

# 善用 AI 與開源進行專案開發 的法律知識

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# 林誠夏

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4. 臺北市政府公共參與組市政顧問

<http://tw.linkedin.com/in/lucienchlin>

# 課程大綱

1. 開源授權的基本原則
2. 開源授權的三大分類
3. 開源授權與智慧財產權
4. 生成式人工智能的應用交集

# 1. 開源授權的基本原則

自由開源軟體

Free/Open Source

Software

可以被自由修改、自由

散布的軟體專案，就是自由開  
源軟體專案。

**Free Software**

**自由軟體**

**Open Source Software (OSS)**

**開源軟體、開放原始碼軟體**

**Free/Open Source Software (FOSS)**

**自由 / 開放源碼軟體、自由開源軟體**

**Free/*Libre*/Open Source Software (*FLOSS*)**

**使用權、修改權、散布權**

源碼 / Source Code

人類能夠理解的程式語言

後手可以窺探的程式邏輯

```

__version__ = "0.3"
__revision__ = '0.3.2'
__author__ = "Yi-Feng Tzeng"
__authorcontact__ = "yftzeng@gmail.com"
__website__ = "http://antbsd.twbbs.org"

import os,sys,re
import commands
import subprocess

def main():
    xrandr_output = map(lambda x: x.split(' ')[0] + ':' + x.split(' ')[1], commands.getoutput('xrandr').split('\n'))
    output = []
    for i in xrandr_output:
        if i == 'default:connected':
            os.system("zenity --warning --title=' 提示 '--text '此程式僅支援筆記型螢幕，並不支援桌上機型 ''")
            sys.exit()
        if i != ':' and i != 'Screen:0:' and i != 'LVDS:connected':
            if i.split(':')[1] == 'connected':
                output.append(i.split(':')[0])

    mon_output = map(lambda x: x.split(' ')[0] + ':' + x.split(' ')[3], commands.getoutput('xrandr').split('\n'))
    mon = []
    for i in mon_output:
        if re.search(r'x', i):
            mon.append(i.split(':')[1])
        if re.search(r'LVDS', i):
            break

    if (len(output) == 0 or len(mon) == 0):
        os.system("zenity --warning --title=' 提示 '--text '沒有發現外接螢幕，請檢查影像連接線是否正確接上您的電腦 ''")
    else:
        str = "zenity --width=400 --height=240 --list --radiolist --title=' 切換顯示器 ' --column=' 選擇 ' --column=' 簡述 ' --column=' 詳述 ''"
        s = 0
        cmd = {}
        for i in range(len(mon)):
            if (s == 0):
                str+="TRUE "
            else:
                str+="FALSE "
            str+= " 投影 (" + mon[i] + ") ' 使用本機與外接螢幕 (" + mon[i] + ") ' "
            cmd[' 投影 (' + mon[i] + ')'] = "xrandr --output LVDS --output " + output[0] + " --mode " + mon[i] + " --auto"
            s+=1
        str+="FALSE ' 本機 ' 只使用本機的螢幕 "
        cmd[' 本機 '] = "xrandr --output " + output[0] + " --off"

    fout = subprocess.Popen(str, shell=True, bufsize=0, stdin=subprocess.PIPE, stdout=subprocess.PIPE, close_fds=True)
    selected = fout.stdout.readline().strip()

    for k, v in cmd.iteritems():
        if selected == k:
            os.system(v)

if __name__ == '__main__':
    main()

```

# 了解開源軟體之權利義務

# 義務

1. 做好相關標示
2. 提供必要源碼

# 權利

3. 之後，就能做幾乎任何事情

# 開源授權的六大特性

符合 FSF 自由軟體定義或 OSI 開放源碼定義者

1 、非專屬授權 **non-exclusive**

2 、不可撤回 **irrevocable**

3 、免授權金 **royalty-free**

4 、不附隨擔保 **no warranties**

5 、不限制目的、時間、地域

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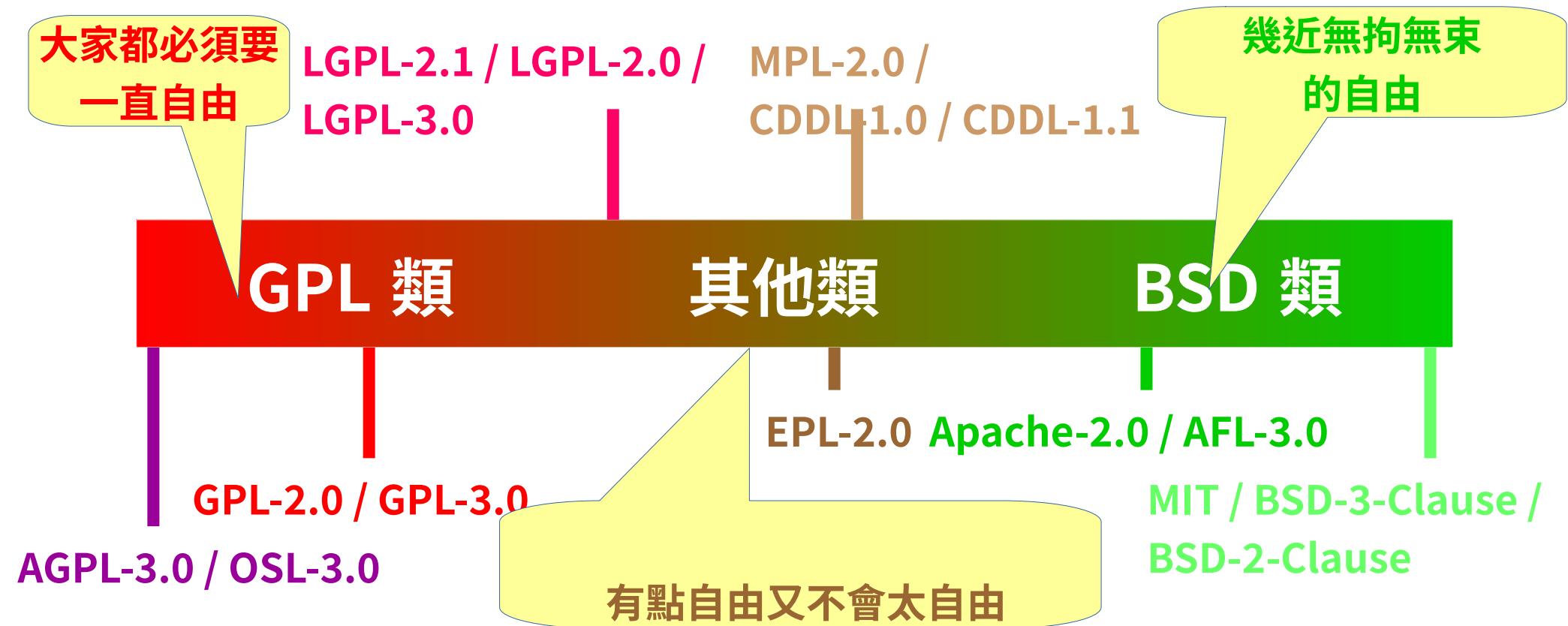
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# 常見授權條款表

