

**Written Statement of Dan Navarro**  
**before the**  
**Committee on the Judiciary, United States House of Representatives**  
**Subcommittee on Courts, Intellectual Property and the Internet**  
**on**

Artificial Intelligence and Intellectual Property: Part I — Interoperability of AI and Copyright Law

May 17, 2023

Chairman Issa, Ranking Member Johnson, and Members of the Subcommittee:

My name is Dan Navarro and I have been a songwriter, recording artist, session singer, voice actor, and music activist for four decades.

Throughout my career, I have frequently been asked “How did you come up with that song?” And while I often feel like saying “It just came to me,” the truth is all my work reflects a lifetime of personal emotions, experiences, and dreams. In other words, it’s complicated.

Sometimes it’s a moment. The song that saved and sustained my career, “We Belong,” recorded by Pat Benatar, came to me right as I was giving up on a career in music, and a longtime collaboration with my best friend was fraying. We decided to give it one more shot. I started with the end of the song and soon we were trading lyrics back and forth that worked for one of us or the other, two estranged friends found a space to connect, and a song that people have enjoyed for the last 40 years was born in 90 minutes. That human alchemy can’t be fully explained – but it’s the heart of music creation.

For generative AI, the answer to the question “where did that come from” is in many ways much simpler. These machines have no emotions, experiences, and dreams of their own to draw from. All they have are millions and millions of imported songs and lyrics – most copyrighted – hoovered off the internet without permission. Training AI to mimic professional performers or “generate” new works based on millions of copies of published songs and recordings presents a host of legal implications, from copyright infringement, to violations of rights of publicity and trademark, to name, voice, and likeness abuses.

And it’s a long term threat to music itself. By marginalizing and, ultimately, abandoning the fundamental human spark in music creation, we are inviting a future that sees fakes as real and that debases our art and culture with soulless “brown food product” mediocrity.

Does anyone think a computer-generated song can give you goosebumps, comfort, or become a theme song to the loves of our lives – “they are playing OUR song.” How can AI GIVE a goosebump if it can’t GET a goosebump? That’s human.

To fight for human creativity, I was proud to help launch the [Human Artistry Campaign](#) in March, and I am here today as a supporter of the initiative. Now boasting more than 100 organizations globally, representing all kinds of arts and creativity, it is THE global center of gravity advocating for the rights of creators in the age of AI.

This coalition believes AI is exciting and promising but can never replace human artistry and soul. It's based on seven core principles I support wholeheartedly.

- **First**, technology has long empowered human expression and AI will be no different. Musicians will use this latest technology to do great new things.
- **Second**, human-created works will remain essential in our lives. At the heart of the connection between artist and audience are shared, lived experiences only humans can relate to and convey.
- **Third**, the use of copyrighted works for AI purposes – and the use of voices and likenesses of professional performers – requires permission. Like all predecessor technologies, AI must be subject to authorization and free market licensing from all rightsholders and creators and copyright owners must retain exclusive control over how their work is used. If AI is trained on copyrighted works, it must be approved and licensed. Professional performers', actors', and athletes' voices and likenesses can only be used with their consent and fair market compensation.
- **Fourth**, governments should not create new copyright or other IP exemptions that allow AI developers to exploit creators without permission or compensation. People looking to make a fast buck from technological change routinely ask policymakers to pick winners and losers. Here, that would be devastating; creating shortcuts for AI will only erode the incentives to create new works – the works AI itself depends on.
- **Fifth**, copyright should only protect the unique value of human intellectual creativity. The Copyright clause of the Constitution exists to incentivize humans to create – machines don't need incentives.
- **Sixth**, trustworthiness and transparency are essential to the success of AI and protection of creators. Without transparent AI, we will have no idea whether the inputs AI systems were trained on were licensed, leaving us no way to enforce our rights.
- **Seventh**, creators must have a seat at the table, not just developers. Our creativity, our rights, our livelihoods are at stake.

If AI is allowed to take away the ability of artists and authors to control and make a living from their art, we will lose all authenticity in our expression; we will lose culture itself. The next decisions by courts and Congress in this area will decide our cultural future. It's your responsibility to make sure the Constitutional promise of reward for human genius remains viable.

Guided by the principles of the Human Artistry Campaign, we can look forward to the real emotions, experiences, and dreams of future generations of creators – perhaps facilitated by AI, but never silenced by it.

Thank you. I look forward to answering any questions you have.