



April 22, 2024

Emily Chapuis
Deputy General Counsel
U.S. Copyright Office
101 Independence Avenue, S.E.
Washington, DC 20559
via email to meft@copyright.gov

Re: Summary of April 22, 2024 *Ex Parte* Meeting About Artificial Intelligence Study
(Docket No. 2023-6)

Dear Ms. Chapuis:

Thank you for the opportunity to discuss some of the important issues involving copyright and artificial intelligence (“AI”) technologies during our April 22, 2024, *ex parte* meeting. We appreciate the U.S. Copyright Office’s careful review of the legal implications of how AI systems use copyright protected works and look forward to the Office’s determinations. This letter summarizes our discussion pursuant to the Office’s *ex parte* rules as set forth in 37 C.F.R. § 205.24.

The participants in the April 22 meeting, which was conducted via virtual videoconference, included: from the U.S. Copyright Office, Maria Strong, Emily Chapuis, Andrew Foglia, Jason Sloan, Chris Weston, and Isaac Klipstein; and, from the Copyright Clearance Center, Inc. (“CCC”), Tracey Armstrong, Haralambos Marmanis, PhD, and Catherine Rowland.

During the meeting, CCC discussed the importance of licensing generally, including voluntary collective licensing, as a solution for the use of vast amounts of copyright protected works. Ms. Armstrong mentioned CCC’s copyright.com website as a useful resource for AI-related information and specifically referenced two articles written for CCC, entitled “Collective Licensing and AI”¹ and “Licensing of Copyright-Protected Material for AI Makes Business Sense.”²

In addition to this foundational discussion, we focused on two main issues: (1) CCC’s efforts and progress in developing licenses to address the use of copyright protected content in AI

¹ Available at <https://www.copyright.com/wp-content/uploads/2023/10/Collective-Licensing-Artificial-Intelligence-Paper.pdf>.

² Available at <https://www.copyright.com/wp-content/uploads/2023/12/Gervais-Licensing-of-Copyright-Protected-Material-for-AI-Makes-Business-Sense.pdf>.

systems; and (2) the technical copying and storage of copyrighted works in AI systems and, in particular, in large language models (“LLMs”).

First, Ms. Armstrong explained that CCC has studied how rightsholders and users benefit from licensing solutions that enable providers of generative AI systems to responsibly use copyrighted content. Ms. Armstrong noted that CCC had discussions with a number of rightsholders and corporate users. These discussions provided insight into how corporate users of generative AI technologies are interested in using AI, including for analysis and text summarization. As well, CCC discussed our evolving use of text mining. The conversations also revealed that many corporate users are interested in efficient licensing solutions, including collective licenses. Additionally, discussions with rightsholders enabled CCC to better understand how rightsholders might be willing to license various AI uses.

Ms. Armstrong and I also discussed how CCC is building on this research to analyze and develop licensing solutions. CCC initially focused on a voluntary, non-exclusive, global collective solution for some uses of copyright protected works in connection with corporate organizations. Ms. Armstrong further noted that CCC anticipates providing additional information on the development of licensing solutions within the coming months. CCC is also looking at additional transactional and external licensing options. These solutions would be in addition to CCC’s existing licenses, including the RightFind XML offering that provides a content cloud with attendant rights for certain text and data mining uses.

Second, Dr. Marmanis discussed some of the technical aspects of how copying is taking place when content is ingested into LLMs and AI systems. Dr. Marmanis referenced recent CCC resources on this matter, including his recent blog “Heart of the Matter: Demystifying Copying in the Training of LLMs”³ and the publicly available recording of CCC’s recent LinkedIn Live Town Hall “The Heart of the Matter: Copyright, AI Training and LLMs.”⁴

Again, we appreciate the opportunity to discuss these important issues with you.

Sincerely,



Catherine Rowland
Vice President and General Counsel
Copyright Clearance Center, Inc.

³ Available at <https://www.dataversity.net/heart-of-the-matter-demystifying-copying-in-the-training-of-llms/>.

⁴ Available at <https://www.linkedin.com/events/theheartofthematter-copyright-a7157813380118933504/comments/>.