

Undermining human creativity: a risk for civilization

Paper submitted in response to [the Call for Papers on Artificial Intelligence and Creativity](#) by the Special Rapporteur in the field of cultural rights of the Office of the United Nations High Commissioner for Human Rights (OHCHR)

Association nationale des éditeurs de livres (ANEL)

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Responses from the Association nationale des éditeurs de livres (Québec, Canada) to the Call for contributions on artificial intelligence and creativity¹ from the Special Rapporteur in the field of cultural rights of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

General

What are the main challenges posed by AI to human creativity (understood as encompassing artistic creativity, but also all other types of creativity)?

1. AI's anthropomorphism represents an unprecedented challenge to human creativity, notably because its ideators claim the "freedom to learn" from this technology in order to make unauthorized use of other people's intellectual property.
2. Unlike its lexicon, however, AI has neither neurons nor hallucinations: its responses, which require human moderation, provide only probabilities based on reproduced content. Large Language Models ("LLMs") generate text that sounds correct in relation to existing text, without knowing whether the generated text is actually correct. According to informed observers, AI and bullshit (in Professor Harry Frankfurt's sense) are similar in that both privilege rhetoric over truth. They mix true, false and ambiguous statements in a way that makes it difficult to distinguish: AI sounds convincing even when it's false.²
3. AI's media hype, revolutionary promises and superficial appeal do less and less to conceal the real legal and societal pitfalls it poses for us all and for the planet.
4. In addition to its problems of misinformation and plundering of human creation³, AI is controversial for its design issues, manipulation and lack of transparency of algorithms, loss of control over their uses, bias, cybersecurity, privacy violations, identity theft, dependency on chatbots of dubious (or even harmful) competence, dumbing down of thought, de-skilling of people, cheating at school, large-scale fraud, energy issues⁴, ecological impacts, etc.

¹ As with this Call for Papers and the legislative texts and news items to which we refer, the masculine gender is used neutrally in our responses.

² Flyvbjerg, Bent, 2025, "[AI as Artificial Ignorance](#)", working paper, University of Oxford, IT University of Copenhagen.

³ Chantal Guy, [Le pillage de la création humaine](#), *La Presse*, March 22, 2025.

⁴ Chloé Bourquin, [La face cachée des figurines virtuelles](#), *La Presse*, May 2025.

5. In the book industry, AI misleads readers with bogus text, such as this [toxic book on Manitoba mushrooms](#)⁵ or the massive rewriting of legitimate content to suit political biases. Illegal competition from AI-generated publications is a scourge. On major online platforms, they are presented as the work of authors, when in fact they are nothing more than counterfeit or poor-quality texts that even usurp the identity of human authors. Their proliferation is limited to three titles by the same "author" per day⁶. It is therefore in the public's best interest to buy books by genuine authors published by the professional publishing houses that accompany them, because AI makes it increasingly difficult to distinguish the fake from the real.
6. Quality books are precious to technology giants. Their rhetoric for denying writers and their publishers their full value, and denying their intellectual property, in order to copy exactly what they have worked long and hard to develop, is hotly contested in court. Why should the "innovation" of some develop at the expense of that of others?
7. While major AI companies are using the content of legitimate authors and publishers without permission or compensation, to power services that cannibalize their advertising, subscription or sales revenues, a petition such as [Statement on AI training](#) testifies to a growing consensus that the unauthorized use of works to train generative AI is a major and unfair threat to the livelihoods of the people behind those works, and must not be allowed.
8. This battle for intellectual property will determine whether book and press publishers can continue to pay authors, how we access the information and works that guide our lives, and whether we can trust them.
9. Recently, under the guise of fighting young people's loneliness, after getting them hooked on *likes*, filters and constant validation, a new generation of algorithmic addiction tools targeting the most vulnerable has emerged⁷. Will these tools promote reading and education at a time when everywhere but at school, "the virtues of this tool that writes our e-mails for us, creates images for us, in short... that lets us cheat"?⁸
10. Will we finally have real safeguards against platforms that have contributed to isolating people, damaging the social fabric, promoting cheating and fraud, spreading

⁵ Gavin Boutroy, [Un guide sur la cueillette de champignons écrit par l'IA sème la crainte au Manitoba](#), Ici Radio-Canada.

⁶ Agence France Presse, [Les livres écrits avec ChatGPT envahissent Amazon](#), TVA Nouvelles and Reuters, [Les livres numériques rédigés par ChatGPT affluent sur Amazon](#), Radio-Canada.

⁷ Emily Turrettini, [L'IA pour les mineurs, vraiment? Meta et Google franchissent une ligne rouge](#), L'IA générative et nous, mai 2025.

