Transparency and Responsibility for Artificial Intelligence Networks (TRAIN) Act

Introduced By:

U.S. Senator Peter Welch (D-Vt.)

The Problem:

There currently is no reliable way for copyright owners to confirm whether artificial intelligence (AI) companies used their works without permission to train AI models.[1] Copyright owners – particularly small creators – are struggling to navigate novel legal issues posed by AI copying their work. There are very few AI companies that share how their models were trained and nothing in current law requires them to disclose anything to creators.

The *Transparency and Responsibility for Artificial Intelligence Networks (TRAIN) Act* is a narrow bill designed to promote transparency about when and how copyrighted works are used to train generative AI models. The *TRAIN Act* will enable copyright holders to obtain this information through an administrative subpoena, modeled on the process used for matters of internet piracy.[2] This will provide access to the courts for copyright holders with a good faith belief that their copyrighted material was used.

Bill Summary:

The *Transparency and Responsibility for Artificial Intelligence Networks (TRAIN) Act*:

- Enables a copyright owner to subpoena generative AI models for training records "sufficient to identify with certainty" whether their copyrighted works were used. Only training material with their copyrighted works need be made available.
- Subpoenas are granted only upon a copyright owner's sworn declaration that they have a good faith belief their work was used to train the model, and that their purpose is to determine this to protect their rights.
- Failure to comply with a subpoena creates a rebuttable presumption that the model developer made copies of the copyrighted work.

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[1] *See e.g.*, Joe Coscarelli, *An A.I. Hit of Fake 'Drake' and 'The Weeknd' Rattles the Music World,* N.Y. TIMES (Apr. 19, 2023) https://www.nytimes.com/2023/04/19/arts/music/ai-drake-the-weeknd-fake.html.
[2] 17 USC § 512.