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INTELLIGENCE REPORT · NOVEMBER 13, 2026

Culture as IP

Protecting Black Creativity in the Age of Generative AI · Legal status as of November 13, 2026

Empowering people of color to understand, leverage, and build with AI while preserving creativity and cultural identity.

How to read this report. Every figure has a numbered source [S#] with its date. **Evidence** = a sourced, dated fact. **Projection** = a forward-looking estimate. **Author's view** = opinion. Educational material, **not legal advice**. Consult a licensed attorney about your contracts and rights.

1. Executive perspective

Black creativity has long set the culture while others held the rights. Generative AI can repeat that at machine scale, because training copies style, voice and movement in bulk. The law is moving but unfinished: no federal likeness law has passed, and the biggest fair-use rulings are still pending. The creators who get paid in this period are the ones who register, document consent, and write AI terms into every deal.

01 · Registration is now money. Anthropic's $1.5B settlement paid about $3,000 per book, but only for works registered on time [S17]. Registering a single work online costs $45 [S40]. *Evidence.*

02 · Likeness law is a patchwork. Tennessee, California and New York protect voice and likeness against AI replicas; the federal NO FAKES Act is not law as of Nov 13, 2026 [S24] [S25] [S27] [S29]. *Evidence.*

03 · The flood is here. AI tracks were over 50% of Deezer's daily uploads in June 2026; 97% of people in a blind test could not tell AI music from human music [S9]. *Evidence.*

04 · Licensing is the new leverage. Labels that sued Suno and Udio now license to them, and talent likeness is often carved out of big deals [S13] [S20]. *Author's view:* consent plus price beats a lawsuit you cannot afford.

2. The data backdrop

Measure	Figure	Date	Label	Source
Black buying power	$2.1T (Selig Center)	Nielsen 2025	Evidence	[S1]
Black population; share under 35	48M; 52%	ACS 2023, via Nielsen 2025	Evidence	[S1]
R&B/hip-hop share of US on-demand audio streams	25.1% (349.9B of 1.4T streams)	2025	Evidence	[S2]
Black share of US artists	7% vs 12% of the total labor force	2024 data, May 2026	Evidence	[S3]
Arts and cultural economy, US value added	$1.17T; BEA stopped regular updates in 2026	2023 data, released Apr 2025	Evidence	[S7]
Film and TV revenue lost to racial inequity	More than $10B a year, about 7% of $148B	Mar 2021	Evidence (estimate)	[S4]
Influencer racial pay gap	35%: $43,756 Black vs $67,032 White average	2021 survey	Evidence	[S5]
Creator economy	About $250B (2023) to about $480B (2027)	Apr 2023	Projection	[S6]
Gen AI music and AV content market	€3B to €64B by 2028	Dec 2024	Projection	[S8]
Creators' revenue at risk by 2028	24% music; 21% audiovisual; €22B cumulative loss	Dec 2024	Projection	[S8]
AI music on Deezer	About 90,000 tracks a day, over 50% of uploads; 1–3% of streams; up to 85% of those streams fraudulent	Jun 2026 data	Evidence	[S9]
Spotify spam enforcement	75M+ spam tracks removed; 50M+ pulled from recommendations in 2026	Oct 20, 2026	Evidence	[S10]
Suno valuation	$5.4B	Sep 2026	Evidence (reported)	[S20]
Reddit–Google data license	About $60M a year	Feb 2024	Evidence (reported)	[S11]
News Corp–OpenAI license	More than $250M over 5 years	May 2024	Evidence (reported)	[S12]
Disney–OpenAI Sora license	3-year character license; Disney invests $1B in OpenAI; excludes talent likenesses and voices	Dec 11, 2025	Evidence	[S13]
Bartz v. Anthropic	$1.5B; about $3,000 per work	Jul 20, 2026	Evidence	[S17]

What the data cannot show yet. No source found measures how much Black creators' work is in AI training data, how often Black creators are deepfaked, or what share of AI licensing money reaches Black creators. Genre shares such as R&B/hip-hop are not the same as Black creators' shares. Treat these as open questions, not zeros.

