What We Heard

—

Roundtable on AI and the cultural sector

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01   Introduction and context

While generative Artificial Intelligence (AI) has incredible potential to transform the economy and improve the way we work, it also raises significant policy challenges, including for the cultural sector. For governments, the general challenge is how to advance a balanced policy approach that realizes the benefits of AI while ensuring responsible AI development (e.g., transparency, safety, inclusivity). In the cultural sector, addressing issues related to the use of cultural content to train AI is of particular importance. As an initial step, Mila and the Department of Canadian Heritage have partnered to convene cultural sector representatives and AI experts to explore key challenges and practical solutions.

On October 17th and 18th, Mila hosted a **roundtable discussion** to identify the foundational elements for a National Cultural Data Strategy for Artificial Intelligence, with a focus on the use of cultural content as data when training AI (see Annex A for a full list of participants).

At this meeting, participants were invited to **explore concrete solutions to AI issues and the cultural sector** related to:

→   transparency measures concerning the use of cultural content;

→   data licensing, taking into consideration specific issues related to cultural content; and

→   data curation of open source and public domain cultural data.

Following the roundtable discussions, Mila shared a summary of the discussion with a group of AI experts, notably academics, scientists and researchers within the Canadian AI ecosystem to do a technical feasibility testing exercise, which may serve as the basis for a future policy-oriented paper.

This exercise was primarily focused on fostering discussions on non-legislative tools and approaches to key issues in the cultural sector, and is complementary to the AI consultations conducted by the Government of Canada on copyright and AI as well as the ongoing work on the Artificial Intelligence and Data Act (AIDA) as part of Bill C-27.

Finally, it must be noted that this report does not represent the views of the entire cultural sector, as the workshop was a working meeting and not a consultation. The intent of this project is to explore challenges and policy solutions by bringing together representatives from the cultural sector and AI experts to discuss the implications of this technology on creatives and their work.

02 Summary of the roundtable discussions

2.1 Transparency

→ Discussions highlighted the **need for binding legal instruments** requiring the labelling of AI outputs and mandatory disclosure and reporting of AI training inputs. Participants emphasized that transparency issues encompass both the labelling of AI-generated outputs as well as the disclosure by AI developers regarding the content used to train the AI system.

→ Participants noted that **legal requirements for disclosure of AI training data are fundamental** to ensuring that AI developers will comply with transparency requirements (i.e., not a voluntary scheme). It was stated that transparency is necessary to maintain a consent and compensation regime for cultural content used as data and that transparency allows the cultural sector to properly negotiate licenses with AI developers.

→ Most felt that **transparency requirements like those in the EU AI Act should be put in place in Canada** and some felt that **Canada should go further** than the EU AI Act, requiring more than a "detailed summary" on AI training inputs as is required under the EU AI Act.

→ Participants highlighted the importance of ensuring enforceability of transparency laws, including the **possible need for watchdogs** to oversee compliance with transparency requirements.

→ Beyond the need for transparency legislation, participants indicated that it may be helpful to **develop a technical standard as a proof-of-concept** demonstrating how metadata can remain attached to works **throughout the AI development lifecycle**, increasing traceability, attribution, and auditing of AI systems.

2.2 Licensing

→ Participants generally agreed that the preferred approach is **voluntary direct licensing along with collective licensing**. They noted that in a well-functioning market, voluntary direct licensing provides copyright holders with the ability to negotiate better licenses (e.g., they can tailor the license to reflect the types of outcomes they want, for instance, excluding certain types of uses by AI companies). They also noted that collective licensing can help with market imbalances by providing smaller players more negotiating power.

→ Participants were **opposed to compulsory licensing schemes** in this context, indicating that compulsory licensing generally results in lower payment rates and does not provide creators with the ability to consent to the use of their works in AI training. **Consent is an important issue** and participants indicated that policy solutions must uphold both the right to compensation and consent.

→ Some participants voiced concerns about government involvement in their licensing and licensing practices. However, they acknowledged that the government could play a valuable role in **fostering knowledge sharing** and **promoting best practices** within the cultural sector. Additionally, participants highlighted the potential for the government to contribute by developing **education and awareness tools**.

→ There was a proposal to **establish labs** which could, among other things, **explore licensing best practices for cultural content and AI training**, and serve as a possible forum for knowledge sharing amongst cultural stakeholders. It was suggested that while the government could provide support for this initiative, it should not be directly involved in operating the labs. One suggestion was that the labs could develop licensing models as examples based on consent, credit and compensation. These could be industry-specific and should be flexible enough to allow for consent of different types of uses (e.g., a license that supports AI training but does not allow the content to be used to generate AI books or music).

