Hello, my name is Crystal. After spending years in art school honing my skills, back in 2010 I officially began my career as an independent artist/illustrator, starting my business. For all of the years I have been a professional artist, I have seen many forms of copyright violation, but never have I seen a violation of artists' rights on this massive of a scale.

Many well known artists are voicing their concerns over AI technologies through avenues such as lawsuits, or speaking to congress. We, as artists, don't have billions of dollars to sway people like big tech companies, but seeing humble artists still speak up against these giants has given me the courage to write to you today. The main thing I can offer is my own experiences with AI.

When word of these image generators started to enter the discourse, I had no idea what the scale of images used in their training data looked like. A site was offered to find out if an artist's work had been used, "haveibeentrained.com". To my shock and horror, although I am not a well known artist, I found a large portion of my work, even going back to those early days of my career, had been used without my knowledge or consent. As you might imagine, many artists are outraged about this. It is a clear violation of our rights.

AI companies have been all over the board in responding to artists' outrage over this, the LAION dataset which most of the AI image generators use - they have responded with everything from grandiose claims that this is "democratizing art" to outright lying about what they could have done instead. In a Forbes interview with the Midjourney founder David Holz, he laments about how impossible it would be to gain our consent, meanwhile Dance Diffusion was built on datasets which were voluntarily provided and copyright-free.

A tech friend of mine who works with AI confirmed that yes, it's entirely possible to build an algorithm which does not violate artists' rights. Yet, these companies insist on using the LAION dataset - the very dataset which scraped and used my work without my consent. It's clear that these companies are depending on us to believe the narrative they have presented to us: that this is an inevitable future, and that artists should not fight for our rights because this ship has already sailed. But this is a false narrative, which I am seeing parroted in many of the comments written by the big tech companies.

At one point, there was a very short period where artists could go into the "haveIbeentrained" website to "opt out". So likely, these companies will claim that we had our chance. However, this was a half-hearted option, which did not give artists power to protect our work, for a few reasons.

First, in order to find our work on the website, we had to guess which key words our art was categorized under. I found a large amount of my work, however some of my work was impossible to find. I know it was in there, because the site was saying that the data was scraped from my online Etsy store and Deviantart account, which means the body of my work was floating somewhere in the dataset. The second related reason many of us artists were not able to protect ourselves is that they gave an unreasonably short

amount of time to search and fill out forms, which most, if not all, artists lack. Most artists who run their own business are the one and only employee. We don't just do the art, we do the taxes, shipping, communication, and more. We do not have time or money to "opt-out" every one of our images from this database. Any company making the argument that we could have protected ourselves is making a bad faith, disingenuous argument. That brings me to my third point on why this supposed opt out was not a valid attempt to help artists. It should be "opt in." We, the artists, own the copyrights to our works, they never had the right to take our work and use it in this way without our permission.

The LAION database is the very foundation for each and every AI image that one might see generated. Without the work that was unfairly taken from us artists, photographers, medical data, etc., none of these AI images would exist. On top of that, there is a well known issue called "overfitting", where the image that comes out nearly re-produces aspects, or sometimes the entire image, of the training data. You can see examples of this in the GettyImage case, where their watermark was reproduced. Even without considering that, however, I believe it's pertinent to remember that without the creativity of the real, human, artists out there, AI has no way to produce images.

Because of that fact, I believe AI images should NOT be copyrightable. The people claiming to be "AI artists" are not real artists, they are exploiting artists such as myself, who spent years honing real artistic skills. Which brings me to a second point.

A common myth that pro-AI companies and people are parroting is that these technologies "democratize the creative economy". The base of this argument is that there are people out there who are somehow "less talented" than others, who need some kind of handicap tool to create. This is a ridiculous notion, "talent" is as real as unicorns. This year, I broke my hand in my second line of work, and I was still able to make art. Many artists are disabled, and this is the only work they can do. Many artists have a history of deciding to do art at an older age, and becoming well known amazing artists. Anyone willing to put the time into learning their art, their skills, can also become an artist (at a fairly cheap price too, you could get something as basic as a $5 sketchbook and $.50 pen). Art and creativity does not need democratization, that is the altruistic myth that tech companies are using to sell their product.

The definition for art, according to the Oxford Languages, begins with "the expression or application of human creative skill and imagination". Humanity is in the definition, so by definition, the machine created images cannot be human expression. I truly hope that is taken into consideration when the pro-AI crowd tries to make the argument that AI is a way to creatively express themselves. To put it bluntly, at the end of the day, if someone takes away a real artist's pen, sketchbook, camera, etc., they can still sculpt, draw, or utilize their skills to create something else. But when one takes away an AI user's access to their machines, they have no artistic skills which carry on. AI images are not an artistic skill, it is not a real art.

Again, from the perspective of one professional artist's experience, AI images should NOT be copyrightable. They have exploited our hard work without our consent, their

dataset unethically takes what does not belong to them. Thank you for reading this far, for your time, and allowing me to voice my concerns.