

Your Inside Track Newsletter

Description

Seventh Edition

# New and Noteworthy

By Emmie Head and Alexandra Zysman

## A Wave of Pushback against Artificial Intelligence

A wave of opposition is mounting from copyright owners against artificial intelligence companies utilizing copyrighted works for training their models without authorization. Over 10,500 creative professionals, including prominent figures such as Björn Ulvaeus, Julianne Moore, and Thom Yorke, have signed a statement [see: <https://www.aitrainingstatement.org/>] condemning this practice, asserting that it poses a significant and unjust threat to their livelihoods. This action follows a surge in legal challenges from artists, authors, and musicians against tech giants such as OpenAI, underscoring the growing concern within the creative industries regarding the ethical and legal implications of AI development.

Do AI companies need to obtain licenses for the use of copyrighted material in training their models? Ed Newton-Rex, a prominent voice in this debate and former executive at Stability AI, argues that the current practice, where AI companies benefit from artists' work without compensation, is fundamentally unfair and unsustainable. As legal battles intensify and industry organizations join the chorus of dissent, the debate over AI training data has reached a critical juncture, demanding a comprehensive re-evaluation of current practices and a framework that ensures fair compensation for creators. For further information about this, refer to <https://www.theguardian.com/film/2024/oct/22/thom-yorke-and-julianne-moore-join-thousands-of-creatives-in-ai-warning>.



## 2 Live Crew's Discography

In a significant legal victory for the pioneering hip-hop group 2 Live Crew, a jury has found in favor of the artists and the heirs of deceased members in a copyright infringement lawsuit against Lil' Joe Records. This hard-won victory allows members of 2 Live Crew to reclaim ownership of five of their seminal albums, including the groundbreaking and controversial 1989 release "As Nasty As They Wanna Be." The decision follows a 2020 termination notice issued by the group, invoking the Copyright Act of 1976 to reclaim their copyrights after decades of legal battles and financial hardship.

The lawsuit stemmed from a 1995 bankruptcy filing that necessitated the relinquishment of the group's recording rights. Lil' Joe Records subsequently acquired these rights, setting the stage for the current legal conflict. While Lil' Joe Records intends to appeal the jury's verdict, the decision marks a crucial turning point for 2 Live Crew, restoring a measure of control and ownership over their iconic discography. This victory is particularly significant given the group's pivotal role in shaping the landscape of hip-hop, including their landmark legal battles that challenged the boundaries of free speech and artistic expression within the genre.



## TikTok at the Supreme Court

On April 24, 2024, former President Joe Biden signed legislation, known as the Protecting Americans from Foreign Adversary Controlled Applications Act [Link to text: <https://www.congress.gov/bill/118th-congress/house-bill/7521> ], requiring social media app TikTok's parent company ByteDance to sell to an owner based in the United States within one year or it must shut down operations in the country.

The Supreme Court of the United States heard oral arguments from TikTok's lawyer Noel Francisco and U.S. Solicitor General Elizabeth Prelogar on January 10, 2025 regarding TikTok's First Amendment challenge to the Protecting Americans from Foreign Adversary Controlled Applications Act [To hear the oral arguments, click here: <https://www.youtube.com/watch?v=CbIL9EvDykQ> ]. Francisco asserted that TikTok would go dark on January 19 if it did not find success in arguing against this Act and reiterated TikTok's long standing argument that the Act's requirements "impose a disproportionate burden upon their [User's] First Amendment activities." [See: [https://www.supremecourt.gov/opinions/24pdf/24-656\\_ca7d.pdf](https://www.supremecourt.gov/opinions/24pdf/24-656_ca7d.pdf) ].

Despite these arguments, the Supreme Court determined in an unsigned opinion that "Congress has determined that divestiture is necessary to address its well-supported national security concerns regarding TikTok's data collection practices and relationship with a foreign adversary." [See: [https://www.supremecourt.gov/opinions/24pdf/24-656\\_ca7d.pdf](https://www.supremecourt.gov/opinions/24pdf/24-656_ca7d.pdf) ]

Following this outcome, on January 19, 2025 at approximately 10:30 PM EST, TikTok became unavailable to users, projecting the following message:

"Sorry, TikTok isn't available right now. A law banning TikTok has been enacted in the U.S. Unfortunately, that means you can't use TikTok for now. We are fortunate that President Trump has indicated that he will work with us on a solution to reinstate TikTok once he takes office. Please stay tuned!" [See: <https://www.pbs.org/newshour/politics/americans-lose-access-to-tiktok-as-u-s-ban-takes-effect-and-app-goes-dark>]

Less than forty-eight hours after TikTok went dark, it was reinstated following a series of statements President Donald Trump left on Truth Social, suggesting that an extended timeline would be offered to TikTok to comply with the conditions of the Act. Today, the fate of TikTok in the United States remains unclear. Yet, one thing seems certain: ByteDance must either find a U.S. buyer for TikTok or cease to operate within the country.



