CreativeFuture
Creativity. Innovation. Tomorrow.

23 October 2025

Michael Kratsios
Director, Office of Science and Technology Policy
Executive Office of the President
2415 Eisenhower Avenue
Alexandria, Virginia 22314

Dear Director Kratsios:

Thank you for your September 26, 2025 Request for Information on Regulatory Reform on Artificial Intelligence. Your attention to the rapid development of American AI tools is timely and welcome.

My name is Ruth Vitale, CEO of CreativeFuture, a nonprofit coalition of more than 500 companies and organizations and nearly 300,000 individuals devoted to promoting the value of creativity in the digital age.

The creative community supports AI innovation. Indeed, our industry is often at the forefront of leveraging technological developments that advance the art of storytelling.

At the same time, the film and television industry continues to face numerous challenges in the digital age, with digital piracy chief among them. The failure of AI companies to ensure IP protection in the design and deployment of their services will greatly exacerbate this problem.

Look no further than the recent studio lawsuits against U.S.-based Midjourney and China-based Minimax as examples of threats to be guarded against. Both well-funded, commercial AI services are infringing the studios' intellectual property to generate images and video featuring competing, indistinguishable copies of copyrighted characters, and using those infringements to attract users to their service.

The Request for Information (RFI) is correct in stating that the realization of the benefits of AI applications depends upon policy frameworks that "enable innovation while safeguarding the public interest," and that this "is critical to foster public trust in AI technologies, leading to broader deployment and faster adoption." Policies that fail to provide necessary incentives to AI companies to take early steps to safeguard the public interest – including the interests of creatives – will only undermine the public trust in AI technologies and, in the wording of the RFI, "hinder AI innovation [and] adoption."

Many of the Big Tech companies that are developing generative AI tools are the same Big Tech companies that built their original businesses on the backs of our American creative community, while seeking to shift accountability to others for the harms caused by their platforms.

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For years, Silicon Valley has rushed out products without reasonable guardrails, all while turning a blind eye to the obvious infringement – not to mention harm to children and society at large – their platforms perpetrate. Policies adopted in the early days of the internet (including the Digital Millennium Copyright Act and the Communications Decency Act) have been stretched beyond their limits and intended goals, thus enabling such behavior and the attendant harms.

Unfortunately, we are already seeing these companies seeking to implement the same strategies with AI, insisting that they be allowed to develop their products without meaningful accountability. The largest American AI companies and their venture capital backers are urging the U.S. Government to "clarify" that training on unlicensed creative content "is unequivocally fair use, through an Executive Order, an agency report, or other statement," while many of those same companies simultaneously disclaim any responsibility to limit their models' generation of outputs that infringe on the very same content used (without authorization) for training.

In true 1990s fashion, they argue that the responsibility for any harms caused by their models should be with the user, not the developers. (See, for example, comments from Andreesen Horowitz to the OSTP arguing that "[al]though certain uses of AI may pose risk of harm to consumers and individuals, such concerns counsel in favor of punishing those who cause such harms rather than preemptively burdening developers with onerous requirements designed to prevent myriad 'what if' scenarios that may never come to fruition.") This specious argument is nothing new. Moving fast and breaking things and subsequently blaming consumers for the resulting harms has always been the modus operandi of these companies.

Policymakers should act on the lessons of the past 30 years and reject calls to offload responsibility to users for the harms resulting from the failure of AI companies to build in appropriate safeguards to prevent foreseeable harms. Broad immunities under the Communications Decency Act and "notice-and-takedown" frameworks under the DMCA are inappropriate for, and should not be extended to, the generative AI systems.

Nor should policymakers allow AI services to shift responsibility for preventing infringement to copyright owners through a backwards "opt-out" system – along the lines of the approach abruptly announced and then walked back by OpenAI for its Sora 2 service – that allows AI companies to run roughshod over the rights of creatives unless and until they object. The law is clear: copyright is an opt-in system. It is not the obligation of the copyright owners to prevent infringing uses of their works by AI systems, but the obligation of AI developers to respect the exclusive rights of creatives in the design and deployment of their models.

CreativeFuture applauds the Administration's focus on ensuring that the U.S. secures its place as the global leader in AI, setting a gold standard that accelerates "beneficial AI deployment." We remain concerned that some, under the pretext of winning the global AI arms race with China, argue that AI companies should be allowed to play by unamerican rules, which will certainly result in unamerican results: abrogation of private property, weakening freedom of contract, and a severe undermining of the strength of American creative industries, along with the economic and soft-power benefits they bring to the U.S. on a global stage.

In reality, the U.S. competitive advantage in any technological race has always been rooted in property rights, free markets, freedom of expression and the rule of law. Abandoning these bedrock American principles in the name of competing with China will only cede our advantage. And it will not lead to the innovations advertised by AI companies advocating that we allow China to set the bar in areas like IP. We have seen this picture before. Failure to protect IP (and the broader public interest) up front will lead to the same problems these platforms have facilitated over the last two decades. Except this time, they will be occurring at a pace and scale that is exponentially greater.

As the saying goes: "Garbage in, garbage out," which will be true of both the specific outputs of irresponsible AI platforms and their impact on society. As Oren Cass recently observed, despite promising scientific innovation and leaps in knowledge, what these platforms are actually producing is "AI slop." The U.S. stands to lead in the global AI race by promoting policies that ensure AI models that are both powerful and trustworthy. And public trust in AI systems depends upon policies that provide necessary incentives to AI companies to protect the public interest – including the public interest in creativity driven by copyright – at the front end in both the design and deployment of their systems.

