



Getty Images

Generative AI in Entertainment and Unsettled IP Questions

Jason Vogel, Anthony Noonan, and Cynthia Katz

In today's entertainment industry, Artificial Intelligence is rapidly changing how content is created, distributed, and monetized. The law, however, is struggling to keep pace with AI.¹ From AI systems trained on copyrighted works to synthetic voice clones that can recreate a performer's distinctive vocal signature, the legal questions are mounting, and the answers remain unsettled.

If you're advising clients in entertainment, media, or content creation, understanding these issues is essential.

This article addresses two areas of particular importance to entertainment lawyers: first, the unresolved copyright questions raised by AI training and AI-generated outputs; and second, the emerging laws and industry practice governing digital replicas, voice clones, and performer identity.

Copyright Issues: Training, Outputs and Copyrightability

The intersection of artificial intelligence and copyright law presents three fundamental questions that courts are only beginning to address.

1. Is using copyrighted works to train large language models infringement?

Published in Entertainment & Sports Lawyer: Volume 42, Number 1, ©2026 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

There are many lawsuits currently pending in federal court on this very issue. The key question is whether such use qualifies as fair use. Specifically, courts are asking whether using copyrighted works to train AI systems, including large language models, is sufficiently transformative and whether it causes market harm to the original works.²

Recent case law illustrates the unsettled nature of this area. In *Thomson Reuters Enterprise Centre GMBH v. ROSS Intelligence Inc.*, the U.S. District Court for the District of Delaware found that the use of Westlaw headnotes to train an AI legal research tool that competed directly with Westlaw was infringing.³ The Third Circuit accepted the case for interlocutory appeal and heard oral argument on June 11, 2026, and a decision is expected in late 2026.⁴ However, other courts have reached different conclusions.

In *Kadrey v. Meta Platforms, Inc.*, the court granted summary judgment for Meta, finding that the plaintiffs failed to present meaningful evidence of market harm from AI training on their works, though the court cautioned that the ruling was limited to those specific plaintiffs and did not broadly sanction Meta's training practices.⁵ In *Bartz v. Anthropic PBC*, the court similarly found that training on lawfully acquired books was "quintessentially transformative" and protected by fair use.⁶ These cases suggest that courts are asking not merely whether copyrighted content was copied, but for what purpose and with what effect on the copyright owner's market. This nuanced inquiry suggests that outcomes in these and other similar cases will remain highly fact-dependent as the case law develops.

The *Bartz* case subsequently reached a landmark resolution. After Judge Alsup certified a class encompassing nearly half a million copyrighted works obtained from pirate sites Library Genesis and Pirate Library Mirror, Anthropic agreed to a \$1.5 billion settlement, paying approximately \$3,000 per work. Notably, while the court found that training on lawfully acquired books was "quintessentially transformative" and protected by fair use, it held that Anthropic's creation and retention of a library of pirated works constituted infringement.⁷ The settlement received final approval on July 20, 2026.⁸ The outcome underscores a critical distinction for entertainment lawyers advising AI developers and content owners alike: the legality of AI training may turn not only on the transformative nature of the use, but also on the provenance of the training data itself.

Several further pending cases worth watching, that involve AI and entertainment directly, include:

Disney, Universal & Warner Bros. v. Midjourney (C.D. Cal., filed June 2025; consolidated with Warner Bros. action filed September 2025). The major film studios in this case allege that Midjourney's AI image-generation service was trained on, and continues to generate, unauthorized reproductions of copyrighted characters from protected franchises, including Star Wars, Marvel, Despicable Me, Shrek, and DC Comics properties. Midjourney has asserted a fair use defense and has sought to compel discovery of the studios' own internal AI practices, arguing that the studios themselves engage in the same conduct they challenge. The case is in active discovery and heading toward trial in late 2026 or early 2027.⁹

Disney, Universal & Warner Bros. v. MiniMax (C.D. Cal., filed September 2025). This case was brought by Hollywood studios against a foreign company. The plaintiffs allege that China-based MiniMax trained its Hailuo AI image and video generator on copyrighted characters and marketed the service as "a Hollywood Studio in your pocket." In May 2026, a federal judge denied MiniMax's motion to dismiss, allowing the case to proceed.¹⁰

