

GenAI in Advertising and Influencer Marketing: The Legal Framework (2026 Update)

Introduction

Our June 2026 article "[AI, Influencers, and Liability: What Marketing Agencies Need to Know Before Deploying AI Tools](#)," surveyed the legal risks organizations face when they use or develop GenAI, including risks under consumer fraud and unfair and deceptive acts and practices (UDAP) laws and under state rights of publicity. Since then, the legal landscape for AI-generated marketing content has changed considerably. Federal enforcement priorities have shifted, a federal executive order has targeted state AI regulation, New York has adopted the first state law requiring disclosure of AI-generated performers in advertising, digital replica protections have expanded in several states, and the EU AI Act's transparency obligations now apply.

This article updates and expands the earlier discussion as it applies to advertising and endorsements. It focuses on the rules most relevant to brands, marketing agencies, and influencers that use GenAI to create or modify marketing content, including more details on federal endorsement and review rules.

GenAI is used in influencer marketing in three principal ways:

- **AI-assisted real influencers.** A real influencer remains the speaker and source of the endorsement, while GenAI helps draft, edit, translate, or produce the content.
- **Fully synthetic influencers.** AI creates a fictional persona, sometimes with a realistic appearance, voice, and social media presence, that does not correspond to any real person.
- **AI replicas of real influencers.** AI creates content depicting an identifiable real person saying or doing something the person did not actually record, such as through voice cloning, digital replicas, or synthetic video.

This article sets out the legal framework that applies across all three categories.

A recurring question runs through that framework: when must consumers be told that AI was used? There is currently no general federal rule requiring disclosure solely because AI was used to create or edit advertising content. However, existing consumer protection law applies regardless of whether content is created by a human, an AI system, or both. Under federal law, the more relevant question is whether the use of AI changes what consumers are likely to believe about an advertisement, particularly its source, its authenticity, or the experience of the person making an endorsement. AI-specific disclosure obligations are also beginning to emerge in state law, platform policies, and the EU AI Act.

What Has Changed

The most significant developments include:

- **FTC enforcement posture.** In December 2025, the FTC reopened and set aside its 2024 consent order against AI writing-tool provider Rytr LLC, citing the July 2025 AI Action Plan. In July 2026, as directed by Executive Order 14365, the FTC proposed a policy statement on the application of Section 5 to AI systems. The FTC also finalized its order against Workado, LLC over unsupported AI-detection accuracy claims (see FTC Act Section 5).

- **Federal action on state AI laws.** Executive Order 14365, issued December 11, 2025, created a Department of Justice AI Litigation Task Force to challenge state AI laws deemed inconsistent with a national policy framework (see State AI Disclosure Laws).
- **New York synthetic performer disclosure.** Since June 9, 2026, advertisements that include AI-generated synthetic performers must disclose that fact under New York law (see State AI Disclosure Laws).
- **Utah codification.** Utah's 2025 GenAI consumer protection amendments, including the rule that GenAI's involvement is not a defense to a consumer protection violation, are codified in Chapter 77 of Title 13 of the Utah Code (see State UDAP Laws and State AI Disclosure Laws).
- **California AI Transparency Act.** California's provenance disclosure law for large GenAI providers became operative on August 2, 2026 (see State AI Disclosure Laws).
- **Expanded digital replica protections.** In December 2025, New York broadened its protections for digital replicas of deceased performers. A federal court allowed New York right of publicity claims against an AI voice-cloning company to proceed. Additional states have enacted digital replica laws (see Rights of Publicity and Digital Replica Laws).
- **NO FAKES Act.** The federal digital replica bill was reintroduced as the NO FAKES Act of 2026, approved by the Senate Judiciary Committee, and placed on the Senate calendar (see Rights of Publicity and Digital Replica Laws).
- **Impersonation Rule.** The FTC has not finalized its proposal to extend the Impersonation Rule to individuals, has abandoned its proposed means-and-instrumentalities provision, and has opened a separate rulemaking inquiry about platform tools used in impersonation scams (see Impersonation Rule).
- **EU AI Act transparency obligations.** The EU AI Act's Article 50 transparency obligations, including deepfake labeling, have applied since August 2, 2026 (see International Laws).

