

"To whom it may concern,

I am writing to you respectfully requesting clarification and discussion to be had in the US Copyright Office about the rising field of artificially generated content.

## **How AI models should use copyrighted data in training?**

Training on copyrighted data should be done on an opt-IN basis only where people who are aware & are willing to give permission to be scraped & trained on. Compared to the severely flawed opt-OUT system where creators have to manually remove themselves. What of artists who do not consent but do not know how to do so?

Currently artificial intelligence (AI) is of great concern to many professionals working in the creative industry. These AI programs function by taking pre-existing images, music and writing that is protected by copyright law and creating derivative works (Both commercially and non-commercially) based off of them without permission from the original copyright holders. While creating derivatives is in many cases allowed by copyright law if it is sufficiently transformative, these AI programs themselves are constructed by using copyrighted content and/or content under various forms of the creative commons license. In many cases, these licenses forbid the licensed content to be used in any commercial projects, which several of these AI image creators are (See the examples at the bottom of this email).

What most creatives are asking now is for stricter regulations & guidelines on the creation of AI content & the people who are monetarily incentivized to spam it. To give them the tools to not be exploited by reckless usage of their work in AI content creator databases and to protect their rights as copyright holders of their own work. A satisfactory solution would be to only permit the use of content to which AI content creators have the legal rights to use. This would mean that the people creating AI content creators have to ask the copyright holders for the rights to use their content in their AI project or simply use content in the public domain.

As it stands, it is a wild west out there in regards to AI, and the creatives, most of whom are small independent freelancers and sole proprietors, are unable to fight back when their work is used without their permission for monetary gain and otherwise.

I have been a freelance illustrator for 4 years now. In just the few months, I have lost a few of my clients. Some of my clients either converted to AI art or have hired AI artists to make AI-generated commissions using img2img based on my original commissioned artwork completed years before. I have also found several of my artworks that have been scraped & trained without my prior knowledge or consent. I have since updated my Terms of Service to state that none of my works are allowed to be used in AI/ML training.

If a client used a previously commissioned artwork or character design from a No AI artist for AI art training or img2img, whose copyright will be respected in this scenario? Can the artist retain the right to prevent their artworks from being used by AI artists who are outpacing them & creating unfair competition in the marketplace?

How will the Copyright Office ensure protection for creators if our copyright & licenses are continually ignored by large tech companies infringing on our Intellectual Property for training of their

models without our explicit consent or giving us credit & compensation?

## **Should AI-generated material can be copyrighted even without a human involved?**

I stand by the US Copyright Office decision not to grant copyright to non-human entities. I have listened in “Artificial Intelligence and Intellectual Property: Part I — Interoperability of AI and Copyright Law” in all of its entirety & while I appreciate your good office’s decision to not grant copyright for AI-generated content, my worries are not assuaged whenever I hear AI enthusiasts make a false equivalence that AI learn like humans & therefore should be granted the same rights in creative endeavors.

[https://www.youtube.com/watch?v=Mm1NQ\\_Kqumw&t=6112s](https://www.youtube.com/watch?v=Mm1NQ_Kqumw&t=6112s)

“AI learn like humans” & “Fair Use” defense are commonly espoused by not only the AI community but even by their head developers & CEOs, notably Emad Mostaque & David Holz, to excuse themselves on training on our works without prior consent, credit or compensation.

Notably, even experts & neuroscientists disagree with this notion that machines do not in fact learn like humans typically do  
(<https://theconversation.com/were-told-ai-neural-networks-learn-the-way-humans-do-a-neuroscientist-explains-why-thats-not-the-case-183993>)

And as in the above link, even congressman, Mr. Gooden, wanted to differentiate between the two “I’m not worried about a middle school child taking over the music industry.”

