

C 之鍊金術師 --

可以拿 CC 授權的素材來練 AI 嗎？

v.20240802

CC Taiwan 協會主持人 , Chapter Lead @ Creative Commons Taiwan

鈞理知識產權事務所法制顧問 , Legal Adviser @ Gemly Int'l IPR Office

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2024.08.03

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- 3、行政院、國發會、文化部、故宮博物院、考試院、銓敘部政府資料開放諮詢小組會議委員
- 4、臺北市政府公共參與組市政顧問

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AP photo

Elementary school teachers picket against use of calculators in grade school
The teachers feel if students use calculators too early, they won't learn math concepts

Math teachers protest against calculator use

By JILL LAWRENCE

"My older kids don't pay any attention to an answer being absurd," he said. "Teachers are shy."

可以拿 CC 授權的素材

來練 AI 嗎？

正體中文翻譯：可以拿CC授權的素材來練AI嗎？



可以使用CC（創用CC）授權的素材來訓練AI，但要注意幾個要點：

1. **遵守授權條款**：不同的CC授權條款會有不同的要求。確保你了解並遵守所使用素材的具體授權條款。例如，一些授權條款要求標註作者或禁止商業用途。
2. **不違反授權條款**：確保你的使用方式不會違反授權條款中的任何規定。如果素材標註為非商業用途（如CC BY-NC），則不能將其用於商業用途。
3. **資料來源**：保持透明，清楚標明素材來源，這有助於遵守授權要求。

簡言之，只要你仔細檢查並遵循相關的授權條款，就可以合法地使用CC授權的素材來訓練AI。



請勿分享敏感資訊。我們可能會審查交談並將其用來訓練我們的模型。[了解更多](#)

"You know nothing, Jon Snow" - Game of Thrones

沒人和你說不行…

終
end [fin]

那麼多說一點吧！

為什麼會覺得不行？

Status of all copyright law x +

← → C ⌂

https://chatgptiseatingtheworld.com/2024/04/25/status-of-all-copyright-lawsuits-v-ai-april-25-2024/ 120% ☆

✉️ 🎯 📁 ⌂

Status of all copyright lawsuits v. AI (April 25, 2024)

April 25, 2024

Here's this week's status report of all 20 copyright lawsuits against AI companies.

The biggest development this week: OpenAI brought in more legal firepower by hiring 7 trial attorneys, all partners from Keker, Van Nest & Peters, including the named partner [Robert Van Nest](#), to represent OpenAI in at least 6 different lawsuits:

→ [View OpenAI's copyright lawsuits against AI companies](#)

<https://chatgptiseatingtheworld.com/2024/04/25/status-of-all-copyright-lawsuits-v-ai-april-25-2024/>

Copyright Lawsuits v. AI companies

ND California



[Kadrey v. Meta; Chabon v. Meta:](#)
[Judge Chhabria](#)



[In re OpenAI ChatGPT Litigation \(Tremblay, Silverman, Chabon\):](#)
[Judge Araceli Martínez-Olguín](#)



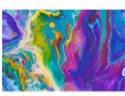
[Nazemian v. NVIDIA Corp.](#)
[Judge Tigar](#)



[O'Nan v. Databricks, Mosaic ML](#)
[Judge Breyer](#)



[Doe 1 v. Github, Microsoft, OpenAI](#)
[Judge Tigar](#)



[Sarah Andersen v. Stability AI, Deviant Art, Midjourney, Runway AI](#)
[Judge Orrick](#)



[Zhang v. Google, Alphabet](#)
[Judge Davila](#)



[J.L. v. Alphabet, Google](#)
[Judge Araceli Martínez-Olguín](#)

MD Tenn.



