

# 善用 CC 授權推動文化資料開放 --

## 可以拿 CC 授權的素材來練 AI 嗎？

v.20240812

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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「國家文化記憶庫 -AI 創用與開源小聚」系列講座

2024.09.07

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# 林誠夏 / Lucien C.H. Lin

- 1、鈞理知識產權事務所 法制顧問
- 2、CC Taiwan Chapter Lead 、台灣開源法律網絡 共同創辦人
- 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

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



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](#)



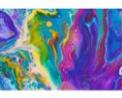
[Nazemian v. NVIDIA Corp.](#)  
[Judge Tigar](#)



[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?

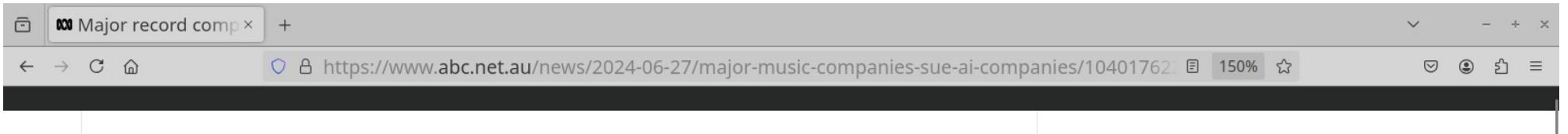
Visit our FAQ page for information regarding

- 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



## Top Stories

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



Analysis by Jade Macmillan

As Biden pledges to 'pass the torch', his VP is sharpening her attacks on Trump

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>

**目前局勢上 AI 公司**

**大輸的可能性並不高**

**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**

# 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？

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 ✗

然而練和被練的立場

正在議事場上抗拒

# ELSEVIER

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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

To <sub>be</sub> Trained or Not to <sub>be</sub> 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

Community Data Li x +

https://cdla.dev/permisive-2-0/ 150% ☆

THE LINUX FOUNDATION PROJECTS

COMMUNITY DATA LICENSE AGREEMENT

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## Community Data License Agreement – Permissive, Version 2.0

### Available Formats

- [MarkDown](#)
- [Plain Text](#)
- [PDF](#)

### Community Data License Agreement – Permissive – Version 2.0



This is the Community Data License Agreement – Permissive, Version 2.0 (the “agreement”). Data Provider(s) and Data Recipient(s) agree as follows:

<https://cdla.dev/permisive-2-0/>

D Computational Use +

https://cdla.dev/computational-use-of-data-agreement-v1-0/ 150%

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# Computational Use of Data Agreement v1.0

This is the Computational Use of Data Agreement, Version 1.0 (the “C-UDA”). Capitalized terms are defined in Section 5. Data Provider and you agree as follows:

## 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.



<https://cdla.dev/computational-use-of-data-agreement-v1-0/>

Open Use of Data +

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SPDX-License-Identifier: O-UDA-1.0

## Open Use of Data Agreement v1.0

This is the Open Use of Data Agreement, Version 1.0 (the “O-UDA”). Capitalized terms are defined in Section 5. Data Provider and you agree as follows:

### 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 O-UDA if you follow the O-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 O-UDA.

