LEGAL KITTY™ CHEAT SHEET

AI Likeness & Digital Replicas

Who gets to build your double, on what paper, and for how much.

KEY PRINCIPLES

1 **A vague replica clause can be struck.**
In California, New York and Illinois: if it replaces your in-person work, has no "reasonably specific description of the intended uses" and no lawyer or union negotiated it. Fixing your own scenes still counts. No damages.

2 **Likeness laws pay, and they outlive you.**
California's §3344: the greater of $750 or actual damages, plus profits. After death: 70 years in CA, 50 in IL, 40 in NY, 10-plus in TN.

3 **Your union deal is only as strong as your consent.**
SAG-AFTRA 2026: a reasonably specific description, separately signed, and pay for replica days. Consent survives your death unless you limit it.

4 **Training is the gap.**
No statute in the guide gives you a training right. Contracts can (SAG-AFTRA Commercials, 2025). Federal NO FAKES is pending, not law.

KEY EXAMPLES

Real decisions and deals, from the full guide

Midler v. Ford
9th Cir. 1988

After Bette Midler said no, Ford's agency hired her backup singer to sound like her. The court called it a tort.

FOR YOU **Ask for a no-imitation clause that covers AI voices.**

White v. Samsung
9th Cir. 1992

A robot in a wig wasn't a §3344 "likeness," but Vanna White's common-law claim went forward.

FOR YOU **Identity is bigger than a face. Limit the uses.**

Lehrman v. Lovo
S.D.N.Y. 2025

Copyright claims over AI clones of two voice actors failed. New York §§50–51 and contract claims survived, for now.

FOR YOU **Put the purpose limit in writing.**

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KEY CLAUSES

Red flag, green flag

Push back on the red. Ask for the green.

	RED FLAG · PUSH BACK	GREEN FLAG · ASK FOR
SCOPE	"perpetual right throughout the universe"	One named project, listed uses, an end date
CONSENT	Buried in the standard terms	Its own page, initialed, counsel named
TRAINING	Your recordings used to train AI	No training without separate consent and pay
PAY	"The Fee is full consideration … in perpetuity"	Daily rate, never below scale, per replica day
EXIT	Irrevocable consent; data kept indefinitely	Withdraw on notice; deletion certified in 90 days
AFTER DEATH	Consent survives death and binds heirs	Ends at death unless your estate approves

Condensed from the REPLICA clause cards. Teaching examples, not forms.

GO DEEPER

REPLICA, the full 57-page guide.
Free at legalkitty.com/guides

Full guide: DM **REPLICA**
This sheet: DM **LIKENESS**

Don't sign it till you read it.

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