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Akin Intelligence



August 2023

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Welcome back to Akin Intelligence: Hot AI Summer Edition!

This month's newsletter reflects the ongoing and increasing global activity around artificial intelligence (AI), including more proposed AI legislation and court actions in the U.S., increased regulatory scrutiny in China, and government and industry activity in the U.K. and European Union (EU). To ensure continued receipt, please subscribe to future issues [here](#) if you have not already done so.

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Akin Spotlight



Lawmakers, White House and Industry Continue the Push for AI Regulation

On July 21, 2023, the White House announced new, voluntary commitments made by seven leading artificial intelligence (AI) companies—Amazon, Anthropic, Google, Inflection, Meta, Microsoft and OpenAI—to manage the risks of new AI development and use, based on three overarching principles of safety, security and trust.

Federal Action

White House Partners with Industry on AI Commitments; Develops Broader Executive Order

On July 21, 2023, the White House announced new, voluntary commitments made by seven leading AI companies—Amazon, Anthropic, Google, Inflection, Meta, Microsoft, and OpenAI—to manage the risks of new AI development and use based on three overarching principles: safety, security and trust. The companies’ commitments include:

- **Safety:** Internal and external security testing of their AI systems, conducted in part by independent experts, as well as information sharing amongst industry and with governments, civil society, and academia on managing AI risks.
- **Security:** Investments in cybersecurity and insider threat safeguards, as well as enabling third-party discovery and reporting of vulnerabilities in their AI systems.
- **Trust:** (1) developing comprehensive technical mechanisms to notify users of AI-generated content, such as a watermarking system; (2) publicly reporting their AI systems’ capabilities and limitations; (3) prioritizing research on the potential societal risks of AI systems; and (4) deploying advanced AI systems to “help address society’s greatest challenges.”

Concurrently, the White House indicated that the Biden-Harris Administration is developing an executive order (EO) and will pursue bipartisan legislation to help the U.S. lead in AI innovation.

Following the White House announcement, four of the companies—Anthropic, Google, Microsoft, and OpenAI—announced the creation of the Frontier Model Forum, which aims to, among other things, advance AI safety research; formulate best practices for the development and deployment of frontier models; and facilitate information-sharing with lawmakers, industry, academics and civil society.

White House Engages Labor, Civil Rights, and Consumer Protection Groups on AI

Prior to announcing the industry commitments, the White House hosted meetings with labor, civil rights, and consumer protection groups to explore AI-focused issues. On June 30, 2023, White House senior officials met with labor leaders to discuss AI’s impact on workers and jobs. Labor groups represented included the American Federation of Teachers, Communications Workers of America, the Technology Institute of the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO), among others. The discussion noted that despite AI’s promising future, union involvement in relevant discussions is critical to raise awareness of the risks across job sectors. Union representatives in attendance described the use of AI to track the pace and quality of workers, which has led to declines in mental health. In addition, union leaders expressed concern regarding the threat of AI to intellectual property rights such as creator ownership of works and likenesses.

On July 12, 2023, Vice President Harris subsequently met with consumer protection, labor, and civil rights leaders to discuss the impact of AI and the role of the White House in protecting Americans from AI harms. Groups in attendance—including the Center for Democracy and Technology (CDT), UnidosUS, and AFL-CIO—raised awareness of negative AI impacts in the workplace, including anecdotes of AI discrimination in job interviews, workplace allocation

and tracking. Attendees communicated the need for stronger cooperation between government, private sector and civil society to address AI harms on the workforce.

