Compromise amendment proposals

Final version

19 January 2026

Consolidated version of all compromise amendments

Rapporteur's proposal:

The final text of the compromise amendments 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

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 application and implementation (AM 281).***

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**	***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***

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;	***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.***

Paragraph 8

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); noting that the concept of lawful access excludes pirated and infringing copies of works.***

13b. Calls on the Commission to ensure that activities conducted for scientific research or educational purposes, notably by research organisations and cultural heritage institutions, or in the framework of non-commercial innovation are not restricted, in line with the principle of Article 13 of the Charter of Fundamental Rights; urges the Commission to ensure that the commercial exploitation of research results stemming from those activities is not restricted provided that adequate authorisations have been obtained from right holders (AM 355, 362);

CA 2

Paragraph 7 a (new)

Motion for a resolution	*Amendment*
	7 a. Reiterates that rightsholders, especially from the press and news media sector, and especially press publishers, journalists and news editors, 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.

7b. 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 publisher, journalists and news editors and other existing related rights, including for news media producers and news 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)

Paragraph 10 c (new)

Motion for a resolution	*Amendment*
	10 c. Urges the Commission to explore possibility to safeguard press and news media sector 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 and news media 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

8 a. Calls on the Commission to facilitate, through the consultation of collective management societies, the establishment of voluntary collective licensing agreements per sector, where appropriate, as a means to quickly establish a working licensing market that provides a balanced and efficient framework ensuring the fair remuneration of rightsholders while enabling access to high-quality training data for AI providers; urges the Commission to ensure that such collective licensing agreements are accessible to all stakeholders, including individual creators and small and medium-sized enterprises, promoting good faith negotiations and transparency (AM 238); recalls that the refusal by rightsholders to have their content used for training purposes shall be respected (AMs 303-306)

CA 4

Paragraph 8 f (new)

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 limited number of machine readable standardised formats 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.

Paragraph 9

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 ***and does not*** unduly hinder 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)***.

CA 5

Paragraph 10

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	10. Calls on the Commission to propose the 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***), including for ***opt-out compliance (AM 326), to a trusted intermediary, such as***

trade secrets and confidential business information;	***EUIPO; recommends the European Commission to continue working with AI providers and relevant stakeholders to improve the template of training data; 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 ***and ensuring an appropriate balance between such protection and the effective implementation of transparency obligations***; ***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)***

Paragraph 10 a (new)

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 ensuring their full bargaining power with a view to obtaining appropriate and

proportionate remuneration.

10 b. Stresses that the Code of Practice, guidelines, and templates should be revised and treated as living documents requiring regular updates to address emerging challenges in copyright protection and AI development (AM 70, AM 150, AM 359); notes that the Code of practice is a temporary tool for demonstrating compliance with the AI Act until harmonised standards are developed, as underlined in the guidelines published by the AI Office on 18 July 2025; welcomes the direction of travel in the GPAI Code of Practice's copyright chapter, including commitments on dataset documentation, opt-outs and complaint handling, while noting remaining shortcomings; calls on the AI Office to enforce these provisions robustly and facilitate the work towards EU highest standards for efficient compliance with the requirements at stake (AM323), and urges signatories to adopt a public copyright policy and to operate an accessible, time-bound complaint mechanism that provides effective redress for rightholders;

CA 6

Paragraph 1

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 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;	1. Recommends that the Commission, independently of ***and before starting*** 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*** of 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 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);
Paragraph 2	
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

Paragraph 3

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*** 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;	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 ***and unfairly*** compete with those of the rights holders***, including through illegal self-preferencing of gatekeepers. (AMs 233, 235)***

CA 8

Paragraph 3 d (new)

