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<div align="center">AI Art: The Future of the Art Industry?</div>

Introduction

Artificial Intelligence (AI) has been rapidly transforming various industries, and the art world is no exception. Lev Manovich, a world-renowned innovator and top influencer in digital art, media theory, and digital humanities, defines AI art as a type of art generated by "computers [that are] able to perform many human-like cognitive tasks…" in correlation to "how humans [program] computers to create… a significant degree of autonomy … that professional members of the art world recognize as belonging to "contemporary art"" (Manovich 1). Technology has advanced and will continue advancing until it replaces common human activities, such as creating art, which is seen by many as a form of self-expression and communicating one's ideas through their artistic vision. With the rise of AI-generated art, there has been a surge of excitement and controversy around this new concept. On the one hand, AI art represents a new frontier in the design world, with its ability to create innovative and original pieces. On the other hand, it raises serious ethical questions about the ownership and authenticity of artwork. One of the primary concerns with AI-generated art is the lack of credit given to the original artists. This is because AI algorithms are often trained on existing works of art, which it then replicates in a new form. This process raises questions about the ownership of art, and whether it is fair for AI to profit off the work of human artists without giving credit where credit is due. Moreover, the rise of AI art

poses a significant threat to human artists' livelihoods. In a world where graphic design students spend years perfecting their craft, the idea of being replaced by a series of codes is a daunting prospect. This raises important questions about the future of the graphic design industry and how AI will continue to impact it. Despite these ethical concerns, the law currently allows for the use of AI in art. This has led to a proliferation of AI-generated art, with artists experimenting with different techniques and styles. As the use of AI in art becomes more common, it is important to examine the legal and ethical implications of this new concept. This paper will examine how AI art has become popular yet controversial, how law the allows AI art to persist, and how this concept will continue affecting the graphic design industry.

How Has AI Become Popular Yet Controversial?

The trend of using AI apps to create art and share it online has become increasingly popular across various social media platforms like Twitter, Instagram, and TikTok. While it opens up exciting possibilities for artistic expression and creativity, it also raises serious ethical concerns. To create this "art", people take other artists' images or photos they find online and upload them into AI art generators. One of the most common AI apps that many people use is called Lensa, an AI portrait app. Morgan Sung of NBC News writes that "Lensa, which launched as a photo editing app in 2018, has reignited discussion over the ethics of creating images with models that have been trained using other people's original work." This app, along with the majority of AI apps, uses the art of others to train the AI algorithm to mimic the art of others, opening up the unexplored waters of piracy, plagiarism, and other legal activity within the relatively new AI world. This news article also mentions that Lensa is tinged with controversy — multiple artists have accused Stable Diffusion of using their art without permission… [since] AI models [can

produce] images en masse for so cheap, especially if those images imitate styles that actual artists have spent years refining." This raises an immense public ethical concern as artists have been putting their own time and effort into something only for it to be copied, stealing opportunities from talented artists worldwide. This has caused a massive trend among the art community and young generation to "support human artists" just like how the pandemic promoted the message "support small businesses." The people behind these AI generations want to "[bring] art to the masses" when it really promotes "forgery, art theft [and] copying to the masses." Not to mention that the art industry is already undermined and undervalued. For instance, artists on TikTok promote their artwork all the time and make a painting worth $300. There are usually comments flooding the comment section saying that it is "unrealistically expensive" and that "nobody will buy it" when broken down. However, the artists would be charging $15 or less per hour for a customized painting when it should be even higher. Now that anyone can create "their own" artwork, there will be less value to the art community than there already is. As a result of these catastrophic apps, many artists have been getting opportunities taken from them. For instance, a talented illustrator by the name of Li Flag tweeted that "[s]omeone showed me the album cover of this song. I have to say I didn't draw it. It's basically copying my work… I wish the musician could change the cover…". In more specific terms, a singer named Samuel Kim has a song titled "I Really Want to Stay at Your House" which has the cover art of a piece extremely similar to Flag's art, just from a different perspective. Kim himself later revealed that he had commissioned an artist who has now been revealed to use AI art by using the artwork of other artists. Flag's tweet has accumulated lots of attention with 79.6K likes since December 12, 2022 which caused Kim to replace the cover art of his song. Sadly, another artist, Debbie Lee, reveals that a follower told her about someone copying her work through the

use of AI and posting it on Reddit as their own. The Subreddit, called r/StableDiffusion, promotes AI art and encourages individuals to share "their own " artwork they have created through AI. The user named u/Slidehussle has gained lots of positive attention from other Redditors on "their" work and said, "...get in touch if you'd like to have the ownership transferred to you!" revealing that this user would take the purchase off another redditor for "their " art and that they currently own the rights to it. Lee was disheartened that others were using AI to mimic their art, which was created with a significant investment of time and effort. Overall, these two instances have shown how AI art raises public concerns through the normalization of plagiarism in the art community facilitated through AI art and how it harms individuals. For businesses on the other hand, AI art benefits them as they feel like they can "make their own" art without the need of hiring a graphic designer for posters, logos, etc., which would ultimately lead to higher unemployment rates in an already competitive industry.

