

WG 1 - Transparency and copyright-related rules: Provide your feedback to the second draft of the General-Purpose AI Code of Practice

Fields marked with * are mandatory.

Provide your feedback to the second draft of the general-purpose AI Code of Practice!

Thank you for your continuous support and participation in the drawing-up of the **first general-purpose AI Code of Practice**.

As participants of Working Group 1, upon receiving the **second draft**, you are encouraged to express your comments on the content via this survey for **Section II of the draft (Working Group 1)**, **deadline Wednesday 15 January 2025, 12:00 CET**.

As for the first round, your feedback is essential in tailoring the Code of Practice to meet diverse stakeholder needs to achieve a final Code of Practice that best reflects the different submissions. This will lead to a proper application of the rules of the AI Act for general-purpose AI models. Please be aware that the survey does not cover Art. 53(1)(d) issues.

The survey is structured per commitments, measures and KPIs, and it presents three types of questions:

1. **Opinion ratings** (close-ended feedback): express the level of agreement with the content of the commitments, measures and KPIs choosing among different options.
2. **Open-ended questions**: to provide suggestions on how to improve the commitments, measures and KPIs.
3. **Additional specific open-ended questions** (where applicable).

For the ease of engaging with the survey, please have the Code of Practice open for reference.

You have the option to respond to all questions if you wish, however, you do not have to. Each stakeholder can only **submit one answer** to this survey. **If you forward the link, it will be possible for others to edit or download your response.**

Your responses will be kept confidential in accordance with the Vademecum.

The AI Office is looking forward to this inclusive and transparent process!

Please provide your name, surname, email address, and the name of your organisation (if applicable). Please note that if your contact information does not correspond to an eligible participant or to the organisation's Point of Contact, your response will be discarded.

	Name	Surname	Email address	Organisation (if applicable)
Stakeholder				AI Standards Lab

* Which stakeholder category would you (or your organisation) consider yourself in?

- Academia (in a personal capacity)
- Civil society organisation
- Downstream provider of an AI system based on general-purpose AI models, or acting on behalf of such providers
- EU Member State representative
- European or international observer
- Other independent expert (in a personal capacity)
- Other industry organisation, or acting on behalf of such organisations
- Other organisation with relevant expertise
- Other stakeholder organisation
- Provider of a general-purpose AI model, or acting on behalf of such providers
- Rightsholder organisation

Section II: [Working Group 1] Commitments by providers of general-purpose AI models

Commitments/Measures/KPIs Specific Feedback on Section II: [Working Group 1] Transparency

In this section you are asked to provide your overall opinion on the commitments, measures and KPIs included in the second section of the Code of Practice related to *Transparency*.

Transparency, Commitment 1: Documentation

To what extent do you agree with this commitment? (Commitment 1)

- The commitment should be removed in its entirety
- The commitment should be substantially edited and/or further clarified
- The commitment should be lightly edited and/or further clarified
- The commitment is close to where it needs to be

Please explain your rating and suggest improvements (Commitment 1)

3000 character(s) maximum

While Commitment 1 excludes providers of open-source AI models satisfying the conditions specified in Article 53(2) AI Act from the requirements outlined in Measures 1.1 and 1.2, we believe such providers should still be encouraged to adhere to them in order to satisfy Commitment 21, especially since their models (by definition currently determined to not have systemic risk) can be used to study when systemic risks can emerge. Practically, it is also beneficial to the providers in case that their models are later determined (or modified) to have systemic risk.

We therefore recommend the relevant part referencing providers of open-source AI being replaced with: “These Measures do not apply to providers of open-source AI models satisfying the conditions specified in Article 53(2) AI Act, unless the models are general-purpose AI models with systemic risk. However, providers of open-source AI models satisfying the conditions specified in Article 53(2) AI Act are encouraged to adhere to these measures for the purposes of model transparency beneficial to the public interest as outlined in Commitment 21.”

Finally, we believe that the next draft should explicitly link the requirements specified in Table 1, Commitment 1 with the requirements of Measure 5.6 on Safety and Security Model Reports. Specifically, reporting the information from Table 1 is adhering to Measure 5.6.

Transparency, Measure 1.1: Drawing up, keeping up-to-date and providing the relevant information

To what extent do you agree with this measure? (Measure 1.1)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 1.1)

3000 character(s) maximum

We believe that Table 1 of Measure 1.1 should include the information about the reach of the model stated in Measure 20.1. This information serves as a quick reference for the AI Office in understanding the lower-bound number of users affected by the model. This also provides a signal on the provider’s infrastructure and resources for deploying the model, of which a fraction can be redirected to safety mitigations when necessary.

