

GUIDE

Commercial use and copyright rules for AI video

Two separate questions decide whether you can publish AI video: what the tool's terms allow, and what copyright law says about AI-generated output. US Copyright Office guidance and vendor terms, checked 2026-11-13.

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Two different questions decide whether you can publish a video made with AI. The first is contractual: does the tool's terms let you use the output commercially? The second is legal: does copyright protect the output, and do you have the rights to the inputs and likenesses inside it? Answer both before you publish.

Question 1: what do the tool's terms allow?

Every vendor sets its own rules, and they change per plan. Examples from pricing and product pages fetched on 2026-11-13:

- Pika's pricing page states that paid plans include a commercial license and describes the free plan as having no watermark; its FAQ separates plan terms from credit-pack terms.
- Synthesia's Basic plan videos carry a Synthesia watermark; paid plans remove it.
- HeyGen's free plan produces watermarked videos up to 1 minute; paid plans add custom avatars, more languages and 1080p export.

Read the vendor's terms of service and acceptable-use policy, not just the pricing page. Look for three clauses: whether commercial use is allowed, on which plan, and whether the vendor claims any rights over your inputs or outputs. Record what you find; each listing links to the vendor's own site, where the current terms are published.

Question 2: what does copyright law say?

The U.S. Copyright Office publishes guidance on AI and copyright at copyright.gov/ai. Its report, issued in parts, addresses two questions relevant here:

- Part 2, published January 29, 2025, addresses the copyrightability of outputs created using generative AI. The Office's position is that copyright protection requires human authorship; purely AI-generated material is generally not protected, while human creative selection and arrangement can be.
- Part 1, published July 31, 2024, addresses digital replicas — AI-made copies of real people's voices and likenesses.

Practical meaning for a buyer: if your video is entirely generated, you may not hold a copyright in it that stops others copying it. If you shot footage, wrote the script, chose the edits and directed the generation, your human authorship is what counts. This matters when a client asks who owns the deliverable.

This is general information, not legal advice. Copyright rules differ by country, and a dispute is a lawyer's job, not a checklist's.

Inputs carry their own rights

What you feed the tool matters as much as what comes out:

- Product photos you own: fine.
- Stock images or footage: check the stock license allows AI processing and commercial output.
- Other people's faces or voices: see the avatar and likeness section below.
- Brand logos and trademarks inside generated scenes: the tool's terms usually prohibit infringing content; the risk stays with you.

Likeness and consent

Using a real person's face or voice needs their permission, full stop. Vendors have started building this in: Synthesia's features page says every Synthesia avatar is created with explicit consent and every video is moderated to prevent misuse. HeyGen's avatar page describes a Personal Avatar as a digital twin that only appears with the person's verified permission, with a recorded consent statement. If a tool offers to clone a person without a consent step, treat that as a warning sign, not a feature.

A pre-publish checklist

1. Confirm the plan you pay for allows commercial use, in the vendor's own terms.
2. Check the watermark rule on your plan.
3. Confirm you hold rights to every input: photos, footage, music, fonts.
4. Get written consent for any real person's likeness or voice.
5. If a client will own the video, decide in writing who owns the inputs and the output.
6. When in doubt about a high-value deliverable, ask a lawyer — the $200 question is cheaper than a takedown.

Frequently asked questions

Do I own the videos an AI tool makes for me?

Check the vendor's terms. Some assign rights to you, some license commercial use, and some keep restrictions on free plans. The tool's terms page is the first place to look.

Is AI-generated video copyrighted?

In the US, the Copyright Office has said copyright protection requires human authorship. Purely AI-generated output is generally not protected; human creative choices around it can be. See the Office's AI report.

Can I use an AI avatar of a real person?

Only with that person's consent. Several vendors build consent checks into avatar creation. Using someone's likeness without permission creates legal risk separate from copyright.

Sources

U.S. Copyright Office, Copyright and Artificial Intelligence (fetched 2026-11-13) — https://www.copyright.gov/ai/
Pika pricing and commercial license terms (fetched 2026-11-13) — https://pika.art/pricing
Synthesia features and avatar consent (fetched 2026-11-13) — https://www.synthesia.io/features
HeyGen avatar consent (fetched 2026-11-13) — https://www.heygen.com/avatar