

## The Association of Photographers Response: A Pro-Innovation Approach to AI Regulation

### About the Association of Photographers

The Association of Photographers Limited (AOP) is a not-for-profit professional trade association, founded in 1968. Its aims are to promote and protect the worth, credibility and standing of its members and to vigorously defend and lobby for the interests and rights of all photographers and image-makers in the photographic profession.

The AOP represents primary rightsholders in the form of professional photographers, assistants, agents and students as well as offering supporting memberships to other related professional trades in the sector. Professional members have a wide client base, ranging from individual clients in the corporate sector to design groups, publishing houses, music publishers and advertising agencies.

Our members rely heavily on copyright as a means to capitalise on their skill and talent, as well as reinvesting in their creativity, it is the bedrock of their productivity and economic viability as professional practitioners. Their work is published worldwide, in print and online, in magazines, newspapers, books, broadcast, and advertising campaigns and many sell their images as fine art through galleries, both in traditional spaces and online.

The AOP is a member of the British Copyright Council, British Photographic Council, the Creators Rights Alliance, and Creative UK. AOP members are also represented by the Design and Artists Copyright Society (DACS) and PICSEL for collective licensing.

All our photographer and assistant members are SMEs, some work in partnership with another photographer but the vast majority are individuals either working for their own limited company or as sole traders.

### Summary of Key Points

As representatives of self-employed freelance image-making creators, who have built successful professional careers and contribute substantially to the UK economy, we want to ensure that Generative-AI programs, that are either foundation models or AI-programs that derive from them, do not undermine, or directly compete with our members and their businesses.

By this we mean:

- AI-developers must remunerate creators for the use of their works that are scraped and stored in massive datasets for ingestion and training purposes, through licensing mechanisms, irrespective of whether they claim to either work across jurisdictions that may have different or lower standards of legal redress that protect creators or by claiming to be compliant in another jurisdiction not applicable to the location of the company or to the end-user service provided.
- AI-developers must seek permission from rightsholders to use their original expressive works, under a making available right. They must adhere to any machine-

readable terms and not circumvent any technical prevention measures (TPMs). Opt-outs for rightsholders are *not* a solution, as machines cannot unlearn once pre-trained on a given dataset, without a hard reset and starting from scratch – something AI-developers will be loath to do. The key element of any AI-foundation model is the dataset it has been pre-trained on. The notion of opting out later is therefore entirely disingenuous. Undertaking due diligence to contact rightsholders and/or their representatives is an essential part of doing business.

- AI-developers must be transparent and therefore accountable about the processes and intent of a generative-AI program, both from the aspect of traceability (in order that rightsholders are able to seek redress and enforce their intellectual property rights) and from the aspect of competing in the online marketplace (where an AI-program has a significant independent economic advantage), but also to enhance trust in AI-programs, in order that end-users can be confident that the platform/program has been developed ethically. It is simply not enough for them to say that they have joined an industry initiative which simply *'tech-washes'* their responsibilities.
- AI-developers must ensure public safety is uppermost when it comes to the deployment of their programs and provide an open risk assessment, through which they can be held accountable by government and allow for due diligence to be undertaken by independent third parties, including rightsholders and the public, when it comes to contestability and redress. It is simply not enough to say it is too difficult, as there are many examples of best practice in other sectors such as finance and healthcare.

### Consultation Questions

The White Paper outlines 5 clear principles that regulators should consider facilitating the safe and innovative use of AI in the industries they monitor.

The principles are:

- Safety, security and robustness: applications of AI should function in a secure, safe and robust way where risks are carefully managed
- Transparency and explain-ability: organisations developing and deploying AI should be able to communicate when and how it is used and explain a system's decision-making process in an appropriate level of detail that matches the risks posed through the use of AI
- Fairness: AI should be used in a way which complies with the UK's existing laws, for example the Equality Act 2010 or the Data Protection Act 2018, and must not discriminate against individuals or create unfair commercial outcomes
- Accountability and governance: measures are needed to ensure there is appropriate oversight of the way AI is being used and clear accountability for the outcomes
- Contestability and redress: people need to have clear routes to dispute harmful outcomes or decisions generated by AI Instead of specific legislation

The questions are as follows:

Q1. *Do you agree that requiring organisations to make it clear when they are using AI would adequately ensure transparency?*

Yes, we would agree it is one imperative to facilitate transparency in the use of AI programs, particularly Generative-AI, which has an accelerated ability to deceive through the amplification of existing bias as well as the inaccuracy of outputs, both of which are well-documented aspects of AI outputs. For example, clearly identifying and labelling AI-generated outputs is necessary and essential both from a creator rightsholder perspective - from a contestability and redress position - and from a general public perspective - who will have great difficulty discerning real images from AI-generated content, which will include deep-fakes and disinformation.

