

Navigating the AI Frontier: A Comprehensive Analysis of U.S. Guidelines and Best Practices for AI-Generated Content

Executive Summary

This report provides a multi-faceted analysis of the current U.S. landscape governing AI-generated content, encompassing legal, regulatory, academic, and industry-specific guidelines. The central finding is that while no single, unified federal law exists, a clear and consistent set of principles has emerged across diverse sectors. These principles are anchored in the concepts of human authorship, accountability, transparency, and the prevention of deceptive practices. The report synthesizes these emerging standards, analyzes key legal precedents, and offers strategic recommendations for organizations and individuals operating in this evolving domain.

The U.S. Copyright Office has established human authorship as the "bedrock" of copyright protection, asserting that purely AI-generated works are not copyrightable. Copyright protection may be extended to works that incorporate AI if a human exercises "sufficiently creative control," a standard that is not met by mere text prompts given current technology. Concurrently, the Federal Trade Commission (FTC) has adopted an enforcement posture focused on transparency and preventing deception, leveraging its "Net Impression" standard to target misleading claims about AI-powered products and explicitly prohibiting AI-generated fake reviews.

In the academic sphere, a bifurcated approach is apparent. While individual university policies vary widely, placing the burden of compliance on the student to follow instructor-specific rules, the scholarly publishing community has adopted a more uniform standard. These publishers universally prohibit listing AI as an author, mandate disclosure of its use, and hold human authors fully responsible for the accuracy and originality of their work.

Major technology companies, in a form of self-regulation, have also published ethical

frameworks. These frameworks, exemplified by Google's "people-first" content philosophy and Microsoft's Responsible AI principles, emphasize accountability, fairness, and the prevention of harm. This report concludes that a proactive and principled approach is required for any entity engaging with generative AI, with a consistent focus on human oversight, transparency, and verification.

1. The Foundational Landscape: Legal and Regulatory Frameworks

This section deconstructs the core legal principles governing AI-generated content, focusing on the two primary regulatory bodies: the U.S. Copyright Office and the Federal Trade Commission (FTC). It examines how existing laws are being applied to new technologies and the pivotal role of recent litigation in shaping legal precedent.

1.1. U.S. Copyright Law: The Human Authorship Doctrine

The U.S. Copyright Office has consistently affirmed that human authorship is an "essential" requirement for copyright protection. In its January 2025 report on the copyrightability of AI-generated works, the Copyright Office concluded that existing law is "adequate and appropriate" to address the challenges posed by new technologies.¹ This stance is supported by legal precedent, with courts holding that the Copyright Act requires all works to be "authored in the first instance by a human being".² Consequently, a work created "purely by AI" is not copyrightable.¹

The critical legal distinction lies in the degree of human creative control. Copyright protection can be extended to works that incorporate AI-generated material if a human exercises "creative selection, coordination, or arrangement" or makes "creative modifications" to the output.¹ The Copyright Office has clarified that, given the functioning of "current generally available technology, prompts alone do not provide sufficient human control" to confer authorship.¹ This is because a single prompt often produces multiple outputs, and the user's mental idea, while creative, does not control the way that idea is expressed by the AI system.⁴ This is distinct from a photographer's creative decisions regarding composition and lighting, which are considered human authorship, whereas a "machine or mere mechanical process that operates randomly or automatically" is not.²

The application of copyright law to AI is currently being defined by a series of high-stakes lawsuits that hinge on the "fair use" doctrine.⁵ Lawsuits by authors, artists, and media companies, including

Authors Guild v. OpenAI, *Getty Images v. Stability AI*, and a joint suit by Disney and Universal against Midjourney, argue that the mass ingestion of copyrighted material for AI model training constitutes a violation of exclusive rights.⁶ A central legal question in these cases is whether this process can be protected under "fair use," which allows the unlicensed use of copyrighted works under certain circumstances.⁵

The *Bartz v. Anthropic* case provides a crucial precedent in this evolving legal landscape.⁵ The court ruled that training an AI model on copyrighted works is "quintessentially transformative" and likely qualifies as fair use because the purpose is to turn existing information into a new model, not to create a substitute for the original works.⁵ However, the court's holding also carried a critical caveat: it found that Anthropic had "wrongfully acquired" millions of books from pirated websites, an illegal act separate from the fair use analysis.⁹ The subsequent \$1.5 billion settlement reinforces a fundamental distinction between the legality of the training process and the legality of the source material. This means that AI companies can no longer rely on a blanket "fair use" defense to shield them from liability for using pirated or unlawfully obtained data. It places a significant burden on developers to prove the legal provenance of their training datasets, forcing a reevaluation of business models that have relied on mass scraping of the public web.