We recommend that this be added as a section in Table 1: In support of Annex XIII, point (f) AI Act: Reach of the model: The number of registered business users established in the Union who are also users of the models. Where there is no actual reach of the model available yet, such as in the case of the model pre-deployment, an estimate of the expected reach should be provided.

Transparency, Measure 1.2: Ensuring quality, integrity and security of information

To what extent do you agree with this measure? (Measure 1.2)

- The measure should be removed in its entirety

- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 1.2)

3000 character(s) maximum

Elements of Commitment 1 Table Specific Feedback - Section II: [Working Group 1] Transparency

In this section you are asked to provide your opinion on each element of the table provided in Commitment 1 in the second section of the Code of Practice related to *Transparency*.

Commitment 1 Table, Annex XI §1 1. and Annex XII 1.: General Information

To what extent do you agree with this element? (Item 1)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 1)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(a) and Annex XII 1.(a): Intended tasks and type and nature of AI systems in which it can be integrated:

To what extent do you agree with this element? (Item 2)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 2)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(b) and Annex XII 1.(b): Acceptable use policies applicable

To what extent do you agree with this element? (Item 3)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 3)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(c) and Annex XII 1.(c): Date of release and methods of distribution

To what extent do you agree with this element? (Item 4)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 4)

3000 character(s) maximum

Commitment 1 Table, Annex XII 1.(d): Interaction of the model with external hardware or software

To what extent do you agree with this element? (Item 5)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 5)

3000 character(s) maximum

Commitment 1 Table, Annex XII 1.(e): Versions of relevant software where applicable

To what extent do you agree with this element? (Item 6)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified

- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 6)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(d) and Annex XII 1.(f): Architecture and number of parameters

To what extent do you agree with this element? (Item 7)

- The item should be removed in its entirety
 The item should be substantially edited and/or further clarified
 The item should be lightly edited and/or further clarified
 The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 7)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(e) and Annex XII 1.(g) and 2.(b): Modality and format of inputs and outputs

To what extent do you agree with this element? (Item 8)

- The item should be removed in its entirety
 The item should be substantially edited and/or further clarified
 The item should be lightly edited and/or further clarified
 The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 8)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 1.(f) and Annex XII 1.(h): Licence

To what extent do you agree with this element? (Item 9)

- The item should be removed in its entirety
 The item should be substantially edited and/or further clarified
 The item should be lightly edited and/or further clarified
 The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 9)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 2.(a) and Annex XII 2.(a): Technical means for integration into AI systems

To what extent do you agree with this element? (Item 10)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 10)

3000 character(s) maximum

Commitment 1 Table, Annex XI §1 2.(b): Design specifications of the model and training process

To what extent do you agree with this element? (Item 11)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 11)

3000 character(s) maximum

Post-training enhancements should also be reported as they can improve the capabilities of the base trained model, which can be an important factor for when models gain systemic risk. These enhancements include any modification of the base model or AI system after training. For example, reinforcement learning techniques applied during fine-tuning, prompt optimization, tools and sensors that the model has access to.

We therefore suggest the following to be added: “For each post-training enhancement, signatories should provide a description and rationale for including the enhancement. They should also report on which capabilities improve compared to a baseline when the enhancement / group of enhancements are included into the AI system or model. Enhancements include any modification of the base model or AI system after training. For example, reinforcement learning techniques applied during fine-tuning, prompt optimization, tools and sensors that the model has access to.”

Commitment 1 Table, Annex XI §1 2.(c) and Annex XII 2.(c): Information on data used for training, testing and validation

To what extent do you agree with this element? (Item 12)

- The item should be removed in its entirety

- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 12)

3000 character(s) maximum

The current requirements for reporting on web-crawled data is insufficient for the AI Office and their appointed third party evaluators to address systemic risks or rights violations stemming from the training data.

Beyond copyright infringements which are addressed by other measures, more detailed information about web-crawled data is essential to address complaints from rightsholders affected by discrimination. They can pinpoint to which specific parts of the training data may have contributed to a discriminatory or unfair decision by the model, from which it can be verified by the provider itself or a third-party.

From the perspective of red-teaming or evaluations in general, further information on web-crawled data is essential to provide context to evaluations. Web-crawled data can be a causal factor into the observed unwanted capabilities of models or those capabilities that carry systemic risk. Once the problematic data is identified, appropriate actions can be taken to reduce the influence of such data to model behavior. Conversely, findings on web data from research can be linked to the reported web-scraped data and be used to develop better red-teaming strategies, specifically to identify problematic model behaviors that research findings point at.

