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)

Second set - updated after the written procedure which ended on 20/11(changes visible in TC and/or highlighted in yellow)

01 December 2025

Rapporteur's explanation to Shadows rapporteurs:
This batch covers the points that we generally all agree on.
Next, we will propose CAs on how to implement these general ideas. For example, if we all agree on the need for transparency in these general CAs, we will then explore how to achieve this transparency through more detailed, specific CAs.

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 6

<Article>Paragraph 1
</Article>

Motion for a resolution	*Amendment*
1. Recommends that the Commission, independently of its planned review of the copyright framework and the CDSM Directive and without presupposing the need for legislative revision, urgently conduct a thorough assessment of whether the existing EU copyright acquis adequately addresses the legal uncertainty	1. Recommends that the Commission, independently of ***and before starting (Rapporteur's proposal)*** its planned review of the copyright framework and the CDSM Directive and without presupposing the need for legislative revision, urgently conduct a thorough assessment ***to find a rapid solution (Rapporteur's proposal)*** of

and competitive effects associated with the use of protected works and other subject matter for the training of generative AI systems, as well as the dissemination of AI-generated content that may substitute human-created expression;	whether the ***implementation of the*** existing EU copyright acquis adequately addresses the legal uncertainty and competitive effects associated with the use of protected works***,*** and other subject matter for the training of generative AI systems, ***territoriality implications, the sustainability of other publicly available resources such as online encyclopaedias, libraries or archives*** as well as the dissemination of AI-generated content that may substitute human-created expression***. (AMs 217, 219) This assessment should take a holistic approach, considering the needs of all stakeholders, including researchers, universities, libraries, cultural organisations, European AI-developers including (Rapporteur's proposal) start-ups, news outlets and the creative sector, in relation to the use and development of AI. (AMs 216, 222)***
Paragraph 1a (new)	
	1a. Affirms that, in accordance with EU and international law and with a view to ensuring a level playing field between EU- and non-EU-based generative AI services, guaranteeing appropriate protection and fair remuneration to creators for the use of their works, enhancing the licensing of such works, and ultimately promoting the cultural vitality of the Union, the principle of territoriality should be construed in such a way that, when generative AI models and systems are placed or made available on the Union market, EU copyright law, as recalled in recital 106 of the AI Act, applies regardless of the jurisdiction in which the copyright-relevant acts underpinning the training of those genAI models and systems take place, with the consequence that, where copyright is not observed, those models and systems are barred from being placed or made

available on the Union market (101, 207, 208, 209, 210, 320);

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<Article>Paragraph 2
</Article>

Motion for a resolution	*Amendment*
2. Further recommends that such assessment aims to uphold a framework in which fair remuneration mechanisms enable the generation of the resources needed for European artistic and creative production to thrive in the context of AI-driven global transformation;	2. Further recommends that such assessment aims to uphold a framework in which ***transparency is ensured on the use of copyright-protected work or other protected subject matter and*** fair ***and proportionate (AM 225)*** remuneration mechanisms ***for such use*** enable the generation of the resources needed for European artistic and creative production to thrive in the context of AI-driven global transformation ***and for the sustainability of the public information ecosystem (AMs 223, 227); stresses the urgency of ensuring these conditions in order to avoid the growing risk of human creativity gradually disappearing in favour of content generated by AI systems; (AM 225)***

CA 7

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<Article>Paragraph 3
</Article>

Motion for a resolution	*Amendment*
3. Notes the use of generative AI systems that rely on protected content without authorisation from, or compensation to, the rights holders affected by such use, particularly when integrated into search engines or other digital services that enable the generation, often in real time and at marginal cost, of content that ***imitates or directly draws***	3. Notes the use of generative AI systems that rely ***massively (AM 237)*** on protected content ***and reproduce it*** without authorisation from, or compensation to, the rights holders affected by such use, particularly when integrated into search engines or other digital services that enable the generation, often in real time and at marginal cost, of content that ***infringes***

upon original works and other protected subject matter on which the models were trained or that was scraped, including in real time**,** by such models; is alarmed that these practices may result in the provision of products and services that directly compete with those of the rights holders;	upon original works and other protected subject matter on which the models were trained or that was scraped including in real time by such models; is alarmed that these practices may result in the provision of products and services that directly ***and unfairly*** compete with those of the rights holders***, including through illegal self-preferencing of gatekeepers. (AMs 233, 235)***

