Proceedings of CONF-BPS 2026 Symposium: GenAI, Labour Markets, and the Economics of Human and Financial Capital
DOI: 10.54254/2754-1169/2026.LD30103

Rethinking Internet Platform Liability in the Era of Rampant AI Face-Swapping Infringement

Feitong Zhou

School of International Relationst, Tianjin Foreign Studies University, Tianjin, China
ZhouFeitong@outlook.com

Abstract. Confronted with the serious infringement of AI face-swapping template infringement, such infringements have the characteristics of high generation efficiency, extensive dissemination, covert infringers, cumulative damages, and aggravated damages due to rapid dissemination of content. The current legal rules are established on the basis of the "passive dissemination" model of traditional online infringement scenarios, and it is difficult to adapt to the inherent attributes of generative AI platforms— "active content generation" and "pre-positioning of infringement risks". Therefore, the liability, enforcement, and relief of the platform are hindered, which not only disrupts the order of cyberspace, but also affects the protection of rights for rights holders. This paper reviews the relevant domestic and foreign studies and finds out the following core problems: unclear liability standard, operational procedure, and relief mechanism. Specifically, the determination of liability lacks quantified standard of fault assessment and fails to differentiate liability according to the "depth of participation" of the platform; enforcement lacks proactive screening standard and effective counter-notice path; relief lacks method of calculating exclusive compensation and error correction mechanism in the "three-strikes" system. This paper proposes the following optimization measures based on the relevant regulations. That is, establishing quantified four-dimensional fault presumption system (including dimension of copyright compliance of face-swapping materials, etc.), perfecting the "notice–takedown–counter notice" process, and designing multidimensional compensation formula and three-tier appeal mechanism based on multidimensional compensation formula. The above-mentioned proposals provide reference for relevant liability determination and dispute resolution in practice, which will promote the standardized development of generative AI industry.

Keywords: AI face-swapping template infringement, generative AI platforms, platform liability, fault presumption, rights relief

1. Introduction

With the ultra-fast iteration of artificial intelligence technology, the AI face-swapping technology evolves from a small circle to the consumer market gradually. The applications and platforms with ready-made templates popularized "one click generation" at the cost of reducing the threshold through "one click generation" have become the fixed vessel of technological inclusion. However,

DOI: 10.54254/2754-1169/2026.LD30103

the technical characteristics and complex forms of AI face-swapping short video infringement emerge gradually. They can be described as "high generation efficiency, widespread dissemination, concealed infringers and compounded damages". The platforms, as the template provider, algorithm supporter and content dissemination platform, play the dual roles of "infringer" and "governor". The lack of effective control to infringement risks leads to the rampant infringement. While traditional legal rules are designed for conventional online infringement scenario, the problem of infringement scenario "active generation" of generative AI platform appears. There are unclear "safe harbor" entry conditions, vague application of "red flag" standard, ill-defined platform obligations for ex-ante review and duty of care, and unclear validity of notice-and-takedown process. These problems not only cause disorder of cyberspace and social trust, but also give rise to numerous problems for rights relief. It is evident that defining platform liability and establishing normative governance are inevitable to the current governance practice. Therefore, re-examining the legal, ethical and technical responsibility of platforms in the field of AI face-swapping template infringement is the response to current governance need, and it is also the prerequisite to balance technological development and rights protection for creating a healthy digital environment.

Existing studies have studied the copyright liability of online platforms from multiple dimensions and reach certain consensus on attribution principle, fault factor and governance mechanism. For example, Huibin Zhang and Yangyao Hou, in From Technology to Law: Infringement Risks and Regulatory Governance of AI Face-Swapping Short Videos, proposed "tripartite management model of "filing mechanism+security assessment+technical detection" and "full-chain labeling system of "pre-event, in-process and post-event" stages" [1]. Jingshen Yao , in An Empirical Study on Determining Copyright Infringement Liability of Short Video Platforms, proposed "three-strikes" mechanism [2]. However, these studies often fail to fully consider the unique characteristics of AI face-swapping infringement and suffer from the lack of technical characteristic and practical standard, which proves powerless to solve the complex infringement scenario created by this technology.

