

китайской спецификой непрерывно совершенствуется, концепция верховенства закона во всём обществе заметно укрепились» [2, с. 10-11].

Законодательная работа, основанная на национальных условиях и реалиях Китая и адаптированная к потребностям реформ и открытости, способствовала успешной реализации государственной стратегии развития – построению среднезажиточного общества.

1. Wang Dan. The Practice of Rule of Law in China's Systematic Reform // Управленческое консультирование. 2023. № 4. С. 10–15.

2. Полное построение среднезажиточного общества: блестящая страница в процессе развития дела прав человека в Китае. Первое издание 2021. ISBN 978-7-119-12797-2. Издательство литературы на иностранных языках. Пекин, 2021 год. - 77с.

THE LEGAL RESPONSIBILITY OF GENERATIVE ARTIFICIAL INTELLIGENCE USERS

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Generative AI technology, represented by the ChatGPT model, has greatly improved its functionality compared to traditional AI, but it also increases the risk of users violating the law [1]. The responsible parties of generative AI technology products include not only product providers, but also product users. If users lack professional knowledge and legal awareness, some infringement liability issues will inevitably arise when using generative AI technology products. In order to regulate generative AI technology, China has issued the "Interim Measures for the Administration of Generative AI Services", but has not yet made detailed provisions on the civil liability of users of generative AI, which makes the attribution and application of users' infringement liability face many challenges. In view of the limitations of the current regulations, further improvements will be made in the future in terms of clarifying the responsible parties and user rights.

The purpose of this study is to provide feasible suggestions for the improvement of the legal norms of generative artificial intelligence by analyzing the legitimacy of users of generative artificial intelligence technology products becoming responsible subjects and the illegal risks of generative artificial intelligence generated content.

The topic of this study is the legal liability of users of generative artificial intelligence.

Material and methods. The following methods are adopted in this paper: literature analysis method, which mainly analyzes the works and journal papers in the field of generative artificial intelligence supervision; empirical analysis method, by combining the relevant laws and regulations of Chinese criminal law, this paper analyzes the current situation and problems of the legal liability of generative artificial intelligence, and puts forward suggestions on improving the relevant laws of generative artificial intelligence users.

Results and their discussion. Firstly, the legitimacy of users of generative artificial intelligence technology products becoming responsible subjects is studied. In most cases, the user plays a decisive role in the output of the infringing content of generative artificial intelligence, and if there is infringement or crime, the user must not be exempted from the responsibility. On the one hand, generative AI will export infringing or illegal content under the guidance of the user. Because the user confuses his own ideas with the algorithms of generative AI and collaborates to generate infringing content through human-computer interaction, the user of the product should be held liable [2]. Generative AI, on the other hand, no longer carries the risk of systematic algorithmic infringement when it is user-oriented. Some users control generative artificial intelligence products based on the algorithm's dissimilarity, so that generative artificial intelligence can break through the algorithm's limitations, or maliciously "train" generative artificial intelligence, so that generative artificial intelligence output fraud

information, phishing websites and other illegal content, at this time, it is reasonable to let users bear the content responsibility [3].

Secondly, the illegal risk of content generated by generative artificial intelligence is studied. Generative artificial intelligence adopts the technical architecture of "natural language processing + search engine integration", and the content presented in the end is closely related to the user's input instructions, and the generated content varies depending on the user's choice, which will lead to legal risks and scientific and ethical challenges, such as infringement of personal privacy, infringement of copyright and other related issues. The use of personal information must comply with the Personal Information Protection Act, that is, to ensure that the data collection is carried out with the prior consent of the data subject. [4] Sometimes, however, in order to ensure that the data source is sufficient, the technology provider does not seek the consent of every subject. Based on this, users are already facing the risk of infringement of citizens' personal information. The "AI face change" function of generative artificial intelligence can realize the purpose of replacing any face of any object, so as to carry out illegal acts, which involve pornography most commonly, which damages the right of portrait and reputation of others. A work created by a generative AI to complete a user-directed task, like a job work, has copyright vested in the author.[5] Therefore, it is very difficult for users to obtain copyright only by instructions, and it is unfair to other independent creators, and to a certain extent, it damages the current national protection of the interests of copyright owners. If the user directly publicly publishes the generated work, it may violate the copyright of others.

Thirdly, standardize the division of legal responsibilities of the parties involved in generative artificial intelligence products.

Thus, first of all, the division of legal responsibilities among parties involved in generative AI products should be regulated. Participants in generative AI include generative AI product designers, data providers, and users. Therefore, there should be a reasonable division of the responsibilities of the participants, so that each consortium bears its own responsibilities within the scope of responsibility. China's legislation supports proportional liability, and Article 1231 of the Civil Code stipulates that participants in generative AI should take the degree of participation in the development, design and use of generative AI, that is, the user's role in the final infringement, as the criterion for assigning responsibility. Therefore, the participants of each link should bear the tort liability according to the share of liability. The determination of its share of liability is divided by the court according to a more reasonable distribution method, mainly based on the economic benefits obtained by the parties.

The emphasis on the responsibility of generative AI product providers should be accompanied by a clear definition of their rights. In the face of the challenges of intellectual property rights authorization and confirmation of derivative content under the autonomous operation of generative artificial intelligence, especially the challenges of copyright, we should start from the specific generation process of artificial intelligence derivative content, and clarify the copyright enjoyed by all parties, especially users of generative artificial intelligence products. In the process of determining the copyright rights of the generated content, because the generative artificial intelligence itself does not have the corresponding subject qualification, the problem of copyright rights allocation among the generative artificial intelligence algorithm designer, data provider and user is generated. The easiest way to deal with the copyright ownership issue is to give it to the participants for independent agreement and full negotiation. However, it is often one of the product providers to the users, and the number of users is too large and immeasurable, so it seems impossible for the two parties to reach an agreement through independent negotiation. At this time, one of the suppliers of generative AI products can refer to the standard terms in the relevant contract of carriage, and sign a "contract" with the user in advance when the user uses generative AI to obtain the work.

When the user uses generative AI to obtain the work, he pays a certain fee to the provider to obtain the copyright, and the provider will automatically give up the copyright. Or when the user obtains the work for the purpose of profit, after profit, according to the percentage of profit, it gives a certain reward to the generative artificial intelligence product provider, so as to obtain the complete copyright of the work.

Conclusion. Generating artificial intelligence technology will continue to be deeply integrated into human life, which also means that the risk of users who have never appeared will follow. In order to solve the relevant legal risks of the generation of artificial intelligence users and meet the current social impartial demands, it should be improved from the following aspects: 1, Clarify the responsible subject of generating artificial intelligence infringement, flexibly use the groupist perspective, and change the legal rules of infringement. 2, Clarify the ownership of the user's rights, protect the interests of participants from all parties, and promote the healthy development of artificial intelligence in the generation.

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