UMG, Concord & ABKCO v. Anthropic (N.D. Cal., second action filed January 28, 2026). In this case, music publishers allege that Anthropic used BitTorrent to download over 20,000 copyrighted musical

compositions to train its Claude AI model without authorization, seeking over \$3 billion in statutory damages. This follows an earlier 2023 action by the same publishers alleging Claude reproduced copyrighted song lyrics in its outputs, in which the court denied Anthropic's motion to dismiss in October 2025. Cross-motions for partial summary judgment are currently pending.¹¹

RIAA v. Suno (D. Mass.) and RIAA v. Udio (S.D.N.Y.) (both filed June 2024). In these cases, the major record labels sued AI music generators Suno and Udio for mass copyright infringement in training on sound recordings. Warner Music settled with Suno in November 2025 and UMG settled with Udio in October 2025, each pairing settlements with licensing partnerships for new AI music platforms launching in 2026. Sony remains the sole active major-label plaintiff in both actions, and the fair use question remains unresolved.¹²

For entertainment lawyers, these cases matter not only because they may determine the legality of training practices, but also because they will shape the rights of studios, labels, publishers, guilds, artists, and AI developers in future content development.

One solution to these issues may be licensing. For example, major music record labels Universal Music Group, Sony Music Entertainment, and Warner Music Group, and their publishing arms, have entered into licensing agreements with AI music startup Klay, making Klay the first AI company to secure deals with all three majors. These agreements allow Klay to train its interactive "Large Music Model" on thousands of tracks in exchange for royalties and rights protections. UMG and Warner have separately reached settlement-plus-licensing agreements with AI music generators Udio and Suno, respectively, which will power new licensed AI music creation platforms launching in 2026.¹³

However, the International Artist Organisation (IAO) has raised concerns that these major-label licensing deals may include demands for equity stakes in AI platforms, mirroring earlier developments in the streaming sector, and that such arrangements create conflicts of interest, distort competition, suppress artist remuneration, and may exceed the scope of what labels are contractually authorized to license. The IAO has called for explicit artist consent, transparent reporting of all financial gains (including equity), and regulatory oversight to prevent anti-competitive behavior.¹⁴

In the film and television space, comparable broad licensing arrangements between studios and generative AI companies have not yet materialized publicly. Instead, the major studios have taken a litigation-first approach, as illustrated by the Disney, Universal, and Warner Bros. lawsuits against Midjourney and MiniMax. While individual studios have explored internal AI tools and selective partnerships, no industry-wide content-licensing framework analogous to the music industry's emerging model has been announced as of mid-2026. The contrast suggests that the film and television industry may be further from a market-based AI licensing solution than the recorded music sector.

How this area unfolds could have a significant impact on the future development of AI systems themselves as legal constraints precluding the training of AI models on copyrighted materials could materially limit the ability of AI developers to build new AI systems. So, a solution that balances the rights of copyright holders while permitting the growth of this new area of technology needs to be found.

2. Can AI outputs infringe upon copyrighted material?

AI-generated outputs may infringe existing copyrights if they reproduce protected expression.¹⁵ Since copyrighted material may have been used to train the AI systems, it is not surprising that the output may contain elements of prior works that rise to the level of substantial similarity. This is an important consideration for anyone using AI to generate content.

Of course, avoiding copyright liability when creating content has always been a challenge, as a new work can infringe a prior work even if the copying was unintentional. Indeed, there is often no effective way to do a copyright search to ensure a new work doesn't infringe earlier works. Prior to the development of AI, the best practice was to obtain warranties and representations from the content creator that the work was original and not derived from preexisting works. This simply is not possible with AI systems. The practical problem for entertainment counsel is that traditional clearance workflows are poorly adapted to AI-generated material, particularly where the one does not know what works were included in the model's training data or whether the output resembles protected expression.

