



artificial intelligence (ai)

Mitchell Silberberg & Knupp has spent decades at the intersection of entertainment, technology, and intellectual property. We have counseled the creative industries through the rise of home video, the internet, digital distribution, and the streaming era. Artificial intelligence is the next inflection point — and we are shaping how the industry navigates it.

Our AI practice is built on the firm's core strengths in intellectual property, entertainment, labor and employment, privacy, and technology transactions, applied to one of the most legally complex and rapidly evolving fields in modern practice. We bring decades of domain knowledge to bear on problems that require exactly that depth.

What We Do

Rights, Ownership & Infringement

We advise content owners on how to protect and monetize their IP in connection with AI systems — including training data licensing, output ownership questions, and enforcement strategy. We are closely tracking AI-related copyright litigation nationwide and counsel clients on how courts are grappling with issues of fair use, data scraping, and substantial similarity of GenAI outputs. We also advise on the thornier questions of authorship and ownership that arise when AI tools are embedded in the creative process.

Transactions, Vendor Agreements & Operational Integration

We counsel production companies, studios, graphic artists, game developers, and other creative-industry clients through the full arc of AI tool adoption — from vetting and contracting to deployment. On the transactional side, we draft and negotiate vendor agreements with careful attention to licensing terms, data use provisions, indemnification structures, and IP ownership allocations. We also advise on corporate governance and securities law considerations that arise in connection with AI-related technology and entertainment transactions. On the operational side, we advise creative teams on which tools are cleared for use, how to document AI-assisted work for IP purposes, and how to protect sensitive production and client data in the process.

practice contacts

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related practices areas

capital markets & securities
corporate & business transactions
corporate governance
cybersecurity and privacy
entertainment & ip litigation
entertainment transactions



Labor, Employment & Guild Relations

We regularly represent management in negotiations with entertainment industry unions and guilds — including the Screen Actors Guild-American Federation of Television and Radio Artists (SAG-AFTRA), the Writers Guild of America (WGA), the Directors Guild of America (DGA), and the International Alliance of Theatrical Stage Employees (IATSE). As AI has moved to the center of labor relations in entertainment, we bring that firsthand experience to advise studios, production companies, streaming platforms, and other industry participants on AI provisions in union and guild agreements across film, television, and video games. We have deep knowledge of the major entertainment union and guild contracts and help clients understand what they can and cannot do with AI tools under existing collective bargaining agreements — and how to negotiate the next generation of those agreements.

intellectual property
labor & employment
regulatory
trademarks & brands

Beyond the guild context, we advise employers on the full range of AI-related employment issues including drafting and updating employee handbooks and acceptable use policies to address AI tools in the workplace, advising on AI provisions in employment and contractor agreements, and counseling on the employee privacy and data protection issues that arise when AI systems are deployed internally.

Governance, Privacy & Security

We prepare AI governance policies and data protection frameworks for organizations deploying AI tools internally — covering acceptable use, data handling, employee privacy, and information security. We integrate our cybersecurity and privacy practice into this work, advising on obligations under applicable data protection regimes and helping clients build compliance programs that are ethical and operationally realistic.

Regulatory Compliance

The regulatory landscape is developing quickly and unevenly across jurisdictions. We advise clients on obligations under the EU AI Act, California's AB 2602, AB 1836, AB 2013, and SB 942, New York City Local Law 144, and more. We monitor legislative and regulatory developments across jurisdictions and translate compliance obligations into practical guidance.

Our Perspective



Our attorneys understand the technology — not just its legal implications, but how the systems actually work. We follow the technical literature, understand the mechanics of training and inference, and can engage with engineers and product teams at a level that goes beyond legal formality. That technical fluency, combined with our deep roots in entertainment, intellectual property, and labor relations, means we can spot issues early, structure deals to address real risks, and advise creative clients who are trying to move quickly while minimizing exposure to legal risk.

representative matters

AI Copyright & IP Counseling

- Advise on copyright risks associated with AI-generated creative content, including clearance procedures for AI-assisted imagery, risk of infringement claims from training data, and E&O insurability of AI-generated works used in film and television production.
- Represent content owners in protecting their intellectual property against unauthorized use in AI training datasets and model outputs, including engage with major AI companies to establish guardrails around reproduction of copyrighted characters, settings, voice performances, and audiovisual assets.

AI & Digital Likeness Risk Assessment

- Analyze the legal risks of using licensed stock imagery as inputs for AI-generated video content, including right-of-publicity implications, state digital replica statutes, and biometric privacy laws.
- Advise on emerging disclosure requirements for synthetic performers in advertising and commercially distributed content.

AI Tool & Vendor Evaluation

- Conduct comprehensive legal reviews of AI tool terms of service, analyzing data training practices, IP ownership, commercial use rights, and confidentiality protections to build approved-tool frameworks for entertainment and creative industry clients.
- Develop standardized evaluation criteria and vendor checklists that enable clients to efficiently assess new AI tools as they emerge, including risk-tiered classification systems (e.g., tools approved for internal use only vs. tools cleared for client-facing deliverables).

AI Vendor Contract Negotiation

- Negotiate and redline enterprise AI service agreements with major AI platforms, addressing critical issues such as confidentiality of customer content, IP ownership of outputs, indemnification for AI-generated content, data training opt-outs, and unilateral terms-of-service modification provisions.



- Structure bespoke agreements for AI-assisted content creation partnerships between entertainment companies and AI platform providers, including ownership of inputs, outputs, and derivative works, exclusivity provisions, and marketing rights.

AI Policy Development

- Draft and implement company-wide AI usage policies for entertainment studios and creative agencies, establishing clear guardrails around permissible use of AI tools, confidentiality protections, approval workflows, and IP clearance procedures.
- Develop AI codes of conduct for third-party vendor relationships, ensuring that vendors' use of AI tools in creating deliverables aligns with clients' IP, privacy, and content ownership requirements.

