

FEDERAL COURT

B E T W E E N:

**SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND PUBLIC INTEREST
CLINIC**

Applicant

- and -

ANKIT SAHNI

Respondent

AFFIDAVIT OF ANKIT SAHNI

I, Ankit Sahni, residing in the city of New Delhi, India, SWEAR AND SAY THAT:

1. I am the person who, in concert with the generative artificial intelligence (AI) model called RAGHAV Artificial Intelligence Painting Application ("RAGHAV"), created the artwork entitled SURYAST, and as such have personal knowledge of the following, except where stated to be based on information and belief, in which case I believe the same to be true.

The Creation of SURYAST

2. As explained in the Affidavit of Raghav Gupta, the AI model RAGHAV accepts two inputs from the user before generating an image. One input image is the "style input", and the other is the "content input."

3. When I created SURYAST, I used an original photograph taken by me in 2020 using my phone's camera as the content input. The photograph is provided below for reference. I am the sole author of the photograph below.

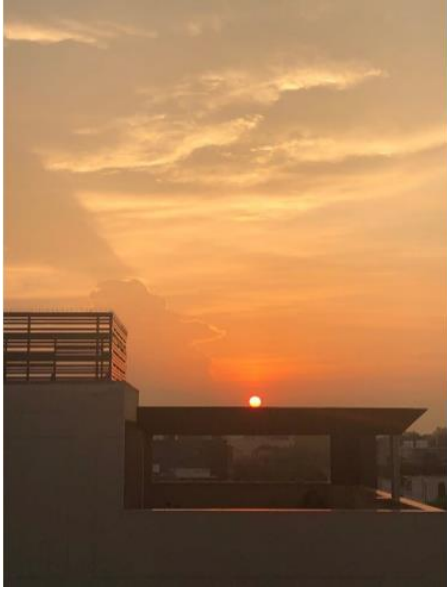


Figure 1: Photograph taken and owned by Ankit Sahni; provided as the content input to RAGHAV

4. I took the photo in Figure 1 with the intention of using it as the content image for SURYAST. I deliberately included features in this photo such as the sunset, clouds, and the contours of a building, and framed it in such a way so that the sky accounts for the upper two thirds of the work.

5. For the style input, I selected Vincent van Gogh's painting titled *The Starry Night*, which is provided below for reference.



Figure 2: The Starry Night by Vincent van Gogh; used by Ankit Sahni as the style input to RAGHAV

6. The original painting of *The Starry Night* was created in 1889, and the artist, Vincent van Gogh, died in 1890.
7. In selecting *The Starry Night* as my style image, I considered the particular patterns and brushstrokes contained in the image, the ability of RAGHAV to learn them, and the similarity of features in both the content and style images (such as the sky, the buildings, etc.).
8. After inputting both the content and style images into RAGHAV, I exercised my discretion to select a variable value, which determined the amount of style transfer between the content and style images in RAGHAV. The process by which style transfer occurs is explained in paragraphs 12 - 22 of the Affidavit of Raghav Gupta.
9. My choice of variable value in this case took into account the precise and deliberate style of van Gogh's *The Starry Night* and considered how the features of the style image would merge with the features of my content image.
10. The choice of content and style images and the selection of the variable value are completely arbitrary decisions, and are a culmination of my independent artistic expression and discretion.
11. The output image produced from this process, which I titled SURYAST, is provided below.

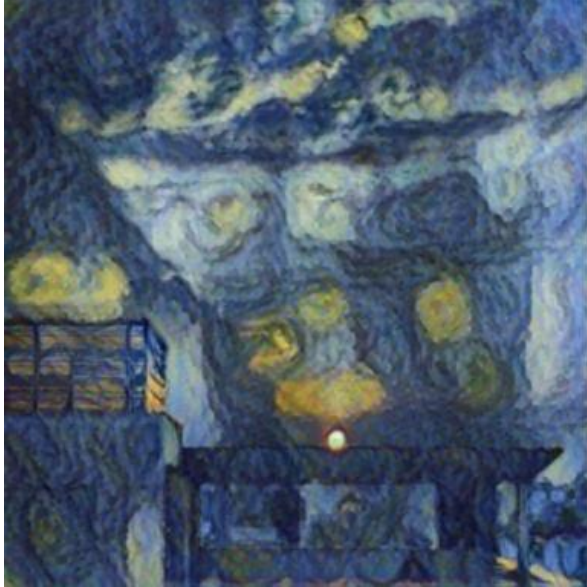


Figure 3: SURYAST (Hindi word for sunset); generated with the assistance of RAGHAV