⁸ Alain McKenna, [Une "AI invisible" pour tricher partout, tout le temps](#), *La Presse*, April 2025.

hatred, stirring up genocide⁹, facilitating electoral manipulation, weakening democracy, spreading fake news, ruining lives and promoting a model of connection without contact or humanity?

11. The book industry is obviously not averse to technological development. Many creators and publishers use AI tools individually and collectively, for example the chatbot on the retail site [Leslibraires.ca](https://leslibraires.ca) to make recommendations to readers.¹⁰ However, they are calling for an ecosystem where AI is designed and marketed in a legal, responsible, respectful and reliable way, like the professional authors, journalists and publishers who go to such lengths to respect our quest for truth.
12. The greatest promise of generative AI was not to write e-mails, generate visual presentations or take minutes at meetings. It was to cure cancer within 5 or 10 years. It is now well known that AI will not "cure cancer" due to biomedical research barriers, lack of data and its propensity to assert that lies are true. Without human research, judgment, validation and insight, the application of algorithms, however advanced, will do no better than a calculator. If AI contributes to the treatment of disease, it does so as a complement to humans, not as a substitute for them. Yet the end of disease is still well on the way, according to techno-optimists, not because of research, but, of course, thanks to AI¹¹ ! Suppliers are promoting ever more intelligent models. Are they doing it for the benefit of humanity or for their own capitalization?
13. AI faces an even greater crisis than that of human creation: a crisis of trust and debate, at the end of which humans, the rule of law and the common good must prevail.

How do we understand the notion of creativity?

14. Creativity can be defined as the capacity for imagination, invention and original creation, particularly in the artistic and literary fields. In Canada, an "original" work within the meaning of copyright legislation must emanate from a human being without being a copy of another work, and be the product of the exercise of talent and judgment, without being purely mechanical.

⁹ Daniel Zaleznik, [Facebook and Genocide: How Facebook contributed to genocide in Myanmar and why it will not be held accountable](#), *The Systemic Justice Project*, July 2021.

¹⁰ Leslibraires.ca, [Robot reader: explore local books](#), since 2023

¹¹ Matteo Wong, [AI Executives Promise Cancer Cures. Here's the Reality](#), *The Atlantic*, April 2025

15. The expression of an author's intelligence, creativity, judgment and unique vision is at the heart of the mission of professional publishing houses. In the podcast Secrets d'édition : plonger dans l'univers de la création des livres, publisher Yara El-Ghadban (Mémoire d'encrier, Québec, Canada) testifies that the more she advances as a publisher, the more she learns to be humble and to let herself be questioned, destabilized and shaken by texts, not only on an emotional level, but on that of her presumptions of what she thought she knew about the world, about history, and even about being a woman: "I read a text and then there I realize I didn't know anything" (translation).
16. Books are formidable agents of change. Perhaps that's why we've sometimes wanted to burn them" (translation), recalls writer, editor and columnist Marie Hélène Poitras (*Le Devoir*, Quebec, Canada). "I'd go so far as to say, she continues, that books are perhaps the most beautiful weapons in the fight against stupidity. In the silence of turning pages, they change the world and mentalities, and the good news is that their power is expansive."(translation)¹²
17. When Annie Ernaux was awarded the Nobel Prize for Literature for "the courage and clinical acuity with which she discovered the roots, distances and collective constraints of personal memory", she shared the following (translated by Alison L. Strayer):

"By granting me the highest literary distinction that can be, a bright light is being shone on work that consists of writing and personal research carried out in solitude and doubt. This light does not dazzle me. I do not regard as an individual victory the Nobel prize that has been awarded me. It is neither from pride nor modesty that I see it, in some sense, as a collective victory. I share the pride of it with those who, in one way or another, hope for greater freedom, equality and dignity for all humans, regardless of their sex or gender, the colour of their skin, and their culture; and with those who think of future generations, of safeguarding an Earth where a profit-hungry few make life increasingly unliveable for all populations.

If I look back on the promise made at twenty to avenge my people, I cannot say whether I have carried it out. It was from this promise, and from my forebears, hardworking men and women inured to tasks that caused them to die early, that I received enough strength and anger to have the desire and ambition to give them a place in literature, amid this ensemble of voices which, from very early on, accompanied me, giving me access to other worlds and other ways of being, including that of rebelling against and wanting to change it, in order to inscribe my

¹² Marie Hélène Poitras, Secrets révélés, *Le Devoir*, March 2025.

voice as a woman and a social defector in what still presents itself as a space of emancipation, literature."¹³ (emphasis added)

18. Literature, including novels, short stories, plays, poetry, essays, etc., is the embodiment of vision, creativity, imagination, inventiveness, knowledge, experience, talent, judgment, effort, strength, vulnerability, anger, etc. - in short, of human emancipation and freedom. This essential enterprise of thought cannot be mechanized, plagiarized or manipulated by an algorithm.

