

“Written and Directed by AI”

Authors

Nayona Roy, Partner

Shivangi Gupta, Trainee Associate

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Artificial Intelligence (AI) – the modern pen for the storyteller – is ushering in a new era of filmmaking, opening up a realm of possibilities that was once a figment of Fritz Lang’s imagination when he made *Metropolis* (a 1927 film conceiving the war of I against mankind). While Lang portrayed AI as an entity that lacks the human heart and is thus evil, Ridley Scott created a contrary narrative in the 1982 movie *Blade Runner* (where androids were portrayed to develop empathy and human sentiments). While these path-breaking films amongst many others, were considered futuristic and rather impossible, the paradigm has shifted completely as of today.

AI has not just become a reality but has taken over every aspect of human life. It is no surprise that the sentiments towards it are skewed. Gareth Edwards’ new sci-fi thriller, *The Creator* portrays a war between humans and AI with a message of caution¹ about the Frankenstein that AI creates. This thematic perspective is not just reflected in international cinema but has also found its way into mainstream Indian filmography with the recent release of the film “CTRL” on Netflix. The plot makes a realistic portrayal of the creator economy which not only has an overarching influence on the life choices of the youth but is luring the youth with incomprehensible amounts of money to endorse tech applications that are in the grey from the standpoint of regulatory compliance. Further, the plot hinges on an AI application that enables the

protagonist to erase elements from her photographs and results in unforeseen consequences including data theft and the manipulation of her decisions.

In this paper, we have adopted a practical approach in which we wrote a prompt on ChatGPT (a large language AI model built on OpenAI) directing it to generate a screenplay for a film. The prompt followed the course of a natural human conversation and what is depicted below, is a conversational setting of the context where ChatGPT reads the mind of the user and directs the user to provide specific prompts. Having confirmed the context, ChatGPT produces an outline of a script across four primary Acts, a sample scene with dialogues and an opening scene for the film (collectively referred to as “**the Generative Script**”).

1. 10 great films about artificial intelligence | BFI. <https://www.bfi.org.uk/lists/10-great-films-about-artificial-intelligence>

You said:

Can you help me write a screenplay in a specific genre?

ChatGPT said:

Absolutely! What genre do you have in mind, and do you have any specific ideas or themes you want to include?

You said:

A Bollywood film script, lead character is a struggling theatre artist who meets a rich girl in the theatre group, they fall in love but the girl's family opposes their relationship as the guy is poor. As the story moves further, the girl's family starts liking the guy because of certain events and actions they observe, genre is romance-comedy.

ChatGPT said:

That sounds like a great premise! Here's a brief outline and a sample scene to get you started on your Bollywood short film script."

TITLE: LOVE IN THE LIMELIGHT

OUTLINE:

ACT 1: INTRODUCTION

- **Setting:** A bustling city with a vibrant theatre scene.
- **Characters:**
 - **RAVI:** A passionate but struggling theatre artist, full of dreams but facing financial struggles.
 - **MEERA:** A rich girl with a love for theatre, caught between her family's expectations and her own desires.
 - **MEERA'S PARENTS:** Traditional and wealthy, concerned about their daughter's future.
- **Inciting Incident:** Meera joins Ravi's theatre group for a summer production. They bond over rehearsals and shared dreams.



ChatGPT said:

ACT 2: CONFLICT

- **Romantic Development:** Ravi and Meera fall in love, sharing sweet moments, playful banter, and rehearsals filled with chemistry.
- **Family Opposition:** Meera's parents discover her relationship with Ravi and express their disapproval, insisting she should focus on her future and marry someone "suitable."
- **Ravi's Struggles:** Ravi feels the pressure and contemplates giving up, but friends in the theatre encourage him to fight for his love.

ACT 3: TURNING POINT

- **A Series of Events:** Ravi impresses Meera's family during a charity event where he showcases his talent. They see his dedication and passion for art.
- **Realization:** Meera's parents begin to see how much their daughter is happy with Ravi, especially after a comedic mishap at the event where Ravi saves the day.

ACT 4: RESOLUTION

- **Acceptance:** Meera's family slowly comes around, recognizing Ravi's true worth. They realize that love transcends social status.
- **Climactic Moment:** A heartfelt scene where Meera's father gives Ravi a chance to prove himself, leading to a grand gesture.
- **Conclusion:** Ravi and Meera's love prevails, and they celebrate their union in the theatre community with a final performance.

