

1. As described above, generative AI systems can 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?

AI has the benefit of potentially minimizing the work of humans and expediting the creation of certain content that would take a human author longer and more effort to normally create. It can be used to rapidly generate ideas to spark an artists inspiration and throw together a composition. However, the risks are many as with any tool the potential to abuse and use at others' expense is high. And if we should wish to use this tool to its best potential I Believe it must be carefully managed and regulated. At this time the world of AI feels like the Wild West, where any and everything can happen whether for good or ill. As an illustrator, I am intimately familiar with the fears and misgivings about AI that many in my industry share. Currently, I have seen it negatively impact the illustration and creative fields. There is the fear that AI will steal work from the industry. Already many clients that would otherwise work with an illustrator or artist are using AI because It's cheap if not completely free to use and can quickly spit out works that are good enough for their projects. many large companies and corporations have also been looking into using AI in place of creatives and artists. As of late has been a spike in large businesses looking for new ways to underpay, undercut, or entirely eliminate human creatives. Either they don't know or care that the work generated by AI can't be copyrighted, or they believe that this fact will change in the near future. often clients don't know or care that most AI at this time is trained on stolen artworks. That is to say, many artists' work has been used without the artist's permission to train AI. These artists don't receive compensation for, or even warning that their art is being used in such a way. I have heard of one such case where an AI program copied an artist's style so completely that the artist's business suffered heavily. In the artist community, the use of AI is seen in equal regard to art theft and as serious as copyright infringement. However, I don't know if AI programs can be charged with copyright infringement as some would argue they generate new and unique works simply "inspired by" the artists whose work is stolen. Others argue that AI cannot be "inspired by" but is simply a very fancy collage machine, that simply reassembles stolen art. And that given the nature of technology its means of "learning" is tantamount to copying the original works itself. I believe as it stands that since the artists whose work was stolen to train these AI have neither given their consent nor been properly compensated for their work it is a violation and could be considered theft. In either case, this fear of AI theft has led to some interesting innovations such as the "Glaze" program created by researchers at the University of Chicago, which has been designed to "cloak" an artwork from generative AI and thwart its attempts to learn from and copy an artists style.

Despite the many leaps and bounds AI has made in improving from an artistic standpoint the finished products it produces are also viewed as subpar and inaccurate when considering basic principles such as composition, anatomy, and lighting, figures in AI art are commonly known to have hands that are wildly misshapen or have 6 or more fingers, lighting often makes no sense ex. Though I'm sure with time AI might improve past this awkward stage, and while the artistic quality, merits, or validity are the least of ones concerns I thought it important to mention to present the full volume of my thoughts on the matter or AI.

I have also seen the good AI can be used for. I know of cases where overworked and understaffed doctors have used AI to write out documents and relegate the busy work that otherwise takes up a doctor's time to better streamline and aid in their practice. I'm sure there are similar cases in many fields where AI can be used to lessen workloads and streamline workflow. I have heard of Ai being used to decode ancient charcoal scrolls that would have otherwise been unreadable. I could likewise see artists use AI to aid their own workflow, provided they own and are in full and complete control of the program and that there is no room for abuse or misuse. As it stands at current the only thing protecting artists and creatives is the fact that AI cannot be copyrighted. I believe this factor has been the biggest saving grace to the illustration industry along with many other creative fields.

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?