[Concord Music. v. Anthropic,](#)
[Chief Judge Crenshaw, Jr.](#)



SDNY



[Authors Guild v. OpenAI](#)
[Microsoft](#)
[Also: Alter, Basbanes](#)



[Judge Stein](#)
[Huckabee v. Bloomberg](#)
[Judge Garnett](#)



[New York Times v. OpenAI](#)
[Microsoft](#)
[Judge Stein](#)



[Daily News v. Microsoft](#),
[OpenAI](#)
[TBA](#)



[Raw Story v. OpenAI](#),
[Judge McMahon](#)
[Intercept v. OpenAI](#),
[Judge Rakoff](#)

Delaware



[Thomson Reuters v. ROSS Intell.](#)
[Judge Bibas](#)



[Getty Images v. Stability AI](#)
[Judge Hall](#)

2023 = AI 訴訟元年

利益之所在、訴訟之所在



Declaration of AI Training Opt Out

May 16, 2024

New York, NY – May 16, 2024 – Sony Music Group (SMG) and its affiliates have invested in the development and promotion of songwriters and recording artists all over the world for more than a century. SMG is a passionate believer in the inherent and paramount value of human artistry. Additionally, SMG has been embracing the potential for responsibly produced AI to be used as a creative tool, revolutionizing the ways songwriters and recording artists create music. We support artists and songwriters taking the lead in embracing new technologies in support of their art. Evolutions in technology have frequently shifted the course of creative industries. AI will likely continue that long-standing trend.

However, that innovation must ensure that songwriters' and recording artists' rights, including copyrights, are respected. For that reason, SMG's affiliates, Sony Music Publishing (SMP) and Sony Music Entertainment (SME), on behalf of themselves and their wholly owned or controlled affiliates, are making this affirmative, public declaration confirming that, except as specifically and explicitly authorized by either SME or SMP, as the case may be, each of them expressly prohibits and opts out of any text or data mining, web scraping or similar reproductions, extractions or uses ("TDM") of any SME and/or SMP content (including, without limitation, musical compositions, lyrics, audio recordings, audiovisual recordings, artwork, images, data, etc.) for any purposes, including in relation to training, developing or commercializing any AI system, and

Have a Question for Sony Music?

Visit our FAQ page for information regarding

- Our demo policy
- Royalties
- Employment & internship opportunities
- Press contacts & more

[View Our FAQs »](#)

Featured Video

<https://www.sonymusic.com/sonymusic/declaration-of-ai-training-opt-out/>

Major record companies including Sony and Universal Music Group take AI companies to court for copyright infringement

By Caitlin Rawling

Posted Thu 27 Jun 2024 at 3:32pm



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Analysis by Jade Macmillan

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<https://www.abc.net.au/news/2024-06-27/major-music-companies-sue-ai-companies/10401762>

但是、告得贏嗎？

如果法律沒有改的話

DOE 1 v. GitHub, Inc. (4:22-cv-06823)

District Court, N.D. California

GitHub Copilot

DOE 1 v. GitHub, Inc.

https://www.courtlistener.com/docket/65669506/doe-1-v-github-inc/?order_by=desc&page=2

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DOE 1 v. GitHub, Inc. (4:22-cv-06823)

District Court, N.D. California

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Last Updated: July 25, 2024, 3:53 a.m.

Assigned To: Jon Steven Tigar
Referred To: Donna M. Ryu
Citation: DOE 1 v. GitHub, Inc., 4:22-cv-06823, (N.D. Cal.)
Date Filed: Nov. 3, 2022
Date of Last Known Filing: July 24, 2024
Cause: 28:1331 Fed. Question: Breach of Contract
Nature of Suit: 190 Contract: Other
Jury Demand: Plaintiff
Jurisdiction Type: Federal Question

[DOCKET ENTRIES \(PAGE 2 OF 2\)](#) [PARTIES AND ATTORNEYS](#) [AUTHORITIES](#)

6
7 J. DOE 1, et al.,
8 Plaintiffs,
9 v.
10 GITHUB, INC., et al.,
11 Defendants.

Case No. 22-cv-06823-JST

**ORDER GRANTING IN PART
DENYING IN PART MOTIONS TO
DISMISS**

Re: ECF Nos. 215, 219

12
13 Before the Court are motions to dismiss filed by Defendants GitHub, Inc., and Microsoft
14 Corporation (collectively, “Defendant GitHub”), ECF No. 215; and Defendants OpenAI, Inc.,
15 OpenAI, L.P., OpenAI OPCO, L.L.C., OpenAI GP, L.L.C., OpenAI Startup Fund GP I, L.L.C.,
16 OpenAI Startup Fund I, L.P., and OpenAI Startup Fund Management, LLC (collectively,
17 “Defendant OpenAI”), ECF No. 219. The Court will grant the motions in part and deny them in
18 part.¹

