EWC comments on the UN's High-level Advisory Body on Artificial Intelligence
[Interim Report](): **"Governing AI for Humanity"**

1. **Opportunities and enablers**

In general, the EWC kindly ask to:

(1) establish a precise wording when it comes to assessments of advanced informatics, and to make distinctions between analysing, assistive, and generative software systems. Factual classifications of the different software based on mathematics and computing is highly necessary to develop any governance recommendations.

(2) introduce a wording respecting human. We often saw the misleading terms "data" or "talent" appear as description for which material is used to develop advances informatics. Rather, we are talking about works, personal and private information, individual characteristics (voice, movements, faces, name). Only with a precise designation it is possible to determine the legal frameworks that are currently being seriously violated, as copyright, personal rights, moral rights, data protection rights, to name but a few.

(3) We firmly contradict the premises, quotations from the report:

"AI has the potential to transform access to knowledge" (16), and: *"AI can assist (…) in creative and productive endeavours. People-assistive AI includes accessibility tools and improvements to education (…) AI-powered translation now covering over a hundred languages promotes access as well as intercultural understanding and communication. (…)*

Especially in the writing and translation sector, this statement is not applicable. On the contrary: writing comes from writing, and not from letting a machine do a profoundly human job of expression, communication and self-reflection, and substitute it with hallucinations, stolen expressions, and language patterns that only present the next likely word, without any awareness of what it (re)produces. Also, it is proven that machine translation cannot cover any intercultural transposition of texts as human translation does.

We live in an era in which knowledge is easier to find than ever before. This knowledge is either freely accessible or licensed, and responsible crafted and controlled by human professionals. The portrayal of so-called "AI" as an enabler is a misleading assertion, as it implies that there is a shortage - but at the same time, it has been observed worldwide that no so-called AI system is reliable, especially in teaching and education.

AI means: Fewer quality, fewer trusted works, including educational, cultural and scientific materials.

As "Enablers", we recommend putting the enforcement of IP into the center:

Regulate Input: As generative systems are based on years of unauthorised, non-remunerated, and non-transparent use of protected works, sanctions are needed, and a remunerated, consent orientated licensing scheme established.

GAI products must be labelled to avoid illegitimate compensation claims, to allocate liability, to avoid unlawfully benefiting from public funding, prizes, scholarships, or project funds.

Authors' Rights and Copyright legislations must enforce the interests of harmed authors, regarding scraping; storage and reproduction for machine and GAI development. No further exceptions or limitations shall be put in place; consent of authors, and remunerated licensing are the key forward.

2. Risks and challenges

As regards to AI risks, EWC acknowledges that the Report recognises issues relating to e.g., generative AI and deep fakes, that pose non-revokable risks to societal trust and democratic debate.

However, it is from most importance for the AI Advisory Board to take the following more into account: Generative, analytical and assistive informatics, sub-areas of so-called artificial "intelligence", threatens numerous jobs and fields of labour in the book sector and will replace some professions by machines in the medium run; be it in the areas of writing, editing, proof reading, production, cover design, illustration, translation, selection and editing of original and translated works, audio book production or in the promotion and distribution of books.

Numerous criminal and damaging "AI business models" have developed in the book sector – with fake authors, fake books and also fake readers. It has been proved that the fundaments for large language models such as GPT, Meta, StableLM, BERT have been illegally built from copyrighted book works and whose sources are often even shadow libraries such as Library Genesis (LibGen), Z-Library (Bok), Sci-Hub and Bibliotik – piracy websites.

Without enforcement of legal regulation, generative technologies accelerate and enable the expansion of exploitation, legitimisation of copyright infringement, climate harm, discrimination, information and communication distortion, identity theft, reputational damage, blacklisting, royalty fraud and collective licensing remuneration fraud. Likewise, it is important that the Interim Report recognises that lack of transparency, amongst other things, "hinders the identification of where risks come from, and where responsibility for managing those risks (or compensating for harm) should lie."

The EWC supports the response by IFRRO to this Interim report, Quote: "It is a major concern that rightsholders, including authors, artists and publishers do not know whether their books, articles, images, press content etc. have been used without authorisation by generative AI and that rightsholders are not being fairly remunerated."

