

1. As described above, generative AI systems have the ability to produce material that would be copyrightable if it were created by a human author. What are your views on the potential benefits and risks of this technology? How is the use of this technology currently affecting or likely to affect creators, copyright owners, technology developers, researchers, and the public?

Most Generative AI or AIs in general are trained on copyrighted, or publicly posted content without the consent or licensing from the respective owner. So I don't think AI generated outputs should be allowed to be copyrighted. I believe all AI should be required to delete their data-sets and restart with a opt-in approach to avoid copyright and privacy issues. Practically everything else in this country is opt-in including vaccines, why should AI be any different?

AI has been shown to contain biases and other harmful ideologies into their systems if AI developers are not careful. The results can be detrimental to minorities. As shown in medical or legal settings that implemented AI systems. [AI systems in the medical field can either brake-down or reinforce](#) racial biases depending on if it developed with inclusivity and caution. [Algorithmic child welfare systems are inappropriately flagging blown and brown parents.](#) [AI child abuse tools are disproportionately discriminating against disabled parents.](#)

AI can be a beneficial tool for efficiency, automation, and support creativity but it should not be at the expense and exploitation of human autonomy, privacy, or creativity. AI developers and AI implementers are committing crimes that they need to be being held responsible for.

The risk of AI are economical displacement, job loss, intellectual property violations, fraud, deep-fakes, digital clones, privacy violations, and erosion of trust. AI outputs or AI assistance used in a work need to be properly disclosed, in ways that cannot be easily removed. There is a importance of consent, compensation, credit, and transparency in the AI world. And we need these issues to be addressed soon before the damage gets any worse. Opt-in is the only way for ai to be ethical.

With tech companies implementing AI left and right without warning or transparency, I decided to move my files from Microsoft Onedrive to a cloud storage that didn't use AI. Microsoft and many tech companies usually do not disclose what is used in training . [Mozilla recently started a campaign regarding this issue](#) with Microsoft. Similarly Grammarly developed a "ethical" AI helper but doesn't disclose how it was trained. This is a common problem. Many other companies are doing this because "ethical" AI is what the customer want but wont disclose what data was/is used, or how. So with AI being implemented everywhere all at once, the lack of transparency and accountability is a big red flag.

I think the environmental impacts & E-waste caused AI should be looked into. Regulations should be developed to reduced the environmental costs of utilizing AI as climate crisis is very real and waste should be managed properly. Innovating energy efficient and less wasteful AI is important if AI is here to stay.

2. Does the increasing use or distribution of AI-generated material raise any unique issues for your sector or industry as compared to other copyright stakeholders?

Yes as a artist, i now have to [glaze my artworks](#) to prevent AI from mimicking my art-style that i spent 24 years developing without my consent. Also with deep-fakes and AI trolls i have to worry if images of myself and my art will be used for malicious or unwanted purposes without my knowledge/consent. No one has ever posted online for years just for AI data-sets to cannibalize it for AI's own gains. With AI style mimicry, someone can create works of art without

having to commission the original artist. Trolls and creeps could generate content that you wouldn't consent too at the click of a button such. Such as people using Emma Watson's face to create deep-fake porn, or use [her voice to read Mein Kampf](#).

Many websites meant to showcase human art are now being flooded with AI generated art at a speed no human can compete. Deviantart once a threshold for human art is now littered with AI-generated content. On Fivver, AI art listings drown out human art listings. On Amazon, ai users can compile a book within a hour and list it for sale, when non-ai authors can take months or years to create one. AI art is being sold online and at cons, stealing spots and attention from humans. Non-artists are using AI instead of commissioning humans for art. So now artists must also compete with Generative AI was trained off the backs of humans without consent nor compensation. Being artist was already hard enough when it was just competing with other humans. Then Generative AI has the ability to pump out a quantity of work in a short amount of time that no human can keep up with, it's unfair.

There's also a issue where if a artist speaks out against AI, AI trolls steal the artists art to train a AI model to 'replace' them as a form of harassment. This is one example of [this happening to a Japanese artist](#), but there's been plenty of other cases that have happened on social media. Measures should be done to prevent this type of harassment and content theft from being done to artists at the hands of AI users. Methods to aid victims should be implemented in situations where AI data training is used as a form of harassment and degradation. Possibly making DMCA take downs and cease & desist apply to AI training could be beneficial.

The WGA and SAG strikes fought for protections against AI being trained on their likeness or their works. The SAG Strike is still ongoing, [WGA won protections](#). [Background Actors](#) are being paid only a day worth of work to possibly never get a job acting ever again if AI is trained on their likeness. In the case of WGA, producers wished they could have trained ai on writer's works so the company could fire all them. AI should never be allowed for purposes that displace humans from their jobs. I think there need to be rules put in place to prevent corporations from doing stuff like this to employees.

3. Please identify any papers or studies that you believe are relevant to this Notice. These may address, for example, the economic effects of generative AI on the creative industries or how different licensing regimes do or could operate to remunerate copyright owners and/or creators for the use of their works in training AI models. The Office requests that commenters provide a hyperlink to the identified papers.

Generating Harms: GenerativeAI's Impact & Paths Forward

<https://epic.org/wp-content/uploads/2023/05/EPIC-Generative-AI-White-Paper-May2023.pdf>

AI Art and its Impact on Artists

<https://dl.acm.org/doi/pdf/10.1145/3600211.3604681>

Glaze: Protecting Artists from Style Mimicry by Text-to-Image Models

<https://people.cs.uchicago.edu/~ravenben/publications/pdf/glaze-usenix23.pdf>

AI-Generated Music — If Everyone Is Drake, Is Anyone?

