

Transcript

April 11, 2024, 6:02PM

BC **Bob Cullen** 0:04

And the red lights on.

OK.

So again, on behalf of myself and David, welcome to this edition of the Transportation Library.

The NTN sponsored transportation librarians round table for again appreciate all of you joining us today now, and that all of you have busy schedules.

So all the more reason that we we are grateful that you're here.

Umm.

Well, let me start off by saying this past Monday, as I'm I'm as I'm sure I'm quite a few of you witnessed.

What was?

A was a huge event here, certainly in this and here in the United States.

And then, of course, I'm talking about the eclipses.

Past this past Monday in the United States and Canada, I guess it made its way up to Canada as well.

So there was a huge event, a lot of people saying it was a huge event of the week so far, by the way.

I don't know if anybody else would know this, but why did the moon bring umm, what did the moon bring with it when I went to the beach this past Monday?

The answer's sunblock.

Just thought I'd share that, but anyway, though a lot of people are saying that without a doubt this has been the hugest event of of of the past week and but I think that, umm, the clips will be in for some big competition today because of the great speaker we have of scheduled to give a presentation today.

In other words, I I strongly suspect that Enid's presentation is going to eclipse.

Even the eclipse I'm trying my best to give a good build up there so but but it it it most certainly does promise to be a very worthwhile presentation on a vital topic of concern to all of us.

And I I can't think of a better person to to address this topic.

I'm certainly within our community than than the need and right and her the official

title of her presentation is, Umm, artificial intelligence.

Copyright in the doctrine of Fair use, and let me go ahead and just share some biographical information about dinner just before she does begin her presentation.

Ian Wright is the research manager and section 508 compliance officer for the Wyoming Department of Transportation.

Enid shares that PMQ Subcommittee on intellectual property.

She is a member of the N TKN Coordination and Administration Committee, and she is also a member of various Ashton committees.

Enid has presented on 508 compliance at Ashton Summer rack meetings and teaches 508 compliance, copyright and artificial intelligence matters for Wyoming DOT contractors.

Umm.

In it brings to the today's subject matter a wealth of experience and and and insights.

And she's also a season TLR veteran.

I know she's given that somewhere I can recall. Offhand.

I know she's given at least one previous TLR presentation.

I think actually I can think of two now.

I think one was on data management and the other about two or three years ago was some, I guess activating when I just read in terms of reliable, it's about 508 compliance.

We are very fortunate, as always, to having it as a member of our transportation libraries community.

She is a wonderful colleague and she has certainly been a great leader too, particularly when it comes to some issues of great importance to us into those whom we serve.

So without further delay, I would now like to hand the microphone over to our speaker for today in invite floor is all yours in it.

EW **Enid White** 4:03

Let me know.

Can everyone see my slides?

BC **Bob Cullen** 4:07

I'm seeing it OK.



Enid White 4:09

OK, alright, good.

I you know, you have to love technology.

You never know when things are going to work out, even though we practice this to date like Rob mentioned, we're going.

I'm going to talk to about artificial intelligence, how that affects copyrights and how it affects the doctrine of Fair use and how it will affect you in your libraries, your research programs, your DOT.

This is one of the hottest topics out here right now.

On one side of this, we have authors, writers, researchers, and on the other side we have the AI designers, developers.

There's.

The authors and the writers and the researchers they wanna guard against any type of infringement.

They wanna keep the the doctrine of Fair use intact, while the other side, the AI companies.

They feel that because the doctrine of Fair use is out there, there's really no infringement of anything that they do.

Now this has led to numerous lawsuits.

The court dockets right now are becoming backlogged.

Authors are suing publishers.

Publishers are suing AI companies, AI company you know, it's it's a a real Cartesian circle.

Everyone is suing everyone and it just keeps going round in circles.

Copyright infringement claims and cease and desist orders right now are on the rise.

Most of the suits have elements which revolve around the doctrine of Fair use.

Yeah.

We also have to keep in mind the generative AI companies like chat, GBT, they've acknowledged in the past that there are limits on debt on the data they train with.

There's a large lag time between when the data is gathered and when the data is put out to use.

As such, you may not be getting recent data when you pull anything that has been data mined by an AI company.

Umm most LM I can't even speak LMS.

They're out of date anywhere from one to two years.

Some alms, though, are now relying on the Internet so that they can scrape data in real time, and by doing this there's no way for them to receive consent to use information they don't get licenses to use copyrighted information.

And they're really not following all the requirements of the doctrine of Fair use.

This has led to some issues with the reliability of data and according to.

The American Association or the American Bar Association, they're seeing a rise in what they're calling of the hallucinogenic effect, and it has raised from 69% to 88%.

