



BUNDESRECHTSANWALTSKAMMER

Stellungnahme Nr. 72/2024

September 2024

Registernummer: 25412265365-88

**Multi-stakeholder Consultation FUTURE-PROOF AI ACT: TRUSTWORTHY
GENERAL-PURPOSE AI**

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Stellungnahme

Multi-stakeholder Consultation FUTURE-PROOF AI ACT: TRUSTWORTHY GENERAL-PURPOSE AI

Fields marked with * are mandatory.

Multi-stakeholder Consultation FUTURE-PROOF AI ACT: TRUSTWORTHY GENERALPURPOSE AI

The [European AI Office](#) is launching this multi-stakeholder consultation on trustworthy general-purpose AI models in the context of the [AI Act](#). We invite submissions from all stakeholders with relevant expertise and perspectives, particularly from academia, independent experts, industry representatives such as general-purpose AI model providers or downstream providers integrating the general-purpose AI model into their AI system, civil society organisations, rightsholders organisations, and public authorities.

This is an opportunity for all stakeholders to have their say on the topics covered by the first Code of Practice on detailing out rules for providers of generalpurpose AI models in the context of the AI Act. It will also inform related work of the AI Office, in particular on the template for the summary about the model training data and accompanying guidance.

Details about the AI Act rules for providers of general-purpose AI models, the Code of Practice, and related work by the AI Office can be found in the [background documents available here](#).

The questionnaire for this consultation is structured along 3 sections

- 1.** General-purpose AI models: transparency and copyright
 - A. Information and documentation to providers of AI systems
 - B. Technical documentation to the AI Office and the national competent authorities
 - C. Policy to respect Union copyright law
 - D. Summary about content used for the training of general-purpose AI models
- 2.** General-purpose AI models with systemic risk
 - A. Risk taxonomy
 - B. Risk identification and assessment
 - C. Technical risk mitigation
 - D. Internal risk management and governance for general-purpose AI model providers
- 3.** Reviewing and monitoring the General-Purpose AI Code of Practice

We welcome full or partial replies from all respondents based on their expertise and perspective.

At the end of the questionnaire, you have the option to upload one document to share further information with the AI Office. We provide a template which aligns with the topics covered in the Code of Practice and follows the structure of the Plenary Working Groups. Based on the submissions and answers to the targeted questions, a first draft of the Code of Practice will be developed.

All contributions to this consultation may be made publicly available.

Therefore, please do not share any confidential information in your contribution. For organisations, their organisation details would be published while respondent details can be requested to be anonymised. Individuals can request to have their contribution fully anonymised.

The AI Office will publish a summary of the results of the consultation. Results will be based on aggregated data and respondents will not be directly quoted.

Please allow enough time to submit your application before the deadline to avoid any issues. In case you experience technical problems which prevent you from submitting your application within the deadline, please take screenshots of the issue and the time it occurred.

About you

Do you represent one or more organisations (e.g., industry organisation or civil society organisation) or act in your personal capacity (e.g., independent expert)?

- Organisation(s)
 In a personal capacity

*

Please specify the name(s) of the organisation(s):

Bundesrechtsanwaltskammer / The German Federal Bar

Transparency Register No: 25412265365-88

*First name

Bundesrechtsanwaltskammer

*Surname

Brüssel

*Is your organisation headquartered in the EU?

Yes

No

Other (e.g. multiple organisations)

EU member states : DE – Germany (Headquarter)

Do you have an office or other kind of representation in the EU?

Yes, we have a subsidiary, branch office or similar in the EU

No

Please specify

Offices in Berlin and Brussels

*What is the size of your organisation?

Micro (1 to 9 employees)

Small (10 to 49 employees)

Medium (50 to 249 employees)

Large (250 or more employees)

Other (e.g. multiple organisations)

Which stakeholder category would you consider yourself in?

Other industry organisation

*Please briefly describe the activities of your organisation

The Federal Bar Association is the umbrella organisation of German lawyers and their self-regulation. It represents the interests of the 28 bar associations and thus the entire legal profession of Germany with around 166,000 lawyers vis-à-vis authorities, courts and organisations authorities, courts and organisations - at national, European and international level.

