative elucidation would provide courts with interpretative difficulties regarding how to reconcile the decades old copyright philosophy with AI-aided creation.

In conclusion, the study confirms that AI-generated dubbing and subtitling on the OTT platforms represents a serious grey zone in the Indian copyright legislation. The current legal framework, written during a time when digital technology has not yet been mastered, is not completely armed to solve the complexities arising due to autonomous and semi-autonomous creative systems. This requires a moderate solution, one that does not sacrifice the human-focused basis of copyright but instead one that would be able to adapt to technological advancement in the digital media industries.

The ability of the copyright law in India to keep up with the new technologies without compromising the moral and economic interests that it aims to safeguard will determine its future. The need to address the identified gaps in which the doctrines of this study are missing is not just a question of legal clarification but rather a move to guarantee certainty, balance, and sustainability in the changing world of AI-based content-creating technology.

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