Federal Communications Commission (FCC) and National Science Foundation (NSF) Co-Host AI Workshop

On July 13, 2023, the FCC and the NSF co-hosted a workshop on “[The Opportunities and Challenges of Artificial Intelligence for Communications Networks and Consumers](#).” The workshop focused on AI in spectrum management, network resiliency, and consumer issues such as robocalls, digital equity and broadband access. The workshop featured opening remarks by FCC Chairwoman Jessica Rosenworcel, Commissioner Nathan Simington and NSF Director Dr. Sethuraman Panchanathan. Dr. Margaret Martonosi—the Assistant Director for Computer and Information Science and Engineering (CISE) at NSF—gave a keynote speech on the future opportunities AI offers and NSF’s efforts in advancing AI. The speech was followed by two panels: “AI’s Dramatic Impact on Communications Networks and Technologies” and “AI as a Tool and Challenge for Consumer Empowerment.”

Federal Trade Commission (FTC) Opens Investigation of OpenAI

On July 13, 2023, the Federal Trade Commission (FTC) issued a [Civil Investigative Demand \(CID\)](#) to OpenAI, according to *The Washington Post*. The CID indicates that the FTC will investigate OpenAI to determine whether the company, in connection with its products and services relating to Large Language Models such as ChatGPT, “engaged in unfair or deceptive privacy or data security practices...or deceptive practices relating to risks of harm to consumers, including reputational harm.” The CID requests responses to inquiries regarding the company’s background, disclosures and representations, model development and training, assessment of risks and the monitoring, use and retention of personal information. OpenAI CEO Sam Altman [tweeted](#) that the leak of the CID was “disappointing” and “does not help build trust,” but that OpenAI would cooperate with the FTC, further noting that “we are confident we follow the law.”

National Institute of Standards and Technology (NIST) Launches New AI Working Group

On June 22, 2023, U.S. Secretary of Commerce Gina Raimondo [announced](#) the Public Working Group on Generative AI, a new NIST working group. The group will focus on the benefits and risks of AI-generated content, specifically regarding “code, text, images, videos and music.” The group will create guidance “to help organizations address the special risks associated with generative AI technologies.” The working group will first gather information regarding how to use the [NIST AI Risk Management Framework](#) to assist the development of generative AI technologies. It is then expected that the group will support NIST on the testing, evaluation and measurement of generative AI. In the long-term, the working group will incorporate generative AI technologies in solving public policy issues in the health, environment, and climate spaces.

Department of Housing and Urban Development (HUD) Publishes Request for Information (RFI)

On July 13, 2023, HUD [published](#) a [Request for Information \(RFI\)](#) to receive input on how to make programs more effective. Specifically, the agency requested feedback on “which application and eligibility forms could be simplified; how to reduce burdens for people with disabilities, people with limited English proficiency, and other vulnerable groups; what data and information should be responsibly shared among federal agencies or with the public; and how artificial intelligence or machine learning could improve or streamline processes required by HUD.” Comments will be accepted through August 12, 2023.

Secretaries Blinken and Raimondo Call for Multilateral Cooperation on Addressing AI

On July 24, 2023, Secretary of State Antony Blinken and Secretary of Commerce Gina Raimondo published an [op-ed](#) advocating for multilateral efforts to address the risks of AI technologies. The Secretaries emphasized the importance of U.S. guidance regarding AI use, such as “[the Blueprint for an AI Bill of Rights](#),” and underscored current international opportunities for AI discussions, such as the U.S.-EU Trade and Technology Council, the U.K. Global Summit on AI Safety and the United Nations (UN).

Congressional Action



Senate Convenes Second and Third AI Briefings

Senate Majority Leader Chuck Schumer (D-NY) in July convened the second and third briefings in his series of all-senators AI panels. On July 11, 2023, members received a classified briefing on AI from a number of defense and intelligence officials, including Director of National Intelligence Avril Haines and Deputy Secretary of Defense Kathleen Hicks, on the national security implications of AI and the U.S. military’s offensive and defensive capabilities. Following the briefing, Leader Schumer outlined the need for increased collaboration with intelligence and defense agencies and stressed that the timeline for crafting comprehensive legislation is “not years, and not days and weeks, but months.”