SAMPLE SCENE:

INT. THEATRE REHEARSAL SPACE – DAY

The room is filled with laughter and creativity. Actors are practicing lines, while RAVI, mid-20s, is busy directing a scene. MEERA, also mid-20s, stands across from him, a mischievous glint in her eye.

RAVI

(energetically)

Okay, Meera! This time, I want you to really feel the heartbreak. You've just lost the love of your life!

Meera dramatically clutches her heart, then bursts into giggles.

MEERA

Ravi, how can I feel heartbreak when I'm falling in love right in front of me?

The other actors chuckle. Ravi feigns exasperation.

RAVI

You're impossible! Focus!

Suddenly, MEERA'S PHONE RINGS. She glances at the caller ID and her smile fades.



ChatGPT said:

MEERA

(whispering)

It's my dad. I can't talk to him right now...

Ravi notices her distress and approaches gently.

RAVI

Hey, everything okay?

MEERA

(sighs)

Just family drama. They don't understand why I'm here.

Ravi takes her hand, a spark of connection between them.

RAVI

You know, theatre is about breaking boundaries.

Maybe we can show them what this means to us.

Meera looks into his eyes, feeling hopeful yet apprehensive.

MEERA

What if they never accept us?

RAVI

(smiling)

Then we'll put on the best show of our lives.

Let them see the real us!

They share a moment, the world around them fading as they lean in closer.

MEERA

Okay, let's do it. Together.

They break apart, energized, ready to tackle whatever comes next.

FADE OUT.

You said:

Please write the opening scene for this film.

ChatGPT said:

Sure! Here's a suggested opening scene for *Love in the Limelight* that sets the tone and introduces the main character, Ravi, as well as the vibrant theatre world.

EXT. BUSY CITY STREET – DAY

The sun shines brightly over a bustling city. People hurry by, lost in their own worlds. A vibrant banner reading "ANNUAL THEATRE FESTIVAL" flutters in the wind. Lively music plays in the background.



INT. THEATRE – BACKSTAGE – DAY

The camera glides through a chaotic backstage area filled with props, costumes, and actors preparing for their performances. Laughter and shouts echo as the atmosphere buzzes with energy.

RAVI (V.O.)

(energetic, hopeful)

Theatre is not just a stage; it's a dream.
A place where reality bends, and anything is possible...

Cut to RAVI, mid-20s, dressed in a slightly worn-out but colorful outfit, pacing excitedly as he gives directions to a group of actors. He exudes passion, his eyes bright with enthusiasm.

RAVI

Alright, everyone! This is our chance to shine! Remember, the audience is our heartbeat. If we don't connect, we might as well be talking to the walls!

The actors nod, some looking anxious, others amused. RAVI spots a young actress struggling with her lines.

RAVI

(approaching her)

Hey, Neha! You've got this. Just imagine your heart is breaking, and channel that into your lines.

NEHA smiles, taking a deep breath, inspired by his encouragement. RAVI straightens up and calls out to the group.

RAVI

Let's take it from the top, people! And remember—feel the emotions!

Suddenly, MEERA enters the scene, a radiant smile on her face. She's dressed stylishly, a stark contrast to the other actors. The moment RAVI sees her, his energy shifts. He's mesmerized.



MEERA

(excited)

Did someone say emotions?
I'm ready to bring my A-game!

RAVI grins, clearly captivated by her presence.

RAVI

(grinning)

With you on stage, Meera, I'm sure we'll win over even the toughest critics!

As they exchange playful banter, the camera captures the chemistry brewing between them. The rest of the group chuckles, enjoying their light-hearted flirtation.

INT. THEATRE – AUDIENCE AREA – MOMENTS LATER

The camera pans to an empty audience area. RAVI's voice echoes as he addresses the unseen audience.

RAVI

(enthusiastic)

Welcome to our world! Where every performance is a chance to tell a story, and every story deserves to be told!

The lights dim, and the sound of a GONG echoes, signaling the start of the rehearsal. RAVI claps his hands, ready to begin.

RAVI

Alright, everyone!
Let's make some magic!

