



October 27, 2025

Response to the Office of Science & Technology Policy’s Request for Information on Regulatory Reform on Artificial Intelligence

The News/Media Alliance (“N/MA”) welcomes the opportunity to provide these comments to the Office of Science and Technology Policy (OSTP) in response to the Request for Information on Regulatory Reform on Artificial Intelligence, 90 Fed. Reg. 46,422 (Sep. 26, 2025).

N/MA is a nonprofit organization representing over 2,200 diverse newspaper, magazine, and digital media publishers in the United States, ranging from the largest news and magazine publishers to hyperlocal newspapers, and from digital-only outlets to papers who have printed news for centuries. Covering all subject matter and political viewpoints, the Alliance’s membership accounts for nearly 90 percent of the daily newspaper circulation in the United States, over 500 individual magazine brands, and dozens of digital-only properties.

N/MA agrees with President Trump’s recent statement that, in order to win the AI race, “we want to have rules, but they have to be smart. They have to be brilliant. They have to be more brilliant than even the technology itself.”¹ In considering regulatory reforms, OSTP has the opportunity to enhance the adoption and innovation in emerging AI uses by reducing obstacles to cooperation between AI developers and the creative industries, two sectors that exemplify American leadership and success. In particular, OSTP’s recommendations should account for the following points:

- **Robust intellectual property supercharges AI innovation and development.** American IP is a competitive advantage in the AI race. Our creative and technology industries power America’s influence in the world and, when our IP systems work properly, support each other to create new innovations, increase global markets, and advance the progress of arts and science. Our IP system is flexible and strong, and plays an important role in protecting our national security interests. Uncertain or lax IP laws would threaten

¹ Justin Hendrix, *Transcript: Donald Trump’s Address at ‘Winning the AI Race’ Event*, TECH POLICY PRESS, JUL. 24 2025, <https://www.techpolicy.press/transcript-donald-trumps-address-at-winning-the-ai-race-event/> (last visited Oct. 23, 2025).

America's innovation economy, and allow our global competitors to profit off American IP.

- **AI development and adoption can accelerate by incentivizing marketplace licensing and collaboration.** American IP-intensive industries operate through voluntary licensing solutions that drive revenue and support innovation, content creation, and employment. The Administration should use its influence to encourage private sector partnerships to provide investment certainty around uses of copyrighted content, including access to quality curated datasets for training and grounding.
- **Transparency requirements support AI development, adoption, and competition in the marketplace.** Too many AI models and products are currently clouded by doubts about their provenance, accuracy, and safety, including with regard to whether the content they have been trained on is infringing, or contributes to bias and misinformation. Training transparency can facilitate trust in AI by allowing stakeholders to evaluate bias, reliability, and other key criteria. Obliging bots which crawl and scrape content for AI exploitation to identify themselves and their purpose will allow publishers and website operators to exercise choice and control over their content. The Administration should support reasonable training and crawling transparency rules.
- **AI development is hindered by uncertainty regarding copyright exceptions.** Text and data mining exceptions adopted in other countries do not work and have not increased in AI innovation or development. Instead, they place unreasonable burdens on rightsholders, amounting to state-sanctioned theft of American creativity while failing to resolve marketplace uncertainties over the scope of permitted uses. The Administration should continue to safeguard American IP and oppose widened exceptions.
- **Insufficient competition law enforcement can hurt publishers and Little Tech, harming innovation and consumer choice in the AI marketplace.** Smaller developers are already developing novel attribution technologies and establishing sustainable business models that provide economic certainty. History demonstrates that monopoly practices can stifle innovation and ultimately deprive consumers of technological breakthroughs. The Administration should continue to vigilantly enforce competition law, building on recent wins in district courts.

This Request for Information comes at an important juncture in AI development. The proliferation of AI models and applications in the past three years presents substantial potential benefits to American society, but AI progress need not come at the expense of the creative industries. N/MA and our members strongly support responsible AI development, with many publishers already using AI and developing new applications for it in the newsrooms. But publishers should not be required to subsidize AI development by giving up their content to power services which compete unfairly with them. The Trump Administration should continue

to defend strong IP and set a market-driven approach to AI innovation and regulation. American AI leadership is strong *because* of our intellectual property protections, not in spite of them.