On July 26, 2023, senators convened for the third bipartisan education session, which was [moderated](#) by Dr. José-Marie Griffiths, president of Dakota State University. In a [statement](#) following the briefing, Leader Schumer stated, “The Senate will continue ramping up our focus on AI policy when we begin hosting our Insight Forums later this fall.”

Senate Judiciary Committee Continues Series of AI Hearings; IP Subcommittee Preps Bipartisan Legislation

On July 25, the Senate Judiciary Committee’s Subcommittee on Privacy, Technology and the Law held a [hearing](#) to explore principles for AI regulation, featuring [testimony](#) from Anthropic CEO Dario Amodei. During the hearing, Amodei outlined the need to reduce AI’s short-term risks of bias, as well as longer-term risks to humanity, specifically citing the possibility that malign actors could harness AI to make it easier to produce biological weapons. He recommended U.S. policies to secure AI supply chains, also calling for testing the most powerful AIs, which he said should be supported by government funding. A full summary of the hearing is available [here](#).

Previously in the month, the Committee’s Subcommittee on Intellectual Property convened a [hearing](#) to explore copyright issues, during which Subcommittee Chair Chris Coons (D-DE) and Ranking Member Thom Tillis (R-NC) indicated that they intend to draft legislation to safeguard intellectual property (IP) rights in the face of AI-generated content, with a stated goal of having “baseline” legislation by the end of the 118th Congress. In terms of next steps, Ranking Member Tillis outlined the need to create a work group, and the pair noted they have been working in tandem with the “Big Four,” Leader Schumer and Sens. Mike Rounds (R-SD), Martin Heinrich (D-NM) and Todd Young (R-IN) on including IP protections in any broader AI legislation. A full summary of the hearing is available [here](#).

Lawmakers Advance AI Provisions in Must-Pass Defense Bill

Before departing for the August recess, the Senate passed the fiscal year (FY) 2024 National Defense Authorization Act (NDAA; [S. 2226](#)) with wide bipartisan support via an 86-11 vote, contrasting with the House's near party-line passage of its own NDAA ([H.R. 2670](#)) earlier in the month and teeing up bicameral negotiations over a compromise version of the bill. The manager's package for the bill comprised 51 amendments, with 21 proposals each from Democrats and Republicans and an additional nine bipartisan amendments. In particular, the Senate manager's package:

- Directs federal financial regulators to, within 90 days of enactment, submit a report to the Senate Banking and House Financial Services Committees outlining their gap in knowledge related to AI.
- Directs the U.S. Department of Defense's (DoD) Chief Digital and Artificial Intelligence Officer (CDAO) to, within 180 days of enactment, develop a bug bounty program for foundational AI models being integrated into DoD missions.
- Directs the CDAO to, within one year of enactment, complete a study analyzing the vulnerabilities to the privacy, security, and accuracy of AI-enabled military applications, as well as the research and development needs for such applications.
- Directs DoD to, within 180 days of enactment, submit a report to the House and Senate Armed Services Committees on data sharing and coordination, including a strategy supporting effective use of AI-enabled military applications.
- Establishes the position of Chief AI Officer at the U.S. Department of State to facilitate the responsible development of AI and machine learning applications.

The House-passed NDAA ([H.R. 2670](#)) also includes a number of AI-focused directives:

- Directs DoD to develop and implement a process (1) to assess whether an AI technology used by the Department is functioning responsibly; (2) to report and remediate any AI technology determined not to be functioning responsibly; and (3) if efforts to remediate such technology are unsuccessful, to discontinue its use until effective remediation is achievable.
- Directs DoD to conduct a study to assess the feasibility of creating a centralized platform for the development and testing of autonomous software.
- Directs DoD to commence a pilot program to optimize the logistics of aerial refueling and fuel management through the use of advanced digital technologies and AI.
- Directs DoD to establish a Department-wide classification framework for autonomous capabilities within 180 days of enactment.

