

**Before the
UNITED NATIONS SPECIAL RAPPORTEUR
IN THE FIELD OF CULTURAL RIGHTS**

**Call for Contributions on Artificial
Intelligence and Creativity**

Submitted: May 5, 2025

**COMMENTS OF THE
MOTION PICTURE ASSOCIATION, INC.**

1. The Motion Picture Association, Inc. (“MPA”) appreciates the opportunity to submit the following comments in response to the Call for Input (“CFI”) on Artificial Intelligence (“AI”) and Creativity to inform the report of the Special Rapporteur in the field of cultural rights.¹
2. MPA is a not-for-profit association founded in 1922 to address issues of concern to the motion picture industry. Over its more than 100-year history, MPA has grown to become the premier global advocate of the film, television, and streaming industry. MPA’s members are: Amazon Studios LLC; Netflix Studios, LLC; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Entertainment Inc. MPA’s members and their affiliates are the world’s leading producers and distributors of filmed entertainment in the theatrical, television, and home-entertainment markets.
3. At its core, the film, television, and streaming industry is about creative expression through storytelling. It’s about stories that shape, inspire, and expand our worldview. In discussing cultural rights, the CFI describes “the rights of each person [...] to develop and express their humanity, their world view and the meanings they give to their existence and their development.”² That is exactly what storytelling is all about—the human experience, free expression, and the creativity to weave the two together to craft compelling narratives about the world around us and bring imagined worlds to life.
4. Humans are, and will remain, at the heart of the creative process. At the same time, all throughout history, technology has played an important role in aiding and enhancing human creativity and storytelling. Indeed, for over a century, the studios represented by MPA have

¹ U.N. Off. of the High Comm’r, Call for Input: Call for contributions on artificial intelligence and creativity, OHCHR (2025), <https://www.ohchr.org/en/calls-for-input/2025/call-contributions-artificial-intelligence-and-creativity>.

² *Id.*

employed innovative new technologies to tell compelling stories to audiences around the globe. From the introduction of synchronized recorded sound in the 1920s and color in the 1930s, to the development of innovative production tools like motion capture and “green screen” technologies, to the dazzling visual and special effects that creators have brought to cinema for more than a century, MPA’s members have long used technology to allow filmmakers to bring their vision to the screen in the most compelling way possible. Artificial intelligence is just the latest in a long line of technological innovations, and, like technologies before it, AI has great potential to enhance human creativity.

5. MPA’s members have a uniquely balanced perspective regarding the interplay between AI innovation and supporting creativity. The creative content they produce is enormously popular and valuable. Strong copyright protection is the backbone of their business and is essential to enabling the production of creative content and supporting the livelihoods of the many millions of people working in the creative industries globally. At the same time, MPA’s members have a strong interest in promoting creator-driven tools, including AI technologies, to support the creation of world-class content. AI, like other tools, supports and enhances creativity, and draws audiences into the stories and experiences that are the hallmark of the entertainment industry.

Question #1: What are the main challenges posed by AI to human creativity (understood as encompassing artistic creativity but also all other types of creativity)?

6. We believe it’s important to consider not only the challenges posed by AI, but also the opportunities and benefits AI affords to enhance human creativity. MPA’s members use tools that incorporate AI in production and post-production to support, not replace, human creativity. The creative expression of human beings is, and always will be, the lifeblood of the motion picture industry. One of the ways AI facilitates human creativity is by freeing creators from tedious and repetitive tasks that are a necessary component of creating world-class audiovisual content. AI provides more time and tools for creators to be creative.
7. For example, for decades, animators and visual effects artists have used a process called rotoscoping, which involves manually altering individual frames within a single shot to align live-action and computer-generated images.³ That work is incredibly detail-oriented and time-consuming. Contemporary visual-effects artists now have sophisticated tools, some of which incorporate AI technology, to assist with this type of work. Using these tools frees artists to focus their energies on the creative aspects of the visual effects.
8. AI also helps creators realize their vision and enhance the audience experience by making visual effects more dramatic, realistic, and memorable. For example, creators can use AI to help them realize their creative vision by using AI tools for ideation and pre-visualization. Creators can also use AI for everything from color correction, detail sharpening, and de-blurring; to removing unwanted objects from a scene; or to adjusting the placement of computer-generated images to make sure everything in a scene flows smoothly and aligns properly. Creators can also use AI tools to modify their own creative works, such as restoring or upscaling works or using AI to enhance existing visuals. Artists have expressed

³ Avais Gilani, *Why Rotoscoping with AI Is Necessary*, MEDIUM (Sept. 19, 2023), <https://medium.com/shade-inc/why-rotoscoping-with-ai-is-necessary-be1fdb7e01c1>.

enthusiasm for AI tools that enhance their work and reduce time spent on tedious tasks, and for continued technological development of these and similar tools. And audiences have long been the beneficiaries of advances in technology that enable more compelling and immersive storytelling, accessible in new and innovative ways. In short, the use of AI technology presents new opportunities for creators and their audiences. MPA's members are optimistic about that future.

