



# U.S. Copyright Office: Copyright & AI Initiative

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**OCEAN**

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## Copyright and Artificial Intelligence



The Copyright Office has launched an initiative to examine the copyright law and policy issues raised by artificial intelligence (AI) technology, including the scope of copyright in works generated using AI tools and the use of copyrighted materials in AI training. After convening public listening sessions in the first half of 2023 to gather information about current technologies and their impact, the Office will publish a notice of inquiry in the *Federal Register*.

### Announcements

March 16, 2023 - [Copyright Office Launches New Artificial Intelligence Initiative](#)

### Upcoming Events

June 28, 2023 – [AI and Registration](#)

### Past Events

- May 31, 2023 – [Music and Sound Recordings Listening Session](#)
- May 17, 2023 – [Audiovisual Works Listening Session](#)
- May 2, 2023 – [Visual Arts Listening Session](#)
- April 19, 2023 – [Literary Works, Including Software Listening Session](#)
- Fall 2021 – [Copyright Law and Machine Learning for AI: Where Are We and Where Are We Going?](#)
- Winter 2020 – [Copyright in the Age of Artificial Intelligence](#)

### Past Announcements

### Copyright Registration Guidance

- [Copyright Registration Guidance for Works Containing AI-Generated Material](#)
- [Guidance as Published in Federal Register](#)
- [Zarya of the Dawn Registration Decision](#)
- [A Recent Entrance to Paradise Review Board Decision](#)

### Related Resources

- [Compendium of U.S. Copyright Office Practices, Third Edition](#)
- [Statements to Congress](#)
- [Review Board](#)
- [USCO Guidance Letter to The MLC](#)
- [USPTO on Artificial Intelligence](#)
- [WIPO on Artificial Intelligence](#)

[copyright.gov/ai](https://copyright.gov/ai)



- Spring 2023 Listening Sessions
  - Four sessions
  - 90 participants
  - 4,000 viewers



- Summer 2023 Webinars
  - Registration guidance
  - International perspectives



# NOTICE OF INQUIRY

- The U.S. Copyright Office requested public comments on a wide range of issues related to AI and copyright, including:
  - (1) the use of copyrighted works to train AI models;
  - (2) the copyrightability of material generated using AI systems;
  - (3) liability for infringing works generated using AI systems
- We received over 10,000 comments on our notice of inquiry.



Labor, 200 Constitution Ave. NW, Room S-3323, Washington, DC 20210.

• **Electronic submission:** You may submit comments and attachments electronically at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**FOR FURTHER INFORMATION CONTACT:** Anjanette Suggs, Office of Workers' Compensation Programs, Division of Federal Employees Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC, at [suggs.anjanette@dol.gov](mailto:suggs.anjanette@dol.gov) (email); (202) 354-9660.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Office of Workers' Compensation Programs (OWCP) is the agency responsible for administration of the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act (FECA). 33 U.S.C. 939 (LHWCA) and 5 U.S.C. 8104 and 8111 (FECA) authorizes OWCP to pay for approved vocational rehabilitation services to eligible workers with work-related disabilities. In order to decide whether to approve a rehabilitation plan, OWCP must receive a copy of the plan, supporting vocational testing materials and the estimated cost to implement the plan, broken down to show the fees, supplies, tuition and worker maintenance payments that are contemplated. OWCP also must receive the signatures of the worker and the rehabilitation counselor to show that the worker agrees to follow the proposed plan, and that the proposed plan is appropriate. Form OWCP-16 is the standard format for the collection of this information. The regulations implementing these statutes allow for the collection of information needed for OWCP to determine if a rehabilitation plan should be approved and payment of any related expenses should be authorized. (LHWCA, 702.506 and 702.507, (FECA, 20 CFR 10.518, 10.519)

**II. Desired Focus of Comments**

OWCP is soliciting comments concerning the proposed information collection (ICR) titled, "Rehabilitation Plan and Award", OWCP-16. OWCP/DFELHWC is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information has practical utility;
- Evaluate the accuracy of OWCP/DFELHWC's estimate of the burden related to the information collection, including the validity of the

methodology and assumptions used in the estimate;

- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Background documents related to this information collection request are available at <https://regulations.gov> and at DOL-OWCP/DFELHWC located at 200 Constitution Avenue NW, Room S-3323, Washington, DC 20210. Questions about the information collection requirements may be directed to the person listed in the **FOR FURTHER INFORMATION** section of this notice.

**III. Current Actions**

This information collection request concerns the Rehabilitation Plan and Award, OWCP-16. OWCP/DFELHWC has updated the data with respect to the number of respondents, responses, burden hours, and burden costs supporting this information collection request from the previous information collection request.

