



THE EU AI ACT AND COPYRIGHT RULES NEED FOR EARLY, OPEN EXPERT AND INCLUSIVE DELIBERATION

Brussels, 19 March 2024

INTRODUCTION

In light of our fruitful ongoing conversations with both the AI and copyright leads in the Commission, this note suggests a few key success factors in the next steps.

The core need is to involve the voices of all key stakeholders beyond AI providers, including us as rightsholder organisations representing European creative industries, with core digital markets and at the forefront of AI marketplace developments. Creating the right conditions for this discussion will help speed the process up and will lead to collaborative outcomes.

We recognise and applaud your urgency, given justifiable pressure for a swift start to AI Act implementation.

Together, we can make this important post-legislative process a model for President von der Leyen's vision of positive and smart regulation, in line with the Commission's Better Regulation agenda. Involvement of relevant creative industry stakeholders from the outset is crucial to avoid later controversy, delay and success. We are keen to discuss how we can be core enablers in this process.

INITIAL POINTS – EUROPEAN INDUSTRIES' EXPERTISE AND INPUT

1. We see due process as a strong principle in Commission execution of the important legal innovations delivered by the AI Act, but also its relationship with the DSA, the DMA and existing copyright acquis.
2. Commission-convened collective deliberation is crucial to smooth delivery on a range of issues. Transparency obligations for AI Providers and users of certain AI systems and GPAI models is certainly one of the most important parts of the implementation process for the rightsholder communities we represent. Given the urgency of the task, we would be delighted if the Commission would convene a first conversation with us to map the concrete elements and industry 'best practices' we see as essential to deliver a "sufficiently detailed summary",

to facilitate parties with legitimate interests, including copyright holders, to exercise and enforce their rights under Union law.

3. A much needed action point, as discussed at our last meeting with the Heads of the AI and Copyright Units, is for the Commission to create a first draft of the issues to be addressed for the implementation of this provision, where we, as rightsholders, can contribute to the Commission's work in an exchange process.
4. The Commission should signal the list of the main stakeholders and mechanisms foreseen for meaningful consultation as early as possible. As core stakeholders in this process, the rightsholder community considers it imperative that we are properly represented in all aspects of the regulation, including the *Advisory Forum*¹; and that copyright experts and academics take part in the *Scientific Panel*. A Forum should be established for relevant stakeholders including rightsholders to work together with the *AI Office* (Article 4, Commission Decision C(2024) 390 final). We would also hope the Commission's Copyright Unit will be consistently represented in the various discussions. Involving only those listed in the AI Act would be to turn a non-exclusive list into a closed process, which is neither the meaning of the text nor cognisant of the President's call for lowering the regulatory burden.
5. We are a well-functioning and effective network of rightsholders and can offer the Commission the broad perspective of the rightsholder community and a coherent vision of implementation while being able to engage in a more granular exchange as regards the details of each sector included.

We are making these whole requests in a spirit of creative collective action. We see it as consistent with the best of the Commission and the DG track record in expert and participative policy formulation. Involvement aside, we look forward to cooperating with you in the coming weeks and months to achieve these objectives and provide details on the content.

¹ [\[1\]](#) « Because copyright today covers virtually every sort of human expression—including blog posts, photographs, forum posts, scraps of software code, and government documents—it would be impossible to train today's leading AI models without using copyrighted materials »; Open AI submission to the UK House of Lords: <https://committees.parliament.uk/writtenevidence/126981/pdf/>

LIST OF SIGNATORIES

CEPIC, the International Association of the Visual Media Licensing Industry, federates 600 picture agencies and photo libraries in 20 countries across Europe, both within and outside the European Union. CEPIC's membership includes large and smaller stock photo libraries, major photo news agencies, art galleries and museums, video companies.

EMMA, the European Magazine Media Association, is the unique and complete representation of Europe's magazine media, which is today enjoyed by millions of consumers on various platforms, encompassing both paper and digital formats. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital.

ENPA, the European Newspaper Publishers' Association is the largest representative body of newspaper publishers across Europe. ENPA advocates for 16 national associations across 13 European countries and is a principal interlocutor to the EU institutions and a key driver of media policy debates in the European Union.

EPC, the European Publishers Council, brings together Chairmen and CEOs of Europe's leading media groups representing companies with newspapers, magazines, online publishing, journals, databases, books and broadcasting, communicating with Europe's legislators on issues that affect freedom of expression, media diversity, democracy and the health and viability of media in the EU.

EUROCINEMA represents the interests of audiovisual and cinematographic producers at a European and international level concerning issues directly or indirectly affecting film and audiovisual production.

FEP, the Federation of European Publishers, represents 29 national books and learned journals publishers' associations of the European Union and the European Economic Area.

GESAC, the European Grouping of Societies of Authors and Composers, comprises 32 authors' societies from across the European Union, Norway, Iceland and Switzerland. As such, it represents over one million creators and rights holders in the areas of musical, audio-visual, visual, and literary and dramatic works.

ICMP is the global trade association for the music publishing industry. ICMP represents approximately 90% of the world's commercially released music. Its membership comprises 76 different national associations, across 6 continents, as well as the Major and independent music publishing companies.

IFPI, the International Federation of the Phonographic Industry, is the voice of the recording industry worldwide. IFPI and its National Group network represents the interests of some 8,000 members across the globe.

IMPALA is the European association of independent music companies, representing over 6,000 music SMEs. Its mission is to grow the independent music sector sustainably, return more value to artists, promote diversity and entrepreneurship, improve political access, inspire change and increase access to finance.

IMPF represents independent music publishers internationally. It is the global trade and advocacy body that helps stimulate a more favourable business and entrepreneurial environment for artistic, cultural, and commercial diversity for independent music publishers everywhere and the songwriters and composers they represent.

IVF (International Video Federation). The members of the International Video Federation are associations representing businesses active in all segments of the film and audiovisual sector in

Europe. The IVF's membership is thus involved across development, production, marketing, and distribution of all types of films and audiovisual works, ranging from feature-length films, short films, documentaries, television drama and other audiovisual content, as well as the publication of such content on digital media (DVD, Blu-ray, etc.) and through all online channels ranging from transactional (TVOD/EST), subscription (SVOD) and advertisement-based (AVOD and FAST) distribution models.

STM is the leading global trade association for academic and professional publishers. The membership is composed of over 140 organisations who are based globally and include academic and professional publishers, learned societies, university presses, start-ups and established players.