STARK TECH INDUSTRIES

TECHNOLOGY. SECURITY. INFRASTRUCTURE.

NEW YORK GBL § 396-B + EU AI ACT ARTICLE 50

SYNTHETIC PERFORMER DISCLOSURE KIT

01 Is this ad covered? Two one-page decision trees

02 Copy-paste labels: video, image, audio, social

03 Pre-launch checklist + client / vendor clauses

04 Excel record log

For agencies & AI-video creators

EDITABLE WORD + EXCEL + PDF

$49

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QUICK-START: READ ME FIRST

Not legal advice. Replace every [BRACKETED] field. Delete what doesn't apply.

WHAT THIS KIT IS

Lean templates for agencies, UGC shops and AI-video creators to decide when an ad needs an AI-performer label under New York GBL § 396-b and the EU AI Act Art. 50, to label it, and to keep records. Not legal advice; not affiliated with or endorsed by any government.

FILES

01	NY decision tree
02	EU decision tree
03	Label wording library
04	Pre-launch checklist
05	Client & vendor attestation clauses
06	Record log (Excel)

FIRST 30 MINUTES

1. Add clause 05-A to your next SOW and 05-B to your AI vendor/freelancer agreements.
2. Pick your house label lines from 03.
3. Run current live campaigns through 01 and 02; log them in 06.
4. Make 04 a required step before any asset ships.

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01 · SYNTHETIC PERFORMERS IN ADS

DECISION TREE 1: NEW YORK GBL § 396-B

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THE RULE IN ONE SENTENCE

> Since June 9, 2026, anyone in the business of selling goods or services who produces or creates an ad for a commercial purpose must conspicuously disclose in the ad that a synthetic performer is in it, when they have actual knowledge of it. Civil penalty: $1,000 for a first violation, $5,000 for each later one. (GBL § 396-b(3))

Source: N.Y. Gen. Bus. Law § 396-b, https://www.nysenate.gov/legislation/laws/GBS/396-B

WALK THE AD THROUGH THESE QUESTIONS

Q1. Is it an advertisement for a product or service, made for a commercial purpose?

No → § 396-b(3) does not apply. Stop. Yes → Q2.

Q2. Does the ad show a 'synthetic performer'? That means a digitally created asset, made or modified with generative AI or a software algorithm, meant to look like a human performer giving an audiovisual or visual performance, who is NOT recognizable as any real, identifiable person. (§ 396-b(1)(c))

- AI avatar spokesperson, AI 'UGC creator', AI-generated model in a still image → usually YES.
- Digital replica of a real, recognizable person (e.g., a celebrity or your actual talent) → NOT a synthetic performer under this section. Other laws apply instead (NY Civil Rights Law §§ 50, 50-f, 51; § 396-b(5)). Get talent consent and talk to counsel.
- Light retouching of a real human performer → probably not, but if the result is a performance the human didn't give, treat as YES.

No → stop. Yes → Q3.

Q3. Is it an audio-only ad (radio, podcast, audio streaming)?

Yes → exempt (§ 396-b(7)(a)). Stop. No → Q4.

Q4. Is the only AI use translating a real human performer's language (e.g., AI dubbing/lip-sync of a real actor)?

Yes → exempt (§ 396-b(7)(b)). Stop. No → Q5.

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Q5. Is it an ad or promo for an expressive work (film, TV show, streaming content, documentary, video game, or similar), using the synthetic performer the same way the work itself does?

Yes → exempt (§ 396-b(4)). Stop. No → Q6.

Q6. Is it placed before the public in New York (or will NY audiences see it)?

The section is in New York law; national and social campaigns reaching NY should be treated as covered. → Q7.

Q7. Who must disclose? The person in the business of selling who produces or creates the ad, with actual knowledge.

- Media outlets that only publish or run the ad (networks, streamers, billboards, publishers) are not covered (§ 396-b(8)).
- An agency that creates the ad and knows AI performers are in it should assume it, as well as its client, may be exposed. Use the Client & Vendor Attestation (05) so every party's knowledge is documented.

> **RESULT: Covered → add a conspicuous disclosure (see Label Library, 03) and log it in the Record Log (06).**

WHAT 'CONSPICUOUS' SHOULD MEAN IN PRACTICE

The statute does not define it. Safe practice: readable size and contrast, on screen while the synthetic performer is shown (not only in end-card fine print), in the same language as the ad, and not buried in a caption 'more' fold.

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