Copyright and generative artificial intelligence – opportunities and challenges (2025/2058(INI) - JURI/10/02343)

Draft Compromise amendment proposals

(without prejudice to the recitals to be treated at a later stage)

First set - Updated version after technical meeting of 18/11 (changes visible in TC)

01 December 2025

Rapporteur's proposal as already orally stated at the Shadows' meeting of 06/11/2025:

The final text of the compromise amendments (still to be discussed) would be the final text of the INI Report, meaning that the compromises would make all the amendments fall and that no amendment would be left outside in order to be voted separately.

CA 1 ~~- Art. 4 and its applicability as well as the need for separate legislation; three-step test~~

Paragraph 6

Motion for a resolution	*Amendment*
6. ***Supports*** the clarification ***of the TDM exception under Article 4 CDSM as regards the main flaws and ambiguities detected thus far in its application, especially as concerns the establishment of a clear machine-readable standard for the opt-out and the concept of 'lawful access'***;	6. ***Notes the ambiguities thus far in the application of the CDSM in the context of Gen AI training (AM 280) and recommends (AM 281)*** the ***swift*** clarification ***on its applicability and implementation (AM 281).*** ~~***Notes the ambiguities detected thus far in the application of the TDM exception under Article 4 CDSM (AM 280)and recommends (AM 281)***the clarification of~~

~~the TDM exception under Article 4 CDSM, *such as inadequate implementation (AM 281), through the development of agreed standards or guidelines for implementing opt-outs that are not overly burdensome (AM 280)* especially as concerns the establishment of a clear machine-readable standard for the opt-out and the concept of 'lawful access';~~

Paragraph 7

Motion for a resolution	*Amendment*
7. Believes that a legal framework for GenAI should be established **either through the introduction of a dedicated exception to the exclusive rights to reproduction and extraction, distinct from that provided for TDM** under Article 4 of the CDSM Directive**, or by expanding the scope of that provision to explicitly encompass the training of GenAI, which is currently not covered; stresses that rights holders shall have the right to opt out through a standardised, machine-readable mechanism;**	***7. Believes that existing copyright law is insufficient to address the challenge of licensing copyrighted material for Generative AI; calls for an additional legal framework to clarify licensing rules for Generative AI and to address potential infringements of existing copyright law; insists that such framework should draw up provisions ensuring the effective cooperation of Generative AI providers with creators and other rightsholders, including a functioning licensing market that restores bargaining power of rightsholders and viable protection solutions.***

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<Article>Paragraph 8</Article>

Motion for a resolution	*Amendment*
8. Recommends that the Commission ensures the compatibility of this new GenAI legal framework with the three-step test of Article 5(5) InfoSoc Directive;	8. ***Recalls that any exception to existing rights under the copyright acquis, including on AI, must be in line*** with the three-step test of Article 5(5) InfoSoc Directive ***and the Berne Convention***; ***(AM 298)***

CA 2 ~~- Press and media sector~~

<Article>Paragraph 7 a (new)</Article>

Motion for a resolution	*Amendment*
	7 a. Reiterates that rightsholders, especially from the press and media sector, and especially press publishers, must have full control over the digital use of their content by AI systems and models for training purposes. This control should be based on a robust and functioning possibility to exclude to such use by AI systems and models, underpinned by full transparency and source documentation over the use of third party content. Also believes that said rightsholders must have full control over the use of their content for purposes beyond AI training such as inferencing and retrieval-augmented generation by systems like applications, or the use for purposes conducive to the production of Al-generated, competing offerings in the primary markets of rights holders; believes that the use of protected content for such purposes beyond training can take place only with the express consent of the rights holders. Suggests that the Commission explores how ancillary rights for press publishers and other existing related rights, including for media producers and broadcasters could be extended to those purposes; believes that such remuneration rights may also be managed under a voluntary collective licensing, whereby a presumption of collective rights management on behalf of rights holders with respect to Al related uses of their content could be envisaged, without prejudice to the right of rights holders to opt for individual licensing; (AM 293)
	~~Reiterates that~~ ***~~Equally believes that a new~~***

