

The Conflict and Legal Regulation of the Personality Interests of the Deceased in AI 'Digital Resurrection'-Taking Kobe AI Short Video as an Example

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Abstract: With the rapid development of generative artificial intelligence technology, AI 'digital resurrection' of late celebrities has gradually become a remarkable social phenomenon. Taking the AI short video of the late basketball superstar Kobe Bryant as an example, unauthorized digital resurrection behavior has emerged in large numbers on the Internet, triggering profound disputes about the protection of the personality interests of the deceased. By combing the typical cases of Kobe AI short video events, this paper analyzes the multiple conflicts of the personality interests of the deceased, such as portrait right, reputation right and privacy right, and discusses the shortcomings of the current legal framework in dealing with the phenomenon of digital resurrection in combination with Article 994 of the Civil Code of the People's Republic of China and the Measures for the Administration of Digital Virtual Human Information Service (Draft for Soliciting Opinions). The study found that the current rules for the protection of the personality interests of the deceased have problems such as blurred boundaries and unclear standards in the context of rapid iteration of technology. This paper proposes to construct a systematic regulatory framework in the field of digital resurrection from the dimensions of clarifying authorization standards, establishing a living will system, strengthening platform responsibilities, and building a multi-party collaborative governance system.

Keywords: AI Digital Resurrection; the Personality Interests of the Deceased; Legal Regulation; Kobe BRYANT; Digital Personality Right

1. Introduction

Kobe Bryant tragically passed away in a

helicopter crash on January 26, 2020. Millions of fans around the world are grieving the loss of the legendary NBA star. However, it was not expected that Kobe would 'return' to public view in another way after a few years. In 2023, an AI video of Kobe Bryant completing an iconic back-up jumper at Staples Center went viral on social media. The 'Kobe Bryant' in the video has the same radian of his eyebrows as he is remembered. Since then, all kinds of Kobe Bryant AI videos have emerged in an endless stream: some netizens use Sora 2 to make Kobe Bryant's daily video of 'opening a network about a car', some bloggers create a live series of Kobe Bryant watching video of netizens' reactions, and even the absurd scene of Kobe Bryant live-streaming with Michael Jackson. On the Tik Tok platform, the blogger's 'Square Super Cut' released Kobe AI live series of videos, with a single highest point of 380,000 likes and more than 250,000 shares.

While these AI videos bring joy and comfort to some netizens, they also raise a series of serious questions: Does the use of AI technology 'resurrect' a deceased person respect the deceased person? Who has the right to decide how the image of the deceased can be used? Do these acts constitute a violation of the personality interests of the deceased? Can the existing law effectively regulate this emerging phenomenon?

These problems are not just Kobe's case. In recent years, AI digital resurrection of late celebrities has become a common phenomenon. Li Wenwen, Qiao Renliang, Zhang Tianfu and other deceased people have been 'resurrected' by netizens or merchants using AI technology, which has aroused strong opposition from their families. In October 2025, the late tea scholar Zhang Tianfu was 'revived' as a business spokesperson by a tea enterprise using AI technology. Although the enterprise claimed to be authorized by its son, the widow of the

deceased clearly objected. These cases all reveal the fact that when technology develops in a way that exceeds legal expectations, existing legal rules face unprecedented challenges [3].

This paper takes Kobe AI short video as the entry point, analyzes the types and root causes of the conflict of personality interests of the deceased in AI digital resurrection behavior, sorts out the current legal regulation framework and its shortcomings in China, and puts forward suggestions for improvement on this basis.

2. The Combing and Classification of Kobe AI Digital Resurrection Events

2.1 The Origin and Technical Background of the Incident

The reason why Kobe AI video has been able to emerge in large numbers on the network is based on the breakthrough of generative artificial intelligence and deep synthesis technology. In September 2025, OpenAI launched the video generation model Sora 2, which makes the quality of AI-generated films more realistic than ever before. Ordinary users only need to enter a simple text description to generate a high-quality video with stable appearance, coherent operation, and synchronized sound and picture. The sharp reduction of the technical threshold has directly spawned an AI creation boom with the participation of the whole people.

