

October 18, 2023

U.S. Copyright Office
101 Independence Ave S.E.
Washington, DC 20559-6000

RE: [Artificial Intelligence and Copyright: Request For Comments](#)

Dear Members of the U.S. Copyright Office:

I am a professional illustrator in the entertainment industry. I believe that generative AI represents an existential threat to my livelihood. AI products are built on work stolen from my colleagues and myself and seek to put us out of business.

The results of generative AI (genAI) should not be considered copyrightable, because no matter the extent of prompting from a human user, the actual labor and result is generated by a machine, approximating a guess based on the material it has consumed. There is no human intent or labor in the creation of the result, merely a dice roll. Here are some of my answers to the questions on your "Request for Comments."

Question #1: *As described above, generative AI systems have the ability to 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?*

The current use of material scraped from the internet, without the consent, compensation, and credit of its human creator, basically renders the idea of copyright itself inert and worthless. If the idea of copyright is to control the ownership and distribution of creative and expressive work, genAI destroys that idea by acquiring creative works without the permission of the human creator, and commercially profiting from it. The creator has no idea if/how that work is being used. It deprives the creator of being able to profit off their own work due to unfair competition (in part or in whole) from clients who have used genAI to acquire those works.

Question #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?*

Illustrators and other visual artists are being forced to compete against the unauthorized reuse of their own past works in part or in whole. As the AI images are not created by the labor of human hands, genAI image users, who are essentially genAI commissioners (because they are commissioning works from a computer program) do not require financial re-numeration. Professional artists cannot fairly compete with “free” work generated ad infinitum by a robot.

Question #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.*

Since it is no longer in a research phase, and it is being used for commercial purposes, current datasets should be 100% scrapped and destroyed. New datasets can be started from scratch, but only with the express consent, credit, and compensation of the human creators. Because of the massive job loss potentially created by genAI systems, laws protecting all affected workers from job displacement by genAI should be enacted.

Question #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)?*

It is pulled without consent, credit, or compensation from the internet under the guise of “research” to which an exemption is apparently made. Since it is no longer used as research and is used for commercial purposes, datasets must be purged and started over from scratch using only legal materials.

Question #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?*

None that I am aware of.

There are ethical ways genAI technologies can co-exist with human creatives and I want to thank the US Copyright office for letting artists and creatives weigh in on this matter. Thank you for your consideration.

Sincerely,
Benton Jew