

Monday, October 30, 2023

Via Electronic Comment for Copyright Office

Attn: Ms. Shira Perlmutter,  
Register of Copyrights and Director  
U.S. Copyright Office  
101 Independence Ave. S.E.  
Washington, D.C., 20559-6000

**Re: Comment Letter on Artificial Intelligence and Copyright;  
Compensation in Dollars & No Compulsory License are Top Issues.**

Dear Register Perlmutter,

For the benefit of *all* American songwriters and music publishers “bound by”<sup>1</sup> the 114 year old §115 compulsory license, including *all* §114 American singers, independent record labels, studio players, musicians, producers, engineers, et al., and for the benefit of *all other American copyright creators* including painters, photographers, book authors, journalists, illustrators, animators, et al., — *I pray* that the Copyright Office *will not allow or recommend to Congress* that unpaid and unlicensed Artificial Intelligence IP copyright ingestion, aka. mass copyright infringement *a.) be allowed or b.) put under a compulsory license for all works.*

I also hope that the #1 issue for AI is Compensation in dollars for all copyright creators, and no more central-planning and price-fixing of incomes at below-market rates. The failed and below-market 1909 compulsory license for songwriters has decimated *the incomes of all American songwriters and music publishers over the past 114 years, especially the past 25 years with unfair streaming laws and \$.00012 rate-structures now enshrined in the Copyright Act by corrupt lobbyists and lawyers.*

AI is not *fair use*, it's *mass infringement*, and *must be paid in dollars not nano-pennies*. The Office must enact laws that stop the current and future abuse by AI infringers, not a new compulsory license regime at nano-rates. Instead, set guidelines *to protect copyright and compensation* while letting the free-market set rates for ingestion, reproduction, distribution, performance, type of use, et al. Another compulsory license for all copyright will be the exact same nightmare that music streaming has been for songwriters at \$.00012 cents per-work with no sales with Google and DiMA, et al., *writing all the laws surrounding my copyright, my exclusive right, and my property right, once again. AI companies must stop stealing.*

---

<sup>1</sup> <https://www.federalregister.gov/documents/2022/03/30/2022-06691/determination-of-royalty-rates-and-terms-for-making-and-distributing-phonorecords-iv> March 30, 2022 *Withdrawal of Subpart B Final Rule* by the Copyright Royalty Board. Referencing §801(b)(7)(A) “That provision directs the Judges to provide *those who would be bound* by the negotiated rates and terms an opportunity to comment on the agreement.” Page 3 (emphasis added)

Another compulsory license for AI will only eviscerate what little *exclusive right* we have left for *any copyright*, not just for music. We really are already way past that point for *all copyright* as AI corporations merrily ingest copyrights with no law making it illegal or any criminal punishment which there should be. Just like it did for *all music* at \$.00012 cents, an AI compulsory license will do the same, *but worse*.

The great and former Copyright Office Register Ralph Oman has my favorite quote about copyright which I apply to music streaming laws, *but now applies to AI*:

**“the ongoing debate about the true nature of copyright — as an exclusive private property right, or as a limited right to be doled out stingily, riddled with exceptions and limitations, to be given away free of charge.”<sup>2</sup>**

These *exceptions and limitations* perfectly describe \$.00012 per-song and all free of charge music streaming laws created in §385 under a stingy compulsory license. This failed rate-structure and so-called business model has destroyed the American songwriter’s income and ability to profit to generate new songs over time. There is zero profit, zero incentive, zero sales substituted by streams, and at effectively zero cent streaming rates mandated by the Library of Congress, Congress, and the CRB.

My key point is with these new AI laws, *do not follow music licensing law and now music streaming law found in §385, §115, et al. More government central-planning and price-fixing of copyrights at zero cents is the problem* and destroyed the music business to where only 12 corporations control the entire music royalty structure, and the same is happening with AI — by way of regulatory capture and lobbying of Congress. Like Google, *legislation* is the UMG, WMG, and SME *business model*.

37 CFR §385 was created by 3 foreign record labels for their own self-interests, but mainly written or re-written by DiMA, Google, Apple, Amazon, Spotify, et al. counsel to *serve their self-interests and is not a blueprint of how to proceed with AI*.

*Yet it is exactly what will happen, and is already happening with Google, while they and others offer new Congressional legislation, lobby to influence the law — but to the detriment of every American copyright creator alive today and will live.* That is not overstating it.

If Congress, the LOC, and the Office allow a handful of AI companies like Google, et al., *to literally steal every work by every author every created*, it will be the *biggest*

---

<sup>2</sup> <https://cap-press.com/books/isbn/9781611637090/The-Constitutional-Foundations-of-Intellectual-Property> *The Constitutional Foundations of Intellectual Property: A Natural Right Perspective* by Randolph May and Seth Cooper.