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)
Paragraph 4	
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 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);***
	New 4a. Calls on the Commission to examine whether there is a possible solution for an immediate fair and proportionate remuneration for past uses of copyright-protected works by providers of general purpose AI models and systems in respect of the 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; opposes, in this regard, any proposal for a framework based on AI providers obtaining a global licence for training their GenAI models in exchange for a flat-rate payment; considers that the value of content protected by copyright or related rights must be proportionate and determined based on relevant factors, through negotiations in good faith between

	rights holders or their representatives and AI providers (AM 264);
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 mimicking human creativity, ***thereby relying*** on pre-existing content, ***including*** copyright-protected materials;	D. whereas generative AI (GenAI) is a type of artificial intelligence that, unlike ***other*** AI systems***, designed to primarily*** classify or predict, ***generates new*** content, such as text, images, music, 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 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 widespread violation of copyright rules by Gen AI providers, including the

	unauthorised collection of works from the internet, the non-compliance with rightsholders' TDM rights reservations, the use of pirated sources to obtain works as well as the 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, 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

Paragraph 5

Motion for a resolution	*Amendment*
5. Encourages the Commission to coordinate efforts on raising awareness on copyright among AI developers, which may include compliance checklists, legal and technological toolkits, and technical guides;	5. Encourages the Commission ***and the EUIPO (AMs 270, 273)*** to coordinate efforts on raising awareness on copyright 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)***;
Paragraph 5 a (new)	

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)

CA 10

Paragraph 11

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 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***;***	11. Calls on the Commission to propose the establishment of an ***rebuttable (S&D 338, Greens 342)*** presumption that, for any ***generative AI*** model or system placed on the Union market, works and other subject matter protected by copyright or related rights have been used ***for the purposes of*** training***, inferencing or retrieval augmented generation (EPP 341),*** where the transparency obligations set out in this resolution have not been fully 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.***

Paragraph 12

Motion for a resolution	*Amendment*
12. Insists that ***AI-generated*** content should remain ineligible for copyright protection, and that the public domain	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***

status of such works be clearly determined;	***350)*** should remain ineligible for copyright protection, and that the public domain status of such ***outputs*** be clearly determined;

Paragraph 13

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)***;

13f. Calls on the Commission to investigate measures to protect individuals against the dissemination of manipulated and AI-generated digital image, audio or video content, including artists' works and performances, imitating their personal characteristics, 'deep fakes', without consent; highlights that digital service providers shall have a clear obligation to act against such illegal use of an individual's right to their own body, facial features and voice and intellectual property right (AM 370);

13g. Stresses the need to clearly labelling purely AI-generated content in order to monitor the implementation of the transparency obligations by platforms offering creative content to detect and signal the existence of AI generated content to their users; calls on the Commission to issue a EU Code of Practice on content labelling by the Commission without delay; (AM 324, 278, 193).

CA 11 (covers recitals, except recitals D, E, Ea and F that are already included in CA 8, and citations)

– having regard to the Treaty on the Functioning of the European Union, in particular Articles 4, 16, 26, 114~~,~~ 118 ***and 179 (S&D 1)*** thereof,

– having regard to Article 17(2) of the Charter of Fundamental Rights of the European Union,

– having regard to Article 27 of the Universal Declaration of Human Rights, adopted by

the United Nations General Assembly on 10 December 1948 (Resolution 217 A), which affirms both the right to freely participate in the cultural life ***of the community, to enjoy the arts and to share in scientific advancement and its benefits, as well as (S&D 4)*** and the right to the protection of the moral and material interests resulting from any scientific, literary, or artistic production,

– having regard to the Berne Convention for the Protection of Literary and Artistic Works ***as amended on 28 September 1979 and the Rome Convention for the Protection of Performers***, ***Producers of Phonograms and Broadcasting Organisations of 26 October 1961 (S&D 5)***,

– having regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15 April 1994,

– having regard to Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (Database Directive)[1],

– having regard to Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (InfoSoc Directive)[2],

– having regard to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights[3],

– having regard to Article 1 of Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 009), which guarantees the right to the peaceful enjoyment of possessions and has been interpreted by the European Court of Human Rights as encompassing intellectual property rights, including in Anheuser-Busch Inc. v. Portugal (11 January 2007),

– having regard to Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs[4],

– having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC[5],

– having regard to Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure[6],

– having regard to Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union[7],

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[1] OJ L 77, 27.3.1996, p. 20.
[2] OJ L 167, 22.6.2001, p. 10.
[3] OJ L 157, 30.4.2004, p. 45.
[4] OJ L 111, 5.5.2009, p. 16.
[5] OJ L 119, 4.5.2016, p. 1.
[6] OJ L 157, 15.6.2016, p. 1.
[7] OJ L 303, 28.11.2018, p. 59.