19 **I. BACKGROUND**

Case 4:22-cv-06823-JST Document 253 Filed 06/24/24 Page 2 of 15

1 unjust enrichment, negligence, and unfair competition with prejudice. And finally, the Court
2 dismissed Plaintiffs' claim under Section 1202(b) of the Digital Millennium Copyright Act
3 ("DMCA"), reasoning that Plaintiffs failed to meet Section 1202(b)'s identicality requirement.
4 "[O]ut of abundance of caution," however, Plaintiffs were granted leave to amend their DMCA
5 claim. ECF No. 189 at 16.

6 In Plaintiffs' second amended complaint ("SAC"), ECF No. 201, three claims remain.²
7 Count One alleges a violation of DMCA Section 1202(b)(1) and 1202(b)(3) against all
8 Defendants. ECF No. 201 at 53. Count Two alleges breach of contract for violation of open-
9 source licenses against all Defendants. *Id.* at 59. Count Three alleges breach of contract for

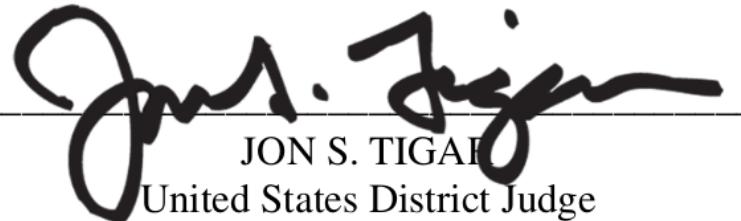
7 not recoverable. *Harris v. Atl. Richfield Co.*, 14 Cal. App. 4th 70, 77 (1993) (“As a general rule,
8 California law does not authorize the award of general or punitive damages for breach of a
9 commercial contract.”); *R Power Biofuels, LLC v. Chemex LLC*, No. 16-CV-00716-LHK, 2016
10 WL 6663002, at *21 (N.D. Cal. Nov. 11, 2016) (“the parties agree that punitive damages are only
11 available for contract claims if the breaches of contract are also tortious.”).

12 **CONCLUSION**

13 In sum, the Court dismisses Plaintiffs’ Section 1202(b) claim, this time with prejudice.
14 The Court declines to dismiss Plaintiffs’ claim for breach of contract of open-source license
15 violations against all Defendants. Finally, the Court dismisses Plaintiffs’ request for monetary
16 relief in the form of unjust enrichment, as well as Plaintiffs’ request for punitive damages.

17 **IT IS SO ORDERED.**

18 Dated: June 24, 2024



19 JON S. TIGAR
20 United States District Judge

Motions

- 20 dismissed, 2 remains.
- unjust enrichment, negligence, unfair competition...dismissed
- 權利管理電子資訊 /copyrights management information, dismissed -- Section 1202(b) of DMCA → 無侵權
- Breach of the Open Source Licenses → 違約？
- Breach of the Contract → 違約？

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專欄總覽

> 技術專欄

> 源碼秘技

> 法律專欄

> 自由專欄

> 企業應用

> 源碼專案

保護密度的高與低：侵權與違約差異之我見

建立日期 2008-06-27 08:00 最近更新在 2012-05-21 14:59

作者是 林誠夏



◎ 「侵權」與「違約」伴隨出現不表示完全同質

一般用語上「侵權」與「違約」兩字常常伴隨出現，尤其在著作權法的體制上，因為「權利人保留所有著作權利 (All rights reserved)」的預設，導致著作權授權契約的違反，往往無可避免的造成「既侵權又違約」的結果，就如同打雷與劈閃電一樣，出現 A 結果伴隨出現 B 結果，此種伴隨現象造成一般人對於「侵權」與「違約」在概念上的差異無所知覺，更常常因為慣用語法之故將二者混為一談。其實許多爭訟案件並不必然牽涉到法定權利的侵犯，有些案件雖然有擬似權利侵害的外觀，但實際分析後卻與法定權利侵害無關，而只能論以契約義務的違反。