Yes. The rise in the use of AI generated work has negatively impacted the illustration industry in a few ways. For one illustrators now have to compete with AI for clients, and projects. In a modern world that values instant gratifications and instant results, illustrators often feel like they can't keep up with AI. As AI is often faster, and cheaper than traditional illustrators. AI it should has downsides, it is often inferior in quality from an artistic perspective as lighting and anatomy can be upon closer inspection nonsensical and inconsistent, for examples a common feature of ai art is for hands to lack or have more than the normal amount of fingers, or lighting and shadow defy the light source in a work. Another downside of AI is it lacks the specific workflow that illustrators bring to the table for a project. For example lacks the ability to thumbnail, sketch, and think through the design process. When working with an illustrator clients can easily ask for changes and revisions, and there is forethought behind every work and design decision. Though this process is by its nature time-consuming it is something the speed and by its nature, AI lacks the capability of doing. AI also lacks a fundamental understanding of the artistic basics such as composition, anatomy, and lighting and thus lacks the fundamental building blocks necessary for good illustration. AI simply copies work with no understanding of the rhyme or reason for a certain design choice. And while some clients recognize the inherent value and merits of human illustrators there are many novice clients who lack this understanding or many clients who do not care and are ok with sacrificing quality for the sake of faster, cheaper, "good enough" work. This has lead to an increase too in subpar and bad quality art. Though i suppose one must remember that all art is subjective. Thus far the main deterrent for using AI is the fact AI works cannot be copyrighted. And many clients and companies pay illustrators expressly because the usage and rights of a work can be negotiated, bought and secured for the clients use and benefit. Despite this I have seen AI programers and users attempt to profit off of AI art. For example the rise in AI "adoptables". Before AI "adoptables" were ready drawn and designed illustrations, usually of an animal or creature or character that a client could buy or "adopt" from the artist. Its the same with AI adoptables, save the one difference is that rather than an artist illustrating the "adoptable" from scratch, the "adoptable" is AI generated. And despite the fact that AI works cannot be copyrightable the programers will attempt to sell the "adoptable" despite the fact that the art AI generates is by nature free to use. This has lead to a rise in "AI Art theft" where artists will copy the AI Adoptable and either ,use for their own uses, distribute for free or sell the artists rendition of the AI adoptable since the AI adoptable cannot be protected from "art theft" because by nature you cannot steal what is free to use. I will note this is seen as a tongue in cheek way to get back at AI art and is not seen as true art theft and is even praised. Or seen as a harmless prank at the expense of the AI. That is to say is seen largely as harmless and even regarded as heroism.

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.

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

40 For example, several jurisdictions have adopted copyright exceptions for text and data mining that could permit use of copyrighted material to train AI systems. Separately, the

European Parliament passed its version of the Artificial Intelligence Act on June 14, 2023, which includes a requirement that providers of generative AI systems publish “a sufficiently detailed important a factor is international consistency in this area across borders?”

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.

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

I believe so. It is critical that AI be controlled and regulated. In addition to maintaining the fact that AI work should not be copyrightable, there should be legislation on AI to make it more ethical. For example AI must first receive clear, and enthusiastic consent of an artist or creative to use the artist's work in AI training and, they should be compensated both for the initial art work, like one would normally pay for the ability to use copyrightable material for one's use, and in addition artists whose work has been used to train AI programs must also receive royalties every time the AI program is used to generate a piece of work, just like an artist receives royalties every time their art is used. Before one questions if there is precedent for this it should be noted this is the standard in many creative fields not just for illustrators, (For example book illustrators receive royalties for every time a book that uses their artwork, is sold. Or a script writer receives royalties every time the film of show they wrote for airs). If the artist does not give full consent or consent is given under duress or is in anyway inequitable to the artist then the AI should not be allowed to use the work in question for training. This should apply retroactively to AI as well. AI programmers should evaluate the AI programs already in use and remove works used to train AI from its training. If this is not possible the AI program should be prohibited and the programmer should begin from scratch to guarantee absolute transparency and completely ethical practices. One should treat the use of art to train AI as one would regard the use of art in any other project when regarding to copyright protection. Furthermore AI programs should be required to be completely transparent either to be required to be open source so that anyone can inspect the code and methods used to train the AI to best hold it up to ethical standards and ensure that AI programming and training continues to be ethical. Or it should be required to be thoroughly vetted by a governing/ regulatory body that does not profit off of or in any way gain money from AI. Lest they be incentivized to falsify or report inaccurately on the ethicality of an AI program. Perhaps similar to the FDA for regulating and checking the quality of food and drugs in the states.

In addition we need legislation protecting users online from data scraping and other such predatory collection of their online content being used to train AI. Also I propose there be an AI tax. Perhaps similar to a sales tax or a pink tax. Which could be very lucrative to the government even if only to maintain the proposed AI regulatory body.

Furthermore there should be legislation that encourages AI programmers to license out copyrightable works and/ or commissioning work for training materials rather than stealing such works. Legislation should make AI transparent to catch any theft and heavily discourage theft. It should also strive to protect human artists and their work. Guidelines must be established if AI is to be ethically and safely integrated into the modern world. It has great potential to be an excellent tool but at the moment it's too unregulated.