分類	授權條款	全名
BSD 類	Apache-1.1	Apache Software License 1.1
	Apache-2.0	Apache License 2.0
	BSD-3-Clause	New BSD License
	MIT	MIT License
	Zlib	Zlib/libpng License
GPL 類	GPL-2.0/3.0	GNU General Public License 2.0/3.0
	LGPL-2.1/3.0	GNU Lesser General Public License 2.1/3.0
	AGPL-3.0	GNU Affero Public License 3.0
其它類	CPL/EPL-1.0	Common Public License 1.0
	EPL-2.0	Eclipse Public License 1.0/2.0
	MPL-1.1/2.0	Mozilla Public License 1.1/2.0
	CDDL-1.0	Common Development and Distribution License 1.0
	Artistic 2.0	Artistic License 2.0



# GPL 類 (Strictly Copyleft)

- 1、修改 GPL 程式產生「衍生程式」，此衍生程式必須採用 GPL 授權。
- 2、採 GPL 授權程式，對他人散布目的碼之後，就必須同時或後續提供程式源碼。
- 3、衍生範圍依著作權法之抽象解釋與司法判決之指導。

# **GPL-like(Strictly Copyleft)**

**GPL**

**GPL-2.0, GNU General Public License 2.0**

**GPL-3.0, GNU General Public License 3.0** DRM-free

**LGPL**

**LGPL-2.0, GNU Library General Public License 2.0**

**LGPL-2.1, GNU Lesser General Public License 2.1**

**LGPL-3.0, GNU Lesser General Public License 3.0** DRM-free

**AGPL**

**AGPL-3.0, GNU Affero General Public License 3.0** DRM-free

# **GPL 類 (Strictly Copyleft)**

**提供**程式源碼 ≠ **公開**程式源碼

即使是 GPL/AGPL 也能容納內部使用的法則

# GPL 類 (Strictly Copyleft)

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- 2 、明示提醒：可收費提供擔保 (Warranty)
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- 4 、軟體專利反制條款
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- 1 、檔案基礎的獨立性和拘束力 - MPL, CDDL
- 2 、模組基礎的獨立性和拘束力 - EPL, CPL
- 3 、原來開源的必須保持開源
- 4 、然能採檔案或模組區隔者、得採不相衝突之自訂授權

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**義務**

- 1 、做好相關標示 Copyright Notice + Disclaimer
- 2 、提供相對應必要源碼 Corresponding Source

**權利**

- 3 、之後，就能做幾乎**任何事情**

### **3. 開源授權與智慧財產權**

**專利、商標、營業秘密**

**與其他**

商標、專利、著作權

Trademark, Patent, Copyright

商標、專利、著作權

Trademark, Patent, Copyright



developers 

## Platform

Android Studio

Google Play

Jetpac

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## Overview

## Google Play icon design specifications

## **Brand guidelines**

## Device art generator

### Linking to Google Play

### Alternative distribution

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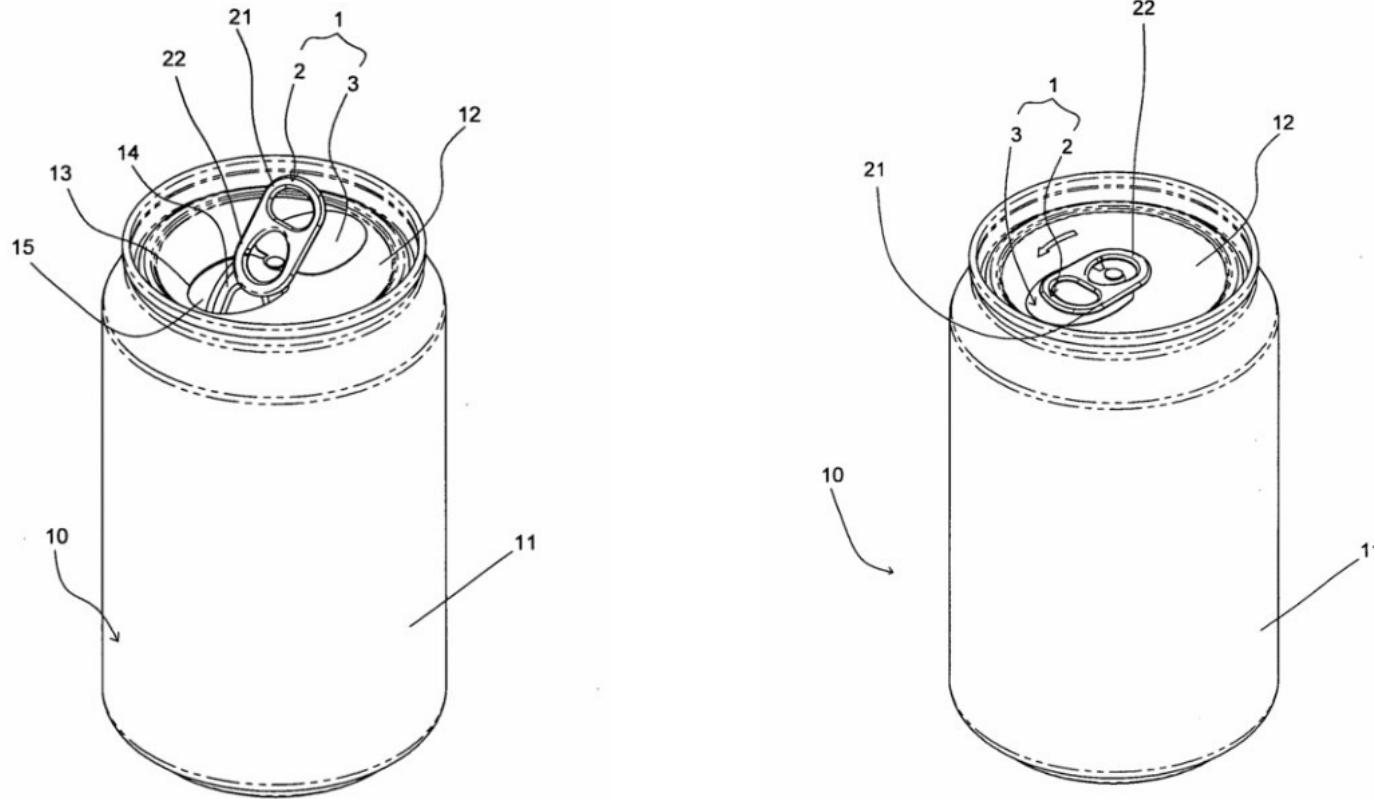
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商標、專利、著作權

Trademark, **Patent**, Copyright



專利編號：M430469

專利名稱：易拉罐蓋拉環結構

公告日：2012/06/01

# 開源專利的內在處理

( 2005 年之後新版授權條款)

1 、加列軟體性質專利授權內容

Patent grant clause

2 、建立軟體專利抑制機制

Anti-patent-lawsuit clause

# 開源專利的內在處理

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- Currently Owned and
- Acquired in the Future

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( 2005 年之後新版授權條款)

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- Implemented on Software such as **algorithm**
  - Excluded from **Hardware Patent**

# 開源專利的內在處理

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**Anti-patent-lawsuit clause**

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**源碼提供與營業秘密**

**之間的衝突與競合**

# 是否涉及開源就沒有營業秘密的保護？

- 1 、 copyleft 確實阻礙
- 2 、然內部使用可阻卻 copyleft

**源碼提供與營業秘密**

**之間的衝突與競合**

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2 頁, 共 4 頁 - + 180% I E G D P C

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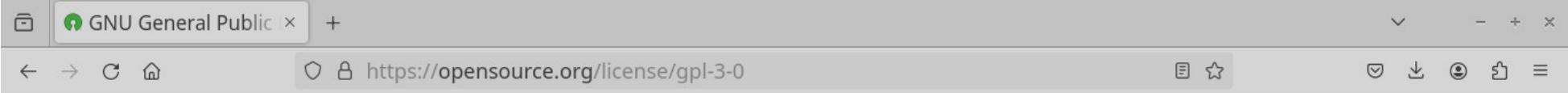
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# OpenWRT 改作案

一审案号：（2018）苏05民初845号

二审案号：（2021）最高法知民终51号

# 4. 生成式人工智能的

應用交集



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."

