

General Questions

1) *What are your views on the potential benefits and risks of Generative AI systems? How is the use of this technology currently affecting or likely to affect creators, copyright owners, and the public?*

Benefits for AI Generation are limited due to the networked nature of the technology. It can be useful for blossoming artists to get ideas and fine tune their style, but since AI generators rely almost exclusively on online search algorithms, it is also extremely easy to abuse. Lazy and cheap individuals can give a prompt, and the AI generator will scour the internet for similar tags... For art, it steals images and overlays them to create a Frankenstein piece in seconds. For Voice Acting, it steals recorded clips and sound bites to make someone say anything the prompt wanted.

The resulting risks are extreme. On the voice side of things especially. With the help of some software and a voice recording, anyone can make be people “say” just about anything they want, so long as they have enough material to quote. Undermining the idea of voice recording for legal situations, because any voice recording can now be questioned: “Is it AI?”

For art, it becomes way too easy to mimic others art styles and (with some editing) fabricate or even counterfeit digital artwork. The consequences of that can already be foreseen with the Pixar Poster Memes. Imagine if people started doing the same thing, but to sell a smaller, more unknown artists work as their own merchandise.

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?*

In the Graphic Design Field, the concerns are mostly professional, but they’re all double-edged swords.

It can help smaller businesses get a logo or design for cheap, but in turn undermines small Graphic Designers who rely on small business income.

It can help give designers an outline for a piece for sell to clients, but also allows clients to question or even accuse designers of using AI when they didn’t.

It makes the cheapest commissions easy to complete, by entering a client’s prompt into a generator, then tweaking as needed, but since AI generators steal from online work, it can easily recreate copyrighted and trademarked images.

And The list goes on... and on... and on...

So, to simply sum it up: It’s a useful tool, but with way too many drawbacks. Undermining good work, for cheap work. Undermining artistic right, for convince.

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 US? How important is it for there to be international consistency in this area?*

I can't speak for other countries, but I have spoken with artists and designers, corporate and private, overseas and local, and there are a lot of strong feelings about AI being avoided, or at least heavily controlled.

Since the internet connects the world, and AI art relies on the internet, I would argue international consistency is important, but it would be best if the US (known for its creative freedom and freedom of expression) sets the standard.

And after speaking with so many people on this, that standard should be "Reject with total zeal." AI poses too many risks and possible abuses for far too little reward for creators.

Some ideas regarding AI artwork include:

- Major, well visible and intrusive water marking for AI generated art.

- The right to deny the usage and upload of AI generated art for creative platforms, allowing platform admins restrict the visibility of what can be argued is stolen art styles.

- The required disclosure of AI art generated. Be it through watermarking or meta-data.

- A way to tag artwork to force AI art generator to skip it in their source-seeking (some have already taken steps there by embedding their art with malicious code, to break AI art generators when they try to use their art as a source.)

- The requires listing of all art an AI generator used in creating a piece (which is highly impractical, as all it would take is someone renaming and reuploading files to bypass.

All in all, a lot of ideas to crush AI art generators, before they become too prevalent to stop their abuse, and the abuse of creator's artwork. THAT, more than anything, can arguable be a global issue that needs to be addressed.

Because if art and culture can be reduced to fabrication of 1s and 0s via AI generators, no creation is safe from abuse and manipulation.

On the use of copyrighted material in training AI:

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

My understanding of most AI Generation Models is that they are highly reliant on Search Engine algorithms (Google, Bing, Yahoo, ect.) Using keywords, image tags, and metadata to find material similar to their prompt. While Trademarking and Copyrighted filtering exists in those engines, I know for a fact AI don't use them, because that would reduce their sourcing from several thousand items, to a few dozen (you don't get Pixar Movie mimicking that good, unless you're copying the copyrighted originals. And they don't get that freedom to mimic anything unless they're mimicking bits and pieces from them all.)

6.1) *How or where do developers of AI models acquire the materials or datasets that their models are trained on?*

(Skipped because it's already explained in answering question 6.)

6.2) *To what extent are copyrighted works licensed from copyright owners for use as training materials?*

Since AI art uses general online search algorithms, the extent of copyright work being used is widespread... I know at least three other designers, just in my local region of Nevada, who have seen AI recreations of their artwork, only posted to social media and their personal creative platforms. Which undermined their ability to sell their art and talents to clients.

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, and your views on the extent to which these activities implicate the exclusive rights of copyright owners.*

Most AI Generators take several difference pieces, then overlay and modify them with a base to create a new shape with the similar style... It's a trail-and-error process of image manipulation of the training material. Allowing them to mimic the style and general forms and formatting of the pieces they source.

For Art: they essentially Frankenstein several pieces of artwork together... which allows them to (at the very least) replicate the elements of the copyrighted material they course.

For Voice: They recreate the soundwaves using the source material as a baseline.

The best generators can recreate an art style so completely, (with exception of little errors in fingers and background imagery) it basically can be seen as a carbon copy or even full-blown forgery if the users create the right prompts and filters.

The best generators for Voice recreation are so perfect, nobody can tell by ear if its AI generated or not, and have to assume based on what is being said and why.