Currently, it cannot be known whether a provider used a particular domain that may or may not be known to contain biased or illegal content at the time of web crawling. At a minimum, the domains that were crawled should be reported to address this.

We therefore propose to add the following for this section, which is only available to the AI Office:
 “For each web-crawler used, domain information for the first 100K most-scraped domains or Top 5%, whichever is higher. Domain information includes the domain name, a link to the main site of the domain, and a general description of the contents scraped from the domain.”

Commitment 1 Table, Annex XI §1 2.(d): Computational resources

To what extent do you agree with this element? (Item 13)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 13)

3000 character(s) maximum

Model capabilities can significantly increase given different budgets for inference-time compute. This section should therefore include this information alongside training-time compute information. We therefore recommend that this be added: “Provider specifies a maximum compute budget for model inference. Provide the budget for each tier if the provider has different access tiers for their model. Budgets reported should be updated if the provider changes them.”

Commitment 1 Table, Annex XI §1 2.(e): Known or estimated energy consumption

To what extent do you agree with this element? (Item 14)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 14)

3000 character(s) maximum

Commitment 1 Table, Article 53 (1)(a): Testing process and results thereof

To what extent do you agree with this element? (Item 15)

- The item should be removed in its entirety
- The item should be substantially edited and/or further clarified
- The item should be lightly edited and/or further clarified
- The item is close to where it needs to be

Please explain your rating and suggest improvements (Item 15)

3000 character(s) maximum

We provide two recommendations. First, the current wording for a description of all test and test results is vague. It should be clarified that the descriptions of the tests should clearly include the specific capabilities or model properties being tested.

Second, model capabilities can significantly increase given different budgets for inference-time compute. Signatories should account for and report these capabilities via test results given realistic deployment conditions, which includes the provider-specified budget/s for inference-time compute. We therefore recommend that this be added: "For test results, report performance on a test or benchmark given a range of values of expected and maximum inference-time compute budgets. If the provider specifies a higher maximum inference-time compute budget in the future, the tests should be re-run with that budget and the corresponding test results should be reported."

Additional Feedback on Section II: [Working Group 1] Transparency

Please provide additional feedback on the content of the Code of Practice second section related to *Transparency* by answering the following questions.

With which items in Measure 1.1 (as per current draft) are you satisfied?

3000 character(s) maximum

With which items in Measure 1.1 (as per current draft) are you dissatisfied, and why? Please explain your dissatisfaction on a per-item basis.

3000 character(s) maximum

We are dissatisfied with the current version of Commitment 1 Table, Annex XI §1 2.(c) and Annex XII 2.(c): Information on data used for training, testing and validation because it does not include sufficient information especially for web-scraped data, which is one of the most significant sources of training data for GPAI. Please see our relevant entry for our rationale and recommendation.

For which items in Measure 1.1 (as per current draft) do you consider an unnecessary cost imposed upon providers and how should this cost be reduced?

3000 character(s) maximum

For which items in Measure 1.1 (as per current draft) do you see the goals of transparency not being fully realized and how should this be rectified?

3000 character(s) maximum

Do you feel Measure 1.1 (as per current draft) is satisfactory overall? If not, please provide your single greatest concern.

3000 character(s) maximum

No, performance of the model given varying inference-time compute budgets should be known and reported to reflect the increased capabilities, especially reasoning capabilities that can pose systemic risks, that are possible from increased inference-time compute.

Do you feel Measure 1.1 (as per current draft) must be adjusted to differentiate different types of models or model providers (e.g. model modalities, model release strategies, commercial business models, business size)? If so, please provide the specific items that should have a differentiated approach and why they should be differentiated.

3000 character(s) maximum

The measure should be adjusted to account for different model types and release strategies, specifically models that may gain significant capabilities given more inference-time compute or other post-training enhancements. In general the Measure should, aside from accounting for training phase information, also account for inference / deployment phase information. We make recommendations to the following items in Table 1:

- Annex XI §1 2.(b): Design specifications of the model and training process
- Annex XI §1 2.(d): Computational resources
- Article 53 (1)(a): Testing process and results thereof

Commitments/Measures/KPIs Specific Feedback on Section II: [Working Group 1] Copyright

In this section you are asked to provide your overall opinion on the commitments, measures and KPIs included in the second section of the Code of Practice related to *Copyright*.