The challenges will be to decide to what extent should AI-generated content be labelled (we would propose fully AI-generated outputs are registered with a publicly accessible database), and how to enforce such measures, which are needed for public safety.

It is important to note that there are already several 'image-based' initiatives and organisations (for example, the International Press Telecommunications Council (IPTC) <https://iptc.org/themes/artificial-intelligence-and-machine-learning-2/>; Content Authenticity Initiative (CAI), and Coalition for Content Provenance and Authenticity (C2PA) <https://c2pa.org/>) who have developed a technical specification for providing content provenance and authenticity, from which the C2PA architecture is a model for storing and accessing cryptographically verifiable information, however whilst these are laudable tools, they are only machine reading tools and do not provide any form of readily visible external watermarking..

Q2. *What other transparency measures would be appropriate, if any?*

Those that build datasets need to be accountable – how are those datasets accumulated? What due diligence or oversight is undertaken? Are they registered in some way? What purposes are they being used for (research purposes only, public good, or commercial enterprise which may compete with human endeavour)? Have they checked websites (or other data sources) they are scraping for permissions to do so and under what terms (e.g., copyright)?

This *must* be a preliminary step to ensure those who are text and data mining to accumulate a dataset, and those who are using the datasets to train and develop their AI-programs, do so lawfully and accountably.

As part of that process, legitimate licensing solutions provide access to copyright-protected works for the purposes of AI. These already exist in the marketplace (commercial image-licensing models), with many more being drafted and developed (Collective Rights

Management licensing models). Protecting the works of human creators and rightsholders must be a key underlying consideration when developing AI in a transparent manner, because it is *their* works that underpin the development of Generative-AI models, through the ingestion of billions of copyright-protected works.

In support of the British Copyright Council's submission, we would also advocate:

- Using authorised data sources: When training AI models, using data from authorised sources, including through appropriate licensing, will be crucial to avoid infringing copyright. Additionally, care should be taken to ensure that data is used only for the intended purpose. If that purpose is for commercial exploitation, then additional steps and processes (traceability, accountability and contestability) must be taken to ensure trustworthy AI programs, whether foundation or derived from.
- Implementing access controls: to limit who can access and use copyright-protected materials, which would also serve to avoid inadvertent infringement and help prevent unauthorised use of copyright-protected works in AI development. We have seen several examples of a significantly large dataset (permanently storing URLs, images files and alt-text) which have sourced copyright-protected works from several piracy sites that have been ingested alongside copyright-protected work scraped from sources controlled by the legitimate owners and publishers, to train AI models.
- Obtaining licences: Obtaining licences for copyright-protected materials would also help ensure that works that were used to train an AI model remain protected and rightsholders are remunerated. As already mentioned, there are several opportunities to license copyright-protected works, from collective licensing models to commercial licensing.
- Monitoring and logging usage: Monitoring usage and tracking copyright-protected works while ensuring that these logs remain transparent and accessible would help identify and address potential violations of copyright - whether deliberate or inadvertent. This could involve using tools to detect unauthorised use of copyright-protected materials or monitoring user behaviour to ensure compliance with licensing agreements.

By taking such steps, in coordination and partnership with rightsholder and creators, AI-developers can ensure that they are developing AI models in a responsible, transparent, and legal manner.

*Q3. Do you agree that current routes to contestability or redress for AI-related harms are adequate?*

No, we do not believe that current routes which allow for contestability or redress for AI-related harms as they relate to copyright infringement, are adequate. For individuals acting as litigants in person, the UK's Intellectual Property Enterprise Court Small Claims Track (IPEC SCT) serves an integral role, both as a deterrent and as a means of affordable redress. Recent changes to the IPEC SCT administration, as an enforcement mechanism, means that there is no effective way to redress any copyright infringement case, let alone an extremely

complex and multifaceted process of using copyright-protected works in Machine Learning (ML), from which many AI-generated works can be output. Additionally, the opacity of how datasets are amassed and then utilised by AI-developers for training purposes, makes it almost impossible to make any realistic challenge.