This article takes into consideration the liability determination and regulation of generative AI platforms in view of the high incidence of AI face-swapping template infringement and re-examines their liability, morality, and technology responsibilities. This study aims to analyze the core issues existing in the liability determination, enforcement, and relief from the following three aspects: liability standards, operation procedures, and relief mechanisms in view of the three attributes of "active generation," "technology dependency," and "risk pre-positioning" of generative AI platforms. The aim is to provide clear guidance for liability determination and dispute resolution in AI face-swapping infringement cases, balance technological innovation and protection rights, and promote the healthy development of generative AI industry in a compliant framework.

2. Review of existing research and analysis of core issues regarding generative AI platform liability

Existing research on generative AI platform liability have reached certain consensus on principles of attribution and elements of fault, but they have not sufficiently considered the characteristics of AI face-swapping infringement, which cause the problems of "inadequate rule adaptation" and "lack of operation standards." The problems of "inadequate rule adaptation" and "lack of operation standards" are concretely reflected in three stages of liability determination, enforcement, and relief.

DOI: 10.54254/2754-1169/2026.LD30103

2.1. Liability determination: attribution logic and standards not adapted to the "active generation" nature

2.1.1. Divergence and conflict in the application of attribution principles

For traditional short video platforms, academia recognizes "fault liability principle" in general. Mingying Hao believes that "fault liability principle is applicable to traditional short video platforms that only play the role of "content disseminators" according to the "passive" nature of traditional platforms" [3]. However, the distinctive features of generative AI platforms—their active involvement in content generation (by providing face-swapping algorithms and template libraries) and the pre-positioning of infringement risks (where users can generate infringing content directly through platform tools)—make it difficult for rights holders to prove the platform's "subjective knowledge" about the swapped content. Qi Xiong , in Copyright Infringement Liability of Generative AI Platforms, suggests that generative AI platforms should apply the "safe harbor" rules by analogy, but this does not resolve the burden of proof dilemma [4]. Alternatively, Xinbao Zhang and Long Bian, in On the Presumption of Fault Liability for Generative AI Service Providers, advocate for the application of the "fault presumption principle", yet its boundaries of application remain unclear [5]. The core problem unresolved by existing research is that the current "fault liability principle" fails to meet the evidentiary demands of AI face-swapping infringement scenarios. This principle neither specifies the concrete duties a platform must prove it has fulfilled to be exempted from liability, nor does it define the applicable boundaries of "fault presumption," leading to confused attribution logic in judicial practice and frequent instances of dissimilar judgments in similar cases.

2.1.2. Fault assessment factors fail to cover the particularities of AI infringement scenarios

Academia believes that fault should be judged according to "the factors of "notoriety of the infringing content, correlation of platform profits, platform management capability, and duration of infringement". Compared with "notoriety of the infringing content, correlation of platform profits, and duration of infringement", Jingshen Yao and Mingying Hao acknowledge the necessity of multi-factor standard for liability determination, but it is not yet mature in the context of face-swapping with AI [2,3].

Notoriety of Infringing Content: The current reliance on "view count" overlooks the "inherently high-risk" nature of content involving "celebrity portraits or popular video clips." Given the particularity of AI face-swapping involving dual infringement of personality rights and copyright, as noted by Huibin Zhang and Yangyao Hou, even content with low view counts can cause significant harm due to violations of public figures' portrait rights or copyrights of well-known works [1].

Correlation of Platform Profits: There is a failure to distinguish unique profit models of AI platforms, such as "template fees" and "advertising revenue sharing," and a lack of quantification regarding "the correlation between the profit share from face-swapping services and the degree of fault" (e.g., what percentage of revenue from face-swapping triggers heightened liability). Xuelong Peng and Xiaowei Liu mention the relationship between platform profit and liability, arguing that greater profits should entail stricter obligations to control infringement risks [6].

Platform Management Capability: The standard for "AI-based infringement detection technology" (Is it necessary to integrate third-party screening system?) is still vacant. Simply relying on the size of moderation team to "set the standard" is inconsistent with the nature of technological platform. Hong Zhang believes that technical capability will have an impact on liability, but it still

DOI: 10.54254/2754-1169/2026.LD30103

remains to be discussed what kind of standard should be set for technical capability in the context of AI detection technology [7].

