

September 23, 2026

Filed Electronically

The Honourable Evan Solomon
Minister of Artificial Intelligence and Digital Innovation
235 Queen St
Ottawa, ON K1A 0H5

The Honourable Mélanie Joly
Minister of Industry
235 Queen St
Ottawa, ON K1A 0H5

Dear Minister Solomon and Minister Joly:

Re: Enhancing trust in AI through increased transparency

The Writers Guild of Canada (WGC) is a professional association of more than 2,500 English-language screenwriters. WGC members are the creative force behind Canada's successful TV shows, movies and web series. Every powerful show, movie or webseries requires an equally powerful script — and every powerful script requires a skillful, innovative screenwriter. WGC members are those screenwriters. They start with a blank page, and create entire worlds. Our members bring the diversity of Canadian life and culture to the world's screens, and they help drive a significant part of the Canadian economy. WGC members' work is critical to a domestic film and television industry that in 2024-2025 was worth \$4.15 billion in GDP and generated over 66,000 jobs.¹

We are pleased to provide our comments in this consultation on “Enhancing trust in AI through increased transparency.”

¹ *Profile 2025: An economic report on the screen-based media production industry in Canada*, Canadian Media Producers Association in collaboration with the Department of Canadian Heritage, the Canada Media Fund, Telefilm Canada and the Association québécoise de la production médiatique, (<https://cmpa.ca/profile/>), Exhibits 1-6 and 1-8.

In the discussion document in relation to this consultation,² it is stated:

Transparency around model training is especially relevant with respect to questions regarding the use of copyright-protected material. As developers and deployers of AI models and AI-powered applications continue to collect and consume data for model training, creators and other rightsholders seek to know whether and when that data includes content protected by the *Copyright Act* in order to inform copyright licensing and potential enforcement efforts.³

This issue is of significant importance to the WGC and its members.

As noted in the discussion document, “artificial intelligence” or “AI” is used to refer to a wide variety of different products that perform very different functions. Of particular relevance to the WGC is “generative AI”, which have the ability to generate realistic synthetic text, audio, images, and video at scale.

Generative AI systems currently and historically require massive amounts of human-created content to train on. Often referred to by AI developers and others as “data”, these are not simply binary ones and zeroes in digital form. They are scripts, books, music, visual art, films, and television productions. They are, among other things, art and culture. And they are the result of an immense expenditure of creative effort by human beings, often in the course of a career in creative industries by artists that represent their livelihood and that of their families.

Many AI developers have obtained this content to train their systems through so-called “text and data mining” or “TDM”, a process in which these companies have used programs to “scrape” the Internet of such content and then used the results to train their AI systems. Much of this “data” is and was copyrighted material.

As the WGC has stated in other similar consultations, AI training and TDM sits at the front end of a pipeline in which valuable human-created material is extracted, used to train AI systems, and then those systems are used to create value for their developers and users. In other words, it is a process that extracts something of value from the work of human creators as “inputs” and then conveys that value to developers and users in the form of generative AI “outputs”. Value is transferred from one entity or entities to another entity or entities, often without the knowledge, consent, credit, or compensation of the former.

² <https://ised-isde.canada.ca/site/ised/en/have-your-say-advancing-ai-transparency-canada/enhancing-trust-artificial-intelligence-through-increased-transparency>

³ Pages 18-19

This value needs to be recognized in multiple ways. Broadly speaking, the WGC supports the “ART” principles with respect to the use of copyrighted content in the training of AI systems, namely: i) authorization; ii) remuneration; and, iii) transparency. This has been similarly expressed as the “Three Cs”: i) consent; ii) compensation; and, iii) credit.

Transparency is vitally important in this context. There is an enormous asymmetry of information available to AI developers and the creators whose works are being “mined” in training processes. In many cases, the asymmetry is total, with AI developers having *all* the knowledge available on what works are being mined, and how that information is being subsequently used, while creators have *none* of that knowledge. Many creators do not even know if or how their work has been used in generative AI training in the first place.

