

Principle-Code for Protection of intellectual property and transparency for the  
appropriate use of generative AI (provisional title) (draft)

1. Overview

(1) Basic Concept (Purpose)

This document is, based on the intent of the Act on Promotion of Research, Development and Utilization of Artificial Intelligence-Related Technologies (Act No. 53 of 2025), seeing the efforts of the EU AI Act (measures to ensure transparency and measures to protect copyright) and the efforts in the field of corporate governance such as the Stewardship Code (comply or explain), establishes the principles for measures to ensure transparency and protect intellectual property rights that generative AI businesses should take, thereby aiming to ensure a safe and secure usage environment for rights holders and users, in order to balance the promotion of advances in generative AI technology with the appropriate protection of intellectual property rights.

(2) Subjects to which this document applies

This document applies to "Generation AI Developers" and "Generation AI Providers" (hereinafter collectively referred to as "Generation AI Businesses").

- A "generative AI developer" is a person ( regardless of purpose or whether they are a corporation or an individual ) who is responsible for building a generative AI system (hereinafter collectively referred to as a "generative AI system") including a generative AI model, the system infrastructure of the generative AI model, input /output functions, etc. through the development of generative AI models and algorithms, data collection (including purchase), preprocessing, generative AI model learning and verification, and who has provided all or part of the generative AI system related to the said development to the public (meaning an unspecified person or a specified number of people; the same applies hereinafter).
- A "generated AI provider" is a person (regardless of purpose or whether they are a corporation or individual ) who is responsible for verifying generated AI systems, implementing integration of generated AI systems with other systems, providing generated AI systems or services, providing operational support for users of generated AI systems to ensure normal operation, or operating generated AI services, and who provides services to the public that incorporate generated AI systems into applications, products, existing systems, business processes, etc. (hereinafter collectively referred to as "generated AI services").

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For clarity, the term “generative AI developer” in this document does not include a person who uses data held by a single corporation or individual to provide a generative AI system used exclusively by that person. Also, the term “generative AI provider” in this document does not include a person who provides a generative AI service equipped with a generative AI system specialized using data held by a single corporation or individual exclusively to that person.

In addition, even if a generation AI business does not have its head office or main office in Japan, this document shall apply if the generation AI system or generation AI service is provided to Japan (including, but not limited to, when it is available to Japanese nationals).

### (3) Methodology adopted in this document

This document was established taking into consideration the circumstances and respective intentions of generation AI businesses, generation AI users, and rights holders, and does not require generation AI businesses to forcibly disclose information belonging to them (including, but not limited to, trade secrets), but rather requires them to comply with the principles set out below using a comply-or-explain approach.

The “comply or explain” approach requires businesses to either implement the principles or, if they do not, explain the reasons for doing so. In other words, if a business considers it inappropriate to implement any of the principles listed below in light of its individual circumstances, it is possible to choose not to implement some of the principles by providing a full explanation of the “reasons for not implementing” them. Naturally, however, when providing such explanations, business operators should devise ways to ensure that users and rights holders fully understand their response to the principles they do not implement.

In addition, while implementing the principles, it is also considered beneficial to actively explain the specific initiatives being undertaken by a company in order to gain a sufficient understanding from users and rights holders.

(4) Visualization of the acceptance status of this document

To visualize the acceptance status of this document, the following is expected to the Generative AI businesses that accept the principles set out below:

- These businesses shall publish the following items on its own managed and operated corporate website (a website that transmits official information such as an overview of the AI generation business, business details, and product information) or any other website with equivalent functions (hereinafter collectively referred to as "corporate website, etc."), and submit the same in accordance with the format prescribed by the Intellectual Property Strategy Promotion Office of the Cabinet Office.
  - Acceptance of the principles set out in this document (Acceptance Statement)
  - The following matters regarding each principle set forth in this document
    - ✧ Implementation of each principle
    - ✧ If there are any principles that are not implemented, an explanation of the reasons
- Each item shall be reviewed and updated annually (and any updates shall be made public).