Duration of Infringement: The dissemination speed of AI face-swapping content far exceeds that of traditional content. The existing standard of "deeming it prolonged infringement if not handled within 72 hours" is lagging and not adapted to the "rapid diffusion" characteristic of AI face-swapping content. Jinrui Liu points out that traditional timeframes cannot cope with infringement spread driven by new technologies, but does not propose a standard adapted to the AI context [8].

2.1.3. Gradation of liability fails to focus on differences in platform "depth of participation"

Existing research often categorizes liability based on "platform scale" or "degree of involvement in creation." Lan Yu and Zhaojin Fan argue for categorization by platform scale, positing that larger platforms should bear stricter obligations [9]. Hong Zhang, conversely, advocates for categorization by the degree of involvement in creation [7]. However, neither approach clearly defines the boundaries of "depth of participation" for AI platforms. Some platforms merely provide basic algorithms, requiring users to supply their own materials. These platforms cannot intervene in the content generation direction and have weak control over infringement risks; thus, their liability should be limited to "ex-post regulation," meaning taking timely action upon receiving an infringement notice. Other platforms provide an "algorithm + pre-made template library," actively offering templates containing portraits, video clips, and other materials, thereby lowering the threshold for infringement and creating significantly higher risks. These platforms should bear "full-chain responsibility," involving "ex-ante review of template compliance, in-process screening of generated content, and ex-post retrospective review." Failure to distinguish between these levels of responsibility leads to a "mismatch between fault and liability," preventing precise liability determination.

2.2. Enforcement of liability: the transition to "proactive governance" lacks practical standards

Faced with the high incidence of AI face-swapping template infringement, scholars call for the platform to change from "passively waiting notice-and-takedown" to "proactive governance". Xuelong Peng and Xiaowei Liu explicitly present this change trend in On Platform Liability for Intellectual Property Infringement: From Passive Exemption to Proactive Governance [6]. But the concrete standard is undefined, so the platform has no clear rules to follow, as specifically manifested in the following aspects:

2.2.1. Ambiguity in the technology and scope of proactive screening obligation

Criterion for screening AI face-swapping infringement does not exist explicitly.

Lack of Technical Standards: Huibin Zhang and Yangyao Hou explicitly put forward a "technical detection" rule in From Technology to Law: Infringement Risks and Regulatory Governance of AI Face-Swapping Short Videos [1], but did not specify the specific parameters. The definition of key terms was omitted, i.e., what matching score would be deemed as suspected infringement? What categories and amount of materials should be included in the database of infringing materials? What is the acceptable false-positive rate? (Weak technology may be unable to detect infringement, and too sensitive technology may wrongly block normal materials).

DOI: 10.54254/2754-1169/2026.LD30103

Lack of Scope Standards: Jingshen Yao talked about the responsibility of platform review in An Empirical Study on Determining Copyright Infringement Liability of Short Video Platforms [2], but the scope of screening was not specified. It was not specified that screening should cover all user-generated videos or just videos generated from made templates, and whether screening of historical videos was required after the template library was updated with infringement. The ambiguity of the scope of screening obligation makes some platforms shirk their responsibility.

2.2.2. Inadequate flexibility of the process of "notice-and-takedown"

The traditional process of "notice-and-takedown" has obvious disadvantages in the case of AI face-swapping infringement. As Jiatu Xie pointed out, the rule of "notice-and-takedown" was originally designed for copyright law. Copyrighted works can be represented in digital code, but products patented by others cannot be digitized. The difference in nature makes that e-commerce platforms faces the problem of "insufficient information about the alleged infringing product" in determining the patent infringement [10]. This analogy shows that platforms also face the problem of "insufficient information about the alleged infringing product" in determining AI face-swapping infringement.

Ambiguous Standards for Valid Notice: The rights holder only provides video links, but did not specify the source of face-swapped materials and the type of right infringement. Although Mingying Hao pointed out the problem of vague notice standards in Determining Copyright Infringement Liability of Online Short Video Platforms, the specific elements that an effective notice of AI face-swapping infringement should have were not specified [3]. As a result, the complaint with insufficient information was often rejected by the platform, and the rights holder could not seek protection.

Lack of User Counter-Notice Channels: The high false positive rate of AI face-swapping detection (e.g., authorized material wrongly identified as similar) is not accompanied by a designed counter-notice path, and questions of effectiveness of the counter-notice channel are also not addressed.

