

My name is Vince Gilligan, and I'm the creator of the television series "Breaking Bad." I appreciate this opportunity to share my thoughts on copyright law as it relates to artificial intelligence.

I find the phrase "artificial intelligence" to be problematic. To me, it's false advertising. It implies that the current state of the art is a technology that can independently think and create — when in fact it can't and doesn't.

Someday, true generative artificial intelligence may come to exist. But right now, what companies such as OpenAI, Google and Meta are hawking are only elaborate guessing machines. As I understand it, statistical probability is at the heart of this process, which enables the software to predict what particular word is most likely to follow any other specific word.

I'll admit, it's an impressive trick. But it's not creation. It's not storytelling. My toaster oven makes great toast, but that doesn't mean it's a chef. Nor is ChatGPT a writer.

Meanwhile, the large language models these companies use to work their magic are made up of hundreds of millions of pages of novels, textbooks, screenplays, magazine articles, social media posts, limericks, clipped recipes, you-name-it. I'm sure every word of "Breaking Bad" has been jammed in there somewhere. Only, I don't remember giving anyone the okay to do that.

In the modern "move fast and break things" tradition, all this stuff got vacuumed up under our collective noses. Perhaps these companies figured it would be better to ask forgiveness than permission. We've all seen how well that played out with the development of social media.

I don't believe the output from these various AI programs should be copyrightable. I say that not because it was generated by a machine. If, someday, computers reach true sentience, then they should probably have the same rights as the rest of us. Though I hope I don't live to see that day, it would only seem fair.

No, the reams of text these current devices generate are, to my mind, an extraordinarily complex and energy-intensive form of plagiarism. And plagiarism — no matter how subtle, no matter how widely and evenly distributed amongst its millions of victims — does not merit the benefits bestowed by copyright.

I don't want my writing used to further enrich a handful of billionaires who feel no obligation to pay me for the privilege. Nor do I wish to see my work transformed into new "works" that may contain elements I find anathema. Therefore, I strongly advocate that these companies be held to an "opt-in" system when it comes to the contents of their large language models.

Writers — both professional and non-professional — need to be invited to contribute their writing to these LLMs before the fact, not after. If they decline, that should be the

end of it. If their work nonetheless finds its way in, there should be a quick, easy and free method for scrubbing it from all databases, upon demand.

I'm sure these companies will complain about that being difficult, if not downright impossible. I say they should have thought of that beforehand.

Thank you for giving me this forum to speak my piece on a subject I believe will affect all of us, not just writers, in the months and years ahead.

— Vince Gilligan
Executive Producer, "Breaking Bad"