



August 4, 2023

Technology Strategy Branch  
Department of Industry, Science, and Resources  
10 Binara Street  
Canberra ACT 2601

**RE: Public Consultation on Safe and Responsible Artificial Intelligence**

To whom it may concern:

Thank you for the opportunity to share our views on the Australian Government's efforts to develop a Safe and Responsible Artificial Intelligence (AI) framework. We appreciate this important feedback mechanism and look forward to working with the Department of Industry, Science, and Resources and other stakeholders to deliver meaningful input and help develop policy outcomes that will harness the benefits and mitigate the risks of AI.

Founded in 1807, Wiley is one of the world's largest publishers and a global leader in research and learning. For more than 215 years, we have been enabling discovery, powering learning, and shaping workforces. We have a longstanding history of investing in Australia since the 1960s, with our local publishing operations expanding significantly in 1976 with the acquisition of education publisher Jacaranda. Today we have over 140 employees in Australia, with offices in Brisbane and Melbourne. Wiley Australia publishes on average 100 book titles annually, and every year Wiley publishes well over 13,000 peer-reviewed journal articles from Australian researchers. Wiley publishes around 14% of all Australian ISI-indexed, peer-reviewed research articles (2022 data from Clarivate ISI). This deep and diverse involvement with the Australian community positions us as a dependable partner that can help navigate the complexities of integrating AI into research and learning.

We are proud to support researchers and learners by providing them with the highest quality content and services, helping to improve outcomes, livelihoods, and support national productivity and innovation. As a member of the Australian Publishers Association (APA), we recognize that the efforts to address AI challenges are a collective one, and we endorse the APA's response to this public consultation. Our response is intended to serve as a supplement to APA's comments by providing the unique perspective of a major scientific, technical, academic and medical publisher.

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AI has the potential to dramatically transform the scholarly research and learning sectors. Today, it can unlock significant productivity improvements by detecting plagiarism, extracting critical information, classifying and recommending content, conducting technical and language checks, and bringing together related information from disparate sources. However, without substantial private sector investment in the development of technological countermeasures bolstered by appropriate governance mechanisms, it can just as easily produce fake papers, falsify the peer review process, and erode the protection of intellectual property (IP) rights.

Wiley sees AI as having an immense potential to strengthen our ability to deliver trusted, high-quality knowledge and knowledge solutions. Through AI, we envision opportunities to enhance how we help the world's top scholars, researchers, and experts share their knowledge more effectively, as well as to enable consumers of this knowledge to absorb and apply it more quickly. It is our firm belief that to be truly effective, any policy framework that aims to address AI should:

- Respect existing intellectual property protections and require the use of licensing for copyrighted materials in the training of AI language models;
- Require transparency and accountability for AI tools to enable users to trace results back to sources, ensure legal compliance, support accuracy, and reduce the potential for erroneous output;
- Include expanded national funding for AI research and development (R&D) that recognizes the cost of peer-review, editing, publication, distribution, and long-term stewardship of research; and
- Protect the integrity of research by incorporating defensive mechanisms that can identify fraudulent research accelerated by AI and produced under the guise of legitimacy by “paper-mills.”

Wiley's 200-year history of weathering technological disruptions testifies to our unwavering commitment to quality and integrity. Together, we are creating the tools and infrastructure to advance research and learning in the 21st century, and ensuring this system is imbued with the values of rigor and integrity; academic freedom; openness; partnership; diversity, equity, and inclusion (DE&I); and respect for innovation, commercialization, and intellectual property (IP) rights. In the future, AI technology may be able to independently conduct primary research, generate innovative insights, and publish its own findings. It may also enable personalized learning at a mass scale. In that world, Wiley's role as a publisher—providing editorial oversight and a widely accepted seal of approval regarding integrity and thus trustworthiness—is more crucial than ever before.

## **2. What potential risks from AI are not covered by Australia's existing regulatory approaches? Do you have suggestions for possible regulatory action to mitigate these risks?**

### *Rights and Safety*

Today, AI systems are increasingly used to make decisions that affect important aspects of everyday life and business, such as hiring processes, university admissions decisions, and adaptive and personalized learning. It is imperative that civil rights and consumer protections remain enforceable as the landscape continues to evolve. To ensure legal protections are keeping pace with evolving technologies, Wiley joins others in calling on government departments and agencies to conduct comprehensive reviews of existing protections and enforcement authorities to determine whether updates are needed to address developments of AI. The rights of organizations must also be protected, particularly with respect to copyright or IP infringement by AI models.