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

Any art or work made by a human is naturally upon creation protected by copyright of the creator. The creator can sell the rights to a work. This rule applies to all human works. Pretty much any work made by a human can be used to train AI. The most common creative works used to train AI is visual art and written works. Many online art display websites such as

“deviantart” have developed their own Ai or are being paid by outside Ai programmers to use the works of art curated in these online galleries to train the Ai.

6.1. How or where do developers of AI models acquire the materials or datasets that their models are trained on? To what extent is training material first collected by third-party entities (such as academic researchers or private companies)?

Many websites such as twitter (now known as X) and whatsapp either are or are proposing to change their user agreement to allow the sites to use any text or image posted on these sites to train ai. Often these agreements are hidden in the fine print. Some such websites do provide an opt out function though it often is defaulted to opt in and the option to opt out of such things is hidden and not obvious. Google drive likewise either is or has proposed using text and data from its user base to train Ai. Without consent or knowledge from its user base. (See: <https://www.cbsnews.com/amp/sacramento/news/google-hit-with-lawsuit-alleging-it-stole-data-from-millions-of-users-to-train-its-ai-tools/>) Some websites like “Archive of our own” are being mined for data with bots pretending to be readers leaving prewritten comments on works to avoid detection. (See: <https://gizmodo.com/ai-chatbot-fanfiction-fanfic-archive-of-our-own-1850524393>). A large concern is the lack of protection from data scraping and using the stolen information to train Ai without consent. Art, writing and other forms of data are scrapped and mined from pretty much any site on the internet, with little protection to users or knowledge that this is occurring. Many sites outright sell their users content and data to third party’s to mine and scrape, to than sell to other buyers not just for Ai training.

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? For the most part as i am aware most Ai programs don’t bother acquiring the licence from the copyright owners to use in their training. Licensing would require buying the rights to a copyrighted work and Ai does not do that. To do so would be costly for Ai programs and a good portion of Ai is available for use to the public for free or at very low cost. Further more I know of no creative or illustrator in my circles that currently licencies out their work for Ai training. Nor have i heard of any one in the industry licensing their work out. Theft is more common. In summery to my knowledge the vast majority of content used to train Ai is stolen and not at all lawfully licensed from the copyright owners. I have heard of some Ai programs beginning to “compensate” artists (usually retroactively without artists consent) for the work used but to what i have heard the compensation is often very little and that these artists are undervalued and criminally underpaid

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?

Non copyrighted material is used just as commonly as copyrighted materials. Ai models are notorious for not compensating or commissioning creators to make or sell materials for the purposes of Ai training. There has recently i have heard of some Ai models either beginning to or retroactively compensating artists for the work they stole, though it is allegedly at very poor rates and without artists enthusiastic consent. Some artists iv spoken to that have sold rights for ai training have reported feeling like they had to sell the rights at low one time rates that the Ai programmers set, lest their art get stolen by Ai regardless and than getting paid nothing. Better to get crumbs than nothing at all seems to be the midset which is unfortunate. I believe regulations may be required to better encourage Ai developers to more fairly and equitably compensate artists and to protect artists from theft by Ai so they might freely chose whether or not to license out work.

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.

Unknown

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. How are training materials used and/or reproduced when training an AI model? Please include your understanding of the nature and duration of any reproduction of works that occur during the training process, as well as your views on the extent to which these activities implicate the exclusive rights of copyright owners.

7.2. How are inferences gained from the training process stored or represented within an AI model?

7.3. Is it possible for an AI model to “unlearn” inferences it gained from training on a particular piece of training material? If so, is it economically feasible? In addition to retraining a

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?

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. Given the nature of AI fair use could only ever be argued in cases where the work generated for AI was not used for any profit or in any way benefit a business or in any way money is involved. As it is taking works of an artist and profiting off their hard work. If work is generated for fun or for personal enjoyment it could be argued to maybe, maybe, maybe fair use. Though it's on thin ice. And not truly fair use. In such cases it is a grey area. AI has been likened to a very fancy collage machine, that is to say it can cut up and splice together many works far better than any human. In principle this is fair use, however given the nature of how AI is trained, the original training materials are forever retained and drawn from. So it is impossible for AI to truly make its own unique work free of human influence. Fair use is meant to protect human artistic licence and creativity. AI is neither human nor has a sense of creativity on its own. To be honest I don't know that it could ever be considered fair use. Even in the above mentioned grey areas. Simply because AI lacks the human element.

