

AEPO-ARTIS – Proposed amendments to the draft report on the cultural and creative sectors in the age of AI (2025/2180(INI))

Amendment 1

Paragraph 6

Original text

Calls on the Commission to assess the real impact of AI on the job opportunities and income of authors and performers across the CCS and to evaluate, as part of the upcoming AI strategy for CCS, AI literacy and upskilling needs across these sectors, thus ensuring that AI supports, rather than replaces, human creativity;

Proposed amendment

6. Calls on the Commission to assess the real impact of AI on the job opportunities and income of authors and performers across the CCS **including the impact of synthetic content substituting for protected works and performances in markets and uses that generate remuneration for authors and performers**, and to evaluate, as part of the upcoming AI strategy for CCS, AI literacy and upskilling needs across these sectors, thus ensuring that AI supports, rather than replaces, human creativity;

Justification

The economic impact of synthetic content on authors and performers is not limited to the loss of employment or opportunities to create new works and performances. Synthetic content may also substitute for human-created works and performances in existing markets and uses, reducing the remuneration generated by the exploitation of protected works and performances.

Amendment 2

Paragraph 7

Original text

7. Stresses that transparency, respect for exclusive rights, contractual freedom, informed and voluntary licensing, clear liability rules and the effective enforcement of existing legislation are essential to enable rights holders to authorise or prohibit the use of their works and provide the necessary flexibility to foster a sustainable and innovative creative economy;

Proposed amendment

7. Stresses that transparency, respect for exclusive **and moral** rights, contractual freedom, informed and voluntary licensing, **collective management**, clear liability rules and the effective enforcement of existing legislation are essential to enable rights holders to authorise or prohibit the use of ~~their works~~ **protected works and performances, in accordance with the scope and conditions of the rights granted by authors and performers**, and provide the necessary flexibility to foster a sustainable and innovative creative economy;

Justification

The word “works” applies exclusively to authors. The analogous term that applies to performers is “performances”. This amendment is necessary to reflect that the text applies not only to authors but also to performers.

With regard to performers, where rights are exercised by a producer or other intermediary, the *scope* of any authorisation they may grant depends on the rights previously granted to said producer or other intermediary by the performer. The scope of those rights is determined by the relevant contract and applicable rules of contract law and should not be presumed to extend beyond them.

Further the importance of respect for moral rights is especially important in the context of AI.

Collective management should also be recognised as an important mechanism through which rights in performances may be administered and exercised.

Amendment 3

Paragraph 11

Original text

11. Calls for standardised, machine-readable formats, potentially managed and listed by the European Union Intellectual Property Office, enabling rights holders to exclude their works from AI training, which would provide legal certainty for rights holders and AI providers;

Proposed amendment

11. Calls for standardised, machine-readable formats, potentially managed and listed by the European Union Intellectual Property Office, enabling rights holders ~~to exclude their works from AI training~~ **and collective management organisations acting on their behalf to reserve rights in protected works and performances in relation to AI training**, which would provide legal certainty for rights holders and AI providers;

Justification

Article 4(3) of the CDSM Directive provides that the text and data mining exception applies only where the use of protected subject matter has not been expressly reserved by the relevant rights holders in an appropriate manner, including through machine-readable means for content made publicly available online.

It should be explicit that collective management organisations should be able to express such reservations on behalf of performers, both for reasons of practicality and efficiency. The amendment also replaces the reference to “works” with “protected works and performances” to ensure that performers and their related rights are expressly covered.

Amendment 4

Paragraph 14

Original text

14. Calls for fair remuneration and effective value distribution for rights holders whose works are used in AI systems, and for meaningful transparency, including on training data, to enable rights holders to exercise their rights and obtain remuneration; to that end, calls on the Commission to strengthen the Model Documentation Form under the General-Purpose AI Code of Practice by improving the traceability of the origin, composition and licensing status of training data and to revise, without delay, the Commission Template for the Public Summary of Training Content, required under Article 53(1)(d) of the AI Act, so that public summaries enable rights holders to identify relevant training data sources and effectively exercise and enforce their rights;

Proposed amendment

14. Calls for fair remuneration and effective value distribution for **all** rights holders whose ~~works~~ **protected works and performances** are used in AI systems, **including authors and performers**, and for meaningful transparency, including on training data, to enable ~~rights holders~~ **those rights holders and CMOs acting on their behalf** to exercise and administer their rights and obtain remuneration; to that end, calls on the Commission to strengthen the Model Documentation Form under the General-Purpose AI Code of Practice by improving the traceability of the origin, composition and licensing status of training data and to revise, without delay, the Commission Template for the Public Summary of Training Content, required under Article 53(1)(d) of the AI Act, so that public summaries enable ~~rights holders~~ **those rights holders and CMOs acting on their behalf** to identify relevant training data sources and effectively exercise and enforce their rights;

Justification

The word “works” refers to the subject matter protected by copyright and does not encompass performers’ performances, which are protected by related rights. The amendment therefore ensures that performers are expressly covered by the principle of fair remuneration and effective value distribution.

The addition of “all”, together with the express reference to authors and performers, clarifies that fair remuneration and effective value distribution should benefit all relevant rights holders whose protected works or performances are used in AI systems. **This should apply throughout the entire value chain, including where rights have been granted by authors or performers to producers or other intermediaries.**

Where rights are administered collectively, **CMOs acting on behalf of performers need access to the relevant information in order to administer and enforce those rights and obtain remuneration on their behalf.** The amendment therefore ensures that the transparency and traceability mechanisms envisaged by the paragraph can also be used by CMOs acting for the relevant rights holders.

Amendment 5

Paragraph 19

Original text

Audiovisual and video games sectors

19. Recognises AI's contribution across the audiovisual value chain, from pre-production to distribution; is concerned that performers face pressure to grant broad and open-ended rights for AI training and for the creation and exploitation of digital replicas and synthetic performances, notably in dubbing and video games;

Proposed amendment

Audiovisual and video games sectors

19. Recognises AI's contribution across the audiovisual value chain, from pre-production to distribution; is concerned that performers face pressure to grant broad and open-ended rights **including** for AI training and for the creation and exploitation of digital replicas and synthetic performances, notably in dubbing and video games;

Justification

The word "including" clarifies that the pressure performers face is not limited to the specific fields mentioned in the current text.