The technical path of making Kobe AI video is not complicated. The technicians extracted the high-definition competition images of Kobe's life, trained his 'digital face model', and then fitted this 'face' to the action data of the target person through the AI algorithm. With the popularity of open source models, ordinary enthusiasts can spend thousands of yuan to produce a false effect.

2.2 Classification of Typical Cases

In order to facilitate the subsequent legal analysis, it is necessary to classify the typical cases of Kobe AI short video according to the nature and purpose of the content.

The first category: reduced commemorative video. This kind of video is usually based on Kobe's real game scene, using AI technology to repair or enhance the original image, in order to reproduce the classic moments of Kobe's life. For example, in 2023, the video of "Kobe Bryant completes the iconic back-up jumper at Staples Center" was wildly circulated. Although

AI technology was used, the content presented was consistent with Kobe Bryant's real sports career, which was essentially a technical way of commemorating.

The second category: entertainment video. This is the largest and most widely spread category at present. The blogger's 'box super cut' localizes Kobe, lets him play the 'mouth replacement' of young people, and uses Kobe's image to speak out various network hot stems in the fictional scene. For example, in the video "New Year's Eve Without Internal Friction," AI Kobe bluntly said "Don't find a job, mainly by NEET" in the face of the reminder of the seven aunts. The creative motivation of this kind of video is mainly to gain traffic and entertain the public, and the content is completely separated from Kobe's real experience and image.

The third category: commercial use. More worrying is the use of Kobe's AI image for commercial purposes. At the beginning of 2026, a technology company called Legacy Innovations in the United States issued a statement saying that it had reached a cooperation with Kobe's widow Vanessa and would let Kobe return to the public view with a virtual image through AI technology, planning to be used in basketball teaching, inspirational speeches and even 'virtual interviews'. Subsequent investigations found that the company did not have any actual cases of AI technology, and its 'resurrection plan' was more like a gimmick to attract investment. Vanessa's lawyer has publicly expressed his opposition to any unauthorized use of AI, saying that 'this is not only an infringement, but also a disrespect to Kobe's legacy'.

2.3 The Particularity of Kobe AI Short Video

The reason why Kobe AI short video can become a typical sample for studying the problem of digital resurgence is mainly due to its particularity in three aspects.

First, as the world's top sports idol, Kobe's image has a very high commercial value and public recognition. According to Forbes, Kobe Bryant's annual income still ranks among the top 100 athletes after his death. This huge commercial value makes Kobe Bryant the object of AI creators and commercial institutions vying for 'resurrection'.

Second, Kobe's widow Vanessa and the Kobe Family Foundation have the legal right to protect his image and have a clear attitude. The Kobe

family foundation has made it clear that it opposes any use of Kobe's image for commercial hype. This makes the Kobe case have a clear 'obligee-infringer' dual structure, which is convenient for legal analysis.

Third, the content diversity of Kobe's AI video covers various scenes such as commemorative, entertaining and commercial, and almost includes all types that digital resurrection may involve, providing rich materials for a comprehensive analysis of various conflicts of the deceased's personality interests [3].

3. Analysis of the Conflict of Personality Interests of the Deceased

The core legal issue involved in AI digital resurrection is the protection of the personality interests of the deceased. According to the provisions of Article 994 of the Civil Code of China, if the name, portrait, reputation, honor, privacy and remains of the deceased are infringed, their spouses, children and parents have the right to request the perpetrator to bear civil liability according to law [10]. In the Kobe AI short video event, the personality interests of these deceased people face multi-dimensional conflicts.

3.1 Portrait Conflict of Interest: the Challenge from Static Protection to Dynamic Use

Portrait interest is the most intuitive conflict point in Kobe's AI video. The protection of portraits in traditional civil law is mainly aimed at the unauthorized use of other people's portraits. The objects of regulation are usually static or recorded images such as photos and portraits. However, AI digital resurrection technology has fundamentally changed the way portraits are used.

First of all, AI generated 'Kobe's' image is not simply a copy of his living photos or images, but through the algorithm to 'create' the expression, action and scene that Kobe has never really existed. For example, in the AI video of 'Kobe's ride-hailing', 'Kobe' is placed in a scene that he has never experienced before. Is this 'creative use of portraits' still within the scope of traditional portrait rights? From the perspective of legal logic, as long as the image generated by AI is enough to identify the identity of a specific natural person, it should be protected by the right of portrait. Article 1018 of the Civil Code clearly stipulates that natural persons have the right to

make, use, disclose or authorize others to use their own portraits according to law. Although the deceased no longer enjoys the civil right of portrait, the personal interests carried by his portrait are still protected by Article 994 [10].