**Type of Review:** Extension, without change, of a currently approved collection.

**Agency:** Office of Workers' Compensation Programs, Division of Federal Employees' Longshore, and Harbor Workers' Compensation, OWCP/DFELHWC.

**OMB Number:** 1240-0045.

**Affected Public:** Not-for-profit institutions, Businesses or other for-profits.

**Number of Respondents:** 3,413.

**Frequency:** On occasion.

**Number of Responses:** 3,413.

**Annual Burden Hours:** 1,707 hours.

**Total Respondent or Recordkeeper Cost:** \$0.

**OWCP Form 16, Rehabilitation Plan and Award.**

Comments submitted in response to this notice will be summarized in the request for Office of Management and Budget approval of the proposed information collection request; they will become a matter of public record and will be available at <https://www.reginfo.gov>.

**Anjanette Suggs,**  
Certifying Officer.

[FR Doc. 2023-18668 Filed 8-29-23; 8:45 am]

**BILLING CODE 4510-CH-P**

**LIBRARY OF CONGRESS**

**Copyright Office**  
**(Docket No. 2023-6)**

**Artificial Intelligence and Copyright**

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Notice of inquiry and request for comments.

**SUMMARY:** The United States Copyright Office is undertaking a study of the copyright law and policy issues raised by artificial intelligence ("AI") systems. To inform the Office's study and help assess whether legislative or regulatory steps in this area are warranted, the Office seeks comment on these issues, including those involved in the use of copyrighted works to train AI models, the appropriate levels of transparency and disclosure with respect to the use of copyrighted works, and the legal status of AI-generated outputs.

**DATES:** Written comments are due no later than 11:59 p.m. Eastern Time on Wednesday, October 18, 2023. Written reply comments are due no later than 11:59 p.m. Eastern Time on Wednesday, November 15, 2023.

**ADDRESSES:** For reasons of governmental efficiency, the Copyright Office is using the [regulations.gov](https://www.regulations.gov) system for the submission and posting of public comments in this proceeding. All comments should be submitted electronically through [regulations.gov](https://www.regulations.gov). Specific instructions for submitting comments are available on the Copyright Office website at <https://www.copyright.gov/policy/artificial-intelligence>. If electronic submission is not feasible, please contact the Office using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:** Rhea Efthimiadis, Assistant to the General Counsel, by email at [mefth@copyright.gov](mailto:mefth@copyright.gov) or telephone at 202-707-8350.

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

Over the last year, artificial intelligence ("AI") systems and the rapid growth of their capabilities have attracted significant media and public attention. One type of AI, "generative AI" technology, is capable of producing outputs such as text, images, video, or audio (including emulating a human voice) that would be considered copyrightable if created by a human author.<sup>1</sup> The adoption and use of

<sup>1</sup> Generative AI technologies produce outputs based on "learning" statistical patterns in existing



# COMMENT REVIEW



Country	Total	Country	Total	Country	Total
Canada	112	Singapore	5	Nigeria	2
United Kingdom	50	Malaysia	4	Peru	2
Australia	38	New Zealand	4	Romania	2
Germany	26	Costa Rica	3	South Africa	2
France	22	Hungary	3	Switzerland	2
Mexico	22	Ireland	3	Thailand	2
Japan	20	Israel	3	Turkey	2
Brazil	19	Portugal	3	Ukraine	2
Indonesia	17	Russian Federation	3	Venezuela, Bolivarian Republic of	2
Poland	16	Serbia	3	Austria	1
Italy	15	Viet Nam	3	Cambodia	1
Finland	12	Argentina	2	Egypt	1
Korea, Republic of	10	Bangladesh	2	El Salvador	1
Spain	10	Belgium	2	Guatemala	1
Denmark	9	Chile	2	Kenya	1
India	9	China	2	Kyrgyzstan	1
Sweden	9	Czech Republic	2	Latvia	1
Netherlands	7	Estonia	2	Lithuania	1
Norway	7	Georgia	2	Luxembourg	1
Croatia	6	Hong Kong	2	Panama	1
Colombia	5	Iraq	2	Slovakia	1
				Timor-Leste	1



## Movie extras worry they'll be replaced by AI. Hollywood is already doing body scans

AUGUST 2, 2023 · 9:58 AM ET



Bobby Allyn

## Fake Drake & The Weeknd Song — Made With AI — Pulled From Streaming After Going Viral

As an allegedly AI-generated song racks up millions of listens, UMG warns that industry players need to choose "which side of history" they want to be on.