The actors gather around, a sense of unity forming as they prepare to step into the world of their play.

FADE OUT.

Interesting as it may be, let us take a step back to understand the mechanism of how Generative Script was written by a computer system in a matter of minutes. AI is nothing but the simulation of human behavior generated by algorithms. Data forms the foundational bricks for an AI model. Large volumes of unstructured and non-linear data are passed through neural networks in which the data is contextualised, patterns are recognised and consequently outputs are generated. In the context of the prompt shared above, ChatGPT as the AI model, would have been trained on scripts of varying genres, languages, and themes to be able to recognise the patterns across these variables and produce the Generative Script.

Simultaneously, the model would have recognised the style and tenor of the user writing the prompt to predict their intent and prescribe specifications to the prompt for a better output. Such likeness of the author, particularly if it directly helps to identify the author would constitute personal data under the existing legislative regime in India but not “sensitive personal data” which warrants additional compliances under the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules 2011 (“**SPDI Rules**”). The anticipated legislation of the Digital Personal Data Protection Act 2023 (“**DPDPA**”) however, makes no such distinction and prescribes a regulatory framework to protect all kinds of personal data in digital form. The DPDPA is modelled on the privacy regime of Europe in which the General Data Protection Regulation (“**GDPR**”) in which academic, artistic and or literary expression are exempted from the regulations pertaining to protection of personal data. It is to be seen how the DPDPA and the Rules thereunder read with the proposed Digital India Act, aiming to regulate generative AI models, treats the replication of human likeness in the creation of literary works using AI from a data privacy standpoint.

When the likeness of an individual is copied, it is not just an impingement of his privacy but also an exploitation of his unique personality which is an artist’s most valued asset and the primary factor determining the consideration an artist can claim for their content. Personality rights have been at the forefront of recent legislative debates with AI

being misused to create deepfakes of celebrities which are not only defamatory but also exploitative. In the matter of *Jaikishan Kakubhai Saraf v. Peppy Store*², Delhi High Court passed a restraining order in favour of actor Jackie Shroff, against an enterprise that operated a clothing line with taglines of his unique lingo being made a part of their artwork and an AI-powered chatbot that interacted with users using his persona. Cheating by impersonation and identity using a communication device or computer resource is a punishable offence under the Information Technology Act, 2000 (“**IT Act**”) and may attract an imprisonment of either description for a term which may extend to three (3) years or fine which may extend to Rupees 1 lakh or both.

Diving into the Generative Script, at the very outset, one notes that the title thereof is identical to that of an English romantic drama produced by Cindy Kowen and Lori. B.H. Kearney featuring Annie McCulloch (as Cassandra) and Gavin Leatherwood (as Nick) where the female protagonist is a waitress with a passion for theatre and falls in love with an infamous and established actor and explores the societal challenges owing to the disparity in wealth. Not only is the title of the film completely replicated in the Generative Script, but there are also substantial similarities from a thematic perspective. This brings to the fore, an issue of intellectual property infringement closely intersected with unauthorized data scraping.

It is an established position in law that titles of films are not entitled to protection as “literary works” under the Copyright Act, 1957 (“**the Copyright Act**”), as also upheld in the case of *Krishika Lulla v Shyam Vithalrao Devkatta and Ors*³. However, this does not imply that intellectual property in the title of a film is devoid of any protection. A distinctive title can be protected as a trademark provided the producer has registered the trademark. Further, the plot of the Generative Script being substantially and deceptively similar to that of the 2022 film, a stronger case for trademark infringement is made out.

The concern here is not limited to trademark infringement alone, but the facts that led to such infringement. We have examined above, how an AI model is trained on existing data sets. This is done

2. [2024] SCC OnLine Del 3664.

3. 2015 (6) ABR 745.

by a process of **data scraping**⁴, made possible in a more seamless manner by AI. While it is understood and accepted that data scraping is the only way in which a large language can be trained, it is imperative in the interest of ethical use of AI to procure a legitimate license to scrape such data against a valid consideration. Scraping without a legitimate license would make the model far more vulnerable to such outputs that are quintessentially a violation of applicable law.

