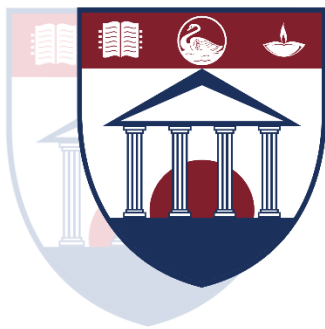


**3rd NATIONAL IILM MOOT COURT
COMPETITION, IILM LAW SCHOOL,
IILM UNIVERSITY, GURUGRAM**

~MOOT PROPOSITION~

2024



IILM
— GURUGRAM —

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1. The Republic of Zindus (Hereinafter, Zindus) is a South-Asian, peninsular country at the Southern most part of the Asian sub-continent, surrounded by the Arabian Sea on the West, Bay of Bengal on the East and the Indian Ocean on the South. It is rich in its mineral resources and is also known for its varied diversity of caste, creed, religion and culture. The Government is democratic in nature wherein there are 28 states, having separate legislative assemblies and 8 union territories, at present.
2. Though Zindus was primarily an agrarian economy, they have also always emphasized upon the use of modern technology. It is further stated that Zindus is a signatory to the International Conventions and Treaties that mandate minimum protection for Intellectual Property Rights and has enacted laws to protect innovative and creative work.
3. Around and after 2015 Zindus witnessed an internet revolution in the form of 4G data available to the telecom consumers at a nominal price. This led to a surge in the number of the internet users across the country. Multiple media agencies claim that the number of Internet users increased by as much as 35% post 2015. This further invited novel commercial possibilities in the Zindian landscape in the form of new careers. Streaming, Vlogging and Influencing on the social media became a lucrative career. Beyond the economics of this new found sector, the social media platforms also became a springboard for getting catapulted into fame and mass appeal.
4. Mr. Ratan Murthy was one of those social media personalities in Zindus who rose to a cult following because of his social media popularity. Mr. Ratan Murthy used to primarily live stream his game plays and perform comedy sketches/roasts on social media. Mr. Ratan Murthy was not a stranger to controversy because of the strong political undertones of his content. The internet is full of viral video clips in which Mr. Murthy can be seen criticizing government actions, irrespective of the political party in question. He is seen in the public eye as a celebrity without any filters.
5. Mr. Ratan was unlike the public persona of his father; Mr. Mukesh Murthy, who was the founding CEO of a well-known tech company “Newtek Pvt. Ltd.”. Mr. Mukesh was revered

as an utterly respected visionary and philanthropists. He was also considered the flagbearer of modern technology in Zindus in the field of software and his company stood earnestly for the same.

6. In an unfortunate turn of events, Mr. Mukesh succumbed to untimely demise during the COVID19 Pandemic and right before his demise Mr. Ratan was declared the successor to the powers, positions and resources owned by the Late. Mr. Mukesh Murthy. While a lot of people were skeptical about the abilities in Mr. Ratan to discharge the newly bestowed responsibilities, to the surprise of many he turned out to be a suitable successor to his father in its truest sense.
7. Ratan left his social media career entirely to focus upon the future of Newtek. One of the first major projects that he green lit was regarding software which operated in the domain of AI and Deep learning. The software intended to create an AI tool which could generate AI altered songs/videos. In due course of time, Newtek invented ‘AlphaReal’, an Artificial Intelligence tool. The Artificial Intelligence (AI) tool was built to improve and evolve higher-level performance through algorithms.
8. With the passage of time, AlphaReal started to use Natural Language Processing (NLP) techniques such as Recurrent Neural Network (RNNs) to perform its task. As AlphaReal has continuously improved to become an autonomously operating neuronal network. This led to a scenario where AlphaReal could be used in two manners:
 - (a) Where the users can feed in their own voice/videos and get an AI generated voice/video using any of the multiple pre-existing filters. E.g. Aliens, Robots, Animals etc.
 - (b) Where the user can use the “Randomize” feature which enabled the tool to create a song/video on its own based upon the prior data collected and the accessible data.

