

Before the
OFFICE OF SCIENCE
AND TECHNOLOGY POLICY (OSTP)

**In the Matter of Request for
Information; Regulatory Reform on
Artificial Intelligence**

Docket No. OSTP–TECH–2025– 0067

Submitted October 27, 2025

COMMENTS OF THE
MOTION PICTURE ASSOCIATION, INC.

The Motion Picture Association, Inc. (“MPA”) appreciates the opportunity to submit the following comments in response to the Request for Information on “identifying existing Federal statutes, regulations, agency rules, guidance, forms, and administrative processes that unnecessarily hinder the development, deployment, and adoption of artificial intelligence (AI) technologies within the United States” (the “RFI”).¹

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.

The MPA and its members welcome AI innovation, if done responsibly, not only for its broad, potential benefits to society but also for its ability to advance human-centered creativity. Throughout their history, MPA’s members and the countless people working with them to bring the magic of moviemaking to the screen have been pioneers and beneficiaries of technological innovation. Creators are innovators by nature; they always rely on a range of tools, including technological tools, to give life to their artistic vision and to connect their works with widespread and diverse audiences. To that end, MPA’s members have invested substantially in developing themselves and supporting others who develop cutting-edge technological tools for creators to use in creating motion pictures and television programs. MPA’s members have a strong interest in the development of creator-driven tools, including AI technologies, to support the creation of world-class content. AI, like other tools, supports and enhances human creativity, and draws audiences into the stories and experiences that are the hallmark of the entertainment industry. In

¹ Office of Science and Technology Policy, Notice of Request for Information; Regulatory Reform on Artificial Intelligence, 90 Fed. Reg. 46,422 (Sept. 26, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-09-26/pdf/2025-18737.pdf>.

short, the use of AI technology presents developing opportunities for creators and their audiences. MPA’s members are optimistic about that future.

MPA thus applauds the Administration for championing American industry and American workers, and for its stated objective of promoting U.S. leadership in establishing a “gold standard” for AI innovation that works for all Americans. The first Trump Administration advocated for “AI with American Values,”² and recognized “respect for intellectual property” as among those values. MPA could not agree more, and we encourage the Administration to carry that goal forward as it seeks to ensure that existing statutory and regulatory frameworks “enable innovation while safeguarding the public interest.”³ Strong intellectual property protection—which drives economic growth, fuels job creation, and has propelled the unrivaled leadership of America’s creative and innovative industries around the world—is in the public interest and must continue to be safeguarded.

We appreciate the opportunity to work with the Administration to support an approach to innovation policy that: 1) recognizes the importance of safeguarding the intellectual property of America’s creators; 2) ensures that the course of AI innovation charted by this Administration works for the millions of Americans who make their living in the creative industries, many of whom are employed by MPA’s members; and 3) maintains the nation’s global leadership in both the creative and innovation industries. As OSTP carries out its directive under the AI Action plan to identify regulatory and procedural barriers to AI innovation, we welcome the opportunity to give feedback on whether any proposals under consideration might have unintended consequences on intellectual property protection and the creative and innovative sectors more broadly.

I. THE COPYRIGHT ACT, INCLUDING THE FAIR USE DOCTRINE, STRIKES THE RIGHT BALANCE TO ENCOURAGE AND FACILITATE AI INNOVATION WHILE RESPECTING AMERICA’S VALUABLE IP SYSTEM.

The debate about whether reproduction of copyrighted works to “train” AI models constitutes copyright infringement, or is permitted by the fair use defense, has become highly polarized, with many participants staking out “all or nothing” positions on this issue. Some of the organizations that have staked public positions arguing that AI training is categorically fair use—including many of the AI-company defendants in pending litigation—are likely to respond to this RFI with similar arguments. For example, some organizations argue that AI training is categorically permitted by fair use and that requiring AI companies to license copyrighted works for training “is likely to stifle or entirely foreclose effective AI development and deployment.”⁴ But sweeping generalizations that training is *always*, or is *never*, lawful under the fair use

² The National Artificial Intelligence Research and Development Strategic Plan: 2019 Update, <https://trumpwhitehouse.archives.gov/ai/ai-american-values/>.

³ 90 Fed. Reg. 46,422 (Sept. 26, 2025).

