



United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • www.copyright.gov

January 30, 2025

VIA E-MAIL

Cooley LLP
Attn: Judd Lauter
3 Embarcadero Center 20th Floor
San Francisco, CA 94111
United States

Correspondence ID: 1-6RDE4VB
Original Corresp. ID: 1-6JBF2G7

Re: A Single Piece of American Cheese (1-14119617821)

Dear Mr. Lauter:

This is in response to your December 5, 2024, correspondence requesting reconsideration of the U.S. Copyright Office's refusal to register a copyright claim in the above-referenced work. You made this request on behalf of the copyright claimant, Invoke AI, Inc.

We have carefully reviewed *A Single Piece of American Cheese* in light of the points raised in your correspondence. We also reviewed the prior correspondence between you and the Office, the 9:58 video you uploaded¹ at our request showing how this work was created, and we conducted a further examination of the work. Upon reconsideration, we have decided to register a copyright claim in this work because we find that it contains a sufficient amount of human original authorship in the selection, arrangement, and coordination of the AI-generated material that may be regarded as copyrightable and, therefore, supports a copyright registration.

In your December 5, 2024, request for reconsideration, you argued that Mr. Keirse² "selected, coordinated, and arranged numerous AI generated image fragments into a single, unified image," *Request* at 5, and likened *A Single Piece of American Cheese* to a collage: "the Work can and should be thought of as a kind of collage of separate elements that together form something new." *Id.* at 4. You conclude that the selection, coordination, and arrangement of the AI-generated material exhibits sufficient creative authorship to warrant registration. We agree.

¹ Due to size constraints, you submitted this video in three separate uploads. *E-mail from Judd Lauter* (Aug. 7, 2024).

² The application lists Invoke AI, Inc. as the author and claimant and states that this work was created as a work made for hire. In your request for reconsideration, you describe "Mr. Keirse of Invoke" as creating the work. *Request* at 2. In the cover letter submitted with the application, you explain that "Mr. Keirse" is "Kent Keirse, the CEO of Invoke AI, Inc." *Letter from Judd Lauter*, at 2 (Aug. 5, 2024). Based on these statements, we presume Mr. Keirse is an employee of Invoke and prepared this work while acting within the scope of his employment.

As the Copyright Office explained in its March 16, 2023, policy statement concerning works that contain material generated by artificial intelligence, “a human may select or arrange AI-generated material in a sufficiently creative way that ‘the resulting work as a whole constitutes an original work of authorship.’” *Copyright Registration Guidance: Works Containing Materials Generated by Artificial Intelligence*, 88 Fed. Reg. 16190, 16192 (Mar. 16, 2023); *See also*, U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability*, at 24 (Jan. 2025). We further explained that for any selection, coordination, or arrangement that includes AI-generated material, the computer-generated material will not be protected outside of the selection, coordination, or arrangement authorship. *Id.*; 17 U.S.C. § 101 (definition of “compilation”). The application adheres to this guidance, as the AI-generated material has been excluded from the claim from the outset.

In your request for reconsideration, you state that “Mr. Keirseley selected, coordinated, and arranged numerous AI generated image fragments into a single, unified image,” resulting in a work that “satisfy[ies] the constitutional minimum for copyright protectability.” *Request* at 5. Accordingly, in the request for reconsideration, you limit the claim for registration to the selection, coordination, or arrangement of the AI-generated material and do not seek protection for the individual inpainted and outpainted segments mentioned in your August 5, 2024, cover letter accompanying the application. We will, therefore, amend the application to identify Invoke AI, Inc. as the author of “selection, coordination, and arrangement of material generated by artificial intelligence.” In addition, we will amend the application to replace “2-D artwork” in the “material included field” with “selection, coordination, and arrangement of material generated by artificial intelligence.”

The effective date of registration for this work is August 5, 2024, the date that we originally received the application, deposit material, and filing fee. The certificate of registration is being mailed separately and should arrive soon.

Sincerely,



Gina Giuffreda
Attorney Advisor
Office of Registration Policy & Practice
U.S. Copyright Office