

119TH CONGRESS
2D SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

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

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.

6 (3) REGULATIONS.—Not later than 180 days
7 after the effective date of this Act, the Register shall
8 issue regulations establishing the form, content, and
9 filing procedures for the notice required under this
10 subsection.

11 (c) ENFORCEMENT.—

12 (1) CAUSE OF ACTION.—If a person uses a
13 copyrighted work in a manner described in sub-
14 section (b) without submitting the notice required
15 under that subsection, the owner of the copyrighted
16 work may bring an action in an appropriate district
17 court of the United States against that person.

18 (2) PENALTIES.—Subject to paragraph (3), in
19 an action brought under paragraph (1), the court
20 may—

21 (A) impose a civil penalty, to be paid by
22 the person against which the action is
23 brought—

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

3 (ii) which shall be paid to the Reg-
4 ister, who shall use the penalty amount to
5 offset the operating costs of the Copyright
6 Office;

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.