Hence, for the section of "risks", we plea to be also aware of degeneration of individuality and diversity: The increasing use by children and young adults of generative informatics or assistive informatics to produce culture-like outputs or to access information, leads to the loss of cultural techniques in writing, visual arts, composing, translating etc. This establishes an inter-generational inequity of learning to create art as free expression. As GAI products focus on dominant languages, especially in translation, this dries up multilingualism, and reproduce and multiply white, masculine, Western perspectives. This leads to bias and intersectional discrimination.

3. Guiding principles to guide the formation of new global governance institutions for AI

EWC is supportive of an approach that involves multi-stakeholder participation which includes representatives of authors, artist, and performers, as their works and living is the most under threat; facilitates sharing of best practices, supports the development of standards and conducts monitoring / reporting of risks.

We do not recommend further exceptions or limitations within binding international treaties or soft laws. Furthermore, national entities should be installed.

It is also essential that AI governance is respecting and enforcing existing international law, in particular, respect for the international copyright legal framework.

We support therefore the given IFRRO response, Quote: "The value-chain of publishing, as a copyright-based industry, relies on enforceable exclusive rights, underlying the licensing business models that remunerate both authors and publishers. The time-

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tested principles of the international copyright treaties must continue to drive related policy developments."

4. **Institutional functions that an institutional governance regime for AI should carry out**

We would like to emphasise that in the draft diagram "A three-fold simplified schema for considering interoperability across different AI governance efforts" figure 1, point 39, the pillar "IP" or Copyright is missing; also, the term "data" shall be combined with: "Data & Works", as the term data does not describe the factual usage of copyrighted works.

Rationale: If all participants were adequately remunerated, none of the big twelve generative text or image (re-)generators (such as StableLM, BERT, GPT, Midjourney) could realistically cover their business. For over ten years, works by people, but especially by authors and artists have been used non authorised and non remunerated to develop the generative systems. Without these approx. 4 million text and book works, these technologies would not even exist. Modern advanced generative informatics is built on non-consensual use and copyright infringement.

It's expected that the hunger for input is not over, and that will be numerous methods of scraping and digesting. Authors' intellectual creation and thus the basis of a functioning market is being dismantled without remuneration to build a profitable competitive market through GAI applications, sold back in those countries whose intellectual resources have been plundered.

Countries must protect their sensitive national ecosystems of cultural markets: To disrupt the thriving book and other cultural markets and their positive impact on employment, regional development, taxes, innovation driven economy and payments for social benefits, leads to long-term costly consequences for each State.

Indeed, any governance shall protect human authors from being ripped-off by GAI junk: Hundreds of thousands GAI outputs have been reaching the digital markets unlabelled for over a year now already. Fake authors, fake books with hallucinations or plagiarism, fake readers who push GAI output into bestseller lists, GAI translations without licence etc. redirect turnover revenues to illegitimate sources.

Therefore, IP and copyright should be not only an add-on in your precious work, but in the heart of it, and form a Guiding Principle No 6:

AI Regulation must put the IP rights of authors at the centre.

Any other feedback on the Interim Report

We currently see a strong underrepresentation of IP, but also personal rights, data protection rights and moral rights, as well as the right of access to cultural creation, in the report. Since the most successful advanced informatics systems worldwide are currently generative systems that exist on the unauthorised plundering of works, but also of personal data and information of private individuals, and at the same time the technical oligopolies are expanding their power in such a way that access to personal materials must even be granted when using software such as texting, correction or mail programs, image editing or online collaboration tools, in order to use them, we see it as essential that a separate working group is formed on the topic of IP rights. Or, as a minimum standard, IP is a topic in every working group.

Plus, we kindly point out to the analysis paper on the seven fields of disruptive impact by advanced informatics: https://europeanwriterscouncil.eu/gai-is-based-on-theft/

EWC welcomes that the Advisory Body will consult with diverse stakeholders around the world and welcomes that it plans to "deep dive" into a few areas including intellectual property, as well as standard setting, human rights, and the future of work. We are ready to engage in the ongoing work of the Advisory Body.

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