3. Legal and policy landscape (as of November 13, 2026)

Item	Status	Date	Source
Copyright Office Part 1: Digital replicas	Published; urges a new federal right against unauthorized digital replicas	Jul 31, 2024	[S14] [S50]
Copyright Office Part 2: Copyrightability	Published; protection requires meaningful human authorship; prompts alone are generally not enough	Jan 29, 2025	[S14]
Copyright Office Part 3: Training	Still a pre-publication version; says commercial training on vast troves of works that compete with them, especially via illegal access, goes beyond fair use	May 9, 2025; checked Nov 13, 2026	[S14] [S15]
Thaler v. Perlmutter	Supreme Court denied review; human-authorship rule stands	Mar 2, 2026	[S16]
Bartz v. Anthropic (authors)	$1.5B class settlement, final approval; about $3,000 per work; pirated files destroyed; class limited to timely registered works	Jul 20, 2026	[S17]
NYT v. OpenAI & Microsoft (OpenAI MDL)	Cross-motions for summary judgment on fair use fully briefed; no ruling, no trial date	Replies filed Nov 6, 2026	[S18]
Getty v. Stability AI (UK)	High Court rejected secondary copyright claim, found limited trademark infringement; Court of Appeal heard appeal Nov 11– 12, 2026, no judgment yet	Nov 4, 2025	[S19]
Getty v. Stability AI (US)	In discovery; jury trial set for Jan 18, 2028 (as reported)	As of Nov 2026	[S49]
Labels v. Suno and Udio	Universal settled with Udio (Oct 2025); Warner settled with Udio and Suno (Nov 2025) and licensed both; Sony still suing both; Universal and Sony still suing Suno, plus a second suit over Suno v6 (Sep 2026)	As of Nov 2026	[S20] [S21] [S22]
Musicians' union (AFM) v. Universal and Warner	Claims labels licensed members' recordings to Suno and Udio without pay; motions to dismiss pending	Filed Jun 2026	[S20] [S21]
Isbell class action v. Suno	Right-of-publicity and voice claims; Suno moved to dismiss Nov 3, 2026 (as reported)	Filed Aug 31, 2026	[S22]
Andersen v. Stability AI (visual artists)	In discovery; class certification and summary judgment hearing moved to Sep 29, 2027 (as reported)	Order Sep 28, 2026	[S23]
Tennessee ELVIS Act	In force; first state law aimed at AI voice cloning, reaches tool makers	Effective Jul 1, 2024	[S24]
California AB 2602 and AB 1836	In force; replica clauses need a reasonably specific description of uses unless the performer had a lawyer or union; estate consent for replicas of deceased performers	Effective Jan 1, 2025	[S25] [S26]
New York digital replica laws	Deceased-performer replica consent law in force on signing; ad disclosure of AI synthetic performers in force	Signed Dec 11, 2025; disclosure from Jun 9, 2026	[S27] [S28]
Federal NO FAKES Act of 2026 (S. 4591)	Not law. Reported by Senate Judiciary, on the Senate calendar; House companion H.R. 8915 in committee	Last action Jun 24, 2026	[S29]
EU AI Act Article 50	Transparency rules apply: AI content must carry machine-readable marks; deployers must label deepfakes; grace to Dec 2026 for systems already on the market	From Aug 2, 2026	[S30]
SAG-AFTRA TV/Theatrical contract	Ratified with 91.42%; adds digital replica consent and pay terms, limits synthetic performers	Jun 2026; runs to Jun 30, 2030	[S33]
YouTube likeness detection	Open to all creators 18+; scans for AI-altered faces; voice detection rolling out	Expanded May 2026	[S31] [S32]

Item	Status	Date	Source
Spotify AI policy	Bans unauthorized voice clones; AI Credits; Artist Profile Protection to all artists by end of 2026; 75M+ spam tracks removed	Oct 20, 2026	[S10]
Deezer	Tags AI music, excludes it from recommendations; removing fraud tracks	Jul 21, 2026	[S9]

Statuses were checked against court, agency or platform pages where available; items marked “as reported” rely on trade press or case trackers. Courts move fast; recheck before relying on any line.

