Submitters:
This is a joint submission by two individuals who wish to remain anonymous:
- myself, a working professional freelance illustrator
- another individual, a hobbyist game developer and working professional programmer

The technical details of how these models work has already been discussed widely, and commented upon by others in this study, so we want to give an insight into the impact of this technology on the creative industries, society, and our personal lives.

1) There is no benefit to generative AI. We have seen how it already undermines creative human endeavor, such as the hard work of creatives, their time invested in creating and training, and the act of creation itself. It does so by providing a quick, but low quality, replacement of human creation, based on the amalgamation of works by those very creators.

Copyright owners and authors (including ourselves) already have their works laundered through these systems, without their consent or compensation. Many of our peers and mentors have had models specifically trained to imitate and replace them.

I, as an illustrator, personally feel uncomfortable publicly posting my works, due to the pervasive belief of many AI-generative users that "if it's publicly available, it's fair use for training AI". Due to this, and the current legal uncertainty, I have removed all of my work as much as is possible from the internet.
I am also hesitant and nervous about privately sharing my work, because I don't know how it will be used. It may be passed on, or posted publicly, without my knowledge. Or the service I use to share my work (private messaging program, email provider, etc) may take my work and use it in a dataset.
This all has a negative impact on my career, as without sharing my work, I cannot be discovered by and find new clients. Without new clients, my income and work opportunities have tanked. As well as losing contact with my general creative communities, as many others have also withdrawn their work.

I also worry that this disappearance of working creatives will lead to a negative impact on future creatives, as they will miss out on the enrichment of their fellow humankind.

The current model of opting-out, besides being legally toothless thus far, is a massive time investment, that further takes time away from us as creatives. We are forced to spend time hunting down those infringing on our works, and defending ourselves and the right to our work, when copyright law should be a default protection and put the onus on those committing the infringement. Time spent hunting down the infringing parties has not only proven fruitless for us (the models are still available) but also takes time away from our acts of creating art, or otherwise living our lives.

Personally, we have witnessed AI users, many of whom admit to not being creatives themselves, argue various points. Some statements that are of great concern and alarming regarding the AI vs. copyright debate, as they speak to a desire to abolish copyright completely.
One of the most pervasive arguments is the idea that "styles are not copyrightable", which has resulted in people saying they are free to train models on specific artists to directly compete with them. Artists are then unable to have these direct replacement models removed, as there is currently no legal recourse. The lack of legal recourse has further emboldened the creators and users of such models.

Allowing things to continue as they are sends a societal message that mass copyright infringement, impersonation, plagiarism, and copyright laundering is OK.

Further exploration of our opinions on the matter can be found in the following points.

2) As an illustrator and hobbyist game developer, our industries are heavily affected by generative AI, especially in the field of illustration.

Generative AI is built upon copyright and IP laundering, through the ingestion of data, most of which is unlicensed copyrighted works.
Clients (those who would hire artists) will see no issue in training a model to replace the artist they would have hired, rather than paying for it. I have already heard from many fellow professional illustrators that they have been replaced in favor of generative AI.

Artists are already not able to freely create work of copyrighted characters, intellectual properties, etc, as they are beholden to large corporations' ownership of these, and do not have the money to pay for legal representation should a case arise. However, AI generators allow for these large corporations to use independent artists' work to train their models in whatever way they see fit, without any recourse from the original artists. They would have the financial backing to fight any smaller creators as well.

There are also numerous general public comments about no longer needing to commission artists now that AI generators exist. These small one-off jobs are often entry level jobs for those starting in the field, providing excellent work experience and networking opportunities.

Many small/indie game developers are also choosing to use AI-generated content, and are currently not required to disclose such use. Not only does this again take work from artists, but also has led to many people unknowingly monetarily supporting these titles, when such patrons are against AI content.

4) We believe that unauthorized or unethical use of copyrighted content should be treated in the same manner as other infringements of copyright – eg: same treatment as those for piracy, bootlegging, etc.

Current models – those built on stolen / unethical capture of copyrighted works – need to be deemed illegal and destroyed, with associated punishments.

This treatment of copyright infringement should follow already established copyright enforcement. Meaning that legal recourse can be sought from any country that upholds copyright law, and regardless of which country the infringing party is based.

We also believe that partially AI-generated works should be completely denied copyright. This is because:
- AI generation is not artistry (see comment on point 18)
- It would be impossible to know / prove that the AI-generated contributions were ethical – ie: dataset trained only using licensed work.
- Casts uncertainty on the human authorship side – ie: how much was made by the human, are they telling the truth about their authorship contribution.

- Uncertainty or confusion about human authorship also negatively impacts human inspiration, motivation, and creation. We can personally attest to this, as well as our many friends, peers, and some of the general public – that we feel inspired seeing fellow humans' work, but do not feel that towards AI-generated content.