The Cabinet Office Intellectual Property Strategy Headquarters will prepare a reference form for comply or explain based on this document, publish a list of businesses that have submitted notifications and links to the corporate websites and other information published by those businesses, and encourage industries to proactively submit notifications, with the cooperation of relevant ministries and organizations. However, the Cabinet Office Intellectual Property Strategy Headquarters will not review the content of the notifications, nor will it respond to inquiries from third parties.

## 2. Principles and exceptions set out in this document

### (1) Principles set out in this document

#### [Principle 1]

The Generation AI Businesses shall disclose an outline of each of the matters set out in (1) and (2) below (hereinafter collectively referred to as the "Outline Disclosure Subject Matter") on the corporate website (a website that transmits official information such as the outline of the Generation AI Businesses, business details, and product information, which is accessible to all) that it manages and operates, or on any other website with equivalent functionality, and make it accessible to all, including users and rights holders.

#### (1) Transparency measures

The following items shall be disclosed:

##### A. Usage model

- Name (identifier, version, etc.)
- History including publication date (past versions, revision history, etc.)
- Architecture and design specifications (status of licenses contracted with third parties for model development, hardware, software and licenses required for use, etc.)
- Terms of use (clarification of intended uses, restricted and prohibited uses, etc.)
- Details of the model training process (training method, parameter settings including inference process and decision basis, etc.)

##### B. Learning data

- Matters related to the data used for training and validation (type of data, matters related to private datasets obtained by web crawling or third parties, matters related to public datasets, matters related to data collected by other means, whether synthetic data is used and for what purpose, etc.)
- Crawler (purpose, data collection period, name/identifier, whether or not a third-party crawler is used and its name/identifier, etc.)

##### C. Accountability

- The content of the state in which decisions made during the development, provision, and use of generative AI systems or services can be traced and traced to the extent technically possible and reasonable (improving traceability, clarifying who is responsible, allocating responsibilities

among parties involved, responding specifically to stakeholders, documentation, etc.)

(2) Measures to protect intellectual property rights

The status of response to the following matters shall be disclosed.

- In order to ensure proper compliance with rights, principles for protecting intellectual property rights will be established, and the system of responsibility will be clarified. These will be reviewed at least once a year, and a summary will be made public.
- When utilizing data, including for the development and training of generative AI, these businesses shall not infringe on the intellectual property rights of others.
- Respect access restrictions such as paywalls and employ crawlers that follow machine-readable instructions such as robots.txt, ensure that rights holders take appropriate measures, and the above measures shall be published for each user agent and any changes must be notified.
- The learned logs are kept <sup>1</sup>for a certain period of time .
- Work to avoid crawling so-called pirated sites .
- To the extent possible, technological measures shall be taken to prevent the creation of products that infringe intellectual property rights .
- Wherever possible, use digital watermarks, C2PA and other technical measures to verify the origin and provenance of content .
- Inform users that if they believe that a product infringes the intellectual property rights of others, they should not use it.
- In order to ensure timely and appropriate relief for rights holders, appropriate contact points will be established, including by utilizing existing systems, application requirements will be made as clear as possible, and records of responses will be kept.

(details)

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<sup>1</sup> Regarding the storage of logs, page 18 of the Ministry of Internal Affairs and Communications and the Ministry of Economy, Trade and Industry's "AI Business Guidelines (Version 1.1)" states, under "1. Ensuring verifiability, " that " In order to ensure the verifiability of AI decisions, logs of the development process of AI systems and services, input and output during use , the AI learning process, inference process , and the basis for decisions, etc., shall be recorded and stored within a reasonable range in light of the amount and content of data." and " When recording and storing logs, the recording method, frequency, storage period, etc. shall be considered in light of the characteristics and uses of the technology used , taking into account the importance of investigating the cause of accidents, etc. , considering measures to prevent recurrence, and proving the requirements for liability for damages ."

