

## **General Questions**

1. The main problem currently is that any AI must be “trained” by inputting data and that the companies training AI are using other creators’ works without their consent and/or without compensating them for its use. AI seems to be a useful tool for artists or authors to create works, but there must be accountability for the base data used to create them. An AI-generated work should be regulated to allow only an author’s own original works or works they have the rights to use, as the base for the generation.

2. N/A

3. N/A

4. International consistency should be comparable, but does not need to be exact.

5. New legislation is absolutely needed. No one should be allowed to profit from stealing the work of others, which is what is currently happening. Any AI system should be legally accountable to use only works to which they have access, and there should be specific laws governing the copyright to AI-generated works.

## **Training**

6. N/A

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:

7.1. It is my understanding that an AI system is fed a series of data, then uses that data to extrapolate and/or predict a new piece of art. For example, an AI system which was trained on the works of Normal Rockwell could generate a new image using the same style and with similar subject matter.

7.2. N/A

7.3. N/A

7.4. Not being a computer expert, I don’t believe that it is. That is precisely why the legislation governing AI systems should be specific in regulating what can legally be used as training material and also to include repercussions to illegal use.

8. It is reasonable that AI-generated works would follow similar laws to human-generated works – use of copyrighted material to train an AI system would be illegal if used for monetary gain, but may be allowed for personal use.

8.1. N/A

8.2. The same laws should apply to anyone involved in the AI system, at any stage.

8.3. Again, the laws should prevent the use of copyrighted works in the training of any AI system used to produce works for monetary gain. Any monetary gain at any point in the system would necessitate the use of only works to which the user had the rights.

8.4. The quantity of training material is irrelevant. The only consideration should be whether the AI system has the legal right to use those works.

8.5. N/A

9. Use of copyrighted material should be opt-in only, with serious penalties for any system that uses deceptive practices to gain consent.

9.1. Consent would only be needed for commercial uses / monetary gain BUT there should be strict regulations on the AI systems at the origin and/or training level.

9.2. Opt in should be the only option.

9.3. There are no viable obstacles to gaining consent in advance, and it should be required.

9.4. Existing remedies may be adequate, but AI-specific processes would be better.

9.5. Going forward, explicit consent or waiver of that right should be in any copyright or contract for work. Retroactively, it should be handled on a case-by-case basis.

10. There should be a standard or semi-standard contract format to record consent, in similar manner to any other copyright consent contract.

10.1. It is.

10.2. N/A

10.3. The license should be compulsory on the corporate side, never to the author. Copyright owners should be required to opt in, opt-out should not be an option. Royalty rates and terms should be set through negotiation, as any other payment would be. Congress should probably not be involved.

10.4. N/A

10.5. N/A

11. The license should be obtained at the first stage of any AI system, then verified at each step along the way. Each entity using the AI system is responsible to ensure that they have the proper licenses for the system.

12. The degree is irrelevant. If a particular work is used by an AI system at any stage, it should be properly licensed from the copyright holder.

13. The economic impact will be to the original creators and/or copyright holders, who will be compensated for use of their works.

14. There should be actual, significant and enforced penalties for any AI system that uses copyrighted works at any stage without authorization.

### **Transparency & Recordkeeping**

15. Yes, AI systems should be required to keep records at any stage of operation.

15.1. N/A

15.2. Disclosures should be regulated by the Copyright Office. Possibly, they would be available publicly.

15.3. Corporations using AI systems should be responsible for verifying the copyright licenses at every stage of use.

15.4. The cost to the corporations is irrelevant. Anyone using an AI system should pay for the proper licenses, as part of their operational costs.

16. It should be illegal to use any copyrighted work without the explicit consent of the copyright holder.

17. N/A

### **Generative AI Outputs**

#### **Copyrightability**

18. If a work is generated by AI using only the works copyrighted to that human person, they would also be the 'author' of the new work. Merely selecting training material created by others or issuing a prompt would NOT be considered authorship.

19. Specific additions to existing law should be made to clarify the requirement of AI-generated works.

20. N/A

20.1. N/A

21. N/A

### **Infringement**

22. N/A

23. N/A

24. Copyright owners should not have to prove anything. Any AI system should be required to keep records, and it should be their burden to prove they did not use a copyrighted work.

25. It should be required for each stage of use of an AI system to obtain and/or verify licensing from the copyright holder, so each entity should be liable at each stage.

25.1. N/A

26. N/A

27. N/A

### **Labeling or Identification**

28. Yes, AI-generated material should be labeled, in the same way copyright data is included.

28.1. Any distributor should be responsible for including that information, such as on the copyright page of a book.

28.2. No, any entity capable of generating works using an AI should be capable of including that information.

28.3. The consequences should be monetary and significant, for commercial works.

29. N/A

### **Additional Questions About Issues Related to Copyright**

30. N/A

31. No, AI-generated works should be an addition to existing copyright laws, and should not get special treatment.

32. There would not need to be specific protections if AI-generated material is required to be labeled as such. If it is legal for one human artist to use similar style as another, providing they did not claim to be the other artist, the same would hold for AI-generated works. However, the AI would likely not know “the style” of an artist without having the rights to original works by that artist in the training model.

33. N/A

34. The Copyright Office should consult with as many artists, authors and other copyright holders as possible to craft new legislation. Representatives of AI corporations should not be allowed to write laws which will govern them.