# **4.1. AI 得到著作權利保護的 基礎原則**

# 著作權 Copyright

是保護創作表達成果的法律

# **創作保護主義**

**作品於創作完成時自動取得著作權**

**利相關保護、毋須登記、毋須申請**

著作權法第 10 條 著作人於著作完成時享有著作權。但本法另有規定者，從其規定。

<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=10>

# 著作權是如何產生和歸屬的？

人為的獨特創意表達產生著作，就可以產生著作權！而基本上依著作權法的預設，創意由誰而生，該人便為該著作之著作人，享有其**著作財產權**與**著作人格權**。

# 著作權保護

客體很**廣**

語言 音樂 戲劇 舞蹈

美術 攝影 圖形 視聽

錄音 建築 電腦程式

其他 .....

**只要是人類的精神創作**

詩、詞、書、畫

影音、多媒體

眼耳感知

五官欣賞

帶有創意的獨特人類精神的表達

文學、科學、藝術、學術範圍

都受到著作權法保護

**重製、散布、出租、改作、公開口述、公開  
播送、公開上映、公開演出、公開傳輸、公  
開展示、再公開傳達；公開發表。**

**要得到著作權保護**

**必須是人類的精神創作**

# AI 作品要受著作權保護

# 人為創意在前、機器修潤在後

# 機器亂數產生在前、人為創意修潤在後

美學不歧視

# 只要是人做的！



Prompted as "仿林布蘭風畫一幅美麗的鳳梨" in Microsoft Designer, AI images, declared "No rights deserved" or "CC0" if applied.



Prompted as "仿梵谷風畫一張很醜的番茄" in Microsoft Designer, AI images, declared "No rights deserved" or "CC0" if applied.

# 美學不歧視

# 著作權適格的判斷、必須是人做的

著作權論「有 / 無」、不論「高 / 低」



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This November is the Wikipedia Asian Month. Come join us.

# Monkey selfie copyright dispute

From Wikipedia, the free encyclopedia

The **monkey selfie copyright dispute** is a series of disputes about the copyright status of **selfies** taken by **Celebes crested macaques** using equipment belonging to the British nature photographer David Slater. The disputes involve **Wikimedia Commons**, which has hosted the images over Slater's objections, and **People for the Ethical Treatment of Animals** (PETA), who have argued that the macaque should be assigned the copyright.

Slater has argued that he has a valid copyright claim based on the fact that he engineered the situation that resulted in the pictures, by travelling to Indonesia, befriending a group of wild macaques, and setting up his camera equipment in such a way that a "selfie" picture might come about. The **Wikimedia Foundation**'s 2014 refusal to remove the pictures from its **Wikimedia Commons** image library was based on the understanding that copyright is held by the creator, that a non-human creator (not being a **legal person**) cannot hold copyright, and that the images are thus in the **public domain**. In December 2014, the **United States Copyright Office** stated that **works created by a non-human**, such as a photograph taken by a monkey, are not **copyrightable**. A number of legal experts in the US and UK have nevertheless argued that Slater's role in the process that led to the pictures being taken may have been sufficient to establish a valid copyright claim, stating that this is a decision that would have to be made by a court.<sup>[1][2][3]</sup>

In a separate dispute PETA has tried to use the monkey selfies to establish a legal precedent that animals can be declared copyright holders. Slater had published a book containing the photographs through self-publishing company **Blurb, Inc.** In September 2015, PETA filed a lawsuit against Slater and Blurb, requesting that the monkey be assigned copyright and that PETA be appointed to administer proceeds from the photos for the endangered species' benefit. In 2016, a judge ruled that the monkey cannot own the copyright to the images.<sup>[4]</sup> PETA appealed, and in September 2017, all sides agreed to a settlement in which Slater will donate a portion of future revenues on the photographs to wildlife organizations.



One of the monkey selfies at issue in the dispute.

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Public Domain for the photo at: [https://en.wikipedia.org/wiki/File:Macaca\\_nigra\\_self-portrait\\_large.jpg](https://en.wikipedia.org/wiki/File:Macaca_nigra_self-portrait_large.jpg)

# 美法院震撼判決：只有人類才享有版權，AI 生成圖片作品不受著作權保護

August 22, 2023 by Evan Tagged: 侵權, 演算法, 生成式 AI, 美國著作權局, 著作權AI 人工智慧

分享

讚 976

分享



美國哥倫比亞特區地方法院法官 Beryl A. Howell 於週五（18 日）判決 Thaler 敗訴，她在判決書中指出，著作權從來沒有被授予「沒有任何人類指導」的作品。她並強調，人類著作人（human authorship）是著作權的基本要求。她並援引過去猴子自拍案件中猴子自拍照並不享受著作權保護的判例，最終判定 AI 生成的圖片作品不受著作權保護。

Howell 也坦承指出，隨著生成式 AI 的興起，人類正逐漸「逼近著作權的新領域」，會有愈來愈多的創作家使用 AI 來創作各種作品，未來勢將引發「關於 AI 創作作品需要多少人類參與的難題」。她並指出，AI 模型通常是根據已有的作品進行訓練。

面對敗訴，Thaler 和他的律師都不同意法院對著作權法的解釋而決定提起上訴。至於結果如何，除了等待該上訴的開審與判決結果外，未來類似的案件只

[theverge.com/2023/8/19/23](https://theverge.com/2023/8/19/23)



# the Verge

Menu +

ARTIFICIAL INTELLIGENCE / TECH / LAW

**AI-generated art cannot be copyrighted, rules a US federal judge** / DC District Court Judge Beryl A. Howell says human beings are an ‘essential part of a valid copyright claim.’

By [Wes Davis](#), a weekend editor who covers the latest in tech and entertainment. He has written news, reviews, and more as a tech journalist since 2020.

Aug 19, 2023, 10:42 PM UTC | □



**動物自發的行為**

**人工智能全自動、半自動的混搭**

**沒有人類精神的注入**

# AI 作品要受著作權保護

# 人為創意在前、機器修潤在後

# 機器亂數產生在前、人為創意修潤在後

總覽

政治

國際

財經

生活

兩岸

專題



「黎明的曙光」(Kris Kashtanova / Midjourney)

路透社22日報導，美國著作權局(U.S. Copyright Office)在路透社檢視過的一封信函中表示，使用華語線上收聽AI系統Midjourney創作出的圖像小說中的圖片，不應該被給予版權保護。



