Casey James

INFM480

Guidelines for Responsible Use of Generative AI in Art (draft)

Generative AI tools provide artists with powerful means to create, innovate, and reimagine artistic processes. However, their use must be balanced with ethical considerations to protect original works and foster responsible use. Below are guidelines for artists protecting their work and artists utilizing AI tools to create works.

For Artists Protecting Their Work

1. **Understand Your Rights:**

   - Familiarize yourself with copyright laws and intellectual property protections in your region.

     - Copyright protects original works of authorship, granting the creator exclusive rights to reproduce, distribute, and adapt their creations. Traditional copyright laws attribute authorship to human creators, which presents new challenges. Some jurisdictions, like the United States currently excludes no-human authorship from copyright protections. Works that are created with significant human input, using AI as a tool, are generally eligible for copyright protection. The level to which human involvement is required to claim authorship remains a consideration. AI systems often rely on large datasets for training which may include copyrighted material. Legal disputes have arisen over whether such data constitutes as fair use or infringement.
     - Intellectual property (IP) laws also extend to AI creations. AI can generate branding elements such as logos and slogans which can be trademarked if they meet a distinctiveness criteria.
     - Copyright laws for AI. https://www.copyright.gov/ai/
     - Intellectual proper protection resources:

       https://www.uspto.gov/trademarks/basics/trademark-patent-copyright

   - Learn how AI-generated works and their training datasets are treated under these laws. (Refer to appendix and linked videos)

     - https://youtu.be/1CIpzeNxlhU?si=d4vQ1wgJpOtzQwCg
     - https://youtu.be/Rke0V_VkF3c?si=Cy2pBCml9yWSA4hb

2. **Opt-Out Options:**

- As Ai systems grow to interact with personal data and creative works, the ability to opt-out of certain uses of AI has emerged as a critical issue. Opt-out options provide individuals, organizations, and creators a pathway to gain control over how their data and intellectual property are utilized by AI systems.

- Monitor platforms offering opt-out mechanisms for including your art in AI training datasets (ex: Stable Diffusion's opt-out protocols).

  - https://www.technologyreview.com/2022/12/16/1065247/artists-can-now-opt-out-of-the-next-version-of-stable-diffusion/

- Other platforms such as social media (ex: X, Instagram, Reddit, Tiktok) have options within their settings that allow opting out of being used in data sets. Linked below is information on how to perform opting out for each.

  - https://www.techtarget.com/whatis/feature/How-to-opt-out-of-AI-training-across-social-media-platforms

- Use metadata or digital watermarks in your artworks to assert rights and discourage unauthorized use.

  - Additional resources on how to use metadata, watermarks, and other available tools such as disabling downloads https://businessofillustration.com/metadata-watermarks-image-protection/

3. **Licensing and Attribution:**

- Licensing and attribution are critical concepts in the context of AI, shaping how systems use data, generate content, and respect intellectual property rights. These frameworks ensure that creators maintain control over their works while enabling AI developers to access needed resources. Licensing refers to the agreements governing the use of content, data, or technology in AI systems. There are various types of licenses from open source, which are often used in public datasets to train AI to custom licenses that are tailored agreements for AI applications. For more information on types of licenses and their usage permits and restrictions please visit:
  - https://viso.ai/deep-learning/ai-licenses

Attribution involves giving proper credit to creditors whose works contribute to AI-generated systems and ensures acknowledgment of original contributions and adherence to licensing requirements. Further information on attributions can be found here:

- https://fullcircleinsights.com/blog/ai-in-attribution/

- Clearly define the terms of use for your artwork through licensing agreements.

- Require attribution if your work is used for derivative creations or included in training datasets.

4. **Monitor AI Outputs:**

- Monitoring outputs of AI systems is essential to ensure that AI-generated content adheres to legal, ethical, and creative regulatory standards. As AI becomes more integrated in the production of art, music, literature, and other forms of creative expression, oversight is necessary to address issues related to originality, cultural sensitivity, and intellectual property.

- Use reverse image search (Google or other) or AI detection tools to track unauthorized use or replication of your works in AI-generated art periodically. There are various softwares available for AI detection and a compiled list can be found here:

  - https://guides.library.ttu.edu/artificialintelligencetools/detection

- For artists: reference sites that track if Ai has been using your material in training sets with sites such as https://haveibeentrained.com/

5. **Advocate for Transparency:**

- Transparency in AI is crucial for building trust, ensuring accountability, and fostering ethical development and use. Advocacy and transparency involves promoting practices that make AI systems, their data, and decision making processes understandable and accessible to all.

- Support initiatives and legislation that demand transparency in how AI models source and use training data.

- Engage with artist communities advocating for ethical AI practices.

