

Japan Extends Publicity Rights to Cover AI-Generated Voice

New Ministry of Justice guidance,
and what it means beyond the entertainment industry.

On 7 August 2026, Japan's Ministry of Justice published interpretive guidelines confirming that an AI-generated copy of a person's voice is protected in the same way as their image, as an asset covered by publicity rights. The guidelines rest on a Supreme Court judgment from 2012 involving the Japanese pop duo Pink Lady, and they arrive without any new legislation. Japan has extended an existing doctrine to cover a new kind of harm, and the reasoning behind that extension applies just as forcefully to athletes as it does to the voice actors and singers whose complaints prompted it.

The guidelines came out of a study group at the Ministry's Civil Affairs Bureau, chaired by Professor Yoshiyuki Tamura of the University of Tokyo, which met five times between April and July before publishing its report. Its central conclusion is that a person's voice falls within the concept of “likeness” as used in the Pink Lady judgment, and is therefore protected by two related but distinct rights: the publicity right, which gives a person exclusive control over the commercial pulling power of their name and image, and a separate right, grounded in personality rather than property, not to have one's likeness used arbitrarily. The underlying test is unchanged from Pink Lady. Liability turns on whether the use is aimed solely at exploiting that commercial pulling power, and the Ministry has now confirmed that an AI-generated voice can satisfy it. A comedian doing a recognisable impression of a public figure is not caught by this. An AI system trained to reproduce a specific person's voice, used to generate content that is then monetised without consent, is. Remedies include damages assessed by reference to what a licence would have cost, a separate award for emotional or dignitary harm, and an injunction requiring the content to come down.

None of this amounts to new law. The guidelines interpret existing tort principles and the Unfair Competition Prevention Act; they are not a statute, and they carry no penalties of their own. A court is not bound by them. What they remove is the uncertainty that comes from having no case law on point. Before August, nobody quite knew how the settled doctrine on images would translate to voices, and litigants were essentially guessing at the answer. Whether Japanese courts will actually treat the guidelines as persuasive authority is something we will only know once a case tests them, but the pressure that produced the report, and the seniority of the people who wrote it, both suggest guidelines that judges will take seriously rather than set aside.

The pressure for this came from voice actors, not athletes. Kenjiro Tsuda, known for his roles in Jujutsu Kaisen and Yu-Gi-Oh!, sued TikTok's operator in November 2025 over AI-generated narration videos built from his voice, reportedly earning their creator several hundred thousand yen a month. Megumi Ogata, the voice of Shinji Ikari in Neon Genesis Evangelion, told the study group in person how it felt to hear her own voice reused without her agreement. Voice actors had already been campaigning on the issue since late 2024. By June, an industry survey from the Japan Publicity Rights Protection Organization had counted more than 43,000 suspected instances of unauthorised AI use of Japanese celebrities' voices and likenesses, with losses estimated at somewhere between ¥2 billion and ¥4.5 billion. That is a wide range, and the width of it says something about how hard this kind of harm still is to measure with any confidence.

The same logic applies well beyond entertainers. The Pink Lady test asks whether a name or likeness carries commercial pulling power, and by that measure a well-known athlete is at least as exposed as a musician

or an actor, arguably more so, since sponsorship and endorsement income makes up a larger share of most athletes' earnings than it does for most performers. The pattern behind Tsuda's lawsuit is already visible in sport internationally: fabricated advertisements using footballers' likenesses to promote betting products they have no connection to, and doctored "interview" footage attributed to well-known managers and players. Japan has no obvious reason to be an exception, and now that the guidelines exist, the legal path will already be reasonably well marked when it happens here.

A second document feeds into this and deserves more attention than it has had. In April, Japan's trade ministry, METI, published a handbook on civil liability in AI use that anticipated the Ministry of Justice's guidelines in one respect. It suggests that a developer who builds and markets a tool specifically around its ability to reproduce a named person's voice can face a publicity-rights claim itself, regardless of what any individual user does with the tool. Ordinary machine learning is treated differently: training a general model on a large, varied dataset is not, without more, aimed solely at exploiting anyone's commercial pull, so it falls outside the doctrine. That distinction echoes reasoning the Agency for Cultural Affairs set out for copyright in 2024. The line moves once generation is aimed at reproducing one identifiable person; whether training aimed at a specific person is itself an infringement was left open. The EU has no real equivalent to this vendor-side theory, and it is likely to become a genuine design question for any AI company building tools with a Japanese user base.

