

# 生成式 AI 應用的合法取用和智慧創作

v.20250415

CC Taiwan Chapter Lead / CC 台灣計畫主持人

群牧開源管理顧問有限公司 / 鈞理知識產權事務所 法制顧問

Legal Adviser @ Herding Open Source Management Consultants Ltd. & Gemly Int'l IPR Office

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輔仁大學資訊工程學系 2025.04.19

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政府資料開放授權條款 - +

政府資料開放平臺 DATA.GOV.TW 網站導覽 EN 客服小幫手 線上客服 會員登入

... 資料集 資料故事館 互動專區 消息專區 諮詢小組 授權條款 關於平臺

## 政府資料開放授權條款－第1版

中文 English

## 政府資料開放授權條款－第1版

中華民國104年7月27日訂定

為便利民眾共享及應用政府資料、促進及活化政府資料應用、結合民間創意提升政府資料品質及價值、優化政府服務品質，訂定本條款。

### 一、定義

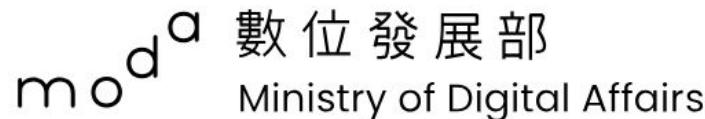
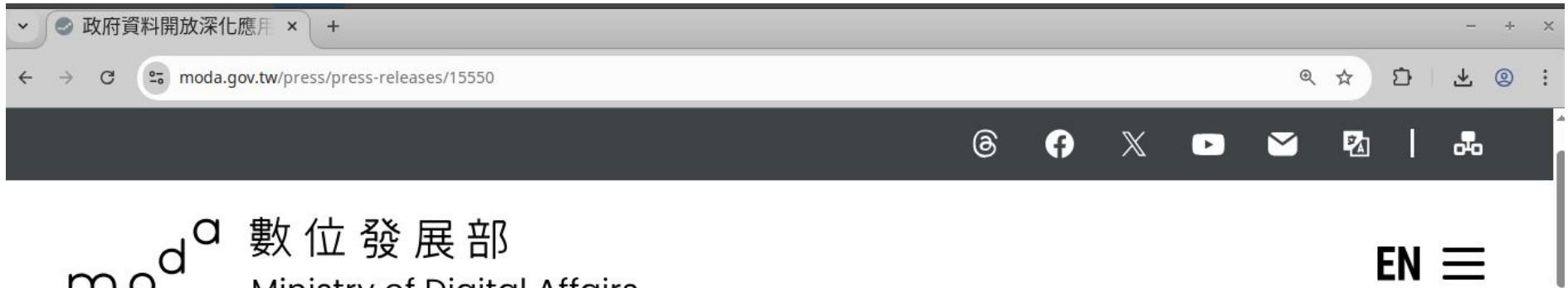
(一)資料提供機關：指將職權範圍內取得或作成之各類電子資料，透過本條款釋出予公眾之政府機關（構）、公營事業機構、公立學校及行政法人。

(二)使用者：指依本條款規定取得開放資料，並對其利用之自然人、法人或團體，包括依本條款授權使用者再轉授權利用之人或團體。

(三)開放資料：指資料提供機關擁有完整著作財產權，或經授權得再轉授權第三人利用之資料，並以公開、可修改，且無不必要技術限制之格式提供者，包括但不限於下列著作：

1. 編輯著作：選擇、編排具有創作性，而可受著作權法保護之資料庫或其他結構化資料組合。
2. 素材：指開放資料集合物中，其他可受著作權法保護之獨立著作。

<https://data.gov.tw/license>



EN

數位發展部

重點政策

核心業務

公告訊息

- 行政公告

- 新聞發布

- 新聞參考資料

## 政府資料開放深化應用 數發部將推動建置臺灣主權 AI訓練語料庫



數位發展部今（10）日於富邦國際會議中心舉辦「資料賦能創新永續 113年政府資料開放頒獎典禮」，表揚各機關在資料開放與創新應用上的卓越表現。行政院副院長鄭麗君親臨會場，並對各機關在提升資料品質、強化應用價值的努力給予高度肯定。

行政院鄭麗君副院長在致詞中指出，資料驅動是數位科技發展與國家進步的關鍵，資料開放則是政府創新服務的基石，透過與產業、學界及其他機構的協作，資料可轉化為高價值的創新服務，提升智慧治理與國家競爭力。鄭副院長強調，行政院推動智慧國家2.0讓資料成為創新經濟和智慧國家的關鍵力量，並由重點法制調適、資料開放到資料協作、打造臺灣主權AI訓練語料庫與資料循證治理等4大重點工作，讓民間與學界靈活運用數據，優化公共服務並促進產業發展。

<https://moda.gov.tw/press/press-releases/15550>

**教育發展籌備的角度**

**淺探生成式 AI 與著作權利的正確認知及**

**相關產出素材的資源應用與合理引註**

# 大綱

1. 智慧財產的權利保障與範圍
2. 著作權利的保護標的
3. 工具性的 AI 、輔具性的 AI
4. AI 應用的範圍與釐清
5. 合理註引與版本控制

# 1. 智慧財產的

**權利保障與範圍**

智慧財產權

Intellectual Property

Right, IPR

# 廣義的智慧財產權

商標權 **Trademark**

專利權 **Patent**

著作權 **Copyright**

積體電路布局、植物種苗、

營業秘密法 .....

原民傳智權 **Traditional Intellectual Creation**



CC0-1.0 at: [https://farm2.staticflickr.com/1653/25748610900\\_a6f4e5106b\\_b.jpg](https://farm2.staticflickr.com/1653/25748610900_a6f4e5106b_b.jpg)

No Known Copyright Restriction (Public Domain) at: <https://www.flickr.com/photos/ds38/24716718033/>



商標取自網際網路、用於學術探討商標權之效力，請讀者不得取之用於其他不同目的。



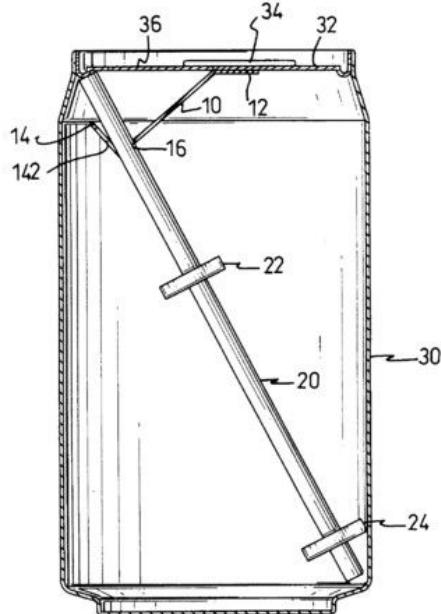
LEFT: "WW2 world war 2 two german army tin can opener" by zaphad1 is licensed under CC BY 2.0.

MIDDLE: "Old school ring pull" by renaissancechambara is licensed under CC BY 2.0.