***Availability for a follow-up conversation**

We may follow up with you for clarification or further discussion if your submission prompts additional interest.

I agree to be contacted by the AI Office for a follow-up conversation to my submission.

Yes

No

All contributions to this consultation may be made publicly available.

Therefore, please do not share any confidential information in your contribution. For organisations, their organisation details would be published while respondent details can be requested to be anonymised. Individuals can request to have their contribution fully anonymised. Your e-mail address will never be published.

Please select the privacy option that best suits you. Privacy options default based on the type of respondent selected.

***Contribution publication privacy settings**

If you act in your personal capacity: All contributions to this consultation may be made publicly available. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous. The type of respondent that you responded to this consultation as, your answer regarding EU nationality, and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself.

Public. Your name, the type of respondent that you responded to this consultation as, your answer regarding EU nationality, and your contribution will be published.

***Contribution publication privacy settings**

If you represent one or more organisations: All contributions to this consultation may be made publicly available. You can choose whether you would like respondent details to be made public or to remain anonymous.

Anonymous. Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its size, its presence in or outside the EU and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public. Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its size, its presence in or outside the EU and your contribution will be published as received. Your name will also be published.

Privacy statement

I acknowledge the attached privacy statement.

Section 1. General-purpose AI models: transparency and copyright-related rules**C. Policy to respect Union copyright law**

The AI Act requires providers of general-purpose AI models to put in place a policy to comply with Union law on copyright and related rights, and in particular to identify and comply with, including through state-of-the-art technologies, a reservation of rights expressed pursuant to Article 4(3) of Directive (EU) 2019/790.

5. What are, in your view, the main **elements that need to be included in the policy** that providers of general-purpose AI models have to put in place to **comply with Union law on copyright** and related rights, as required by the AI Act?

Please select all relevant options from the list of options suggested below. If selected, please elaborate further on the content of the measures and provide links to any good practices you are aware of.

- Allocation of responsibility within the organisation for the implementation and monitoring of compliance with the policy and the measures therein;
- Measures to identify and comply with the rights reservation from the text and data mining exception pursuant to Article 4(3) of Directive (EU) 2019/790;
- Measures to obtain the authorisation from right holders, where applicable;
- Measures to detect and remove collected copyright protected content for which rights reservation from the text and data mining exception has been expressed pursuant to Article 4(3) of Directive (EU) 2019/790;
- Measures to prevent the generation, in the outputs of the model, of copyright infringing content;
- Means for contact with rightsholders;
- Measures for complaint handling from rightsholders;
- Other
- I don't know

Please specify

The AI Act's requirements for compliance with Union copyright law may pose significant legal challenges and risks. These include legal uncertainty and jurisdictional issues. A more tailored, flexible, and clear legal framework would be necessary to support innovation while ensuring compliance with copyright laws without imposing undue burdens on AI providers. The above measures aim to provide the practical means to review and, where necessary, make sure the copyright infringements can be addressed properly.

Your Comments:

The AI Act could be more clear, also in relation to identification and enforcement of rights reservations under Dir (EU) 2019/790. This may increase legal risk for AI providers and render compliance with copyright provisions more difficult. We welcome the EU approach aiming to set legal standards for AI globally. The EU has many creators and providers of copyright protected content. It is in the interest of EU economy to maintain a high level of copyright protection so as

to promote and encourage investment and innovation. Safeguarding copyright protection must be a primary concern. Any legal framework for AI should support the legal framework for copyright and intellectual property.

6. How can, in your view, the policy to be put in place by providers of general purpose AI models to comply with Union copyright law ensure that providers of those models comply with the **existing solutions for the expression of the text and data mining rights reservation**, pursuant to Article 4(3) of Directive (EU) 2019 /790?

Please explain how this can be achieved and specify from the list below the state of-the-art technologies you are aware of to identify and comply with the right reservations expressed by rightsholders, providing further information and examples.