Secondly, the 'portrait' in AI digital resurrection behavior not only includes visual image, but also may extend to sound. Kobe's unique sound features can also be imitated and reproduced by AI technology. In 2022, NBA cooperated with technology companies to launch 'Kobe's virtual narrator', using AI to simulate his voice and expression. This further expands the dimension of the protection of the personality interests of the deceased [8].

Shi Jiayou, a professor at the Law School of Renmin University of China, pointed out that the personality rights and interests of the deceased are protected by law, and not only commercial use constitutes infringement. Without the consent of close relatives, even if the production and public dissemination of AI resurrection videos for mourning purposes may also constitute a violation of the portrait rights of the deceased [6].

3.2 Conflict of Reputation Interests: the Deconstruction of the Image of the Deceased by Fictional Narratives

The infringement of Kobe's AI short video on reputation interests is more hidden than portrait interests but may be more serious. This kind of infringement occurs mainly in two ways.

The first is direct vilification or derogatory. If the image of Kobe Bryant generated by AI is placed in a scene of vulgarity, illegality or violation of public order and good customs, or is set to say words that undermine its moral prestige, this will directly reduce the public's evaluation of Kobe Bryant. For example, in Kobe's AI live-action video, 'Kobe' is shaped into a 'poisonous tongue', saying lines such as 'not looking for a job, mainly relying on the old'. Although these lines may cause laughter from netizens, they run counter to the diligent and tenacious 'Mamba spirit' advocated by Kobe during his lifetime.

The second is indirect digestion and dilution. Even if the AI content itself does not have obvious derogatory nature, the proliferation of a large number of low-quality AI images may lead to the cultural symbol of Kobe being 'over-consumed' and losing its original weight. A senior fan once expressed his feelings in this

way: 'I miss Kobe who appeared in the training hall at 4 o'clock in the morning. He is the Kobe who will quarrel with his teammates in the locker room and shed tears after losing. If AI can only copy his actions, but can not copy his 'Mamba spirit', what is the meaning of such 'cloning'?'

Article 1024 of the Civil Code stipulates that reputation is a social evaluation of the moral character, reputation, talent and credit of civil subjects. No organization or individual may infringe on the reputation of others by insulting or slandering [10]. If the image of the deceased generated by AI is placed in an improper scene, or if it "speaks" fabricated remarks that undermine its moral prestige, it will constitute a violation of the reputation and interests of the deceased.

3.3 Privacy Conflict of Interest: the Grey Area of Data Mining

The operation of AI digital resurrection technology relies on a large amount of data of the deceased, including photos, videos, audio, text records, etc. As a public figure, Kobe's large amount of public image data has naturally become the training material of the AI model. However, this does not mean that its privacy interests are not protected.

Although Kobe is a public figure, he still enjoys a certain range of privacy during his lifetime. The question is, is the data required for AI digital resurrection limited to public data? If the creator uses Kobe's undisclosed private images or audio, what is its legal nature? In Kobe's case, Vanessa's lawyer team mainly focuses on unauthorized commercial use, but the legality review of training data sources has not yet become the focus of controversy. However, with the popularity of digital resurrection technology, this problem will surface sooner or later.

It is worth noting that even if the public data is used, will the process of aggregating a large amount of data and generating new content through the AI model constitute a violation of privacy interests? Zelda, the daughter of the late actor Robin Williams, has pleaded with the public to stop making her father's AI videos. She lamented that her loved ones' legacy has been 'simplified into a horror farce'. Behind this emotional harm is the derogation of the dignity of the deceased brought about by 'data' and 'instrumentalization'.

3.4 The Deep Roots of Conflict of Interest

The root causes of the above conflicts can be analyzed from three dimensions.

