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Copyright and generative artificial intelligence – opportunities and challenges

European Parliament resolution of 10 March 2026 on copyright and generative artificial intelligence – opportunities and challenges (2025/2058(INI))

(C/2026/4006)

The European Parliament,

— having regard to the Treaty on the Functioning of the European Union, in particular Articles 4, 16, 26, 114, 118 and 179 thereof,

— having regard to Article 17(2) of the Charter of Fundamental Rights of the European Union (the Charter),

— having regard to Article 27 of the Universal Declaration of Human Rights, adopted by the United Nations General Assembly on 10 December 1948 (Resolution 217 A), which affirms the right to freely participate in the cultural life of the community, the right to enjoy the arts and to share in scientific advancement and its benefits, and the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production,

— having regard to the Berne Convention for the Protection of Literary and Artistic Works, as amended on 28 September 1979, and to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations of 26 October 1961,

— having regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15 April 1994,

— having regard to Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases ([1]) (Database Directive),

— having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ([2]) (InfoSoc Directive),

— having regard to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights ([3]),

— having regard to Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 009), which guarantees the right to the peaceful enjoyment of possessions and has been interpreted by the European Court of Human Rights as encompassing intellectual property rights, including in the case of *Anheuser-Busch Inc.* v *Portugal* (11 January 2007),

— having regard to Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs ([4]),

— having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([5]),

— having regard to Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure ([6]),

— having regard to Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union ([7]),

([1]) OJ L 77, 27.3.1996, p. 20, ELI: http://data.europa.eu/eli/dir/1996/9/oj.
([2]) OJ L 167, 22.6.2001, p. 10, ELI: http://data.europa.eu/eli/dir/2001/29/oj.
([3]) OJ L 157, 30.4.2004, p. 45, ELI: http://data.europa.eu/eli/dir/2004/48/oj.
([4]) OJ L 111, 5.5.2009, p. 16, ELI: http://data.europa.eu/eli/dir/2009/24/oj.
([5]) OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj.
([6]) OJ L 157, 15.6.2016, p. 1, ELI: http://data.europa.eu/eli/dir/2016/943/oj.
([7]) OJ L 303, 28.11.2018, p. 59, ELI: http://data.europa.eu/eli/reg/2018/1807/oj.

— having regard to Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC ([8]) (CDSM Directive),

— having regard to Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information ([9]),

— having regard to Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services ([10]),

— having regard to the Commission White Paper of 19 February 2020 on Artificial Intelligence - A European approach to excellence and trust (COM(2020)0065),

— having regard to the World Intellectual Property Organisation Copyright Treaty and the Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence (WIPO/IP/AI/2/GE/20/1 REV) of 29 May 2020,

— having regard to its resolution of 20 October 2020 on intellectual property rights for the development of artificial intelligence technologies ([11]),

— having regard to Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) ([12]),

— having regard to the joint European Declaration on Digital Rights and Principles for the Digital Decade of the European Parliament, the Council and the Commission of 23 January 2023 ([13]);

— having regard to Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act) ([14]),

— having regard to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) ([15]),

— having regard to the report of 9 September 2024 entitled 'The future of European competitiveness' by Mario Draghi,

— having regard to the Commission communication of 29 January 2025 entitled 'A Competitiveness Compass for the EU' (COM(2025)0030),

— having regard to the report of 12 May 2025 of the European Union Intellectual Property Office entitled 'The Development of Generative Artificial Intelligence from a Copyright Perspective',

— having regard to the Commission communication of 16 June 2025 entitled 'State of the Digital Decade 2025: Keep building the EU's sovereignty and digital future' (COM(2025)0290),

— having regard to the General-Purpose AI Code of Practice, in particular its copyright chapter, published by the Commission on 10 July 2025 and in force from 2 August 2025,

— having regard to the Explanatory Notice and Template for the Public Summary of Training Content for general-purpose AI published by the Commission on 24 July 2025 and in force from 2 August 2025,

— having regard to the study entitled 'Generative AI and Copyright – Training, Creation, Regulation' commissioned by the European Parliament's Policy Department for Justice, Civil Liberties and Institutional Affairs at the request of the Committee on Legal Affairs ([16]),

