

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 2210



Introduced by **Representative Ryan S. Recto**

EXPLANATORY NOTE

With the recent emergence of artificial intelligence (AI), where it has become relatively easier for individuals to clone voices, manipulate images and create realistic deepfakes, the question on who gets to control our digital likeness has never been more urgent. This technological advancement has definitely blurred the lines between reality and fabrication, with most of us falling victim to it. Not only that, but it has made serious ramifications in terms of threats to individual privacy, reputation and public trust. The ability to generate such images depicting individuals without their consent opens new doors to harassment, defamation, fraud and misinformation.

Most recently in Denmark, a new law is being proposed wherein each individual is granted automatic rights to their likeness. If a situation wherein their face or voice is used without their consent, they may demand for its removal and even seek compensation. This bold move was made in order to address the significant gap in existing intellectual property frameworks, as current copyright laws were not designed to cover the complexities introduced by AI and deepfakes.

This piece of legislation seeks to emulate the same. The proposed measure shall grant every individual the exclusive and personal right to control the commercial exploitation and public dissemination of their own image, voice and likeness, including any realistic digital imitation or deepfake. This right is explicitly treated as an intellectual property right, subsisting irrespective of whether the individual's likeness

appears in a copyrighted work, thereby providing a robust legal foundation for personal digital identity.

In view of the foregoing, the approval of this bill is earnestly sought.



Ryan S. Recto
Representative
6th District, Batangas

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AN ACT
PROTECTING THE HUMAN IDENTITY BY CONFERRING ECONOMIC RIGHTS OVER
THEIR OWN IMAGE, VOICE AND LIKENESS, AND PROVIDING PENALTIES FOR
VIOLATIONS THEREOF

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. *Short Title.* – This Act shall be known as the “*Human Identity*
2 *Copyright Act*”.

3
4 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
5 uphold the rights of its citizens in the protection of their dignity, privacy and personal
6 identity. The State recognizes the capability of Artificial Intelligence (AI) to create
7 realistic digital imitations of an individual’s image, voice and likeness, that if misused,
8 could easily be utilized as means to spread misinformation, defamation, fraud, identity
9 theft, emotional stress and other forms of harm. This Act aims to balance the
10 protection of individual rights with the promotion of technological innovation and
11 freedom of expression. Toward this end, the State shall implement measures to
12 achieve the following objectives:

- 13
14 a) Enable individuals to demand the removal of AI-generated content using
15 their likeness without consent;

1 b) Provide a legal basis for individuals to seek just compensation if harmed by
2 unauthorized AI-generated or manipulated content; and
3

4 c) Establish clear responsibilities and accountability for online platforms
5 hosting deepfakes and other AI-generated content that violate this Act.
6

7 Sec. 3. *Definition of Terms.* – As used in this Act, the following terms shall be
8 defined as follows:
9

10 a) *Artificial Intelligence* or *AI* refers to the computerized methods and tools,
11 including but not limited to, machine learning and natural language
12 processing, that act in a way that resembles human cognitive abilities when
13 it comes to solving problems or performing certain tasks;
14

15 b) *Consent* refers to the affirmative, conscious and voluntary authorization
16 made by an individual free from force, fraud, duress, misrepresentation or
17 coercion;
18

19 c) *Copyright*, notwithstanding the provisions of the Intellectual Property Code
20 of the Philippines, as amended, refers to the exclusive economic rights of
21 identifiable individuals over their own image, voice and likeness;
22

23 d) *Deepfake* refers to any video recording, motion-picture film, sound recording,
24 electronic image, or photograph, or any technological representation of
25 speech or conduct substantially derivative thereof:
26

27 1) which appears to authentically depict any speech or conduct of a
28 person who did not in fact engage in such speech or conduct; and
29

1 2) the production of which was substantially dependent upon technical
2 means, rather than the ability of another person to physically or
3 verbally impersonate such person.

