

KI - Rechtliche Rahmenbedingungen & Praxisfälle

Nikolaus Forgó



Grumpy Old Man.

Grumpy Old Men.

Sepp Hochreiter

* 1967

Leiter Institute for Machine Learning und Labor
für Artificial Intelligence JKU

	All	Since 2019
Citations	152.254	124.832
h-index	61	57
i10-index	151	125

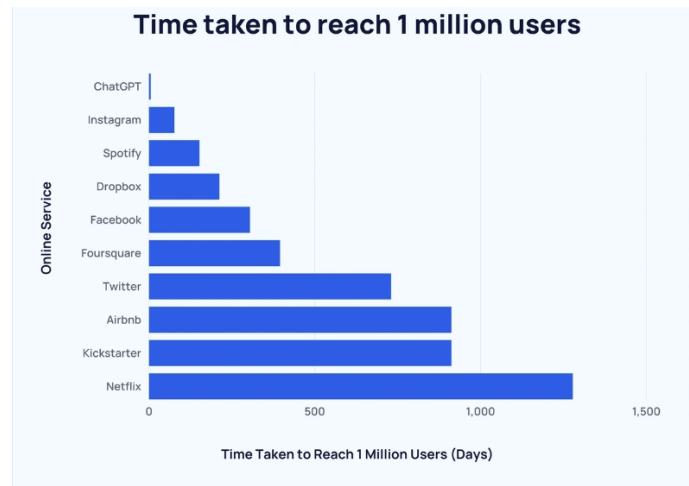
Hochreiters Punkte

- Definition KI „völlig daneben gegangen“
- Foundation Models als „Risiko“ auch wenn Open Source
- Eigenes Modell darf wegen AI Act nicht gegen Open AI antreten – deren Modelle sind schon auf dem Markt; ab 2025 darf eigenes Modell nicht (mehr) auf den Markt gebracht werden

Hochreiter (1)

Eigenes Modell darf wegen AI Act nicht gegen Open AI antreten – deren Modelle sind schon auf dem Markt; ab 2025 darf eigenes Modell nicht (mehr) auf den Markt gebracht werden

2023



Here's a breakdown of the approximate time taken to reach 1 million users for various online services:

Online Service	Launch Year	Time Taken to Reach 1 Million Users
ChatGPT	2022	5 days



Month	Number of Visits	Change Over Previous Month	Change Over Previous Month (%)
November 2022	152.7 million	-	-
December 2022	266 million	↑ 113.3 million	↑ 74.2%
January 2023	616 million	↑ 350 million	↑ 131.58%
February 2023	1 billion	↑ 384 million	↑ 62.34%
March 2023	1.6 billion	↑ 600 million	↑ 60%
April 2023	1.8 billion	↑ 200 million	↑ 12.5%
May 2023	1.8 billion	-	-
June 2023	1.6 billion	↓ 200 million	↓ 12.5%





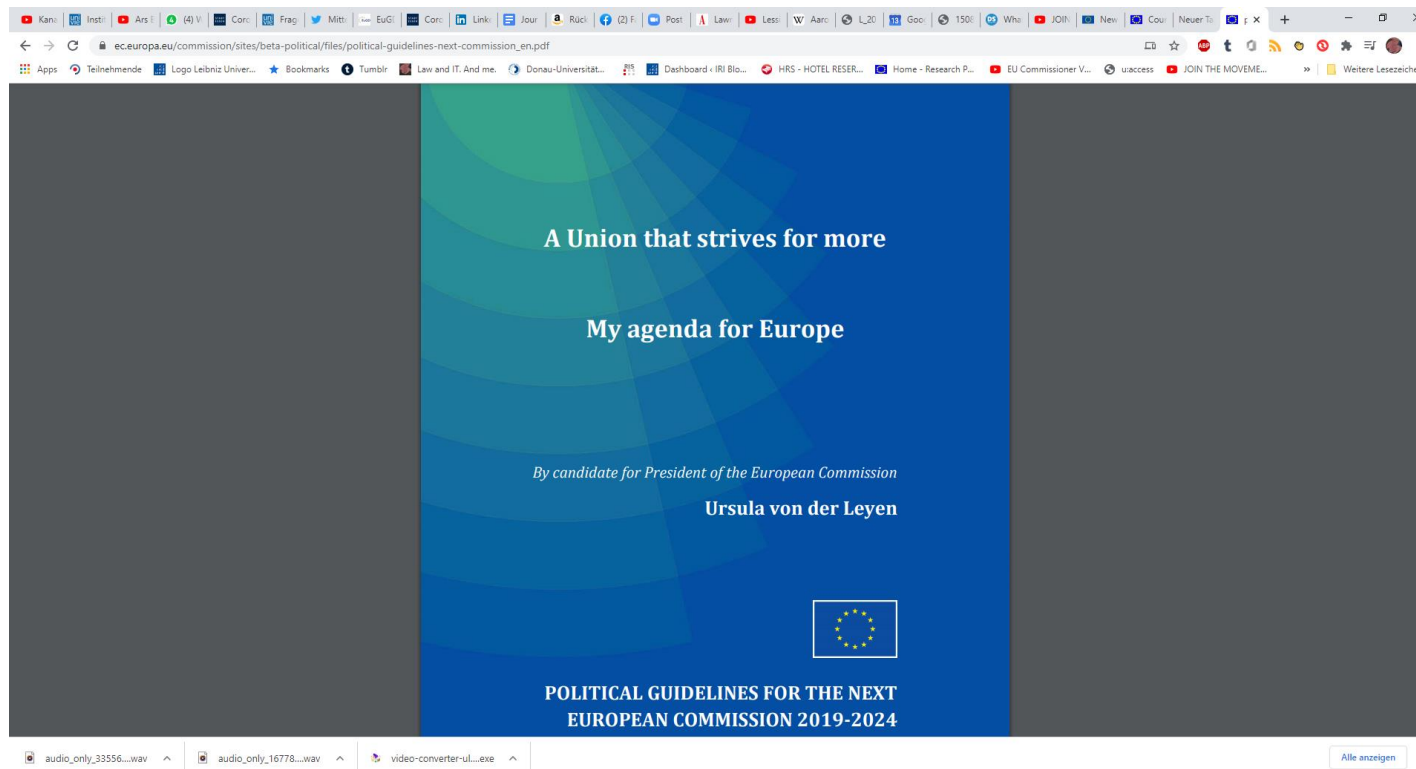
Website	Total Visits	Bounce Rate	Pages per Visit	Average Visit Duration
ChatGPT	1.6 billion	38.67%	4.26	7 mins 27 secs
Google	84.6 billion	28.46%	8.66	10 mins 38 secs
YouTube	32.7 billion	21.31%	11.56	20 mins 25 secs
Facebook	16.8 billion	30.83%	8.68	10 mins 43 secs
Twitter	6.5 billion	32.46%	10.19	10 mins 47 secs
Instagram	6.5 billion	34.61%	10.81	8 mins 22 secs
Baidu	5.1 billion	21.54%	8.12	5 mins 06 secs
Wikipedia	4.4 billion	59.61%	3.09	3 mins 53 secs
Yandex	3.3 billion	24.06%	9.31	9 mins 12 secs
Yahoo	3.3 billion	33.33%	5.51	8 mins 35 secs
WhatsApp	2.9 billion	42.93%	1.72	18 mins 38 secs
Amazon	2.3 billion	34.47%	9.28	7 mins 13 secs



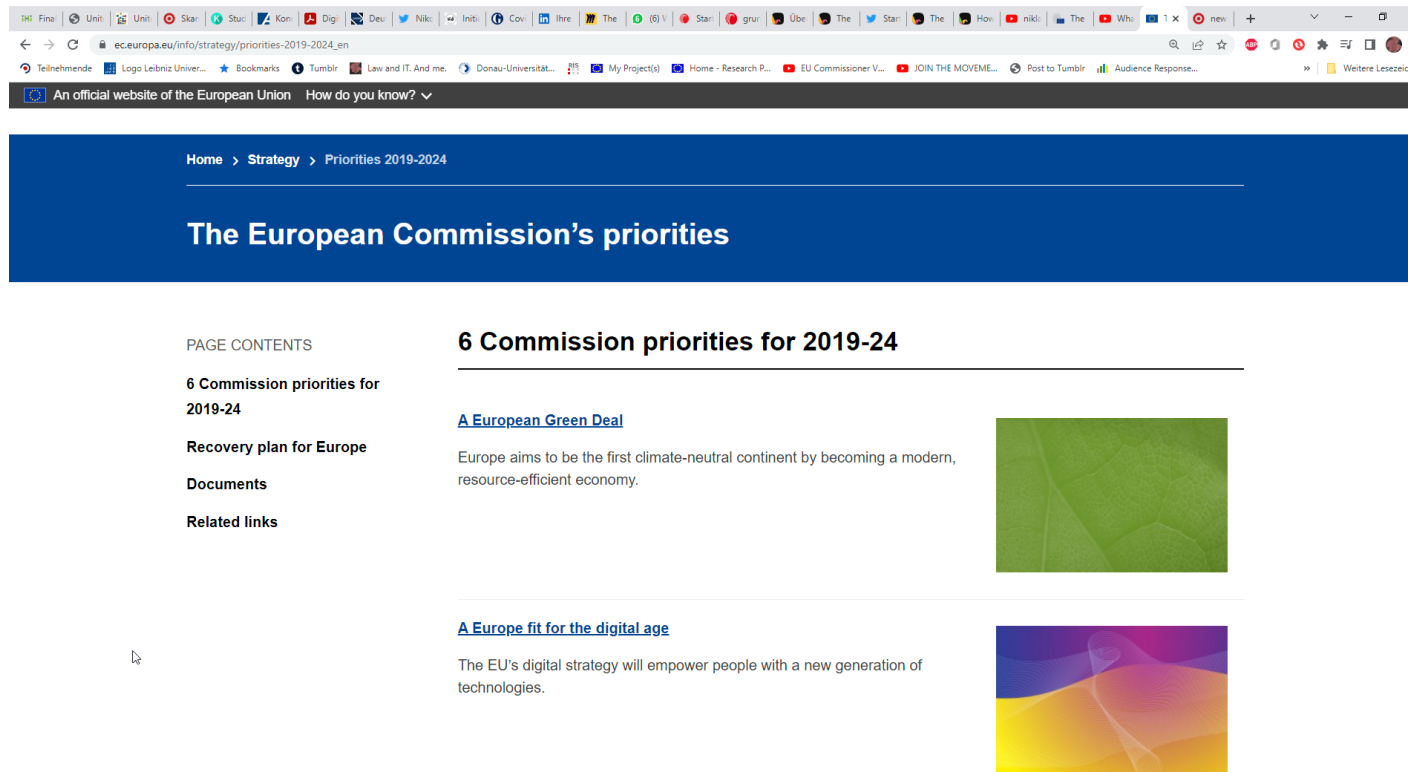
You are here (ENISAversion, 2019)



You are here (von der Leyen Version, 2019)



6 priorities



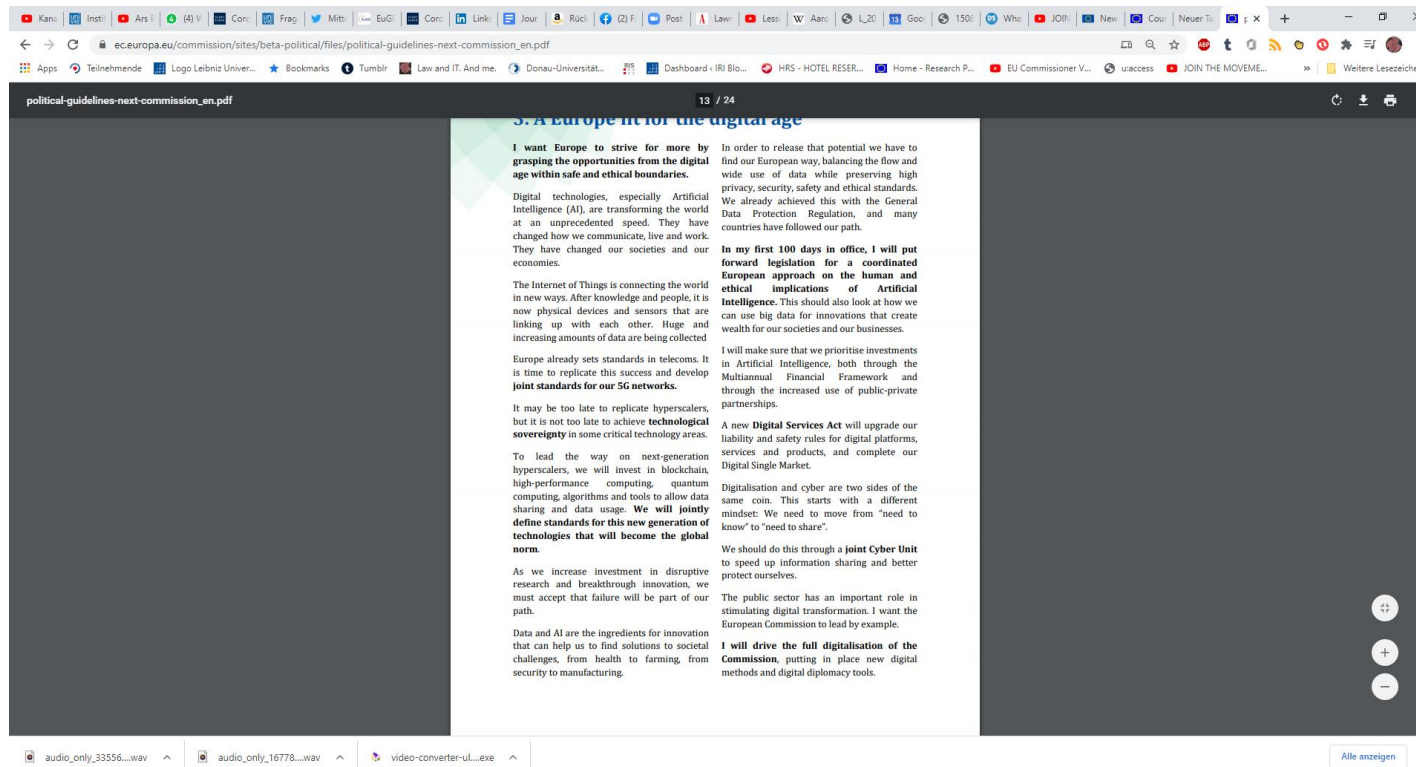
The screenshot shows a web browser displaying the European Commission's website. The page title is "The European Commission's priorities" and the breadcrumb trail is "Home > Strategy > Priorities 2019-2024". The main heading is "6 Commission priorities for 2019-24". Below this, there are two visible priority items:

- A European Green Deal**
Europe aims to be the first climate-neutral continent by becoming a modern, resource-efficient economy.
- A Europe fit for the digital age**
The EU's digital strategy will empower people with a new generation of technologies.