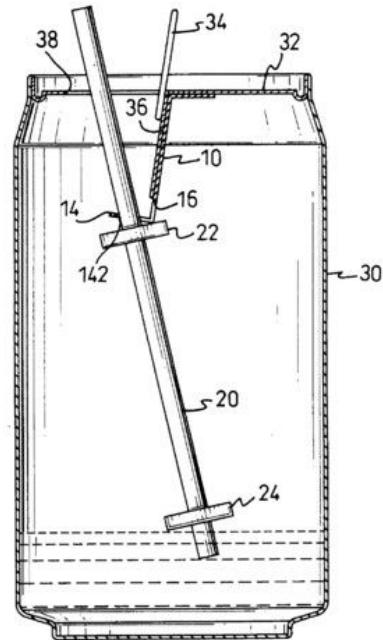
RIGHT: "Ring Pull" by p\_a\_h is licensed under CC BY 2.0.

# 專利申請三要素（可專利性）

1. 技術性
2. 創新性
3. 商用性



第一圖

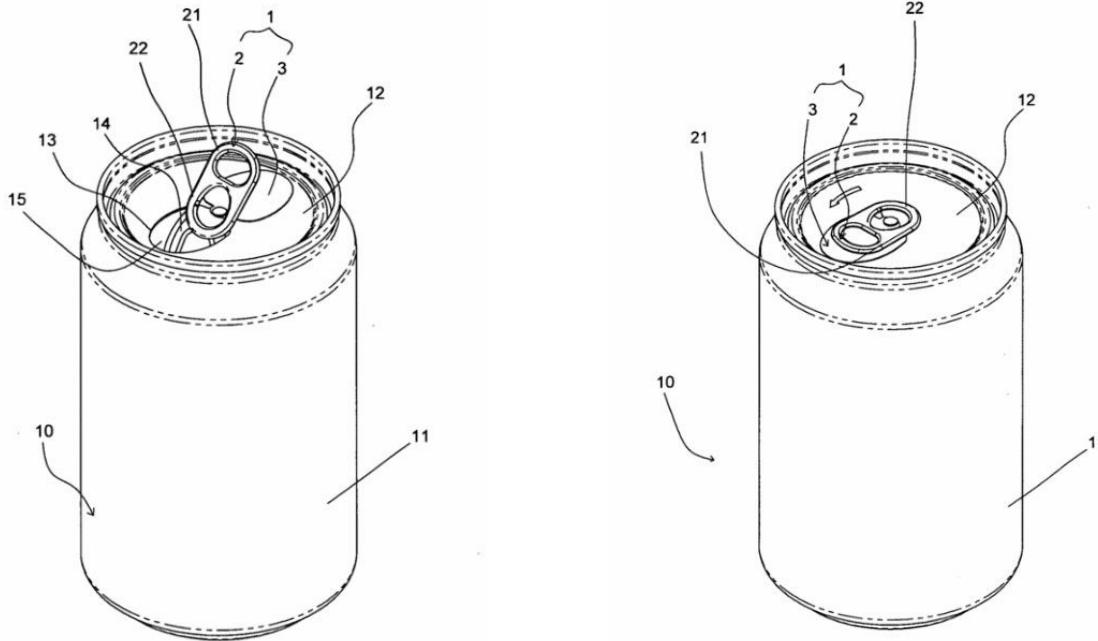


第六圖

專利編號 : M430469

專利名稱 : 易拉罐蓋拉環結構

公告日 : 2012/06/01



專利編號：M430469

專利名稱：易拉罐蓋拉環結構

公告日：2012/06/01

# 三大智慧財產權標的核心保護與侵權地帶

1. 專利 - **步驟**：使用其**專利步驟**進行營利。
2. 商標 - **辨識**：使用近似商標造成**混淆**。
3. 著作權 - **表達**：妨害其原作之行使，造成財產營收之**取代效應**。

# 使用 AI 方案之後相關產出的智慧財產權分配？

現行法制下，只有「人」才可以成為權利主體→自然人、法人  
專利、商標、著作權、積體電路、植物種苗皆依此原則  
合作者複數、依事前約定、次依貢獻程度、貢獻程度不明則推定均等  
唯有「人」能對相關權利進行共有、AI 機械人未具資格

Tired of too many ads?

GO AD FREE NOW

# Twitter founder Jack Dorsey and Twitter owner Elon Musk want these laws to be deleted

TOI Tech Desk / TIMESOFINDIA.COM / Apr 15, 2025, 14:59 IST

 SHARE   AA

Jack Dorsey and Elon Musk's call to abolish intellectual property laws has sparked controversy amidst the AI copyright debate. Their stance aligns with Silicon Valley's push for looser IP regulations, while artists and creators strongly oppose the move, fearing



Twitter co-founder Jack Dorsey and X owner [Elon Musk](#) have ignited controversy by advocating for the abolition of all intellectual property (IP) laws. Dorsey posted on X, "Delete all IP law," to which Musk responded, "I agree." Their remarks have fueled a

## **2. 著作權利的保護標的**

# 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。**

取得書籍後載入 NotebookLM 進行各項應用？

未經授權、內部使用或主張合理使用之抗辯。

# 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>

# 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。

## **17 U.S. Code § 102(b) – Subject matter of copyright: In general**

**In no case does copyright protection for an original work of authorship extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery, regardless of the form in which it is described, explained, illustrated, or embodied in such work.**

**著作權框架下**

**重新創作 ≠ 抄襲改作**

[分享到FB](#)[分享到g+](#)[分享到Plurk](#)[分享到Twitter](#)

