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July 7, 2020

Senator, Thomas Umberg
Committee Chair, Senate Judiciary Committee
1021 O Street, Room 3240
Sacramento CA 95814

RE: AB-412 (Bauer-Kahan) - SUPPORT

Dear Senator Umberg,

The Graphic Artists Guild is pleased to support AB-412, which increases transparency around the use of copyrighted materials to train generative artificial intelligence (GenAI) by requiring GenAI developers to provide copyright owners with information about how their materials are used. We urge you to support AB-412 as well.

GenAI developers frequently use copyrighted materials to train new models without crediting or compensating the lawful owners of the copyright to those works. Copyright is a constitutional right which provides copyright holders, through federal law, with a variety of exclusive rights over their works, including the right to reproduce, distribute, and display those works. In order for a copyright owner to exercise their rights, they must first know how and where their works are being used. At present, copyright owners generally have no way of knowing whether their copyrighted works have been used to train a given GenAI model. This bill requires a developer of a GenAI model to, upon receiving a request from a copyright owner, provide the owner with a list of their copyrighted works that were used to train the model. The bill also authorizes a copyright owner to bring a civil action against a developer who fails to respond to a duly submitted request.

The Graphic Artists Guild has a 70-year history as a leading advocate for working graphic artists, the creative economy, and fair compensation for our labor. As a 501(c)(6) trade association, our mission is to protect the economic interests of our members, including graphic designers, illustrators, surface and textile designers, website and motion designers, and production artists. Key to the success of our members is the strong enforcement of copyright, which is at the core of how graphic artists are compensated for their labor.

GenAI is having a tremendous impact on our members' ability to protect their livelihood. Graphic artists are not opposed to technology – in fact, graphic artists are early adopters of technological developments in image making. However, GenAI is replacing graphic artists in the marketplace, and is doing so by utilizing their artwork – without permission or compensation – for the machine learning required for GenAI image generators to function. Graphic artists need to know when their copyrighted artwork has been utilized for machine learning. Passing this legislation will be groundbreaking and essential for providing artists the information they need to pursue credit and compensation for the use of their copyrighted works.

AB-412 supports artists and creators by increasing transparency around the use of copyrighted materials to train GenAI. If this bill passes, California will be leading the path forward for sensible AI legislation. For these reasons we ask for your "aye" vote on AB-412 by Assemblymember Bauer-Kahan.

Sincerely,

Yanique DeCosta | President
Rachel Sheeran | Advocacy Co-Chair
Carl Cleanthes | Advocacy Co-Chair