



Press Release

The Pros and Cons of the NO FAKES Act

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In response to growing concerns about the use of unauthorized voice and visual likeness in digital replicas, a bipartisan group of senators introduced the Nurture Originals, Foster Art, and Keep Entertainment Safe (NO FAKES) Act of 2024. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling and Barbara Batycka explain the NO FAKES Act, discuss its effect on the protections of Section 230, and walk through concerns with the bill's provisions.

Key points:

- The NO FAKES Act penalizes the creation of unsanctioned deepfakes and requires social media sites to take down flagged content.
- The bill would grant individuals federal intellectual property rights to their voice and visual likeness, allow individuals to take action against creators of and platforms hosting unauthorized digital copies, and protect media platforms from liability, provided the reported content is taken down as soon as technically and practically feasible.
- By establishing a new intellectual property right, the NO FAKES Act would create a carveout of Section 230 protections – which insulate platforms from legal liability for content posted by its users – to hold the platforms liable for hosting unauthorized replicas; yet the creation of such a standard has raised concerns that platforms may acquiesce to any takedown request, regardless of merit.

[Read the analysis](#)