<https://foundation.mozilla.org/en/blog/ai-music-drake-weeknd-ghostwriter/?term=en>

ChatGPT, AI, and the future of privacy

<https://proton.me/blog/privacy-and-chatgpt>

GitHub Users Want to Sue Microsoft For Training an AI Tool With Their Code

<https://www.vice.com/en/article/g5vmgw/github-users-want-to-sue-microsoft-for-training-an-ai-tool-with-their-code>

Artists and Illustrators Are Suing Three A.I. Art Generators for Scraping and ‘Collaging’ Their Work Without Consent

<https://news.artnet.com/art-world/class-action-lawsuit-ai-generators-deviantart-midjourney-stable-diffusion-2246770>

No Fakes Act wants to protect actors and singers from unauthorized AI replicas

<https://www.theverge.com/2023/10/12/23914915/ai-replicas-likeness-law-no-fakes-copyright>

AI Art Fraud

<https://luddite.pro/ai-art-fraud-september-8-2022/>

Ai deepfakes and undress apps make the internet unsafe

<https://luddite.pro/ai-deepfakes-and-undress-apps-make-the-internet-unsafe/>

4. Are there any statutory or regulatory approaches that have been adopted or are under consideration in other countries that relate to copyright and AI that should be considered or avoided in the United States? ⁽⁴⁰⁾ How important a factor is international consistency in this area across borders?

China is the leader so far in AI laws by ensuring the AI isn’t discriminatory, and not allowed to use copyrighted material for training. Also China is requiring AI content to be labeled and disclosed. This is great for consent, transparency, and credit.

5. Is new legislation warranted to address copyright or related issues with generative AI? If so, what should it entail? Specific proposals and legislative text are not necessary, but the Office welcomes any proposals or text for review.

A possible strengthening and clarification on current laws maybe enough. But yes. I think making current laws and legislation include or have clarification for AI would be appropriate. AI is rapidly developing fast and is already harming millions of people globally. I think AI data-sets should be redone, or forced to ‘un-train’ AI on non-public domain content, and start over with a opt-in method. Opt-out method puts burden and responsibility on content owners to prevent AI from training on their data or work. It should be the responsibility of AI developers or AI implementers to verify that \copyrighted material is used to train the AI. Consent compensation, credit, and transparency in the creation and development of AI is of the utmost importance. Commercial copyright and personal human rights share many similarities in their need for protection. Avenues to fairly license content, or compensate IP owners are needed. Opt-IN methods should prevent non-authorized users that aren't the owner from submitting content for AI training. As currently this is caused usually as harassment from trolls or to gain free art in the style of a artist without commissioning them. Possibly make it where DMCA take downs, and

Cease & desist, or the ability to make the AI “untrain” itself on unauthorized content are a few avenues to remedies copyright violations.

Since AI is already a vast and large market, newer royalty and licensing frameworks could be implemented to ensure IP owners are properly compensated based on how the AI utilizes their art. AI developers have created billion dollar businesses on stolen content, so they should be required to pay up.

AI developers should be responsible for labeling the outputs of the AI to allow awareness that the content is synthetic. Many AI-users already lie about the AI-generated content being their own work on social media and on other platforms. So AI Labels need to be created in a way that isn't easily removed. Labels would be help in copyright applications where people try to submit AI Art as human-made, such as Kris Kashtanova.

Clarifications must be made on who is legally accountable for inputs/outputs of AI. Severity should be depend on the section it is used, such as news outlets using AI. Which has already resulted in offensive or incorrect articles being published then taken-down shortly. Clarifications for Copyrights regarding AI should be made to help resolves confusion.

A public registry separate from the USCO's archive should be created to store and identify AI-generated outputs. This would help Copyright enforcements. The separation from the current copyright registry is important, to preserve human artistic culture.

6. What kinds of copyright-protected training materials are used to train AI models, and how are those materials collected and curated?

Since most generative AI data-sets are trained from materials posted publicly online, it can be anything from music, writings, games, to medical photos. Most data-sets are closed and sites like <https://haveibeentrained.com/> are the only way for people to check if their photographs or artwork has been scraped. But its not always reliable since many AI data-sets are closed and not transparent. Outside of visual art and images, there is no other means to check if any of your other online data has been used to train AI.

6.1. How or where do developers of AI models acquire the materials or datasets that their models are trained on? To what extent is training material first collected by third-party entities (such as academic researchers or private companies)?

Usually AI developers scrape and steal public content from the web including art, writing, selfies, YouTube videos, etc. it has been shown that web scraping can include open-source software as well according to the recent co-pilot lawsuit. If the AI doesn't scrape the web, it uses a public data-set which contain copyrighted materials without proper authorization too. [Google recently stated that it used any content posted publicly to train its ai](#), which is a violation of privacy, and copyright. Public domain is not the same as Publicly available. No one is posting online for Tech companies to exploit them for financial gain. There is no regard to privacy, consent, or copyright when training AI. It consumes any and everything on the web.

6.2. To what extent are copyrighted works licensed from copyright owners for use as training materials? To your knowledge, what licensing models are currently being offered and used?

So far the only AI licensing material for artists is Getty images and Adobe. Still those methods are controversial because they paid little to the users the AI was trained on. [Also Abode wasn't very transparent](#) on who and what was included in the database. Many feared

Adobe used works from anyone using their products. Then Adobe paid anywhere from cents to a few hundred dollars to those the AI was trained. And not surprisingly those payments from Adobe were a one time thing, which is unfair when the AI that will continuously be referencing the training material. I think Getty Images' approach to not train their AI on public figures or brands was a good call for privacy, avoiding deep-fakes, and copyright infringement. However, Getty Images seems to have paid \$10 per image used for training, which many copyright owners found disappointing.

Possibly doing a system like Spotify maybe the best method to license content from IP owners, and also allow said owners to give permission for AI training in the process. The option to revoke licensing is important and AI should be required to remove data once licensing is suspended. Most AI web-scrapes or uses public data-sets instead of licensing content or commissioning the data for training. So it's important that Opt-in is required for all and any AI training.

6.3. To what extent is non-copyrighted material (such as public domain works) used for AI training? Alternatively, to what extent is training material created or commissioned by developers of AI models?

Most AI web-scrapes or uses a public data set created by research labs. Usually these data-sets include copyrighted and public domain works. Very rarely is the data commissioned or trained on materials the developer creates.

6.4. Are some or all training materials retained by developers of AI models after training is complete, and for what purpose(s)? Please describe any relevant storage and retention practices.