Senate Republican Shops AI Certification Bill

Sen. John Thune (R-SD), a key member of the Senate Commerce Committee, has begun to seek feedback from industry and Members on his draft Artificial Intelligence Innovation and Accountability Act, which he aims to formally introduce after the August recess. The measure would reportedly establish a self-certification system to be regulated and enforced by the U.S. Department of Commerce. The draft legislation would establish the following three categories of AI, each with varying requirements:

- **Critical High-Impact AI:** Under this category—which is defined to include systems that impact biometric identification, management of critical infrastructure, criminal justice and fundamental rights—companies would adhere to a five-year testing and certification plan established by the Commerce Department.
- **High-Impact AI:** Under this category—which is defined to include systems developed to impact housing, employment, credit, education, places of public accommodation, health care or insurance in a manner that poses a significant risk to fundamental rights or safety—companies would be required to self-certify under a separate impact assessment.

- **Generative AI:** Under this final category, companies would be subject to self-certification requirements only if a generative AI application meets the definition of critical high-impact or high-impact. Companies would also be required to notify consumers of a platform's use of generative AI.

The draft legislation also reportedly provides for a number of carve outs, including an exemption for companies with less than 500 employees, or those that collect the personal data of less than one million individuals annually.

House Energy and Commerce Committee Marks Up AI Accountability Bill

On July 27, 2023, the House Energy and Commerce (E&C) Committee approved the AI Accountability Act ([H.R. 3369](#)), which would direct the U.S. Department of Commerce to conduct a study on accountability measures for AI systems and, in the process, hold public meetings to consult with relevant stakeholders to solicit feedback. Within 18 months of enactment, the Commerce Department would be required to report on feedback received to the House E&C Committee and Senate Commerce Committee.

Bipartisan Senators Press DOJ to Address AI-Generated Child Sex Abuse Material

Sens. Marsha Blackburn (R-TN) and Jon Ossoff (D-GA) recently sent a [letter](#) calling on the U.S. Department of Justice (DOJ) to provide more resources to prosecute the use of AI to generate child sex abuse material.

House Democrats Call for Agencies' Adoption of NIST Framework

Reps. Ted Lieu (D-CA), Zoe Lofgren (D-CA) and Haley Stevens (D-MI) recently sent a [letter](#) to Office of Management and Budget (OMB) Director Shalanda Young urging the administration to require federal agencies to follow NIST's [AI Risk Management Framework](#).

Senate Homeland Security Committee Advances Bill to Oversee Agencies' Promotion of AI

On July 26, 2023, the Senate Homeland Security and Governmental Affairs Committee (HSGAC) held a markup to consider a wide range of bills, including the AI Leadership To Enable Accountable Deployment (AI LEAD) Act ([S. 2293](#)), [approving](#) the bill by a 10-2 vote. The bill would direct federal agencies to establish a Chief Artificial Intelligence Officer (CAIO) position to oversee the promotion and innovation of AI. The bill also calls on OMB to, within three months, establish a CAIO council to "promote coordination regarding agency practices relating to the design, acquisition, development, modernization, use, operation, sharing, risk management, and performance of artificial intelligence technologies." The Committee postponed a hearing that was scheduled for the same day on "Governing AI Through Acquisition and Procurement."

House Armed Services Committee Explores AI on the Battlefield

On July 18, 2023, Rep. Mike Gallagher (R-WI), Chair of the House Armed Services Subcommittee on Cyber, Information Technologies and Innovation, convened a [hearing](#) titled, "Man and Machine: Artificial Intelligence on the Battlefield." During the hearing, Chair Gallagher highlighted the importance American leadership on AI and outlined the need to explore the status of AI adoption at DOD, the structural obstacles that prohibit greater adoption and usage of AI across the military, and how AI can be leveraged by U.S. adversaries. Witnesses highlighted concerns such as misinformation and disinformation operations and the significant growth of conventional and novel cyber-attacks and called on DOD to implement a comprehensive AI governance framework, adapt risk management processes to manage and

mitigate the risks associated with AI, and invest in AI literacy for military personnel at all levels.

