

1. Technology has few uses, but mainly it is a potential means for AI developers (with the help of unscrupulous corporations and individuals) to usurp profits of the creative industry. The risks outweigh any supposed benefits as it will allow for greater instances of scams, piracy, copyright infringement, CSAM, blackmail, propaganda, and the flooding of the internet, and other forms of communication, with generated content. <https://www.createdontscrape.com/> please check out this site. Unregulated AI currently is affecting creatives, copyright holders and the public negatively. The issues above highlight some of the problems AI has, and for all these concerns, AI companies failed to put in place guard rails and ensure that their services and software wouldn't violate people's rights. I am not against this technology, but the best path forward is good innovation that benefits all not just a few who stand to profit. We need more regulation and protections for the public to get towards safe and reliable AI technology.
2. I believe that stakeholders in other industries share many of the same concerns as those within my industry of interest. Generative AI models have been "trained" and distributed by Stability AI, and Runway ML along with help from Laion and others. Stability AI's main product, Stable diffusion uses the works of various visual artists and includes images from citizens here in the United States and abroad. Chat GPT by Open AI along with other LLMs are trained on various copyrighted written works (some of which come from book piracy sites). The LLM products available may contain code that was misappropriated and contain personally identifiable information from consumers on the internet. Entertainment studios large and small hope to be able to copy the likenesses and voices of actors by forcing them into contracts that force them to help train models for meager wages. The same is true in other creative fields for which there is a work for hire employment. Because the generative products are widely distributed on the internet, there are many instances where people have their creative works, voices, and likenesses scraped and placed into models for individuals to create derivatives, make people say or sing music they wouldn't, and have them participating in situations they wouldn't.
- 3.
4. Here is paper about the effects of AI on artists  
<https://dl.acm.org/doi/fullHtml/10.1145/3600211.3604681>. Papers that cover the problems of AI on society. Harms of AI | MIT EconomicsMIT Economics<https://economics.mit.edu/sites/default/files>.  
<https://www.researchgate.net/publication/370659879> THE DANGERS OF ARTIFICIAL INTELLIGENCE. Another paper but this one deals with how many AI/ML researchers tend to not consider risks and how their focus usually is on hyping these algorithms. It's immensely important that policy makers and regulatory agencies not fall for their misrepresentations of the true and present harms we all face as mentioned previously. [surveyed](#).
5. There was an effort by the UK parliament to allow TDM exceptions for commercial use of AI. However, the parliament was convinced to not go through with this thanks to the effort of various creative rights groups, and MP Sarah Olney. While in Japan there appears to be interest in regulating AI, but it seems that they may be treating the AI in a similar way to how copyright laws deal with copyright infringement committed by people. Basically, they may make a copyright law that only focuses on outputs of AI, but it appears that the inputs are only relevant when dealing with AI content being like an individual artist's work. They don't seem to care too much about the fact that the models function purely off the copyrighted materials that were ingested into them and aren't interested in completely banning the use of copyrighted works for commercial use. The Japanese government is apparently adopting the stance that they will expand the AI industry there to compete with other countries, and it is possible that because their country doesn't have a strong labor movement, there is just a push to add this software into the workforce. I cannot confirm what their laws will be regarding AI, but it would certainly be a disastrous choice by lawmakers to allow policies that focus mainly on outputs therefore letting companies and individuals to wantonly violate copyright. It's a contradiction to supposedly protect rights holders' ability to make derivatives and

