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RE: Comments on the Proposed Model Governance Framework for Generative AI

We are pleased to provide AI Verify Foundation and IMDA comments on the Proposed Model Governance Framework for Generative AI. We commend the government of Singapore for this initiative to seek comments from a wide range of stakeholders regarding these innovative technologies, the subject of legislation and regulatory scrutiny across the globe.

APAC GATES is an Asia-Pacific association and non-profit organization management consultancy based in the Indo-Pacific region, focused on providing services to the growing AI governance professional community. We emphasize the rule of law, anti-corruption, innovation and consumer trust as basic first principles for our analytical perspective. Our values are grounded in justice, connection and understanding between people and communities across the Indo-Pacific region. Our team has over 30 years of experience working on public interest law, humanitarian affairs, innovation policy and economic development. We act as the secretariat for the Asia AI Governance and Policy Group, and produce the Asia AI Policy Monitor™ newsletter, with over 1,000 subscribers. For more information visit apacgates.com.

We provide our comments regarding the following sections with an emphasis on the nine dimensions mentioned in the report and share links to government initiatives around Asia and globally relevant to this emerging technology:

Accountability and Trusted Development and Deployment

- Digital tools, services and environments should take a rights-by-design – whether it is privacy by design, or safety by design; that rights are first and foremost considered, and part of the incentive structure for digital governance. Practical implementation of rights by design would include elements, for example, of privacy by design. This could include privacy defaults for users, data minimization in data collection, anonymization and pseudonymization in upstream data used for training.

- Devising a digital bill of rights concept would be beneficial in guiding the compact over time. The government of the Republic of Korea for example developed a "Digital Bill of Rights" which establish principles for government policy.[1] This Digital Bill of Rights for example guarantees the right to access digital resources, the right to control personal data, the right to labor protections for digital workers.
- System cards and model cards are innovative "nutrition label" approaches to understanding use cases for genAI tools. Further certification and standardization of these kinds of information tools is needed and can be further supported by model governance framework efforts such as this.
- Transparency is a key watchword for digital governance. Rankings and ratings are key tools for providing the public and policy makers with information that is accessible and comparative. Initiatives in the private sector to rank LLMs for example on issues of confabulation, to bias, or effectiveness in certain domains (e.g. legal, medical applications) have been published in recent months.[2][3] Supporting similar efforts at a global scale will create an ecosystem of accountability for new AI tools.
- A major opportunity and enabler of global AI governance is the fostering of certification and auditing bodies, both public and private. For example, the International Algorithmic Auditors Association (IAAA) was organized to foster this community of professionals.[4] However, concerns have been raised that these governance tools may result in "audit washing" – evading meaningful correction of problems.[5] Regarding certification of data for example, training data for generative AI models has been criticized for using copyrighted works, which may violate intellectual property laws in many jurisdictions. Initiatives to validate and certify training data does not contain copyrighted material have addressed these concerns.[6] Other certification issue areas will no doubt be addressed.

Content Provenance

- Clear training should be given for AI researchers and developers as they move from pure research efforts to commercialization efforts. For example, in many countries copyright exceptions exist only for research in text and data mining (AI training data), while if for commercial purposes, no such exceptions exist. [7]
- GenAI tools should have IP notice and take down rules similar to other platforms where IP violations may occur, or a basic complaint process. Recent case law in China cites the need for online genAI to provide such common remedies to rightsholders.[8]

- Recognizing that copyright and genAI training data and output are contested areas, we recommend building practical soft law tools such as model licensing agreements for creators that can be used to address copyright issues and compensation. See recent Japan Copyright Office consultations (in Japanese) for further exploration of these concepts.[9]

AI for Public Good

- We encourage more regional sharing of best practices, whether at Digital FOSS, ASEAN, APEC and in other bespoke venues to address specific questions around generative AI and its impact on privacy, intellectual property, cybercrime, vulnerable groups, and the environment. For example, considering the implications of indigenous people's data sovereignty in training data requires specialized discussions and convening of stakeholders. New Zealand's Algorithm Charter raises the issue of indigenous data sovereignty – by recognizing the issue deserves further consideration.[10]
- We encourage investment in public literacy and awareness, particularly for those without general access to digital technology and AI – i.e. those on the other side of the digital divide. A good example is the following by the government of Malaysia called, "AI Untuk Rakyat" seeks to raise AI literacy for the public through online learning platforms.[11]
- To promote privacy, human dignity and control over likeness, personal data and associated rights; we recommend raising awareness on laws such as those covering fraud, rights of personality, unfair competition, false advertising be emphasized. Enhancing these laws in the context of genAI should also be a key regulatory concern.

Security

- As the harms and infringement of rights become more defined overtime, an incident reporting database (as in cybersecurity) would be a vital resource and private actors encouraged to proactively provide input.[12] Regional focus, particularly for Asia and Southeast Asia will be important to overcome linguistic and other barriers to access to reporting.

For further information, please do not hesitate to contact Mr. Seth Hays, Managing Director, at seth@apacgates.com.

[1] https://www.msit.go.kr/eng/bbs/view.do?sCode=eng&mId=4&mPid=2&pageIndex=&bbsSeqNo=42&nttSeqNo=878&searchOpt=ALL&searchTxt=

[2] AI Accountability Ranking initiative by Ranking Digital Rights: https://rankingdigitalrights.org/wp-content/uploads/2023/10/Consultation-Call-Generative-AI-Accountability-Indicators-V2.pdf

[3] Government AI Readiness Index by Oxford Insights: https://oxfordinsights.com/ai-readiness/ai-readiness-index/

[4] https://iaaa-algorithmicauditors.org/

[5] https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4568208

[6] https://www.fairlytrained.org/certifications

[7] See the various copyright law examples here: https://www.ipos.gov.sg/docs/default-source/resources-library/when-code-creates-landscape-report-on-ip-issues-in-ai.pdf

[8] See Guangzhou Internet Court 2024粤0192初113号

[9] https://www.bunka.go.jp/seisaku/bunkashingikai/chosakuken/hoseido/r05_07/pdf/94011401_01.pdf

[10] https://www.data.govt.nz/toolkit/data-ethics/government-algorithm-transparency-and-accountability/algorithm-charter/

[11] https://www.pmo.gov.my/2024/01/govt-serious-about-digital-transformation-promoting-ai-literacy-pm-anwar/

[12] Examples of existing attempts for AI here: https://incidentdatabase.ai/