Proceedings of the 5th International Conference on International Law and Legal Policy
DOI: 10.54254/2753-7048/2026.37417

Independent Protection Path of Commercial Voice Right in the AI Era: Comparative Research on Chinese Personality Right and the U.S. Publicity Right

Chenxi Xu

School of Law, University of International Business and Economics, Beijing, China
202320104@uibe.edu.cn

Abstract. Now generative AI's speech synthesis has become widely used, so the law is no longer regarded as having the nature of human voice. Sound is data that can be extracted, saved and traded. In China, disputes arising from unauthorized reproduction of sound are increasing year by year. Nowadays, Civil Code uses similar rules of portrait rights to protect sound, which is not in line with the original auditory biological characteristics of sound. The court has different opinions on which standard to use, and it is often difficult for the complainant to bear the burden of proof, and the compensation for business losses is often insufficient. This paper combines case analysis and comparative study. On the one hand, it investigates the typical judgments of domestic AI voice infringement cases, and on the other hand, it studies how the U.S right of publicity manages the dignitary and commercial proprietary interests of the voice separately. It is unrealistic to take the American system as it is. Therefore, the paper puts forward a dual mechanism suitable for local conditions: the basic rule of independent business voice right is defined as Civil. It is stipulated in the Code that in order to punish the hidden unfair behavior, Anti-Unfair Competition Law is used. In this way, the interests related to the two sounds can be protected at different levels. Protecting personal dignity and keeping the vitality of digital innovation can be done together.

Keywords: commercial personality right, voice right, right of publicity, dual-track protection

1. Introduction

The growing popularity of speech-synthesis and generative AI tools has deepened the law's understanding of a person's voice. The voice used to be nothing more than an attribute of the body; today its features can be extracted by algorithms, reproduced in large quantities, and enter the market on their own as digital commercial assets. Courts in various parts of China have seen a marked increase in cases involving unauthorized use of voices, and new disputes in the field of voice personality rights keep cropping up. What Article 1023(2) of the Civil Code of the People's Republic of China does is apply the rules on portrait rights to the voice by way of analogy. The trouble is that this single, derivative mode of protection has no room for the auditory biometric

© 2026 The Authors. This is an open access article distributed under the terms of the Creative Commons Attribution License 4.0 (https://creativecommons.org/licenses/by/4.0/).

DOI: 10.54254/2753-7048/2026.37417

attributes that speech possesses by nature, and it is equally helpless in the face of the brand-new legal problems that AI-generated voice infringement raises.

The judgments in the AI voice infringement cases indicate that the position of the existing system is very different from that of the judge [1]. In some representative cases, the standard was whether professional listeners could distinguish their voices. Unauthorized voice cloning for profit is considered as infringement and ordered to compensate for high losses. In 2024, The Meng case got a completely different result [2]. The similarities were confirmed by the comparison of voiceprints, but the court followed the "strict standards that ordinary people understand" and rejected all the requirements. This practice is equivalent to excessively allowing imitation of unauthorized sounds. In Zhou case in 2025, employer used employees' voice characteristics for AI training without permission [3]. Therefore, the employer bears the tort liability. However, the amount of compensation is not that big.

Why does this judgment vary from person to person? The answer is simple. From the beginning, the standards actually used were scattered and never became common ones. Algorithmic opacity will present another problem, since the evidence underpinning AI's case was biased from the outset. Training datasets and operation records are firmly held by people who use technology, and individual plaintiffs are very unfavorable in giving evidence. It is difficult to get effective relief, and it is even more difficult to implement that.

