



Brussels, 12th May 2025,

## **Creative & cultural sectors signal profound concerns and call on co-legislators to ensure the European Commission and AI Office respect the EU AI Act's core obligations**

As working groups assigned by the European Commission finalise the “General-Purpose AI (GPAI) Code of Practice” and the “Sufficiently Detailed Training Data Transparency Template”, led by the AI Office, we at *Creativity Works!*—the leading coalition of Europe’s cultural and creative sectors—are deeply concerned about the current trajectory of the AI Act’s implementation. As things stand, we believe the Commission is failing to respect both the spirit and the substance of the Act.

We are particularly troubled about the undermining of the copyright provisions adopted by the EU co-legislators. The latest draft of the code of practice introduces major copyright loopholes without addressing the unprecedented scale of copyright infringement by GPAI providers.

By employing 17 million people and accounting for 6.9% of Europe’s GDP, creative and cultural industries are central to Europe’s economic strength. Our sectors contribute €253 billion annually to the European economy, exceeding industries such as telecommunications and pharmaceuticals. More than 90% of our companies are SMEs or start-ups. Through human creation of literary, musical, film, sporting and audiovisual works, our sectors not only drive economic growth: they vitally contribute to free press and news media, and underpin Europe’s cultural diversity, social cohesion, European values and democratic dialogue.

Our sectors have been early adopters and innovators of a range of AI technologies. We continue to seize the potential of AI in new areas in a way that keeps humans - and human creativity - at the center of AI development, while maintaining a forward-looking perspective placing innovation, and copyright - the cornerstones of our sectors - at the center.

So what is needed? Our recommendation is anchored in the following two principles:

- **Meaningful and actionable transparency under the template for the “Sufficiently Detailed Summary” of training data**

Respect for copyright laws and for meaningful transparency obligations is fundamental for the cultural and creative sectors, and a prerequisite for fostering an ethical AI ecosystem. Without comprehensive information on the training data used by GPAI services, the AI Act implementation will fall short of the law while preventing rightholders from effectively enforcing their rights or fairly negotiating licences for their works, should they wish to.

However, the latest draft proposed principles for the Transparency Template Training summary presented by the AI Office, fails to provide sufficient information for rightholders to assess whether their content has been used for training. On the basis of the information we have about the template, it would facilitate circumvention by AI providers and would not meaningfully allow for the exercise and the enforcement of EU copyright laws.

- **Respect for copyright - A Code of Practice that aligns with EU law on copyright and related rights**

Language in the third draft of the GPAI Code of Practice undermines and contradicts not only the AI Act but existing EU copyright laws as well.

Our work not only enriches the lives of Europeans and global audiences. It can enable high-quality training for profitable, innovative and ethical GPAI models. However, this needs to be done in ways which respect EU copyright laws, exclusive rights and the key EU principles of commercial freedom and voluntary licensing whereby prior authorisation is secured from relevant rightholders.

The vast and ongoing breaches of the EU's well-established, effective and innovation-friendly copyright framework are **neither legal nor acceptable or justified**. We respectfully ask the EU's co-legislators to urge the Commission to **respect the provisions of the AI Act and the EU's copyright framework by delivering a meaningful and detailed Training Data Template, after due consultation of the relevant stakeholders, and making extensive improvements to the GPAI Code of Practice so that the EU continues to adequately protect rightholders.**

Kind regards,

The Creativity Works! Secretariat

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## **ANNEX**

- **Meaningful and actionable transparency under the template for the “Sufficiently Detailed Summary” of training data.**

On the basis of the information we have about the template, it would facilitate circumvention by AI providers and would not meaningfully allow for the exercise and the enforcement of EU copyright laws.

In particular, the draft thresholds—disclosures limited to the top 10% of internet domains and datasets making up over 5% of training data—are arbitrary and easily bypassed by splitting data into smaller subsets, rendering the measure ineffective. Rightsholders, especially smaller ones, which make up the vast majority of the creative industries, will effectively be denied the right to know whether their works have been used for training. If such thresholds had been implemented in the past, massive copyright infringements by AI providers, such as the use of the Books3 dataset, would have gone undetected.

The effective implementation of the AI Act will ensure a functioning, inclusive and healthy voluntary licensing market in Europe and help protect the EU's creative and cultural sectors.

- **Respect for copyright - A Code of Practice that aligns with EU law on copyright and related rights.**

Language in the third draft of the GPAI Code of Practice undermines and contradicts not only the AI Act but existing EU copyright laws as well. Examples include:

1. The commitment to make “reasonable efforts” to ensure lawful access to copyright content is insufficient. Under the 2019 EU Copyright in the DSM Directive, “lawful access” is an indispensable requirement of the EU's TDM exceptions. It is vital that this standard is upheld.
2. The DSM Directive also makes it clear that any appropriate manner of rights reservation which meets the criteria outlined in the Directive must be respected. The arbitrary preference given to the robots.txt protocol has no basis in legislation and unreasonably prejudices the legitimate interests of rightholders. Robots.txt was never designed as a copyright “opt-out” tool and simply does not work as such. Further, the heavily conditioned commitment to only make “best efforts” to identify and comply with other machine-readable means to express a rights reservation is not sufficient and does not accurately reflect EU copyright law.
3. Illegal scraping of copyright-protected content for AI training is a huge and ongoing legal and commercial problem for rightholders, causing them significant harm. The copyright provisions in the AI Act were adopted with the goal to address this. This not only applies to content scraped that has been legitimately made available by rightsholders, but it also applies to unauthorised content made available by third parties. In this regard, the requirement to take “reasonable” measures not to “crawl pirate websites” is insufficient to safeguard copyright in the EU, and any AI training undertaken without authorization and in contradiction with relevant opt-outs constitutes an infringement of copyright.

Additionally, the draft's proposed definition of a pirate website proposed by the draft is far too narrow and ambiguous.

4. Language on copyright compliance regarding training data obtained from third parties is entirely insufficient and provides a clear avenue for circumventing GPAI providers' copyright compliance obligations. This is in stark contrast to the legislative goal that *"no provider should be able to gain a competitive advantage in the Union market by applying lower copyright standards than those provided in the Union"*.

### **ABOUT CREATIVITY WORKS!**

Creativity Works! members create, produce, finance, publish, distribute and showcase creative content - be it films, TV series, shows, original content, news programmes, music, pictures, books, video games, sports events, and much more.

Creativity Works! is Europe's leading coalition representing our vibrant cultural and creative sectors. Our geographically-diverse, creative ecosystem-spanning membership sets us apart, bringing together book publishers and booksellers; picture agencies; music publishers and independent music labels; producers, publishers and distributors of film and audiovisual content; cinema operators; commercial broadcasters and sports event organisers, as well as video game companies, all under one single European umbrella.

**Association of Commercial Television and Video on Demand Services in Europe (ACT); Center of the Picture Industry (CEPIC); The European Audiovisual Production Association (CEPI); Deutsche Fußball Liga (DFL); European and International Booksellers' Federation (EIBF); Federation of European Publishers (FEP); International Federation of Film Distributors' and Publishers' Associations (FIAD); International Federation of Film Producers' Associations (FIAPF); International Confederation of Music Publishers (ICMP); Independent Music Companies Association (IMPALA); International Video Federation (IVF); International Union of Cinemas (UNIC); La Liga ; LFP Media; MEDIAPRO; Motion Picture Association (MPA); The Premier League; VAUNET Verband Privater Medien e.V.**

Transparency register ID: **457069318696-53**

More about the coalition on [www.creativityworks.eu](http://www.creativityworks.eu)

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