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AI Replicas Put Fashion Brands at Risk

A New York model says a fashion company used AI to generate entirely new images of her from photographs taken under an expired contract. The pending litigation is an early test of a question every brand now faces: does the right to use an original image extend to AI-generated replicas?

In an article for the *New York Law Journal*, Day Pitney IP Counsel Claire Gibson examines the consent and clearance risks brands face when using AI-generated replicas of models, including how New York's Fashion Workers Act distinguishes routine photo editing from digital replicas, what existing talent agreements do and do not cover, and how to oversee AI vendors in the production chain. While the article focuses on fashion, the framework applies to any company using talent imagery in its marketing.

The central takeaway: AI may change how content is produced, but technological capability does not create a legal right to use the resulting content.

Learn what brands should consider before creating or using AI replicas.

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