*mistake in copyright history*, next to letting all American songwriters and music publishers' income be set at \$.00012 cents per-stream. The tragedy is Google, Chat GPT, Microsoft, Adobe, et al, have already stolen everything as have many others. So, how do we force them to compensate creators for what they have already stolen?

This is mass copyright infringement with zero permission, zero licenses, and zero money, and we have zero copyright laws *to protect American copyright authors*.

So, will we see real compensation in dollars? Or, will these new AI copyright laws only take away AI companies' copyright liability like the failed MMA did to help Google and streamers get rid of their biggest problem, and MMA's only purpose — while setting American songwriters at \$.00012 cents *to keep their costs down*?

All these “AI takings” by these huge corporations are already *the biggest 5th Amendment “taking” of IP property in the history of takings*, not much different from *Kelo v. New London* when new eminent domain law changed “public use” to “public purpose”. AI ingestion is not fair use, it's fraud, and copyright infringement, period.

Additionally, the companies that benefit from these AI takings and mass infringements are the largest *trillion-dollar corporations in the history of the world*, with teams of corrupt attorneys like former Copyright Office counsel Sy Damle.<sup>3 4 5</sup>

As their attorney, Damle recently recommended on behalf of all of these huge, corrupt AI corporations like Google that there be no copyright protection whatsoever for their unlawful ingestion and mass copyright infringement of all copyrights!

*No offense, but if this is the kind of shady and ideological attorney that the Office is hiring, one that is as adverse to copyright as an attorney can get, it makes me and others wonder if AI regulation or reform is just another Sy Damle astroturfing plan?*

Is that the kind of protection all us American copyright creators have to look forward to with this incredible new AI technology? Former Copyright Office attorney Sy Damle *selling us all out the whole time in secret* to help Google by giving away all our copyrights to AI corporations and with no just compensation? No due process? No regard for our property rights? What incentive to create is even left?

---

<sup>3</sup> <https://www.politico.com/news/2023/10/23/tech-lawyer-ai-letter-congress-00122857> October 23, 2023, “*The fingerprints on a letter to Congress about AI*”

<sup>4</sup> <https://thetrichordist.com/2023/10/24/fakery-abounds-dlc-lawyer-caught/> October 24, 2023, *Fakery Abounds: DLC Lawyer Caught*.

<sup>5</sup> <https://thetrichordist.com/2023/10/29/sy-damle-strikes-again/> October 29, 2023, *Sy Damle Strikes Again*.

This revolving door and regulatory capture of copyright by Google, et al. is unreal.

Why is the former Copyright Office counsel Sy Damle, an anti-creator DC lawyer, ghost-writing letters to take away all our copyright protections for AI and all of our AI licensing income to help Google, once again? How will the Office protect our copyrights from Damle and other attorneys like him now and in the future?

*Mainly, how will the Office protect our copyrights from Google AI, Adobe, OpenAI, or ChatGPT, et al., and will the Office recommend tough laws and criminal penalties against all of these major and mass AI infringers or not?*

*And how will the Office be able to enforce any new laws or criminal and civil penalties against these AI corporations and criminal executives is the other question?*

**What the Office does right now in protecting and standing up for all American copyright creators will determine the very future of all American art, period. Mostly, how will authors be compensated for works?**

So, besides a few pending copyright infringement lawsuits it seems like our only defense left to our Art. I and §106 protections *is this public comment*, so we creators pray the Office protects us all first and foremost, not Google AI pirates and Damle.

The next question is will AI ingestion have to have some new MLC type AI database? Will it be just like the MLC, but now for *all American copyright authors* or at \$.00012 cents per work just like streaming music? Will it require an AI compulsory license? Will there be a new black box for Google, and Sam Altman, and Microsoft, et al., to raid the unmatched money from AI *by marketshare*? The MLC only matches 55% percent of works and is a complete failure with it's new compulsory license at \$.000012 per stream, run by former major record label attorneys. So, this is *not what we want for AI* — a new failed compulsory license at \$.00012 per work to help Eric Schmidt and Sundar Pichai at Google make more money, *both men being incredibly impoverished* just like all American songwriters *subject to*<sup>6</sup> their outdated compulsory license and a lifetime of involuntary servitude.

