

I am a small illustrator who has been working in the field since leaving college about 10 years ago. I will be responding directly to the questions posed on the Notice of Inquiry (p12-21) on the Copyright Office AI Study page, in order and number.

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?

It undermines our profession as illustrators and our ability to make money. Copyright was developed to prevent illustrators and other artists from having to compete with their own works in the job market, gen ai forces us to do exactly that and prevents us from having even the one leg up we would have without copyright which is a tailor made product. If they can take my work and use it without compensation by putting it in an image blender, completely for free, why would they pay me? In this situation I am even unable to withhold labor from an entity who can legally take it.

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?

Illustration is your most basic use case for images and is thus heavily targeted by gen ai. I don't believe we have unique problems other than every issue brought up will effect us to a greater degree.

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?

There needs to be international protection for artists. If a country becomes a safehaven for gen ai in a way that allows use of the products outside of said country then no laws in your home country will matter. Corporations will just move production to the safehaven countries and stop hiring illustrators in their home country all together.

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?

Currently scrapers are taking everything they possibly can from the internet, private medical images have even appeared in training data. Anything Is fair game. I would like to advocate for an opt-in model, no one should have to worry that a private image is being used to make coca-cola millions just because they uploaded it online. This becomes more pressing the more sensitive the image.

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

Every part of the internet accessible has been scraped. A favorite of theres seems to be Pinterest.com; a website that is already an image aggregate. It is very rare for the copyright holder of an image to submit it to Pinterest.com meaning anyones work or private images are up for grabs without their knowledge or recourse. I have personally seen my work uploaded to Pinterest.com without attribution to me in any way, it take about a minute to do this. Without strong opt in laws websites like this will become launderers for Gen ai, any artist's work can be uploaded to them and scraped for gen ai without the copyright holder's knowledge or consent and used under an orphan works rule as long as the uploader and the scraper are sufficiently legally divorced from each other.

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

Currently there is no obligation to do so, and no incentive to do so. A strict opt-in ruling would be an obligation, a fine would be an incentive.

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.

“Overfit” has been an admitted gen ai issue from day one, but I propose that it does not matter; the act of scraping work is already illegal and should be prosecuted. Gen ai often claims they do not save our work per say but an algorithm has no eyes, our work must be fed into it and to do that you need to copy it illegally.

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

Opt-in only. Fair use is for humans with purpose; ai does not learn, it does not teach, it distorts facts, it requires our whole work fed in to function, it is devastating to our ability to sell the original works.

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?

No, how could it the effect is the same. If any corporation can use it instead of paying a living breathing person for their work it does not matter what intentions it was created with, it will harm us.

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?

Any argument that says the quantity of materials dilutes the contribution of any one artist is simply saying that theft from many people is preferable.

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?

Opt out models put the onus of proof on small creators with little means and access. This is doubly difficult if the models inputs are obscured and then requires us to submit the very work we do not want them to have to ask them to remove it from their data if they do have it or to please ignore it if they do not, and hope they do not use it. We do not have the means to sue every corporations or even know of their existence; any gen ai corporations receiving too many copyright strikes can reform under a new name with a “new” model and put us directly back to the start of the issue.

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, it did not exist when contracts were negotiated, it's unfair and cruel to claim the artists should have seen this coming. To suggest otherwise means we are required to dream up every way that technology could be invented in the future, an impossible task.

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?

Yes. In what way are we to know our work has been used otherwise? We are not able as individuals to look at the sheer amounts of data.

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?

No, this is what anyone commissioning art does, we may as well say the catholic church created the works of Michelangelo. Art directors do not own the work of the artists because they made requests or revisions.

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?

It would kill many fields of art by preventing new artists from making their living in them.

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?

The developer of the Ai model and the developer of the system and the end party if the image is monetised should all be liable. If the model used another company to scrape images from the internet instead of taking that liability themselves the scraping

company should be held liable as well. Anything less incentivises theft of work, uncredited work, and devaluation of creative labor.

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?

I believe they should be labeled but I also believe the gen ai companies will see to that themselves since reinjecting ai images makes the algorithms worse.