

## **Twitch.tv's Deepfake Pornography Controversy Showcases the disturbing and disgusting Potential of Deepfake Technology**

During a livestream that took place on Monday, January 30<sup>th</sup>, popular Twitch.tv streamer Brandon Ewing, or as his viewers call him “AtrioC”, was caught having a browser window open to a site that contained, and offered users the ability to order, custom deepfake pornography.<sup>1</sup> Deepfake technology allows users to use artificial intelligence algorithms to put one person’s face onto another person’s face.<sup>2</sup> People with the ability to work deepfake technology tools can create a pornographic video starring any women who has a sufficient amount of images of themselves on the internet without the female personalities’ consent.<sup>3</sup> Many of the videos contained on the website were videos of other popular female twitch steamers, including several female streamers that Mr. Ewing knew personally.<sup>4</sup> QTCinderella, one of the women depicted on the website, stated in an emotional response video, “This is what it looks like to feel violated, this is what it looks like to feel taken advantage of. This is what it looks like to see yourself naked against your will being spread all over the internet.”<sup>5</sup>

This situation is just the most recent case of deepfake technology being used to create nonconsensual pornography of famous female personalities. One of the first major controversies involving deepfake pornography occurred in 2017, involving reddit’s r/Deepfakes subreddit community.<sup>6</sup> Members of the Deepfakes subreddit community created several deepfake pornographic posts involving deepfakes of female celebrities such as Scarlett Johansson, Taylor Swift, and Aubrey Plaza.<sup>7</sup> While content sharing sites/chatrooms such as Reddit and Discord, and major porn video hosting sites such as Pornhub, have banned the posting of this type of content due to that incident, smaller websites still frequently post this content with little to no repercussions.<sup>8</sup> However, for the women featured in these videos without their consent, the repercussions of being in these videos are devastating.

These videos, by placing women’s likeness into explicit sexual acts without their consent, rips the victims’ sexual privacy.<sup>9</sup> Sweet Anita, another popular female steamer, who found out that her likeness was being used on the website through this controversy, stated in a tweet in response, “ I literally choose to pass up millions by not going into sex work and some random cheeto encrusted porn addict solicits my body without my consent instead. Don't know whether to cry, break stuff or laugh at this point.”<sup>10</sup>

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<sup>1</sup> Samantha Cole, *Deepfake Porn Creator Deletes Internet Presence After Tearful 'AtrioC' Apology*, VICE, (Jan. 31, 2023, 12:07 pm), <https://www.vice.com/en/article/jgp7ky/atric-deepfake-porn-apology>.

<sup>2</sup> Anne Pechenik Gieseke, *"The New Weapon of Choice": Law's Current Inability to Properly Address Deepfake Pornography*, 73 Vand. L. Rev. 1479 (2001).

<sup>3</sup> *See Id.*

<sup>4</sup> *See Supra* note 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Supra* note 2 at 1484.

<sup>7</sup> *Id.*

<sup>8</sup> *See id.*

<sup>9</sup> *See id* at 1483.

<sup>10</sup> @Sweetanita, TWITTER (Jan. 30, 2023, 1:33 pm), [https://twitter.com/sweetanita/status/1620143205282103297?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1620143205282103297%7Ctwgr%5E87a254f26315de09bf8060eb1ec5329cb4e88b1e%7Ctwcon%5](https://twitter.com/sweetanita/status/1620143205282103297?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwtterm%5E1620143205282103297%7Ctwgr%5E87a254f26315de09bf8060eb1ec5329cb4e88b1e%7Ctwcon%5)

As of right now, victims of deepfake pornography don't have many promising legal remedies to fight against this evolving technology.<sup>11</sup> There are currently no federal law criminalizing nonconsensual deepfake pornography.<sup>12</sup> Further, when pursuing civil avenues, victims can only bring suits against the creators of the deepfakes but not the website/platforms that host or disputes the content.<sup>13</sup> On the state level, while 48 states, D.C., and Guam do have statutes that have some ban on nonconsensual pornography, only California<sup>14</sup> and Virginia<sup>15</sup> have statutes on that specifically address deepfaked media with concerns to pornography. QTCinderella, who lives in California, stated that she plans on suing the deepfake website owner.<sup>16</sup> Hopefully, with instances of this kind becoming more likely with the advancement of deepfake technology<sup>17</sup>, lawmakers and the public alike will push harder to enact statutes that will give women more tools to fight against this gross exploitation of their likeness.

Alan Yanez is from Austin, Texas and is a second-year law student at Vanderbilt.

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[Es1 &ref\\_url=https%3A%2F%2Fwww.thefoghorn.com%2Fcelebrities%2Fpokimane-responds-to-atroc-deepfake-controversy-with-one-simple-request%2F.](https://www.thefoghorn.com/2022/02/celebrities-pokimane-responds-to-atroc-deepfake-controversy-with-one-simple-request/)

<sup>11</sup> Natalie Lussier, *NONCONSENSUAL DEEPFAKES: DETECTING AND REGULATING THIS RISING THREAT TO PRIVACY*, 58 Idaho L. Rev. 352, 357 (2022).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> See Cal Civ Code § 1708.86.

<sup>15</sup> See Va. Code Ann. § 18.2-386.2.

<sup>16</sup> See *supra* note 1.

<sup>17</sup> See *supra* note 2 at 1485.