Lawmakers Introduce Standalone AI Bills

Sens. Ed Markey (D-MA) and Ted Budd (R-NC), alongside Reps. Anna Eshoo (D-CA) and Dan Crenshaw (R-TX), have introduced the Artificial Intelligence and Biosecurity Risk Assessment Act ([S. 2399/H.R. 4702](#)) to study the potential threats of AI on U.S. biosecurity. The bill would require the Administration for Strategic Preparedness and Response (ASPR) to monitor advancements in AI and how it could be used to develop novel pathogens, and issue a report on the potential risks. Sens. Markey and Budd have also introduced the Strategy for Public Health Preparedness and Response to Artificial Intelligence Threats Act ([S. 2346](#)), which would require the U.S. Department of Health and Human Services (HHS) to develop a strategy for public health preparedness and response to AI threats.

Reps. Jeff Jackson (D-NC), Rich McCormick (R-GA), Michael Lawler (R-NY) and Jasmine Crockett (D-TX) have introduced the bipartisan CLOUD AI Act ([H.R. 4683](#)), which aims to ensure that China cannot remotely access certain American semiconductors and chips by prohibiting support for the remote use or cloud use of integrated circuits listed under Export Control Classification Number 3A090 and 4A090 of the Export Administration Regulations (EAR) by entities located in the People's Republic of China or Macau.

Judicial Action



Open AI Moves to Dismiss Defamation Claim

Following the removal of the case to federal court on July 14, 2023, OpenAI [moved](#) to dismiss defamation claims made by Mark Walters, the host of Armed American Radio. OpenAI argued that the Georgia federal court lacked jurisdiction over the matter, and that Mr. Walters further failed to establish the elements of a defamation claim. OpenAI noted that its terms of service and its warnings adequately warn users that generated content is not factually verified, and therefore its statements could not be read as defamatory. Further, these generated statements were never published, nor were they made with either (1) the knowledge that the statements were false or (2) reckless disregard for whether the statements were true or false, the legal standard for defamation for public figures such as Mr. Walters. OpenAI asked for the suit to be dismissed with prejudice, which will preclude additional filings from Mr. Walters.

Class Action Suit Challenges Google Data Scraping and AI Use

On July 11, 2023, a class action [complaint](#) was filed against Google's parent company Alphabet in California federal court. The complaint alleges that Google's AI products such as its chatbot Bard and other generative AI products were trained on impermissibly obtained user data in violation of the Digital Millennium Copyright Act and California state and common law. The complaint requests both monetary and injunctive relief, alleging nearly \$5 billion in damages and requesting additional oversight and transparency measures for future data scraping operations and AI offerings. This complaint follows a class action complaint filed by the same law firm [against](#) OpenAI in June.

Federal Courts Penalize the Use of AI Generated Judicial Opinions

On June 22, 2023, a federal judge [imposed](#) \$5,000 fines on law firm Levidow, Levidow & Oberman PC and two of its attorneys due to the submission of "non-existent judicial opinions with fake quotes and citations" created by ChatGPT. In his opinion, Judge P. Kevin Castel for

the U.S. District Court for the Southern District of New York emphasized that the firm and its attorneys acted in bad faith and “abandoned their responsibilities” in submitting fake opinions and “continu[ing] to stand by the fake opinions after judicial orders called their existence into questions.” In addition to the fine, the court levied sanctions against the firm and offending attorneys.

Generative AI Faces Additional Defamation Lawsuits

On July 7, 2023, Jeffrey Battle and Battle Enterprises, LLC filed a [complaint](#) against Microsoft in Maryland federal court. The complaint alleges that Microsoft’s use of AI with its search engine, Bing, conflates plaintiff Jeffrey Battle with a different Jeffrey Leon Battle who was convicted of seditious conspiracy. According to the complaint, the search engine output allegedly erroneously attributes the latter Jeffrey Battle’s conviction to the former when creating summaries of search findings.