Can AI generated products be considered "originals", and if so, what are the consequences? What is artistic integrity in relation to AI use?

19. Copyright legislation confers on copyright owners the exclusive right to reproduce the work or any substantial part of it, and to authorize such acts. When copyrighted works are reproduced in AI software, these rights are engaged. Permission to use them is just as important as the compensation that may result, particularly when the AI output competes with, replaces or morally prejudices the original work and its author. AI-generated products derived from plagiarized content are likely to compromise artistic integrity and infringe economic and moral rights.
20. When not formed on appropriately licensed intellectual property and used judiciously, AI in book creation and publication can undermine the originality of the work, result in plagiarism and compromise the ability to license it. With its imitation of style, AI also creates confusion among the public about the attribution of authorial credit and what, in particular, the exclusive privilege reserved for the creator of a sequel to his or her series means.¹⁴

Policies and practices

Which measures have been taken to protect human creativity from threats posed by AI? What measure(s) would best achieve this aim?

21. Faced with large companies promising transhumanist innovation, whose first priority is to generate returns, even if it means moving fast and breaking things ("*move fast and break things*"¹⁵), citizens and their governments face huge challenges.

¹³ Annie Ernaux, "[Annie Ernaux - Nobel Lecture](#)", The Nobel Foundation 2022.

¹⁴ Stéphane Baillargeon, [Face à l'AI, le livre contre-attaque](#), *Le Devoir*, April 19, 2025

¹⁵ Jonathan Taplin, [Move fast and break things? Not again, and not with AI](#), *The Hills*, September 2024.

22. Some companies want to escape antitrust policies, unravel the regulations that affect them, have the structurally loss-making deployment of AI funded by states, and win government contracts. Their libertarianism opposes state regulations, their Prometheism rejects any limits on technological deployment, and some even display a provocative neo-fascism draped in the defense of free speech.¹⁶
23. There are even remarkable efforts at intimidation to avoid complying with laws or paying fines. Those who do so cannot, however, close down their services in all markets. This is why countries need to be firm in curbing impunity.
24. States must not only ensure that tech giants comply with the rule of law, they must subject AI to consequential new requirements, including transparency, technological design that prevents it from producing illegal content, and labeling of AI-generated or modified output.
25. For many critics, the real danger is not that AI will become conscious, but that the industry will treat it as if it were to avoid assuming its responsibilities. An AI that makes mistakes is not hallucinating. Lending it a personality could lead to laws that are unsuitable for citizens.
26. On the occasion of the Paris 2025 Summit for Action on Artificial Intelligence, the book and creative sector reaffirmed the need for states to demand respect for fundamental rights by AI models, including copyright and neighboring rights, notably through diligent research and respect for the express wishes of rights holders; effective and complete transparency vis-à-vis rights holders regarding the protected works and content used; encouragement of AI models to conclude licenses within the framework of negotiated authorizations; fair and appropriate remuneration for the use of content protected by intellectual property, as well as effective sanctions in the event of non-compliance with these principles .¹⁷

Please provide examples of good practice in promoting human creativity through AI.

27. As mentioned in question 4, AI models must respect fundamental rights, including copyright.
28. The emergence of more up-to-date legal frameworks and certification programs such as **Fairly Trained** will help people to better seize AI opportunities. Appropriately

¹⁶ Sébastien Broca, [L'extrême-droite technologique contre la démocratie](#), EnCommuns. Article published online March 31, 2025

¹⁷ Paris 2025 Summit for Action on Artificial Intelligence - [International Charter on Culture and Innovation](#), February 2025.

framed licenses to use works for "text and data mining" (TDM) are developing, including those from the **Copyright Licensing Agency** (CLA), the **Copyright Clearance Center** (CCC) and **Created by Humans** (CBH) and HarperCollins Publishing.

29. Since AI has become the subject of public interest and recourse by rights holders, it has been documented that AI companies are increasingly entering into licensing agreements with publishers to build and exploit their systems.¹⁸
30. AI should also help publishers and their authors to protect the works they promote more effectively against plagiarism, manage digitally enriched metadata, optimize marketing and automate processes, enrich the experience on digital book platforms, prepare royalty reports, speed up accounting and analysis, simplify document management of contracts, rapidly process large quantities of information, and so on. It doesn't have to swallow their soul or their literary business.

Does, or should, education and artistic education include teaching of AI tools and their usage?