The next question is will the Office *allow* all American authors and copyright creators to negotiate and profit from their works? Or will the Office just let Google,

---

<sup>6</sup> <https://app.crb.gov/document/download/3715> September 29, 2016, *SDARS III Order Denying Services' Motion To Dismiss George D. Johnson d/b/a Geo Music Group*. "The Services' reliance on the Librarian's decision in *PSS II*—a decision that involved neither a copyright owner nor a copyright user—is misplaced because it is based on an erroneous premise. Unlike the party in *PSS II*, GEO is subject to the license at issue...and GEO would have no say in the matter—that is the essence of a statutory license. For the forgoing reasons, the Judges **DENY** the Services' Motion."

Microsoft, ChatGPT, OpenAI, Altman, Schmidt, Damle, Pichai, et al. *do whatever they want to us*, and all in the name “fair use”? We pray the Office sides with *us*.

So, while I think we are already doomed as American copyright creators in general, as far as *what to do now* with AI, I agree with the great Paul Williams of ASCAP<sup>7</sup> and others on their same recommendations, which I believe are consistent with Office policy, which I would agree with up to this point including the following;

1. **Human Creators First**, prioritizing rights and compensation for human creativity.
2. **Transparency**, in identifying AI vs. human-generated works and retaining metadata.
3. **Consent**, protecting the right for creators to decide whether their work is included in an AI training license.
4. **Compensation**, making sure creators are paid fairly when their work is used in ANY way by AI, which is best accomplished in a free market, NOT with government-mandated licensing that essentially eliminates consent.
5. **Credit**, when creators’ works are used in new AI-generated music.
6. **Global Consistency**, an even playing field that values intellectual property across the global music and data ecosystem.

Of course, I would add *no compulsory license* for AI. It’s the worst idea of all time.

7. **No Compulsory License**, ever.

I would also add no foreign control by 3 major record label *of music AI or any possible AI American copyright rate-setting, which they already are doing* at UMG for music at the CRB. Add no Google control of AI regulation, it’s already started.

8. **No 3 Major Label Control of AI Music Copyright for them** — capturing AI laws to *use against all their US competitors* and all other copyright creators.
9. **No Google Control of AI and AI regulation** which they will, since regulatory capture of Congress, the LOC, and the Copyright Office rules and regulations is *their entire business model*, just like the 3 record labels who now will with AI.

Compensation is the #1 problem since everyone will assume \$.00012 per work under a new AI compulsory license is reasonable and it is most certainly not reasonable, fair, or will produce any kind of *profit for creators*, just more legal theft and folly.

I also think *it is key to AI to not let the usual* corrupt music lobbyists and attorneys like Steve Englund at the RIAA, or Pryor Cashman for NMPA and NSAI, all with

---

<sup>7</sup> <https://www.billboard.com/pro/ascap-artificial-intelligence-principles-paul-williams-guest-column/>



DiMA, continue to re-write the Copyright Act and it's laws to refine the 3 record labels' business model, just like the MMA or §385 at the CRB. *They all work for 3 foreign record labels* who steal from their own songwriters at the CRB and can never be trusted plus they're only self-interested and the problem. *Combine that with their leftist only economic models*, negatively affecting their millions of US competitors the past 25 years and the same must not happen with AI and AI music.

The Office must also forbid these 3 major record labels headquartered, controlled, or funded overseas in Japan, France, Russia, and the UK, to set the US rates for AI compensation, or control AI compensation for American music creators, which they already have at the CRB and is sickening. So, please stop any foreign rate-setting.

I also think it is absolutely amazing how the 3 record labels are already “cannibalizing” *their own works by their own* singers, songwriters, producers, co-writers, co-publishers, and players, et al. to AI ingestion, but then letting consumers use the voice of Elvis or Frank Sinatra to *make it say and sing horrible things and that should be made unlawful in some way*. It's a slippery slope for all of UMG's competitors and their US copyrights and the problem, just like UMG setting the \$.00012 rate-structure for streaming and the worst thing to ever happen to music!

*99% of people do not want their voice to be re-created by anybody*, especially unpaid as a singer since it's their living, their trademark, their legacy, much less a right to publicity. If the Office could recommend to Congress a federal right to publicity to protect *all American singers and music creators from AI voice fraud* and mass infringement of §114 sound recordings to stop these voices from being stolen please.

Regulatory capture of all copyrights by Google and other AI infringers, ingestors, and investors *for free under fair use must stop or it will be the biggest mistake* the LOC, the Office, and Congress ever made for IP and American copyright creators.

We copyright creators don't stand a chance if the Office doesn't protect our copyrights from AI corporations and their counsel right now before it's too late.

We creators thank the Office for your time and thoughtful consideration as always.

Respectfully,



George D. Johnson

Singer/Songwriter

615-242-9999

[george@georgejohnson.com](mailto:george@georgejohnson.com)

PO Box 22091

Nashville, TN, 37202