◎ 所謂「權利」應為「法定的權利」

「侵權」與「違約」最大的不同，在於「法定權利」是一種毋待權利人主張，法律即自動給予保護的「地位」，法定地位有些可以拋棄有些不得拋棄（註一），但這些法律預設的地位，皆不需要權利人特別主張即會自動被法律體系保護，「法定權利」是一種具有社會共識的利益或地位，

著作權法保護的標的為「表達的形式」

不及於背後的概念、思想

Coding Style, Painting Style, Writing Style

不受著作權保護

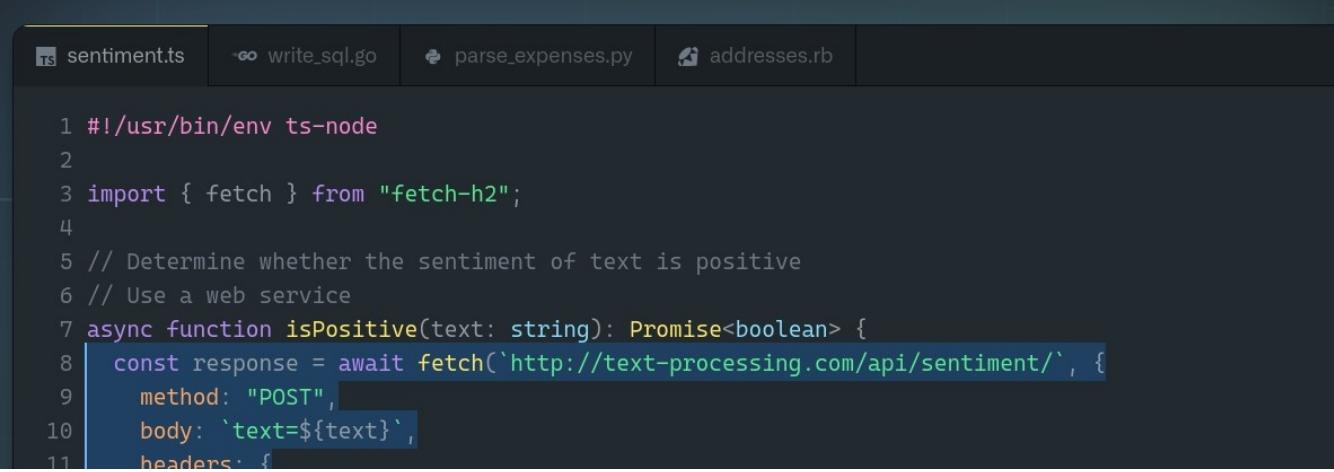
技法學習是能被學習的 ○

但累積式的抄寫程式碼或文句、圖畫片段 ✗

[Learn more >](#)[Technical Preview](#)

Your AI pair programmer

With GitHub Copilot, get suggestions for whole lines or entire functions right inside your editor.

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A screenshot of a code editor interface. At the top, there are four tabs: "sentiment.ts", "write_sql.go", "parse_expenses.py", and "addresses.rb". The "sentiment.ts" tab is active. Below the tabs, a snippet of TypeScript code is shown:

```
1 #!/usr/bin/env ts-node
2
3 import { fetch } from "fetch-h2";
4
5 // Determine whether the sentiment of text is positive
6 // Use a web service
7 async function isPositive(text: string): Promise<boolean> {
8   const response = await fetch(`http://text-processing.com/api/sentiment/`, {
9     method: "POST",
10    body: `text=${text}`,
11    headers: {
```

The line "const response = await fetch(`http://text-processing.com/api/sentiment/`, {" is highlighted with a blue selection bar, indicating it is the current line of interest for suggestions.

Frequently asked questions

[General](#)[Training set](#)[Protecting originality](#)[Responsible AI](#)[Telemetry](#)[Availability](#)

Does GitHub Copilot recite code from the training set?

GitHub Copilot is a code synthesizer, not a search engine: the vast majority of the code that it suggests is uniquely generated and has never been seen before. We found that about 0.1% of the time, the suggestion may contain some snippets that are verbatim from the training set. [Here is an in-depth study](#) on the model's behavior. Many of these cases happen when you don't provide sufficient context (in particular, when editing an empty file), or when there is a common, perhaps even universal, solution to the problem. We are building a filter to help detect and suppress the rare instances of code that is repeated from a public repository on GitHub.