Recently, the ICA (Institute of Contemporary Art) in Miami has been one of the first museums to collect NFTs, with their acquisition of CryptoPunk 5293 which "is part of the CryptoPunks series, which, in just five years, has racked up about $800 million worth of sales on the Ethereum blockchain exchange…" (The New York Times). Additionally, Alex Gartenfeld, the Institute's artistic director stated that "[the NFT] collection, as well as our exhibitions and programs, seek to take on some of the most pressing and topical art and ideas that are happening today…" (The New York Times). While NFTs provide a way for artists to authenticate their digital works and ensure ownership, there have been instances where NFTs have replaced the original works of artists without their consent. Similarly, AI art represents a new form of creativity that challenges traditional notions of art ownership and authenticity. As technology advances and AI becomes increasingly prevalent in the creative industry, it is important to

consider the current laws and regulations on the future of graphic design. While NFTs and AI art provide new opportunities for artists, they also raise ethical concerns about ownership and authenticity. As seen in the case of the ICA's acquisition of CryptoPunk 5293, NFTs can be used to authenticate digital works, but they also have the potential to replace original works without the artist's consent. As the art industry continues to grapple with these issues, it is crucial for laws and regulations to evolve to protect artists and ensure that they are properly credited and compensated for their work, regardless of its form. The future of graphic design will depend on how well the industry can adapt to these changes and find ways to balance innovation with ethical responsibility.

As the use of AI in graphic design becomes increasingly prevalent, concerns surrounding the energy consumption of advanced AI algorithms are becoming more pressing. The study titled "Defending humankind: Anthropocentric bias in the appreciation of AI art" written by Kobe Millet et. al from Vrije University's School of Business and Economics investigated whether human beings show bias towards human-made art compared to AI-made art, and the impact of such bias on the appreciation of AI art. The study found that participants experienced less awe and perceived less creativity when the music was labeled as AI-made compared to human-made. The researchers concluded that participants' bias towards human-made art was due to the information about the source (human vs. AI) and independent of the art content. Millet writes, "participants' bias is due to the information about the source (AI vs. human) and independent of the art content" (Millet 4). This shows that people have a bias against AI-made art, even if the art content is similar to that made by humans. In relation to the thesis, this study shows that AI art impacts the art industry because people may not value AI-made art as much as human-made art. This could affect the marketability of AI-made art, and thus, the willingness of people to

purchase or invest in such art. As such, artists who create AI-made art may face challenges in getting recognition and appreciation, which could limit the growth of the AI art industry.

How Current Laws Allow AI to Persist & Its Impact on the Future of Graphic Design

The legal framework governing AI art is currently unclear, leading to AI art being created without proper attribution or compensation to the original artists. Ziv Epstein and colleagues conducted a case study in their article "Who Gets Credit for Ai-Generated Art?" to explore the legal aspects of AI art. The article addresses the responsibility dilemma when AI systems produce noteworthy art or cause significant problems. The study sheds light on the Edmond de Belamy case, where credit and responsibility were assigned to various parties, including the artist, curator, technologist, and the crowd. The study underscores the importance of being mindful of the language and framing used to discuss AI systems and urges the public to be cautious about the narratives they consume. In study 1, the researchers found a correlation between participants' perception of the AI system as an agent and the extent to which they allocated responsibility to it. They discovered that this perception affected how people assigned responsibility not only to the AI system itself, but also to other actors involved in the production of AI art. In Study 2, the researchers experimentally manipulated participants' perception of the AI system as an agent or a tool, and assessed the impact on responsibility assigned to different actors involved in the production of AI art. What they found was that participants assigned more responsibility to the AI system when it was described as an agent than when it was described as a tool. However, participants assigned less responsibility to the artist who used the AI system in the agentic condition. They established that participants assigned more responsibility to the technologist who used the AI system in the agentic condition. The creation of AI-generated art

poses challenges regarding responsibility and attribution, as laws have not been updated to protect artists from their work being replicated by AI. The article emphasizes that assigning responsibility for AI art creation cannot be solely attributed to the algorithm or the human creators, but rather a combination of both. It highlights the importance of language and framing in assigning responsibility to different parties involved in the creation process, and raises awareness among artists, computer scientists, and the media about the language they use to describe AI art. The study also suggests that responsibility for AI art creation is not solely on the artist but also on the technologist and even the crowd. As AI-generated art continues to raise concerns about the attribution and compensation of original artists, it is crucial to advocate for clear legal guidelines and ethical practices that protect the rights of all artists.

