



UVA POSITION PAPER ON THE ARTIFICIAL INTELLIGENCE ACT

United Voice Artists ("**UVA**" - EU Transparency register ID: 810100650765-18) is a global coalition of 35 voice acting guilds, associations and unions in Europe (France, Spain, Italy, Germany, Austria, Belgium, Poland, Netherlands) together with Switzerland, the United States, Turkey, Canada, Africa, Asia and Latin America representing more than 20,500 artists that have united to ensure that the use of artificial intelligence ("**AI**") in the creative and media industry does not harm artistic heritage and human creativity and to preserve artist's rights in relation to the use of AI, in particular in the dubbing and voice-over industry.

The UVA acknowledges the efforts of the European legislators in designing the Artificial Intelligence Act ("**AI Act**") as the first European legislation for the regulation of certain use cases of AI. However, to ensure that the AI Act does not lead to the extinction of human creativity in the entertainment industry through synthetic and cloning AI techniques and the exploitation of artists and their work by infringing their rights, both from a privacy/publicity data protection, and an intellectual property rights protection perspective, we have identified the following key areas that should be urgently addressed in the upcoming trilogue negotiations:

1. **Prohibition to create or expand audio/vocal databases**
2. **Extension of transparency requirements**
3. **Introduction of unfair contract practices unilaterally imposed by generative AI providers**

The first wave of generative AI focused on images. However, more and more generative AI applications are developing in the field of audio and video content. These advances are not sufficiently addressed in the current draft of the AI Act. We believe that addressing the critical issues above will contribute to preserving artists' rights and preventing the potential harm caused by the illicit exploitation of peoples' voices as an integral part of their identity, unlawful use of personal data and misleading output by generative AI systems.

1. **Prohibition to create or expand audio/vocal databases**

The European Parliament proposed the expansion of prohibited AI practices to include *"the placing on the market, putting into service or use of AI systems that create or expand facial recognition databases through the untargeted scraping of facial images from the internet or CCTV footage"* (Amendment 225, Article 5 para 1 point db (new)). **We strongly support this prohibition from a civil rights and artist's rights point of view. However, the proposed prohibition needs to be extended also to the creation of audio/voice databases due to the following reasons:**

- Unique voiceprints – like facial geometry – are highly sensitive biometric data, which are used more and more to identify individuals in a multi-modal approach, for example, as identification to access one's bank account and conduct transactions. Currently, several cases of large-scale voice fraud are

causing individuals and companies losses at a massive scale with very little chance of recovery of funds. [1] Hence, large-scale voice databases are an attractive target for cybercriminals and hackers, bearing the existential risk of exposing massive amounts of sensitive voice data, leading to identity theft, impersonation, or other fraudulent activities. Unlike passwords or traditional authentication methods, voice prints as biometric data cannot be changed if compromised, making it a long-term security risk for affected individuals.

- Voice data collected in a database can be misused for purposes beyond the original intent, such as unauthorized voice cloning, creating fake content, or for social engineering attacks. Biometric spoofing, where malicious individuals use recorded or synthesized voice samples to impersonate real persons and gain unauthorized access, is becoming increasingly common with the improvement of AI for audio applications. Voice cloning has also already been used in political campaigns to willingly spread fake news and misinformation to the public - a threat to Democracy itself. [2] By the time abuse of this kind is revealed, the damage is done, and the political system is already destabilized.
- The human voice is the primary means of our communication, expression, and emotional connection and, as such essential for both individual identity and cultural heritage. Permitting collection, storage, and usage of voice data leaves it susceptible to misuse and exploitation. Such lack of control over one's voice is a massive ethical and legal concern.

Due to the above outlined massive risks and concerns, we call lawmakers to include voice data bases in the scope of the prohibited AI practices and propose the following amendment based on the Amendments adopted by the European Parliament on 14 June 2023 (COM(2021)0206 – C9-0146/2021 – 2021/0106(COD)) on the AI Act ("**EU Parliament Position**"):

UVA Amendment Proposal (in blue color) on Amendment 225, Article 5 para 1 point db (new) of the EU Parliament Position: "The placing on the market, putting into service or use of AI systems that create or expand facial recognition **and voice** databases through the untargeted scraping of facial images and **audio sequences** from the internet or CCTV footage".