It is one thing to reform unnecessary red tape that may be hindering businesses – whether in the AI, creative, or any other industry space. It would be quite another to undermine intellectual property or absolve AI companies of what other scant accountability they have left by undercutting generally applicable laws governing legal responsibility for harms they cause.

On September 10, 2025, Deadline published an op-ed I penned titled "Big Tech Shouldn't Ignore AI's "Turbo-Charged Threat" In Digital Piracy Battle." The op-ed further details our points above and expands on the risks of allowing the unfettered growth of AI models unmoored from traditional accountability frameworks. It is attached or can be found at this link: https://deadline.com/2025/09/ai-piracy-copyright-ruth-vitale-column-1236509277/

Thank you again for your consideration of this matter. We look forward to further discussion on how to advance the benefits of AI innovation without harming the world-leading American creative industries or our country more broadly.

Regards,

Ruth Vitale
CEO, CreativeFuture

DEADLINE

Big Tech Shouldn't Ignore AI's "Turbo-Charged Threat" In Digital Piracy Battle
9.10.25
By Ruth Vitale

I stepped away from a three-decade career as a film executive, having championed independent films and the next generation of voices, to become the CEO of CreativeFuture in 2013.

It became clear to me that digital piracy posed a significant threat to the creative Industries. Nowhere was the threat greater than the indie film community that I helped build. And so I immersed myself in the remarkably different world of Washington, D.C., leading CreativeFuture – an organization that advocates for strong copyright protections for the millions of Americans working in the creative industries.

I was surprised to learn that among the main offenders in promoting the theft of our creative works were legitimate American companies such as Google and Facebook. Big Tech companies have become the most powerful in the world, in part by taking our copyrighted works without asking, giving them away for free, amassing billions of eyeballs and ad dollars in the process.

And they can do this because they have avoided nearly any accountability since the turn of the century.

Now, more than two decades into this work, we are witnessing the rise of a new, turbo-charged threat.

Generative AI, developed and implemented responsibly, can be an incredible tool, including for our creative community. But the Big Tech companies behind Generative AI learned early on that building a business using the creative works of others is easier without asking permission or compensating creatives. If we allow these massive companies to continue their "innovation" without respecting copyright, they will devastate our community.

I know what is at stake. I have seen firsthand how creativity can produce extraordinary works of art that enrich our lives while enthralling, inspiring, and employing millions. The film and television industry comprises 2.32 million U.S. workers and earns $229 billion a year. Of the 122,000 American businesses that make up this industry, 92 percent are small businesses that employ fewer than 10 people. We produce a $15.3 billion trade surplus, more than each of the telecommunications, transportation, insurance, or health care sectors.

The data bear out what I had always known in my heart – creativity is not just an important part of American life but is the backbone of our culture and economy.

For years, we have watched Silicon Valley rush out products without installing guardrails and ignoring the foreseeable infringement occurring on their platforms.

They are at it again. Under the pretext of winning the AI race with China, these companies are asking the White House and Congress to embrace an innovation-at-all-costs approach, again with no accountability. This, on the backs of my friends and colleagues who work tirelessly to make the entertainment the world loves. Have we learned nothing from the experience of the last 30 years of unaccountable Big Tech platforms?

Our Administration and Congress have a tremendous opportunity to ensure the United States' continued global leadership in artificial intelligence, but it need not and must not come at the expense of our creative community or the economic and cultural benefits it brings to our country.

Global AI competition is fierce, yes – China's advancement in this technology poses threats to economic competitiveness and national security. U.S. lawmakers have correctly condemned Chinese theft of U.S. IP to gain an advantage in the "AI arms race."

Apparently without recognizing the irony, the same AI companies who steal our work to build their models have complained vociferously about China's theft of *their* IP for DeepSeekAI.
But we win only if we insist on playing by our rules and not China's. The longstanding American commitment to the protection of intellectual property, free speech, and the rule of law are what have made us the most globally competitive nation on earth. If we lower our standards to mimic China's, then we cede our advantage and play into the hands of the Chinese.

We defeat China by preserving competition, free markets, property rights, and individual liberty. If we do this, we will protect the millions of blue-collar American workers that make our creative industry the envy of the world while also maintaining our leadership in AI technology.

We win by building AI systems that both consumers and businesses can trust – systems that stand on a bedrock of innovation, not IP theft or faulty data. The latter approach, often based on mass scraping of the internet, is already producing American chatbots with false and unreliable results, including the parroting of Chinese Communist Party propaganda in response to consumer queries.[1] We do not beat China, as we have countless times before, by following their rules of common property and State-mandated business practices.

Our Administration must remain steadfast in ensuring that those who put in the work receive the benefits of their efforts. Appropriating the work of others will lead to a broken system without guardrails or accountability. We know this because we have seen it happen with digital piracy over the last 20 years.

The stakes are even higher now. We can win the AI race – but only if we run it the American way.

[1] https://cdn.prod.website-files.com/67919c3b2972e57c613c2ea2/685b1a27a830fb5b6e7ff511_Sentinel Brief - Evidence of CCP Censorship in LLM Responses.pdf