4 e) *Digital Forgery* refers to any intimate visual depiction of identifiable
5 individual created through the use of software, machine-learning, artificial
6 intelligence or any other computer-generated or technological means,
7 including by adapting, modifying, manipulating or altering an authentic
8 visual depiction, that, when viewed as a whole by a reasonable person, is
9 indistinguishable from an authentic visual depiction of the individual;

10
11 f) *Generative AI System* refers to the system, tool or platform that uses
12 artificial intelligence to generate or substantially modify video, audio or print
13 text content;

14
15 g) *Identifiable Individual* refers to the following:

16
17 1) Who appears in whole or in part in an intimate visual depiction; and

18
19 2) Whose face, likeness or other distinguishing characteristic (including
20 a unique birthmark or other recognizable feature) is displayed in
21 connection with such intimate depiction;

22
23 h) *Likeness* refers to an individual's image, name, voice or other distinctive
24 features that is uniquely identified with the individual;

25
26 i) *Online Platform* refers to any digital service which allows its users to upload,
27 share or disseminate content to the public, including social media networks,
28 video-sharing platforms, and content hosting services; and

29
30 j) *Voice* refers to the unique vocal characteristics, timbre and speech patterns
31 or mannerisms of an individual.

32
33 Sec. 4. *Nature and Scope of the Individual's Copyright or Economic Rights Over*
34 *Image, Likeness and Voice.* – Every individual shall possess an exclusive and personal

1 right to control the commercial exploitation and public dissemination of their own
2 image, voice and likeness, including any realistic digital imitation or deepfake thereof.
3 Notwithstanding the provisions of the Intellectual Property Code of the Philippines, as
4 amended, this right shall be treated as an intellectual property right and shall subsist
5 irrespective of whether the individual's image, voice, or likeness appears in a
6 copyrighted work.

7
8 Sec. 5. *Prohibited Acts.* – The following acts shall be considered unlawful:

- 9
- 10 a) Generating, creating or disseminating a deepfake of an individual's image,
11 voice or likeness for commercial use, or through a manner that implies
12 endorsement of a product or service, without the explicit and informed
13 consent of the individual concerned;
 - 14
 - 15 b) Generating, creating or disseminating a deepfake of an individual's image,
16 voice or likeness regardless of commercial intent, if the material is intended
17 to harm or cause harm, including, but not limited to, psychological, financial
18 or reputational harm, as well as to spread misinformation or disinformation
19 to the identifiable individual;
 - 20
 - 21 c) Committing digital forgery: *Provided*, That the intimate visual depiction was
22 obtained or created under circumstances in which the person knew or
23 reasonably should have known that the identifiable individual had a
24 reasonable expectation of privacy; and
 - 25
 - 26 d) Failure on the part of the online platform to prevent or remove a deepfake
27 of any identifiable individual within forty-eight (48) hours from notice.
 - 28

29 Sec. 6. *Penalties.* - Any person found guilty of the punishable acts under Section
30 5(a), (b) and (c) of this Act shall be punished with imprisonment of *prision mayor* or a

1 fine of not less than Five hundred thousand pesos (P500,000.00) but not more than
2 One million pesos (P1,000,000.00), or both.

3
4 Any person found guilty of the punishable act under Section 5(d) of this Act
5 shall be punished with imprisonment of *prision correccional* or a fine of not less than
6 Two hundred thousand pesos (P200,000.00) but not more than Five hundred thousand
7 pesos (P500,000.00), or both.

8
9 Any identifiable individual who suffered injury by reason of or on the occasion
10 of the commission of the acts punishable under Section 5 of this Act shall be entitled
11 to the award of damages under the Civil Code of the Philippines.

12
13 When any of the acts punishable under Section 5 of this Act is committed by a
14 juridical person, the penalty of imprisonment herein provided shall be imposed upon
15 the president, manager, representative, director, officer, agent or employee who directly
16 violated or caused, directed, cooperated or participated in the violation thereof.

17
18 *Sec. 7. Implementing Rules and Regulations (IRR).* – Within ninety (90) days from
19 the effectivity of this Act, the Department of Justice (DOJ) and the Department of
20 Information and Communications Technology (DICT), shall promulgate the necessary
21 rules and regulations for its effective implementation.

22
23 *Sec. 8. Separability Clause.* - If any provision or part hereof is declared
24 unconstitutional, the remainder of this Act or any provision not affected thereby, shall
25 remain in full force and effect.

26
27 *Sec. 9. Repealing Clause.* – All laws, acts, decrees, executive orders, issuances,
28 and rules and regulations or parts thereof which are contrary to and inconsistent with
29 this Act are hereby repealed, amended or modified accordingly.

1 Sec. 10. *Effectivity.* – This Act shall take effect fifteen (15) days after its
2 complete publication in the *Official Gazette* or in at least two (2) newspapers of general
3 circulation.

4
 Approved,