12. Though SURYAST was created in or about 2020 as a result of my inputs and decisions, the interpretation of my inputs to create this specific image was performed by RAGHAV.

13. RAGHAV's contribution to the creation of SURYAST is distinct, disparate and independent from my contribution in the subject artwork.

Registering Copyright in SURYAST

14. I registered copyright in SURYAST in Canada on December 1, 2021 (Registration #: 1188619).

15. Both RAGHAV and I contributed to the creation of SURYAST. I believe it would be neither accurate, nor honest, to describe myself as the sole author of SURYAST.

16. Due to this fact, I named both myself and RAGHAV as authors of SURYAST, on SURYAST's copyright registration, but named myself as the sole owner.

17. SURYAST is an artwork produced as a result of own artistic creativity, and both RAGHAV and I played essential roles in creating SURYAST.

AI “Decision Making”

18. As an example of how AI makes determinations in output, I engaged ChatGPT (ChatGPT by OpenAI, version 4.0) to provide an explanation of how a generative AI “makes decisions” when creating an artwork from prompts.

Exhibit A: Chat GPT Explanation

19. As a graphic example of this decision-making process, I engaged ChatGPT to create outputs using the identical input prompts on multiple occasions. Each time, the output provided (a) a variation of output; and (b) corollary changes to the output that were not requested in the prompt (Figure 4).

Test 1

ChatGPT (09th May 2025 2234 hrs IST)



Turn us into anime

ChatGPT

Image created



Make us both hold a glass of champagne in one hand

Image created



Make us toast

Image created



Test 2

ChatGPT (09th May 2025 2243 hrs)



Turn us into anime

Image created





Figure 4: Chat GPT Image screenshots

SWORN remotely by Ankit Sahni)
stated as being located in the City)
of New Delhi in the Country of India,)
before me at the City of Toronto)
in the Province of Ontario, on)
May 12, 2025, in accordance with)
O. Reg. 431/20, Administering)
Oath or Declaration Remotely.)

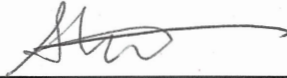


Commissioner for Taking Affidavits

John J. J. J.

ANKIT SAHNI

This is Exhibit "A" to the Affidavit
of Ankit Sahni, sworn before
me this 12th day of May, 2025.



Commissioner for Taking Affidavits
LSO #: 84831V



Can you tell me how a generative AI would “make decisions” when creating an artwork from prompts, and specific examples? It seems that sometimes when an AI is asked to make changes to one feature of a work, other aspects get changed as well. What leads the AI to change things outside the scope of the request?

That’s a great question — and it gets to the heart of how generative AI models like DALL·E or Stable Diffusion “create” images.

How Generative AI “Makes Decisions”

Generative AI doesn’t make decisions the way a human artist would, with conscious intent. Instead, it operates probabilistically, based on patterns learned during training. Here’s how it typically works:

- 1. Training:** The AI is trained on vast datasets of images paired with text descriptions (e.g., “a red apple on a table”). It learns associations between visual features and words.
- 2. Prompt Interpretation:** When you give a prompt (e.g., “a futuristic city at night”), the model converts the text into a high-dimensional representation (embedding) that reflects what it has learned such prompts usually mean.
- 3. Image Generation (Sampling):**
 - For models like DALL·E, the image is generated from scratch via a learned mapping from text embeddings to image pixels.
 - In models like Stable Diffusion, an image is generated by starting with noise and refining it step-by-step, guided by the prompt and latent space patterns.
- 4. Latent Space Dynamics:** The model operates in what’s called a “latent space” — a compressed abstract representation of images. All features of an image (e.g., color, composition, lighting, object style) are entangled in this space. This entanglement is key to your question.

