

The case for artists to opt out of AI

The rise of AI-generated art has sparked a heated debate about the role of technology in the arts, and the future of creativity. While some argue that AI is merely a tool for artistic expression, the reality is that the unauthorized use of copyrighted artworks to train AI models poses a serious threat to artists' intellectual property rights, privacy, and creative autonomy. Should artists have the right to opt out of having their work serve as fodder for AI's insatiable learning algorithms? The answer, resoundingly, is yes.

When AI algorithms analyze and learn from an artist's unique style without their explicit consent, it raises serious ethical concerns about the misuse of their intellectual property. This is a matter of respecting the fundamental rights of artists to control how their creations are used.

Moreover, many artists have deeply personal and emotional reasons for not wanting their work to be fed into AI systems. Art is not merely a collection of shapes, colors, and textures; it is the profound expression of the human experience. Art is often a deeply intimate expression of an individual's experiences, beliefs, and perspectives. Churning this creative output to be ingested, regurgitated, and diluted by AI algorithms without the creator's knowledge or consent is a violation of their artistic integrity and personal privacy.

The lack of transparency surrounding the use of copyrighted works in AI training further compounds this issue. Artists are often left in the dark about whether their work has been used, to what extent, and for what purposes. Just this year, a leaked database showed [16,000 artists](#) whose works were directly utilized in training the popular image generator Midjourney without their consent. The lack of transparency about when their work is being used makes it difficult for artists to exercise control, and degrades their trust and respect with the AI companies benefitting off of them.

Some may argue that the use of copyrighted art in AI training falls under fair use, but this claim is tenuous at best. Fair use is intended to allow for limited, transformative uses of copyrighted material, such as criticism, commentary, or parody. However, the wholesale scanning and analysis of vast troves of copyrighted art to train AI models stretches the boundaries of fair use to the breaking point. It is hard to argue that this kind of mass appropriation is transformative in any meaningful sense.

Furthermore, the argument that AI is simply learning from existing art in the same way that human artists do is flawed. When a human artist studies and draws inspiration from the work of others, they bring their own unique perspective, emotions, and individuality to the process – qualities that AI, in its current form, cannot embody. AI merely replicates patterns and styles without any true understanding or emotional connection to the work.

Proponents of AI-generated art often tout its potential to democratize art and make it more accessible to the masses. But at what cost? If we allow the unchecked use of copyrighted art to train AI models, we risk devaluing the very concept of art as a form of human expression. We risk reducing artists to mere data points, their unique visions and skills subsumed by the cold, algorithmic logic of machines.

To protect artists' rights in the age of AI, we need a multi-faceted approach. First and foremost, we need stronger legal protections for artists' intellectual property, including the right to opt out of having their work used for AI training. We need greater transparency from the companies developing AI art models, including clear disclosure of what artworks are being used and for what purposes. And we need mechanisms for artists to be fairly compensated for the use of their work, if they choose to allow it.

But beyond these legal and financial considerations, we need to realize a fundamental shift in how we value and respect the work of human artists. To recognize that art is a vital expression of our shared humanity, not just a commodity or a dataset to be exploited. We need to invest in arts education, support emerging artists, and rekindle our appreciation for the irreplaceable value of human creativity. Ensuring that the development of AI in the arts does not come at the cost of the very thing that makes art so valuable: the human spirit.

In conclusion, artists should have the right to opt out of having their work used to train AI art models. It is a matter of respecting their intellectual property rights, their privacy, and their creative autonomy. We are setting the precedent today for centuries to come about the very essence of artistic value. By implementing stronger legal protections, increasing transparency, and fostering a culture that values human creativity, we can serve future generations an ethical model that encourages innovation while preserving the splendor of the human artist.

The case against artists opting out of AI

Artists should not be given an ability to opt-out of having their work used to train AI art models. Providing such an option would hinder the progress and potential of not only AI-generated art, but of the art world as a whole.

Developing an AI image generator requires the analysis of vast amount of artistic data. By opting out, artists deprive these models of valuable resources that would contribute to the advancement of this transformative technology. Artists have always learned and taken inspiration from others before them. AI models require access to nothing more than what artists have already needed to develop their own artistic styles and techniques.

The use of copyrighted works in AI training falls under the fair use doctrine, which allows for the transformative use of creative works. AI models do not copy or replicate existing art; they use it as a foundation from which to generate entirely new creations. This transformative process falls in line with the spirit of the fair use doctrine to promote the progress of art and science.

It remains ambiguous as to *when* AI models are alleged to perform copyright infringement, whether during the training of the model or the execution of its code. This makes it difficult for the developers of generative AI models to address privacy concerns in the current landscape. We should not let ourselves be stifled in AI advancement while waiting to work out these fine legal details.

Artists who ask for the halt of generative AI lean on frail arguments. [Several cases were dismissed](#) last year as plaintiffs alleging copyright infringement did not even own the copyrights to their own works. They were also unable to prove that any generated images were derivatives of their own work. Demanding compensation for the use of art goes against the very nature of artistic evolution. It's as greedy as record labels attempting to own musical notes and scales by suing anything that sounds remotely like their music.

Some argue that AI art diminishes the value of human-made art and is discouraging for new artists to compete against. Yet, [a recent study](#) by Horton Jr, White, and Iyengar (2023) found that human-made art was perceived as more creative when compared against AI-made art, as opposed to other human-made art. This finding suggests that the emergence of AI-generated art may actually enhance the perceived value of human creativity, as it highlights the unique qualities that human artists bring to their work.

Throughout history, new technologies have always challenged the status quo in art. From the invention of the camera to the rise of digital art, each innovation has been met with resistance from those who fear change. But the artists who have thrived are those who embraced these new tools and used them to push the boundaries of their craft. The same is true of AI-generated art. By collaborating with AI models and leveraging their capabilities,

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artists can create works that were once impossible, exploring new styles, combining disparate elements in ways previously unimagined, and generating art at a speed and scale that should empower the modern visionary.

Rather than focusing on the right to opt out or demand compensation, the art community should engage in constructive discussions about how to ensure fair attribution and recognition for artists whose works contribute to AI training. This way, progress can continue, and artists can be properly credited for their work. The clash between artists and generative models should not be seen as a battle over the essence of art, but as a collaborative relationship fostering in a new method of creation.

Embracing this new frontier requires a spirit of openness, collaboration, and adaptation. By finding ways to integrate AI into the art world while respecting the contributions of human artists, we can push the boundaries of artistic expression for the benefit of all. The open landscape ahead of us should be met with excitement and curiosity rather than trepidation. The future of art lies not in the protection of outdated notions of ownership and control, but in the bold exploration of new possibilities in the collaboration of human creativity and artificial intelligence.