where and how their work will be distributed while at the same time, allowing others to take copyrighted works and launder them through AI software. In the EU, their directive around TDM says nothing about the use of AI for commercial uses, but many of the AI developing companies and advocates have created the false impression that the TDM directives say so. They have conflated TDM with machine learning for algorithms (which happens after the text and data mining), and they have confused article 4's allowing of TDM for all individuals to do independent research and the subsequent product of that research being marketed. In addition, many AI developers and advocates will make the argument that opt out should be sufficient for algorithms already made with copyrighted works and then monetized, but the opt out is for non-commercial research only. Opt out can't be made a normalized standard as Article 5(2) of the Berne convention states, "The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work." Exceptions stipulated in the EU directives are dictated by the rules established by article 9(2) of the Berne convention and reaffirmed by the TRIPS agreement, WIPO copyright treaty, and the WIPO performances and phonograms treaty. To be compatible with international law, these exceptions should: apply in certain special cases, not conflict with the normal exploitation of a work, and not unreasonably prejudice the legitimate interests of the author. These are a part of the three-step test which each of these treaties use in helping member countries to create copyright laws, and so it is incorrect to interpret articles 3 and 4 of the EU directive as an open license to do TDM under a non-profit scheme to then resale and distribute copyrighted materials as a for profit enterprise. The AI act confirms that AI programs must conform with copyright laws already in place. On the 3rd page of the pdf for the AI act under the title "Explanatory Memorandum" there's a paragraph that states, "Against this political context, the commission puts forward the proposed framework on Artificial Intelligence with the following specific objectives: ensure that AI systems placed on the union market and used are safe and respect existing law on fundamental rights and Union values; ensure legal certainty to facilitate investment and innovation in AI; enhance governance and effective enforcement of existing law on fundamental rights and safety requirements applicable to AI systems; facilitate the development of a single market for lawful, safe and trustworthy applications and prevent market fragmentation." The AI act's rules around copyright focus on transparency, but AI developers need to gain a license from rights holders to use their work for AI programs as they were supposed to. However, I find that the AI act doesn't force AI developers violating the law to delete their models and datasets with copyrighted material, and the policy wouldn't work in places of the EU that have work for hire labor practices, as corporations can train models on their employees' works.

6. Yes, I would like to see new legislation that deals with data usage by AI and any other similar technologies that may exist later. A right of publicity law could be feasible for covering training for machine learning techniques. Employment laws could help with misappropriation of employee works for AI under a federal bill dealing with AI in the workplace, but it would be great to add such provisions under the right of publicity law as it may be easier to pass both houses of congress. It isn't a stretch to make a federal right of publicity law covering the works of creatives being used for commercial or promotional purposes because for example, under California's right of publicity common law right, even a distinctly decorated race car could be considered a violation of the driver's right of publicity even though he's not present in the ad, *Motschenbacher v. R.J Reynolds tobacco* case. Any creative works created by anyone can be considered a part of their identity as it is the case with anyone's handwriting or voice. Another path that could be taken is to adopt copyright laws as they exist in Europe. In some EU member states, like Germany and France there is *droit d'auteur* or author's rights of which there are two parts; Property rights (*droits patrimoniaux*) and moral rights (*droits mora*). The property rights allow the rights holder to profit from their work and have all the other usual rights that exist in the United States; however, unlike the US they protect the moral rights part more. Under moral rights, creatives can do work for corporate entities and others, but they retain ownership of their work because the law considers the work an expression of the creator's

personality. It's personal and it can't be transferred to anyone else except by testament when the author dies. Going the route of copyright law that strengthens moral rights in the US would help with protecting artists, but it would be a difficult effort trying to claw back ownership of copyrights from corporations. Regarding research, there should be opt-outs for all non-commercial research that is conducted by institutions or individuals, but federal penalties and algorithmic destruction for products released to the public. Also, websites should let users know that they will be scraping for machine learning when they first visit the site and allow them to easily opt-in or opt-out. Currently there is a No Fakes bill being made, and the Senate judiciary committee for privacy, technology and law are considering laws that require auditing AI systems and licensing for creating the software. Senators Josh Hawley and Richard Blumenthal are crafting a bill that would keep AI from receiving protection under Section 230 of the Communications Decency Act. The bill seeks to strip AI companies' immunity to civil claims or criminal prosecutions involving the use or provision of generative AI. While more laws need to be drafted, the proposed laws by the senate committee would be a good first step in protecting the public and creatives from the unethical and illegal activities perpetrated by AI developers. I would support a federal right of publicity along with laws for transparency and licensing or a general AI human rights act that includes all of the above along with allowing employees to refuse being a part of whatever AI training an employer desire.