## 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



臺北大眾捷運股份有限公司 版權所有  
Copyright © Taipei Rapid Transit Corporation



台北捷運公司要求侵權的App下架。廖祥瑞攝

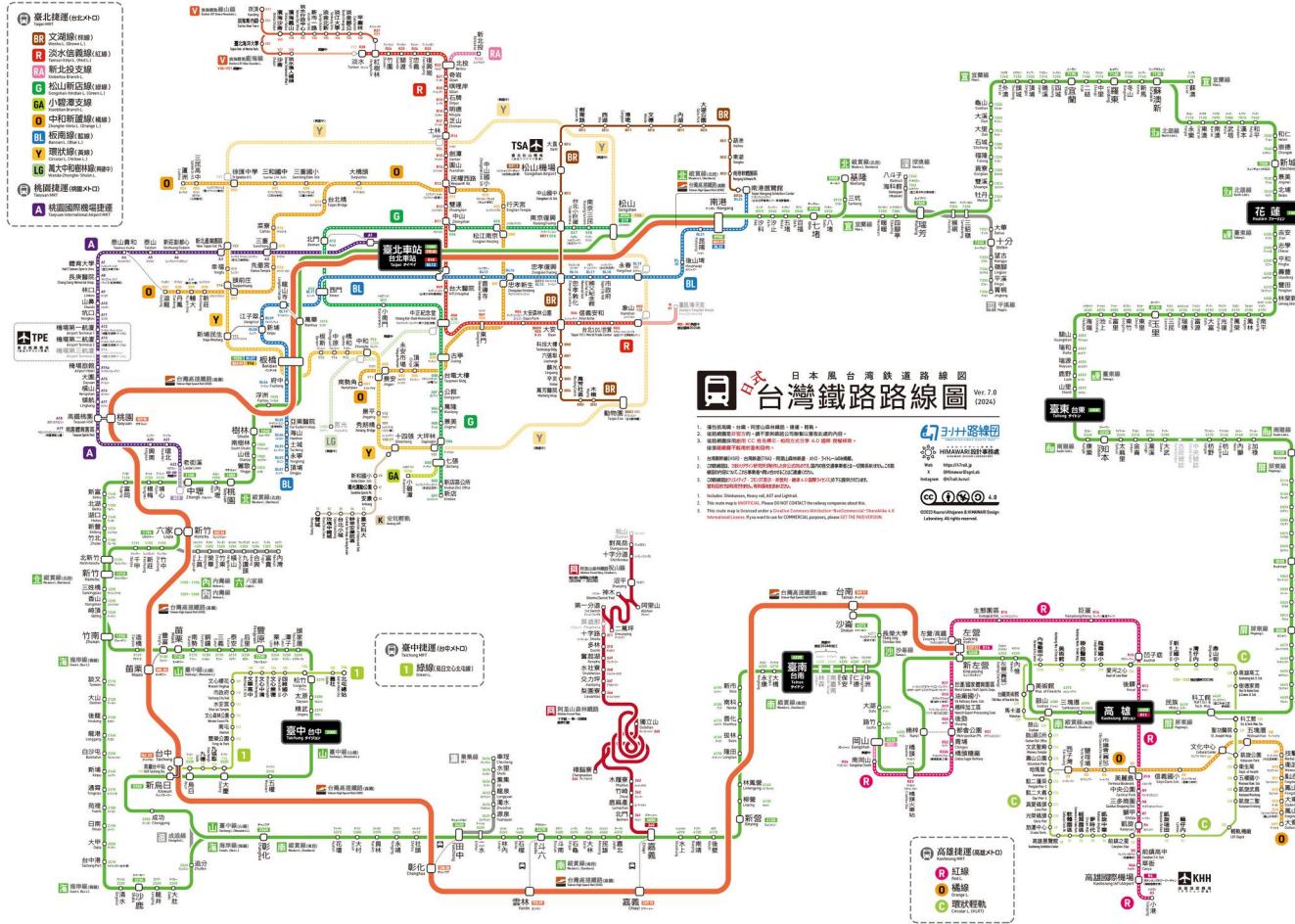
【許麗珍／台北報導】台北捷運公司向手機軟體App業者開鋤，去年底以違反著作權為由，發文要求Google Play與App Store兩下載平台撤除十二款未經北捷授權的捷運網圖App，截至昨日已有五款下架，並籲民眾下載北市交通局正版「台北好行」App。網友砲轟「台北好行」太爛，好用App卻被要求下架。

**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。

Fair Use at: <http://web.metro.taipei/img/all/metrotaipeimap.jpg>

Public Domain for the text at law at: <http://www.appledaily.com.tw/appledaily/article/headline/20130116/34773133/>



# 日式台灣鐵路路線圖"--2024 Ver.7.0

- 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，不能用於盈利目的。

**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) 實質近似

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。

# Gray v. Perry, No. 2:15-cv-05642

亦作相類判斷、然此案因原始音樂片段簡短、常見、無法證明原創性，故不構成實質近似。

## 抄 - 重製權、襲 - 改作權

(1) 接觸 ( Access )

(2) 實質近似 ( Substantial Similarity )

<https://law.justia.com/cases/federal/appellate-courts/ca9/20-55401/20-55401-2022-03-10.html>

### 3. 工具性的 AI 、

輔属性的 AI

# ~~Sweat of the brow doctrine~~

# 純辛勤原則已被否定 # 著作權保護的是原創表達並非勞務過程 #Feist

Publications, Inc. v. Rural Telephone Service Co. # 歐盟資料庫特別權利立法

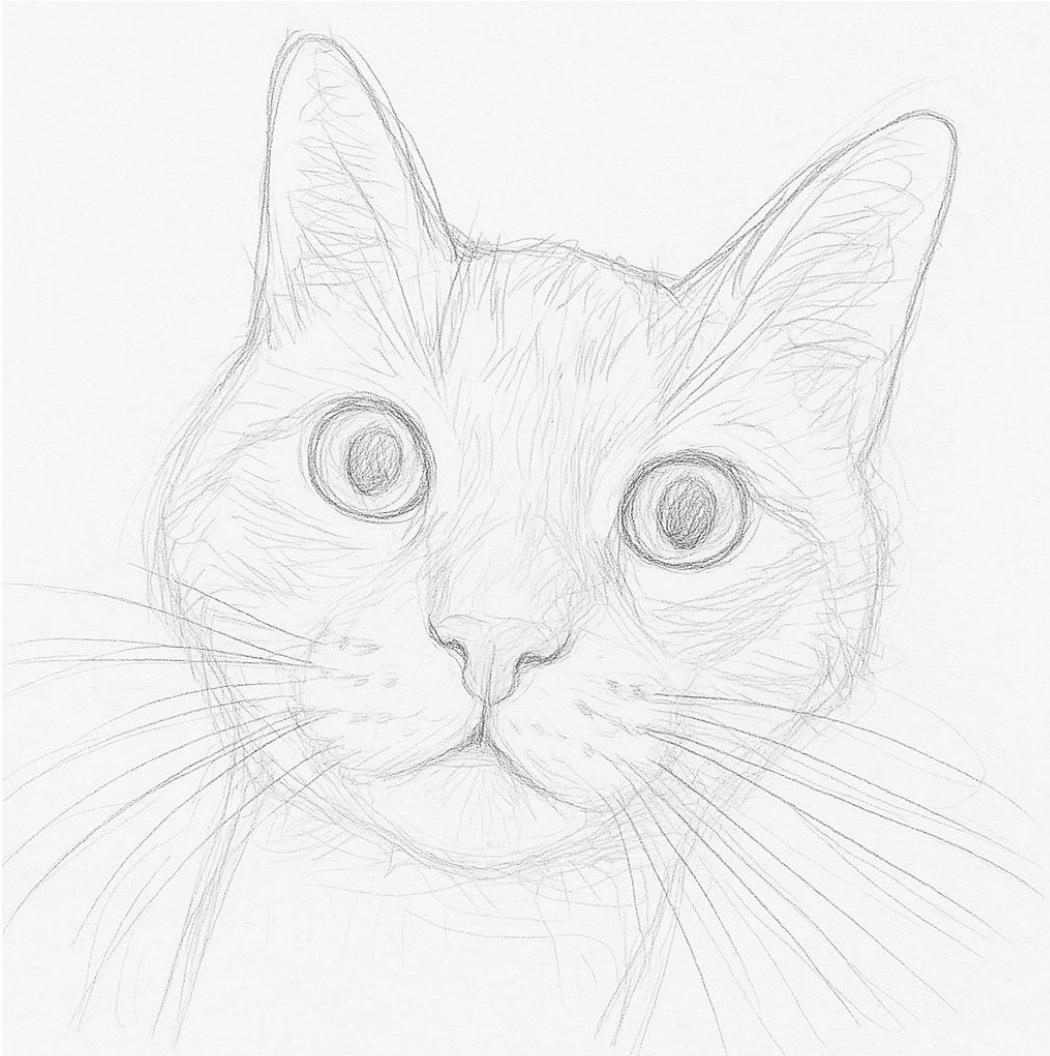
**要得到著作權保護**

**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



"Illustration of AI Colorization Following a Human Sketch" made in 2025 by Lucien C.H. Lin.  
This image was generated through ChatGPT 4o under the direction and creative concept of the author, and is dedicated to the public domain under the CC0-1.0 license.



