## Rate of adoption of national data privacy laws: 3.3 countries per year, 1973–2025; 5.4 per year since 2020 (+64%).

Greenleaf, "172 Countries with Data Privacy Laws – Year by Year 1973–2025", *Privacy Laws & Business* (2025)

### "It was publicly available."

Collecting publicly accessible facial images without consent contravened PIPEDA.
*Clearview AI*, PIPEDA Findings #2021-001 (OPC, 2021)

€30.5 million fine for unlawful processing of biometric data in a database built from publicly available images.
*Clearview AI* (Dutch DPA, 2024)

### "Copyright doesn't protect a voice."

Using a person's name, image, likeness or voice other than for the legitimate information of the public is an invasion of privacy.
Civil Code of Québec, art. 36(5)

Deliberately imitating a distinctive voice to sell a product appropriates identity.
*Midler v. Ford Motor Co.*, 849 F.2d 460 (9th Cir. 1988)

### "The contract covers all media, now known or hereafter devised."

Terms permitting a digital replica in place of the person's work are unenforceable without a reasonably specific description of its uses, where the person was not represented by counsel or a union.
Cal. Lab. Code §927; N.Y. Gen. Oblig. Law §5-302

### "Prove you didn't consent."

A controller relying on consent must be able to demonstrate it.
GDPR art. 7(1)

No biometric identifier may be collected without a written release.
740 ILCS 14/15(b)

### "It's synthetic. Any resemblance is coincidental."

A sound-alike imitation used in advertising is actionable as voice misappropriation and false endorsement.
*Waits v. Frito-Lay*, 978 F.2d 1093 (9th Cir. 1992)

A voice is protected whether the sound is the actual voice or a simulation readily identifiable as the individual.
Tenn. Code Ann. §47-25-1102 (ELVIS Act, 2024)

### "It's parody."

A use that serves the original's purpose and substitutes for it weighs against fair use.
*Andy Warhol Foundation v. Goldsmith*, 598 U.S. 508 (2023)

Use is protected only for the legitimate information of the public.
Civil Code of Québec, art. 36(5)

### "We only host it."

A host's exemption depends on acting expeditiously once it has knowledge.
Reg. (EU) 2022/2065, art. 6

Platforms must remove intimate images within 48 hours of a valid request.
TAKE IT DOWN Act (2025)

### "You can't show a financial loss."

Violation of privacy, and use of a person's portrait to advertise without consent, are torts actionable without proof of damage.
Privacy Act, RSBC 1996, c. 373, ss. 1, 3

A violation of rights under BIPA is sufficient to sue, without further injury.
*Rosenbach v. Six Flags*, 2019 IL 123186

### "The model can't unlearn it."

Ordered deletion of algorithms and models developed using improperly obtained user content.
*In re Everalbum, Inc.* (FTC, 2021)

The right to erasure of personal data.
GDPR art. 17

### "Nothing can be done."

***eSafety Commissioner v. Rotondo* (Federal Court of Australia, 2025)**
Civil penalty ordered for posting non-consensual intimate deepfake images, in contravention of the Online Safety Act 2021 (Cth).

**(2023) Jing 0491 Min Chu No. 12142 (Beijing Internet Court, 2024)**
Personality rights in a voice extend to an identifiable AI-generated voice. Copyright in the recordings did not authorise its use in AI. Defendants ordered to apologise and pay damages.

**TAKE IT DOWN Act (United States, 2025)**
Criminalises publishing non-consensual intimate images, including AI-generated forgeries, and requires removal within 48 hours. Enacted following advocacy by young people targeted by deepfakes.