7. Mainly I will focus on Stable diffusion as there are many generative AI programs that use stable diffusion models as their base. Generally, many generative AI models have various types of copyrighted content that has been lifted from a wide range of websites, from art curation sites, social media sites to even piracy sites. Two examples would be: Open AI's Chat GPT which was trained on various texts, but includes datasets of pirated books posted on Books3, Z-library, library Genesis, Sci-Hub and Bibliotik, and Meta's Make a Video AI using 10.7 million video clips from Shutterstock. The Stable diffusion models utilize the Laion 5B datasets but are filtered. They would use part of the whole dataset for training as sub datasets like Laion 2B-en Laion-High-Resolution or Laion-improved-aesthetics. With Midjourney, they are likely using the same datasets as stable diffusion and CC12M, a conceptual caption dataset by Google research; although, nothing has been revealed as to what Midjourney uses. The connection between the two companies can be seen in the Midjourney discord servers chat log when you go back to February 3, 2022 so it is possible they share the same datasets <https://luddite.pro/the-lost-penny-files-midjourneys-beginning/> They are certainly using copyrighted works as was revealed in an interview with Forbes (please look into it) he admits that his company had scraped the internet for images, and that he can't respect artists copyrights because it would be hard for him to gain a hundred million images for his AI program. Emad Mostaque founder and CEO of Stability AI has publicly acknowledged that his diffusion models will be trained on a few dozen million licensed images in future, and when Lucas Ferreira da Silva comments that if he is copying art into stable diffusion, Emad has successfully compressed 7 terabytes into 2 gigabytes to which Emad comments, "It's 100 Tb tbh" (see @EMostaque, Twitter(Dec. 15, 2022, 8:30 A:M). Further, at the Senate judiciary committee hearing on AI and copyright on July 12, 2023, Stability AI head of public policy Ben Brooks admits to using billions of images without consent from copyright owners. He basically states that he hasn't received a license to use for AI <https://petapixel.com/2023/07/13/stability-ai-boss-admits-to-using-billions-of-images-without-consent#:~:text=Yesterday%20at%20a%20Senate%20Judiciary,AI%20image%20generator%20Stable%20Diffusion>. Laion is a non-profit started by Stability AI in Hamburg, Germany. They created the datasets Stability AI uses as well as create and release models and the code for these models to the public. They have scraped sites like Artstation, Pinterest, Deviantart, etc. Here is a google doc of a list of some scraped websites [https://docs.google.com/spreadsheets/d/1rzuf-rkCB8zql6A5hG6\\_Pf2yIC0lcyWArgEvpQ18Mic/edit?pli=1#gid=1697668303](https://docs.google.com/spreadsheets/d/1rzuf-rkCB8zql6A5hG6_Pf2yIC0lcyWArgEvpQ18Mic/edit?pli=1#gid=1697668303). They would use web scraping tools or bots (mainly common crawl) which would sift through databases and extract a website's data. They have released their datasets under a Creative Commons license all while allowing Stability AI and others to use their datasets and models for profit. Laion and the Machine vision & Learning research group at Ludwig Maximilian University of Munich are a part of a data

