



Public Knowledge

on AI and Digital Replicas

Digital replicas, powered by advancements in generative AI, present significant opportunities and profound risks. While these tools can enhance creativity and accessibility, they also enable misuse that harms individuals, industries, and democratic institutions. Addressing these harms requires a nuanced approach that balances protection with innovation. Below is an overview of the key harms posed by digital replicas and guidelines for addressing them.

Commercial Harms

Digital replicas threaten economic rights and opportunities by enabling unauthorized or exploitative uses of a person's name, image, and likeness (NIL). From displacing creative professionals to undermining NIL rights, these harms impact both individuals and industries.

- **Harmonize** existing rights of publicity and NIL rights nationwide through federal law to simplify legal remedies and protections.
- **Rely on existing laws** rather than creating new intellectual property rights to address commercial exploitation.
- **Protect people from exploitation** by requiring fair representation and safeguards in NIL licensing agreements.
- **Support creative professionals** through targeted legal and policy measures that address their unique economic vulnerabilities.

Dignitary Harms

Dignitary harms involve violations of privacy, reputation, and emotional well-being. Digital replicas exacerbate issues like non-consensual intimate imagery (NCII), harassment, and defamation, disproportionately affecting vulnerable populations such as women, children, and marginalized communities.

- **Provide broad and equitable protections** to ensure dignity and privacy for everyone, not just public figures.
- **Close legal loopholes** to prevent synthetic content from circumventing existing defamation and privacy laws.
- **Empower individuals** to remove harmful content, such as NCII, through effective notice-and-takedown systems.
- **Enhance access to legal recourse** by reducing barriers to civil litigation and enabling recovery of legal costs.
- **Preserve free expression** by targeting bad actors and narrowly tailoring laws to avoid chilling effects on speech.

Democratic Harms

Digital replicas pose systemic risks to democracy by amplifying disinformation, eroding trust in the information ecosystem, and enabling manipulation of political processes. These harms undermine public discourse and electoral integrity.

- **Implement commonsense election protections** through clear rules on disclosures in political advertising and fraud prevention.
- **Guard against over-moderation** to avoid unintended consequences like censorship or privacy violations.
- **Invest in content authentication tools** to track and confirm the authenticity of genuine media without over-relying on synthetic content watermarking.
- **Establish a dedicated digital platform regulator** to oversee disinformation and uphold public interest in digital communication.
- **Strengthen journalism** by fostering diverse, credible news sources to rebuild trust in the information environment.