4. History: the pattern AI could repeat

- **1953 · “Hound Dog.”** Big Mama Thornton’s recording sold about two million copies and she was paid $500; Elvis Presley’s 1956 cover brought him fame and money [S34].
- **2019 · The Carlton dance.** The Copyright Office refused to register Alfonso Ribeiro’s dance as a simple routine; his suits over a Fortnite emote were withdrawn [S37].
- **2020 · Renegade.** Jalaiah Harmon, 14, created the dance; it went viral on TikTok without her name until the New York Times profiled her [S35].
- **2021 · #BlackTikTokStrike.** Black creators declined to choreograph Megan Thee Stallion’s “Thot Shit” to protest uncredited copying [S36].
- **2022 · FN Meka.** Capitol Records dropped an AI-powered “virtual rapper” after criticism of racial stereotyping [S38].
- **2024 · Dialect prejudice in AI.** A Nature study found language models attach negative stereotypes to speakers of African American English [S39].

Why AI raises the stakes (Author’s view). Copying used to happen one song or one dance at a time. Training copies a whole style at once, can produce endless substitutes, and the models may still carry bias against the very speakers they learned from.

5. The protection matrix

Creator type	Main AI risk	Protections available now	Money opportunities
Musicians & producers	Catalog used to train music models; voice clones; streams diluted by AI uploads	Register songs and recordings; Spotify and YouTube impersonation reports; ELVIS Act (TN); label and union terms	Opt-in licensing via label or distributor deals; consented voice models; stems licensing
Visual artists & designers	Style mimicry from scraped portfolios; AI images replacing commissions	Group registration of 2D artworks ($85); Content Credentials; robots.txt and Cloudflare training blocks	Licensed style packs and datasets; commissions sold as human-made with provenance
Writers & journalists	Books and articles used to train models; AI summaries replacing clicks	Register works early; class claims need timely registration; crawler controls	Publisher licensing pools; per-work settlements
Voice & on-camera talent	Digital replicas from past recordings; deepfake endorsements	CA AB 2602; NY ad disclosure; SAG-AFTRA replica terms; YouTube likeness detection; Loti	Consented, time-limited voice licenses [S48]
Dancers & choreographers	Viral moves copied into games, ads and motion-capture datasets without credit	Register full choreography (not simple routines); date-stamped originals; platform credit tags	Licensing to games and ads; consented motion-capture data deals
Fashion & beauty	AI-generated models and looks lifted from Black styling, hair and makeup	Trademarks; copyright for prints and photos; releases that bar AI reuse	Licensing real looks and textured-hair image sets with consent
Content creators & influencers	Face and voice deepfakes; slang and formats copied by AI personas	YouTube likeness detection; Loti (free tier); impersonation reports	Licensed AI twins with approval rights; brand deals that price AI reuse
Archives, estates, HBCU & community collections	Digitized collections scraped; elders' voices and images reused without family consent	Copyright where owned; estate consent laws (CA, NY); access terms and crawler blocks	Dataset licensing with community benefit terms; licensed estate voices

6. Creator playbooks

6.1 Musicians & producers

Market signal · Evidence. AI tracks topped 50% of Deezer's daily uploads in June 2026, about 90,000 a day [S9]. R&B/hip-hop was 25.1% of US on-demand audio streams in 2025 [S2]. **Projection:** CISAC puts 24% of music creators' revenue at risk by 2028 [S8]. **What to watch.** Sony and Universal v. Suno; AFM v. labels; how label AI deals pay session players and producers. **Plays · Author's view.** Never sign a deal that bundles AI training into a standard distribution agreement without a separate fee. Producers' drum kits and stems are licensable training data; price them that way.

6.2 Visual artists & designers

Market signal · Evidence. Andersen v. Stability AI is still in discovery, with no merits ruling [S23]. Getty lost its main UK copyright claim [S19]. **What to watch.** Whether courts treat style mimicry as market harm; Getty's UK

appeal. **Plays · Author's view.** Attach Content Credentials to every portfolio image. Collective licensing of Black visual archives on artists' terms.

