



CODE OF CONDUCT for Artificial Intelligence Developers on behalf of the Community of Visual Artists

Artists Rights Society (ARS) is the preeminent copyright, licensing, and monitoring organization for visual artists in the US. We represent over 120,000 artists worldwide and are a proud member of CISAC, the international consortium of copyright management societies. Since 1987, we have worked to protect and promote the rights of visual artists.

We recognize that generative AI systems pose a unique threat to the livelihood of visual artists and copyright owners. While AI can be used ethically to supplement human work, the mass ingestion of copyrighted works without consent or compensation to rights holders and the generation of outputs designed to undermine and replace the creativity and labor of human artists is unjust.

With visual artists in mind, we propose a set of ground rules for AI developers to adhere to, with the aim of mitigating risk of harm to artists' livelihoods and the market value of copyrighted works by human authors.

Our goal is that these guidelines ensure transparency for both creators whose work is used in training sets and for users of generative AI technologies, highlighting that AI can be ethically and safely used as a creative tool. Furthermore, we propose that rightsholders retain control over their intellectual property and be compensated for AI outputs that have ingested their works through legitimate licensing.

I. Guidelines for the ingestion of images in AI training sets

Consent of copyright owners:

Copyright laws protect artists and copyright holders by endowing them with the ability to make decisions about how their works are used. AI developers must obtain consent from copyright owners prior to the ingestion of their works in AI training sets. Consent may be secured individually by copyright owners or by their authorized representatives, and options to 'opt-in' should be well-advertised, easy to use, and effectively revocable at any time for creators. Likewise, AI developers must comply with any requests by copyright holders to have their images ingested without consent removed.

Compensation for creators:

Generative AI directly relies on the millions of copyrighted works currently used in their training sets. Without the exploitation of these copyrighted works, their outputs would not exist. AI systems must compensate copyright holders for the use of their material in training sets.

Furthermore, artists' names should never be used as prompts as these outputs result in substantially similar derivative works that create an alter-ego of works that directly compete with the author for new commissions, licensing, and result in the proliferation of deep fakes that dilute the artist's body of work and their artistic legacy. Compensation is owed to copyright holders for those authors who give consent to ingestion. Unauthorized ingestion should be subject to all the remedies available for infringement, including disgorgement from the AI system, or the right to injunction.

Image sourcing:

In addition to obtaining the proper consent from copyright holders, AI systems must source their material for training sets from reputable, authorized reproductions, not from pirated sites. The intentional removal of copyright management information with the purpose of training AI must be subject to the DMCA 17 U.S.C. § 1202(b) and 1202(c).

Reporting & transparency:

AI developers must provide access to analytics and reports on ingestion to copyright holders whose work has been used in data sets. Reports should include information on what works have been ingested, sources of image scraping, and data retention.

II. OUTPUTS: Guidelines related to the generation of outputs

Watermarking & Disclaimers:

AI systems must implement a function within their models that automatically labels AI outputs as AI-generated. These watermarks can also be included in image metadata but must be clearly discernible to the public. Users should be prohibited from removing labels or obstructing the use of labeling tools. This labeling will be crucial for creators to see where their work has been used to generate content, as well as for consumers to be informed of how the content was made, and, therefore, to prevent the dissemination of misleading content.

Imitations & Derivatives:

AI systems must implement proactive measures to prevent users from generating and distributing unauthorized derivative versions of works and to provide channels for users to obtain permission from rights holders. These measures would apply both to situations where users of generative AI are intentionally trying to copy the distinct style of a particular creator by using their name or the title of a work in a prompt, or where the output substantially resembles the original work in the dataset. Essentially, the restrictions would apply regardless of the intention of the user. This could be regulated by the creation of a new economic right that protects artists from AI systems creating derivative works or material that mimics one's likeness, voice, or a style. Additionally, AI developers should implement systems that can determine which material from a training set was used to generate an output.



Value on Human Creativity:

AI developers must pledge to respect the livelihoods of creators and copyright owners and to not create unfair competition in the licensing market by creating cheaply available, mass-produced outputs that are generated by ingesting copyrighted works.

As we know, artists work tirelessly to develop a style that is uniquely theirs. This style, and the intellectual property of their works, can be their most valuable asset as they make a living through illustrations, commissions, licensing, and more. Generative AI cannot be allowed to use the copyrighted works of artists to create outputs that displace the labor of creators and undermine their market. We must prioritize the interest of copyright holders and affirm that generative AI is a tool to assist, never replace, creative work.