I'm not sure exactly. I believe the content is reproduced in a form that is readable to the AI. However, unauthorized reproduction of copyrighted material is against the law.

7. To the extent that it informs your views, please briefly describe your personal knowledge of the process by which AI models are trained. The Office is particularly interested in:

7.1. How are training materials used and/or reproduced when training an AI model? Please include your understanding of the nature and duration of any reproduction of works that occur during the training process, as well as your views on the extent to which these activities implicate the exclusive rights of copyright owners.

All material used to train the AI is processed into a format readable by the AI. Essentially content is reproduced in a specific way depending on the type it was: writing, art, video, etc. From the standpoint of copyright, unauthorized reproductions and usage is a serious concern. It bypasses permission from copyright holders if training is unauthorized. This is why consent, compensation, credit, and transparency for AI is needed. Opt-in is the only way.

7.3. Is it possible for an AI model to "unlearn" inferences it gained from training on a particular piece of training material? If so, is it economically feasible? In addition to retraining a model, are there other ways to "unlearn" inferences from training?

Unlearning or Un-training AI doesn't seem feasible with the current tech as data used is hard to pinpoint and remove. Deleting the data-set and starting over with an opt-in approach is the most ethical way moving forward to prevent unauthorized usage of content.

7.4. Absent access to the underlying dataset, is it possible to identify whether an AI model was trained on a particular piece of training material?

Since most data-sets are not open to the public, it hard to tell what exactly was used for training and how. But sometimes AI spits out outputs that are eerily similar to existing copyrighted works, or what appears to be artist signature have been present in some AI-outputs. Which is why AI needs to be retrained with a opt-in approach. Legal and ethical frameworks must protect privacy, consent, and copyright.

8. Under what circumstances would the unauthorized use of copyrighted works to train AI models constitute fair use? Please discuss any case law you believe relevant to this question.

8.1. In light of the Supreme Court's recent decisions in *Google v. Oracle America* ⁽⁴¹⁾ and *Andy Warhol Foundation v. Goldsmith*, ⁽⁴²⁾ how should the "purpose and character" of the use of copyrighted works to train an AI model be evaluated? What is the relevant use to be analyzed? Do different stages of training, such as pre-training and fine-tuning, ⁽⁴³⁾ raise different considerations under the first fair use factor?

I'm not very familiar with the case. But if a AI models initial purpose was academic and it's usage stays academic, it is fair use. However, it doesn't matter why it was originally developed, once a AI model becomes commercial it is no longer fair use especially if it contains and was trained on unauthorized copyrighted material.

8.2. How should the analysis apply to entities that collect and distribute copyrighted material for training but may not themselves engage in the training?

Collecting and re-distributing copyrighted material without proper permission or licensing is illegal. I can not publicly broadcast movies without licensing. Websites that stream pirated films are illegal and constantly shut down. Youtube videos using copyrighted music without licensing get hit with copyright strikes. The TOS of licensing is set by the copyright owners that decide who is able to and how their work can be used. Like everything in this country, if someone don't want to be part of training, whether it's academic or commercial, they can't be forced too. Academic studies can't force people to participate even though it could help further scientific research. "Publicly available" is not the same as "public domain". It is important that these differences are enforced. NO exceptions should be made to data-scrapers or AI model trainers.

8.3. The use of copyrighted materials in a training dataset or to train generative AI models may be done for noncommercial or research purposes. ⁽⁴⁴⁾ How should the fair use analysis apply if AI models or datasets are later adapted for use of a commercial nature? ⁽⁴⁵⁾ Does it make a difference if funding for these noncommercial or research uses is provided by for-profit developers of AI systems?

Once AI becomes commercial its never fair use because the models are heavily trained on unauthorized copyrighted material. Therefore commercial AI models must be do opt-in for training and license data, or they are committing theft of IP. AI companies should not be given a pass on violating copyright, unless the AI model was trained only on public domain content. Easiest method for AI models that scraped the web would be to delete their data-set and start over with opt-in method. Opt-in should have measures in place so that a random user cant take someone's copyrighted material and put it into the model without the owners knowledge. Such

as allowing DMCA take-downs, cease & desist orders, or ability for IP owners to have the AI model “untrained” of their works.

Even if a AI was originally developed as non-commercial or research, once it switches to commercial it is not longer fair use. If it started as research or noncommercial with the intention or financial backing to eventually become commercial, it was never fair use to begin with and this weakens the stance as fair use. Only AI models used for non-commercial uses such as research AIs are fair use. But opt-in approaches are still best regardless of AI being commercial or non-commercial. Physical research studies can not force everyone to partake in them, so neither should AI research.

8.4. What quantity of training materials do developers of generative AI models use for training? Does the volume of material used to train an AI model affect the fair use analysis? If so, how?

Probably not since AI models are always scraping the web for new content which can including content from billions of people around the globe. So anything from copyrighted art, family pics, medical records, gore, or porn make their way in into data-sets. I think smaller more controlled methods of data collection would lessen this from happening and make it easier to remove copyrighted or graphic content from data-sets before training is done.

Copyright exceptions are typically made for a low amount of someone’s work (ie—remixing and sampling). However, AI scales this to extremes that need to be considered, since a artists whole portfolio or everything on a website is usually scraped for training. A high volume of copyrighted material should weigh against fair use. AI models depend 100% on the data input into them.

8.5. Under the fourth factor of the fair use analysis, how should the effect on the potential market for or value of a copyrighted work used to train an AI model be measured? ⁽⁴⁶⁾ Should the inquiry be whether the outputs of the AI system incorporating the model compete with a particular copyrighted work, the body of works of the same author, or the market for that general class of works?

A method would be to see if AI is being used as a substitute or direct competitor towards the original copyright owner. Such as a AI model trained on specific artist’s entire portfolio so the AI model creates a situation where there no need to commission the artist for their art. Artist, Kelly McKernan, filed a lawsuit against Midjourney and Stability AI over having to compete with AI-generated images using her name. In this situation, it is not fair use. [Sarah Silverman, Richard Kadrey, and Christopher Golden filed a lawsuit against Meta for using their books to train LLaMA](#). News outlets like the New York Times, have also had their entire archives used to train LLMs like ChatGPT without permission. If the AI developers can’t develop AI models without committing theft, then they shouldn’t be creating AI until they can afford to properly license copyrighted material.

