Case 16-Is AI generated art ethical, and is the commercial use of AI art copyright infringement?

In recent times, AI generated art has become a fixture of the controversy surrounding AI's place in the modern world. Companies like MidJourney, DALL-E2, Stable Diffusion, and Deep Dream Generator have pioneered the field of AI art. Services like these are a fun way for the average person to explore the oddities of AI art only limited by the user's imagination. But do these services come with an ethical burden on the user? These art services use databases of art made by thousands of artists, many of whom have not consented to have their art used in an AI service. This brings into question whether or not these creations can be used in commercial ventures and whether their use violates Fair Use copyright law.

In mid-January of 2023, a class-action lawsuit was filed against DeviantArt and two other companies for their apparent violation of copyright law. DeviantArt, a popular art-sharing platform, released a paid-subscription AI feature, utilizing the art of many artists without their permission. These companies argue that these pieces are collages that are valid under fair use. When asked by NPR, one of these companies, Stability AI, commented; "please note that we take these matters seriously. Anyone that believes this isn't fair use does not understand the technology and misunderstands the law". These artists don't receive payment for the use of their art, and believe they are entitled to choose whether or not their art is used. Andres Guadamuz, a legal scholar for the University of Sussex, believes that AI art is not a collage, and commented on the matter for NPR, "Andres describes models as learning patterns from the original images and brushstrokes and styles. And those are things that are not covered by copyright law. So he doesn't think that collage is actually the right metaphor here". Even if the art is a collage, collages are often decided on a case-by-case basis, and often fall under fair use.

Many other artists find another fault with AI art. They believe it fundamentally violates the principles of why art is important. They view art as something defined by its expressiveness and creativity. If AI art simply takes people's art and smashes it all together, can it really be considered art? Harry Woodgate, a children's book author and illustrator, commented for The Guardian, saying, "these programs rely entirely on the pirated intellectual property of countless working artists, photographers, illustrators and other rights holders". Many believe that a system in which artists can not only choose to be in a database, but also be compensated for their art, is the only fair way in which AI art can be implemented. Despite these issues, AI art continues to grow in popularity. For the everyday user, it's a fun way to flex your creative muscles, and visualize anything you could ever imagine. Yet these companies' profits on the venture and the nature of AI art itself brings its morality into question.

Study Questions:

- Is it right for AI art companies to use public domain art for their sites without permission or compensation?
- Does this action violate Fair Use policy and Copyright Law?
- Is the consumption of AI art by users ethical, and by using these services, are you implicated in the moral dilemma of AI art?

Sources:

- [NPR Article](#)
- [The Guardian Article](#)
- [IET E&T Article](#)