華語線上收聽AI)系統Midjourney創作出的圖像小說中的圖片，不應該被給予版權保護。





2023年04月22日 星期六 癸卯年三月三日



讚 5.6 萬

首頁 新聞 節目 影音 央主題 關於央廣 社群 Podcasts

總覽

政治

國際

財經

生活

兩岸

專題

# AI生成小說圖像 美國認定不受版權保護

## 但是編輯整理之後，有機會成為編輯著作！



生成人工智慧

時間：2023-02-23 12:03

新聞引據：採訪、路透社

撰稿編輯：鄭景懋

讚 57

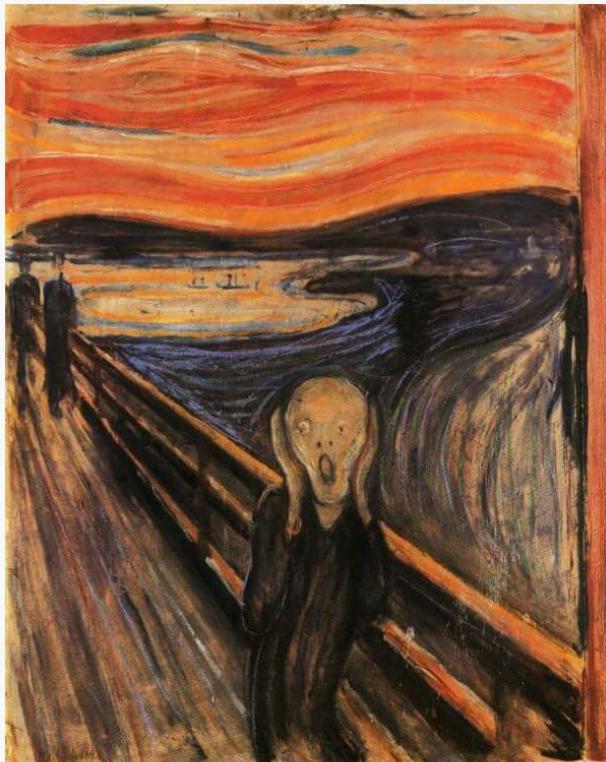
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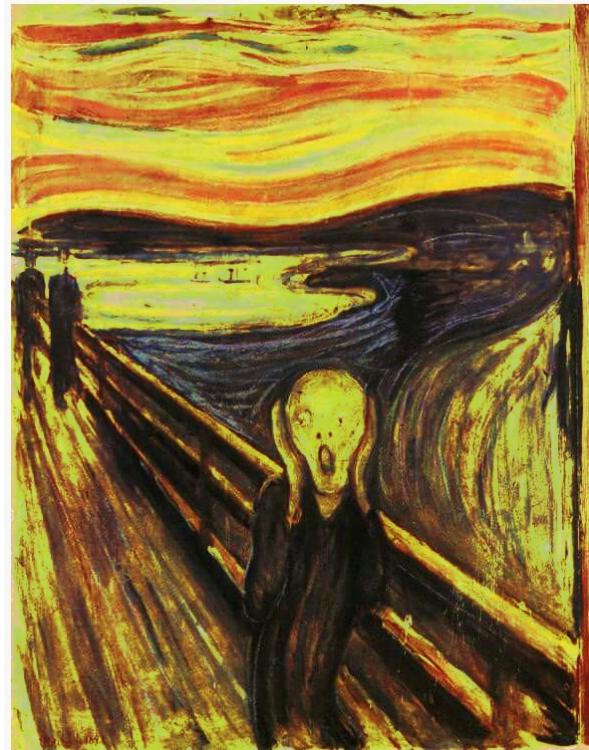
華語線上收聽

<https://www.rti.org.tw/news/view/id/2160038>

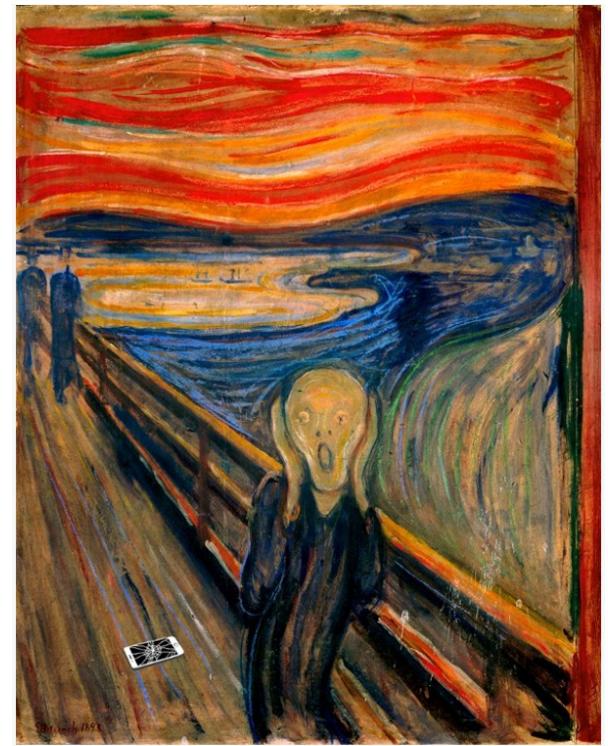
即使只是 1 % 的人類創意注入



The Scream, 1893 by Edvard Munch



The Scream, 1893 by Edvard Munch



Based on : The scream by Edvard Munch (1893)  
ART XSMART Project by Kim Dong-ju, 2013.  
<https://artsxsmart.tumblr.com/post/60089455891/the-scream-by-edvard-munch-1893>

The ones on the left two, Public Domain at: <https://www.edvardmunch.org/>

The one on the right one, Fair Use at: <https://i.pinimg.com/originals/f1/64/32/f1643293e8ed619f41077558f64d1f05.jpg>

# 使用 AI 參與寫作

# 工具：創作者取得完整創作地位

# 輔具：註明協力關係以誠信接受評價

# 悲劇：產出原則上不受著作權利保障

**也就是說、視乎人類就 AI Output**

**在「表達形式」上的「掌控能力」**

# 詠唱為何不能受到著作保護

~~"sweat of the brow" doctrine~~

# 著作權保護著作表達

除非詠唱者能主張其對詠唱結果具有表達控制力

不然亂數或然率產生的自動化成果不得直接受著作權保護

[AI作圖之著作權爭議——](#)<https://ai.iias.sinica.edu.tw/copyright-of-ai-generated-image-china/>

133%



# AI作圖之著作權爭議——以北京互聯網法院判決為中心

Opinions & Comments - 劉汶渝 - 2023-12-25

TAGS: ASIA-PACIFIC, CHINA

◎ 劉汶渝

在科技蓬勃發展之今日，人類利用AI生成文字甚至書籍已非難事，甚至可僅利用少數簡單的詞彙即在短時間內生成數幅精緻的圖畫。惟此種便利亦產生了不少問題，如從AI生成之圖是否受著作權保護之根本先決問題、應如何決定著作權之歸屬，乃至於AI作圖之侵權問題等。本文將聚焦探討AI作圖之著作權爭議，並以中國第一件AI作圖著作權糾紛之判決——（2023）京0491民初11279號<sup>1</sup>為中心進行討論。