9. Should copyright owners have to affirmatively consent (opt in) to the use of their works for training materials, or should they be provided with the means to object (opt out)?

Opt in is the only way. To my knowledge once material is scraped into the data-set, even if it is later removed, the AI model already “learned” the art. Like stated previously, Opt-in should have measures in place to avoid random users from putting copyrighted material into the

model without the copyright owners knowledge. The current AI datasets should be deleted and redone. AI Data-sets should be trained only on opt-in content, and public domain stuff.

Opt-out is not ideal as it is exploitative. If training is made opt-out, many ai datasets will continue scraping the net without regard or responsibility, putting the burden on victims of AI scraping to opt-out. Currently many people online [rely on glazing](#) their artwork to protect themselves from data scraping. Which is stressful as Glaze is still in development and could possibly be rendered useless as AI constantly improves. Glaze protection has a possibility of distorting the look of the art, and no one should have to sacrifice the quality of their art/images to protection themselves from unethical data scraping. Currently musicians, actors, and writers have no tool to protect themselves from unwanted AI scraping. It's created fear & exhaustion among creatives to post online. Some people have removed their content off the web entirely, or have stopped posting.

Opt-in is the only choice as it aligns with privacy, human, and data rights. Banks can not open credit cards for every US citizen based on public information, we must apply for them. Vaccines are opt-in and people have the right not to get them. Even Organ and blood donations, despite being vital to saving lives, cannot be forcefully taking blood from the living, or remove organs from the dead. I consent to cookies on website I visit. You cannot even vote without registering first, despite voting being a legal right in the USA Just because it is "artificial Intelligence" does not give it a status above every other organization or system to violate our privacy for the sake of "innovation."

9.1. Should consent of the copyright owner be required for all uses of copyrighted works to train AI models or only commercial uses? ⁽⁴⁷⁾

Yes absolutely. AI takes advantage of the fact lots of content online is created by normal people that have no means to sue or take legal actions against them for stealing Intellectual property to train their AI. For all AI models, it must be opt-in. My body can not be donated to science unless i say it can. Innovation has never been stifled by needing to obtain consent beforehand.

9.2. If an "opt out" approach were adopted, how would that process work for a copyright owner who objected to the use of their works for training? Are there technical tools that might facilitate this process, such as a technical flag or metadata indicating that an automated service should not collect and store a work for AI training uses? ⁽⁴⁸⁾

Digital rights management (DRM) and metadata can address this. However opt-out is not effective nor wanted. Deviantart tried creating a meta-tag for "no-ai" in 2022 and many AI data scrapers just ignored it. Tumblr recently implemented a opt-out process on the site that directly came from OpenAI. Not sure it's effectiveness tho. AI data collection and training should be opt-in only because opt-out is inherently exploitative. Time and time again, people are unaware of AI training or data scraping taking place until it's already been done. It should not be the victims responsibility to make sure their content isn't used without permission. Opt-out allows AI to keep developing billion dollar machines on the backs of people without consent.

Most people do not want to be used in AI training. Deviantart users fought for Deviantart's AI to be default opt-out but this of-course happened after Deviantart already had trained the AI on all existing content on the site. [Spawning AI](#) As of September 15, 2023, their website says that [number is 1.4 billion](#) (28% of the LAION 5B dataset). This is unforgivable to have nearly 1/3 of people choose to opt-out. This number will continue to climb, as more people

become aware of how to opt-out. Worse is Stability AI, Adobe, OpenAI, and others have openly admitted they don't know how to untrain models yet. Opt-in is the only fair and ethical way.

9.3. What legal, technical, or practical obstacles are there to establishing or using such a process? Given the volume of works used in training, is it feasible to get consent in advance from copyright owners?

Yes it is doable for AI to be opt-in only. Everyday millions of posts are created on social media, and websites everywhere by people who consented to the terms of service, and signed up for the site. No company is too important to not be opt-in. I'm not given and forced to use a iPhones, videogames consoles, etc just because they were created. I must buy it and opt-in to using them. Nothing in human history has been stifled by opt-in. Opt In is the only ethical way.

9.4. If an objection is not honored, what remedies should be available? Are existing remedies for infringement appropriate or should there be a separate cause of action?

Existing Remedies for Infringement can be used if objection is not honored: Cease and Desist Orders against AI models using unauthorized material, DMCA take-downs, Monetary Damages for any financial loss of violation, and Predetermined Statutory Damages for each act of infringement.

New measures maybe needed to address AI infringements in addition to traditional copyright infringement remedies. AI specific measures could be actions to 'de-train' the AI model from the copyrighted material, or penalties for using copyrighted material in AI training without honoring an opt-out/opt-in. Failure to honor an opt-out could also trigger requirements for public disclosure, adding a reputation cost to legal penalties.

9.5. In cases where the human creator does not own the copyright—for example, because they have assigned it or because the work was made for hire—should they have a right to object to an AI model being trained on their work? If so, how would such a system work?

I feel people should have a right to say if they want their work used in AI models even if it was made for hire. As AI outputs created based on their work can be seen as derivatives. Apparently the Berne convention has "moral rights" for creators that should be considered when making legislation. [According to Wipo](#), "The Berne Convention, adopted in 1886, deals with the protection of works and the rights of their authors. It provides creators such as authors, musicians, poets, painters etc. with the means to control how their works are used, by whom, and on what terms. It is based on three basic principles and contains a series of provisions determining the minimum protection to be granted, as well as special provisions available to developing countries that want to make use of them."

10. If copyright owners' consent is required to train generative AI models, how can or should licenses be obtained?

It can be obtained the same way Social media, and other companies obtain it for publishing. People must consent and agree to the TOS. There is no reason this can not work for Generative-AI. Everything in this country uses Opt-in even Voting which is a legal right requires citizens to register. There are laws for data privacy and these apply to generative AI too. Nothing should change. When AI is implemented it needs to be opt-in, and should not be not checked on by default.

