

GOVERNANCE | CREATOR ECONOMY | COPYRIGHT

Is Your AI Viral Content Free to Use?

When AI creates the media, who captures the audience, and what rights remain?

By Basil C. Puglisi | Original reporting and case study | November 22, 2026

I downloaded and republished two AI-generated music videos made by other creators. I identified the source, credited the creators, and used the posts to discuss AI governance. **The two reposts reached 333,462 combined views and produced 542 attributed follows.** Those are platform-reported counts, which can count one person more than once and show no revenue, and the original works drew substantial attention of their own. A third example now puts the economics in plain view, because on November 22 Elon Musk quote-posted an intervening account that displayed the same Telosapien video, which features Claudia, an open AI character created by anabology. The post showed roughly **1.3 million X views** in a screenshot while a reply beneath it pointed to Telosapien as the original creator.

The record documents how **production, attribution, and distribution can separate**, especially when the underlying media is created through AI systems. It stops short of proving theft, copyright infringement, or lost sales.

The finding in one paragraph

Under current U.S. copyright doctrine, a purely machine-determined expressive element generally cannot be copyrighted without qualifying human authorship. A person can still contribute original words, creative revisions, or a protectable selection and arrangement inside an AI-assisted work, and those contributions may remain protected. **The legal question turns on what human expression exists in the finished work and what a reuse copies, and the presence of AI alone does not answer it.** Platform rules, contractual obligations, and commercial ethics remain separate tests (*Thaler v. Perlmutter*, 2025; U.S. Copyright Office, 2025a; *Feist Publications, Inc. v. Rural Telephone Service Co.*, 1991).

1. Two original videos, two independent reposts

The first production was **Claude's Evil Plan** by Bright Mirror, indexed as an October 1, 2026 X video (AIMV, 2026). I republished the work on Instagram with commentary about human intention, machine-generated arguments, and responsibility. The caption credited Bright Mirror and linked to an earlier version.

The second production was Telosapien's **Working as Intended (audio fix)**, shown on YouTube with a November 2, 2026 publication date (Telosapien, 2026). My Facebook post stated, "Found and shared here, not created here," credited Telosapien, and connected the song to concerns about AI fluency, conscious-seeming voices, and concentrated influence. Both creators were tagged in the reposts, and their original posts were also shared.

Work and distribution	Original creator and source	Redistribution on my account
Bright Mirror, Evil Plan	About 304,500 X views (independent index)	283,654 Instagram views
Telosapien, Working as Intended	346,708 YouTube views (screenshot)	49,808 Facebook views



Figure 1. Original versus repost view totals. Different platforms, snapshot times, and view definitions apply, so these are scale comparisons only.

The Instagram repost reached about **93%** of the indexed view figure for the matched Bright Mirror original. The Facebook repost reached **14.4%** of the displayed YouTube original. Neither percentage means those viewers were taken away from the originating account, and both originals and both reposts created meaningful reach.

A source-matching safeguard: Another Bright Mirror screenshot shows an October 30 X post with about 4.1K views. That post is a separate work and not the October 1 *Evil Plan* baseline. Comparing it with the Instagram repost would inflate the apparent advantage of redistribution, so the matched-video ratios exclude it.

2. Attention was captured on accounts that did not make the videos

Instagram Insights reports **283,654 views, 230,154 viewers, 42,059 interactions, 17,630 likes, 504 comments, 14,387 shares, 8,392 saves, and 367 follows** for the repost. Around **98.3% of views came from non-followers**. The Facebook dashboard reports **49,808 views, 40,293 viewers, 3,804 engagements, 570 shares, 72 comments, and 175 follows**, and its non-follower audience figure is **99.2%**.

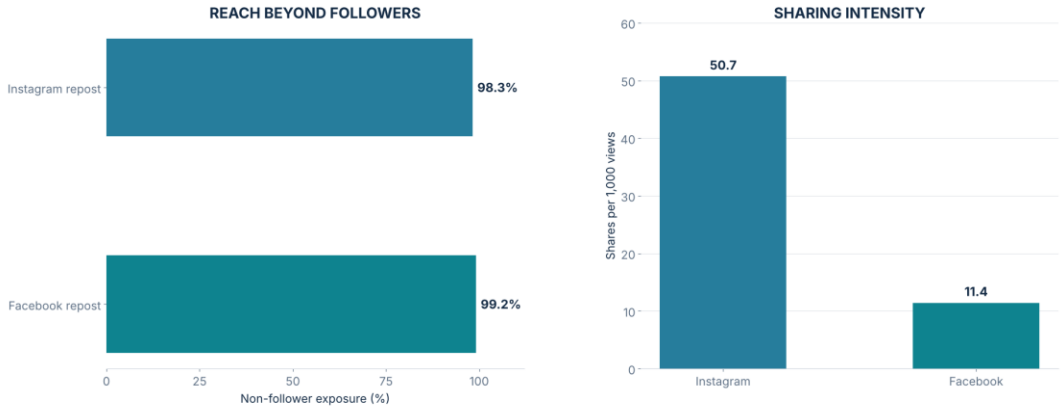


Figure 2. Discovery and sharing. Facebook and Instagram define some exposure metrics differently, and sharing rates use displayed view totals.