"Illustration of Human Refinement and Adaptation of an AI-Generated Work" made in 2025 by Lucien C.H. Lin.  
This image was generated through ChatGPT 4o under the direction and creative concept of the author, and is dedicated to the public domain under the CC0-1.0 dedication.

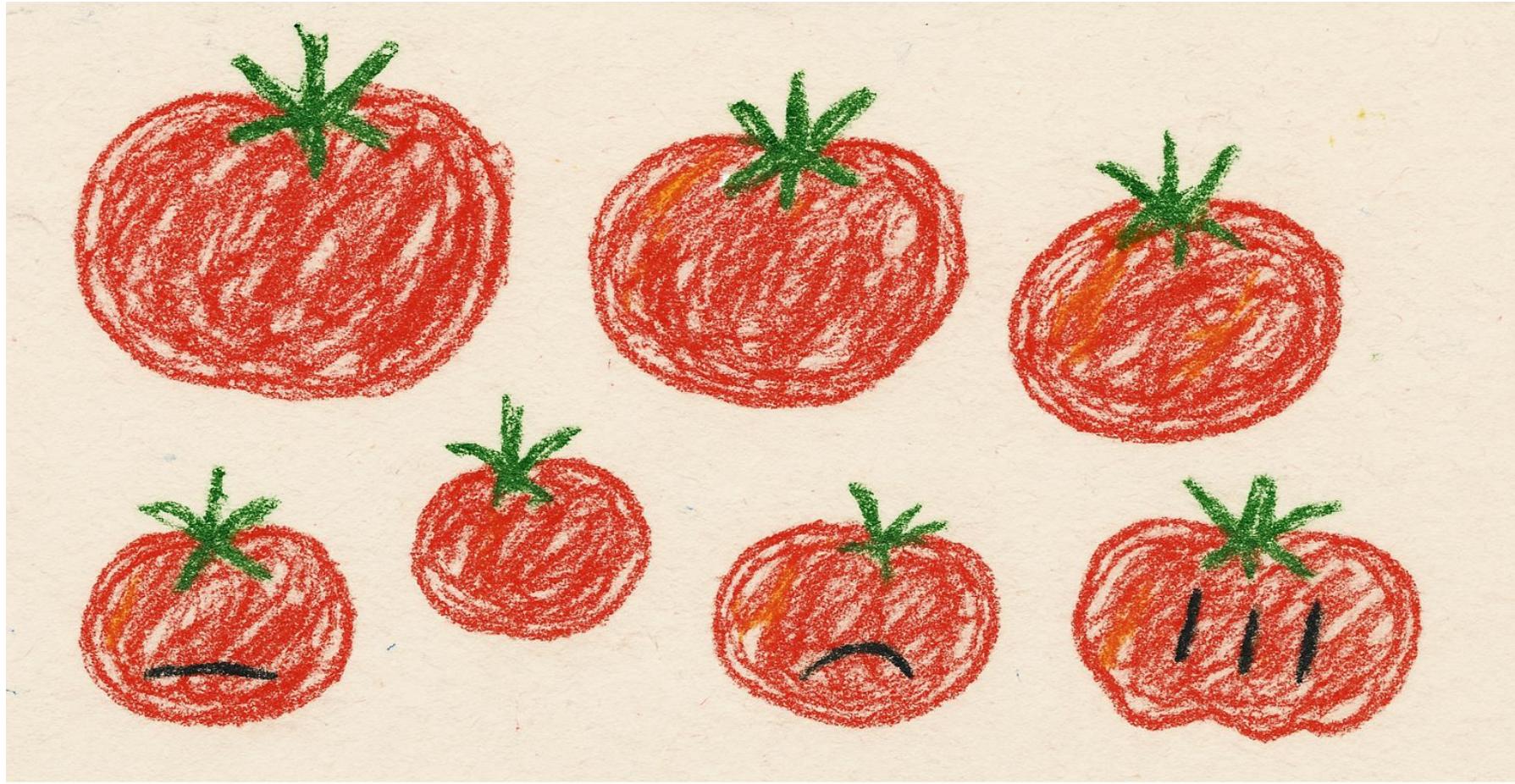
# 美學不歧視

Minimal requirement of creativity

# 只要是人做的！



Reference illustration by Lucien C.H. Lin, AI-generated with ChatGPT 4o, April 12, 2025



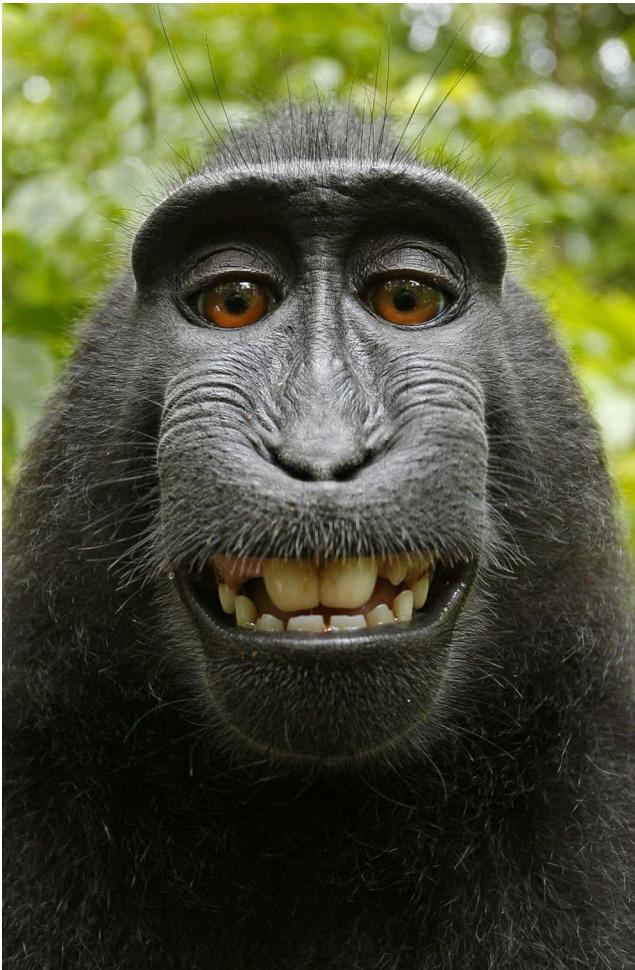
"Reference illustration" by Lucien C.H. Lin, AI-generated  
with ChatGPT 4o, CC0-1.0, April 12, 2025.