This is where false information comes out.

So today I'm I want to give you some general information on the two sides of the issue to kind of give you an idea of where things are going in the future and what you have to be aware of.

For your for your programs.

Now there are two types that excuse me, but it tickle all of a sudden.

There are two types of generative AI companies.

Their first the companies that believe you really should be obtaining consent and you need to cite the writers and publishers when you use their information.

Now there are a lot of new companies that are coming out that are 8 generative AI companies that actually certify that they've received consent to scrape data when they use their training models.

The second type of generative AI companies are those that really don't believe they need and consent.

They don't cite the authors for work because they claim that they have no legal obligation to do that.

Because of this, the AI user now needs to be really cautious because if you don't come up with a certified company that to get your information from you may end up with a company that is providing false, fictitious biased information.

These companies are really seeing to are seen to infringe upon copyright and they really do bend the rules of the doctrine of Fair use.

Now, as we all know, the doctrine is a four prong test that we need to look at.

It was codified clear back in 1976, and it's actually part of the Copyright Act.

Authors in are allowed to incorporate existing materials in their work as long as they properly cite the material that they're using.

Besides the four prong test, the doctrine does not infringe upon their payment or compensation of work.

It does allow authors the right to distribute their work and where it is going to be distributed, they make sure proper credit and attribution is given and it does not allow others to circumvent their someone's ownership to a right.

But these are points that generative AI companies are ignoring.

With the prongs, a person or a group is able to work and use.

Works that are copyrighted.

What AI companies do, though, is they'll gather data and information, claiming they're following the doctrine of Fair use, and at no point is the original author given credit, and the copyright is being infringed.

This this is what puts you as a research manager, as a librarian, as someone who helps people who who pull up literature reviews.

This puts you at risk when our contractors write reports and journal entries.

There's really no way to know if the work that they're citing is original.

That's why sometimes they come to us and ask us for assistance, but we don't know if it's original.

This can lead to plagiarism claims infringement, and it does arise to malice in some instances.

It really could put a stain on a Dota library.

You know, whatever organization that you work for.

Now, AI companies, they claim that when they gather their data, they change it in such a manner that it is no longer looking like the original work.

So if it's not the original work, they don't need to decide anything but the Authors Guild has proven that the exact opposite is occurring in a recent statement from the author's Guild, they said that artificial intelligence machines capable of generating tap text based works really do pose a serious threat to writing professionals.

The Authors Guild is advocating for the following from all AI generated programs, and this is something that will keep them in line with the doctor and a fair use.

They want consent consent from the the person who's data that you're there.

The data scraping that is occurring, they want compensation where compensation is due, they want to see transparency.

They want to use.

Excuse me?

They wanna make sure everyone is labeling the AI generated content.

So in other words, if someone is pulling something from an AI program, the author needs to make sure that their laboring labeling what information that they're pulling

from that AI program.

So if there is a problem with copyright, with infringements, with plagiarism, whatever, then you can go back and say, hey, I got it from chat GBT.

I got it from, you know, Grammarly or whatever it kind of takes illness off your back.

So it's something that the Authors Guild really wants to see.

So when you as research managers, librarians, whatever, when you're working with the different authors, it really would be a best practice for you to ensure that you're setting out that they're works.

Are you know, labeled?

This is the original work.

This is what we got from an AI, a generative AI company machine.

Now, maneuvering through these issues, this has led for the needs for a lot of new rules, regulations and these rules and regulations should really help both sides.

Not only the authors, the librarians, you know, whatever company you are, but also the generative AI companies.

So recently the Copyright Office sent out a notice of inquiry regarding artificial intelligence and the copyright by sending this notice out, the Copyright Office is hoping to look at the risks AI.

The risks of using, excuse me, I'm really stumbling today.

I am so sorry folks.

The risks that AI using AI has on authors.

Now, in August of 2023, this notice was filed.

And the notice really set to gather information on how copyrighted material is being used when AI models are training.

They wanted to know what the appropriate level of transparency was from the AI models.

They wanted to look at the disclosure with respect to the use of copyrighted work and the legal status of the AI generated output.

But it was interesting when I looked at the notices a lot of times.

I'll I'll look up notices that come out and then you look at the comments you may have one, two 300 comments to to filter through.

There were 10s of thousands the last time I looked, there were 14,000 comments on this topic alone.

This came from federal agencies, state agencies, private authors, publishing companies on one side.

Then you had all these different generative AI companies on the other, and it was really evident that there was a split between the two factions.