8.1. In light of the Supreme Court's recent decisions in *Google v. Oracle America*⁴¹ and *Andy Warhol Foundation v. Goldsmith*,⁴² how should the “purpose and character” of the use of copyrighted works to train an AI model be evaluated? What is the relevant use to be analyzed? Do different stages of training, such as pre-training and fine-tuning,⁴³ raise different considerations under the first fair use factor?

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?

8.3. The use of copyrighted materials in a training dataset or to train generative AI models may be done for noncommercial or research purposes.⁴⁴ How should the fair use analysis apply if AI models or datasets are later adapted for use of a commercial nature? ⁴⁵ Does it make a difference if funding for these noncommercial or research uses is provided by for-profit developers of AI systems?

I believe that if copyright materials are used to train ai for noncommercial or research purposes that's fine. But these ai should forever remain noncommercial. If one wishes to later adapt the ai models or data sets for commercial use they should either completely retrain the Ai off of non copyright material and/or buy through rights to the copyright material and exclude any copyright material they cannot secure the rights too. Perhaps another option would be to pay royalties to the copyright holders every time the ai is put into use for commercial means. As opposed to where the funding comes from I don't know if that an issue provided the research and noncommercial uses do not later become commercialized. If for profit ai development funding proves to be too much of a bias or put too much expectation on the research than perhaps it might. In summary, it might well make a difference and be something to heavily consider.

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?

The quantity of training materials is vast and beyond what a human could ever achieve by the nature of ai. Fair use was made with human authorship in mind and the limits of human creativity and ability. Ai often exceeds human capability in its ability to process and use copyrighted materials. Thus I believe volume is inconsequential when considering ai models with regard to fair use. Ai models are incapable of being fair use whether they use one source of material or millions.

8.5. Under the fourth factor of the fair use analysis, how should the effect on the potential market for or value of a copyrighted work used to train an AI model be measured? 46 Should the inquiry be whether the outputs of the AI system incorporating the model compete with a particular copyrighted work, the body of works of the same author, or the market for that general class of works?

I believe that one should look at the markets generative ai is affecting. However I think the inquiry should address all of the above issues not just the effects on an industry or market as a whole. One should carefully evaluate how incorporating the model would compete with particular copyrighted work, the work of an author as a whole and the market for the general class of work. Each level is just as important as the other.

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)?

Copy right owners should have both. Initially they should be able to opt in. As in have a say in whether or not Ai uses their work to train Ai. That should be the default. One should never assume a copyright holder wants their work to be involved in training without their full and enthusiastic consent. I would argue further more once an artists work is integrated into a training project they also retain the right to opt out and change their mind on the matter, and withdraw their work from training material.

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

Yes I believe as with anything in life the copyright authors full and enthusiastic consent be required for any training of Ai. In the illustration world there's a spoken and unspoken rule that the consent of a copy right holder is required anytime someone wants to use or even copy the work. Why should it be any different for Ai.

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

It should be easy and straight forward for a copy right holder to report their wanting to opt out their work being used for training. They should easily, directly and clearly be notified any and every time their work is being used for training and in that message be given the means to opt out. It should not be hidden behind endless web links or buried in fine print, but be loud and indisputably clear.

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?

To be frank whether or not its feasible is irrelevant. Protecting the rights of a copyright holder should supersede all else. However i will argue that it is quite feasible. In this modern age of innovation and technology anything is possible. The obstacles of yesterday are overcome with ease today. On the internet volume has never been an issue. Whether one need send out automated messages or hire more people to manually reach out to copyright holders im certain there are many ways wich one can overcome any perceived obstacles when faced with such a simple task as collecting the consent of copyright holders. In summary yes it's very feasible. All it takes is a little effort.

9.4. If an objection is not honored, what remedies should be available? Are existing remedies for infringement appropriate or should there be a separate cause of action?

If an objection is not honored it should immediately be rectified, the material in question should be pulled from the training. The copyright holder must be compensated and the offender should be prosecuted, perhaps pay a steep fee and/ or reparations. I Believe current remedies for infringement are inadequate. I belive that perhaps on the first offense the offender should be warned, remove the content from training (there should be a body of office that ensures this has actually occurred) and pay reparations. Every subsequent offense should include this and in addition an ever increasingly steep fine for each subsequent offense. I believe Ai needs to be more stringently regulated. To deter such things.

