

119TH CONGRESS  
2D SESSION

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To require a notice be submitted to the Register of Copyrights with respect to copyrighted works used in building generative artificial intelligence models, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHIFF (for himself and Mr. CURTIS) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To require a notice be submitted to the Register of Copyrights with respect to copyrighted works used in building generative artificial intelligence models, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Copyright Labeling

5 and Ethical AI Reporting Act” or the “CLEAR Act”.

1   **SEC. 2. NOTICE TO BE SUBMITTED TO THE REGISTER OF**  
2           **COPYRIGHTS WITH RESPECT TO COPY-**  
3           **RIGHTED WORKS USED IN BUILDING GEN-**  
4           **ERATIVE AI MODELS.**

5       (a) **DEFINITIONS.**—In this section:

6           (1) **ARTIFICIAL INTELLIGENCE.**—The term “ar-  
7           tificial intelligence” means an automated system de-  
8           signed to perform a task typically associated with  
9           human intelligence or cognitive function.

10          (2) **COPYRIGHTED WORK.**—The term “copy-  
11           righted work” means a work that is—

12           (A) protected under title 17, United States  
13           Code; and

14           (B) registered under section 408, or sched-  
15           uled pursuant to section 1401, of title 17,  
16           United States Code.

17          (3) **GENERATIVE AI MODEL.**—The term “gen-  
18           erative AI model” means a combination of computer  
19           code and numerical values that is designed to use  
20           artificial intelligence to generate outputs in the form  
21           of expressive material, such as text, images, audio,  
22           or video.

23          (4) **REGISTER.**—The term “Register” means  
24           the Register of Copyrights.

25          (5) **TRAINING DATASET.**—The term “training  
26           dataset” means a collection of individual units of

1 material, including any combination of text, images,  
2 audio, video, or other categories of material, and an-  
3 notations, if any, describing that material.

4 (b) NOTICE.—

5 (1) REQUIREMENT.—A person that uses a  
6 training dataset in connection with the training or  
7 release of a generative AI model shall submit to the  
8 Register notice that contains—

9 (A) a sufficiently detailed summary of each  
10 copyrighted work in the training dataset; and

11 (B) the Uniform Resource Locator for that  
12 training dataset, if the training dataset is pub-  
13 licly available on the internet at the time the  
14 person submits the notice.

15 (2) TIME FOR FILING NOTICE.—The notice re-  
16 quired under paragraph (1) shall be submitted—

17 (A) not later than 30 days before the date  
18 on which the applicable generative AI model is  
19 used commercially (including when that use is  
20 internal to an organization) or released (with-  
21 out regard to whether that release is commer-  
22 cial in nature or whether that release is to the  
23 public or to a third party), in the case that the  
24 generative AI model is first used or released on  
25 or after the effective date of this Act; and

1 (B) not later than 30 days after the date  
2 on which the Register issues regulations under  
3 paragraph (3), in the case that the applicable  
4 generative AI model is first used or released be-  
5 fore the effective date of this Act.

## 11 (c) ENFORCEMENT.—

24 (i) in an amount that is not less than  
25 \$5,000 for each instance in which the per-

1 son against which the action is brought  
2 failed to submit the required notice; and

7 (B) issue an injunction that requires the  
8 person against which the action is brought to  
9 stop using the applicable work in the manner  
10 described in subsection (b) until that person  
11 submits the notice required under that sub-  
12 section; and

13 (C) award to the owner of the applicable  
14 copyrighted work attorney's fees and expenses  
15 with respect to the action.

### 16 (3) LIMITATION.—

17 (A) IN GENERAL.—In any year, a person  
18 may not be subject to more than \$2,500,000 in  
19 total civil penalties imposed under paragraph  
20 (2)(A).

21 (B) OTHER PENALTIES REMAIN AVAIL-  
22 ABLE.—The limitation under subparagraph (A)  
23 shall not affect the ability of the owner of a  
24 copyrighted work, during the period in which  
25 that limitation applies, to obtain a remedy de-

1               scribed in subparagraph (B) or (C) of para-  
2               graph (2) with respect to an action brought by  
3               the owner under paragraph (1).

4               (d) DATABASE.—The Register shall establish and  
5               maintain a publicly available online database that contains  
6               each notice submitted under subsection (b)(1).

7               (e) EFFECTIVE DATE.—This Act shall take effect on  
8               the date that is 180 days after the date of enactment of  
9               this Act.