So the four main concerns that were set out in the notice, the first one was, you know, what are the main issues with using copyrighted work to train an AI model? This issue revolved around the disagreement on whether or when there really wasn't infringement of that copyrighted work.

The notice sought to seek information on how AI was being collected, how it was being curated, what type of databases they were using, how the databases were being trained, the source of materials used and whether permission was really needed to gather that copyrighted work that they were gathering.

The second issue that they were looking at was what was the copyright ability of the material that comes at it.

The information that is being scraped by the the AI machines, the issue really revolved around the proper scope of copyrighted protection for create materials that were created using generative AI.

And of course, the Constitution makes it very clear the copyright protection is limited to the work of human authorship.

It does not protect works that are done by a machine.

But AI companies are really pushing that.

They're hoping that at some point in time they can get information that is coming out of their their AI as copyrightable.

So what they're hoping to the Copyright Office is hoping to get is information on, you know, what does a human use of generative AI system involve?

When is there enough control over the technology to make the output human authored?

It really is a fine line between when does the machine generated work by a human become a human?

And I know that that's kind of, you know, it kind of have to think about it for a minute.

But what does that machine?

When does the input from a human that you're putting into a machine that's going to spit something out?

When does that become a human and when can it be copyrighted?

It's a big issue right now.

The other, the next point they looked at was what was the potential liability when

there is an infringement on works that are generated using AI.

The Copyright Office wanted to know how copyright liability principles would apply to material created by generative AI.

They looked at what would occur if the output is substantially similar to the copyrighted work.

You know, if it was part of the training data, was it the exact same that was coming out of someone's published novel?

Did the output fall under the fair use doctrine and how should liability really be apportioned?

And again, that goes back to the human, the machine, and what is human?

So who is liable the human putting stuff in the machine?

The machine or the the human that took and used it to put it in their article.

Kit, you know, they wanted to know, can you really hold the the makers of a generative AI program liable?

And if you hold the the makers liable, who are they going to hold liable?

Can you hold the authors of the work liable?

Because that information was placed into a generative AI.

Excuse me and I problem.

Excuse me?

Generative AI claims everything they gather falls under the doctrine of Fair use, so they claim they never will have liability.

This whole the issue of the human, the machine, the human, the doctrine of Fair use.

It's becoming a Pandora's box, and the more you look at it, the more you research it.

Umm it's it's really going to be interesting, what with what comes out of it in the long run.

Now the 4th issue that that notice wanted to know about was when someone is imitating someone else, and we've all heard of the deep fakes someones using the president's voice.

They're like this.

Whatever to say something.

And that's not what they said.

An actor?

It's just, but this is not a point.

Something that I will get into today because it it really doesn't have anything to do with the doctor and a fair use and what we're talking about.

Now FTC was one of the individuals who they have one of the better uh responses that I could find, and in fact, I did pull up two comments to review.

One was on the the side of more restrictions and that was the FTC and the other one was for Meta, Facebook's Meta, and they have a wonderfully written, very persuasive document on why they believe there's really no harm in AI scraping through someone's information to use it for training and development.

Now, the FTC takes a really hard line on its thought that AI, data scraping and generative training does not fall under the doctrine of Fair use because there's no consent.

Lightest licenses are being infringed and they're not sure how the the information that is being scraped.

Is it really being used properly?

The FTC's argument revolves around the fact that generative AI does not produce originality.

But it what it does is it mimics writing styles.

Generative AI does not, in most instances, give credit where credit is due.

It doesn't ask to use copyrighted material.

The scraping that it does can harm creative professionals.

Works.

It can take work beyond its original intent.

It does not let those using their product or those that they that they harvest the materials from know that the material is even being harvested.

So when you use their material, you can't cite it to the original report.

It can lead to unverified sources, lead to deep fakes on the FTC believes that the data scraping of existing work infringes on compute consumer protection laws.

There really is no way to completely opt out of any data scraping.

When you throw something out on the Internet, it's there, and a generative AI company can come in and use your information.

The FTC also has issues with generative AI claims when it claims that they follow the doctrine of Fair use.

The FTC really does not see this.

Their point on fair use, they looked at the fact that there can be no consent or licenses.

And with no ability to point to where the information came from, the FTC thinks it could lead to deceptive practices.

Now on the other side, like I said, Meta had a fantastic I really enjoyed reading their breed.

Meta believes that I'm not saying that I agree with it, but I'm just saying I like to reading it.

Many, though, believes that the doctrine of Fair use does meet the needs and lays the legal groundwork, or any new technologies, including generative AI.

They say that they're not using the information gathered with their programs to reproduce information, but all they're looking at is language patterns.

They claim that they only look at word frequencies, syntac and other patterns.

