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)

Third set - updated 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 10 ~~– presumption of use of copyright protected content by GenAI; AI-generated outputs; copyright infringement~~

<Article>Paragraph 11
</Article>

Motion for a resolution	*Amendment*
11. Calls on the Commission to propose the establishment of an ***irrebuttable*** presumption that, for any ***general-purpose AI (GenAI)*** model or system placed on the Union market, works and other subject matter protected by copyright or related rights have been used for ***its*** training where the ***statutory*** transparency obligations set out in this resolution have not been fully complied with; further recommends that, where a rights holder succeeds in legal proceedings either on the basis of this presumption or	11. Calls on the Commission to propose the establishment of an ~~***irrebuttable***~~ ***(S&D 338, Greens 342)*** presumption that, for any ***AI*** model or system placed on the Union market, works and other subject matter protected by copyright or related rights have been used for ***copyright-relevant purposes, including for*** training***, inferencing or retrieval augmented generation (EPP 341),*** where the transparency obligations set out in this resolution ~~***within the European legal framework (ECR 344)***~~ have not been fully

through submitted evidence, any reasonable and proportionate legal costs and other expenses incurred in enforcing such rights shall be borne by the provider of the AI model or system***;***

complied with; further recommends that, where a rights holder ***or the organisation representing them (RE 343)*** succeeds in legal proceedings either on the basis of this presumption or through submitted evidence, any reasonable and proportionate legal costs and other expenses incurred in enforcing such rights shall be borne by the provider of the AI model or system***, as applicable.***

<Article>Paragraph 12</Article>

Motion for a resolution	*Amendment*
12. Insists that ***AI-generated*** content should remain ineligible for copyright protection, and that the public domain status of such works be clearly determined;	12. Insists that content ***fully generated by AI (EPP 353, ECR 354, Left 352) that does not meet the established criteria for copyright protection (S&D 351; Greens 350)*** should remain ineligible for copyright protection, and that the public domain status of such ***outputs*** ~~works~~ be clearly determined;

<Article>Paragraph 13</Article>

Motion for a resolution	*Amendment*
13. ***Calls on*** the Commission to explore measures to counter the infringement of the rights of reproduction, of making available to the public and of communication to the public through the production of GenAI outputs;	13. ***Urges (S&D 357)*** the Commission to explore measures to counter the infringement of the rights of reproduction, of making available to the public and of communication to the public through the production of GenAI outputs***, provided that such measures do not result in the prevention of the production of GenAI outputs that include works or other subject matter that do not infringe copyright and related rights, including for private use, quotation, criticism, review, caricature, parody and pastiche, and incidental inclusion (Greens 356; S&D 357)***;