Submission of Ad Hoc Group of Artists Using Generative AI[1]

We, the undersigned professional artists who use generative AI tools, welcome this opportunity to respond to the Copyright Office's [Notice of Inquiry on Copyright and Artificial Intelligence](#) [Docket No. 2023–6]. Many of us came together recently to author an [open letter](#) to Congress to ensure artists like us are part of policymaking processes, and we are grateful that the Copyright Office is consulting widely on this important subject.

Artists like us – and the communities for whom we create – benefit tremendously from generative AI tools. We use the tools to create new works; while generative AI can be used to exploitatively replicate existing works, such uses do not interest us. Our art is a craft – rather than simply automating the production of art, we use generative AI tools to assist our creative processes in a diverse, often complex, range of ways in order to create new works.

The Notice covers a wide range of complicated technical and legal topics. While our opinions on some of these topics may vary, we come together in this submission to affirm three key points.

First, when it comes to the training of generative AI, we caution against overbroad interpretations of copyright that would impede the development and performance of these artistic tools. Copyright law should continue to leave room for people to study and analyze existing works in order to craft new ones, including through the use of automated means like those used to create AI models. The operation and performance of generative AI hinges on the ability to train on a broad, diverse array of data sources, including on sources like public Web content. Overbroad interpretations of copyright could limit such training and in turn negatively impact our work as artists.

Second, when it comes to addressing specific outputs, copyright law should continue to address harmful infringement while creating clarity for people who re-use and build on works for legitimate purposes. We recognize that it is possible to misuse generative AI tools, like other creative tools, to create infringing outputs, and copyright law can and should continue to address those specific uses based on existing law. At the same time, just as one wouldn't restrict the synthesizer or the photocopier simply because some may misuse them, we shouldn't restrict generative AI trained on existing works simply because of the potential for misuse. Moreover, we are concerned that artists using emerging tools like generative AI can all too often become the targets for legal threats, merely because their practice is new and different. It is essential to continue to support clear limits on copyright that enable transformative uses.

Third, when it comes to the copyrightability of outputs, we encourage the Office to more deeply study and engage with how artists use generative AI and provide greater clarity. We appreciate that the Office is working to create clarity about the copyrightability of AI outputs. Unfortunately, much of the guidance has been based on particular uses of a single tool. As the

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Office goes forward, we hope you will engage us to understand the myriad ways in which we apply our own human authorship to generate original creative works.

Sincerely,

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