9.5. In cases where the human creator does not own the copyright—for example, because they have assigned it or because the work was made for hire— should they have a right to object to an AI model being trained on their work?

If so, how would such a system work? 10. If copyright owners' consent is required to train generative AI models, how can or should licenses be obtained?

If the human creator no longer owns the copyright i believe it is between them and their employer/ the current copyright holder on whether or not a work should be used for AI training. I believe copyright holders have final say at the end of the day. I would advise if a human creator has qualms with their work being used for Ai they should write in their contract that their work not be permitted for use in Ai training. Otherwise, copyright holders have full use and say. The copyright holder's consent should be required whether or not the work should be used in Ai training.

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

Yes. So long as the copyright holder is properly compensated and hold to their agreement.

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?

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?

I do not think that compulsory licensing regime should be used. The copyright holder should always have final say in how their work can and should be used. However if a compulsory licensing regime were to be implemented it must be absolutely mandatory above all else that copyright owners be allowed and have the ability to opt out and that opting out be simple, clear, and easy to do. Secondly it is imperative that the royalty rates be fair and that the rates evolve and grow with market rates and inflation. Royalties rates should be set up by the copyright holders. And allocated/ distributed to the copyright holders. And reported publicly.

10.4. Is an extended collective licensing scheme 51 a feasible or desirable approach?

If a compulsory licensing regime is installed than it do believe there must be a governing body to regulate, govern and safeguard copyrighted works. Again if such a thing were to exist opting out of having your copyrighted material used without one say-so is imperative. For such a body to exist members and nonmembers should have equal say and be able to voice their opinions on matters with which it deals. Though im against compulsory licensing regimes being used, if it is implemented then safeguards are imperative to protect the copyright creators' interests and to see they are more than adequately compensated.

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

Licensing regimes should vary and be cater to the needs and kinds of work it intend to govern. They should be tailored to the work and the industry at issue.

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)?

I believe responsibility should be at every stage of the process. The curator should make sure the works they curate are legally and fairly obtained. The developer should make sure that their ai model is trained on ethically sourced data sets and the company employing the ai system should make sure that the ai was ethically trained on ethically sourced material. One cannot depend on a single entity alone. One cannot have a single source of failure. If one did depend solely on just one of these entities to hold responsibility and that one source fails in their responsibility then the whole chain fails. Thus multiple checks at multiple different stages are indeed necessary.

12. Is it possible or feasible to identify the degree to which a particular work contributes to a particular output from a generative AI system? Please explain.

13. What would be the economic impacts of a licensing requirement on the development and adoption of generative AI systems?

14. Please describe any other factors you believe are relevant with respect to potential copyright liability for training AI models.

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?

Yes absolutely. Transparency is a must.

15.1. What level of specificity should be required?

I believe the maximum amount of specificity possibly should be required.

15.2. To whom should disclosures be made?

I believe one should disclose to everyone. Not just the copyright holders whose work is currently being used. That is the simplest and easiest way for a copyright holder whose work isn't being used yet to decide if they want their work being used or not. Make it publicly available

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

Developers should use just as much diligence and have maximum transparency. One cannot put all the responsibility on just one party. Developers are just as obligated as the third party to make sure the data is ethically sourced.

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?

I imagine it would be the same as any other record-keeping endeavor and relatively simple given this modern age with technical solutions.

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

There absolutely should be an obligation to notify the copyright holder that the work has been used to train AI. Is nothing else this is imperative. The copyright holder should also have a right to opt out of their works being used even retroactively. If not they absolutely must be compensated for their work use at a fair and competitive rate. This is most imperative that copyright owners be notified. That is non-negotiable.

17. Outside of copyright law, are there existing U.S. laws that could require developers of AI models or systems to retain or disclose records about the materials they used for training?

Yes. Anywhere there is AI there should be guidelines and regulation

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?

No.

Never. The ai used other people's work to jigsaw together a work. If anyone is an "author" it is the ai itself, never a person using or making the ai. Copyright law is only for human authors. Ai "authors" cannot be protected under copyright law as they are not human. Ai work is not human-generated by its nature. So in summary, No. full stop. Absolutely not.

19. Are any revisions to the Copyright Act necessary to clarify the human authorship requirement or to provide additional standards to determine when content including AI-generated material is subject to copyright protection?