10.1. Is direct voluntary licensing feasible in some or all creative sectors?

Plenty of sites like Spotify, Patreon, youtube, Tumblr, etc show that this is not impossible. AI developers just want to make millions off of stolen content without having to pay people or get permission first.

10.2. Is a voluntary collective licensing scheme a feasible or desirable approach? ⁽⁴⁹⁾ Are there existing collective management organizations that are well-suited to provide those licenses, and are there legal or other impediments that would prevent those organizations from performing this role? Should Congress consider statutory or other changes, such as an antitrust exception, to facilitate negotiation of collective licenses?

Copyright flagging has existed a long time on sites like YouTube. AI companies just don't want to adhere to the same rules and tools everyone else does.

10.3. Should Congress consider establishing a compulsory licensing regime? ⁽⁵⁰⁾ If so, what should such a regime look like? What activities should the license cover, what works would be subject to the license, and would copyright owners have the ability to opt out? How should royalty rates and terms be set, allocated, reported and distributed?

I'm not sure. But first I think its more important right now that congress steps in to enforce copyright infringement laws, and to protect people's privacy.

10.4. Is an extended collective licensing scheme ⁽⁵¹⁾ a feasible or desirable approach?

I'm not familiar with this approach and can not say if it is or isn't appropriate.

10.5. Should licensing regimes vary based on the type of work at issue?

It should be the same for all types of work when it comes to licensing.

11. What legal, technical or practical issues might there be with respect to obtaining appropriate licenses for training? Who, if anyone, should be responsible for securing them (for example when the curator of a training dataset, the developer who trains an AI model, and the company employing that model in an AI system are different entities and may have different commercial or noncommercial roles)?

The people collecting the data for the AI model should be the first responsible party for obtaining the proper licensing. Before training is started it should be the responsibility of the trainers/developers to verify that all licenses have been obtained. Everyone involved in the process of implementing and creating the AI model should be held liable for making sure all content used is either public domain or properly licensed before the data is used. Record keeping and meta-data on data can help trace and document these things. If it is publicly available to copyright owners and legal workers, it'll be easily to enforce remedies if data is misused.

End users of AI should be held liable if they purposely submit Unlicensed material they do not own to AI models for the purpose of creating infringing AI-outputs. As is the case of Trolls feed artists works into AI models to harass them, or people using AI to undress others.

12. Is it possible or feasible to identify the degree to which a particular work contributes to a particular output from a generative AI system? Please explain.

Yes. Computers are binary, its all a 1 or a 0. For AI companies to say it's impossible is false as proven by Adobe's research. OpenAI and similar AI companies just want to avoid accountability.

13. What would be the economic impacts of a licensing requirement on the development and adoption of generative AI systems?

Proper licensing would provide help the economy, and put money into the hands of those used for AI training. It'd resolve the legal uncertainty surrounding these models. It would help the building of trust among AI and those it uses for training. It's nonsense to believe that AI companies can't profit without stealing work. Especially when they've amassed billions, and most are funded by other large companies. If AI companies can't pay for licensing, they shouldn't use the material for training, period.

Another possibility would be that opting-in users can decide if they want compensation or not from the licensing of their copyrighted works to the AI model. Some people may not necessarily want money from the licensing, considering many people post content online for free all the time. Though I think copyright owners should reserve the right to change if they opt-in/out of financial earnings. Opt-in to compensation must be the default, copyright owners should have to choose to opt-out of compensation.

14. Please describe any other factors you believe are relevant with respect to potential copyright liability for training AI models.

It is important that we respect current copyright system for the purpose of protecting human creativity. AI companies should not be allowed to undermine nor change copyright to benefit themselves at the cost of everyone else. The current system has been fine all the time and still does now.

15. In order to allow copyright owners to determine whether their works have been used, should developers of AI models be required to collect, retain, and disclose records regarding the materials used to train their models? Should creators of training datasets have a similar obligation?

Making it a requirement for AI developers and data-set curators to create, document, and disclose records on materials used in training would be a huge step towards transparency and fairness. Copyright owners would be able to see how their works are used by the AI, and it'd help streamline the process for licensing. If unauthorized content makes its way into the model, it would allow owners to be able to more efficiently enforce legal actions.

15.1. What level of specificity should be required?

A balance should be made where enough info is given for copyright owners to know how their work is used while also keeping AI development efficient. Such as Copyright work identifiers being the minim identifier required, such as the title, or ISBN label. How the work is used (training, fine-tuning, etc). The amount of the work that was used by the AI model, whether it is a small part of the whole work, or the whole work used. If the AI is commercial or non-commercial. And lastly, The context for which the Algorithm works and functions.

15.2. To whom should disclosures be made?

Disclosures should be made to copyright owners, legal representatives, and possibly the public (as long as it respects privacy/ownership). Companies and individuals using AI could also benefit from disclosures as it assures them the model they are using is following legislation. Disclosures will help in the quest of creating ethical AI models.

15.3. What obligations, if any, should be placed on developers of AI systems that incorporate models from third parties?

Those that wish to incorporate third-party AI models should be held responsible for verifying the model follows copyright laws. If the third-party model isn't complaint: the developer should either not incorporate the third party model, or assist the third-party in becoming complaint so that it can be incorporated.

15.4. What would be the cost or other impact of such a recordkeeping system for developers of AI models or systems, creators, consumers, or other relevant parties?

Implementing record-keeping for AI models would have costs financially, maintenance-wise, and technologically but the transparency and accountability results from a record-keeping system outweighs the cost. Long-term it can reduce legal-risks, cutting costs from copyright infringement. It can instill trust with copyright owners, and customers. Where the alternative of no record-keepers would do the opposite, causing fear and distrust of misuse among IP owners and consumers. Ensuring that the record-keeping for AI are built on environmentally friendly, and energy efficient hardware is important to keep costs and waste down.