6.3 Writers & journalists

Market signal · Evidence. Bartz v. Anthropic paid about $3,000 per registered book, $1.5B total [S17]. News Corp's OpenAI deal was reported at more than $250M over five years [S12]. **What to watch.** NYT v. OpenAI summary judgment ruling [S18]. **Plays · Author's view.** Black-owned outlets should negotiate as a group, not one by one. Register archives now; unregistered work missed the Anthropic payout.

6.4 Voice & on-camera talent

Market signal · Evidence. SAG-AFTRA's 2026 contract requires consent and pay for digital replicas [S33]. Disney's Sora license excludes talent likenesses and voices [S13]. **What to watch.** NO FAKES Act floor vote; state replica laws spreading. **Plays · Author's view.** Price a voice license per use, per term, per territory. Keep a clean, consented voice reference so you control the official version.

6.5 Dancers & choreographers

Market signal · Evidence. The Copyright Office refused to register the Carlton dance as a simple routine (2019) [S37]. Jalaiah Harmon's Renegade spread without credit (2020) [S35]. **What to watch.** Motion-capture datasets used to train video and game models. **Plays · Author's view.** Document and register full routines, not single moves. A choreographer credit registry for social platforms.

6.6 Fashion & beauty

Market signal · Evidence gap. No source found measuring AI use of Black fashion or hair imagery. Nielsen reports $2.1T in Black buying power [S1]. **What to watch.** AI models in ads; New York's synthetic-performer disclosure law [S28]. **Plays · Author's view.** Consented, well-labeled textured-hair datasets are a real product. Write AI-reuse bans into every model and stylist release.

6.7 Content creators & influencers

Market signal · Evidence. A 2021 MSL study found a 35% pay gap between Black and White influencers [S5]. **Projection:** Goldman Sachs projects the creator economy near $480B by 2027 [S6]. **What to watch.** AI personas on platforms; brand contracts claiming perpetual rights to likeness. **Plays · Author's view.** Never grant a brand the right to make new content with your likeness without per-use pay. Creator collectives that bargain over AI terms.

6.8 Archives, estates, HBCU & community collections

Market signal · Evidence gap. No source found on AI scraping of HBCU or Black community archives. **Evidence:** California and New York now require estate consent for replicas of deceased performers [S26] [S27]. **What to watch.** Library digitization deals with AI firms; estate voice marketplaces. **Plays · Author's view.**

HBCUs could license collections as a consortium with revenue going to scholarships. Community review boards before any archive is licensed.

7. Creator rights checklist (printable)

Own it

- ☐ Register key works within 3 months of release (keeps statutory damages available under US law)
- ☐ Keep dated originals: drafts, stems, raw video
- ☐ Trademark your brand or stage name
- ☐ Know which existing contracts already grant AI rights

Mark it

- ☐ Add Content Credentials to images and video
- ☐ Block AI training crawlers on your site
- ☐ Turn on AI credits and profile protection where offered
- ☐ Enroll in YouTube likeness detection (18+)

Price it

- ☐ Separate fee for any AI training use
- ☐ Per-use, per-term fee for any replica
- ☐ Written consent for every synthetic performance
- ☐ Right to revoke and to deletion
- ☐ Attorney review before signing

8. Contract clauses to watch

Clause	What it means	Red flag	Ask for
AI training rights	Lets the buyer feed your work into AI models	"Any technology now known or later developed"	No training without separate consent and fee
Digital replica, voice, likeness	Lets them make new content that looks or sounds like you	Broad rights to "simulate" you	Each use described, as CA AB 2602 requires for performers [S25]
Perpetual, worldwide license	Rights forever, everywhere	No end date, no territory	Fixed years and territory for AI uses
Synthetic performance consent	Using your replica in scenes you never did	Consent given once for all future uses	Consent per project, in writing
Compensation	How you are paid for AI uses	Flat buyout covering AI	Per-use fees or royalties for AI outputs
Revocation and deletion	Ending AI use and erasing models	Irrevocable grants	Revoke future uses; delete models and voice prints

Sample protective language: EDUCATIONAL EXAMPLE ONLY, NOT LEGAL ADVICE. Have an attorney review any contract.