2. Extension of transparency requirements

We strongly favor the transparency requirements in relation to copyright and related rights-protected works included in training data sets for generative AI. However, it is further essential to expand disclosure requirements to personal data protected under the General Data Protection Regulation (GDPR) in order to address bias, ensure fairness, and mitigate risks.

- (i) Voice artists in particular, have the right to know if their voice, as their key personality attribute, work tool, main personal asset, and biometric data under the GDPR, has been used for AI training. The obligation to disclose which data protected by the GDPR has been used in training generative AI, and rely on an appropriate legal bases in that respect, ensures (i) that providers can be held accountable for unlawfully exploiting personal data, (ii) contributes to artists enforcing their rights, in particular the right to withdraw their consent, under the GDPR, and

(iii) that bias and risks inherent to training data can be addressed adequately. The potential unlawful collection and processing of personal data for training generative AI is a significant issue and a real threat underlined by the first lawsuit filed in the US against OpenAI, where the theft of massive amounts of personal data for AI training purposes is alleged. [3] Also, from an intellectual property rights protection perspective, UVA supports clarification of the summary of copyrighted training data's form and content that providers of foundation models use in AI systems have to make publicly available by adapting harmonized standards in that respect.

Consequently, we propose the following amendment (in blue color) on Amendment 399, Article 28b (new) of the EU Parliament Position:

"4. Providers of foundation models used in AI systems specifically intended to generate, with varying levels of autonomy, content such as complex text, images, audio, or video ("generative AI") and providers who specialise a foundation model into a generative AI system, shall in addition

a) comply with the transparency obligations outlined in Article 52 (1),

b) train, and where applicable, design and develop the foundation model in such a way as to ensure adequate safeguards against the generation of content in breach of Union law in line with the generally-acknowledged state of the art, and without prejudice to fundamental rights, including the freedom of expression,

c) without prejudice to Union or national ~~or Union~~ legislation ~~on copyright~~, document and make publicly available a sufficiently detailed summary of the use of training data protected under copyright law or protected under the Regulation (EU) 2016/679, which content and form should be based on harmonized standards to be defined by the concerned parties' industry."

(ii) Further, the disclosure obligation in relation to deep fakes (i) does not adequately consider audio or other voice fakes apart from images, and further (ii) does not adequately cover fake news and false representations beyond 'people appearing to say or do things they did not say or do' (e.g., fake reports about disasters, plane crashes, war action and any other falsified content without a human depiction). Particular attention should also be paid to the definition of the standards which will serve as the basis for the labeling/information scheme provided hereunder to ensure a heterogeneous panel of participants able to reflect the constraints and interests of the entertainment sector, including voice artists, to which UVA is committed to contributing. For example, this would mean for an AI generated radio message or audio description to include prior to the broadcasting an audio notification such as "the following message has been generated by AI".

Consequently, we propose the following amendment (in blue color) on Amendment 486, Article 52 paragraph 2 subparagraph 1 of the EU Parliament Position:

"3. Users of an AI system that generates or manipulates text, audio or visual content **that features existing persons, objects, places or other entities or events and** would falsely appear to be authentic or truthful ~~and which features depictions of people appearing to say or do things they did not say or do, without their consent~~ ('deep fake'), shall disclose in an appropriate, timely, clear and visible, **or for audio content, audible** manner that the content has been artificially generated or manipulated, ~~as well as, whenever possible, the name of the natural or legal person that generated or manipulated it.~~ Disclosure shall mean **making transparent that the content in a way that informs that the content** is inauthentic **in a way and that is** clearly understandable in a visible, **or for audio, audible form** for the recipient of that content. To label the content **or make appropriate audible disclosure for audio**, users shall take into account the generally acknowledged state of the art and relevant harmonised standards and specifications."

- (iii) Further, given the media privileges curbing the disclosure obligations in relation to 'deep fakes', it is important to disclose the ratio of authentic vs. synthetic content. Such disclosure is essential for the avoidance of misinterpretation and for ensuring consumer protection. Consumers of media need to be empowered to make informed judgments about the quality, reliability, and humanity of the media they consume and the use of AI in its creation. Proper disclosure ensures that artists' contributions are acknowledged and further helps preserve the integrity of authentic human creativity and artistic expression. This would be a type of "human guarantee" in addition to the "human oversight".