These processes don't infringe on anybody's copyrights copyright rights.

They claim that generative AI does not allow access to express content when they train their models.

They claim that because the data they scrape and how they use it, that they're actually being protected by the doctrine of Fair use, because the doctrines whole purpose is to avoid rigidity where the copyright statute comes in.

Better really does feel that there is enough case law out there that would place AI in a context of new technology and as and as such a I cannot infringe on copyright at all.

Now they had three points that they set out under .1.

They set out that when using copyrightable material, it should only be used to create a useful noninfringing output.

They feel that the AI medium mediums like the Internet, search engines, online books, video games, that information is non exploitive, but the user is actually expands the work.

They feel that the purpose of the generative AI training is only to teach a model how language works.

So it takes it away from what the authors intent was.

This allows the model to respond to users prompts with holy new content.

So you can take something from the author, put it into their little AI program, kind of swirl it around, and something new is going to come out and it's not going to look like anything that you put out on the Internet.

They don't feel that learning equates to copyright infringement.

Their second point was the amount of information extracted.

Excuse me, I went.

I lost something here.

Excuse me.

For some reason my computer froze up there, sorry.

What they said was that they take such small amounts of information.

And so there's there's no.

Chance that any of the information that they pull up can be copyrighted.

This is a word here, a word there phrase here, a phrase there, but it's not a whole paragraph.

It's not a whole page.

It's not a whole chapter.

But they they also claim that they're different from a lot of other generative AI programs that do take a lot of information out.

So it was kind of like saying we do this.

We're good, but most of the other guys they do in French.

Are you seeing the one with the number 3 on it?

So.

BC **Bob Cullen** 28:08

I can't.

I do not see it.

No, it's not there.

EW **Enid White** 28:12

Well, I don't know what happened.

BC **Bob Cullen** 28:15

Ohh.

EW **Enid White** 28:23

Ohh well.

OK.

So generative.

BC **Bob Cullen** 28:27

There we go.

I see it now.

EW **Enid White** 28:29

OK, I meta also says the generative AI does not cause market harm.

In other words, by them using information that they pull out of a book, a novel, a text, a journal, that there's not going to be any harm in any of the information that they use.

Yeah, you see where it says executive order, correct?

For some reason I I missing a slide and I don't know what happened on my end so I'll wing it here the 4th.

BC **Bob Cullen** 29:11

OK.

Yeah, I saw the executive order thing fine.

EW **Enid White** 29:13

Now, OK on in, all though what media fields is that copyright based restrictions on generative AI is not going to cause any harm to anyone.

AI is still young.

It's in.

Its infancy and they don't know where it'll go in the future, but if you stifle it now, it will have no no chance to grow in the future.

It really going to be interesting to see how the Copyright Office handles this and what they do with all the comments.

Now the issue has taken on a lot of steam and the White House has issued an executive order regarding AI.

With this order, they're trying to get ahead of the issue of AI, and I'm sure as time goes, the order that is set out by the the White House is going to be changed.

It's going to be expanded and there might be a lot of opposition to it.

The main points of the executive order, though, are then are that NIST is going to need to organize standards or extensive testing to ensure that safety before public anything is released to the public.

As far as generative AI goes, the Department of Homeland Security is going to get involved.

They are asked to apply standards to to look at critical infrastructure sectors and establish a AI safety and security boards, the Department of Energy is tasked with

addressing AI symptoms or systems that threaten critical infrastructures, and all of the state departments are asked to look into.

Authentication of any information that comes out of AI models they want to make sure that there is not any bogus information out there that when someone uses the information that they pulled from a generative AI system, that it is truthful, that it's not biased, that it's not just pulling stuff out of thin air.

So the White House has really pushed for a lot of safeguards as far as AI and the copyright information goes.

Now the White House has also set up a blueprint for abusive data practices.

What they wanna do is to say to make sure that the data that is being used is not being used incorrectly.

What the White House is doing is framing their whole blueprint around openness. Transparency, permissions and consent consent is really the big one that they're looking at.

They want to ensure that generative AI companies will be able to gather data they need to run the programs, and they want to ensure that when the generative AI companies do gather this data, that there's no infringement or damage to the original authors.

Yeah, December of last year, Congress did file a bill that would require transparency where AI is concerned.

The AI Foundation model, Model Transparency Act, or the Act.

What Congress is doing is they're asking developers of AI generative AI models. To disclose the sources of the data that they use when they train their AI models, they want to know information necessary to assist copyright owners or data license owners.

In protecting their copyrights.

Now the push for this legislation is really due to the fact that Congress sees that there is an inaccurate, biased information more and more.

