

# PUBLIC SUBMISSION

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**Comment On:** NSF-2025-OGC-0001-0001  
Request for Information: Development of a 2025 National Artificial Intelligence Research and Development Strategic Plan

**Document:** NSF-2025-OGC-0001-DRAFT-0290  
Comment on FR Doc # 2025-07332

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## Submitter Information

**Organization:** Getty Images

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## General Comment

See attached file(s)

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## Attachments

Getty Images Response to NSF RFI on 2025 National AI RD Strategic Plan May 29 2025 final



**Getty Images Holdings, Inc.  
("Getty Images")**

Comments in Response to the Request for Information on the  
Development of a 2025 National Artificial Intelligence ("AI") Research and Development  
("R&D") Strategic Plan

Docket ID No. NSF-2025-OGC-0001  
Delivered via email to [ostp-ai-rfi@nitrd.gov](mailto:ostp-ai-rfi@nitrd.gov)

May 29, 2025

Getty Images appreciates the opportunity to provide a response to the Request for Information (RFI) in the Federal Register on April 29, 2025 by the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), on behalf of the Office of Science and Technology Policy (OSTP), for priority policy and regulatory actions for inclusion in the Artificial Intelligence (AI) Action Plan.<sup>1</sup>

**Background**

Founded in 1995, Getty Images is a global visual content creator and marketplace. Getty Images represents and distributes images, videos, music and other creative works of more than 550,000 individual creators and more than 300 partners, including AFP, the BBC, Bloomberg, the National Basketball Association, Paramount Pictures, Sky News, Sony Pictures, Universal Studios and the Washington Post. Through our own investments in content and coverage and the combined outputs of the individuals and partners we represent, Getty Images represents a content library approaching 600 million visual illustrations, photos and videos and adding more than 40 million new assets every year. We service approximately 800,000 businesses worldwide, with customers licensing over 95 million pieces of content a year.

In partnership with NVIDIA and others, Getty Images is also a creator and distributor of high-quality generative AI models and services. These models are trained from our creative library, compensate creators through an ongoing royalty when their content is used for training and cannot produce outputs that violate third party intellectual property rights nor personal rights (e.g., deepfakes).

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Getty Images is part of the broader creative industry. In 2023, creative industries approached \$1 trillion on economic output<sup>2</sup> and will be approaching 10% of global GDP by 2030.<sup>3</sup> In 2023, the US core copyright industries accounted for 7.66% of the US economy and employed approximately 11.6 million workers.<sup>4</sup> The sales of US copyrighted works in foreign markets amounts to \$272.6 billion.<sup>5</sup>

## Submission

Recently the U.S. Copyright Office in its pre-publication report, *Copyright and Artificial Intelligence, Part 3: Generative AI Training* (May 2025)(the “Report”)<sup>6</sup>, confirmed that the existing copyright framework is adequate to address issues of infringement and fair use in the context of unlicensed use of copyrighted works to train generative AI models. In its fair use analysis, the Copyright Office states that “*various uses of copyrighted works in AI training are likely to be transformative*” but this will also “*depend on what works were used, from what source, for what purpose and with what controls on the outputs...but making commercial use of vast troves of copyrighted works to produce expressive content that competes with them in existing markets, especially where this is accomplished through illegal access, goes beyond established fair use boundaries.*” Getty Images urges the OSTP and NITRD NCO to reaffirm these sentiments.

The individuals and companies requesting weakening or exemptions to U.S. copyright law to allow for training on copyrighted works without consent acknowledge in other forums the need for AI to be broadly beneficial. As Sam Altman, CEO of OpenAI, recently wrote on his blog<sup>7</sup>:

*“Ensuring that the benefits of AGI are broadly distributed is critical... but increasing equality does not seem technologically determined and getting this right may require new ideas.*

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<sup>2</sup> How The Growing Creative Economy Will Soon Devour The Real Economy.  
<https://www.forbes.com/councils/forbestechcouncil/2023/05/16/how-the-growing-creative-economy-will-soon-devour-the-real-economy>

<sup>3</sup> Ibid.

<sup>4</sup> Robert Stoner & Jéssica Dutra, *Copyright Industries in the U.S. Economy: The 2024 Report*, INT’L INTELL. PROP. ALL. (Feb. 2025)  
[https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024\\_ONLINE\\_FINAL.pdf](https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf).

<sup>5</sup> Ibid.

<sup>6</sup> U.S. Copyright Office, *Copyright and Artificial Intelligence Report , Part 3: Generative AI Training* (pre-publication version) (May 2025). <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>

<sup>7</sup> <https://blog.samaltman.com/three-observations>

*In particular, it does seem like the balance of power between capital and labor could easily get messed up, and this may require early intervention."*

Dario Amodei, CEO of Anthropic, delivered another blunt warning on the impact of AI on American jobs advising that AI could wipe out half of all entry-level white-collar jobs and spike unemployment 10-20% in the next one to five years, resulting in a great concentration of wealth:

*"It could become difficult for a substantial part of the population to really contribute. And that's really bad. We don't want that. The balance of power of democracy is premised on the average person having leverage through creating economic value. If that's not present, I think things become kind of scary. Inequality becomes scary. And I'm worried about it."*<sup>8</sup>