No AI training. Company shall not use, and shall not permit any third party to use, the Work or any Materials to train, fine-tune, test or improve any artificial intelligence or machine learning model, without Creator's separate prior written consent and separate compensation.

Digital replicas. Company shall not create or use any digital replica, simulation or synthetic version of Creator's voice, face, body, likeness or performance, except as specifically described in a signed addendum stating each use, the term, the territory and the fee.

Term and revocation. Any AI-related license granted by Creator is limited to [X] years and the territory of [territory], and Creator may revoke it on [30] days' written notice for future uses.

Deletion. On expiry or revocation, Company shall delete all models, voice prints and datasets built from Creator's materials and confirm deletion in writing.

Laws differ by state and country, and unions and labels have their own terms. Consult an entertainment or IP attorney before signing or sending any clause.

9. Practical tools (verified November 13, 2026)

Tool	What it does	Status	Source
Copyright Office registration	Public record, statutory damages, class eligibility	Live: $45 single work, $65 standard, $85 group of 2D artworks, $55 group of photos; increases proposed, not yet in effect	[S40]
robots.txt AI crawler rules	Ask crawlers such as GPTBot and Google-Extended not to collect for training	Live; voluntary, honored by major crawlers	[S41] [S42]
Cloudflare training controls	Disallow AI Training while staying in search	Live since Sep 15, 2026	[S42]
Spawning Do Not Train	Opt-out registry for training sets	Have I Been Trained site under maintenance; registry via API only	[S43]
Content Credentials (C2PA)	Tamper-evident record of who made a file and how	Spec v2.4 (Apr 2026); Adobe Content Authenticity app is free	[S44] [S45]
SynthID Detector	Checks images, video and audio for Google and partner AI watermarks	Public worldwide in English since Oct 7, 2026	[S46]
YouTube likeness detection	Finds AI-altered videos of your face; removal requests	All creators 18+ with ID check	[S31]
Loti	Monitors face and voice online, files takedowns	Free tier (5 takedowns/mo); $25/mo or $200/yr premium	[S47]
Spotify for Artists	AI Credits, impersonation reports, Artist Profile Protection	Live; profile protection to all artists by end of 2026	[S10]

Example robots.txt lines (educational; check each company's current crawler names before use):

```
User-agent: GPTBot
Disallow: /

User-agent: Google-Extended
Disallow: /
```

10. The cultural intelligence lens

Who gets to participate matters. Build with your community, not simply for it. Culture is not raw material; it is the work of named people, families and communities. Influence and ownership are not the same thing: R&B/hip-hop drew 25.1% of US on-demand audio streams in 2025 [S2], while Black artists are 7% of US artists versus 12% of the labor force [S3]. Genre share is not creator share.

- **Credit:** name the originator, every time, including in datasets and model cards.
- **Consent:** no voice, face or dance goes into a model without the person's written yes.
- **Compensation:** a license fee, not exposure, for any AI use.
- **Community:** license collectively where one creator alone has no leverage.
- **Bias:** test AI tools on Black voices, skin tones, hair and dialect before using them [S39].

11. Risks

Risk	What it looks like	Response
Signing away AI rights	Boilerplate grants training and replica rights forever	Strike or limit the clause; get an attorney
Deepfake fraud and endorsements	Fake ads or scams using your face or voice	Likeness monitoring; platform privacy complaints; state law claims
Unregistered work	No statutory damages, no class payout	Register key works early [S17] [S40]
Opt-outs that are ignored	robots.txt is a request, not a lock	Combine crawler blocks, terms of use and watermarks
Bad licensing deals	One-time buyouts for unlimited model use	Term limits, per-use pay, audit rights
Bias in tools	Models that misread dialect or flatten textures [S39]	Test before adopting; report failures

12. About this report

Adapted from an AI-assisted report developed by Askia Jones with Grok Bot for Melanated.ai. Educational material, not legal advice, and not financial or investment advice. Consult a licensed attorney about your

contracts and rights. Legal statuses are as checked on November 13, 2026; items marked “as reported” come from trade press or case trackers rather than court records. Tools are examples, not endorsements.

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