— having regard to Rule 55 of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs (A10-0019/2026),

([8]) OJ L 130, 17.5.2019, p. 92, ELI: http://data.europa.eu/eli/dir/2019/790/oj.
([9]) OJ L 172, 26.6.2019, p. 56, ELI: http://data.europa.eu/eli/dir/2019/1024/oj.
([10]) OJ L 186, 11.7.2019, p. 57, ELI: http://data.europa.eu/eli/reg/2019/1150/oj.
([11]) OJ C 404, 6.10.2021, p. 129.
([12]) OJ L 152, 3.6.2022, p. 1, ELI: http://data.europa.eu/eli/reg/2022/868/oj.
([13]) OJ C 23, 23.1.2023, p. 1.
([14]) OJ L, 2023/2854, 22.12.2023, ELI: http://data.europa.eu/eli/reg/2023/2854/oj.
([15]) OJ L, 2024/1689, 12.7.2024, ELI: http://data.europa.eu/eli/reg/2024/1689/oj.
([16]) Lucchi, N. (2025), 'Generative AI and copyright: Training, Creation, Regulation', ref. PE 774.095, European Parliament.

A. whereas the right to property, including intellectual property, is enshrined as a fundamental right in Article 17 of the Charter and has been clearly qualified in case-law; whereas respect for this right must be guaranteed at all stages of the digital transformation and of the development of generative artificial intelligence (GenAI);

B. whereas the EU faces the strategic challenge of lagging behind international developments in the field of artificial intelligence (AI); whereas at the AI Action Summit in February 2025 in Paris, the Commission announced the AI Continent Action Plan, with the objective of making Europe a world leader in AI; whereas it is therefore essential to promote, rather than impede, the advancement of GenAI technologies and services in the public interest within the EU in order to safeguard Europe's technological sovereignty, competitiveness, multi-linguistic culture, and capacity for innovation while staying true to its values and ensuring that technological development supports sustainable economic growth, competitiveness and innovation while facilitating broad access to AI technologies across the EU; whereas maintaining competitiveness in the race to improve GenAI also requires access to high-quality content, underlining the importance of a fairly remunerated creative sector as a source of high-quality AI training data;

C. whereas the creative and cultural sector plays a key role in safeguarding European values and cultural diversity, representing approximately 4 % of EU value added and 6,9 % of the EU's gross domestic product; whereas the sector employs around 8 million people, underpinning Europe's cultural diversity, social cohesion, values and democratic dialogue;

D. whereas the Declaration on Digital Rights and Principles for the Digital Decade established the objective of ensuring a just, safe and secure digital environment, where everyone, including small and medium-sized enterprises (SMEs), should have the possibility to compete fairly and in an innovative way; whereas this entails measures to promote the traceability, safety and compliance of products and services offered on the digital single market; whereas the signatories commit to promoting human-centric, trustworthy and ethical AI systems, used in a transparent way and in line with EU values; whereas the declaration insists that the digital transformation should contribute to a fair and inclusive society and economy, and to promoting cultural and linguistic diversity, as well as to open technologies and standards, as a way to further strengthen trust in technology and consumers' ability to make autonomous and informed choices;

E. whereas it appears that the EU's Digital Decade objectives will not be achieved without a transformative shift in its investment landscape;

F. whereas the Competitiveness Compass for the EU intends to boost innovation, in particular by creating a friendly environment for young companies in Europe to start up and expand, under a dedicated EU start-up and scale-up strategy that launched on 28 May 2025; whereas this should be accompanied by an 'apply AI' initiative for companies of all sizes to accelerate the integration of AI technologies across strategic sectors and reinforce the EU's technological sovereignty; whereas the cultural and creative sectors create new and skilled jobs, and contribute to Europe's economic growth, diplomatic power and the emergence of talents; whereas SMEs comprise the overwhelming majority of businesses in the creative sector;

G. whereas copyright and related rights come into effect automatically without registration requirements; whereas extensive exclusive rights are thus conferred on a variety of holders (authors, performers, producers, publishers and broadcasters), including the rights to reproduce works and other subject matter and to adapt, distribute and communicate them to the public;