Copyright, Commitment 2: Copyright policy

To what extent do you agree with this commitment? (Commitment 2)

- The commitment should be removed in its entirety
- The commitment should be substantially edited and/or further clarified
- The commitment should be lightly edited and/or further clarified
- The commitment is close to where it needs to be

Please explain your rating and suggest improvements (Commitment 2)

3000 character(s) maximum

Copyright, Measure 2.1: Draw up and implement an internal copyright policy

To what extent do you agree with this measure? (Measure 2.1)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.1)

3000 character(s) maximum

Copyright, KPI 2.1.1

To what extent do you agree with this KPI? (KPI 2.1.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.1.1)

3000 character(s) maximum

Copyright, KPI 2.1.2

To what extent do you agree with this KPI? (KPI 2.1.2)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it?(KPI 2.1.2)

3000 character(s) maximum

Copyright, KPI 2.1.3

To what extent do you agree with this KPI? (KPI 2.1.3)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.1.3)

3000 character(s) maximum

Copyright, Measure 2.2: Publish a summary of the internal copyright policy

To what extent do you agree with this measure? (Measure 2.2)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.2)

3000 character(s) maximum

Copyright, KPI 2.2.1

To what extent do you agree with this KPI? (KPI 2.2.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
-

The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.2.1)

3000 character(s) maximum

Copyright, Measure 2.3: Make reasonable efforts to assess the copyright compliance of third-party datasets

To what extent do you agree with this measure? (Measure 2.3)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.3)

3000 character(s) maximum

Copyright, KPI 2.3.1

To what extent do you agree with this KPI? (KPI 2.3.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.3.1)

3000 character(s) maximum

Copyright, KPI 2.3.2

To what extent do you agree with this KPI? (KPI 2.3.2)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.3.2)

3000 character(s) maximum

Signatories should document their methodology in assessing whether the dataset complies with Union law on copyright. This should concretely include analysis such as reporting and justifying sample size and comparisons with independent audits of publicly accessible datasets that are part of their dataset.

The KPI should be reworded to:

“Documentation of Signatory’s copyright compliance assessments. This should include their methodology in assessing whether the dataset complies with Union law on copyright or related rights, such as experiment details. It should report and justify important parameters used in experiments such as sample size. If using publicly accessible datasets, It should also include comparisons with independent audits of publicly accessible datasets.”

Copyright, Measure 2.4: Ensure lawful access to copyright-protected content

To what extent do you agree with this measure? (Measure 2.4)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.4)

3000 character(s) maximum

Copyright-related, KPI 2.4.1

To what extent do you agree with this KPI? (KPI 2.4.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.4.1)

3000 character(s) maximum

Does the SME exception for this KPI significantly increase any of their compliance burdens? We believe the answer to this question is no because this documentation is likely static and can be part of compliance to other KPIs for which SMEs are not exempted, such as KPIs 2.1.1 (A single document approved by the Signatory that sets out the internal copyright policy.), 2.6.1 (The name of any new or modified crawler as well as the purpose of each crawler are specified in the copyright policy.), and 2.8.1 (Information about the measures adopted to respect the reservation of rights made public on the website of the Signatory.)

Therefore, in the interests of rights holders and taking into account a light compliance burden for SMEs, we recommend that SMEs should not be excluded from this KPI.

Copyright, Measure 2.5: Do not crawl websites making available copyright-infringing content

To what extent do you agree with this measure? (Measure 2.5)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.5)

3000 character(s) maximum

Copyright, KPI 2.5.1

To what extent do you agree with this KPI? (KPI 2.5.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.5.1)

3000 character(s) maximum

Copyright, Measure 2.6: Respect Robot Exclusion Protocol

To what extent do you agree with this measure? (Measure 2.6)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.6)

3000 character(s) maximum

In the final part of this measure, namely: "Signatories that also provide an online search engine as defined in Article 3(j) Regulation (EU) 2022/2065 or control such a provider are encouraged to take appropriate

measures to ensure that the exclusion of a web-crawler that collects data for the training of general-purpose AI models pursuant to the Robot Exclusion Protocol does not negatively affect the findability of the content in their search engine.”

We believe this final part should be made mandatory for the described signatories. This means that the word “encouraged” should be replaced with the word “required”. Leaving this to the discretion of the signatory, as is implied by the current wording, runs the risk of this part of the measure being ignored entirely.

We also propose a new accompanying KPI similar to the KPIs in related measures: “For signatories that provide an online search engine as defined in Article 3(j) Regulation (EU) 2022/2065 or control such a provider, document the measures taken such that the exclusion of a web-crawler that collects data for the training of general-purpose AI models pursuant to the Robot Exclusion Protocol does not negatively affect the findability of the content in their search engine.”