Given all this, there is an enormous need for transparency in AI training. AI developers must have certain basic obligations for disclosure and reporting, both to holders of copyright and to the public. AI platforms should be required to comply with transparency requirements, including, but not limited to, publishing records of the copyright-protected works that were ingested into the platform.

This clarity would allow creators and rights holders, once they know whether and how their work is being used, to advocate and/or negotiate for fair compensation for its use, to consent to its use in the first place, or to withhold that consent, proactively or retroactively. As noted above, creators have made something of value to AI developers. We know it is valuable, because AI developers are using it to train their generative AI systems, and generative AI is attracting significant financial investment and user activity. Greater clarity around TDM and training would allow that value chain to operate in a way that is beneficial to everybody on it, and not just those at the tail end.

Given all this, the WGC submits that AI transparency must include a requirement of any AI developer or associated entity that makes use of copyrighted material to train its system, or otherwise uses copyrighted material at any stage of the AI system’s operation or lifecycle, to publicly provide a sufficiently detailed identification of the content it used for training the system, including how the data was obtained and selected, to facilitate copyright holders exercising and enforcing their rights under the *Copyright Act*. This should include the source of the content, the mode(s) of acquisition of the content, known or reasonably identifiable rights holders of the content, the use(s) made of the content, the time frame of storage and use(s) of the content, location of copies of the content, and the legal basis upon which the content was acquired and used.

These obligations should exist regardless of “risk level” of the AI developer or associated entity in question. Current discussion around regulatory approaches to AI can sometimes seek to distinguish between “high risk” and “low risk” AI systems. While such distinctions may make sense in other contexts, such as with respect to public safety and security, they

do not make sense in the context of transparency on AI training on copyrighted works. Copyright is a form of intellectual property which is, in turn, a property right that is at the foundation of a marketplace for copyrighted works. Copyright infringement or use of copyrighted works affects business models and the livelihoods of creators that rely on those business models, and this is the case regardless of any independent assessment of “risk level” of the AI system in question.

Transparency obligations must also be enforceable. In addition, given the information asymmetry discussed above, we submit that when an AI developer or other entity subject to such obligations fails to maintain the required records or to provide access to them, a rebuttable presumption that copyrighted work has been used should apply. This presumption would help rebalance the asymmetry between developers and rights holders.

Transparency obligations should extend not just to the use of copyrighted works to train AI systems, but also the use of AI (and other) systems with respect to discoverability of content. Cultural and entertainment content, such as that created by WGC members, is not simply produced and consumed, it is marketed, promoted, and made discoverable by audience, often on digital platforms such as online streaming services. Sometimes referred to collectively as “discoverability”, this practice itself makes use of AI technologies that do things like recommend certain titles to certain viewers or consumers, display certain titles in conspicuous places to certain viewers or consumers, and promote certain titles over other titles.

Discoverability practices amount to a significant degree of control over how consumers access content, and therefore have significant impacts on the creators of that content. Transparency about how AI systems operate in this context is therefore also very important to the health and success of artists and creators whose works are presented on those platforms.

Finally, transparency obligations should not be seen as part of a *quid pro quo* that justifies the reduction or elimination of copyright holders’ rights, in particular their right to authorize the use of their works in the first place. The creation of transparency obligations for AI developers does not and cannot justify the creation of a “TDM fair dealing exception” to copyright infringement, a compulsory licencing regime, or otherwise permit AI companies to train on copyrighted content without the authorization and consent of the copyright holders. Indeed, viewing transparency as a *quid pro quo* justifying something like a TDM exception would vitiate the one of the fundamental purposes of transparency, which is to facilitate copyright holders’ ability to enforce their rights in light of the informational asymmetry discussed above. Transparency on the use of copyrighted works by AI companies is a desirable thing in and of itself, and should be treated as such.

We thank you for the opportunity to provide our comments in this matter.

Yours very truly,

A handwritten signature in black ink, appearing to be 'NM', written in a cursive style.

Neal McDougall
Assistant Executive Director, WGC