# 多數的 AI 平台

1. 不主張產出物著作權
2. 操作者要就拿去主張
3. 後續責任主張者自負
4. 但必須註明是 AI 產生
5. 不能與原平台競爭或對原平台商展有不利影響

## **4.1. 著作抄襲的風險**

# 著作權法

並不保護「**點子**」！

# 除非您去申請專利或是把它當營業秘密！

著作權法第 10-1 條：

<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=10-1>

# 重新創作 ≠ 抄襲改作

著作權法第 10-1 條：

依本法取得之著作權，其保護僅及於該著作之表達，而不及於其所表達之思想、程序、製程、系統、操作方法、概念、原理、發現。

著作權法第 10-1 條：

<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=10-1>

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## 北捷封殺12款App 網友怒

「正版太爛 好用的卻被下架」

2013年01月16日

g+ 29



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台北捷運公司要求侵權的App下架。廖祥瑞攝

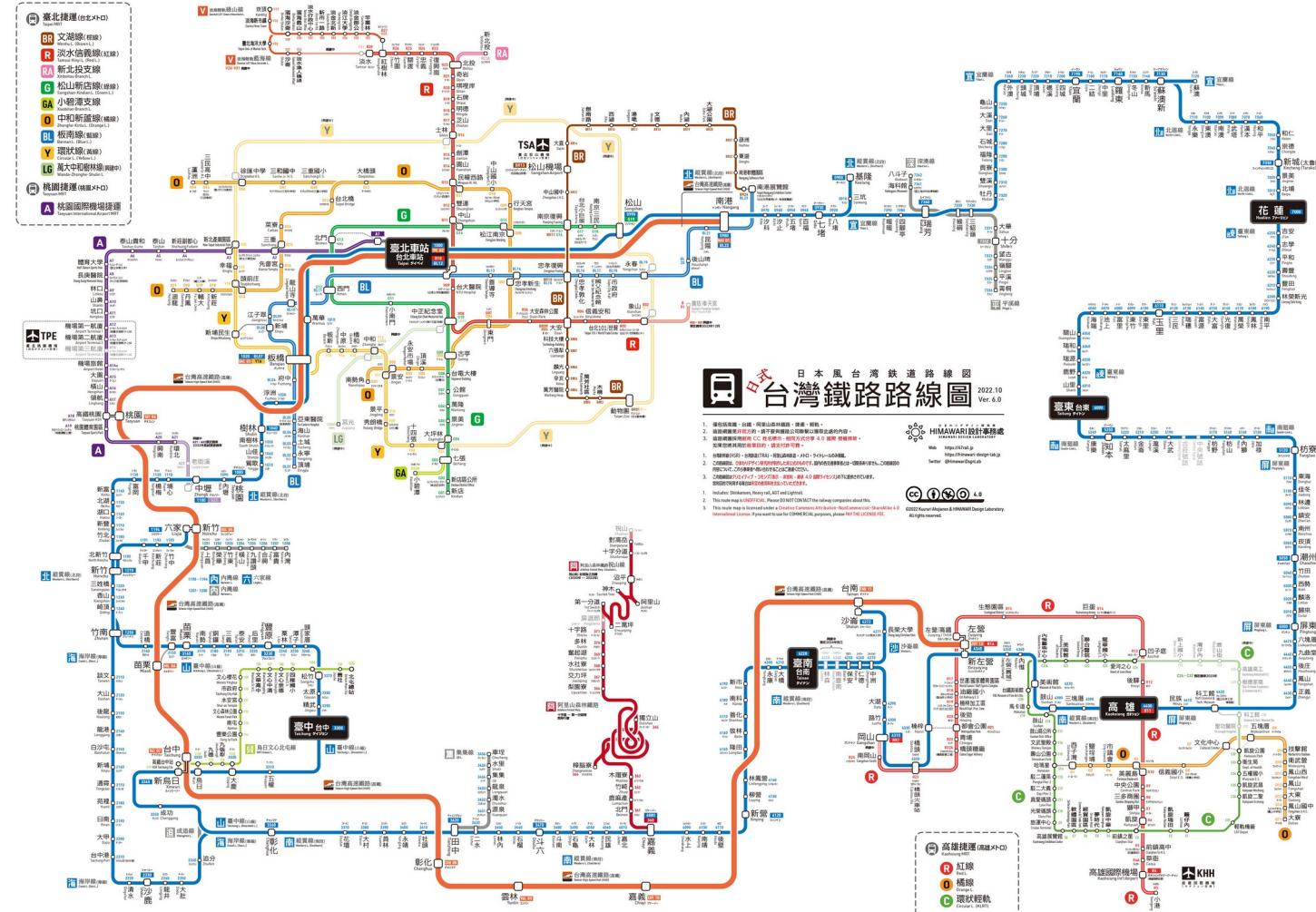
【許麗珍／台北報導】台北捷運公司向手機軟體App業者開鋤，去年底以違反著作權為由，發文要求Google Play與App Store兩下載平台撤除十二款未經北捷授權的捷運網圖App，截至昨日已有五款下架，並籲民眾下載北市交通局正版「台北好行」App。網友砲轟「台北好行」太爛，好用App卻被要求下架。

### 按讚看蘋果 食安問題追追追

網友kenf（肯夫）在台大PTT（telnet://ptt.cc）貼文，指Google Play知名北捷查詢App「台北捷運地圖」遭下架，檢舉的北捷並對涉及侵權的其他同類型十一款App，向軟體商店提出檢舉，引發網友熱烈討論。

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HIMAWARI 設計事務處，"日式台灣鐵路路線圖"--2022.10 Ver.6.0 @ <https://47rail.jp/get-routemap/taiwan/>, CC-BY-NC-SA 4.0.

# 日式台灣鐵路路線圖"--2022.10 Ver.6.0

- 1、僅包括高鐵、台鐵、阿里山森林鐵路、捷運、輕軌
- 2、這路線圖是**非官方的**，請不要與鐵路公司聯繫以獲取此處的內容。
- 3、這路線圖採用創用 CC 姓名標示 - 非商業性 - 相同方式分享 4.0 國際授權條款；如果您將其用於商業目的，請支付授權費。

**不論是誰、都有地位**

**重新畫一張自己的捷運圖**

著作權法第 10-1 條：

<http://law.moj.gov.tw/LawClass/LawSingle.aspx?Pcode=J0070017&FLNO=10-1>

# 個別依概念重新繪圖

沒有著作權上的抄襲

抄 - 重製權、襲 - 改作權

(1) 接觸

(2) 實質相似

最高法院 81 年台上字第 3063 號判決。

認定抄襲之要件有二，即（一）接觸，（二）實質相似。

~~重製、散布、出租、改作、公開口述、公開~~

~~播送、公開上映、公開演出、公開傳輸、公開傳播~~

~~開展示、再公開傳達；公開發表。~~

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各大組織漸以契約或權利宣告來  
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



# 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?

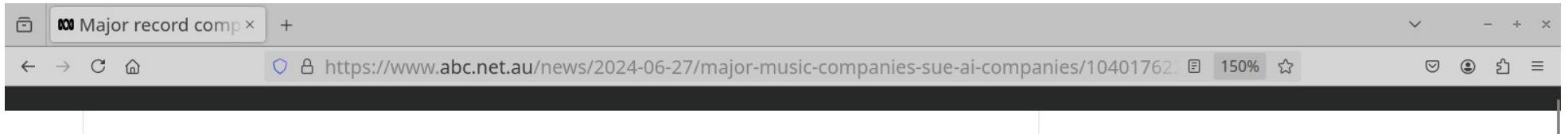
Visit our FAQ page for information regarding

- 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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'I always worked my hardest': Berejiklian fails to overturn ICAC corruption findings



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A bullet or shrapnel? Here's what we know almost two weeks after the attempted assassination of Donald Trump



Analysis by Samantha Lewis

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

**2023 = AI 訴訟元年**

**利益之所在、訴訟之所在**

Status of all copyright law x +



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:

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

<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](#)

