

OVERVIEW

I want to start off by specifying that I, Emily Hodgson, wrote this comment. Not Chat GPT or Claude or any other large language model. I think that human effort, human history, humanity itself, should be prioritized as the new technology of machine learning and large language models (LLM's) (Artificial Intelligence) unfolds in our world. Under no circumstances should these Artificial Intelligence programs be given the same rights or privileges as human beings. LLM's do not "learn" as a human being does; they work more like a mirror, reflecting what is inputted into prompts and scanning *vast amounts* of human created works. They do not create, they mimic, and currently poorly, but they will get better, what has been created before. While Artificial Intelligence is helpful with calculations, diagnostic radiology, schedule and document templates, and complex scientific pattern recognition, in many fields, it is and will always function on the work of previous human beings that has been uploaded onto the Internet, in many cases without a person's consent, and will require human oversight. In addition, to create these systems, organizations and corporations like Open A.I., Google, and Microsoft have had access to data that would otherwise be protected under the guise of "research," but then they made the companies public and for profit. How is that fair, acceptable, or legal?

A lot of what I talk about here is bit of a deviation from copyright, but I think it's important to consider the bigger picture in regards to big tech and its affect on everyday Americans and fair competition. Big tech has foisted their technology onto us, intentionally made their products as addictive as possible, and used our data to hack our dopamine reward circuits. The biggest example of this harmful use of unregulated Internet space is social media. Our entire world has changed, our business infrastructure, the way we think about our lives, capturing moments for likes etc, everything has been upended by these monopolistic companies, and they make billions off of our engagement and content while even famous content creators see pennies in comparison with no employee contracts, residuals, or worker protections. I could give you the names of many content creators that essentially "work for" these tech companies like Meta and Google, Youtube and Instagram stars and bring so many people onto their platforms and keep viewers engaged, yet they have no contracts, protections, or residuals. This system is toxic and exploitative and keeps content creators on a never-ending treadmill of content generation that would drive even the most stable person into a burnt-out frenzy. Also, the use of photoshop and "filters" has conditioned us to accept alien-like human perfection, paving the way for people to think that the use of A.I. generated images is acceptable and inevitable.

A.I. IN HOLLYWOOD

I am an actor, writer, and director in Hollywood and have felt firsthand the affects of the WGA and SAG strikes. These mega-corporations — Amazon and Apple in particular — are willing to destroy the film industry over the use of A.I. I say that based on how long the WGA strike went and how the SAG strike is still going. There is no way strikes this long were driven by companies like Paramount, Sony, Universal or even Warner Brothers. This delay is brought on by Apple and Amazon, and probably Netflix. What do they care if Sony and Paramount bleed dry? They don't make their money in entertainment. The main sticking points of the strikes are and were A.I. regulation and residuals for writers and actors. Somehow small studios have managed to agree to the WGA and SAG's terms. Neon and A24 were able to continue filming.

So the little guys can afford it, but these huge companies can't? It doesn't make any sense. The big studios have shown they are not interested in negotiating in good faith. "The endgame is to allow things to drag on until union members start losing their apartments and losing their houses," a studio executive told Deadline. Other inside sources reiterated the same disgusting sentiment. Another called it "a cruel but necessary evil." I do not know why there has not been government intervention at this point. This is certainly not negotiation "in good faith" and violates National Labor Relations Boards collective bargaining rights. If studios are acting this way now — imagine if they were given the right to use A.I. however they wanted, train A.I. however they wanted, and copyright A.I. generated material...I don't want to imagine it. They would do away with human labor wherever they could, because it would be cheaper, and use the work and likeness of other artists to train their systems with no compensation. They do not care about human beings. They care about their bottom line above all.

In order to understand one of the reasons that the streaming services have been granted an inordinate amount of power requires us to look to 1948's Paramount Decrees, where the courts ruled that studios could not control both production and distribution (ie cinemas). But somehow the new tech companies "streaming services" overrode that rule because they release their content directly online and bypass cinemas altogether. So they say they don't control both production and distribution even though they do, since so much more content is now streamed directly online through their own platforms. I don't know how this was allowed. To make matters worse, The Paramount Decrees of 1948 were overridden in 2020 by the Department of Justice. The argument was that the studio system under which this rule was written is not longer relevant, which is in many ways true, but the law should have been updated rather than dismantled.