Consequently, we propose the following amendment (in blue color) on Amendment 486, Article 52 paragraph 2 subparagraph 2 of the EU Parliament Position:

"3a. Paragraph 3 shall not apply where the use of an AI system that generates or manipulates text, audio or visual content is authorized by law or if it is necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU, and subject to appropriate safeguards for the rights and freedoms of third parties. Where the content forms part of an evidently creative, satirical, artistic or fictional cinematographic, video games visuals and analogous work or programme, transparency obligations set out in paragraph 3 are limited to disclosing of the existence of such generated or manipulated content in an appropriate clear, visible **and/or audible** manner that does not hamper the display of the work, **and** disclosing the applicable copyrights **and other artists rights**, where relevant **and disclosing the ratio of authentic and AI generated or manipulated input.** It shall also not

prevent law enforcement authorities from using AI systems intended to detect deep fakes and prevent, investigate and prosecute criminal offences linked with their use."

3. Introduction of unfair contract practices unilaterally imposed by generative AI providers

The EU Parliament Position introduced unfair contract practices for the protection of startups and SMEs in relation to high-risk AI systems (Amendment 398, Article 28a (new)). However, the same imbalance of contracting parties and negotiation power applies in the context of generative AI providers. In particular, users of generative AI systems find themselves in a substantially detrimental position compared to their counterparts, i.e., large generative AI providers mostly from non-European countries with dominant market positions. Several factors contribute to this substantial imbalance of power, in particular, asymmetry of resources, market dominance, dependency on platforms, and information asymmetry. These factors lead to large foreign generative AI providers and other companies developing and using generative AI taking unfair advantage of creators using their platforms. [4]

Consequently, we propose to include the following provisions (in blue color) in Amendment 398, Article 28a (new) in the EU Parliament Position:

Unfair contractual terms unilaterally imposed by generative AI providers

- 1. A contractual term which has been unilaterally imposed by the provider on users of generative AI or data owners or providers for generative AI training shall not be binding on the latter if it is unfair.***
- 2. A contractual term is not to be considered unfair where it arises from applicable Union law.***
- 3. A contractual term is unfair if it is of such a nature that it objectively impairs the ability of the party upon whom the term has been unilaterally imposed to protect its legitimate commercial interest in the input or its use grossly deviates from good commercial practice, is contrary to good faith and fair dealing or creates a significant imbalance between the rights and the obligations of the parties in the contract.***
- 4. A contractual term is unfair for the purposes of this Article if its object or effect is to:***
 - (a) granting unlimited usage rights to input or output data without clear restrictions on the scope, purposes and duration of usage.***
 - (b) ambiguous or misleading attribution practices for AI-generated content.***
 - (c) granting of exclusive rights to any input into the generative AI system without adequate compensation provided in return.***
 - (d) allowing the creation of fully or partially synthetic personas or any part of personas such as face, voice, expressions, without the explicit informed consent of the concerned personas.***

5. *A contractual term shall be considered to be unilaterally imposed within the meaning of this Article if it has been supplied by one contracting party and the other contracting party has not been able to influence its content despite an attempt to negotiate it. The contracting party that supplied a contractual term shall bear the burden of proving that that term has not been unilaterally imposed.*
6. *Where the unfair contractual term is severable from the remaining terms of the contract, those remaining terms shall remain binding. The party that supplied the contested term shall not argue that the term is an unfair term.*
7. *This Article shall apply to all new contracts entered into force after ... [date of entry into force of this Regulation]. Businesses shall review existing contractual obligations that are subject to this Regulation by ...[one year after the date of entry into force of this Regulation].*
8. *Given the rapidity in which innovations occur in the markets, the list of unfair contractual terms within this Article shall be reviewed regularly by the Commission and be updated to new business practices if necessary.*

We strongly believe that the amendments proposed will contribute to a more transparent and secure AI Act, acknowledging the rights and contributions of artists in the rich European culture and heritage. We look forward to participating in a collaborative dialogue in relation to the AI Act and are at your disposal for more detailed elaborations and discussions.