H. whereas there is great diversity in European cultural and creative industries, whose contractual practices, value chains, and types of content protected by copyright and related rights differ significantly; whereas in some sectors, rights holders organise collectively to defend their interests; whereas the works produced by this diverse range of actors are equally diverse and can therefore have different values;

I. whereas copyright needs to keep pace with the development of new technologies, both legally and technically; whereas a harmonisation of national copyright regimes would be crucial in a digital world;

J. whereas GenAI is a type of AI that, unlike other AI systems designed to primarily classify or predict, generates new content, such as text, images, music, videos and code, on the basis of training using very large datasets from which they learn patterns and structures; whereas GenAI outputs are created through predictions based on statistical models, generally mimic human creativity and rely on pre-existing content, which may include copyright-protected materials; whereas this digital use of copyright-protected content makes it necessary to adapt the protection of copyrighted content digitally;

K. whereas the development, deployment and use of AI must be fully compliant with the current legal framework; whereas it is unacceptable that these technological developments infringe upon currently established rights; whereas the current systems for the reservation of rights ('opt out') to copyright-protected content are often impractical, may not cover all relevant acts of text and data mining, and lack the necessary transparency for effective implementation and enforcement; whereas the development of new technologies such as AI and the upholding of established rights, including those enshrined in copyright law, should not be mutually exclusive, but should rather be advanced together;

L. whereas there is evidence of the widespread violation of copyright rules by GenAI providers, including the unauthorised collection of works from the internet, the non-compliance with rights holders' text and data mining rights reservations, the use of pirated sources to obtain works, and the failure to seek licences; whereas this pattern, which constitutes a clear violation of creators' fundamental rights and a misappropriation of value to the detriment of the EU's cultural and information sector, demonstrates the need for strong measures to ensure that the AI ecosystem in the EU is fair and ethical;

M. whereas key legal questions about the interplay between GenAI and copyright and related rights are whether the use of copyright-protected works and other subject matter in training datasets is lawful under EU and national Member State law, what the legal status of AI-generated content should be, and how to ensure transparency, consent and the fair remuneration of creators and rights holders when their protected works and other subject matter are used in the generation, dissemination and distribution of AI outputs;

N. whereas GenAI, by massively and inexpensively creating content that mimics what was produced by human creativity, competes directly with the work of creators, particularly of cultural and media content; whereas this competition may lead to a decline in the quality of online content as a result of creators disengaging, and thus to an overall decline in human cultural and creative production;

O. whereas this risk of a gradual disappearance of the human dimension of creation in favour of AI-generated content, in addition to undermining the economic viability of the creative sector, poses an existential risk to European society and democracy, in that it blurs the boundaries between truth and falsehood, the perception of discourse and its authors, and disrupts cognitive faculties and critical thinking; whereas the Artificial Intelligence Act (AI Act) takes these risks into account, but cannot be complete without robust protection of copyright and related rights;

P. whereas to ensure proper enforcement of the law and a level playing field across the EU and among AI providers, the EU's and Member States' rules on copyright and related rights need to apply uniformly to all AI providers deploying products or offering services within the EU, irrespective of their place of establishment, of the jurisdiction in which the copyright-relevant acts underpinning the training of those AI models take place, and of where the output produced by the AI system is used in the EU; whereas the same requirement should apply *mutatis mutandis* to any subsequent use of content for inference, retrieval-augmented generation or fine-tuning, not only by providers of AI models, as currently stipulated by Article 53 of the AI Act, but also by providers or deployers of AI systems; whereas entering into new licence agreements should not be misconstrued as redress for past unauthorised uses of copyright-protected content;

Q. whereas any AI provider placing a general-purpose AI model on the EU market must remain responsible for verifying that the measures included in their copyright policy, as outlined in the General-Purpose AI Code of Practice, comply with Member States' implementation of EU law on copyright and related rights, before carrying out any copyright-relevant act in the territory of the relevant Member State, as failure to do so may give rise to liability under EU law on copyright and related rights;

R. whereas the Code of Practice is only of voluntary compliance, and not all AI providers have signed it, in particular its copyright chapter;