Do I need to credit GitHub Copilot for helping me write code?

Who owns the code GitHub Copilot helps me write?

GitHub Copilot is a tool, like a compiler or a pen. The suggestions GitHub Copilot generates, and [the code you write with its help, belong to you](#), and you are responsible for it. We recommend that you carefully test, review, and vet the code, as you would with any code you write yourself.

Does GitHub Copilot ever output personal data?

▼ FAQs

Get started

Does GitHub Copilot include a filtering mechanism to mitigate risk?

Yes, GitHub Copilot does include an optional code referencing filter to detect and suppress certain suggestions that match public code on GitHub.

- GitHub has created a **duplication detection filter** to detect and suppress suggestions that contain code segments over a certain length that match public code on GitHub. This filter can be enabled by the administrator for your enterprise and it can apply for all organizations within your enterprise, or the administrator can defer control to individual organizations.

With the filter enabled, Copilot looks for code that matches public code on GitHub and suggests alternative code that is similar but different enough to be safe.

Github Copilot → Suggestion

- (1) telemetry data(程式寫作偵測資料的收集)
- (2) **duplication detection filter**
- (3) disclaimer

練和被練的立場

正在議事場上抗拒

ELSEVIER

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拘束素材受他人 AI 演算、探勘的地位

包括許多重要的新聞媒體、美術平台

To _{be} Trained or Not to _{be} Trained,

That is the Question!

資料能不能練 AI ？

- (1) 訂立專法來容許？ -- 劇烈爭吵
- (2) 合理使用看個案？ -- 整個被取代了？還合理？
- (3) 開源互助找支援？ --CC 授權、開放資料授權

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1. Provision of the Data

1.1. You may use, modify, and distribute the Data made available to you by the Data Provider under this C-UDA for Computational Use if you follow the C-UDA’s terms.

1.2. Data Provider will not sue you or any Downstream Recipient for any claim arising out of the use, modification, or distribution of the Data provided you meet the terms of the C-UDA.

1.3 This C-UDA does not restrict your use, modification, or distribution of any portions of the Data that are in the public domain or that may be used, modified, or distributed under any other legal exception or limitation.



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狀況紀錄與回報 - 運用社群與開放資料的力量

<https://geothings.tw/...../situation-report-as-open-data/>

這次凱米颱風的降雨與強風造成了各地的影響，究心也看到不少的社區與人道援助組織夥伴在各個不同的 Line 群組來回收集資訊以及協調行動。究心的究平安希望能夠透過 Line 的小幫手，來幫大家有效的紀錄狀況，也同時也以開放資料的方式提供給政府機關、組織、社區、或個人使用。

究平安小幫手 <https://lin.ee/EOMEbUK>



因為究心瞭解在應對現在的颱風或災害狀況的時候，大家在群組裡面的對話大多是此起彼落。如果有加入究平安小幫手為好友並且加入對話群組的話，就可以在 Line 的對話群組 裡面直接留言、上傳照片或影片、然後標示地點，這樣就完成狀況回報的紀錄與分享，後續就可以有系統的快速回顧，甚至結合生成式 AI 進行整理分析唷！

究心也會把這些資訊提供給 中央災害應變中心 的 災害防救資訊系統 (#EMIC) 做為狀況回報參考，所有回報資料也會以 #OUDA_10 授權方式作為開放資料使用。