# 美學不歧視

Minimal requirement of creativity

# 著作權適格的判斷、必須是人做的

著作權論「有 / 無」、不論「高 / 低」



By Self-portrait by the depicted Macaca nigra female. See article. - Wtop.com (archive; cropped and denoised by uploader), Public Domain, <https://commons.wikimedia.org/w/index.php?curid=36464057>



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The Free Encyclopedia

Main page

Contents

Featured content

Current events

Random article

Donate to Wikipedia

Wikipedia store

Interaction

Help

About Wikipedia

Community portal

Recent changes

Contact page

Tools

What links here

Related changes

Upload file

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WIKIPEDIA  
ASIAN MONTH

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.

Quoted under Fair Use doctrine, original attribution as:

CC BY-SA 3.0 @ wikipedia: [https://en.wikipedia.org/wiki/Monkey\\_selfie\\_copyright\\_dispute](https://en.wikipedia.org/wiki/Monkey_selfie_copyright_dispute)

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)



Copyright does not protect content produced by Generative AI (GenAI): Thaler v Perlmutter  
<https://barrysookman.com/2023/08/19/copyright-does-not-protect-content-produced-by-generative-ai-genai-with-no-human-involvement-thaler-v-perlmutter/>

**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

Home / Policy / Artificial Intelligence Study

# Artificial Intelligence Study

The U.S. Copyright Office is conducting a study regarding the copyright issues raised by artificial intelligence (AI). This study will collect information and policy views relevant to copyright law and policy. The Office will use this information to analyze the current state of the law, identify unresolved issues, and evaluate potential areas for congressional action.

The Office published a notice of inquiry on August 20, 2023, with a deadline for initial written comments on October 30, 2023, and reply comments on December 6, 2023. The Office received over

## Copyright and Artificial Intelligence Report

January 29, 2025 – Part 2:

[Copyrightability](#)

July 31, 2024 – Part 1: Digital Replicas

Notice of Inquiry

Public Comments

Related Resources

Additional Record Materials

<https://www.copyright.gov/policy/artificial-intelligence/>

← → C Ȑ🔗 🔓 https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-1-Digital-Replicas-Report.pdf ☆✉️ 👤 ↑ ☰🖨️ ⤒ ⤓

1 頁, 共 72 頁

- | + 160%

⤔

UNITED STATES COPYRIGHT OFFICE



# COPYRIGHT AND ARTIFICIAL INTELLIGENCE

## Part 1: Digital Replicas

---

A REPORT OF THE REGISTER OF COPYRIGHTS

JULY 2024

C Artificial Intelligence × Copyright and Artific × Copyright and Artific +

← → C ⌂ https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability ☆

⤵ ⌂ Cove (第 1 頁, 共 52 頁) - | + 160% ⌂

UNITED STATES COPYRIGHT OFFICE



**COPYRIGHT AND ARTIFICIAL INTELLIGENCE**  
Part 2: Copyrightability

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A REPORT OF THE REGISTER OF COPYRIGHTS