One side, namely, on what evidence shall the user be required to provide (e.g., third party technical appraisal report, original authorized material) and within what period of time shall the platform finish its review process is undefined, and users are in an "indefinite waiting" situation after they file a counter-notice.

The other side, namely, platform transparency on the key review basis of counter-notices (e.g., what key parameters are used in the algorithmic screening process, what criteria shall be met for manual re-examination) is also missing, and no user appeal process has been established. Thus, users have no further remedy channels once they contest the review result.

Even more critical is that, if users' counter-notice is allowed, according to the current rules, it is undefined whether the platform shall expunge the user's "erroneous infringement record" and/or restore the user's account privileges that were suspended because of the false positive. Users have no further opportunity to restore their account reputation and usage rights even if their counter-notice is allowed, and the pathway for user remedy is more narrowly broken.

Hong Zhang discusses the defects of counter-notice rules in The Dilemma and Improvement of Platform Liability Determination in Short Video Copyright Infringement, but does not provide any solutions considering the context of AI face-swapping, and thus there are situations where users cannot appeal for their legitimate rights [7].

DOI: 10.54254/2754-1169/2026.LD30103

2.3. Rights relief: mechanism deficiencies leading to "difficulties in quantifying loss" and "high rates of erroneous adjudication"

2.3.1. Lack of exclusive standards for compensation calculation

The three existing methods—"actual loss, infringer's profit, and statutory compensation"—as discussed by Xuelong Peng and Xiaowei Liu in their work on platform liability for intellectual property infringement, all face challenges when applied to AI face-swapping scenarios [6].

Difficulty in Proving Actual Loss: While the widespread dissemination of infringing content may lead to a decline in the rights holder's commercial value (e.g., loss of endorsement deals for celebrities) or erosion of their work's market share, quantifying a specific monetary amount for these harms is exceptionally challenging.

Lack of Standards for Calculating Infringer's Profit: There are no clear ways to "allocate profits specifically derived from face-swapping services" (how to deduct the revenue value of non-infringing content from total advertising income), and there is also a lack of standards for "quantifying the number of view counts to corresponding infringing profits." Although Hong Zhang discussed the general way to quantify view counts and profits in the issue of copyright infringement of short videos, there is no extension to the business model of AI face-swapping [7].

Lack of Appropriate Standards for Statutory Compensation: The current standards do not adequately take into account the special situation of AI face-swapping infringement that simultaneously involves copyright and portrait right infringement, and thus leads to failure to adequately compensate for the actual damage.

2.3.2. Lack of error-correction paths in "three-strikes"

Jingshen Yao's An Empirical Study on Determining Copyright Infringement Liability of Short Video Platforms proposes that there be a "three-strikes" mechanism that "should result in suspension of the account for repeated infringements" [2]. However, the lack of error-correction paths in the "three-strikes" mechanism specifically designed for the high false positive rate of AI face-swapping content is manifested in two aspects: firstly, the standards for accumulating one strike are unclear, and it is unclear whether "minor infractions and malicious infringement should be counted equally," secondly, there is a complete lack of formal appeal procedures, and there is neither a clear procedure for lodging an appeal nor stipulated review deadlines. That is, in cases where accounts are incorrectly judged to be suspended, it is extremely difficult for users to protect their legitimate rights and interests.

2.4. Summary of core issues in the lack of appropriate rules for determining liability of generative AI platform liability

The core problems in adapting existing rules to liability of generative AI platform lie in the "Three Key Unspecified Areas": First, the standards for liability determination are unspecified. The "active generation" nature of the platform lacks quantified standards for fault assessment, and the liability for different "depths of participation" is not differentiated.Second, the enforcement procedures are unspecified. There are no proactive screening standards and detailed "notice-takedown-counter notice" procedures have not been established considering the characteristics of AI face-swapping infringement. The counter-notice mechanism shows a lack of effectiveness. Third, the relief mechanisms are unspecified. There is no specified standard for calculating exclusive compensation

DOI: 10.54254/2754-1169/2026.LD30103

in the case of AI face-swapping scenarios, and there is also a complete lack of formal appeal pathways under the "three-strikes" mechanism. Therefore, there is a failure to address the practical requirements for rights relief.