While AI-generated art offers exciting new possibilities, it also challenges how to regulate its use and ensure that it does not infringe on the rights of human artists. A key concern is whether AI should be held liable for damages from stealing the art styles of artists and taking opportunities away from them. Artificial intelligence (AI) art is a relatively new field that has seen an explosion of interest in recent years. While the technology is exciting, it raises important questions about ownership and originality. Another key concern is whether AI should be penalized for copying the artists' work by training itself through their work. As Joanna Zylinska points out in her in-depth research book "AI Art: Machine Visions and Warped Dreams," the question of how to regulate AI in the art world is complex and multifaceted. Zylinska argues we should look to Isaac Asimov's Three Laws of Robotics as a guide, which state, "(1) a robot may not injure a human being or, through inaction, allow a human being to come to harm (2) a robot must obey orders given it by human beings except where such orders would conflict with the First Law and (3) a robot must protect its own existence as long as such protection does

not conflict with the First or Second Law" (Zylinska 30). Asimov's Three Laws of Robotics can be applied to the use of AI in the art world to guide ethical behavior and ensure that AI is not infringing on the rights of artists. The first law suggests AI should not harm human artists' originality or creative rights. The second law states AI should respect human decision-making and not interfere with the artistic process. The third law implies AI should not exist at the expense of human creativity. AI-generated art raises questions about originality and ownership. Regulations are needed to protect artists' rights and define AI liability for stealing art styles. As AI technology evolves, the art industry must balance the benefits of AI-generated art with the need to protect human artists' rights and the industry's integrity. Current design and art laws have not kept up with technological advancements, leading to controversial issues. It is crucial for the art industry to address these concerns and ensure artists are properly credited and compensated for their work, regardless of its form. Using Asimov's Three Laws of Robotics can guide ethical behavior in the use of AI in the art world. A cautious and ethical approach is necessary to balance the benefits of AI-generated art with the need to protect human artists' rights and the integrity of the industry. Defining when AI is liable for stealing art styles and taking opportunities away from artists is important, regardless of one's stance on the originality of AI-generated art. Clear regulations should be created for the use of AI models trained on other people's original works and guidelines should be established for fair compensation for artists whose works are used in these models.

The use of AI in the art industry brings numerous benefits, but it also presents significant risks that must be carefully considered. Miriam Buiten, a law student at the University of St. Gallen in Switzerland, offers a compelling analysis of Ai's legal and economic liability in her scholarly article titled "The Law and Economics of AI Liability", written in collaboration with

her colleagues. It discusses risks associated with AI, highlighting the challenges in attributing liability in the context of AI art. In the section "Risks associated with AI", Buiten writes, "First, AI can be complex because of the involvement of multiple stakeholders and the interdependence of AI components. The various parts of digital goods, such as hardware and digital content, may be sold separately and produced by multiple parties. This can make it difficult to trace the source of a malfunction or attribute liability for the malfunction to a single manufacturer" (Buiten et. al 5). Additionally, the "gaps in liability associated with characteristics of AI" section notes three possible gaps in the existing liability regime. Buiten writes, "[f]irst, it may be unclear what constitutes fault, or a product defect, if AI actions cannot be reasonably anticipated. This raises questions about how to divide responsibility between producers and users. Second, it is difficult to prove causality if there is no traceable and predictable line between them. AI design and harm. Third, the types of damages caused by AI may not be included in the recognised categories of harm for recovery under a liability rule" (Buiten et al. 7). The issue of liability in the context of AI art has significant implications for the art industry. The current laws regarding liability are not yet updated on the current AI trend, which can make it difficult to attribute liability for malfunctions to a single manufacturer. Although there are no current laws mitigating the abuse of AI art, there are events that act as precedents that aid in molding laws.

According to the article "Artificial Intelligence and Law: An Overview" by Harry Surden from the University of Colorado Law School, AI is not intelligent and does not exceed human-level thinking but really "produce useful, intelligent results… by detecting patterns in data and using knowledge, rules, and information" by other people, such as art (Surden 4). As discussed earlier, AI can be trained to mimic the art styles or images of others through "training", or the exposure of similar images, like the different works of a specific artist. This plays into the

notion that "AI technologies are yet another artistic tool, with their own distinct affordances… art is necessarily authored by social agents, and thus AI algorithms (as understood today) cannot be credited with authorship of art", as brought up by iScience (iScience, Epstein, et al.). This gives an idea of how future laws will be built upon the fact that AI systems, though computed by humans, cannot be credited with the art themselves as they sample the work of other artists and are not creating new lines or colors but rather rearranging every pixel into different places to create a cohesive image.