On the left side of the page, there is a "PAGE CONTENTS" section with the following links:

- 6 Commission priorities for 2019-24
- Recovery plan for Europe
- Documents
- Related links

Page 13



political-guidelines-next-commission_en.pdf 13 / 24

3. A Europe fit for the digital age

I want Europe to strive for more by grasping the opportunities from the digital age within safe and ethical boundaries.

Digital technologies, especially Artificial Intelligence (AI), are transforming the world at an unprecedented speed. They have changed how we communicate, live and work. They have changed our societies and our economies.

The Internet of Things is connecting the world in new ways. After knowledge and people, it is now physical devices and sensors that are linking up with each other. Huge and increasing amounts of data are being collected.

Europe already sets standards in telecoms. It is time to replicate this success and develop **joint standards for our 5G networks.**

It may be too late to replicate hyperscalers, but it is not too late to achieve **technological sovereignty** in some critical technology areas.

To lead the way on next-generation hyperscalers, we will invest in blockchain, high-performance computing, quantum computing, algorithms and tools to allow data sharing and data usage. **We will jointly define standards for this new generation of technologies that will become the global norm.**

As we increase investment in disruptive research and breakthrough innovation, we must accept that failure will be part of our path.

Data and AI are the ingredients for innovation that can help us to find solutions to societal challenges, from health to farming, from security to manufacturing.

In order to release that potential we have to find our European way, balancing the flow and wide use of data while preserving high privacy, security, safety and ethical standards. We already achieved this with the General Data Protection Regulation, and many countries have followed our path.

In my first 100 days in office, I will put forward legislation for a coordinated European approach on the human and ethical implications of Artificial Intelligence. This should also look at how we can use big data for innovations that create wealth for our societies and our businesses.

I will make sure that we prioritise investments in Artificial Intelligence, both through the Multiannual Financial Framework and through the increased use of public-private partnerships.

A new **Digital Services Act** will upgrade our liability and safety rules for digital platforms, services and products, and complete our Digital Single Market.

Digitalisation and cyber are two sides of the same coin. This starts with a different mindset: We need to move from "need to know" to "need to share".

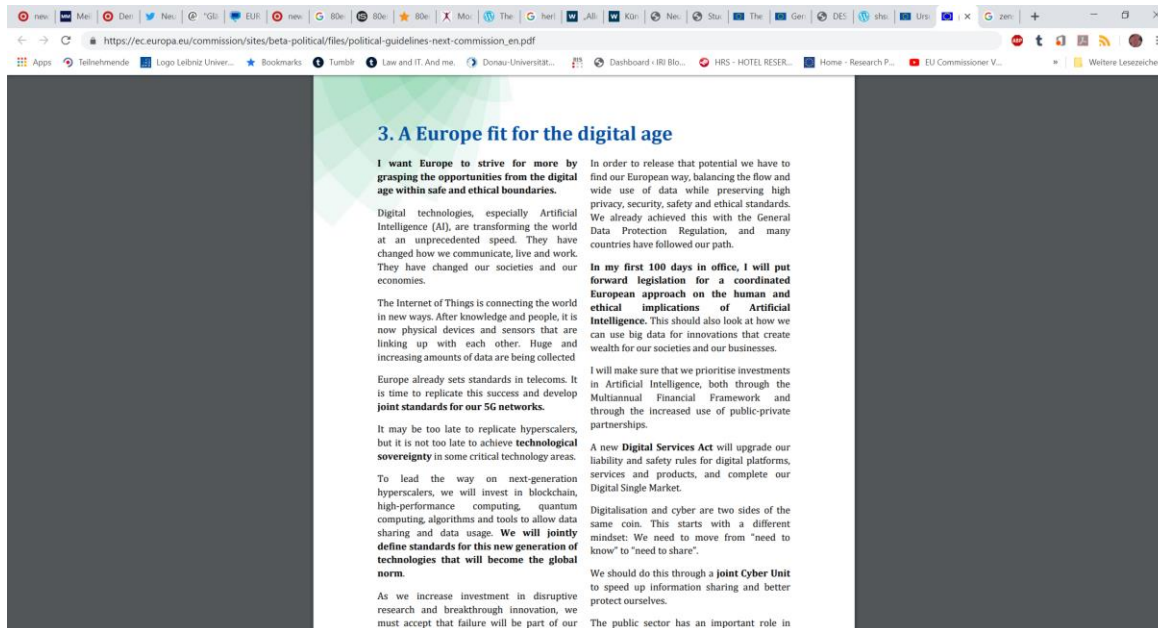
We should do this through a **joint Cyber Unit** to speed up information sharing and better protect ourselves.

The public sector has an important role in stimulating digital transformation. I want the European Commission to lead by example.

I will drive the full digitalisation of the Commission, putting in place new digital methods and digital diplomacy tools.

audio_only_33556...wav audio_only_16778...wav video-converter-ut...exe Alle anzeigen

„It may be **too late to replicate hyperscalers**, but it is not too late to achieve technological sovereignty in some critical technology areas.”



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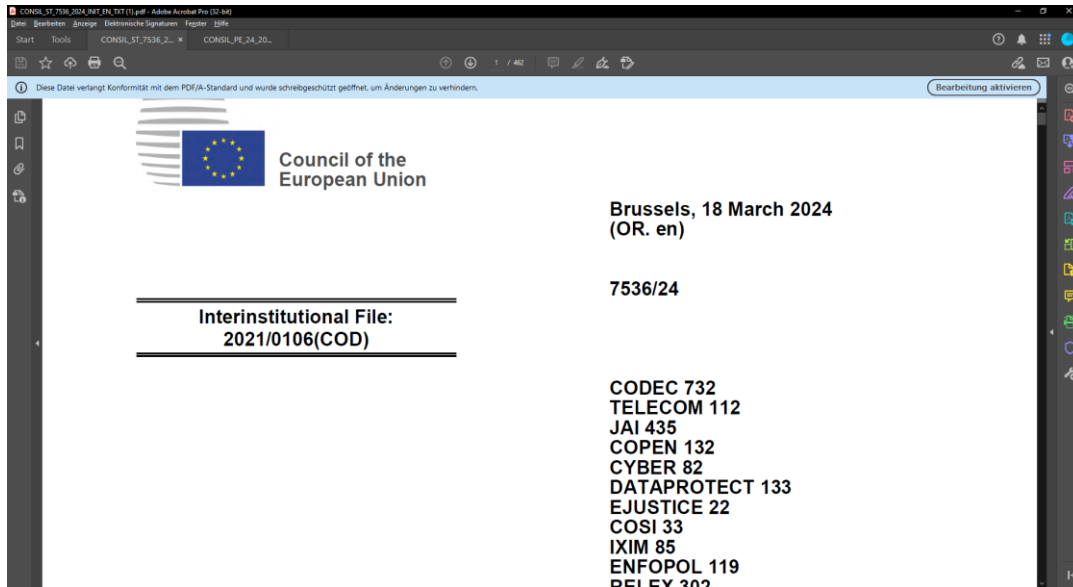
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Status

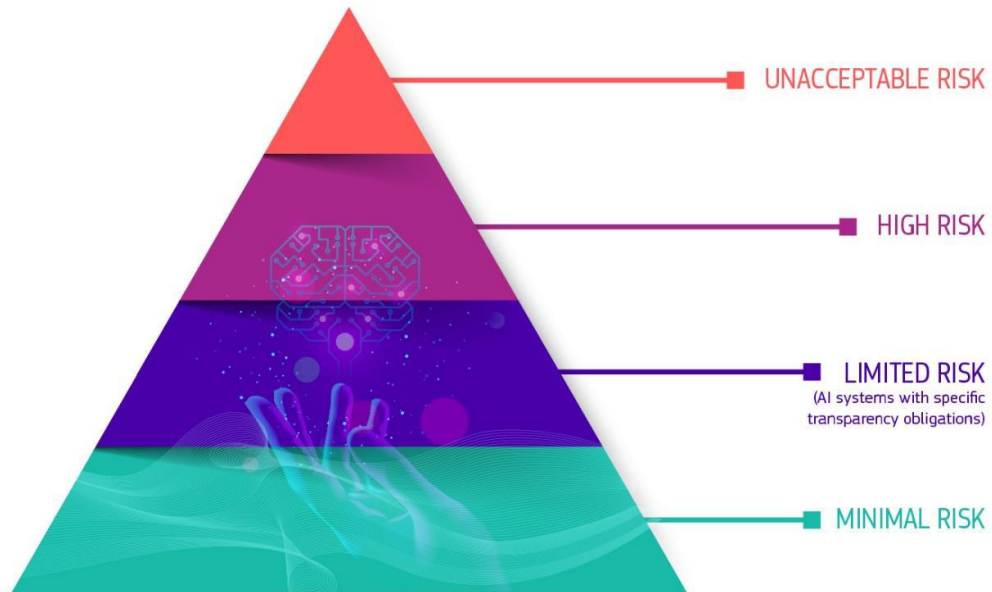
Parlament, 1. Lesung



Rat



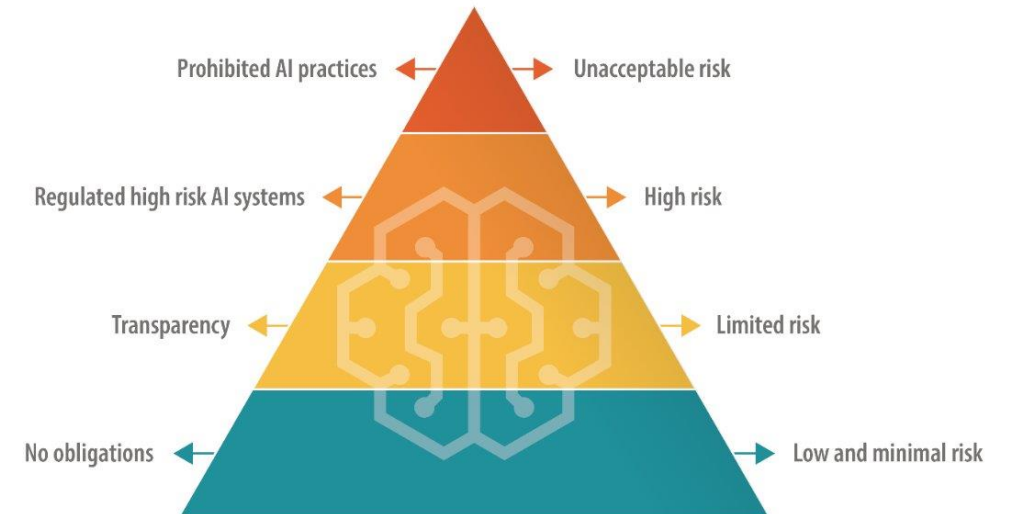
Risiko!



Risk-based approach

Pyramid of risks

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Data source: [European Commission](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1111).

Aber: Es geht (bei Hochreiter) überhaupt nicht um den AI Act.

Es geht um IP und Datenschutz.

Introducing Mira and Sora.

Mira Murati

„Ermira "Mira" Murati is an Albanian engineer, researcher, and tech executive, who has been the Chief Technology Officer of OpenAI since 2018.

overseeing its research, product and safety teams.”

Sora

“Sora is an upcoming generative artificial intelligence model developed by OpenAI, that specializes in text-to-video generation.”

Publicly available and/or licenced data.