Robust Intellectual Property Facilitates AI Innovation and Development

The United States legal system is built on respect for individual property rights and the Trump Administration rightly emphasized the need to respect IP rights and support American businesses, noting that “[j]ust as we protect our physical property, we will not tolerate the theft of our intellectual property, and we will defend our businesses and people from those who are seeking to steal American jobs and wealth.”² Intellectual property is a key ingredient in America’s global success story, whether through literature, journalism, film, music, software, patent innovation, or brand recognition. In 2023, the core copyright industries contributed a record \$2.09 trillion to the U.S. economy, producing \$272.6 billion of foreign sales and exports, and employing over five percent of the U.S. workforce.³ There is effectively no section of the economy that is not protected or benefited by intellectual property, with stakeholders regularly relying on the legal consistency and predictability required for continued investments. At the same time, America is home to most of the world-leading technology and AI companies whose revenues amount to billions. Our IP protections do not present barriers to AI development or adoption – but instead give the United States a competitive advantage over countries with weaker IP protections and creative sectors.

U.S. copyright law is capable and sufficient to address AI-related legal and practical challenges as well as technological developments, balancing the rightsholders’ exclusive rights to control use of their creative works with appropriate exceptions and limitations. The American system has a uniquely successful track record in addressing new technologies, ranging from the photocopier to the VCR and from the internet to streaming services, without sacrificing our

² *World Intellectual Property Day, 2025*, THE WHITE HOUSE (Apr. 26, 2025), <https://www.whitehouse.gov/presidential-actions/2025/04/world-intellectual-property-day-2025/> (“Just as we protect our physical property, we will not tolerate the theft of our intellectual property, and we will defend our businesses and people from those who are seeking to steal American jobs and wealth. ... Our economy is the greatest in the world because we, more than any other country, incentivize individuals to dream big, take risks, and make the impossible possible. Through our promotion and protection of intellectual property, we are empowering musicians, writers, authors, scientists, and inventors to focus on what they do best.”); *Fact Sheet: President Donald J. Trump Restores American Competitiveness and Security in FCPA Enforcement*, THE WHITE HOUSE (Feb. 10, 2025), <https://www.whitehouse.gov/fact-sheets/2025/02/fact-sheet-president-donald-j-trump-restores-american-competitiveness-and-security-in-fcpa-enforcement/> (“Every policy must be geared toward that which supports the American worker, the American family, and businesses, both large and small, and allows our country to compete with other nations on a very level playing field.”).

³ JÉSSICA DUTRA AND ROBERT STONER OF SECRETARIAT, INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2024 REPORT (Feb. 2025), https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf.

cultural leadership. Our judicial system is designed to resolve novel issues concerning unauthorized uses of protected content in a flexible and nuanced way, with courts across the country currently still weighing questions concerning AI and copyright – setting the “smart rules” that will be needed for the next century. AI developers and rightsholders agree that the courts are expected to be able to resolve these issues in a manner that allows AI technology to flourish without sacrificing IP protections with OpenAI noting that U.S. copyright law provides “a sound foundation on which the courts can build as cases arise.”⁴

To be clear, robust IP protections and AI innovation go hand in hand. Publishers produce and distribute new, original works that are vital inputs for AI systems. News content is a particularly critical input for AI models. In fact, news content is up to 100x overrepresented in some of the most popular training data sets. In addition to their value for training, news websites are heavily depended upon as up-to-the-minute information sources that LLMs use to supplement their models through retrieval augmented generation (RAG) or grounding.⁵ As OpenAI’s Josh Tobin has noted, “the quality of the data that you put into the model is probably the biggest determining factor in the quality of the model that you get on the other side.”⁶ Reputable publisher content helps mitigate against AI systems producing hallucinations or untrustworthy outputs as well as model failure. The widespread public distrust of the accuracy of AI outputs is an impediment to AI adoption and industry growth, as “66% of adults overall and 70% of [AI] experts are highly concerned about people getting inaccurate information from AI.”⁷ Model collapse, meanwhile, results from generative AI systems relying on (AI generated) synthetic content for training, leading to the gradual degradation of the model:

For instance, start with a language model trained on human-produced data. Use the model to generate some AI output. Then use that output to train a new instance of the

⁴ Meta, Comments in Response to the U.S. Copyright Office Notice of Inquiry on Artificial Intelligence & Copyright (Dkt. 2023-6) at 19 (Oct. 30, 2023) (“The AI industry is in its infancy, and the United States has the enviable position of leading the world in AI innovation and development due to its long-standing and principled approach to copyright law, which has made this country both a creative and technological leader”); OpenAI, Comments in Response to the U.S. Copyright Office Notice of Inquiry on Artificial Intelligence & Copyright (Dkt. 2023-6) at 16 (Oct. 30, 2023) (“As yet, the courts have not had an opportunity to pass on most of the questions raised in the NOI ... OpenAI believes that the existing provisions of U.S. copyright law provide a sound foundation on which the courts can build as cases arise.”).

⁵ See News/Media Alliance, White Paper: How the pervasive copying of expressive works to train and fuel generative artificial intelligence systems is copyright infringement and not a fair use (“AI White Paper”), <https://www.newsmediaalliance.org/wp-content/uploads/2025/02/AI-White-Paper-with-Technical-Analysis.pdf>.

⁶ TRAINING DATA, *Episode 31, OpenAI’s Deep Research Team on Why End-to-End Training is the Future of AI Agents*, (Sequoia Capital, Feb. 25, 2025), transcript available at <https://www.sequoiacap.com/podcast/training-data-deep-research/>.

⁷ Colleen McClain et al., *How the U.S. Public and AI Experts View Artificial Intelligence*, PEW RESEARCH CENTER (Apr. 3, 2025), <https://www.pewresearch.org/internet/2025/04/03/how-the-us-public-and-ai-experts-view-artificial-intelligence>

model and use the resulting output to train a third version, and so forth. With each iteration, errors build atop one another. The 10th model, prompted to write about historical English architecture, spews out gibberish about jackrabbits.⁸

The success of AI development is yoked to the sustainability of the U.S. creative industries and our intellectual property markets remaining vibrant and sustainable in the long term, incentivizing the continued investment in new, original content. Attempts to incentivize one industry at the expense of the other would ultimately harm both.

Internationally, our IP laws are uniquely situated to protect and facilitate U.S. economic growth and American creation and innovation, setting us apart from countries like China with lax IP frameworks. Diluting U.S. IP protections would not elevate American innovation but rather would fuel a “race to the bottom”, where the benefit skews to other countries, making American content freely available for use by foreign interests and adversaries – with no adequate safeguards or enforcement mechanisms for American creators. American AI companies are well equipped to compete without violating our laws or obtaining regulatory concessions to the same effect, and have a long-term interest in sustaining sectors that produce content necessary for the operation of their models.

As OSTP evaluates how to separate out the smart rules that safeguard American advantages while lessening unnecessary barriers to innovation and creativity, we note that the triennial rulemaking under Section 1201 of the Copyright Act⁹ has proven itself nimble, flexible, and able to quickly synthesize a broad range of stakeholder and agency input. Over time, this process has adopted exemptions covering a range of activities, including security testing, device repair, educational uses, and facilitating accessibility for people with disabilities, while rejecting exemptions that would result in widespread piracy or otherwise harm IP interests without yielding significant public benefits. While several exemptions are now longstanding, the triennial design allows rules to react to changing conditions without ossifying into regulatory obstacles or state-sanctioned redistribution of valuable IP. It should be maintained.

