

# Lawlor in Digiday: Brands and Influencers Are Not Including Intellectual Property Clauses Addressing AI in Their Deals

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November 11, 2025 Joseph Lawlor

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**PRACTICES** AI and Technology, Social Media, Trademark and Advertising, Intellectual Property

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Haynes Boone Partner [Joe Lawlor](#) spoke with *Digiday* as influencer brand deals are largely being written without clauses related to AI, intellectual property and copyright, which could leave creators and brands exposed.

*Creators have largely shrugged off AI's potential impact to the influencer marketing industry and creator economy, banking on AI-generated creators inability to replicate their audience connection. Influencers and creators seem to be largely relying on pre-existing agreements that already include language for usage rights under name, image and likeness, according to Lawlor.*

*Some agencies are bracing for the potential fallout. For example, about two years ago, Sway Group started using contractual language to prohibit deepfakes in content creation. Brands have already started to include clauses that prohibit influencers from using generative AI in content creation posted on behalf of a brand deal, per Lawlor.*

*"At the very least, brands should push for transparency around the use of AI — but better yet, guidelines around its use, or the prohibition on the use of generative AI," he said.*

To read the full article from *Digiday*, click [here](#).