AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry and request for comments

Artificial Intelligence and Copyright

We are the Centro Español de Derechos Reprográficos (CEDRO), a Spanish non-profit association of authors and publishers of books, magazines, newspapers and music score, published in any medium and support and the Spanish Association of Publishers Guilds (FGEE).

CEDRO is in charge of defending and collectively managing the intellectual property rights arising from the secondary use (reproduction, distribution, public communication and transformation) of these publications.

In 1988 was authorized by the Ministry of Culture (Spain government) to carry out this activity. Its mission is to represent and defend the legitimate interests of authors and publishers of books and periodicals in Spain, facilitating and promoting the legal use of their works.

Their members include writers and translators of all types of works (literary, scientific, technical, educational, information, etc.), as well as journalists and authors of articles and other works for periodicals. Their publishers' members cover all genres and subjects, from fiction books to university textbooks and textbooks, from essays to scientific and technical works, from dictionaries and encyclopedias. We also represent publishers of journals (cultural magazines and professional and specialist journals), newspapers and music scores. CEDRO also represents authors and publishers associated with counterpart organizations in other countries with which we have signed reciprocal representation agreements.

By legal mandate, CEDRO represents authors and publishers who are not members of the Association for the collective management of private copying levies, remuneration for certain copies in universities, for public lending and for the aggregation of content.

CEDRO is made up of 32,698 members: 30,085 authors and 2,613 publishers.

On the other hand, FGEE is a non-profit, private professional association created in 1978 to represent, manage, enhance and defend the general common interests of the Spanish publishers on a national, European and international level. At the same time, it is an export association, recognized as such by the Spanish Treasury Ministry.

Spanish literature and the publishing Spanish market have a great impact on a global level. Many of the Spanish books are commercialized in the United States, where they are read and translated. Therefore, it is important to protect it and ensure that in other countries, Spanish authors and publishers rights are also protected and recognized.

Moreover, Spanish is the third most widely spoken language in the world, with almost 470 million people having it as their mother tongue. Spanish is the official and vehicular language in 21 countries around the world. The Hispanic population of the United States currently exceeds 50 million people. In Spanish literature, there are great authors who have left their mark on the history of international literature.

The emergence of Artificial Intelligence has had a huge impact on our industry. Books, journals, scientific publications, etc., are susceptible of being copied, reproduced and transformed by Artificial Intelligence. As previously stated, Spanish literature has a great impact on a global level, so the works of Spanish authors could be infringed by these smart systems. The works of Spanish authors and publishers are the food base of the Artificial Intelligence, so much use is made of the materials protected by copyright, without seeking their permission or remunerating them for the use of their works and publications.

For this reason, with these comments to some of the questions included in the Notice of inquiry and request for comments regarding Artificial Intelligence, we want to express and publicize the importance of copyright and its protection, as entities whose mission is to defend and manage authors and publishers' rights.

Our answers focus on three aspects:

1. Input: for the reproduction and storage of works protected by Copyright, it is necessary to obtain the authorization of the owners.

2. Output: for the reproduction in the output of works protected by Copyright, it is necessary to obtain the authorization of the owners.

3. Possible protection: We consider that the results obtained by Artificial Intelligence, would not be protected by Copyright. However, they could obtain protection in other ways, as in the case of patents and trademarks.

General Questions

1.As described above, generative AI systems have the ability to produce material that would be copyrightable if it were created by a human author. What are your views on the potential benefits and risks of this technology? How is the use of this technology currently affecting or likely to affect creators, copyright owners, technology developers, researchers, and the public?

Artificial intelligence has some benefits. In our case, for publishers, Artificial Intelligence is a tool for digitizing their books and preserving their content, facilitating their conversion to electronic devices.