The causes of the judicial predicament are to be sought in the voice protection system itself, where two structural faults are plain to see. The first is that the analog-to-portrait-right mechanism refuses to grant the voice the status of an independent personality right, while the auditory biometric attributes of the voice can hardly be covered by any existing specific personality right or copyright neighboring right. The second is that the prevailing monistic framework mixes the two kinds of interest carried by the voice, the spiritual interest connected with personal dignity and the proprietary interest connected with the market, and subjects them to one set of undifferentiated rules. Following the example of the U.S. right of publicity in keeping the two interests apart, this paper advances two basic claims: establishing an independent voice right is genuinely necessary, and separating the spiritual attributes of the voice from its commercial attributes holds water in legal theory. In the current AI voice infringement management, it needs to solve three thorny problems. The first is the deviation of the ruling standard, the second is the imbalance of the position of proof, and the third is the insufficiency of commercial compensation.

2. The justification for independent protection of commercial voice right

The commercial voice right defined in this paper refers to the exclusive ownership owned by natural persons for commercial utilization and profitability of their own unique voice biometrics. This is different from the spiritual personality right about voice, which protects human dignity and personal freedom. The ownership is controlled by the market value of digital voiceprints in the AI commercial market. In view of the inherent shortcomings of China's existing sound protection system, this part advocates the establishment of an independent Commercial voice right both theoretically and practically. In this way, the rights and interests related to sound can be protected more correctly and clearly.

DOI: 10.54254/2753-7048/2026.37417

2.1. Necessity of independent protection for voice interests: defects of the analog-to-portrait-right regime

Voice and portrait are both labeling personality interests that indicate a person's identity, but they differ essentially in their legal carriers, their identification mechanisms and their forms of infringement [4]. For this reason, the blanket analogy in Article 1023(2) of the Civil Code, which lumps the voice together with the portrait, is hard to sustain in law. Portraits represent characters by their external features. It is a visible sign. The boundaries between insult, distortion and forgery are clearer. The sound is different. Voice is a sign of listening to and understanding people. Judging the sound according to the voiceprint, timbre and intonation. These are the things of people who can only talk. Obviously, the characteristics are so different, but the rule of portrait right is forcibly used in the trial of AI infringement, and the use of the rule will inevitably become strange.

The analog protection model has three structural shortcomings, which need to be analyzed separately. First, the function that can be actually used to infringe the standard is not enough. The infringement of portrait right is obvious at a glance, but the distortion and forgery of sound will not leave visible traces to the naked eye. For the court, it is not easy to distinguish malicious tampering from legal transformation or interpretation. Second, the license rules do not conform to the object. The licensing mechanism for portraits is based on the seemingly unchanging media. However, AI voices are dynamically copied by the algorithm, and there is no upper limit for the generation, which is used in countless occasions [5]. Third, the response measures have not kept up. The remedial measures determined for the damage of visual personality can't make up for the economic losses caused by the extensive use of phonetic biometric information without permission. These losses have the nature of substantial diffusion and accumulation.

General personality rights can't make up for these shortcomings. This is only a declaratory and basic provision, and the point of protecting personal dignity is still at the abstract level. Regarding the infringement of the right of auditory personality, there is neither a specific constituent element nor a prohibition rule. Imitation for non-commercial purposes, malicious forgery and commercial exploitation for profit all require different trial standards, but the general personality right cannot prepare any of them. Therefore, the judge's free judgment becomes uncontrollable and the judgments are contradictory. What is even more disturbing is that the relief brought by this right is biased towards spiritual comfort, while the ownership interest is almost ignored. The actual business loss caused by copying voice on AI without permission often ends without any supplement. Voiceprints belong to sensitive biometric information, and the legal constraints on them should be strict in standard and rigid in character. Since neither portrait-right analogy nor a general-personality-right supplement can cover the dual technical and commercial attributes of modern voice infringement, independent protection of voice interests is the only viable road.

2.2. Necessity to establish an independent commercial voice right

Whether the spiritual attributes of the voice should be separated from its commercial attributes is a debate that has never ceased among academics. The worried party maintains that once independent commercial personality interests are recognized, compensation standards may float with a person's status, and the equal protection of personal dignity will be shaken. The traditional doctrine insists that the commercial value of personality markers submit to spiritual personality interests, so that the unity and equality of the personality right system can be preserved [6]. Yet such views ignore a basic fact: in the AI context, the commercial exploitation of a voice and its non-commercial exploitation follow entirely different logic, in fact and in law alike. This very difference is what substantively

DOI: 10.54254/2753-7048/2026.37417

justifies the separation of the dual interests and the establishment of an independent commercial voice right.

