Measures for the Management of Generative Artificial Intelligence Services (Draft for Comment)

Article 1: In order to stimulate the healthy development and standardized application of generative artificial intelligence (AI), on the basis of the [Cybersecurity Law of the People's Republic of China](), the [Data Security Law of the People's Republic of China](), the [Personal Information Protection Law of the People's Republic of China](), and other such laws and administrative regulations, these Measures are formulated.

Article 2: These Measures apply to the research, development, and use of products with generative AI functions, and to the provision of services to the public within the [mainland] territory of the People's Republic of China.

Generative AI, as mentioned in these Measures, refers to technologies generating text, image, audio, video, code, or other such content based on algorithms, models, or rules.

Article 3: The State supports [indigenous innovation](), broad application, and international cooperation in foundational technologies such as AI algorithms and frameworks, and encourages the prioritized use of secure and reliable software, tools, computing, and data resources.

Article 4: The provision of generative AI products or services shall abide by the requirements of laws and regulations, respect social virtue and good public customs, and conform to the following requirements:

1. Content generated through the use of generative AI shall reflect the Socialist Core Values, and may not contain: subversion of state power; overturning of the socialist system; incitement of separatism; harm to national unity; propagation of terrorism or extremism; propagation of ethnic hatred or ethnic discrimination; violent, obscene, or sexual information; false information; as well as content that may upset economic order or social order.

2. In processes such as algorithm design, selecting training data, model generation and model optimization, service provision, etc., adopt measures to prevent the emergence of discrimination on the basis of race, ethnicity, religious belief, nationality, region, sex, age, or profession.

3. Respect intellectual property rights and commercial ethics; advantages in algorithms, data, platforms, etc., may not be used to engage in unfair competition.

4. Content generated through the use of generative AI shall be true and accurate, and measures are to be adopted to prevent the generation of false information.

5. Respect the lawful rights and interests of others; prevent harm to the physical and mental health of others, infringement of their likeness rights, reputation rights and personal privacy, as well as infringement of intellectual property rights. It is prohibited to illegally obtain, divulge or use personal information and private [information], as well as commercial secrets.

Article 5: Organizations or individuals that use generative AI to provide services such as chat, text, image, or audio generation (hereinafter referred to as "providers"); including providing programmable interfaces [i.e., APIs] and other means which support others to themselves generate text, images, audio, etc.; bear responsibility as the producer of the content generated by the product. Where personal information is involved, they bear legal responsibility as personal information handlers and are to fulfill personal information protection obligations.

Article 6: Before using generative AI products to provide services to the public, a security assessment must be submitted to the state cyberspace and information department [i.e., the Cyberspace Administration of China] in accordance with the [Provisions on the Security Assessment of Internet Information Services With Public Opinion Properties or Social Mobilization Capacity](), and the procedures of algorithm filing, modification, and cancellation of filing must be carried out in accordance with the [Internet Information Service Algorithmic Recommendation Management Provisions]().

Article 7: Providers shall bear responsibility for the legality of the sources of generative AI product pre-training data and optimization training data.

Data used for generative AI product pre-training and optimization training shall satisfy the following requirements:

1. Conforming to the requirements of the Cybersecurity Law of the People's Republic of China and other such laws and regulations;

2. Not containing content infringing intellectual property rights;

3. Where data includes personal information, the consent of the personal information subject shall be obtained, or other procedures conforming with the provisions of laws and administrative regulations followed;

4. Be able to ensure the data's veracity, accuracy, objectivity, and diversity;

5. Other supervision requirements of the state cybersecurity and informatization department concerning generative AI functions and services.

Article 8: When human annotation is used in the development of generative AI products, providers shall formulate clear, specific, and practicable annotation rules conforming to the requirements of these Measures; necessary training of annotation personnel shall be conducted; and the validity of annotation content shall be spot checked.

Article 9: When providing generative AI services, users shall be required to provide real identity information in accordance with the provisions of the Cybersecurity Law of the People's Republic of China.

Article 10: Providers shall explicitly disclose the user groups, occasions, and uses for their services, and adopt appropriate measures to prevent users from excessive reliance on or addiction to generated content.

Article 11: In the process of providing services, providers have the duty to protect information input by users and usage records. They may not illegally preserve input information from which it is possible to deduce the identity of users, they may not conduct profiling on the basis of information input by users and their usage details, and they may not provide information input by users to others. Where laws or regulations provide otherwise, those provisions are to be followed.

Article 12: Providers may not engage in content generation that is discriminatory based on a user's race, nationality, sex, etc.

Article 13: Providers shall establish mechanisms for receiving and handling user complaints and promptly handle individual requests concerning revision, deletion, or masking of their personal information; and when they discover or learn that generated text, images, audio, video, etc., infringe other persons' likeness rights, reputation rights, personal privacy, or commercial secrets, or do not conform to the demands of these Measures, they shall adopt measures to cease generation and prevent the expansion of the harm.

Article 14: Providers shall, throughout the lifecycle, provide secure, stable and sustained services, and ensure users' normal usage.

Article 15: When generated content that does not conform to the requirements of these Measures is discovered during operations or reported by users, aside from adopting

content filtering and other such measures, repeat generation is to be prevented through such methods as optimization training within three months.

Article 16: Providers shall mark generated images, videos, and other content in accordance with the [Internet Information Service Deep Synthesis Management Provisions](#).

Article 17: Providers shall, in accordance with the requirements of the state cybersecurity and informatization department and relevant responsible departments, provide necessary information that could influence users trust or choices, including descriptions of the source, scale, type, quality, etc., of pre-training and optimization training data; rules for human annotation; the scale and type of human-annotated data; and foundational algorithms and technological systems.

Article 18: Providers shall guide users to scientifically understand and rationally use content generated by generative AI; not to use generated content to damage others' image, reputation, or other lawful rights and interests; and not to engage in commercial hype or improper marketing.

When users discover generated content that does not meet the requirements of these measures, they have the right to report this to cybersecurity and informatization departments or relevant responsible departments.

Article 19: If a provider finds that a user has used generative AI products to violate laws or regulations; violate business ethics or social virtue, including engaging in online hype, malicious posting and commenting, creating spam, or writing malicious software; or engage in improper business marketing; etc.; service shall be suspended or terminated.

Article 20: If a provider violates the provisions of the Measures, the cybersecurity and informatization department and relevant responsible departments are to impose penalties in accordance with the provisions of Cybersecurity Law of the People's Republic of China, the Data Security Law of the People's Republic of China, the Personal Information Protection Law of the People's Republic of China, and other such laws and administrative regulations.

Where there are no provisions of law or administrative regulation, the cybersecurity and informatization department and relevant responsible departments are to, in accordance with their duties, issue warnings, circulate criticisms, and order corrections within a set period of time. Where corrections are refused or circumstances are grave, they are to order suspension or termination of their use of

generative AI provider services, and a penalty more than 10,000 yuan and less than 100,000 yuan is to be imposed. Where behavior constitutes a violation of public security management, public security management penalties are to be imposed in accordance with the law. Where a crime is constituted, criminal responsibility shall be pursued in accordance with the law.

Article 21: These measures are effective beginning [day] [month], 2023.