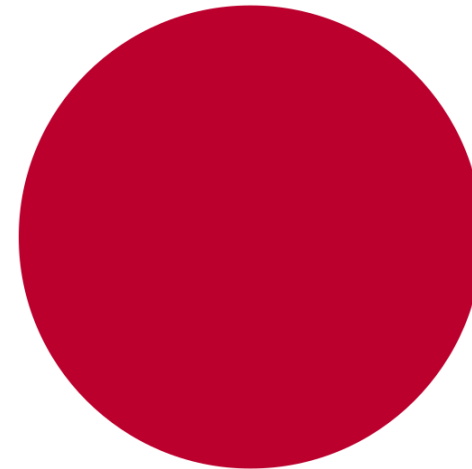
Die CTO von OpenAI zum Material für eine bahnbrechende Erfindung

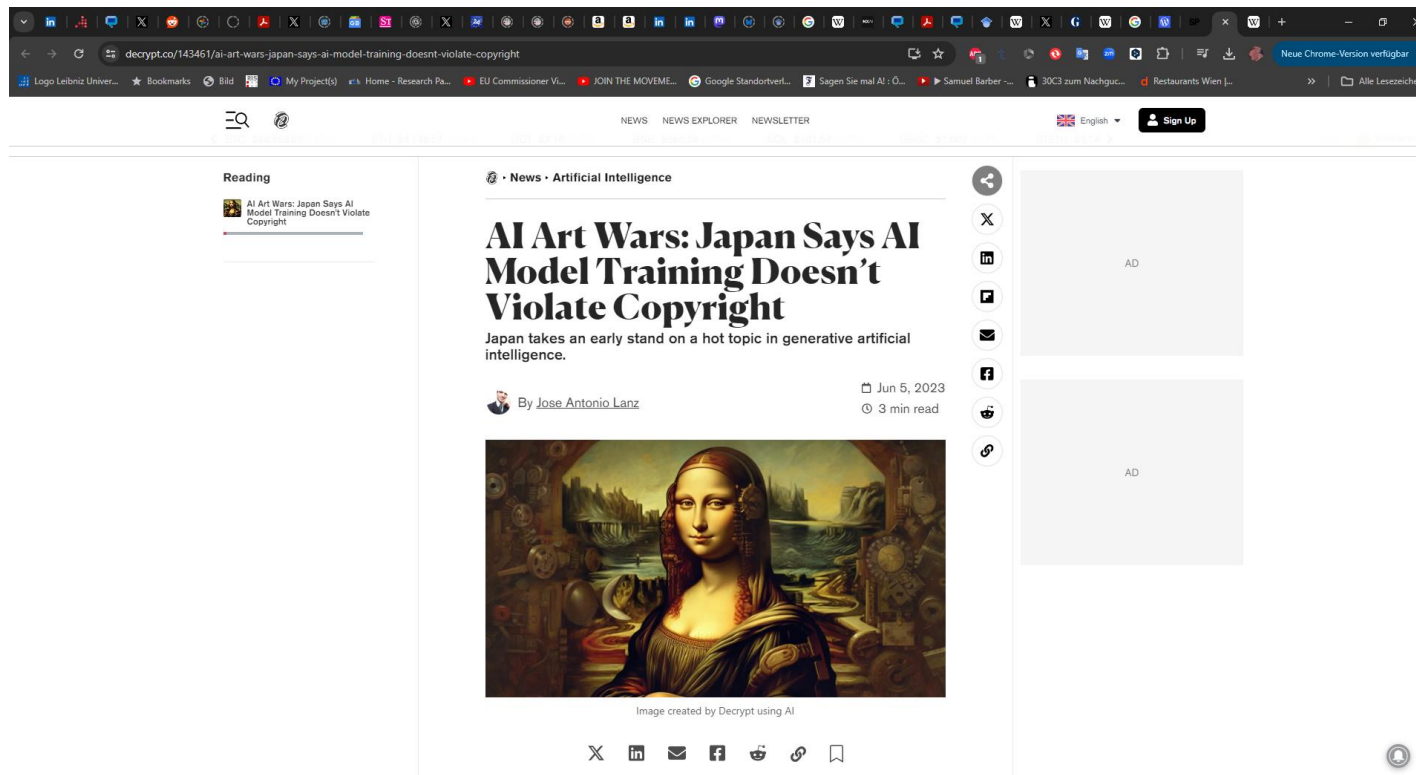
„Videos on YouTube?“

„I am actually not sure about that.“

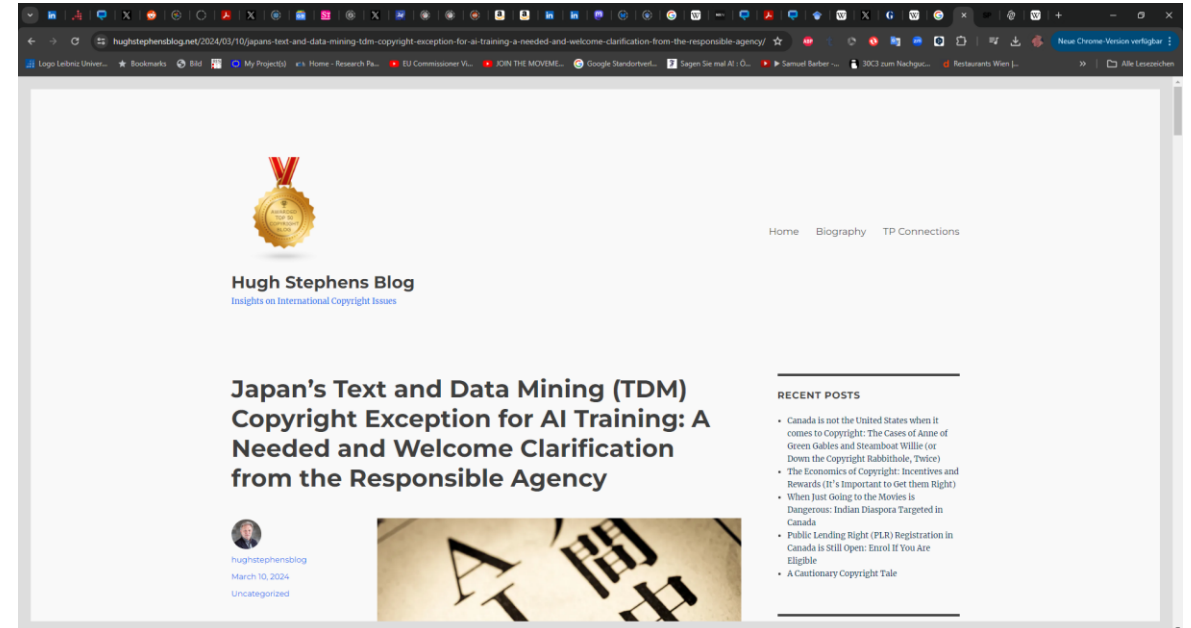
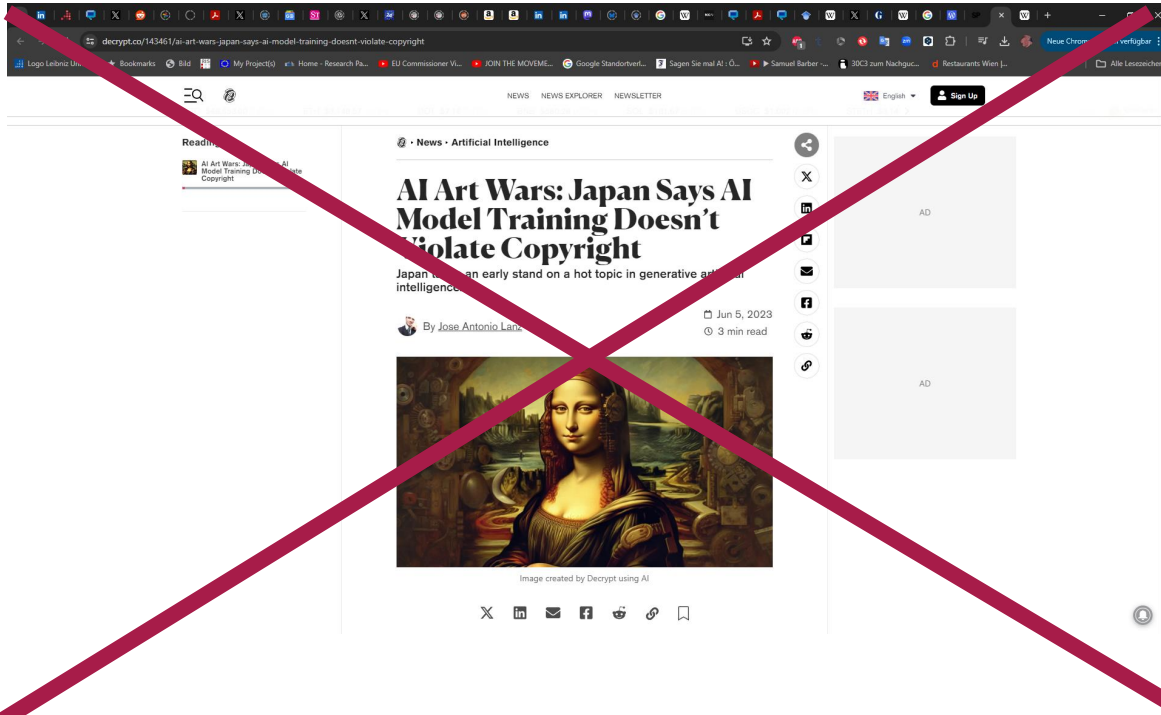
Wer später losläuft, muss schneller laufen als die Führende.

Japan





The screenshot shows a web browser window with the URL `decrypt.co/143461/ai-art-wars-japan-says-ai-model-training-doesnt-violate-copyright`. The page is from Decrypt.co, a news outlet. The article is titled "AI Art Wars: Japan Says AI Model Training Doesn't Violate Copyright" and is categorized under "News • Artificial Intelligence". The author is Jose Antonio Lanz, and the article was published on June 5, 2023, with a 3-minute read time. The main image is an AI-generated version of the Mona Lisa, with a caption that reads "Image created by Decrypt using AI". The page layout includes a navigation bar at the top with "NEWS", "NEWS EXPLORER", and "NEWSLETTER" options, a search bar, and a "Sign Up" button. On the left side, there is a "Reading" section with a small thumbnail of the article. On the right side, there are two placeholder boxes for advertisements, each labeled "AD". The browser's address bar and various extension icons are visible at the top of the window.



„Arguably, Japan’s TDM exception for AI training [...] could have been more clearly drafted, or perhaps a more precise translation could have been prepared.”

TDM?

Europa! Vgl. DSM-Richtlinie!

Text- und Data-Mining

§ 42h. (1) Jedermann darf für eine Forschungseinrichtung (Abs. 3) oder für eine Einrichtung des Kulturerbes (§ 42 Abs. 7) ein Werk vervielfältigen, um damit Texte und Daten in digitaler Form für die wissenschaftliche oder künstlerische Forschung automatisiert auszuwerten und Informationen unter anderem über Muster, Trends und Korrelationen zu gewinnen, wenn er zu dem Werk rechtmäßig Zugang hat. Zu einer solchen Vervielfältigung sind auch einzelne Forscher berechtigt, soweit dies zur Verfolgung nicht kommerzieller Zwecke gerechtfertigt ist.

(2) Eine Vervielfältigung nach Abs. 1 darf unter Wahrung angemessener Sicherheitsvorkehrungen gespeichert und aufbewahrt werden, solange dies durch den Forschungszweck, auch zur Überprüfung wissenschaftlicher Erkenntnisse, gerechtfertigt ist. Jedenfalls angemessen ist eine Sicherheitsvorkehrung, deren Einsatz von repräsentativen Vereinigungen von Rechteinhabern einerseits sowie Forschungseinrichtungen oder Einrichtungen des Kulturerbes andererseits als bewährte Vorgehensweise anerkannt wurde. Eine solche Vervielfältigung darf auch einem bestimmt abgegrenzten Kreis von Personen für deren gemeinsame wissenschaftliche Forschung oder einzelnen Dritten zur Überprüfung der Qualität wissenschaftlicher Forschung zugänglich gemacht werden, soweit dies zur Verfolgung nicht kommerzieller Zwecke gerechtfertigt ist.

(3) Eine Forschungseinrichtung im Sinn dieser Bestimmung ist eine Einrichtung,

1. deren vorrangiges Ziel die wissenschaftliche oder künstlerische Forschung oder die forschungsgeleitete Lehre ist und
2. die in ihrer Tätigkeit nicht gewinnorientiert ist, alle Gewinne in ihre wissenschaftliche oder künstlerische Forschung reinvestiert oder gewinnorientiert und im Rahmen eines staatlich anerkannten Auftrags im öffentlichen Interesse tätig ist und
3. bei der nicht ein Unternehmen, das einen bestimmenden Einfluss auf die Einrichtung hat, bevorzugten Zugang zu den Ergebnissen der wissenschaftlichen Forschung erhält.

(4) Abs. 1 bis 3 sind auch dann anzuwenden, wenn die Vervielfältigung im Rahmen einer öffentlich-privaten Partnerschaft erfolgt, an der neben der Forschungseinrichtung oder der Einrichtung des Kulturerbes auch ein auf Gewinn gerichtetes Unternehmen oder ein sonstiger Dritter beteiligt ist.