## James Earl Jones and AI Voice Replication

James Earl Jones, known for his iconic voice acting roles such as Mufasa in *The Lion King* (1994) and Darth Vader in the *Star Wars* franchise, tragically passed away on September 9, 2024 at the age of ninety-three. However, he took precautions to ensure that the legacy of his vocal timbre survived posthumously. In 2022, Jones signed over the rights to his voice to Lucasfilm, awarding it the authority to recreate his voice as Darth Vader using artificial intelligence (AI).

The Walt Disney Company turned towards vocal-replication AI model Respeecher (see: <https://www.respeecher.com/>) to clone Jones's voice. By restoring Jones's voice and making it usable for Disney, Disney was able to replicate Jones's iconic presence for the 2022 series *Obi-Wan Kenobi*. [For more information, see: <https://www.respeecher.com/case-studies/reviving-the-hungarian-voice-of-darth-vader>].

As the role of AI in everyday life becomes a more frequent occurrence and as more regulation proceeds through state and federal legislatures in the United States, Jones's decision to sell his vocal rights becomes especially notable. From the [DEEPFAKES Accountability Act](#), to the [NO FAKES Act of 2024](#), it becomes increasingly clear that deepfakes have become a pressing concern throughout the United States and across the globe.



Contract with personal sign vector illustration. Pen writing signature on paper flat style. Red stamp. Agreement on document. Business and good deal concept. Isolated on white background

## Data, AI, and Current Copyright Disputes

Indie music company Artist Publishing Group, or APG, joins an increasingly large body of music companies in legal conflict with data-driven and AI music startups that generate music. On January 21, 2025, APG alleged that Create Music Group claimed copyright ownership on YouTube videos that contained works owned or licensed by APG. The complaint, which can be viewed in its entirety here: [https://www.musicbusinessworldwide.com/files/2025/01/APG\\_Create-1-2.pdf](https://www.musicbusinessworldwide.com/files/2025/01/APG_Create-1-2.pdf)

, argues that Create Music Group “falsely filed claims with YouTube in which Defendants baselessly assert that they own rights in sound recordings and musical compositions that third parties have posted on YouTube.”

Create Music Group, [see: <https://createmusicgroup.com/>] a corporation whose actions are data-driven in nature and dependent on technology to produce, countered, claiming that it only seeks to empower artists and promote their works for their benefit.

While APG’s complaint does not relate to artificial intelligence, it exists within a growing landscape of lawsuits filed against related, data-driven and AI based corporations. Notably, *UMG Recordings v. Uncharted Labs (d/b/a Udio)* [See: <https://casetext.com/case/umg-recordings-inc-v-uncharted-labs>] and *UMG Recordings v. Suno* [See: <https://www.riaa.com/wp-content/uploads/2024/06/Suno-complaint-file-stamped20.pdf>] have brought to light the question of training data within the context of artificial intelligence. Both related lawsuits, filed in the summer of 2024, were filed as mass copyright infringement and related claims based on the alleged training of the models on their copyrighted musical works.

As these, among other lawsuits, begin to unfold, the Courts will be forced to take a more direct stance on the training of AI using pre-existing data as it pertains to intellectual property policy. For a more comprehensive list of current and former lawsuits that involve data-driven and/or AI startups, see: <https://themediabrain.substack.com/p/the-ai-legal-case-tracker-updates>

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## Village People and the Curious Case of President Trump's 2024 Campaign

At President Donald Trump's pre-inauguration rally, Village People performed its 1978 disco hit,



“Y.M.C.A.” The song was a staple of President Trump’s most recent presidential campaign, and went viral once again after President Trump’s eye-catching dance to accompany it. See: <https://www.youtube.com/watch?v=TObQuuwbs1s>

While this may not seem particularly notable, it contradicts the previous interactions between President Trump and Village People, such as the 2023 cease-and-desist letter they sent to President Trump after he was filmed dancing to their song “Macho Man.” The public voices confusion with the seemingly contradictory behavior by the band, who appeared at President Trump’s recent pre-inaugural rally. Ultimately, Village People made a public statement on Facebook stating: “We know this [won’t] make some of you happy to hear, however, we believe that music is to be performed without regard to politics.” For more information about the use of music in political campaigns, see: <https://crsreports.congress.gov/product/pdf/IF/IF12775>



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