- Additional information on transparency can be found:

  - https://www.ibm.com/think/topics/ai-transparency

For Artists Utilizing AI Tools to Create Works

1. **Respect Copyright:**

   - Avoid using copyrighted materials in ways that violate the original creator's rights.

     - Review material for credits, watermarks, and metadata. Reverse image searching on google is also a great tool along with searching the U.S; Copyright office database: https://www.copyright.gov/public-records/
     - Use openly licensed or public domain works as training data or inspirations when possible. Some examples would be TensorFlow, Pytorch, and Keras. Additional information on more open source resources can be found here: https://www.digitalocean.com/resources/articles/open-source-ai-platforms

2. **Transparency in Creation:**

   - Transparency in content creation with regards to AI is crucial to ensuring that AI-generated outputs are ethical, trustworthy, and aligned with user expectations. This involves openly disclosing the role of AI in generating content, including its processes, limitations, and ethical considerations. Transparency promotes accountability, aids prevention of misuse, and enables informed decisions by users.

   - Be clear about the role AI played in the creation process. Attribute roles in the creation process, for example human input vs. AI contribution, ensures fairness and respect for intellectual property.

   - If presenting AI-generated works in competitions or galleries, disclose the use of AI to ensure fair evaluation.

   - https://www.ibm.com/think/topics/ai-transparency

3. **Customization and Originality:**

   - The use of AI in arts and content creation enabled new levels of customization and creative origination. AI systems allow creators to tailor content to specific needs while also generating novel and original outputs that push the

boundaries of artistic and creative expression. Balancing these capabilities with ethical considerations is crucial for ensuring responsible use.

- Use AI tools to enhance your creative process, not replace it.

- Combine AI-generated elements with your unique artistic style to maintain originality.

- A comprehensive list of popular AI tools used by artists can be found here:

  https://learnmycraft.com/15-essential-a-i-tools-for-artists/?v=0b3b97fa6688

4. **Maintain Ethical Standards:**

- The integration of AI in content creation and art presents new opportunities for creativity and innovation, but it also raises critical ethical concerns. Establishing and adhering to ethical standards ensure that AI tools are used responsibly and fairly and that the creator maintains authenticity and accountability in the creative process.

- Avoid generating works that propagate misinformation, hate speech, or culturally insensitive or offensive material.

- Do not use AI tools to create deepfakes or replicate another artist's style without permission.

- Additional tips and information on approaching ethics within generative AI can be found here:

  https://contently.com/2024/07/03/guidelines-for-responsible-content-creation-with-generative-ai/

- Contribute to ethical AI development by providing feedback to AI developers to improve tools for responsible and ethical use.

- Engage in workshops, webinars, and community discussions to stay informed about the evolving intersection of AI and art.

- Support AI tools designed with respect for copyright and that allow for customization without infringement.

5. **Collaborate and Credit:**

- AI's integration into the arts has fostered new forms of collaboration between humans and machines. AI can serve as a powerful tool for generating ideas, refining concepts, and expanding creative possibilities. This collaboration however, raises important concerns about credit, ownership, and ethical recognition of contributions from both human creators and AI systems.

- When collaborating with other artists or developers, ensure clear agreements on credit and ownership of AI-assisted works.

- Do not use protected media content without permission.

- Attribute the contribution of AI models where relevant.

- Following these guidelines will help prevent legal issues like New York Times v. OpenAI where the New York Times is in an ongoing lawsuit over unpermitted use of Times articles to train GPT language modules and Getty Images v Stability where Getty Images filed a lawsuit accusing Stability AI of infringing on more than 12 million photographs and their associated metadata when building Stable Diffusion and DreamStudio

  https://harvardlawreview.org/blog/2024/04/nyt-v-openai-the-timess-about-face/
  https://www.penningtonslaw.com/news-publications/latest-news/2024/generative-ai-in-the-courts-getty-images-v-stability-ai

- A great source for monitoring the status of ongoing legal cases surrounding AI is linked below:

  https://www.bakerlaw.com/services/artificial-intelligence-ai/case-tracker-artificial-intelligence-copyrights-and-class-actions/

6. **Support Open Conversations:**

- Encouraging open conversations about the implications of generative AI's transformative power in regards to the arts is essential for promoting collaboration, understanding, and ethical innovation. These discussions create opportunities for stakeholders- which include artists, developers, audiences, and policymakers- to explore the creative potential of AI while addressing convers related to originality, ethics, and cultural impact.

- Participate in public forums that discuss balancing innovation with ethical use. Additional reputable panels for discussion around AI are:

  https://www.acus.gov/event/forum-federal-ai-use

  https://www.cmu.edu/engin/programs/ofai.html

- Share best practices and case studies to foster a culture of accountability and mutual respect.

- Collaborate with policymakers and industry leaders to develop regulations that protect artist rights without stifling innovation.