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Comment from Tremblay, Pat

Posted by the U.S. Copyright Office on Oct 31, 2023

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My comments, as an individual artist who uses the technology, are regarding the domain of Art vs Generative AI. See PDF included. And I would highly suggest you to watch the very informative series entitled ""Everything is a Remix" video series (the last and final episode is dedicated to AI) which I believe is a great eye opener for anyone not aware of what is the creative process is in all of its forms. It has a clear and easy explanatory approach for anyone to understand.

EP4: Everything is a Remix AI:

https://www.youtube.com/watch?v=rswxcDyotXA

Other episodes:

EP 1: https://www.youtube.com/watch?v=MZ2GuvUWaP8

EP 2: https://www.youtube.com/watch?v=HhMar eYnNY

EP 3: https://www.youtube.com/watch?v=dwxtW1Aio68".

Thanks for your time.

Attachments (1

AI ART What it is its Pertinence and Misconceptions

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AI ART: WHAT IT IS, ITS PERTINENCE & MISCONCEPTIONS.

On how AI art is not really stealing from other artists in its databank when generating imagery:

Al art, in its process of generating imagery, can be seen as distinct from the act of stealing or plagiarizing from other artists in its databank. While Al algorithms do draw upon a vast databank of existing images for reference and inspiration, the intention behind Al art is not to replicate or directly reproduce the works of other artists. Instead, the algorithms analyze and learn patterns, styles, and compositions from the dataset, extracting elements and recombining them in novel and unique ways.

Al art is fundamentally a creative tool that expands the possibilities of artistic expression. It can be likened to an artist's sketchbook, a repository of visual inspiration from which ideas are generated. The purpose of utilizing an extensive databank is to expose the Al algorithm to a diverse range of artistic styles and themes, allowing it to understand the underlying structures and characteristics of different artworks.

Moreover, the output generated by AI art is not a mere replication or imitation of existing works. The algorithms interpret and remix the learned information, often producing unexpected and original compositions that transcend the individual references. The AI system acts as a collaborator or tool for the artist, assisting in the generation of new artistic visions rather than directly copying or appropriating the works of others.

It's also worth noting that AI art often incorporates elements of human creativity and intervention. Artists or programmers guide and curate the AI's learning process, selecting and fine-tuning the algorithms to achieve specific aesthetic goals. The resulting artwork is a collaborative effort between the AI system and the human artist, combining the computational capabilities of the algorithm with the unique sensibilities and intentions of the creator.

In summary, while AI art draws upon a databank of existing images, it operates in a manner distinct from stealing or directly copying other artists' works. It leverages the database as a source of inspiration and reference, using algorithms to interpret and remix the learned information in innovative and transformative ways. AI art represents a novel approach to artistic creation that embraces the possibilities offered by technology while maintaining a distinct creative vision.

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On why AI art is no different or very similar to pop art neo-pop art and collage art:

Al art shares significant similarities with pop art, neo-pop art, and collage art in terms of its conceptual framework and aesthetic approach. Just like pop art, AI art challenges traditional notions of art and recontextualizes familiar imagery from popular culture. It appropriates and transforms existing visual elements, whether it's through digital algorithms or machine learning techniques, to create new compositions that often reflect the contemporary cultural landscape. This parallels the appropriation and repurposing of mass-produced consumer goods and advertising imagery that characterized pop art.

Neo-pop art, which emerged in the 1980s, also shares affinities with AI art. Both explore the intersection of popular culture and technology, employing vibrant colors, bold forms, and a sense of irony or playfulness. Just as neo-pop artists incorporated imagery from mass media, AI art often draws inspiration from a vast repository of digital images, creating collages of visual elements that span a range of styles and references.

Collage art, on the other hand, involves assembling disparate fragments to create a unified composition. In a similar vein, AI art utilizes algorithms to combine diverse visual elements and generate entirely new images or remix existing ones. The process of collage, whether done manually or algorithmically, allows for unexpected juxtapositions, surreal combinations, and the exploration of unconventional narratives. Al art builds upon these principles, pushing the boundaries of what can be achieved through the assemblage of digital fragments and reconfiguring them into innovative and thought-provoking visual works.

While AI art certainly shares similarities with these artistic movements, it also introduces unique elements enabled by technology. It leverages algorithms, machine learning, and generative models to automate and augment the artistic process. The use of AI allows for the exploration of vast datasets, the generation of complex patterns, and the creation of entirely new aesthetics that were previously inaccessible. AI art expands the artistic possibilities, offering a contemporary lens through which we can engage with the ever-evolving intersection of art, technology, and popular culture.

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On why traditional artists shouldn't be angry, worried or wanting compensation from having been put in the data set of AI art models:

The inclusion of traditional artists' works in AI art models' datasets should not necessarily lead to anger or demands for financial compensation. While it is understandable that artists may feel protective of their creations and concerned about their work being used without permission, it is crucial to consider the broader context and potential benefits of AI art.

