

## European Parliament report on Artificial Intelligence Act partly addresses generative AI, but challenges for creators remain

### SAA Statement

14 June 2023

The SAA welcomes the adoption by the European Parliament of its report on the Artificial Intelligence Act. While the development and use of generative AI have boomed in recent months, this technology and its impact on society and creators were not considered in the European Commission's proposal for a regulation in April 2021 nor in the Council's general approach in December 2022. The Parliament, on the other hand, has taken a positive stance on some aspects of generative AI, but its proposals do not adequately address the challenges faced by creators.

Generative AI comes with many challenges to authors on several levels: when their works are ingested by AI machines as learning material without their consent, information and remuneration, as well as when these machines generate content that mimic creative works, threatening the authors' role and their future activities. Furthermore, uncertainties have developed on the legal status of content generated by an AI.

Authors of texts and images have been very much on the frontline of the experimentation of generative AI, but audiovisual authors (screenwriters and directors) are also impacted by the possible standardization of the audiovisual creation and the loss of job opportunities. The ongoing strike by the screenwriters of the Writers Guild of America involves AI related issues and is an example of creators' reaction to how streaming media and AI may devalue their creativity and work.

In terms of copyright protection, we firmly believe that the 2019/790 EU Copyright Directive cannot be considered as having addressed generative AI. Its text and data mining exceptions (Articles 3 and 4) were not designed as solutions for generative AI. Specifically, the exception of Article 4 for commercial uses (with an impracticable opt-out option) would certainly not pass the international treaties' three-step-test. Such test requires exceptions to only apply in certain special cases which do not conflict with the normal exploitation of the copyright-protected works and do not unreasonably prejudice the legitimate interests of the rightholders. This is in particular true, because the exception does not foresee any remuneration to the authors at all.

We therefore welcome the European Parliament's attempt to address the issue of generative AI and its proposals to impose transparency obligations (including on the use of copyrighted training data), but we believe that these are insufficient to address the urgent need for clear rules to protect and promote the continued development of human creativity and original works, and their benefits to society.

The SAA will therefore monitor the upcoming trilogue negotiations on the Artificial Intelligence Act and the other initiatives in the field with high attention to ensure that the creators' rights, role, and activities are safeguarded and promoted in this new era.

### Note to editors

[SAA](#) - the Society of Audiovisual Authors is the association of European collective management organisations representing audiovisual authors. Its 33 members in 25 countries manage rights for over 167,000 film, television and multimedia European screenwriters and directors. #WeLoveAuthors.

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