Having explored the titular and thematic resemblance of the Generative Script with the 2022 romantic drama of the same name, let us now examine the legal implications of its outline. Undoubtedly, the prompt itself bore significant resemblance to the theme of the 2022 film. The algorithm mapped the specifications of the prompt to published summaries and plot lines of the said film on which the model would have been trained to produce the said output. This is not to say that human writers would not draw inspiration from past works. It is also true that from a macro point of view, the theme (a poor girl falls in love with a rich boy) is reasonably common in romantic comedies and dramas. However, a human scriptwriter acting in a *bona fide* practice of the craft would draw a distinction from outright plagiarism and add his/ her unique creative touch to the script outline. However, AI does not have the cognitive abilities to draw the same distinction and create original works basis the style of the writer.

While several Bollywood movies such as Kabir Singh, Rockstar, Laila Majnu have followed a similar premise, each has retained an element of originality. This script generated by AI however, has an uncanny resemblance to the romantic drama “Love In The Limelight”. The ‘Lay Observer Test’ laid down in the landmark case of R.G. Anand v. Delux Films & Ors⁵ sets to rest the debate on plagiarism of cinematographic concepts – an infringement is deemed to have occurred if an observer “*with common memory can identify between the original and copied work after watching or reading a work.*” For instance, the film CTRL referred to above, was inspired by the 2014 film – Her but distinguished itself with a unique storyline.

On the contrary, the makers of the film Knockout were successfully sued by Fox Studios on the grounds of substantial similarity of the latter’s film Phonebooth.

The Act accords copyright in a script only to an original literary work which includes the right to make copies, adaptations, translations and derivatives of such work. Therefore, if any other person uses technology AI to create a script that qualifies as a derivative (including an adaptation and/or translation) of the original cinematographic film without a legitimate license from the copyright owner, such person would be deemed to be infringing the said copyright and liable to penalties under the Act. Infringement of this nature is a natural outcome of the process of data scraping as the AI model does not possess a cognitive brain to add a touch of originality.

While copyright infringement may be a by-product of data scraping, unauthorised scraping in and of itself constitutes an offence under the IT Act of procuring unauthorized access to a computer resource or extraction of data from a computer resource without the owner’s permission and is punishable with imprisonment of up to three (3) years or a fine of Rupees five (5) lakhs or both.

Closely connected to data scraping, is the ethical issue of algorithmic bias plaguing AI models. It is pertinent to re-iterate that the output generated by an AI model is directly representative of the volume and variation in the data shared. If the model is trained on a limited and skewed data set, it is likely to produce an output that reeks of gender and racial bias amongst others. Bias is aptly illustrated by the research conducted by MIT and Microsoft veterans who found racial and gender biases⁶ intrinsic to facial recognition technologies – such systems were unable to identify women or people with darker skin tones and went further to identify them as gorillas!

In the context of the generated script, the prompt itself was of a stereotypical theme embedded in gender roles of a man being the provider, the family being the determinant of the future of a romantic relationship, a trope of the “rebellious daughter,” navigating complex family expectations, etc. The output however took the stereotypes a notch

4. Defined by the [Information Commissioner’s Office](#) as the use of automated software to ‘crawl’ web pages, gather, copy and/or extract information from those pages, and store that information (e.g. in a database) for further use.

5. R.G. Anand v. Delux Films & Ors., 1978 AIR 1613.

6. <https://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>

higher to reflect social and cultural biases in the narrative where struggles of an upcoming artist are romanticized and glorified rather than depicting the dark truth that underlies the lives of many such artists in the city of Mumbai. No let us imagine a situation in which the prompt is not as specific about the stereotypes depicted. If the model is trained only on scripts of a similar theme, an algorithmic bias in the resultant script would inevitably portray such stereotypes. Biased narratives would in turn, adversely impact the treatment of fundamental rights of individuals and progress of society.

This leads us to the fundamental existential question – Is AI a boon or a curse for the entertainment industry? While a review of this article may show that usage of AI is fraught with grave consequences, our endeavour is not to say that AI is the devil that must be banned. Quite the contrary, our proposition to the creator economy is to certainly use it but within a self-regulated framework – where creative pursuits can be propelled by the usage of the technology enabling realistic visualisations, but within the boundaries of ethical conduct and a governance strategy that provides enough elbow room for every stakeholder in the value chain and also ensure that none violate the space of the other – a complex task in a global creator space.



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