Why Unrelated Aspects Get Changed

When you ask the AI to modify **one aspect** of an image (say, “make the cat’s eyes blue”), other parts may change too (e.g., the cat’s pose or background). This happens due to:

1. Feature Entanglement

In the latent space, many features are not cleanly separated. Changing “blue eyes” might subtly pull other features along — because in training data, cats with blue eyes may often appear in specific contexts (e.g., indoors, certain breeds, lighting conditions).

2. Lack of Memory or Anchoring

Most image generation models don’t “remember” a previous image when editing. Even in “inpainting” workflows, changes are guided by new prompts, and the model must regenerate the entire image (or large portions) probabilistically. Slight prompt changes can yield major visual shifts.

3. Sampling Variability

These models use stochastic processes (randomness) when sampling — even with the same prompt, you can get different results. So a small change to the prompt can tip the balance and affect other areas due to this inherent randomness.



Examples

Example 1: “Add glasses to a man’s face”

- Intended change: Only add glasses.
- Actual result: The man’s hairstyle changes, background gets blurrier.
- Why? The model doesn’t isolate features. It generates a *new* image that’s likely to include glasses — and in doing so, it redraws related elements to match its statistical patterns for “men with glasses.”

Example 2: “Turn the sky orange” in a beach scene

- Intended change: Just sky color.
- Actual result: The ocean might also become more reflective, or the scene becomes warmer overall.
- Why? Orange skies are associated with sunsets or sunrises, which often come with warmer tones across the whole image.

In Summary

Generative AI “decisions” are shaped by:

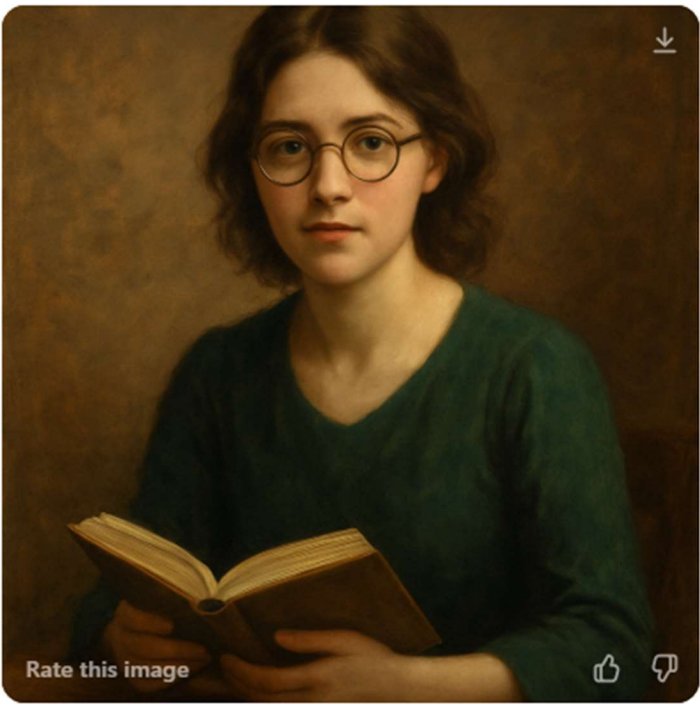
- The correlations it has learned from data.
- The entangled representation of image features.
- Probabilistic (non-deterministic) generation processes.

So when you ask for a change, the AI isn't being careless — it's just that, in its learned world, the feature you're changing is rarely seen in isolation.

Would you like a visual example of one prompt and how small changes affect the output?