Some AI services have attempted to restrict the generation of copyright-infringing content, but results have been spotty.¹⁶ Adobe Firefly, for example, states that its models are trained on licensed or public-domain content and offer outputs for commercial use, but users should proceed with caution and at their own risk.¹⁷

3. Is AI-generated output copyrightable?

For purely AI-generated output, under current US law, the answer is no.

The U.S. Copyright Office has issued guidance stating that copyright protection requires human authorship, and courts have agreed.¹⁸ Works that were created in part by human authorship and in part AI generated may be protectable but only with respect to the human-authored elements. For example, the U.S. Copyright Office has permitted registration of the human-authored text of a comic book, but denied protection for the AI generated illustrations.¹⁹ This will create a challenge going forward in that, as more content creation tools incorporate generative AI features, the line between human-authored and AI-generated content is increasingly blurred.²⁰ For example, it is increasingly common for musical recordings to be created using recording software that generates AI based accompanying instrumental parts, such as drum beats or bass lines. As a further example, word processing software often uses the first few words entered in a sentence to suggest the rest of the sentence. As these software features become more sophisticated, it will become increasingly difficult to parse the protectable human-authored elements from the unprotectable AI-generated elements of the resulting works.

Due to these limitations, content creators should carefully consider the role that AI plays in their creative processes to ensure that their works qualify for protection, or perhaps simply accept the fact that their works may not be protectable under copyright law.

Performer Identity and Deepfakes

Celebrities are increasingly plagued by AI-generated video and audio clips purporting to show their likenesses or voices and often including statements they never made.²¹ The legal strategies available to combat and prevent this misuse of AI remain fragmented.

The right of publicity provides one avenue of relief. However, these rights vary significantly by state, and there is no uniform federal right of publicity.²² Unfair competition and false endorsement claims under the Lanham Act offer additional protections, but these can be challenging to establish for non-commercial uses.²³

Some celebrities have turned to trademark registration as an anti-deepfake strategy, filing applications for their famous catchphrases. Notable examples include Taylor Swift ("Hey, it's Taylor" and "Hey, it's Taylor Swift"), Matthew McConaughey ("Alright, alright, alright"), and Lionel Richie ("Hello, is it me you're looking for?," "Say You, Say Me," "Easy Like Sunday Morning," and "All Night Long").²⁴ While such trademark applications may add another tool to the arsenal of celebrities seeking to combat

deepfakes, the utility of the registrations may be limited. For example, registration of a federal trademark requires use of the expression in commerce as a trademark in connection with goods and services offered by the trademark owner. So, performers will need to make use of their catchphrases in a branded way to offer goods and services, which may not often be the way these phrases are used. Additionally, trademark rights only provide protection against third-party use of the exact phrase or one that is confusingly similar, and not against a celebrity's voice generally saying other things.²⁵ So, the approach of registering catch phrases presents a limited basis to combat deepfakes. If budget permits, there is no downside to trademark registration of catchphrases, though the practical utility may be limited.

Use of Legacy Content in Developing New AI Content

When AI systems are trained on legacy recordings, the Intellectual Property (IP) rights landscape becomes particularly complex, with different rights accruing to content creators and performers, and it is important to understand the distinctions.

Original content creators typically possess copyright in audio and audiovisual recordings of legacy content, copyright in characters and storylines, and trademark rights in titles and character names. Critically, however, ownership of these rights does not necessarily include the right to use a performer's identity, name/image/likeness, or voice to generate new synthetic content without permission.²⁶

Performers face a more uncertain legal landscape. Federal unfair competition claims remain unsettled as to whether less well-known performers can establish rights or secondary meaning.²⁷ Additionally, false advertising and endorsement claims may not be available in non-advertising contexts.

Copyright protection extends to recordings the performer owns (which is not typical in many entertainment contexts), but does not protect identity, voice, or name/image/likeness as such.²⁸

State rights of publicity vary significantly, and they may not be available for less well-known performers. Additionally, they may offer no protection post-mortem in some jurisdictions.²⁹

Statutory and Legislative Responses

Recognizing the inadequacy of existing law, both state legislatures and Congress have begun to address digital replicas and AI-generated content. We examine the key developments below.

Several states have enacted legislation specifically targeting AI-generated content and digital replicas.