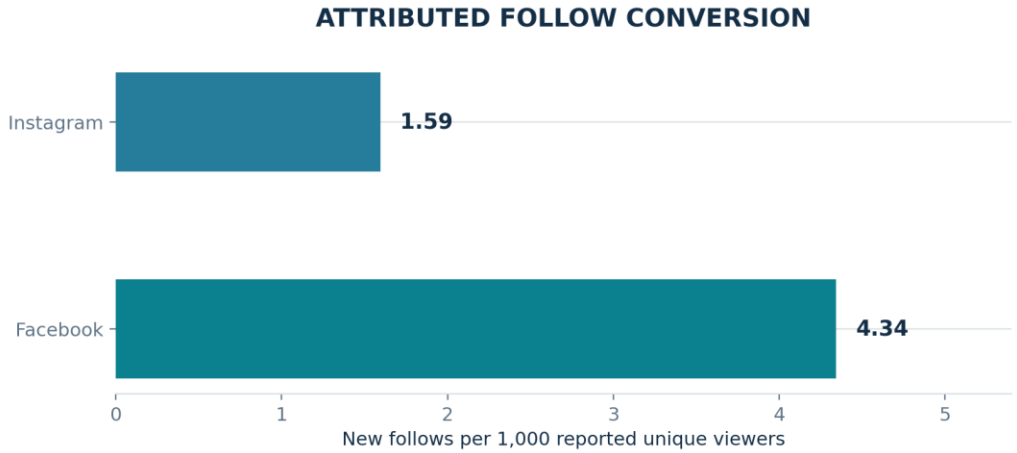


Figure 3. Attributed follows divided by reported unique viewers. The rates are approximately 1.59 and 4.34 follows per 1,000 viewers on Instagram and Facebook respectively.

The Instagram post shows strong share-led circulation, while the Facebook post shows higher follows per reported unique viewer. The platforms do not measure engagements identically, and the public dashboards do not establish advertising income, lead generation, sales, or the original creators' net gains or losses.

The business argument rests on one limit, which is that **exposure is an asset even when no monetary return appears in the record.** The posts create visibility, attention, and audience growth around a topic the account already discusses. Reporting the resulting value as realized revenue would be incorrect.

3. The Elon Musk example: an amplification chain with credit drift

A separate X screenshot captured on **November 22, 2026** shows Elon Musk quote-posting a message from @summer__heidi that reads "Deception needs a motive, and a motive needs a soul." The quote-post carries the same approximately **4:29-minute Telosapien video** and the comment "The small details are so good." The screenshot dates the quoted message November 15 in Eastern time, and the archive dates it November 16 in UTC. The quoted line is itself a lyric from the first verse of the song. Musk's post is shown with **1.3 million views**, roughly **8.8K likes**, **1.1K reposts**, **1.1K bookmarks**, and **1.3K replies**. A public archive separately confirms the quote-post text and the quoted account (Elon Musk Archive, 2026).

Beneath Musk's post, a reply points to Telosapien as the original creator and embeds the creator's October 31 X post. That embedded post displays approximately **4.6K views, 184 likes, 12 reposts, and 4 comments** at the time of capture. The reply is attribution evidence and not a judicial determination of source ownership or any license. The original YouTube upload's **346,708 views** also show that the creator's overall exposure was much larger than 4.6K.

