

**Before the
NETWORKING AND INFORMATION
TECHNOLOGY RESEARCH AND DEVELOPMENT
(NITRD) NATIONAL COORDINATION OFFICE
(NCO); NATIONAL SCIENCE FOUNDATION, ON BEHALF OF THE WHITE HOUSE
OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)**

**Request for Information on the
Development of a 2025 National
Artificial Intelligence (AI) Research and
Development (R&D) Strategic Plan**

Docket No. 2025–07332

Submitted May 29, 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 the Development of a 2025 National Artificial Intelligence (AI) Research and Development (R&D) Strategic Plan (the “RFI”).¹

I. INTRODUCTION

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.

MPA 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 which recognized “respect for intellectual property” as among those values. MPA could not agree more, and we encourage the Administration to carry that goal forward in the 2025 National AI R&D Strategic Plan. We welcome the

¹ Request for Information on the Development of a 2025 National Artificial Intelligence (AI) Research and Development (R&D) Strategic Plan, 90 Fed. Reg. 17835 (Apr. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-04-29/pdf/2025-07332.pdf>. This document is approved for public dissemination. The document contains no business-proprietary or confidential information. Document contents may be reused by the government in developing the 2025 National AI R&D Strategic Plan and associated documents without attribution.

² Artificial Intelligence for the American People, The White House, <https://trumpwhitehouse.archives.gov/ai/ai-american-values/>.

opportunity to work with the Administration to support a National AI R&D Strategic Plan that clearly acknowledges the importance of safeguarding the intellectual property of America’s creators and prioritizes the nation’s global leadership in both the creative industries and AI innovation.

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. 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.³ 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 formulating AI R&D 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 successful effort to, in the words of the RFI, drive “economic growth, technological advancement, human flourishing, and national security.”⁴

The RFI rightfully recognizes the critical role of investment in AI R&D in sustaining America’s global dominance in AI innovation, as well as the important role that the government plays in supporting AI R&D. The Administration’s goal of enabling the United States to “secure its position as the unrivaled world leader in artificial intelligence by performing R&D to accelerate AI-driven innovation, enhance U.S. economic and national security, promote human flourishing, and maintain the United States’ dominance in AI”⁵ is a goal that is indeed shared by MPA and our members. An AI R&D Strategic Plan that respects intellectual property will enable the United States to expand its hard-won leadership in both AI and the creative industries.

II. THE FAIR USE DOCTRINE STRIKES THE RIGHT BALANCE TO ENCOURAGE AND FACILITATE ROBUST AI RESEARCH WHILE ADEQUATELY RESPECTING AMERICA’S VALUABLE IP SYSTEM

The Administration should eschew attempts to reduce the fair use analysis to categorical pronouncements and bright-line rules about AI training and reject any calls to implement AI-specific exceptions to copyright law.

Copyright law’s fair use doctrine—which applies four statutory factors to the specific facts of the particular use—strikes the right balance of both incentivizing the creation of original expression and protecting the rights of copyright owners while also permitting third parties to exercise those rights where the particular facts show that doing so is “necessary to fulfill copyright’s very purpose, ‘[t]o promote the Progress of Science and useful Arts’”⁶ Indeed, noncommercial or nonprofit uses—like legitimate research—will tend to favor a finding of fair

³ See U.S. CONST., amend. I, art. I, § 8, cl. 8 (“The Congress shall have the power [t]o . . . 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.”).

⁴ Request for Information on the Development of a 2025 National Artificial Intelligence (AI) Research and Development (R&D) Strategic Plan, 90 Fed. Reg., at 17386.

⁵ *Id.* at 17385.

⁶ *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 575 (1994) (quoting U.S. CONST., art. I, § 8, cl. 8).

use. At the same time, the fair use factors also enable courts to reject infringing uses of copyrighted works done under the guise of “research” that are undertaken for commercial gain and cause harm to the market for a copyrighted work. As such, sweeping generalizations that training is *always*, or is *never*, lawful under the fair use doctrine—even where such use is purported to be for the purpose of research—are neither helpful nor correct. Instead, the specific facts regarding how the research is conducted and to what end are determinative. 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.”⁷

In addition, there is no need for new legislation or special rules in U.S. copyright law to facilitate thorough and robust AI research. While a small minority of countries have moved quickly to provide broad exemptions from copyright protections for AI research or for so-called “text and data mining” (“TDM”), such reflexive approaches have the potential to create unreasonably broad copyright exemptions and to hamper innovation. There is no cause to believe that changes to copyright law are necessary to facilitate AI research in the United States.

As a global leader in shaping international norms with respect to copyright law and policy, the United States should navigate the interplay between copyright and AI with a focus on ensuring that an American-led “gold standard” for AI innovation reflects appropriate respect for intellectual property and the rights of American creators. In particular, the AI R&D Strategic Plan should take an approach that will ensure foreign countries’ copyright regimes and AI policies do not permit unfair exploitation of American creativity in a way that violates international standards. Such an approach counsels for moderation, restraint, and respect for copyright.⁸

III. AMERICA’S AI RESEARCH AND DEVELOPMENT POLICY SHOULD RESPECT COPYRIGHT LAW BY ENCOURAGING THE USE OF LAWFULLY ACQUIRED WORKS

The government should encourage researchers to acquire copyrighted works they wish to use for AI training through lawful means rather than sourcing content from repositories of pirated works. Even in the context of AI research that might otherwise constitute fair use, the use of pirated content for AI training rather than content acquired from a lawful and legitimate source contributes to the pervasive harm caused by piracy. Not only does piracy of filmed entertainment cost the U.S. economy \$29.2 billion and over 230,000 jobs annually,⁹ but the monetary proceeds of piracy are often used to fund international criminal syndicates. In addition, devices used to visit piracy websites or download repositories of pirated content are vulnerable to

⁷ *Id.* at 577.

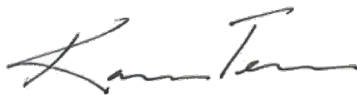
⁸ Notably, MPA does not believe the issues relating to AI are clear candidates for WIPO SCCR norm-setting. *See, e.g.,* World Intellectual Property Organization General Assembly 2021, *Statement of the United States on the SCCR Work Program – Report on the Standing Committee on Copyright and Related Rights (SCCR)*, Statement Submitted by the United States (Oct. 6, 2021), <https://www.keionline.org/36752> (“The United States believes that the current international framework for copyright exceptions and limitations provides the flexibility, consistent with well-established international standards, for countries to adopt exceptions and limitations to advance their own national social, cultural and economic policies. We therefore do not think it is advisable for WIPO to engage in norm-setting work that would impose minimum requirements in this area.”).

⁹ DAVID BLACKBURN ET AL., IMPACTS OF DIGITAL VIDEO PIRACY ON THE U.S. ECONOMY, at ii (2019), https://www.uschamber.com/assets/documents/Digital_Video_Piracy_June_2019.pdf.

malware including viruses, malicious ads and pop-ups, and ransomware. In the context of AI research, this could pose a threat to national security and make valuable research vulnerable to foreign bad actors that may wish to steal it. It is important that the AI R&D Strategic Plan encourage the use of lawfully acquired works rather than legitimize piracy as an appropriate source.

MPA and our members appreciate the opportunity to provide input for the AI R&D Strategic Plan and look forward to working with the Administration on these and other topics of importance to our industry. We understand that “responses previously submitted to the RFI on the Development of an AI Action Plan will also be considered in updating the National AI R&D Strategic Plan” and respectfully request that these comments be read in conjunction with our previously submitted comments.¹⁰

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

¹⁰ 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>.