UNITED VOICE ARTISTS (UVA)

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- [1] Cox on Vice, How I Broke Into a Bank Account With an AI-Generated Voice, 23 February 2023 (<https://www.vice.com/en/article/dy7axa/how-i-broke-into-a-bank-account-with-an-ai-generated-voice> [viewed last 26 July 2023, 17:26 CET]). Brewster on Forbes Online, Fraudsters Cloned Company Director's Voice In \$35 Million Heist, Police Find, 14 October 2021 (<https://www.forbes.com/sites/thomasbrewster/2021/10/14/huge-bank-fraud-uses-deep-fake-voice-tech-to-steal-millions/?sh=6f88dd867559> [viewed last 26 July 2023, 17:26 CET]).
- [2] Isenstadt on Politico Online, DeSantis Republican Campaign for Presidency cloned Trumps voice to make him say things he never said, 17 July 2023 (<https://www.politico.com/news/2023/07/17/desantis-pac-ai-generated-trump-in-ad-00106695> [viewed last 26 July 2023, 17:36 CET]).
- [3] Dean, A lawsuit claims OpenAI stole 'massive amounts of personal data,' including medical records and information about children, to train ChatGPT, Business Insider, 29 June 2023 (<https://www.businessinsider.com/openai-chatgpt-generative-ai-stole-personal-data-lawsuit-children-medical-2023-6?op=1> [viewed last 20 July 2023, 17:48 CET]). Case file available under <https://assets.bwbx.io/documents/users/iqjWHBFdfxIU/rIZH4FXwShJE/v0> [viewed last 20 July 2023, 17:48 CET].
- [4] Brown, Why AI is making performers fear for careers, 4 July 2023 (<https://www.channel4.com/news/why-ai-is-making-performers-fear-for-careers> [viewed last 20 July 2023, 17:49 CET]).

AACTD: African Association of Professional Actors & Dubbing Technician (Benin, West Africa)

AAPV: Valencian Professional Actors And Actresses (Spain)

ACTORS.LU: Association des actrices et des acteurs du Luxembourg

ACTRA Toronto: Alliance of Canadian Cinema, Television and Radio Artists (Toronto, Canada)

ADA: Artistas da Dobraxe Asociados (Spain)

ADAP: Associazione Doppiatori Attori Pubblicitari (Italy)

ADOMA: Artistas de Doblaje de Madrid (Spain)

ANAD: Associazione Nazionale Attori Doppiatori (Italy)

ARDA: Asociación Renovada del Doblaje Andaluz (Spain)

AUT: Actors' Union of Turkey (Turkey)

AVTA Madrid: Sindicato de Actores de Voz y Voice Talent de Madrid (Spain)

BELVA (Belgium): Belgium Voice Artists

BIEUSE: Bikoiztaile Euskaldunen Elkartea (Spain)

CHILEVOCES: Asociación de artistas de la voz hablada (Chile)

CPD: Collectiu De Professionals Del Doblaje (Spain)

DUB: Doblaje Unida de Barcelona (Spain)

EHBE: Euskal Herriko Bikoizleen Elkartea (Spain)

LESVOIX.FR: Association professionnelle des comédiens artistes-interprètes de la voix enregistrée (France)

LGL: La General de Locutores (Spain)

LOCUMAD: Sindicato de Locutores de Madrid (Spain)

NAVA: National Association of Voice Actors (USA)

NedVO: Nederlandse Voiceovers

OVU: Organización de Voces Unidas (Latin America)

SFA-CGT: Syndicat Français des Artistes interprètes (France)

SIA-UNSA: Syndicat Indépendant des Artistes-Interprètes (France)

SNAPAC-CFDT: Syndicat national des Artistes et des Professionnels de l'animation, du Sport et de la Culture (France)

TDAPA: Taipei City Dubbing Artists Professional (Taiwan) Association

Union Des Artistes Du Spectacle (Belgium)

UDA: Union des artistes (Quebec, Canada)

VdS: Verband deutscher Sprecher:innen e.V. (Germany)

Voice Sprecherverband (Austria)

VPS-ASP: Vereinigung professioneller Sprecherinnen und Sprecher (Switzerland)

WoVO: World-Voices Organization (USA)

ZZTD: Związek Zawodowy Twórców Dubbingu (Poland)