

A08611 • New York

Clarifies the right of publicity including the definitions of who and what qualifies as a digital replica; provides guidance as to digital replicas that do not violate an individual or deceased individual's right to publicity; expands the statute of limitations for an action brought for violating...

Introduced

Risk: Medium

Amendment

Effective: Nov 18, 2025 | Last Action (Jan 07, 2026): referred to judiciary

Summary

This bill clarifies the right of publicity, addresses digital replicas, and discusses the statute of limitations for related claims.

Business Impact

If you use digital replicas of individuals in New York, you must obtain consent or face potential damages.

Key Provisions

- Clarifies the right of publicity concerning digital replicas.
- Discusses the statute of limitations for claims.
- Verification needed for exemptions for replicas used in news, public affairs, or sports broadcasts.
- Verification needed for liability regarding unauthorized use of a deceased personality's likeness.

Compliance Checklist

- Obtain consent for using digital replicas of deceased personalities. | Who: Businesses using likenesses in advertising or entertainment. | Penalty: Liability for damages if consent is not obtained.
- Register claims of rights to deceased personalities with the Secretary of State. | Who: Successors in interest to the rights of deceased personalities. | Penalty: No cause of action for unauthorized use before registration.

Industries Affected

Advertising

Technology

Entertainment

Topics

AI Deepfakes

AI Likeness

Bill Sponsors

Name	Party	Role
KAVANAGH		Primary
COLTON		Cosponsor
GALEF		Cosponsor
LUPARDO		Cosponsor
MAGNARELLI		Cosponsor
MCDONOUGH		Cosponsor
O'DONNELL		Cosponsor
TITONE		Cosponsor
TITUS		Cosponsor
FERNANDEZ		Primary
REYES		Primary
Michaëlle C. Solages	Democratic	Primary

Related Bills

- A08882 (NY)
- S08391 (NY)

Official Source

<https://www.nysenate.gov/legislation/bills/2025/A8611>

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