My name is Albert (Big Al) Gruswitz. I'm still working as an illustrator in advertising at age 79 after 30 years as and art director and associate creative director in Detroit and NYC and 29 years in my own business, Boundless Creativity by Big Al Gruswitz. Three times my illustrations have been selected by Lürzer's Int'l Archive for the 2013, 2021, and 2023 "200 Best Digital Artists Worldwide" Annual. This year for 4 of my Midjourney images.

I've been enthusiastically working with Midjourney and several other text-to-image programs since June, 2022. I've also coauthored two books on using Midjourney and teach a course to advertising agency creatives on the use of Midjourney and Photoshop Beta.

I've looked on one of the sites that lists images that have been used for open source training of Midjourney and Stable Diffusion and I was able to locate 3 of my illustrations among the images. I'm not bothered by that. The truth is my artwork is very much out there in public places on various sites like Behance, Pinterest, Daz Studio Gallery, many client sites, publications, and more. So I'm not surprised that my art was used. Frankly, I consider that to be expected as a result of heavy exposure and the fact that we have access to so much information on the internet. I'm actually happy that my work can help those programs develop, not only from open source, but learning from all the now thousands of images I've produced with those programs.

I don't feel that these programs should use images from stock photo sources such as Getty because they are in business to sell their images, so using their images, even with watermarks on them amounts to stealing. But what is being produced with text to image programs is never a direct steal of a particular image. Back a few months ago, if I prompted a photo that would be a typical subject for a stock image (such as a child opening a present next to a Christmas tree) I would sometimes get watermarks or partial watermarks, but that doesn't happen now and probably because so many images are resourced for the creation of one image.

I also understand when other illustrators are not as willing as I am to have their artwork copied. The majority of AI users on LinkedIn agree that one should not sell images created "in the style of" living artists. If a client came to me and asked me if I could create an image in the style of a certain artist by traditional illustration techniques, I would suggest to them to go to that person to do the illustration if that's the look they are going for. On the other hand I've created with Midjourney images in the style of deceased artists and the subject matter isn't anything the artist created when alive. I don't see how that is different from painters in the past that would emulate the art style of a famous painter. Many times they were students of that painter. However, any images I've created in the style of an artist have not been sold, but were part of my ongoing exploration.

Copyrighting AI Images

 On the subject of images not being able to be copyrighted because they are not the work of a human, my feeling is that is a false assumption. No image is produce without the input of a human being. Text to image programs are just a tool. A photographer is considered the author of a photo because he aims the camera, select the lens, lights the scene and then clicks the camera. We do the same thing when we prompt an image in fact we do more: we select what the subject of the image is going to be, we describe that subject, describe the lighting, the background, the atmosphere, the mood, the aspect ratio, set style parameters, and the variability parameters. Admittedly, we can get an image with one word. I frequently do in order to see how that one word effects the image so that, when it is used in combination with other prompt words, we have a better idea of how the image will turn out. I also frequently take a Midjourney image into Photoshop, and yes sometimes Photoshop Beta, and modify the image, or combine it with other Midjourney images, stock photos, or my illustration elements.

I feel that these images are my work. I created them, not the machine. They are my ideas, or my clients ideas. Images frequently don't turn out right until considerable adjustments to the prompt and frequently hours of work. My work, my time, my final results. They are the work of a human—me!

People felt the same concerns when we started using computers. A 3D image, when I produce it, involves either models I create or purchase, the 3D program provides camera lens choices, I can set the camera angle, create a landscape using tools within the program, select what kind of sky I want, what time of day, etc. But that is considered the work of a human. I do the same things using an AI program. I really don't see a difference. It's just one of the tools available to me to do my work for my clients.

One other reason I believe AI images should be able to be copyrighted is that my clients, ad agencies, and their clients are hesitant to use AI generated images until such a time as they can be copyrighted. Not being able to have copyrights limits us AI illustrators, artists, prompt designers, or whatever you want to call us from using this new and wonderful tool.

Copyright liability

I'm much more concerned about copyright liability related to large language model programs such as ChatGPT in their ability to plagiarize authors works or programs that can copy people's voice and singing style. I definitely feel regulations are necessary and I feel that all AI created materials, visual, verbal, or musical should be required to include metadata that indicates they are created using AI tools.

Job Losses

I don't feel that talented artists, illustrators, photographers, writers, musicians or any one in any creative field will loose their jobs because of AI as long as they stay with the trends and learn how to use these fast developing tools.

I do have concerns for the actors who are concerned about loosing jobs as extras, but that has been happening ever since the advent of 3D animation. When computers became standard tools, the entire type setting industry did disappear. But people in all forms of business will have to learn new skills and new ways of working.

Automation has reduced a lot of jobs in manufacturing and as robotics continues to evolve many typical labor jobs will continue to disappear. I believe government needs to find ways to retrain laborers to have new salable skills and not leave them to do so on their own.