Firstly, AI art models typically use vast and diverse datasets consisting of numerous artworks, including both historical and contemporary pieces. These datasets serve as a foundation for training the algorithms and enabling them to generate new and unique compositions. The presence of traditional artwork in these datasets should be seen as a testament to its artistic and cultural significance, as the algorithms learn from a wide range of artistic expressions to inform their creative output.

Moreover, AI art is not a direct replication or reproduction of existing artworks. The AI algorithms analyze and interpret the learned patterns, styles, and themes to generate novel compositions. The resulting artworks are often transformative and distinct, combining elements from various sources and incorporating the unique output of the algorithm itself. Therefore, it is important to recognize that AI art is not simply rehashing or plagiarizing traditional artworks but rather using them as reference points within a broader creative process.

Furthermore, the utilization of traditional artworks in AI art models can bring several potential benefits to the art community. It can help introduce new audiences to historical artworks, sparking interest and curiosity in traditional art forms. AI-generated art can also act as a bridge between different artistic movements and styles, facilitating cross-pollination and innovation. By incorporating traditional art into the algorithmic learning process, AI art contributes to the preservation and dissemination of artistic heritage in a technologically evolving world.

It is worth noting that many AI art projects and organizations are committed to ethical considerations, including properly attributing the artists and artworks used in their datasets. While it may not be feasible or practical to obtain explicit consent or compensate individual artists for inclusion in large-scale datasets, efforts can be made to acknowledge the sources and provide appropriate credit.

Overall, instead of focusing solely on concerns about unauthorized use, traditional artists can consider the potential for AI art to amplify artistic expression, create new connections, and expand the boundaries of creative possibilities. Engaging in constructive conversations, collaborations, and explorations of this evolving artistic landscape can lead to a deeper understanding and appreciation of the intersection between traditional art and emerging technologies.

Artists should not be overly worried or anxious about being included in an AI art model dataset for several reasons:

Promotion and Exposure: Inclusion in an AI art model dataset can actually provide artists with increased visibility and exposure. AI-generated artworks often generate significant interest and attention, drawing attention to the original artists whose works may have influenced the algorithm. This exposure can lead to new audiences discovering and appreciating the artist's work, potentially resulting in increased recognition and opportunities.

Preservation of Artistic Legacy: The inclusion of an artist's work in an AI art dataset can be seen as a testament to their artistic significance and contribution to the artistic canon. AI art models often incorporate historical artworks to capture and preserve artistic traditions, thereby honoring and extending the legacy of artists across time. It can serve as a way to introduce their work to new generations and ensure its continued relevance.

Catalyst for Collaboration: AI art can act as a catalyst for collaboration between artists and technology. By embracing the possibilities offered by AI, artists can explore new creative avenues and expand their artistic practice. The collaboration between human artists and AI algorithms can lead to innovative and unexpected artistic outcomes, allowing artists to push the boundaries of their own work and experiment with new techniques.

Artistic Transformation: AI art models do not simply replicate or mimic existing artworks. Instead, they reinterpret, remix, and generate new compositions based on learned patterns. The resulting AI-generated artworks are often unique, transformative, and distinct from the original references. Artists should see AI art as a tool for inspiration and exploration rather than a threat to their individual artistic expression.

Adaptability and Evolution: Art has always evolved alongside technological advancements and cultural shifts. Artists have historically embraced new mediums, techniques, and tools. Al art represents the latest chapter in this ongoing evolution, offering new possibilities for artistic exploration and expression. By embracing Al art, artists can adapt and engage with the changing artistic landscape, contributing to its evolution rather than being left behind.

Ultimately, artists should recognize that AI art is not intended to replace or devalue traditional artistic practices. Instead, it offers a new frontier for creative exploration, collaboration, and innovation. Artists can choose to embrace AI as a complementary tool, utilizing its capabilities to expand their artistic horizons and engage with evolving technologies. By doing so, they can navigate the ever-changing artistic landscape while staying true to their unique artistic vision and voice.

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On how extremely elaborate it would be to try and secure rights to be in a data set for an AI art model that aims at covering all of the visual history of art:

Securing rights to include all artists in a comprehensive AI art model that aims to cover the entire visual history of art would be an extraordinarily complex and challenging task. The logistics involved in such an endeavor would be daunting, given the vast scope of art history and the practical difficulties of identifying and contacting artists, both living and deceased, along with evaluating appropriate compensation.

Identifying Artists: One of the primary challenges would be identifying and tracking down the artists or their representatives. For living artists, this may involve extensive research, contacting galleries, agents, or artist associations, and navigating potential language barriers or limited public information. For deceased artists, tracing the rights holders and ensuring accurate attribution becomes even more challenging, requiring thorough archival research, consultation with experts, and potentially engaging with estate administrators.