Artist Class Action Claims May Face Dismissal

On July 19, 2023, California federal Judge William Orrick held a hearing on a class action complaint against Stability AI, Midjourney and DeviantArt (previously covered in the [May newsletter](#).) During the hearing, Judge Orrick [indicated](#) that he was inclined to dismiss the majority of the claims brought forth by artists for failure to more clearly state and differentiate claims against each of the defendant companies. Though the court indicated that certain claims were sufficiently argued to proceed to the next stages in the trial process, such as those identifying violations of specific copyright, reporting from the courtroom indicates that Judge Orrick orally cast doubt on whether images generated purely based on text prompts would be substantially similar to copyrighted images for purposes of making a successful copyright claim.

Generative AI Companies at Odds in Patent Infringement Suit

On July 28, generative AI company FriendliAI filed a patent infringement lawsuit against Hugging Face Inc. in a Delaware federal court. Hugging Face is alleged to have developed an inference server called Text Generation Inference for Large Language Models which relies on a type of “continuous” or “dynamic” batching for which FriendliAI received a patent (entitled “Dynamic Batching for Inference System for Transformer-Based Generation Tasks”) in 2022.

State Action



Massachusetts

On July 13, 2023, the Joint Committee on Advanced Information Technology, the Internet and Cyber Security held a [hearing](#) to consider a range of bills, including [Senate Bill 31](#), which was drafted with the help of ChatGPT to regulate generative AI models. Also considered by the Committee was [House Bill 86](#), which would establish a special commission to review advancements in educational technology, digital/online learning and related programs.

New York

On July 5, 2023, the New York City Department of Consumer and Worker Protection (DCWP) implemented New York City [Local Law 144](#) in order to address algorithmic bias in employment. The law will regulate employers use of hiring software or Automatic Employment Decision Tools (AEDTs) that rely on AI to make hiring decisions. Local Law 144 will require an AEDT to pass an audit by an unbiased third-party company to demonstrate that the software does not

exhibit racist or sexist biases. Such companies that use these tools also must publish the results of the audit.

Louisiana

On June 28, 2023, Gov. John Bel Edwards signed [Senate Bill 175](#). The law, effective on August 1, criminalizes the creation or possession of deepfakes that depict a minor engaging in sexual activities. In addition, the law also criminalizes the distribution, promotion, or exchange of deepfakes depicting child pornography. Violators may face five to 20 years in prison and up to \$10,000 in fines.

International Developments



China Updates

- On July 13, 2023, the Cyberspace Administration of China (CAC), the Ministry of Industry and Information Technology, the Ministry of Public Security and four other departments jointly issued the [Interim Administrative Measures for Generative Artificial Intelligence Services](#) (“Measures”) after the CAC issued the draft measures for public comments in this April. The Measures will take effect on August 15, 2023, and [the CAC issued a statement](#) identifying that the Measures “clearly state that the provision and use of generative artificial intelligence services should adhere to the core socialist values[.]”
- The Measures are applicable to services using generative AI technology for generating text, pictures, audio, video and other content provided to the public within China. Organizations and individuals that use generative AI products to provide services (including through a programmable interface) are responsible for the content generated by the products. If personal information is involved, the providers must fulfil the statutory obligations of a personal information processor and protect personal information accordingly. Compared with the draft, the Measures also note that generative AI services must comply with the requirements of foreign investment and protection of minors.
- On June 20, 2023, CAC published a [list](#) of providers of deep synthesis services and providers of technical support for deep synthesis services who have filed with CAC, including Meituan, Kuaishou, Dingding and Taobao. According to China’s “Administrative Provisions on Deep Synthesis in Internet-based Information Services” provisions, providers of deep synthesis services with “the attributes of public opinion or the capacity for social mobilization” and providers of technical support for deep synthesis services are subject to registration requirements with CAC.

