



**LIBRARY COPYRIGHT ALLIANCE COMMENTS ON OSTP REQUEST FOR
INFORMATION ON NATIONAL PRIORITIES FOR
ARTIFICIAL INTELLIGENCE**

The Library Copyright Alliance (LCA) consists of two major library associations — the American Library Association and the Association of Research Libraries. These two associations collectively represent over 300,000 information professionals and thousands of libraries of all kinds throughout the United States. These two associations cooperate in the LCA to address copyright issues that affect libraries and their users.

LCA welcomes the opportunity to respond to the request for information issued by the Office of Science and Technology Policy concerning national priorities for artificial intelligence. The recent emergence of generative AI systems has focused significant public attention on the intersection of copyright and AI. LCA has developed the attached principles for copyright and AI that we believe should steer policy discussions in this area. We would be happy to answer any questions you may have concerning these principles.

Respectfully submitted,

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LIBRARY COPYRIGHT ALLIANCE PRINCIPLES FOR COPYRIGHT AND ARTIFICIAL INTELLIGENCE

The existing U.S. Copyright Act, as applied and interpreted by the Copyright Office and the courts, is fully capable at this time to address the intersection of copyright and artificial intelligence (“AI”) without amendment.

- Based on well-established precedent, the ingestion of copyrighted works to create large language models or other AI training databases is a fair use.
 - Because tens—if not hundreds—of millions of works are ingested to create an LLM, remuneration for ingestion is neither appropriate nor feasible.
 - Further, copyright owners can use technical means to prevent their works from being used to train AIs.
- If an AI produces a work that is substantially similar in protected expression to a work that was ingested by the AI, that new work infringes the copyright in the original work.
 - If the original work was registered prior to the infringement, the copyright owner of the original work can bring a copyright infringement action for statutory damages against the AI provider and the user who prompted the AI to produce the substantially similar work.
- Applying traditional principles of human authorship, a work that is generated by an AI might be copyrightable if the prompts provided by the user sufficiently controlled the AI such that the resulting work as a whole constituted an original work of human authorship.

AI has the potential to disrupt many professions, not just individual creators. The response to this disruption (*e.g.*, support for worker retraining through institutions such as community colleges and public libraries) should be developed on an economy-wide basis, and copyright law should not be treated as a means for addressing these broader societal challenges.

AI also has the potential to serve as a powerful tool in the hands of artists, enabling them to express their creativity in new and efficient ways, thereby furthering the objectives of the copyright system.