FTC Act Section 5

Section 5 of the FTC Act prohibits unfair or deceptive acts or practices in or affecting commerce (15 U.S.C. § 45(a)(1)). A representation, omission, or practice is deceptive if it is likely to mislead consumers acting reasonably under the circumstances and is material (FTC Policy Statement on Deception, appended to *Cliffdale Assocs., Inc.*, 103 F.T.C. 110, 174 (1984)). Courts evaluate the net impression an advertisement creates, so a communication can be deceptive even if it contains truthful disclosures (FTC v. *Cyberspace.com LLC*, 453 F.3d 1196, 1200 (9th Cir. 2006); *Kraft, Inc. v. FTC*, 970 F.2d 311, 314 (7th Cir. 1992)).

Advertisers must also have a reasonable basis for objective claims before disseminating them. Claims that state or imply a specific level of support, such as "clinical research proves," require at least that level of substantiation (FTC Policy Statement Regarding Advertising Substantiation, appended to *Thompson Med. Co.*, 104 F.T.C. 648, 839 (1984), *aff'd*, 791 F.2d 189 (D.C. Cir. 1986); see also FTC, *Health Products Compliance Guidance* (Dec. 2022)). These obligations apply equally to claims drafted or suggested by GenAI. A GenAI tool may produce confident but unsupported statements, and the fact that a claim originated with AI does not reduce the advertiser's substantiation obligation.

FTC Enforcement Involving AI

The FTC has repeatedly stated that existing law applies to AI-enabled conduct and has taken action against organizations that use AI, or claims about AI, to deceive consumers (see, for example, FTC: *FTC Announces Crackdown on Deceptive AI Claims and Schemes* (Sept. 25, 2024)). In April 2025, the FTC announced a proposed order requiring Workado, LLC to stop advertising the accuracy of its AI content detection products unless it has competent and reliable evidence to support those claims, and the FTC later finalized the order (FTC: *FTC Order Requires Workado to Back Up Artificial Intelligence Detection Claims* (Apr. 28, 2025)).

Under its current leadership, however, the FTC has framed AI enforcement as applying existing fraud and deception law rather than creating AI-specific obligations. The July 2025 AI Action Plan directed the FTC to review prior AI-related investigations, orders, and consent decrees that may unduly burden AI innovation (The White House, *Winning the Race: America's AI Action Plan* (July 2025)). Consistent with that directive, in December 2025 the FTC reopened and set aside its 2024 consent order against AI writing-tool provider Rytr LLC, concluding that the complaint did not adequately allege a Section 5 violation and that the order unduly burdened AI innovation (FTC: *FTC Reopens and Sets Aside Rytr Final Order in Response to the Trump Administration's AI Action Plan* (Dec. 22, 2025)). The 2024 order had barred Rytr from offering a service that generated consumer reviews and testimonials. Its vacatur signals that the FTC is less likely to pursue AI tool providers based on the potential for downstream misuse, but it does not affect the liability of businesses that actually use AI to create or disseminate fake reviews. On the same day it vacated the Rytr order, the FTC sent warning letters to companies regarding potential violations of the Consumer Reviews and Testimonials Rule (see *Consumer Reviews and Testimonials Rule*).

In July 2026, as directed by Executive Order 14365, the FTC issued a proposed policy statement on the application of Section 5 to AI systems. The proposed statement takes the position that AI companies that steer their systems' outputs toward undisclosed objectives, rather than the objectives users set or reasonably expect, are likely to deceive consumers, and that state laws requiring such alterations may be preempted (FTC, *Proposed Policy Statement Concerning the Suppression of Accuracy in Artificial Intelligence Systems* (July 1, 2026)). The proposed statement is directed principally at AI developers rather than advertisers, but it confirms that the FTC views the deception framework as fully applicable to AI outputs.

The FTC has not adopted any rule or guidance requiring disclosure solely because GenAI was used to create or edit advertising content.

Endorsement Guides

The FTC's Guides Concerning the Use of Endorsements and Testimonials in Advertising (Endorsement Guides) were most recently revised in 2023 (16 C.F.R. Part 255; 88 Fed. Reg. 48092 (July 26, 2023)). The Endorsement Guides are administrative interpretations of Section 5 rather than binding rules, but practices inconsistent with them may result in enforcement action (16 C.F.R. § 255.0(a)). The earlier article noted that the FTC treats fictional customer testimonials as inconsistent with the Endorsement Guides. The provisions most relevant to AI-generated influencer content are:

- **Endorsers.** An endorser is the party whose opinions, beliefs, findings, or experience a message appears to reflect, and it "could be or appear to be an individual, group, or institution" (16 C.F.R. § 255.0(b)). In announcing the 2023 revisions, the FTC explained that the definition reaches virtual influencers (FTC: *Federal Trade Commission Announces Updated Advertising Guides to Combat Deceptive Reviews and Endorsements* (June 29, 2023)).
- **Honest opinions and experience.** Endorsements must reflect the honest opinions, findings, beliefs, or experience of the endorser, and an endorsement may not convey any representation that would be deceptive if made directly by the advertiser (16 C.F.R. § 255.1(a)).
- **Distortion.** An endorsement may not be presented out of context or reworded in a way that distorts the endorser's opinion or experience (16 C.F.R. § 255.1(b)).
- **Current views.** An advertiser may use an endorsement of an expert or celebrity only so long as it has good reason to believe that the endorser continues to subscribe to the views presented (16 C.F.R. § 255.1(b)).
- **Bona fide use.** If an advertisement represents that the endorser uses the product, the endorser must have been a bona fide user at the time of the endorsement, and the advertiser may continue running the advertisement only while it has good reason to believe the endorser remains a bona fide user (16 C.F.R. § 255.1(c)).
- **Liability.** Advertisers are liable for misleading or unsubstantiated statements made through endorsements and for failing to disclose unexpected material connections, and should provide guidance to endorsers, monitor compliance, and remedy non-compliance (16 C.F.R. § 255.1(d)). Endorsers may be liable for representations they know or should know to be deceptive, including falsely representing that they personally used a product (16 C.F.R. § 255.1(e)).

Advertising agencies, public relations firms, and other intermediaries may be liable for their roles in creating or disseminating deceptive endorsements (16 C.F.R. § 255.1(f)).

- **Images of other people.** Using an image or likeness of someone other than the actual endorser is deceptive if it misrepresents a material attribute of the endorser (16 C.F.R. § 255.1(g)).
- **Performance claims.** Consumer endorsements about product performance must be supported by adequate substantiation, and consumer endorsements themselves are not competent and reliable scientific evidence (16 C.F.R. § 255.2(a)).
- **Material connections.** A connection between the endorser and the seller that might materially affect the weight or credibility of the endorsement, and that the audience would not reasonably expect, must be disclosed clearly and conspicuously (16 C.F.R. § 255.5(a)). In social media and other interactive media, the disclosure should be unavoidable (16 C.F.R. § 255.0(f)). A disclosure that appears only on an influencer's profile page is not clear and conspicuous (16 C.F.R. § 255.0(g)(9)).

For FTC staff guidance on influencer disclosures, see FTC, Disclosures 101 for Social Media Influencers (Nov. 2019) and FTC, FTC's Endorsement Guides: What People Are Asking (2023).

Consumer Reviews and Testimonials Rule

The FTC's Trade Regulation Rule on the Use of Consumer Reviews and Testimonials took effect on October 21, 2024 (16 C.F.R. Part 465; 89 Fed. Reg. 68034 (Aug. 22, 2024)). The rule prohibits businesses from writing, creating, or selling consumer reviews, consumer testimonials, or celebrity testimonials that materially misrepresent:

- That the reviewer or testimonialist exists.
- That the reviewer or testimonialist used or otherwise had experience with the product.
- The reviewer's or testimonialist's experience with the product.

(16 C.F.R. § 465.2(a).) The rule also prohibits businesses from purchasing such reviews or

disseminating such testimonials when they knew or should have known of the misrepresentation (16 C.F.R. § 465.2(b)). The rule's text does not mention AI, but in announcing the rule the FTC specifically identified AI-generated fake reviews as within its scope (FTC: Federal Trade Commission Announces Final Rule Banning Fake Reviews and Testimonials (Aug. 14, 2024)).

Because it is a trade regulation rule, violations may result in civil penalties where the violator had actual knowledge, or knowledge fairly implied, that the conduct was prohibited by the rule (15 U.S.C. § 45(m)(1)(A)). Whether a particular influencer statement is a consumer testimonial or celebrity testimonial under the rule's definitions requires case-by-case analysis (16 C.F.R. § 465.1). The rule is a meaningful addition to the framework discussed in the earlier article because it gives the FTC a direct civil penalty remedy for fabricated testimonials, including those generated by AI or delivered through a synthetic persona.