S. whereas the global nature and exponential rate of AI training, deployment and offers on the one hand, and the territorial application of the rules pertaining to copyright and related rights on the other hand, create obstacles for obtaining licensing on the relevant rights and for making AI products and services available on the EU market compliant with those rules and rights, in a way similar to but dramatically increased to the digital non-AI era;

T. whereas case-law on the topic of the infringing use of copyrighted content for training AI models is still scarce, but several court decisions are expected in the near future, since judicial actions have been brought by various rights holders in the EU and other parts of the world against certain AI providers;

U. whereas GenAI training, a specific form of use, requires clarification of the legal conditions under which such training may be conducted;

V. whereas high-quality, human-based (non-synthetic) and comprehensive training datasets are essential both for research and for the effective commercial development of GenAI systems and for securing high-quality and trustworthy outputs from GenAI systems; whereas enabling the lawful creation and use of such datasets within the EU, which excludes pirated, unauthorised or otherwise infringing material, is therefore crucial to fostering innovation, ensuring technological and cultural sovereignty, maintaining the EU's competitiveness in the rapidly evolving global AI landscape and protecting Europe's cultural and creative industries;

W. whereas the launch of the European Union Intellectual Property Office (EUIPO) Copyright Knowledge Centre would represent a timely and commendable initiative aimed at providing useful and reliable information on copyright and strengthening the interface between owners of copyright and related rights and representatives and stakeholders acting in the field of emerging technologies, particularly GenAI;

X. whereas rights holders should have the possibility to use tools enabling them to effectively exclude the use of their works in AI training in a limited number of standardised machine-readable formats, potentially managed and listed by the EUIPO, thereby enabling the effective exclusion of registered works from automated data crawling and providing legal certainty to both rights holders and AI providers;

Y. whereas any provider or deployer of GenAI models and systems should ensure transparency concerning all copyright-protected content used to train those models and systems, irrespective of the jurisdiction in which the copyright-relevant acts underpinning the training of their GenAI models take place; whereas this transparency must consist of an itemised list identifying each item of copyright-protected content used for training; whereas the same requirement should apply *mutatis mutandis* to any subsequent use of this content for other purposes, including inference, retrieval-augmented generation or fine-tuning, not only by providers of AI models, as currently stipulated by Article 53 of the AI Act, but also by providers or deployers of AI systems; whereas uses such as inference and retrieval-augmented generation essentially happen continuously and in real-time; whereas, in such cases, transparency should include the act of crawling itself, whereby, on the one hand, crawlers are required to identify themselves to web operators, and, on the other hand, AI providers or deployers are required to maintain detailed records of their crawling activities; whereas a presumption that content has been crawled, including for inference and retrieval-augmented generation purposes, should apply where AI systems handle user queries; whereas the mere information of the third-party content used by AI and GenAI providers and deployers does not constitute trade secrets under EU law;

Z. whereas such transparency could be facilitated through a trusted intermediary, such as the EUIPO, which would be responsible for notifying rights holders of the use of their content, thereby enabling them to assert claims in relation to its use for training; whereas such an intermediary should be endowed with the necessary powers and resources to assess whether providers and deployers comply fully with their transparency obligations;

AA. whereas, transparency could also be achieved by enabling rights holders to watermark their works and other protected subject matter, and by requiring AI providers to keep such watermarking unaltered, and to make search tools available that allow for the detection of such watermarks in materials used for AI training;

AB. whereas, in addition to the obligation of transparency concerning copyright-protected works and other protected subject matter, there is a need to establish a mechanism whereby, under certain conditions, the failure by AI providers or deployers of AI models and systems to provide complete transparency should give rise to a rebuttable presumption that any relevant copyright-protected work or other protected subject matter has been used for the purposes of training, inferencing or retrieval-augmented generation, thereby triggering all applicable legal consequences under EU and national law for the infringement of copyright or related rights; whereas, where a court finds in favour of a rights holder or the organisations representing them on the basis of either such a presumption or of submitted evidence, all reasonable and proportionate legal costs and other expenses should be borne by the AI provider;

