

TV/THEATRICAL/STREAMING

Artificial Intelligence (A.I.) Synthetic Performer vs Digital Replica

What is the difference between a “synthetic performer,” or “synthetic fake,” and a digital replica?

A “synthetic performer,” or “synthetic fake,” must be wholly synthetic and not based on an actual performer.

- If the digitally created character is voiced by a live performer, it is not a “synthetic performer.”
- If the digitally created character is created to resemble an actual performer, it is a digital replica. The applicable digital replica terms would govern its use.

When can synthetic performers be used by companies in place of a performer?

When a company wants to use a synthetic performer, they will have to provide notice to the union and an opportunity to bargain.

They also must get consent and bargain with performers to create an asset with a principal feature that is recognizable as that of a specific performer (i.e., eyes, nose, ears and/or mouth) created through the use of that performer’s name and facial feature in the prompt to a generative A.I. (GAI) system.

Who will get paid if the union grants consent for use of synthetic fake performers?

We are not aware of any widespread plan to use them at this point, but staff will work with the standing committee to develop a response to any such notice, including what compensation we believe to be appropriate.

One important thing to note: the language of this section in our contract gives the union the right to “bargain in good faith over appropriate consideration.” “Consideration” is a legal term that has a broader meaning than just compensation, although that can be part of it.

QUESTIONS?

If you have any questions about A.I., email AIQuestions@sagaftra.org