*Q4. How could routes to contestability or redress for AI-related harms be improved, if at all?*

There are significant and inherent challenges in pursuing redress for AI-related harms as they relate to copyright infringement since, in many cases, data has already been scraped without rightsholders' consent, or a valid licence in place, to develop many AI foundation models for commercial purposes (there are already many platforms offering subscription packages to their customers at various price-points), which have now entered the public realm without any oversight or accountability. This is already normalising consumer behaviour and the mass infringement of copyright that has taken place is in danger of being overlooked.

The operational processes used by the tech industry and AI-developers are either concentrated under one significant tech entity that has access to its own acquired dataset or works across jurisdictions with other tech partners to develop massive datasets, which culminates in using whichever legal jurisdiction suits their commercial purposes, without any government oversight on whether their practice is legitimate or not, particularly from a UK rightsholder's perspective whose work has been ingested without permission.

Contestability and redress for AI-related copyright infringement could be improved in several ways. Again, in support of the British Copyright Council's submission, we would also advocate:

- **A clear legal framework:** The legal framework for AI-related copyright infringement needs to be clear and unambiguously in line with the UK's existing copyright regime. This includes defining what constitutes infringement, who can be held liable, and what remedies are available to rightsholders and creators.
- **Robust enforcement mechanisms:** There needs to be robust enforcement mechanisms in place to prevent and address AI-related copyright infringement. This includes measures such as penalties for infringement, the ability to obtain injunctions, and the availability of damages and other remedies for copyright holders.
- **Improved transparency and awareness:** Improved transparency in AI development can help prevent copyright infringement in the first place by making AI models and training data, transparent and accessible, and ensuring that AI-developers have a clear understanding of copyright law. This can involve providing guidance to AI-developers, copyright holders, and the public on how to comply with copyright laws.
- **Collaboration and promotion of market-based solutions:** Collaboration between stakeholders, such as AI-developers, creators, rightsholders, and regulatory agencies, could help improve contestability and redress for AI-related copyright infringement through

collaboration to develop best practices, standards, and guidelines for AI development which fully considers copyright law and rightsholders.

*Q5. Do you agree that, when implemented effectively, the revised cross-sectoral principles will cover the risks posed by AI technologies?*

In principle, the cross-sectoral principles outlined provide a useful starting point for discussion. However, we see clear challenges in implementation, if consideration for our gold standard copyright regime is not taken into consideration and irreparable harm to our creative industries is avoided.

The UK has built up an incredibly successful economic sector – that of the Creative Industries - underpinned by our sound copyright regime, which we must ensure is integral and not excluded from these cross-sectoral principles, if we are to continue to outpace other countries in what we create and produce.

*Q6. What, if anything, is missing from the revised principles?*

Principally the inclusion of the respect for IP rights, particularly copyright as the bedrock of creative works which constitute the majority of the datasets used for training AI programs. In many of the examples we have seen that review the principles and processes required to set up trustworthy AI programs, there is a glaring void when it comes to respecting the importance of IP, which has up to this point been seen as a valuable asset to both commercial and non-commercial enterprises. For the UK to define itself as a nation of trustworthy AI-developers, it is fundamental that we make strides to ensure the protection of IP rights, particularly copyright is a core principle. From a principled position can come development with propriety.

*Q7. Do you agree that introducing a statutory duty on regulators to have due regard to the principles would clarify and strengthen regulators' mandates to implement our principles, while retaining a flexible approach to implementation?*

As stated in the BCC submission, a statutory duty on regulators to prevent and address AI-related copyright infringement could be helpful. Such a duty could provide regulators with a clear mandate to act against AI-related copyright infringement and ensure that the necessary measures are in place to prevent and address such infringement. For example, a statutory duty on regulators could include a requirement to develop guidelines and standards for AI development that take into account copyright laws and the needs of copyright holders. Regulators could also be required to monitor AI development and take enforcement action against AI-developers who infringe copyright.

However, there are also potential challenges with implementing a statutory duty on regulators especially with regards to constraints on resources, which would make it difficult



to effectively monitor and enforce copyright laws in the context of AI development. We would suggest setting up a specific AI-ombudsman with powers to address both rightsholders' and users' complaints, and effective tools to counter nefarious use.