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- It is expected that the accumulated efforts of each AI provider under Principle 1 will lead to the standardization of disclosed information, deepen mutual understanding between AI providers, AI users, and rights holders, support appropriate understanding and independent judgment among stakeholders, and contribute to the creation of trustworthy AI. Therefore, when disclosing summary information based on Principle 1, it is important to identify the presence and scope of information that falls under each summary disclosure item while taking into account the intent of "1. General Discussion," and to proceed with the procedure while taking care not to violate other laws and regulations. Furthermore, there is nothing to prevent AI providers from voluntarily disclosing details regarding summary disclosure items.
- For the level of detail that should be disclosed for each item subject to summary disclosure, please refer to the specific examples of items subject to summary disclosure published separately by the Cabinet Office Intellectual Property Strategy Promotion Office.

[Principle 2]

In the event that a request for disclosure is made by a person who is currently taking or preparing to take legal action, such as filing a lawsuit, filing a request for mediation, ADR (alternative dispute resolution), or other legal procedure to realize his or her rights or legally protected interests, or by an attorney authorized by such a person or an agent authorized by law to take judicial action (hereinafter referred to as the "Principle 2 Disclosure Requester"), regarding the following [Items that may be Requested for Disclosure], and the request for disclosure satisfies all of the items in the [Items that Disclosure Requests Must Satisfy] below, the Generation AI Business Operator will respond to the request for disclosure.

[Items that may be requested for Disclosure]

- the data used for learning and validation (including, but not limited to, non-public datasets obtained by web crawling or third parties, public datasets, datasets including synthetic data , and other data collected by other means ) includes information such as URLs that the AI generator queries (limited to information that can be easily accessed and confirmed by the generator; hereinafter referred to as "Principle 2 Control Information").
- If the party requesting disclosure is a generation AI provider and the generation AI provider is unable to respond, the name of the person who developed the generation AI model installed in the generation AI service

[Items that Disclosure Requests must satisfy]

- ① Showing the person that the person is identified as a "Principle 2 Disclosure Requester"
- ② The purpose of use of the response to the request for disclosure is clearly stated, and the person requesting disclosure pledges that they will not use the response for any other purpose.
- ③ It indicates a specific Principle 2 Control Information, and specifies the reasons for requesting disclosure from the AI generating company in relation to the said Principle 2 Control Information.

(details)

- Typical examples of disclosure requirements under Principle 2 are as follows:
  - When a person who has created a work and posted it on website A discovers an AI-generated product that is identical or similar to the work in question, they provide the AI-generated business with the URL of the page where the work is posted on website A and request disclosure of whether the domain is included in the crawler crawl targets or is included in the source of learning data provided by a third party.
- With regard to the level of “reason that a person is identified as a Principle 2 Disclosure Requester” as set forth in ①, the generation AI business that receives the request is required to show sufficient reason to believe that the person falls under “a person who is currently taking or preparing to take legal action, such as filing a lawsuit, filing a request for mediation, ADR (alternative dispute resolution), or other legal procedure to realize his or her rights or legally protected interests, or by an attorney authorized by such a person or an agent authorized by law to take judicial action”.
- Principle 2: AI generators are expected to make efforts to provide as detailed and easy-to-understand disclosure as possible so as not to impede the rights or legally protected interests of the requester. Even in cases where the matters requested for disclosure are considered to be trade secrets, they are expected to first seriously consider and discuss the matter.
- It is desirable for generation AI businesses to clarify and publicly announce their own response policies for requests for disclosure from disclosure requesters under Principle 2, taking into account technical challenges, costs, the purpose of use, the content of legal procedures, etc., and making rational decisions to avoid excessive burdens. (Note that generation AI businesses should consider their own response policies in the event that they become the party to legal procedures, as this may be related to the response strategy for those legal procedures, etc.)

By accumulating such diverse comply-or-explain cases, it is expected that businesses that are taking outstanding initiatives will be appropriately evaluated based on market principles, and that mutual understanding will deepen between AI generation businesses, AI generation users, and rights holders.



