Generative AI in media and entertainment

The media and entertainment industry continues to invest heavily in digital strategy despite pressures caused by the economic downturn, with companies recognising that a key to growth and long term success lies in the use of smarter technologies to strengthen connections with consumers and reduce costs.

Generative AI is one such technology that is already making a significant impact on an increasingly digital M&E industry.

GenAI has, in the space of a few months, already caused disruption and spawned a variety of legal actions. The industry anticipates it will revolutionise aspects of the media landscape from content creation, production, and personalisation to the way companies improve their marketing, promotion and monetization of audience experiences.

Whilst AI is clearly poised to drive the next phase of growth for the media and entertainment industry, companies will first need to determine relevant use cases and navigate issues in ethics and transparency, intellectual property, privacy, regulatory compliance and human oversight.

The way business leaders tackle these thorny issues will determine how their companies perform, and ultimately succeed, in this increasingly technology-led environment.

At Fieldfisher, we have been tracking the emergence of new technologies in the M&E industry since the advent of satellite and cable, and the move from analogue to digital in the 1990s. Now, we are helping shape media companies' approach to AI, including the preparation of their internal use policies.

We combine an understanding of the sector with unrivalled breadth and depth of legal expertise when it comes to AI, including in particular technology, data, and IP aspects, to help companies consider all issues surrounding AI. We give our clients confidence so they can focus on progressing their AI journey.

Cross-discipline team

A wide range of media organisations and digital platforms turn to Fieldfisher for coordinated advice across multiple practice areas and jurisdictions.

They benefit from holistic and practical solutions to their sector issues, delivered through clear, business-focused advice.

Our multi-disciplinary media and entertainment lawyers work together as one seamless unit, bringing their own practice expertise with extensive sector insight. We have experts in all the areas our clients need,

including digital media, interactive content, videogames, e-sports, film and television production and exploitation, advertising and marketing, sponsorship and endorsement, publishing, rights licensing, the regulation of content and services, financing, and tax.

Crucially, we are ideally placed to help clients respond to the opportunities and challenges posed by AI.

Highly regarded across Europe, Fieldfisher's Tier 1 technology and data group has market-leading legal expertise on AI and other emerging technologies, ranging from advising on specific legal issues arising out of GenAI (such as IP ownership, data privacy, and discrimination), to impact assessing particular use cases in the media sector, to implementing effective AI governance.

Our IP enforcement specialists have unrivalled expertise in contentious IP matters across the range of IP types. We are at the forefront of ground-breaking IP litigation in relation to training data used for GenAI, and have a long history of obtaining successful results for our clients in diverse industries.

Preparing for AI

It would be all too easy to over-engineer your response to the challenges posed by artificial intelligence. We would therefore like to offer you a consultation with a specialist technology or M&E partner to cut through the noise.

To help you make the right choices, we would be glad to discuss:

1 Is your organisation actively engaged with deploying AI?

2 Do you have any contemplated use cases for AI deployment within the next year?

3 Consideration of which/what types of AI platforms to use.

4 Who will be interacting with AI, and who will be responsible for managing AI risk.

5 What internal and external AI use policies are being developed?

6 What are your key concerns when it comes to these deployments?

Recent AI experience in media & entertainment

Advising **a global business** on its strategic approach to licensing of its content for use as training data and input data for artificial intelligence systems, and preparing contractual documentation to implement the approach.

Advising **a household name** on the implementation of generative AI within its business, including technology, commercial, IP, and privacy issues, and putting guiderails in place for business leaders on the use of the technology.

Acting for **Getty Images** in its ground-breaking litigation against Stability AI claiming infringement of various intellectual property rights including copyright, database rights, and trademarks in content allegedly used to train an artificial intelligence system; the case is likely to have a significant impact on the legality and boundaries of using content to train AI systems.

Advising **an animation production company** with respect to its contemplated AI use cases.

Advising **a global live-action film and television production company** with respect to its contemplated AI usage, as well as AI use and "anti-AI-use" clauses in employment, creative talent and other production related agreements.

Advising **various content creation and exploitation companies** (including an NFT minting and exploitation business) in connection with the negotiation of, and potential compliance with, "anti-AI use" clauses in agreements.

Assisting **a well-known broadcaster** to identify potential risk areas for the use of AI in its global production and distribution operations.

Advising **an international news organisation** on its intellectual property and other rights in data used to train generative AI.

Advising **a global social media company** on how to explain the use of AI algorithms to its users.

For **a leading edge conversational AI platform**, structuring and negotiating licensing, distribution, and value-added resale arrangements.

Structuring a**n innovative AI company**'s commercial arrangements for the provision of motion analysis technology for use in film, television, and digital media.

Supporting **an international satellite telecommunications business** on AI impact assessments, and its approach to AI governance.

Providing training to **a number of media industry associations** on the risks of generative AI.

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