Submission to Innovaton, Science and Innovation Canada

on

**30-Day National Sprint
Consultation on Artificial Intelligence (AI)
Strategy**

by

News Media Canada

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News Media Canada represents 550 trusted news titles – from small local independents to large national news publishers – across Canada. Many of our members are adopting the responsible and fair use of artificial intelligence, and we welcome the opportunity to participate in the [Consultation on Artificial Intelligence (AI) Strategy](#).

In the face of threats to our economy and sovereignty, Canadians need to work together to help expand opportunities for individuals and businesses to compete and succeed. This includes protecting the business models of our news media and creative industries, which rely upon their ability to protect and monetize their intellectual property. At the same time, we need to safeguard our digital sovereignty, national identity, and culture.

We fully support building safe, trusted and fair artificial intelligence systems and strengthening public trust in artificial intelligence, so long as those systems are not built and maintained at the expense of those who create the underlying intellectual property that feeds them. [Canada's creative industries, of which news media are a part](#), accounted for nearly 670,000 jobs and $63.2 billion in GDP in 2023. Rather than undermining the economic foundation of these strategically important industries, Canada must seek a 'win-win' development path that strengthens the news media, creative sector and AI industries together.

We agree wholeheartedly with Professor Taylor Owen, Beaverbrook Chair in Media, Ethics and Communications and the founding Director of The Centre for Media, Technology and Democracy at McGill University, who posted the following on LinkedIn after he was appointed to Canada's National AI Task Force, "Sovereignty requires governance. Digital sovereignty cannot simply mean scaling infrastructure, companies, or compute. True sovereignty means ensuring our technologies serve the interests of our citizens, and this demands the ability to govern. We failed to govern social media, and the costs have been clear. This not only caused harm, it also weakened our sovereignty. We cannot afford to repeat that mistake with AI… The ways citizens access, understand, and trust information are changing quickly, and so far, the effects on democratic discourse have been troubling. AI has not improved our information environment; it has often made it worse."

How can Canada build public trust in AI technologies while addressing the risks they present? What are the most important things to do to build confidence?

Canada can build public trust in AI by acknowledging and addressing the risks and actual harm being caused. In the case of news publishing, the behaviour of some LLMs is causing harm to both publishers and Canadians who rely upon news content.

Artificial intelligence companies are flagrantly scraping and summarizing content directly from published news articles via retrieval-augmented generation. [News media is by far the most](#)

[frequently cited source of current information for LLMs](), who are using news content without authorization or fair compensation. With the user staying within Big Tech's increasingly taller walled garden, publishers are deprived of audience and their ability to sell advertising and subscriptions is significantly diminished. More recently, LLMs themselves are charging developers who use their web search features via API platforms on a "pay per scrape" basis (see, for example, details for [OpenAI](), [Mistral](), [Perplexity]() and [Anthropic]()). Ironically, this revenue is not flowing through to those whose websites are actually scraped.

While there is an increasing move towards licensing and bot monetization in the US, the concern is that the same non-Canadian, market-dominant and monopolistic players will capture the market, control the monetary exchange, take an unfair portion of the revenue (which news publishers experience in the ad tech space and which they are already seeing with "middle players" popping up to monetize bot traffic), and that Canadian publishers will be forced into a race-to-the-bottom. Federal policy should not increase the risk of market failure but rather create the conditions for market formation that works for both creators and AI providers, including by steadfastly ensuring IP rights remain protected – the basis for a value exchange to exist. Publishers must have control over access, pricing and distribution, as well as whether to participate at all.

Canadians, too, are being harmed under the status quo. There are plenty of examples of AI overviews serving up incorrect information: inaccurate, irrelevant and out of date. That is because the large language models do not adhere to journalistic standards; they cannot perceive reality, truth, or facts without (mis-)using the work of human journalists and content creators. According to the [BBC](), "AI assistants have significant issues with basic factual accuracy…The range of errors introduced by AI assistants is wider than just factual inaccuracies. The AI assistants we tested struggled to differentiate between opinion and fact, editorialised, and often failed to include essential context. Even when each statement in a response is accurate, these types of issues can result in responses which are misleading or biased."

Let us be very clear: the ability for publishers to monetize their content is critical for the maintenance of a free, fair and strong media ecosystem in Canada. If publishers cannot monetize content, they cannot reinvest in the accurate and authoritative journalism readers rely upon to make informed decisions that empower them to participate effectively in democratic processes.

Unfortunately, AI companies are instead stealing content on an industrial scale against copyright laws and using it to undermine the media in Canada, selling it for themselves as repackaged and less reliable content. They are effectively strip-mining proprietary content, freeriding on the backs of news publishers while unlawfully enriching themselves. That's unfair. That's anti-competitive. That's illegal. It runs counter to the interests of the news media and the wider

public, while undermining government's drive to encourage AI development and adoption, as this depends on access to high quality data and information created by humans.

What frameworks, standards, regulations and norms are needed to ensure AI products in Canada are trustworthy and responsibly deployed?

We need a balanced framework to scale Canadian innovation leaders, while ensuring the ethical, positive and responsible use of AI through reasonable guardrails: First, intellectual property should be protected. Second, platforms should provide fair compensation to publishers. Third, platforms should provide clear attribution to source content. Fourth, publishers should be allowed to opt out of AI overviews without their websites being removed from search engines. Fifth, platforms should not discriminate in the ranking of search results.

We recommend the Government of Canada carefully consider the [Global Principles for Artificial Intelligence](), which were developed in 2023 by twenty-six organizations around the world, including News Media Canada. Those principles include:
- Respecting intellectual property rights, protecting the organizations' investments in original content.
- Leveraging efficient licensing models that can facilitate innovation through training of trustworthy and high-quality AI systems.
- Providing granular transparency to allow publishers to enforce their rights where their content is included in training datasets.
- Clearly attributing content to the original publishers of the content.

Copyright protections must be properly enforced.

The U.S. Administration's [AI Action Plan]() seeks "to achieve and maintain unquestioned and unchallenged global technological dominance", and it does not even mention the word "copyright". Against that backdrop, Canada should align with other Western democracies through regulatory cooperation to support homegrown, decentralized, fair and responsible tech development, while protecting intellectual property, so that news publishers can continue to invest in fact-based, fact-checked original high-quality news content produced by real journalists. Real trustworthy news is an antidote to the proliferation of misinformation online. With a framework backed up by the teeth of enforcement, it contributes to the sustainability of reliable, innovative AI models themselves.

In a world of harmful misinformation and disinformation, amplified by Big Tech platforms, we need fact-based, fact-checked journalism. Canadians require a strong and free media to access information and to make informed decisions that empower them to participate effectively in democratic processes. To ensure our free and plural press remains commercially viable, AI

providers, whether foeign or domestic, should not use publishers' content to build and run their products without consent, credit, and compensation.

We thank you for this opportunity to comment, and we look forward to ongoing engagement as you develop frameworks, standards, regulations and norms. In particular, we believe it would be valuable to have news publisher representation on the government's current work on the AI Task Force, and for it to address the concerns of creators/rights holders.