– having regard to Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC[8] (CDSM Directive),

– having regard to Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information[9],

– having regard to Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services[10],

– having regard to the Commission White Paper of 19 February 2020 on Artificial Intelligence - A European approach to excellence and trust (COM(2020)0065),

– having regard to the World Intellectual Property Organisation (WIPO) Copyright Treaty and the Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence (WIPO/IP/AI/2/GE/20/1 REV) of 29 May 2020,

– having regard to the Parliament resolution on Intellectual property rights for the development of artificial intelligence technologies of 20 October 2020,

– having regard to Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance (DGA)[11],

– ***having regard to the joint European Declaration on Digital Rights and Principles for the Digital Decade 2023/C 23/01 of the European Parliament, the Council and the Commission (S&D 11);***

– having regard to Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data (Data act)[12],

– having regard to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (AI Act)[13],

– ***having regard to the report "The future of European competitiveness" by Mario Draghi, of 9 September 2024 (ECR 6),***

– ***having regard to the Communication From the Commission to the European Parliament, The European Council, The Council, the European Economic And Social Committee And the Committee Of The Regions - "A Competitiveness Compass for the EU" of 29 January 2025, COM(2025) 30 final (ECR 7, S&D 8),***

– ***having regard to the report of the European Union Intellectual Property Office "The Development of Generative Artificial Intelligence from a Copyright Perspective", of 12***

[8] OJ L 130, 17.5.2019, p. 92.
[9] OJ L 172, 26.6.2019, p. 56.
[10] OJ L 186, 11.7.2019, p. 57.
[11] OJ L 152, 3.6.2022, p. 1.
[12] OJ L, 2023/2854, 22.12.2023.
[13] OJ L 1689, 12.7.2024, p. 1.

May 2025 (EPP 14),

– ***having regard to the Commission Communication of 16 June 2025 'State of Digital Decade 2025: Keep building the EU's sovereignty and digital future' (S&D 9),***

– ***having regard to the General-Purpose AI (GPAI) Code of Practice, and more particularly its Copyright Chapter, published by the European Commission on 10 July 2025 and in force from 2 August 2025 (Greens 10),***

– ***having regard to the Explanatory Notice and Template for the Public Summary of Training Content for GPAI published by the European Commission on 24 July 2025 and in force from 2 August 2025 (Greens 12),***

– ***having regard to the study commissioned by the European Parliament's Policy Department for Justice, Civil Liberties and Institutional Affairs at the request of the Committee on Legal Affairs (EPP 13)[14],***

– having regard to Rule 55 of its Rules of Procedure,

– having regard to the report of the Committee on Legal Affairs (XXXX/2025),

A whereas the right to property, including intellectual property, is enshrined as a fundamental right in Article 17 of the Charter of Fundamental Rights of the European Union ***and has been clearly qualified in case law (SD 17), and whereas respect for that right must be guaranteed at all stages of the digital transformation and of the development of generative artificial intelligence (EPP 16)***;