3. Optimization proposal for rules on liability of generative AI platform

Based on integrating existing research and "Three Key Unspecified Areas", this part proposes optimization measures targeted at the characteristics of platform of "active generation", "technology dependency", and "risk pre-positioning". The optimization measures are applicable to generative AI platform, and the three aspects are liability determination, enforcement, and relief.

3.1. Building liability recognition standards: quantifiable four-dimensional fault presumption system based on Article 7 of Interim Measures for the Management of Generative Artificial Intelligence Services and Article 1165 of Civil Code

Four levels of quantifiable assessment based on the four dimensions of fault are established according to Article 7 of Interim Measures for the Management of Generative Artificial Intelligence Services and Article 1165 of Civil Code: Copyright Compliance of Face-Swapping Materials, Effectiveness of High-Risk Prompt Interception, Capability for Pre-publication Screening of Generated Content, Timeliness of Infringing Materials Deletion. The details are as follows:

3.1.1. Copyright compliance of face-swapping materials

Responsibilities of the platform: Provide "AI Face-Swapping Authorization Document" for pre-made templates; "real-time comparison against an infringing material database" for materials uploaded by users is required. Update the database ≥1 time per month and interception rate should be ≥95%. "Fair Use Statement" should be retained for materials possibly falling under "fair use" as stipulated in Article 24 of Copyright Law.

3.1.2. Effectiveness of high-risk prompt interception

Platform obligations include: Establishing a "High-Risk Prompt Library" covering common infringement scenarios, with vocabulary updated quarterly to adapt to new infringing language and popular materials. 100% real-time interception of user-inputted prompts from this library. Interception records must include "User ID, Input Content, Interception Time, Interception Reason," retained for ≥6 months. Sending an "Infringement Risk Warning" to users for intercepted high-risk requests.

3.1.3. Capability for pre-publication screening of generated content

Platform obligations include: Partnering with qualified screening institutions recognized by the National Copyright Administration and the Cyberspace Administration of China, possessing credentials for tracing AI-generated content.For short AI face-swapping videos (duration ≤15 minutes), pre-publication screening time must be ≤10 minutes; for long videos (duration >15 minutes), screening time must be ≤30 minutes.Upon detecting suspected infringing content during screening, publication must be paused, and the user notified to supplement a "Material Authorization Proof" within 24 hours. If the user fails to do so or provides invalid proof, the publication request is rejected.

DOI: 10.54254/2754-1169/2026.LD30103

3.1.4. Timeliness of removal of infringing face-swapping videos

Platform obligations include: Deletion of the infringing face-swapping videos within 12 hours after receiving a valid notice from the rights holder. (The time standard for removal of infringing videos on the platform is 12 hours, while that for traditional platforms is 24 hours. The high speed of dissemination of AI-related videos requires a shorter time standard.)Simultaneous deletion of the pre-made face-swapping template (provided by the platform) (if provided by the platform) and retrospective checks of similar templates in the library (to find potential infringement points).Feedback to the rights holder on the results of disposal within 24 hours after the deletion of the infringing video.

3.2. What is clear enforcement? Precision optimization of the "notice-takedown-counter notice" process

Based on Article 27 of the E-Commerce Law, Articles 14-16 of the Regulation on the Protection of the Right to Network Dissemination of Information and the "concealed nature of infringement points" of AI face-swapping videos, we propose the following optimization process for clear enforcement.

3.2.1. . Standards for validity of notice

A notice from the rights holder is valid if it contains: the link to the infringing video and the timestamps down to the seconds; the source of the face-swapped material and proof of rights; a clear description of the alleged infringement (specifically, which right is allegedly infringed); and proof of identity. If any of the above elements are missing, the notice is invalid. The platform is required to review the notice within 4 hours. If elements are missing, the platform must request supplementation via one notice only.

3.2.2. Removal and other related actions

If the platform confirms that the notice is valid, it must delete the video and disable sharing/downloading within 12 hours. If the platform-provided pre-made template was used, in addition to deleting the template simultaneously, the platform must label it with an "Infringement Risk" warning and conduct a retrospective check of similar templates within 48 hours. The rights holder must be notified within 24 hours. The notice must include "deletion time, screenshots of removal of the template, and the number of views and scope of dissemination".