16. What obligations, if any, should there be to notify copyright owners that their works have been used to train an AI model?

Copyright Notifications would ensure that works are being using in ways that align with legal rights & promote accountability. Opt-in would make this no problem. It can also build trust between AI model Companies and copyright owners.

17. Outside of copyright law, are there existing U.S. laws that could require developers of AI models or systems to retain or disclose records about the materials they used for training?

If the AI violates human rights, privacy, or safety then laws should be used to shut it down. Criminal and data protection laws should apply to AI. Criminals laws can shutdown deepfakes and undress apps. [My Image My Choice](#) has been combating the issue since the rise of deepfakes which has only increased with the release of Stable Diffusion. MrDeepfakes.com is thriving on abusive AI-generated porn that the uses likenesses of real peoples. Consumer protection laws should protect people from misleading AI and lack of transparency in how their data is used. Data protection laws for personal data protection, such as the California Consumer Privacy Act (CCPA) should be considering in adoption on a more widespread level. Stability AI founder [Emad Mostaque](#)'s claims of accessing any data, public or private should be investigated as this could be considered hacking and a breach of privacy.

18. Under copyright law, are there circumstances when a human using a generative AI system should be considered the "author" of material produced by the system? If so, what factors are relevant to that determination? For example, is selecting what material an AI model is trained on and/or providing an iterative series of text commands or prompts sufficient to claim authorship of the resulting output?

No, users prompting AI for content should be treated like art commissioners. The AI makes the content for the user, like how a artist creates work for a commissioner. The commissioner does not own the copyright of artwork. So users generating AI content shouldn't get to copyright AI-generation. Also because AI can generate the same output if multiple people use the same prompt, it would cause issues if more than one person tries to copyright the same AI-generated output. Copyright is meant to protect the works created by a "human author" and it

should stay that way. Also consider Ikea furniture, yes i built it, but that does not make me a carpenter. Same with ordering a pizza, yes it say what goes on it, but i still ain't a chef.

Also based on the recent WGA strike, and the on-going SAG strike, allowing AI outputs to be copyrighted could possibly result in corps firing worker to replace them with AI. Generative AI would just be a cost-cutting measure, and if companies can legally own the rights to AI outputs, why pay a human to make art? The machine can produce hundreds of outputs for less money despite it's ranging levels of quality. So not allowing Generative-AI outputs to be copyrighted makes it less appealing for companies to replace employees with it.

Clarity must be made for works that created in conjunction with AI. Questions such as the level of creative control over the AI's training and outputs, and the originality of the contributed elements to merit protection should be considered. Kashtanova's "Rose Enigma" combines a hand drawn image fed into Stable Diffusion, along with a prompt to create the final output. However, the AI model used for the prompt contains unauthorized copyrighted content. I think for Kashtanova to gain copyright protection she would have to wait until the AI model switches to ethical training of legally authorized content, or she switches to an ai model trained only on her own art in addition to public-domain content. With the collaboration of AI and humans, legislative or judicial clarification in the years to come, and the decisions made will have long-lasting impacts. Please think thoroughly on where to draw that line when it comes to generative AI usage so that people know what is acceptable or not.

19. Are any revisions to the Copyright Act necessary to clarify the human authorship requirement or to provide additional standards to determine when content including AI-generated material is subject to copyright protection?

Defining clarifications on Human involvement if AI is used to create a work. And giving examples of what is or isn't acceptable for copyright protections. Whether a work made with the help of AI is "original" or "creative" enough of a contribution to warrant protection, such as using AI up-scaling, auto-tune, or AI auto-focus on a camera. When it comes to generative-AI models (I.e. Midjourney), the rules for tools utilizing AI (i.e. AI auto-focus) should not apply.

The complexity of using licensed copyrighted materials for Generative-AI should be considered. Clear rules for lawful use of these Generative-AI models should protect the rights of the original copyright owners. Opt-in must be mandatory, and compressing that data into a data-set is no different than burning it onto a DVD.

20. Is legal protection for AI-generated material desirable as a policy matter? Is legal protection for AI-generated material necessary to encourage development of generative AI technologies and systems? Does existing copyright protection for computer code that operates a generative AI system provide sufficient incentives?

No because AI violates copyright and privacy. Protecting AI outputs as it currently works, is putting protections on plagiarized content. Also AI is know to spit out the same results if prompts are similar, so it can get muddy if several people try to copyright the same content. Also allowing the AI-outputs to be copyrighted could impact human artists where Generative-AI is used to create artworks in their style with out permission or compensation. It could also gravely reduce the distinction between AI-made and Human-made content, convoluting enforcement and resolution.

Copyright was made to protect Human creativity. Animals do not get copyright protection even if they were to slap paint on a canvas or [take selfies](#). AI is a machine and tool, no matter

how much people go anthropomorphizing it. AI is not human. Humans should come first, these laws and copyright protections were created to protect human creativity and culture. My sewing machine doesn't need legal protections just because it can help me sew projects, neither do my paintbrushes.

20.1. If you believe protection is desirable, should it be a form of copyright or a separate *sui generis* right? If the latter, in what respects should protection for AI-generated material differ from copyright?

Sorry I don't know. But I'm against AI outputs being copyrighted.

21. Does the Copyright Clause in the U.S. Constitution permit copyright protection for AI-generated material? Would such protection “promote the progress of science and useful arts”? ⁽⁵²⁾ If so, how?

No AI art or creations should not receive copyright protection. Copyright should only protect human work, because a machine does not need protections. Also AI heavily relies on human creations to thrive, so I think protections for human made content should be prioritized.

Many AI companies have proven they can profit without legal protection on AI outputs.

The core purpose of copyright as stated in the constitution was to reward human creativity and innovation. Extending protection to AI machine undermines this original intent. Humans should be the only ones protected by copyright and similar legislation. Artists already use many machines to aid in the creative process including sewing machines, pottery wheels, etc. These machines have not needed legal protection for human innovation and creativity to prosper.

Generative AI models depend on human creation to exist. Both need to understand the collaborative nature for how outputs are licensed. Which is why AI needs to be ethical.