B. whereas the European Union faces the strategic challenge of lagging behind international developments in the field of artificial intelligence; ***whereas at the AI Action Summit in February 2025 in Paris, the Commission launched the objective of the AI Continent Action Plan to make Europe a world leader in artificial intelligence (AI) (EPP 21)***; whereas it is therefore essential to promote, rather than impede, the advancement of ***Generative (SD 20)*** AI technologies ***and services in the public interest (SD 20)*** within the Union in order to safeguard Europe's technological sovereignty, competitiveness ***multi-linguistic culture (Greens 23)***, and capacity for innovation ***while staying true to its values and ensuring that technological development supports sustainable economic growth, competitiveness and innovation, while facilitating broad access to AI technologies across the Union; whereas maintaining competitiveness in the race to improve Generative AI also requires access to high-quality content, underlining the importance of a fairly remunerated creative sector as a source for high-quality AI training data (SD 20)***;

B a (new). Whereas the creative and cultural sector is essential to safeguard European values and cultural diversity, representing approximately 4% of EU value added (SD 25) and 6,9% of the EU's GDP (ECR 40), and employs around 8 million people (SD 25) underpinning Europe's cultural diversity, social cohesion, values and democratic dialogue (ECR 40);

[14] Lucchi, N. (2025). "Generative AI and copyright: Training, creation, regulation." Study PE 774.095, European Parliament.

B e (new). whereas the Declaration on Digital Rights and Principles for the Digital Decade established the objective of ensuring a just, safe and secure digital environment, where everyone, including SMEs, should have the possibility to compete fairly and innovate; whereas this entails measures to promote the traceability, safety and compliance of products and services offered on the Digital Single Market; whereas the signatories commit to promote human-centric, trustworthy and ethical artificial intelligence systems, which are used in a transparent way and in line with EU values; whereas the Declaration insists that the digital transformation should contribute to a fair and inclusive society and economy, to promote cultural and linguistic diversity, as well as open technologies and standards as a way to further strengthen trust in technology as well as consumers' ability to make autonomous and informed choices; (SD 29)

B f (new). whereas it appears that the EU's Digital Decade objectives will not be achieved without a transformative shift in its investment landscape; (SD 30)

B g (new). whereas the Competitiveness Compass for the EU intends to boost innovation notably by creating a friendly environment for young companies in Europe to start and expand, with a dedicated EU start-up and scale-up strategy launched on 28 May 2025; whereas this should be accompanied by an 'Apply AI' initiative for companies of all sizes to accelerate the integration of AI technologies across strategic sectors and reinforce the EU's technological sovereignty; whereas the cultural and creative sectors create new and skilled jobs, contribute to Europe's economic growth, diplomatic power and the emergence of talents; whereas SMEs comprise the overwhelming majority of businesses in the creative sector; (SD 31)

C. whereas copyright and related rights come into effect automatically ***without registration requirements (Greens 32)*** and confer extensive exclusive ***~~moral~~ rights ~~as well as economic~~ (SD 37) ~~rights~~ to a variety of holders (authors, performers, producers, publishers, broadcasters) (Greens 32)***, including those to reproduce works and other subject matter and adapt, distribute and communicate them to the public;

C a (new). whereas there is great diversity in European cultural and creative industries, whose contractual practices, value chains, and types of content protected by copyright and related rights differ significantly; whereas in some sectors, rights holders organise collectively to defend their interests; whereas the works produced by this diverse range of actors are equally diverse and can therefore have different values; (Renew 39)

C b (new). whereas the copyright needs to face the development of new technologies in a legal and technical way; whereas a harmonisation of national copyrights regimes would be key in a digital world

~~G. whereas the reference to the CDSM Directive in the AI Act is inadequate and fails to provide an appropriate and proportionate solution; whereas copyright and related rights, as fundamental rights enshrined in the Charter of fundamental rights of the European Union, are not overridden by the AI Act;~~

~~H. whereas fair remuneration for the use of protected content is the backbone of the creative industry in Europe; whereas the use of content protected by copyright and related rights as training data for generative AI models, without remuneration to rights holders, creates a systemic imbalance in the copyright ecosystem to their detriment, thereby undermining the economic sustainability of the creative sector in the European~~

~~Union, particularly given that, at present, rights holders cannot easily or effectively exercise their right to opt out from the exception provided for in Article 4 of the CDSM Directive, nor verify whether their opt-out has been respected;~~

