



In Their Own Words:

Translations from Chinese source documents

Interim Measures for the Management of Generative Artificial Intelligence Servicesⁱ

In Their Own Words

The “In Their Own Words” series is dedicated to translations of Chinese documents in order to help non-Mandarin speaking audiences access and understand Chinese thinking. CASI would like to thank all of those involved in this effort.

In the “In Their Own Words” series, CASI and its collaborators aim to provide Chinese texts that illustrate thoughtful, clearly articulated, authoritative foreign perspectives on approaches to warfare at the strategic, operational, and tactical levels.

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Interim Measures for the Management of Generative Artificial Intelligence Servicesⁱⁱ

July 13, 2023

Cyberspace Administration of China

National Development and Reform Commission

Ministry of Education of the People's Republic of China

Ministry of Science and Technology

Ministry of Industry and Information Technology

Ministry of Public Security

National Radio and Television Administration

Order Number 15

The “Interim Measures for the Management of Generative Artificial Intelligence Services” has been reviewed and approved at the 12th office meeting of the Cyberspace Administration of China on May 23, 2023 with ratification by the National Development and Reform Commission, the Ministry of Education, the Ministry of Science and Technology, the Ministry of Industry and Information Technology, the Ministry of Public Security, and the National Radio and Television Administration, and it is hereby promulgated and will come into force on August 15, 2023.

Director of the Cyberspace Administration of China Zhuang Rongwen

Director of the National Development and Reform Commission Zheng Shanjie

Minister of Education Huai Jinpeng

Minister of Science and Technology Wang Zhigang

Minister of Industry and Information Technology Jin Zhuanglong

Minister of Public Security Wang Xiaohong

ⁱⁱ 《生成式人工智能服务管理暂行办法》；http://www.cac.gov.cn/2023-07/13/c_1690898327029107.htm

July 10, 2023

Interim Measures for the Management of Generative Artificial Intelligence Services

Section 1 General Provisions

Article 1: These measures are established to promote the healthy development and standardized application of generative artificial intelligence, safeguard national security and social public interests, and protect the legitimate rights and interests of citizens, legal persons, and other organizations, in accordance with the "Cybersecurity Law of the People's Republic of China"ⁱⁱⁱ, "Data Security Law of the People's Republic of China"^{iv}, "Personal Information Protection Law of the People's Republic of China"^v, "Science and Technology Progress Law of the People's Republic of China"^{vi} and other laws and administrative regulations.

Article 2: These measures apply to services that use generative artificial intelligence technology to generate text, pictures, audio, video, and other content (hereinafter referred to as generative artificial intelligence services) to the public within the territory of the People's Republic of China.

If the State has other regulations on the use of generative artificial intelligence services to engage in activities such as news publishing, film and television production, and literary and artistic creation, those regulations shall prevail.

Industry organizations, enterprises, educational and scientific research institutions, public cultural institutions, and relevant professional institutions that develop and apply generative artificial intelligence technology, but do not provide generative artificial intelligence services to the domestic public, shall not be subject to the provisions of these measures.

Article 3: The State, adhering to the principles of equally valuing development and security and of uniting the ideals of promoting innovation and governing according to the law, adopts effective measures to encourage the innovation and development of generative artificial intelligence, and implements supervision of generative artificial intelligence services that is inclusive and prudent as well as differentiated and hierarchical.

ⁱⁱⁱ 《中华人民共和国网络安全法》

^{iv} 《中华人民共和国数据安全法》

^v 《中华人民共和国个人信息保护法》

^{vi} 《中华人民共和国科学技术进步法》

Article 4: The provision and use of generative artificial intelligence services shall abide by laws and administrative regulations, respect social morality and ethics, and abide by the following provisions:

- (1) Adhere to the socialist core values, and must not generate content that incites subversion of State power and overthrowing the socialist system, endangers national security and interests, damages national image, incites secession, undermines national unity and social stability, promotes terrorism, extremism, promotes ethnic hatred, ethnic discrimination, violence, obscenity, and false and harmful information prohibited by laws and administrative regulations;
- (2) In the process of algorithm design, training data selection, model generation and optimization, and service provision, take effective measures to prevent discrimination based on ethnicity, belief, country, region, gender, age, occupation, health, etc.;
- (3) Respect intellectual property rights, business ethics, keep business secrets, and not use algorithms, data, platforms, and other advantages to implement monopoly and unfair competition;
- (4) Respect the legitimate rights and interests of others, and must not endanger the physical and mental health of others, and must not infringe on the likeness rights [人肖像权], reputation rights [名誉权], honor rights [荣誉权], privacy rights, and personal information rights of others;
- (5) Based on the characteristics of the service type, take effective measures to improve the transparency of generative artificial intelligence services and improve the accuracy and reliability of generated content.