The legal battles are also shifting from the training process to the AI's outputs. The *Getty Images* and *Disney/Universal* lawsuits introduce a new dimension by focusing on the AI's ability to reproduce and modify specific, identifiable copyrighted elements.⁶ For instance, Getty's case against Stability AI is strengthened by the observation that Stable Diffusion's output sometimes includes distorted versions of the Getty Images watermark.⁸ Similarly, the Disney/Universal lawsuit cites Midjourney's ability to generate images of well-known copyrighted characters, such as Christian Bale's Batman from

The Dark Knight, from simple prompts.⁶ This moves the argument from the abstract concept of "transformative use" during training to the more concrete issues of direct infringement and the creation of derivative works, which may cause market harm.⁶ This legal strategy challenges the idea that AI is a purely transformative "black box" and suggests that legal scrutiny is moving "downstream" to the final products.

1.2. Federal Trade Commission (FTC) Enforcement: Transparency and Deception

The FTC has taken a proactive stance in regulating the use of AI, not through new legislation but by applying its existing consumer protection laws. The core of its approach is the "Net Impression" standard, which evaluates the overall message a consumer takes away from an advertisement, including express claims, implied claims, and the format of the ad itself.¹¹ The FTC's heightened concern is rooted in the public perception of AI as a "truly transformative technology," which makes it easier for companies to deceive consumers, even those acting reasonably.¹¹

In a targeted law enforcement sweep called "Operation AI Comply," the FTC has cracked down on allegedly deceptive claims and unfair uses of AI.¹² Enforcement actions have been brought against companies making unsubstantiated claims, such as advertising a product as the "world's first robot lawyer" or promising that an AI tool can fully automate professional services.¹¹ The FTC's position is that any claims related to AI, even vague ones like "powered by AI" or "incorporates AI," must be substantiated with credible evidence or qualified with clear disclosures.¹¹ These disclosures should explain how the AI works, its capabilities, related risks, and must not contradict the net impression of the ad.¹¹

The FTC's regulatory response is a direct, reactive measure to new forms of deception enabled by AI. The agency's actions are not a broad regulatory scheme for the technology itself, but a precise application of existing consumer protection laws. The causal link is clear: the rise of generative AI makes it easier to create fake reviews and misleading product claims.¹¹ This in turn triggers the FTC to update its rules and launch specific enforcement sweeps. This pattern demonstrates that, for consumer protection, new technology does not necessarily require new laws, but rather a new and forceful application of existing ones.

This is particularly evident in the new rule, effective October 21, 2024, which explicitly prohibits the creation, purchase, or dissemination of fake reviews and testimonials, "whether generated by humans or artificial intelligence (GenAI)".¹³ The FTC has acknowledged that AI tools "make it easier for bad actors to pollute the review ecosystem by generating, quickly and cheaply, large numbers of realistic but fake reviews".¹³ This rule is a direct response to that risk, with violations potentially resulting in significant civil penalties of up to \$51,744 per violation.¹⁴

The FTC's "Net Impression" standard is a powerful, flexible tool that extends beyond mere factual claims to the overall perception created by the use of AI. When a company claims a product is a "robot lawyer," the overall perception, or "net impression," is that it can replace a human professional.¹² The FTC holds that this perception must be substantiated, placing the onus on companies to not only be truthful but also to anticipate and manage consumer perception. This requires disclosures that clearly explain the technology's limitations and risks, ensuring that a reasonable consumer is not misled by the perceived "transformative"

power of the AI.¹¹

2. Academic and Scholarly Publishing Standards

This section explores the guidelines and best practices that have emerged within the academic and research communities. It highlights the diversity of approaches in higher education and the more uniform standards adopted by major scholarly publishers.