2.3 Data Curation

→ Participants clearly indicated that the **data curation theme raised more questions than answers** for them. For this part of the discussion, Mila presented the EU's AI4Culture platform, "an online capacity building hub for the application of artificial intelligence technologies in the cultural heritage sector."

→ Participants indicated that before any platform like this could be considered in Canada, the **overall scope and objective would need to be clarified**. Questions raised by participants included: Would a Canadian platform use ethically sourced content? Would it only be public domain content? Would it offer fair remuneration and how? Would it be specific to subsectors? Would this be managed by the government?

→ Some participants expressed **concerns over how a platform like this might fuel AI systems that directly compete with creators**. Some participants noted that, even with compensation offered to creators for the use of their works in an AI culture platform, there would likely be reluctance, or even opposition, to consenting. This hesitation stems from the fact that the content would be used to produce AI-generated works that compete within the same market space, which is a major concern.

→ It was noted that if the goal of such a platform is to provide access to more **diverse data sources for AI training,** this could also be **accomplished through licenses and fair contracting practices.** One suggestion put forward by participants was the need to develop and consider use cases for a platform on AI and culture. This might help clarify the scope of such a project. Another suggestion was to support the development of an observatory to monitor the impact of AI on diversity.

2.4 Broader Considerations

In addition to the views shared around the three themes of the roundtable, participants shared views and concerns that were broader in scope. These included:

→ **Considering legislation and copyright protection:** It was clearly indicated by participants that there is a need for legislative solutions for transparency. It was also indicated that respect for existing copyright laws is a key concern for them. While the roundtable discussions were intended to focus on non-legislative approaches to key issues as a way of complementing the government's consultations on AI and copyright and on the Artificial Intelligence and Data Act (Bill C-27), participants indicated that both the legislative and non-legislative policy discussions are necessary and important. .

→ **Scoping the strategy:** Participants raised concerns about how the roundtable discussions and the strategy were being scoped and presented. In their view, it would be more appropriate to scope the strategy not as a "cultural data strategy," but more broadly as a "cultural sector strategy for AI." It was also noted that centering the conversation around "data" does not capture all the issues, and that a tension exists between looking at content as "data points" vs. "whole works."

→ **Engaging Indigenous partners:** Throughout the discussion, participants underlined that issues related to AI and Indigenous knowledge and cultural expressions would require separate engagement. They noted that respecting Indigenous data sovereignty may require different tools and approaches, and that it would necessitate consultations led by Indigenous partners. It was also noted by some participants that Indigenous approaches to data sovereignty (e.g., the OCAP Principles developed by the First Nations Information Governance Centre) may provide helpful insight and guidance for the cultural sector when considering data governance issues.

→ **Modeling inclusive governance:** Throughout the discussion, participants highlighted the importance of governance models that are holistic and inclusive. There was concern that the cultural sector is often excluded or insufficiently represented in AI policymaking. Some participants asked if there are global best practices of governance models for AI that are inclusive of the cultural sector. Links were also made to the challenge and need for global governance on some AI issues, including transparency. .

Annex A — Participants list roundtable

Alain Strati - Canadian Media Producers Association (CMPA)
Alexandre Curzi -Union des Artistes (UDA)
Anaïs Larocque - SPACQ
Camille Cazin - Regroupement des artistes en arts visuels du Québec
Christian Laforce - Copibec
Gauthier Gidel - Udem/Mila
Geneviève Lauzon -UNEQ
Hélène Messier -Association québécoise de la production médiatique (AQPM)
Isabelle Ruiz - Indigenous Screen Office
Jake Hirsch-Allen - The Dais
Jamie MacLellan - Province of Nova Scotia
John (Jack) Illingworth - Association of Canadian Publishers
John Degen - The Writers' Union of Canada
Julia Werneburg - SOCAN
Kadon Douglas - BIPOC TV & Film
Kate Edwards - Access Copyright
Kelly Wilhelm - OCAD University
Laurent Dubois - SARTEC
Liana White -Canadian Federation of Musicians
Lydia Pourmand - CARFAC
Margaret McGuffin - Music Publishers Canada
Marie Suzor-Morin - Fédération culturelle canadienne-française (FCCF)
Marie-Julie Desrochers - Coalition pour la diversité des expressions culturelles
Mathieu Marcotte - CEMIA
Neal McDougall - Writers Guild of Canada
Patrick Deslauriers - Association des professionnels de l'édition musicale
Ryhna Thompson - Envision Management & Production // CIMA
Samuel Bischoff - Directors Guild of Canada
Sarah Kilpatrick - Music Canada
Shanna Hollich - Creative Commons
Simon Claus - Adisq
Stéphanie Hénault - Association nationale des éditeurs de livres
Suki Wellman (Observer) - Government of Yukon
Thomas S. Saras - National Ethnic Press and Media Council of Canada
Wendy Noss - Motion Picture Association Canada