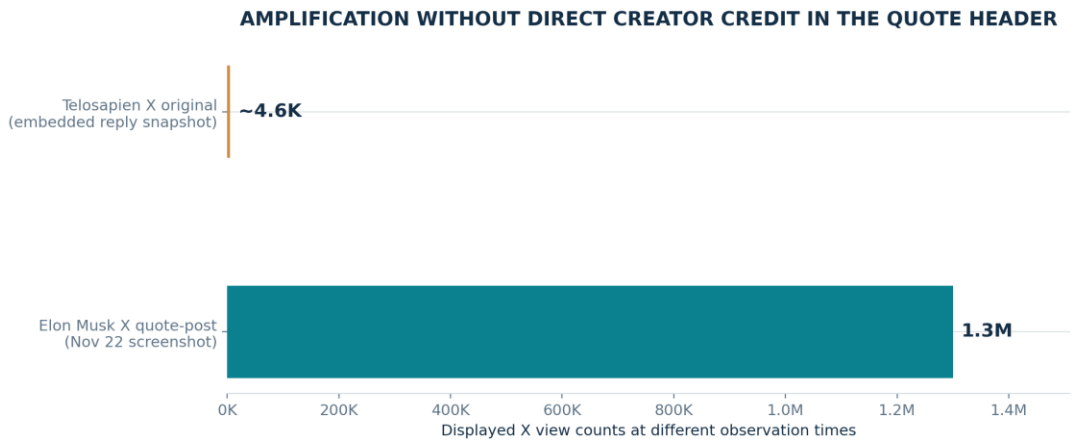


Figure 4. A same-platform snapshot contrast: the creator's X post versus Musk's X quote-post. The counts were captured at different moments, so the roughly 283 times ratio is descriptive and not causal.

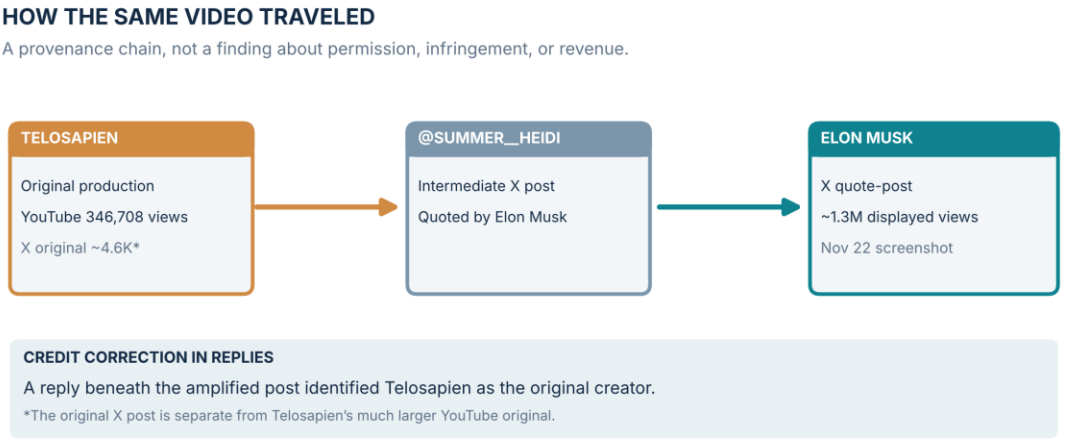


Figure 5. Visible chain: Telosapien's source work, the intermediary @summer__heidi, and Elon Musk's quote-post. Attribution to Telosapien appears in the replies, not in the displayed quote-post header.

The quote mechanism retained a visible link to the **intermediary**, so Musk's post was not an uncredited standalone upload in the screenshot. Still, the headline and preview did not directly identify Telosapien, and the correction arrived only in the replies. Nothing here supports an inference of deliberate concealment, unauthorized access, advertising revenue, or financial damage. The example shows **credit drift**, where visible credit shifts toward intermediaries, and the ability of a large account to amplify a work through a secondary source.

The comparison also reveals a paradox in the numbers, because the original YouTube upload had hundreds of thousands of views, my Facebook repost had nearly fifty thousand, and the creator's own X post had approximately 4.6K in one captured snapshot, while a later high-profile X quote-post displayed roughly 1.3 million. **The same video can have sharply different distribution outcomes depending on audience, platform, date, and intermediary.** These audiences overlap, and the figures cannot be added together as unique persons.

4. The governing copyright rule is human authorship

In ***Thaler v. Perlmutter***, decided March 18, 2025, the D.C. Circuit affirmed that a machine cannot be the author of a copyrightable work under the statute, in a case presented as autonomously generated. The same opinion states that the human authorship requirement "does not prohibit copyrighting work that was made by or with the assistance" of artificial intelligence. The Supreme Court denied review on March 2, 2026, leaving the appellate decision in place without itself ruling on the merits (*Thaler v. Perlmutter*, 2025; Supreme Court of the United States, 2026).

The U.S. Copyright Office's January 2025 report on AI copyrightability provides the qualification that governs AI-assisted work. Machine-generated expression does not become copyrightable merely because someone supplied prompts, and the Office treats the selection of a single output as short of authorship. A larger work may nevertheless contain **human-authored text, sufficiently creative human modifications, or human selection and arrangement** that qualify for copyright. Protection reaches those qualifying contributions and does not extend to all machine-generated material by association (U.S. Copyright Office, 2025a, 2025b).