3.2.3. Requirements for counter-notice

If a user considers a complaint incorrect, he / she may, within 72 hours, send a counter-notice with: documents authorizing the face-swapped content; third party technical appraisal report (including the results of face-swapping features comparison and source verification conclusions); user identity verification; and legality certification (such as not for commercial use).The platform shall complete the above-mentioned review within 48 hours: "system preliminary screening (information comparison within 12 hours) - manual re-examination (12-36 hours and dual-person review) - result notification (within 36-48 hours)". If the counter-notice is valid, it should restore the content and delete the erroneous false infringement record within 24 hours; if not, the platform shall reply to the user with the reasons and provide one request for reconsideration (within 24 hours for users to make

DOI: 10.54254/2754-1169/2026.LD30103

request for reconsideration and 12 hours for platforms to re-review).The review criteria shall be publicly disclosed and users have the right to claim for compensation for losses caused by erroneous judgments.

3.3. Clarifying rights relief: compensation and appeal mechanisms adapted to the AI face-swapping context

3.3.1. A "multi-dimensional quantification" formula for compensation in infringement on face-swapping technology

In compliance with Article 54 of Copyright Law and taking into account the difficulties in quantifying losses specific to infringement on Face-swapping technology using AI, the author builds a formula for compensation as illustrated below:

AI Face-Swapping Infringement Compensation Amount =Number of Views of Infringing Video × Revenue Per View × Infringement Circumstance Coefficient × AI Face-Swapping Damage Coefficient.

The explanation of the components is specifically displayed in Table 1 below.

Table 1. Parameter description table for the infringement compensation formula

Parameter Category	Specific Composition	Determination Criteria
Basic Calculation Items	Number of Views of Infringing Video	Based on the total view count of the infringing video as recorded in the platform's backend statistics, including views generated from shares and re-uploads.
	Revenue Per View	Calculated based on the formula: (Revenue share of advertising from the infringing video + Fee income of associated template +)÷ Total view count of the infringing video.
Adjustment Coefficient 1:Infringement Circumstance Coefficient	Minor Infringement	Applicable Scenarios: Use of authorized material without proper attribution, AND view count < 10,000.Coefficient Range: 0.3 - 0.5
	General Infringement	Applicable Scenarios: Use of unauthorized material for non-commercial purposes, AND view count between 10,000 - 100,000.Coefficient Range: 0.6 - 0.8
	Severe Infringement	Applicable Scenarios: Use of celebrity portraits or popular film/television material for commercial promotion, AND view count between 100,000 - 1,000,000.Coefficient Range: 0.9 - 1.2
	Malicious Infringement	Applicable Scenarios: Repeated uploads of infringing content, forged authorization documents, use in vulgar contexts, AND view count ≥ 1,000,000.Coefficient Range: 1.3 - 1.5
Adjustment Coefficient 2: AI Face-Swapping Damage Coefficient	Single Right Infringed	Applicable Scenarios: Infringement of either copyright or portrait rights alone.Coefficient Range: 1.0 - 1.3
	Multiple Rights Infringed	Applicable Scenarios: Simultaneous infringement of both copyright and portrait rights.Coefficient Range: 1.3 - 1.6
	Severe Impact Infringement	Applicable Scenarios:The infringing video causes additional harm to the rights holder, such as damage to social reputation of rights holder, or commercial cooperation between rights holder and relevant parties being terminated. Coefficient Range: 1.6 - 2.0
Final Compensation Amount	Calculation Formula	Number of Views of Infringing Video × Revenue Per View × Infringement Circumstance Coefficient × AI Face-Swapping Damage Coefficient

DOI: 10.54254/2754-1169/2026.LD30103

3.3.2. Three-tier appeal rules for "three-strikes system"

High Error Rate of Mistaken Judgment in AI Face Swapping: "Technical Appraisal + Third Party Mediation" appeal rules are established for:

First-Level Appeal (Platform Review): When a user receives 1-2 warning(s) within a certain period, if the user can submit "Authorization Document + Technical Explanation + Legality Statement" within 72 hours, he may submit an appeal to the platform. The platform should establish a dedicated "AI Infringement Review Team" (requires professional legal personnel) to complete the review in 48 hours. If the appeal is successful, the warning of infringement shall be removed immediately, and the account is marked as "Appeal Successfully". If the appeal is not successful, the platform should provide a user with written explanation for the reasons.

