

Are AI-generated animations deep-fakes? Legal implications from an EU AI Act and EU Copyright law point of view

Dr. Theodoros Chiou

IP&IT lawyer at IPRightsGR (Athens)

Adj. lecturer, Department of Archival, Library and Information Systems,
University of West Attica

Abstract

Generative AI is transforming animation-making in several ways. From a legal perspective, the use of GenAI in animation-making challenges but not necessarily excludes (human) authorship over the generated output. At the same time, an AI-generated animation could be legally qualified as a “deep-fake” under the EU AI Act. Indeed, as per the broad definition of art. 3(60) EU AI Act, ‘deep fake’ means, among others, AI-generated video content that resembles existing persons, objects, places, entities or events and would falsely appear to a person to be authentic or truthful. Realistic animations could in principle fall within this category. Accordingly, the deployers of GenAI systems generating such animations (i.e. professional users of AI systems) would be subject to an *ad hoc* transparency obligation, according to which they should disclose to the natural persons concerned (i.e. the public) in an appropriate manner that the animation has been artificially generated or manipulated, even where the AI-generated content forms part of an evidently artistic, creative, satirical, fictional or analogous work or programme (Art. 50§4 subpar. 1 EU AI Act). This rule should apply from 2 August 2026 and introduces a new aspect of legal compliance for animation industry.

The proposed contribution investigates the interplay between “deep-fake”, “AI-generated content” and copyrightability based on human authorship in the context of animation. It assesses first the scope of “deep-fake” legal definition and its applicability on animations. Next, it investigates the impact of a human-perceivable “AI-marking” over copyrightability of animated content and, consequently, to the management of copyright over animations in the GenAI era. Last it moves to the crucial discussion around what “AI-generated” should mean for the purposes of deep-fake transparency obligation under the EU AI Act, in view of balancing the human-centric approach of both AI and copyright in the EU.

Keywords: GenAI, deep-fake, EU AI Act, transparency, copyrightability

Bio: Dr. Theodoros Chiou is an attorney-at-law based in Athens, specializing in Intellectual Property Law, New Media and Technologies Law, and Cultural Heritage Law. He is the founder and manager of the specialized law firm IPRightsGR. He has completed postdoctoral researches at the Law School of Athens in the field of Copyright Law and Artificial Intelligence. He obtained his PhD from the University of Strasbourg, and a degree from the Law School of Athens. He was a research partner in the consortium of the recently completed Horizon Europe research project "XReco", which focused on creating XR content using AI tools. He teaches copyright law and personal data at the Department of Archival, Library and Information Systems at the University of West Attica. He is the author of three legal monographs in addition to his doctoral thesis, as well as of several chapters and scientific studies in collective volumes, article-by-article interpretations, and scientific journals. His monograph "Copyright and Generative Artificial Intelligence" was recently published by Nomiki Bibliothiki.