

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?

The use of generative AI systems is actively removing work from the table. Articles, book covers, and more are being generated by AI rather than by paid creators. In fields where work is already hard to come by, such as illustration and journalism, the choice of executives to use generative AI systems is detrimental to the economic growth of the middle and lower classes.

I can see some benefits. Author/Artist Ursula Vernon was creating a comic on twitter that started with AI generated images that she then heavily edited to create dream-like backgrounds. This and other uses that involve heavy editing make sense to me as an artist and designer. However, unless there is a significant amount of editing of the generated image, I am hesitant to consider it usable and copyrightable. I am also hesitant to use generated images for commercial applications because they may be based on original copyrighted work by other artists.

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?

One of the concerning training materials subsets is fanfiction. While the fanfiction itself is created under fair use policies, it utilizes copyrighted materials as sources. So, the fanfiction is not protected in the same way that the original material is, but it still is original and transformative creative material. Recently, when people were made aware that one of the largest fanfiction databases on the internet (archive of our own) was being scraped to train AI models, it led to a mass deletion of content by fanfiction authors who did not want their material used in this way. It is evident that many creators are very concerned about their content being used in ways that they may not be aware of. There does not appear to be a proactive way of informing creators about inclusion in training materials and providing proactive and explicit methods for opting out.

It is similarly concerning that Terms of Service for social media sites are beginning to contain disclaimers allowing social media posts to be scraped for AI training. A lot of social media posts are personal conversation and again, having opt-out options easily accessible would be better than this default 'they can use whatever they want' method.

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)?

Both. Often training material use is added to Terms of Service for existing social media platforms or other communal platforms. I have heard about Google Docs making motions in this direction. The company, such as Google or X (Twitter) perceives that agreeing to the new Terms of Service and utilizing their service is an affirmative opt in. I believe there should ALWAYS be an opt out option but that opt in options should be more explicit and modular. It should not be a requirement of using social media or creative software that you must allow your work to be used in training generative AI.

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]

I would like to say no, but under the current circumstances I think that copyright owners need to be notified, at the very least, if their work is going to be used to train AI models in all circumstances. This is because it is quite likely that generative AI output will, at some point, be put to commercial use.

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?

There could be databases that creators can choose to add their work to that could then be used for training purposes. The consent is the key aspect.

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?

It should be a standard part of contracts that the human creator can choose, at the time of the contract, whether their work can be used in training. If such language was not standard or included, a new contract or other form of written permission should be solicited before inclusion in a training set.

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?

Yes.

15.2. To whom should disclosures be made?

Copyright holders and human creators

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?

When a human creator takes images generated by AI models and alters them significantly (at least 30%) then they should be able to copyright the altered images. I'm not sure how this would work with text.

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, in journalistic articles, academic articles, anything that is supposed to be factual and true then both text and images should be labeled.