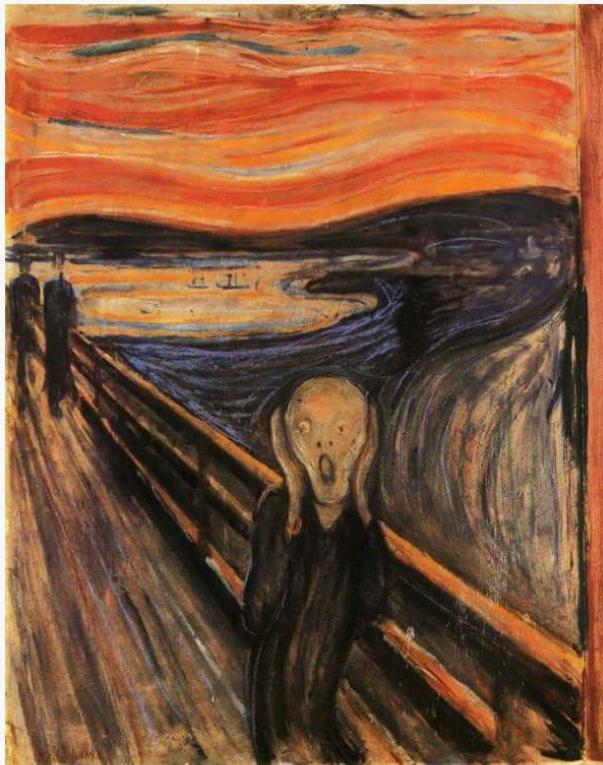
JANUARY 2025

<https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>

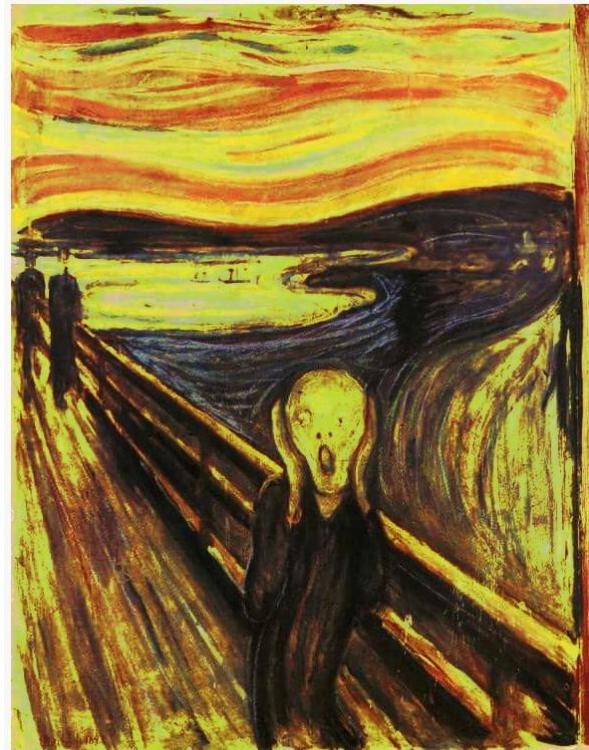
# 即使只是 1 % 的人類創意注入

當 AI 在寫作過程中提供了實質性的內容或結構建議，究竟誰應該被視為真正的「作者」？

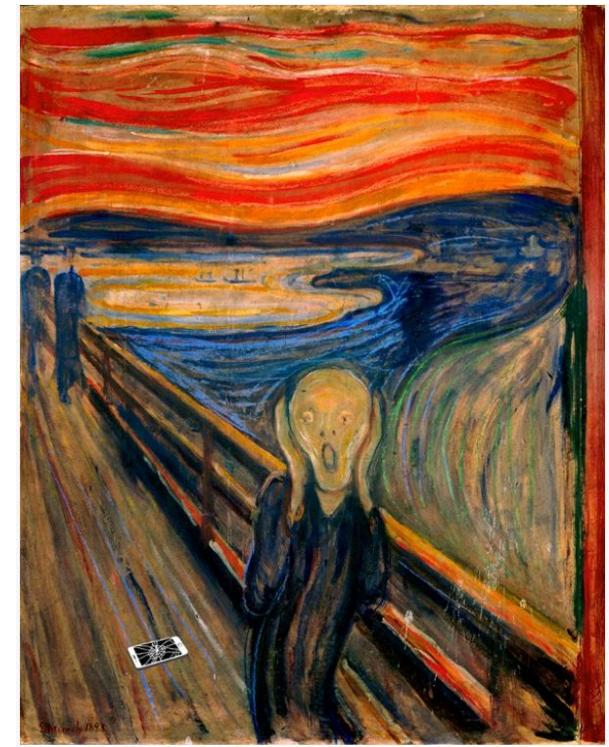
AI 本身無法取得權利、唯有人能取得權利、唯有人能成為作者



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**：AI 亦步亦趨受人類指揮

-- 著作權利歸於人

# **輔具**：AI 自動化補充人類創意之不足

-- 著作權利仍歸於人、然應標註協力狀態

# **悲劇**：AI 產出物不受任何預見

-- 著作權利仍歸於無

**# 工具**：指令 AI 將本課程錄音內容完整謄錄為逐字稿。

-- 創意表達仍為原講者

**# 輔具**：指令 AI 將本課程錄音內容整理為 3000-5000

字報導，分為五章節，並就講者反覆說明之事採粗體表示。

-- 創意表達已混雜、建議洽原講者取得改作之授權。

# 進一步說、考究人類就 AI Output 在「表達形式」上的「掌控能力」

在 AI 輔助生成內容的情境下，如何從智慧財產權的角度界定原創性？  
重覆施作測試、還原施作測試

# 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

當爭議發生時的檢測原則：操作者能不能於合理環境重現該表達？

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 - 刘汶渝 - 2023-12-25

TAGS: ASIA-PACIFIC, CHINA

◎ 刘汶渝

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。

时间：2025-03-11 06:42

来源：苏州日报

访问量：391

☆ | A+ | A-

## 江苏首例AIGC著作权纠纷案审结



昨天（3月10日），常熟市人民法院审结了江苏首例AIGC（人工智能生成内容）著作权纠纷案。该案的审结进一步丰富和完善了AI相关的法律实践与理论，突出强调了人工智能生成内容被认定为作品的前提是应当能够体现人的独创性智力投入，为今后类似案件的审理提供了更为详实的参考依据，填补了人工智能生成内容是否受著作权保护的法律空白。

原告林某是一名AIGC设计者。2023年2月，他使用人工智能软件Midjourney，通过多次输入提示词进行文生图创作，生成了夜晚东方明珠边爱心气球的图片，并在迭代过程中利用Photoshop进行数次手动修改，最终完成了《伴心》作品，并发布于小红书账号。2023年4月，林某在国家版权局对该作品进行了美术作品登记。

然而，2023年11月，杭州某技术公司在小红书等账号上多次发布爱心气球模组安装视频及图片，内容与《伴心》作品高度相似，仅在长宽比、气球表面文字、倒影对应的东方明珠等方面存在差异。常熟某房地产公司则在其微信推文中使用了该图片，并在商业区湖面内建造了半个爱心气球的立体装置。林某认为其著作权被侵犯，便向常熟市人民法院提起诉讼，要求两被告在小红书上连续三日赔礼道歉，并赔偿经济损失及合理费用。

案件审理过程中，常熟市人民法院首先审查了案涉AI软件用户协议，明确Midjourney软件用户协议约定使用软件服务生成图片作品的资产及其权利属于用户，并当庭登录创作平台，对登录过程、用户信息以及提示词修改等图片迭代过程进行审查。

法院经审理认为，林某对提示词的修改和对图片细节设计的调整体现了其独特的选择与安排，生成的平面图具有独创性，属于著作权法保护的作品。两被告未经许可网络传播该图片，构成侵权。但法院同时认定，林某的著作权应限定于该图片，常熟某房地产公司以“爱心”为基础建造实体装置的行为不属于侵权，避免了著作权的过度保护与权利滥用。

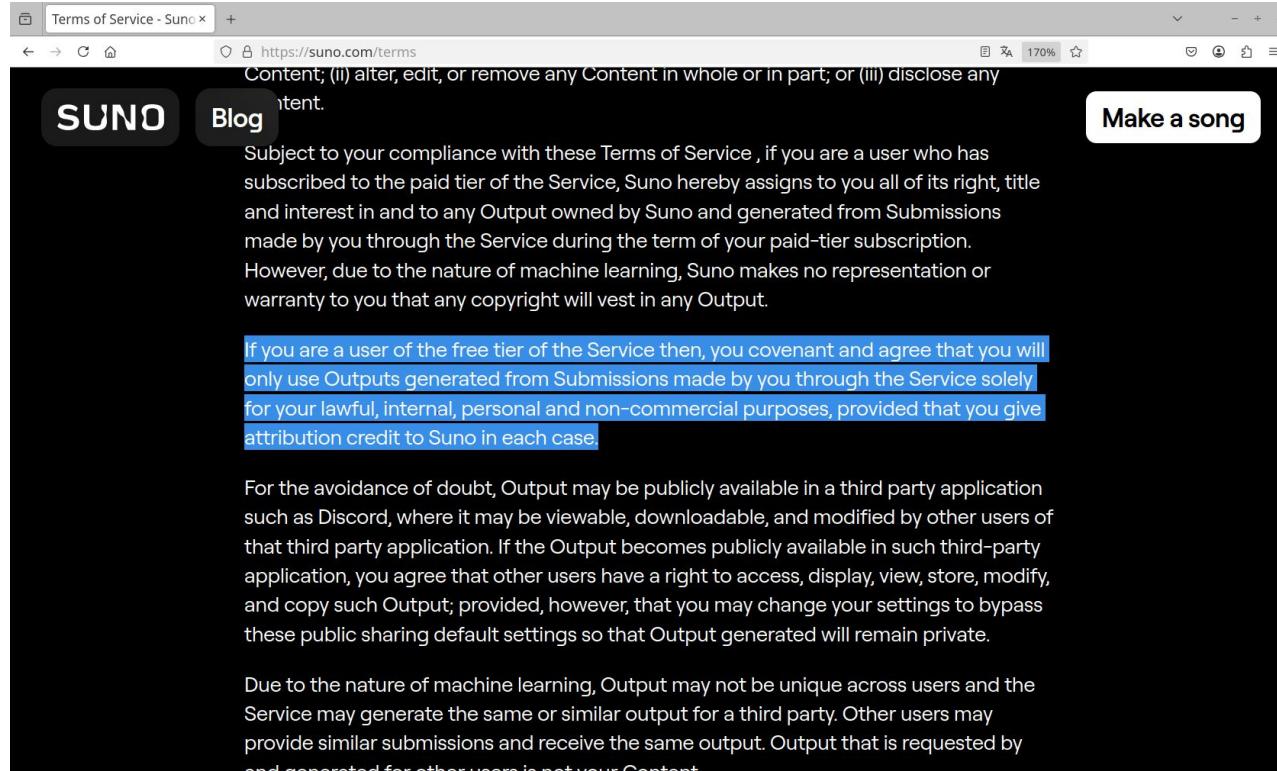
最终，法院判决侵权方在其小红书账号连续三天公开向林某赔礼道歉，并赔偿经济损失及合理费用共计1万元，驳回林某的其他诉讼请求。一审判决后，双方均未上诉，判决已生效。