Second-Level Appeal (Third Party Appraisal): If the user is dissatisfied with the result of the platform review, he may apply for an AI infringement appraisal with a designated institution (for example, apply to the provincial / municipal intellectual property centers) within 48 hours. The applicant should advance the appraisal fee, and the winning party shall bear the fee. The appraisal report should be issued within 7 days. If no infringement is found, the platform should remove the warning of infringement and apologize to the user within 24 hours. If it is found that the infringement is not established, the warning of infringement should stand.

Third-Level Mediation (Third Party Mediation): If the user is dissatisfied with the result of the platform review or the appraisal, he may apply for mediation with the local intellectual property mediation commission within 15 days (during the mediation period, the account shall not be suspended - in accordance with Article 104 of the Civil Procedure Law of the People's Republic of China, that is, "behavior preservation measures shall take into account the rights and interests of the parties involved").). The account warning is not counted. The mediation agency should organize the mediation between the two parties in 15 days. If the mediation agreement is reached, it should be executed. If it cannot be mediated, the user should be guided to sue.

"Strike" determination standard: Only the number of warnings confirmed as "infringing and not justified" by appraisal are counted as strikes. Warnings of erroneous judgment and appeals successful removal shall not be counted. When 3 strikes are accumulated, the account shall be suspended. The suspension period shall be from 30 days to 1 year (depending on the severity of the infringement). Before suspending the account, the platform should send a written notice to the user, stating the reason for suspension and the opportunity for appeal.

4. Conclusion

In view of the high incidence of AI face-swapping template infringement, generative AI platforms with dual nature of being both "active generators" and "distribution hubs" are essentially different from traditional online platforms. The inherent difference gives rise to the problem of "inadequate rule adaptation" in existing legal rules in assigning liability to generative AI platforms. Therefore, it is necessary to improve the existing rules by considering the attributes of platforms. That is, it is necessary to establish a quantified four-dimensional fault presumption system to clarify the liability scope and set precision-optimized "notice-takedown-counter notice" procedure to standardize the enforcement procedure and establish multidimensional compensation formula coupled with three-tier appeal mechanism to provide more accessible relief channels. The optimized framework can balance the development of platforms and protection rights, provide clear guidance for liability determination and dispute resolution in AI face-swapping infringement cases and promote the healthy development of generative AI industry in a compliant framework.

DOI: 10.54254/2754-1169/2026.LD30103

References

[1] Zhang, H.B. and Hou, Y.Y. (2024) From Technology to Law: Infringement Risks and Regulatory Governance of AI Face-Swapping Short Videos. Journal of University of Science and Technology Beijing (Social Sciences Edition), 40, 1–11.
[2] Yao, J.S. (2023) An Empirical Study on Determining Copyright Infringement Liability of Short Video Platforms. Journal of Leshan Normal University, 38, 100–108.
[3] Hao, M.Y. (2019) Determination of Copyright Infringement Liability of Online Short Video Platforms. Journal of Shandong University of Science and Technology (Social Sciences), 21, 42–50.
[4] Xiong, Q. (2025) Copyright Infringement Liability of Generative AI Platforms. Global Law Review, 2, 78–92.
[5] Zhang, X.B. and Bian, L. (2025) On the Presumption of Fault Liability for Generative AI Service Providers. Northern Legal Science, 19, 45–58.
[6] Peng, X.L. and Liu, X.W. (2024) On Platform Liability for Intellectual Property Infringement: From Passive Exemption to Proactive Governance. Intellectual Property, 12, 63–75.
[7] Zhang, H. (2025) The Dilemma and Improvement of Platform Liability Determination in Short Video Copyright Infringement. New West, 5, 88–95.
[8] Liu, J.R. (2024) The Practical Dilemma and Improvement Path of the "Safe Harbor" Rule. Social Sciences in Yunnan, 1, 112–120.
[9] Yu, L. and Fan, Z.J. (2023) A Review of Platform Liability in Short Video Copyright Infringement. Journal of China Three Gorges University (Humanities & Social Sciences), 45, 70–79.
[10] Xie, J.T. (2016) Challenges and Responses to the "Notice-and-Takedown" Rule in the Patent Law. Journal of Xidian University (Social Science Edition), 26, 1–10.