The absence of the subject of rights. The deceased cannot speak for their image and reputation, and can only rely on close relatives to defend their rights. The position of close relatives may not be completely consistent with the wishes of the deceased, or there may be differences between close relatives. For example, in the case of Zhang Tianfu, his son agreed to authorize, and his widow resolutely opposed, exposing the tension of the internal relations of relatives. Chen Xiyi, an assistant researcher at Kaiyuan Law School of Shanghai Jiao Tong University, pointed out that the 'digital dead' technology precisely reflects the tension of relationships within relatives [2].

Technology is ahead of law. The iteration speed of AI technology far exceeds the cycle of law formulation and revision. When Article 994 of the Civil Code came into force in 2021, the phenomenon of AI digital resurrection has not yet appeared on a large scale, and it is naturally difficult for legislators to foresee today's technical scene. As Chen Tianhao, associate professor of public administration at Tsinghua University, pointed out, the popularization and peaceful power of technical ability have greatly expanded the scope of actors that may implement digital resurrection, thus changing the difficulty and mode of digital resurrection governance [1].

The game between public interests and private rights. As a public figure, Kobe's image carries great social and cultural significance. AI creators may defend their behavior on the grounds of 'freedom of speech' or 'artistic expression', and fans may also claim their right to 'mourn and remember'. However, these public interest demands cannot override the personality interests of the deceased and the legitimate rights and interests of close relatives. The problem is how to draw a clear boundary between the two.

4. The Current Legal Regulatory Framework and Deficiencies

4.1 Civil Law Level: the Provisions and Practice of Article 994 of the Civil Code

Article 994 of the Civil Code is the core clause to protect the personality interests of the deceased in China. The article stipulates: 'If the name, portrait, honor, honour, privacy, remains,

etc. of the deceased are infringed upon, the spouse, children, and parents shall have the right to request the actor to bear civil liability according to law ; if the deceased has no spouse, children and parents have died, other close relatives have the right to request the perpetrator to bear civil liability according to law.'[10]

This provision adopts an indirect protection mode, that is, by giving the deceased's close relatives the right to defend their rights, the protection of the deceased's personality interests is indirectly realized. In theory, there is a dispute between the direct protection mode and the indirect protection mode on the protection of the personality interests of the deceased. The direct protection mode holds that the deceased has independent interests, while the indirect protection mode holds that the rights and interests of close relatives are protected. From the meaning of Article 994, legislators chose the latter.

In Kobe's AI short video event, Vanessa and her family foundation, as Kobe's close relatives, have the right to defend their rights according to law. However, Article 994 faces several difficulties in its application.

First, the identification standard of 'infringement' is not clear. Article 994 lists the personality elements of the protected deceased, but it is not clear what kind of behavior constitutes 'infringement' of these elements. In the Kobe case, does the entertaining AI live-action video constitute a violation of Kobe's reputation ? This requires case-by-case judgment in judicial practice, and lacks a unified judgment standard.

Second, there is a gap in the regulation of non-commercial use. Article 994 does not distinguish between commercial use and non-commercial use. In practice, a large number of Kobe AI videos are made and shared by ordinary netizens, which is neither commercial profit nor malicious derogatory. Chen Tianhao pointed out that the current rules lack specific provisions on the behavioral boundaries of scenes such as non-commercial use and family internal remembrance [1].

Third, the relief means are limited. Article 994 grants the right of claim to close relatives mainly to request the perpetrator to bear civil liability, including stopping the infringement, eliminating the impact, apologizing, and compensating for losses. However, in the Internet environment, once AI video spreads, it is difficult to completely delete it. The degree of cooperation

of the platform also directly affects the actual effect of rights protection.

4.2 Administrative Supervision Level: the System Innovation of " Digital Virtual Human Information Service Management Approach "

In April 2026, the National Internet Information Office publicly solicited opinions on the " Digital Virtual Human Information Service Management Measures (Draft) " (hereinafter referred to as the " Measures ") [4]. This is the first time that China systematically regulates digital virtual human services. The introduction of the ' measures ' marks the digital resurrection governance from case handling to system construction.