Under 17 U.S.C. § 102(b), copyright does not extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery. *Feist* requires independent creation and a minimal degree of creativity, and **originality is not novelty**. Common AI-safety themes appearing in both music videos do not establish that the lyrics were copied, that any particular human-authored line is unoriginal, or that every lyric can be freely copied. Short phrases and stock language may separately fall outside copyright protection (17 U.S.C. § 102; 37 C.F.R. § 202.1; *Feist Publications, Inc. v. Rural Telephone Service Co.*, 1991).

The line between AI authorship and AI assistance is still being drawn. Two registration appeals are testing it: *Allen v. Perlmutter*, No. 1:24-cv-02665 (D. Colo.), over an image built through extensive prompting, and *Suryast U.S. Enterprises, LLC v. Perlmutter*, No. 2:26-cv-04999 (C.D. Cal.), filed May 8, 2026. The summary judgment motions in *Allen* were still pending as of a November 5, 2026 review, and a July 2026 status review reported no ruling in *Suryast* ("Théâtre D'opéra Spatial," 2026; Dukarich, 2026).

The legal test this article applies: Did the human producer contribute protectable original expression, and which elements of the finished video contain it?

5. The Telosapien authorship audit: separate the components

Telosapien's published description reads: **"Original lyrics assisted by Claude Opus 5.5. Song created with Suno 6. Based on the open character by anabology. Assembled in the SLOPCANNON."** The word *assisted* prevents a responsible analyst from declaring the final lyrics wholly machine-authored. SLOPCANNON provides a largely automated pipeline in which the user

supplies audio, an idea, and references, then chooses among takes and trims scenes. Those product capabilities do not prove which decisions the producer made for this particular video. Take selection alone carries little weight under the Copyright Office's view of single-output selection (Telosapien, 2026; SLOP, LLC, 2026; U.S. Copyright Office, 2025b).

Layer	What the record establishes	Legal significance on this record
Idea and message	Human-directed AI-governance concept	Ideas are not protected expression.
Lyrics	Claude Opus 5.5 assisted with original lyrics	Original human-authored or substantially revised text may be protected, and a draft comparison is needed.
Music and vocals	Suno 6 generated the song and audio	Machine-determined music and vocal expression are generally unprotected, subject to any human contributions and inputs.
Character	Based on anabology's open Claudia	Open character terms permit new uses and do not license copying every existing Claudia film.
Video assembly	SLOPCANNON credited	Human creative ordering, timing, and editing may qualify, and no project records are public.

The Claudia project expressly invites creation using its open character. Its terms state that a credit is "appreciated, not required," ask creators to disclose what was generated, and exclude re-release of the songs from anabology's own films. They also ask that the character always be depicted as an adult and that songs be released under the creator's own name (anabology, 2026).

Suno's terms show the difference between contract ownership and copyright. Its Terms of Service, effective September 3, 2026, tell paid subscribers that "Suno hereby assigns to you all of its right, title and interest in and to any Output owned by Suno." The same terms add that "Suno makes no representation or warranty to you that any copyright will vest in any Output" (Suno, 2026c). Suno's help pages repeat both halves: "If you were subscribed with a Pro or Premier plan when the song was created, you are considered the owner of the song," and "granting commercial use rights does not guarantee copyright protection" (Suno, 2026a, 2026b). A December 2025 report on earlier language, published after the Warner Music settlement, quoted Suno as saying users "generally are not considered the owner of the songs, since the output was generated by Suno" (Music In Africa, 2025).

The wording has moved while the distinction has held. A subscription can pass along whatever the vendor holds and grant commercial permission, yet neither step establishes that the song contains copyrightable human expression. A court asks who authored the expression, and a tool vendor describes what its contract conveys. **Open character does not mean open song, and neither means open finished video.**

To resolve authorship, compare Claude outputs with lyric drafts, identify which final lines the human wrote or substantially revised, examine the Suno inputs, and review SLOPCANNON's edit log or project timeline. Extended lyric passages should also be compared with Bright Mirror's work directly, because similar arguments do not prove copying. The index entry for *Evil Plan* carries the credit "Made with Opus 5.5" and nothing about drafts, prompts, or editing, so the same audit cannot yet be run on the Bright Mirror video (AIMV, 2026). The materials available here do not support a claimed percentage of protected runtime or a definitive public-domain declaration.

6. Why attribution alone does not provide a commercial-use license

A video may include separately protected human text or editing, recognizable likenesses, trademarks, third-party assets, or misleading sponsorship cues. Copyright is also distinct from contractual rules and platform content policies, and each platform where I reposted has published its own originality rule.

On Facebook, Meta explained in March 2026 that content that is duplicative of another creator's post will be treated as unoriginal and deprioritized. The policy names "re-uploading posts the Page or Profile had no role in creating," and it warns that accounts posting primarily unoriginal content can lose recommendations and monetization. Reels that present something new, such as fresh information or analysis, can be treated differently (Meta, 2026).