31. Individuals, including creators and their partners, need to be made aware of the true workings of AI software, its risks and challenges. This requires greater transparency.
32. In particular, everyone needs to understand that AI companies use their users' inputs in outputs to other users, that AI systems continuously "train" on pirated or "shared" content while in use, and that while it is possible to prohibit the use of one's own content, like one's creations, via the service's terms of use, this opt-out option is often not easy to find and raises many questions.
33. As recommended by the [Barreau du Québec](#) (Canada) in its AI training for lawyers, users should never introduce confidential, personal, sensitive or proprietary data, such as a copyrighted work, into an AI tool without authorization and assurance, under licensing conditions, of the security of the service used.
34. Authors and their partners must therefore pay new attention to the conditions of use applicable in relation to the work, even if this means including AI use restrictions in their contracts. Many will also have to resort to robot blockers, document the "regurgitation" of works by AIs, send formal notices, take legal action, and so on
35. At the political level, we all need to advocate for "opt-in" TDM (as is the case in Canada, for example - we'll come back to this), to combat the anthropomorphist

¹⁸ Association of American Publishers, [AAP Files Amicus Brief Against Meta in AI Case](#), April 2025.

discourse of AI and its "freedom to learn", while denouncing its "artificial ignorance" (AI).

36. The Association nationale des éditeurs de livres is making available guides and references to educate and help the book industry better keep up with the accelerating pace and challenges of AI deployment.

How do laws protect the rights of artists and other creators regarding content used by AI? What are the rights of authors in AI generated creation? Please provide examples.

37. In Canada, the use of works by AI services is subject to the *Copyright Act*.
38. The creative industries refuse to see a "TDM" exception added, despite the insistence of certain "Silicon Valley prophets", to quote the enlightening title of essayist and journalist Thibault Prévost.¹⁹
39. In its recent report on AI and copyright²⁰, the Government of Canada concludes that the cultural industries stress the importance for creators and rights holders to be able to give their consent to the use of their copyrighted works in TDM activities, and to be remunerated for such use, while the technology industries call for the legislation to specify that such activities "should never require the authorization of copyright owners or give rise to remuneration".
40. The Statement on AI training petition, the legal actions and the growing number of awareness campaigns testify to the broad consensus that the unauthorized use of works to train generative AI is a major and unjust threat to the livelihoods of the people behind these works, and must not be allowed.
41. Legitimizing the training and use of AI software without authorization would not respect the three-step test of the Berne Convention, which allows states to make exceptions to copyright, provided that such exceptions are limited to certain special cases, do not conflict with a normal exploitation of the work, and do not unreasonably prejudice the legitimate interests of the author.

What are the practices regarding information on AI generated content? What would be the best practices?

42. Faced with AI companies that seem intent on generating returns at any cost in their frantic race to innovate, it is crucial, for the common good, to raise public awareness

¹⁹ Thibaud Prévost, Les prophètes de l'AI : Pourquoi la Silicon Valley nous vend l'apocalypse, Lux, November 2024.

²⁰ Government of Canada report on generative artificial intelligence (AI) and copyright, February 2025.

and demand government action and consultation at local, provincial, federal and international levels.

43. To improve regulatory frameworks, the pragmatic approach of the European Parliament and its AI Act seems sensible insofar as it sets out the need to comply with transparency requirements and copyright legislation, to indicate that content has been generated by AI, to design the technology to prevent it from generating illegal content, and to publish summaries of copyrighted data. Finally, content generated or modified using AI must be clearly labeled as having used this technology, so that it is known that this is the type of content involved.
44. Technology companies can and must respect copyright to avoid legal liability. And yet, many of them infringe copyright while calling for its weakening to capture its value and denigrate it at the same time.²¹
45. Finally, copyright must continue to be reserved for the works of individuals, to encourage "greater freedom, equality and dignity for all human beings, whatever their sex or gender, skin or culture". Let those "who think of future generations, of safeguarding an Earth that the profit-seeking appetite of a few continues to make less and less liveable for all populations"²² understand that undermining human creativity is a civilizational risk.

About the Association nationale des éditeurs de livres (ANEL)

With a mission to promote the health and influence of Quebec and Franco-Canadian publishing, the [Association nationale des éditeurs de livres](#) (ANEL) brings together the vast majority of French-language publishing houses in Quebec and Canada. They publish a wide range of works, from novels to textbooks, essays and children's books, in both print and digital formats. Through Québec Édition, ANEL supports its members in their export activities through collective stands at more than ten fairs and trade shows around the world, as well as numerous actions that help the profession on international markets. ANEL is a member of the [International Publishers Association IPA](#) (and the [Coalition for the Diversity of Cultural Expressions \(CDCE\)](#)).

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²¹ Pierre Trudel, [L'AI et les droits d'auteur](#), Le Devoir, January 23, 2024

²² *Ibid*, note 4.