Regulating Artificial Intelligence

EMPLOYMENT-BASED DIGITAL REPLICA

DEFINITION

Created during a performer's employment with their physical participation, and used to portray the performer in scenes they didn't actually shoot.
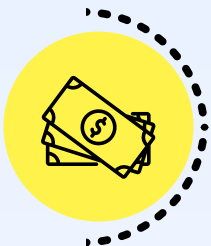
CONSENT

- Mandatory consent from performers for creating and using their digital replicas.
- Consent not obtained before death must be obtained from an authorized representative or the Union.
- Clear contracts with a reasonably specific description of the use.
- Additional consent requirements for use in additional projects.

COMPENSATION

- Performers are generally entitled to compensation (including P&H) for the creation and use of their replicas, and for use in additional projects or other mediums.
- Residuals paid for use that would normally generate residuals.

INDEPENDENTLY CREATED DIGITAL REPLICA

DEFINITION

Digital replicas created often using existing materials, and used to portray the performer in scenes they didn't actually shoot.

CONSENT

- Producers are obligated to obtain consent prior to use from the performer.
- Consent not obtained before death must be obtained from an authorized representative or the Union.
- Clear contracts with a reasonably specific description of the use.

COMPENSATION

- Compensation and residuals freely bargained.
- Any compensation paid to the performer for use of the Independently Created Digital Replica will be subject to pension or retirement and health contributions

DIGITAL ALTERATIONS GUIDELINES

- Clear and conspicuous consent must be obtained to digitally alter the performer's performance in previously recorded material unless it remains substantially as scripted, performed and/or recorded.
- Producers will provide a reasonably specific description of the intended alteration(s).
- If lip or facial movements are altered to make it look like a background actor is speaking, and dialogue is added, they will be upgraded to a day performer.

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Regulating Artificial Intelligence

GENERATIVE ARTIFICIAL INTELLIGENCE

DIGITAL REPLICATION OF BACKGROUND ACTORS

DEFINITION

A subset of artificial intelligence that learns patterns from data and produces content based on those patterns, able to simulate a performer's voice, facial expressions, and movements to create entirely new content.

DEFINITION

- A 'Background Actor Digital Replica' is a digital version of a background actor's voice or likeness, made with the actor physically present, for scenes they didn't actually film.
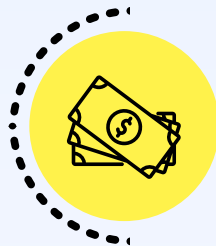
CONSENT

If a producer plans to make a computer-generated character that has a main facial feature—like eyes, nose, mouth, or ears—that clearly looks like a real actor, and they use that actor's name and face to prompt the AI system to do this, they must first get permission from that actor and agree on how this character will be used in the project.

CONSENT

- Notification must be sent 48 hours in advance to create a digital replica, or at booking if less than 48 hours ahead.
- Clear and separate consent is required for the use of a background actor's digital replica in a movie, and in the case of deceased performers, their estate or Union must consent.

GUIDELINES

- Producers must notify the Union if they create synthetic performers and bargain over whether compensation or any other consideration is appropriate.
- There will be regular meetings to discuss considerations for using any video and audio recordings made under these agreements to train AI systems.
- Regular meetings will cover current and future use of AI in projects, and to make sure that the AI does not create or reinforce any unfair biases.
- Producers acknowledge importance of human performance and the risk of job replacement when utilizing GAI.

GUIDELINES

- Replicas must not be used to meet the background counts for the day.
- Replicas will not be used to avoid the engagement of background actors.

COMPENSATION

- Time spent creating a digital replica counts as work time and is paid accordingly.
- If a background actor is called in just for replication, they get paid for a full day.
- If the digital replica is used as a principal character, the actor gets paid a principal's rate for the estimated days they would have worked.

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