Tennessee. Tennessee's ELVIS Act treats voice as alienable property that is freely assignable, licensable, and descendible. It includes criminal penalties (Class A misdemeanor) and creates secondary liability for providers of tools whose primary purpose is unauthorized digital replica production. The ELVIS Act extends beyond conventional commercial-use restrictions and includes civil and criminal remedies for unauthorized uses of voice or likeness.³⁰

California. California enacted AB 2602 and AB 1836, effective January 1, 2025, adopting contract and post-mortem publicity protections for digital replicas. AB 2602 makes certain provisions permitting digital replica use unenforceable if they lack sufficient specificity and the performer lacked legal or union representation, while AB 1836 prohibits unauthorized digital replicas of deceased personalities. Common law protections established in *Midler v. Ford Motor Co.* and *Waits v. Frito-Lay* remain the foundation for living persons.³¹

New York. New York's Civil Rights Law (§§ 50–51) provides a privacy-derived personal right protecting against certain unauthorized uses of a living person's name, portrait, picture, likeness, or voice. In *Lehrman v. Lovo, Inc.*, the court held that New York Civil Rights Law claims could proceed based on alleged AI voice clones of living persons, though statutory protection remains limited to use “for advertising purposes, or for the purposes of trade.”³² New York's Digital Replica Contracts Act, effective January 1, 2025, further provides that certain digital-replica contract provisions are unenforceable if they lack a reasonably specific description of intended use and the individual was not represented by counsel or a union.³³

In *Lehrman*, the court addressed AI voice cloning directly. While the court dismissed or limited most federal trademark and copyright claims, it, and, denied dismissal of claims under New York Civil Rights Law, confirming that state publicity-style protections may reach AI voice clones of living persons.³⁴

Other States. Notably, in 2025, all 50 states, Puerto Rico, the Virgin Islands, and Washington, D.C. considered AI legislation, with 38 states adopting or enacting measures. However, only a subset of those measures specifically addresses voice/likeness protections or digital replicas, with many focusing on government use, election deepfakes, workforce issues, health care, children, chatbot interactions, or other AI governance topics.³⁵

Federal Legislation. At the federal level, the NO FAKES Act (Nurture Originals, Foster Art, and Keep Entertainment Safe Act) has garnered bipartisan support and has advanced out of the Senate Judiciary Committee with unanimous approval. The bill would create a federal civil action for publishing, distributing, or transmitting unauthorized digital replicas of a person's image, voice, or likeness. It has attracted support from diverse stakeholders including SAG-AFTRA, the AFL-CIO, the Motion Picture Association, OpenAI, YouTube, IBM, and the Recording Industry Association of America.³⁶ However, the bill has not been enacted to date, leaving the legal landscape in flux.

Contracts and Industry Practice

Given the patchwork nature of statutory and common law protections, contractual rights have emerged as the most reliable approach for both content creators and performers. This is an area where proactive planning can make a significant difference.

Legacy Contracts. Legacy contracts can present particular challenges. Many older agreements contain broad language permitting use “in any media now known or hereinafter developed” and rights to “modify,” “adapt,” or “reuse” performances. While such language may support arguments that certain AI-enabled uses are permitted, parties should not assume that legacy boilerplate clearly covers AI-generated performances that simulate a performer's voice rather than merely reuse an existing recording.³⁷

The 2023 SAG-AFTRA Agreement. The 2023 SAG-AFTRA TV/Theatrical Agreement was ratified December 5, 2023 following a lengthy labor strike, one key issue of which was the use of generative AI content by studios to replace live actors. The resulting contract represents a watershed moment in addressing these issues. The agreement treats digital replicas (including voice) as requiring informed consent, specific authorization, and compensation. Key provisions include explicit, signed or initialed consent required for creation and use of digital replicas, a “reasonably specific description” of intended uses that must be provided, and a prohibition on burying consent in standard contract terms.³⁸

Industry Practice. Industry practice reflects a consistent approach of obtaining express consent. Most notably, before his death, James Earl Jones granted Lucasfilm permission to use AI (via Respeecher) to

recreate his iconic Darth Vader voice. His family subsequently collaborated with Disney and Epic Games for an AI-powered interactive Darth Vader experience in Fortnite in May 2025.³⁹