The presence of AI in the publishing sector is also present in the book management and book chain processes where the intelligent tool allows text correction and gives advice on possible literary structures and trends. In addition, Artificial Intelligence allows to accurately classify and predict customer tastes and buying patterns to help market expansion, such as: assisting in observing which time slots sell the most books, predicting readers' tastes, and encouraging front-page sales of books that interest them, as well as creating advertisements in relation to consumer behavior patterns.

For writers, Artificial Intelligence can also be a useful tool, such as: help guidance on topics that are in vogue among readers or assistance in finding information.

But there are also some risks that could endanger the publishing field. The first of which is the database that artificial intelligence uses to train its models (datasets). For AI training, the system reproduces and stores content that may be protected by copyright (input).

One of the examples that has been seen recently is the new of "*ASA responses to use of Australian books to train AI"*[1] *:* Many Australian authors' books are included in a dataset of books used to train artificial intelligence without permission from the authors. It confirms what was suspected: that books from pirate sites have been used to train AI. Recently, after a search by CEDRO, it has been possible to verify that books by Spanish authors, also form part of the material used for the training of Artificial Intelligence.

In addition, the results carried out by the machine (output), could include excerpts of previous works included in the trained material or dataset. Also, the output could be the result of a transformative use of previous content, such as an abstract, remix...

The results obtained by Artificial Intelligence compete on the market with the original works, so it entails confusion for the consumer. Consumers are unable to distinguish between a text written by an author or by Artificial Intelligence.

[1] *AUSTRALIAN SOCIETY OF AUTHORS. "ASA responses to use of Australian books to train AI", 28 september 2023: ASA response to use of Australian books to train AI - Australian Society of Authors (asauthors.org.au)*

Moreover, the results that we obtain through Artificial Intelligence do not have to be reliable, exact and correct, because these intelligent systems do not have the capacity to think, so they feed on data that they find in databases, which do not have to be reliable.

2.Does the increasing use or distribution of AI-generated material raise any unique issues for your sector or industry as compared to other copyright stakeholders?

The mission of our associations is to represent and defend the legitimate interests of authors and publishers of books and newspapers, facilitating and promoting the legal use of their works. So, we are one of the sectors most affected by the entry of Artificial Intelligence.

The use of textual works for the training of text-to-text Artificial Intelligence systems is obvious, sometimes even obtained from pirated websites.

As has been shown in the following complaint “Joseph Saveri and Matthew Butterick (complainants) VS Open AI and Meta (defendants)”, LLM litigation · Joseph Saveri Law Firm & Matthew Butterick) *https://llmlitigation.com/pdf/03223/tremblay-openai-complaint.pdf:* Much of the mate-r-ial in the train-ing datasets used by OpenAI and Meta comes from copy-righted works, hat was copied by OpenAI and Meta with-out con-sent, with-out credit, and with-out com-pen-sa-tion. Many of these books likely came from "shadow libraries”, web-sites that dis-trib-ute thou-sands of pirated books and pub-li-ca-tions. for instance, an AI train-ing dataset called "Books3" (used by Meta) includes a recre-ation of a shadow library called Bib-li-otik and con-tains nearly 200,000 books.

As we have seen above, and as shown in the above-mentioned complaint, books and publications are raw materials to feed Artificial Intelligence, and material susceptible to copyright protection, which, when used by these intelligent systems, are material susceptible to being infringed.

3.Please identify any papers or studies that you believe are relevant to this Notice. These may address, for example, the economic effects of generative AI on the creative industries or how different licensing regimes do or could operate to remunerate copyright owners and/or creators for the use of their works in training AI models. The Office requests that commenters provide a hyperlink to the identified papers.

Here are some links to studies involving Artificial Intelligence and Copyright:

Study on the impact of Artificial Intelligence on the infringement and enforcement of copyright and designs (European Union Intellectually Property Office)

Artificial intelligence as producer and consumer of copyright works: evaluating the consequences of algorithmic creativity

Study on copyright and new technologies
Copyright data management and artificial intelligence (European Commission)

Study on Opportunities and Challenges of Artificial Intelligence (AI) Technologies for the Cultural and Creative Sectors (European Commission)

4.Are there any statutory or regulatory approaches that have been adopted or are under consideration in other countries that relate to copyright and AI that should be considered or avoided in the United States? [(40)] How important a factor is international consistency in this area across borders?

