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Submitted to Consultation on Copyright and Artificial Intelligence
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Basic Information

1 What is your name?

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2 What is your email address?

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3 What is your organisation?

Organisation:
The Complaining Cow

Copyright and Artificial Intelligence

4 Do you agree that option 3 - a data mining exception which allows right holders to reserve their rights, supported by transparency measures - is most likely to meet the objectives set out above?

No

Please give us your views:

This is not reserving rights. The proposal is for opt out. This put the onus on writers where there is no onus in any other area of copyright. Indeed, even marketing one has to opt in so this is not in keeping with existing laws regarding opting in/out. AI training for companies makes those companies money and yet the authors will not be paid for their work and yet they would in any other area where their work was used for training. This is grossly unfair and not in keeping with current laws, it is a step backwards.

It is unworkable, why should authors have to search for where their work is being used. Most will not have any idea where their work is being used with remuneration, That is morally wrong and unethical.

5 Which option do you prefer and why?

Option 0: Copyright and related laws remain as they are

Please give us your views.:

Current laws require AI tools to seek permission for using authors' work but there are numerous examples to show that this is not happening. Licensing should be undertaken to ensure that authors are appropriately paid to assist in the development of products which is what happens in any other industry. It is bad for the economy and sets a dangerous precedent if it deemed acceptable for a creator of any work to have their work copied for no remuneration. Authors first who next?

Our proposed approach: Exception with rights reservation

6 Do you support the introduction of an exception along the lines outlined in section C of the consultation?

No

Please give us further comments.:

It would be grossly unfair, immoral and unethical for an author to have their copyright automatically broken unless they opt out.

What reason is there for AI companies to be exempt from paying authors when they have to pay for every other service they use? What reason is there for AI to be exempt from paying authors when no other industry is? None. Ironically if authors' work is so useful to use to develop services then why is it so undervalued by those seeking to move to not pay authors in this unethical and immoral proposal?

7 If so, what aspects do you consider to be the most important?

Please give us your views.:

8 If not, what other approach do you propose and how would that achieve the intended balance of objectives?

Please give us further comments.:

Authors should be appropriately paid for work already taken and in the future. There should be a framework agreed with industry specialists for the use of authors' work in training AI. This allows companies to use authors' work to develop their business whilst respecting authors and paying the appropriate amounts. This should be an opt in if authors are happy for companies to use their work for fair payment.

9 What influence, positive or negative, would the introduction of an exception along these lines have on you or your organisation? Please provide quantitative information where possible.

Please give us your views.:

I write the longest running, most comprehensive customer service and consumer rights blog in the UK. It is a niche market and therefore AI has limited sources to draw from. Therefore much of my work would be taken without my permission that I would regard as stolen.

I am also an author of 3 books in a niche market where again my work would be taken. In using my work consumers may not access my website. My website is my shop window where I sell products and services so therefore as well as not being paid for my work I would lose further work as there would be fewer visits to my website.

10 What action should a developer take when a reservation has been applied to a copy of a work?

Please give us your views.:

11 What should be the legal consequences if a reservation is ignored?

Please give us your views.:

12 Do you agree that rights should be reserved in machine-readable formats? Where possible, please indicate what you anticipate the cost of introducing and/or complying with a rights reservation in machine-readable format would be.

Please give us your views.:

Technical Standards

13 Is there a need for greater standardisation of rights reservation protocols?

Please give us your views:

The opt out scheme is an unfair premise. Little known by the majority of creators putting them at a disadvantage.

14 How can compliance with standards be encouraged?

Please give us your views.:

It is currently illegal to train commercial generative AI models on copyrighted work without a licence and this should be enforced and not ignored or watered down.

15 Should the government have a role in ensuring this and, if so, what should that be?

Please give us your views.:

The law is clear regarding copyright and the Government needs to uphold this.

Contracts and licensing

16 Does current practice relating to the licensing of copyright works for AI training meet the needs of creators and performers?

Please give us your views:

It is such a new area the licensing is lacking in adequate cover. Authors should have the final say on if, when and how their work can be used at all times.

17 Where possible, please indicate the revenue/cost that you or your organisation receives/pays per year for this licensing under current practice.

