

Sent April 3, 2023

To: The Honourable François-Philippe Champagne, M.P., Minister of Innovation, Science and Industry

Re: Canada's artists and creators are concerned about the Artificial Intelligence and Data Act

Dear Minister Champagne,

It has become widely recognized that certain artificial intelligence (AI) systems commonly known as "generative AI systems" may cause collective material, psychological, and/or economic harms to large groups of artists and creators by infringing upon their intellectual property rights during the development and/or use of those AI systems.

Generative AI systems are often trained using large volumes of text, images, audio, video, and/or other content scraped from the Internet without consent from creators. The systems are then used to generate text, images, audio, video and/or other content based on the scraped data.

Generative AI systems are already harming Canada's artists. See for example an article published by CBC News on January 23, 2023 entitled "This Sudbury, Ont., illustrator learned AI used his art without his consent," or an article published by The Toronto Star on February 2, 2023 entitled "Whose art is this, really? Inside Canadian artists' fight against AI."

The proposed "Artificial Intelligence and Data Act" - part of *Bill C-27: An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts (Digital Charter Implementation Act 2022)* - does not adequately ensure that Canada's artists and creators will be protected against collective harms caused by generative AI systems.

The proposed Artificial Intelligence and Data Act (AIDA) would impose unjust and undue material, psychological, economic, and legal burdens upon artists and creators in attempting to

seek legal remedy, financial compensation, or other recourse in the event that their intellectual property rights are violated by generative AI systems. This would represent a failure of your mandate to protect Canada's intellectual property and competitive advantage.

Therefore, we, the undersigned artists, creators, and concerned citizens and residents of Canada, urge you to take the following actions to better protect the intellectual property of Canada's artists and creators from harmful generative AI systems:

- (1) Separate AIDA from the rest of Bill C-27, and significantly amend or re-draft AIDA to:
 - (a) more precisely specify the criteria that constitute a high-impact system;
 - (b) automatically classify any generative AI systems that are developed using text, images, audio, video, or other content scraped from the Internet as high-impact systems;
 - (c) impose more detailed and specific requirements on system developers and service providers to ensure that risks to intellectual property rights are mitigated during the design of the system and throughout the system's lifecycle;
 - (d) make the proposed Artificial Intelligence and Data Commissioner an independent and nonpartisan officer of Parliament in order to ensure greater procedural fairness, transparency, and public oversight in Canada's AI regulation, including with regard to the concerns of artists and creators;
 - (e) build requirements for periodic review and periodic public consultation into the text of AIDA to guarantee that artists and creators will continue to have their voices heard as AI technologies continue to advance.

(2) Immediately begin launching a fair, transparent, and rigorous national consultation on artificial intelligence that is open to participation from all citizens and residents of Canada in order to:

- (a) more accurately identify public concerns regarding AI systems, as well as the potential impacts and harms that may be caused by such systems;
- (b) make targeted efforts to engage with artists and creators, as well as with other vulnerable groups that may be collectively harmed by AI systems, including (but not limited to) Black and Indigenous peoples, people of colour, LGBTQ2S+ people, people with disabilities, and low-wage workers;
- (c) strengthen the general public's trust in and awareness of the federal government's regulatory initiatives on AI.

With this letter, we have included [a document explaining](#) in greater detail why AIDA is inadequate for Canada's artists and creators. We urge you to review it and to act upon our concerns.

Sincerely,

Blair Attard-Frost, PhD Candidate, University of Toronto Faculty of Information

Ana Brandusescu, AI Governance Researcher

Tanya Kan, Director and Executive Producer, Vivid Foundry

laura weir, Author, Educator, & Creator

Michael Ferretti, Visual Designer & Illustrator

Audrey Prieur, Security Engineer and Researcher

Amy Buck, Teacher, OISE

Jon Lam, Senior Storyboard Artist at Riot Games

Jean-Baptiste Monge, French and Canadian Artist/author in my own publishing company
Goblin's WAY and Character designer 2D/3D Freelance for big entertainment companies around
the world

Saga Smith, BFTV Student, Sheridan College

Christelle Tessono, Technology Policy Researcher

Rob Davidson, Data Scientist & Researcher

Kai-Hsin Hung, PhD Candidate, HEC Montréal

Sam Braithwaite, Post Secondary Professor Animation

Raelyn Chartier, Independent Artist

Hideki Yumitani, Storyboard Artist

Hailey Ford, Art student

Michèle Champagne, Artist, Alumni of University of Toronto Faculty of Information

Rhian Herrington, Anthropology student

Joey Nicholson, Tattoo artist

Jake Zetter, Associate Concept Artist, Gearbox Software

Marco González, Freelance Illustrator and Game Artist

Yan Gagné, Studio's lead, author and artist

Jonathan Tiong, Senior Concept Artist at Blackbird Interactive

Nicolas Ménard, Animation Director

Ming Gao, Freelance illustrator and merch artist

Niko Gesell, Associate Artist at Blizzard Entertainment

David Coacci, Graphic Designer and Illustrator

Laura Tryon, Illustrator, 2D Rigging Artist, Storyboard Artist

Kevin Picquart, Freelance Graphic Designer and Illustrator

Nichelle Lewis, Design Director at ReachEcomm & Freelance Graphic Designer & Illustrator

Maggie Lasko, Animation Character and Prop Designer

Sam Kalensky, Concept artist and Character designer

Sedona Parnham, Gameplay Animator at Digital Extremes

Jack Bergen, Art student

Lucas Duff, Artist and Content Creator

Tracy Strong, 2Dfx designer

Vickie Roy, Freelance Illustrator

Michael Freiberg, Aspiring Artist

A-V. Goyer, Illustrator and graphic designer

Zilong Ye, Game Engineer and Artist

Tyler Aubie, Graphic Designer

Leisha Riddel, Art Director

David Yu, Illustrator and Concept Artist

Alexander Smith, Expense Analyst and Aspiring Artist

Danielle Chaudhry, Graphic Designer and Artist

Connor Fischer, Concept Designer & Illustrator

Piper Thibodeau, Illustrator and Character Designer

Louisa Collier, Digital Illustrator, Designer and Filmmaker; Co-Founder of I.T.H Productions.

Colin Clark, Media Artist and Associate Director, Inclusive Design Research Centre, OCAD University

Sol Escalada, Visual Designer

Edward Kinslow, Freelance Digital Artist

William Scott Forbes, Art Director, Illustrator & Comic Book Artist

Laura Martin, Digital Matte Painter, Outpost VFX

Sam Yang, Digital Illustrator, Youtube content creator

Anna Artyushina, Ph.D. Candidate in Science and Technology Studies, Research Fellow in Data Governance, York University

Stuart Ng, Senior Concept Artist, Relic Entertainment

Neil Gray, freelance illustrator & concept artist

Mel Molinar, Animation Student

David Kan, Independent Artist

Justin Kui, Digital Artist

Adam Chow, Illustrator

AJ Sedge, Writer