

Translation

The following document, issued by China's top internet regulator, seeks comments on a set of proposed regulations for generative AI. The draft outlines legal requirements for content generated by AI, including the acceptable forms of generated content, pre-approval processes for offering services that use that content, data quality requirements, and punishments for violating those terms.

Per article 5, these requirements apply to organizations and individuals using generative AI products to provide services. This may lead to a growing capabilities gap between China's public-facing and cutting-edge research models, as the latter could use a much broader range of training data and face less onerous restrictions

Title

Notice of the Cyberspace Administration of China on the Public Solicitation of Comments on the Measures for the Administration of Generative Artificial Intelligence Services (Draft for Comments).

国家互联网信息办公室关于《生成式人工智能服务管理办法（征求意见稿）》公开征求意见的通知

Author

Cyberspace Administration of China (国家互联网信息办公室) and the Central Cyberspace Affairs Commission (中央网络安全和信息化委员会) follow the "one institution with two names" system (一个机构两块牌子).

Here, the former is its government name, while the latter is its party name. It sits subordinate to the State Council (中华人民共和国国务院) on the government side and the Central Committee (中国共产党中央委员会) on the party side. It oversees all internet content moderation in China.

Source

Cyberspace Administration of China (国家互联网信息办公室) website. The *Notice* is dated and was uploaded on April 11th, 2023.

The Chinese source text is available online at:

http://www.cac.gov.cn/2023-04/11/c_1682854275475410.htm

An archived version of the Chinese source text is available online at: <https://archive.is/cQr0R>

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Translators

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Generative AI service management approach
(Draft for comments)

Article 1: In order to promote the healthy development and standardized application of generative artificial intelligence, these measures are formulated in accordance with the "Network Security Law of the People's Republic of China", "Data Security Law of the People's Republic of China", "Personal Information Protection Law of the People's Republic of China" and other laws and administrative regulations.

Article 2: These Measures apply to research, development, and utilization of generative artificial intelligence products that provide services to the public within the territory of the People's Republic of China.

The generative artificial intelligence referred to in these Measures refers to technologies that generate text, pictures, sounds, videos, computer code, and other content based on algorithms, models, and rules.

Article 3: The state supports the indigenous innovation, popularization, and international cooperation of artificial intelligence algorithms and frameworks. It encourages priority for safe and reliable software, tools, computing, and data resources.

Article 4: The provision of generative artificial intelligence products or services shall comply with the requirements of laws and regulations, respect social morality, public order and good customs, and meet the following requirements:

(1) The content generated by generative artificial intelligence should reflect the core values of socialism. It must not contain content that subverts state power, overthrows the socialist system, incites the splitting of the country, undermines national unity, promotes terrorism, extremism, and ethnic hatred and ethnic discrimination, contains violent, obscene, pornographic, and false information, and may disrupt the economic and social order.

(2) In the process of algorithm design, training data selection, model generation and optimization, and service provision, take measures to prevent discrimination by race, ethnicity, belief, country, region, gender, age, occupation, etc.

(3) Respect intellectual property rights and business ethics, and not use advantages such as algorithms, data, and platforms to implement unfair competition.

(4) The content generated by generative artificial intelligence should be true and accurate, and measures should be taken to prevent the generation of false information.

(5) Respect the legitimate interests of others, prevent harm to the physical and mental health of others, damage to portrait rights, reputation rights and personal privacy, and infringement of

intellectual property rights. Illegal acquisition, disclosure, and use of personal information, privacy, and business secrets are prohibited.

Article 5: Organizations and individuals that use generative artificial intelligence products to provide services such as chat and text, image, and sound generation (hereinafter referred to as "providers"), including supporting others to generate text, image, and sound by providing programmable interfaces, etc., assume the responsibility of the producer of the content generated by the product; if personal information is involved, assume the statutory responsibility of the personal information processor and fulfill the obligation to protect personal information.

Article 6: Before using generative artificial intelligence products to provide services to the public, a security assessment shall be submitted to the CAC in accordance with the "Regulations on the Security Assessment of Internet Information Services with Public Opinion Attributes or Social Mobilization Capabilities" and the "Internet Information Service Algorithm Recommendations Management Regulations" to carry out the procedures of algorithm filing, modification, and cancellation filing.

