

# THE ART OF AI: AUTHORISATION, REMUNERATION AND TRANSPARENCY

Thanks to the EU Parliament, the Artificial Intelligence Act provides for **transparency obligations** for providers of general-purpose AI models (Art 53). They shall **put in place a policy to comply with Union copyright law**, and in particular to identify and comply with (...) a reservation of rights expressed pursuant to Art 4(3) of Directive (EU) 2019/790 (c); and draw up and make publicly available a **sufficiently detailed summary about the content used for training** of the general-purpose AI model, according to a template provided by the AI Office (d).

The **AI Act is just the beginning, not the end of the story on AI and copyright**. The AI Act does not solve the **legal uncertainty** around the authors' authorisation for the use of their works for generative AI purposes and their remuneration for such uses. The European Commission's extensive interpretation of the text and data mining (TDM) exception (Art 4), leaving the rightsholders with only an opt-out, is a threefold error:

- 1) legally:** there are many arguments against this exception being applied to such massive use of protected works without authorisation and to the detriment of human creation (three-step-test);
- 2) economically:** encouraging opt-out instead of licensing means that no value is created for European authors;
- 3) culturally:** if AI models are not trained with European works, AI services will offer standardised products, designed outside the European imagination, in contradiction with a cultural diversity logic.

There is an urgent need to clarify the application of the principles of **authorisation and remuneration** for the use of authors' works for AI purposes that will force AI companies to seek licences. **Collective management organisations of audiovisual authors** are well placed to play a role in negotiating and delivering licences to AI companies that would generate remuneration to the authors.



Society of  
Audiovisual  
Authors

## Did you know?

- Generative AI was not considered when the TDM exception of Art 4 of Directive 2019/790 was negotiated.
- Providers of AI systems, including general-purpose AI systems, generating synthetic audio, image, video or text content, should also ensure that the outputs of the AI system are marked and detectable as artificially generated or manipulated (Art 50.2 of the AI Act).
- While Art 53 of the AI Act should apply in 2025, AI systems already placed on the market or put into service before 2025 will only have to comply with the obligation in 2027.

## How you can help

- Reaffirm the need for the authorisation and licensing of authors' works when used to train AI models and systems. The AI revolution cannot be built on an exception depriving authors of any remuneration.
- Call for collective licensing schemes to cater for the needs of audiovisual authors and provide appropriate and proportionate remuneration for the use of their works for AI purposes.

## Find out more

- SAA's [position paper \(2023\)](#): Artificial intelligence must serve society and enhance human creativity.