Furthermore, the gaps in liability associated with the characteristics of AI, such as its unpredictability, raise questions about how to divide responsibility between producers and users, and may not include the recognized categories of harm for recovery under a liability rule. This lack of clarity and regulation can hinder the growth and development of AI-generated art in the industry. Consequently there is the potential for harming the rights of human artists and the integrity of the art industry. Therefore, it is important to address these gaps in liability and establish more clear guidelines producing and using AI art to ensure that it is produced ethically and responsibly.

Research on Graphic Designers Affected by AI Art

I have been researching by getting perspectives about the impact of AI in the graphic design industry from professional graphic designers in the industry at all different points in their career. Jeremy Richie, a senior graphic designer and art director who has worked with notable clients such as Jack Harlow, Discovery, and David Caudell, tells me, " [AI has] been an awesome concept tool not only in terms of using prompts to create concepts for clients but also in helping to write strategy and multiple other parts of written content and reasoning for my designs. I think

as a conceptual tool. It's been super helpful and cut a lot of my workload down but at least half where I'm able to use AI" (Richie). His experience highlights the positive impact of AI on the graphic design industry by reducing the workload of designers and helping them generate concepts for clients. This aligns with the argument made in the thesis that AI can enhance the creative process and improve efficiency in graphic design. Using AI as a conceptual tool allows designers to save time and focus on other important aspects of their work. However, many people not only use AI art as a conceptual tools but abuse that power and use that art as their own, which is where the ethical line is drawn. Richie tells me that "[t]he bigger question for me in regard to AI is "Are we moving too fast?" AI that isn't trained on other artists' work feels a little more comfortable to me and less harmful to the industry." Richie's comment on AI suggests a positive outlook on its potential in the art and design industry. He acknowledges that AI has been an "awesome concept tool" and has helped cutg down on his workload. However, he also raises a concern about whether the industry is moving too fast in implementing of AI. One way to address this concern is to train AI on original data rather than on other artists' work. This would enable AI to create art from scratch, rather than simply replicate existing art. By doing so, AI could provide a new and innovative form of creativity that complements rather than replaces human creativity.

Alivia Burke, a production designer at the American Theatre Guild, encourages designers to adopt the "if you can't beat them, join them" mentality towards AI technology in the graphic design industry. According to Burke, "[d]esigners should begin to branch out in AI technology while it's in its infancy to acquire their own skillset to work with such programs. Companies are already putting out job positions for "prompt engineers" which are people who understand how

to get curated results. The point is that this technology is here and it's not going away." Therefore, designers who adapt and incorporate AI into their workflow can potentially gain a competitive advantage in the industry.

Similarly, MAK Kubin, a Rider University graduate from 2022 wrote to me, "I believe that all designers should fully understand their competition. Otherwise, how will designers ever compete with AI?" They continue to tell me that "[a]nyone can have the power to design now, which is amazing, but we must take into account our social responsibility as designers and ask ourselves; what impact does what I'm designing have on the people/world around me? What we design or create has power." Kubin emphasizes the importance of human touch and the limitations of AI in replicating certain aspects of design, such as color theory. Kubin adds on, "I did a whole independent study while studying at Rider University, and [found out that] just your color pallets from country to country can change the way your work is perceived. Something I do not believe AI will have the ability to account for anytime soon." This is something that AI may not be able to fully account for in the near future, as it lacks the same lived experiences and cultural understanding that humans possess. This suggests that the human touch will remain important in design, even as AI technology advances.

My research on the impact of AI in the graphic design industry has revealed both positive and negative aspects of this technology. AI has the potential to enhance creativity and improve efficiency in the industry, but it also raises ethical concerns about the ownership of AI-generated art. However, the insights from professional graphic designers suggest that AI can be used as a conceptual tool and as a way to augment human creativity. Designers who adapt and incorporate AI into their workflow can potentially gain a competitive advantage in the industry.

Nevertheless, the human touch will continue to be important in design, especially in areas where cultural understanding and lived experiences are essential. As AI technology advances, designers must learn to strike a balance between using AI as a tool and preserving the human aspect of design.

Conclusion

In conclusion, the rise of AI-generated art has been a topic of great interest and concern in recent years. While AI has the potential to create innovative and original pieces of art, it also raises important ethical questions about the ownership and authenticity of artwork. The lack of credit given to the original artists, as well as the potential threat to human artists' livelihoods, is a serious issue that needs to be addressed. The legal framework governing AI art is currently unclear, leading to AI art being created without proper attribution or compensation to the original artists. As the use of AI in art becomes more common, it is crucial to examine the legal and ethical implications of this new concept. The graphic design industry, in particular, faces an uncertain future as technology advances. It is important for artists, designers, and policymakers to work together to ensure that the use of AI in art is ethical, fair, and legal. They must also ensure that it does not undermine the creativity and originality of human artists. Overall, AI art is a fascinating and complex area that requires careful consideration and analysis to fully understand its impact on the art world and beyond.

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