



Creative Commons Statement to the World Intellectual Property Organization Conversation on Generative AI and IP - 8th Session

21 September 2023

Thank you Chair for giving me the floor on behalf of Creative Commons, an international nonprofit organization dedicated to helping build and sustain a thriving commons of shared knowledge and culture. For many years, we have been examining the interplay between copyright and generative AI, exploring ways in which this technology can foster *better* sharing, i.e. sharing that is inclusive, equitable, reciprocal and sustainable.

Mr. Chair, we know generative AI, without proper guardrails, runs the significant risk of being exploitative and damaging for the commons — yet it also has the potential to enhance the commons in ways hitherto unimaginable. This conundrum leaves us with many hard questions:

- How can we continue to build our shared commons while ensuring creators are fairly rewarded and remunerated?
- How can we support the new forms of art and creative expression enabled by AI?
- How do we embrace technological change and support creators throughout the process?
- How do we minimize the harm while reaping the benefits for the commons?

In search of answers we held community [consultations](#) over the past months to consider how best to maximize the public benefits of AI, to address concerns with how AI systems are trained and used, and to probe how AI will affect the commons. As one would expect, we garnered a wide variety of views:

- Some creators are very concerned about AI and perceive it as a serious threat to their livelihood — at the same time many artists are relishing the new possibilities offered by AI as it pushes the boundaries of human creative expression and can make creativity more equitably accessible, for example, for people with disabilities.
- Some developers want unbridled freedom to build their model — but some are looking forward to working with opt-outs, i.e. respecting the wishes of creators who do not want to have their content trained upon, or to train on openly licensed content. We are already seeing mechanisms to achieve this at scale, like [spawning.ai](#) and other efforts to help creators signal their preferences as to whether they want their works to be used to train models or not. Norms and standards are emerging through community practice and portend fresh and innovative approaches.

In this context, we call on WIPO to develop norms and foster practices that are flexible and that will work to promote innovation, increase transparency, and empower creators with choices that reflect their values and aspirations. WIPO should approach normative development in this field with fairness and sustainability in mind — instead of promoting an expansion of copyright, it should ascertain the necessary balance at its core in order to promote, preserve and protect the commons on which all creativity depends. In particular, since all creativity builds on the past, international copyright law needs to continue to leave room for people to study, analyze and learn from previous works to create new ones, including by analyzing past works using automated means.

Mr. Chair, copyright is only one lens through which to consider generative AI and it is often not the right tool to regulate it. Copyright is not a social safety net, an ethical framework, or a community governance mechanism — and yet we know that regulating generative AI needs to account for these important considerations beyond the copyright system. What is more, copyright is a rather blunt tool that often leads to black-and-white solutions that fall short of harnessing all the diverse possibilities that generative AI offers for human creativity.

We want to be optimistic about AI's promises for our large community of creators who want to contribute to enriching a commons that truly reflects the world's diversity of creative expressions. We look forward to continuing to work with WIPO and its Member States towards balanced and flexible solutions in the public interest.

Thank you, Mr. Chair.

[End of document]