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PRACTICE GUIDE · ENTERTAINMENT & TALENT

Theories of Liability & Common Defenses

Grand Park Law Group · 2026



Plaintiff's Theories of Liability

- Copyright Infringement17 U.S.C. §§ 106, 501
- Right of PublicityCiv. Code § 3344; Common Law
- Talent Agencies Act ViolationsLab. Code § 1700 et seq.
- Copyright Termination (§ 203)17 U.S.C. § 203
- Breach of Fiduciary Duty (Manager / Agent)Common Law; TAA
- AI & Digital Replica Claims (2024 Laws)AB 2602; AB 1836 (2024)

Common Defense Theories

- Fair Use17 U.S.C. § 107
- First Amendment / Transformative UseComedy III v. Saderup (2001)
- Work Made for Hire17 U.S.C. § 101
- Independent-Contractor Status (TAA Defense)Lab. Code § 1700.5
- License DefenseExpress & Implied License
- Statute of LimitationsCopyright: 3 years; § 3344: 2 years

Practice	Entertainment & Talent
Publication	Practice guide · 2026

Available online at entertainment.grandparklawgroup.com/articles/theories-of-liability-amp-common-defenses. This publication is provided for general information and is not legal advice.

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