<https://cdla.dev/computational-use-of-data-agreement-v1-0/>



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）

認識 CC 授權與生成式 AI - × +

https://tw.creativecommons.net/2024/05/22/know-cc-and-generative-ai/ 110% ☆

creative commons | CC Taiwan

# 認識 CC 授權與生成式 AI

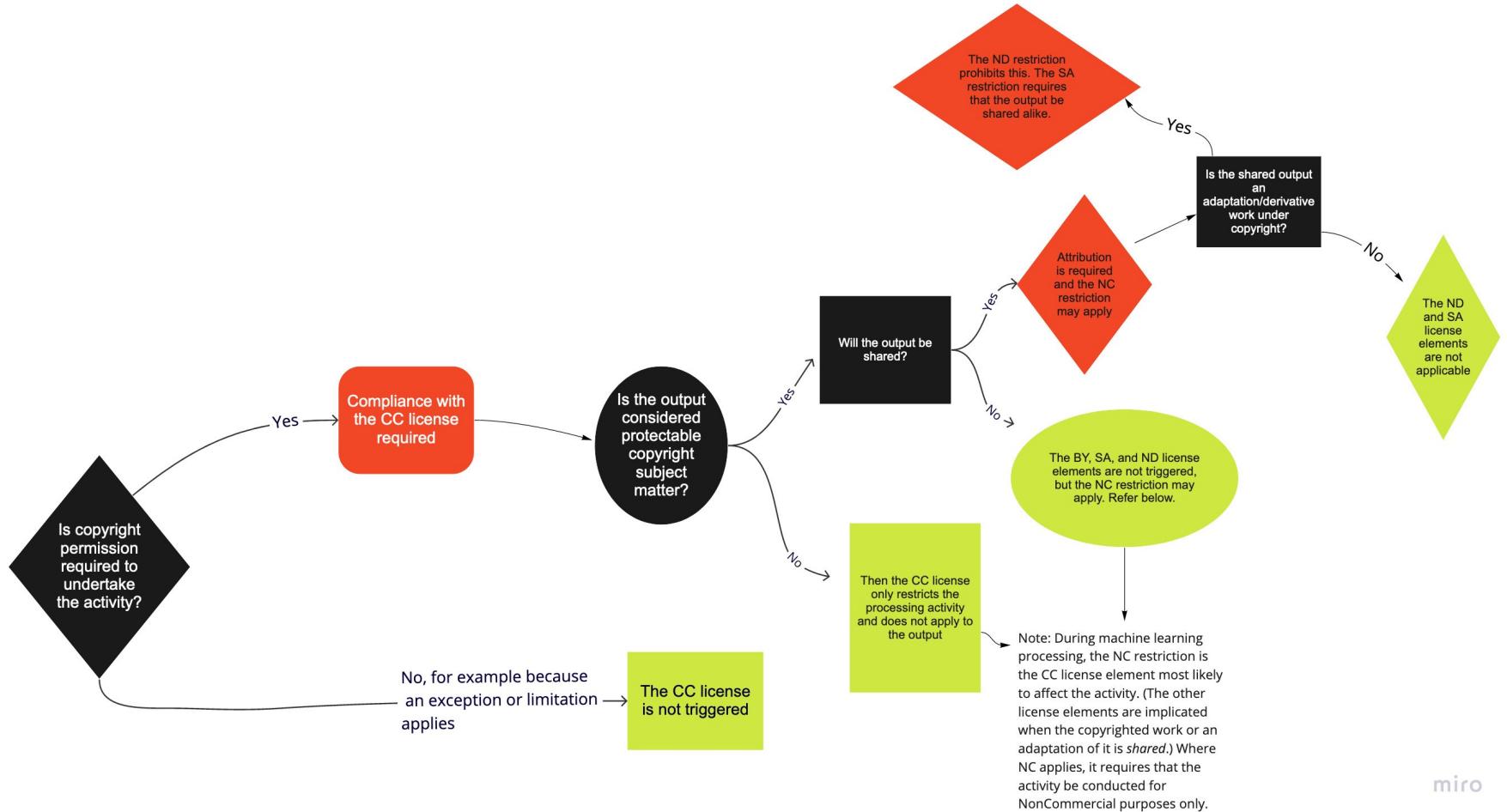
2024-05-22

原文出處、作者 *Kat Walsh*、譯文作者李欣屏，使用 Chat GPT 輔助方案自動化翻譯後人工校潤，併採 CC-BY-4.0 發布。



“CC Icon Statue” by Creative Commons, 其部份內容以 DALL-E 2 AI 平台輔助產出. CC 將此圖形內含所有著作權利採 CC0 宣告貢獻至公眾領域.

<https://tw.creativecommons.net/2024/05/22/know-cc-and-generative-ai/>



By Kat Walsh @ <https://creativecommons.org/2023/08/18/understanding-cc-licenses-and-generative-ai/>, CC-BY-4.0.



14,197,122 images, 21841 synsets indexed

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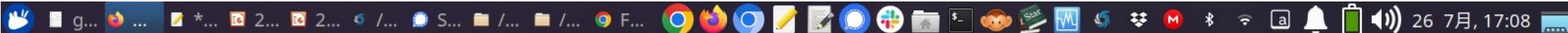
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**ImageNet** is an image database organized according to the **WordNet** hierarchy (currently only the nouns), in which each node of the hierarchy is depicted by hundreds and thousands of images. The project has been **instrumental** in advancing computer vision and deep learning research. The data is available for free to researchers for non-commercial use.

Mar 11 2021. ImageNet website update.

© 2020 Stanford Vision Lab, Stanford University, Princeton University [imagenet.help.desk@gmail.com](mailto:imagenet.help.desk@gmail.com) Copyright infringement