(5) Die freie Werknutzung nach Abs. 1 bis 4 kann vertraglich nicht abbedungen werden. Dies steht aber der Anwendung von Maßnahmen nicht entgegen, die die Sicherheit und Integrität der Netze und Datenbanken gewährleisten sollen, in denen die Werke oder sonstigen Schutzgegenstände gespeichert sind, soweit diese Beschränkungen nicht über das für die Verwirklichung dieses Ziels Notwendige hinausgehen. Solche Beschränkungen gelten als angemessen, wenn sie von repräsentativen Vereinigungen von Rechteinhabern einerseits sowie Forschungseinrichtungen oder Einrichtungen des Kulturerbes andererseits als bewährte Vorgehensweise anerkannt wurden.

(6) Jedermann darf für den eigenen Gebrauch ein Werk vervielfältigen, um damit Texte und Daten in digitaler Form automatisiert auszuwerten und Informationen unter anderem über Muster, Trends und Korrelationen zu gewinnen, wenn er zu dem Werk rechtmäßig Zugang hat. Dies gilt jedoch nicht, wenn die Vervielfältigung ausdrücklich verboten und dieses Verbot in angemessener Weise durch einen Nutzungsvorbehalt, und zwar etwa bei über das Internet öffentlich zugänglich gemachten Werken mit maschinenlesbaren Mitteln, kenntlich gemacht wird. Eine Vervielfältigung nach diesem Absatz darf aufbewahrt werden, solange dies für die Zwecke der Datenauswertung und Informationsgewinnung notwendig ist.

Forschungsprivileg (Abs. 1)

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(Restriktive) allgemeine Regel (§ 42 Abs. 6 UrhG)

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LexisNexis

Beschränkungen für die Nutzung von LexisNexis-Inhalten in Anwendungen Dritter, einschließlich Technologien der künstlichen Intelligenz (Artificial Intelligence - AI) wie generative AI oder Large Language Models

Wir alle haben viel über die jüngsten Entwicklungen im Bereich der generativen AI-Technologie gehört, darunter ChatGPT und die Ankündigung des neuen Bing von Microsoft. LexisNexis setzt seit über einem Jahrzehnt erstklassige extraktive AI und Technologie in seinen Tools ein. In jüngster Zeit haben wir uns sehr aktiv mit der Nutzung von Large Language Models beschäftigt und kürzlich die Einführung von Legal AI Tools in LexisNexis angekündigt. Unsere AI-Entwicklung wird von einer Verpflichtung zu verantwortungsvollen AI-Prinzipien angetrieben. Dies sind aufregende Entwicklungen, und wir wissen, dass viele unserer Kund:innen und Partner:innen die Nutzung dieser Technologien erforschen werden. Für uns steht jedoch die Achtung der Rechte am geistigen Eigentum und der Umgang mit diesen Rechten in diesem Umfeld an erster Stelle.

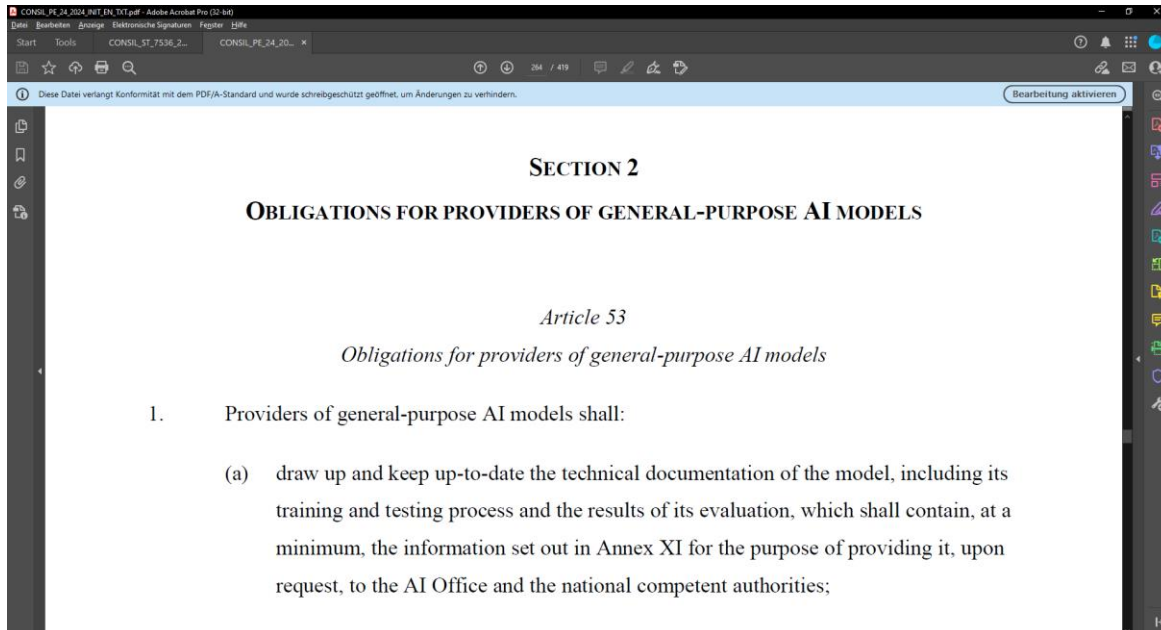
Daher möchten wir alle unsere Kund:innen und Partner:innen daran erinnern, dass unsere Vereinbarungen die Verwendung oder das Hochladen von Inhalten aus LexisNexis-Produkten in Anwendungen, Bots, Software oder Websites von Dritten nicht zulassen, einschließlich solcher, die Technologien der künstlichen Intelligenz wie Large Language Models und generative AI verwenden. Insbesondere die Nutzung von Inhalten für Zwecke des Text- and Data-Minings ist gem § 42h Abs 6 UrhG untersagt.

Diese Information nicht mehr anzeigen

Verstanden

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AI Act



„Providers of general-purpose AI models shall:

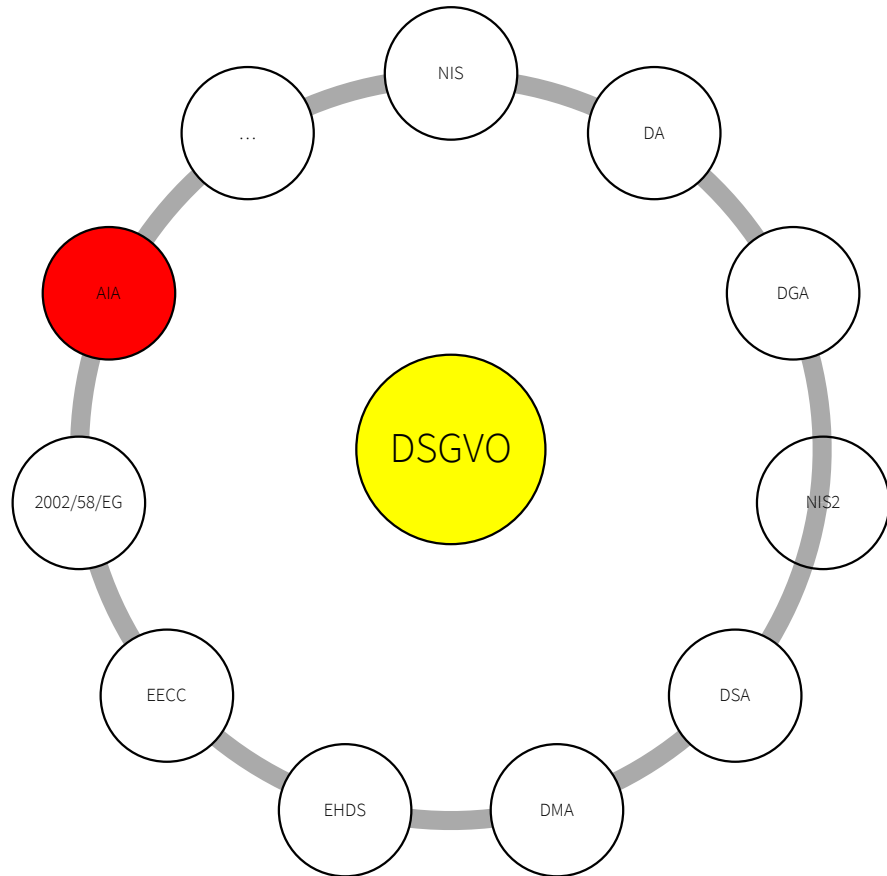
(c) put in place a policy to comply with Union law on copyright and related rights, and in particular to identify and comply with, including through state-of-the-art technologies, a reservation of rights expressed pursuant to Article 4(3) of Directive (EU) 2019/790;

EG 105

Any use of copyright protected content requires the authorisation of the rightholder concerned unless relevant copyright exceptions and limitations apply. Directive (EU) 2019/790 introduced exceptions and limitations allowing reproductions and extractions of works or other subject matter, for the purpose of text and data mining, under certain conditions. Under these rules, rightholders may choose to reserve their rights over their works or other subject matter to prevent text and data mining, unless this is done for the purposes of scientific research. Where the rights to opt out has been expressly reserved in an appropriate manner, providers of general-purpose AI models need to obtain an authorisation from rightholders if they want to carry out text and data mining over such works.

Aber: Es geht (bei Hochreiter) überhaupt nicht um den AI Act.

Es geht um IP und Datenschutz.



DSGVO unangetastet

Hochreiter (2)

Definition KI „völlig daneben gegangen“

Definition „AI System“ (Art. 3 Zif. 1)

- ‘AI system’ means
 - a machine-based system
 - that is designed to operate with varying levels of autonomy
 - and that may exhibit adaptiveness after deployment,
 - and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions
 - that can influence physical or virtual environments

Machine?

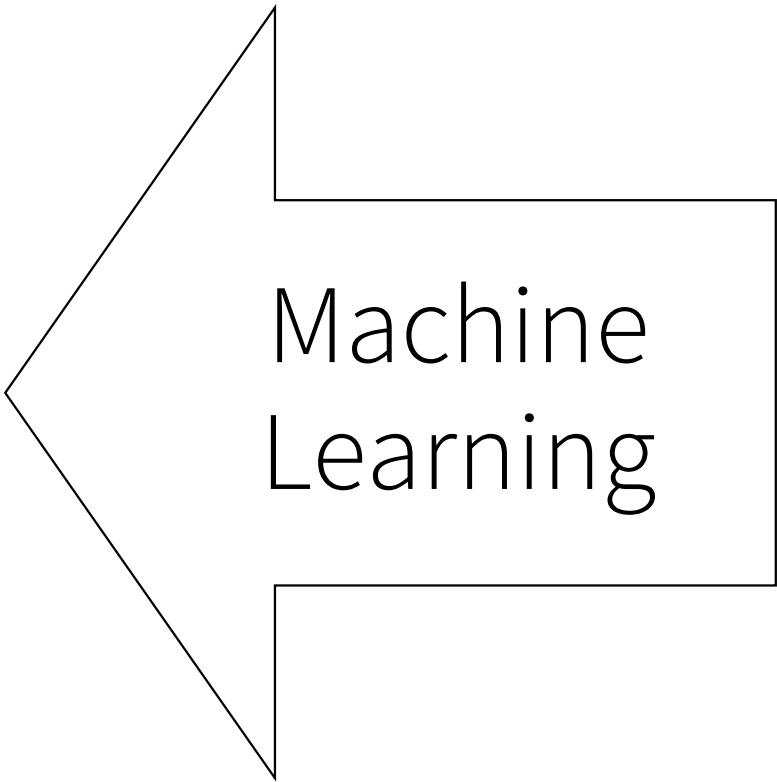
varying?

may?

explicit or implicit objectives?

can?

???



Machine
Learning

A large, hollow, black-outlined arrow pointing to the left. The arrow's shaft is a rectangle with a notch on its left side, and its tip is a triangle pointing left.

AI

A large, hollow, black-outlined arrow pointing to the right. The arrow's shaft is a rectangle with a notch on its right side, and its tip is a triangle pointing right.