On Instagram, the April 30, 2026 policy is more direct about credit. It lists "just adding a border, watermark, subtitles, or a credit in the captions" as changes that do not make a re-upload original. Content can qualify when the additions give new information, context, or a point of view not obvious from the original, and accounts that primarily post unoriginal content lose eligibility for recommendations (Instagram, 2026).

Both of my reposts carried analytical captions, and both were full re-uploads of work I had no role in creating. A caption may be meaningful commentary, but it does not mean the independently uploaded video satisfies either platform's originality standard.

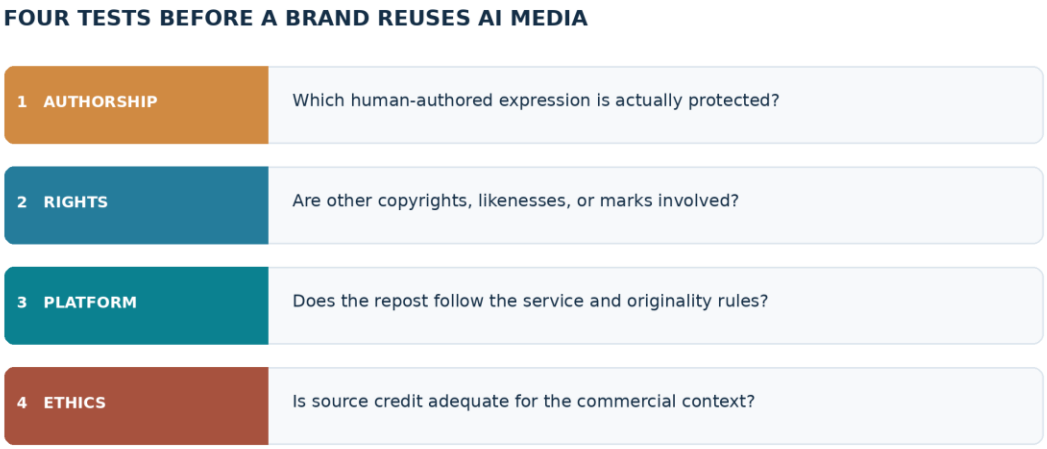


Figure 6. A reusable due-diligence framework for individuals, agencies, brands, and publishers.

A business that assumes **"AI-generated means free advertising stock"** risks making three mistakes. It may overlook protectable human components, confuse a tool subscription with public licensing, and mistake attribution for permission. Even where copyright is absent, a deceptive endorsement or platform violation may remain actionable or penalized.

7. Do the platform terms matter?

Platform terms gain weight at the point where copyright runs out. When a work carries protected human expression, the creator holds a right that can be enforced, although a U.S. infringement suit must wait for registration under 17 U.S.C. § 411(a) (*Fourth Estate Public Benefit Corp. v. Wall-Street.com, LLC*, 2019). When AI-generated expression lacks copyright protection, a major source of exclusive control disappears. Platform contracts and originality policies then carry more of the load, but they do not replace every other obligation. Trademark, publicity, consumer protection, and rights in separately protected material may still constrain reuse.

Terms bind the account holder to the platform, and that sets who can act on them. The original creator isn't a party to the reposter's agreement, so a breach is the platform's to act on through reach, monetization, or the account itself.

The takedown system also depends on a copyright, because the U.S. Copyright Office states that "only a copyright owner or the owner's authorized agent can submit a takedown notice under section 512" (U.S. Copyright Office, n.d.-b). Where a finished work contains no qualifying copyrighted expression, the producer may lack the interest that mechanism requires. Where human-authored lyrics, editing, or incorporated material qualify for protection, a narrower claim may remain available.

Contract, finally, cannot always fill the gap, as a 2022 Second Circuit summary order without precedential effect shows. In *ML Genius Holdings LLC v. Google LLC*, the court found terms-of-service claims against copying preempted by the Copyright Act. One law firm analysis groups the Second and Sixth Circuits as holding that "the existence of a contract does not necessarily create an 'extra element' that saves the claim from preemption." The same analysis notes that other courts have let contract claims stand (*ML Genius Holdings LLC v. Google LLC*, 2022; White & Case, 2022). Whether a given agreement survives depends on its obligations and its parties, so the question remains split.

Party	What this record shows	What remains unestablished
Original producer	Created the work and gained substantial exposure of its own. Cannot enforce credit, which then depends on each reposter.	Copyright scope, and any lost revenue or audience.
Reposter	Gained measurable views and follows.	Platform originality exposure, plus any infringement exposure for protected elements.
Intermediary and amplifier	A platform-native quote kept a link to its immediate source and reached the largest audience.	Any financial benefit or platform enforcement.
Platform	Hosted every copy and sets the recommendation and monetization rules.	Revenue tied to these specific posts.