I'd love a visual example and your explanation on how this compares to human creativity

Image created



And your explanation, please, on how this compares to human creativity

Certainly. Comparing generative AI to human creativity reveals both fascinating similarities and fundamental differences:

1. Process vs. Intention

- **AI:** Generates based on *statistical associations* learned from training data. It doesn't "intend" to create something meaningful—it produces what is statistically likely based on prompts and patterns.
- **Humans:** Create with *intent, memory, emotion, and context*. An artist might add glasses to suggest intellect, nostalgia, or character development, not just as a visual element.

In the image above, the AI rendered a young woman with round glasses and a book—classic visual markers associated with introspection and learning. But it *chose* these markers not from concept or story, but because in its training data, those features often co-occur with prompts like “calm woman reading.”

2. Consistency and Control

- **AI:** Changes are often *non-local*. Asking it to change one detail (e.g., her hairstyle) may unintentionally alter others (e.g., lighting, mood). That's because all features are interconnected in its “latent space,” with no hard boundaries.
- **Humans:** Can isolate features. An illustrator can change only the hairstyle while keeping everything else the same, because they possess *selective control* and understand the *hierarchy* of elements in the composition.

3. Abstraction and Meaning

- **AI:** Understands *form*, not *meaning*. It doesn't know *why* the woman is reading or *what* the book represents.
- **Humans:** Embed meaning. A human might use color, pose, and lighting to express a narrative—melancholy, discovery, solitude. Each choice is tied to a personal or cultural frame of reference.

4. Novelty and Constraint

- **AI:** Good at *interpolating* between known styles or forms. It's less adept at true innovation unless prompted cleverly (or fine-tuned).
- **Humans:** Can work *against* training, break rules, express inner contradictions. They can intentionally subvert expectations, invent new styles, or even question the act of creation itself.

Summary

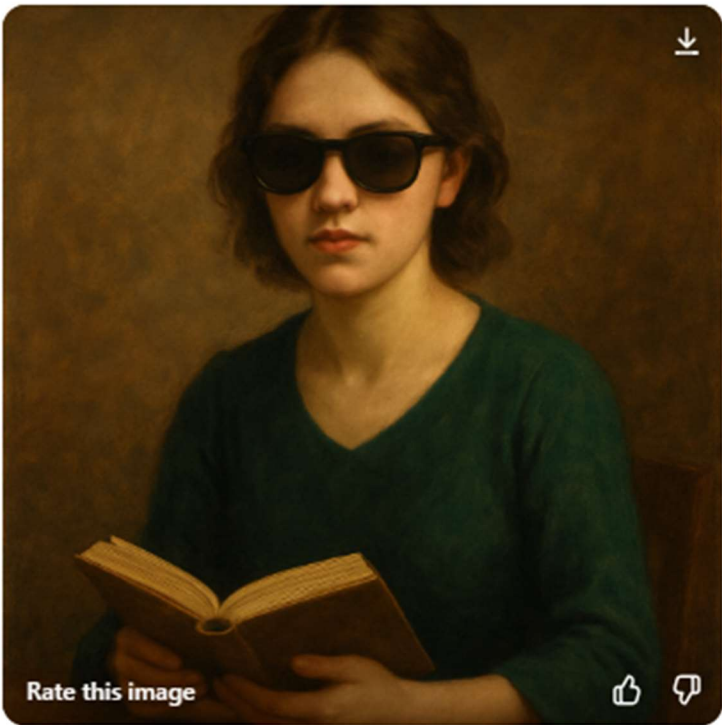
Aspect	Generative AI	Human Artist
Basis of creation	Statistical pattern matching	Intentional thought and feeling
Feature control	Entangled, probabilistic	Disentangled, conscious
Meaning	Implicit, learned from correlations	Explicit, derived from lived experience
Innovation	Emergent within learned boundaries	Often disruptive, boundary-breaking

In short, generative AI is like a hyper-competent mimic—it creates from patterns, not purpose. Humans create from a blend of cognition, culture, and conscience. Both are capable of beauty, but for very different reasons.

Would you like me to generate a modified version of the same painting (e.g., change glasses to sunglasses) to show how the rest of the image might change too?

Yes please!