Impersonation Rule

The FTC's Trade Regulation Rule on Impersonation of Government and Businesses took effect on April 1, 2024 (16 C.F.R. Part 461; 89 Fed. Reg. 15017 (Mar. 1, 2024)). The rule prohibits impersonating government entities, businesses, and their officials, and misrepresenting affiliation with or endorsement by them, but it does not reach impersonation of private individuals.

In 2024, the FTC proposed extending the rule to impersonation of individuals and adding means-and-instrumentalities liability that could reach providers of AI tools (89 Fed. Reg. 15072 (Mar. 1, 2024)). The FTC later decided not to proceed with the means-and-instrumentalities proposal. It held an informal hearing on the individual-impersonation proposal in January 2025 but, as of October 2026, had not finalized it. In October 2026, the FTC separately issued an advance notice of proposed rulemaking asking whether the rule should address platform advertising tools used in impersonation scams (FTC, Rule on Impersonation of Government and Businesses, Advance Notice of Proposed Rulemaking (Oct. 1, 2026)).

Even if the individual-impersonation provision is finalized, it would principally address unauthorized impersonation, such as deepfake celebrity endorsements, rather than an influencer-approved digital replica.

State UDAP Laws

UDAP statutes are in force in all states and the District of Columbia, provide broad prohibitions against unfair or deceptive conduct, and sometimes exceed federal standards. Many direct courts to be guided by FTC and federal court interpretations of Section 5 (see, for example, Mass. Gen. Laws ch. 93A, § 2(b); Fla. Stat. § 501.204(2)).

Utah has clarified that it is not a defense to a violation of a statute enforced by its Division of Consumer Protection that GenAI made the violative statement, undertook the violative act, or was used in furtherance of the violation. This provision, enacted in 2025, is codified at Utah Code § 13-77-102.

State attorneys general have long pursued fabricated endorsements and false authenticity signals under their general consumer protection authority. For example, in 2013 the New York Attorney General announced settlements with 19 companies following an investigation into fake online reviews, and in 2019 the New York Attorney General reached a settlement with Devumi LLC over its sale of fake social media followers and engagement, some of which used accounts copying real people's profiles (see N.Y. Gen. Bus. Law §§ 349 to 350). These are traditional deception matters rather than AI-specific precedent, but they apply by analogy to AI-generated reviews and personas.

State AI Disclosure Laws

Several states have enacted AI-specific disclosure requirements relevant to influencer marketing.

- **California AI Transparency Act.** California requires providers of GenAI systems with more than one million monthly users to offer free AI detection tools and to include provenance disclosures in AI-generated image, video, and audio content (Cal. Bus. & Prof. Code § 22757 et seq.). The Act became operative on August 2, 2026, after AB 853 (2025) delayed its original January 1, 2026 operative date. AB 853 also adds provenance-related obligations for large online platforms and other entities beginning in 2027. The law regulates AI providers and platforms rather than advertisers, but AI-generated campaign assets may carry machine-readable provenance data that platforms can detect and label.

- **California BOT Act.** It is unlawful to use a bot to communicate or interact online with a person in California with the intent to mislead the person about its artificial identity in order to incentivize a purchase or sale of goods or services, unless the bot's nature is clearly and conspicuously disclosed. A bot is an automated online account where all or substantially all of the actions or posts are not the result of a person (Cal. Bus. & Prof. Code §§ 17940 to 17943).
- **New York synthetic performer law.** New York requires advertisements that include a synthetic performer to disclose that fact conspicuously (N.Y. Gen. Bus. Law § 396-b (signed Dec. 11, 2025; effective June 9, 2026)). A synthetic performer is a digitally created asset, generated or modified by AI or a software algorithm, that is intended to create the impression of a human performer who is not an identifiable real person. The disclosure obligation applies to persons who produce or create advertisements, and only where they have actual knowledge that a synthetic performer is used. The law includes exceptions, including for audio-only advertisements and certain uses in connection with expressive works, and does not apply to media outlets that merely carry advertising. Civil penalties are \$1,000 for a first violation and \$5,000 for each subsequent violation.

The New York law is the first state law to require disclosure of AI-generated performers in advertising and is directly relevant to brands that use fully synthetic influencers in campaigns reaching New York audiences.

- **Utah AI consumer protection amendments.** Utah requires a supplier that uses GenAI to interact with an individual in connection with a consumer transaction to disclose that the individual is interacting with GenAI rather than a human, if the individual clearly and unambiguously asks. Individuals providing services in certain regulated occupations must prominently disclose GenAI use at the outset of high-risk AI interactions, such as those involving sensitive personal information or personalized financial, legal, medical, or mental health advice. The law provides a safe harbor for compliant disclosures (Utah Code §§ 13-77-101 to 13-77-106).

