

A08138 • New York

Establishes contract requirements for contracts involving the creation and use of digital replicas.

Introduced

Risk: Medium

Narrow/Targeted

Effective: May 01, 2025 | Last Action (Jun 07, 2024): substituted by s7676b

Summary

This bill establishes contract requirements for digital replicas, ensuring protections for individuals' likenesses and voices without affecting other contract provisions.

Business Impact

If you create or use digital replicas in New York, you must ensure clear licensing terms by January 1, 2025, or face unenforceable contracts.

Key Provisions

- Contracts allowing digital replicas are void if they lack specific use descriptions unless uses align with contract terms and character of the work.
- Individuals must be represented by legal counsel or a labor organization with a collective bargaining agreement for licensing terms to be enforceable.
- Contracts must be signed or initialed separately for clarity on digital replica rights.
- The definition of 'digital replica' is established to ensure clarity in contracts.

Compliance Checklist

- Ensure contracts include specific descriptions of digital replica use | Who: Businesses creating or using digital replicas | Penalty: Contracts may be deemed void and unenforceable
- Confirm individuals are represented by legal counsel in licensing agreements | Who: Businesses engaging individuals for digital replication | Penalty: Licensing terms may be unenforceable

Industries Affected

Entertainment

Technology

Topics

AI Deepfakes

AI Likeness

Bill Sponsors

Name	Party	Role
Helene Weinstein	D	Sponsor
Linda Rosenthal	D	Sponsor
Harry Bronson	D	Sponsor
Alex Bores	D	Sponsor

Roll Call Votes

Date	Description	Yea	Nay	Result
2024-06-06	Assembly Ways And Means Committee: Favorable refer	35	0	Passed
2024-06-06	Assembly Rules Committee: Favorable	29	0	Passed

Related Bills

- S07676 (NY)

Official Source

https://assembly.state.ny.us/leg/?default_fld=&bn;=A08138&term;=2025&Summary;=Y&Actions;=Y&Text;=Y&Committee;%26nbspVotes=Y&Floor;%26nbspVotes=Y#A08138

Disclaimer: This document is generated by AI for informational purposes only. It does not constitute legal advice. Consult a qualified attorney for guidance specific to your situation. Information may not be fully up to date.