AI Governance & Compliance

- Develop internal AI governance frameworks for law firms and other professional services organizations, structured around the NIST AI Risk Management Framework, incorporating risk tiering, approval workflows, and ongoing monitoring protocols.
- Counsel clients on navigating AI-related contractual provisions embedded in broader software and platform agreements, including data-use provisions that may implicate AI training even where AI features are not the primary product.

AI-Powered Legal Technology

- Review and negotiate implementation agreements for AI-powered contract lifecycle management platforms, including scope of AI features such as automated clause extraction, generative AI redlining, and risk reporting.

headlines

Aaron Moss Quoted in *Bloomberg Law* and *The Los Angeles Times* on Landmark AI Fair Use Rulings
Bloomberg Law & Los Angeles Times, June 27, 2025

Mitchell Silberberg & Knupp Expands Entertainment IP Litigation Practice in LA with Addition of High-Profile Lateral Group

Leading copyright attorney Aaron Moss anchors three-attorney team

March 17, 2025



news

Aaron Moss Quoted in *Bloomberg* on AI's Impact on Hollywood
Bloomberg, December 15, 2025

Aaron Moss Featured in *Slate* and *Puck* on OpenAI's Sora 2 and Its Impact on Hollywood
October 3, 2025

Aaron Moss Quoted in *Corporate Counsel* on Anthropic Copyright Settlement
Corporate Counsel, September 24, 2025

MSK Highlighted in *Law360* for Representation of Comet ML in Trademark Dispute with Perplexity AI
Law360, August 28, 2025

Aaron Moss Quoted in *Bloomberg Law* on Copyright Office's AI Report and Fair Use
Bloomberg Law, May 13, 2025

Aaron Moss Mentioned in *WIRED* and *Deadline*
May 12, 2025

Mark Humphrey Quoted in *The Washington Post*, *The Guardian* Concerning OpenAI Controversy
The Washington Post and *The Guardian*, May 27, 2024

publications

When Imitation is Not the Sincerest Form of Flattery: Deepfakes and Personality Rights in the U.S.
The AI Revolution: The International Legal Perspective, October 16, 2024

Top Legislative IP Developments of 2024 and Prospects for Future
IPWatchdog, June 19, 2024

alerts

When HR Meets AI: California Issues New Employment AI Regulations
MSK Client Alert, August 26, 2025

The Copyright Office Report on AI and Fair Use: A Generative Controversy
MSK Client Alert, May 20, 2025

No Entrance to Legal Paradise: D.C. Court of Appeals Affirms Denial of Copyright Registration for AI-Generated Artwork
MSK Client Alert, March 19, 2025



Court Unplugs AI Fair Use Defense, But Context Is Key

MSK Client Alert, February 12, 2025

Colorado Adopts Comprehensive AI Act Imposing Broad Disclosure Requirements

MSK Client Alert, May 22, 2024

Not-So-Starry Night for Copyright Applicant: Copyright Office Again Refuses To Register an AI-Generated Image

MSK Client Alert, December 12, 2023

In Hazy World of AI Law, Judicial Skepticism of AI Output Infringement Claims Continues to Take Shape

MSK Client Alert, November 22, 2023

Federal Judge Largely Dismissive of AI Complaint: *Anderson v. Stability AI*

MSK Client Alert, October 31, 2023

Of Artificial Intelligence and Untidy Facts: Federal District Court Denies Summary Judgment in AI Copyright Case

MSK Client Alert, September 28, 2023

D.C. Federal Court Says Copyright Office Properly Denied Registration to Artwork Claimed to Be Generated by Artificial Intelligence

MSK Client Alert, August 21, 2023

AI and Copyright Law: Takeaways from the June 2023 U.S. Copyright Office Public Webinar

June 28, 2023

AI and Copyright Law: U.S. Copyright Office Announces Public Webinar

MSK Client Alert, June 2, 2023

events & speaking engagements

Future-Ready Firms: Leadership Perspectives on AI Adoption

TAG Alliances Fall 2025 International Conference

October 24, 2025

A View of the Copyright Office: Former General Counsel Debate the AI Report

Copyright Society 2025 Annual Meeting

June 6, 2025

AI Object, Your Honor

Video Game Bar Association 2025 LA Summit

June 3, 2025



Navigating the Right of Publicity in the Age of AI: Challenges and Opportunities
International Trademark Association (INTA) 2025 Annual Meeting
May 17, 2025

Recreating Reality: Examining Freedom of Expression in Video Game Development
December 18, 2024

Generative AI: Navigating Legal Risks and Challenges
INTA 2024 Trademark Administrators & Practitioners (TMAP) Meeting
September 24, 2024

Unraveling AI's Impact on Intellectual Property: Expert Perspectives
April 25, 2024

AI Deconstructed: IP, Privacy and Employment Law
March 27, 2024

Race Against the Machine: Keeping Pace with IP Risks in AI Development
The Business of AI Conference
March 20, 2024

Collective and Non-Human Creativity
More Than Just a Game Stanford 2024
March 1, 2024

PLI's Artificial Intelligence Law 2024
January 25-26, 2024

Legalities of Artificial Intelligence
2023 California Alarm Association Winter Convention
December 7, 2023

IAEL Masterclass on AI
October 18, 2023

AI Deconstructed
2023 Games Industry Law Summit
September 7, 2023

AI and Its Use and Impact in the Workplace
June 2, 2023

AI Is Being Trained Using Human Creative Output. Is That Fair?
KnowIt Conference
May 12, 2020

What Role for Artificial Intelligence in International Dispute Resolution?



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April 25, 2019