The " approach " responds to the governance challenges brought about by the digital resurgence of AI from multiple dimensions. In terms of authorization consent, the ' approach ' clearly stipulates that any organization and individual using sensitive personal information for modeling, image generation and other activities must obtain the individual consent of the natural person. In terms of the protection of the deceased, the ' measures ' set strict preconditions, that is, the use of the personal information of the deceased shall not infringe on the legitimate rights and interests of others, and respect the wishes of the deceased. In terms of image norms, the ' approach ' prohibits infringement of the personality rights of others in the form of vilification, defacement, etc., and shall not provide digital virtual human services sufficient to identify a specific natural person without his or her consent. In terms of transparency requirements, the ' method ' requires the digital virtual person service to continuously display the ' digital person ' logo throughout the generated content to prevent misleading the public [5].

The innovation of the ' method ' is that it incorporates the protection of ' digital personality ' as an independent regulatory issue into the regulatory vision for the first time, highlights the ' human-like ' characteristics of digital virtual people, and formally incorporates the forms of ' digital identity ' and ' AI idol ' that are free from the edge of existing legal norms into the scope of supervision. However, the ' approach ' is still a draft for consultation and has not yet been formally implemented. The formulation of its final provisions and

supporting rules remains to be seen.

4.3 Comparative Law Perspective: the Enlightenment of Extraterritorial Legislation

At the level of comparative law, US states have also accelerated the pace of legislation related to digital resurgence in recent years. In December 2025, the Governor of New York signed two nationally-initiated bills requiring disclosure of the use of synthetic performers in advertisements and requiring consent for the commercial use of deceased personal images [9]. In addition, the US Senate reintroduced the NO FAKES Act in April 2025, which aims to establish a private right of action at the federal level for unauthorized use of 'digital copies' of personal voices or images.

These extraterritorial legislations show two common trends: one is to regard 'consent' as the core element of the use of the image of the deceased, and the other is to emphasize the independent regulation of the new infringement object of 'digital reproduction'. This provides a useful reference for the improvement of relevant legislation in China.

4.4 The Overall Deficiency of the Current System

On the whole, the current legal regulation framework has the following shortcomings.

The legal level is not smooth. Article 994 of the Civil Code establishes the basic principle of protecting the personality interests of the deceased, but lacks specific operational rules. The 'measures' provide more detailed operational norms, but its legal level is low and has not yet been formally implemented. There is a lack of bridge norms at the meso level between the two.

Lack of prior prevention mechanism. The current system mainly relies on post-relief, that is, after the infringement occurs, close relatives claim rights. However, in the Internet era where AI video can spread virally in an instant, post-relief is often a drop in the bucket. Wang Qi, an associate professor at the School of Law, Beijing University of Aeronautics and Astronautics, pointed out that digital resurrection has many values such as satisfying human ethics, but the law should start from three aspects: the basis of initiation, the boundary of operation and the protection of relevant stakeholders, and fully incorporate it into the track of the rule of law [7]. Platform responsibility is not clear enough. Kobe

AI video is mainly spread on social platforms such as Douyin, B station, and X (original Twitter). Although the 'approach' stipulates the responsibility of the platform, the specific implementation standards still need to be refined. Under what circumstances does the platform undertake the obligation of active review? How long should the content be removed from the shelves after receiving the infringement notice? These questions currently lack clear answers.

The effectiveness of the deceased's will is uncertain. The current law does not make clear provisions on whether the deceased expressed the willingness to 'refuse to be digitally resurrected' and whether the willingness is legally binding. Wang Qi suggested that at the level of private law, citizens should be allowed to make legally binding arrangements for their 'digital personality' after death in advance through digital wills [7].

5. Perfect Path of Legal Regulation

5.1 Perfecting Legislation: Establishing Hierarchical Authorization Standards

Legal regulation should first clarify the legitimacy standard of AI digital resurrection behavior. Referring to the three-tiered basis framework proposed by Wang Qi, the digital resurrection should be based on the effective living arrangements of the deceased himself [7]. This reflects the greatest respect for the independent will of the deceased. Specifically, natural persons can clearly express whether they agree to be digitally resurrected and to what extent they are allowed to be used through wills, commission contracts, etc. If the deceased did not make a clear arrangement before his death, it should be based on the unanimous consent of the close relatives as the second level. If there is a difference between the close relatives, it can refer to the 'most closely related principle' in judicial practice, which is determined by the close relatives such as the spouse and children who live together with the deceased. The third level is based on the statutory license established for the purpose of public interest, which is applicable to scenes with significant public value such as cultural education, but should be strictly limited.

