# AI fashion models spark creativity—and legal challenges—for UK brands



The fashion industry is entering a new era, with artificial intelligence reshaping how collections are designed, marketed and displayed. A recent Guess advert in Vogue featuring an AI-generated model highlights the shift—showcasing digital avatars dressed in virtual garments, set in limitless environments without the need for costly photoshoots. While the technology offers brands unprecedented creative control and efficiency, it also raises complex legal and ethical questions.

A major concern is data protection under the UK’s GDPR and the Data Protection Act 2018. AI fashion models often rely on datasets containing real images of people, which may involve biometric data such as facial features and body shape. Using such data without explicit consent risks breaching privacy laws and triggering regulatory action. The issue echoes wider scrutiny of AI model training, with the European Data Protection Board urging organisations to ensure lawful development and meaningful anonymisation.

Copyright further complicates matters. Traditional fashion images are protected by clear authorship rights. In contrast, AI-generated visuals occupy a grey area. UK law attributes authorship of computer-generated works to the person who made the necessary arrangements, but this principle remains largely untested in court. Brands using AI tools that produce images resembling copyrighted works risk infringement claims—particularly where training data is unclear.

The risk of “passing off” is also rising. Celebrities and recognisable models could see their likenesses—or lookalikes—used in AI content, misleading consumers and damaging reputations. The 2013 ruling in Rihanna’s case against Topshop, where unauthorised use of her image was deemed a false endorsement, suggests a legal route for individuals to challenge AI outputs that misappropriate personal identity.

Consumer law adds further scrutiny. The Advertising Standards Authority may consider AI-enhanced fashion visuals misleading, particularly if they depict impossible lighting or garment effects. With transparency under increasing pressure, regulators are considering mandatory disclosure of AI use in advertising. Brands that fail to declare AI manipulation risk sanctions and reputational damage, especially among consumers who value authenticity and representation.

There are also ethical implications. Over-reliance on AI-generated models may reduce opportunities for human models, especially those from underrepresented backgrounds. In a sector where diversity and inclusion are crucial to cultural relevance, this could undermine a brand’s credibility.

Legal experts stress the need for safeguards. Fashion houses should properly license training data, obtain relevant consents, build strong contracts with AI vendors, and evaluate reputational risks. These steps are vital not only for compliance but for building trust as AI adoption expands.

The UK currently lacks a standalone image right, but courts have shown willingness to use passing off and fraud laws to protect individuals’ likenesses. Regulatory bodies continue to emphasise responsible AI use, making governance and legal foresight essential.

AI’s role in fashion marks a pivotal moment. For UK brands keen to lead in creative innovation, balancing opportunity with accountability will be key. As AI evolves, so will the legal frameworks governing it—and the industry must be ready to respond.

Created by [Amplify](https://www.hbmadvisory.com/amplify): AI-augmented, human-curated content.

## Bibliography

1. <https://www.foxwilliams.com/2025/09/19/fashion-and-ai-guess-what-the-issues-are/> - Please view link - unable to able to access data
2. <https://www.reuters.com/technology/meta-gets-11-eu-complaints-over-use-personal-data-train-ai-models-2024-06-06/> - In June 2024, the advocacy group NOYB filed 11 complaints against Meta, urging European privacy regulators to prevent the company from using personal data to train its AI models without explicit consent. Meta defended its approach, stating it uses publicly available and licensed information, as well as data shared publicly by users. The dispute centres on whether Meta can legally use this data for AI development without obtaining explicit consent from individuals.
3. <https://www.reuters.com/legal/legalindustry/plastic-fantastic-potentially-litigious-ai-barbie-goes-dollhouse-courtroom-2025-05-07/> - The 'AI Barbie' trend, where users create AI-generated images and avatars inspired by Barbie, has raised significant legal concerns. Mattel, the owner of Barbie's intellectual property, may claim copyright or trademark infringement against users or platforms creating Barbie-like content, especially if used commercially. Additionally, AI-generated images often fall outside traditional copyright protections, creating ambiguity over ownership rights. Privacy concerns are also significant, as AI Barbie tools often require facial data, which can qualify as sensitive biometric data under laws like GDPR, CCPA, and BIPA.
4. <https://www.jdsupra.com/legalnews/as-ai-colors-fashion-copyright-remains-8380901/> - A U.S. federal appeals court recently ruled that works generated solely by artificial intelligence are not eligible for copyright protection. This decision adds a new layer of complexity for fashion and beauty brands already operating in an IP environment where protection is sometimes difficult to secure—and can be even harder to enforce. The ruling underscores the necessity for human input in the creation of works to qualify for copyright protection.
5. <https://www.foxwilliams.com/2025/09/19/fashion-and-ai-guess-what-the-issues-are/> - The article discusses the legal challenges arising from the use of AI in the fashion industry, particularly concerning data protection, copyright, passing off, and consumer law. It highlights the need for fashion houses to ensure that training datasets are properly licensed and that subjects have consented to their use to avoid potential breaches of data protection laws. The piece also addresses the complexities of copyright in AI-generated imagery and the risks of passing off when AI models resemble real celebrities or models.
6. <https://www.mondaq.com/uk/data-protection/1561574/data-protection-and-training-ai-models-deployers-must-assess-whether-the-models-they-use-were-developed-lawfully> - The European Data Protection Board (EDPB) issued an opinion clarifying GDPR implications for AI models, emphasizing the need for case-by-case assessments of anonymization, legitimate interests, and the impact of unlawfully processed personal data. The opinion urges robust AI governance and compliance, highlighting that controllers deploying AI models may not be able to comply with their GDPR obligations if the model was not developed lawfully, even when provided by a third-party supplier.
7. <https://www.edpb.europa.eu/news/news/2024/edpb-opinion-ai-models-gdpr-principles-support-responsible-ai_en> - The European Data Protection Board (EDPB) issued an opinion supporting responsible AI innovation by ensuring personal data are protected in full respect of the General Data Protection Regulation (GDPR). The opinion provides guidance on assessing whether an AI model is anonymous, the use of legitimate interest as a legal basis for processing personal data, and the need for responsible AI development and deployment to protect individuals' rights and freedoms.