laundering scheme prevalent in the tech industry. The investing company in this case, Stability AI, would fund a university department or create a “non-profit” entity to create software with copyrighted or biometric data, and then transfer that software to the investor company. Stability AI may possibly try to claim that it is fair use to use copyrighted data because of the origin of their models, but the case Internet Archive v. Hachette proves the claim of being a non-profit won’t help with escaping culpability for infringement. They like Internet Archive and may use their products to gain donations and publicity (leaving aside their connections to Stability AI). AI models are trained by first progressively adding noise to the image then secondly after recording the first process, gradually removing the noise (denoise) from the image. At this point, it is capable of regenerating the image. The program uses complicated math, linear algebra, and a series of algorithms such as weights which plays an important role in controlling which images are more important, and can be tuned to focus on a particular type of art. It is not an aberration that AI software replicates the images, but the primary goal of machine learning and it’s better if there’s greater accuracy. Along with the images, the software undergoes a process called conditioning for which the images are associated with text in order to allow the use of text prompts. The copy created by the software is essentially a lossy copy which is a highly compressed image with all the minuscule or unimportant data removed from the original image. Many digital formats like Jpegs are lossy compression methods. The software stores the images (Latent images) like a database; although, it uses statistical and mathematical means to do so. When creating a derivative image, the latent images are put together using the method denoised interpolation which is when the software combines two or more latent images together then the derivative image is decompressed into pixel form. Even though this description is a more simplistic explanation of how AI software is trained and functions, the copying of images from off the internet into compressed forms is still true. Even Emad Mostaque, as mentioned on the 6th answer above, acknowledges this. For further reading <https://arxiv.org/pdf/2301.13188.pdf> and <https://arxiv.org/pdf/2212.03860.pdf>. Models are not able to forget the data once they have been trained. Forbes has an interview with Luengo-oro, an AI expert dated January 25, 2023. Also Yahoo Finance article AI’s un-learning problem: Researchers say it’s virtually impossible to make an AI model “forget” the things it learns from private user data, by Stephen Pastis dated August 30, 2023. The fact that these models can’t forget is part of the problem with AI being allowed to have any kind of exception to copyright. If they could make each model forget, I’m sure that many creatives would like to have their art removed, and the AI companies would make up excuses to not respect artists wishes as that would remove so much data that they might as well destroy their algorithms. Additionally opt-outs are proven to be pointless as the models will keep the images in them despite the tactics employed to merely block direct prompts. The images can still be used in the creation of derivative works within AI algorithms. To visualize the data within the models without the datasets, it’s possible to use algorithms on open-source models such as LLE or t-SNE which turn the content in a latent space, an abstract representation of compressed data, into 2d or 3d images. <http://www.youtube.com/watch?v=Pee4ne12WQK> . Copy and paste the link to get this link to work. The video demonstrates this method. This further proves the copying nature of AI models. A person can see the images distributed in the latent space and they can click on each data point or dot and receive an image of the data, but of course this can’t be easily done when dealing with AI companies. Courts would have to simply force them to disclose the data used in their models during the discovery phase, and possibly make them show on a workstation the images using the above methods during a lawsuit. Prospective plaintiffs could also just go onto the offending company’s AI service site to prompt for outputs that look similar to their works. For open-source models by private users, an artist will have to rely on substantial similarity of AI art from the user as well, and they can try image to prompt methods.

8. Only if it is for research purposes, and not distributed to the public, which is the case currently. because allowing this research to be placed in the hands of average people has created opportunities for scams, deepfakes, copyright infringement. Google v. Oracle may have been a loss for Oracle, but certainly not a case for which the AI industry can find a defense. The Court states that the decision

doesn't overturn or modify earlier cases about fair use, and Justice Breyer states various times in the majority opinion that the decision is limited to the case at hand and only applies to a specific subset of API code and can't be applied to other code (or other creative works). 1. *Andy Warhol Foundation v. Goldsmith* was useful in rolling back the transformative element from being the only determining factor in various fair use cases to being a part of the larger copyright infringement exemption test. AWF wanted to claim that the artwork had a different meaning and message than the original photograph and that a decision against fair use would hurt small or beginning artists. To some extent a court may make judgments on differences between a work and a derivative work, and they may try to determine possible commentary or parody. However, the problem with AWF's view of the first factor is that it forces the courts to be art critics who attempt to find if there is some underlying interpretation to an image as Sotomayer states, "Lynch's warning that judges should not be art critics in this department was partially right. In that a court should not evaluate the artistic significance of a work. "But the meaning of a secondary work, as reasonably can be perceived, should be considered to the extent necessary to determine whether the purpose of the use is distinct from the original, for instance, because the use comments on, criticizes, or provides otherwise unavailable information about the original". She states in conclusion, "The use of a copyrighted work may nevertheless be fair if, among other things, the use has a purpose and character that is sufficiently distinct from the original. In this case, however, Goldsmith's original photograph of Prince, and AWF's copying use of that photograph in an image licensed to a special edition magazine devoted to Prince, share substantially the same purpose, and the use is of a commercial nature. AWF has offered no other persuasive justification for its unauthorized use of the photograph. AWF's assertion that a copyright infringement would hurt small or beginning artists is absurd as copyright allows for creatives big and small to be able to protect their works. While Fair Use is useful for allowing people to create new content, it should never be allowed to take the place of copyright law. Copyright is a vital human right apart from free expression that promotes social and scientific progress. Transformative means that under the affirmative defense (admitting to copying) the software has to have a different purpose of use. In *Authors' Guild v. HathiTrust*, courts have found the library's copying of books into a search engine transformative because it serves legally blind people to be able to find books. AI services don't in any way have a different purpose and are highly creative as well as commercial. 2. There still should be no fair use if a nonprofit has been funded by a for-profit to make a product that will be put out onto the market by the for-profit which infringes the rights of creatives. 4. The volume of data in their AI software doesn't matter because the issue is the right to prepare derivatives and also direct copying, not the fact that the output might be different. It just means they took many peoples' works without gaining a license. Also, the volume doesn't shield them from copyright infringement because any creative can easily look through the datasets and prompt to receive sufficient evidence of copying during the training phase. 5. I believe that the entire process from the training of AI on copyrighted works to the outputs is copyright infringement. The focus on outputs places the blame away from the AI companies who developed the software and puts the onus on creatives to sue every AI user, and to block scraping of their works.