Copyright, KPI 2.6.1

To what extent do you agree with this KPI? (KPI 2.6.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.6.1)

3000 character(s) maximum

Copyright, Measure 2.7: Identify and comply with other appropriate expressions of rights reservations

To what extent do you agree with this measure? (Measure 2.7)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.7)

3000 character(s) maximum

Rights reservation is still in its infancy for data used to train General-Purpose AI. We believe that conformity to widely used industry standards alone is insufficient given that these widely used standards may not effectively uphold the rights reservation of rightsholders. This also runs the risks of entrenching such industry standards based on popularity and not technical merit.

Our modification below serves to connect the standards signatories commit to following with the discussions

on developing innovative standards signatories commit to participate in of the next paragraph.

We suggest that the first sentence be modified to “Signatories commit to making best efforts that are proportionate to their size and capacities in accordance with widely used industry standards and emerging standards being developed by existing standardization efforts or through discussions with rightsholders to identify and comply with, including through state-of-the-art technologies, other machine-readable means to appropriately express a rights reservation at source or work level pursuant to Article 4(3) of Directive (EU) 2019/790 in the case of content made publicly available online. ”

Copyright, KPI 2.7.1

To what extent do you agree with this KPI? (KPI 2.7.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.7.1)

3000 character(s) maximum

Copyright, KPI 2.7.2

To what extent do you agree with this KPI? (KPI 2.7.2)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.7.2)

3000 character(s) maximum

In addition to documentation of meetings attended, this KPI should include standardization efforts signatories are favorable in supporting but do not currently honor or officially adopt yet, if any. This can help inform emerging standards to be easily adopted into industry. This also serves as evidence that signatories are actively engaging with developing better rights reservation standards.

This KPI becomes: “Documentation of relevant standard-setting meetings attended by the Signatory. Description of standardization efforts signatories are favorable in supporting but do not currently honor or officially adopt yet, if any. This description includes the signatory’s rationale for why they have not officially adopted the effort yet. This KPI does not apply to SMEs.”

Copyright, Measure 2.8: Publish information on rights reservation compliance

To what extent do you agree with this measure? (Measure 2.8)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.8)

3000 character(s) maximum

Copyright, KPI 2.8.1

To what extent do you agree with this KPI? (KPI 2.8.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.8.1)

3000 character(s) maximum

Copyright, Measure 2.9: Prevent copyright-related overfitting

To what extent do you agree with this measure? (Measure 2.9)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.9)

3000 character(s) maximum

Copyright, KPI 2.9.1

To what extent do you agree with this KPI? (KPI 2.9.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified

- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.9.1)

3000 character(s) maximum

Copyright, Measure 2.10: Prohibit copyright-infringing uses of the model

To what extent do you agree with this measure? (Measure 2.10)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.10)

3000 character(s) maximum

Copyright, KPI 2.10.1

To what extent do you agree with this KPI? (KPI 2.10.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.10.1)

3000 character(s) maximum

Copyright, Measure 2.11: Designate a point of contact

To what extent do you agree with this measure? (Measure 2.11)

- The measure should be removed in its entirety
- The measure should be substantially edited and/or further clarified
- The measure should be lightly edited and/or further clarified
- The measure is close to where it needs to be

Please explain your rating and suggest improvements or provide further detail on relevant KPIs (Measure 2.11)

3000 character(s) maximum

Copyright, KPI 2.11.1

To what extent do you agree with this KPI? (KPI 2.11.1)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.11.1)

3000 character(s) maximum

Copyright, KPI 2.11.2

To what extent do you agree with this KPI? (KPI 2.11.2)

- The KPI should be removed in its entirety
- The KPI should be substantially edited and/or further clarified
- The KPI should be lightly edited and/or further clarified
- The KPI is close to where it needs to be

Please explain your rating i.e., if something is unclear to you in this KPI, how would you clarify it? (KPI 2.11.2)

3000 character(s) maximum

Additional Feedback on Section II: [Working Group 1] Copyright

Please provide additional feedback on the content of the Code of Practice second section related to *Copyright* by answering the following questions.

Other opt-out standards: “Which machine-readable means to appropriately express a rights reservation at source or work level pursuant to Article 4(3) of Directive (EU) 2019/790 in the case of content made publicly available online do you consider to be widely used industry standards?”

3000 character(s) maximum

Open source: “Are the proposed measures feasible, effective and proportionate for free and open-source general-purpose AI models (see recital 103 AI Act)?”

3000 character(s) maximum

Yes

SMEs: “According to Art. 56(5) 2nd sentence and recital 109 2nd sentence of the AI Act, key performance indicators and reporting commitments shall reflect differences in size and capacity between various participants of the Code of Practice in order to avoid an excessive cost and not discourage the use of general-purpose AI models. Does the draft adequately reflect this?”

3000 character(s) maximum

Yes, however, see our recommendation for KPI 2.4.1 which we believe should also apply to SMEs.