The European Union wants to regulate artificial intelligence (AI) to ensure better conditions for the development and use of this innovative technology. Last June, MEPs adopted their negotiating positions on the AI law. Discussions on the final form of the law have now begun in the Council of the European Union, together with EU countries.

One of the things to consider it is that Artificial Intelligence developers to report the following, to ensure copyright protection:

1. Report the protected content with which the smart system has been fed;

2. When a person interacts with Artificial Intelligence or with content generated by Artificial Intelligence, should be informed of this circumstance.

Currently, we are facing a change that society is suffering and is not regulated, full of advances and benefits, but we are unaware of the risks. It is important to regulate the collection and manipulation of data which may have legal implications for industrial property, copyright and data protection. In such a globalized world, where data is constantly shared and there is quick and easy access to any data involving copyright infringement, the cooperation of all States is required to regulate the use of such data by law. Facilitating the cooperation of States in the event of violations of copyright.

We have some examples of risk, such as the Creation as a Service (CaaS) platforms previously fed with books and other publications without consent. These platforms and their results could be accessed from any territory, for this reason homogeneous responses and solutions are needed.

5. Is new legislation warranted to address copyright or related issues with generative AI? If so, what should it entail? Specific proposals and legislative text are not necessary, but the Office welcomes any proposals or text for review.

Any use of copyrighted material used by an Artificial Intelligence system in the input stage or in the results or output, should require the express and previous authorization of their rightsholders, in view of the harm that such uses may cause.

Training

6. What kinds of copyright-protected training materials are used to train AI models, and how are those materials collected and curated?

Most systems are trained on huge amounts of content scraped from the web, text, code, or imagery, e-books, journals and scientific publications, among others. Some obtain the materials from illicit sources, as discussed in the earlier complaint "Joseph Saveri and Matthew Butterick (complainants) VS Open AI and Meta (defendants)", LLM litigation · Joseph Saveri Law Firm & Matthew Butterick) *https://llmlitigation.com/pdf/03223/tremblay-openai-complaint.pdf.*

Books and texts are one of the most widely used content, given the large number of platforms offered to users to generate new texts.

Through the learning systems, machine learning and deep learning, based on the input of data, the machine selects, sorts and starts generating content based on previous works.

6.2. To what extent are copyrighted works licensed from copyright owners for use as training materials? To your knowledge, what licensing models are currently being offered and used?

From our knowledge, as a Copyright Management Entity and a federation of publishers, we are not aware that permission is being requested, at least in Spain. And from the recent lawsuits (attached below), neither in the United States.

Some complains:

- Paul Tremblay and Mona Awad VS Open AI
- Sarah Silverman VS Open AI

The Management Entities may grant licenses for the use of a large number of works. Licenses are authorizations that authors and publishers grant to organizations and users so that they can reuse their works in their activities or those of their organization. In addition, there are the so-called extended collective licenses, which are a legal model by which the binding effect of a collective agreement between an organization of copyright holders and a user of works protected by rights who are not members of the organization.

The licenses cover the work of the partners as well as those who are not partners of the entity. Licenses are a legal solution that allows the use of any work.

6.3. To what extent is non-copyrighted material (such as public domain works) used for AI training? Alternatively, to what extent is training material created or commissioned by developers of AI models

A model based exclusively on works which are generally in the public domain will not be valid. The works of which it would be machine-fed, would be obsolete, and outdated, compared to today's society. For this reason, Artificial Intelligence needs to be nourished by current works, protected by copyright, that is, works that are not in the public domain.