## **How copyright liability would work with AI & how AI could possibly violate publicity rights?**

Please refer to incomplete list below of artists & who have been harmed & plagiarized by having their works were taken without consent & trained into models & who are unable to take these infringing models down even after reporting:

1) Pilyeon’s AI Model

[https://twitter.com/vlfdus\\_0/status/1623149165500051459](https://twitter.com/vlfdus_0/status/1623149165500051459)

<https://civitai.com/models/6304/pilyeon>

2) NekoJira Civitai Model

<https://twitter.com/NekoJira/status/1633882318787198978?s=20>

3) Torino Aqua LoRA

<https://twitter.com/Abyou17/status/1633971596825358336?s=20>

4) Aroma Sensei LoRA

<https://twitter.com/Rui3DElsa/status/1631107453306765312>

5) SamDoesArt Lora

<https://twitter.com/MysticMessEdits/status/1634145198090473472>

6) ATDAN Style LoRA

<https://twitter.com/Atdan86/status/1634490548387217409>

7) Pottsness Style Model

<https://twitter.com/pottsness/status/1637930835746910208>

[https://civitai.com/user/Goofy\\_Ai](https://civitai.com/user/Goofy_Ai) (model uploader is asking for support on Patreon without compensating the artist)

8) Feef Civitai Model

[https://twitter.com/feefal\\_/status/1639639482071646209](https://twitter.com/feefal_/status/1639639482071646209)

9) Karon's Civitai Model

<https://twitter.com/kingsevil0000/status/1642006144230076418> (Artist has previously been doxxed & harassed by pro-AI users who also used AI to nudy her photos)

<https://civitai.com/models/26469/channel>

10) BACHeally LORA Model

<https://twitter.com/BACHeally/status/1646915152045035521>

11) QuAn Avatar Art Style Lora

<https://twitter.com/itzmoepi/status/1648865560476753921>

12) REDUM LoRA

Original Artist: <https://twitter.com/REDUM4>

13) Gtunver LoRA

<https://twitter.com/gtunver/status/1663607913783631873>

14) askziye LoRA

<https://twitter.com/O3Alice2/status/1663798859485822976>

<https://civitai.com/models/24939>

15) Ivan Dubovik LoRA Model

[https://twitter.com/Van\\_Cornellius/status/1666143607156244487](https://twitter.com/Van_Cornellius/status/1666143607156244487)

16) Alariko LoRA

[https://twitter.com/Alariko\\_/status/1683253803422810112](https://twitter.com/Alariko_/status/1683253803422810112)

Civitai Models trained on images of real people for NSFW purposes:

<https://twitter.com/MysticMessEdits/status/1634623070416646146>

<https://twitter.com/MEGUJuke/status/1649508078105296899>

<https://twitter.com/GlynnTarrant/status/1649707892365221888>

<https://civitai.com/models/117635/greg-rutkowski-style-lora-sdxl>

<https://civitai.com/models/85887/sarah-andersen> - one of the plaintiffs of the SD Litigation

Civitai user creating models & asking for monetary compensation:

<https://civitai.com/models/5396/dalcefopainting>

<https://twitter.com/dalcefo1?lang=en>

[https://ko-fi.com/dalcefo\\_artworks](https://ko-fi.com/dalcefo_artworks)

Civitai also personally harassed other artists like SamDoesArts (<https://youtube.com/watch?v=5Viy3Cu3DLk&t=594s>) while refusing to take down models if artists report it which shows they don't care about artists & just want to exploit them while making money off their art.

Civitai Refuses to Remove Models

[https://www.reddit.com/r/StableDiffusion/comments/101j73s/civitai\\_is\\_not\\_removing\\_models/](https://www.reddit.com/r/StableDiffusion/comments/101j73s/civitai_is_not_removing_models/)

How can artists be assured that our copyrighted works will be protected going forward when so many AI enthusiasts are taking advantage of the lack of regulations in order to monetize the technology for their own gain while trampling on artists' intellectual property & dignity? What of our names being used in prompts to emulate our artstyle?

Many AI enthusiasts have publicly stated that they use tools to remove artists' watermarks or protection tools such as Glaze by using watermark removers, adversarial cleaners before training on their artworks to create LoRAs, in addition, prompters are knowingly removing watermarks from outputs by typing negative text prompts to remove artists' signatures. Please find that such infringing behavior is in violation of DMCA Section 1202 & can be penalized for upto \$25,000 in fines.

I hope you will take this into consideration with your decisions going forward. Thank you for this opportunity to express our concerns as a creator whose works have been taken without regard.

Respectfully yours,

A Human Artist

Examples of commercial AI image creators:

<https://creator.nightcafe.studio/>

<https://hotpot.ai/art-generator>

<https://midjourney.com/>