Unauthorized use of another's voice can be divided into non-commercial and commercial situations, and the interests infringed, the consequences caused and the social harm done differ vastly between the two. Imitation for entertainment, academic research or public commentary at most produces slight spiritual disturbance and involves no economic loss; traditional spiritual personality protection is fully adequate to deal with it. AI commercial cloning of voices is another story: voiceprints are extracted and copied by algorithms without authorization out of a single motive, making money. Virtual live-stream marketing, intelligent voice packages, brand advertising dubbing and paid audio products all come within its coverage. Conduct of this kind amounts to taking away the licensing income that the right holder could otherwise have obtained through voice endorsement and dubbing services. What deserves more attention is that unauthorized commercial synthesis makes the public take a synthetic voice for a particular person, the market uniqueness of a personal vocal persona is progressively weakened, and the value of the commercial voice asset keeps declining, a decline that is continuous and irreversible. If allowed and spread, the use of AI voice without a license will destroy the trading rules of voice service industry so far and bring bad influence to the whole industry.

Spiritual harm and commercial harm have different weights from the beginning. Only one protection mode can hardly satisfy both of them at the same time, and the division of responsibilities is often biased, and property relief is not enough. It does not violate the principle of equal protection of personality to separate the dignitary interests from the commercial proprietary interests of sound. On the contrary, through this division, judicial relief can play a role in different classes and respond correctly. Spiritual interests protection ensures that all natural persons have equal personal dignity, while independent commercial voice right directly deals with the unique market harm caused by the abuse of interest AI. This dual-track governance mechanism summarizes the scattered trial standards and fills the gap in the commercial voice-activated infringement laws and regulations in the AI era.

3. Institutional enlightenment from the U.S. right of publicity

China's unified personality right system is essentially difficult to cope with the commercial use of sound. The dual-channel system in the United States consists of privacy rights on the one hand and the independent right of publicity on the other. This has mature reference value for this problem. China law sums up the personal interests and property interests of voice within the framework of personality rights, and does not make special rules for protecting commercial value. American law treats the two separately: mental injury and emotional pain are relieved by privacy right, and the commercial use of personal voice is only under the jurisdiction of independent right of publicity. Only this distinguishing method provides a differentiated protection method for commercial disputes surrounding AI-generated voices.

3.1. The U.S. right of publicity: a comparative law model for independent protection of commercial personality interests

The right of publicity in the United States originated from an ancient right of privacy, and later developed into an independent rule centered on the commercial value of human voice. The right to privacy belongs only to individuals and cannot be given to others. This right prevents heartache, reputation deterioration, invasion of private life, safeguards people's inner dignity, and is equally applicable to all natural persons. However, this dignity-centered maintenance method cannot cope

DOI: 10.54254/2753-7048/2026.37417

with the disputes caused by the commercial use of sound without permission. Celebrities, in particular, rarely feel inner pain even if they are seen by many people for many years, but their voices have great market value. Haelan Laboratories, Inc. v. Topps Chewing Gum, Inc. in 1953 [7]. The event became the independent status of turning point: the right of publicity, which was officially recognized in the event. Moreover, the essential difference with privacy protection is also very clear.

Professional baseball players gave chewing gum manufacturers the exclusive right to use their own portable in sales promotion. However, the competitor's company used the same portrait without permission. The court ruled that the rules of using privacy tort could not protect the interests of the holders of formal licenses. Because the essence of this dispute is not the harm of dignity and privacy, but the value of unauthorized use in the market. The court made it very clear. People have the right to monopolize and control the publicity value of their own voice characteristics, which becomes an independent interest, protected by law and has monetary value.

