

Interim Measures for the Management of Generative Artificial Intelligence Services

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Order No.15 of the Cyberspace Administration of China, the National Development and Reform Commission of the People's Republic of China, the Ministry of Education of the People's Republic of China, the Ministry of Science and Technology of the People's Republic of China, the Ministry of Industry and Information Technology of the People's Republic of China, the Ministry of Public Security of the People's Republic of China, and the National Radio and Television Administration

July 10, 2023

The Interim Measures for the Management of Generative Artificial Intelligence Services, adopted at the 12th office meeting of the Cyberspace Administration of China in 2023 on May 23, 2023, and approved 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, are hereby issued and will come into force on August 15, 2023.

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 Zheng Shanjie, Director of the National Development and Reform Commission
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Interim Measures for the Management of Generative Artificial Intelligence Services

Chapter I General Provisions

Article 1 These Measures are formulated in accordance with the Cybersecurity Law of the People's Republic of China, the Data Security Law of the People's Republic of China, the Personal Information Protection Law of the People's Republic of China, the Law of the People's Republic of China on the Progress of Science and Technology, and other laws and administrative regulations, to promote a healthy development and regulated application of generative artificial intelligence (“generative AI”), safeguard national security and social public interests, and protect the lawful rights and interests of citizens, legal persons, and other organizations.

Article 2 These Measures apply to the utilization of generative AI technology to provide services that generate any text, images, audios, videos or other content (hereinafter referred to as “generative AI services”) to the public within the territory of the People's Republic of China.

If the State has other regulations regarding the utilization of generative AI services to engage in activities such as news and publication, film and television production, or literary and artistic creation, those regulations shall take precedence.

These Measures do not apply where industry organizations, enterprises, educational and scientific research institutions, public cultural institutions, relevant professional institutions, etc. research, develop, or apply generative AI technology but do not provide generative AI services to the public within the P.R.C.

Article 3 The State, in adherence to the principles of placing equal emphasis on development and security and combining innovation promotion with law-based governance, shall implement effective measures to encourage the innovation and development of generative AI, and apply inclusion, prudence, and classification and grading in the regulation of generative AI services.

Article 4 The provision and use of generative AI services shall comply with laws and administrative regulations, respect social morality and ethics, and meet the following requirements:

- (1) Core socialist values shall be upheld, and it is prohibited to generate any content prohibited by laws or administrative regulations, such as content inciting subversion of national sovereignty or the overturn of the socialist system, threatening national security and interests, harming the nation's image, inciting separatism, undermining national unity and social stability, propagating terrorism or extremism, propagating ethnic hatred or ethnic discrimination, or any violent or obscene content, as well as content containing false or harmful information;
- (2) During processes such as algorithm designs, the selection of training data, model generation and optimization, or the provision of services, effective measures shall be employed to prevent discrimination based on race, ethnicity, beliefs, nationality, region, gender, age, occupation, health, etc.;
- (3) Intellectual property and business ethics shall be respected, and it is prohibited to exploit advantages in terms of algorithms, data, platforms, etc., to carry out a monopoly or unfair competition;
- (4) The lawful rights and interests of others shall be respected, and the physical and mental health of others must not be harmed, and the rights to likeness, reputation, honor, personal privacy, and personal information rights and interests of others must not be infringed; and
- (5) Based on service types and characteristics, effective measures shall be employed to increase the transparency in generative AI services and improve the accuracy and reliability of generated content.

Chapter II Technology Development and Governance

Article 5 Encouragement shall be provided for the innovation and application of generative AI technology in various industries and fields to generate high-quality content that is positive, healthy, inspiring, and morally wholesome, as well as for the exploration and optimization of application scenarios and the building of an application ecosystem.

Support shall be provided for industry organizations, enterprises, educational and scientific research institutions, public cultural institutions, relevant professional institutions, etc., to collaborate on the innovation, development of data resources, knowledge translation and application, and risk prevention in respect of generative AI technology.

Article 6 Encouragement shall be provided for independent innovation in the underlying technologies such as generative AI algorithms, frameworks, chips, and supporting software platforms, as well as for international exchanges and cooperation on an equal and mutually beneficial basis and the participation in the development of international rules related to generative AI.

The development of generative AI infrastructure and public training data resource platforms shall be promoted. Collaborative sharing of computing power resources shall be promoted to improve the efficiency in the utilization of computing power resources. Making public data available based on classification and grading in an orderly manner shall be promoted to expand high-quality public training data resources. The adoption of secure and trusted chips, software, tools, computing power and data resources shall be encouraged.

Article 7 Generative AI service providers (hereinafter referred to as “providers”) shall carry out pre-training, optimization training, and other training data processing activities in accordance with the law, and comply with the following provisions:

- (1) Use data and underlying models sourced from legitimate sources;
- (2) Where intellectual property rights are involved, the intellectual property rights legally entitled to others must not be infringed;
- (3) Where personal information is involved, the consent of the personal information subject shall be obtained, or any other circumstances provided for in laws or administrative regulations shall apply;
- (4) Employ effective measures to improve the quality of training data and to enhance the authenticity, accuracy, objectivity, and diversity of training data; and
- (5) Other relevant provisions of laws and administrative regulations such as the Cybersecurity Law of the People's Republic of China, the Data Security Law of the People's Republic of China, and the Personal Information Protection Law of the People's Republic of China, as well as relevant regulatory requirements of relevant authorities.

