

Position: Current Model Licensing Practices are Dragging Us into a Quagmire of Legal Noncompliance

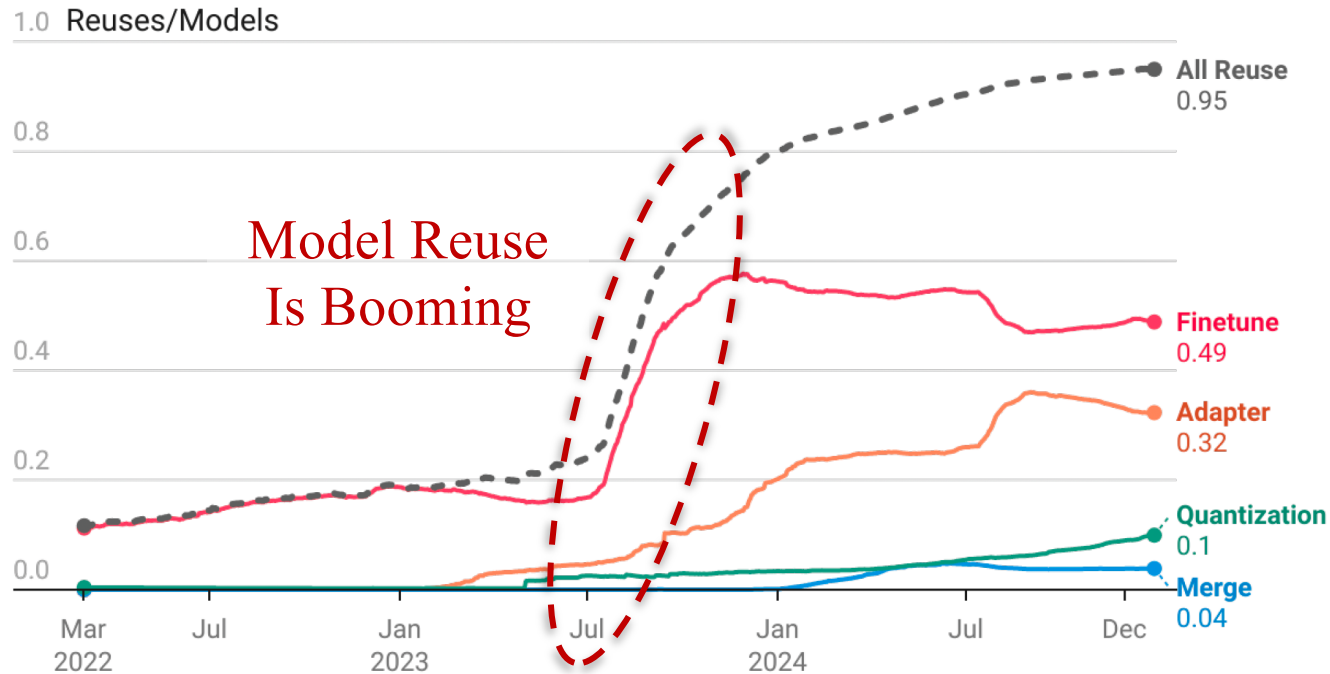
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Yinghui Wu, Nigel Shadbolt, Bingsheng He

