# Advertising faces AI copyright crisis as studios and artists push back



As the integration of artificial intelligence (AI) into creative industries continues to escalate, the advertising sector faces significant challenges in reconciling the use of AI with respect for copyright and the livelihoods of artists. This discourse has intensified with prominent figures, including renowned filmmaker Hayao Miyazaki, voicing concerns about AI's implications for creativity. In a recently surfaced video from 2016, Miyazaki described AI technology as "an insult to life itself," highlighting his unwavering stance against incorporating AI into his artistic work. His remarks echo broader ethical debates regarding AI tools trained on copyrighted materials.

The controversy surged last month following the launch of a new image generator tool by ChatGPT, enabling users to create visuals reminiscent of Studio Ghibli animations based on personal photos and popular memes. The proliferation of Ghibli-style portraits online, including a social media profile update by ChatGPT CEO Sam Altman, raised questions about the legalities of using the Studio's iconic style. Artist Karla Ortiz conveyed her discontent to the Associated Press, stating, "That’s using Ghibli’s branding, their name, their work, their reputation, to promote (OpenAI) products. It’s an insult. It’s exploitation."

Amidst this backdrop, tech giants such as OpenAI and Google are lobbying for changes to copyright law that would permit the use of copyrighted materials for AI training under claims of fair use. Some jurisdictions, including Japan and Singapore, have already adapted their laws to facilitate this, while discussions continue in the UK and Hong Kong regarding similar modifications. Seth Hays, managing director at APAC Gates, noted that certain government proposals might allow for text and data mining exceptions to copyright, designed to attract investment and innovation in AI. However, critics maintain that such measures would undermine the principles of fair use, arguing that any increase in costs for AI platforms due to proper compensation for artists should be a consideration.

In addition to proposed legal frameworks, advocacy for new rights to protect creative works is emerging. For instance, the Japan Anime Association is calling for laws to safeguard the distinctive stylistic elements of specific anime creations. Hays argues for enhancing intellectual property (IP) laws, particularly those concerning modern challenges like deepfakes and trademark dilution, stressing that many countries need to recognise and develop these aspects of IP.

Contrasting perspectives are evident in the ongoing discourse. Marc Hoag, a California-based tech attorney with expertise in AI and copyright, suggests that claims of harm caused to creators by AI training are misguided. He posits that AI does not replicate works but instead transforms patterns. "Real harm happens at the output level, where end users intentionally misuse AI to clone or infringe," he explains. Hoag advocates for legislative exemptions that differentiate AI training from traditional copyright infringement.

The friction between technological advancement and artistic integrity has sparked a wave of copyright lawsuits from artists and publications, including high-profile cases against AI companies like OpenAI and Microsoft, alleging infringement upon artists' rights through the use of extensive digital image collections. In the advertising domain, agencies exhibit caution in navigating the murky legal territory surrounding the use of scrapped data for AI training. Michael Titshall, APAC CEO of RGA, asserts the necessity of proper enterprise agreements to clarify rights and responsibilities, emphasising that established principles of creativity and copyright must be upheld.

Organizations like BBDO have recognised the need to consider ethical implications in their use of AI technologies. Camilla Gleditsch, head of agency communications at BBDO Asia, pointed out that adherence to creative integrity is paramount, stating, "It’s not just about compliance—it’s also about creative integrity. AI should support great thinking, not shortcut it."

As lawmakers grapple with how to balance the interests of AI developers, creators, and consumers, many argue that fostering a fair compensation model for creators whose work is utilized in training AI could lead to enhanced creativity within the advertising sector. Gleditsch highlighted that while developing compensation models poses challenges, the overarching principle of acknowledging the creativity behind used works is vital for the industry's future.

Others, like Katya Obolensky, managing director at VCCP and a creator herself, propose a broader allowance for the use of training data without financial constraints, asserting that this could democratise creativity and innovation within the advertising space. She warns against concentrating too much power in the hands of affluent corporations, which could lead to imbalances in the industry.

RGA's Titshall echoes the sentiment that compensation needs to be aligned with traditional creative processes, where creators are rightfully rewarded for their unique talents. He posits that if AI solutions honour established compensation practices, it is possible to navigate the evolving landscape of advertising technology sustainably and ethically.

As this multifaceted discourse unfolds, the prevailing sentiment remains that the industry must tread carefully, respecting creators while exploring innovative avenues afforded by AI. The future will likely hinge on collaborative efforts to ensure that artistic contributions are acknowledged, thereby fostering a creative environment that is both innovative and respectful.

Source: [Noah Wire Services](https://www.noahwire.com)

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