
A BILL FOR AN ACT

RELATING TO PUBLICITY RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 482P-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding three new definitions to be appropriately
4 inserted and to read:

5 "Digital Replica" means a computer-generated, highly
6 realistic electronic representation that is readily identifiable
7 as the voice or visual likeness of an individual that is
8 embodied in a sound recording, image, audiovisual work, or
9 transmission in which the actual individual either did not
10 actually perform or appear, or the actual individual did perform
11 or appear, but the fundamental character of the performance or
12 appearance has been materially altered.

13 "Digital replica" does not include the electronic
14 reproduction, use of a sample of one sound recording or
15 audiovisual work into another, remixing, mastering, or digital
16 remastering of a sound recording or audiovisual work authorized
17 by the copyright holder.



1 "Voice" means a sound in a medium that is readily
2 identifiable as and attributable to a particular individual,
3 regardless of whether the sound contains the voice or a
4 simulation or digital replica of the voice of the individual."

5 2. By amending the definition of "likeness" to read:

6 "Likeness" means an image, photograph, painting,
7 sketching, model, diagram, digital replica, or other
8 recognizable representation of an individual's face or body, and
9 includes, in the case of a personality, a characteristic."

10 SECTION 2. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on January 1, 2077.



Report Title:

Digital Replica; Publicity Rights; Likeness

Description:

Protects a person's right to publicity from digital replicas by including "digital replica" in the definition of "likeness" that is protected under state law that governs publicity rights. Effective 1/1/2077. (SD1)

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