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On AI and Copyright

**Introduction:** It is clear at this time that the continual growth of AI is inevitable. The more time and thought I put into AI how it works, how it affects people and what its use will look like in the future, the more and more I see parallels to the internet. I believe that AI will have much the same effect, as it is a very similar technology. It is a digital technology which massively enhances the capabilities of individuals, and which has the potential to unify the thoughts of many people around the world into a single form, albeit this time in a more physical form. Much like with the internet, I believe certain concessions will need to be made when applying law to this new and unique technology, but if we use common sense about what can be enforced, what seems ethical, and grounding ideas in reality, I think a decent picture for AI copyright policy can emerge.

1. The use of Copyrighted works to train AI: AI while not yet fully uniquely creative, does mimic much the same level of sense as a person making their own work drawing on other inspirations, it is in many regards simply taking the ideas a person gives it as a prompt and adapting the other things it has seen to fit that idea. I believe the solution to the problem of AI and copyright will lie chiefly in the division of varieties of AI and regulation accordingly. AI is currently being trained on virtually unrestricted data sets, and I don't think we can dial that back, but I think there is a way we can control this to protect blatant copyright infringement while still protecting AI as a tool for creators. I believe regulating the copyrightability of a work based on the copyright ownership of the works used to train the AI is feasible.

2. The Copyright Status of AI Generated Works: As defined above, I think the copyright status of an AI work should be based on the copyright status of all of the constituent elements. In this case we think of Training material like images someone has seen on the internet, the AI itself like a tool such as Photoshop and the prompt writer as the artist, from there it is simply an extension of copyright law, this model fits well for many of the mass market AI's which are currently very popular. Now this may make it difficult for an artist as a work they create may be similar to another work without them knowing, but I think that is a fair risk, and understandable burden, particularly due to the following. AI's

can be trained, or "Specialized" by a user, this is particularly common among open source AI tools, and I think a business, or user may train or specialize an AI model using solely their own work, and then claim full copyright ownership of the work produced by that AI using their specialization. I believe this would allow all sorts of businesses to take full advantage of the productivity boosting potential of AI while still requiring adequate originality and it promotes increased compliance as a way of furthering oneself from legal action, to walk the line would be incredibly risky and would act as a strong motive for fair actors against abusing the privilege.

**Summary:** While I believe the nuance may need to be more complex, I think the best solution is vaguely as follows. An AI model itself is treated as a tool or software application owned by its creator. Any work created by a user, using the AI is treated as a work they created themselves using an application such as photoshop, any similarity or risk of infringement is on the user, though these similarities would have to stand up in court as copies in the same way any other work created using an artistic tool might have to. If an AI tool is created, or specialized (constituting a modification which would need to fall within the model's policies) using content owned by the individual creating the model or modification, they would by default own the copyright to all works created by that specific model but would have the freedom to contractually lease use of the model to users, including giving them rights to works they create using the model at the discretion of the model owner. This could also encourage companies to acquire portfolios of works from artists to own all training data they use for their models, to then freely allow users to use those models free of risk of legal liability.