Excuse me more and more.

Inaccurate and biased information is coming out when the scraping occurs and when the training is is being conducted.

There's really a lack of disclosure about the training data and the foundation models and training pursuit seizures that are being used by some generative AI companies are really suspect.

Further, there are questions regarding transparency with respect to with a copyright

owners.

Are is the copyright owner the original person that they gathered the data from?
Or is it the person who puts the data into the machine and then it spits out on the other end and someone uses it to write their new report and they copyright it?

So who is the copyright owner?

Is it the original author?

Is it the machine or is it the other person told you we'd get back to that.

It just keeps going round and round.

But yeah, the legislation when it comes out, it's going to allow the FTC along with NIST and OTP.

To set up standards for what information High Impact Foundation models.

Can produce and what information they make less may must make available to the public.

The act is also going to direct the FTC and NIST to establish standards for data sharing.

They need to share the data that they're they're pulling in to let people know what the data is, where it came from and what the what, how it was used.

Now, if this act is there or this act is enacted, Congress really will need to set out standards specifying information to improve the transparency foundation models with respect to training data, model documentation, data collection, data interference and operation on a financial models.

And Congress is so invested in this issue that they have asked for \$10 million a year in or for in 2025 and \$3 million every year after that so that they can research and work on the issue of generative AI and copyright and transparency.

Now, for those of you who work with any DOT, the Department of Transportation is also been tasked by a 2021 bill from Congress to go through and look at the two sides of AI.

In other words, how is AI going to affect your everyday work when you use any type of AI to set up your Rd closure signs?

Your variable speed limits if you use AI to help you with your avalanche work to use AI when you're doing any bridge work.

Whatever.

That's one side.

The other side is the Department of Transportation.

Umm, it's supposed to start looking at rules, regulations, procedures for using AI in

their research and their research outcomes.

So this is something to keep in mind and to keep looking at in the future.

Umm.

But like I said, it's a it's a big issue.

Congress has got their sights set on it and you know, I don't know how much, you know, if 10 million is a big thing for Congress, but that's a lot of money to throw out there in the first year and then \$3 million every year after that.

So with that and all my stumbling and fumbling today, umm, are there any questions?

You're gonna click sharing my screen.

BC **Bob Cullen** 37:58

OK.

Thank you.

Thank you very much, Anna, that excellent presentation.

So I will open the floor now for any questions or comments you you have for our speaker.

And again, just do the just do the show of hands that there and I've been doing some stumbling myself in as I indicated at the before the TLR, TLR even start.

That's why I had to break out the water.

So I I I can I can sympathize.

Again, the show of hands here.

Uh, Ian and I, I would like to go ahead while waiting for others to jump in here.

Just to you, you have me dying quite a few notes here, though.

They're all generated by me, though they're not AI.

So umm I I guess I want to check first first of all.

EW **Enid White** 38:47

But.

BC **Bob Cullen** 38:52

Well, let me since it's staring at me right now.

The AI Foundation model don't transfer transparency.

Act umm it?

Well, the the what?

What is the status that I didn't quite catch it has it?
Has it been formally introduced?
I have not been any hearings for it yet, I guess, right?

EW **Enid White** 39:07

There have been some hearings.
That was introduced in December, and it's piggybacking off of Umm.
15 USC 9401, which is already been enacted.
And that's the national Artificial Intelligence initiative.
And So what they've done now is they've taken and kind of broken out artificial intelligence and copywriting and that'll be the new one that comes out.
But if it was, it went to committee and December of 23 and with everything, with the budget going back and forth and other more pressing things, I haven't seen a lot of movement with it.

BC **Bob Cullen** 39:49

OK. Thank.
Thank you.
I appreciate that clarification.
So it sounds like it is the most certainly gonna be a momentous piece of legislation.
Will be interesting to see how things play out there, but I I'd really appreciate your not only bringing it to our attention, but outlining, you know what?
What it's about, what it's about and it's and and it's and it and it's potential significant so so.
So I thank you.
I thank you for that.
Umm.
What?
What?
One of the things that you definitely had me not only write down, but underline a couple of times was what?
What?
What you underscored at one point about the constitutional protections for human authorship?
And of course, as you made clear, AI is is certainly.

I was gonna say, poised to, to the, to the muddy that up, it looks like it's probably probably it's already.

Well, that process is already well underway and that that's occurred to me and I don't think you quite quite spoke to about being interested in any light you can shed here that the that it seems to me that it seems to me that whole issue is right now for umm, for court court scrutiny and and and even going up to the Supreme Court.

EW **Enid White** 40:51

Yeah.