While I realize all this may seem tangential to the U.S. Copyright Office's mission, I think you need to keep this broader context in mind as you think about how your decisions will ripple through the creative economy. Unregulated use of A.I. will hurt much more than actors and writers in our industry. Crew will be dramatically affected if actors are replaced by A.I., CGI can be done by A.I., lighting design done by A.I., and much more. Actors, make up artists, DPs, costume designers, set designers, VFX departments, sound departments, writers rooms, and more — all will be greatly reduced if A.I. is allowed to be used unregulated, and people will be in desperate need of jobs. The only way to avoid this scenario is to make work generated by A.I. un-copyrightable, and to meaningfully compensate artists for the use of their work in A.I. training data. **People need to be compensated for their copyrighted work that A.I. is trained on. This is the bare minimum.**

FURTHER CONCERNS REGARDING A.I.

A.I. algorithms and large language models also get us into the issue of data privacy and safety. I don't think Instagram (or any website) should be legally allowed to track our activity and target us with videos and advertisements that are customized based on our data with no limits. But they do. These companies (Google, Amazon, Meta, Microsoft) have gotten away with too much for too long and the little guys are forced to quit, be absorbed, or adopt similar strategies just to stay afloat. It's time real policy was put in place to reel in their supreme power. Enforcing existing laws on A.I. due to Copyright infringement is just the starting point and absolutely necessary.

My immediate concern is the risk that A.I. will take the place of human jobs. And everyone says, “oh that’s not a big deal, that’s happened many times before throughout history as technology advances.” But there has never been a technology like this that touches every single industry. So yes, cars changed the horse industry, and electricity changed the candle industry. But these tech companies are planning to use A.I. systems to take real jobs from real people in every sector. This is truly unprecedented and these technology enthusiasts and CEO’s have no idea the social ramifications of this technology. Or they do and they don’t care. They’re just so proud of their new fancy gadget, and they’re in a race to beat China, and make the most money as fast as possible with the coolest technology possible.

There’s also this notion going around that technology is always making things better, and to promote the thoughtful, deliberate, slower advancement of technologies is somehow foolish and anti-progress. I think that couldn’t be further from the truth. We are cautious and deliberate in our roll-out of medications, we developed the FDA to help prevent dangerous and charlatan medicines, and we should treat A.I. similarly. Without regulation, companies will harm us in order to make more money. The list of examples is too long to count.

THE PIPE DREAM OF UBI

The best thing about Chat GPTs early release is giving the people (and the government!) a chance to regulate the use of A.I. before it upends our society over the next 5 years, leaving unemployment rates at 10%, then 20%, then 25% with no solution in sight as both political parties squabble over whose fault it is, and somehow Universal Basic Income (UBI) is not an option. The other thing that the tech folks don’t seem to understand is people like work, people need work, people need personal growth to survive and thrive. Not hyper-capitalist, exploitative work or inhumane work, but good, healthy work that flows with natural cycles. So let’s say best case scenario happens. That people do get UBI — is that really what’s best for people? Easy answer — yes it is. Everyone’s needs are met, they can live and spend time with their families, get healthcare, etc. All of this is good, yes we like this. But what about when people want to work, want to create, want their unique voice, their art, their designs, whatever it may be, to be seen and shared with others, but the market is saturated with A.I. generated, soulless pollution and what we see is controlled by these tech companies who are effective monopolies?

CONCLUDING THOUGHTS

The benefits of this technology nowhere near outweigh the risks. In the best case scenario, A.I. helps us cure cancer or solve the climate crisis. In the worst case scenario, it wipes the human race off of the planet, or hacks into military databases and drops a nuclear bomb, or locks us out of our bank accounts, or sends us constant spam and we all have to create new email addresses and lose all of our old email accounts, it impersonates a loved one, it uses your face in pornographic videos without your consent, or leaves 35% of the population unemployed. But let’s not gloss over the possibility that it kills us all.

My biggest plea for the sake of this comment for the U.S. Copyright Office is that people need to be compensated for their work used in A.I. training data sets, and A.I. generated material should not be copyright-able. Thinking about all of this has made me wonder: how many American lives are we going to harm and endanger in the name of efficiency? In the name of progress? How

much more efficient can things get? Is efficiency always better? How long are we going to let the 1% steal from the work of the masses to make themselves richer and more powerful, effectively lobbying government, swaying markets, and creating a system that benefits them more and more until we are a technocracy and no longer a democratic republic. This is not hyperbolic. This is the future we will face if A.I. is not taken seriously and laws are drafted and enforced around its use to protect the interests of everyday Americans. There are already so many people with an incredible amount of money and power pushing for the advancement of A.I. in society and government. So please, make A.I. generated material legally un-copyrightable, and please do what you can to ensure people are compensated well and fairly for the use of their material in A.I. training data. Thank you.