⁴ Stability AI, *Response to United States Copyright Office Inquiry Into Artificial Intelligence and Copyright* (Oct. 2023), https://www.law.berkeley.edu/wp-content/uploads/2023/11/Stability-AI-COLC-2023-0006-8664_attachment_1.pdf. See also Public Knowledge, *Comments of Public Knowledge on the United States Copyright Office’s Artificial Intelligence and Copyright Request for Information*, (Oct. 30, 2023) (“If one were to analyze the AI training process under the traditional fair use framework, the outcome would still favor a finding that the process constitutes a fair use of copyrighted materials.”), <https://publicknowledge.org/wp-content/uploads/2023/10/USCO-GAI-PK-Comment.pdf>.

doctrine are neither helpful nor correct. As the Supreme Court has instructed, “The task [of determining whether a use is fair] is not to be simplified with bright-line rules, for the statute, like the doctrine it recognizes, calls for case-by-case analysis.”⁵ If the fair use defense does not excuse the exercise of the copyright owner’s exclusive rights, the use of the owners’ works for training requires affirmative, *opt-in* consent (i.e., a license). As we address in Section III of these comments, the assertion that licensing will stifle AI innovation is patently false. Licensing markets for the use of copyrighted works for AI training continue to develop and help to ensure America’s continued success *both* in AI innovation and the creative industries.⁶

The fair use doctrine has the benefit of nearly 200 years of precedent in the United States and was codified in 1976. It provides precisely the kind of flexibility needed for a rapidly evolving technology, especially one that implicates nuanced issues around expression, property rights, and freedom of contract. Under the Copyright Act in the U.S. and the case law interpreting it, courts will apply four fair use factors to the facts before them and reach decisions in each case. If courts reach different conclusions in these cases based on the different facts before them, that is an inherent feature of fair use, which is “an equitable rule of reason,” under which “each case raising the question must be decided on its own facts.”⁷ The fair use defense enables courts to consider all the statutory fair use factors and apply them in the context of specific facts. This type of inquiry is the appropriate way to address the many types of potential infringements that may arise under the broad umbrella of “training” a generative AI system in the U.S. As of now, there is no cause to believe the courts and existing law are not up to the task of applying existing copyright law to new technology—as courts have been doing for over a century—and thus MPA sees no reason for changes to U.S. law to resolve these fair use issues.

Some companies have also suggested that overbroad “text and data mining” (“TDM”) exceptions, like those adopted in Japan and Singapore, will increase investment and innovation in AI and “help to make AI safer, more effective, and less biased.”⁸ To the contrary, such reflexive approaches have the potential to hamper innovation, are bad policy, and likely fail to comply with the Berne Convention’s “three-step” test.⁹ For example, bad actors may use overbroad TDM exceptions as a pretext for both piracy and the downstream use of pirated works for any purpose. In addition, TDM opt-outs are complex and there remains significant debate around how they can be effectively expressed. Licensing markets for the use of copyright owners’ content for training AI models have been developing. Broadly exempting certain unauthorized uses would interfere with the interests of the United States in continued development of those markets. We therefore urge the Administration to oppose TDM and similar exceptions to copyright laws, whether introduced here in the U.S. or by foreign countries seeking to bolster their AI interests at the expense of U.S. creators.

⁵ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 577 (1994).

⁶ Copyright Alliance, AI Licensing by AI Companies, <https://copyrightalliance.org/artificial-intelligence-copyright/licensing/ai-companies/> (last visited Oct. 21, 2025).

⁷ *Harper & Row, Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 560 (1985) (quoting H. R. Rep. No. 94-1476, at 65 (1976)).

⁸ Stability AI, *supra* note 4 at 8.

⁹ See Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, Annex 1C, TRIPS Agreement, art. 13 (“Members shall confine limitations or exceptions to exclusive rights to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the right holder.”).

II. ROBUST INTELLECTUAL PROPERTY PROTECTION WILL ENABLE THE UNITED STATES TO EXPAND ITS LEADERSHIP IN BOTH THE AI AND CREATIVE SECTORS.

Of all the sectors of our economy, the U.S. has established itself as the clear leader in at least two areas: creativity and innovation. Protection and enforcement of intellectual property is the foundation upon which many of our most successful and lucrative industries—including the motion picture, television, and streaming industry—thrive. Core copyright industries contribute more than \$2 trillion to the U.S. GDP, accounting for 7.66% of the U.S. economy¹⁰ and more than half of the U.S. digital economy.¹¹ Globally, foreign sales of U.S. copyright products outperform other major industries, including chemicals manufacturing, pharmaceuticals, agricultural products, and aerospace products.¹² In 2023, the enduring value and global appeal of U.S. entertainment earned \$23 billion in audiovisual exports.¹³ This industry is one of the few that consistently generates a positive balance of trade with nearly every country in the world. In 2023, the industry’s services trade surplus was \$15.3 billion, or 6% of the total U.S. private-sector trade surplus in services.¹⁴ And in terms of global competition, America’s copyright industries continue to outpace the economic growth of other leading economies, including China, Germany, Japan, and India.¹⁵ That growth and value add is a direct result of the United States’ robust protection and enforcement of intellectual property rights domestically and around the world.