Please provide further evidence.:

18 Should measures be introduced to support licensing good practice?

Please give us your views:

Yes.

It is simply good practice to have transparency in any regulations regarding the use of others' work.

There should be support for a centralised hub which AI companies must access in order to gain permission and rights to use other people's work.

Upholding existing copyright laws, which forbid the unauthorised use of copyrighted works for commercial purposes, would also do much to encourage the development of a flourishing licensing market.

19 Should the government have a role in encouraging collective licensing and/or data aggregation services?

Yes

20 If so, what role should it play?

Please provide further comments:

If this route is taken which is not the most appropriate then the Government must ensure that licensing requirements are adhered to.

Existing copyright law should be enforced which should be further enhanced to ensure that AI companies must be transparent about the training data they use.

21 Are you aware of any individuals or bodies with specific licensing needs that should be taken into account?

Please give us your views.:

Freelancers, small businesses and authors are less likely to know about the ability to opt out so will be disproportionately affected.

Transparency

22 Do you agree that AI developers should disclose the sources of their training material?

Please give us your views.:

Yes.

It is simply immoral and unethical not to do so. There is no reason why AI companies should be allowed to not do this other than to get out of paying the rightful owners or avoiding legal action. Many AI developers all use as much information that can be scraped from the Internet so there is little competition between them and therefore reason to keep information secret from other companies. There should be no copyright exception.

23 If so, what level of granularity is sufficient and necessary for AI firms when providing transparency over the inputs to generative models?

Please provide further comments:

AI companies should disclose all sources of information so that any third party can clearly see and understand where the training data has come from. All data should be included in this, the crawlers, scrapers, URL accessed timestamps, rules they abided by and any licensing deals and what if anything was created by itself and include synthetic data for training to prevent creators' works being used in any way to circumvent government requirements.

24 What transparency should be required in relation to web crawlers?

Please give us your views.:

All information that would ensure a third party has an accurate view of what specific URLs were crawled.

25 What is a proportionate approach to ensuring appropriate transparency?

Please give us your views.:

AI companies should legally have to make public a list of all their sources of training data in a way that ensures a third party can fully understand what training data was used.

There is no argument for AI companies to not be transparent regarding the data they used. It does not belong to them.

How they use the info for training can be confidential as could be competitive information, however what they have taken from others should not be confidential.

26 Where possible, please indicate what you anticipate the costs of introducing transparency measures on AI developers would be.

Please indicate the anticipated costs of transparency measures.:

Minimal. They already have a record otherwise they would not be able to develop and improve their model versions and no competitive advantage to keeping the information secret so full transparency is required.

27 How can compliance with transparency requirements be encouraged, and does this require regulatory underpinning?

Please give us your views.:

Should be covered by law.

28 What are your views on the EU's approach to transparency?

Please give us your views.:

Poor, there is not enough protection for creators.

Wider clarification of copyright law

29 What steps can the government take to encourage AI developers to train their models in the UK and in accordance with UK law to ensure that the rights of right holders are respected?

Please give us your views:

Enforce existing law.

AI companies and creators should work together rather than creators being taken advantage of. This will help develop healthy partnerships will boost the economy.

Give tax breaks, grants , education and training and appropriate visa schemes to ensure that the UK has the best researchers.

30 To what extent does the copyright status of AI models trained outside the UK require clarification to ensure fairness for AI developers and right holders?

Please give us your views:

The US copyright rules are stronger and fairer to the rights holders.

The international Berne Convention is clear: countries can permit unlicensed copying "provided that the reproduction does not conflict with the normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author". The UK proposals would be in breach of International law and whilst the UK sets its own laws the UK should be leading by example and not copy the laws of the EU which is creator unfriendly.

31 Does the temporary copies exception require clarification in relation to AI training?

Please give us your views:

No. The many instances of copying that occur during generative AI training do not fall under this exception.

32 If so, how could this be done in a way that does not undermine the intended purpose of this exception?

Please provide further comments:

n/a

Encouraging research and innovation

33 Does the existing data mining exception for non-commercial research remain fit for purpose?

Please give us your views:

Yes, as long as AI companies don't use it as a loophole.