22. Can AI-generated outputs implicate the exclusive rights of preexisting copyrighted works, such as the right of reproduction or the derivative work right? If so, in what circumstances?

Since many AI data-sets were created by scraping the web without regard of copyright, many copyrighted material has been used to train AI without compensation or permission from the respectful owners. AI relies on the data it was trained on to generate outputs. There have been several cases where scrambled signatures have been seen in AI outputs or outputs are nearly identical to the source artwork with a few minor changes.

23. Is the substantial similarity test adequate to address claims of infringement based on outputs from a generative AI system, or is some other standard appropriate or necessary?

I've never heard of this, so I can't answer.

24. How can copyright owners prove the element of copying (such as by demonstrating access to a copyrighted work) if the developer of the AI model does not maintain or make available records of what training material it used? Are existing civil discovery rules sufficient to address this situation?

Without transparent and publicly open data-sets it can sometimes be hard to tell whether copyrighted material was used or not. There have been cases where it's blatant infringement

such as cases like Kelly McKernan having to compete against ai models that used her entire body of art to exist. So far the only way to check if your images have been scraped is through <https://havebeentrained.com/>. but there is no such method for other types of creations like music, writing, etc. This is why AI data-set must be publicly available and record-keeping should be implemented, so that copyright owners can make sure no infringement is taking place and enforce remedies if needed.

25. If AI-generated material is found to infringe a copyrighted work, who should be directly or secondarily liable—the developer of a generative AI model, the developer of the system incorporating that model, end users of the system, or other parties?

The developers should be held liable in these two cases. If it can be proven that the model was specifically designed to create infringing replicas of the unauthorized work, or the AI model contains copyrighted work without consent. A AI developer or those implementing a AI model are liable if the model is customized to generate infringing material, or they still used the model despite it containing infringing material. This would apply to companies such as MidJourney, Stability Ai, OpenAI, and others who use AI models trained on public data for commercial purposes by selling subscriptions. If users of AI utilize the AI model to create infringing outputs, then they should be held liable.

25.1. Do “open-source” AI models raise unique considerations with respect to infringement based on their outputs? ⁽⁵³⁾

Open-source models are publicly available, so anyone can modify them. A user can tweak the open-source models to generate infringing outputs without the original devs knowledge. It makes it hard to enforce accountability and responsibly, especially when many open-source devs relinquish control of the model. As is the case with many of the Undress apps popping up online. Open-source AI can lead to users commit wide-scaled infringement or illegal acts. As in the case of people using AI to harass artists with AI replicas. With proprietary models owned by a single entity, it is easier to regulate and be held accountable.

26. If a generative AI system is trained on copyrighted works containing copyright management information, how does 17 U.S.C. 1202(b) apply to the treatment of that information in outputs of the system?

17 U.S.C. § 1202(b) makes it illegal to “intentionally remove or alter any copyright management information,” or to distribute works knowing that copyright management information has been removed or altered without proper authority. The statute defines copyright management information to include information like the title of the work, the author, and terms for use of the work, among other things.

AI companies are guilty of violating this law if it is not fully transparent about whats contained within the data-set. Banning words or filtering what users can use later, does not absolve them of the crime. This is the exact clause that should be used to enforce transparency. Once provided, it should be easy enough to prove whether copyrighted works were used in training or not.

27. Please describe any other issues that you believe policymakers should consider with respect to potential copyright liability based on AI-generated output.

Four concerns are Algorithmic biases, Ethical obligations, and copyright/AI Trolls.

Since AI is trained on a broad scope of copyrighted material that reflect creator biases, there's a risk AI can perpetrate harmful biases. And with a world that is progressing forward, it should be on AI model makers, and training companies to ensure harmful biases are not prevalent in the algorithm.

Those using AI and the companies that train/implement AI both should heed to ethical standards. Undress AI apps, and deepfakes are obviously unethical and should be legally dealt with. However, some companies that claim to be ethical such as Adobe, Shutterstock, and Getty are not always transparent or follow the 4 pillars of Ethical AI. Similarly, Grammarly and Microsoft also claim to be ethical without disclosing what data is or was used for training.

AI-generated content is also susceptible to actions from copyright trolls. This could be an unintended consequence of allowing copyright protections on AI-generated outputs. Such as trolls training models off a single artists work to devalue them. If AI is allowed to be copyright, it gives trolls the power to infringe on artists with Generative AI then copyright the infringing AI copyright. It's important that AI companies aren't allowed destroy the original intent of copyright laws that was to protect human creative works and culture.

28. Should the law require AI-generated material to be labeled or otherwise publicly identified as being generated by AI? If so, in what context should the requirement apply and how should it work?

Yes a law should be required for AI developers/companies to make AI-labels. These labels should be public. The labels should also be hard to remove or alter. Possibly routes are watermarks or meta-data embodied one the output. This can help aid transparency among consumers, copyright holders, and legal oversight. The labeling of AI usage/generation is especially crucial in contexts of news articles, research, and legal docs.

Also consumers have the right to decide whether the content they want to consume is machine/AI or human made. Also the right to know if the goods they purchase are human or machine/AI made as well. As well as decide if they want to use AI or not, instead of it being forced onto them like Bing and Google search has done. It helps build build trust and transparency.

28.1. Who should be responsible for identifying a work as AI-generated?

The responsibility for identifying a work as AI-generated should primarily fall on the owners/developers of the AI model, and the entity that deploys the AI system to generate the content. Whether it's a company, a research institution, or an individual developer, the onus should be on them to ensure that the AI-generated nature of the work is clearly labeled.

28.1. Who should be responsible for identifying a work as AI-generated?

The developers and companies of Generative-AI should be held responsible for labeling AI outputs. It should not matter if the company is commercial, non-profit, or a research institute. They are the ones who develop and implement the AI, so they should be the ones in charge labeling AI-generations. If multiple parties are involved in the creation of an AI such as data-set curators, developers, etc, all parties involved should be equally responsible for labeling AI-outputs/usage. Labels should be done in a way that can not be easily removed or altered by users of the AI. Any party that fails to disclose AI or intentionally omits AI-labels should be charged with a crime, including users of the AI. Penalties obviously should depend on who committed the crime, and if the non-labeling poses significant harm or deception.