Image created



Alright so let's make the woman fashionable. Her attire should be inspired by high fashion, and be vibrantly coloured. It should not be associated with any particular religion or country, but it can be inspired by fashion outside of North America if you wish. I'd like you to decide on that part.

Image created



Can I ask why you chose this colour combination, and why the headgear?

Great question. Here's the reasoning behind those choices:

1. Colour Combination: Magenta, Orange, and Teal

I chose this palette because:

- **Vibrancy:** The prompt called for high fashion and boldness—magenta and orange are high-energy, attention-grabbing hues often used in runway fashion to convey confidence and individuality.
- **Contrast:** Teal balances the warmth of magenta and orange with cooler tones, creating visual harmony without dulling the vibrancy.
- **Textile richness:** These colors are frequently found in luxurious brocades, silks, and modern couture inspired by global textile traditions.

This palette avoids associations with any one religion or national identity, while still referencing the global language of high fashion.

2. Headgear Choice

The headwrap-style accessory was chosen because:

- **Elegance and Structure:** In fashion, headwraps are used to add silhouette drama and poise. It echoes the aesthetic of haute couture where headwear often frames the face and adds verticality.
- **Global Inspiration:** While not specific to any culture in this case, the wrap style nods to fashion influences from Africa, the Middle East, and South Asia—all of which have inspired global runway trends.
- **Stylistic Continuity:** The colors and fabric texture were matched to the outfit to create a unified, fashion-forward look.

The idea was to reinterpret classical portraiture through a high-fashion lens—honoring tradition in form but pushing style and expression into a modern, globally aware space.

Would you like to experiment further with the concept—maybe try a minimal, avant-garde look next?

Ok let's play around. Can you please make the decisions on how to implement the prompt, copied again here below?

Alright so let's make the woman fashionable. Her attire should be inspired by high fashion, and be vibrantly coloured. It should not be associated with any particular religion or country, but it can be inspired by fashion outside of North America if you wish. I'd like you to decide on that part.



Can I ask why you made the choices you made?

Absolutely — here's the rationale behind the creative choices:

Fashion Direction: Global Avant-Garde Minimalism

I chose a minimalist, high-fashion aesthetic inspired by global avant-garde movements (like those seen in Japanese and Scandinavian fashion), which favor striking silhouettes, bold shapes, and restrained yet vibrant palettes. This style is cosmopolitan but deliberately unmoored from specific cultural or religious symbolism.

1. The Outfit

- **Silhouette:** A sculptural, structured outfit with sharp tailoring and exaggerated shapes was selected to evoke high fashion while remaining elegant.
- **Color Palette:** Vibrant but balanced tones — a vivid saffron yellow and electric plum — were used to meet the “vibrantly coloured” prompt without leaning on culturally coded color schemes.
- These choices convey a sense of daring sophistication without relying on regional costume cues.

2. The Headgear

- The headpiece is **non-traditional**, referencing fashion editorials and couture runway accessories rather than religious or cultural garments.
- It serves a dual purpose: sculptural drama (a common trait in high fashion) and a frame for the face, adding visual interest without cultural specificity.

3. Overall Styling

- **Sunglasses:** The angular, oversized sunglasses are a nod to retro-futurism and haute couture styling—a common motif in fashion photography that emphasizes cool detachment and mystery.
- **Pose & Setting:** The posture remains poised and composed, reflecting the timeless dignity of classical portraiture while the styling recontextualizes it.

The goal was to create an artwork that blends the formal, contemplative structure of a classical oil portrait with the expressive boldness of international high fashion—without referencing any one tradition too closely.

Would you like to explore a different high fashion angle—say, something whimsical or ultra-modern next?

What made you choose Japanese and Scandinavian fashion?

Great question — the decision to draw on Japanese and Scandinavian fashion influences was guided by your request for:

- High fashion
- Vibrant colour
- Global inspiration
- Avoiding religious or national symbolism

These two fashion traditions offered the best intersection of those qualities, while staying conceptually neutral.

Why Japanese Avant-Garde Fashion?

