

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrish Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

BRAND PROTECTION IN THE AGE OF DEEPPFAKES

AUTHORED BY - HARSHIT SINGH

1. Introduction

In this report, a growing number of companies are using deep faked images and videos to create fake products that look like existing products from those companies. As a result, companies are facing many different types of financial risk.

Deep fakes using advanced technology have already created significant amounts of financial loss for many companies, due to the rapid increase in deep fake technological advancements. The number of deep fake related incidents has dramatically increased over the past two years. It is estimated that, globally, there will be approximately 8 million instances by the year 2025 alone. Fraud attempts related to deep fakes have also been on the rise over this time period.

There is no longer a question of whether or not deep fakes will cause financial losses to companies. Many of these companies have already lost millions of dollars due to employees being tricked into sending money via wire transfer to thieves that were posing as a legitimate company. Employees, including CFOs, have participated in video calls with other fake participants that were actually deep fakes. In addition to the loss of funds due to wire transfer fraud, deep fakes have also caused many companies to be caught up in public scandals due to the use of fake celebrities, via deep fakes, to promote fraudulent investments and cryptocurrency.

Regulators and courts are struggling to keep pace with the rapid increase of deep fakes, and how they affect businesses. As such, companies face multiple types of regulatory investigations, litigation and reputational crises, in addition to traditional forms of business litigation and investigations.

2. Learning about Deepfakes

Deepfakes are artificially created using AI models, typically either GANs or Diffusion Models, that detect and learn the patterns of the data from a set of examples to replicate and produce something that appears to look like a human. Deepfakes used to only deal with swapping facial

images, now, the same types of tools can be used to:

- Clone the voice of people
- Create fake ads that feature products from companies,
- Replicate the voice of corporate spokespeople, and
- Create entirely fake but credible-sounding announcements.

As these types of tools have become easier and more affordable for anyone to create, people who do not have any technical experience or knowledge can create extremely realistic-looking examples of deepfakes. The ability to create deceptive content that can be used for malicious purposes has become drastically reduced, allowing almost countless amounts of deceptive content to be created for almost no cost.

3. How Brands are Impacted by Deepfake Technology

3.1 Reputational Harm

Deepfake videos of a CEO confessing to doing something wrong or saying something controversial can create a lot of problems for the brand. Because people will not take the time to look for verification before they react, the perception of the problem can spread faster than the evidence can be corrected.

3.2 Consumer Deception and Counterfeiting

Deepfake advertisements can portray counterfeit products as being authentic, can show non-authentic features of a product, and can portray sales that don't exist. This type of deception makes it difficult for consumers to develop loyalty to a brand, and takes away years of investment in marketing it.

3.3 Executive Impersonation

There have already been instances where voice cloning, which utilizes deepfake technology, has been used to commit fraud. Scammers have used the technology to impersonate a company executive to approve a fraudulent financial transaction, making the trust that is normally placed in internal communication vulnerable.

3.4 Market Manipulation

Synthetic media can be used to manipulate the stock market. For example, if a synthetic media

outlet were to release an announcement that a company was going bankrupt, it could negatively impact the company's stock and create significant turmoil in the market, even in the short run.

3.5 Loss of Authenticity

If the market is flooded with synthetic media, it will cause consumers to become cynical about brands and the messages they receive. This "fatigue" with regards to authentic brands will negatively affect the trust that exists between the consumer and the brand.

4. Legal frameworks in place

They do not provide a full complement of legal tools to combat the misuse of Deepfake Technology; however, there are still many existing gaps.

4.1 Trademark Law (TTL)

Traditional Trademark Laws are based on the premise of direct, tangible use by the infringer; therefore, a person using a deepfake image will likely be considered to be misusing the mark. However, with the use of AI generated images or likenesses on social networks, this is changing.

4.2 Copyright Law

Deepfake Technology will be a factor in many Copyright Law violations, such as when an individual uses a deepfake image of a musician, author, artist, and so forth. Copyright Law also sets forth rules on ownership and derivative works, which will add additional confusion in the context of AI generated digital content.