U.K. Updates

- On July 21, 2023, the U.K. Culture, Media and Sport Committee [opened](#) an inquiry into how to strengthen the U.K.’s film production sector, including how the sector must “adapt to challenges such as the rise of artificial intelligence.” About the inquiry, Chair of the Committee Dame Caroline Dinenage MP said, “the actors and writers strikes in the United States show the importance of getting ahead of the game in adapting skills and responding to the challenges of artificial intelligence. . . The challenge now is to make sure the industry and Government are thinking of the future to maintain and enhance an industry that is hugely important both to the economy and to the culture of the UK and its power on the world stage.”
- On July 18, 2023, U.K. Foreign Secretary James Cleverley [hosted](#) the first ever United Nations Security Council (UNSC) briefing session on AI, where he announced plans for the U.K. to “bring world leaders together for the first major global summit on AI safety” in fall

2023. During the summit, Secretary Cleverley stated that the goal of the event will “be to consider the risks of AI and decide how they can be reduced through coordinated action. . . We must seize these opportunities and grasp the challenges of AI - including those for international peace and security - decisively, optimistically and from a position of global unity on essential principles.”

- On June 18, 2023, the U.K. Department for Science, Innovation and Technology announced AI specialist and entrepreneur Ian Hogarth as Chair of the U.K.’s recently created Foundation Model Taskforce. Speaking on his appointment, Prime Minister Rishi Sunak said, “with such potential to transform our future, we owe it to our children and our grandchildren to ensure AI develops safely and responsibly. . . it’s great to have Ian leading our expert taskforce, empowered with authority and agility to build our leadership in AI safety and development.” The announcement also stated that “cutting-edge safety research” will be a key priority for the Taskforce in the coming months ahead of the U.K.’s global summit on AI safety this fall.

EU Updates

- On July 18, 2023, European Commissioner for Jobs and Social Rights Nicolas Schmit warned that a talent gap in qualified AI workers in the EU was the next “big challenge of the digital skills shortage.” On the issue, Commissioner Schmit noted, “We cannot just say, let’s push AI aside. That’s too dangerous. . . . We will have to train and educate sufficient people to handle AI.” On the potential solutions available to the EU, Commissioner Schmit pointed to the Commission’s recently launched Cyber Skills Academy, which provides resources for how to become involved in the cybersecurity industry, an issue the Commissioner closely linked with AI.
- On July 13, 2023, Google announced it would roll out its AI chatbot, Bard, in the EU after delays due to questions about its compliance with the EU’s General Data Protection Regulation (GDPR). A spokesperson for the Irish Data Protection Commission (DPC), the main EU data regulator for Google, stated that “Google [] made a number of changes in advance of launch, in particular increased transparency and changes to controls for users.” Under the changes, users will now be able to know how their data is used, to opt out of certain usages and to control whether their conversations with Bard will be saved or deleted by Google. The regulator also noted that Google agreed to “carry[] out a review and provid[e] a report to the DPC after three months of Bard becoming operational in the EU.”
- On June 30, 2023, over 150 executives from the EU’s largest companies, including Siemens and Airbus, published an open letter warning that the EU’s draft AI Act “would jeopardize Europe’s competitiveness and technological sovereignty without effectively tackling the challenges we are and will be facing.” The letter argued that while there was an “undeniable need for proper regulation . . . wanting to anchor the regulation of generative AI in law and proceeding with a rigid compliance logic is as bureaucratic of an approach as it is ineffective in fulfilling its purpose. In a context where we know very little about the real risks, the business model, or the applications of generative AI, European law should confine itself to stating broad principles in a risk-based approach.” It is unclear whether the letter would move the needle in Brussels, where the European Commission, European Parliament and the Council of the European Union are currently engaged in trilogue negotiations over the Act.
- On June 27, 2023, the European Commission and several EU members launched four “crash test” facilities for AI, with the aim to provide a platform to verify the safety of AI models before they are introduced into the market. Four testing and experimentation facilities (TEFs) have been designated to focus on the agri-food, health care, manufacturing and “smart cities and communities” sectors. Modeled after the EU’s crash test system for automobiles, the TEFs will “offer a combination of physical and virtual facilities, in which technology providers can get support to test their latest AI-based soft-/hardware technologies in real-world environments.” The TEFs are expected to be fully operational by January 2024.