H a. whereas GenAI, by massively and inexpensively creating content that mimics what was ~~that~~ produced by human creativity, competes directly with the work of creators, particularly of cultural and media content; whereas this competition may lead ~~leads~~ to a decline in the quality of online content as a result of creators disengaging, and thus to an overall decline in human cultural and creative production; (RE 82)

H b. whereas this risk of a gradual disappearance of the human dimension of creation in favour of AI-generated content, in addition to undermining the economic viability of the creative sector, poses an existential risk to European society and democracy, in that it blurs the boundaries between truth and falsehood, the perception of discourse and its authors, and disrupts cognitive faculties and critical thinking; whereas the AI Act takes these risks into account, but cannot be complete without robust protection of copyright and related rights; (RE 86)

I. whereas ensuring proper enforcement of the law and a level playing field across the Union ***and among AI providers (Greens 91)*** requires that ***Union and Member States' (Greens 91)*** rules on copyright and related rights apply uniformly to all AI providers deploying products or offering services within the European Union, irrespective of their place of establishment, ***of the jurisdiction in which the copyright-relevant acts underpinning the training of those AI models and where the output produced by the AI system is used in the Union (Greens 91, SD 92)***; ***whereas the same requirement should apply mutatis mutandis to any subsequent use of content for inference, retrieval-augmented generation or fine-tuning not only by providers of AI models, as currently stipulated by Article 53 AIA, but also by providers or deployers of AI systems; (Greens 91) whereas entering in new license agreements should not be misconstrued as redress for past unauthorised uses of copyright-protected content; (SD 92)***

I c (new). whereas any AI provider placing a general-purpose AI model on the Union market shall remain responsible for verifying that the measures included in their copyright policy as outlined in the Code of Practice comply with Member States' implementation of Union law on copyright and related rights, before carrying out any copyright-relevant act in the territory of the relevant Member State as failure to do so may give rise to liability under Union law on copyright and related rights; (Greens 99)

I d (new). Whereas the Code of practice is only of voluntary compliance, and not all AI providers have signed it, in particular its Copyright Chapter; (Greens 100)

I e (new). whereas the global nature and exponential rate of AI training, deployment and offers on the one hand, and the territorial application of the rules pertaining to copyright and related rights on the other hand, create obstacles for obtaining licensing on the relevant rights and for making AI products and services complying with those rights available on the Union market, in a way similar to but dramatically increased to the digital non-AI era; (Greens 101)

I f (new). whereas case-law on the topic of the infringing use of copyrighted content for the training of AI models is still scarce, as a few court decisions should be expected in a near future, after judicial actions have been introduced by various rights holders in the EU and in the world against some AI providers; (Greens 102)

J. ~~whereas Article 4 of Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market (CDSM Directive) introduced an exception for the reproduction and the extraction of works and other subject matter for the purpose of text and data mining (TDM), which, under Article 2 of that Directive, is defined as 'any automated analytical technique aimed at analysing text and data in digital form in order to generate information [...]'; whereas Article 4 was neither drafted nor intended to regulate the specific practices involved in AI training;~~

K. whereas this ***~~new~~ (S&D 113) ~~and~~*** specific form of use (GenAI training) requires a clarification of the legal conditions under which such training may be conducted;

L. whereas high-quality, ***human-based (non synthetic) (Greens 120)*** Aand comprehensive training datasets are essential ***both for research and*** for the effective ***commercial (S&D 117)*** development of GenAI systems and to secure high-quality and trustworthy outputs of GenAI systems; whereas enabling the lawful ***creation and (S&D 117)*** use of such datasets within the European Union, ***which excludes pirated, unauthorised or otherwise infringing material (Left 118, ECR 124),*** is therefore crucial to fostering innovation, ensuring technological ***and cultural*** sovereignty, and maintaining the Union's competitiveness in the rapidly evolving global AI landscape ***and protecting Europe's cultural and creative industries (Left 118)***;

