Initiative Urheberrecht

Authors' Rights Initiative (Germany)

Statement on the Draft JURI Report by MEP Axel Voss

"Copyright and Generative Artificial Intelligence" (2025/2058(INI)

We welcome the European Parliament's draft report on "Copyright and Generative Artificial Intelligence" presented by MEP Axel Voss as a highly needed, well-structured contribution to a debate that is central to the future of authorship and rights of artists and creators, with a focus especially on journalism.

The report demonstrates a deep understanding of the need to preserve creators' rights, ensure fair remuneration, and uphold European copyright standards in the face of mass illegal and disruptive uses of protected content by AI. Some rightsholders advocate for a strict opt-in approach and reject the application of exceptions and limitations to the use of copyrighted works in AI training. The majority of rightsholders call for the development of fair and adequate, substantial renumeration mechanisms as suggested by the report. However, while we support many of the report's aims, we would like to express constructive concerns on certain points and make specific recommendations to ensure that the final resolution more effectively serves the interests of authors, artists, and the creative sector.

I. We support the following elements:

1. The report rightly identifies the systemic imbalance created by unlicensed and unremunerated uses of creative content by AI developers (Recital H, paras 1, 3).

2. We strongly welcome the report's clear statement that **Article 4 of the DSM Directive was neither drafted nor intended to regulate GenAI training practices** (Recital J, K, and Explanatory Statement, p. 12). This correction of widespread misinterpretation is essential to uphold the **limits of exceptions under EU copyright law** and to prevent their misuse as a loophole for unlicensed training.

   We further support the logical consequences drawn from this legal view:

   - The call for a separate legal framework for GenAI training (para 7);
   - The insistence on licensing possibilities and enforceable opt-outs;
   - The rejection of any "blanket" application of the TDM exception to uses that lead to competitive outputs.

This distinction is crucial to re-establish legal clarity, protect creators' rights, and to ensure that fair remuneration becomes enforceable.

3. The call to impose a remuneration obligation on GPAI providers immediately (para 4) is essential to stop further damage while awaiting a legislative revision.
4. The demand for transparency of training data, item by item (Recital O) and the proposal of an irrebuttable presumption of use in case of non-compliance (para 11) are crucial to make enforcement practical and fair.
5. The support for a machine-readable opt-out (Recital N, para 7) and a central EUIPO register (para 9) is a possible and practical infrastructural step towards enforceable licensing and control.
6. The report's position that AI-generated content should remain ineligible for copyright protection (para 12) reinforces a fundamental legal and ethical principle.

II. We appreciate the balancing tone of the draft, but we believe the following points might profit from clarification or improvement:

1. The Report strongly promotes AI at the expense of protected rights.

Several parts of the explanatory statement (p. 10–12) create the wrong impression that legal enforcement of protected rights leads to "obstacles" to innovation.

While competitiveness of European technology is vital, technological sovereignty cannot be built by disregarding existing rights.

We therefore recommend that statements like "existing laws must not hinder technological developments" should be clarified in the sense that laws must guide development, not follow it.

2. The Report does not address past infringements in an adequate way

The idea of a flat-rate copyright fee of 5 - 7% of global turnover (p. 11) for past infringements is bold but legally ambiguous. It risks being dismissed as unrealistic without linking it to an actual right or remedy under international law.

Moreover, some groups of rightsholders emphasize that such a mechanism must not prejudice or undermine the rights of individual rightsholders to pursue damages for unauthorized uses in the past through litigation or other remedies. Any collective fee model must respect the autonomy and procedural rights under national and international law.We therefore recommend that the proposal

should include an independently conducted arbitration mechanism and realistic assessment of the economic aspects as a retroactive licensing fund under Article 5(2)(b) InfoSoc or through collective licensing mechanisms. The proposal should be understood as an interim collective licensing or statutory remuneration scheme, and it should be clarified that it is without prejudice to individual legal claims for compensation.

3. The Report puts heavy burden on rightsholders by suggesting obligatory central registration

The idea that only registered or opt-out content is protected (Recital Q, p. 12) risks reversing the principle of automatic copyright.

This contradicts Berne Convention obligations and may be used to justify unauthorized use of unregistered works.

We therefore recommend to reaffirm that copyright exists independently of opt-outs and that the register is a facilitative tool, not a condition of protection. While a register may help certain rightsholders groups, it may be an inadequate solution for others, especially performing artists and creators in value chains where opt-outs cannot be registered by them individually.

4. The Recommendation concerning territoriality lacks enforceable and written mechanisms.

The call to adapt the principle of territoriality to ensure EU copyright applies to extra-EU training (Recital Z) is justified but needs a written legal basis.

We recommend that such extraterritorial application must be based on targeting criteria and market placement rules, following CJEU judgments.

5. The Report seems to sacrifice certain protected rights.

The suggestion that "the market will not encompass all participants" and that "not all publishers will be needed" (p. 11) risks normalizing discrimination against smaller rightsholders.

We recommend that collective licensing with extended effect (ECL) to ensure inclusion and fair negotiation and other CMO administered mechanisms to be considered, especially for SMEs and independent creators. Only an eco-system of remuneration rights, reaching from individual licensing to collective remuneration for those who cannot license individually, always giving the opportunity to opt-out individually of any of those possibilities can be true to the nature of protected intellectual property rights.

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III. We must also express strong concern over the following:

The report lacks references to the moral rights of attribution and integrity, which are endangered by uses that put protected works out of contexts, violate personality rights and include AI fakes.

We strongly recommend a recital affirming that AI systems must respect also moral and personality rights, including through source citation.

2. While the report proposes EUIPO as an intermediary (Recital P), the tension between trade secrets and transparency is not resolved.

We recommend that copyright enforcement cannot be sacrificed in favour of vague trade secret claims, and that exceptions must be narrowly construed.

August 4, 2025

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The initiative represents the interests of some 140,000 authors and performers in the fields of acting, composition, dance, design, documentary film, fiction and non-fiction, film and television, game development, illustration, journalism, orchestra, photography, visual arts, and many more.