2.1. Higher Education: Navigating Academic Integrity

University policies on the use of generative AI by students are not monolithic; they vary widely and can even differ from one course to another at the same institution.¹⁵ The University of Washington's policy, for instance, places the responsibility on students to understand and adhere to the specific rules set by their course instructors, which may range from outright prohibition to full encouragement with proper citation.¹⁶ Similarly, Carnegie Mellon University provides examples of policies ranging from a full ban on AI use for assignments to explicit encouragement with a requirement for detailed citation.¹⁵

Despite the variation, a set of unifying principles has emerged across higher education. The ultimate authority on AI use in coursework typically rests with the individual instructor.¹⁵ When permitted, a key requirement is transparency. Students are mandated to disclose and document their use of AI tools, including the specific tool used, the prompts provided, and how the output was integrated into their work.¹⁵ A prominent principle articulated by Harvard's policy is that AI should be viewed as a "tutor or thought partner" and not a substitute for cognitive effort.¹⁸ The policy warns that using AI to "do the cognitive work for you" would diminish the student's learning experience, an outcome that runs counter to the educational mission.¹⁸

Ultimately, students are held personally responsible for the integrity and accuracy of their work. They are expected to critically evaluate the results, fact-check information, and take full responsibility for the content, regardless of how it was generated.¹⁵ This includes a warning to be mindful of inherent biases in the training data and to ensure that the content produced is not misleading or inaccurate.²⁰

2.2. Scholarly Publishing: Author, Disclosure, and Accountability

The scholarly publishing community has adopted a more uniform and structured approach to governing AI use, centered on the foundational principle of human accountability. A consistent and nearly universal rule across major publishers, including the American Psychological Association (APA), Elsevier, and IEEE, is the outright prohibition of listing AI as an author or co-author on a scholarly publication.²¹ This is because authorship implies responsibilities—such as accountability for the accuracy and integrity of the work and the ability to approve the final version—that can only be attributed to a human being.²³

A second, mandatory requirement is the disclosure of AI use. Publishers have created specific guidelines for this process. The APA, for example, requires disclosure in the methods section and a citation to the AI tool used.²¹ Elsevier mandates a separate "AI declaration statement" upon submission, which will appear in the published work.²³ The IEEE requires disclosure in the acknowledgements section, along with an explanation of how the AI system was used.²⁵ This disclosure is not required for basic grammar and spelling checks but is necessary for more substantive uses, such as generating content, editing, or creating figures and tables.²¹

The academic world is clearly moving towards a model of transparent collaboration with AI, rather than outright rejection. The emphasis on disclosure and personal accountability reveals that institutions and publishers are treating AI as a new tool to be acknowledged and managed, much like statistical software or specialized research equipment. This suggests a future where AI-assisted work is not only accepted but may become the norm, provided a clear chain of oversight is documented and the human author remains ultimately accountable.

The guidelines also address critical ethical issues related to data and confidentiality in the scholarly ecosystem. Editors and reviewers are explicitly prohibited from uploading submitted manuscripts into generative AI tools to protect the authors' confidentiality and proprietary rights.²² This is a vital practice to maintain the integrity of the peer-review process, ensuring that an author's unpublished work is not used to train a public AI model without their consent. The prohibitions on editor and reviewer use of AI reveal a deeper ethical concern that extends beyond academic integrity to the unintended consequences of feeding proprietary or sensitive data into third-party AI systems that may use that data for future training. The policies advise authors to avoid entering confidential research data or personally identifiable information into open AI tools for this same reason, as the data may be used for model training and become accessible to others.²¹

3. Industry Best Practices and Ethical Frameworks

This section broadens the scope to include guidelines from leading technology companies, focusing on content creation, SEO, and the ethical development of AI systems.