Support for Marketplace Solutions Will Help Scale AI Innovation, Adoption, and Competition

Voluntary content licensing solutions and collaboration are foundational to well-functioning creative and technology industries, benefiting the overall economy and helping ensure that

⁸ Rahul Rao, *AI-Generated Data Can Poison Future AI Models*, SCIENTIFIC AMERICAN (Jul. 28, 2023), available at <https://www.scientificamerican.com/article/ai-generated-data-can-poison-future-ai-models/>.

⁹ The triennial rulemaking is a periodic exercise that considers temporary, three-year exemptions to the anti-circumvention provisions of Section 1201 which generally prohibit the circumvention of technological measures that control access to protected works. The process includes public comment and hearings, organized by the Copyright Office, in consultation with other agencies.

“American AI technology continues to be the gold standard worldwide.”¹⁰ As the road from the Napster era to the streaming economy and beyond shows us, licensing solutions promote innovation and reduce obstacles in product design and consumer adoption. Industry partnerships are critical to aligning around AI principles and enabling content providers to be consulted early on in the product development cycle, unlocking insights and accelerating innovation and experimentation. Collaboration can provide publishers with important revenue streams and AI companies with legal and investment certainty, access to curated datasets for training and grounding, and knowledge that the content they are using is of high quality. Without such partnerships, AI companies would be cabined to designing-around infringement risks, while rightsholders’ incentives to create new works would be hampered – ultimately reducing the availability of reliable AI inputs.

N/MA strongly supports voluntary licensing, both collective and individual, and believes that market-based approaches can best evolve in response to technological and market changes. Already, over 150 licensing deals between rightsholders and AI developers have emerged in just a few years.¹¹ Indeed, the courts have recognized the existence of licensing markets for AI use cases, acknowledging the importance of such markets to ensure sufficient incentives for creation.¹²

The Administration should allow this burgeoning AI marketplace to continue to grow. Regulations or policies that hinder or discourage marketplace licensing solutions could seriously hamper AI innovation, development, and adoption. The Administration should use its powers as appropriate to encourage private licensing agreements. In addition to direct deals, voluntary

¹⁰ LIVENOW FROM Fox, *J.D. Vance, Speech at Paris AI Summit 2025* (YouTube, Feb. 11, 2025), <https://www.youtube.com/watch?v=64E9O1Gv99o>.

¹¹ See, e.g., Trishla Ostwal, *Dow Jones Wins AI Licensing Deals with More Than 4,000 News Outlets Like the AP*, ADWEEK (Nov. 12, 2024), <https://www.adweek.com/media/dow-jones-lands-more-than-4000-ai-licensing-deals-with-news-outlets-like-the-ap/> (reporting on Dow Jones’ recent deals with other publishers); Ella Creamer, *HarperCollins to Allow Tech Firms to Use Its Books to Train AI Models*, THE GUARDIAN (Nov. 19, 2024), <https://www.theguardian.com/books/2024/nov/19/harpercollins-tech-firms-books-train-ai-models-nonfiction-artificial-intelligence> (discussing HarperCollins’ licensing deal with an AI developer); Kyle Wiggers, *Perplexity Expands Its Publisher Program*, TECHCRUNCH (Dec. 5, 2024), <https://techcrunch.com/2024/12/05/perplexity-expands-its-publisher-program/> (discussing the second cohort of Perplexity’s Publish Program); Michael M. Grynbaum & Cade Metz, *The Times and Amazon Announce an A.I. Licensing Deal*, THE NEW YORK TIMES (May 29, 2025), <https://www.nytimes.com/2025/05/29/business/media/new-york-times-amazon-ai-licensing.html> (discussing the New York Times’ deal with Amazon); Jessica Davies, *Condé Nast and Hearst Strike Amazon AI Licensing Deals for Rufus*, DIGIDAY (Jul. 10, 2025), <https://digiday.com/media/conde-nast-and-hearst-strike-amazon-ai-licensing-deals-for-rufus/> (discussing publisher deals with Amazon’s Rufus shopping assistant); *Announcing Comet Plus Launch Partners*, PERPLEXITY BLOG (Oct. 1, 2025), <https://www.perplexity.ai/hub/blog/announcing-comet-plus-launch-partners> (announcing the launch partners for Perplexity’s Comet Plus).