Haelan confirmed that two important characteristics are the basis of business personality protection in today's society. One of them is that the right of publicity can be transferred or licensed as a whole [8]. The right to privacy can't be handed over to others, but the voice characteristics of people can be licensed or traded separately without transferring their personality. This mechanism almost completely meets the needs of large-scale commercial use of voice prints and facial images in the AI era. Another way of saying this is that the commercial market interests of public figures can be specially protected [9]. By letting everyone know for a long time, it will have special market recognition and commercial influence. Right of publicity will protect that only that person can keep this market value alone. Others can't use this to make a profit without permission, and can't reduce this value. As an independent proprietary right, this right makes up for the economic loss, not the spiritual harm. Moreover, it just makes up for the shortcomings of traditional personality rights in business situations.

3.2. Localized adaptation of the U.S. right of publicity theory

However great the institutional advantages of the U.S. dual-track model may be, any direct transplantation of the right of publicity into China's civil law system is bound to encounter significant theoretical conflicts and institutional obstacles. The anxiety of academics is very common. The center of the discussion is whether this migration will destroy the inherent summary and peer protection principle of China's personality right system. Most scholars in China believe that the personality rights in the tradition of civil law are human nature and are equally applicable to everyone. These rights are closely related to the status of all natural persons, with personal dignity as the protection center, and all people are treated equally, regardless of their social reputation, social influence or commercial value [10].

Copying the independent right of publicity is tantamount to forcibly splitting the overall mechanism of personality interests, and there is a danger of unequal judicial protection. The commercial value of ordinary people's voices is quite different from that of celebrities' voices. If an independent ownership structure is used, the compensation standard will easily change according to different social status, which is the principle of "equal protection of personal dignity" explicitly prohibited by the Constitution and civil law. There are other inappropriate structures. The right of publicity in the United States originated from the precedent of common law and grew up in an independent case law mechanism. It is separated from the provisions of statute law on personality and moves together. China's Civil Code, by contrast, has chosen a different path: a systematic and closed personality right system that is logically self-sufficient. The proprietary independence of the

DOI: 10.54254/2753-7048/2026.37417

right of publicity does not get along with the statutory character of Chinese personality rights, so normative conflicts and institutional dislocation in judicial application are almost unavoidable.

Blind transplantation can hardly survive in China's local judicial environment either. China courts always use a unified judgment process when dealing with disputes over the interests of personality rights. The rules of personality right deal with reputation damage and some business damage. If commercial interests are completely divorced from personal dignity, the tried and tested trial mechanism will collapse. The types of litigation have become unclear, the standards of responsibility have become inconsistent, and the relief mechanism has become fragmented. What should be learned from U.S. right of publicity is the idea of separating the two interests. The mechanism of mechanical movement must be abandoned. What China needs is a way to protect the commercial voice right, which is rooted in its own civil law and combined with local and other rules.

4. Construction of localized dual-track protection system for independent commercial voice right

The above comparative analysis shows that the U.S. right of publicity has a theoretical structure. This structure separates spiritual personality interests from commercial personality interests in order to make up for the losses from commercial infringement. It is an independent right mechanism, and a single protection of personality rights can well fill the restriction loopholes formed in commercial occasions. However, if all the rules of common-law are taken, it will conflict with the rules in China's civil law system and the principle of equal protection of personal dignity, and it will not play a good role in the trial site of sound infringement. By comparing various options, this paper absorbs some important contents of American copyright, instead of blindly imitating it at the institutional level, it draws lessons from the rule framework of the Civil Code with the practical regulatory advantages of the Anti-Unfair Competition Law, so that the two interests in the voice can be accurately protected in layers in the AI era.

