

Questions for the Record from Representative Darrell Issa (R-CA) to
Sean Astin *A Midlife Crisis? IP and the Internet After 40*
Tuesday, June 30, 2026

1. A significant amount of attention has been focused on negative aspects of Generative AI. Is it fair to say that there are also positive uses of AI by the creative industry?

There are countless companies claiming that Generative AI can be used in ethical and productive ways. Separate from a discussion about data centers and other complex aspects of this issue, from our perspective, the technology can be constructively utilized as a human-directed production tool. We have memorialized

some of this within our bargaining agreements. For example, to accelerate previsualization, rotoscoping, cleanup, relighting, restoration, localization and dialogue synchronization, or to make complex visuals feasible within limited budgets. When it augments rather than replaces creative workers and is subject to informed, specific performer consent, licensed source material, fair compensation and credit, transparency, data security and human approval, especially whenever a performer's face, voice or performance is altered or replicated, we support its use as a positive tool for creative works.

2. In the past, industry players and stakeholders have worked together to find voluntary, market-based solutions to many IP issues. Is there any reason to believe that a similar process will not work to address the suite of issues on both the input (training) and output sides for generative AI?

There is reason to believe that a cooperative scenario, such as when past technological developments ultimately found agreement, won't be timely or sufficient here. Beyond the dynamics we face within our collective bargaining agreements, the intrusion of Generative AI throughout the world, requires this policy intervention now. It's notable that "Input" remains a challenge with 100+ copyright infringement lawsuits related to training still pending. Regardless, models will need continual training on quality human data - news reporting, performances, creative works, research, etc. As technology solutions help human creators protect their content from

unwanted ingestion by AI Models, many deal based solutions will eventually be found. Here are examples:

<https://digiday.com/media/a-timeline-of-the-major-deals-between-publishers-and-ai-tech-companies-in-2025/>

Output implicates copyright infringement, voice & likeness rights, and other IP rights. Most of those concerns can be handled with existing law, with the notable exception of a takedown right for nonconsensual digital replication. State laws don't provide that critical remedy. Only a federal law will achieve the takedown right. That is why the No Fakes Act is so critical. If copyright has a takedown mechanism, digital clones most certainly should as well. The dangers of a digital clone are far more severe than infringement of a copyright.

Machine created output, with little or no human expressive involvement, should be labelled. Consumers, teachers, researchers, medical professionals, and fans deserve to know if what they are hearing, seeing or reading came from a human or a machine.

3. For a time-sensitive event, like an awards show or the new release of a film or TV program, why is the take down of pirated content online that happens even within hours not “expeditious” enough?

Pirated content is distributed globally in an instant. The time, effort and resources that go into creating that content are lost when the content cannot be monetized by the creator. The ecosystem of creators, distributors, talent, and

workers do not financially benefit from the creation. There is direct and immediate harm related to wages and health benefits, and lost investment opportunities for new content.

The harm nonconsensual digital replication causes are also immediate in a digitally connected world. Recording artists rely on streams to earn income. A faked version of a recording artist's work immediately dilutes their legitimate income earning streams. A fake advertisement using the nonconsensual digital replica of a commercial actor ruins their ability to make legitimate advertisements for competitors. The advertising industry works on exclusivity. It also causes consumers to take actions based on faked sales pitches.

See here: <https://www.bbb.org/article/scams/18549-scam-alert-con-artists-impersonate-your-favorite-celebrity>

Nonconsensual use of the digital replicas of professional creative talent replaces the work they would be hired and paid to do - in audiobooks, videogames, voiceovers, podcasts, commercials, songs, films. It is the most existential threat ever faced by creative performers. A remedy to help mitigate the harms is critical, and that remedy is the No Fakes Act.