BC **Bob Cullen** 41:01

I know you've been getting a strong handle on the legislative side and and also of course what's going on in the executive branch there.

Are you are you aware of any any kind of court cases or potential court cases that are in the pipeline now about this?

EW **Enid White** 41:18

OK.

BC **Bob Cullen** 41:20

Because it sounds like it's definitely waiting to happen if it hasn't already.

EW **Enid White** 41:24

Well, there's a Supreme Court holds steadfast that a copyright and patent can only be held by a human.

The Constitution says human, so they're going with human.

Now, there are other countries, China, Australia and the EU is actually looking at it right now, who have allowed patents to go to machines.

Umm.

Copyright is a different story.

They haven't broached that line yet, but in the United States, no.

The Constitution is very straightforward when it says human that United States Supreme Court is not wavering in that I don't know how they would waiver, and in fact they said as far as copyrights go, the part of your your present or your report that is written by a person, a human that can be copyrighted.

But if you throw a bunch of other stuff in there and that comes out of anything that is generated from an AI generative AI, that part of your report cannot be copyrighted.

And so you have to set out in your report that this is the generative AI.

You used.

This is where you used it.

This is how you used it so that individuals know what part is not and cannot ever be copyrighted and what part belongs to you and is copyrighted.

Now an issue that comes in is if generative AI a company comes through, you put your report out there on you know, and Rosa, Pete and they come through and they grab your report and they do some scraping.

They're not going to look at in your report that it says no, you can't data scrape my report.

They're not going to look at what part is and isn't copyrightable.

What part was written by a machine?

You know, you may not know if if what you wrote the machine wrote is good or not.

They pick it up, they scrape it, they put it in their little bowl, and then they kick it back out.

So are they picking kicking good information out or bad information?

Are they kicking out copyrighted information or are they sending out information that cannot ever be copyrighted?

And then someone comes through and copyrights it.

So do you see how that human machine human interface, no matter what the courts say, it could still cause real problems?

BC **Bob Cullen** 43:57

And the great, great, helpful information in and I was, I was keeping my fingers crossed that you, you you'd shed some some light on that whole general topic there for me and and and and you did not let me down, but very helpful and and it really helps get me a little bit more of the learning curve on that.

Appreciate that.

It looks like we do have a raised hand here and I'll call on that person, and that is Carol Marcus.

Go ahead, Karen.

CM **Cara Marcus** 44:25

Yeah, it's an amazingly encroaching field.

Thank you for all this.

In it my question and I hope I can explain it in a way that's understandable if somebody uses a source that is not, umm, labeled as a I produced and it is a violation of copyright and they do not know if it's a violation of copyright or even if it's a I or is the user who used that source libel for infringement of copyright?

EW **Enid White** 45:04

I have to say I'm not an attorney, so I get that.

But whether that actually would be liable or not.

But yeah, I I think that that person could be because you're supposed to use.

No, your due diligence when you pull information up.

So when you go to and you look at a a journal article that is out there and you look at it and you see OK, it is copyrighted, it isn't copyright, you know, umm, or it's copyrighted, but you don't know the part of it came from AI.

You pull it up, you use it, then you find out that it's plagiarizing someone else.

CM **Cara Marcus** 45:42

Right.

Right after the fact.

EW **Enid White** 45:47

The only? Yeah.

Yeah.

The only thing that will help you is you know if you show you did your due diligence, you looked at it and said it was the whole thing was copyrighted.

They didn't tell you what part wasn't copyrighted.

I think that that's the only way that you can save yourself is through the due diligence that you do.

No, and it said.

CM **Cara Marcus** 46:07

OK.

So you would just have to sort of take out that part from whatever you wrote and you would not be held accountable if you did that within a reasonable amount of time after finding out.

EW **Enid White** 46:12

Right.

Right, right.

And and when I said earlier as a paralegal, I always have to do the.

I can't give people legal advice and when you say, well, would they be held liable?

I it's just something that we as paralegals do, we always go.

I'm not an attorney, but here let me answer your question anyway so.

CM **Cara Marcus** 46:43

Hmm.

EW **Enid White** 46:44

But yeah, it's it's it's going to become a dicey field, Cara, because.

You're relying on TRR to put document or to put journal articles out there that have been vetted.

They're supposed to be peer reviewed and the person who wrote it, whoever was, whether it was like a DOT, they gave a university money, and then the professor writes the article and puts it in TRR.

There should have been this long process to figure out who wrote it.

Where did the information come from?

That should have been done on the back end.

Then it goes into TRR.

TR should have vets should have vetted it, and so by the time it gets to the library and there's someone who is helping someone else find a document or an article.

