

Dear United States Copyright Office,

I'm a working illustrator with 25 years of experience under my belt. I've had the pleasure of working for animation studios, toy design companies, IP holders, book publishers, and more. What I do for a living is a vibrant, creative and fulfilling task, something that other people admire and find delight from. I have spent the entirety of my life working to improve my craft and master the art form, which requires a mix of creativity and skill. The meteoric rise of artificial intelligence seeks to steal my hard work and turn it into an algorithmic filter that uses my hard work against me, thus potentially ending my career. It's a terrifying existential threat to me and all other visual artists.

To an artist, their portfolio is everything. The work presented in your portfolio proves your years of hard work, unique creativity and acquired skill to prospective employers and clients. If your work is good enough, you may not even need a college degree to have a very successful career. However for artificial intelligence companies, they view an artist's portfolio as unclaimed land, as a natural resource that they can mine for their own benefit. Currently, artists don't even have a choice in the matter of whether or not their art is included in the algorithm, it is simply taken without permission or remuneration. My own name could be used as a prompt to create art that looks like what I make, so that I would be fighting against my own art in the marketplace, and there's currently nothing I can do about it. Actors can legally defend their likeness, people can sue for theft of their intellectual property, but I can do nothing when somebody uses my name to steal what I bring of value to the artistic world. It's straight up theft.

Artificial intelligence reduces an artist to disposable food that the owner of the ai generator can consume and then move on to another for the next meal. AI is like Galactus from Marvel Comics, a mighty being who consumes one populated world and then dispassionately moves on to consume the next. To use another metaphor, artists are the veal in cages that are lined up for slaughter, and only the people at the top of the food chain will benefit from their lives.

America is known for its exceptional arts and storytelling. Movie studios, video game companies, publishers of novels, comic books and more, all of these amazing art forms are created by dedicated artists who have given everything to be part of the 1% who can make a living from their art. These are the people who were good enough to rise to the top, and through that trial by fire, their superior work is what entertains the world every day. These are the people who created Star Wars and Batman and Halo and Pet Sematary and Taylor Swift's music and all of things people love to be entertained by. Artificial intelligence would remove the ability for those artists to get a foot hold with entry level jobs, and would make pursuing excellence in their craft a fruitless pursuit because a computer could do it immediately faster. If all of the truly talented human creatives were to find another line of work because a handful of AI companies took away their career opportunities, the world would quickly become a less delightful place.

AI reminds me of a quote from “The Incredibles,” which paraphrased says, “if everybody is special, then nobody is.” Applied to the arts, if all of the work is AI, then human artists will give up trying to improve their craft so they stand out. This ultimately will become a problem for AI itself, because AI requires input to “scrape” (steal) from. If artists have given up creating new work, the AI art will have nothing new to mimic. AI art will quickly become recursive, where the most recent output from AI becomes the input for the next batch of AI art, sort of like a person holding a mirror, standing in front of a mirror, it will be infinite iterations of the same image. The art will lose all semblance of originality and all art will become the same. We might lose an entire generation of artists before the world realizes its mistake.

One of the greatest metaphors for artificial intelligence I have seen is this: a boy goes to a McDonald’s and orders a cheeseburger with no ketchup and extra pickles. He then takes the food home, unwraps it and proclaims, “this is my newest cuisine I have created, using McDonald’s as a tool.” The only thing missing from the metaphor to make it more accurate would be if the boy stole the cheeseburger from McDonald’s without paying for it.

I firmly believe that an artist’s inclusion in an AI algorithm should only ever be opt-in, never opt-out. Opt-out lets AI companies steal everything they want with almost no accountability. Opt-in would require AI companies to find people willing to give away their hard work, or get paid for their work. While I find the idea of any artists willingly giving away their work to the algorithm to be a seriously bad choice for themselves and for posterity, at least then the AI would not be able to steal the names of the multitudes of other artists who don’t want their work to be used in this capacity.

I am encouraged by the avalanche of lawsuits being filed on behalf of writers who protest their work being used by AI against their will, and I believe these lawsuits should be filed on behalf of visual artists as well. Sadly, we don’t have guilds to fight for us, we’re kind of every man for himself.

Currently I see two proposed solutions to the quagmire we have with artist’s rights, one from the WGA and one from the French National Assembly. Combined together, I think they might solve a lot of the issues with AI-generated imagery.

First, the Writer’s Guild agreement says:

1. AI-generated material can’t be considered literary or source material (e.g. intellectual property)
2. AI technology itself can’t be considered a writer under the MBA
3. Studios must disclose to writers if and when any material they give writers has been generated, in part or in whole, by AI
4. Writers themselves are allowed to use AI software (with studio consent and within relevant company policy) when performing writing services under the MBA.

Similarly for the visual arts, I agree with the current laws that state that AI-generated source art should not be eligible for copyright, certainly not without substantial (75% +) human modification, such as by collage or other methods. I also agree that visual artists should be able to utilize AI if they choose, but only as a tool and not as a means to create art out of whole cloth. AI-art created simply from prompts (requests) leaves all of the actual creative work to the whims of the algorithm and should never be allowed to be copyrighted.

Second, the key points proposed by the French National Assembly:

<https://berdicom.org/f/proposed-law-sets-ethical-boundaries-for-ai-generated-works>

1. The proposed law aims to regulate the use of artificial intelligence (AI) in relation to copyright laws, in order to protect the rights of authors and artists. It suggests implementing a taxation system to ensure fair compensation for the use of AI-generated works, and to encourage innovation and diversity in the arts.
2. The integration and exploitation of copyrighted works by AI software must comply with existing intellectual property laws and require authorization from the authors or rights holders. This includes works created without direct human intervention.
3. Only the authors or rights holders of the original works used to create an AI-generated work are entitled to its copyright. Collective management of these rights can be carried out by authorized organizations, who are responsible for collecting and distributing royalties.
4. A decree will establish the conditions for granting and withdrawing authorization for organizations managing collective rights. These conditions include diversity of members, professional qualifications of leaders, and equitable representation of authors and exploiters.
5. Any AI-generated work must be labeled as such and include the names of the authors of the original works used to create it.

Without substantial legal and copyright protection, companies will have no incentive to employ artists, writers or musicians, and these artists will have no incentive to pursue an artistic career path. America will have no innovation advantage and will be fully reliant upon computers for anything using the most valuable human commodity of creativity, and the rest of the world will have the exact same artificial intelligence capabilities as America. We will be giving away our most valuable human resource so that a few companies can get filthy rich, all the while dumbing down our country's capacity for excellence and new ideas. AI-generated arts are clearly transgressing on human intellectual rights, and

artists are screaming for intense regulation. Please listen to the artists—we make the stuff that you love to be entertained by. Protect the artists before we are no more.

Thank you on behalf of all of America's visual artists!