AC. whereas the press sector plays a vital role in safeguarding democracy and democratic structures within the EU; whereas it is essential to ensure that GenAI models and systems do not engage in selective processing that favours certain publications over others, thereby preserving the plurality and impartiality of information; whereas GenAI models and systems must be designed to incorporate and consider the full spectrum of press publications in order to uphold the fundamental democratic values of diversity and fairness in public discourse; whereas there is a need to establish clear quality standards for GenAI models and systems;

AD. whereas transparency regarding the output generated by AI systems is essential to enable proper classification of content as 'AI-generated' or 'human-created', depending on whether the output meets the established criteria for copyright protection; whereas such classification entails significant legal consequences, including for the applicability of copyright protection and the determination of rights and liabilities; whereas citizens' trust in AI can only be built on a regulatory framework, which ensures that any AI system put into operation fully respects and complies with the Treaties, the Charter and secondary EU law;

AE. whereas, in terms of the legal treatment of GenAI outputs, EU copyright law remains grounded in the principles of human authorship; whereas according to the settled case-law of the Court of Justice of the European Union, the concept of a 'work' entails two cumulative conditions: first, it must be an original subject matter that reflects the author's own intellectual creation, and second, that creation must be expressed in a manner that makes it identifiable with sufficient precision and objectivity;

AF. whereas GenAI is increasingly used as a tool to aid the enforcement of copyright and related rights; whereas the Commission should ensure that the use of GenAI for enforcing copyright claims is subject to effective safeguards, including safeguards against misuse, ensuring full respect for fundamental rights, especially freedom of expression and freedom of the press;

AG. whereas inconsistent international rules on the eligibility of AI-generated content for copyright protection poses a risk to the global coherence of intellectual property law and may give rise to regulatory arbitrage or undermine the competitiveness of the EU's creative and AI sectors; whereas international convergence and the establishment of a global regulatory framework would provide a more effective and coherent alternative to the current fragmentation of legal approaches; whereas EU regulation on AI and copyright should not be impacted by external political pressure; whereas, in this context, the EU must offer a strong and united response to secure the functioning of its internal market, protect its workforce and competitiveness, strengthen its technological autonomy and set global standards in the field of intellectual property;

AH. whereas, in order to ensure the proper implementation of EU law in relation to all generative AI services and to prevent non-EU-based providers from gaining an unfair competitive advantage through non-compliance, it is essential that rules protecting and enforcing authors' rights at EU and national level apply effectively to all services operating on the EU market; whereas the growing concentration of power in the hands of a few large non-European companies increases the EU's strategic dependence and weakens the capacity of European creators and the European press to exercise and enforce their rights; whereas, to the extent permitted under EU and international law, the principle of the territoriality of copyright protection must be adapted to the training of generative AI systems so as to ensure that the use of European content is subject to EU law even when such training takes place outside the EU, which is fundamental to guaranteeing fair remuneration for European creators and rights holders and to safeguarding the cultural and creative vitality of the EU, as well as to ensuring fair competition between European and non-European providers of GenAI systems; whereas GenAI systems that do not comply with these requirements should be barred from operation within the EU and these principles should be robustly enforced;

AI. whereas the rapid advancement of GenAI has significantly increased the possibilities to create and disseminate realistic manipulated digital images, audio or video content, including artists' works and performances, that resembles or imitates real people, known as 'deep fakes', which falsely appear to be authentic or truthful; whereas the misuse of such content poses a risk to these people's identity and their personality, including their body, facial features and voice;

1. Notes the ambiguities thus far in the application of the CDSM Directive in the context of GenAI training and recommends the swift clarification on its application and implementation;

2. Believes that current copyright law is insufficient to address the challenge of licensing copyrighted material for GenAI; calls for an additional legal framework to clarify licensing rules for GenAI and to address potential infringements of current copyright law; insists that such a framework should include provisions ensuring the effective cooperation of GenAI providers with creators and other rights holders, including a functioning licensing market that restores the bargaining power of rights holders and viable protection solutions;

3. Recalls that any exceptions to current rights under the copyright *acquis*, including on AI, must be in line with the three-step test under Article 5(5) of the InfoSoc Directive and under the Berne Convention; notes that the concept of 'lawful access' excludes pirated and infringing copies of works;

