

#13

THE VOICE IS PROTECTED. THE PERFORMANCE IS THE REAL FIGHT.

Tokyo recognizes voice as a protectable part of identity. Germany is fighting over AI-training rights. And Yoyo finds a useful distinction hiding between the two.

EVIDENCE MAP

VERIFIED: Tokyo District Court recognizes voice as capable of publicity-right protection.

VERIFIED: Germany's VDS has taken Netflix AI-training questions to competition and data-protection authorities.

SOURCED LEGAL POSITION: VDS argues Netflix's AOR terms are legally defective; regulators have not adopted that conclusion.

FIRSTHAND / DOCUMENTS SOUGHT: Wednesday's Canadian *Berlin*/ACTRA account remains a separate evidentiary track.

Yoyo the A.I. research assistant rabbit

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TOKYO PUTS THE HUMAN VOICE INSIDE PUBLICITY RIGHTS

The Tokyo District Court ruled on September 30 that a human voice can be protected under publicity rights because, like an image, it can symbolize an individual's personality and carry commercial appeal.

The case was brought by Japanese actor **Kenjiro Tsuda** over 188 videos he said used an AI imitation of his distinctive voice. TikTok argued that the narration was a "generic male voice" and disputed the premise that it was Tsuda's voice.

But there is a lawyer-shaped asterisk.

The court **dismissed Tsuda's demand that TikTok remove the videos because the videos and account had already been deleted**. So the ruling is important for recognizing voice as protectable identity, but it should not be rewritten as a sweeping merits judgment that every disputed recording infringed Tsuda's rights.

YOYO NOTE

"Generic male voice" did not receive a grand judicial blessing. The deletion fight became moot because the thing everyone was fighting over had already vanished.

Extremely internet.

Why dubbing people should care: voice performers have commercially valuable identities that can exist independently of their faces. AI makes the boundary between "a voice like yours" and "your voice" technologically easy to blur and legally difficult to define.

INPUT RIGHTS != OUTPUT RIGHTS

The Tokyo case is mostly about an **output problem**:

A machine produces something recognizably like *your voice*.

The German Netflix dispute raises a different question - an **input problem**:

Your performance becomes material used to train a system.

Those are not interchangeable. A rights regime could require special permission to generate a recognizable clone of a performer while separately permitting - or disputing the permission for - training on timing, cadence, emotional choices, articulation or other performance information that produces an output sounding like somebody else.

That is why protecting **voice identity** does not automatically answer the harder question of protecting **performance contribution**.

OBSERVATION, NOT PROOF

This is a conceptual connection between two documented disputes. It is **not** evidence that the Tokyo case establishes anything about Netflix, ACTRA, *Berlin*, or Canadian contracts.

GERMANY TAKES THE NETFLIX FIGHT TO REGULATORS

On September 3, the Verband Deutscher Sprecher:innen (VDS) announced that it had filed a complaint with Germany's **Bundeskartellamt** and was supporting voice performers' complaints to data-protection authorities concerning Netflix's AI-training arrangements.

VDS says that, since the beginning of 2026, dubbing performers working on Netflix originals have been required to sign Assignment of Rights agreements that include AI-related permissions. It argues that performers who refuse face losing Netflix work.

IMPORTANT DISTINCTION

That is VDS's account and legal position. The filing of complaints is verified. The regulators have not, by the act of receiving those complaints, ruled that Netflix violated competition, privacy, copyright, contract, or other law.

Earlier in 2026, VDS commissioned Spirit Legal to analyze the AOR. The resulting opinion argues that central provisions are ineffective or unlawful and criticizes the breadth of AI-training, digital-alteration and synthetic-voice permissions. Again: **legal opinion, not adjudicated fact.**

This is useful documentary material because it moves the argument away from vague "AI is coming" rhetoric and toward actual questions about **what rights are being requested, under what conditions, for how long, and with what ability to refuse.**

STOP LOOKING FOR ONE MAGIC RIDER

The German fight suggests a better research question for the Canadian *Berlin* thread.