¹² See, e.g., *Thomson Reuters Enter. Ctr. GmbH v. Ross Intel. Inc.*, 2025 U.S. Dist. LEXIS 24296, at *27-29 (D. Del. Feb. 11, 2025).

collective licensing can provide easy and efficient access to vast amounts of data by allowing developers to access multiple rightsholders in one place and promote administrative efficiencies, benefiting established tech companies and startups alike. For example, this spring, N/MA announced an AI licensing partnership with ProRata.ai, offering its members the opportunity to opt into a content license with ProRata AI for use with its Gist.AI product.¹³ ProRata has already signed up over 700 trusted publications, and offers an AI search engine that includes output-based attributions.¹⁴ Multiple emerging opportunities are emerging for AI companies to acquire and license content at scale, using different value propositions via marketplaces or other platforms (pay per access, revenue sharing, pay per use etc.). The Administration should encourage the development of multiple options to create competition, increase supply and enable the marketplace to determine the best offerings. This cannot happen in the absence of incentives for AI companies to transact.

By providing certainty in the supply channel, licensing may even reduce excess scraping, lowering energy and bandwidth costs, and promoting data consistency and authority.¹⁵ Data partnerships can guarantee AI developer access to trusted web providers, along with accompanying metadata and provenance information, allowing for more targeted content acquisition strategies, including for real-time uses such as retrieval augmented generation (RAG). Currently, unauthorized scraping is straining publishers' bandwidth, forcing enhanced blocking techniques. A recent study by TollBit shows that scraping increased 87 percent in the first quarter of 2025, and by the end of Q2, 1 out of every 50 website visitors was AI as compared to a human. And 13.3% of AI bot visits bypassed robots.txt directives. The Wikimedia Foundation, meanwhile, announced earlier this year that the downloading of multimedia content has increased by 50 percent since January 2024, largely due to AI scraping, with 65 percent of the Foundation's most expensive traffic now coming from bots.¹⁶

Transparency Requirements Can Increase Competition, Innovation, and Adoption of AI Tools

Targeted requirements which require AI companies to be less opaque about how they collect and use content for training and grounding are not a barrier to AI development and adoption. Rather, the lack of such obligations pose a risk to developers, the public, and rightsholders alike. Right-size training and crawling identity and purpose disclosure rules increase public trust

¹³ Sam Quigley, *News/Media Alliance Announces AI Licensing Partnership with ProRata*, NEWS/MEDIA ALLIANCE (Mar. 26, 2025), <https://www.newsmediaalliance.org/prorata-licensing-partnership/>.

¹⁴ ProRata, *ProRata AI*, <https://prorata.ai/> (last visited Oct. 23, 2025).

¹⁵ Compare Josh Emanuel, *The Looming Crisis of Web-Scraped and Machine-Translated Data in AI-Language Training*, APPEN (Apr. 4, 2024), <https://www.appen.com/blog/web-scraped-and-machine-translated-data-in-ai-language-training>.

¹⁶ Birgit Mueller, Chris Danis, and Giuseppe Lavagetto, *How crawlers impact the operations of the Wikimedia projects*, DIFF (Apr. 2025), <https://diff.wikimedia.org/2025/04/01/how-crawlers-impact-the-operations-of-the-wikimedia-projects/>.

in AI models and applications, reduce burdens on publishers, increase competition, and advance national security interests.

Training Transparency

Requiring AI companies to disclose more about the materials used to train AI systems give customers, the public, policymakers, and publishers valuable insights into the types and sources of data used in the creation of the underlying model. These insights facilitate trust in AI by allowing us to evaluate bias, reliability, and other key criteria when it comes to model performance and the reliability of AI outputs, and can be implemented in a way that protects legitimate trade secrets. Balanced disclosure requirements also assist rightsholders in identifying the use of their content, protecting their works from unauthorized uses and facilitating efficient licensing negotiations.