As for what "intervention" might become necessary to address these imbalances, we only need to look to Mr. Altman's comments on Universal Basic Income (UBI)<sup>9</sup>:

*"I'm fairly confident that at some point in the future, as technology continues to eliminate traditional jobs and massive new wealth gets created, we're going to see some version of this [UBI] at a national scale."*

Google's AI chat bot defines UBI as:

*"A social welfare proposal where all citizens regularly receive a guaranteed minimum income, unconditionally, without any means test or work requirement."*

U.S. copyright law is a fundamental right granted to the American people by Congress, as enshrined in the Constitution. It serves as a cornerstone for incentivizing investment in creation and innovation. Far from being an impediment, strong copyright protections are essential to the U.S. maintaining its position as the most creative and innovative country in the world. Weakening these protections unnecessarily under the guise of promoting innovation or national security undermines America's leadership in global creative sectors and hampers overall U.S. economic development.

U.S. copyright laws are not obstructing the path to continued AI progress. They are the means to sustainable AI as they incentivize investment and creation, ensuring a vibrant and diverse ecosystem of content that fuels AI innovation. They also broaden society's

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<sup>8</sup> Behind the Curtain: A white-collar bloodbath. <https://www.axios.com/2025/05/28/ai-jobs-white-collar-unemployment-anthropic>

<sup>9</sup> <https://www.ycombinator.com/blog/basic-income>

participation in the economic benefits of AI, thereby reducing downstream economic burdens on the federal, state and local governments.

Aligned to the Copyright Office’s extensive analysis, we should not view AI as a single, monolithic entity. It is more accurate to consider it as a broad spectrum of models, capabilities, and potential applications. While there are certainly AI advancements that support national security or improve societal outcomes, commercial content generation models (systems designed to produce music, images, and videos based on text prompts or other inputs) are often trained on the works of artists without their consent and are subsequently commercialized by companies targeting the same markets from which those artists derive their livelihoods. Notwithstanding the claims of AI companies, these types of applications of AI models do not have the potential to advance societal interests. They merely advance the commercial interests of the AI companies, which are some of the largest, most profitable, and deeply capitalized companies in the history of free markets. It is pure theft from one group for the financial benefit of another.

In the Report, when considering factor four of the fair use analysis, the Copyright Office indicated that “[t]he copying involved in AI training threatens significant potential harm to the market for or value of copyrighted works” because, among other things, generative AI models can produce substantially similar outputs that are direct substitutes of ingested copyrighted works which can lead to lost sales and dilution of the markets for works “similar to those found in its training data.” The Copyright Office also notes that “[t]he assessment of market harm will also depend on the extent to which copyrighted works can be licensed for AI training” and that “[w]here licensing options exist or are likely to be feasible, this consideration will disfavor fair use under the fourth factor.”<sup>10</sup>

Permitting copyright law to be revised or ignored to allow the training of all commercial models on copyrighted works without consent effectively amounts to a substantial financial subsidy to these companies - subsidies borne by other sectors of the U.S. economy. Such a subsidy is unnecessary and could produce downstream consequences similar to those associated with the immunities afforded in Section 230 in the *Digital Millennium Copyright Act*. Since the introduction of such platform exemptions, companies like Amazon, Google, and Meta have increased their collective share of the digital advertising market to over 60 percent<sup>11</sup>, capturing a significant portion of a half-trillion-dollar industry. Introducing any new similarly broad exemptions that permit training on copyrighted works without permission for any and all AI applications would open up a

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<sup>10</sup> U.S. Copyright Office, *Copyright and Artificial Intelligence Report, Part 3: Generative AI Training* (pre-publication version) (May 2025). <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-3-Generative-AI-Training-Report-Pre-Publication-Version.pdf>

<sup>12</sup> *Ibid*

potential scenario where the government may be required to implement a broad social safety net, addressing the decline in incentives for human work, creation, and invention.

The United States must act now to avoid this trajectory to maintain its leadership in AI development and ensure a sustainable, innovative future. Mr. Amodei confirms that "[t]he only move that's going to work is steering the train — steer it 10 degrees in a different direction from where it was going. That can be done. That's possible, but we have to do it now."<sup>12</sup>

Getty Images neither advocates for overly restrictive controls that could harm U.S. competitiveness, national security, or societal progress nor does it seek protection from legitimate competition. In fact, if, as part of the AI R&D Strategic Plan, if it is determined that one more training databases/platforms be developed, whether for commercial or non-commercial uses, Getty Images would be open to considering the license and inclusion of its content in such database or platform.

Getty Images advocates for an update to the AI R&D Strategic Plan that:

- **Affirms the Copyright Office report on Generative AI Training and confirms that** where AI outputs compete in the same economic markets as the owners of the training data, such use shall not be considered fair use under U.S. copyright law;
- **Requires full transparency** regarding unlicensed training data used by AI model providers operating within the U.S. as a way of creating higher levels of trust and understanding of AI models, as well as encouraging licensing of copyright works used for training;
- **Rejects blanket immunities** for AI providers that could give way to rampant deployment of models that cause societal harm, such as deepfake pornography; and
- **Rejects vague and untested platform requirements** that would compel U.S. copyright holders to “opt out” of training, which are impractical and unproven.

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<sup>12</sup> *Ibid*