

My name is Kyle Galbraith, and I am an illustrator, representing myself. I have been a practitioner of visual arts for my my entire history on this earth, and consider my art development to be a core part of my identity, this undoubtedly colours my opinions. I must also make it clear that I refer to machine learning algorithms as “AI” out of convenience, as no generative model has yet to reach general intelligence, often called sentience, and cannot be considered to be true AI.

This too colours my opinions.

That stated, I have been following the news about generative AI religiously, and I feel qualified to speak not only as an artist, but as a small representative of humanity.

As to the first concern, all data obtained and used by AI, generative and non-generative , must be done so ethically. Artists of all kinds live and die by the works they've already made, it is for them to decide how it is used in the future, up to and including its use in generative models especially. No model, generative or otherwise should be allowed to indiscriminately trawl the internet, adding to its bank of information, without credit or adequate compensation. Allowing it to do so not only infringes upon the artist's past copyrights, but also future ones, as there have already been instances of AI being used to finish an artist's current work in progress before the artist can do so their self.

<https://dotesports.com/streaming/news/art-streamers-livid-after-ai-artist-steals-genshin-impact-in-progress-work-and-demands-credit>

If generative models aren't to be rejected out of hand, then artists must both agree to the use of their art in AI models, and be compensated for it, with all infractions stiffly penalized. The only logical answer for payment I have come to is royalties, paid out from the revenue generated by use of the AI.

On the second issue, I fully reject the assertion that a person typing a prompt into an AI should retain in copyright over the imagery that may be generated. The person entering the prompt is at baseline, a client asking for art to be made to their specifications, and at the very most, an editor, and may only tangentially be considered for copyright if they put sufficient time and effort into the fine-tuning of the images. The AI can also not hold the copyright for what is generated, as it is neither human, nor is it even truly creating, as much as it is scrap-booking from minute details. Until such a time that an AI obtains general intelligence, and therefore the ability to enact their own will upon the creative process, then it can hold no copyrights, and all it generates cannot be protected as such.

For the third question, it depends entirely upon how the generated image is used. An AI dataset that generates images that are already too similar to the art it was trained on is a failure of the programmers that trained it, and they should be held liable on any occasion. If the user intentionally prompted that similarity, or continued use of that imagery after being informed of the similarity, they should also be held accountable. If the user makes a provable effort to avoid such instances (ending use of infringing images, using more generalized prompts, etc.), then culpability should remain solely with those who created the model.

As to the fourth and final question, art is the province of humanity, we are the only creatures on this planet that create for the sake of creation, be it with our voices, our actions, or our hands. All other creatures do so for survival and propagation, if at all. I don't know if copyright is a high-enough law to determine if someone's personhood should be endlessly replicable, but it certainly cannot ethically be done so by anyone other than the person who it first belonged to. Copyright law must reject any generated content that mimics humanity in this way, in part for visual art style, but most especially in the case of voices and likenesses, as these are intrinsic to our sense of self, and violations of that self can only be destructive. Given how difficult it can be to change these parts of ourselves (even when possible), it can only be unfair competition for an AI to have unlimited access to this breach of identity.