Article 8 Where data labeling is performed during the research and development of generative AI technology, providers shall formulate clear, specific, and operable labeling rules that meet the requirements of these Measures; carry out assessments of the quality of data labeling, with sampling inspections to verify the accuracy of the labeling content; and provide necessary training for the labeling staff to raise their awareness of respecting and abiding by the law, and supervise and guide them to carry out labeling activities in a regulated manner

Chapter III Service Rules

Article 9 Providers shall assume responsibility as a producer of online information content in accordance with the law and fulfill online information security obligations. Where personal information is involved, they shall assume responsibility as a personal information processor in accordance with the law and fulfill personal information protection obligations.

Providers shall execute service agreements with users who register for their generative AI services (hereinafter referred to as “users”) to establish the respective rights and obligations of both parties.

Article 10 Providers shall clarify and disclose the target users, scenarios of use, and uses of their services, guide users in scientific understanding and lawful use of generative AI technology, and employ effective measures to prevent users who are minors from overreliance on or addiction to generative AI services.

Article 11 Providers shall fulfill the obligations to protect users' input information and usage records in accordance with law, and must not collect unnecessary personal information, or illegally retain input information or usage records which can identify a user, or illegally provide users' input information or usage records to others.

Providers shall, in accordance with the law, timely accept and handle requests from individuals, such as those for accessing, making copies of, amending, supplementing, or deleting their personal information.

Article 12 Providers shall label images, videos, and other generated content in accordance with the Administrative Provisions on Deep Synthesis in Internet-based Information Services.

Article 13 Providers shall provide secure, stable, and continuous services in the course of their services to ensure users' normal usage.

Article 14 Where providers discover illegal content, they shall promptly employ disposition measures, including stopping its generation or transmission and removal, as well as employ measures such as model optimization training to make rectification, and report the case to the relevant authorities. Where providers discover that a user is using their generative AI services to engage in illegal activities, they shall employ disposition measures in accordance with the law or agreement, including issuing warnings, restricting functions, and suspending or terminating services, keep the related records, and report the case to the relevant authorities.

Article 15 Providers shall establish and improve their complaints and reporting mechanism, establish easy access for filing complaints and reports, disclose the process for handling and the timeframe for providing feedback, and timely accept and handle complaints and reports from the public and provide feedback on the outcome.

Chapter IV Supervision, Inspections and Legal Liability

Article 16 The cyberspace, development and reform, education, science and technology, industry and information technology, public security, radio and television, press and publication, and other relevant authorities shall strengthen the management of generative AI services in accordance with the law based on their respective functions and responsibilities.

In light of the characteristics of generative AI technology and its service applications in relevant industries and fields, the relevant national authorities shall enhance regulatory methods that are scientific and compatible with their innovation and development, as well as develop rules or guidelines for appropriate regulation based on classification and grading.

Article 17 Those providing generative AI services with public opinion attributes or the capacity for social mobilization shall conduct security assessments in accordance with relevant national regulations, and perform procedures for the filing, amendment, or cancellation of filings for their algorithms in accordance with the Administrative Provisions on Recommendation Algorithms in Internet-based Information Services.

Article 18 User shall have the right to file complaints or reports to the relevant authorities if they discover any generative AI services that are not in compliance with laws, administrative regulations, or these Measures.

Article 19 The relevant authorities shall conduct supervisory inspections of generative AI services based on their respective functions and responsibilities, and providers shall render cooperation in accordance with the law, explaining the source, scale, type, labeling rules, algorithm mechanism, etc. of their training data as required, and providing necessary technical, data, and other support and assistance.

The relevant bodies and staff participating in security assessments or supervisory inspections of generative AI services shall, in accordance with the law, keep the confidentiality of any state secrets, trade secrets, personal privacy, or personal information they become aware of during the performance of their functions and duties, and must not disclose or illegally provide such information to others.

Article 20 Where generative AI services provided from outside the territory of the People's Republic of China are not in compliance with laws, administrative regulations, or these Measures, the national cyberspace authority shall notify the relevant bodies to employ technical measures and other necessary measures to deal with the matter.

Article 21 For any violation of these Measures committed by providers, the relevant authorities shall impose punishment in accordance with the Cybersecurity Law of the People's Republic of China, the Data Security Law of the People's Republic of China, the Personal Information Protection Law of the People's Republic of China, the Law of the People's Republic of China on the Progress of Science and Technology, or other laws and regulations; where laws or administrative regulations are silent, the relevant authorities shall, based on their respective functions and responsibilities, issue a warning or circular of reprimand, and order corrections to be made within a time limit; if corrections are refused or the circumstances of the violation are grave, an order to suspend the provision of the related services shall be issued.

Where a violation of public security management is constituted, public security administrative sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter V Supplementary Provisions

Article 22 For the purposes of these Measures, the following terms are defined as follows:

- (1) "Generative AI technology" refers to models and related technology that have the ability to generate text, images, audios, videos, or other content.
- (2) "Generative AI service provider" refers to any organization or individual that utilizes generative AI technology to provide generative AI services (including providing such services through the provision of a programmable interface or other means).
- (3) "Generative AI service user" refers to any organization or individual who uses generative AI services to generate content ("generative AI service user").

Article 23 Where the provision of any generative AI services requires an administrative permit, as stipulated in laws or administrative regulations, the provider shall obtain the permit in accordance with the law. Foreign investment in generative AI services shall comply with the laws and administrative regulations related to foreign investment.

Article 24 These Measures shall come into force on August 15, 2023.