9. 1. Yes, it should absolutely be opt-in only. That's the way it's always been. AI companies or any other companies have to get licenses to use other people's work. 2. Opt out is just a corrupt means of trying to shift the blame onto creatives for AI companies refusing to follow the law. They are hoping to have the chance to change copyright law by normalizing this opt-out scam and by directly lobbying congress to change laws. 3. Consent should be given for all uses of AI for commercial use, and I do think that should be an opt out for research use. However, data-laundering should be illegal. It was possible for AI companies to look through the datasets and negotiate with every artist or writer to receive a license. They are using their names within the datasets and to prompt the outputs. 4. They should follow the law and not break the law due to inconvenience. AI companies currently can't actually honor opt-outs because the models still contain the copyrighted works even though they've blocked the prompts from being used. They simply have to destroy their models and data sets. 5. In cases where a citizen commissions an artist, the artist holds copyright unless they have given over copyright to the commissioner by contract. When the artist holds copyright, they can certainly sue,

but as stated earlier, new policies should exist to deal with AI being used by employers, AI users, and developers to help protect artists.

10. 1. It should be obtained the same way any license is obtained. Through negotiations with each and every artist whose work will be used. There's no need for collective licensing. 2. Creative Commons can be a direct voluntary licensing model, but it has various criteria for which each work may be used. A creative who wants to donate their work to an AI company can do so with an exclusive license for whatever amount of pay otherwise. Collective licensing is just a way for AI companies to not give artists a fair share of the profits earned from their AI businesses. Also, it will restrain the artist's copyrights to their work. The artists won't be able to choose which project their work can be a part of or who can use their work. AI companies need to get the licenses from each and every artist only. 3. A compulsory license means that copyright law is effectively dead, and the only people with any copyright would be the AI companies. The right to choose when, where, and how a work is used would be stripped away. It's a ludicrous proposition that should never happen. Also there would be no need for opt-outs as it is compulsory to begin with, and no reason for AI companies to respect them in the first place. 5. Yes, it should vary on the work. Each creative should have the right to opt-in with whatever requirements for use of their works in AI.
11. Usually, the AI companies tend to have a non-profit that gathers the datasets, or they may acquire the base model for their own AI service. So, I would say that licensing should happen before the model is made and released to the public. Datasets and open-source models should remain with the institutions and not shared on the internet.
12. Currently the only other means to try to establish these contributions is to look for the prompts used, but there are no guarantees it will identify all images used.
13. It may be far too expensive for the AI companies to gain licensing, and that's the reason they chose to take people's work instead. However, when some of them lose their lawsuits, I don't think they will be able to have a business as they will have to destroy their models and datasets and start over. So, they are taking a gamble in misappropriating copyrighted works hoping that they can gain fair use and can keep their current business model, but I suspect that it shall fail.
14. AI can't use Fair use or any other defense because of the fact that in the models there's a large amount of fan art which is illegal to have along with child abuse material and private photos. It's impossible for anyone to argue fair use as what's in the models is simply just illegal. So, AI outputs shouldn't receive copyright for those reasons as well as not being made by the person and being random. I want to add here that fan art is often tolerated by companies large and small (like Paramount pictures) and it's a way for artists to learn their craft and to help the companies garner attention from new fans. Of course, some companies are opposed to it (like Disney) and so the issue ultimately comes down to consent from the rights holders. AI companies just took nearly every image off the internet and put it into their software that can endlessly generate derivatives which would affect creative markets far more than any artist could just making far fewer fan art works for fun and personal growth.
15. Yes, both the dataset producers and the AI developers should have thorough documentation of what was used. They should release this information to whoever requests it, and it should be done monthly. They don't have to disclose the money paid to people or give any personal information of any individuals other than the names of the artists. The artists can use a pseudonym if they wish. The number of times the name was used could be added along with the total amounts used on average. Third party models should be treated the same as the models made by an AI company's own models. They should ensure that no unauthorized copyrighted material is in the models, and they should