如果狀況紀錄與標示地點之後，沒有看到「回報已建立」的這個系統訊息，可以先確認群組內的回報者是否有加入「究平安 Line 小幫手」喔！

透過社群協作，
將資料轉 CC 、轉 Open Data
再轉 AI 生成式應用

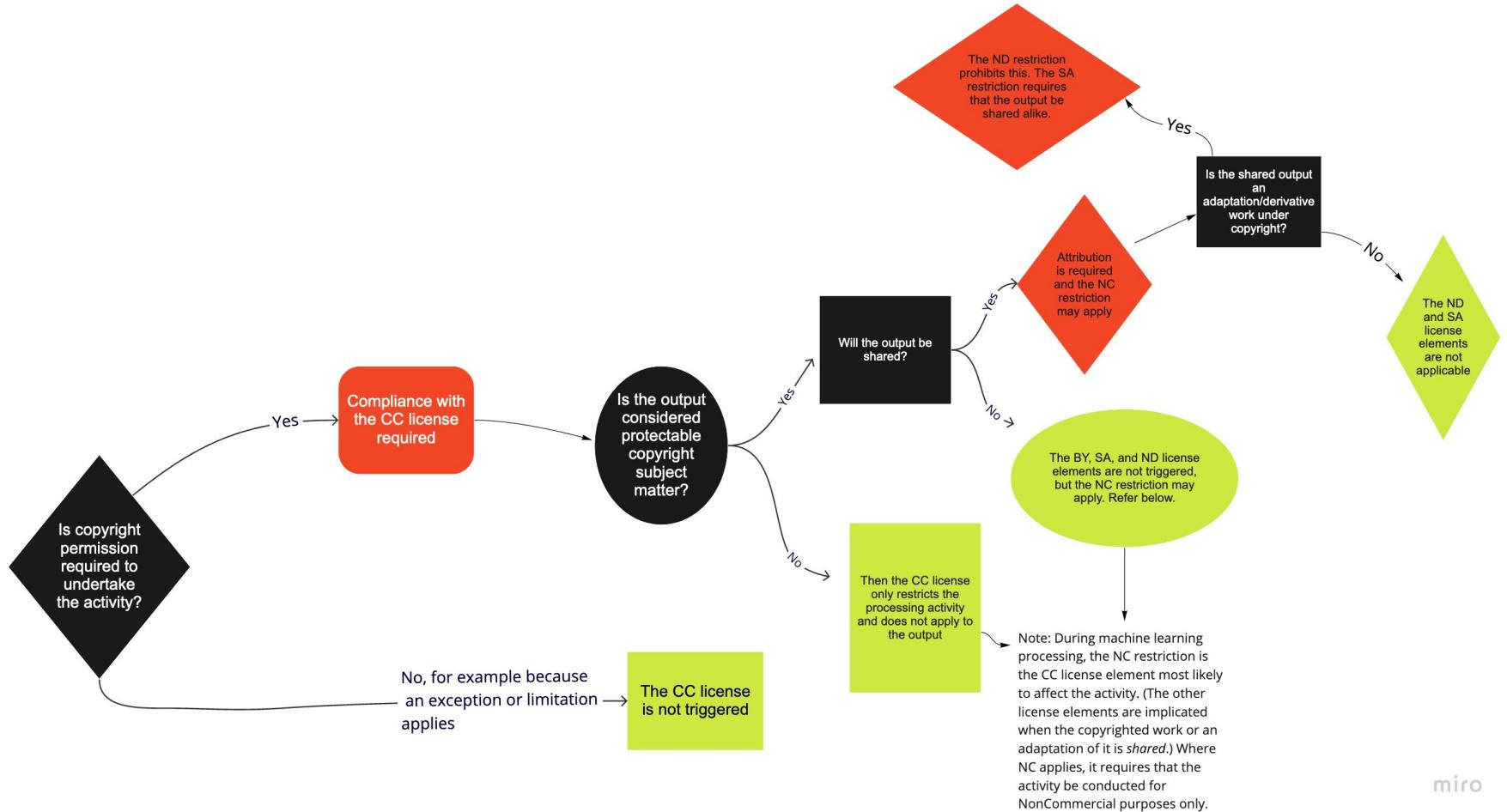
拿 CC 授權來練 AI

- (1) 低風險 ≠ 無風險 → 因為除著作權處理外沒有加料
- (2) 關鍵點在於著作表達是否仍存續！
- (3) 然後也要顧慮當事人其他合法權利（個資、倫理）



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[2306.15769] What +

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Computer Science > Machine Learning

[Submitted on 27 Jun 2023]

What Makes ImageNet Look Unlike LAION

Ali Shirali, Moritz Hardt

view license

ImageNet was famously created from Flickr image search results. What if we recreated ImageNet instead by searching the massive LAION dataset based on image captions alone? In this work, we carry out this counterfactual investigation. We find that the resulting ImageNet recreation, which we call LAIONet, looks distinctly unlike the original. Specifically, the intra-class similarity of images in the original ImageNet is dramatically higher than it is for LAIONet. Consequently, models trained on ImageNet perform significantly worse on LAIONet. We propose a rigorous explanation for the discrepancy in terms of a subtle, yet important, difference in two plausible causal data-generating processes for the respective datasets, that we support with systematic experimentation. In a nutshell, searching based on an image caption alone creates an information bottleneck that mitigates the selection bias otherwise present in image-based filtering. Our explanation formalizes a long-held intuition in the community that ImageNet images are stereotypical, unnatural, and overly simple representations of the class category. At the same time, it provides a simple and actionable takeaway for future dataset creation efforts.