SAG-AFTRA has also reached agreements with AI companies such as Replica Studios and Narrativ, establishing frameworks for consent, compensation, and individual control over voice replicas. This suggests an emerging norm that voice replication is to be treated as a distinct, licensable right, and not as an implied incident of recording ownership.⁴⁰

Conclusion

The legal landscape surrounding AI in entertainment remains dynamic and unsettled. Copyright questions regarding training data and AI outputs are being litigated in real time. The protection of performer identity, particularly voice, currently depends on a patchwork of state laws, emerging federal proposals, and evolving industry standards. For content owners, the safest approach is to secure clear contractual authorization before using AI voice synthesis based on legacy recordings. For performers, the 2023 SAG-AFTRA agreement and new state legislation, particularly in New York, California and Tennessee, represent meaningful advances in protecting digital identity rights. As the NO FAKES Act advances through Congress, a more uniform national framework may emerge. Until then, entertainment industry stakeholders must navigate an evolving legal landscape where contractual clarity and proactive rights management remain the most reliable safeguards.

Jason Vogel, a Partner at FoxRothschild, advises clients on U.S. and international trademark and copyright strategy, helping companies protect, enforce and commercialize intellectual property across industries including film, television, music, technology, retail and apparel. He has extensive experience managing multijurisdictional trademark portfolios and cross-border disputes, including high-profile litigation and licensing matters for entertainment and technology clients. A former professional recording engineer and Berklee College of Music graduate, Jason combines deep entertainment industry knowledge with legal experience.

Anthony Noonan a Partner at FoxRothschild, focuses on intellectual property law, representing clients in patent, trademark and copyright matters, including patent prosecution and litigation. His technical practice spans a broad range of industries, including artificial intelligence, autonomous vehicles, medical devices, software, consumer products and mechanical technologies. With a background in physics and experience at the U.S. Patent and Trademark Office, Anthony helps innovators protect and enforce their intellectual property from development through commercialization.

Cynthia Katz a Partner at FoxRothschild, is a corporate, M&A and entertainment attorney whose practice centers on music industry transactions, including the acquisition, financing and sale of music catalogs, companies and intellectual property assets. Drawing on prior in-house experience at a major record label, she advises private equity funds, record labels, publishers, artists and music technology companies on complex strategic transactions and business matters. Cynthia is widely recognized as one of the music industry's leading deal lawyers, earning honors from Chambers USA, Billboard, Variety and The Hollywood Reporter, and she was elected to Fox Rothschild's Executive Committee in 2026.

Endnotes

1. U.S. Copyright Office, *Copyright and Artificial Intelligence*, <https://www.copyright.gov/ai> (last visited June 26, 2026); U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 1: Digital Replicas* (July 2024), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf>; U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability* (Jan. 2025), <https://www.copyright.gov/ai/>

Published in Entertainment & Sports Lawyer: Volume 42, Number 1, ©2026 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

[Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf](#); U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 3: Generative AI Training* (Pre-Publication Version) (May 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>.

2. 17 U.S.C. § 107; U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 3: Generative AI Training* (Pre-Publication Version) (May 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>; *see also* Thomson Reuters Enter. Ctr. GmbH v. ROSS Intel. Inc., 765 F. Supp. 3d 382 (D. Del. 2025); Bartz v. Anthropic PBC, No. 3:24-cv-05417-WHA, 2025 WL 1741691 (N.D. Cal. June 23, 2025); Kadrey v. Meta Platforms, Inc., No. 3:23-cv-03417-VC, 2025 WL 1752484 (N.D. Cal. June 25, 2025).

3. Thomson Reuters Enter. Ctr. GmbH v. ROSS Intel. Inc., 765 F. Supp. 3d 382 (D. Del. 2025).

4. Thomson Reuters Enter. Ctr. GmbH v. ROSS Intel. Inc., 765 F. Supp. 3d 382 (D. Del. 2025); *see also* Miller Canfield, *The Art (and Legality) of Imitation: Navigating the Murky Waters of Fair Use in AI Training* (noting appeal before the Third Circuit), <https://www.millercanfield.com/resources-Navigating-the-Murky-Waters-of-Fair-Use-in-AI-Training.html>.