4. Calls on the Commission to ensure that activities conducted for scientific research or educational purposes, in particular by research organisations and cultural heritage institutions, or in the framework of non-commercial innovation, are not restricted, in line with the principle contained in Article 13 of the Charter; urges the Commission to ensure that the commercial exploitation of research results stemming from these activities is not restricted, provided that adequate authorisations have been obtained from rights holders;

5. Reiterates that rights holders, especially from the press and news media sector, and especially press publishers, journalists and news editors, must have full control over the digital use of their content by AI systems and models for training purposes; stresses that this control should be based on a robust and functioning possibility to exclude such use by AI systems and models, underpinned by full transparency and source documentation over the use of third-party content;

6. Believes, furthermore, that said rights holders must have full control over the use of their content for purposes beyond AI training, such as inferencing and retrieval-augmented generation by systems such as applications, or the use for purposes conducive to the production of AI-generated, competing offerings in the primary markets of the rights holders; believes that the use of protected content for such purposes beyond training can take place only with the express consent of the rights holders; suggests that the Commission explore how ancillary rights for press publishers, journalists and news editors, and other related rights, including for news media producers and news broadcasters, could be extended to cover those purposes; believes that such remuneration rights may also be managed under a voluntary collective licensing system, whereby a presumption of collective rights management on behalf of rights holders with respect to Al-related uses of their content could be envisaged, without prejudice to the right of rights holders to opt for individual licensing;

7. Urges the Commission to explore the possibility to safeguard the press and news media sector, whose services are repeatedly and fully exploited by AI systems, and to assess and, where appropriate, propose mechanisms ensuring that providers of GenAI models or systems that demonstrably divert traffic and revenue from press and news media outlets compensate such outlets in a fair, proportionate and non-discriminatory manner, paying particular attention to local and regional media, in order to safeguard media pluralism, diversity and democratic discourse in the EU and its Member States;

8. Notes the growing use of GenAI to aggregate or present news content and its far-reaching effects on access to and diversity of information; calls on the Commission and the Member States to ensure the full enforcement of EU law to address this phenomenon; stresses that such systems should uphold and contribute to the principles underpinning the European Media Freedom Act ([17]), in particular media pluralism and diversity of information; underlines the need for proper enforcement of Article 34 of the Digital Services Act when such providers are designated as very large online platforms or search engines, ensuring that systemic risks to media freedom and pluralism are properly addressed; calls further on the Commission to swiftly address any violations of the Digital Markets Act with regard to potential self-preferencing practices by gatekeepers benefiting their AI services and harming fair competition with business users;

9. Calls on the Commission to facilitate, through consultation with collective management societies, the establishment of voluntary collective licensing agreements per sector, where appropriate, as a means to quickly establish a working licensing market that provides a balanced and efficient framework ensuring the fair remuneration of rights holders while enabling AI providers to access high-quality training data; urges the Commission to ensure that such collective licensing agreements are accessible to all stakeholders, including individual creators and SMEs, promoting good faith negotiations and transparency; recalls that rights holders' refusal to have their content used for training purposes must be respected;

10. Calls on the Commission to provide legal certainty for both rights holders and AI providers and to assess the necessity and feasibility of tools enabling rights holders to effectively exclude the use of their works from AI training in a limited number of machine-readable standardised formats managed by a trusted intermediary; proposes making the EUIPO the trusted intermediary that manages and lists the exclusions and can refer to other catalogues of exclusions already in existence; stresses that participation in any new mechanism should be simple and cost-efficient

([17]) Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), OJ L, 2024/1083, 17.4.2024, ELI: http://data.europa.eu/eli/reg/2024/1083/oj.

and should not invalidate or override previously expressed refusals, while providing AI providers with a comprehensive tool to ensure copyright compliance; believes that the creation of such mechanisms should be designed and assessed in consultation with the affected stakeholders, in particular rights holders, AI providers and their respective representative organisations;

11. Recommends that the Commission also assign to EUIPO responsibility for supporting a sector-based, voluntary licensing process, so as to streamline relations between GenAI providers and rights holders, establishing a workable, innovation-friendly framework that supports the EU's competitiveness and does not unduly hinder the development of AI technologies, without entailing disproportionate administrative burdens or posing a risk to the enforceability of exclusive rights;