- Technologies/tools that identify right reservations at the website/domain level
- Technologies/tools that identify right reservations at work level
- Technologies/tools that aggregate the expression of right reservations
- Other
- I don't know

Please specify

In parallel to existing solutions e.g. based on Art 17 DSM Directive, providers of AI models should be obliged to implement technologies/tools enabling them in their models to both identify rights reservations and block use of both all materials available via a particular website or domain and at the level of an individual work. Perhaps depending on the availability of technologies, a tool/technology enabling rights holders to collect and submit all of their rights reservations to individual providers of AI models would complete the AI owner's identification tools. Covering both approaches could mean a higher degree of compliance with the legal framework especially with regards copyright.

D. Summary about content used for the training of general-purpose AI models

The AI Act requires providers to draw up and make publicly available a sufficiently detailed summary about the content used for training of the general purpose AI model, according to a template provided by the AI Office. While due account should be taken of the need to protect trade secrets and confidential business information, the summary is to be generally comprehensive in its scope instead of technically detailed to facilitate parties with legitimate interests, including copyright holders, to exercise and enforce their rights under Union law. The template that should be drafted by the AI Office for the sufficiently detailed summary should be simple, effective, and allow providers to provide the required summary in narrative form.

7. What are in your view the **categories of information** sources that should be presented in the summary to ensure that it comprehensively describes the main sources of data used for the training of the general-purpose AI model?

From the list below, please select all options that you consider relevant.

- Public/ open data repositories

- Content/data publicly available online (e.g. scraped from the internet)
- Proprietary data generated by the provider
- User-generated data obtained through the services or products provided by the provider
- Copyright protected content licensed by rightsholders
- Other data/content or data sets acquired from third parties (e.g. licensed proprietary databases, data acquired from datahubs, public interest institutions such as libraries etc.)
- Synthetically generated data
- Other
- I don't know

Please specify

The comprehensive disclosure of information sources used in training AI models is likely required to ensure that the AI office can ascertain which tools may be required to be able to review whether an AI tool is compliant, whether the tools or technology used are appropriate, and to ensure the appropriate level of protection for rights owners and content providers while not overburdening AI providers.

If selected, please **specify the level of granularity/detail for each of the selected options**, keeping in mind that AI Act requires the summary to be comprehensive instead of technically detailed and provided in a narrative form to facilitate parties with legitimate interests, including rightsholders, to exercise and enforce their rights under Union law, while taking due account of the need to protect providers' trade secrets and confidential business information. If additional categories should be considered, please specify them and the level of granularity /detail. You can motivate your choice and provide links to any good practices.

8. In your view, should the summary include one or more of the following **characteristics/information about the data used for the training**/of the general-purpose AI model in order to facilitate parties with legitimate interests, including copyright holders, to enforce their rights under Union law?

Please select all relevant options from the list of options suggested below. If selected, please explain your choice and provide links to any good practices.

- Modalities / type of data (text, images, videos, music, etc);
- Nature of the data (personal, non-personal or mixed);
- Time of acquisition/collection of the data;
- Data range of the data (e.g. time span), including date cutoffs
- In case of data scraped from the internet, information about the crawlers used;
- Information about diversity of the data (for example linguistic, geographical, demographic diversity);
- Percentage of each of the main data sources to the overall training/fine-tuning;
- Legal basis for the processing under Union copyright law and data protection law, as applicable;
- Measures taken to address risks to parties with legitimate interests (e.g. measures to identify and respect opt-out from the text and data mining exception, respect data protection and address privacy risks, bias, generation of illegal or harmful content;
- Other
- I don't know

Your comments:

See above. The details given should be by category only, to allow an assessment of whether the tools or technology used are appropriate.

9. Considering the purpose of the summary to provide **meaningful information to facilitate the exercise of the rights** of parties with legitimate interests under Union law, while taking due account of the need to respect **business confidentiality and trade secrets** of providers, what **types of information** in your view are **justified not to be disclosed** in the summary as being not necessary or disproportionate for its purpose described above?

Your comments:

The objective of these summaries is to provide meaningful information to facilitate the exercise of rights by parties with legitimate interests. The level of detail given should enable the stakeholders to do so, but ideally no more than necessary to avoid unduly burdening providers of AI models.