Two limits are worth bearing in mind before treating any of this as settled. The first concerns death. Publicity rights in Japan have never clearly survived the person they belong to, and the professional bodies representing performers say there is still no agreed position on whether an estate can enforce them. The guidelines gesture at a possible route through the idea of protecting the reverence owed to the deceased, but stop short of resolving the question, and anyone advising an estate on a posthumous likeness dispute should treat that as genuinely open rather than assume protection simply continues after death. The second limit is jurisdictional. The guidelines apply within the reach of Japanese civil law, which in practice means platforms and users with a real connection to Japan: Japanese users, Japanese revenue, the kind of presence TikTok has in the Tsuda litigation. They say little about content generated and hosted entirely outside Japan by an operator with no presence here.

In practice

The most immediate task is contractual. Existing athlete, talent and endorsement agreements were mostly drafted before anyone thought to ask whether consent to being photographed also covered an AI-generated version of a client's voice, and most do not answer that question clearly. New agreements should specify what platforms, territories and time periods any authorised AI use covers, what the athlete or performer is paid for it, and how a breach gets fixed: a right to demand takedown, a right to audit how the material has been used, and an escalation process that does not have to be invented from scratch each time a problem surfaces.

Documentation matters too, and is easy to treat as an afterthought. Organisations that commission AI-generated content should keep a simple record of what they made: which tool, what reference material, when it was generated, where it was published. The Ministry's reasoning treats whether infringement was reasonably foreseeable as relevant to liability, and a documentation trail is the simplest way to show good faith if a dispute arises later. Clients developing, licensing or investing in voice- or likeness-generation tools with a Japanese user base should look at their own exposure under the METI theory now rather than after launch, since retrofitting consent and disclosure into a live product is considerably harder than building it in from the start. It is also worth checking, while this is fresh, whether existing media or cyber liability cover actually extends to AI-likeness claims. Many policies were written before this was a foreseeable risk and have not been revisited since.

Seen alongside other jurisdictions, Japan's approach is distinctive mainly for what it does not do. The United States has been legislating state by state, with Tennessee's ELVIS Act among the first laws written specifically to target AI voice cloning, but there is still no federal standard. The EU's AI Act takes a different approach again: from 2 August 2026, Article 50 requires synthetic audio and video to be labelled as such, which is a transparency obligation rather than a consent requirement, and would not by itself stop an unauthorised deepfake from being made, only require it to be marked once it exists. Japan has done neither. It has not legislated, and it has not required labelling. It has confirmed that a doctrine built for magazine photographs now reaches a new kind of copy, and left the courts to work out the rest through ordinary litigation. For clients used to thinking of AI regulation as something that arrives through new statutes, that

is probably the most useful thing to take from this: in Japan, for now, it is arriving through the reinterpretation of law that already existed.

THIS NEWSLETTER IS PROVIDED FOR INFORMATION PURPOSES ONLY; IT DOES NOT CONSTITUTE AND SHOULD NOT BE RELIED UPON AS LEGAL ADVICE.

Authors

Ian S. Scott

Registered Foreign Lawyer (The Laws of
Australia, State of Queensland)
Senior Partner
Daini Tokyo Bar Association
E: ian.scott@aplav.jp

Takahiro Saito

Partner
Daini Tokyo Bar Association
E: takahiro.saito@aplav.jp

Kenta Nobe

Partner
Dai-Ichi Tokyo Bar Association
E: kenta.nobe@aplav.jp

Contact

E-mail: cpg_sports_entertainment@aplav.jp

If you would like to sign up for A&S Newsletters, please fill out the [sign-up form](#).
Back issues of our newsletters are available [here](#).

Atsumi & Sakai is a multi-award-winning, independent Tokyo law firm with a dynamic and innovative approach to legal practice; it has been responsible for a number of ground-breaking financial deal structures and was the first Japanese law firm to create a foreign law joint venture and to admit foreign lawyers as full partners. Expanding from its highly regarded finance practice, the Firm now acts for a wide range of international and domestic companies, banks, financial institutions and other businesses, offering a comprehensive range of legal expertise.

Atsumi & Sakai has an outward-looking approach to its international practice, and has several foreign lawyers with extensive experience from leading international law firms, providing its clients with the benefit of both Japanese law expertise and real international experience.

We are the only independent Japanese law firm with affiliated offices located in New York, London, Frankfurt, Brussels and Ho Chi Minh City which, together with our Tokyo office, Osaka affiliated office and Fukuoka affiliated office, enables us to provide real-time advice on Japanese law to our clients globally.