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Oral

Background

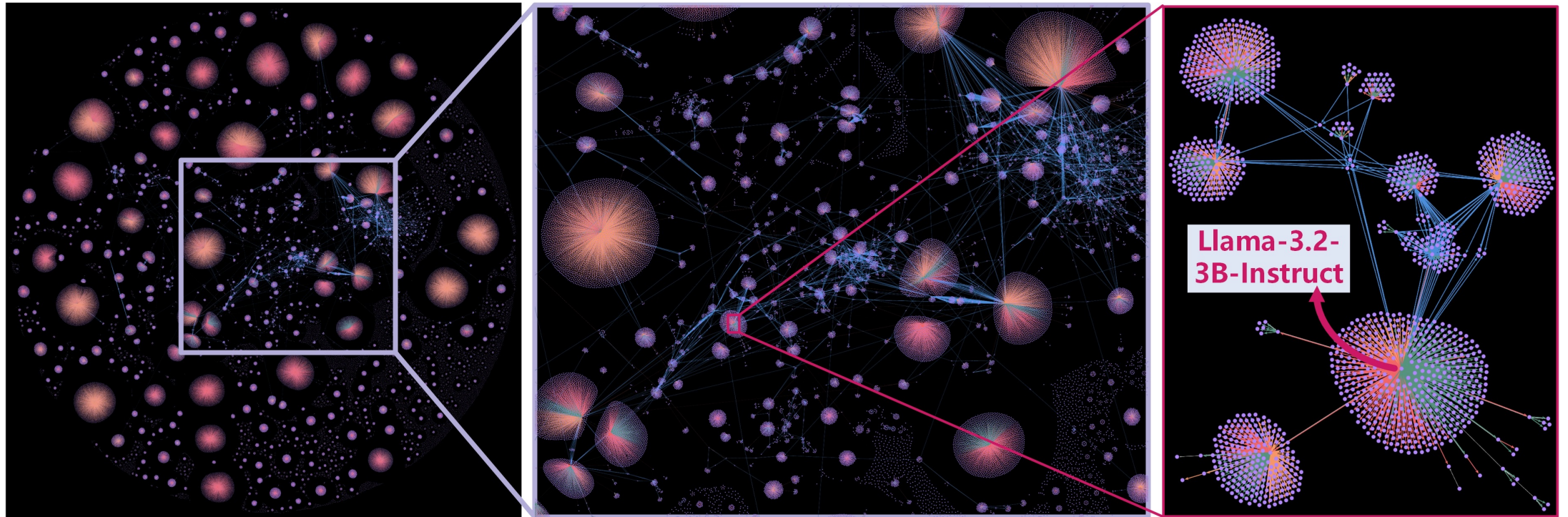


Trends in Model Reuse on Hugging Face 🤗

- **Pretraining is costly**
 - 10^{25} FLOPs
 - Billions of tokens
 - Several months with thousands of GPUs
- **Model reuse is cheap**
 - PEFT: LoRA (0.1% – 1%)
 - 1 GPU can run
 - 1.4 million models on HF

Background

- The Collaboration Chain of ML Models



Visualization of Model Dependencies on 🤗
Finetune (50%), *Adapter* (33%), *Quantization* (10%), and *Merge* (4%)

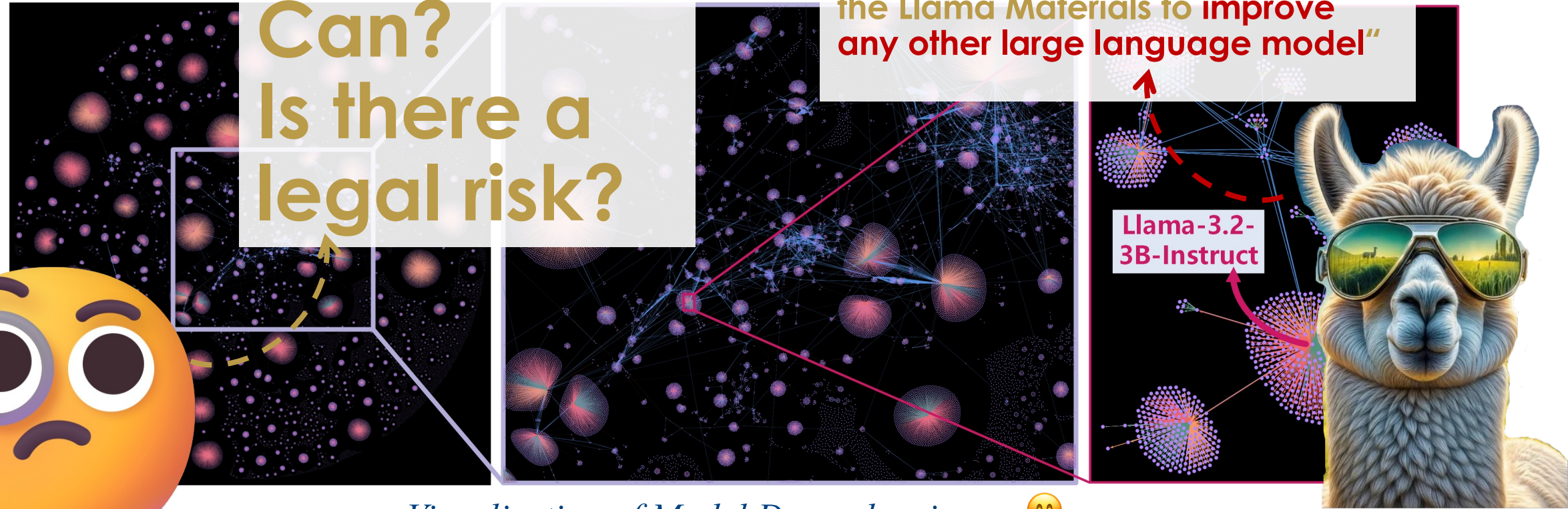
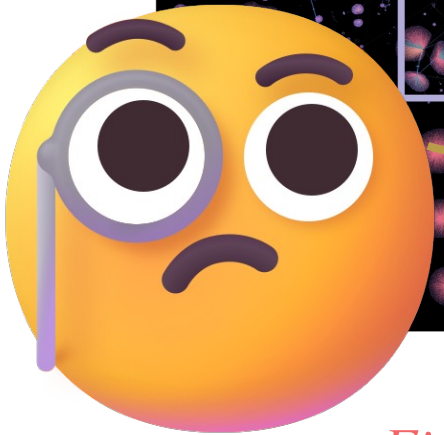
Background