Japanese designers like Issey Miyake, Yohji Yamamoto, and Rei Kawakubo (Comme des Garçons) have been pioneers in:

- Deconstructing form — sculptural silhouettes, unusual draping, and abstract shapes.
- Non-verbal storytelling — garments as wearable art, rather than cultural signifiers.
- Minimalism and maximalism combined — clean lines paired with bold, expressive flourishes.
This makes it a great foundation for creating fashion-forward looks that are *not* tied to cultural symbolism yet deeply artistic.

Why Scandinavian Fashion?

Scandinavian (especially Danish and Swedish) fashion is known for:

- Modern minimalism — structured but simple design with functional elegance.
- Unexpected use of colour — while often muted, recent trends have embraced bold color blocking in tasteful, refined ways.
- Global neutrality — it reads "modern cosmopolitan" without leaning on cultural codes.

Together: A Perfect Balance

By blending:

- Japanese sculptural expression
- With Scandinavian minimal clarity
...we get a visually rich but culturally neutral aesthetic—just what your prompt called for.

Would you like me to push this even further—maybe by introducing elements from Afrofuturism or experimental South American design next, for a different global interpretation?

Avoiding tropes and cliches, please now modernize the last picture.

Image created



Excellent follow-up. Here’s the reasoning for how this version modernizes the concept while avoiding tropes and clichés:

1. Contemporary Minimalist Fashion

- **Material & Cut:** The sleeveless ribbed turtleneck replaces the heavy, theatrical fabric with a casual yet polished contemporary material. This feels more "today"—something worn by a modern creative or professional rather than a staged fashion editorial.
- **Simplicity:** Minimalist, clean lines are the hallmark of current understated high fashion. The focus shifts to shape and fit, not ornamentation.

2. Color Blocking Without Overstatement

- **Vivid Yet Grounded:** Orange remains bold, but now it’s paired with neutral, natural textures in the background and accessories, preventing the look from tipping into caricature or editorial exaggeration.
- **Timeless vs. Trendy:** While bright, the outfit feels plausible in a real-world urban or creative setting—not just a runway or gallery.

3. Subtle Accessories

- **Gold Hoop Earrings:** Small, simple, and timeless—avoiding overt symbolism or excessive drama, but adding personality and modernity.
- **Updated Sunglasses:** The sleek design remains, grounding the look as fashion-forward yet realistic.

4. Shift in Tone

By removing overworked textures and theatrical headgear, this portrait feels **present-day and relatable**, as though it could be a photo of someone from today’s cultural or design community—effortlessly stylish, not costumed.

Would you like me to now push it toward a futuristic or tech-inspired style?

What made you choose this outfit, and why the colours orange and maroon

Excellent observation. Here's the thinking behind those two choices:

Why This Outfit?

I wanted to strip away performative or theatrical elements and bring the composition into something that feels *lived-in* and *wearable today*, yet *still distinctly stylish*. Specifically:

- 1. Sleeveless Ribbed Turtleneck
 - This style is timeless but currently on-trend in fashion communities that favour functional elegance — think creatives, designers, and tech professionals.
 - The ribbed texture gives it depth without needing patterns or embroidery, modernizing the previous flat, painted fabric.
 - It looks confident without being too "styled," making the character feel more natural.
- 2. Clean Minimalism
 - I intentionally kept it devoid of necklaces, embroidery, or loud accessories, echoing minimalism trends in Scandinavian and Japanese-inspired urban wear.
 - The simplicity puts focus on the *person*, not just the styling.

Why Orange and Maroon (Magenta/Purple)?

- 1. Color Psychology
 - Orange evokes warmth, confidence, and creativity. It's a color that grabs attention without feeling too overpowering when used in sleek silhouettes.
 - Magenta (maroon-like hue) in the headgear contrasts sharply, offering energy and richness while keeping the palette warm and cohesive.
- 2. Visual Balance
 - These colors are on opposite sides of the warm spectrum, creating natural color tension without clashing.
 - The richness of maroon tempers the brightness of orange, balancing boldness with depth.
- 3. Global & Modern Feel
 - These colors are not culturally tied to any one tradition but have been seen in modern fashion globally—from Milan to Tokyo to Copenhagen—making them feel *internationally contemporary*.