BY BILL DONAHUE

## Father warns Congress about AI scammer who sounded just like his son

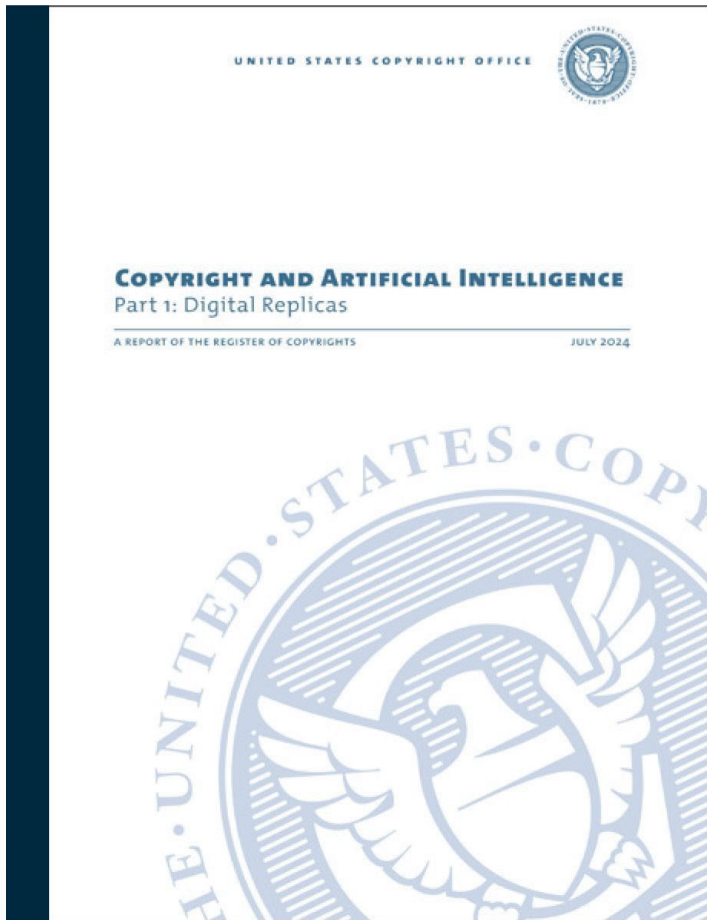


By [Samantha Manning](#), [CMG Washington News Bureau](#), [KIRO7.com](#)

November 16, 2023 at 11:58 am PST

## Megan Thee Stallion the Latest Victim of Deepfake Porn — X/Twitter 'Proactively Removing' Clips

Ashley King June 14, 2024



“We recommend that Congress establish a federal right that protects all individuals during their lifetimes from the knowing distribution of unauthorized digital replicas.”



- Generative AI transforms the speed and scale of the deepfake problem.
- Existing state laws are not adequate.
- Existing federal laws are not adequate.





## Persons Protected

The law should protect everyone and not only the famous.

## Postmortem Rights

A postmortem term is not necessary. Any postmortem protection should be limited in duration.

## Infringing Acts

Liability should arise from knowing distribution, regardless of commerciality.

## Secondary Liability

The statute should include a safe harbor provision for online service providers.

## Transfers

Individuals should be able to license protections, subject to guardrails, but not to assign them outright.

## First Amendment

The statute should contain explicit speech-protections, including a balancing test.



**House and Senate: NO FAKES Act**

**House: No AI FRAUD Act**

**Tennessee: Ensuring Likeness, Voice, and Image Security (ELVIS) Act**

*Paul Sableman, United States Capitol, May 10, 2017, CC BY 2.0 via Wikimedia Commons*



*“Human authorship is required for copyright protection.”*



**\* Whether the traditional elements of authorship in the output were determined by a human or by the machine.**

**\* Risk that floods of essentially derivative content could drown out the more creative human works—with obvious consequences for the authors' livelihoods and the evolution of culture.**





## Copyright Law

Existing legal doctrines are adequate and appropriate to resolve questions of copyrightability.

## AI as a Tool

The use of assistive AI or inclusion of AI-generated material in a larger work does not affect copyrightability.

## AI Outputs

Generative AI outputs are only protectible when a human has determined sufficient expressive elements.

## “Pure” AI

Copyright does not extend to works entirely generated by AI or where there is insufficient human authorship.

## Prompts

Prompting an AI system does not on its own provide sufficient human control over the output.

## New AI Laws?

The case has not been made for additional copyright or other forms of legal protection for AI generated content.

Digital Replicas



Copyrightability



Training, Output Liability,  
Licensing, et al.



**Office of the Chief Economist: *Identifying the Economic Implications of Artificial Intelligence for Copyright Policy***

**Registration: Updating guidance and revising the *Compendium of Copyright Office Practices***

**International: Frequent communication with other countries on AI law and policy**



# Q & A