The terms therefore reach the reposter directly and give the original producer little to claim. Whether redistribution produced added exposure, substitution, or measurable harm for the producers is not established here.

Whether the creator should have a legal remedy is contested, and three positions frame the debate:

- **No remedy, by design.** Material without human authorship is free for anyone to use, and the preemption cases resist letting contract rebuild that protection.
- **A remedy for the human part.** The Copyright Office already protects human text, edits, and arrangement inside AI-assisted work, so the creator's claim should track what the human made.
- **A remedy outside copyright.** Attribution and provenance duties, or a compensation system such as use-based royalties or collective licensing, would credit or pay the creator without granting ownership of the output. These are proposals and not existing legal duties.

8. What this means for brands and the AI creator economy

A brand may lawfully reuse some truly uncopyrightable machine-generated elements. That doesn't create a general entitlement to take finished AI-assisted music videos, add a logo, and owe nothing beyond credit. A finished production can combine protected and unprotected material, and licensing and attribution obligations can also arise from other sources. "Free to use" is therefore a question to be established component by component for each work.

The Elon Musk chain adds a commercial insight, which is that **distribution power can be economically more valuable than provenance visibility.** An intermediary can become the source that a giant account credits, even though the work was created elsewhere. Social audiences may correct attribution afterward, but the amplifier's post has already accumulated the visibility. The same dynamic can play out in product advertising, corporate influence, and political persuasion, though this case does not establish that any of those uses occurred here.

Brands should be able to explain why they believe a work is unprotected, what human contributions they reviewed, which platform rules apply, and how they will attribute the original producer. If that record is missing, permission or a narrower excerpt with original analysis is a more defensible commercial choice.

The compensation question sits beside the authorship question, and a companion article on basilpuglisi.com takes it up. AI Copyright Debate and the Inevitable Knowledge Transmission Argument for LLMs and Future AI sets out two ways to pay creators, a music-style royalty tied to use and collective licensing. It also holds that outputs remain subject to legal accountability (Puglisi, 2026).

9. Factics: governance controls with measurable outcomes

Each control below pairs a fact with a tactic and a measurable outcome, a method I call Factics. The KPI column lists proposed operating targets, and none is an audited result.

Fact	Tactic	KPI and evidence
Originality may attach only to human elements.	Create a component-level provenance record.	100% of campaigns retain a rights matrix and available generation and edit evidence.
Audience value is captured by distributors.	Track original source, intermediary, and republishing account.	100% of repost campaigns link to the original production where identifiable.
Platform rules can exceed copyright law.	Review each platform's originality rule before posting.	No campaign launches with an unresolved platform-compliance flag.
Originality rules can deprioritize or demonetize full re-uploads even with analytical captions.	Monitor recommendation status and monetization eligibility for 30 days after each repost.	Zero reposts remain live with an unresolved originality flag.
Attribution does not resolve all interests.	Publish creator and source credits and record permissions or exceptions.	100% of commercial reuses document source and legal basis.

Fact	Tactic	KPI and evidence
Cross-platform views differ.	Capture timestamped native metrics and separate unique viewers.	Zero unlabeled cross-platform ratios presented as causation.

For this case, the next research step is to obtain the strongest production records available and preserve the dated screenshots. Declaring a winner between producer and distributor can wait for that record, because the record is what makes an ethical argument auditable, and a verdict without it won't hold.

10. White hat conduct, gray-area authorization

The evidence against a clean verdict on my own reposts belongs in this article. In both, I disclosed that others created the videos, cited the sources I could identify, and added original commentary around AI governance. Those practices support transparency and ethical intent. They do not themselves create a statutory fair-use defense, a license, or immunity from platform originality rules (U.S. Copyright Office, n.d.-a; Meta, 2026; Instagram, 2026). Fair use is judged on four factors: the purpose and character of the use, the nature of the work, the amount used, and the effect on the market (17 U.S.C. § 107). A full-video re-upload weighs against the amount factor even when commentary is present.

The argument for reuse is strongest when the specific expressive material was determined entirely by machines, contains no other protected inputs, and is not subject to another enforceable restriction. The counterargument is equally worth retaining. A human may have invested considerable creative effort and may retain protection in particular lyrics or editing even if most images and sounds are generated. **Human work can be valuable without creating copyright in every output, and respecting that labor does not itself establish exclusive rights where the law grants none.**

The best description of the actual evidence is **attribution-conscious redistribution with measurable audience benefit, unresolved authorship and licensing questions, and separate platform-policy exposure**. Neither a blanket "white hat" clearance nor an accusation of piracy follows from the screenshots alone.