The AI Action plan highlights the Administration’s goal of “achiev[ing] global dominance in artificial intelligence”¹⁶—a goal indeed shared by MPA and our members. AI policy that respects intellectual property will enable the United States to expand its hard-won leadership in both AI and the creative industries. MPA is proud to represent an iconic American industry that itself has led its global competitors for over a century, fueled by uniquely American human creativity and technological innovation, and undergirded by the U.S. Constitution’s protection of both free speech and intellectual property.¹⁷ Here at home, and around the world, our industry delivers enormous economic value, drives innovation, promotes free expression, and serves as a global ambassador for the nation’s creativity and dynamism, as well as its values. In implementing the nation’s AI policy, the Administration should aim *both* to advance America’s global leadership in AI technology innovation as well as maintain the preeminent position of the motion picture industry and other parts of the creative sector. Such a policy will be key to any

¹⁰ Jéssica Dutra & Robert Stoner, *Copyright Industries in the U.S. Economy: The 2024 Report*, at 6, https://www.iipa.org/files/uploads/2025/02/IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf.

¹¹ *Id.* at 20.

¹² *Id.* at 18.

¹³ Motion Picture Association, *The American Motion Picture And Television Industry: Creating Jobs, Trading Around The World* (2023), https://www.motionpictures.org/wp-content/uploads/2025/01/MPA_Economic_contribution_US_infographic.pdf.

¹⁴ *Id.*

¹⁵ Dutra & Stoner, *supra* note 10, at 10.

¹⁶ The White House, *America’s AI Action Plan 1* (July 2025), <https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf>.

¹⁷ See U.S. Const., Amend. I, Art. I, Sec. 8, Cl. 8 (“The Congress shall have the power To... promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”).

successful effort to, in the words of the AI Action plan, promote “human flourishing, economic competitiveness, and national security for the American people.”¹⁸

III. STRONG PROTECTION OF COPYRIGHT HELPS FOSTER AN AMERICAN-LED GOLD STANDARD FOR AI INNOVATION.

AI, including potential uses of generative AI, can be a powerful tool in the hands of human creators to enhance the art of storytelling and serve the filmmaking process. Our robust copyright system, as set forth in the Constitution¹⁹ and carried out through the Copyright Act²⁰ and supporting regulations—which facilitates and provides incentives to create the types of high-quality works that AI developers often seek out to train AI models—will prove essential to paving the way for America’s global dominance in AI innovation.

We need not sacrifice our well-established position as the global leader in intellectual property protection and enforcement to solidify our position as the world leader in AI. As stated in the President’s Executive Order on Removing Barriers to American Leadership in AI,²¹ the strength of our free markets has played a key role in the success of our AI innovation. Development and adoption of AI systems should continue to evolve as a function of the free market, which depends on a system of clearly defined property rights. Such a free-market approach anticipates that innovators will bear the actual costs of developing new AI systems, including by respecting others’ property rights. Claims that application of copyright law somehow hinders technological innovation have become cliché and are not borne out by history. Just look at the explosive growth of streaming services for movie and television content, which is built upon the strong foundation of copyright licenses. Innovation is served through robust intellectual property rights, and a robust marketplace for the direct licensing of content by creators to AI companies has already emerged. These types of agreements and policies show that market-based solutions, which both respect copyright owners’ rights (and provide creators with market-based compensation) and facilitate the training of generative AI models, continue to develop.²²

Developments in AI, like preceding technological advancements, have great potential to enhance human creativity, promote human flourishing and further our nation’s economic competitiveness. MPA’s members believe that to do this, these developments can, and must, co-exist with a copyright system that incentivizes the creation of original expression and protects the rights of copyright owners. In fact, there is an important mutually beneficial relationship between

¹⁸ The White House, *supra* note 16 at 1.

¹⁹ See U.S. Const., Amend. I, Art. I, Sec. 8, Cl. 8 (“The Congress shall have the power To... promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.”).

²⁰ Copyright Act of 1976, Pub L. No. 94-553, 90 Stat. 2541 (1976) (codified as amended at 17 U.S.C. §§ 101-1332).