28.2. Are there technical or practical barriers to labeling or identification requirements?

If AI developers learned how to create these powerful AIs, they can figure out a way for the content generated to be labeled. The challenge is creating a labeling system on AI-generated content that cannot be removed by users later. Labels that distinguish between “made by ai” or “made with ai” maybe beneficial. Obviously the percentages of ai’s contribution for the generation should decide which label it is given. Maybe social media should implement AI labeling & filtering so users have control the what they see and are aware a post is AI-content as well.

Despite the challenges, the need for transparency outweighs the complications. Developing robust methods for labeling AI-generated content that balances practicality and the public’s right to know.

28.3. If a notification or labeling requirement is adopted, what should be the consequences of the failure to label a particular work or the removal of a label?

Failing to label AI, or the intentional removal/mislabeling of AI-generated content should be taken seriously and face legal action/penalties. Not labeling AI undermines transparency, and can cause deception. These penalties should based on the severity and intent behind the label omission. Fines being the lowest tier for non-compliance. The legal consequences severity should depend on if lack of labeling leads to major harm or deception. Consequences should match the type of work and the context in which AI is used. For example, Health Articles using AI without disclosure being highly server. However, all of failures to label AI, or mislabeling AI should be considered a violations of the law.

28.4. What tools exist or are in development to identify AI-generated material, including by standard-setting bodies? How accurate are these tools? What are their limitations?

I’m not sure, just heard it these tools aren’t always accurate.

30. What legal rights, if any, currently apply to AI-generated material that features the name or likeness, including vocal likeness, of a particular person?

AI models should get permission and establish licenses with said individual so that they are properly compensated financially. Permission and licenses should be established before AI is trained on a person’s likeness. AI that trains itself on data without permission should be fined. Opt-in is the only way for privacy, and data rights.

31. Should Congress establish a new federal right, similar to state law rights of publicity, that would apply to AI-generated material? If so, should it preempt state laws or set a ceiling or floor for state law protections? What should be the contours of such a right?

Yes consent laws and rights of publicity of dire for protecting people from AI using people’s likeness to train AI. Many undressing apps have been created online where users take images of woman or children to then use the AI to strip them naked. [Spain is currently dealing with several lawsuits, where teens were using AI to undress fellow female students.](#) Many deepfake porn has been created using the faces of celebrities or ordinary people. Some AI outputs are created to make celebrities to say offensive things. [Phone calls from scared relatives may not even be safe anymore with the rise of voice cloning used by scammers.](#) The problem is that proper consent was not given for these AI outputs and violate our privacy. Privacy and autonomy will be eroded if protections are not made to protect people from AI digital clones. Trust will be further eroded as scams use voice cloning for fraud. In the case of

deepfakes, if the generative-AI output is convincing enough it can ruin the reputation of the victim and physiologically damage them. People shouldn't have to fear that innocent selfies and family photos posted online will be used to create deepfakes or that a phone call from a scared relative is a scam.

32. Are there or should there be protections against an AI system generating outputs that imitate the artistic style of a human creator (such as an AI system producing visual works “in the style of” a specific artist)? Who should be eligible for such protection? What form should it take?

Yes Actors of the SAG and writers of WAG fought for protections against their likeness or works being used to train AI that would ultimately replace them at their jobs. Several famous artists such as Karla Ortiz have had AI models off her art so they wouldn't the need to commission her. AI style mimicry devalues the artist and directly competes with a artist by stealing their artistic style without compensation or permission to do so.

But considering art can resemble each other such as people creating cubist style art, it is a fine line that must be tread carefully. I think using a whole artist's body of art to create AI-generated replicas in the human artists style is the bigger issue. As the Intellectual property is used a shortcut and is heavily utilized by the AI outputs without credit or compensation. That shortcut must be protected and should apply to images in the style of an artist, chatbots in the style of people/characters (see [Character AI](#)), voices, music, etc. The problem isn't making something in the style of a person or brand, it is making AI using the name and work of the person or brand. As is the case with people creating Drake music, without drake's involvement or knowledge. The artistic style isn't what needs protection. Protections are needed for the training data and limiting the use of other people's names/work in prompts or image-to-image training.

Careful consideration is needed to balance the interests of human creators, who deserve recognition & rewards for their work, against societal interested technological innovation. The development of a fair and practical legal framework should include not only lawmakers & technologists but also artists, activists, the public, and AI ethicists.

33. With respect to sound recordings, how does section 114(b) of the Copyright Act relate to state law, such as state right of publicity laws? ⁽⁵⁴⁾ Does this issue require legislative attention in the context of generative AI?

section 114(b) of the Copyright Act governs the limitations on exclusive rights related to sound recordings. It defines the scope of what is protected under a sound recording's copyright and what isn't. Clarifying relationship between federal copyright, state laws, and right of publicity laws. State right of publicity laws can protect the commercial use of a person's name, likeness, or voice, but they often intersect and sometimes clash with federal copyright protections. In the context of generative AI, which can generate sound recordings that mimic the voice or style of a particular artist or personality, it lives between Section 114(b) and state rights of publicity.

34. Please identify any issues not mentioned above that the Copyright Office should consider in conducting this study.

I think the ability to copyright human made creative works needs to be more affordable or include more than 10 works for the unpublished method. Maybe allow 20-50 unpublished works to be registered in one go. Many artists including myself post artwork online without registering officially with the copyright office because of finances, uncertainty of the application

process, etc. Increasing the number of artworks that can be registered in one payment would help. Also defining what published means. Does posting art online on a personal website/social media count as published or does it only apply to work published in magazines, ads, or other professional/commercial formats? I got a answer through emailing the office, but having it better defined on the site would be better.

NOTE: I referenced this [response by Luddite.pro](#) along with linked articles to help me write my responses. I am no expert in law, just a artist that wishes for our legal system to stop the exploitative & harmful nature of current AI models.