

Getty Images Holdings, Inc.
(“Getty Images”)

Comments in Response to the the Request for Information on the
Development of an Artificial Intelligence (“AI”) Action Plan
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Getty Images appreciates the opportunity to provide a response to the Request for Information (RFI) in the Federal Register on February 6, 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.¹

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 exclusively 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 output² and will be approaching 10% of global GDP by 2030.³ In 2023, the US core copyright industries accounted for 7.66% of the US economy and employed approximately 11.6 million workers.⁴ The sales of US copyrighted works in foreign markets amounts to \$272.6 billion.⁵

Submission

Getty Images firmly disagrees with any argument that current US copyright laws are an impediment to the development of AI models and further disagrees with those seeking to weaken US copyright protections by creating a “right to learn” exemption to those laws.

Article 1 Section 8, Clause 8 of the US Constitution, referred to as the “Patent and Copyright Clause”, grants Congress the power “*to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries*”, which has been expanded over time to include a wide range of artistic and intellectual works, from images to software. Copyright law stands as a foundation for investment in creation. It is not an impediment. Weakening copyright law undermines the economic development of the United States. It also has the potential to harm the development of AI models. A report issued by the US Copyright Office stated:⁶

“... the displacement of human creators may, at some point, also slow the progress of generative-AI technology. Human-generated works, on which foundation models are trained, fuel generative AI. The output of these models is limited by the volume and quality of the input (human-generated works). The progression of the technology is currently contingent on ever-growing bodies of training materials (Sevilla et al., 2022; Villalobos et

² 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>

³ Ibid.

⁴ 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.

⁵ Ibid.

⁶ See p.12, “Identifying the Economic Implications of Artificial Intelligence for Copyright Policy Context and Direction for Economic Research”, Edited by Brent Lutes, Chief Economist, United States Copyright Office: <https://www.copyright.gov/economic-research/economic-implications-of-ai/Identifying-the-Economic-Implications-of-Artificial-Intelligence-for-Copyright-Policy-FINAL.pdf>”

al., 2022). Diminishing incentives for human creators may thus degrade the long-run capabilities of the technology to the extent that it limits the fuel needed to advance AI technology.”

US copyright laws are not obstructing the path to continued AI progress. Instead, US copyright laws are a path to sustainable AI and a path that broadens society’s participation in AI’s economic benefits, which reduces downstream economic burdens on the Federal, State and local governments. US copyright laws provide incentives to invest and create.

The same individuals and companies requesting exemptions to US copyright law acknowledge in other forums the need for AI to be broadly beneficial. As Sam Altman, the CEO of OpenAI, recently wrote on his blog⁷:

“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.

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.”

As for what “*intervention*” might become necessary if the constitutional bedrock ensuring the value of intellectual property is thrown away, we only need to look to Mr. Altman’s comments on Universal Basic Income (UBI):⁸:

“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.”

US copyright law is an established vehicle to broaden societal participation in AI wealth creation.

Granting a “right to learn” copyright exemption would not be to a human. This exemption would be granted to the world’s most powerful computers, which by 2030 will require more

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

⁸ <https://www.ycombinator.com/blog/basic-income>

than 10 percent of total US energy outputs to run them⁹. Efforts to equate the consumption of the entire history of human creation with such compute power to the efforts of a singular human inspired to create by listening to an album, looking at art in a museum, or by reading a great novel are based on an absolutely false equivalence and should be fully rejected.

These same computers are owned and operated by some of the largest, most profitable and deeply capitalized companies in the history of the free markets. Granting a copyright exemption is the equivalent of granting a massive financial subsidy to these companies. A subsidy borne by other US economic sectors. A subsidy that is not required and one that could have significant downstream consequences similar to those relating to the addition of Section 230 as part of the Digital Millennium Copyright Act. Since granting this platform exemption, Amazon, Google and Meta have increased their collective share of the half-trillion digital advertising market to more than 60 percent.¹⁰ A subsidy where a potential outcome is the US government needing to implement a massive social safety net, such as UBI, and bearing the outcomes of reduced incentives for human work, creation and invention.

Getty Images does not advocate for overly restrictive controls on the development and deployment of AI that could harm US competitiveness, national security or societal advances such as curing cancer, nor are we requesting protection from existing and new sources of competition. US copyright is a right bestowed upon the US people by Congress as granted by the US Constitution. Their rights and opportunities should not be usurped for the commercial benefits of these companies.

Accordingly, Getty Images advocates for an AI Action Plan that:

- Requires full transparency on the training data utilized by AI model providers making their models available in the US;
- Affirms that the commercial deployment of AI models where the AI model's outputs compete for the same economic market as the owners of the training data shall not be deemed "fair use" under US copyright law;
- Rejects blanket indemnity for AI model providers to create the incentive for AI models providers to reduce societal harms from the deployment and use of their models (e.g., deepfake pornography); and
- Rejects unclear, untested and unfounded technology platforms requiring US copyright holders to "opt out" of training.

⁹ <https://www.mckinsey.com/featured-insights/sustainable-inclusive-growth/charts/ai-power-binge>

¹⁰ EMARKETER: <https://www.marketingcharts.com/charts/us-digital-ad-spend-share-google-vs-meta-vs-amazon>