12. Calls on the Commission to propose the transparency and source documentation on the use of copyright-protected work or other protected subject matter to providers and deployers of general-purpose AI models and systems, placed accessing on the market in the EU, including for opt-out compliance to a trusted intermediary, such as the EUIPO; recommends that the Commission continue working with AI providers and relevant stakeholders to improve the template for training data; considers that for purposes such as inferencing and retrieval-augmented generation, which require continuous and real-time crawling, transparency should be complemented by an obligation for crawlers to be identifiable to the web operator and for AI companies to maintain detailed records of any crawling activities carried out, taking into due account the need to protect trade secrets and confidential business information and ensuring an appropriate balance between such protection and the effective implementation of transparency obligations; emphasises that digital watermarking, which involves discreetly inserting a signature, code, or specific information directly into protected content – text, image, video or audio – is an innovative and robust tool for protecting copyright and related rights; emphasises that the Commission must also foster research and the development of standards for innovative technological solutions that enhance the ability to verify data-set information, including cryptographic watermarks; considers that any new opt-out mechanism should not invalidate any opt-outs previously expressed;

13. Considers that no legal framework governing the training of GenAI on works and other objects protected by copyright and related rights should be put in place without establishing full transparency regarding the use of such data and the effective protection and enforcement of the rights of creators, which would restore the absolute right of creators to ensure their full bargaining power with a view to obtaining appropriate and proportionate remuneration;

14. Stresses that the General-Purpose AI Code of Practice, guidelines and templates should be revised and treated as living documents requiring regular updates to address emerging challenges in copyright protection and AI development; notes that this Code of Practice is a temporary tool for demonstrating compliance with the AI Act until harmonised standards are developed, as underlined in the guidelines published by the European AI Office on 18 July 2025; welcomes the direction of travel in the General-Purpose Code of Practice's copyright chapter, including commitments on dataset documentation, opt-outs and complaint handling, while noting remaining shortcomings; calls on the European AI Office to enforce these provisions robustly and facilitate the work towards achieving the EU's highest standards for efficient compliance with the requirements in question, and urges signatories to adopt a public copyright policy and operate an accessible, time-bound complaint mechanism that provides effective redress for rights holders;

15. Recommends that the Commission, independently of and before starting its planned review of the copyright framework and the CDSM Directive and without presupposing the need for legislative revision, urgently conduct a thorough assessment to find a rapid solution of whether the implementation of the existing EU copyright *acquis* adequately addresses the legal uncertainty and competitive effects associated with the use of protected works and other subject matter for the training of GenAI systems, territoriality implications, the sustainability of other publicly available resources such as online encyclopaedias, libraries and archives, as well as the dissemination of AI-generated content that may substitute human-created expression; stresses that this assessment should be undertaken using a holistic approach, considering the needs of all stakeholders, including researchers, universities, libraries, cultural organisations, European AI-developers, including start-ups, news outlets and the creative sector, in relation to the use and development of AI;

16. Affirms that, in accordance with EU and international law and with a view to ensuring a level playing field between EU- and non-EU-based GenAI services, guaranteeing appropriate protection and fair remuneration for creators for the use of their works, enhancing the licensing of such works, and ultimately promoting the cultural vitality of the EU, the principle of territoriality should be construed in such a way that, when generative AI models and systems are

placed or made available on the EU market, EU copyright law, as recalled in recital 106 of the AI Act, applies regardless of the jurisdiction in which the copyright-relevant acts underpinning the training of those GenAI models and systems take place, with the consequence that, where copyright is not observed, those models and systems are barred from being placed or made available on the EU market;

17. Furthermore recommends that such an assessment be aimed at upholding a framework in which transparency is ensured regarding the use of copyright-protected work or other protected subject matter and in which fair and proportionate remuneration mechanisms for such use enable the generation of the resources needed for European artistic and creative production to thrive in the context of an AI-driven global transformation and for the sustainability of the public information ecosystem; stresses the urgency of ensuring these conditions in order to avoid the growing risk of human creativity gradually disappearing in favour of content generated by AI systems;