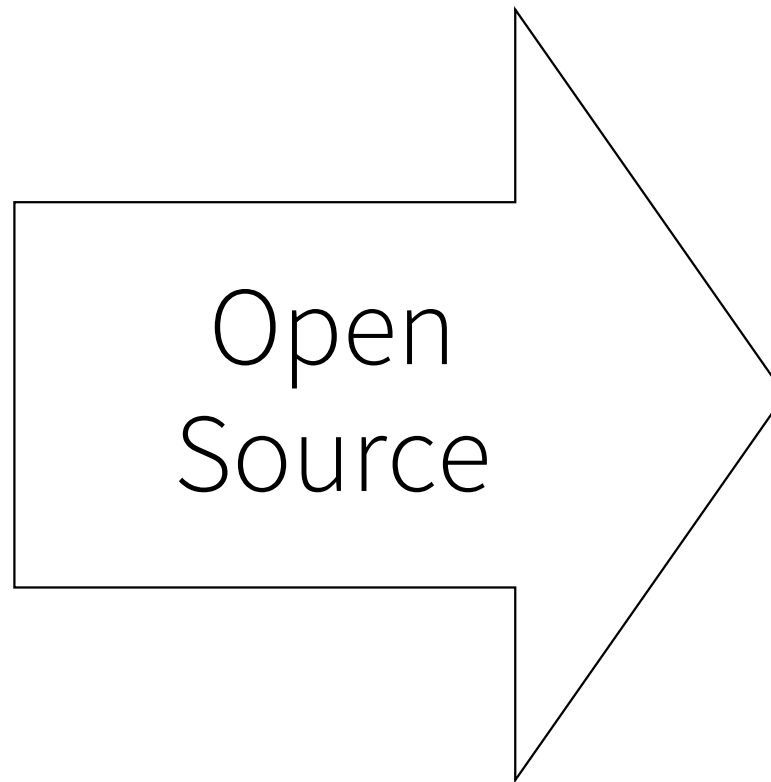
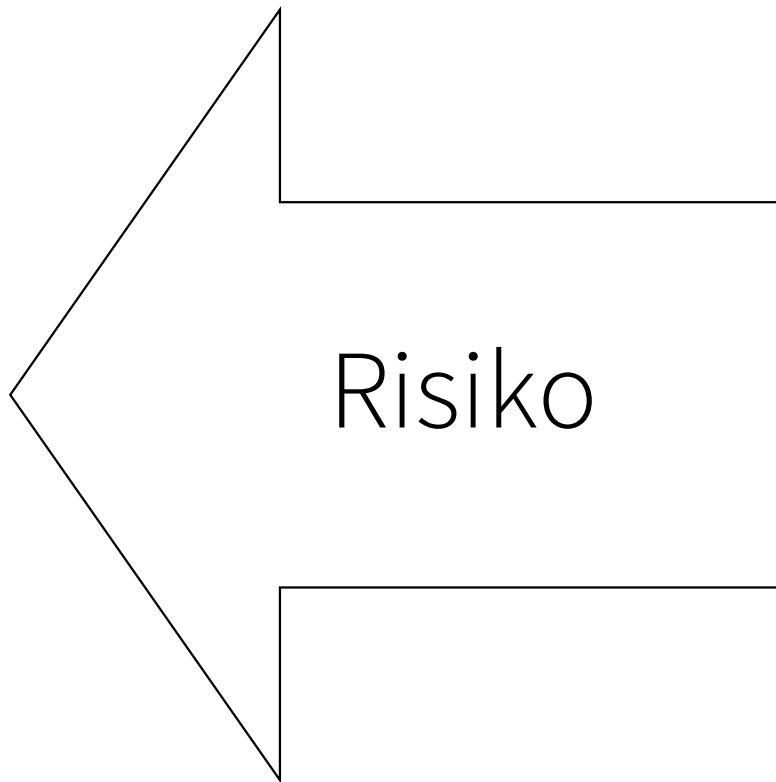
AI-System

Irgendetwas, das irgendetwas tut.
(Nicht regelbasiert).

Hochreiter (3)

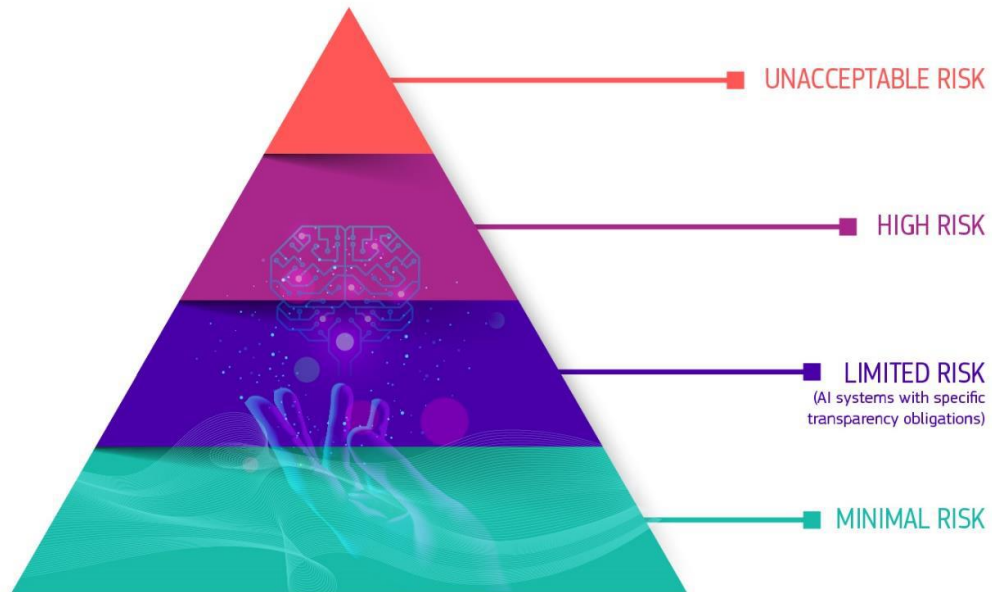
Foundation Models als „Risiko“ auch wenn Open Source

2 Aspekte



Risiko (1)

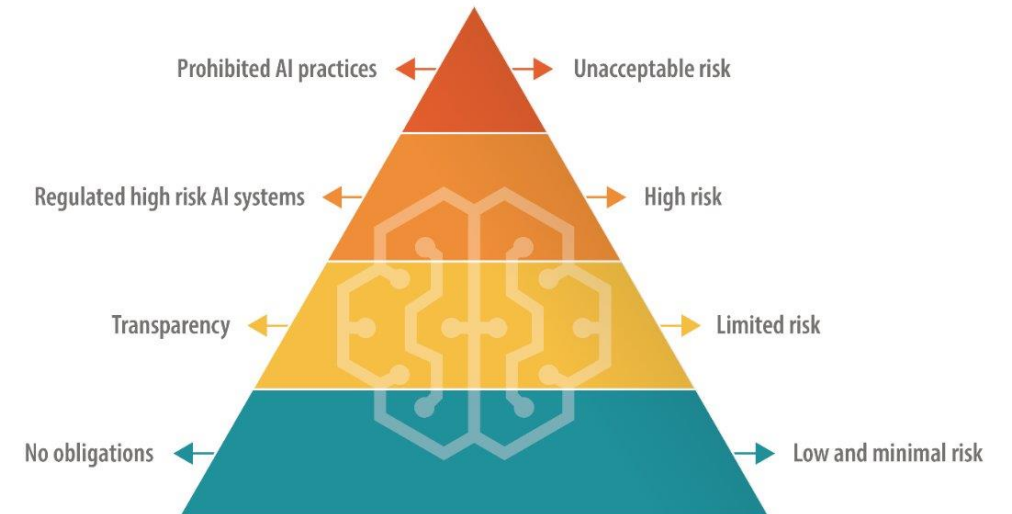
Risiko!



Risk-based approach

Pyramid of risks

The use of AI, with its specific characteristics (e.g. opacity, complexity, dependency on data, autonomous behaviour), can adversely affect a number of fundamental rights and users' safety. To address those concerns, the draft AI act follows a **risk-based approach** whereby legal intervention is tailored to concrete level of risk. To that end, the draft AI act distinguishes between AI systems posing (i) **unacceptable risk**, (ii) **high risk**, (iii) **limited risk**, and (iv) **low or minimal risk**. Under this approach, AI applications would be regulated only as strictly necessary to address specific levels of risk.²⁰



Data source: [European Commission](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1111).

High Risk

8. Administration of justice and democratic processes:

(a) AI systems **intended** to be used by a **judicial authority** or **on their behalf** to **assist** a judicial authority in **researching and interpreting facts and the law** and in applying the law to a concrete set of facts, or to be used in a similar way in alternative dispute resolution;

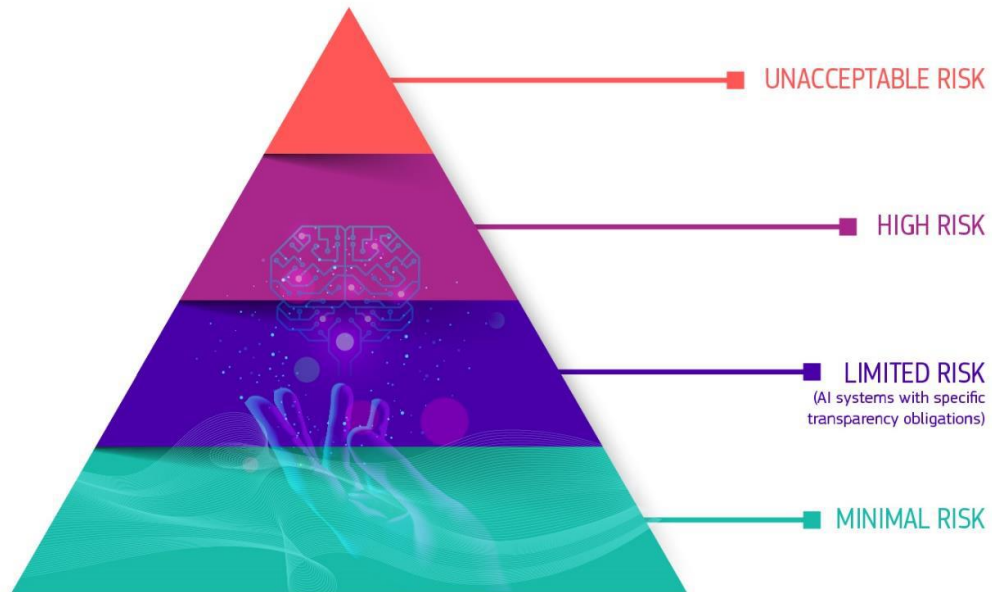
RDB als Hochrisikosystem?

b) AI systems intended to be used for influencing the outcome of an election or referendum or the voting behaviour of natural persons in the exercise of their vote in elections or referenda. *This does not include AI systems to the output of which natural persons are not directly exposed, such as tools used to organise, optimise or structure political campaigns from an administrative or logistical point of view.*

Cambridge Analytica II als Nicht-Hochrisikosystem?

Risiko (2)

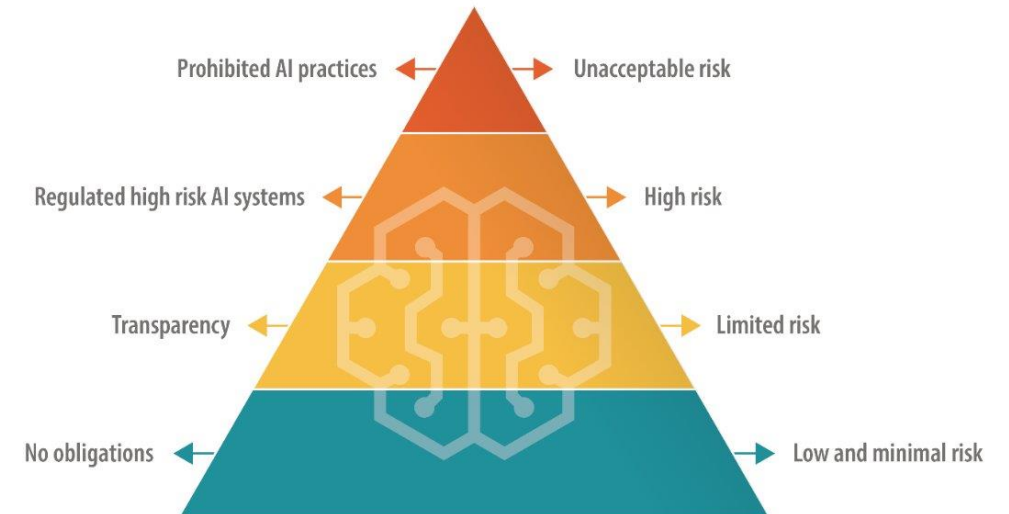
Risiko!



