Social Media, AI and Artists

Social media is a beneficial tool used by many artists to increase exposure for their work and build their brand. The ability to use the widespread reach of platforms such as Instagram and TikTok comes with a set of agreements that artists ought to be informed about. Most social media platforms allow users to retain intellectual property (IP) rights over their content. The caveat is the numerous licences that are unknowingly granted by users to these platforms. The advent of artificial intelligence (AI) too has inevitably led to the integration of AI into social media platforms. The use of AI broadens the scope of IP issues that artists must be aware of. To help artists navigate the complex terms and conditions of social media platforms, made even more complicated by the inclusion of AI, Arts Law has compiled information on some of the key policies of several social media platforms around AI. We will update it from time to time, and hope it will be useful.

Facebook and Instagram – Meta AI

Facebook and Instagram use Meta AI, a generative AI tool that can help answer questions, generate images, and refine messages among many other functions. Whilst artists may find these uses helpful, they must be aware of the following:

- Users retain all intellectual property rights in and to their Prompts (the text, documents, images, recordings and any other material provided to Meta AI for processing).
- Users agree that their provision of Prompts will not violate Meta AI's Terms of Service.
- Meta may use content (i.e. creative expression in the form of text or images) and related information totake actions including providing, maintaining and improving Meta services and features, and to conduct and support research.

YouTube

YouTube uses AI to help with its moderation process to help ensure that content on the platform complies with its Community Guidelines. Unlike Facebook and Instagram, it does not offer an AI tool as part of its platform. The company has introduced several terms and conditions that govern whether AI-generated content can be uploaded on the platform. They are as follows:

- Content labels: Creators must disclose when their content includes altered or synthetic material, primarily if Generative AI is used to synthesise the content.
- Removal requests: YouTube's privacy request process will enable removal of AI-generated or synthetic content that simulates identifiable individuals, including their faces or voices, without consent.
- Content moderation: YouTube uses a combination of human reviewers and AI technology to moderate content and enforce its Community Guidelines.

X (the platform formerly known as Twitter)

At the time of writing, X does not have a specific policy relating to AI or generative AI. However, its approach to AI usage and governance can be found in other policies such as its synthetic and manipulated media policy and its misleading and deceptive identities policy. The following terms apply to AI:

- X's Privacy Policy states that it may use the information X collects and publicly available information to train machine learning or AI models (generative or otherwise). Furthermore, unless users opt out, X may share or disclose users'

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information with third parties who may use it for their own independent purposes (including to train their AI models).

- X may remove content that is significantly and deceptively altered, manipulated, or fabricated. Whilst this does not specifically apply to AI, it is relevant in the context of deepfakes created by AI.
- The license that users grant to X also allows the platform to analyse text and other information users shares to provide, promote, and improve its services, including, for example, for use with and training of X's machine learning and artificial intelligence models, whether generative or another type.

TikTok

TikTok's Community Guidelines state its requirements around AI-generated content (AIGC):

- Users must label AI-generated content or edited media that shows realistic-appearing scenes or people. This can be done using the AIGC label, or by adding a clear caption, watermark, or sticker of your own.
- TikTok does not allow content that shares or shows fake authoritative sources or crisis events or falsely shows public figures in certain contexts. This includes being bullied, making an endorsement, or being endorsed.
- TikTok does not allow content that contains the likeness of young people, or the likeness of adult private figures used without their permission.

With the increased use of social media by artists, it is important to raise awareness of the impact that these platforms can have on IP rights. Artists must stay on top of the constantly changing policies of social media platforms and question the ways in which they unknowingly pay for the use of these platforms.

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