

Questions for the Record from Rep. Dean for Ms. Jennifer Rothman
“Artificial Intelligence and Intellectual Property: Part II – Identity in the Age of AI”
February 2, 2024

1. You have said that Taylor Swift would have a straightforward lawsuit to address deepfakes under state right of publicity laws. But don't many states appear to limit claims to uses for commercial purposes? Would Taylor Swift fake nudes posted online qualify as having a commercial purpose?
2. Relatedly, you have claimed that Taylor Swift would have a right of publicity claim in Tennessee or Rhode Island. It is my understanding that, currently, neither Tennessee nor Rhode Island right of publicity laws extend to an individual's voice. What does that mean for her ability to address deepfakes that include voice replicas – such as recently posted videos on X which used voice-cloning technology to make Swift appear to say certain political phrases – in those states?
3. You testified that you have been impersonated online and had difficulty having that material removed until you made a copyright claim. As you know, copyright claims often aren't available in circumstances where someone's voice and likeness are used without their permission. Along these lines, you said that it is very difficult to have unwanted impersonations removed because the platforms are shielded by Section 230 of the Communications Decency Act and that they could do more. What more could they do?