CA 8

~~**<Article>Paragraph 3 a (new)**~~

~~**</Article>**~~

~~*Motion for a resolution*~~	~~*Amendment*~~
	~~***3 a. Urges the Commission to take urgent action to establish a dynamic and fair licensing market, ensuring full transparency of AI providers and deployers and encouraging, European rights holders and the organisations representing them to voluntarily, with clear incentives, grant licences for the training of GenAI systems, in exchange for fair and proportionate remuneration and the guarantee that their right of refusal will be respected; emphasises that this process must include a dialogue in good faith between AI model providers and rights holders or their representatives, with the political support of the European Commission (AM 240);***~~

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</Amend><Article>Paragraph 3 d (new)

</Article>

Motion for a resolution	*Amendment*

3 d. Recalls that voluntary licensing, whether individual or collective, underpins the success of the creative sectors by ensuring the flexibility to choose the most suitable model for each use, while stressing that rightsholders must remain free to determine whether to license their works to generative AI systems and to set the corresponding remuneration, so as to safeguard sectoral diversity and prevent market distortions that could undermine the viability of the creative industries and the European press; (AMs 239, 247, 248, 249)

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<Article>Paragraph 4
</Article>

Motion for a resolution	*Amendment*
4. Calls ***on the Commission to immediately impose a remuneration obligation on providers of general-purpose AI models and systems*** in respect of the novel use of content protected by copyright or related rights***, with such obligation applying until the reforms envisaged in this report are enacted***;	4. Calls ***for the establishment of a coherent and functioning licensing framework*** in respect of the ~~novel~~ use of content protected by copyright or related rights***, to enable the fair remuneration of creators for the exploitation of their copyright-protected content by Generative AI models (AMs 233, 253)***; ***encourages providers of AI models to seek license from rightsholders and stresses that effective and comprehensive transparency regarding copyright-protected works and content used to train AI models is an essential prerequisite for the development of such a market; in this regard, recommends to strengthen enforcement and transparency obligations for AI developers using such content (AMs 246, 255, 257, 262);***
	~~***4a. Urges the Commission to take action to establish a coherent, dynamic and fair licensing framework for the novel use of copyright-protected content in the training of Generative AI models and systems, enabling rights holders to authorise or refuse such uses and to receive fair and proportionate***~~

~~remuneration (AMs 233, 253); underlines that such a framework must be underpinned by full and mandatory transparency from AI providers regarding the use of works protected by copyright and related rights (48), in order to enforce copyright, make licensing effective and enable rights holders to make informed decisions about participation;~~ ~~underlines that trade secrets should not be invoked to prevent an AI model provider from offering full transparency on the content protected by copyright and related rights used to train its models; encourages European rights holders, including the organisations representing them, to voluntarily, and with clear incentives, grant licences for the training of GenAI systems; and emphasises that this process must include a dialogue in good faith between AI providers and rights holders or their representatives, with the political support of the European Commission (AMs 240, 246, 255, 257, 262);~~ ¶

New 4a. Calls on the Commission to examine whether there is a possible solution for an immediate compensation for past uses of copyright-protected works by providers of general purpose AI models and systems in respect of the ~~novel~~ use of content protected by copyright or related rights where a licensing market couldn't be established so far, with such obligation applying until the reforms envisaged in this report are enhanced.