34 Should copyright rules relating to AI consider factors such as the purpose of an AI model, or the size of an AI firm?

Please give us your views:

No, there's no relevance.

CGW Policy Option 0: No legal change, maintain the current provisions

35 Are you in favour of maintaining current protection for computer-generated works? If yes, please explain whether and how you currently rely on this provision.

No

Please give us your views:

There is no reason why anyone using someone else's work should be allowed to do for free without permission.

36 Do you have views on how the provision should be interpreted?

Please give us your views:

Without the training data from creators the models could not be developed and improved and therefore provide the most useful information. They are the essential providers needed for the creation and development of the models.

CGW Policy Option 1: Reform the current protection to clarify its scope

37 Would CGW legislation benefit from greater legal clarity, for example to clarify the originality requirement? If so, how should it be clarified?

Yes

Please give us your views:

AI generated works that are the result of a text prompt should not be given copyright protection.

38 Should other changes be made to the scope of CGW protection?

Please give us your views:

n/a

39 Would reforming the CGW provision have an impact on you or your organisation? If so, how? Please provide quantitative information where possible.

Minor negative impact

Please give us your views:

The proposed reforms are a backward measure instead of a positive one where copyright remains with the creator and ensures that computer generated work does not have the copyright, ensuring that companies are not incentivised to use creators' work to compete with them.

CGW Policy Option 2: Remove specific protection for CGWs

40 Are you in favour of removing copyright protection for computer-generated works without a human author?

Yes

Please give us your views:

It would stop people being able to use AI work based on a creator's work to compete with the creator.
And there should be no exception.

41 What would be the economic impact of doing this? Please provide quantitative information where possible.

Please provide further comments:

As 40 above

42 Would the removal of the current CGW provision affect you or your organisation? Please provide quantitative information where possible

Minor negative effect

Please give us your views:

Removing it would confuse the issue, it should be reformed,

Infringement and liability relating to AI-generated content

43 Does the current approach to liability in AI-generated outputs allow effective enforcement of copyright?

No

Please give us your views:

44 What steps should AI providers take to avoid copyright infringing outputs?

Please give us your views:

Do not train on copyrighted works without a licence.

AI Output labelling

45 Do you agree that generative AI outputs should be labelled as AI generated? If so, what is a proportionate approach, and is regulation required?

Yes

Please give us your views:

Regulation is required to ensure this is fully undertaken.

46 How can government support development of emerging tools and standards, reflecting the technical challenges associated with labelling tools?

Please give us your views:

Simply require everything to be labeled so that there is no ambiguity.

47 What are your views on the EU's approach to AI output labelling?

Please give us your views:

The UK standards should be better, we should be leading by example.

Digital replicas and other issues

48 To what extent would the approach(es) outlined in the first part of this consultation, in relation to transparency and text and data mining, provide individuals with sufficient control over the use of their image and voice in AI outputs?

Please give us your views:

This is a separate issue for which there should be separate legislation.

49 Could you share your experience or evidence of AI and digital replicas to date?

Please give us your views:

As a consumer champion I have seen this often and the huge dangers associated with them and there needs to be much stronger and tighter controls in this area.

Other emerging issues

50 Is the legal framework that applies to AI products that interact with copyright works at the point of inference clear? If it is not, what could the government do to make it clearer?

Not Answered

Please give us your views:

Any copyrighted works should be licensed.

51 What are the implications of the use of synthetic data to train AI models and how could this develop over time, and how should the government respond?

Please give us your views:

It all needs to be licensed and labelled.

52 What other developments are driving emerging questions for the UK's copyright framework, and how should the government respond to them?

Please give us your views:

Public opinion generally believe that AI companies should not be allowed to train on copyrighted material.

The UK should not destroy the creative industry in the pursuit of developing AI when it is just not necessary. Protect the creators and ensure that the development of AI is undertaken in a responsible, ethical and moral way.

The irony of this consultation should be noted. Those in favour of using other people's work for free and develop their businesses in this unethical way will be using AI to wrote numerous responses whereas creators will rely on their own words. Therefore the number of responses should be disregarded as there will be a disproportionate number of replies from AI companies giving them an unfair advantage.