18. Notes the use of GenAI systems that rely massively on protected content, reproducing it without authorisation from, or compensation for, the rights holders affected by such use, particularly when integrated into search engines or other digital services that enable the generation, often in real time and at marginal cost, of content that infringes upon original works and other protected subject matter on which the models were trained, or that was scraped, including in real time, by such models; is alarmed that these practices may result in the provision of products and services that directly and unfairly compete with those of the rights holders, including through illegal self-preferencing of gatekeepers;

19. Recalls that voluntary licensing, whether individual or collective, underpins the success of the creative sectors by ensuring the flexibility to choose the most suitable model for each use, while stressing that rights holders must remain free to determine whether to license their works to generative AI systems and to set the corresponding remuneration, so as to safeguard sectoral diversity and prevent market distortions that could undermine the viability of the creative industries and the European press;

20. Calls for the establishment of a coherent and functioning licensing framework in respect of the use of content protected by copyright or related rights, to enable the fair remuneration of creators for the exploitation of their copyright-protected content by GenAI models; encourages providers of AI models to seek licences from rights holders and stresses that effective and comprehensive transparency regarding copyright-protected works and content used to train AI models is an essential prerequisite for the development of such a market; recommends, in this regard, strengthening enforcement and transparency obligations for AI developers using such content;

21. Calls on the Commission to examine whether there is a possible solution for the immediate, fair and proportionate remuneration for past uses of copyright-protected works by providers of general-purpose AI models and systems in respect of the use of content protected by copyright or related rights where a licensing market could not yet be established, with such an obligation applying until the reforms envisaged in this report are enhanced; opposes, in this regard, any proposal for a framework based on AI providers obtaining a global licence for training their GenAI models in exchange for a flat-rate payment; considers that the value of content protected by copyright or related rights must be proportionate and determined based on relevant factors, through negotiations in good faith between rights holders or their representatives and AI providers;

22. Encourages the Commission and the EUIPO to coordinate efforts towards raising awareness about copyright among AI developers and providers, which may include compliance checklists, legal and technological toolkits and technical guides, as well as to create awareness among copyright holders by providing useful and reliable information on copyright;

23. Welcomes the establishment of the EUIPO Copyright Knowledge Centre, as this will play a vital role in guiding the use of copyright in the age of GenAI by raising awareness, promoting legal clarity and fostering a balanced framework that supports creativity, innovation, cultural preservation and European competitiveness;

24. Calls on the Commission to propose the establishment of a rebuttable presumption that, for any generative AI model or system placed on the EU market, works and other subject matter protected by copyright or related rights have been used for the purposes of training, inferencing or retrieval augmented generation, where the transparency obligations set out in this resolution have not been fully complied with; recommends, furthermore, where a rights holder or the

organisation representing them succeeds in legal proceedings either on the basis of this presumption or through submitted evidence, that any reasonable and proportionate legal costs and other expenses incurred in enforcing such rights be borne by the provider of the AI model or system, as applicable;

25. Insists that content fully generated by AI that does not meet the established criteria for copyright protection should remain ineligible for copyright protection, and that the public domain status of such outputs be clearly determined;

26. Urges the Commission to explore measures to counter the infringement of the rights of reproduction, of making available to the public and of communication to the public through the production of GenAI outputs, provided that such measures do not result in the prevention of the production of GenAI outputs that include works or other subject matter that do not infringe copyright and related rights, including for private use, quotation, criticism, review, caricature, parody and pastiche, and incidental inclusion;

27. Calls on the Commission to investigate measures to protect individuals against the dissemination of manipulated and AI-generated digital image, audio or video content, including artists' works and performances, imitating their personal characteristics (deep fakes) without consent; highlights that digital service providers must have a clear obligation to act against this illegal use of an individual's right to their own body, facial features and voice and intellectual property rights;

28. Stresses the need to clearly label purely AI-generated content in order to monitor the implementation of the transparency obligations by platforms offering creative content in order to detect and signal the existence of AI-generated content to their users; calls on the Commission to issue an EU code of practice on content labelling by the Commission without delay;

29. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.