## 4. AI 應用的範圍與釐清

# 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. 然必須註明是 AI 產生
5. 且不能與原平台競爭或對原平台商展有不利影響

# 部份平台禁止未付費會員商用



非主張著作權之分潤，而是透過**額外契約條件**限制相關成果之使用！

# 程式輔助向性的 AI 方案

**GitHub Copilot**

**Amazon CodeWhisperer**

**Tabnine**

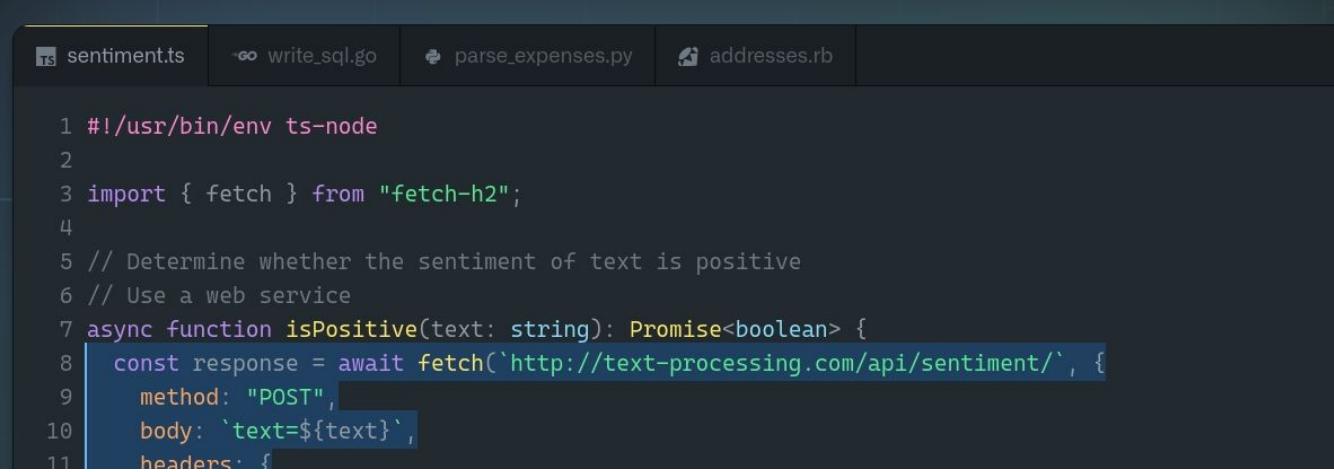
**Replit Ghostwriter**

**Cursor**

[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 AI completion.

# 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

## 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>

## ▼ 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 matches against public code on GitHub and suggests alternative code that is less likely to be a copyright violation.

# Github Copilot

## Codes → Suggestions

# **duplication detection filter**

**turnitin- 讓學生能夠盡其所能，完成原創作品？**

# **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**。

# 免責聲明

免費→無償；收費→承擔訴訟 + 協力義務

當因 AI 生成內容導致著作權糾紛或內容錯誤時，如何明確劃分法律責任？

避免產生**實質近似**

**Substantial similarity**

TC OpenAI's viral Studio x +

techcrunch.com/2025/03/26/openais-viral-studio-ghibli-moment-highlights-ai-copyright-concerns/ ☆ ⌂ ⌄ ⌅ ⌆ ⌇ ⌈ ⌉ ⌊ ⌋

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AI

OpenAI's viral Studio Ghibli moment highlights AI copyright concerns

Maxwell Zeff 4:23 PM PDT · March 26, 2025

<https://techcrunch.com/2025/03/26/openais-viral-studio-ghibli-moment-highlights-ai-copyright-concerns/>



FAIR USE @ <https://theinitium.com/opinion/20250412-culture-ai-arts-ethics-ghibli>



"Consideration in AI-Based Transformation of preexisting Works", made in 2025 by the prompt author Lucien C.H. Lin. The image on the left was taken by the prompt author, and the image on the right was generated by ChatGPT-4o in the style of Studio Ghibli, based on instructions provided by the prompt author as well, and is likewise contributed to the public domain under CC0-1.0.

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 ✗



對等關稅 即時 政治 國際 兩岸 產經 證券 科技 生活 社會 地方 文化 運動 娛樂 影音 >

# 經濟部：AI抄襲或模仿風格若有爭議 由法院個案認定

2025/3/31 15:10 (3/31 15:39 更新)



<https://www.cna.com.tw/news/afe/202503310155.aspx>

盡量不要構成著作表達形式

的直接承襲、傳襲！



Filmophile

4月24日上午3:04 ·

...

Star Wars x Studio Ghibli



## 5. 合理註引與版本控制

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/>

概覽 Firefox 網路瀏覽器 6月18日 12 : 05 zh

PP Photographer Disqualifie x +

https://petapixel.com/2024/06/12/photographer-disqualified-from-ai-image-contest-aft 150% ☆

PetaPixel

# 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/>



*FLAMINGONE* by Miles Astray which won an AI image contest.

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

以任何**合理方式**為之

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。



Original: Alfred Stevens, CC0, via Wikimedia Commons  
AI modified: Lucien C.H. Lin, ChatGPT 4o, CC0, April 12, 2025.  
Inspired by: "I am Programmer,I have no life.'s Post"



Original: Alfred Stevens, CC0, via Wikimedia Commons  
AI modified: Lucien C.H. Lin, ChatGPT 4o, CC0, April 12, 2025.  
Inspired by: "I am Programmer,I have no life.'s Post"