5. Kadrey v. Meta Platforms, Inc., No. 23-cv-03417-VC (N.D. Cal. June 25, 2025).

6. Bartz v. Anthropic PBC, No. 3:24-cv-05417 (N.D. Cal. June 25, 2025).

7. Bartz v. Anthropic PBC, No. 3:24-cv-05417 (N.D. Cal. June 25, 2025) (order granting in part and denying in part cross-motions for summary judgment).

8. Bartz v. Anthropic PBC, No. 3:24-cv-05417 (N.D. Cal. July 20, 2026) (order granting final approval of class action settlement).

9. Disney Enters., Inc. v. Midjourney, Inc., No. 2:25-cv-05275 (C.D. Cal. filed June 11, 2025); Disney Enters., Inc. v. Midjourney, Inc., No. 2:25-cv-05275 (C.D. Cal. filed June 25, 2025); Warner Bros. Ent. Inc. v. Midjourney, Inc., No. 2:25-cv-08376 (C.D. Cal. filed Sept. 4, 2025) (consolidated Nov. 4, 2025). *See* Blake Montgomery, “Disney and Universal Sue AI Image Creator Midjourney, Alleging Copyright Infringement,” THE GUARDIAN (June 11, 2025), <https://www.theguardian.com/technology/2025/jun/11/disney-universal-ai-lawsuit>.

10. Disney Enters., Inc. v. MiniMax, Inc., No. 2:25-cv-08655 (C.D. Cal. filed Sept. 16, 2025); “China’s MiniMax Loses Bid to End Disney Copyright Lawsuit over AI System,” REUTERS (May 26, 2026), <https://www.reuters.com/legal/litigation/chinas-minimax-loses-bid-end-disney-copyright-lawsuit-over-ai-system-2026-05-26>.

11. Concord Music Grp., Inc. v. Anthropic PBC, No. 5:24-cv-03811 (N.D. Cal.); *see also* Complaint, UMG Recordings, Inc. v. Anthropic PBC, No. 3:26-cv-00841 (N.D. Cal. Jan. 28, 2026); Concord Music Grp., Inc. v. Anthropic PBC, No. 5:26-cv-00880 (N.D. Cal. filed Jan. 28, 2026); Murray Stassen, “UMG Sues Anthropic for \$3bn over ‘Brazen’ Copyright Infringement of 20,000+ Songs,” MUSIC BUS. WORLDWIDE (Jan. 28, 2026), <https://www.musicbusinessworldwide.com/umg-concord-and-abkco-sue-anthropic-for-3bn-in-what-could-be-single-largest-non-class-action-copyright-case-in-us-history>; Amanda Silberling, “Music Publishers Sue Anthropic for \$3B over ‘Flagrant Piracy’ of 20,000 Works,” TECHCRUNCH (Jan. 29, 2026), <https://techcrunch.com/2026/01/29/music-publishers-sue-anthropic-for-3b-over-flagrant-piracy-of-20000-works>.

12. UMG Recordings, Inc. v. Suno, Inc., No. 1:24-cv-11611 (D. Mass. filed June 24, 2024); UMG Recordings, Inc. v. Uncharted Labs, Inc., No. 1:24-cv-04777 (S.D.N.Y. filed June 24, 2024); “Universal Music Settles Udio Lawsuit, Strikes Deal for Licensed AI Music Platform,” MUSIC BUS. WORLDWIDE (Oct. 31, 2025), <https://www.musicbusinessworldwide.com/universal-music-settles-udio-lawsuit-strikes-deal-for-licensed-ai-music-platform/>; Warner Music Group Settles Lawsuit with AI Firm Suno, L.A. TIMES (Nov. 25, 2025), <https://www.latimes.com/entertainment-arts/business/story/2025-11-25/warner-music-group-suno-ai-lawsuit-settlement>.