**請務必不要構成著作表達形式**

**的直接承襲、傳襲！**

5:33

78%



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影片

相片

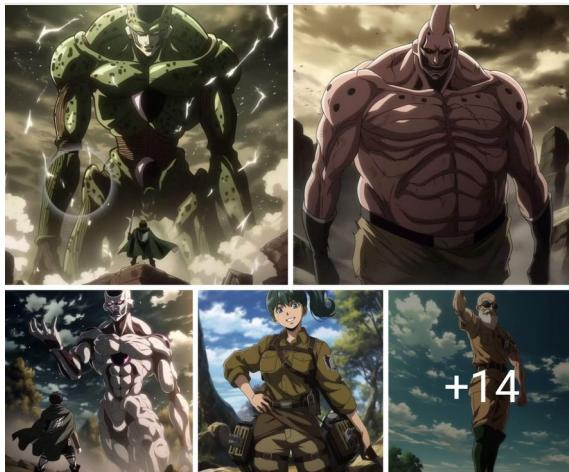
更多



作伙帕電動

5天 · 🌎

進擊的龍珠 😱... 查看更多



1,497

308則留言 · 681次分享

讚

留言

傳送

分享

5:27

79%



貼文

關於

影片

相片

更多



作伙帕電動

1天 · 🌎

閃電 😱... 查看更多



Messenger

聯絡作伙帕電動

發送訊息

181

11則留言 · 18次分享

5:25

80%



作伙帕電動 · 追蹤

15小時 · 🌎

七龍珠 😱... 查看更多



1,584

153則留言 · 319次分享

讚

留言

傳送

分享

Lenor 蘭諾 日本衣物護理  
專家

...

X

Fair Use for educational purpose



Filmophile

4月24日上午3:04 ·

...

Star Wars x Studio Ghibli



## 4.2. 隱私或應保密資訊

外洩的風險



行政院  
Executive Yuan

回首頁 | 網站導覽 | 常見問題集 | 兒童 | EN

請輸入關鍵字



進階搜尋

熱門搜尋：前瞻基礎建設計畫、啟動法規鬆綁、國家科學技術發展計畫

認識行政院 + 新聞與公告 + 政策與計畫 + 資訊與服務 + 便民服務 + 任務編組

首頁 > 政策與計畫 > 院會議案

政策與計畫

## 院會議案

施政方針與報  
告

院會議案

重要政策

政策櫥窗

重要施政成果



### 行政院及所屬機關(構)使用生成式AI參考指引

日期：112-08-31 資料來源：教育科學文化處

有鑑於生成式AI可以協助政府在處理業務或提供服務時提升效率，也期望各行政機關在使用生成式AI的同時，能保有執行公務之機密性及專業性，因此訂定「行政院及所屬機關(構)使用生成式AI參考指引」（以下簡稱本指引），揭



1



2

互動。

### 三、製作機密文書應由業務承辦人親自撰寫，禁止使用生成式 AI。

前項所稱機密文書，指行政院「文書處理手冊」所定之國家機密文書及一般公務機密文書。

四、業務承辦人不得向生成式 AI 提供涉及公務應保密、個人及未經機關（構）同意公開之資訊，亦不得向生成式 AI 詢問可能涉及機密業務或個人資料之問題。但封閉式地端部署之生成式 AI 模型，於確認系統環境安全性後，得依文書或資訊機密等級分級使用。

五、各機關不可完全信任生成式 AI 產出之資訊，亦不得以未經確認之產出內容直接作成行政行為或作為公務決策之唯一依據。

六、各機關使用生成式 AI 作為執行業務或提供服務輔助工具時，應適當揭露。

# 將病人影像作為 model 的學習資料，如何杜絕個資外洩或技術外流？

區隔、個人資料的去鏈化、法務部法律字第 10603512680 號、GDPR

技術是否分享視應用環境、有開源的 AI Models 、亦有閉源的 AI Models

GitHub Copilot · Your AI p × GitHub Copilot Telemetry × +

https://docs.github.com/en/github/copilot/github-copilot-telemetry-terms

GitHub Docs

All products GitHub GitHub Copilot

About GitHub Copilot telemetry GitHub Copilot Telemetry Terms Research recitation

GitHub / GitHub Copilot / GitHub Copilot Telemetry Terms Free, Pro, & Team English Search GitHub Docs

## GitHub Copilot Telemetry Terms

Acceptance of the additional telemetry described below is a condition to joining the wait list for the technical preview of GitHub Copilot and using GitHub Copilot during the technical preview.

### Additional telemetry

If you use GitHub Copilot, the GitHub Copilot extension/plugin will collect usage information about events generated by interacting with the integrated development environment (IDE). These events include GitHub Copilot performance, features used, and suggestions accepted, modified and accepted, or dismissed. This information may include personal data, including your User Personal Information, as defined in the [GitHub Privacy Statement](#).

This usage information is used by GitHub, and shared with Microsoft and OpenAI, to develop and improve the extension/plugin and related products. OpenAI also uses this usage information to perform other services related to GitHub Copilot. For example, when you edit files with the GitHub Copilot extension/plugin enabled, file content snippets, suggestions, and any modifications to suggestions will be shared with GitHub, Microsoft, and OpenAI, and used for diagnostic purposes to improve suggestions and related products. GitHub Copilot relies on file content for context, both in the file you are editing and potentially other files open in the same IDE instance. When you are using GitHub Copilot, it may also collect the URLs of repositories or file paths for relevant files. GitHub Copilot does not use these URLs, file paths, or snippets collected in your telemetry as suggestions for other users of GitHub Copilot. This information is treated as confidential information and accessed on a need-to-know basis. You are prohibited from collecting telemetry data about other users of GitHub Copilot.

<https://docs.github.com/en/github/copilot/github-copilot-telemetry-terms>

# **Github Copilot → Suggestion**

**(1)telemetry data( 程式寫作偵測資料的收集 )**

**(2) 專利演算法**

**(3)telemetry 功能可關閉但無實質意義**

# Github Copilot 資通訊產業管理要則

- (1) Github Copilot 可以用、但必須**登錄註記**它的使用狀態；
- (2) 重點專案要用必須走**核可制**，所謂重點專案就是涉及公司專利技術，或被指定是主力開發產品，而被定位重點專案，這些專案要使用到 Github Copilot 時，走的是核可制，必須明確得到核可，才可以去使用；
- (3) 一般專案走**備查制**，解放工程人員的生產力，但使用狀況必須於公司指定的電子簿冊進行登錄，相關登錄資訊公司也不需要時時查察，但需要確認時管理和研發主管可以查閱並確認；
- (4) 開啟 Github Copilot 提供的 **Duplicate Detection** 偵測功能，這個功能是 Github Copilot 在美國發生訴訟後，Github 火速加上的新功能，意思就是當 Github Copilot 吐 Suggestions 紿軟體開發工程師，工程師也使用了這些被建議的程式碼，之後再加上一個自動化功能，就是幫忙查驗最後的程式碼是否和目前 Github 上託管的主流他人專案具有表達的近似性，若是高度相似，這個偵測功能會建議部份程式碼再另行改寫，以避免程式碼表達上過於近似有抄襲疑慮。
- (5) 要求開發人員就最後提交給公司的程式碼進行**人力的閱讀和確認**。

# AI 生成 + 人類覆核

人類的價值在於幫 AI 及生成技術把關

## 4.3. 生命倫理或人類尊嚴

跨越邊際的風險

# 歐盟人工智慧法 (2024 年第 3 季已公布 2 年內分期生效 )

## Artificial Intelligence Act

1 、風險分級

2 、 unacceptable risk 、 high risk 、 low risk 、 minimal risk

3 、明確禁止、公務監管、透明揭露、自我管理

EU AI Liability Directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0496>

Directive on liability for defective products: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0495>