When, artificial intelligence systems rely for their training on databases, they may deserve protection through the so-called sui generis database right, introduced at EU level by Directive 96/9/EC. This right can be held even over databases whose elements, in whole or in part, are not protected by intellectual property rights (e.g. works in the public domain).

This sui generis right confers on the maker of a database, depending on whether the collection, verification or presentation of the content of the database involves a substantial investment in terms of quantity or quality, protection by intellectual property rights. The maker of a database may object to the extraction and/or reuse of all or a substantial part of the contents of the database.

The Court of Justice of the European Union, in the Directmedia case, decided by judgment of 9 October 2008 (C-304/07), confirmed that the transfer of data from a protected database to another database constitutes an act of 'extraction' for the purposes of Directive 96/9/EC.

In the other hand, Judgment of the Court (Fifth Chamber) of 3 June 2021. SIA “CV-Online Latvia” v SIA “Melons”**.** The Court of Justice of the European Union has stated that a search engine specialized in searching the content of databases, which makes copies of all or part of a database which is freely accessible on the internet, and subsequently allows users to search that database on its own internet site, would be extracting that database content, for which the manufacturer has protection.

Therefore, developers of AI systems must consider the impact of the extraction and reuse rights of the manufacturer of a database, even if the data composing the database is not themselves protected by copyright system.

In addition, it should be clarified that, you cannot create a Database of works protected by Copyright without asking for permission.

6.4. Are some or all training materials retained by developers of AI models after training is complete, and for what purpose(s)? Please describe any relevant storage and retention practices.

Regardless of the materials that are used to train Artificial Intelligence, the developers of intelligent systems need to retain or keep those protected materials, to perform checks on the system itself, to know if it is valid.

The storage of protected materials to feed the intelligent system involves an act of reproduction, subject to the authorization of the rightsholders.

7. To the extent that it informs your views, please briefly describe your personal knowledge of the process by which AI models are trained. The Office is particularly interested in:

7.4. Absent access to the underlying dataset, is it possible to identify whether an AI model was trained on a particular piece of training material?

The claims that have been presented above show that there are indeed datasets containing works protected by intellectual property rights.
These acts of reproduction and storage require a license or authorization, and CEDRO, as an entity managing intellectual property rights, is unaware that there are cases where such authorization has been requested.

8. Under what circumstances would the unauthorized use of copyrighted works to train AI models constitute fair use? Please discuss any case law you believe relevant to this question.

The use of protected works required by these systems for their training is clear under EU law. Only when these may fall within the limits of text and data mining referred to in Directive 2019/790 may works or performances protected by intellectual property rights be reproduced for the purpose of being analyzed by these systems.

Commercial use of AI systems will require the consent of the right holder in most cases in the European Union, and a similar solution should be included in the United States.

One of the most important is Andy Warhol Foundation vs Goldsmith case, that concludes: the Factor One analysis must turn exclusively on the specific allegedly infringing use at issue, the majority was not especially interested in Andy Warhol's purpose in creating Orange Prince. Rather, it focused on AWF's purpose in licensing Orange Prince to Vanity Fair. Because Goldsmith also licensed her photos of Prince to magazines, the Court concluded, the parties shared "substantially similar" purposes. And because AWF's purpose was also commercial (the other half of the Factor One test), Factor One favored Goldsmith.

The Court's opinion: "In sum, the first fair use factor considers whether the use of a copyrighted work has a further purpose or different character, which is a matter of degree, and the degree of difference must be balanced against the commercial nature of the use."

8.2. How should the analysis apply to entities that collect and distribute copyrighted material for training but may not themselves engage in the training?

Especially in cases where protected material is used for commercial purposes or where results are obtained that may compete with the original works. It is necessary to obtain the authorization of the copyright holders and ensure that they receive adequate remuneration.

8.4. What quantity of training materials do developers of generative AI models use for training? Does the volume of material used to train an AI model affect the fair use analysis? If so, how?