²¹ Exec. Order No. 14179, 90 Fed. Reg. 8741 (Jan. 23, 2025).

²² Examples abound. For instance, IBM is working with Adobe and its Firefly AI model to expand its commercial potential. Press Release, IBM Expands Partnership with Adobe to Deliver Content Supply Chain Solution Using Generative AI (June 19, 2023), <https://newsroom.ibm.com/2023-06-19-IBM-Expands-Partnership-with-Adobe-To-Deliver-Content-Supply-Chain-Solution-Using-Generative-AI>. And Reuters has licensed its news articles to Meta. See Meta Platforms to use Reuters news content in AI chatbot (Oct. 25, 2024), <https://www.reuters.com/technology/artificial-intelligence/meta-platforms-use-reuters-news-content-ai-chatbot-2024-10-25/>.

the two. AI can facilitate human creativity, for example, 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 content creators to be creative. 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 enthusiasm for AI tools that enhance their work, and for continued technological development of these and similar tools. Technological advancements play a vital role in ensuring that our creative industries continue to thrive and compete worldwide.

At the same time, AI creates heightened risks for creators. Generative AI platforms that are not developed in a way that respects copyright may violate copyright law at the input stage during training and/or produce outputs that infringe on the rights of creators, thereby undermining creators' ability to earn a living practicing their chosen craft. Therefore, U.S. AI policy should encourage the development of AI systems that *do* accord respect for others' intellectual property rights. This is particularly crucial because other countries often look to the U.S. in setting their own AI policies, and if a U.S.-led "gold standard" for AI innovation does not adequately address the protection of IP, other countries will be sure to look to exploit America's valuable IP, inflicting harm not only on MPA's members but on others that comprise the U.S. creative sector. And of course, it is only a short hop from disregard for the intellectual property in creative works to a disregard for the intellectual property of AI technology itself. Indeed, there are already concerns that China may be making unauthorized use of U.S. AI technology to advance its own AI industry.²³ The truth is that the protection of IP and innovation are mutually reinforcing values. In AI specifically, for example, copyright law incentivizes the creation of a variety of high-quality creative content, which AI developers in turn rely on to train their generative AI models. The quality of the content used to train AI affects the quality of the AI system—garbage in, garbage out; quality in, quality out. America's intellectual property is the embodiment of the quality content AI companies around the world seek in order to thrive, which in itself puts our economy and our pursuit of global AI dominance at a significant advantage. The United States has long set a global example on copyright law and policy and played a strong role in shaping international norms. This administration's role is critical in ensuring that we maintain our leadership in AI innovation without sacrificing our longstanding position as the world leader in intellectual property protection.

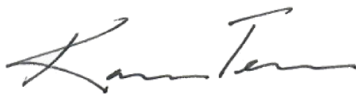
Competition for AI leadership among the world's leading nations will ensure that Americans, and the world at large, benefit from the best that AI technology has to offer. When innovative and trustworthy American AI companies license high-quality American content to

²³ See Stephanie Samsel, *There is a 'wake-up call' for US to be the leader in AI, says White House AI and crypto 'czar'*, Fox News (Jan. 28, 2025), <https://www.foxnews.com/media/wake-up-call-us-leader-ai-says-white-house-ai-crypto-czar>.

develop high-quality AI technology, the U.S. economy thrives, and related industries are better able to compete in the global marketplace. The best way to solidify our competitive advantage in both AI and intellectual property protection is to embrace the important, mutually beneficial relationship between the two with optimism and respect, and with an eye toward policies that support the advancement of each without diminishing one or the other.

MPA and our members appreciate the opportunity to submit these comments and look forward to working with the Administration on these and other topics of importance to our industry. We understand that the directive carried out by this RFI is a part of a broader effort by the Administration to implement the nation's AI policy and respectfully request that these comments be read in conjunction with our previously submitted comments.²⁴

Respectfully submitted,



Karyn A. Temple
Benjamin S. Sheffner
Terrica V. Carrington
Motion Picture Association, Inc.
1600 I St. NW
Washington, D.C. 20002
(202) 293-1966
Karyn_Temple@motionpictures.org

²⁴ Comments of the Motion Picture Association, Inc. in Response to the Request for Information on the Development of an Artificial Intelligence (AI) Action Plan (Mar.14, 2025), <https://www.motionpictures.org/wp-content/uploads/2025/03/MPA-OSTP-AI-Responses-FINAL-3.14.25-1.pdf>.