acquire all information on what's in the models. They have to release information on these models also. I don't believe it should be all that expensive for them to keep records. Companies usually keep extensive records for their businesses. This transparency requirement should be no different.

16. If an artist has opted-in to training for AI then it should be the obligation of the AI company to give them a thorough summary of how their work was used. If the artist hasn't opted-in, then they should delete their models.
17. Outside of copyright laws it would be helpful to have transparency when AI is used in medical practices, banks, and employment.
18. No there is no way for someone to choose which inputs to use and then utilize prompts to make that work because as I alluded to in the 14th answer, the user of these AI programs aren't the ones making the art. It's more like asking an artist to create the work for you. The Supreme Court has held that ideas can't be protected but expressions, and only humans can express or have creativity as the copyright laws acknowledge. Using programs like photoshop or using a camera isn't the same as using an AI program that does all the work for the user. Another issue is that *Lotus v. Borland* establishes that means of operation can't enjoy copyright, and with the recent *Naruto v. David Slater et al non-humans can't enjoy copyright, nor can copyright be transferred to a human and the work goes into public domain*. The USCO had decided, the prompts could have copyright if they're like a complex string of words on their own, but prompts as a means of operation along with the images can't be copyrighted, and this is in line with all the precedents made over a hundred years of copyright law. If a user of AI wants to have copyright, they must use a de minimis amount of AI elements in the work otherwise there should be no protections for the AI parts.
19. No laws need to be made to establish that only humans can enjoy copyright. New laws would be needed to give AI copyright, but that shouldn't happen.
20. No, it shouldn't be. Even if AI were made ethical, I feel that the laws made to protect AI outputs could be made in such a way that negatively impacts copyright laws. Also, it incentivizes a lack of creativity and thought as people will rely heavily on AI for art creation; therefore, societies could suffer from creative and intellectual atrophy. AI can easily produce multiple derivative content more than the whole internet has created prior to the proliferation of AI. The internet will be flooded with AI content while human created works will be lost. I just think that the incentive of copyright should only be held by human expressions only not AI outputs.
21. The founders of the constitution did not even consider animals as being able to enjoy copyright protection for their creative works, so there's no way non-living objects (like software) were ever considered. The constitution was intended to protect human rights as the first part of the first amendment to the constitution states, ' Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances '. It explicitly mentions rights for people and no other types of living beings or non-living objects. Copyright was made to protect human creations only.
21. It can implicate AI systems as being in violation of copyright law, but of course it can look different enough. However, all that's needed is for copyright holders to go to the AI companies' AI service website and prompt for a near copy of the images that reside in the models to get evidence that there is copyright infringement during the training stage as demonstrated in the ongoing Getty v. Stability, and the Andersen class action lawsuit cases.

