

Contribution of the European Writers' Council (EWC) to the AI Pact Consultation

<https://ec.europa.eu/eusurvey/runner/AIPacttopics> ; selection of topics for seminars

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****Choose up to 10 topics to be addressed in dedicated seminars***

- Obligations that will become applicable in February 2025 - Q&A
- High-risk AI systems: Requirements for organisations and actions for the AI Office
- High-risk AI systems: the role of standards
- High-risk AI systems: what use cases are high risk?
- High-risk AI systems: key sectors (e.g. HR, education, ...)
- GPAI models: Q&A session on the codes of practices
- GPAI models: session on open-source models
- Session on watermarking and transparency requirements
- AI Literacy: good practices
- SMEs and startups: focus on Sandboxes

****Other topics you would like to suggest:***

—Copyright and licensing text, audio and visual works for GPAI and other AI models: understand the distinctions between Text and Data Mining and usages for developing generative AI systems, learning about sources and methods for clear and legal licensing of works and material, on remunerating and crediting;

—Trusted Sources: building up a network of reliable corpora and data set builder under the legal framework and transparency requirements;

—Rising AI Literacy and Awareness on the Impact of deploying GPAI: workshops on economic and social impact of GAI on impacted groups;

—Trusted Output: human readable labelling systems with recommendations for protecting the trust in media, information and education, and to avoid remuneration fraud and disinformation;

—Building up instruments for risk assessment of GPAI model development and impact, together with relevant stakeholders including those who are representing the works and data sources, and those who are representing GenAI recipients;

—Building up instruments and parameters for measuring all impacts of GPAI and generative AI under economic, social, work and climate aspects, establish a volunteer and independent long term monitoring.

****Additional input/ideas you would like to share with us on how the AI Pact can be most helpful to you:***

The EWC is grateful to be invited to take part at this important consultation. From the perspective of one of the core groups negatively affected by GPAI and generative informatics, we, in representation of 50 organisations of writers and translators in the book sector, representing 220,000 individual authors of book works in 32 EU and non-Eu countries, kindly ask to acknowledge the following:

Currently, the aims of the AI pact are focused on the workflow and interests of AI developers, deployers, and providers, incl. on technical means.

The implementation of the AI Act needs the holistic view on the full AI ecosystem:

(a) The sources of any so called „data“ - individuals, but in forefront writers, authors, artists and performers; (b) the collectors of copyright-protected works - corpora builders, sets-curators; and (c) the consumers and passive users of (G)AI products or AI-based decisions: the public.

In addition, it is necessary to develop a functioning technical system that makes both input and output traceable. It is also necessary to communicate to AI developers that machine-readable watermarking can be easily removed, and that GAI outputs require human-readable labelling. This is essential to enable fully informed decision-making and reception, as well as to avoid future (and occurring) remuneration fraud.

It is essential that the AI Pact helps to establish an end-to-end chain of responsibility and liability in which all parties involved are always informed and act in accordance with the law.

Finally, it is of great importance that AI developers realise that the design of the CDSM Directive Art 4 (as well as 3 and its implications of private partnerships between research institutions and commercial GPAI developers) is so controversial that a business model can by no means be built on the one-sided interpretation that Text and Data Mining is the same as GPAI and GenAI development, alone. Licensing and the respect for the decisions of all those who originate works are just as much a part of AI literacy as understanding of intellectual property law.

Therefore, the European Writers' Council sees it as essential within the AI Pact to:

—Establish frequent exchange with stakeholders who are representing all kinds of „data donors“, e.g., but not limited to: Federations, NGOs and Civil Society representing Authors, Artists, Performers and Cultural Workers; groups and NGOs representing consumers and citizens. This involvement shall take place latest at the planned November 2024 events around Pillar 1, and shall be in form of continued workshops for capacity building to raise AI literacy among GPAI developers, deployers, corpora-builders and participating entities, and knowledge on the impact of their systems on economy, social systems and the future of authorship and knowledge transfer;

—Technical expert sessions and a mapping of systems of TDM, AI, and GenAI opt-out and how to combine the transparency obligations of used data and works for AI developers, deployers with these developing new standards, included but not limited to ISCC+rights declaration; TDMRep+Onix, AIRep plus Metadata;

—Establishing mediation for reliability cases, e.g., but not limited to discrimination through algorithmic decisions; accountability of portals promoting AI output instead of human made works; dispute resolving in case of unclear legal ground of using works data sets;

—Building up a „data directory“ of allowed and disallowed works under CDSM 2019/790 Art 4 (a „Registry of TDM opt-out“, e.g., with the ISCC+Declaration), in cooperation with the Commission and the AI Office and the assistance of stakeholder groups of authors and rightsholders;

—Workshops on licensing and copyright;

—Involvement of the full GPAI chain: If the AI Pact intends to fulfill its role as the backbone of a fair, future proof and reliable GPAI evolution and to assist developers in meeting the rules and implement functioning technical, administrative, and ethical solutions, it needs to open up for those, without no (GP/G)AI system would be existent or applied, especially: The sources of all works and data, means authors, artists, performers and rightsholders, and the recipients of all (GP)AI penetrating the daily life, means consumers and individuals.

Further resources we request to consider:

[The EWC AI Tool Kit for the book sector and to be acknowledged by AI developers](#)

[A joint letter by 13 European Authors' and Artists' Federations](#)

[The EWC's 10 GAI principles to be acknowledged by policy makers and AI developers:](#)

Contribution by Nina George, Commissioenr for Political Affairs on behalf of the EWC, 16/8/24