Article 7: The provider shall be responsible for the legitimacy of the source of pre-training data and optimization training data for generative artificial intelligence products.

The pre-training and optimization training data used for generative artificial intelligence products should meet the following requirements:

- (1) Comply with the requirements of the "Network Security Law of the People's Republic of China" and other laws and regulations;
- (2) Does not contain content that infringes intellectual property rights;
- (3) If the data contains personal information, it shall obtain the consent of the personal information subject or meet other circumstances stipulated by laws and administrative regulations;
- (4) Be able to guarantee the authenticity, accuracy, objectivity and diversity of the data;
- (5) Other regulatory requirements of the national network information department on generative artificial intelligence services.

Article 8: When manual labeling is used in the development of generative artificial intelligence products, the provider shall formulate clear, specific, and operable labeling rules that meet the requirements of these Measures, conduct necessary training for labelers, and conduct random verification of the correctness of the labeling content.

Article 9: The provision of generative artificial intelligence services shall require users to provide real identity information in accordance with the provisions of the "Network Security Law of the People's Republic of China".

Article 10: Providers shall clarify and disclose the applicable groups, occasions, and uses of their services, and take appropriate measures to prevent users from relying too much on or indulging in generated content.

Article 11: During the process of providing services, the provider shall undertake the obligation to protect the user's input information and usage records. It is not allowed to illegally retain input information that can help infer the user's identity, it is not allowed to make portraits based on user input information and usage conditions, and it is not allowed to provide user input information to others. Where laws and regulations provide otherwise, those provisions shall prevail.

Article 12: The provider shall not generate discriminatory content based on the user's race, country of origin, gender, etc.

Article 13: The provider shall establish a mechanism for receiving and handling user complaints, and promptly handle individuals' requests for correction, deletion, and blocking of their personal information; when it is discovered and known that the generated text, pictures, sounds, and videos infringe on other people's portrait rights, reputation rights, when personal privacy, business secrets, or the provisions of this Measure are violated, measures should be taken to stop the generation and prevent the harm from persisting.

Article 14: The provider shall provide safe, stable, and continuous services within the life cycle to ensure the normal use of users.

Article 15: For generated content found during operation and reported by users that does not meet the requirements of these Measures, in addition to taking measures such as content filtering, model optimization training and other methods should be used to prevent re-generation within 3 months.

Article 16: The provider shall mark the generated pictures, videos and other content in accordance with the "Regulations on the Administration of Deep Synthesis of Internet Information Services".

Article 17: The provider shall, in accordance with the requirements of the CAC and relevant competent departments, provide necessary information that can affect users' trust and choice, including descriptions such as the source, scale, type, and quality of pre-training and optimized training data, and manual labeling rules, the scale and type of manually labeled data, basic algorithms and technical systems, etc.

Article 18: Providers should guide users to scientifically understand and rationally use the content generated by generative artificial intelligence, not to use the generated content to damage the image, reputation and other legitimate rights and interests of others, and not to engage in commercial hype or improper marketing.

When users find that the generated content does not meet the requirements of these measures, they have the right to report to the CAC or the relevant competent department.

Article 19: When the provider discovers that the user violates laws and regulations, business ethics, and social morality in the process of using generative artificial intelligence products, including engaging in internet sensationalization, maliciously posting and commenting, creating spam, writing malicious software, and implementing improper commercial marketing, etc., the service shall be suspended or terminated.

Article 20: Where a provider violates the provisions of these Measures, the CAC and relevant competent departments shall, in accordance with the "Network Security Law of the People's Republic of China", "Data Security Law of the People's Republic of China", "Personal Information Protection Law of the People's Republic of China" and other laws and administrative regulations be punished by law.

Where there are no provisions in laws and administrative regulations, the CAC and relevant competent departments shall give warnings and circulars of criticism based on their duties, and order corrections within a time limit; where corrections are refused or the circumstances are serious, the use of generative artificial intelligence to provide services shall be suspended or terminated, and a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed. If it constitutes a violation of public security management, it shall be punished according to law; if it constitutes a crime, it shall be investigated for criminal responsibility according to law.

Article 21: These Measures shall come into force on the _ Day _ Month of 2023