



Library Copyright Alliance Statement on Copyright and Generative Artificial Intelligence

In recent years, as its capabilities have progressed dramatically, generative artificial intelligence (GAI) has become the subject of heated policy discussions, proposed legislation, and litigation. On the one hand, GAI has the potential to serve as a powerful tool in virtually all fields of human endeavor. Libraries are particularly interested in GAI's ability to advance research, education, and creative expression, and to improve the efficiency and effectiveness of libraries. On the other hand, GAI unquestionably has the potential to disrupt many professions—including librarianship.

Some have sought to use copyright as a lever to slow the development of GAI, or to address other perceived threats posed by GAI not related to copyright. Such uses of copyright are inappropriate; copyright should be used only to achieve the policy objectives assigned to it by the Constitution's intellectual property clause, the Copyright Act, and the courts. In particular, copyright's ultimate objective is not to enrich copyright owners, but to promote the public good by encouraging creativity and the spread of knowledge. This ultimate objective must inform the intersection of copyright and GAI.

1. Adequacy of the U.S. Copyright Act

- The existing U.S. Copyright Act, as applied and interpreted by the courts, is fully capable at this time of addressing the intersection of copyright and GAI without amendment.
- The courts have the institutional capacity to evaluate the copyright implications of the many different fact patterns that may arise as GAI is developed and employed.

2. Training of Large Language Models

- Based on well-established precedent, the ingestion of lawfully accessed copyrighted works to train large language models (LLMs) is generally a fair use under 17 U.S.C. § 107.
- LLMs are trained on uncopyrightable elements such as ideas, facts, patterns, and correlations that are extracted from the ingested works.
- Courts have held that the training of LLMs is a highly transformative use of existing works.
- Because tens—if not hundreds—of millions of works are ingested to create an LLM, the contribution of any one work to the operation of the LLM is *de minimis*.

Remuneration schemes thus would provide limited revenue to individual creators, while inhibiting GAI research and startups to compete with industry giants.

- Copyright owners can employ technical means such as the Robots Exclusion Protocol to prevent their works from being used to train GAIs.

3. Infringing Outputs

- If a GAI produces a work that is substantially similar in protected expression to a work that was ingested by the GAI, then the new work infringes the copyright in the original work.
- If the original work was registered prior to the infringement, the copyright owner of the original work can bring a copyright infringement action for statutory damages against the user who prompted the GAI to produce the substantially similar work.

4. Protectability of Noninfringing Outputs

- Applying traditional principles of human authorship, a work that is generated using a GAI might be copyrightable if the prompts provided by the user sufficiently controlled the GAI such that the resulting work as a whole constituted an original work of human authorship.

5. Response to Disruption

- At this time, the overall impact of GAI on future creativity is speculative. Some creators may find it more difficult to flourish amid increased competition from works made with the assistance of GAI; others will benefit from production costs lowered and quality improved by GAI. As with other innovative digital technologies, GAI can be expected to increase the universe of people engaged in creative activities by reducing barriers to entry.
- Responses to the broad disruption GAI may cause should be developed on an economy-wide basis. The likely disparate impacts of GAI on labor, environment, education, and society may make it difficult to fashion effective responses in a dispassionate manner. Libraries are prepared to play their part in increasing AI literacy and retraining workers, activities called for in the White House AI Action Plan.
- Copyright law should not be treated as a means for addressing these broader societal challenges.

October 2025