4.1. Basic framework: establish foundational rules of independent commercial voice right under the personality rights part of the Civil Code

To correct the organizational problems from simulation to portrait right mechanism, the Civil Code must first recognize the independent legal status of voice right. Moreover, the protection of sound must be completely liberated from the shackles of the rules of portrait rights. Personal voice, as an audible biometric personality interest, is fundamentally different from the characteristics of the portrait you see. It has the characteristics of its own recognition value and infringement that cannot be covered by the rules of portrait right. If the law recognizes that voice is an independent specific personality right in the legislative stage, the confusion of rules caused by mechanical analogy can be fundamentally eliminated. What's more, the organizational basis for protecting sound interests in different ways will be established at that time.

After deciding independent voice right, Civil Code must also clarify the commercial nature of voice rights and add all functions for the personal interests of voice. In the past, a single protection method only paid attention to the spiritual interests centered on the dignity of sound, while ignoring the unique market value and commercial availability of digital voiceprint. Nowadays, the use of AI voice cloning and commercial voice is becoming more and more common, and personal voice has long been a digital commercial asset that can be transferred and allowed. In the Civil Code mechanism, the personality right system provides a place for independent commercial voice right

DOI: 10.54254/2753-7048/2026.37417

rules, which clearly shows that natural persons have the right to monopolize the license, market utilization and profit acquisition of their own voice characteristics. The improvement of this system, while maintaining the personal dignity of all natural persons, provides additional relief for the financial losses caused by using one's voice in business without permission. In this way, China's mechanism for protecting sound rights will expand its role and become better as a system. Even so, the internal logical unity of civil personality rights will not be affected.

4.2. Supplementary regulation: the Anti-Unfair Competition Law as a special remedy for commercial voice infringement

Commercial voice right, backed by Civil Code, gives universal and basic protection to the commercial value of personal voice. However, market-oriented infringement cannot be completely prevented. It can't prevent the hidden and obscure imitation that is widely used in the AI environment. It is one thing to directly use other people's voices for business, but it is another thing for AI to simulate the voice and extract some features of the voice. The latter can create associations in people's minds even if it does not reproduce the complete personal voice. Because of this, these behaviors can easily escape the infringement standards and confirmation in the Civil Code sound related rules. With such a free ride, the goodwill evaluation and commercial influence brought by the unique voice characteristics of natural persons will disappear little by little. At the same time, this will undermine the orderly competition in the voice service and digital marketing industries.

In this context, Anti-Unfair Competition Law appears as an effective supplementary mechanism against the infringement of commercial voice. Article 7 of the law prohibits business operators from making any confusion to the public about the origin of goods and the relationship between business operators. From the targeted explanation, the behavior of operators to copy sounds without permission, imitate sound characteristics and use them in a confused way is free competition in accordance with the provisions. The reputation and commercial value of the voice generated by the characteristic voice of a natural person in the market is recognized as a career interest protected by law. This supplementary mechanism will fill the legal loopholes left by Civil Code one by one, and give targeted punishment to the hidden and chaotic AI voice infringement, thus producing a synergistic effect with the basic rules of commercial voice right.

4.3. Coordinated application rules of the two laws

A joint reading of the Civil Code and the Anti-Unfair Competition Law reveals that the dual protection system has a clear scope of application and that the respective protective purposes are mutually compatible. It is a complete mechanism, and the two laws complement each other. The independent commercial voice right stipulated by Civil Code is based on the rule of equal protection of human personality and applies to all natural person indiscriminately. This rule first restricts the direct use of sound features for commercial purposes without permission. At the same time, clean up improper transactions and make up for direct property losses caused by commercial infringement. The value of this power center is twofold. One is to admit that the personal interests of voice are originally property, and the other is to ensure standard civil remedies for the infringement of ordinary commercial voice.

The Anti-Unfair Competition Law is a set of rules designed to combat unfair market practices. It is primarily applicable to individuals or entities that enjoy significant market popularity and possess a recognized reputation.What this law tries to prevent is the behavior of secretly imitating people's confusion, extracting some sound features, and taking only the credit of others, which are common

DOI: 10.54254/2753-7048/2026.37417

in the AI environment. Civil Code abides by strict confirmation standards, while Anti-Unfair Competition Law pays attention to the impact on the market. In this way, the core basis for determining violations is people's chaotic association and the weakening of market reputation. Therefore, the new type of sound infringement that cannot be dealt with by the traditional personality right rules will also be included in the scope of this law.