Section 2 Technology Development and Governance

Article 5: Encourage the innovative application of generative artificial intelligence technology in various industries and fields, generate positive, healthy, and uplifting high-quality content, explore and optimize application scenarios, and build an application ecosystem [应用生态体系].

Support industry organizations, enterprises, educational and scientific research institutions, public cultural institutions, and relevant professional institutions to collaborate in generative artificial intelligence technology areas such as innovation, data resource construction, transfer of applications [转化应用], and risk prevention.

Article 6: Encourage the independent innovation of basic technologies such as generative artificial intelligence algorithms, frameworks, chips, and supporting software platforms, carry out international exchanges and cooperation on an equal and mutually beneficial basis, and participate in the formulation of international rules related to generative artificial intelligence.

Promote the construction of generative artificial intelligence infrastructure and public training data resource platforms. Promote the collaborative sharing of computing power resources and improve the efficient use of computing power resources. Promote the differentiated and hierarchical orderly opening of public data, and expand high-quality public training data resources. Encourage the adoption of secure and trusted chips, software, tools, computing power and data resources.

Article 7: Generative artificial intelligence service providers (hereinafter referred to as providers) shall carry out training data processing activities such as pre-training and optimization training in accordance with the law, and abide by the following provisions:

- (1) Use data and basic models from legal sources;
- (2) Where intellectual property rights are involved, the intellectual property rights enjoyed by others shall not be infringed;
- (3) Where personal information is involved, [providers] should obtain the consent of the individual or comply with other conditions stipulated by laws and administrative regulations;
- (4) Take effective measures to improve the quality of training data, and enhance the authenticity, accuracy, objectivity, and diversity of training data;
- (5) [Abide by] other relevant regulations from laws and administrative regulations such as "Cybersecurity Law of the People's Republic of China", "Data Security Law of the People's Republic of China", and "Personal Information Protection Law of the People's Republic of China", as well as relevant regulatory requirements of responsible departments.

Article 8: Where data labeling is carried out during the research and development of generative artificial intelligence technology, providers shall formulate clear, specific, and operable labeling rules that meet the requirements of these measures; carry out data labeling quality assessment, and conduct sampling verification of the accuracy of the labeling content; conduct necessary training for labeling personnel, improve awareness of respecting and abiding by the law, and supervise and guide labeling personnel to standardize labeling work.

Section 3 Service Standards

Article 9: Providers should bear the legal responsibilities of being network information content producers and fulfill their obligations concerning network information security. If it involves personal information, they should assume the responsibilities of personal information processors according to the law and fulfill their duties of protecting personal information.

Providers should sign service agreements with generative artificial intelligence service users (hereinafter referred to as users) who register their services, clarifying the rights and obligations of both parties.

Article 10: Providers should clearly define and publicly disclose the applicable user groups, scenarios, and purposes of their services. They should guide users to use generative artificial intelligence technology in a scientific and rational manner, complying with the law. Providers should also implement effective measures to prevent excessive reliance or addiction to generative artificial intelligence services by underage users.

Article 11: Providers must fulfill their legal obligations to protect the input information and usage records of users. They must not collect unnecessary personal information, illegally retain identifiable input information and usage records of users, or unlawfully provide such information and records to others.

Providers must promptly accept and handle individuals' requests regarding accessing, copying, correcting, supplementing, and deleting their personal information in accordance with the law.

Article 12: Providers should label pictures, videos, and other generated content in accordance with the “Internet Information Service Deep Synthesis Management Provisions”^{vii}.