The legislation also needs to clearly distinguish the different regulatory standards of commercial and non-commercial use. Commercial use should be subject to the most stringent

restrictions. In principle, it must be based on the clear authorization of the deceased. Non-commercial private mourning, such as the use of AI technology by close relatives to honour the deceased within the family, can give some room for legal tolerance, but it is still necessary to respect the opinions of other close relatives [3].

5.2 Technical Governance: Mandatory Identification and Traceability Mechanism

At the technical level, it should be mandatory for all AI digital resurrection content to be clearly identified. The 'method' has put forward the requirement of continuously displaying the 'digital person' logo throughout the process [4]. The effective implementation of this system requires the establishment of supporting technical standards. For example, the size, location, and duration of the logo should be sufficient to enable ordinary users to clearly identify; it is prohibited to remove or hide logos by technical means.

In addition, a traceability mechanism for AI-generated content can be explored. Through digital watermarking and other technical means, the time of AI content generation, the model version used, the source of material and other information are recorded to provide evidence support for possible infringement disputes in the future. Foreign scholars have suggested that the information of digital resurrection responsible persons can be disclosed through implicit identification to strengthen social supervision.

5.3 Platform Governance: Refine the Responsibility Mechanism

As the core node of AI content dissemination, the platform should bear the governance responsibility matching its ability. Specifically, the platform should establish a special AI digital resurrection content audit mechanism to focus on the audit of AI content involving deceased celebrities. After receiving infringement complaints from close relatives, the platform should take necessary measures such as deletion, shielding, and disconnection of links within a reasonable period of time. Consider introducing the 'red flag principle'-when the infringement is obvious enough, the platform should take the initiative to take action even if it is not notified. For users with repeated infringement or serious circumstances, the platform should establish a blacklist system to limit their use of AI

generation tools. At the same time, the platform should provide users with convenient complaint channels to reduce the cost of rights protection.

5.4 Collaborative Governance: Building a Multi-Governance Pattern

The legal regulation of AI digital resurrection cannot only rely on a single subject, but also requires the participation of the government, platforms, industry associations, technology developers and the public.

At the government level, departments such as Internet and information, market supervision, and copyright should establish cross-departmental collaboration mechanisms to avoid regulatory vacuums or overlapping functions. At the industry level, it can promote the establishment of digital virtual human industry self-regulatory organizations, and formulate industry standards and ethical norms. Some experts suggest that we can explore the establishment of 'digital resurrection ethics' as a guide to systematic behavior.

At the public level, we should strengthen digital literacy education, guide the public to rationally view AI digital resurrection technology, and respect the legitimate rights and interests of the deceased and their families. As Vanessa said in an interview: 'Kobe taught his kids how to live hard, not how to miss him. This sentence reminds us that technology can create a virtual reunion, but it can never replace the value of real life and struggle.'

6. Conclusion

Kobe Bryant's AI short video event is a mirror, which reflects the profound challenges brought by AI digital resurrection technology to the protection of the personality interests of the deceased. From a legal perspective, Article 994 of China's "Civil Code" provides a basic norm for the protection of the personality interests of the deceased [10], and the "Digital Virtual Human Information Service Management Measures" provides a more specific institutional tool for digital resurrection governance [4]. However, judging from the practice of the Kobe case and other digital resurrection disputes, the current system still has a lot of room for improvement in terms of standard clarity, pre-prevention and operability.

Technology itself is neutral, and AI digital resurrection can be used not only for warm family remembrance, but also as a tool for

commercial profit-seeking or a farce to dispel the dignity of the deceased. The task of law is not to prohibit technological progress, but to delimit the boundary for the application of technology, and to ensure that technological progress serves human dignity rather than eroding human values. As digital virtual human experts say, technology can simulate human beings, but it can never replace human beings or trample on human dignity and legal rights.

In the future, the legal regulation of AI digital resurrection needs to seek a dynamic balance between respecting the will of the dead, protecting the rights and interests of close relatives and promoting technological innovation. The realization of this goal depends on the continuous improvement of legislation, the establishment of technical standards, the implementation of platform responsibilities and the cohesion of social consensus. Kobe has died, but Mamba's spirit lives forever. How to make the deceased get due respect and protection in the digital age is a legal and ethical proposition that we must answer in this era.

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