At the level of judicial application, the two sets of norms should be used in coordination rather than in mutual exclusion. Ordinary, direct commercial voice infringement is dealt with first under the commercial voice right rules of the Civil Code, which determine tort liability and calculate the amount of damages; concealed, implicit, market-oriented voice unfair competition is handled first under the Anti-Unfair Competition Law, whose sanctioning mechanism is used to check free-riding and eliminate adverse market effects. This way of cooperation not only protects the same rights as China's personality right system, but also can flexibly deal with all kinds of hidden characteristics of AI voice's commercial infringement. The protection of personal dignity and the observance of market rules can be integrated.

5. Conclusion

With the development of generative AI speech synthesis technology, everyone's speech features can be digitized and copied and applied in business. China's traditional protection mechanism of voice personality right has been fundamentally affected. The existing mechanism mechanically applies the rules of portrait right and follows the single protection method of "personal dignity first". This mechanism can't distinguish the spiritual personality interests of voice from the interests of commercial monopoly. When the new AI voice infringement appears, it can't prevent a series of problems such as inconsistent trial standards, insufficient compensation for business losses, and insufficient regulations.

The right of publicity in America is very useful in comparison. This is because it separates commercial value from the protection of personal dignity based on privacy, and provides independent property relief when using personal characteristics in business. However, it is not appropriate to bring this mechanism directly to the civil law system formulated by China and the principle of equal protection of human dignity. On the basis of localized institutional adaptation, this paper follows the idea of layered governance and constructs a dual-track protection system for commercial voice right: the independent commercial voice right rules in the Civil Code serve as the basic protection framework, and the Anti-Unfair Competition Law acts as a supplementary market regulation mechanism. With the two laws operating in tandem, the dual interests in the voice are protected layer by layer, and AI voice infringement is dealt with in a targeted way.

The dual-track model preserves the internal logical unity of China's personality right system while not evading the commercial risks brought by digital voice technology. The long-standing divergence in voice infringement adjudication has been resolved, the balance between the protection of personal dignity and the development of digital commercial innovation has been achieved, a feasible and localized legal path has taken shape, and the standardized protection of the commercial value of vocal biometrics finally has something to rely on in the AI era.

References

[1] Civil Judgment of Beijing Internet Court. (2023). Case No. Jing 0491 Min Chu No. 12142.
[2] Civil Judgment of the First Railway Transportation Primary Court of Chengdu. (2024). Case No. Chuan 7101 Min Chu No. 8969.
[3] Civil Judgment of People's Court of Binjiang District. (2025). Case No. Zhe 0108 Min Chu No. 666.

DOI: 10.54254/2753-7048/2026.37417

[4] Yang, L. X., & Yuan, X. S. (2005). On the independence of voice right and its civil law protection. *Studies in Law and Business, 22*(4), 103–109.
[5] Wu, H. D., & Long, X. X. (2026). Path selection for the identification of AI-generated voice infringement: Centered on the referential application of portrait rights. *Northern Legal Science, 20*(1), 5–18.
[6] Wang, L. M. (2013). On the commercialization of personality rights. *Legal Science, 31*(4), 54-61.
[7] Haelan Laboratories. (1953). Inc. v. Topps Chewing Gum, Inc, 202 F.2d 866.
[8] Brierton, T., & Bowal, P. (2014). The right of publicity. *ARIZ. ST. U. SPORTS & ENT. L.J., 273*(4), 318.
[9] Roberta, R. K. (1997). Fame. *Indiana Law Journal, 73*(1), 35-36.
[10] Cheng, X. (2023). On the commercialized utilization of personality rights. *China Law Review, 1*, 42-56.