22. The substantial similarity test is not as relevant when talking about AI services available to the public. If a copyright holder can find their works in the datasets and prompt for their work from the software, then direct copying and derivative and distribution rights were violated. I would like there to be a policy that compels all developers and open-source users of AI programs to disclose their datasets to the government, and people can ask and receive that information at any time.
23. They will have to use prompts and get the outputs as well as look into the publicly available datasets to attempt to make a causal link between them. Yes, the civil discovery system is not very good at helping copyright holders when AI is involved. AI companies could attempt to obscure the inputs by blocking certain prompts. It would be better if there were laws requiring transparency for all AI that has been developed.
24. The developer and the developer of the system incorporating the models should have primary liability. The non-profit institute that provided the datasets and helped with the development should have secondary liability. If members of the public use open-source models that contain copyrighted materials, then they should be personally liable.
25. The CMI is striped out from the training process to the outputs. I do think that this section applies to some of violations AI companies are guilty of. **(1)**intentionally remove or alter any copyright management information, **(2)**distribute or import for distribution copyright management information knowing that the copyright management information has been removed or altered without authority of the copyright owner or the law, or **(3)**distribute, import for distribution, or publicly perform works, copies of works, or phonorecords, knowing that copyright management information has been removed or altered without authority of the copyright owner or the law, knowing, or, with respect to civil remedies under section 1203, having reasonable grounds to know, that it will induce, enable, facilitate, or conceal an infringement of any right under this title.
26. It would be good for law makers to proceed with not granting AI protection under section 230 of the Communications Decency Act. That will make it easier for rights holders to sue AI companies.
27. It should be labeled as AI generated, and there should be transparency on what data was used. Both of these things should be done consistently. The former will protect the public from scams and misinformation a lot better while the latter helps creatives and the public protect their works and personal data. I think a government agency like the US copyright office, or the FTC should manage enforcement of AI authentication and transparency. Having AI companies do this on their own will only end in them failing to do so. There are challenges to applying watermarks, but the Truepic project looks promising. If AI companies fail to label their outputs, then there should be federal penalties and destruction of their models.
28. Truepic's C2PA technology can be used by AI companies to add labels and provide some transparency. It's called Truepic Sign. <https://truepic.com/truepic-sign/> . Further reading on their collaboration with Hugging Face and Steg.AI can be found here. <https://huggingface.co/blog/alicia-truepic/identify-ai-generated-content> . This technology should be expected on all AI models.
29. There is no federal right of publicity, but at least 25 states have some form of statute protecting a person's name or likeness. <https://rightofpublicity.com/statutes> . There's a map above that shows the states that have the right of publicity laws. There could be additional states with right of publicity statutes about to be implemented. On the 5th answer I've addressed the right of publicity for creatives as a means of protecting them from the abuses of AI instead of copyright. Current right of publicity laws is limited by state and they may not protect artists from having their art style being replicated by AI, but the state laws do protect anyone from having their names, likeness and voices



used for AI. A specific law is being crafted in congress that addresses AI misappropriation of artist's style called No Fakes act. [https://www.coons.senate.gov/imo/media/doc/no\\_fakes\\_act\\_draft\\_text.pdf](https://www.coons.senate.gov/imo/media/doc/no_fakes_act_draft_text.pdf)

30. Yes, congress should establish a right of publicity law that protects the creatives and the public from AI misuse. It should preempt the state level statutes.
31. Yes, there should be a federal right of publicity laws that protect anything a person creates as well. I think that the No Fakes bill being made in congress is good, but it should leave out the exemptions.
32. It doesn't relate to state right of publicity law as it clearly states that It deals with copyright of sound recordings. There are precedents for state right of publicity protecting a singers' singing voice in Midler v. Ford Motor Co and Waits v. Frito Lay, Inc, but in both of these cases they were famous people. That's why a federal right of publicity that protects their likeness, voices, names along with their creative works should exist for the entire public.
33. The USCO should deny all AI generated art with human edits as the models contain illegal content and thus there should be no protection to any part of the work. Most if not all AI software is just copyright infringement, and the USCO should investigate this issue further and act to prevent people from submitting work to the USCO that clearly contains more than a de minimis of AI elements. Here is information about a tool that helps track datasets lacking licensing. USCO should have in place a method for detecting AI content because there will be people trying to deceive the agency.