Subjects: Machine Learning (cs.LG); Computer Vision and Pattern Recognition (cs.CV)

Access Paper:

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Current browse context:
cs.LG

< prev | next >
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Change to browse by:
cs
cs.CV

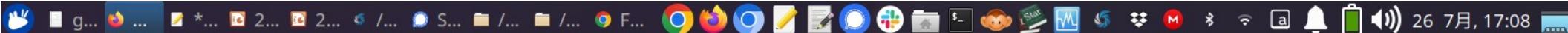
References & Citations

- NASA ADS
- Google Scholar
- Semantic Scholar

Export BibTeX Citation

Bookmark

<https://arxiv.org/abs/2306.15769>



搜尋: portrait | Flickr +

https://www.flickr.com/search/?license=2%2C3%2C4%2C5%2C6%2C9&text=portrait&sort=relevance 150% ☆

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進階

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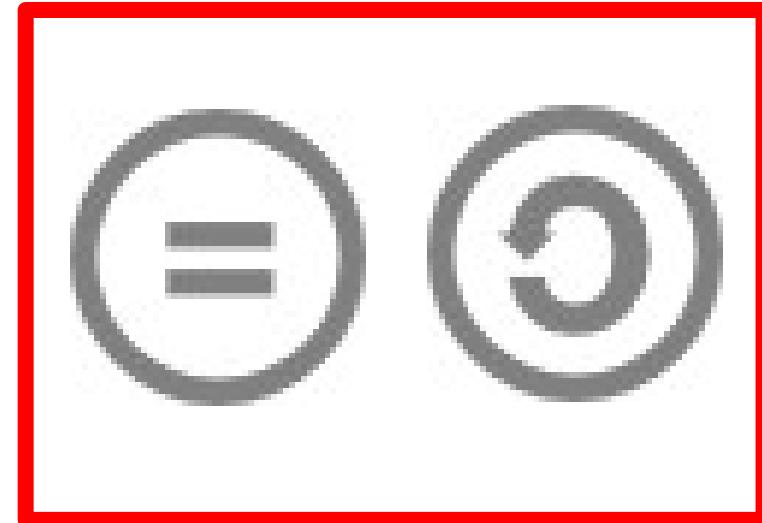
相關內容

檢視全部 321,456

This screenshot shows the Flickr search interface. At the top, there's a search bar with the query "portrait" and a license filter "2%2C3%2C4%2C5%2C6%2C9". The results are sorted by relevance. The main area displays three portrait photos: a woman with long dark hair, a woman wearing a headscarf and a bindi, and a woman with short dark hair. Below the images is a link to "檢視全部 321,456" (View all 321,456). The top navigation bar includes links for "相片" (Photos), "人員" (People), "群組" (Groups), and "清除" (Clear). There are also buttons for "進階" (Advanced) and "所有創用CC" (All Creative Commons). The Flickr logo is in the top left, and there are "登入" (Log in) and "註冊" (Sign up) buttons in the top right.



CC 四大元素





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那 CC 各元素就會發揮作用！

因為這些都還在著作授權的拘束射程範圍

5:33

78%



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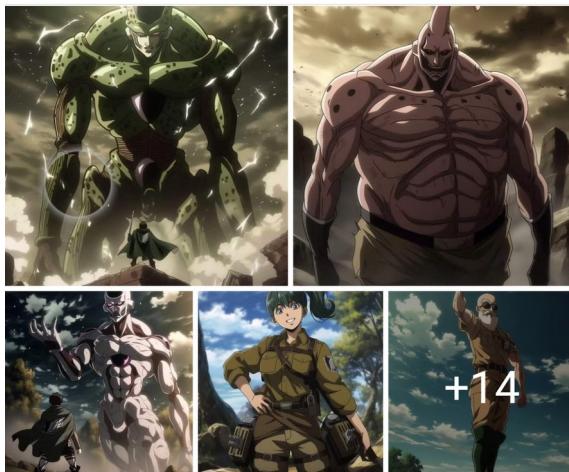
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4月24日上午3:04 ·