<https://www.image-net.org/index.php>



搜尋: portrait | Flickr +

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

三 flickr 搜尋 登入 註冊

相片 人員 群組 清除

進階

所有創用CC 開啟安全搜尋

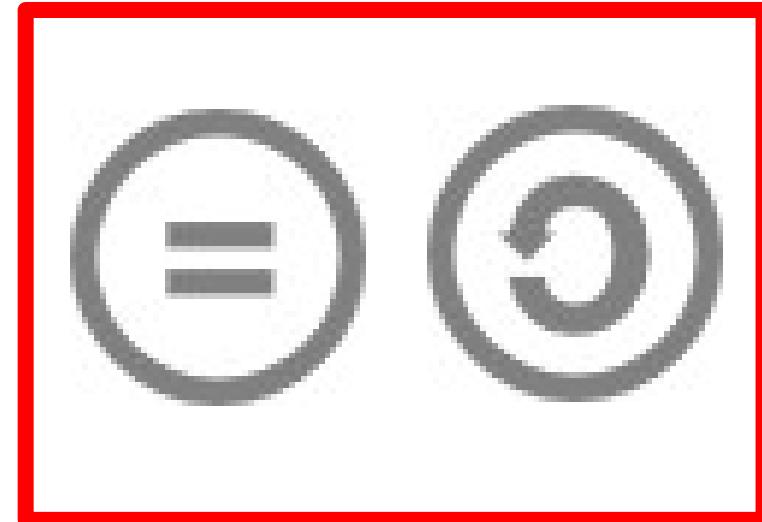
相關內容

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, there's a link to "檢視全部 321,456" (View all 321,456). The interface includes standard Flickr navigation elements like "所有創用CC" (All Creative Commons) and "開啟安全搜尋" (Enable safe search), as well as filters for "相關內容" (Related content) and view modes (grid, thumbnails, etc.).



# CC 四大元素





**CC BY**

**姓名標示 / Attribution**

依原作者指定或依要項標示必要的出處與**顯名聲明**



CC NC

非商業性 / Non-commercial

素材不得被用於金錢的換取或其他商業營利行為



CC **ND**

**禁止改作 / No derivatives**

作品在被利用過程中的原創作內涵不能被改變



**CC SA**

**相同方式分享 / Share alike**

不論是否改作、後續作品都必須依完全一致的授權方  
式被利用

**原作的獨特創作表達若還在！**

**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%



貼文

關於

影片

相片

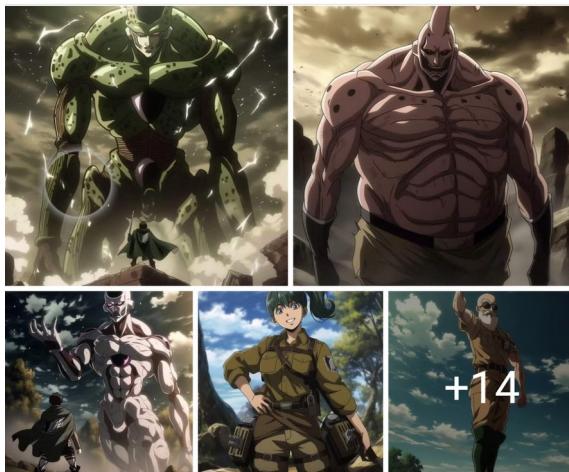
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5天 · 🌎

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1,497

308則留言 · 681次分享

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留言

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1,497

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留言

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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



**若是希望最低風險**

**或將相關爭議降到最小**

# 公眾領域標章

**PDM , Public Domain Mark**

將不受著作權限制之作品以簡單、標準化的形式標示，使其易於被他人發現並提供使用。

# 公眾領域貢獻宣告

CC0 / CC Zero / CC 零

權利人拋棄對著作的利益，以釋出到公眾領域，讓其他人可以不限任何目的地自由使用著作，從事創作、提升或再使用等行為，而不受著作權或是資料庫相關法律的限制。



... 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

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# QUESTIONS FOR CONSIDERATION ON AI & THE COMMONS

by [Anna Tumadóttir](#)

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

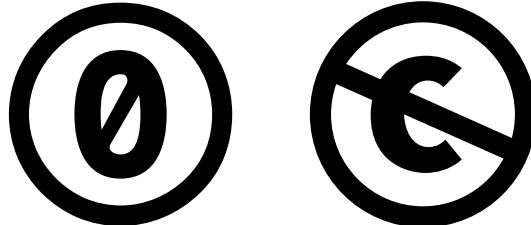
**Our consultations over the course of the last two years have confirmed that:**

- 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：**

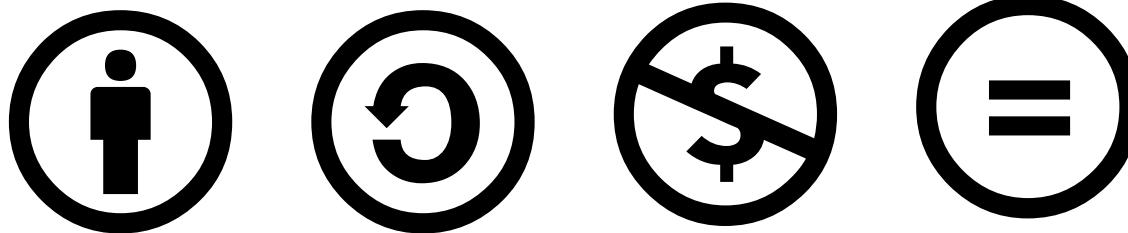
- 人們希望對自己作品的使用方式擁有**更多選擇權**。
- **如果沒有選擇權**，他們可能完全**不會分享**自己的作品（無論是採用 CC 授權或是依嚴格的著作權預設）。

**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**

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