13. UNIVERSAL MUSIC GRP., “Music Technology Company Klay Signs First-of-Its-Kind AI Licensing Deals with Universal Music Group, Universal Music Publishing Group, Sony Music Entertainment, Sony Music Publishing, Warner Music Group & Warner Chappell Music” (Nov. 20, 2025), <https://www.universalmusic.com/music-technology-company-klay-signs-first-of-its-kind-ai-licensing-deals-with-universal-music-group-universal-music-publishing-group-sony-music-entertainment-sony-music-publishing-warner-music-g>; “Major Labels Ink Licensing Deal with AI Music Startup Klay,” CONSEQUENCE (Nov. 20, 2025), <https://consequence.net/2025/11/major-labels-licensing-deal-klay-vision-ai>.

14. INT’L ARTIST ORG. (IAO), “IAO Statement on AI Licensing, Equity Stakes, and Market Distortion by Major Labels,” <https://www.iaomusic.org/iao-statement-on-ai-licensing-equity-stakes-and-market-distortion-by-major-labels/> (last visited July 8, 2026).
15. U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 3: Generative AI Training* 31 (Pre-Publication Version) (May 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>.
16. U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 3: Generative AI Training* 60 (Pre-Publication Version) (May 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>.
17. Adobe, “Our Approach to Generative AI with Adobe Firefly,” <https://www.adobe.com/ca/ai/overview/firefly/gen-ai-approach.html> (last visited June 26, 2026); Adobe Stock, *AI Studio: Understanding Credits and Commercial Use* (Apr. 13, 2026), <https://helpx.adobe.com/stock/ai-studio-credits-and-commercial-use.html>.
18. *Thaler v. Perlmutter*, 130 F.4th 1039 (D.C. Cir. 2025); U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability* (Jan. 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>.
19. U.S. Copyright Office, *Re: Zarya of the Dawn* (Registration No. VAu001480196) (Feb. 21, 2023), <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>.
20. U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability* (Jan. 2025), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>.
21. U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 1: Digital Replicas* (July 2024), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf>; CONG. RSCH. SERV., LSB11052, “Artificial Intelligence Prompts Renewed Consideration of a Federal Right of Publicity” (Jan. 29, 2024), <https://www.congress.gov/crs-product/LSB11052>.
22. CONG. RSCH. SERV., LSB11052, “Artificial Intelligence Prompts Renewed Consideration of a Federal Right of Publicity” (Jan. 29, 2024), <https://www.congress.gov/crs-product/LSB11052>.
23. *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992); 15 U.S.C. § 1125(a).
24. Maria Sherman, “Taylor Swift Files 3 New Trademark Applications. One Expert Says It Is to Curb AI Threats,” ASSOCIATED PRESS (Apr. 29, 2026), <https://www.wafb.com/2026/04/29/taylor-swift-files-trademark-applications-her-voice-likeness-reportedly-curb-ai-threats/>; Elizabeth Stanton, “Why Matthew McConaughey Is Trademarking His Signature ‘Alright, Alright, Alright’ Phrase,” ABC NEWS 4 (Jan. 15, 2026), <https://abcnews4.com/news/entertainment/why-matthew-mcconaughey-is-trademarking-his-signature-alright-alright-alright-phrase>; Stuart Dredge, “Hello, Is It Lionel Richie’s Vocal Trademarks You’re Looking For?,” MUSIC ALLY (June 15, 2026), <https://musically.com/2026/06/15/hello-is-it-lionel-richies-vocal-trademarks-youre-looking-for>.
25. *See* 15 U.S.C. §§ 1051, 1125(a); Dredge, *supra* note 13.
26. *Midler v. Ford Motor Co.*, 849 F.2d 460 (9th Cir. 1988); *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992); *Lehrman v. Lovo, Inc.*, 790 F. Supp. 3d 348 (S.D.N.Y. 2025).
27. *Lehrman v. Lovo, Inc.*, 790 F. Supp. 3d 348 (S.D.N.Y. 2025).
28. 17 U.S.C. § 114(b); *Lehrman v. Lovo, Inc.*, 790 F. Supp. 3d 348 (S.D.N.Y. 2025); *Midler*, 849 F.2d at 462.
29. CONG. RSCH. SERV., LSB11052, “Artificial Intelligence Prompts Renewed Consideration of a Federal Right of Publicity” (Jan. 29, 2024), <https://www.congress.gov/crs-product/LSB11052>.
30. Tenn. Code Ann. §§ 47-25-1101 to -1108 (2024); Tenn. Code Ann. §§ 47-25-1103, -1105, -1106 (2024); 2024 Tenn. Pub. Acts ch. 588.
31. Cal. Lab. Code § 927 (West 2025); Cal. Civ. Code § 3344.1 (West 2025); *Midler v. Ford Motor Co.*, 849 F.2d 460 (9th Cir. 1988); *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992).
32. N.Y. CIV. RIGHTS LAW §§ 50–51 (McKinney 2025); *Lehrman v. Lovo, Inc.*, 790 F. Supp. 3d 348 (S.D.N.Y. 2025).
33. N.Y. GEN. OBLIG. LAW § 5-302 (McKinney 2025).
34. *Lehrman v. Lovo, Inc.*, 790 F. Supp. 3d 348 (S.D.N.Y. 2025).
35. NAT’L CONF. OF STATE LEGISLATURES, “As AI Tools Become Commonplace, so Do Concerns” (2026),