### *IP Infringement*

As a leading publisher, we are key providers of information and data on which AI is run. By validating, normalizing, tagging, and enriching content, delivering material in robust, interoperable, and globally consistent formats, and creating domain-specific ontologies, publishers ensure that information is a trustworthy, high-quality input source with tremendous potential for use by AI systems across a broad range of applications. Wiley licenses databases and other content to AI developers on reasonable terms, providing access to valuable curated material on which to train trustworthy AI systems that yield verifiable and reliable outputs.

However, Wiley is closely monitoring industry reports and litigation claiming that generative AI models are harvesting copyright protected material for training purposes while disregarding the existing restrictions on that data and information. Wiley remains concerned with the lack of oversight regarding the potential for unauthorized use of restricted content as an input for model training purposes (and for that information to be provided to others), as this will create significant implications for copyright and IP protection. Currently, developers of GAI models do not provide transparency regarding the inputs used in their systems, including with respect to whether IP-protected material has been used as an input or whether any such use was licensed. Moreover, the terms and conditions for using generative AI models do not warrant that the output is original and do not protect customers from third-party IP infringement claims, breach of confidentiality claims, or claims of violation of privacy or other applicable laws. To compound the issue, customers have little or no leverage to negotiate these minimal protections into such terms.

To ensure the continued protection of IP rights, we would urge the relevant Government stakeholders to engage in cross-departmental collaboration on copyright review and reform to ensure issues relating to AI and IP enforcement are adequately addressed as part of existing consultations underway on modernizing and reforming Australia's copyright regime, such as the Attorney General's recent review and consultation on copyright enforcement.

We further recommend that the Australian Government also designate or establish an organization tasked with the centralized oversight of issues related to AI. As part of this effort, the organization should be tasked with requiring developers of generative AI models to respect third-party IP rights, by requiring auditing mechanisms to verify the content input into these models are indeed authorized for use and ensuring application of appropriate penalties for non-compliance with IP laws. For example, the Artificial Intelligence Act proposed by the European Union would require developers of generative AI to publish summaries of copyright materials used to train AI language models. These actions, among others, would help to level the playing field with the technology sector and protect intellectual property rights critical to innovation. In the meantime, we will continue our efforts to establish guidelines, monitor potential violations, and provide licensing opportunities, including for use in connection with AI, in alignment with our commitment to protect our users' privacy and our authors' IP.

### *Content Integrity*

The stakes for ensuring content integrity have never been higher due to the rate at which AI can produce information. To support content integrity efforts, the Australian Government should develop and deploy measures needed for the purpose of auditing the information produced by generative AI for accuracy and impartiality. Appropriate funding should be allocated for these measures, coupled with close collaboration with private institutions, including publishers and creators.

Deficiencies in the accuracy and quality of information by various generative AI language models can threaten and infringe on people's rights and safety. It should not be the role of an AI to say 'who is right' in an academic debate, but to provide information based on state-of-the-art research, based on licensed use of the Version of Record (VoR), and reflecting any corrections or retractions. The VoR provides transparent, linked, and up-to-date access to all associated research artifacts, which will validate the integrity of the information. The VoR also ensures transparent access to all of the applicable publication ethics practices and standards. We are committed to and encourage efforts that provide access to the final, trusted VoR as the best way to accelerate open science, where applicable, as it pertains to AI.

In the context of scholarly publishing in academic journals: "paper-mills," which produce fraudulent and fabricated research under the guise of legitimacy, use AI to increase output of content that increasingly looks authentic. The quantity of fake papers from "paper-mills" is increasing and AI's ability to rapidly produce content lacking peer-review could exacerbate the spread of misinformation. Wiley, along with other publishers, is developing machine-learning and AI tools to support existing manuscript screening checks for text similarity and the identification of discrepancies or similarities in images or statistical data that could indicate potential ethical or reproducibility problems. For instance, in collaboration with the International Association of Scientific, Technical, and Medical Publishers (STM), Wiley is helping to develop the Integrity Hub, which combines shared data and experiences and technological innovation to detect research integrity issues. The hub includes a tool working to combat the efforts of "paper-mills" that aim to take advantage of the publishing industry. The Australian Government should provide expanded national funding for AI R&D that recognizes the cost of peer-review, editing, publication, distribution, and long-term stewardship of research.

## *Standards and Regulations*

To establish a safe and responsible approach to AI, policymakers should weigh aspects like fairness, safety, and accountability in AI and understand the tradeoffs of these factors. Any law should allow for flexibility in accommodating the adjustment of regulations specific to individual AI applications. Any parliamentary action should also include language that is adaptable enough to allow for the application of current laws or regulations to unforeseen developments in the technology, or a method in which such laws or regulations can be reviewed within a reasonable amount of time. In doing so, there will be assurances that ongoing efforts will have a long-lasting impact on the protection of consumers and clarity on the obligations of private entities engaging in the development or use of AI.