**若是假的、不能讓人信以為真  
若非自撰、不能讓人誤為評價**

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



1. 生成式人工智能或人工智慧輔助工具的使用方式。
2. 模型或工具的名稱及製造商。
3. 可能會要求提供未經人工智慧調整前的素材版本。

# 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>

面對可能引發的學術質疑，如何確保評審或讀者能夠清楚了解我的寫作流程與 AI 的輔助角色？

**使用工具來審驗**

**提交素材是否涉及 AI 生成？**



新聞

# OpenAI承認AI偵測器無法分辨學生是否以AI作弊

OpenAI官網刊出的一份教學工作者FAQ，坦承該公司用來辨識學生報告文本是否含有AI生成內容的偵測器，其實並沒有用

文/ 林妍溱 | 2023-09-11 發表

讚 815

分享

<https://www.ithome.com.tw/news/158661>

**推定 ≠ 確定**

**推定結果可暫作如此，但必須  
留有補充資料**反證**的機會。**

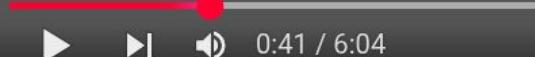
## Health Economics Preliminary Examination, 2022

August 5, 2024

Instructions: Question 1 is required. Please answer two of the remaining four questions (i.e., from Questions 2-5). The exam is open book (i.e., you may refer to lecture notes, papers, and textbooks). Please complete the exam individually. You may not consult with anyone else on the questions or content. You may not use any sort of Artificial intelligence tools, such as ChatGPT, in any part of this exam. Please email back your exam to Ezra Golberstein ([egolber@umn.edu](mailto:egolber@umn.edu)) by 5pm. If you create any diagrams on paper that you wish to be included, please take a picture of the diagrams and send them to Ezra along with the rest of your exam.

no artificial intelligence.

KARE  
11

 A standard video player control bar showing a play button, a double arrow for previous/next, a volume icon, and a progress bar indicating 0:41 / 6:04.

0:41 / 6:04

Scroll for details  
▼

 A standard video player control bar showing a pause button, closed captioning (CC), settings, and other controls.

II CC

<https://www.youtube.com/watch?v=MNonKtRrw7Q>

# 學期報告繳交規則

1. 鼓勵使用生成式 AI 工具，然必須具體標示其使用方案與使用方式。
2. 備存作業撰寫與準備之各項原始資料與建立變動紀錄之版本控制系統，於需要時應提出相關資料供查驗確認。

# CC 姓名標示 - TASL 四要素

(2) **A** = Author (作者 / 創作者) **人**

(1) **T** = Title (作品名稱) **物**

(4) **L** = License (授權條款) **授權**

(3) **S** = Source (作品來源) **來源**

還有修改註記 !

[物件名稱]，[操作者真名、筆名、或可被辨識之別名]，[使用的生成式 AI 方案]，[AI 協力的標註]，[物件的授權狀態]，[生成日期]，以及 [作品來源或生成式 AI 工具的使用方式]。



"ChatGPT-4o testing for the accuracy and adjustability of text rendering" by the prompt author/operator: Lucien C.H. Lin, AI-generated image, provided under CC0-1.0, Date of operation: April 8, 2025.

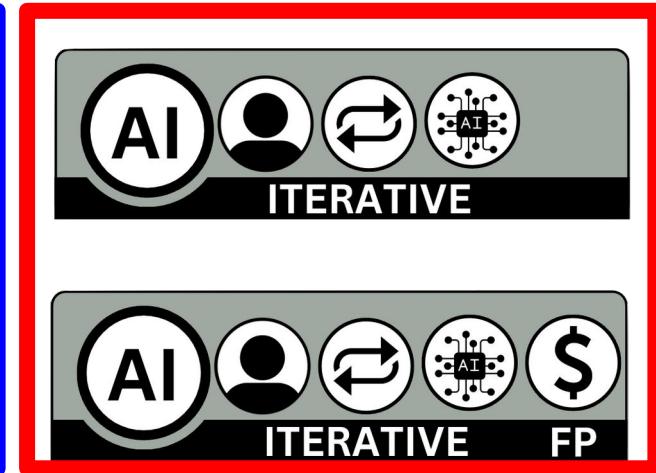
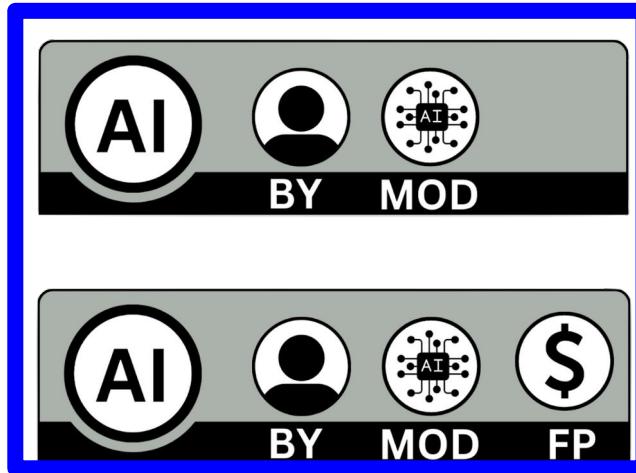
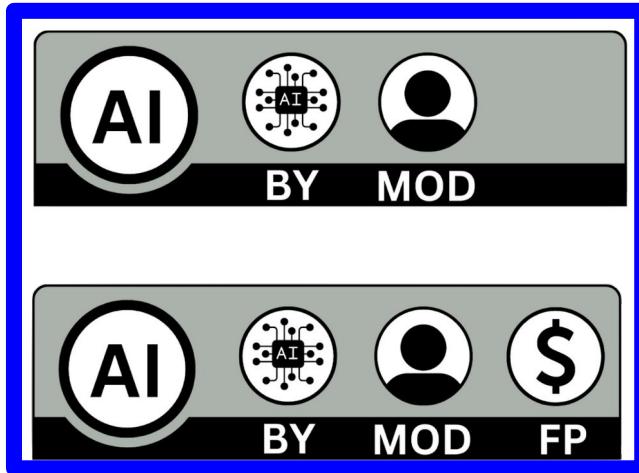
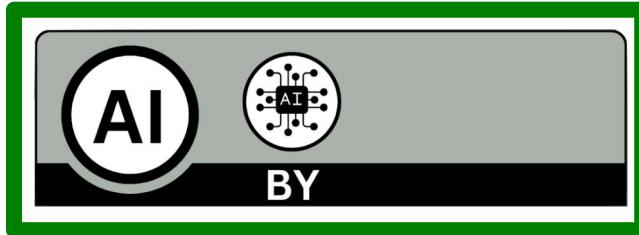
Two photos of the operator were used as input, with the prompt: "Transform into Ghibli style, and pay attention to the correct presentation of language text in the original image. For the image with the silver-gray cat, please mirror the image left to right, but do not mirror the language or numerical characters visible in the original photo."

「測試 ChatGPT 4o 對中英字顯示的正確性與可調整性」，操作者：林誠夏 (Lucien C.H. Lin)，AI 生成圖片，採 CC0-1.0 發布，操作日期：2025.4.8，使用 2 張操作者自拍照片，輸入詠語「轉換為吉卜力風格，並留意原圖裡中英文字的正確呈現，銀灰毛色貓那張圖，請轉換時將影像的左右反轉，然原照片顯示之中英數字，不被反轉。」

# CC 姓名標示 - 合理標示

**in any reasonable manner** requested by the Licensor

**in any reasonable manner** based on the medium, means,  
and context



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