

TV/THEATRICAL/STREAMING

Artificial Intelligence Background Basics

Who owns a background actor digital replica?

The employer legally owns all materials created from your work on a motion picture. With the new terms in place, the employer cannot use or authorize use of those materials without your consent and, in most cases, further payments.

I am a background actor and was scanned by a producer. The language in my voucher gives them permission to use my “simulated likeness and voice.” How do the new digital replica provisions in the 2023 TV/Theatrical/Streaming contracts protect me?

- A producer’s use of your digital replica is a mandatory subject of bargaining, and language like that is void to the extent it conflicts with your rights under the applicable collective bargaining agreement. In other words, the language in the voucher is NOT applicable and the producer has not validly obtained your consent unless it did so in a manner that complies with the terms of our contract.
- These new provisions related to use of a digital replica will apply to any use going forward. That means the consent must be clear and conspicuous, outlining how the digital replica will be utilized and the specific medium in which it will be used.

The section on background actors appears to say I will only get paid for one day of work for scanning but not for the use in the project. Many complicated scenes can take several days of work.

Producers cannot use your digital replica to avoid the background coverage numbers. Those numbers must be filled by humans, which disincentivizes employers from using expensive digital replicas to do work that can be done by the human background actors who will need to be engaged for the picture.

QUESTIONS?

If you have any further questions about Background Contracts and A.I., email us at BackgroundActorsInfo@sagaftra.org or please contact us at Los Angeles (323) 549-6811 or New York (212) 827-1553.