Artificial Intelligence Act: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52021PC0206>

# 歐盟人工智慧法 (2024 年第 3 季已公布 2 年內分期生效 )

## Artificial Intelligence Act

1. Risk-based approach-- 風險分級
2. Prohibited uses-- 高度風險事務禁止全面仰賴 AI
3. Foundation models— 基礎模型及訓練素材應審查揭露
4. Fundamental rights-- 基本人權之維護
5. Enforcement mechanism-- 行政罰、相關權利維護之協助
6. Governance structure-- 設立專責監管組織

使用便利與倫理課責

之相輔交集

生成 AI 能用、但必須滾動觀察與修正，來維護人類社會的穩定。

**Google Gemini**

**Meta Llama**

**NARLabs TAIDE**

# Model License

copyright

+

# Use Policy

ethics

開源 AI

Open AI License

處理人工智慧模組的倫理克責及風險限制

# **BIGSCIENCE OPEN RAIL-M LICENSE**

開放課責人工智慧演算模型授權

## **使用限制 - 附件 A**

- (a) 不得違反國際及該地區法令；**
- (b) 不得以任何方式傷害未成年人；**
- (c) 不得製造虛偽資訊來傷害他人；**
- (d) 不得用於個資追蹤來傷害他人；**
- (e) 所產出的任何圖形、程式碼、文章、布告等內容必須明註為機械產生；**

# BIGSCIENCE OPEN RAIL-M LICENSE

開放課責人工智慧演算模型授權

## 使用限制 - 附件 A

- (f) 不得用於污蔑、誹謗或其他騷擾行為；
- (g) 不得用於假扮他人而未經該人同意 (**deepfake**) ；
- (h) 不得用於對個人法定權利、承諾與義務的自動化負面傷害；
- (i) 不得用於對個人或特定族群的有意歧視、傷害、或行為預判；
- (j) 不得用於個人或特定族群的弱點分析並用之來傷害他們身心；

# BIGSCIENCE OPEN RAIL-M LICENSE

開放課責人工智慧演算模型授權

## 使用限制 - 附件 A

- (k) 不得用於對個人或特定族群受法律保護的特性與分類進行歧視性影響；
- (l) 不得用於提供醫藥建議及醫藥效果的說明；
- (m) 不得用於司法部門、執法機構、移民、庇護流程相關資訊之產製與散布，例如不得用於對個人再犯罪行為之預測。

**不可違法、不許害人**

**不要騙人、不能過份**

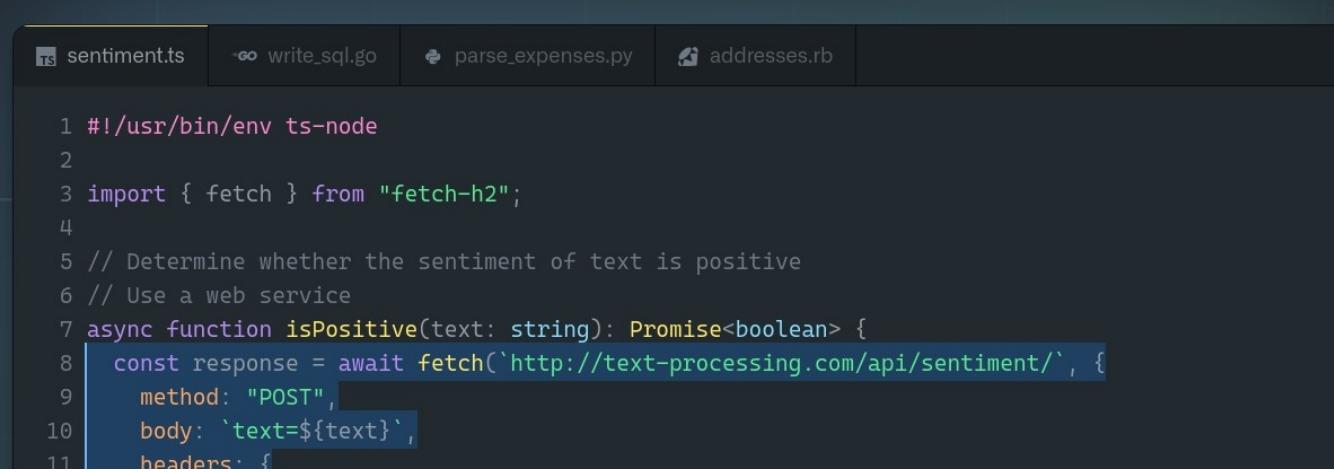
## **4.4. Copilot 與程式寫作**

**特別篇**

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

# Your AI pair programmer

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

[Sign up >](#)

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?

# Frequently asked questions

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

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# Frequently asked questions

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

## How is the data that GitHub Copilot collects used?

In order to generate suggestions, GitHub Copilot transmits part of the file you are editing to the service. This context is used to synthesize suggestions for you. GitHub Copilot also records whether the suggestions are accepted or rejected. This telemetry is used to improve future versions of the AI system, so that GitHub Copilot can make better suggestions for all users in the future. In the future we will give users the option to control how their telemetry is used. More information about our use of telemetry can be found [here](#).

## Will my private code be shared with other users?

No. We use telemetry data, including information about

## Is the transmitted data secure?

All data is transmitted and stored securely. Access to the telemetry is strictly limited to individuals on a need-to-know basis. Inspection of the gathered source code will be predominantly automatic, and when humans read it, it is specifically with the aim of improving the model or detecting abuse.

## Privacy & Data Protection

Please see the GitHub Copilot [telemetry terms](#) and [About GitHub Copilot Telemetry](#). More information on

GitHub Copilot · Your AI p × GitHub Copilot Telemetry × +

https://docs.github.com/en/github/copilot/github-copilot-telemetry-terms

GitHub Docs

All products GitHub GitHub Copilot

About GitHub Copilot telemetry GitHub Copilot Telemetry Terms Research recitation

GitHub / GitHub Copilot / GitHub Copilot Telemetry Terms Free, Pro, & Team English Search GitHub Docs

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<https://docs.github.com/en/github/copilot/github-copilot-telemetry-terms>

## ✓ 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.

# **Github Copilot → Suggestion**

**(1)telemetry data( 程式寫作偵測資料的收集 )**

**(2) 專利演算法**

**(3)telemetry 功能可關閉但無實質意義**

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- (5) 要求開發人員就最後提交給公司的程式碼進行**人力的閱讀和確認**。

## **4.5. AI 應用的引註標示**

**重點不是用 AI**

**重點是用了 AI 沒有揭露**

**而讓人誤會該等表達皆為原創**

Prompted as "XXXXXX" in  
**Microsoft Designer, AI images,**  
declared “**No rights deserved**” or  
“**CC0**” if applied.