For the feeding of Artificial Intelligence, the work is used as a whole, completely. For these reasons, the machine for its result is based on the totality of works protected by copyright, which require authorization for their use by the copyright holders.

9. Should copyright owners have to affirmatively consent (opt in) to the use of their works for training materials, or should they be provided with the means to object (opt out)?

It is always necessary to express prior and express consent (opt in), to ensure that the rights of authors and editors are respected and that they can be remunerated for the use of their publications

In the case of the authorization (opt out), it poses more difficulties, for example, how to exercise it, how to exercise it, where to exercise it, if the work is disseminated on the Internet, should it be exercised in all copies? As can be observed, it is difficult to determine.

9.1. Should consent of the copyright owner be required for all uses of copyrighted works to train AI models or only commercial uses? (47)

Yes, it is necessary to obtain the authorization of the rightsholders, and especially for commercial uses.

9.2. If an "opt out" approach were adopted, how would that process work for a copyright owner who objected to the use of their works for training? Are there technical tools that might facilitate this process, such as a technical flag or metadata indicating that an automated service should not collect and store a work for AI training uses? (48)

The system of opposition by rights holders in output is an inefficient mechanism for copyright holders to fight infringements. As can be observed above, it is difficult to determinate.

Therefore, as mentioned above the express authorization of copyright holders should be necessary for the use of their works by Artificial Intelligence.

9.3. What legal, technical, or practical obstacles are there to establishing or using such a process? Given the volume of works used in training, is it feasible to get consent in advance from copyright owners?

The license are the solution, granted by collective management entities as CEDRO. Licenses are authorizations that collective management organizations grant to users so that they can reuse their works in their activities or those of their organization. In addition, there are the so-called extended collective licenses, they cover not only the works of the members of the management entity, but also the works of non-members of the management entity.

10. If copyright owners' consent is required to train generative AI models, how can or should licenses be obtained?

In the same way there are licenses for the use of the works. The fact that there may be licenses that allow protected works to be subject to AI training could work in the same way.

For years, the Management Entities have granted licenses for uses and these have been adapted to new needs of users, to new technologies, for this reason, the emergence of Artificial Intelligence does not have to prevent its adaptation.

10.1. Is direct voluntary licensing feasible in some or all creative sectors?

From a legal point of view, voluntary licensing would be a feasible way to ensure that data captured by artificial intelligence is authorized by the copyright holder. In the same way that licenses work to allow the use of a work protected by intellectual property.

But as the use of many works is required, the licenses of the Management Entities will be the best solution, in order to be able to obtain the necessary authorizations to make use and works protected by copyright.

10.2. Is a voluntary collective licensing scheme a feasible or desirable approach? [(49)] Are there existing collective management organizations that are well-suited to provide those licenses, and are there legal or other impediments that would prevent those organizations from performing this role? Should Congress consider statutory or other changes, such as an antitrust exception, to facilitate negotiation of collective licenses?

As a Copyright Management Entity, we have been licensing for many years. Licenses have been adapted to new uses, for example uses on digital platforms. This is why it does not have to be an exception, granting licenses for use by Artificial Intelligence. It is a massive use of protected works, and it is in these cases where the licenses of the management entities acquire special relevance.

10.3. Should Congress consider establishing a compulsory licensing regime? [(50)] If so, what should such a regime look like? What activities should the license cover, what works would be subject to the license, and would copyright owners have the ability to opt out? How should royalty rates and terms be set, allocated, reported and distributed?

Regardless of the model, they have to guarantee remuneration to rightholders whose works are used. Transparency obligations should be imposed, so that developers report where they have obtained the material to feed the Artificial Intelligence and the type of material used.

10.4. Is an extended collective licensing scheme [(51)] a feasible or desirable approach?

In our opinion, as a Management Entity, responsible for the defense of the rights of authors and publishers, we believe that this type of licensing can favor the use of AI systems allowing creators and publishers to be adequately remunerated for their work.

