



## New York Expands Right-of-Publicity and AI Disclosure Laws, Protecting Deceased Individuals from Commercial Exploitation

On December 11, 2025, Governor Kathy Hochul signed legislation making significant updates to New York's right-of-publicity statute, N.Y. Civil Rights Law § 50-f. The new legislation expands protections governing the use of AI-generated likeness, strengthening safeguards for both living and deceased individuals against unauthorized digital reproduction and commercial exploitation.

### **Mandatory Disclosure for AI-Generated Synthetic Performers**

First, the law requires persons who produce or create an advertisement to disclose whether it includes AI-generated synthetic performers, called "digital replicas" in the statute. A "digital replica" is defined as a computer-generated, highly realistic electronic piece of media that is readily identifiable as the voice or visual likeness of a real person, but where the person did not actually perform or appear, or where the performance was materially altered.

### **Prohibition on Unauthorized Digital Replicas of Deceased Individuals.**

Second, the legislation prohibits the use of digital replicas of a deceased personality's voice or likeness for commercial purposes without prior consent from the deceased individual's heirs, executors, or designated right holders. Previously, no consent was required as long as the depiction was not likely to deceive the public.

These regulations are part of a larger trend aimed toward creating protections against AI-generated images and media. For heirs and executors, the new law strengthens their authority over a decedent's identity and gives them greater control over licensing.

If you have any questions regarding this legislation or have any other trusts and estates related questions, please contact:

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