

AI and Its Legacy in the Entertainment Industry

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The technological advancements made in society have deeply impacted the entertainment industry; from the development of motion pictures to the creation of CGI, these innovations have transformed the way that entertainment is produced and consumed. Among these technological advancements, the most powerful includes that of artificial intelligence (AI). Artificial intelligence marks an unprecedented upheaval in the entertainment industry, forcing the industry to confront legal questions that haven't been faced before. Unlike previous innovations that have expanded human creativity, AI is capable of composing media such as art, music, and screenplays, without human intervention. In the entertainment industry, the line will soon blur between AI and human-generated content. Intellectual property laws that were designed to safeguard creators are now challenged by the ethical issues that AI creates. The use of artificial intelligence raises questions regarding copyright and labor protections, and the current legal framework struggles to address both of these issues. Current legislation must adapt to the rapid development of artificial intelligence in order to preserve human creativity.

Even though AI will continue to develop as time goes on, it already holds an influential position in the entertainment industry. In music, AI tools are used to compose song lyrics and melodies. Through its ability to replicate, AI can mimic styles of popular artists in the content it creates. In filmmaking, AI helps to streamline production and editing processes. It helps to completely automate the editing process and can entirely enhance visual effects throughout. As the years go by, AI could transform the scriptwriting process by writing dialogue and generating creative storylines. Through the development of deepfake technologies, AI can also replicate the voices and faces of actors. Moreover, AI has revolutionized platforms such as Netflix and

Spotify through its ability to recommend specific TV shows, movies, and songs based entirely on individual preference. While AI is a remarkable innovation to introduce to the music industry, its growing influence challenges the future of creative jobs as well as human authenticity in creative fields.

Artificial intelligence also raises questions about the application of intellectual property laws; an important issue that must be addressed in this legal discussion is whether or not works generated by AI should be eligible for copyright protection. As outlined in the U.S. Copyright Act of 1976, media that are eligible for copyright must be a product of “original works of authorship.” AI-generated content challenges this idea, with its ability to produce creative work with virtually zero human involvement. In the 2023 case of *Thaler v. Perlmutter*, a copyright application for an artwork that was created solely by AI was rejected by the U.S. Copyright Office. This ruling was based on the fact that copyright protections should only be granted to works generated by humans. However, there is still controversy surrounding AI’s influence in the entertainment industry. While some believe that AI-generated works should not be eligible for copyright in any way, others think that some form of leeway should exist. After all, AI could be considered a tool that helps humans create original content, thus meeting the requirements of the U.S Copyright Act by a technicality. Thus, a grey area exists upon to what extent AI can be considered a tool for human creation.

Artificial intelligence has already sparked concern amongst professionals in the industry due to its ability to completely take over the creative workforce. In 2023, the Writers Guild of America, made up of 11,500 screenwriters, went on strike against the Alliance of Motion Picture and Television Producers. The threat that artificial intelligence posed to the careers of these screenwriters was one of the many reasons behind this strike. This strike was so impactful that

popular shows like Saturday Night Live and Jimmy Kimmel Live were delayed. Many writers were concerned that AI would be able to take over their jobs in the near future, and they demanded protection from this. As a result, a contract called the Minimum Basic Agreement (MBA) was created. It significantly restricted AI's ability to create original content and ensured that AI could not be credited for a screenwriter's work. However, it did give the workers the ability to use AI as a tool in their work with company's consent. Similar to this situation, the Screen Actors Guild- American Federation of Television and Radio Artists (SAG-AFTRA) was a union that fought for the protection of actors against AI in the industry. AI's ability to completely replicate an individual's voice and appearance concerned many actors; would these actors receive proper compensation for this? The SAG-AFTRA Agreement secured protections for actors and made sure that the use of AI to replicate real people would be done with explicit consent and compensation. Ensuring the fair compensation of the creative workforce with the rise of AI will prove to be an ongoing challenge in the future, and it is imperative for related contracts and legislation to address this.

Another critical issue that must be addressed is the regulation of the unauthorized use of copyrighted content in AI-generated material. In *Andersen v. Stability AI* (2023), a group of artists sued the company Stability AI for allegedly training the software to produce copyrighted artwork without consent. The artists believed that this violated intellectual property laws as the AI-generated images closely resembled their original artwork. This case is particularly significant when considering AI's place in the entertainment industry because it raises the question of if AI training data should be subject to copyright restrictions. If courts rule that using copyrighted material for AI training infringes on intellectual property laws, then this would lead to much stricter legislation being passed. AI developers might have to meet licensing

requirements in order to comply with such legislation. Similarly, in *Universal Music Group v. Anthropic* (2023), a lawsuit was filed against Anthropic's AI company for generating song lyrics that closely resemble copyrighted music. Universal Music Group is one of the largest record labels, and it argued that the AI had completely replicated its work without proper compensation. In the future, if AI were to generate songs that copy existing artists without proper compensation, this would have severe implications for the music industry. The legal outcomes of these cases will likely shape the future of copyright law in reference to AI.

Beyond copyright concerns, AI's role in content moderation has raised several legal and ethical questions. Popular streaming platforms such as YouTube, Spotify, Netflix, etc, rely heavily on AI technology to create algorithms for their audience. Not only is AI used for algorithms, but it also helps to flag copyright violations and moderate the content that is distributed on a respective platform. While this is an important asset, AI-based moderation systems could unintentionally introduce biases that affect both content visibility and revenue distribution. Artificial intelligence has often been criticized for disproportionately flagging content made by smaller creators while allowing major corporations to bypass similar restrictions.

Another critical use for artificial intelligence is its ability to replicate audio recordings, restore historical films, and preserve cultural content, particularly of deceased individuals. For example, outside of entertainment, Ithaca is an AI technology that is helping historians to restore Ancient Greek texts. In this way, AI is a revolutionary technology. When considering AI's development into the entertainment industry, it is important to recognize that AI could very well restore the voice and appearance of deceased entertainers. This raises ethical concerns over the posthumous rights that an individual possesses. If this restorative technology were to extend into

the entertainment field, what would the posthumous rights be for the performers involved? In 2024, California Governor Gavin Newsom signed over a dozen AI-related bills into law. Particularly, he signed legislation that prohibited the commercial use of deep-fakes of deceased performers without explicit consent from their estate. As AI continues to develop in its ability to replicate real-life people, it is important to prevent the unauthorized exploitation of historical figures.

Not only is AI influential in on-screen entertainment and art, but it is also transforming the realm of video games and interactive experiences. Video games have long embraced the use of AI, as seen through their integration of NPCs that can adapt to the behavior of the player. Through AI, several elements of gameplay are enhanced since the experience is so personalized. However, the current legislation surrounding this subject is not developed enough to determine how ownership rights are distributed for procedurally generated content. Also, the level of personalization that video games provide raises numerous privacy concerns amongst developers and the audience that they reach. In the United States, the California Consumer Privacy Act (CCPA) sets restrictions on the ways that companies utilize consumer data. However, AI's increasing prevalence in the entertainment industry may require even stricter legislation to regulate it. It is imperative for lawmakers to advance data privacy laws that will prevent the exploitation of user information.

AI is undeniably shaping the entertainment industry, transforming everything from the creation of film to the future of the creative workforce. Despite this, it does present significant legal and ethical challenges that are not properly addressed in related legislation. As AI continues to develop, it is important for lawmakers to tend to issues like copyright restrictions,

posthumous exploitation, and maintaining the balance between innovation and fair compensation for the creative workforce.

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