9. Subsequently, over the years, AlphaReal became successful and widely popular. The randomize feature became a rage amongst teenagers and young adults. This was further popularized by the meme culture and various trends on the internet.
10. Amidst all these developments, Newtek released an update for AlphaReal which came with two preinstalled plug-ins which could imitate two of the most recognizable voices in Zindus. First voice one belonged to the Prime Minister of Zindus, Mr. Narayan Singh and the other belonged to famous Zindian rapper, Emcee Barz. These plug-ins were the IP of Newtek and they used the technology of voice sampling, synthesis and imitation for the desired effect.
11. Right after its release, AlphaReal and both the plug-ins became further popular on the internet. Newtek decided to elevate the AI landscape in India further by deciding to release the first indian musical album created entirely by an AI by using the randomize feature. Newtek decided to use the “Emcee barz” plug-in and effectively his voice, lyrical style and flow for this album titled “Fikshun-flow”. Based upon Alpha Real’s ability to generate lyrics, composition and vocals, Along with the “Emcee Barz” plug-in, the album was created and it was subsequently uploaded on various streaming platforms.
12. The album became the talk of the nation and multiple reviewers even began reviewing the album. Multiple social media users began using certain bits of the songs on “Fikshun-flow” for reels, memes and reaction videos. These developments motivated Newtek to get “Fikshun-flow” a copyright protection. On February 10, 2023, Newtek filed an application before the Appropriate Authority of Dully district to protect the creative works of AlphaReal. However, the appropriate authorities rejected the application stating that the author and performer has to be a natural person and not an AI. Aggrieved by the said decision, Mr. Ratan appealed to the relevant High Court. The High Court upheld the decision of the Appropriate Authorities. As a final recourse, Mr. Ratan filed a petition in the Honorable Supreme Court for declaring AI to be a person and effectively reversing the decision of the appropriate authorities to reject the application.

13. While the petition was yet to be heard, Mr. Ratan decided to take a short break from the corporate responsibilities and revive his social media personality. Upon his return on the social media, he started relying heavily on AlphaReal for his content. One of his most popular series of content included the usage of voice and face of PM. Narayan Singh for parody and satire. He often used this plug-in for his political commentary and comedy.

14. In April 2023, the Ministry of Electronics and Information Technology (MeitY) notified the new Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 (IT Rules 2023). According to the new IT rules (2023), the government can ask social media intermediaries (like Facebook, Twitter, etc.) to remove any news related to the ‘business of the Central Government’ that was identified as ‘fake, false, or misleading’ by a fact-checking unit established by the Central government. In furtherance of the new rules, All of the parody videos made by Mr. Ratan using the “PM Narayan Singh” filter and plug-in were taken down from the internet under the claim that they fell under the category of “Fake news”.

15. Mr. Ratan moved a writ petition in the Apex Court against this provision in the new IT Rules claiming it be Ultra vires and also inconsistent with Section 79 of the Information Technology Act, 2000 (IT Act). In the meanwhile, the famous Zindian rapper “Emcee Barz” also sued Mr. Ratan for the violation of his personality rights through the plug-in created by Newtek and the subsequent usage. Emcee Barz claims that his personality right is his fundamental right and the same has been breached.

The Apex Court clubbed all the petitions and framed the following issues:

1. Whether AlphaReal, an ‘AI’ can be treated as a legal person with legal rights and legal obligations?

2. Whether AlphaReal, an ‘AI’ tool can be named as an author under the copyright act, 1957?

3. Whether there is a violation of Emcee barz's fundamental rights and can it be claimed against Mr. Ratan Murthy?

4. Whether the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 (IT Rules 2023) are ultra vires?

Note:

1. The laws and government organisations of Zindus are pari materia with the laws of India.

2. All facts mentioned in the above proposition are purely fictitious and any resemblance to any person, place, and situation is purely coincidental.



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