*Q8. Is there an alternative statutory intervention that would be more effective? New central functions to support the framework?*

We see that the government has introduced an AI Foundation Model Taskforce with the aim of tackling the safety challenges presented by AI and building public confidence. Given that Generative-AI has, to date, predicated its development on unpermitted use of original creator content and has the opportunity to deceive the general public through deep fakes and misinformation, we would insist that ensuring respect for copyright subsists in all forms of AI proprietary and that AI-developers engage with rightsholders to license their original works particularly where those uses are intended for commercial purposes.

*Q9. Do you agree that the functions outlined in section 3.3.1 would benefit our AI regulation framework if delivered centrally?*

Along with the BCC's submission to this consultation, we recognise that concerns regarding the fragmented regulation which is currently in place would benefit from central coordination and oversight. We also welcome the stated intention that this central coordinating function would also be charged with promoting further collaboration. However, for such a function to be fit for purpose, it will need to be appropriately resourced.

*Q10. What, if anything, is missing from the central functions?*

In addition to helping inform and guide businesses and consumers through education about the importance of copyright supporting creators, and rightsholders who own the underlying data and works needed to help train AI systems should be an explicit objective and fully embedded within the central functions, as outlined above.

*Q11. Do you know of any existing organisations who should deliver one or more of our proposed central functions?*

Aside from recent mention of an AI Foundation Model Taskforce, whose remit is one of ensuring the safety of the public, from our perspective the Intellectual Property Office, which should have the resources to suitably review and inspect AI programs on their propriety and accountability in relation to IP rights such as copyright. They should be able to undertake similar responsibilities to the ones they use for Collective Management Organisations that have statutory duties, which includes producing Annual Transparency Reports.

Q12. *Are there additional activities that would help businesses confidently innovate and use AI technologies?*

As the BCC has also proposed, to confidently innovate and use AI technologies without infringing on copyright, businesses should carry out due diligence, implement best practices, seek legal advice, and collaborate with rightsholders in order to develop AI systems that are both innovative and legally compliant:

- **Conducting due diligence:** Before using copyright-protected materials in AI development, businesses should conduct due diligence to ensure that they have the necessary rights and permissions to use the materials. This will often involve obtaining licenses or permissions from rightsholders and creators.
- **Implementing best practices:** Businesses should implement best practices for AI development that consider copyright law including developing internal guidelines and policies for AI development, training employees on copyright law, and incorporating copyright-related considerations into the design and development of AI systems.
- **Seeking legal advice:** Businesses should seek legal advice from qualified copyright lawyers to ensure that their use of copyright-protected materials in AI development is compliant with copyright laws.
- **Collaborating with creators and rightsholders:** Collaboration through licensing agreements or partnerships, would help businesses obtain the necessary permissions to use copyright-protected materials in their AI development.

Q12.1. *If so, should these activities be delivered by government, regulators or a different organisation?*

There are several market-based solutions which are currently in place and many more are being developed by rightsholders. It is crucial that government intervention does not inadvertently result in undermining what is still a relatively nascent and innovative market for rightsholders.

However, government can and should play a role in creating a legal and regulatory framework that supports innovation in AI development while preserving copyright. Regulators could take measures, in collaboration with rightsholders and creators, to develop guidelines and standards for AI development that respect and support existing copyright law. Regulators could also be empowered to monitor AI development and actively take enforcement action against AI-developers who infringe copyright.

We also encourage government to work directly with industry, to develop best practices and guidelines for AI development that consider and support the existing copyright framework and the needs of copyright holders. Together with the British Copyright Council, we would be especially well-placed to take this forward.



Q13. *Are there additional activities that would help individuals and consumers confidently use AI technologies?*

Consumer trust that an AI product doesn't infringe copyright must be an important aspect of AI product development and use. For example, AI-developers should provide clear and concise information to consumers about the copyright status of their products and the types of activities that are permitted under copyright law. This would help consumers understand their rights and responsibilities when using AI products. In addition, AI-developers must be transparent about how their products work and interface with the underlying data that is used to inform the algorithms at work. This includes providing clear explanations of how AI systems operate, how and where data is sourced, collected, and used, and how AI-generated results are produced.

Mechanisms for holding AI-developers accountable for copyright infringement would also help build consumer trust. This includes establishing clear lines of responsibility and accountability for AI decision-making and creating processes for addressing grievances and complaints related to copyright infringement.

Lastly, education and training for consumers on copyright law and best practices for using AI products can help build confidence in the copyright compliance of those same AI products. This includes providing guidance on how to use AI products in a way that is consistent with copyright law and the rights of creators and rightsholders.