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- When implementing Principle 2, measures may be taken to prevent abusive requests, such as imposing a certain fee or a limit on the number of requests within a reasonable period of time . However, care must be taken to avoid imposing fees or limiting the number of requests that discourage, make difficult, or discourage disclosure requests.
- Although no specific rules are set forth regarding the timing of responses, Principle 2 states that efforts should be made to disclose information promptly within a reasonable period of time so as not to impede the realization of the rights or legally protected interests of the person making the disclosure request.
- From the perspective of fulfilling accountability as a provider of generative AI systems or generative AI services to the public, simply stating that a system for implementing Principle 2 has not been established is not sufficient as an "explanation," and the company shall provide an appropriate explanation as to when the establishment of such a system will be completed, taking into account factors such as the scale of its business as a business operator.
- Other methods of collecting information after the filing of a lawsuit, other than requests for disclosure based on Principle 2, include inquiries between the parties (Article 163 of the Code of Civil Procedure) and applications for document production orders (Article 221 of the Code of Civil Procedure).

[Principle 3]

If a person (hereinafter referred to as the “Principle 3 Disclosure Requester”) who uses a Generative AI system or Generative AI service provided by a Generative AI Business Operator to generate movies, music, plays, literature, photographs, manga, animation, computer games, or other text, figures, colors, sounds, actions, or images, or combinations of these, or programs for providing information related to these via a computer (meaning instructions to a computer combined to produce a single result) requests disclosure of the items listed in [Items that may be requested for disclosure] below, and requests for disclosure satisfies all of the items in [Items that disclosure requests must satisfy] below, the Generative AI Business Operator will respond to the request for disclosure.

[Items that may be requested for disclosure]

- Whether the data used for learning and validation (which refers to, but is not limited to, non-public datasets obtained by web crawling or third parties, public datasets, datasets including synthetic data, or data collected by other means) contains information such as URLs (limited to those that can be easily accessed and confirmed by the generation AI business operator; hereinafter referred to as “Principle 3 Control Information”) that contain content (which refers to “content” as defined in Article 2, Paragraph 1 of the Act on Promotion of Creation, Protection and Exploitation of Content; the same applies hereinafter) that is identical or similar to the product generated by the Principle 3 Disclosure Requester.
- If the party requesting disclosure is a generation AI provider and the generation AI provider is unable to respond, the name of the person who developed the generation AI model installed in the generation AI service

[Items that Disclosure Requests must satisfy]

- ① The reason for identifying as a Principle 3 Disclosure Requester includes showing that the product generated by the person requesting disclosure and the prompt used to generate the product are provided.
- ② The purpose of use of the response to the request for disclosure is clearly stated, and the person requesting disclosure pledges that the response will not be used for any other purpose than the stated purpose or for the purpose of filing a lawsuit, filing for arbitration, ADR (alternative dispute resolution), or other legal procedures.

- ③ It indicates a specific Principle 3 Control Information, and specifies the reasons for requesting disclosure from the AI generation business operator in relation to the said Principle 3 Control Information.

(details)

- Typical examples of disclosure requirements under Principle 3 are as follows:
  - When a person who has created a generated AI product using generation AI service A, which is capable of generating images, discovers that an image identical or similar to the generated AI product is posted on website B, the person requests the generation AI provider of generation AI service A to disclose the generated AI product, the prompt used to generate the generated AI product, the purpose of use of the generated AI product, and the URL of website B, and to ask whether the domain part of the URL is included in the crawl targets for learning data when developing the generation AI system installed in generation AI service A, or whether it is included in the source of learning data provided by a third party, or if the generation AI provider is unable to answer, to disclose the name of the person who developed the generation AI model installed in the generation AI service.
- In order to avoid hindering the utilization of generated AI products by those requesting disclosure, the generating AI business operator is required to make efforts to provide as detailed and easy-to-understand disclosure as possible. Furthermore, even in cases where the matter related to the request for disclosure is considered to be a trade secret, it is expected that the business operator will first seriously consider and discuss the matter.
- It is desirable for generation AI businesses to clarify and publicly announce their own response policies for requests for disclosure from disclosure requesters under Principle 3, taking into account technical challenges, costs, the purpose of use, the content of legal procedures, etc., and making rational decisions to avoid excessive burdens. (Note that generation AI businesses should consider their response in the event that they become the party to legal procedures, as this may be related to the response strategy for those legal procedures, etc.) By accumulating such diverse comply-or-explain cases, it is expected that businesses that are taking outstanding initiatives will be appropriately

evaluated based on market principles, and that mutual understanding will deepen between AI generation businesses, AI generation users, and rights holders.