Responsible Crawling

Transparency should also apply to bots which crawl and scrape the internet for AI training or retrieval purposes, often anonymized, disguised, or otherwise unidentifiable. It would be feasible, practical and beneficial if bots disclosed their identity and purposes, which would enable website operators and rightsholders to signal to such bots, by machine readable means or other technical measures, whether they wish to permit activity related to exploitation of their content for AI. The lack of bots to disclosing their identity and purposes results in publishers being forced to consider blunt blocking strategies that affect a broad range of uses, including ones they would otherwise allow, and additional defensive measures such as paywalls. AI companies claim to respect machine readable protocols which can be used by website operators to signal whether they wish to permit crawling by bots, but many bots simply disregard this and crawl anyway, and evade identification by hiding their identity. In the AI age, it is becoming essential to “know your bot” which would facilitate greater adherence and respect for the preferences, terms and conditions of web operators.¹⁷ Unfortunately it is clear that in practice, the long-outdated robots.txt standard is not for purposes when it comes to the needs of users and AI companies.¹⁸

Transparency and disclosure protocols can also promote competition in the AI sector by allowing corporate buyers and the general public to better evaluate competing products. Such measures can also advance national security interests by providing a better understanding of

¹⁷ Leah Romm and Sebastian Hufnagel, *To build a better Internet in the age of AI, we need responsible AI bot principles. Here's our proposal.*, CLOUDFLARE (Sep. 24, 2025), <https://blog.cloudflare.com/building-a-better-internet-with-responsible-ai-bot-principles/>.

¹⁸ See, e.g., David Pierce, *The text file that runs the internet*, THE VERGE (Feb. 14, 2024), <https://www.theverge.com/24067997/robots-txt-ai-text-file-web-crawlers-spiders>.

what powers foreign AI models, and help assess illicit activities, including IP or technological theft, privacy and surveillance concerns, and political interference.

Multiple bills have been introduced into Congress to address training transparency issues. To ensure continued leadership in AI innovation and our creative economy, the Administration should encourage private sector efforts and support the deliberation and passage of legislation to require fair disclosures regarding training data sets and measures to oblige bots to identify themselves and their purpose.

International TDM Exceptions Harm Rightsholders and Hamper AI Development

U.S. copyright law is fundamentally opt-in, meaning that the copyright owner has the right to grant permission for otherwise infringing uses. Text and data mining (TDM) exceptions – some of which are currently being considered in various countries¹⁹ – are largely unworkable with minimal benefits, including in the EU where even after six years from adoption “there remains significant uncertainty in respect of its application to TDM and the opt-out mechanism.”²⁰ These exceptions make valuable American IP more vulnerable to abuses overseas by operating as a backdoor to the uncompensated taking of American property by foreign AI developers. They also overregulate content producers and turn IP law and free market licensing upside down, while have not led to noticeable increase in overseas AI innovation. Instead, American AI companies still dominate the field.

While many TDM exceptions are paired with an option for rightsholders to opt out from such uses, in practice opt-out approaches and technical options are unclear and inadequate. Most recently, the profound problems with an opt-out approach were on full display with OpenAI’s changes to its Sora 2 social video app, initially asking rightsholders to opt out of such uses.²¹ Following a swift backlash, OpenAI announced it would backtrack to “give rightsholders more granular control over generation of characters, similar to the opt-in model for likeness but with additional controls.”²²

¹⁹ See, e.g., Digital Creators’ Coalition, DCC Written Comments in Response to USTR’s Request for Comments Regarding the 2025 Special 301 Review (Docket No. USTR-2024-0023 89 Fed. Reg. 97161) (Jan. 27, 2025).

²⁰ Sarah Wright et al., *Interplay of AI and Copyright Law: How Do the Options Proposed in the UK’s Recent Consultation Compare with the EU’s General TDM Exception?*, CMS LAW-NOW (Jan. 30, 2025), <https://cms-lawnow.com/en/ealerts/2025/01/interplay-of-ai-and-copyright-law-how-do-the-options-proposed-in-the-uk-s-recent-consultation-compare-with-the-eu-s-general-tdm-exception>.