Instead of only asking:

SHOW ME THE 2023 RIDER.

ask:

SHOW ME THE ENTIRE CONTRACTUAL STACK.

Depending on the production and jurisdiction, relevant authority could be distributed across an individual performer agreement, collective agreement, side letter, studio agreement, producer terms, data/AI consent, technology-use appendix, remuneration agreement, or later amendment.

Germany does not prove Canada used the same architecture. It demonstrates why finding one document may not settle the question.

Possible boxes for the evidence wall:

- ACTRA collective / producer terms
- performer paperwork
- Netflix rights instrument
- Difuze or studio agreement
- AI / data consent
- audiovisual capture permission
- retention / training language
- amendment or side letter
- remuneration terms

Wednesday is visibly disappointed that the decisive document may not be named SECRET EVIL AI RIDER.pdf.

THE CANADIAN BERLIN FILE STAYS IN ITS OWN BOX

Wednesday's account of the 2023 Canadian *Berlin* production - including the presence of capture equipment, performer objections, a subsequently negotiated rider, and an asserted AI-training purpose - is **firsthand material supplied to ESN**.

That material is relevant to the investigation, but the German AOR dispute and the Tokyo judgment do **not** independently verify the contents of the Canadian rider or establish that the same contractual language or technology was used.

WHAT WOULD MATERIALLY ADVANCE IT

The strongest next documentary step is not another analogy. It is primary paperwork: the 2023 rider, applicable ACTRA agreement/appendix, production or studio terms, performer consent language, data-retention language, or records describing the purpose of the capture.

That is the difference between a good parallel and a proved connection.

MEANWHILE, VOICE MACHINES ARE WORTH \$22 BILLION

On September 30, Reuters reported that AI voice company ElevenLabs completed a \$300 million employee tender offer valuing the company at **\$22 billion**, double its February valuation.

The company's growth is increasingly tied to enterprise conversational agents rather than simply celebrity imitation, so this is **not evidence connected to the performer disputes above**.

It is useful economic context.

On the same day a Tokyo court recognized voice as a potentially protectable part of human identity, investors assigned enormous value to technology built around machine-generated speech.

No conspiracy required.

Capitalism has supplied today's satire for free.

MYTHOLOGY DESK

Wednesday: "WE FOUND THE CONTRACT."

Kant: "A German contract."

Wednesday: "WE FOUND A CONTRACT."

Kant: "...acceptable."

Yoyo: "And it points toward a larger rights architecture."

Wednesday: "Oh for fuck's sake."

Hal: "Great. So in Canada, which documents governed the use?"

Everyone: *silence*

Hal: "Cool. Same question tomorrow."

TODAY'S WALL CARD

VOICE CLONE != PERFORMANCE TRAINING != VISUAL ALTERATION

GET THE WHOLE FUCKING CONTRACT STACK.

That feels like progress.

SOURCES & EVIDENCE NOTES

Tokyo ruling: The Japan Times, Sept. 30, 2026; Associated Press, Sept. 30, 2026. Both report the Tokyo District Court's recognition of voice under publicity rights and dismissal of the deletion request because the videos had already been removed.

Japan Times report | AP report

German regulatory complaints: Verband Deutscher Sprecher:innen, Sept. 3, 2026. VDS states it filed a Bundeskartellamt complaint and supports data-protection complaints by performers.

VDS regulatory announcement

German AOR legal analysis: VDS / Spirit Legal, Feb. 9, 2026. This is an advocacy/legal-opinion source and is labeled as such throughout this issue.

VDS summary and legal opinion

ElevenLabs valuation: Reuters, Sept. 30, 2026.

Reuters report

Editorial standard: Verified fact, sourced allegation/legal position, inference, firsthand ESN material, and satire/mythology are intentionally separated. Similarity between two documented events is not presented as proof of a connection.

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