My name is Stephen M. Wolfson. I am an academic librarian and attorney who focuses on copyright law. I have worked in both law school and university libraries and have taught several courses on copyright and technology throughout my career. As such, I have significant experience with copyright scholarship, including scholarship related to generative AI. For these comments, I am writing on my own behalf, and not as a representative of any organization.

I am writing in response to question #3 of the Notice of Inquiry on Artificial Intelligence on scholarship that is relevant to NOI. Below, I provide a small sample of articles that can help the Copyright Office understand how copyright law and generative AI intersect.

Matthew Sag, *Copyright and Copy-reliant Technologies*, 103 Northwestern Law Review 1607 (2009)

Even though Professor Sag wrote this paper in 2009 and not specifically about generative AI, this paper nevertheless provides valuable information about copyright, technology, and fair use law. This paper offers a framework for understanding how copyright should apply to what Professor Sag calls "copy-reliant technologies."

Margot E. Kaminski, *Authorship, Disrupted: AI Authors in Copyright And First Amendment Law*, 51 U.C. Davis Law Review 589 (2017)

This essay by Professor Kaminski from the University of Colorado School of Law looks at the concept of authorship vis-à-vis artificial intelligence in both copyright law and first amendment law the U.S. Constitution and in copyright law.

Amanda Levendowski, *How Copyright Law Can Fix Artificial Intelligence's Implicit Bias Problem*, 93 Washington Law Review 579 (2018)

Many people have recognized that algorithmic bias can produce problematic results. In this paper, Professor Levendowski looks at these problems in the context of artificial intelligence models and argues that the law can help to mitigate those problems by permitting AI developers to use copyrighted works in training their models as fair use.

Mark A. Lemley & Bryan Casey, *Fair Learning*, 99 Texas Law Review 743 (2021)

In this article, Professor Mark Lemley and Bryan Casey, a Fellow at the Center for Automotive Research at Stanford, argue that using copyrighted works to train machine learning algorithms should be fair use, which they call "fair learning." They write that "Copyright law should permit copying of works for non-expressive purposes—at least in most circumstances … When the defendant copies a work for reasons other than to have access to the protectable expression in that work, fair use should consider under both factors one and two whether the purpose of the defendant's copying was to appropriate the plaintiff's expression or just the ideas."

Katherine Lee, A. Feder Cooper, & James Grimmelmann, *Talkin' 'Bout AI Generation: Copyright and the Generative-AI Supply Chain* (2023)

This unpublished research paper analyzes copyright law as it applies to various stages of the development and implementation of generative AI, what the authors call "Generative AI supply chain."

Matthew Sag, *Copyright Safety for Generative AI* (2023) (forthcoming Houston Law Review)

In this forthcoming paper, Professor Sag reviews the current state of generative AI technology and how copyright law may apply to the development and use of generative AI, focusing primarily on text-to-image generators. He then offers a list of "Best Practices for Copyright Safety in Generative AI."