依右列絮語 "XXXXXX" 於

Microsoft Designer 詠唱，AI 生成圖

片，宣告 “不受著作權利保護” 或於受

保護時採 "CC0-1.0" 公告釋出。

# 建議的合理標示要點

物件名稱

出處識別 ( 真名、筆名、別名 )

使用的 AI 方案

AI 協力的標註

"Théâtre d'Opéra Spatial", made by "Jason M. Allen with" with "Midjourney", AI Image, PDM via Wikimedia Commons

出處

@ [https://commons.wikimedia.org/wiki/File:Th%C3%A9%C3%A2tre\\_D%C2%80%99op%C3%A9ra\\_Spatial.jpg](https://commons.wikimedia.org/wiki/File:Th%C3%A9%C3%A2tre_D%C2%80%99op%C3%A9ra_Spatial.jpg)

比賽能否用AI協作 教育部

https://udn.com/news/story/6885/7889103

170%

即時 0403大地震 要聞 娛樂 運動 全球 社會 地方 產經 股市 房市 生活

# 比賽能否用AI協作 教部承諾研擬指引鼓勵適當使用

2024-04-10 12:09 聯合報／記者董俞佳／台北即時報導

+ 教育部



<https://udn.com/news/story/6885/7889103>

PP Artist Refuses Prize After



https://petapixel.com/2023/04/14/artist-refuses-prize-after-his-ai-image-wins-at-top-photo-contest/ 150%



# Artist Refuses Prize After His AI Image Wins at Top Photo Contest

APR 14, 2023

MICHAEL ZHANG



<https://petapixel.com/2023/04/14/artist-refuses-prize-after-his-ai-image-wins-at-top-photo-contest/>

# **Photographer Disqualified From AI Image Contest After Winning With Real Photo**

JUN 12, 2024 MATT GROWCOOT



<https://petapixel.com/2024/06/12/photographer-disqualified-from-ai-image-contest-after-winning-with-real-photo/>



A photographer has been disqualified from a picture competition after his real photograph won in the AI image category.

<https://petapixel.com/2024/06/12/photographer-disqualified-from-ai-image-contest-after-winning-with-real-photo/>

# 維持公共事務的公平性

若把 AI 當工具、完全操作過程和結果的創作表達，那它就是工具。

然若把 AI 當輔具，則應適當披露其輔助事實以得到公平評價。

AI 產出物

Output

AI 模組本身

Work

# Opening up ChatGPT: tracking openness of instruction-tuned LLMs

⚡ FAccT'24 paper ⚡ Liesenfeld, Andreas, and Mark Dingemanse. 2024. 'Rethinking Open Source Generative AI: Open-Washing and the EU AI Act'. In *The 2024 ACM Conference on Fairness, Accountability, and Transparency (FAccT '24)*. Rio de Janeiro, Brazil: ACM. ([PDF](#)).

There is a growing amount of instruction-tuned text generators billing themselves as 'open source'. How open are they really? [🔗 FAccT'24](#) [🔗 CUI'23](#) [🔗 repo](#)

Project (maker, bases, URL)	Availability						Documentation				Access			
	Open code	LLM data	LLM weights	RL data	RL weights	License	Code	Architecture	Preprint	Paper	Modelcard	Datasheet	Package	API
OLMo 7B Instruct AI2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	X	✓	✓	✓
	LLM base: OLMo 7B						RL base: OpenInstruct							12.5
BLOOMZ bigscience-workshop	✓	✓	✓	✓	~	~	✓	✓	✓	✓	✓	✓	X	✓
	LLM base: BLOOMZ, mT0						RL base: xP3							12.0
AmberChat LLM360	✓	✓	✓	✓	✓	✓	~	~	✓	X	~	~	X	✓
	LLM base: Amber						RL base: ShareGPT + Evol-Instruct (sy...)							10.0
Open Assistant LAION-AI	✓	✓	✓	✓	X	✓	✓	✓	~	X	X	X	✓	✓
	LLM base: Pythia 12B						RL base: OpenAssistant Conversations							9.5
OpenChat 3.5 7B Tsinghua University	✓	X	✓	X	✓	✓	~	✓	✓	✓	~	X	✓	~
	LLM base: Mistral 7B						RL base: ShareGPT with C-RLFT							9.5
Pythia-Chat-Base-7... togethercomputer	✓	✓	✓	✓	X	✓	✓	✓	~	X	~	~	✓	X
	LLM base: EleutherAI pythia						RL base: OIG							9.5
Cohere OPT 144	~	~	~	~	~	~	~	~	~	~	~	~	~	

<https://opening-up-chatgpt.github.io/>

# 版本控制— Version Control

版本控制（英語：Version control）是維護工程藍圖的標準做法，能追蹤工程藍圖從誕生一直到定案的過程。此外，版本控制也是一種軟體工程技巧，藉此能在軟體開發的過程中，確保由不同人所編輯的同一程式檔案都得到同步。

<https://zh.wikipedia.org/zh-tw/版本控制>



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主辦單位



臺北市政府資訊局  
Department of Information Technology  
Taipei City Government

協辦單位



臺北市文化局



臺北市資訊及通訊傳播局



臺北市住都處

## 2024臺北生成藝術節 報名資料

<https://seminars.tca.org.tw/D11o00025.aspx>

## 2024臺北生成藝術節 個人資料蒐集處理利用告知書

臺北市政府資訊局（以下簡稱主辦單位）、台北市電腦商業同業公會（以下簡稱為執行單位）為舉辦「2024臺北生成藝術節」（以下簡稱本競賽）事由，向您蒐集個人資料，依個人資料保護法規定及主辦單位個人資料保護政策要求，在您提供個人資料前，本主辦單位及執行單位依法告知下列事項，敬請詳閱。

### 1、蒐集個人資料之機關：

臺北市政府資訊局、台北市電腦商業同業公會。

### 2、蒐集之目的：

為辦理本競賽之參賽者報名審核、身分確認、聯繫、文件製作及得獎活動作業、相關行政管理及資訊整合登錄。

### 3、個人資料之類別：

(1).辨識個人者：如姓名、聯絡方式、戶籍地址及其他任何可辨識資料本人者等。

(2).辨識個人描述：如性別、出生年月日、國籍等。

(3).政府資料中之辨識者：如身分證統一編號、護照號碼。

(4).辨識教育、考選、技術、工作或其他專業者：如學歷資格、職業專長、專業技術、著作等社會情形。

(5).辨識財務者：如金融機構帳戶之號碼與姓名。

# 2024 臺北生成藝術節競賽規則

參賽者使用的素材，若為第三方素材必須得到合法授權或符合《著作權法》第 65 條第 2 項的要求，即素材需為公開或合法授權的資源。所有使用的數據集和素材必須具有合法使用權，並在參賽文件中提供相應的授權證明和來源說明。參賽者需確保素材不侵犯他人的著作權，並遵守相關的法律規範；  
**若經評審提示，參賽者亦應提供第三方素材表單及向評審揭露原始素材以利評審工作之進行。**

理由：競賽作品是否有用到第三方素材為表達基礎，經過 AI 的轉譯之後有時很難被觀測或察覺，比照各國 AI 監管法制的演變，若有疑問發生時，AI 產製者應能夠揭露其生成所賴之基礎素材與清單，以利評審進行公平判斷。

# 開放館聯/開放文化館藏專區

CC 授權專文知識庫

<https://tw.creativecommons.net/OpenGlam-essay>

OpenGLAM CC授權問答集-著作權

<https://tw.creativecommons.net/OpenGlam-copyright/>

OpenGLAM CC授權問答集-第三方素材

<https://tw.creativecommons.net/OpenGlam-3rd-party/>

OpenGLAM CC授權問答集-CC授權

<https://tw.creativecommons.net/openglam>

# CC Taiwan 授權討論室

<https://groups.google.com/forum/#!forum/cctw-discussion>

**QA**

# **THANK YOU**

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