Mapping Risks, Actors, and Interventions in an Open Source Environment

Context. Generative AI poses a number of ethical and legal challenges, ranging from development of AI models (e.g. credit, consent, and compensation in training) to the use of AI systems (e.g. likeness and replica rights) to broader questions about labor displacement through automation. However, addressing these challenges is complicated by disagreement about what risks are most important, and amenable to mitigation; who in the supply chain ought to mitigate these risks; and how to address these risks through technical or regulatory interventions.

Problem. These questions have particular significance in the growing open source and open weight ecosystem. In closed environments, one developer may be responsible for evaluating and mitigating these risks, before and after deployment. By comparison, in open environments, different actors may contribute different capabilities to an AI system. This brief roundtable explored unique challenges in open environments, encouraging participants to pinpoint different risks, actors, and interventions across the supply chain.

Discussion. Participants were asked to respond to a series of framing questions designed to "unpack" possible distinctions between different risks, actors, interventions, and modalities.

1. **Risks.** Among creators, are the most pressing concerns about:
    a. **Inputs or outputs?** Participants debated whether input concerns (use of training data) or output concerns (memorization, replication) were most pressing. Some argued that resolving concerns with inputs wouldn't address long-term economic impact, such as automation and displacement, while others believed proper input governance could mitigate downstream harms.

    b. **Credit, consent, or compensation?** Participants disagreed on whether compensation should be the central focus, with some arguing that control and consent are more fundamental. Skepticism emerged about whether the "numbers could add up" for any compensation model that sought to remunerate creators for the use of content in training. Participants disagreed on whether compensation should be the central focus, with some arguing that control and consent—"data dignity"—are more important.

    c. **Impact on individual creators or the market as a whole?** Participants generally agreed that protecting the creative market as a whole should be the priority. Participants highlighted that AI systems could undermine the bargaining power of creative labor by enabling deployers to circumvent unions. Most agreed that routine commercial creative work often funds "high art", and should be accorded

proper attention in these debates. Views diverged on whether to prioritize protection for "cottage industry" creative work versus established artists, with some expressing fatalism ("someone will build it anyway") while others advocated for collective action.

2. **Modality.** Do these concerns vary by modality?
    a. There was agreement that creators' concerns feel more acute in certain creative modalities than others. Music was consistently identified as feeling "different" from other creative forms, followed by highly abstract graphic art. Different modalities may have different thresholds (the "amount" of human choice, selection, arrangement, or input) for meaningful creative expression.

3. **Tasks.** Should the intended application of an AI system (i.e. generative or non-generative tasks) affect this analysis?
    a. Participants distinguished between AI systems trained to support non-generative versus non-generative tasks. However, participants noted the significant intellectual labor involved in many non-generative tasks, questioning whether this distinction should affect any impact analysis.

4. **Developer.** Should characteristics of the developer (i.e. commercial / noncommercial, open / closed) affect this analysis?
    a. The group explored how commercial versus non-commercial and open versus closed source development contexts may require different approaches, and acknowledged that different approaches may entail different responsibilities and mitigations.

5. **Data.** How will the role of data change over time?
    a. A debate emerged about whether data has long-term appreciating value (through predictive analytics) or depreciating value (as models require new training data for next-generation capabilities). Some participants advocated for data trusts or pools (referencing the NHS model), though noted that trustees face significant liability obstacles.
    b. Participants noted cultural differences in how data is valued in the context of AI development, with Japan cited as an example of a society with particular mistrust of AI applications.

6. **Intervention.** Are you confident in existing regulatory structures? What kinds of policy interventions would satisfy your concerns (e.g. developer, deployer, or user / transparency or restriction)?

a. Participants described a spectrum of possible interventions ranging from corporate-led or standards-based frameworks to targeted public interventions to fundamentally re-engineering the safety net. Some suggested looking to models like Singapore's approach of funding artists to protect national identity and sustain the artistic ecosystem, comparing this to historical patronage systems like those of the Catholic Church.
b. Bargaining power emerged as a critical consideration, with discussion of the power imbalances between Big Tech/Small Tech and Big Publishers/Small Publishers, and how that might affect the viability of different solutions.

Trends. Given the short time frame, the group had limited opportunity to fully explore the potential implications for open source development, or the appropriate policy or technical response in different environments. However, several trends emerged that may affect future analyses:

1. **Framing.** Discourse about AI and creator rights needs greater precision about specific risks, responsible actors, and potential interventions.
2. **Risks.** Creator concerns extend beyond simple compensation to questions of labor value, consent, and long-term, market-wide creative sustainability.
3. **Modalities.** Interventions must be sensitive to differences across creative modalities, with music requiring particularly careful consideration.
4. **Interventions.** Current regulatory structures appear insufficient to address the full spectrum of concerns.
5. **Bargaining power.** Improving creator bargaining power may be as important as technical or regulatory interventions.
6. **Supply chain nuances.** Open-source environments present both unique challenges and opportunities for distributing responsibility through the technical stack

The brief roundtable confirmed that achieving meaningful AI reform for creators will require precision, nuance, and cross-disciplinary collaboration between creators and developers.