9. At the same time, respect for copyright is paramount, and it is important that AI innovation enable and empower creators, not disenfranchise them. MPA's members believe AI developments can, and should, co-exist with a copyright system that incentivizes the creation of original expression and protects the rights of copyright owners. Where AI models fail to respect the rights of creators—whether through the unauthorized use of creative works for AI training in ways that run afoul of copyright law or through failure to protect against infringing outputs—there is significant risk to the very foundation upon which the creative economy rests, and which enables human creators to pursue their livelihood based on the fruits of their expression. When copyrighted works are used in ways that constitute infringement, it undermines the value of creative works and the ability of copyright owners to continue to invest in producing creative works for the public to enjoy and in the creators who make them possible.

Question #2: How do we understand the notion of creativity?

10. Creativity is inherently human. Regardless of what tool a creator relies on—be it a paintbrush, a camera, Photoshop, AI, or some other technology—when a creator uses that instrument to effectuate their artistic vision, that work is the embodiment of human creativity. Creators are innovators by nature. They will continue to discover new tools and new techniques for implementing those tools as a means of self-expression.
11. It is important to encourage and incentivize creativity, which is broadly understood as a powerful engine of free expression. In the context of AI, that means refraining from imposing arbitrary restrictions that disincentivize creators from using the tools they deem most appropriate for their creative process. It means recognizing that the use of AI by human creators does not necessarily diminish, but can actually enhance, their creativity. And it likewise means that for a work to truly be creative, it must owe its origins to the creative and intellectual conceptions of a human creator.

Question #3: Can AI generated products be considered “originals”, and if so, what are the consequences? What is artistic integrity in relation to AI use?

12. To be original, a work must be creative and authored independently (i.e., not copied). Because creativity is inherently human, works wholly generated by AI are not truly creative originals. However, when AI is used as a tool to assist creators in the creative process, the resulting outputs may indeed be original. Creators using AI can make myriad intellectual and creative contributions that imbue their works with creativity, including the material human creators provide to the AI tool (e.g., inputs, like a drawing or photo), refinements, direction, and how the human creator manipulates an AI output.

13. As long as a work generated by AI is the product of human creativity and it is not copied from another work, it is original. In MPA's view, this is a net positive for the creative industries and creativity as a whole. Creativity is not defined or diminished by the introduction of new tools. On the contrary, tools like AI have the potential to enhance human creativity and expand the bounds of what human creators can achieve. Any notion of creativity or application of copyright law that would disincentivize creators from using helpful technological tools to effectuate their creative vision is a hindrance to free expression.

Question #4: Which measures have been taken to protect human creativity from threats posed by AI? What measure(s) would best achieve this aim?

14. Copyright law, by rewarding and incentivizing human creativity, is key to protecting human creativity. Strong copyright protection and AI innovation can and should co-exist in a mutually beneficial way. Accordingly, AI developers should deploy guardrails within their AI systems to mitigate the risk of infringing outputs. While AI tools are not inherently a threat to human creativity, instances of copyright infringement, effectuated either to train an AI system or as an output from an AI system, directly undermine human creativity.
15. It is worth noting that many companies have human rights and other policies, processes or reviews to assess and mitigate the potential for adverse impacts of AI use. These should be encouraged, consistent with the UN Guiding Principles on Business and Human Rights. AI developers should be encouraged to be similarly thoughtful in terms of assessing and mitigating the potential adverse impacts of their models on creators.

Question #5: Please provide examples of good practices to promote human creativity through AI.

16. The notion that there is a choice that must be made between *either* AI innovation *or* protecting human creativity represents a false dichotomy. Ensuring that works are licensed for AI training where appropriate and that models employ protections against outputs that infringe the rights of creators goes a long way in balancing the need to encourage AI innovation with the need to protect and promote human creativity.
17. In addition, transparency obligations requiring AI developers engaged in training of AI systems and services that are made publicly available to maintain reasonable records of training data, including copyright protected works, and make those records publicly available for review would also further a number of important policy objectives, including to help creators determine whether their works are being used lawfully and enforce their rights when necessary.

Question #7: How do laws protect the rights of artists and other creators regarding content used by AI? What are the rights of authors in AI generated creation? Please provide examples.

18. See discussion about copyright law and transparency in response to questions #1, #4, and #5. In addition, laws that protect against harmful uses of AI (e.g., deceptive/abusive deepfakes)

may also be necessary. At the same time, such laws should also respect the rights of creators, including filmmakers, documentarians, news organizations and others, who seek to use generative AI tools as a legitimate and creative expressive technique.

MPA appreciates this opportunity to provide its views in response to this CFI, and we would be happy to answer any additional questions on this important topic.

Respectfully submitted,

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