Federal Challenges to State AI Laws

These laws operate against an unsettled federal backdrop. Executive Order 14365 directs the Attorney General to establish an AI Litigation Task Force to challenge state AI laws deemed inconsistent with a minimally burdensome national AI policy framework, directs the Secretary of Commerce to identify such laws, and directs the FTC to issue the policy statement discussed above (Exec. Order No. 14365, Ensuring a National Policy Framework for Artificial Intelligence, 90 Fed. Reg. 58499 (Dec. 16, 2025)). The order does not itself invalidate any state law. Organizations should comply with state disclosure laws as enacted while monitoring for preemption challenges.

Rights of Publicity and Digital Replica Laws

State statutory and common law rights of publicity are the most relevant protections against unauthorized use of a person's identity, but there is no federal right of publicity and state laws vary considerably. These laws restrict the unauthorized commercial use of a person's name, likeness, or voice (see, for example, Cal. Civ. Code § 3344; N.Y. Civ. Rights Law §§ 50 to 51). Courts have long applied them to imitations that evoke a person's identity without using the person's actual image or voice (see, for example, *Midler v. Ford Motor Co.*, 849 F.2d 460 (9th Cir. 1988) (deliberate imitation of a singer's distinctive voice in a commercial)).

These protections are now being tested against AI voice cloning. In *Lehrman v. Lovo, Inc.*, voice actors sued an AI voice company for creating and selling clones of their voices. The court dismissed the plaintiffs' federal trademark claims and most of their copyright claims but allowed their claims under New York's right of publicity statute, New York consumer protection law, and breach of contract to proceed (*Lehrman v. Lovo, Inc.*, No. 1:23-cv-08269, 2025 WL 1902547 (S.D.N.Y. July 10, 2025)). The decision suggests that, at least for now, state publicity and consumer protection laws are more effective than federal intellectual property law against unauthorized AI voice replicas.

Several states have also enacted laws that specifically address digital replicas, including:

- **California.** Contract provisions permitting a digital replica of an individual's voice or likeness in place of work the individual would otherwise have performed in person may be unenforceable where they lack a reasonably specific description of the intended uses and the individual was not

represented by counsel or a labor union (Cal. Lab. Code § 927 (applicable to performances fixed on or after Jan. 1, 2025)). Commentators disagree whether a reasonably specific description or representation alone is sufficient to preserve a provision, so agreements should satisfy both. California also requires consent for digital replicas of deceased personalities in audiovisual works and sound recordings (Cal. Civ. Code § 3344.1).

- **Illinois.** Illinois amended its Right of Publicity Act in 2024 to address unauthorized digital replicas (765 ILCS 1075) and enacted the Digital Voice and Likeness Protection Act, which limits the enforceability of digital replica contract provisions (815 ILCS 550/1 et seq.).
- **New York.** New York imposes comparable limits on digital replica contract provisions (N.Y. Gen. Oblig. Law § 5-302 (applicable to contracts entered into or modified on or after Jan. 1, 2025)). New York also requires consent before a deceased performer's digital replica is used. In December 2025, New York broadened that protection to cover digital replicas used in audiovisual works, sound recordings, and live musical performances (N.Y. Civ. Rights Law § 50-f (as amended Dec. 11, 2025)).
- **Tennessee.** The ELVIS Act extends publicity protection to an individual's voice, including simulations of it, and creates liability for distributing technology whose primary purpose is producing a particular individual's likeness or voice, with knowledge that the use is unauthorized (Ensuring Likeness, Voice, and Image Security (ELVIS) Act of 2024, 2024 Tenn. Pub. Acts ch. 588 (codified at Tenn. Code Ann. § 47-25-1101 et seq.) (eff. July 1, 2024)).
- **Other States.** Utah, Arkansas, Montana, and Washington have also enacted legislation addressing AI-generated digital replicas of a person's voice or likeness.

An influencer whose replica is used without authorization may also have a federal false endorsement claim under the Lanham Act (15 U.S.C. § 1125(a)(1)(A); *Waits v. Frito-Lay, Inc.*, 978 F.2d 1093 (9th Cir. 1992)).

