

Deepfakes vs. the law

New developments in deepfake legislation

In the 1933 film *Duck Soup*, comedian Chico Marx quipped: "Well, who ya gonna believe, me or your own eyes?" And thanks to advances in AI, it's even harder to trust our own eyes.

It's now easier than ever to create deepfakes: fake images or videos generated with the aid of machine learning. Deepfakes typically appear to show high-profile people doing funny or illegal things. Often, they're used to push fraudulent schemes.

Now legislation is attempting to catch up with the deepfake surge. Several countries are bringing in new laws or amending existing ones to make it more difficult for deepfakes to trick people.

In early 2026, India is leading the charge. New amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021 now define a category called Synthetically Generated Information (SGI), which includes AI and deepfake content.

Under these updates, AI-generated or AI-altered content must be marked as such. According to *The Times of India*, "Platforms must also embed persistent metadata and unique identifiers to enable traceability of the content's origin and the tools used to create it."

And enforcement is strict. When a lawful takedown notice is issued, the platform hosting the content must comply within three hours.

Other countries are making similar changes. In early February, the British government announced that it will work with Microsoft to create a system that will spot deepfaked material online. Britain has already criminalized the creation of sexually explicit and nonconsensual deepfakes.

As AI becomes more sophisticated and seeing is no longer believing, the law is working hard to catch up.

Keeping your AI content safe the smart way

Do you like sharing AI-generated content? Here's a few quick tips to stay on the right side of emerging legislation.



Label it: Put "AI" in the title and description. Being honest up front will also please viewers, who don't enjoy feeling "tricked" by AI content!



Avoid real people: Don't create deepfakes based on real people, even if they're public figures. AI depictions could be considered slanderous or libelous.



What is it for?: The Indian law exempts good-faith creation of educational material, hypotheticals, conceptual content, and routine formatting from being labeled as SGI.

Impersonating the experts¹

A Pittsburgh TV station found itself in the middle of a mess when scammers created a deepfake of one of their personnel and used it to advertise an insurance site. The deepfake was successful ... Partially because it impersonated Clark Howard, the station's consumer advice specialist! Howard stated that he wasn't surprised: "If you're a public figure, this is a really hard genie to put back in the bottle."



1. <https://www.wpxi.com/news/local/scammers-create-ai-deepfake-consumer-advisor-clark-howard/UDNZT5NZHVCG7AIKMWE5N7VZEE/>