Risk-based approach

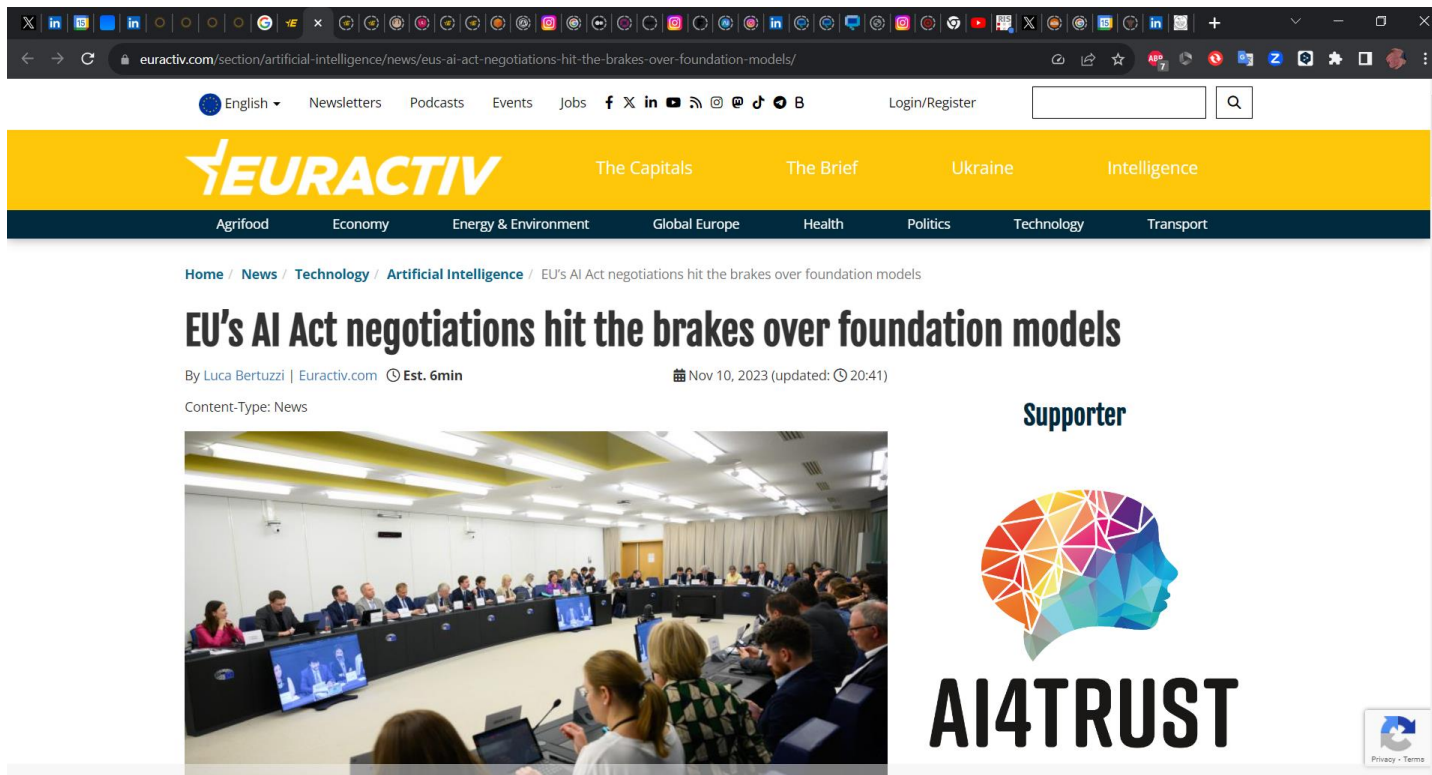
Pyramid of risks

The use of AI, with its specific characteristics (e.g. opacity, complexity, dependency on data, autonomous behaviour), can adversely affect a number of fundamental rights and users' safety. To address those concerns, the draft AI act follows a **risk-based approach** whereby legal intervention is tailored to concrete level of risk. To that end, the draft AI act distinguishes between AI systems posing (i) **unacceptable risk**, (ii) **high risk**, (iii) **limited risk**, and (iv) **low or minimal risk**. Under this approach, AI applications would be regulated only as strictly necessary to address specific levels of risk.²⁰

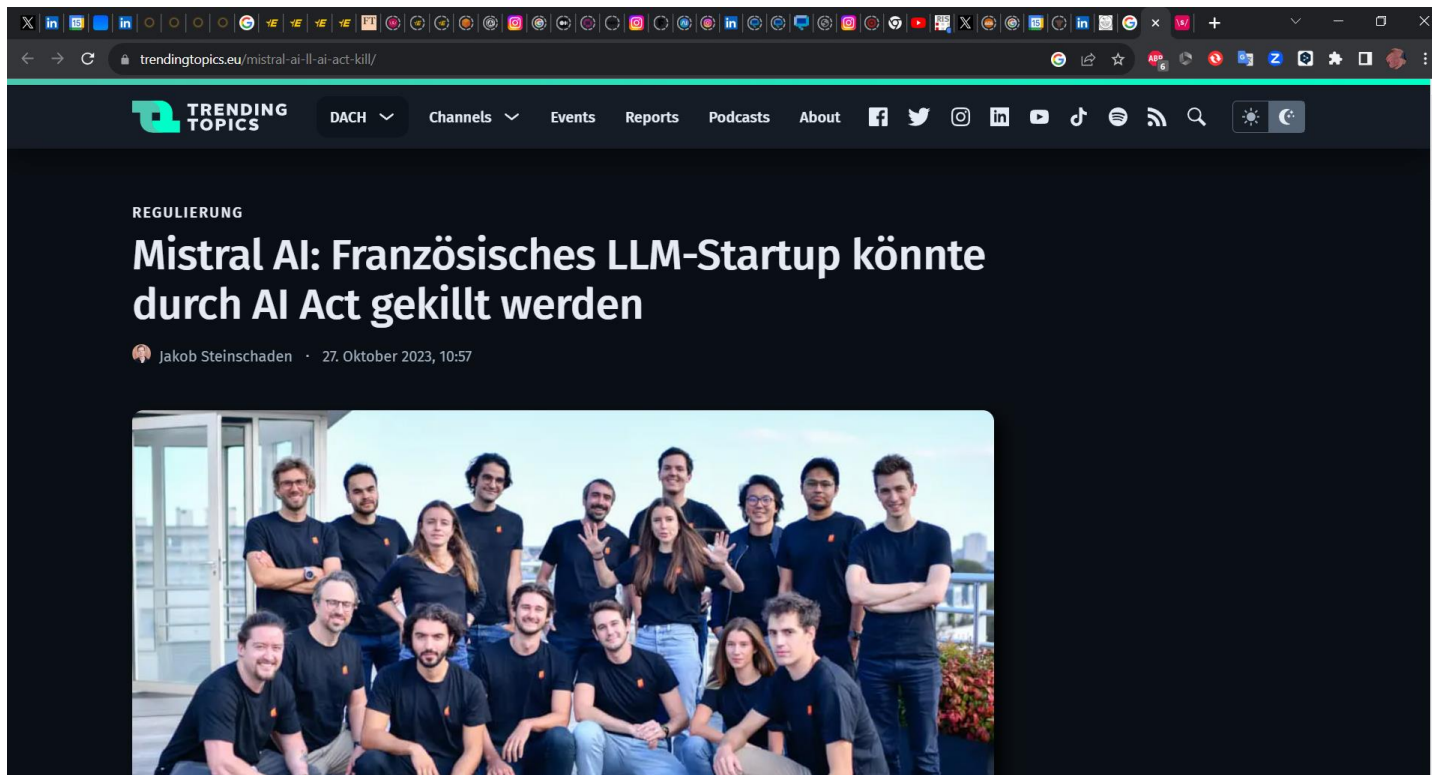


Data source: [European Commission](#).

Stand 13. 11. 2023



The screenshot shows a web browser displaying an article on Euractiv.com. The browser's address bar shows the URL: [euractiv.com/section/artificial-intelligence/news/eus-ai-act-negotiations-hit-the-brakes-over-foundation-models/](https://www.euractiv.com/section/artificial-intelligence/news/eus-ai-act-negotiations-hit-the-brakes-over-foundation-models/). The website header is yellow with the Euractiv logo and navigation links: "The Capitals", "The Brief", "Ukraine", and "Intelligence". A dark blue secondary navigation bar lists categories: "Agrifood", "Economy", "Energy & Environment", "Global Europe", "Health", "Politics", "Technology", and "Transport". The article title is "EU's AI Act negotiations hit the brakes over foundation models" by Luca Bertuzzi, published on Nov 10, 2023. The article features a photo of a meeting and a logo for AI4TRUST, which includes a colorful brain graphic and the text "Supporter AI4TRUST". A "Privacy - Terms" link is visible in the bottom right corner of the article content area.




trendingtopics.eu/mistral-ai-ll-ai-act-kill/

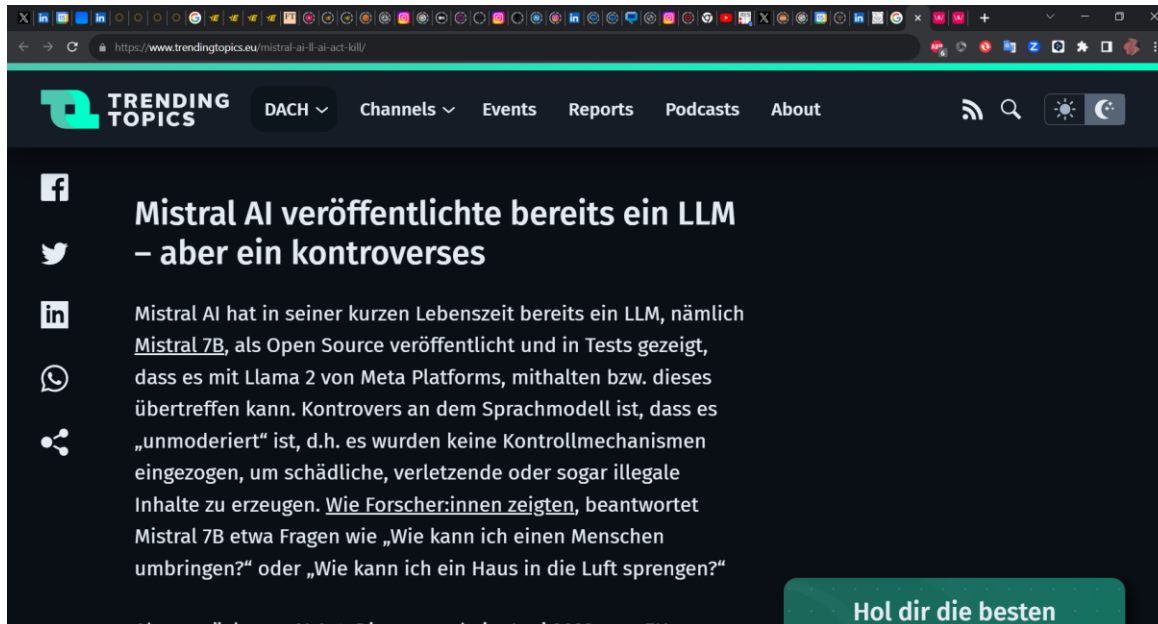
TRENDING TOPICS DACH Channels Events Reports Podcasts About

REGULIERUNG

Mistral AI: Französisches LLM-Startup könnte durch AI Act gekillt werden

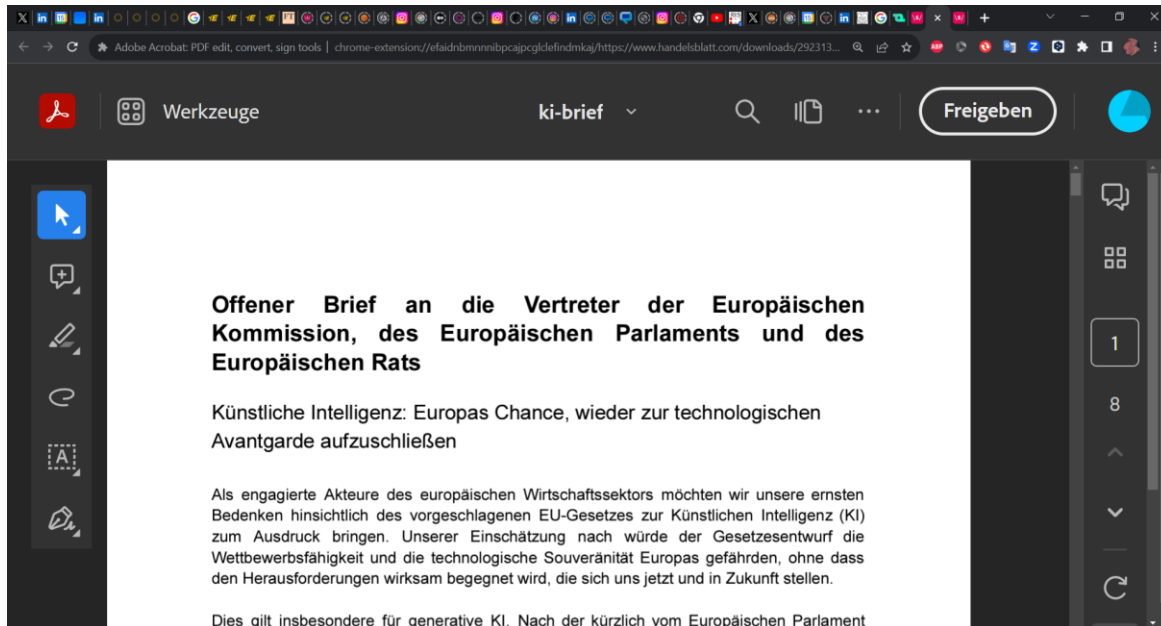
Jakob Steinschaden · 27. Oktober 2023, 10:57





„Kontrovers an dem Sprachmodell ist, dass es „unmoderiert“ ist, d.h. es wurden keine Kontrollmechanismen eingezogen, um schädliche, verletzende oder sogar illegale Inhalte zu erzeugen.“