10.5. Should licensing regimes vary based on the type of work at issue?

Yes, adapting it to each type of work that you want to grant a license.

11. What legal, technical or practical issues might there be with respect to obtaining appropriate licenses for training? Who, if anyone, should be responsible for securing them (for example when the curator of a training dataset, the developer who trains an AI model, and the company employing that model in an AI system are different entities and may have different commercial or noncommercial roles)?

Licenses are the legal solution that could enable AI developers and those who use AI systems to legally use copyrighted material in the training stage. These licenses could be granted by collective management organizations that are present in almost all countries.

In the case of the input, where acts of reproduction and storage are performed, the person who carries it out will be responsible. And in the process of output, the person who disseminates or who obtains the result from previous work will be responsible.

Transparency & Recordkeeping

15. In order to allow copyright owners to determine whether their works have been used, should developers of AI models be required to collect, retain, and disclose records regarding the materials used to train their models? Should creators of training datasets have a similar obligation?

The uses by AI systems may be opaque, non-obvious. For this reason, the owner of the rights needs to know the uses that will be made of their works, in order to authorize or prohibit them.

The regulation being drafted by the EU will impose the obligation to report on the materials from which the artificial intelligence system itself has been fed. This solution can also be adopted by the US.

15.1. What level of specificity should be required?

The correct thing would be to publicly disclose all the data (documents, images, texts, etc.) from which the artificial intelligence system has been fed. This information should be regularly updated.

15.2. To whom should disclosures be made?

To avoid any possible risk, it is necessary to disclose the information to the copyright holders, and to the users themselves, who use these materials obtained through Artificial Intelligence, for example on the website.

15.3. What obligations, if any, should be placed on developers of AI systems that incorporate models from third parties?

Developers of artificial intelligence systems should report on data collection procedures, so copyright holders can check whether they are authorized to use this data. And when the results have been obtained, inform the database it has been fed from, to be able to ensure that they have not relied on pre-existing works protected by intellectual property rights.

15.4. What would be the cost or other impact of such a recordkeeping system for developers of AI models or systems, creators, consumers, or other relevant parties?

We do not know the costs, but we assume that they should not be very high, because these are technological systems conceived for identifying and labelling content, so it shouldn't be very difficult to identify the materials used.

In addition, even if there were high costs, they did not exempt them from asking for permission for the use of copyright protected content.

16. What obligations, if any, should there be to notify copyright owners that their works have been used to train an AI model?

As we mentioned before the European Regulation is supposed to include that obligation and this law is going to be applicable to developers outside the European Union when the results of their systems are used or disclosed in any European country. Therefore, we believe it is important that the United States, should include the same obligation, in its respective laws.

Generative AI Outputs

If your comment applies only to a particular subset of generative AI technologies, please make that clear.

Copyrightability

18. Under copyright law, are there circumstances when a human using a generative AI system should be considered the "author" of material produced by the system? If so, what factors are relevant to that determination? For example, is selecting what material an AI model is trained on and/or providing an iterative series of text commands or prompts sufficient to claim authorship of the resulting output?

Under European Union Law, copyrightability is based on human participation in the machine learning process. In the same way, United State of America, follows the same theory as Europe, as can be seen in a RECENT ENTRANCE TO PARADISE.

More clarity should be needed to distinguish when something has been created autonomously by the machine or when there is a human intervention that allows the protection of the result.

On the other hand, there are other forms of protection, other than copyright, such as registration systems, such as trademarks or patents.

20. Is legal protection for AI-generated material desirable as a policy matter? Is legal protection for AI-generated material necessary to encourage development of generative AI technologies and systems? Does existing copyright protection for computer code that operates a generative AI system provide sufficient incentives?

Granting protection to the results of AI systems could be explored, but it doesn't have to be through Copyright. There are other mechanisms for obtaining such protection, such as through the registration of patents and trademarks.