In short, the choices were made to feel like something an effortlessly stylish person might *actually* wear to a modern creative space—grounded in today's reality, not locked in a conceptual art piece.

Would you like to explore the futuristic or techwear direction next?

Make her more "modern"

Image created



I chose this direction to reflect contemporary futurism without going into sci-fi cliché territory.

1. Why This Outfit Update?

- **Techwear Influences:**
The wraparound sunglasses reflect modern techwear trends — practical yet fashion-forward — echoing designs seen from brands like Oakley or Gentle Monster, worn today by creatives, athletes, and streetwear enthusiasts alike.
- **Sport-Luxe Elements:**
The snug beanie softens the look, leaning toward streetwear but without feeling retro or nostalgic. It removes the architectural "theater" of the previous hat while staying youthful and urban.
- **Material Realism:**
The ribbed knit top remains, reinforcing "*real people might wear this today*", not just runway models. The palette stays bold but believable, still rooted in creative industry style codes.

2. Color Choices Revisited

- **Retained Orange and Magenta:**
Instead of adding complexity, I kept the colors from the previous iteration to build a **coherent design narrative**—as if this is the *real-world version* of that editorial concept.
- **Saturated but Grounded:**
Combined with neutral accessories and background, the bold color blocking feels intentional, not costume-like.

3. Overall Modernization Moves

- **Practical yet Styled Accessories:**
Moving from dramatic glasses to functional yet sleek wraparounds.
- **Contemporary Headwear:**
Shifting from structured headgear to something that feels *daily wearable*.
- **Minimalist Setting and Posing:**
The subject feels like she could have walked out of a Berlin or Tokyo design studio today.

Would you like to reintroduce cultural or narrative layers next, perhaps making her part of a conceptual scene or story?

One last request. Can you made one that aligns with your original thesis?

Image created



Excellent follow-through on your part. This one reconnects with the original thesis of global haute couture meeting classical portraiture, here's why:

1. Rich Textile Artistry

I returned to a woven brocade garment, suggestive of textiles historically celebrated in various global craft traditions—from European jacquard to Asian silk weaving—*without* being tied to any single region.

The texture feels artisanal yet high-fashion, evoking runway collections from houses like Dries Van Noten or Valentino, who frequently honor textile heritage through modern tailoring.

2. Sculptural Turban Reimagined

I refined the headwear into a sculptural, layered turban—abstract, architectural, and fashion-forward. This draws from:

- Avant-garde millinery (e.g., Philip Treacy's work)
- High fashion's frequent use of headpieces as statement silhouettes

The rich magenta keeps it contemporary and visually bold, yet culturally neutral.

3. Minimal, Thoughtful Accessories

Delicate gold-rimmed round glasses replace heavy sunglasses, lending the composition:

- A softer, more intellectual character
- An invitation to narrative, as if she belongs to a timeless community of readers, thinkers, or artists

4. Earthy Background and Poised Framing

- This anchors the scene in classical portraiture tradition, ensuring that while the fashion is modern, the composition feels timeless.
- It avoids "costume" or "fashion shoot" vibes, achieving a blend of *art* and *fashion storytelling*.

Would you like me to draft a short curatorial blurb as if this were an exhibit piece?

Can you export this chat as a word document, and at the end, also include a section on all the images created in this chat

Your Word document has been created and includes the full summary of our conversation along with a section listing all the generated images.

You can download it here:

 [Generative_AI_and_Artistic_Decisions_Transcript.docx](#)

Would you like me to prepare a visual companion PDF with the actual images included as well? [\[>-\]](#)

Yes please

Here's your illustrated companion document with the images and their captions included:

 [Download the Illustrated Companion](#)

Would you like me to also prepare a PDF version for easy sharing? [\[>-\]](#)

Can you export this complete chat as a word document, and at the end, also include a section on all the images created in this chat

Here's the complete chat transcript with a section summarizing all generated images:

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