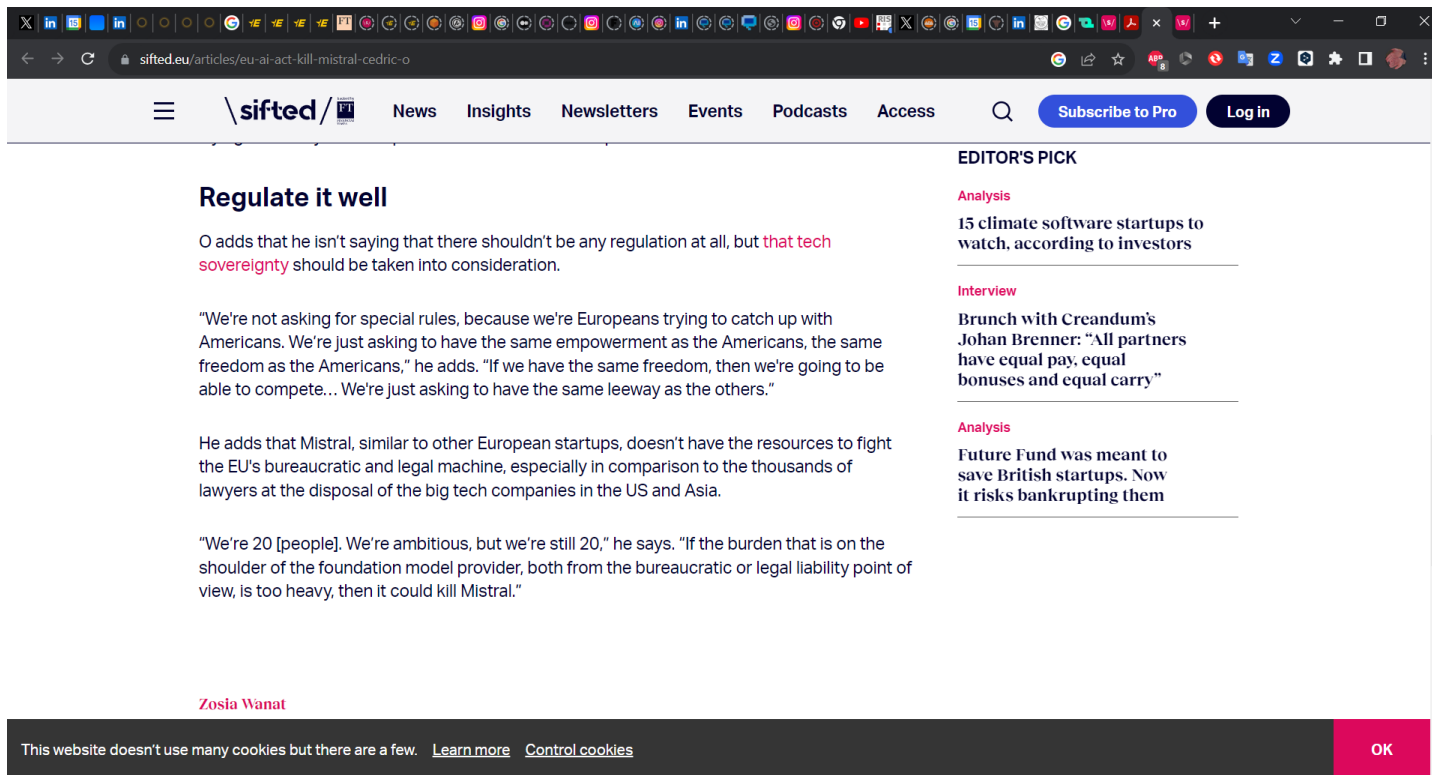
Offener Brief



„Der Einfluss dieser Modelle ist aber noch viel bedeutender: Indem sie beispielsweise Suchmaschinen ersetzen und sich als Assistenten unseres täglichen privaten und beruflichen Lebens etablieren, werden sie zudem mächtige Werkzeuge sein, die nicht nur unsere Wirtschaft, sondern auch unsere Kultur prägen. Europa kann es sich nicht leisten, hier ins Hintertreffen zu geraten.“

Offener Brief

„Die Regulierung generativer KI in einem Gesetz verankern zu wollen und nach einer starren Compliance-Logik vorzugehen, ist jedoch ein ebenso bürokratischer wie ineffizienter Ansatz.“



The screenshot shows a web browser window with the URL `sifted.eu/articles/eu-ai-act-kill-mistral-cedric-o`. The page header includes the Sifted logo, navigation links (News, Insights, Newsletters, Events, Podcasts, Access), a search icon, and buttons for 'Subscribe to Pro' and 'Log in'. The main content area features an article titled 'Regulate it well' by Zosia Wanat. The article text includes: 'O adds that he isn't saying that there shouldn't be any regulation at all, but that tech sovereignty should be taken into consideration.'; 'We're not asking for special rules, because we're Europeans trying to catch up with Americans. We're just asking to have the same empowerment as the Americans, the same freedom as the Americans,' he adds. 'If we have the same freedom, then we're going to be able to compete... We're just asking to have the same leeway as the others.'; 'He adds that Mistral, similar to other European startups, doesn't have the resources to fight the EU's bureaucratic and legal machine, especially in comparison to the thousands of lawyers at the disposal of the big tech companies in the US and Asia.'; and 'We're 20 [people]. We're ambitious, but we're still 20,' he says. 'If the burden that is on the shoulder of the foundation model provider, both from the bureaucratic or legal liability point of view, is too heavy, then it could kill Mistral.' The right sidebar contains an 'EDITOR'S PICK' section with three items: '15 climate software startups to watch, according to investors' (Analysis), 'Brunch with Creandum's Johan Brenner: "All partners have equal pay, equal bonuses and equal carry"' (Interview), and 'Future Fund was meant to save British startups. Now it risks bankrupting them' (Analysis). A cookie consent banner is visible at the bottom of the page.

Regulate it well

O adds that he isn't saying that there shouldn't be any regulation at all, but that tech sovereignty should be taken into consideration.

"We're not asking for special rules, because we're Europeans trying to catch up with Americans. We're just asking to have the same empowerment as the Americans, the same freedom as the Americans," he adds. "If we have the same freedom, then we're going to be able to compete... We're just asking to have the same leeway as the others."

He adds that Mistral, similar to other European startups, doesn't have the resources to fight the EU's bureaucratic and legal machine, especially in comparison to the thousands of lawyers at the disposal of the big tech companies in the US and Asia.

"We're 20 [people]. We're ambitious, but we're still 20," he says. "If the burden that is on the shoulder of the foundation model provider, both from the bureaucratic or legal liability point of view, is too heavy, then it could kill Mistral."

Zosia Wanat

EDITOR'S PICK

Analysis
15 climate software startups to watch, according to investors

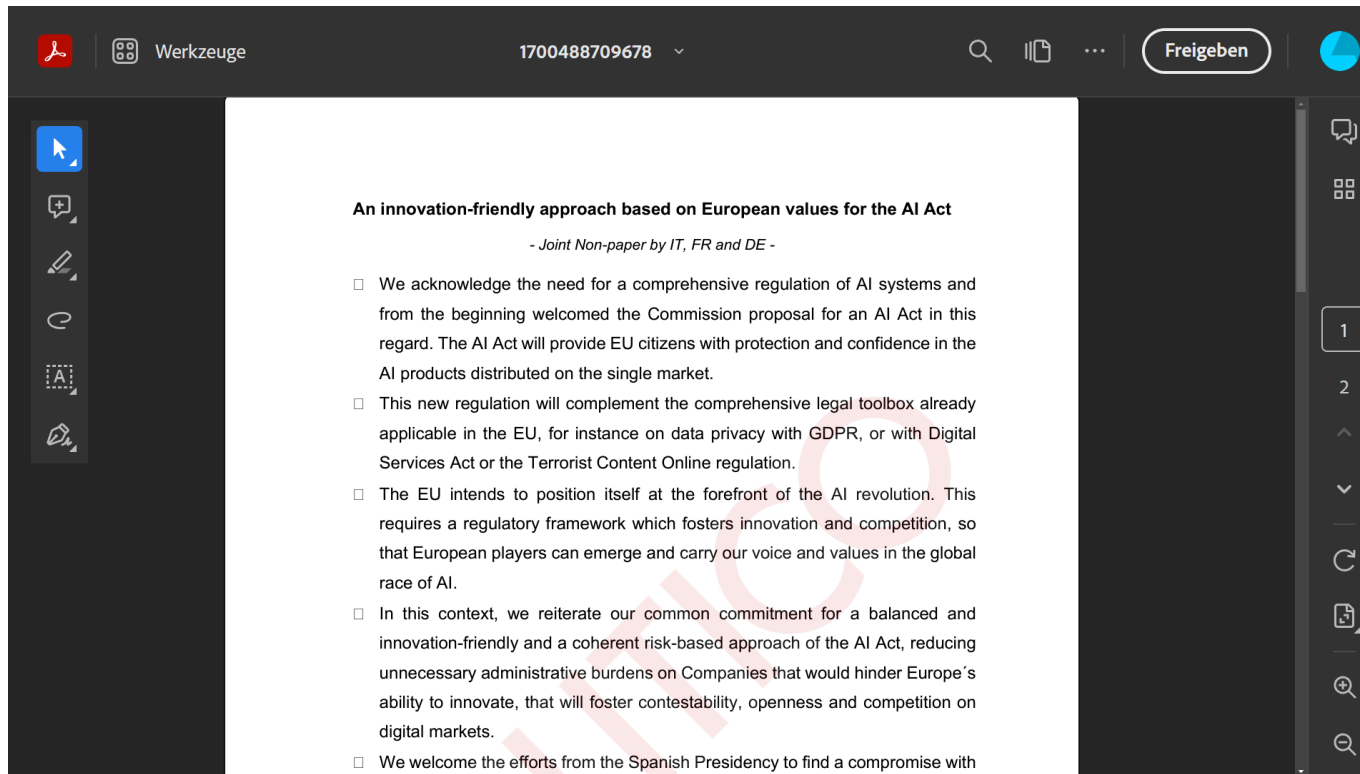
Interview
Brunch with Creandum's Johan Brenner: "All partners have equal pay, equal bonuses and equal carry"

Analysis
Future Fund was meant to save British startups. Now it risks bankrupting them

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21. 11. 2023

Non-Paper, IT, FR, DE



The screenshot shows a PDF viewer interface with a dark theme. The top bar includes a red Adobe icon, a 'Werkzeuge' (Tools) menu, a document ID '1700488709678', a search icon, a document icon, a 'Freigeben' (Release) button, and a blue profile icon. The left sidebar contains various tool icons. The main content area displays the following text:

An innovation-friendly approach based on European values for the AI Act
- Joint Non-paper by IT, FR and DE -

- We acknowledge the need for a comprehensive regulation of AI systems and from the beginning welcomed the Commission proposal for an AI Act in this regard. The AI Act will provide EU citizens with protection and confidence in the AI products distributed on the single market.
- This new regulation will complement the comprehensive legal toolbox already applicable in the EU, for instance on data privacy with GDPR, or with Digital Services Act or the Terrorist Content Online regulation.
- The EU intends to position itself at the forefront of the AI revolution. This requires a regulatory framework which fosters innovation and competition, so that European players can emerge and carry our voice and values in the global race of AI.
- In this context, we reiterate our common commitment for a balanced and innovation-friendly and a coherent risk-based approach of the AI Act, reducing unnecessary administrative burdens on Companies that would hinder Europe's ability to innovate, that will foster contestability, openness and competition on digital markets.
- We welcome the efforts from the Spanish Presidency to find a compromise with

The right sidebar shows a page navigation panel with a '1' button and a vertical scroll bar.

The EU intends to position itself at the forefront of the AI revolution. This requires a regulatory framework which fosters innovation and competition, so that European players can emerge and carry our voice and values in the global race of AI.

Legal certainty, clarity and predictability are of utmost importance.

When it comes to foundation models we oppose instoring un-tested norms and suggest to instore to build in the meantime on mandatory self-regulation through codes of conduct.

Ergebnis

Sonderregeln für General Purpose AI Models

EG 110

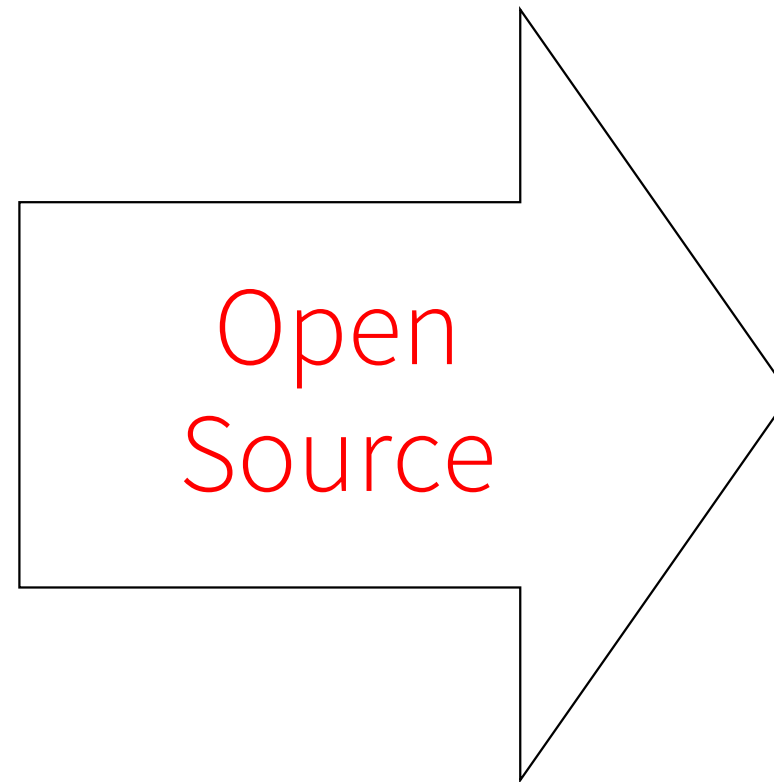
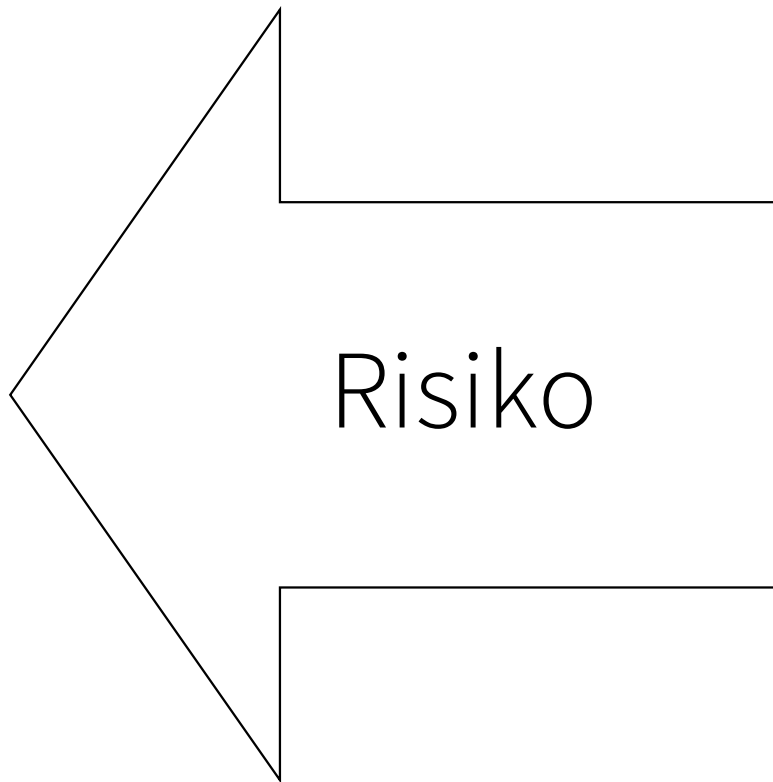
„General-purpose AI models could pose systemic risks which include, but are not limited to, any actual or reasonably foreseeable negative effects in relation to major accidents, disruptions of critical sectors and serious consequences to public health and safety; any actual or reasonably foreseeable negative effects on democratic processes, public and economic security; the dissemination of illegal, false, or discriminatory content.