Atsumi & Sakaiwww.aplawjapan.com/en/**Tokyo Head Office**

Fukoku Seimei Bldg. (Reception: 16F)
2-2-2 Uchisaiwaicho, Chiyoda-ku,
Tokyo 100-0011 Japan

**Osaka Affiliate Office**

Nakanoshima Festival Tower 16F,
2-3-18 Nakanoshima, Kita-ku,
Osaka City, Osaka 530-0005
Japan

Fukuoka Affiliate Office

Tenjin Bldg. 10F
2-12-1 Tenjin, Chuo-ku,
Fukuoka-shi, Fukuoka 810-0001
Japan

**New York Affiliate Office**

1120 Avenue of the Americas, 4th
Floor, New York, New York 10036

**London Office**

85 Gresham Street, London EC2V
7NQ, United Kingdom

**Frankfurt Affiliate Office**

Barckhausstraße 1 (8th Floor),
60325 Frankfurt am Main,
Germany

**Brussels Office**

CBR Building
Chaussée de la Hulpe 185, 1170,
Brussels, Belgium

**Ho Chi Minh Office**

10F, The NEXUS building
3A-3B Ton Duc Thang Street,
Sai Gon Ward, Ho Chi Minh City,
Vietnam

**NOTICES****1. ABOUT ATSUMI & SAKAI**

Atsumi & Sakai is a partnership consisting of Atsumi & Sakai Legal Professional Corporation, a Japanese professional corporation, a foreign law joint venture under the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers with certain Registered Foreign Lawyers of our firm, and a Japanese Civil Code partnership among Japanese lawyers, represented by Yutaka Sakai, a lawyer admitted in Japan. In addition to lawyers admitted in Japan, our firm includes foreign lawyers registered in Japan to advise on the laws of the US States of New York and California, the People's Republic of China, the Republic of Korea, Taiwan, India, the Democratic Socialist Republic of Sri Lanka, England and Wales*, and the Australian States of Queensland, New South Wales and Victoria. Foreign lawyers registered in Japan to advise on state laws also are qualified to provide advice in Japan on the federal laws of their respective jurisdictions.

Atsumi & Sakai has established an office in London operating as Atsumi & Sakai Europe Limited (incorporated in England and Wales (No: 09389892); sole director Naoki Kanehisa, a lawyer admitted in Japan), an office in Brussels operating as Atsumi & Sakai Brussels EU (incorporated in Belgium; managing partner: Etsuko Kameoka, a lawyer admitted in New York and registered with the Brussels Bar Association (B-List)**), an affiliate office in New York operating as Atsumi & Sakai New York LLP (a limited liability partnership established in New York; managing partner Bonnie L. Dixon, a lawyer admitted in New York and a Registered Foreign Lawyer in Japan), and an office in Ho Chi Minh City operating as Atsumi & Sakai Vietnam Law Firm (incorporated in Vietnam; sole director Katsunori Irie, a lawyer admitted in Japan). We also have a partnership with A&S Osaka LPC (partner: Teiji Maehashi, a lawyer admitted in Japan) and A&S Fukuoka LPC in Japan (partner: Yasuhiro Usui, a lawyer admitted in Japan) and an affiliate office in Frankfurt operating as Atsumi & Sakai Europa GmbH - Rechtsanwälte und Steuerberater, a corporation registered in Germany providing legal and tax advisory services (local managing director: Frank Becker, a lawyer admitted in the Federal Republic of Germany**).

*Atsumi & Sakai is not regulated by the Solicitors Regulation Authority for England and Wales.

**Not Registered as a Foreign Lawyer in Japan

2. LEGAL ADVICE

Japanese legal advice provided by Atsumi & Sakai and our global offices is provided by lawyers admitted in Japan. Advice provided in Tokyo in respect of any foreign law on which one of our foreign lawyers is registered in Japan to advise, may be provided by such a Registered Foreign Lawyer. None of Atsumi & Sakai Legal Professional Corporation, Atsumi & Sakai Europe Limited or Mr. Yuka Nakanishi is regulated by the Solicitors Regulation Authority for England and Wales, and none will undertake any reserved legal activity as defined in the United Kingdom Legal Services Act 2007. Advice provided in Germany on the laws of Germany will be provided by a lawyer admitted in Germany, and advice provided in New York on the laws of New York will be provided by a lawyer admitted in New York. Advice provided in New York on the laws of New York will be provided by a lawyer admitted in New York.