I am simply a random U.S. citizen who likes to draw in my free time, but I am very concerned with the way applied statistics, or what has been inaccurately termed "AI", has been developed. I'd like to try and address some of the questions your office has posed.

1. My concern is that there is already a fundamental misunderstanding of generative AI systems in this very question - no one single human author can be attributed to any currently generated images or texts by AI systems, as their datasets have been based on large amounts of other individuals' work, without their permission. The "prompt" process by which one uses AI is akin to the way an individual commissions an artist. When someone commissions an artist, they do not get to equate themselves to the artist, and they almost never acquire copyright of the produced work unless the artist has also sold the commissioner full rights to the commissioned piece.

For the second part of this question, there are already many companies looking to cut down on their staffing in favor of using AI systems (concept artists in China's gaming industry have already seen a 70% loss). So many people are losing their jobs to something that is 1) unethically built, and 2) inherently biased (to quote the Concept Artists' Guild: "Some of this data is the copyrighted work of artists and the private data of the public. As these models produce derivative works based on probability and statistics, they are prone to reproducing biases, stereotypes, and copyrighted works present within the datasets."). Additionally, many individuals are already feeling discouraged to enter into creative fields as a result of the increasing use of AI.

4. Italy banned ChatGPT and I think we should do the same for it and any other AI built upon datasets of stolen information and images. There have been photos from private medical records found in some of these datasets. We need to be a LOT more concerned with the way these systems utilize text and images that were never for others to take and regurgitate. We also need to be a lot more concerned with the average person's complete misunderstanding of copyright and fair use - many think it's fair game to use any image posted online, simply because it was posted online.

Here is an article on stolen medical records: https://arstechnica.com/information-technology/2022/09/artist-finds-private-medical-record-photos-in-popular-ai-training-data-set/

5. Yes.

6. I'll quote the Concept Artists' Guild again: "Images and text descriptions across the internet are gathered and taken by a practice called data mining and/or data scraping. This technique allows AI/ML companies to build the massive datasets necessary to train these AI/ML models.
Stability AI funded the creation of the biggest and most utilized database called LAION 5B. The LAION 5B database, originally created on the pretext of "research" contains 5.8 billion text and image data, including copyrighted data and private data, gathered without artists, individuals, and businesses' knowledge or permission.
MidJourney, Stability AI, Prisma AI (Lensa AI) & other AI/ML companies are utilizing these research datasets that contain private and copyrighted data, for profit. They did so without any individual's knowledge or consent, and certainly without compensation."

8. With how applied statistics models are currently used, there is no fair use. Any passable image produced by these models are almost always passable because they closely resemble an existing stolen image that was part of the dataset. There is a term for this that "AI" devlopers use, a euphemism: overfit. Here is an article on this as well: https://www.vice.com/en/article/m7gznn/ai-spits-out-exact-copies-of-training-images-real-people-logos-researchers-find

9. Copyright owners of works should definitely HAVE to opt-in before their work goes anywhere near AI. The default should NOT be opt-in.

9.3 I'm sorry, but the practicalities of ethically acquiring consent from copyright owners is something that these businesses behind AI need to figure out. If their business model is impractical, then it's not a solid business idea and that's their loss. That shouldn't result in punishing copyright owners because we're not just forking over our work to whomever because they want it.

10, 11 - see 9.3.

12. Yes, again, "overfitting."

13. Again, that's these businesses' problem. Creatives, artists, writers, photographers, etc. deserve fair and equitable compensation for their work, which required skill to produce. It being expensive for an AI company to acquire licenses is the company's problem.

15. Absolutely yes. Even the random artist online will disclose when they have closely used certain reference images, digital brushes made by someone else, the program they used to produce the work (which the artist still had to have the skill and ability to use), etc.

16. The copyright owner should already know this is happening because they should have needed to give their permission first.

18. With current AI technology, no, absolutely not. Many have falsely equated an individual using a computer to write up their novel or an artist using a digital art program to the same thing as someone using prompts in a generative AI system. The difference here is skill and process. I can have all the fancy tools at my disposal, but the computer doesn't make me a better writer. Me having photoshop doesn't enable me to draw well. I still have to know what I'm doing and then subsequently follow the process that defines the act ("drawing," "writing," etc.) to produce the work. This is exactly what makes this copyrightable - a human did it, even if they did it with assistance of fancy new tools. The human still had to utilize the tools in a specific PROCESS performed by the human. AI generation is like commissioning an art piece, not creating it, and it's doing so from hundreds of thousands of artists who had no idea their work would be mashed together and who receive no compensation for what is produced from their work. A human did not do it, no matter how specific they get with what they want to see (again, a commissioner can also be very specific, with words, in what type of image they want to receive - they still didn't create the image).

19. Please just double-down on the fact that a human needs to CREATE it, re: my description of "process" above.

20. I think legal protection will harm everyone because it would be giving the legal go-ahead to continue mining other people's information, images, and private data. The companies that have already done so won't even get a slap on the wrist.

24. This is actually a great argument for why AI model developers should be obligated to keep records.

28. Yes.

32. YES, absolutely yes. This isn't just about protecting an artist's style, it's also about protecting their identity. Using AI to imitate an artist and then using that artist's name to sell the fake work (something that has already happened to multiple artists) is basically identity theft and in the realm of "deep fakes." This should be a default protection applied to any human-made works. There shouldn't be some sort of eligibility one has to apply for, other than being someone who has copyright of a work.

34. Something that concerns me, as a member of the medical field, is how businesses are looking to make AI profitable. With regards to profit, they are not as likely to care about what the AI actually does. For example, this is quoted from a friend's presentation (they are a medical illustrator also highly concerned with current AI technology):

"The National Eating Disorder Association (Neda)'s helpline provides resources and support for people struggling with eating disorders. In February 2022, they introduced an AI-based chatbot, Tessa, as an addition to the helpline.

In March 2023, Neda fired four helpline employees days after their union election was certified. Around the same time, staff were informed the helpline would transition to Tessa.

By the end of May, Tessa was taken down for providing harmful advice."

Enabling copyright or other forms of legal protection for technology that should have been crafted a lot more ethically than it was will only further fuel profit-motivated businesses to continue these bad practices. This will harm everyone - everyone's privacy, creatives' jobs, further spread of misinformation, etc.