M. whereas the ***~~upcoming~~*** launch of the EUIPO Copyright Knowledge Centre would represent a timely and commendable initiative aimed at ***providing useful and reliable information on copyright and at (S&D 128)*** strengthening the interface between copyright and ***related rights' owners and representatives and stakeholders acting in the field of*** emerging technologies, particularly GenAI ***(Greens 127)***;

N. whereas, ***~~in addition to a standardised machine-readable opt-out~~***, rights holders should ***~~also~~*** have the possibility ***to use tools enabling them to effectively exclude the use of their works in AI training in a limited number of machine readable standardised formats ~~register such opt-out in a centralised registry~~***, ***~~using a single technological standard and in machine-readable format,~~*** potentially managed ***and listed*** by the European Union Intellectual Property Office (EUIPO), thereby enabling the effective exclusion of registered works from automated data crawling ***and providing legal certainty to both rights holders and AI providers (S&D 134);***

O. whereas any provider ***and deployer of GenAI models and systems*** should ensure ***~~full and detailed~~*** transparency concerning all copyright-protected content used to train that system, irrespective of the jurisdiction in which the copyright-relevant acts ***underpinning*** the training ***of their GenAI models take place ~~underlying~~ ~~were performed~~ (S&D 146)***; whereas this transparency shall consist in an itemised list identifying each copyright-protected content used for training; whereas the same requirement should apply mutatis mutandis to any subsequent use of content for ***other purposes including*** inference, retrieval-augmented generation or fine-tuning not only by providers of AI models, as currently stipulated by Article 53 AIA, but also by providers or deployers of AI systems; ***whereas uses such as inference and retrieval-augmented generation essentially happen continuously and in real-time and, in such cases, transparency should include the act of crawling itself whereby, on the one hand crawlers are required to identify themselves to the web operators, and on the other hand AI providers or deployers are required to maintain detailed records of their crawling activities; whereas a presumption that content has been crawled, including for inference and retrieval-augmented generation purposes, should apply where AI systems handle user queries ; whereas the mere***

information of the third-party content used by AI and GenAI providers and deployers does not constitute trade secrets under EU law; (EPP 140);

P. whereas such transparency could be facilitated through a trusted intermediary, such as the European Union Intellectual Property Office (EUIPO), which would be responsible for notifying rights holders of the use of their content, thereby enabling them to assert claims in relation to its use for training; such an intermediary should be endowed with the necessary powers and resources to assess whether providers and deployers comply fully with the transparency obligations;

Q. whereas, ~~***as an alternative to the aforementioned EUIPO register***~~, transparency could also be achieved by enabling rights holders to watermark their works and other protected subject matter, and by requiring AI providers to ***keep such watermarking unaltered, and to (S&D 166)*** make available search tools that allow for the detection of such watermarks among the materials used for training;

R. whereas, in addition to the obligation of ~~***full***~~ transparency concerning copyright-protected works and other protected subject matter, there is a need to establish a mechanism whereby, under certain conditions, the failure by AI providers or deployers ***of AI models and systems (EPP 176)*** to provide complete transparency shall give rise to ~~***an irrebuttable***~~ ***a rebuttable (S&D 174)*** presumption that any relevant ~~***copyrighted***~~ ***copyright protected*** work or other protected subject matter has been used ***for the purposes of*** training ~~***purposes***~~***, inferencing or retrieval augmented generation***, thereby triggering all applicable legal consequences under Union and national law for the infringement of copyright or related rights; whereas, where a court finds in favour of a rights holder ***or the organisations representing them (RE 172)*** on the basis of either such a presumption or of submitted evidence, all reasonable and proportionate legal costs and other expenses shall be borne by the AI provider

~~S. whereas there is a knowledge gap among GenAI providers, especially smaller firms, regarding their copyright obligations under EU law;~~