Meta Launches Llama 2 as open source

On July 18, Meta released its next generation, open-source large language model, Llama 2. Llama 2 is free for both research and commercial use. [In its announcement](#), Meta stated that “an open approach is the right one for the development of today’s AI models, especially those in the generative space where the technology is rapidly advancing[,]” and that the company believes that this open approach is also safer, allowing “a generation of developers and researchers [to] stress test [the models], identifying and solving problems fast, as a community.”

TechNet Unveils \$25 Million AI Initiative

On July 24, 2023, TechNet [unveiled](#) a \$25 million initiative to bring together a cross-industry coalition to educate the public and policymakers on AI. The launch was announced alongside TechNet’s [panel event](#), which included remarks from Rep. Jay Obernolte (R-CA).

Tech Groups Call on Congress to Fund National AI Research Resource

On July 19, 2023, a coalition of tech advocacy groups—including TechNet, The Software Alliance, the Information Technology Industry Council (ITI) and the Software and Information Industry Association (SIIA)—sent a [letter](#) to the House Science, Space and Technology Committee and Senate Commerce Committees urging Congress to authorize and fund the National AI Research Resource, as previously [proposed](#) by the White House and National Science Foundation (NSF), with the goal of providing resources to startups and academics to work with advanced AI models.

Google Joins Partnership for AI’s Synthetic Media Framework

On July 14, 2023, The Partnership on AI (PAI) [announced](#) that Google is joining its [synthetic media framework](#), which launched in February and focuses on promoting the responsible development, creation and sharing of AI-generated media. PAI worked with over 50 organizations to refine the framework—including synthetic media startups, social media platforms and content platforms, news organizations, advocacy and human rights groups, academic institutions and policy professionals.

Amazon Unveils AWS HealthScribe

At a New York summit on July 26, 2023, Amazon Web Services, Inc. (AWS), [unveiled](#) AWS HealthScribe—a new Health Insurance Portability and Accountability Act (HIPAA)-eligible service allowing health care software providers to use a single application programming interface (API) to automatically create transcripts or summaries or extract details to be entered into an electronic health record (EHR) system.

The Software Alliance Convenes Hill Briefing

On July 24, 2023, BSA, The Software Alliance convened a [briefing](#) on Capitol Hill to discuss managing the risks of AI and examine regulatory frameworks, including NIST’s [AI Risk Management Framework](#). The briefing included panelists from Microsoft, Workday, Box and Adobe.



[Lawmakers, White House and Industry Continue the Push for AI Regulation](#) (July 31, 2023)

[Generative AI and Recent Copyright Developments](#) (July 26, 2023)

[Private Fund Management in the Age of AI](#) (July 26, 2023)

[Addressing AI in the Annual Compliance Review](#) (July 21, 2023)

[Akin Intelligence - July Newsletter](#) (July 10, 2023)

[New AI Guidance for Employers Issued](#) (July 5, 2023)


[For Export Controls on AI, Don't Forget the "Catch-All" Basics - Emily S. Weinstein and Kevin Wolf](#) (July 5, 2023)

[AI Regulations in Employment Decisions](#) (June 27, 2023)

[Senate Majority Leader Schumer Continues Push for AI Framework](#) (June 23, 2023)

[AI Risk Matrix for Private Funds](#) (June 12, 2023)

[Akin Intelligence - June Newsletter](#) (June 7, 2023)



Learn more about Akin's Artificial Intelligence & Machine Learning practice.

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The graphic features a circular inset image on the left showing a hand holding a stack of circuit boards. The background is a solid light green color.

Questions?

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