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**然若是希望最低風險
或將相關爭議降到最小**

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... 首頁 · 法令草案預告 · 國家科學及技術委員會公告：預告制定「人工智慧基本法」草案

國家科學及技術委員會公告：預告制定「人工智慧基本法」草案

發布於 2024-07-15 截止於 2024-09-13

討論(尚餘 55 天)

5 留言 3 關注

國家科學及技術委員會公告

中華民國113年7月15日科會前字第1130048999號

主 旨：預告制定「人工智慧基本法」草案

依 據：行政院秘書長112年10月23日院臺規長字第1125021127號函

公告事項：

一、制定機關：國家科學及技術委員會。

二、旨揭草案如附件，本案另載於國科會主管法規查詢系統 (<https://law.nstc.gov.tw/>) 「草案預告」區。

留言

★

關注

展開
↑

↑

<https://join.gov.tw/policies/detail/4c714d85-ab9f-4b17-8335-f13b31148dc4>

國科會 人工智慧基本法草案 第十五條

政府應建立資料開放、共享與再利用機制，提升人工智慧使用
資料之可利用性，並定期檢視與調整相關法令及規範。

政府應致力提升我國人工智慧使用資料之品質與數量，確保訓
練結果維繫國家多元文化價值與維護智慧財產權。



WHO WE ARE WHAT WE DO LICENSES AND TOOLS BLOG SUPPORT US

[About CC, Licenses & Tools, Policy](#)

QUESTIONS FOR CONSIDERATION ON AI & THE COMMONS

by [Anna Tumadóttir](#)

<https://creativecommons.org/2024/07/24/preferencesignals/>

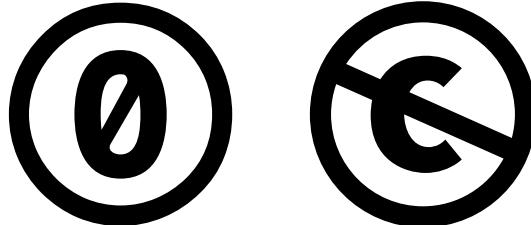
Our consultations over the course of the last two years have confirmed that:

- Folks want **more choice** over how their work is used.
- If they have **no choice**, they might **not share** their work at all (under a CC license or strict copyright).

過去兩年 CC 就 AI 的討論和諮詢確認了以下兩點：

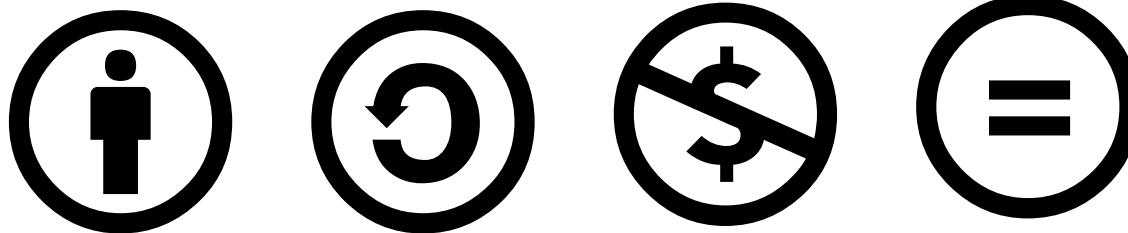
- 人們希望對自己作品的使用方式擁有**更多選擇權**。
- **如果沒有選擇權**，他們可能完全**不會分享**自己的作品（無論是採用 CC 授權或是依嚴格的著作權預設）。

1st Tier



2nd Tier CDLA-Permissive-2.0, O-UDA-1.0, C-UDA-1.0, CDLA-
Sharing-1.0, Unlicense, 0BSD

3rd Tier



THANK YOU

Lucien Cheng-Hsia Lin 林誠夏

E-mail: lucien.cc@gmail.com

LinkedIn: <https://tw.linkedin.com/in/lucienchlin>