



**AI policy considerations: an  
in no way exhaustive  
overview**

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# How did we get here?

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## Large Language Models Released to Consumers 2023

- LLM ingestion of 'the internet' (mostly copyright protected content)
  - AI tech companies not completely disclosing training data sets
- LLM tokenisation of copyright protected content
- LLM outputs sometime reproducing copyright protected works
- LLM hallucinations (or lies)

Resulting in many AI 'costs'

# AI is very hungry

Technology

FORTUNE

Over just a few months, ChatGPT went from correctly answering a simple math problem 98% of the time to just 2%, study finds

Google to defend generative AI users from copyright claims

AI tools make things up a lot, and that's a huge problem

By Catherine Thorbecke, CNN

Supermarket AI meal planner app suggests recipe that would create chlorine gas

## ChatGTP and the Generative AI Hallucinations



ChatGPT trained on 400 billion words which would take a human almost 4000 years to read

SPRINGER NATURE

# Talking about AI learning in human terms...the wrong approach?

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Do LLMs learn or merely produce text that reflects patterns found in training data

Neural nets (AI) are not human brains

- Neural nets are supervised

- Neural nets work by giving weight to certain connections more than others

- Neural nets have a 'right' response

- Neural nets use 'backpropagation'

To control neural nets **humans** need to manage the content used to generate the AI pattern.

**AI doesn't understand. It probes**

**"AI does not love or hate you, but it will use you"** SPRINGER NATURE

# Broad Policy Alignment to Avoid AI Harms

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**Implement appropriate data input measures and protections for personal and intellectual property (G7 Hiroshima Intl' Guiding Principles)**

**Once deployed, AI systems can be intentionally used to achieve harmful and/or illegal outcomes. These include cyberattacks, spreading disinformation, and criminal activity.**

**To prevent model misuse, it is important to monitor and respond to misuse of their systems. This can help to ensure that instances of misuse are identified and dealt with promptly, mitigating the risk of more widespread harm. (Emerging processes for frontier AI safety)**

# Reactions

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- Tech Industries updating their terms and conditions/EULAs
- Publishers blocking AI on their websites
- Publishers implementing different policies around use of AI
- Atlantic magazine (eg) release databases of works in Books3
- Trade organisations unite 'to protect the human creativity and knowledge that underpins safe and reliable AI' (PA/SoA/ALCS etc)
- Consumers using AI for nefarious purposes (or being lazy)
- Rush to implement time/money saving AI models
- **LITIGATION**

# What are the current costs?

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Decreased trust between rights holders the tech industry

- Litigation
- Unwillingness to partner

Governments struggling to regulate

- Bad actors taking advantage of lack of regulation
- Increase in 'fake' news/lack of trust in publications

Bad data sets lead to bad AI

- Invented legal precedent; invented science; deep fakes; fake death notices!

# What are governments doing?

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## Copyright debates

- Extent of 'fair use' (USA)
- Non-commercial research exceptions in copyright law
- Limitations of exceptions for text and data mining
- Creative Commons licences applicability to AI

Legislative efforts...consultations, notices of inquiries, and roundtables

Rush to be the 'AI global leader'....in a connected world what does this mean?



# To regulate or not to regulate...what a question

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## Wait to Regulate

Stifle Innovation

Inadvertent harms from inadequate rules

Current regulation sufficient to protect public interest

Territorial divergence in regulation could be problematic

Customers unsure how to proceed

## Regulate Now

Provide surety to the market

Enfranchise content creators with AI content exploiters

Current regulation does not adequately protect all interests

Customers unsure how to proceed

Research Integrity Concerns: when consumers pay costs for 'bad' AI

# What would regulation look like?

**UK IPO:** Voluntary code approach based on 'best practices'

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**EU AI Act:** classify 'high risk' AI which impacts health, safety, or other fundamental rights (including copyright? Privacy?). Subject to ex-ante vetting and risk mitigation measures. Mandatory reporting of data sets to provide recompense to rights holders.

**US Executive Order:** AI systems that pose risks to national security, economy, public health/safety to be approved by US government. Will likely need congressional supplemental legislation. Regulators to 'evaluate AI for IP violations')

**Collective Management Organisations:** Licensing for certain internal AI uses

# AI Licensing to Spur Innovation

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**Collective Management Organisation (CMO) Licences:** internal Training/ Development; commercial and non-commercial purposes; academics/institutions

**Non-exclusive proprietary licences:** curated data sets; high quality delivery of content; updated libraries of verified material

**Website Licences/End User License Agreements**

**Public Licences (OA):** issues around traceability, transparency, verifiability

# Looking Forward

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- ❖ EU AI Act by the end of the year?
- ❖ US copyright litigation decisions in 2024?
- ❖ Increase in AI written/assisted research papers
- ❖ Issues of joint or co-authorship with AI
  
- ❖ AI assistance in helping research, publication processes, and disseminate of works
- ❖ Increases in equity as AI tools may help 'level the playing field'
- ❖ Untold innovative developments in every field

# What is a person to do

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- ❖ Understand what you are working with
- ❖ Use trusted, verified data sets that are monitored and analysed **and allow** for deletion/modification/access/rectification
- ❖ Ensure human input is meaningful: ‘human in the loop’ models
- ❖ Ensure human accountability during each step of AI development and deployment
- ❖ Examine AI’s impact and know your sector’s ‘sloppy risks’ and ‘bad actors’
- ❖ Have your say! Take control of your own data and work.
- ❖ Accept there are many unknowns and learn from the Betamax.



*Please note all information in this presentation may be outdated by the time it is over, and feel free to stay in touch!*

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*It will implant forgetfulness in their souls...they will cease to call things from within themselves, but by means of external marks...It is not true wisdom, but only its semblance, for by telling them of many things without teaching them you will make them seem to know much, while for the most part they know nothing...and as men filled not with wisdom but with the conceit of wisdom, they will be a burden to their fellows. (Plato on the written word)*

**Thank you!!!**