8) *Under what circumstances would the unauthorized use of copyrighted works to train AI models constitute fair use?*

I would argue no use of AI constitutes fair use... Between the sourcing for thousands of potential images and soundbites in a single piece, the way they stitch them together and recreate the material, the inability to identify each sourced image and soundbite manually...

Any acceptance of AI for fair use can be abused in the worst possible ways. Mimicking people's unique art-styles for under-sale purposes, or mimicking people's voices to make them say things they never did nor would...

There are too many risks to allow AI generation of any type to fall under fair use policy.

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. If AI models/datasets are later adapted for use of a commercial nature, does this still count as fair use? Does it make a difference if funding for these "noncommercial or research" uses is provided by for-profit developers of AI systems?*

Absolutely not. Because in using AI to create material, it creates new material for AI generators to source back to later... Commercial or not becomes irrelevant because they can source from both and using the non-commercial recreations they then create commercial material, undermining original by proxy.

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 whether training on copyrighted materials counts as fair use? If so, how?*

Since most AI generation use generalize search algorithms, the volume varies drastically depending on what the prompt sets them to look for... Sometimes it 10 images of a single character in a specific pose, sometimes it 10,000 images of a type of art style with numerous poses and positioning to recreate the imagery in a new shape.

I would argue that volume does not matter in the slightest. Because between 10 images and 10,000 images, the goal is the same. Recreate the art-style with new shaping and posturing.

Therefore, I will revert back to my point in question 8 that no use of AI can constitute fair use...

9) *Should copyright owners have to affirmatively consent or “opt in” to the use of their works in training materials, or is it enough to be provided the means to “opt out” of training?*

Without a doubt, they must Opt In. The whole point of copyright is to protect creator’s rights to their creations. Copyright owners should have to consent to allow AI generators to use their material, otherwise copyright law, in both word and spirit, will be obliterated by the technology.

9.5) *In cases where the human creator does not own the copyright— i.e. they have transferred rights or the work was made for hire—should they have a right to object to an AI model being trained on their work?*

Yes, because the AI will use their work to mimic the copyrighted material for the users’ purposes. Fan-Art (for example) is a powerful tool for creation and communication with creators of material. But if AI generators can then use that Fan-Art for their generation, they circumvent the Copyright protection of the original material.

A lot of artists will protest that, because it can provide an opportunity to undermine the work that inspires them.

On transparency, which is necessary to achieve consent, compensation, and credit:

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

I would argue that should be mandated. AI art would be impossible to mediate unless we know exactly how the AI models are trained.

If we know how they are trained, we will have a much better understanding on if and when our work is being used in AI art generation.

On the copyrightability of AI generated outputs

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? Is selecting what material an AI model is trained on and/or providing an iterative series of prompts sufficient to claim authorship of the resulting output?*

Absolutely not. AI art and voice recreation use material from other sources to create their work. No matter how complex the coding, how extensive the training, or the licensing policy of the material the AI used, allowing user to be the “authors” of AI creations can be argued as tantamount to legalizing forgery. Undermining all content creators big and small in both art and voice acting.

21) In the Constitution, the justification behind the Copyright Clause is to “promote the progress of science and useful arts.” Does this clause permit copyright protection for AI-generated material, and would such protection promote the useful arts?

Absolutely not. Since AI generated material is sourcing from other work to create their pieces, any attempt to copyright AI generated material can be argued (much more easily) as tantamount to legalizing forgery. Both in the word and spirit of law.

It would devolve art in a machine. Unable to product anything new, but endlessly recycling from the unending depth of online material, which would be endlessly expanded by AI recreation. The effects would destroy any idea of “art” in the long term, and send creative communities into uproar as their work will become worthless.

When it comes to AI art generation, there is no “useful art.” It’s can be argued as a useful tool, but as explained in earlier questions, it poses way too many risks.

On enforcing copyright infringement

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?

Directly, the user. Anyone who uses AI art to recreate specific and copyrighted content in attempting to use this technology to skirt copyright law.

Secondary Liability, the developer and/or corporate entities that own and host the AI generators. Any developer who is working on AI generation needs to be **hyper**-vigilant in how this technology can be abused, and any company hosting AI generation services needs to be even more vigilant to crack down on such abuses.

On labeling and identification of AI-generated material

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?*

Absolutely. AI generated work should be labelled, highlighted, known in every way it possibly can be, if only to ensure AI voice generation cannot be abused to make people look guilty of saying things they didn't, and to ensure artistic work cannot be undermined by a floor of AI generated artwork.

For actors and VAs, on right of publicity

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?*

In this case, Yes. It should not pre-empt the States, as state laws are often much better fleshed out for specifics, but new legislation to crack down on AI Generation is a must in the long term.

The outline for such laws as of now, should prevent AI art generation from becoming the norm in the online world. Socially, it should promote the condemning of AI art and voice generation. Legally, it should ensure that artistic work AI generation pulls from, should be protected by AI abuses, and that AI generator use should be as visible and non-marketable as possible (especially in the case of AI voice generation.)