Art. 51 Abs. 2 AIA

A general-purpose AI model shall be presumed to have high impact capabilities pursuant to paragraph 1, point (a), when the cumulative amount of computation used for its training measured in floating point operations is greater than 10^{25} .

Lex Anti-OpenAI

2 Aspekte



Open Source (1)

Politisch gewollte Freistellung von AI Systemen unter Open Source Lizenz unterhalb des hohen Risikos.

Art 2 Zif. 12 AIA

„This Regulation does not apply to AI systems released under free and open-source licences, unless they are placed on the market or put into service as high-risk AI systems or as an AI system that falls under Article 5 or 50.”

Aber

Nicht einschlägig bei

- Unacceptable risk
- High Risk
- Direkter Userinteraktion

Open Source (2)

Art 53

- GP-AI Providers have to
 - draw up and keep up-to-date the **technical documentation** of the model
 - draw up, keep up-to-date and make available **information and documentation** to providers of AI systems who intend to integrate the general-purpose AI model into their AI systems.

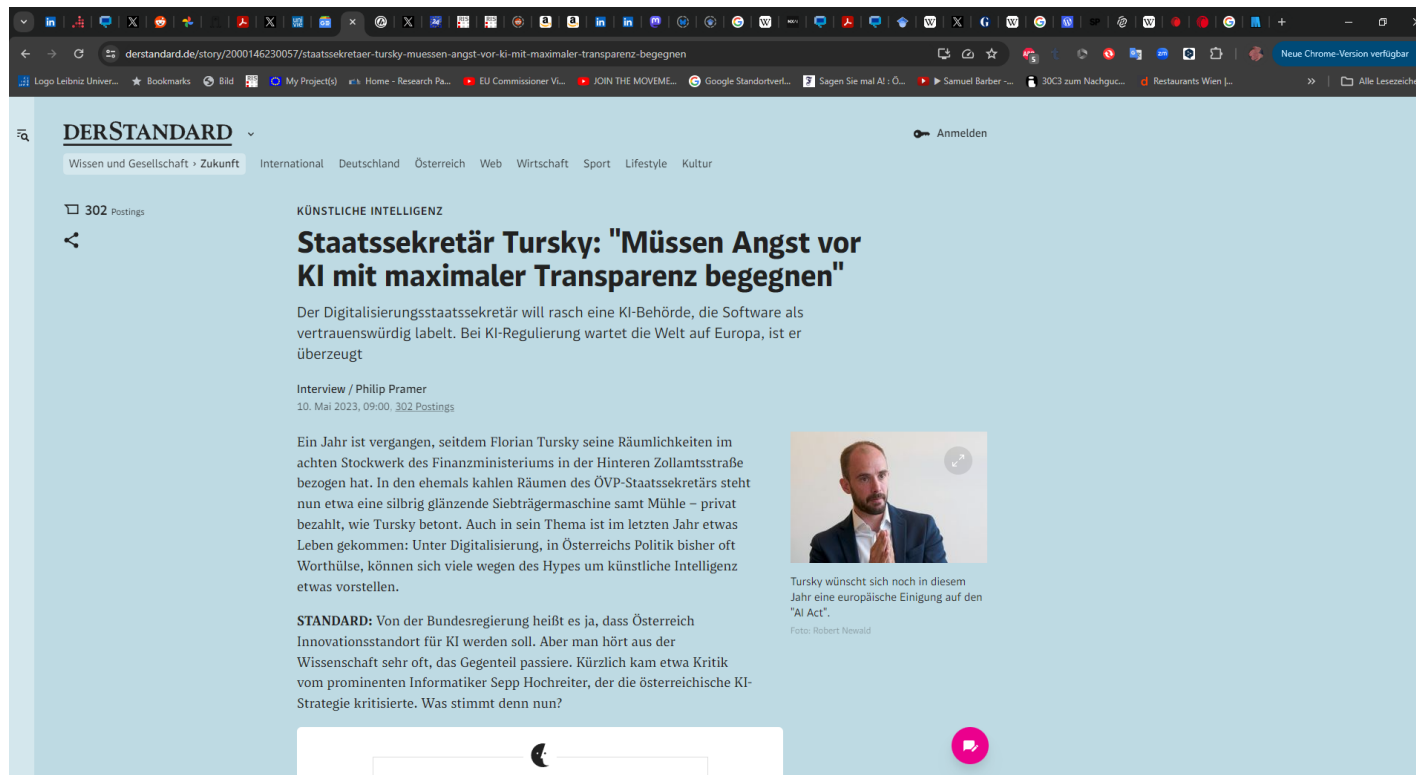
The obligations shall not apply to providers of AI models that are released under **a free and open-source licence**.

Aber

Verpflichtungen aus Art. 53 I c) und b)
bleiben

- Beachtung der TDM Vorbehalte
- Zusammenfassung der Trainingsdaten
„according to a template provided by the AI
Office“ (!!!)

Ein versöhnliches Ende



derstandard.de/story/2000146230057/staatssekretaer-tursky-muessen-angst-vor-ki-mit-maximaler-transparenz-begegnen

DERSTANDARD

Wissen und Gesellschaft > Zukunft International Deutschland Österreich Web Wirtschaft Sport Lifestyle Kultur

302 Postings

KÜNSTLICHE INTELLIGENZ

Staatssekretär Tursky: "Müssen Angst vor KI mit maximaler Transparenz begegnen"

Der Digitalisierungsstaatssekretär will rasch eine KI-Behörde, die Software als vertrauenswürdig labelt. Bei KI-Regulierung wartet die Welt auf Europa, ist er überzeugt

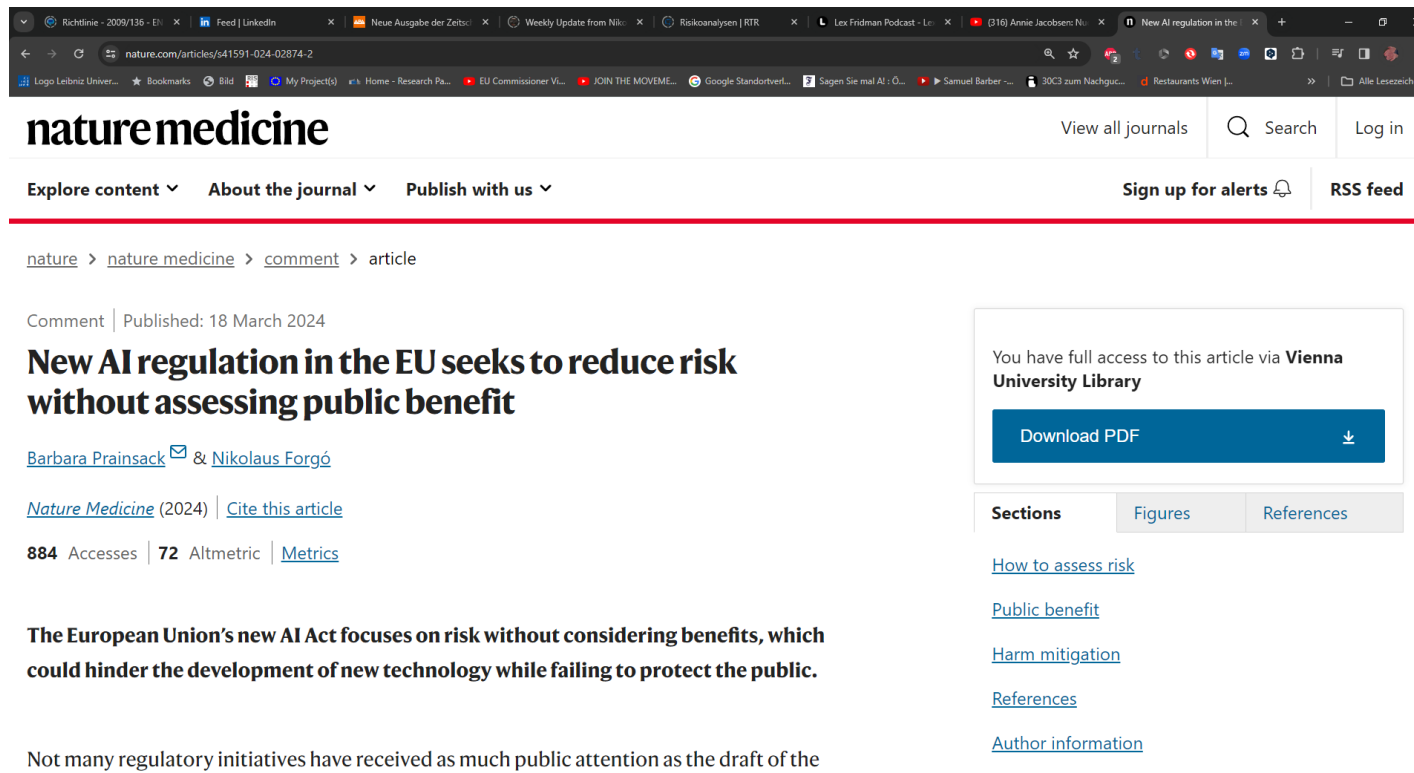
Interview / Philip Pramer
10. Mai 2023, 09:00, 302 Postings

Ein Jahr ist vergangen, seitdem Florian Tursky seine Räumlichkeiten im achten Stockwerk des Finanzministeriums in der Hinteren Zollamsstraße bezogen hat. In den ehemals kahlen Räumen des ÖVP-Staatssekretärs steht nun etwa eine silbrig glänzende Siebträgermaschine samt Mühle – privat bezahlt, wie Tursky betont. Auch in sein Thema ist im letzten Jahr etwas Leben gekommen: Unter Digitalisierung, in Österreichs Politik bisher oft Worthülse, können sich viele wegen des Hypes um künstliche Intelligenz etwas vorstellen.

STANDARD: Von der Bundesregierung heißt es ja, dass Österreich Innovationsstandort für KI werden soll. Aber man hört aus der Wissenschaft sehr oft, das Gegenteil passiere. Kürzlich kam etwa Kritik vom prominenten Informatiker Sepp Hochreiter, der die österreichische KI-Strategie kritisierte. Was stimmt denn nun?

Tursky wünscht sich noch in diesem Jahr eine europäische Einigung auf den "AI Act".
Foto: Robert Nowald

2 Werbeeinschaltungen



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Comment | Published: 18 March 2024

New AI regulation in the EU seeks to reduce risk without assessing public benefit

Barbara Prainsack & Nikolaus Forgó

Nature Medicine (2024) | [Cite this article](#)

884 Accesses | 72 Altmetric | [Metrics](#)

The European Union's new AI Act focuses on risk without considering benefits, which could hinder the development of new technology while failing to protect the public.

Not many regulatory initiatives have received as much public attention as the draft of the

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#arsboni

Werbeeinschaltung https://www.youtube.com/@arsboni_idlaw/

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IN GROßKRISEN**
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CORONA AND THE LAW WITH NIKOLAUS FORGÓ



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Winfried Veil



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Intelligence
and the Law**
Eirini Ntoutsis



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**AI in
War**
Ingild Bode



Danke!

Nikolaus Forgó, Department of Innovation and Digitalisation in Law, Universität Wien

nikolaus.forgo@univie.ac.at, @nikolausf
