



March 13, 2023

TO: National Artificial Intelligence Advisory Committee

We write to thank the National Artificial Intelligence Advisory Committee (NAIAC) Chair Miriam Vogel and Committee members Victoria Espinel and Ashley Llorens for taking the time to speak with Copyright Alliance members on February 22. During the meeting, we gained a greater understanding of NAIAC's goals and mandate under the National AI Initiative Act of 2020, the roles and scope of the various subcommittees, and NAIAC's engagement with stakeholders and with various agencies throughout the government.

The Copyright Alliance is a non-profit, non-partisan public interest and educational organization representing the copyright interests of over 2 million individual creators and over 15,000 organizations in the United States, across the spectrum of copyright disciplines. The Copyright Alliance is dedicated to advocating policies that promote and preserve the value of copyright, and to protecting the rights of creators and innovators. The individual creators and organizations that we represent rely on copyright law to protect their creativity, efforts, and investments in the creation and distribution of new copyrighted works for the public to enjoy. While many Copyright Alliance members are already using or plan to use AI for the creation of a wide range of works that benefit society, advances in AI technologies are accompanied by complex legal questions surrounding both the ingestion of copyrighted works into AI systems and the output generated by AI systems.

Following the Committee's February 10 public meeting and our meeting on February 22, we now have a better understanding of NAIAC's priorities and how the Committee's work fits into the broader federal government approach to understanding and addressing issues related to AI. During both meetings it was explained that copyright and intellectual property are not within the express statutory scope of NAIAC and the Committee has no plans to address these issues. As such, we withdraw our request for the Committee to address copyright issues. If copyright issues arise in the course of the Committee's broader work, we trust that NAIAC will consult with those federal offices with the relevant expertise—the U.S. Copyright Office (USCO) and the U.S. Patent and Trademark Office (USPTO).

Since we submitted comments to NAIAC ahead of the Committee's February 10 public meeting, the USPTO officially launched a [study](#) on the intersection of AI and inventorship, which follows its 2020 report on "[Public Views on Artificial Intelligence and Intellectual Property Policy](#)," and the USCO has been [engaging substantively](#) on emerging AI issues, with its own [study](#) on AI and

copyright to come later in the year. Given the importance of copyright to America's creative community, our culture, and to the U.S. economy, the Copyright Alliance's priority is making sure that copyright law and policy receive adequate attention and consideration from intellectual property experts in the AI context. We are pleased that the USCO and USPTO are continuing to study AI as it relates to copyright and intellectual property more broadly and will issue reports on their findings.

We recognize that copyright is one of a number of important issues impacted by AI, and it makes sense, given their expertise, that the USCO and USPTO conduct studies limited to copyright and intellectual property, while NAIAC—given its much broader and more diverse composition and expertise—addresses other important issues including ethics, science related to AI, AI workforce, research and development and a slew of others. Nevertheless, we believe it would be consistent with the mandate for the Committee to clarify in its report that there are IP-related AI issues that are not being addressed because they fall outside the Committee's purview, that those issues are significant, and that they are being addressed by the USCO and USPTO. With AI policy affecting so many facets of everyday life, it is encouraging to see agencies across government being proactive about engaging on these issues and doing so in a way that ensures that each issue is addressed with the attention and expertise it warrants.

Again, we thank NAIAC for its work and for the opportunity to share our input. As the Committee considers proposals and recommendations, we ask that you continue to provide opportunity for public input so that members of the copyright community and broader creative community can provide feedback in the event that any of those proposals might have unintended consequences related to copyright. As NAIAC continues to engage with other agencies, we also believe consultations with the USCO and USPTO would be helpful. If we or our members can be of any assistance or answer any questions, please do not hesitate to reach out.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Kupferschmid', with a stylized, flowing script.

Keith Kupferschmid
CEO
Copyright Alliance