4.3 Publicity and Personality Rights

A deepfake can be an infringement of a publicity right if it is made without proper authorization from the celebrity or CEO whose likeness is being used. Brands who rely heavily on endorsements will be more vulnerable to unauthorized usage.

4.4 Consumer Protection Laws

False advertisements that use deepfakes could be classified as unfair trade practices, thus allowing regulators to take action against them.

4.5 Cybercrime Laws

Deepfake Technology is currently being used to perpetrate Fraud, Identity Theft, and Phishing Schemes; however, many of the characteristics associated with deepfake Technology—Anonymity and Cross-Border Activity—make it difficult to hold accountable those responsible for these acts.

4.6 Gaps in Existing Legal Frameworks

Absence of clear standards for Impersonation or Fraudulent use of AI-generated images
Lack of accountability for social media platforms

Lack of mandatory labeling of Synthetic Media

The Slow Pace of Legal Processes Compared to the Fast Spread of Misinformation online

5. Case Studies

Though deepfake incidents involving brands are becoming more frequent and more visible, they are not usually reported accurately.

In one incident involving the use of Artificial Intelligence, a European utility company suffered a loss of €220,000 due to a fraud scheme in which criminals successfully imitated the voice of the CEO using Deepfake technology, which resulted in reputational embarrassment for the company and financial loss caused by its failure to properly vet the authenticity of the call.

Another example of how brands are being affected by Deepfakes can be seen through promotional ads for counterfeit luxury goods that used virtual versions of models wearing branded clothing that were digitally created with deepfake technologies. These ads have been shared extensively on social media in many Asian countries and have led to confusion for consumers.

Another example is the creation of a deepfake video made by a political party endorsing a controversial political ideology that went viral. As a result, the political party had to issue clarification statements to address the confusion created by the misleading videos.

These examples show that Deepfake technology has multiple ways of leveraging a Brand's Identity (Commercially, Socially, Politically, and Financially).

6. Ethical Considerations

Although synthetically-created media may seem immoral, they are very much a part of our society and their potential for abuse is going to become increasingly prevalent as technology advances. We must find a way to protect users from misusing it, while also allowing them the freedom to express themselves through their own creativity (and humour!), through warning labels.

7. The Future of Brand Protection

Deepfakes in the future are likely to become increasingly realistic and sophisticated, due to advances in technology and the increased use of predictive threat modelling. As there will be more and stronger laws governing the use of synthetic media, the use of technology by brands to help maintain and create brand authenticity will become an integral part of brand strategy, rather than a trendy buzzword.

By employing the use of technologies and by having clear communication and rapid-response systems to help combat rapidly-changing-perceived-reality, brands will be best equipped to survive and thrive in a digitally-driven world where the illusion of brand opportunity will be easily created with just a few clicks.

8. Conclusion

Deepfakes pose an unprecedented threat to the integrity of brands and create a host of new vulnerabilities to brand reputations, consumer confidence, and company security. While some protections do exist through existing laws, they don't adequately cover the multifaceted nature of AI-generated deception; therefore, these laws need to evolve in order to keep pace with the growing complexity of such deceptions. The creation of comprehensive protective solutions will require strong partnerships among brands, government agencies, technology firms, and end users.

While it has been easy to manufacture truths through advertising, brands must find new ways to protect themselves beyond legal recourse by working together with technology companies and creating clear lines of communication with consumers. Gone are the days when authenticity was a bright and guiding light; brands now must actively support and maintain authenticity amid an environment saturated with digital imitations.

References

<https://azbigmedia.com/blogs/brand-protection-in-the-age-of-ai-deepfake-scams-and-identity-misuse-on-the-dark-web/>

<https://eintelligenceweb.com/blog/how-to-protect-your-brand-reputation-in-the-age-of-ai-and-deep-fakes/>

<https://www.researchgate.net/publication/350120873> The Rise of Deepfakes A Conceptual Framework and Research Agenda for Marketing

<https://www.ijfmr.com/papers/2025/2/37887.pdf>

