

Government Use of Copyrighted Works: The Case of Taiwan's TAIDE AI Project

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The development of artificial intelligence (AI) technology has become an irreversible global trend, with numerous successful initiatives led by private enterprises, research institutions, and individual innovators. In response, the government of Taiwan launched the “Trustworthy AI Dialogue Engine” (hereinafter “TAIDE”) in April 2023, with the dual objectives of positioning Taiwan as an early mover in AI development and addressing “national security” concerns. Given the rapid advancement and widespread influence of AI originating from China, the ruling Democratic Progressive Party regarded the establishment of TAIDE as a strategic countermeasure. Administered by the National Science and Technology Council, TAIDE seeks to develop a large language model grounded in Taiwanese knowledge, culture, traditional Chinese characters, and local dialects.

During the initial stages, TAIDE primarily relied on governmental documents, publicly funded research databases, Academia Sinica repository, and collaborating media sources as training data. As the project enters its third year, the insufficiency of training data has become increasingly apparent. Accordingly, proponents of TAIDE have advocated for the use of copyrighted materials for training purposes, urging administrative and legislative responses.

Unlike the United States, where the doctrine of sovereign immunity—affirmed by the Supreme Court in *Allen v. Cooper*—protects the government from liability absent its consent, Taiwan lacks a comparable legal doctrine. Unauthorized governmental use of copyrighted works is not uncommon, and the TAIDE project may likewise become implicated. This study examines the legal implications of governmental use of copyrighted materials, with particular attention to potential infringement, fair use analysis, and comparative perspectives.