~~*framework is necessary to ensure that rightsholders from the press and media sector must have full control over the use of their content, when this content is used for purposes beyond AI training and related to the continuous learning of AI,such as including inferencing and retrieval-augmented generation by systems such as and applications as well asor the use for purposes conducive to the production of AI-generated, competing offerings in the primary markets of rights holders; believes that the use of protected content for such purposes shouldcan take place only with the expressed explicit consent of the rights holders concerned and after obtaining from them the necessary licences to ensure their right to remuneration; based on an unconditional, non-waivable right to remuneration; believes that this right may also be managed under a voluntary collective licensing, whereby a presumption of collective rights management on behalf of rights holders with respect to AI related uses of their content could be envisaged, without prejudice to the right of rights holders to opt for individual licensing; (AM 293)*~~

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<Article>Paragraph 10 b (new)</Article>

Motion for a resolution	*Amendment*
	10 a. Urges the Commission to explore possibility to safeguard media service providers whose services are repeatedly and fully exploited by AI systems, and to assess and, where appropriate, propose mechanisms ensuring that providers of general-purpose AI models or systems which demonstrably divert traffic and revenue from press outlets compensate such outlets in a fair, proportionate and non-discriminatory manner, with particular attention to local and regional media, in order to safeguard media pluralism, diversity, and democratic

discourse in the EU and its Member States (AM 333, AM 334)

Paragraph 3e (new)

Notes the growing use of generative AI to aggregate or present news content and its far-reaching effects on access to and diversity of information, and calls on the Commission and the Member States to ensure the full enforcement of EU law to address this phenomenon. Stresses that such systems should uphold and contribute to the principles underpinning the European Media Freedom Act, in particular media pluralism and diversity of information. Underlines the need for proper enforcement of Article 34 of the Digital Services Act when such providers are designated as Very Large Online Platforms or Search Engines, ensuring that systemic risks to media freedom and pluralism are properly addressed. **(SD AM 368)** ***Further calls the Commission to swiftly address any violations of the Digital Markets Act with regard to potential self-preferencing practices by gatekeepers benefitting their AI services and harming fair competition with business users;***

CA 3 ~~- Collective licensing agreements~~

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~~<Article>Paragraph 8 a (new)</Article>~~

~~*Motion for a resolution*~~	~~*Amendment*~~
	~~***8 a. Urges the Commission to assess in view of audio and audiovisual productions typically including various other works or protected subject matters the need for developing in the AI context discussed here additional or new mandatory collective management solutions for the purpose of facilitating the licensing of productions by their rightsowners and for securing that licensing is not hindered, prevented or made unnecessarily burdensome by interventions of outsiders holding rights in individual parts of the production, thereby threatening the use of respective materials in the interest of various stakeholders in the process and the development of a vibrant AI industry in the EU; (AM 302)***~~

CA 4 ~~- Technologies for opt-outs~~

<Article>Paragraph 8 f (new)</Article>

Motion for a resolution	*Amendment*
	8 f. Calls on the Commission to provide legal certainty for both rightsholders and AI providers and to assess the necessity and feasibility of tools enabling rights holders to effectively exclude the use of their works in AI training in a standardised and machine-readable format managed by a trusted intermediary, proposes to have EUIPO as trusted intermediary who manages/ lists the exclusions and can refer to other already existing catalogues of exclusions ; stresses that participation in any new mechanism should be simple, cost-efficient, and should not invalidate or override previously expressed refusals, while providing AI providers with a comprehensive tool to ensure copyright compliance; believes that the creation of such mechanisms should be designed and assessed in consultation with the affected stakeholders, in particular rights holders, AI providers and their respective representative organisations.
	~~***8f. Suggests the creation of effective tools for standardised opt-out management, including the assessment of the feasibility of central, federated or sector-specific registers of opt-outs managed by a trusted intermediary as an efficient framework for rights holders to opt-out their protected works, recommends that such registers or tools should contain an***~~