Evaluating Compensation: Determining how and who should be compensated for the inclusion of an artist's work in an AI art model is a complex and subjective matter. Traditional copyright laws may not directly address the use of artworks in AI-generated compositions, and the concept of fair compensation would require careful consideration. Factors such as the artist's significance, historical relevance, popularity, and the extent of their inclusion in the dataset would all need to be evaluated. This assessment would likely involve the expertise of art historians, legal professionals, and industry stakeholders to develop a fair and equitable compensation framework.

Licensing and Permissions: Negotiating licenses or permissions with individual artists or their representatives would entail navigating a multitude of legal complexities. This process would involve drafting agreements, clarifying the scope of usage, specifying attribution requirements, and addressing issues like exclusivity and the duration of the license. It would be a resource-intensive task that would require significant legal expertise and potentially involve different jurisdictions depending on the artists' origin and the applicable copyright laws.

Financial Feasibility: Given the enormous number of artists across history and the potentially substantial costs associated with securing rights for each individual, the financial feasibility of such an endeavor becomes a considerable challenge. Determining appropriate compensation amounts for each artist would require careful balancing of factors like the AI model's intended purpose, scale of distribution, commercial potential, and the resources available to the project.

In summary, attempting to secure rights for all artists in an AI art model covering the entire visual history of art would involve an incredibly intricate and resource-intensive process. It would necessitate extensive research, expertise from various domains, legal considerations, and substantial financial resources. The sheer scale and complexity of such an undertaking make it highly challenging, if not practically impossible, to achieve a comprehensive representation of all artists and secure their rights in a fair and efficient manner.

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On why banning AI art is rather an uninformed idea as to what art is in general:

The notion that AI art should be banned reflects a limited understanding of the nature and evolution of art. Art, throughout history, has continuously evolved and adapted to embrace new technologies, materials, and techniques. Banning AI art would disregard the potential for innovation, creative exploration, and the expansion of artistic boundaries that emerge from the intersection of art and technology.

Art is not a static concept but a reflection of the times we live in. It has always responded to societal shifts, technological advancements, and cultural transformations. All art represents the latest chapter in this ongoing narrative, embodying the fusion of artistic expression with the capabilities of artificial intelligence.

Banning AI art would not only stifle artistic innovation but also disregard the valuable contributions that AI can make to the creative process. AI algorithms have the potential to uncover new aesthetic possibilities, generate novel visual forms, and challenge traditional artistic norms. They offer artists new tools to explore and express their visions, facilitating the creation of artwork that was previously unattainable.

Furthermore, AI art provides a lens through which we can examine the complex relationship between humans and technology. It raises important questions about authorship, creativity, and the role of the artist in the age of automation. By engaging with AI art, we can explore the boundaries of human-machine collaboration and foster critical discussions on the impact of technology on society and artistic practice.

It is essential to recognize that AI art is not intended to replace or devalue traditional art forms. Rather, it expands the artistic landscape, offering new avenues of expression and creative exploration. Artists have always embraced new tools and techniques, from the invention of photography to the advent of digital art. Banning AI art would impede artistic progress and deny artists the opportunity to engage with emerging technologies in their creative process.

Instead of banning AI art, it is more constructive to encourage dialogue, ethical considerations, and responsible use of technology in the artistic domain. Regulations can be implemented to protect artists' rights, ensure proper attribution, and address ethical concerns surrounding the use of AI algorithms. By embracing AI art as a valuable extension of artistic expression, we can appreciate the transformative potential it holds and foster a dynamic and inclusive artistic ecosystem.

On why each time a new technology arises, people fear it and think it's going to steal their jobs and how it often if not always results the opposite:

Each time a new technology emerges, people often fear that it will take away their jobs and believe that it will lead to negative consequences. However, history has repeatedly shown that these fears are often unfounded and that the outcomes are quite different.

Firstly, new technologies tend to create new opportunities and stimulate economic growth. Automation and the introduction of machines in the past have generally led to increased productivity, the creation of new industries, and the transformation of existing jobs. While some professions may be affected and evolve, new employment opportunities also emerge.

Secondly, new technologies often require human intervention to be effectively used. Machines and software are tools that require skills and knowledge to operate. Therefore, jobs generally transform rather than completely disappear. Workers can learn new skills and adapt to the changing requirements of the labor market.

Moreover, technological innovations can free individuals from repetitive and mundane tasks, allowing them to focus on more creative, analytical, or strategic tasks. This promotes the evolution of jobs towards higher valueadded areas, where unique human skills such as creativity, complex problem-solving, and interpersonal relationships are essential.

Finally, history has shown that new technologies have the potential to create new economic sectors and jobs that did not exist before. For example, the emergence of computing has led to the creation of many jobs in software development, data analysis, and cybersecurity. Similarly, AI and machine learning open up new possibilities in areas such as predictive analytics, robotics, and virtual assistance.

In summary, while the fear of job loss is a natural reaction to technological advancements, past experience shows that these fears are often unfounded. New technologies tend to create new opportunities, transform existing jobs, and free individuals from mundane tasks. It is therefore important to adopt a broader perspective and anticipate the potential opportunities and benefits that new technologies bring.