Q13.1. *If so, should these activities be delivered by government, regulators or a different organisation?*

These activities should be delivered in a consistent manner by government and regulators while working in partnership and collaboration with industry.

Q14. *How can we avoid overlapping, duplicative or contradictory guidance on AI issued by different regulators?*

Avoiding overlapping, duplicative, or contradictory guidance on AI issued by different regulators will require effective coordination and collaboration between regulators at national and international levels. A central coordinating body could help with this. Strengthening the role of the UK IPO and resourcing it to take on new coordinating and enforcement responsibilities in regard to AI & copyright would also be of likely benefit to avoid the creation of overlapping, duplicative or contradictory guidance on AI.

[Monitoring and evaluation of the framework]

Q15. *Do you agree with our overall approach to monitoring and evaluation?*

We agree on the overarching principles but note that there are some inherent challenges which will need to be addressed. Identifying aims and objectives of the framework while

ensuring they do not infringe on existing rights will be key. This will involve reviewing relevant legislation, policies, and guidelines, as well as consulting with stakeholders. Given the economic importance of the creative works that are used to train AI platforms and products, rightsholders and creators should be consulted as the performance indicators are defined.

Once the objectives of the framework have been identified and suitable performance indicators have been developed, data should be collected, analysed, and reported on through regular reviews and updates which allow for renewed cross-sectoral input. As AI technologies evolve and new challenges emerge, it will be crucial that we ensure the AI framework remains effective, relevant, and consistent with the UK's copyright regime.

Q16. *What is the best way to measure the impact of our framework?*

Measuring the impact of the framework will involve assessing whether it is achieving its intended goals and objectives. In addition to quantitative data such as the number of AI applications developed and deployed, the number of copyright registrations or infringement cases, or the amount of revenue generated by AI-related industries, we cannot underline enough, the need to also collect qualitative data that will provide a more nuanced understanding of the impact of the framework on rightsholders and creators.

Q17. *Do you agree that our approach strikes the right balance between supporting AI innovation; addressing known, prioritised risks; and future-proofing the AI regulation framework?*

We believe more work needs to be done to ensure that the UK's copyright regime is not undermined. Doing so will future-proof the AI regulatory framework and would foster trust and cross-sectoral collaboration.

[Regulator capabilities]

Q18. *Do you agree that regulators are best placed to apply the principles and government is best placed to provide oversight and deliver central functions?*

We agree with the BCC, there is a role for regulation. However, for regulation to be effective, the regulator must be suitably resourced and empowered to take on the oversight and enforcement measures which are inherent to the development of ethical AI. We know from current copyright infringement cases in the AI sector, that such a task will be monumental.

Q19. *As a regulator, what support would you need in order to apply the principles in a proportionate and pro-innovation way?*

Not applicable.

Q20. *Do you agree that a pooled team of AI experts would be the most effective way to address capability gaps and help regulators apply the principles?*

Along with the BCC, and others, we do not agree. Expertise from non-AI experts such as rightsholders and creators will also be needed in order to reduce the risk of bias and to ensure that regulators are supported by a broad range of perspectives and expertise as they begin to put these principles into practice.

[Tools for trustworthy AI]

Q21. *Which non-regulatory tools for trustworthy AI would most help organisations to embed the AI regulation principles into existing business processes?*

From both a copyright and creative industry perspective, the most helpful non-regulatory tools for embedding AI regulation principles into existing business processes will depend on the specific types of AI programs deployed, how open and transparent they are, how they might operate in the marketplace (do they compete with human endeavour and displace a large percentage of the workforce over a period of 5 years or less?), along with a combination of different tools and approaches (such as mapping the AI landscape, for example Generative-AI) and how it impacts the sectors most affected by it, which may be necessary to achieve the desired outcomes.

Along with the BCC, we suggest the following non-regulatory tools could be helpful in this regard if they are developed in a manner which is fully consistent with the UK's current copyright framework:

- *Standards* and consistent copyright-adherent *guidelines* could help provide clear and consistent guidance on how to design, develop, and deploy AI systems in a trustworthy manner.
- *Best practices* could be shared to provide practical guidance on matters such as securing suitable licensing; logging and auditing inputted works; and labelling AI-generated works as such.
- *Training* and *education* on matters relating to AI and copyright could help organisations to build the knowledge and skills necessary to pursue innovation while avoiding infringing on the rights of creators and rightsholder. To stress, this is not a zero-sum game.

