Artificial Intelligence and Creative Work

The Creators' Rights Alliance (CRA) is a collective of leading trade associations, unions and organisations representing and supporting the interests of creators in the UK. We advocate and campaign on policy issues as diverse as fairer contract terms and working conditions, copyright and intellectual property.

Our members represent in excess of 350,000 creators, although their true reach far exceeds this, with millions more working in the creative industries. These include authors of original literary, dramatic, musical, and artistic works; producers or principal directors of films; performers of literary, dramatic, musical and artistic works; designers of original designs and semiconductor topography; and compilers or creators of databases.

CRA members welcomes new and innovative technologies, such as AI that enable human creators to produce inspiring work that benefits both the businesses, and the audiences who enjoy it. However, we are concerned this current AI technology is accelerating and being implemented at pace, without enough consideration of issues around ethics, accountability, and economics for creative human endeavour. It is important that policy makers and developers ensure that any implementation of Artificial Intelligence (AI) and the use of Machine Learning (ML) acknowledges the huge contribution our creators make to our creative and financial economy as well as our cultural wellbeing and in doing so provide them with robust protections.

We need to ensure that the growth of AI complements and does not damage the value of our world-leading creative industries. Creator individuals and businesses contribute £115.9 billion a year to the UK's economy[1]. Creative freelancers (those self-employed) also make up a third of our industry[2] - take them away and there is a huge creative and economic gap that a few image-mining engines will not be able to replace.

Without levelling up the financial incentives and maintaining (and where necessary strengthening) clear legal frameworks, that both incentivises and protects professional human creativity we are at risk of losing our existing creative individuals and limiting those who can access a career in this sector, and so contribute to our economy. There will be no willingness to invest in developing skills and careers, if others can simply use this investment, free of charge and attribution, to 'create' products that they can sell to consumers as their own. By limiting access and the diversity of voices to the synthetic, we are in danger of falling into a world of mimicry, where individual styles and voices are copied to provide a 'style of' instead of an authentic 'voice of'.

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[1] https://www.gov.uk/government/statistics/dcms-economic-estimates-2019-gross-value-added/dcms-economic-estimates-2019-gross-value-added-technical-and-quality-assurance-report
[2] https://www.gov.uk/government/statistics/dcms-sector-economic-estimates-employment-oct-2019-sep-2020 approx. 707,000
[3] https://pec.ac.uk/news/national-statistics-on-the-creative-industries

We welcome the Government paper and its key principles of **safety, security and robustness; transparency and explainability; fairness; accountability and governance; and contestability and redress,** but they do not go far enough.

Copyright-protected works including performances, images, music, and the written word are already being illicitly accessed and used without the rights holders' permission. Huge datasets of illegally scraped image content used for AI-generating content programs has prompted Getty Images to take legal actions against the 'scraping' of images for data from their website. It is well known that ChatGPT has unlawfully accessed copies of books, some of which are illegal in themselves, to add to its algorithms and there are numerous reports of synthesised voice programmes mimicking performers.

We need to ensure that creators have agency over and be remunerated for any uses of their work. We should avoid Text and Data Mining exceptions which would unfairly legitimise this practice, when there is already an existing licencing framework that enables works to be accessed, within the law and with fair renumeration.

Attribution is essential to trust. If words, images, and other works generated by machine-learning systems circulate without being declared as such, the world faces a bleak future in which authoritarian populists can convince others that "nothing is true". This will have a huge impact if individuals begin to lose trust in news reporting or academic research. Artistic creative works must also be clearly distinguished from AI pastiches.

We believe there is an urgent need for legislation to provide that when AI outputs are published or made available to the public they must be labelled as such. The corollary of this is that the need to give attribution to human authors is increased, to give the consumer a "guarantee" from a fellow human. The advent of the internet showed how essential are the "moral rights" of authors to be credited and to defend the integrity of our work: AI makes them foundational. Machine-learning outputs should reference the works from which they are derived.

We join the many technical and business voices from across the world, including those signatories of the Future of Life Institute open letter calling for a six-month 'pause' to enable us to ensure AI systems are more "accurate, safe, interpretable, transparent, robust, aligned, trustworthy, and loyal". We also agree that there is a need to "dramatically accelerate development of robust AI governance systems".

The CRA and its members are calling for the following measures:

Safety, security and robustness:
- There should be a clear definition of what constitutes solely AI generated work, and work made with the intervention of creators.
- All distinct characteristics of individual performers and artists should be protected. Human endeavour and originality must be preserved. Artists should be protected from their works being copied in the 'style of' to prevent AI-competing works.

Simulating or mimicking the voice and style of a performance or work blatantly ignores the investment in time, skills and money required to achieve a valued personal 'brand'.

- Traceability and labelling needs to be introduced to provide assurances to both human creators and the wider public to distinguish between real works and synthetically generated content.

Transparency and explainability

- No Text and Data Mining exceptions should exist whereby creators' own work is used or 'scraped' by platforms for use in datasets by AI programmes especially, but not limited to, generative AI programmes without their prior express permission; and licencing agreements should exist that clearly set out terms of usage and ensure that creators are remunerated at an appropriate level.
- Developers must be compelled to disclose all the sources of the 'information' used to develop their systems.

Fairness:

- Creators should be protected and recognised for the copyright and moral rights that exist in their work. Copyright is given to works of human originality and skill and labour. AI generated works with no human input should not attract copyright protection.
- There should be no erosion of copyright protections for individuals, businesses and those who are using AI tools to *assist* with the creation of their own original work.
- Livelihoods and human skills need to be given special protections, or will be lost forever, left in the cold 'hands' of computer algorithms. Translators, musicians, journalists, illustrators, photographers, and other visual artists provide unmeasurably important work that both the public and businesses enjoy and use. These skills and roles cannot simply be left to cease to be, or for those who can afford to do them, because technology can produce it more cheaply.
- The limit to creative work skills will be felt acutely by those starting out their careers. There must also be protections for those creator roles and work that are seen by some as having little commercial value and therefore easily replaceable. These roles provide much needed employment, as well as levels of work experience for many entering and developing a career in the industry.
- There must be a level playing field and access to tax incentives and breaks for those who employ an individual to work, which itself provides much important income to the UK economy, reducing the burden on state aid and increasing the overall wellbeing of society. Tax incentives are offered to companies who invest in equipment and technology; we ask that these same advantages are provided to those who employ and commission human creativity.

Accountability and governance:

- Creators, trade associations, unions as well as creator representative groups such as the CRA must be involved with any policy and industry-wide decision-making processes.

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- Without proper oversight around data sourcing and inherent AI bias creative freelance workers are also more adversely affected by AI systems being part of the wider decision-making process. As a single example, AI used as a processing tool in the awarding of benefits will not be nuanced to the needs and working practices of creative workers and so will unfairly make flawed decisions based on wider inappropriate data and conditions.

Contestability and redress:
- Creators must have access to affordable and effective methods to enforce claims especially in terms of compelling takedown of content created without permission and securing compensation for loss and damage.

CRA Board
Nicola Solomon, Society of Authors, Chair; Derek Brazell, Association of Illustrators; Leslie Gannon, Writers' Guild of Great Britain; Michael Sweeney, Musicians' Union, Treasurer; Mike Holderness, National Union of Journalists; Sarah Osborn, Independent Society of Musicians

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