

寄件者 :
收件者 : [AI Consultation/CEDB](#)
主旨 : AI Public consultation
日期 : 2024年7月9日 10:03:41

Intellectual property related to AI is such a controversial topic and it's morally complex and dividing that I feel the need to voice my concerns before legislation is made out of political agenda and by people who are out of touch. We're not saying no to AI art, but an ethical approach and responsibility is essential. Some of my fellow colleagues believe that if they use AI in their process of conceptualizing, they would always swap them out with real 'artwork', out of respect to artists and fear of legal ambiguity. I'd suggest taking a close look and consultation not just locally as when we're talking about digital art, it's always going to be on a global scale.

(a) Copyright protection of AI-generated works;

This is one murky area that no one would be able to navigate.

- Origin of training materials? There have been numerous occasions where artists and photographers' work have been used to train AI models without their acknowledgement and those AI generated work hugely resemble the original artist's work and yet were allowed to profit. Ethical source is of utmost importance, as 'creative' work and respect for IP is not a strong suit for HK and China's creative industry and the last thing you want to do is to encourage people to go into AI art and exploit those doing 'original work' using their work as training data. AI art is seen as 'easy' because for the same digital image/work, it would take weeks and sometimes months to create when with AI, it could only take a few tries with prompts.

- How would the copyright of AI generated work be split? Between the prompter and the AI model? As it'd make no sense at all if the prompter would get sole copyright to the AI generated work when pieces of said work is done by other artists.

(b) Copyright infringement liability for AI-generated works;

- I believe people working with AI should always be aware of infringement liability. Like a responsible chef, they should know the origin of their ingredients. If you allow people to 'create' and profit from AI art without liability, you would first upset and then kill the creative communities with people who dedicated their lives learning and honing their skills, whom also unwillingly contributed to some AI database.

- Awareness and respect of other creatives' work locally and in the region is already weaker than the rest of the world, the last thing you want is to become a haven for creative exploitation using AI.

- Like with derivative work, it should be created with the copyright owner's permission or from public domain works. How should AI/generative art be exempted just because we do not know the origin? At the end of the day, these AI/generative work could be competing against original artwork, it is not justifiable to allow a free pass to AI/generative work.

(c) Possible introduction of specific copyright exception; and

- For non profit and educational work, maybe a little leeway, but AI generated work should be distinguished from original work. As an observation and as an example, HK employers/business owners are more likely to go with the 'cheaper' option, if they have a project in need of some creative work, they would go with the cheaper option, it does not matter to them whether it's AI generated or not, as long as there is no liability, why would they pay double or triple to an artist who does not use AI?

(d) Other issues relating to generative AI.

- Again, AI generated work should be distinguished from original work with a simple tagline/note or whatever system. People can still create using AI, but it should not be

mixed with non AI work, just learn from what has been happening with Artstation.
-AI art is a hype but I think it is important to educate people of the ethical and environmental impact that comes with AI technology and not blindly 'encourage' people and promote it as a cool thing because of political agenda.