Recitals on "novel use"

Recital D

D. whereas generative AI (GenAI) is a type of artificial intelligence that, unlike traditional AI systems ***that only*** classify or predict, ***creates*** content, such as text, images, music, videos and code, often

D. whereas generative AI (GenAI) is a type of artificial intelligence that, unlike ***~~previous~~ other*** AI systems***, designed to primarily*** classify or predict, ***generates new*** content, such as text, images, music,

mimicking human creativity, ***thereby relying*** on pre-existing content, ***including*** copyright-protected materials;	videos and code ***on the basis of training on very large datasets from which they learn the patterns and structure ; whereas GenAI outputs are created through predictions based on statistical models***, ***as a general rule*** mimic human creativity, ***and rely*** on pre-existing content, ***which may include*** copyright-protected materials (42, 46); ***whereas this digital ~~novel~~ use of copyright protected content leads to the necessity to adapt the protection of copyrighted content digitally;***

Recital E

Motion for a resolution	*Amendment*
E. whereas the development, the deployment and the use of artificial intelligence must be fully compliant with the existing legal framework; whereas ***it is unacceptable that such technological advancements disregard*** established rights, ***in particular*** those enshrined in copyright law;	E. whereas the development, the deployment and the use of artificial intelligence must be fully compliant with the existing legal framework; whereas it is unacceptable that such technological ***developments infringe upon existing*** established rights (49); whereas ***the current systems for the reservation of rights ('opt out') over copyright-protected content are often impractical, may not cover all relevant acts of text and data mining, and lack the necessary transparency for effective implementation and enforcement; whereas the development of new technologies such as AI and the upholding of*** established rights, ***including*** those enshrined in copyright law***, should not be mutually exclusive but be advanced together*** **(47)**;

Recital Ea(new)

	E a. whereas there has been evidence of the ~~consistent, wilful and~~ widespread violation of copyright rules by Gen AI providers, including the unauthorised collection of works from the internet, the

	~~refusal~~ the non-compliance ~~comply~~ with rightsholders' TDM rights reservations, the ~~massive~~ use of pirated sources to obtain works as well as the ~~the refusal to~~ not seeking licenses; whereas this pattern, which constitutes a clear violation of creators' fundamental rights and misappropriation of value to the detriment of the European cultural and information sector, ~~rules out reliance solely on the good faith of GenAI providers to respect copyright~~ and demonstrates the need for strong measures to ensure that the AI ecosystem in Europe is fair and ethical (51, 54, 56).
Recital F	
F. whereas ***the*** key legal questions about the interplay between GenAI and copyright and related rights ***include*** whether the ***new kind of*** use of **copyrighted** works and other subject matter in training datasets is lawful under EU law ***and*** what the status of AI-generated content should be;	F. whereas key legal questions about the interplay between GenAI and copyright and related rights ***are*** whether the use of copyright-***protected*** works and other subject matter in training datasets is lawful under ***Union and Member States'*** law***,*** what the ***legal*** status of AI-generated content should be***, and how to ensure transparency, consent and fair remuneration of creators and rightsholders when their protected works and other subject matter are used in the generation, dissemination and distribution of AI outputs*** **(57, 58, 59, 62)**;
CA 9	
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<Article>Paragraph 5 </Article>	
Motion for a resolution	*Amendment*
5. Encourages the Commission to coordinate efforts on raising awareness on copyright among AI developers, which	5. Encourages the Commission ***and the EUIPO (AMs 270, 273)*** to coordinate efforts on raising awareness on copyright

may include compliance checklists, legal and technological toolkits, and technical guides;	among AI developers ***and providers (AM 274)***, which may include compliance checklists, legal and technological toolkits, and technical guides ***as well as to create awareness among copyright holders, providing useful and reliable information on copyright (AM 270)***;

</Amend>

<Article>Paragraph 5 a (new)
</Article>

Motion for a resolution	*Amendment*
	5 a. Welcomes the establishment of the EUIPO Copyright Knowledge Centre, as it will play a vital role in guiding the use of copyright in the age of GenAI by raising awareness, promoting legal clarity, and fostering a balanced framework that supports creativity, innovation, cultural preservation, and European competitiveness. (AMs 270, 276)

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