That should have been taken care of and by you using that information, and then it'll later date finding out that oops, your plagiarizing someones work your.

Umm, you know infringing on someones copyright?

There are so many steps in between you and the original work that you've already done your due diligence, then you should be good.

CM **Cara Marcus** 48:04

Thank you.

BC **Bob Cullen** 48:06

OK.

Thank you, Karen.

Great.

Great question and again show of hands.

If, if there's anything you want to bring up, we we've easily got at least another 5 to 8 minutes or so before we have to wrap things up.

EW **Enid White** 48:14

Alright.

BC **Bob Cullen** 48:19

So let me go ahead and call on, umm, somebody here has their hands up.

I'll go ahead, Mary Lee.

MT **Marilee Tuite** 48:31

Hi.

It's just what kind of more of a comment than a question, but you know, as you were talking about liability it it also kind of made me think of sort of a parallel but different to.

Umm.

What we're hearing about autonomous vehicles and you know when there's there's been a crash.

Whose liable?

You know, is it and the and that's that's not really well defined yet either, is it that is it product liability you know is it the manufacturer?

EW **Enid White** 49:01

No.

MT **Marilee Tuite** 49:06

Umm yeah.

So if you have anything else to say on that, it would be interesting.

EW **Enid White** 49:11

You know, that's one that is going to be out there for a while because you have to look at it.

If your DOT is using autonomous vehicles to test him on your roadways when you bought that autonomous vehicle, the liability would normally shift from the people who built them, built it to you just like it when you buy your car, because Ford Motor Company, unless it can be found that they were negligent, you know, then you've gotta you get into all of the the negligence.

MT **Marilee Tuite** 49:41

Mm-hmm.

EW **Enid White** 49:46

They have a duty to give you something that's workable.

Umm, they breached their duty and you can prove that it was their fault.

But if you buy something, it's just fresh off the the showroom.

They've never had problems with these.

Umm, you got it out there and a deer jumps in front of it and some of those autonomous vehicles, the bigger ones, they don't recognize deers.

They don't recognize, you know, things.

So it doesn't swerve or it may swerve too far.

So then are you liable because it's your vehicle?

Is John Smith liable because he bought a Tesla and he's driving down the road?

He's doing everything he's supposed to.

He's in the driver's seat.

He can get to the brakes, he can get, but something happens.

Umm.

Who's liable?

Is Tesla liable?

Or is John Smith liable?

MT **Marilee Tuite** 50:39

Yeah, it it just made me think more of what you were saying, like human machine or human.

So thanks for your presentation.

EW **Enid White** 50:47

Ohh no problem I I was hoping I didn't go too far overboard or I but there's so much information that needs to get out there to help you guys out.

Umm, you know, especially librarians who help with getting, you know, literature reviews, you don't want to get.

Help someone with the literature review to find out that it's so biased or it's so wrong that no one ever wants to come to you again for help.

BC **Bob Cullen** 51:16

And does it prefer?

First of all, I'm I'm I'm thank you for the the the the the your your your your great point that you raised merrily must much appreciated and yeah you know you've you've you've you've done and in my opinion at least in a job and just really helping us to get more of a more of an arms around the AI issue I mean there's a lot to get our arms around anyway but but I I I I I think you've been doing just fine proportionately in in terms of just trying to give us this framework this.

This this stronger appreciation for for.

For what is going on and and and that kind of thing so.

So I certainly appreciate that hopefully everyone else does as well.

So I thank you for that.

It it we, we have a few more minutes left.

If anybody else has any questions or comments left for Enid, please, you know, let us know what the what the show of hands and if I don't call on you, feel free to unmute and let me know.

I haven't called on you so, but in in the one other thing I wanted to say, I couldn't find it before when I was going to my my other questions there.

And again, just I'm gonna get more of a sense of the timeline anyway.

But but but the the US copyright notice you mentioned them early on in your in your presentation you had highlighted the the date of August 2023.

It's it was that when it was without the the notice was issue with our is that when comments needed to be received.

What I'm just trying, I'm just wondering when when, when it was in fact made made public and and and when and and and I assume the comments that whatever deadline there is if the comments says has come and gone right?

EW **Enid White** 53:00

Well, actually, yeah, it it did go out in August.

So that's when the notice went out, and they usually have a pretty tight comment period, but they've expanded the comment period three Times Now.

BC **Bob Cullen** 53:04

OK.

OK, ohh OK.

EW **Enid White** 53:14

So, umm, then I haven't pulled it back.

I didn't pull it back up today before the meeting, so I'm not sure if they it's finally been closed or not, but it's gonna take a while, you know, 14,000 plus comments so far and these are not small comments meta.

