



Lords Communications and Digital Committee enquiry on Large Language Models (LLMs)
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The Association of Illustrators (AOI) which has 2700+ members, including freelance individuals, illustrators' agents, and universities, was established in 1973 to advance and protect illustrators' rights and is a non-profit making trade association dedicated to its members' professional interests and the promotion of contemporary illustration.

As the only body to represent illustrators and campaign for their rights in the UK, the AOI has successfully increased the standing of illustration as a profession and improved the commercial and ethical conditions of employment for illustrators. AOI offers professional and business advice to members, as well as representing the interests of thousands more illustrators across the UK.

The major concern for illustrators, who along with photographers create most of the images that we all see in our day-to-day life, is how their own works have been used to train AI without permission, and how use of AI generated images may undermine their own work practices and be used instead of human made artworks.

Illustrators support progress in technology but also recognise the need for protections and safeguards where technology is applied. Because of this, the ingestion and adaptation of images by AI needs to be transparent and regulated.

1. How will large language models develop over the next three years? Given the inherent uncertainty of forecasts in this area, what can be done to improve understanding of and confidence in future trajectories?

Transparency issues over the way LLMs are developed and how they source the materials and datasets during training and development stages will be an important factor for effective development in the coming years. This is the only way that user and consumer trust will be retained in the value of AI outputs.

2. What are the greatest opportunities and risks over the next three years? How should we think about risk in this context?

There will be major risks to illustrators if open-source foundational models are left unregulated with potential copyright infringements on a huge scale. Vast numbers of images have been scraped to form the LAION dataset of images and we know that many of our members' work is included in the dataset. We are not aware of any illustrators being approached to licence their works for use in a dataset, so it may not be considered to have been lawfully acquired.

The legal responsibility of generative AI outputs will be challenging for regulators due to the complexity of the AI models and the ability to understand what data has been used to help a model reach a decision.

Agreed industry standards for development, training, and application of LLMs- as well as regulatory sanctions if these standards aren't met-will play a crucial role in applying a transparent and certain approach across sectors. They will be invaluable and should be agreed in consultation between all stakeholders to avoid clear material risks to the UK's economy and society including:

- Mass copyright infringement.
- Legal uncertainty.
- Threat to creativity as we know it and associated professions, such as illustration.
- Consumers being misled.
- Widespread misappropriation of individual's identity and personal data.

3. How adequately does the AI White Paper (alongside other Government policy) deal with large language models? Is a tailored regulatory approach needed? What are the implications of open-source models proliferating?

The White Paper currently outlines five principles that these regulators should consider to best facilitate the safe and innovative use of AI in the industries they monitor these principles are welcome but must be explored and strengthened further to be fit for purpose.

For our members, the implications of open-source models proliferating where their work has been used to train the AI producing generative images could be a potentially devastating drop in commissions for illustration across editorial, animation, concept art and gaming, publishing, corporate use and more. This could create a situation where illustrators' original artwork has been used to train AI with no compensation, and the AI is undermining their own commissioning base through commissioners' use of AI generative images.

4. Do the UK's regulators have sufficient expertise and resources to respond to large language models? If not, what should be done to address this?

No, to our understanding, the UK government regulators do not have the copyright or technical training needed to regulate AI activity sufficiently. Recruiting experts in copyright to develop regulatory frameworks would be essential.

As the AOI have mentioned in our response to the AI White Paper, part three, paragraph 34 states that the proposed regulatory framework does not seek to address the balancing of the rights of creators and AI developers. We strongly urge for this to decision to be re-examined. The viewpoint of visual creators must be taken seriously.

A regulatory landscape which facilitates the development of AI in a transparent and accountable manner should include:

- Using authorised data sources
- Implementing internal access controls for AI developers
- Obtaining licenses
- Monitoring and logging usage

It will be important to work directly with industry, to develop best practices and guidelines for future foundational AI development that operate safely within the realm of copyright laws and the needs of rights holders, thereby avoiding unintended consequences.

These non-regulatory tools could be helpful if they are developed in a manner which is fully consistent with the UK's current copyright framework: Standards and guidelines; Best practices and Training and education.

5.a. At what stage of the AI life cycle will interventions be most effective?

Intervention must be at the point where AI is starting to be trained to ensure that systems provide for compliance with existing copyright law.

The default position should be that illustrators and other creatives' work will not be used for machine learning without their express permission. For those artists who wish to permit use of their work for AI training there should be a simple opt-in system put in place which sets out an explicit agreement between rights holders and developers relating to the use of their work as the basis of any AI output products through a licencing agreement, enabling limits of use and application.

5.b. How can the risk of unintended consequences be addressed?

It is important that users and consumers of generative AI are clear that what they are looking at is either a genuine human creation, or an AI generated image. Mandatory labelling of AI images and other content would give consumers confidence in the provenance of images so they will be aware if they have been created by machine learning.

AI generative outputs could have a lack of diversity due to unintentional bias within datasets used. Ethically curated datasets where all images are used with permission with diversity and inclusion prioritised could prevent this situation.



Please note that as members of the British Copyright Council, we also fully support their response and echo the points that they have articulated in their submission.