- The Collaboration Chain of ML Models

Meta Llama3 Community License:

“You will **not** use the Llama Materials or any output or results of the Llama Materials to **improve** any other large language model”

Can?
Is there a
legal risk?



Visualization of Model Dependencies on 😊

Finetune (50%), *Adapter* (33%), *Quantization* (10%), and *Merge* (4%)

Type of Noncompliance

- **License Mismatch:** Model published under OSS/free-content licenses
- **License Proliferation:** Copyleft violations and inconsistencies in copyleft terms
- **License Conflict:**

Conflict Type (Abbrev.)	License	Conflict-Causing Clause
No Derivate (ND)	CC-BY(-NC)-ND-4.0	Section 3 Clause a: <i>You do not have permission under this Public License to Share Adapted Material.</i>
FSF-freedom (FSFf)	GPL-3.0, AGPL-3.0	Clause 10: <i>You may not impose any further restrictions on the exercise of the rights granted or affirmed under this License.</i>
CC-freedom (CCf)	CCs (excl. CC0-1.0)	Section 2 Clause 5B: <i>You may not offer or impose any additional or different terms or conditions on, or apply any Effective Technological Measures to, the Licensed Material if doing so restricts exercise of the Licensed Rights by any recipient of the Licensed Material.</i>
Llama2(/3) Exclusive (La2E/La3E)	Llama2(/3) License	Clause 1.v: <i>You will not use the Llama Materials or any output or results of the Llama Materials to improve any other large language model (excluding Llama 2(/3) or derivative works thereof).</i>