- When implementing Principle 3, measures may be taken to prevent abusive requests, such as imposing a certain fee or a limit on the number of requests within a reasonable period of time. However, care must be taken to avoid imposing fees or limiting the number of requests that discourage, make difficult, or discourage disclosure requests.
- Although no specific rules are set out regarding the timing of disclosure, companies are expected to make efforts to make prompt disclosure within a reasonable period of time.
- From the perspective of fulfilling accountability as a provider of AI generating systems or AI generating services to the public, simply stating that a system for implementing these principles has not been established is not sufficient as an “explanation,” and the company will provide an appropriate explanation as to when the establishment of such a system will be completed, taking into consideration factors such as the scale of its business as a business operator.
- Other methods of collecting information after the filing of a lawsuit, other than requests for disclosure based on Principle 3, include inquiries between the parties (Article 163 of the Code of Civil Procedure) and applications for document production orders (Article 221 of the Code of Civil Procedure).

## (2) Exceptions to the principles outlined in this document

Some Generative AI Providers develop Generative AI systems or provide Generative AI services using open source software. As a result, it is anticipated that there may be cases where it is difficult to disclose or explain some of the summary disclosure items under Principle 1, or to disclose items that can be required to be disclosed under Principles 2 and 3. Therefore, this document provides the following exceptions.

### [Exceptions to Principles 1 to 3]

Among generation AI businesses engaged in the development and learning phase (pre- and post-learning), those that use open source software to conduct all or part of their business and for which it is difficult to both disclose and explain some of the matters subject to summary disclosure under Principle 1 due to their use of open source software, and those for which it is difficult to disclose matters that may be required to be disclosed under Principles 2 and 3, may instead disclose those matters

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by clarifying the fact that they use open source software and the details of the license for that open source software.

### (3) Points to note when selecting “Explain”

Even if a generative AI business does not implement all or part of the principles and “explains” the reasons for not implementing them, in light of the purpose of this document, which is to ensure a safe and secure usage environment for users in order to promote the advancement of generative AI technology while also properly protecting intellectual property rights, the businesses should devise ways to ensure that users and rights holders fully understand its response to the principles it does not implement.

Furthermore, even if AI businesses have declared that they will implement each principle set forth in this document (i.e., has declared its acceptance), if it is determined that they are not actually implementing each principle set forth in this document, such as by narrowing the scope of disclosure based on provisions in terms of use, etc., a separate “explain” is required. For clarification, it is not sufficient to simply show that there is a provision in the contract or terms of use that abolishes or restricts the application of the principles set forth in this document (an override clause); it is necessary to explain why that provision has been included to abolish or restrict the application.

### (4) Other matters

The government is expected to evaluate the disclosures and specific initiatives of AI businesses and provide certain incentives in the various projects and systems that it implements and operates.

Furthermore, this document will be revised based on the results of consideration of the response status of AI generation businesses and trends in international efforts, etc., if deemed necessary.

End

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[Notes]

The following items will be further considered:

- The items and details of the "Outline Disclosure Subject Matter" set forth in Principle 1 and the "Items that May be Required for Disclosure" set forth in Principles 2 and 3
- Granularity of disclosure related to each principle
- The status of Principles 2 and 3
- Considerations for startups, seeing that this document is aimed at those who provide generative AI systems and generative AI services to the public
- Measures for disseminating and incentivizing each principle among AI generation businesses that are subject to this document (including AI generation businesses that do not have their head office or main office in Japan)