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Phone: (800) 668-6481 | customerservice@lexisnexis.ca

# The confluence of AI, intellectual property and estate planning: What could go wrong?

By **Daniel Nelson and Emma Chapple**

Law360 Canada (April 30, 2026, 1:40 PM EDT) -- Death, as it turns out, is not the end of the revenue stream. If anything, it may be the beginning of a particularly vigorous second act. Consider the perennial earners on *Forbes*' list of highest-paid dead celebrities: Michael Jackson still moonwalks to the bank, Dr. Seuss continues to rhyme his way into licensing deals, Richard Wright and Syd Barrett echo through classic rock royalties, and the Notorious B.I.G. remains, well, notorious — and profitable. The moral? Mortality is inevitable; monetization, apparently, is optional but highly recommended.

Daniel Nelson

For an estate lawyer as well as an entertainment lawyer and their client, this raises an increasingly prickly question: what exactly happens to a person's intellectual property, likeness and digital self once they shuffle off this mortal coil? Estate planning used to be about houses, heirlooms and who gets the cottage. Now it's about holograms, AI voice clones and whether your great-grandchildren can license your face for a soft drink campaign.

Emma Chapple

**The estate planning checklist, with a twist**

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Traditional estate planning is comfortingly familiar. We talk about the disposition of property, distribution of liquid assets, appointing estate executors and ensuring our beneficiaries are provided for. Sensible, grounded and — dare we say — predictable.

But for clients in entertainment, media or even the increasingly lucrative world of influencing, the checklist grows tentacles. Suddenly, estate lawyers are asking intellectual property-related questions:

- Who controls the rights to the client's works, image and personality?
- Who collects and distributes royalties?

- Who decides if the client's likeness can be used posthumously — and in what context?
- What "continuing rights" actually continue, and for how long?

This is where estate planning stops being a polite administrative exercise and starts resembling a speculative fiction novel with billing codes. And an estate lawyer, an entertainment lawyer and an IP lawyer are collaborating — gasp! — on a client's estate plan.

**The posthumous you: Now streaming**

The modern client — especially one with a public profile — faces a peculiar predicament: their "self" is no longer confined to flesh and bone. It exists in recordings, images, writings and now, increasingly, in data sets that can be fed into artificial intelligence.

Let's talk about digital replicas. These are not mere likenesses; they are eerily convincing simulations. A digital replica can speak in your voice (where would Darth Vader be without the voice of James Earl Jones?), move like you and convincingly impersonate your mannerisms. In other words, it can be you — minus the inconvenient need for oxygen.

So, what happens after death? Without careful estate planning, quite a lot could go wrong:

- AI-generated performances could emerge without authorization.
- Your image could appear on merchandise you'd never endorse (or worse, actively despise).
- Your unpublished or partially completed works could be "finished" by algorithms with questionable taste.

For clients, the question is no longer "what happens to my work?" but "what happens to me?"

**Intellectual property: The gift that keeps on giving**

At its core, intellectual property (IP) is simply the legal recognition of creativity. Manuscripts, compositions, visual art — these are all assets, albeit ones with a flair for drama.

The law, at least in Canada, provides some structure. Copyright typically lasts for the life of the author, plus the remainder of the calendar year in which they die and an additional 70 years thereafter. Seventy years. That's not just a tail; that's a comet.

During that period, IP can be exploited in ways the original creator may never have imagined:

- Film, television and stage adaptations
- Merchandising deals
- Theme park attractions (yes, really)

Which leads to the inevitable question: who gets paid?

If the estate plan is silent or vague, disputes are almost guaranteed. If it's clear and comprehensive, royalties can flow smoothly to designated beneficiaries, funding future generations — or at least their law school tuition.

**Who needs to care? (Spoiler: More people than you think)**

It's tempting to assume this is only relevant for A-list celebrities and chart-topping musicians. Not so. The category of clients who need to think about IP and personality rights is expanding rapidly:

- Authors (published or unpublished)
- Musicians and composers
- Visual artists

- Influencers and content creators
- Anyone with a monetizable online presence

In an era where a moderately successful YouTube channel can generate significant income — and an even more significant digital footprint — the line between “celebrity” and “ordinary person with IP issues” is blurring.

**The lawyer’s role: Ringmaster of the afterlife circus**

For an estate lawyer and an entertainment lawyer, this is where things get interesting. Estate planning is no longer just about minimizing tax and avoiding probate headaches. It’s about anticipating technological developments that sound like they belong in a science fiction anthology.

Clients need guidance on:

- Structuring ownership and control of IP assets
- Clearly assigning decision-making authority over likeness and personality rights
- Anticipating future uses of AI and digital replicas
- Ensuring that their values — not just their assets — are preserved

Because here’s the uncomfortable truth: if the client doesn’t decide, someone else will. And that someone may be a distant relative, a corporate rights holder or an algorithm trained on questionable inputs.

**Final thought: Plan now, haunt later**

Estate planning has always been about legacy. What’s changed is the nature of that legacy. It’s no longer just what you leave behind — it’s how you might continue to exist, commercially and culturally, long after you’re gone.

So yes, what could possibly go wrong? Quite a bit, actually. But with a little foresight, some careful drafting and a willingness to grapple with the uncanny, lawyers can ensure their clients’ posthumous personas behave exactly as intended — or at least as close as the law (and technology) will allow.

And if nothing else, it’s comforting for your beneficiaries to know that even in death, revenue opportunities remain very much alive.

This is the first of a three-part series. Read the second article: The confluence of AI, intellectual property and estate planning: Preventing calamity.

*Daniel A. Nelson is an estate and trusts lawyer who drafts wills and powers of attorney for clients. He also does estate and trust administration. He is the managing partner of Massey LLP.*

*Emma Chapple practises at the confluence of entertainment law, business law and civil/commercial litigation at Massey LLP.*