WRITERS GUILD
OF AMERICA WEST

May 20, 2025
Via email

Aaron Watson
Attorney-Advisor for Registration Policy & Practice
United States Copyright Office
101 Independence Ave. S.E.
Washington, D.C. 20559

RE: Summary of *Ex Parte* Meeting on May 14, 2025 Regarding the Office's Artificial Intelligence Registration Guidance

Dear Mr. Watson,

This letter summarizes the May 14, 2025 ex parte meeting that occurred via videoconference between the Writers Guild of America West ("WGAW"), and the U.S. Copyright Office (the "Office") regarding the Office's AI Registration Guidance Update.

The WGAW attendees were Board of Directors member John Rogers and Research & Public Policy Director Erica Knox. The Office attendees were Frank Muller, Aaron Watson, Chris Weston, and Laurie Ann Taylor.

In the meeting, WGAW representatives reiterated our general support for the March 2023 AI Registration Guidance (the "Guidance"), particularly the assertion that only humans can be authors of copyright-protected work. After a 148-day strike in 2023, WGA members won AI protections, including the prohibition that AI models cannot be credited authors on scripts. This requirement is aligned with the Guidance.

WGAW representatives explained that film and television writers generally do not hold the copyright in the works they create, and therefore are generally not copyright registrants. However, the WGAW has negotiated numerous contractual rights in these works, including rights around sequels and original characters, and the right to residual payment for reuse of credited writers' work across platforms. Writers are direct stakeholders in the copyright registration process and have fought through collective bargaining to participate in the value of the copyrighted expressive work they create. AI models are now stealing entire libraries of works created by WGAW members in order to create competing outputs, undermining writers' contractual rights.

WGAW representatives discussed how film and television writers like Mr. Rogers invest significant time and energy into growing their writing skills and reputations. Writers often

1

specialize in writing for a specific category of project or genre, and develop reputations for their unique writing styles. WGAW members make their livelihoods off of those skills and reputations. Mr. Rogers is a co-creator of the *Leverage* and *Leverage: Redemption* television series, which represent a combined 116 episodes of his work. He learned through a database compiled by The Atlantic[1] that OpenAI and other AI developers had stolen these 116 episodes and more of his creative work to train their models.

Regarding the Guidance and its implementation, WGAW representatives highlighted the following specific recommendations:

- Further clarify that AI-generated material created using prompts "in the style of" a particular artist is not eligible for copyright protection, even if that material is edited by a human;
- Provide examples of AI use that is considered *de minimis*, particularly in screenwriting. The WGAW raised the example of generative AI results in search engine results, without explicit direction from writers to use these models, which could end up being used by a writer;
- Provide explicit guidelines about the responsibility for disclaiming AI-generated elements for expressive works made for hire;
- Create reporting mechanisms for authors who create works made for hire to confidentially report evidence to the Office that their employer did not properly disclaim AI-generated elements in expressive works;
- Enable robust disclosure of AI-generated disclaimers in the Office's online Copyright Catalog; disclaimers are technically public but not easily searchable and tend to lack details.

In the meeting, WGAW representatives also expressed concern about the abrupt termination of Register of Copyrights Shira Perlmutter, which occurred days after the Office's pre-publication of the report on AI training. The WGAW was pleased to see the report acknowledge that AI models are being trained on copyrighted works without authorization to produce content that competes with the original work in the marketplace. The issue of writers' work being used to train AI models and create competing works is of deep concern to WGAW members.

The WGAW thanks the Office for their attention to this issue and ongoing diligence to protect our members' expressive works.

Sincerely,

Erica Knox
Research & Public Policy Director

---

[1] https://www.theatlantic.com/technology/archive/2024/11/opensubtitles-ai-data-set/680650/