	~~***itemised list of opted-out content for the purposes of AI training, facilitating compliance for AI providers and preventing accidental use of opted-out copyright-protected content for AI training; (AM 308)***~~
<Article>Paragraph 9</Article>	
Motion for a resolution	*Amendment*
9. Recommends ***assigning the*** EUIPO responsibility for setting up and managing a central register of opt-outs and, where necessary, for ***mediating*** the licensing process, so as to streamline relations between GenAI providers and rights holders, establishing a workable, innovation-friendly framework that supports the Union's competitiveness without unduly hindering the development of AI technologies; further recommends that both opt-out declarations and licence offers be recorded in machine-readable form in the same register;	9. Recommends ***that the Commission assigns (AM 312)*** EUIPO responsibility also for ***supporting*** (AM 313) a ***sector-based, voluntary*** (AM 312) licensing process, so as to streamline relations between GenAI providers and rights holders, establishing a workable, innovation-friendly framework that supports the Union's competitiveness without unduly hindering the development of AI technologies; ***without entailing disproportionate administrative burdens (AM 317) and without causing a risk to the enforceability of exclusive rights (AM 313)***; further recommends that both excluding declarations and licence offers be recorded in machine-readable form in the same register***, catalogue or dataspace***; ***(AM 312)***
	~~9. Recommends ***that the Commission assigns (AM 312)*** EUIPO responsibility ***for monitoring the implementation of effective tools for opt-out management, such as (AM 312)*** for setting up and managing a central ***federated or sector-specific registers, catalogues or dataspaces,*** (AM 312)register of opt-outs and, where necessary, for ***supporting*** (AM 313) ***sector-based, voluntary*** (AM 312) the licensing process, so as to streamline relations between GenAI providers and rights holders, establishing a workable, innovation-friendly framework that supports the Union's competitiveness without unduly hindering the development of AI technologies; ***without entailing***~~

~~*disproportionate administrative burdens (AM 317) and without causing a risk to the enforceability of exclusive rights (AM 313)*~~; further recommends that both opt-out declarations and licence offers be recorded in machine-readable form in the same register; ***, catalogue or dataspace**, (AM 312); **Emphasizes that digital watermarking, which involves discreetly inserting a signature, code, or specific information directly into protected content—whether text, image, video, or audio—is an innovative and robust tool for protecting copyright and related rights; (AM 321)The Commission shall also foster research and the development of standards for innovative technological solutions that enhance the ability to verify data set information. Examples include cryptographic watermarks; (AM 311) considers that any new opt-out mechanism should not invalidate any opt-outs previously expressed. (AM 315)***

CA 5 ~~– Transparency and source documentation to enforce copyright~~

<Article>Paragraph 10</Article>

Motion for a resolution	*Amendment*
10. Calls on the Commission to propose the ***full, actionable*** transparency and source documentation by providers and deployers of general-purpose AI models and systems, ***with regard to the use of any copyright-protected work or other protected subject matter for any purpose***, including for ***inferencing, retrieval-augmented generation, or fine-tuning,*** taking into due account the need to protect trade secrets and confidential business information;	10. Calls on the Commission to propose the ~~full, actionable~~ transparency and source documentation ***on the use of copyright-protected work or other protected subject matter (AM 223)*** by providers and deployers of general-purpose AI models and systems, ***placed accessing on the market in the European Union (AM 330***), ~~with regard to the use of any copyright-protected work or other protected subject matter for any purpose~~, including for ***opt-out compliance (AM 326), recommends the European Commission to continue working with AI providers and relevant stakeholders to improve the template of training data and consider a simplified version of the***

template for SMEs, startups, mid-caps, and research organizations (AM 328); considers that for purposes such as inferencing and retrieval-augmented generation that require continuous and real-time crawling, transparency should be complemented by an obligation for crawlers to be identifiable to the web operator and for AI companies to maintain detailed records of any crawling activities carried out, (AM 327) taking into due account the need to protect trade secrets and confidential business information; ***Emphasizes that digital watermarking, which involves discreetly inserting a signature, code, or specific information directly into protected content—whether text, image, video, or audio—is an innovative and robust tool for protecting copyright and related rights; (AM 321)The Commission shall also foster research and the development of standards for innovative technological solutions that enhance the ability to verify data set information. Examples include cryptographic watermarks; (AM 311) considers that any new opt-out mechanism should not invalidate any opt-outs previously expressed. (AM 315)***

<Article>Paragraph 10 a (new)</Article>

Motion for a resolution	*Amendment*
	10 a. Considers that no legal framework governing the training of GenAI on works and other objects protected by copyright and related rights should be put in place without establishing full transparency regarding the use of such data and the effective protection and enforcement of the rights of creators restoring the absolute right of creators to thereby restoring their full bargaining power with a view to obtaining appropriate and proportionate remuneration.