Article 13: Providers should offer service that is secure, stable, and uninterrupted, ensuring that users can use them without any disruptions.

Article 14: Where a provider discovers illegal content, it shall promptly take disposal measures such as stopping generation, stopping transmission, and elimination, take measures such as model optimization training for rectification, and report to the relevant responsible authority.

If the provider discovers that the user is using the generative artificial intelligence service to engage in illegal activities, it shall take measures such as warning, restricting functions, suspending or terminating the provision of services to it in accordance with the law, keep relevant records, and report to the relevant responsible authority.

Article 15: Providers should establish and improve a mechanism for receiving complaints and reports, setting up accessible channels for such complaints and reports. They should also publicize the processing procedures and feedback timelines, promptly accepting and handling public complaints and reports, and providing feedback on the results of their actions.

^{vii} 《互联网信息服务深度合成管理规定》

Section 4 Supervision, Inspection and Legal Responsibilities

Article 16: The Cyberspace Administration of China, National Development and Reform Commission, Ministry of Education, Ministry of Science and Technology, Ministry of Industry and Information Technology, Ministry of Public Security, National Radio and Television Administration, National Press and Publication Administration, etc., shall strengthen the management of generative artificial intelligence services in accordance with the law according to their respective responsibilities.

The relevant responsible national authorities shall, based on the characteristics of generative artificial intelligence technology and its applications in relevant industries and fields, improve and innovate scientific regulatory methods that are suitable for its development. They shall also establish corresponding differentiated and hierarchical regulatory rules or guidelines.

Article 17: If a generative artificial intelligence service possesses public opinion attributes or social mobilization capability, it should undergo a security assessment in accordance with relevant national regulations. Additionally, it must comply with the "Internet Information Service Algorithmic Recommendation Management Provisions" to complete algorithm filing, updates, and cancellation procedures.

Article 18: Users have the right to lodge complaints or reports with the relevant responsible authorities if they find that generative artificial intelligence services do not comply with the laws, regulations, or provisions stipulated in these measures.

Article 19: The relevant responsible departments conduct supervision and inspection of generative artificial intelligence services according to their duties, and the provider shall cooperate in accordance with the law, explain the source, scale, type, labeling rules, algorithm mechanism, etc. of training data as required, and provide necessary technical and data support and assistance.

Relevant institutions and personnel participating in the security assessment and supervision and inspection of generative artificial intelligence services shall keep state secrets, commercial secrets, personal privacy [个人隐私] and personal information [个人信息] learned in the performance of their duties confidential in accordance with the law, and shall not disclose or illegally provide them to others.

Article 20: For those providing generative artificial intelligence services from outside the territory of the People's Republic of China that do not comply with laws, administrative regulations, and these measures, the State cybersecurity and informatization department[国家网信部门] should notify relevant agencies to take technical and other necessary measures to deal with them.

Article 21: If providers violate the provisions of these measures, the relevant responsible authorities shall impose penalties in accordance with the "Cybersecurity Law of the People's Republic of China," "Data Security Law of the People's Republic of China," "Personal Information Protection Law of the People's Republic of China," "Science and Technology Progress Law of the People's Republic of China," and other laws and administrative regulations.

If the violation constitutes a breach of public security management, administrative penalties shall be imposed in accordance with the law. If it constitutes a crime, criminal responsibility shall be pursued in accordance with the law.

Section 5 Supplementary Provisions

Article 22: The meanings of the following terms in these measures are:

- (1) Generative artificial intelligence technology refers to models and related technologies that have the ability to generate content such as text, pictures, audio, and video.
- (2) Generative artificial intelligence service providers refer to organizations or individuals that utilize generative artificial intelligence technology to offer generative artificial intelligence services, including providing such services through programmable interfaces or other means.
- (3) Generative artificial intelligence service users refer to organizations and individuals who use generative artificial intelligence services to generate content.

Article 23: If laws and administrative regulations stipulate that providing generative artificial intelligence services requires obtaining relevant administrative licenses, providers must obtain the necessary permits in accordance with the law.

Foreign investment in generative artificial intelligence services should comply with the relevant laws and administrative regulations regarding foreign investment.

Article 24: These measures shall come into effect on August 15, 2023.

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