²¹ Scott Rosenberg, *AI video’s empty new world*, AXIOS (Oct. 2, 2025), <https://www.axios.com/2025/10/02/openai-sora-slop-brainrot-videos>.

²² Alex Weprin, *OpenAI Promises “More Granular” Control of IP in Sora After Hollywood Characters Flood Video App*, THE HOLLYWOOD REPORTER (Oct. 3, 2025), <https://www.hollywoodreporter.com/business/digital/openai-walks-back-opt-out-sora-video-app-ip-characters-1236393079/>.

When opt-outs are required and expressed, publisher preferences must be respected, but beyond individual terms of service, effective and sufficiently granular tools do not yet functionally exist at scale. In any event, the continuous monitoring of crawlers, AI developers, and intermediaries is next to impossible – especially for small and medium-sized IP owners – while the lack of widely adopted and effective work-level or website-level preference signals also does not provide AI developers with sufficient security and certainty over allowed uses.

To incentivize AI development and adoption, the Administration should build upon the first and current Trump Administration’s continued commitment to protecting IP in the AI environment by opposing foreign countries from adopting expanded TDM exceptions and opt-out requirements.²³

Rules around Liability Can Be Clarified to Remove Barriers to AI Innovation

As AI uses increase, users and other stakeholders need clarity over who is responsible for the actions of AI models and systems. AI operates differently to technologies that have come before, and developers have the ability to implement meaningful guardrails that steer AI outputs. For example, during last Congress, Senators Hawley and Blumenthal introduced the No Section 230 Immunity for AI Act²⁴ to clarify that Section 230 of the Communications Decency Act does not apply to claims based on generative AI. The Administration should decrease barriers to AI adoption by supporting efforts to clarify liability standards and protect consumers.

Competition Law Enforcement Protects Small Tech and Rightsholders

America’s AI leadership depends on effective competition laws. Competition enforcement by Government agencies helps set a fair marketplace and ensure Little Tech is not squashed by Big Tech, who have more resources. In fact, it is often smaller AI developers who develop innovative business models that are based on ethical licensing.²⁵ These start-ups aim to license IP in a sustainable manner that protects their AI business interests but also incentivizes the

²³ See, e.g., *G7 Statement on AI for Prosperity* (June 17, 2025), <https://g7.canada.ca/assets/ea689367/Attachments/NewItems/pdf/g7-summit-statements/ai-en.pdf> (confirming “the need to respect intellectual property rights in enabling these efforts” to accelerate AI readiness and competitiveness); *Artificial Intelligence for the American People*, THE WHITE HOUSE (2020), <https://trumpwhitehouse.archives.gov/ai/> (last visited Mar, 14, 2025) (“The United States has long been a champion and defender of the core values of ... respect for intellectual property, and opportunities to all to pursue their dreams. The AI technologies we develop must also reflect these fundamental American values and our devotion to helping people.”).

²⁴ S. 1993, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/1993>.

²⁵ See, e.g., BRIA, *BRIA AI*, <https://bria.ai/> (last visited Oct. 23, 2025) (“Visual Gen AI Platform for Developers, Trained with 100% Licensed Data”); ProRata, <https://prorata.ai/> (“Our goal is nothing less than making sure that there is a thriving ecosystem of creators, businesses, and consumers that benefit from the emerging world of zero-click search.”).

production of new original content. The Administration should stay vigilant on Google and other potential monopolists in the AI space – including practices that tie AI services and crawling with traditional search and other unrelated services, effectively forcing rightsholders to accept AI uses – especially in light of the historic victories this Administration has secured in district courts when it comes to anticompetitive conduct by Google in search and ad tech contexts.

Conclusion

American IP laws support and facilitate America’s world-leading creative and AI industries, to the benefit of our national economy and security interests. To accelerate continued success, this Administration should encourage market-based licensing solutions and partnerships, push for the adoption of adequate transparency measures, continue to robustly enforce competition law, and push against international efforts to weaken American IP through exceptions and limitations.

Thank you for the opportunity to provide comments. We stand ready to answer any follow-up questions.