The copyright act needs to protect human authorship above all else. Additional protection against ai usage is needed. Theft of copyright material to train AI is rampant and must be quelled. Ai programs must never be allowed to be copyrightable. By their nature. And for the sake and protection of countless industries and human creatives. The one remaining bastion protecting human creatives and countless industries is the inability for ai to be copyrightable. Ai can be a fun little tool on its own or used for all for free or for research. But it must absolutely never ever be protected by copyright. Unless in the distant scifi future ai becomes itself sentient and is found to be equal and living as the human soul than maybe one might reassess. But that is for now completely the realm of science fiction and at current ai must never be protected by copyright lest we cheapen the value of human creatives.

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

No. Legal protection for generative ai is neither desirable nor needed. Any current protection that exists is more than adequate. The development of ai needs no encouragement, they have and need no protection and yet are flourishing and growing. It is the human creative and copyright holder that needs protection from ai.

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?

It is not desirable in the slightest.

If one absolutely must "protect" it then absolutely it must be a separate sui generis. But protection is not at all desirable. One must protect the human artists and copyright holders.

21. Does the Copyright Clause in the U.S. Constitution permit copyright protection for AI-generated material? Would such protection "promote the progress of science and useful arts"?
52 If so, how?

Protection would not promote progress and useful art it would do quite the opposite. It already has done the opposite the art world has been rife with ai art and it is the very opposite of useful art it has been destructive and wrecking havoc on the illustration world.

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? If so, in what circumstances?
Probably not

23. Is the substantial similarity test adequate to address claims of infringement based on outputs from a generative AI system, or is some other standard appropriate or necessary?
Potentially

24. How can copyright owners prove the element of copying (such as by demonstrating access to a copyrighted work) if the developer of the AI model does not maintain or make available records of what training material it used? Are existing civil discovery rules sufficient to address this situation?

No. Copyrighted owners cannot prove if their art has been stolen if the developers do not maintain or make available record. Thus they must be made to take extensive record and be clear and transparent with those records. Current civil discovery rules are not enough to protect the copyright owners.

25. If AI-generated material is found to infringe on a copyrighted work, who should be directly or secondarily liable—the developer of a generative AI model, the developer of the system incorporating that model, end users of the system, or other parties?

All parties involved should be held responsible. For not doing their due diligence. And if doing due diligence is not possible it should be made possible.

25.1. Do “open-source” AI models raise unique considerations with respect to infringement based on their

outputs? 53 26. If a generative AI system is trained on copyrighted works containing copyright management information, how does 17 U.S.C. 1202(b) apply to the treatment of that information in the outputs of the system?

Potentially. So long as they aid in research are completely free to use and can be by no means at all commercialized then perhaps

27. Please describe any other issues that you believe policymakers should consider with respect to potential copyright liability based on AI-generated output.

Labeling or Identification

AI should always be labeled as such, and copyright holders and human artists must be protected.

28. Should the law require AI- 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?

Absolutely, without question. If an AI was at any point used in making or generating a work it is imperative it be labeled as such so as not to deceive the audience.

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

The person who generated the work obviously.

28.2. Are there technical or practical barriers to labeling or identification requirements?

No.

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?

Yes. The work is to be removed immediately, and there should be a steep fine for willingly mislabeling and/ or removal of a label. Like removal of a car license plate or failure to put a license plate on a car.

29. What tools exist or are in development to identify AI-generated material, including by standard-setting bodies? How accurate are these tools? What are their limitations?

Unknown

Additional Questions About Issues Related to Copyright

30. What legal rights, if any, currently apply to AI-generated material that features the name or likeness, including vocal likeness, of a particular person?

31. Should Congress establish a new federal right, similar to state law rights of publicity, that would apply to AI-generated material? If so, should it preempt state laws or set a ceiling or floor for state law protections? What should be the contours of such a right?

Ai-generated material should not have rights. Meanwhile, The human author and copyright holders' rights should be federally protected.

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?

Every artist at risk of AI is at risk of protection. Thus every artist should be protected. Any exception may be works that are in the public domain

33. With respect to sound recordings, how does section 114(b) of the Copyright Act relate to state law, such as state right of publicity laws?

54 Does this issue require legislative attention in the context of generative AI?
Absolutely.

34. Please identify any issues not mentioned above that the Copyright Office should consider in conducting this study.

The copyright office has been extremely thorough with their inquiry.

At the end of the day, AI should not be copyright-protected. It should at best be forever public domain.