3.1. Content and SEO: Google's "People-First" Philosophy

Google's core philosophy for content, as detailed in its Search Central documentation, is to reward original, high-quality, "people-first content" that demonstrates Experience, Expertise, Authoritativeness, and Trustworthiness (E-E-A-T).²⁸ Of these, trust is deemed the most important factor.²⁸ This philosophy is a direct counter-narrative to the idea that AI is a tool for content farming or search engine manipulation.

Google advises content creators to evaluate their work in terms of "Who, How, and Why" it was created.²⁸ The "Who" refers to the author, and Google recommends that it is "self-evident to your visitors who authored your content".²⁸ The "How" can include automated or AI-generated content, and sharing details about the processes involved can help readers understand the unique role automation served and build credibility.²⁸

The company's long-standing spam policies prohibit the use of "automation—including AI—to generate content with the primary purpose of manipulating ranking in search results".²⁸ However, Google clarifies that not all use of AI is spam; automation has long been used to create helpful content like weather forecasts and sports scores.²⁹ The core of Google's policy is not to ban AI, but to ban the intent behind its use for spam. This is analogous to their past stance on mass-produced, human-generated content that was created to game the system.²⁹ This approach implies that a high-quality, AI-assisted article that is transparent about its creation and provides genuine value to a human reader will be rewarded, while a cheap, mass-produced piece of AI-generated content designed solely to game SEO will be penalized.

3.2. Ethical Development: Core Principles from Tech Leaders

Leading technology companies like Microsoft and OpenAI have established foundational principles for Responsible AI. Microsoft's framework is built on six principles: fairness, reliability and safety, privacy and security, inclusiveness, transparency, and accountability.³⁰ These principles serve as a framework for building AI systems in a safe, trustworthy, and

ethical way, ensuring that people and their goals remain at the center of system design.³⁰

OpenAI's usage policies are similarly focused on preventing harm, respecting privacy, and avoiding misinformation.³² The policies prohibit the use of services to promote suicide, self-harm, violence, or hatred, and they ban the creation of misinformation, disinformation, and fake online engagement.³² The policies also forbid providing tailored legal, medical, or financial advice without professional review and disclosure of the AI's limitations.³²

A recurring theme across these ethical frameworks is the need to protect data. Policies explicitly warn against using sensitive or personal data with AI tools.²⁷ This is a direct acknowledgment of the potential for privacy breaches and the use of input data for model training. The detailed ethical frameworks demonstrate that major tech companies are not waiting for legislation. The principles of fairness, privacy, and accountability serve as a roadmap for internal development and a public-facing commitment to responsible AI. This proactive approach, which includes creating tools for auditing for bias and error³⁰, is a strategic move to show that the industry can manage the risks, potentially slowing or influencing the direction of future legislative efforts.

4. Strategic Synthesis: Key Findings and Actionable Recommendations

4.1. The Unifying Principles

A review of the legal, academic, and industry guidelines reveals a consistent set of principles that transcend specific sectors.

- **Human Control and Responsibility:** Across copyright law, academic policy, and industry ethics, the central principle is that humans must remain in control and be accountable for the AI's output.¹ This is the basis for granting copyright protection to works with human input and for holding authors responsible for the accuracy of their submissions.
- **The Imperative of Transparency and Disclosure:** Whether for a scholarly journal, a marketing claim, or a search engine, disclosing the use of AI is a consistent best practice and, in many cases, a requirement.¹¹
- **The Mandate for Verification:** The onus is on the human user to verify the accuracy, originality, and lack of bias in AI-generated content. Given the risk of "hallucinations" and

biased training data, this is a non-negotiable step.¹⁹

4.2. Actionable Best Practices

Based on these unifying principles, the following actionable best practices are recommended for different stakeholders:

- **For Content Creators:** Always retain human oversight of AI tools and fact-check all outputs. Be transparent about the use of AI, as disclosure can build trust and credibility.²⁷ For SEO purposes, focus on creating high-quality, people-first content that adheres to Google's E-E-A-T principles, and avoid using AI solely for manipulating search rankings.²⁸
- **For Academic Researchers and Students:** Adhere to the specific policies of your institution and instructors. Never claim AI as an author, as it cannot be held accountable for the work.²¹ Always disclose and cite AI use, and do not input confidential or proprietary data into open AI tools to protect data privacy and intellectual property.²¹
- **For Organizations:** Implement clear internal policies for AI use that align with legal and ethical standards. Conduct regular audits of AI systems to check for fairness, bias, and accuracy.³⁰ Ensure that all marketing claims are substantiated and transparent, in line with FTC guidelines and the "Net Impression" standard.¹¹

4.3. Future Outlook: Unresolved Questions and Emerging Trends

The legal and regulatory landscape for AI is still in its nascent stages. The ongoing legal battles over "fair use" for training data will continue to shape the legal landscape. The *Bartz v. Anthropic* settlement, which distinguished between the legality of the training process and the legality of the source data, may prove to be a landmark precedent.⁹ The outcome of the

Getty Images and *Disney/Universal* lawsuits will be critical, as they shift the legal focus to AI's ability to create infringing outputs and potentially compete with existing markets.⁶ While federal legislation remains a possibility, current efforts appear to be focused on applying and refining existing laws to address new technological challenges. The definition of "human creative control" will continue to evolve as AI systems become more autonomous and their outputs more complex, demanding ongoing vigilance and adaptation from all stakeholders.

Appendix

Table A: Comparison of Key Legal Rulings and their Holdings

Case Name	Parties Involved	Core Legal Issue	Key Holding/Current Status
<i>Bartz v. Anthropic</i>	Andrea Bartz, Charles Graeber, Kirk Wallace Johnson v. Anthropic	Fair Use for AI Training Data & Pirated Data Acquisition	Court found training was "quintessentially transformative" and likely fair use, but that the acquisition of data from pirated sites was illegal. The case settled for \$1.5 billion, reinforcing the distinction. ⁵
<i>Authors Guild v. OpenAI</i>	The Authors Guild v. OpenAI and Microsoft	Copyright Infringement & Derivative Works	Lawsuit alleges OpenAI's training on copyrighted works infringed exclusive rights and enabled the creation of derivative works. Case is pending. ⁷
<i>Getty Images v. Stability AI</i>	Getty Images v. Stability AI	Copyright & Trademark Infringement in Output	Lawsuit alleges Stability AI unlawfully used 12 million copyrighted images for training.

			Evidence includes the AI's output of distorted Getty watermarks. Case is pending. ⁸
<i>Disney/Universal v. Midjourney</i>	Disney and Universal v. Midjourney	Copyright & Derivative Works in Output	Lawsuit alleges Midjourney illegally copied copyrighted characters and that the AI's output creates infringing derivative works. Case is pending. ⁶

Table B: Academic and Publisher Policy Comparison

Institution/ Publisher	AI as Author (Yes/No)	Required Disclosure (Yes/No)	Specific Location of Disclosure	Permitted Uses (Examples)	Prohibited Uses (Examples)
APA	No	Yes	Methods, Introduction, or Author Note ²¹	Generating a literature review list, extensive copyediting, creating/refining code, data analysis, drafting content. ²¹	AI as author, entering confidential data into open tools. ²¹
Elsevier	No	Yes	Separate AI declaration	Synthesizing literature,	AI as author,

			statement, Method section for research use ²³	identifying research gaps, drafting, grammar checks. ²³	creating/altering images, use by reviewers/editors, entering confidential data. ²³
IEEE	No	Yes	Acknowledgments section ²⁵	Data processing, filtering, visualization, editing, grammar enhancement. ²⁵	AI as author, generating text not presented as experimental analysis. ²⁵
Harvard (HGSE)	N/A	Yes (if permitted)	In the assignment submission, including prompts. ¹⁸	Clarifying concepts, brainstorming, drafting emails not submitted as coursework. ¹⁸	Using AI to create all or part of an assignment unless specified by instructor, recording course material without permission. ¹⁸
University of Washington	N/A	Yes (depends on instructor)	Depends on instructor/policy. ¹⁶	Depends on instructor. ¹⁶	Unauthorized use of assistance, posting or submitting course content to

					external websites. ¹⁶
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