[Final thoughts]

Q22. *Do you have any other thoughts on our overall approach? Please include any missed opportunities, flaws, and gaps in our framework.*

There is an opportunity to work with Creative Industry representatives like the AOP to ensure that both datasets and Generative-AI program development is undertaken with integrity, cooperation, fairness and accountability, but that also requires underlining the importance of copyright protection and why we already have such a successful Creative Industry sector.

Legal responsibility for AI

Q L1. *What challenges might arise when regulators apply the principles across different AI applications and systems? How could we address these challenges through our proposed AI regulatory framework?*

As commented on above, in order to continue to incentivise and support a much-admired Creative Industries sector, which includes supporting world-renowned photographers, the government must recognise and underline the importance of having an effective copyright regime that underpins the proposal of having trustworthy AI established in the UK.

Q L2.i. *Do you agree that the implementation of our principles through existing legal frameworks will fairly and effectively allocate legal responsibility for AI across the life cycle?*

Accountability for the scraping of data and accumulation of massive datasets, along with commercial Generative-AI development requires further detailed scrutiny to ensure propriety, and potentially strengthening the rights of creators and rightsholders whose original works are ingested.

[Our existing legal IP framework]

Q L2.ii. *How could it be improved, if at all?*

We would recommend including the importance of respecting copyright as part of any set of principles, as is being considered in the US (Congress Meetings) and EU.

Q L3. *If you are a business that develops, uses, or sells AI, how do you currently manage AI risk including through the wider supply chain? How could government support effective AI-related risk management?*

Not Applicable

[Foundation models and the regulatory framework]

Q F1. *What specific challenges will foundation models such as large language models (LLMs) or open-source models pose for regulators trying to determine legal responsibility for AI outcomes?*

LLMs and image/text open-source models will likely pose specific challenges for regulators trying to determine legal responsibility for AI outcomes from a copyright perspective. Since these models are often extremely complex, it can be difficult to understand how they are developed, trained and what data has been used by the model to provide a particular output. This makes it challenging to identify specific causes or cases of copyright infringement and to determine who is responsible for them.

Furthermore, these models are often developed collaboratively by multiple individuals and organisations, which creates further difficulties in determining who is responsible for any

negative outcomes that may arise as it may not be clear who has contributed to the development of the model itself.

Since these models are trained on large datasets that include a wide range of content, which may or may not be under the protection of copyright, this makes it potentially difficult to determine who is responsible for any specific data point, decision, or inclusion of copyright-protected material. Determining ownership of the training data and whether it has been lawfully obtained can be challenging, particularly when the data has been collected from multiple sources. The outputs generated by foundation models itself may also contain copyrighted/copyright-protected such as text or images. Additionally, the use of transfer learning techniques can make it challenging to understand how a particular model has been influenced by prior training on other datasets which may have infringed on copyright.

To address these challenges, regulators must develop new approaches for determining legal responsibility for AI outcomes that include looking at the originating data/creative works at their source. This will also likely require collaboration between different stakeholders, including the creative sector, industry, academia, and civil society, to ensure that these issues are addressed in a comprehensive and effective manner.

*Q F2. Do you agree that measuring compute provides a potential tool that could be considered as part of the governance of foundation models?*

Whilst it is important to measure and benchmark the nation's computing capacity, in terms of responsible governance, this process needs to start with understanding why IP rights, and in particular copyright, play a key role in any AI governance policy. The relative lack of attention to this issue of why copyright is an *enabler* of innovation and not a barrier requires a level of training and education beyond that of most policy-makers. The IPO, with resources, could fill that educational gap and help to facilitate a cross-sectoral understanding of the value of IP and copyright.

*Q F3. Are there other approaches to governing foundation models that would be more effective?*

As previously mentioned, it is essential to include the UK copyright framework as an integral part of developing a foundation model for Generative-AI programs. Without this legal framework the opportunity to build trustworthy and accountable AI programs will cause irreparable damage to creator livelihoods and the opportunity to work together to create a model that works in tandem with the Creative Industries.

#### AI sandboxes and testbeds

S1. Which of the sandbox models described in section 3.3.4 would be most likely to support innovation?

S2. What could government do to maximise the benefit of sandboxes to AI innovators?

S3. What could government do to facilitate participation in an AI regulatory sandbox?

S4. Which industry sectors or classes of product would most benefit from an AI sandbox?

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