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**California AB 412 – SUPPORT**  
**(Assembly Committee on Privacy and Consumer Protection)**

**Assembly Member Rebecca Bauer-Kahan, Chair**  
**Assembly Member Diane B. Dixon, Vice Chair**  
**Assembly Committee on Privacy and Consumer Protection**  
**1020 N Street, Room 162**  
**Sacramento, CA 95814**

**submitted via advocacy portal: <<https://calegislation.lc.ca.gov/Advocates/>>**

Dear Chair Bauer-Kahan and Vice Chair Nixon:

The National Writers Union (NWU) is in SUPPORT of AB 412.<sup>1</sup>

The NWU is an independent national labor union that advocates for freelance and contract writers and media workers, including print and digital self-publishers. The NWU includes local chapters in Northern and Southern California and throughout the U.S., as well as at-large members nationwide and abroad. The NWU works to advance the economic conditions of writers and media workers in all genres, media, and formats. NWU membership includes, among others, journalists, fiction and nonfiction book authors, poets, novelists, playwrights, editors, academic writers, business and technical writers, website and email newsletter content providers, bloggers, social media producers, podcasters, videographers, illustrators, photographers, graphic artists, translators, and other digital media workers.

The NWU is one of the most diverse unions of creative workers in the U.S., and includes a particularly large variety of creators of the web content that is being used by AI developers.

AB 412 would require the developer of a generative artificial intelligence system or model to provide a copyright owner, on request, with a comprehensive list of materials for which they hold the copyright which have been used to train the GenAI system or model.

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1. <[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202520260AB412](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB412)>

As the NWU explains in our “Platform and Principles for Policy on Generative AI”<sup>2</sup>, developed collaboratively by NWU member-organizers in October 2023 and ratified by our membership:

Generative AI works because it “ingests” voluminous amounts of human-made creativity – the work of millions of human lives – which should be protected from exploitation and erosion. On this issue, even more than in other copyright debates, our humanity matters.

As accurately noted in the preamble to AB 412, “Existing federal law, through copyright, provides authors of original works of authorship, as defined, with certain rights and protections.” But without the transparency which would be required by AB 412, our rights are effectively unenforceable with respect to the “ingestion” of our work by AI developers. AB 412 would be a significant step toward giving meaning to our rights to the fruits of our creative labor.

The difficulty of discovering which works have been “ingested” and their value extracted to produce a particular generative AI system or model has proven to be one of the greatest barriers to litigation and vindication for the wholesale violation of our rights by AI developers. In speaking with our members, one of the questions we most often hear is “how can I find out if my work has been used, and what can I do about that?” At the moment, there is no good answer to that question. As we noted in a submission to the U.S. Copyright Office on generative AI: <sup>3</sup>

Companies developing generative AI engines largely obscure details of how their technologies work... As such, when a creative worker’s copyrighted work shows up in a given dataset, it is nearly impossible for us as individuals to seek recompense.

Action by California is critical to close the gap between the human rights of creators<sup>4</sup> protected by international copyright treaties and Federal copyright law, and the ability to know when and by whom our rights have been violated and to obtain meaningful redress.

Because many of the largest generative AI developers are based in California, enactment of AB 412 will benefit not just NWU members and other creative workers in California, but also our members and our fellow creative workers nationwide and even worldwide.

For these reasons, the NWU is in SUPPORT of AB 412.

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2. National Writers Union (NWU), “Platform and Principles for Policy on Generative AI,” <<https://nwu.org/issues-we-care-about/generative-ai/>>.

3. Comments of the National Writers Union (NWU), “Notice of Inquiry: Artificial Intelligence and Copyright (FR Doc. 2023-18624; Copyright Office Docket Number 2023-6)”, October 30, 2023, <<https://nwu.org/wp-content/uploads/2023/10/NWU-AI-CopyrightOffice-30OCT2023.pdf>>.

4. “We believe that the rights of creators are human rights. Human creators are not the same as publishers, technologies, or corporations, none of which should be deemed to have ‘human’ rights. People, corporations, and algorithms should not be lumped together or treated the same way.... On this issue, even more than in other copyright debates, our humanity matters.” (NWU, “Platform and Principles for Policy on Generative AI”).

Sincerely,

**National Writers Union (NWU)**

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