<https://www.ncsl.org/resources/details/as-ai-tools-become-commonplace-so-do-concerns>; NAT'L CONF. OF STATE LEGISLATURES, "New Trends Emerge as States Refine AI Legislation" (Jan. 22, 2026), <https://www.ncsl.org/state-legislatures-news/details/new-trends-emerge-as-states-refine-ai-legislation>.

36. S. 4591, 119th Cong. (2026); Stefan Modrich, "Senate Judiciary Advances NO FAKES Act on Unanimous Vote," S&P GLOB. MKT. INTEL. (June 23, 2026), <https://www.spglobal.com/market-intelligence/en/news-insights/articles/2026/6/senate-judiciary-advances-no-fakes-act-on-unanimous-vote-103007539>; Press Release, Rep. Maria Salazar, "Congresswoman Salazar Introduces the NO FAKES Act" (Apr. 11, 2025), <https://salazar.house.gov/media/press-releases/congresswoman-salazar-introduces-no-fakes-act-0>.

37. See CONG. RSCH. SERV., LSB11052, "Artificial Intelligence Prompts Renewed Consideration of a Federal Right of Publicity" (Jan. 29, 2024), <https://www.congress.gov/crs-product/LSB11052>.

38. See *id.*; see also SAG-AFTRA, "2023 TV/Theatrical Contracts," <https://www.sagaftra.org/contracts-industry-resources/contracts/2023-tvtheatrical-contracts>.

39. Igor Bonifacic, "An AI Program Voiced Darth Vader in 'Obi-Wan Kenobi' so James Earl Jones Could Finally Retire," ENGADGET (Sept. 24, 2022), <https://www.engadget.com/james-earl-jones-retires-darth-vader-ai-201559553.html>; The Walt Disney Co., "James Earl Jones' Family, Disney, and Epic Games Bring Darth Vader's Iconic Voice to Fortnite — with Interactive Chat Experience" (May 16, 2025), <https://thewaltdisneycompany.com/news/darth-vader-fortnite-disney-epic>.

40. Brian L. Heidelberger, "SAG-AFTRA Signs Agreement for Use of AI Voices in Internal Development and Video Games," Loeb & Loeb LLP (Feb. 5, 2024), <https://www.loeb.com/en/insights/passle/2024/02/sagaftra-signs-agreement-for-use-of-ai-voices-in-internal-development-and-video-games>; Drew Taylor, "SAG-AFTRA Signs Deal with Replica Studios for AI Voice Usage," THEWRAP (Jan. 9, 2024), <https://www.thewrap.com/sag-aftra-ai-voiceover-agreement-replica-studios>; "SAG-AFTRA Sets AI Audio Agreement with Narrative," HOLLYWOOD REPORTER (Aug. 14, 2024), <https://www.hollywoodreporter.com/business/business-news/sag-aftra-sets-ai-audio-agreement-narrative-1235974431/>.