T. whereas the press sector holds a vital role in safeguarding democracy and the democratic structure within the European Union; whereas it is essential to ensure that GenAI models and systems do not engage in selective processing that favours certain publications over others, thereby preserving the plurality and impartiality of information; whereas GenAI models and systems must be designed to incorporate and consider the full spectrum of press publications to uphold fundamental democratic values of diversity and fairness in public discourse; whereas there is a need to establish clear quality standards for GenAI models and systems;

U. whereas transparency regarding the output generated by artificial intelligence systems is essential to enable proper classification of ~~***works***~~ ***content (RE 196)*** as ***'AI generated' or '***human-created'***, depending on whether the output meets the established criteria for copyright protection*** ~~***or otherwise***~~ ***(S&D 193)***; whereas such classification entails significant legal consequences, including for the applicability of copyright protection and the determination of rights and liabilities; ***whereas citizens' trust in AI can only be built on a regulatory framework, which ensures that any AI put into operation fully respects and complies with the Treaties, the Charter and secondary Union law (S&D 193);***

~~V. whereas the generation of outputs, characteristic of GenAI, can infringe the rights of reproduction, of making available to the public, or of communication to the public;~~

~~whereas the TDM exception as provided for in article 4 of the CSDSM does not cover the right of making available to the public or the right of communication to the public~~;

X. whereas, when it comes to the legal treatment of GenAI outputs, EU copyright law remains grounded in the principles of human authorship; whereas according to the settled case law of the Court of Justice of the European Union, the concept of a 'work' entails two cumulative conditions: first, it must be an original subject matter that reflects the author's own intellectual creation; second, that creation must be expressed in a manner that makes it identifiable with sufficient precision and objectivity;

Xa. whereas GenAI is increasingly used as a tool to help with the enforcement of copyright and related rights; whereas the COM should ensure that the use of GenAI for the enforcement of copyright claims is subject to effective safeguards, including safeguards against misuse, ensuring full respect for fundamental rights, especially freedom of expression and freedom of the press;

Y. whereas inconsistent international regulation regarding the copyright eligibility of AI-generated content poses a risk to the global coherence of intellectual property law and may give rise to regulatory arbitrage or undermine the competitiveness of the Union's creative and AI sectors; whereas international convergence and the establishment of a global regulatory framework would provide a more effective and coherent alternative to the current fragmentation of legal approaches; ***whereas EU regulation on AI and copyright should not be impacted by external political pressure; whereas in this context, the EU must offer a strong and united response to secure the functioning of its internal market, to protect its workforce and competitiveness, to strengthen is tech autonomy and set global standards in the field of intellectual property (S&D 204);***

Z. w***hereas, in order to ensure the proper implementation of Union law in relation to all generative AI services and to prevent non-EU-based providers from gaining an unfair competitive advantage through non-compliance, it is essential that rules protecting and enforcing authors' rights at Union and national level apply effectively to all services operating on the Union market; whereas the growing concentration of power in the hands of a few large non-European companies increases the Union's strategic dependence and weakens the capacity of European creators and the European press to exercise and enforce their rights; whereas, to the extent permitted under EU and international law, the principle of territoriality of copyright protection must be adapted to the training of generative AI systems so as to ensure that the use of European content is subject to European law even when such training takes place outside the Union, which is fundamental both to guaranteeing fair remuneration for European creators and rightsholders and to safeguarding the cultural and creative vitality of the Union, as well as to ensuring fair competition between European and non-European providers of generative AI systems; whereas generative AI systems that do not comply with these requirements should be barred from operating within the Union and these principles robustly enforced (SD 25, ECR 26, ECR 40, ECR 93, Renew 207, EPP 208, EPP 209, SD 210);***

Z a. whereas the rapid advancement of GenAI has significantly increased the possibilities to create and disseminate realistic manipulated digital image, audio or video content, including artists' works and performances, that resembles or imitates existing persons, 'deep fakes', which falsely appear to be authentic or truthful; whereas the misuse of such content poses a risk to their identity and their personality, including their own

body, facial features and voice (AM 214);