Results

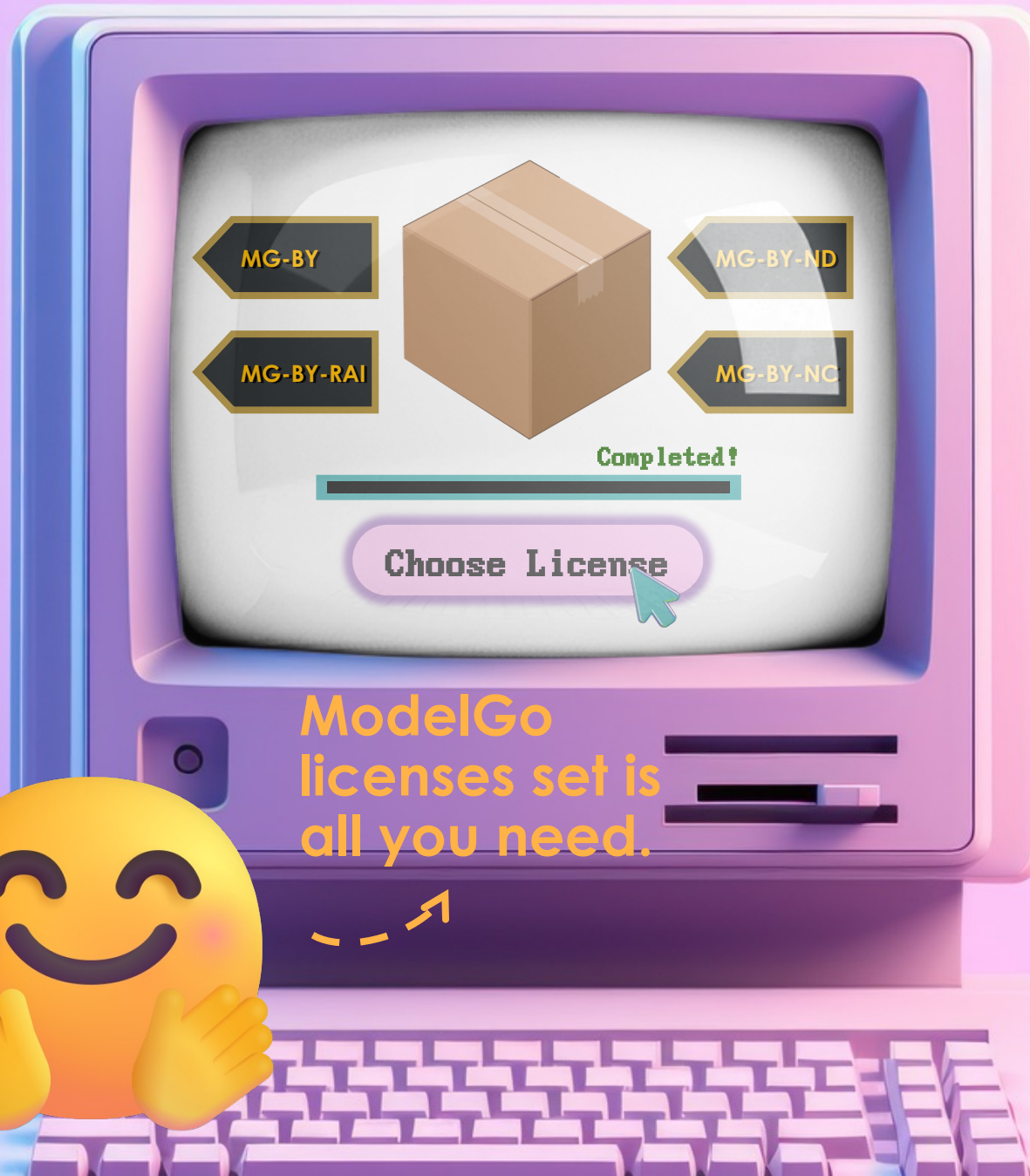
Noncompliance	# of NCM	# of CTM	Finetune	Merge	Quantization	Adapter
● License Mismatch	123,707 (81.8%)	151,302	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>
○ Copyleft-style Terms	26,679 (63.5%)	41,019	11,011 (35.8%)	1,453 (4.7%)	4,775 (15.5%)	13,546 (44.0%)
● Copyleft Violation	365 (38.5%)	949	296 (81.1%)	32(8.8%)	37 (10.1%)	<i>n/a</i>
● ND	36 (100%)	36	1 (2.8%)	12 (33.3%)	23 (63.9%)	<i>n/a</i>
● CCf	76 (2.1%)	3,675	17 (20.0%)	67 (78.8%)	1 (1.2%)	<i>n/a</i>
● FSFf	98 (45.8%)	214	84 (85.7%)	0	14 (14.3%)	<i>n/a</i>
● La2E-license	1,000 (38.4%)	2,602	182 (18.1%)	139 (2.9%)	331 (32.9%)	465 (46.2%)
● La2E-merge	11 (55.0%)	20	<i>n/a</i>	0	0	0
● La3E-license	966 (24.7%)	3,904	518 (47.2%)	13 (7.3%)	133 (27.6%)	193 (17.6%)
● La3E-merge	81 (56.6%)	143	<i>n/a</i>	81 (100%)	<i>n/a</i>	<i>n/a</i>

A Quagmire
That's Hard
to Remedy



LICENSING OPTIONS

- BY - Attribution
- NC - NonCommerical
- ND - NoDerivatives
- RAI - Responsible AI
- SA - ShareAlike
(Copyleft)



KEY FEATURES

Specifically Designed for
Model Licensing

Feasible Licensing Options
Easy to Learn & Use

Clearly Defined and Safer
Model Reuse



Our Views

1. Model Reuse Can Lead to License Violations.
2. Violations May Proliferate to Downstream Derivatives.
3. Remediation is Difficult due to Unknown Dependencies.

Alternative Views

1. No need to comply with model licenses because the copyrightability of models remains legally uncertain.
2. No need to comply with a license/term of use if you have not explicitly entered to it or signed.
3. Distillation does not create a derivative work, since the output is not considered part of the original model.

For more interesting topics in ML model governance, welcome to our related tutorial at VLDB 2025!

ML-Asset Management: Curation, Discovery, and Utilization

<https://ml-assets-management.github.io>