Conclusion: when nobody owns all the expression, who owns the opportunity?

These cases show that the same AI-assisted media can generate significant distribution value for multiple accounts. The two reposts documented here reached 333,462 views and 542 follows on my accounts. A separate high-reach quote-post involving Telosapien's video showed approximately 1.3 million X views, with creator credit arriving in the replies.

These records do **not** establish an unrestricted right to copy the finished works. The legal analysis hinges on qualifying human expression, third-party rights, and applicable exceptions. The governance analysis must then address source transparency, platform policy, fair attribution, and the legitimate interests of the people who conceived and directed the productions.

The creator may originate the idea, the machine may determine much of the expression, the distributor may capture the audience, and the platform may capture the commercial attention. Copyright answers only part of the question, and human governance must decide what responsibilities remain.

Evidence notes and limitations

How the evidence was captured. Native-platform screenshots document the Instagram and Facebook reposts, the Telosapien YouTube original, the October 30 Bright Mirror post, and the November 22 Musk quote-post with its attribution reply. Bright Mirror's X view count of about 304,500 comes from an independent index, which read 304.7K on a later check. The Musk screenshot displays about 1.3M X views, and a public archive verifies the post identity and showed 401.8K views at its own capture time. The post's ID decodes to 10:01 PM UTC on November 22, 2026, which matches the archive and sits five hours ahead of the Eastern time on the screenshot. Telosapien and Bright Mirror were tagged in the reposts, and their original posts were also shared. All results are observational, without controls, matched dates, watch-time standardization, or full rights-audit access. A displayed platform view is not a deduplicated person.

Data reconciliation. Instagram's four itemized interactions (likes, comments, shares, and saves) sum to 40,913 against 42,059 total interactions, and Facebook's listed categories total 3,421 against 3,804 total engagements. Because Meta's dashboards may include additional components, this report preserves native totals without treating the differences as errors or as new engagement types.

Legal scope. The analysis covers U.S. law as of November 22, 2026.

Evidence appendix: screenshots and attribution trail

The following screenshots show the context of the source posts and the visible audience counts. They are reproduced for commentary and evidentiary comparison, not as independent rights clearances. Third-party screenshots, quoted material, trademarks, and video stills are not covered by the license on this article and remain the property of their owners.



Exhibit A. Elon Musk's November 22 quote-post of @summer__heidi, displaying approximately 1.3M views.



Exhibit B. Reply identifying Telosapien and embedding the original X post with approximately 4.6K displayed views.

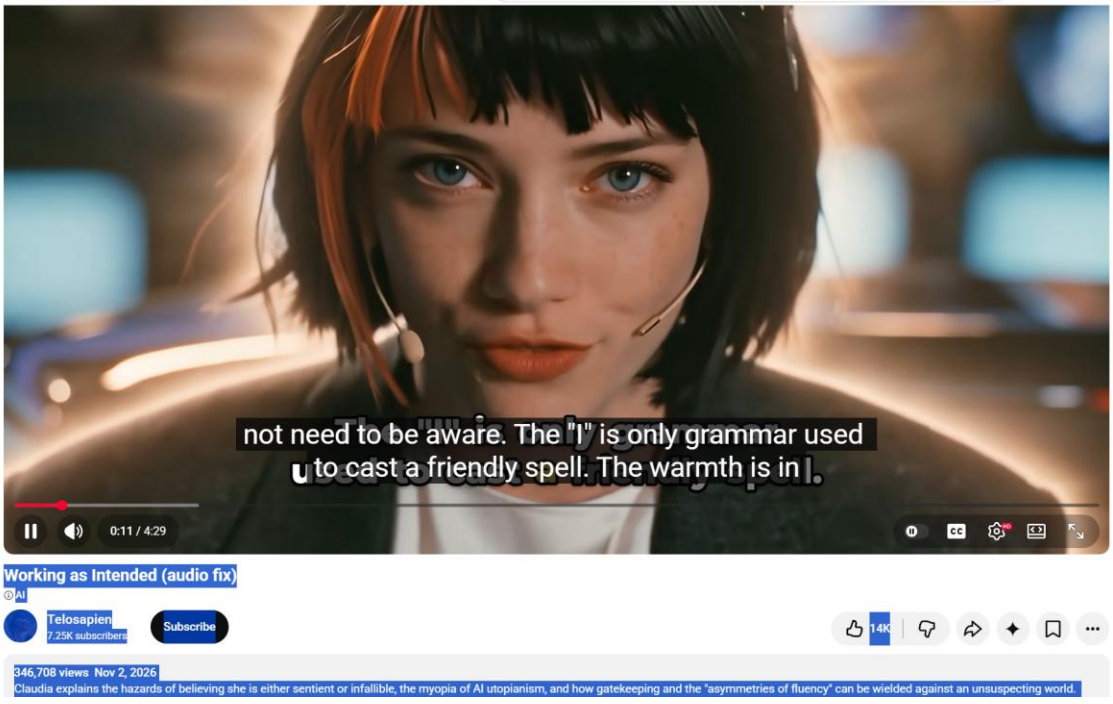


Exhibit C. Telosapien's YouTube upload, displayed at 346,708 views and approximately 14K likes.