### **9. Where and when will transparency be most critical and valuable to mitigate potential AI risks and to improve public trust and confidence in AI? How could transparency requirements be mandated across the private and public sectors?**

## *Accountability and Transparency*

Wiley encourages efforts to improve public transparency and provenance to enable users to understand and trace AI outputs to their sources, and for users and rightsholders to understand how AI models were trained. Given that AI technologies are being integrated into applications that will impact the lives and well-being of individuals, it is crucial for AI technologies to be audited and required to maintain transparent records as to (a) the materials used to train the AI technology; (b) whether the material is copyright protected, and if so, whether the use of the content is licensed and from whom; and (c) the assessment and audit processes conducted to test the readiness of an AI system for deployment.

Requiring visibility into the inputs used to train an AI system would enable users and auditors to better tackle bias, ascertain that a model was trained on information collected with the consent of those involved, ensure legal and regulatory compliance, support accuracy, and reduce the potential for erroneous output. Providers of AI systems should be required to support AI accountability throughout the value chain.

Wiley recognizes the importance of using high quality, peer reviewed, vetted material to create the training datasets for AI models. Accountability and transparency policies which provide assurances that high-quality materials are used in training AI systems, without infringing on copyright or IP, build confidence and trust in the technology and its outputs. We call on others to join in our efforts and invite the Australian Government to advocate for accountability and transparency as a standard practice of business, particularly with respect to AI.

## *Humans in the Loop*

Wiley believes AI, especially in the context of research and learning, must include humans as part of the equation. While AI has the potential to introduce efficiency gains, the core products, IP, and artifacts of our work will still require close human oversight and management. Human

intelligence is critical to discerning the validity of conclusions, so there should be no AI ‘black box’ in the chain of scholarly discovery. Routine checks enable publishers to identify patterns of potential systematic manipulation of the publication process, allowing for actions to correct and amend the scientific record, upholding trust and credibility of information. People are a crucial part of that process and assigning meaning to those patterns. We recognize the importance of humans to determine bias in AI and the importance of human assessments and decision making. This oversight ensures the authenticity and quality of our services, enhancing transparency and the value we provide to our communities. As we continue to navigate and incorporate these technological advancements, we will remain steadfast in our commitment to upholding academic integrity, transparency, and trust.

### *Public-Private Engagement*

The global nature of today’s technology ecosystem demands a coordinated policy response. The Australian Government should work with key domestic and international partners to develop a shared vision for a risk-based regulatory approach to address AI challenges and advance norms around responsible AI governance. We are committed to fulfilling that mission in a whole-of-society effort through our significant investment in open science and in partnership with stakeholders across the scientific research ecosystem, including researchers and scientists themselves, their supporting institutions, Australian Government agencies, and other publishers.

### **Concluding Thoughts**

Wiley is committed to a future in which research on the development and use of AI is inclusive. Our mission is to serve researchers, learners, and professionals. We must ensure that under no circumstances will people be put at risk, transparency be ignored, or that the quality of the works we publish—and the valuable services that journals, academic societies, and associations provide to communities—will be compromised. To do so, the protection of copyright and IP as it applies to AI language models is paramount.

In addition, we encourage AI policy frameworks that:

- Avoid establishing blanket-statement AI regulation that does not consider the different types of AI, the individual applications, and specific risks they pose to society;
- Protect the rights and safety of individuals by requiring safeguards and extensive testing of AI models for algorithmic bias and discrimination; and
- Leverage the many services currently provided by organizations, including publishers and providers of knowledge solutions to advance the ethical discovery and innovation of AI.

As with any new technology, we must be both visionary and vigilant. We support the views expressed by the Australian Publishers Association in response to this public consultation and look forward to working with the Australian Government, and the wider scientific community, to collaboratively develop forward-looking partnerships that strengthen research and innovation. The stakes have never been higher, and we must leverage the entrepreneurial spirit of the research

community and private sector to enable and enhance trust in the ever-evolving scientific enterprise.

Sincerely,

A handwritten signature in black ink, consisting of a large 'C' followed by a stylized 'G' and a long horizontal stroke.

**Chris Gray**  
Executive Director  
John Wiley & Sons Australia Ltd

Cc: Deirdre Silver, General Counsel and Executive Vice President, Wiley