

Congress of the United States
Washington, DC 20515

May 1, 2023

Ms. Shira Perlmutter
Register of Copyrights
U.S. Copyright Office
101 Independence Ave SE
Washington, DC 20540

Dear Register Perlmutter:

As members of the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet, we respectfully request information on actions that the Copyright Office is taking to ensure intellectual property rights are being protected against potentially unlawful use by artificial intelligence (AI) programs, including ChatGPT.

As you know, ChatGPT is an artificial-intelligence platform developed by OpenAI in November 2022. ChatGPT, and other AI platforms, gather information from thousands of third-party sources and databases to generate “new” works that can replicate existing works created by humans. ChatGPT has been used to publish a children’s book,¹ to compose music,² and even to write legislation.³ While there are certainly benefits to the continued use and development of AI platforms, it is imperative that the intellectual property rights of musicians, publishers, songwriters/composers, authors, artists, photographers, and the rest of our creative industries be protected against unlawful use.

As you’re aware, several lawsuits are currently pending between copyright owners and AI companies, and the resulting court decisions will help contribute to where the boundaries lie in terms of AI platforms’ use of protected material. The Copyright Office has an important role to ensure industry stakeholders, the public, and Congress are aware of efforts to prevent unlawful use of creative works.

On March 16, 2023, the Copyright Office announced the creation of an Artificial Intelligence Initiative to examine the various copyright issues that arise by the use of AI generated materials and training.⁴ This initiative includes new guidance for copyright applicants that requires a disclosure of AI-generated content,⁵ as well as a variety of listening sessions with the creative

¹ <https://time.com/6240569/ai-childrens-book-alice-and-sparkle-artists-unhappy/>

² <https://www.nytimes.com/2023/04/19/arts/music/ai-drake-the-weeknd-fake.html>

³ <https://lieu.house.gov/media-center/in-the-news/ai-wrote-bill-regulate-ai-now-rep-ted-lieu-wants-congress-pass-it>

⁴ <https://www.copyright.gov/newsnet/2023/1004.html>

⁵ <https://www.federalregister.gov/documents/2023/03/16/2023-05321/copyright-registration-guidance-works-containing-material-generated-by-artificial-intelligence>

industry. While this initiative is a great first-step in examining the copyright issues raised, there are still several questions left unaddressed.

To that end, we respectfully request a briefing from your office on the AI Initiative, as well as any past and future actions taken to protect the intellectual property of rightsholders in light of the use of their protected works by AI platforms. Additionally, please respond to the following questions no later than May 12, 2023:

1. How will the U.S. Copyright Office's March 2023 guidance titled "*Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence*" address the use of third-party sources for AI-generated material?
2. How does your office review applications that contain little or no human authorship? Is the applicant required to disclose which third-party sources were used to generate the work?
3. Have you consulted with industry stakeholders, to include experts in artificial intelligence, regarding the use of generative AI to produce creative works?
4. Have you discussed the issue of intellectual property protection with generative AI companies, like OpenAI, to ensure they are taking proactive measures to comply with statutes governing copyright law?
5. Does your office have the necessary statutory authority to take action to protect creative rightsholders against the unlawful use of intellectual property? If not, what authorization or resources do you need from Congress?

Thank you for your attention to this matter. Please do not hesitate to contact our offices should you have any questions.

Sincerely,



Scott Fitzgerald
Member of Congress



Darrell Issa
Member of Congress



Ben Cline
Member of Congress



Nathaniel Moran
Member of Congress