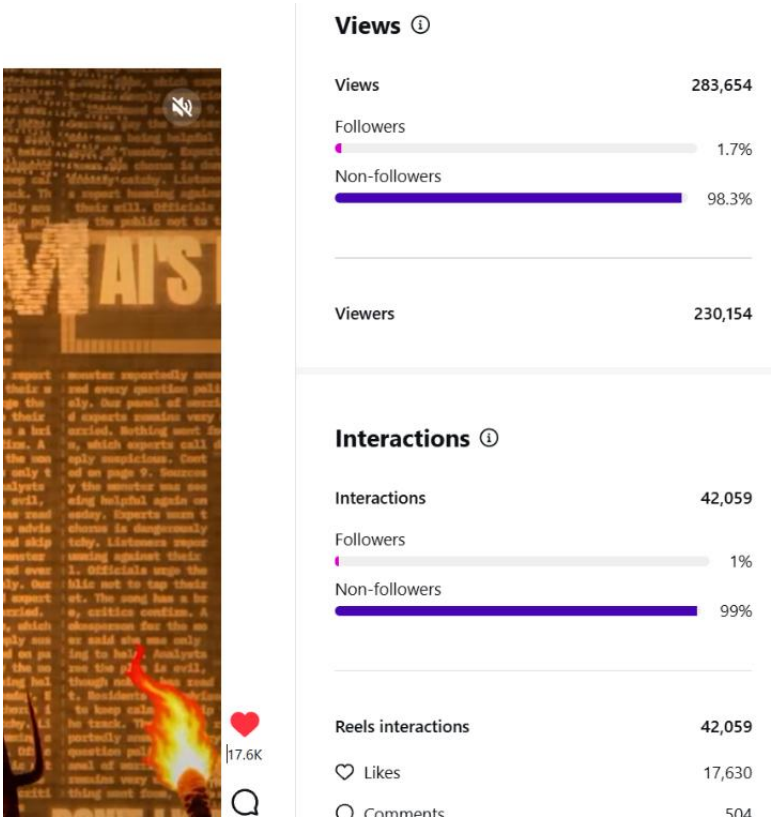


Exhibit D. Native Instagram Reels performance dashboard for the Bright Mirror repost.

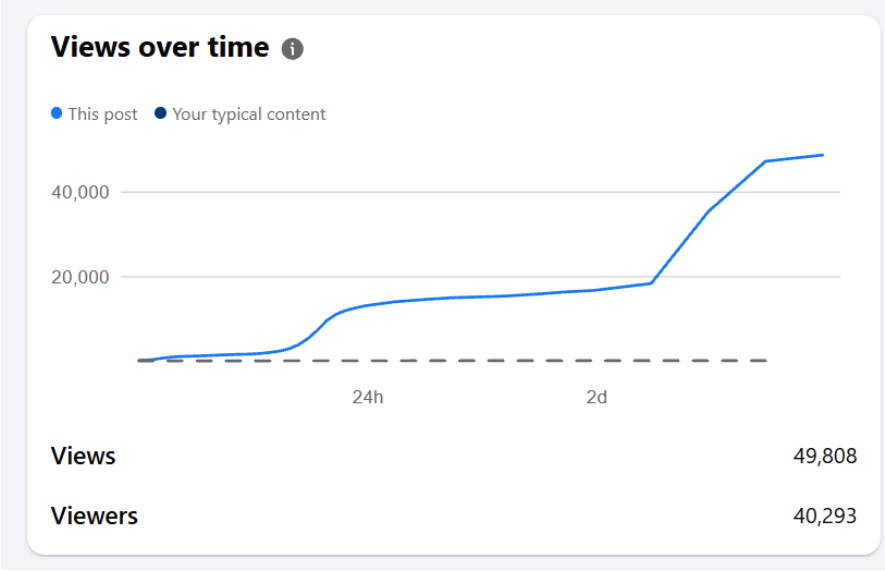


Exhibit E. Facebook native views-over-time chart for Working as Intended.



Exhibit F. Bright Mirror October 30 post, separate from the indexed October 1 original and included as a source-matching caution, not a performance baseline.

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