8) There are no circumstances in which unauthorized use of copyrighted works for training AI models should be considered fair use. Opt-in / only using expressly licensed work should be the default.

8.3) No, commercial uses are by definition no longer "noncommercial or research", so any models based on those datasets would be infringing.
This applies to models laundering their datasets as well – ie: a noncommercial dataset is built for educational purposes using copyrighted material, which is then used to create a noncommercial AI model, which is then used to create a for-profit AI model. Such an AI model would be profiting from the use of unlicensed copyrighted material.

8.4) Any amount of data which is unlicensed is infringement of copyright. As there is no way to know whether a work has directly impacted the output of a model, then any unlicensed work in a dataset should taint the entire model as unusable for commercial purposes.

9) Opt-in should be the default (not opt-out). Works should not be used for training purposes unless explicitly licensed for it.
Ideally all works, including those in the public domain, would need to seek explicit permission to be used in AI/ML datasets and training.
I personally feel that works previously created and released to the public domain were not created for ingestion into AI models. These works were made before AI, and so it is a false assumption that just because works existed already that they are free to use in AI models. I do not believe that artists of the past would have supported their works being used to replace or undermine entire generations of creatives to come.

9.5) Yes – regardless of copyright transfer, the author should always retain the right to grant permission for AI training on any work created by them. Any AI training would serve to replace their work in future, so authors should have the choice whether to contribute to such technology.

15) Yes, it should be necessary for any organizations or individuals training AI models to disclose the data used to train the model. People should be able to easily find if their work has been used to train a model. To not have this information publicly available is copyright laundering of privately owned works.

18) No. The selection of prompts, input data, or selecting from output results, is at most akin to being a commissioning patron of an artist, not an artist themselves. While it may be an expression of the prompting user's tastes, it is not an act of creation by the prompter, and therefore not an artistic work.

21) The purpose of generative AI is to replace the work of artists. It provides no further benefit than to directly replace working artists with a cheaper, or even free, alternative. This does not promote growth of the artistic industry, but could destroy it.
Copyright is meant to provide incentive for creative human endeavor, and protections to ensure that a creator is first to profit from their hard work, time invested / training, and creation. If we allow AI-generated content to be copyrighted, then:
- it disincentives actual human creators, as their work can be legally laundered into ML

models. Artists would be easily replaced as they could not compete with the output of the model. What is the point of copyrighting human made work, if it can just be taken and used to train models on it.

- normalizes plagiarism and creativity laundering
- elevates the resultant plagiarized/laundered AI output to the same level as creations by actual humans.
- leads to the confusion of human authorship. Human authorship directly influences the motivation, inspiration, and creation of new work by humans.

25) All those involved with the creation of an AI-generated work should be in some way liable for the copyright infringement of the work. The compiler of the dataset would be infringing by taking unlicensed work, whether or not for profit. The developer of the AI model or system incorporating a model would be liable for providing access to the unlicensed content to end users, and for profiting off unlicensed work. End users would be liable for not taking responsibility for ensuring that they are using unlicensed work, in the same way that end users are responsible for plagiarism, no matter the sources used.
These are the same rules by which the internet and businesses work today – ie: images found on the internet are not free to use in any commercial capacity unless licensed, even when the license is not attached to the image itself. It is entirely on the user of the image to ensure they have the rights to use it. The same should apply for AI-generated content.

28) Yes. Any works generated wholly or in part by AI should be clearly marked. People should know that any article, text, image, video, audio etc is generated by AI (in part or wholly) – *before* engaging with it.
An example of how this currently works is the use of ratings on media, such as film trailers stating that they have a rating, or are currently unrated – BEFORE the trailer plays. This allows people who do not wish to support, engage with, or consume AI-generated material to be forewarned – so as to allow them to not accidentally support these works if they choose.

30) No AI-generated works from current models should have any legal rights, meaning no copyright protection and no right to be used commercially. These works are built from the plagiarism of unlicensed work, and are effectively impersonation and fraud.
For "ethical" models wholly built upon licensed works, then the works should be marked as being AI-generated, and allowed for commercial use. However, I do not believe such AI-generated content should be allowed copyright status, as there was no human authorship or act of human creation, and so the resultant work is not copyrightable.
For AI generative models wholly built upon public domain works, then the end results should also be public domain. Such AI-generated content would still need to be marked as AI-generated, and not be copyrightable due to lack of human authorship.

31) Yes – federal law should set a new floor on the minimum protections afforded against AI generated works. Every single human deserves right of publicity and control over how their name, image, works, voice, etc. are used. This includes the ability to legally enforce take-downs of content that infringes on that right.

Thank you for reading. We greatly appreciate your time and consideration.