As shown in the reports submitted (page 5 of this document), the lack of protection does not discourage these systems.

20.1. If you believe protection is desirable, should it be a form of copyright or a separate sui generis right? If the latter, in what respects should protection for AI-generated material differ from copyright?

In this case, we believe that it should be separate sui generis right. Because intellectual property must be reserved for creations the fruit of human effort and intellect (as shown in "A Recent Entrance to Paradaise").

Infringement

22. Can AI-generated outputs implicate the exclusive rights of preexisting copyrighted works, such as the right of reproduction or the derivative work right?

Yes. One of the examples in the copyright system has been the lawsuit filed in a District Court of California, in the form of class action, by three visual artists against the companies Stability AI. From the point of view of copyright, it charges them with infringements of the exclusive rights of reproduction, distribution, public communication and transformation.

Stable Diffusion can produce digital images from a text description made by the user. From these inputs, observing the correlation of patterns extracted from the training data, the system "learns" to synthesize images like those provided for its learning.

The courts of the United States allow the legitimate use of protected works without the permission of their owner, if it is done for certain purposes (criticism, commentary, teaching, research). And fair use protection was also available.

In the case of Europe, in the judgment of the TJUE (The European Court of Justice) of July 16, 2009 and the order of January 17, 2012, it is established that the fragments of eleven words that Infopaq reproduced in response to the search for an isolated term could be considered a partial reproduction of a work, in addition, the court accepts the possibility of applying the exception in Article 5(1) of Directive 2001/29, because it can be considered that these are provisional and transitory reproductions that were part of a technological process, had no economic significance of their own and were necessary to facilitate a lawful use.

In the European case, although the jurisprudential development is lacking, there is the possibility of applying the **text and data mining exception**, which is defined as: *any automated analytical technique aimed at analyzing texts and data in digital format in order to generate information that includes, but is not exhaustive, patterns, trends or correlations.* This exception operates only for scientific research by research bodies and institutions responsible for cultural heritage, it cannot be prohibited by rights holder.

Labeling or Identification

28. Should the law require AI-generated material to be labeled or otherwise publicly identified as being generated by AI? If so, in what context should the requirement apply and how should it work?

In order to allow the user to easily distinguish between a human creation and a creation generated by artificial intelligence, labelling is a useful system to allow and inform the user that such a creation has been generated based on artificial intelligence systems.

Especially in the arts and literature market, two industries where plagiarism is most generated, and most easily.

28.1. Who should be responsible for identifying a work as AI-generated?

Those who disclose, commercialize or put into the market a work created by AI.

28.3. If a notification or labeling requirement is adopted, what should be the consequences of the failure to label a particular work or the removal of a label?

The most immediate measure that the European Union wants to implement is for platforms to incorporate AI-based services to "clearly label" all content generated by these methods. Content labeling aims to limit the impact, above all, of the so-called 'deep fakes' and prevent the already blurred boundaries between reality and fiction from being even more compromised by the appearance of texts and images with a high appearance of credibility. but generated by machines.

In the event of non-compliance with labeling, the removal of the content that is subject to labeling could be implemented, as well as financial sanctions for those responsible for labeling and transparency.

Additional Questions About Issues Related to Copyright

32. Are there or should there be protections against an AI system generating outputs that imitate the artistic style of a human creator (such as an AI system producing visual works “in the style of” a specific artist)? Who should be eligible for such protection? What form should it take?

It is becoming more and more evident, that for Artificial Intelligence to be able to write with a specific style, it is necessary that this machine be fed, based on texts written by authors of that style. That is why it is particularly necessary to require consent in such cases.

The competition of these works on the market, it is clear, they compete with original works protected by copyright.

And on the other hand, protect the image of the recognized author himself, because by imitating recognized authors, Artificial Intelligence obtains an economic benefit, and profits from the reputation.