The NO FAKES Act, which would create a licensable federal right in a person's voice and visual likeness in digital replicas, was reintroduced in the 119th

Congress as the NO FAKES Act of 2026, which adds a counter-notification process to its notice-and-takedown regime and would preserve state digital replica laws in existence as of January 2, 2025. The Senate Judiciary Committee approved the bill in June 2026, and as of October 2026 it remains pending on the Senate calendar (S. 4591, 119th Cong. (2026)). The TAKE IT DOWN Act, enacted in May 2025, addresses nonconsensual intimate imagery, including AI-generated imagery, rather than advertising (Pub. L. No. 119-12 (2025)).

These laws generally protect an individual's control over their identity. They do not resolve whether consumers are being misled, which remains the central question under advertising law.

Platform Policies

- YouTube requires creators to disclose realistic altered or synthetic content, but does not require disclosure where GenAI is used only for productivity tasks such as drafting scripts or captions.
- TikTok requires creators to label AI-generated content that contains realistic images, audio, or video.
- Meta applies "AI info" labels and requires disclosure of photorealistic video or realistic-sounding audio that was digitally created or altered.

These requirements are contractual terms rather than legal mandates, but noncompliance can result in content removal or account penalties. Platform policies change frequently and should be checked for each campaign.

International Laws

The EU AI Act has extraterritorial reach and may apply to organizations outside the EU that produce AI system output used, or intended to be used, in the EU (Regulation (EU) 2024/1689 (EU AI Act)). Its transparency obligations require deployers of AI systems that generate or manipulate deepfake image, audio, or video content to disclose that the content has been artificially generated or manipulated (Article 50(4), EU AI Act).

Article 50 has applied since August 2, 2026 (Article 113, EU AI Act). The Digital Omnibus on AI, adopted in 2026, deferred the EU AI Act's high-risk system obligations but did not defer Article 50, except for a grace period until December 2, 2026 for the Article 50(2) marking obligations of GenAI systems placed on the market before August 2, 2026. Campaigns that reach EU audiences and include AI replicas of real people, or synthetic content that could be mistaken for authentic, should account for these labeling requirements.

Applying the Framework

The legal significance of AI in influencer marketing depends less on whether AI was used than on what the AI does. Under federal advertising law, the key questions are whether AI creates or simulates a real person's statements or experience, creates a fictional persona, or materially alters a product demonstration, and whether consumers would understand the advertisement differently if they knew. Separately, state, platform, and foreign rules may require AI disclosure regardless of the deception analysis.

Conclusion

In the first article in this series, "[AI, Influencers, and Liability: What Marketing Agencies Need to Know Before Deploying AI Tools](#)," we explained that the key legal question for brands and agencies is not simply whether AI is being used in influencer marketing, but how it is being used. The developments discussed in this article reinforce that point. Federal law still does not require disclosure solely because AI was used, and the FTC has signaled that it will apply existing deception and substantiation principles to AI rather than create AI-specific obligations. Those principles apply fully to AI-generated content: endorsements must reflect genuine opinions and experiences, claims must be substantiated, and the Consumer Reviews and Testimonials Rule now gives the FTC a civil penalty remedy for fabricated testimonials, including those generated by AI.

At the same time, AI-specific obligations are emerging outside federal advertising law. New York now requires disclosure of synthetic performers in advertising, states continue to expand protections for digital replicas, platforms require labels for realistic AI content, and the EU AI Act's deepfake disclosure requirements now apply. These rules operate against an unsettled federal backdrop, including Executive Order 14365's challenge to state AI laws and the pending NO FAKES Act, so the requirements that apply to a given campaign may continue to shift.

Brands and agencies should comply with state disclosure laws as enacted, track platform and international requirements by campaign and audience, address AI use and digital replica rights expressly in influencer agreements, and monitor federal preemption efforts. Those that evaluate AI based on what it does, rather than simply whether it was used, will be better positioned to use GenAI effectively while minimizing legal and reputational risk.

Our next article, "AI-Assisted, Replicated, and Synthetic Influencers: Legal Risks and When to Disclose AI," takes a closer look at each of the three ways AI is used in influencer marketing and offers a practical framework for deciding when AI use should be disclosed.

For further information and assistance, contact Lindsay Gehman or Saachi Gorinstein.



Lindsay M. Gehman
Partner

415.772.5744
lgehman@coblentzlaw.com
www.coblentzlaw.com



Saachi S. Gorinstein
Associate

415.268.0515
sgorinstein@coblentzlaw.com
www.coblentzlaw.com