It was like 25 pages long, and the FTC had a really long.

So when you think about that, there were some individuals that just had something in there that said, you know, let me use my AI because it's great for my gaming and leave me alone, you know?

But there were some that just, I mean, they were long, well thought out.

You could tell attorneys were writing these things.

So yeah, I don't know.

I'll have to look to see if it's been closed yet, but they're gonna have a long time reading all of these.

And they have to read every single one of them.

BC **Bob Cullen** 54:12

OK.

Thank you for clarifying that, because I I kind of I kind of figured at least the way I had it written down here that that my file that's that that that's when it was first August 2023 is when it was in introduced and and I I guess I would assume by this point in time that the comments needed that should have been received and

everything closed.

But clearly that's not the case.

As you said, I guess three times they've they've extended the deadline there and I'm going to try some considerable ignorance here on how the process works, where clearly we were able to do check out the comments to date and and in real time.

In other words, it sounded like they have to wait till everything the deadline has says finally arrived before they release release it we can get online and actually see those. Those comments without any any any kind of publications, right?

EW **Enid White** 55:05

Right.

I wanted to make sure I hadn't shut my my, my God.

But if you go into this, my machine gonna work.

Umm, I'm ohh we don't have a chat capability, but if you Google the federal registry.com or gut.gov.

Excuse me umm and look for artificial intelligence and copyright.

In there you can pull up.

All the comments.

All, I misspoke.

I thought I read 14.

It's 10,560 comments have been received so far.

BC **Bob Cullen** 55:54

Oh, OK.

EW **Enid White** 55:56

UM.

And looking.

Yeah, it's been beautiful, but I don't see that it's closed.

But you can pull up all the information and if you want to.

Follow this umm you can follow any time that you give something that says there's going to be a notice set out on the federal registry.

You can go through and.

Track it.

So.

It's just, you know, something that they they help people out with.
I don't see.

BC **Bob Cullen** 56:48
Yeah.

EW **Enid White** 56:49
I think I don't.

The next process will be for the Copyright Office.

Then to take all of that and decide whether they want to change any of the information that they have.

If they want to update anything, how they're going to rewrite the Copyright Act to incorporate artificial intelligence.

You know, keeping in mind they don't want to completely dismiss what the generative AI companies are saying, but they don't wanna, you know, they're not going to just change everything for them either.

So they're going to have to look both ways, and it'll probably be, I don't know, another year or so before any new legislation comes out on this.

BC **Bob Cullen** 57:33
OK, alright.

Well, good.

I will. Again.

I I I appreciate that and for for for the clarifications there.

And I I didn't look forward to accessing that information.

Those comments, I appreciate that we are bumping.

Unfortunately, you know time, time flies when, when, when, when, when you're learning.

And and and and and getting a lot out of somebody's presentation.

But we're bumping up against the end of the hour here, Roslyn.

I think you had your hand raised.

Did you have something you wanted to share?

Uh.

Perhaps not.

OK.

OK, well I'm.

I'm I'm unfortunately as far as I'm concerned, I think all of you are too that we have to wrap things up now.

But but Enid, I cannot thank you enough for uh, for, for not only your your willingness to be available today to serve as our speaker, but also for really as as I think I I've been trying to make clear for really, umm, opening our our eyes even more widely to to the realities of AI and what what we need to be mindful for on behalf of ourselves and those who reserve AI that that it it it it's it's clear to clear to say it's it's is not going away it will still be with us.

24 hours from now, it's gonna be with us next year and and and a few years down the road and even beyond that.

So thank you so much for for really I'm helping us to understand and appreciate the the potential and also the the perils of AI that we need to be more mindful of than ever.

So thank you so much, Anna.

Really appreciate that and and and on on behalf of David and and myself, I wanna again extend a of a very wholehearted thanks to all of you for for likewise being here with us today and for taking the time to join us, we always appreciate your your presence here and your participation and please keep on the lookout for further details about upcoming blurs.

EW **Enid White** 59:18

No problem.

BC **Bob Cullen** 59:44

I don't have anything specifically to announce to you now, but but hopefully we'll get.

We'll be getting some other presentations lined up fairly soon.

As a matter of fact, at the top of the hour I took note that one of the prospective speakers did did send me a follow up message.

So knock on wood that there'll be another.

There'll be one TLR presentation set to go fairly soon anyway, though.

Please keep on the lookout for your emails.

I like to send out emails anyway to the attendees that each TLR.

So and I'll be sure to keep all of you updated on what's going on with the upcoming

presentations.

In the meantime, though, hope that everyone has a great rest of the day and a great rest of the week, and take care.