ACT RESPONSE TO EC TARGETED CONSULTATION ON NEW COPYRIGHT LEGISLATIVE INSTRUMENT

BACKGROUND

On 29 September, the European Commission launched a targeted consultation to assess whether updates to the EU copyright framework are needed to strengthen the competitiveness and resilience of Europe's cultural and creative sectors while supporting research and innovation.

The results will feed into the Commission's forthcoming Targeted Initiative for a Better Copyright Environment for European Creativity and Innovation. The consultation deadline was extended to 10 November 2026.

PART I - COPYRIGHT AND GENERATIVE AI

Part I.A - Copyright and generative AI: licensing and enforcement of copyright and related rights

1. **What are in your view the three most pressing issues regarding the use of copyright-protected content in the context of AI that need to be addressed?** *(please select up to three options and **rank them** in order of priority, with 1 being the highest priority)*

	1	*2*	*3*
Legal uncertainty on the applicable copyright rules, including with regard to the application of the text-and data mining exception	○	○	○
Practical challenges in expressing, identifying, and respecting rights reservations, including lack of standardised opt-out technical protocols that can be operationalised at scale	○	○	○
Differences in the applicable copyright rules that lead to competitive disadvantages and an uneven playing field between AI providers in the EU and providers operating in other jurisdictions	○	○	○
Difficulties in enforcing exclusive rights provided under EU copyright law due to limited transparency on the use of copyright-protected content by AI model or system providers	○	●	○
Limited licensing and remuneration opportunities for creators and creative industries	○	○	○
Limited access to quality copyright-protected data for AI training and development, including access to large-scale datasets necessary for building advanced AI	○	○	○
SMEs' and start-ups' lack of resources and limited bargaining power to conclude licenses	○	○	○
Use of protected content without authorisation, where no exception or limitation apply	●	○	○
Other - please explain	○	○	●

Other: please explain. (*200-character(s) maximum)*

The practical challenges in having rights reservations respected are a pressing issue. However, the lack of standardised technical opt-out protocols is not the issue. Any protocol remains unrespected.

2a. As a rightholder, have you faced difficulties in enforcing and/or licensing your rights for AI uses (e.g. for training, or other types of uses)?

- (●) Yes
- ( ) Partly
- ( ) No
- ( ) Not applicable

2b. As an AI provider/data aggregator/research organisation/other user, have you faced difficulties related to the application of the existing EU copyright rules, for example in relying on relevant exceptions for AI training or obtaining authorisation or licenses for the use of copyright-protected content (e.g. for training your models, or other types of uses)?

- ( ) Yes
- ( ) Partly
- ( ) No
- (●) Not applicable

3a. As a rightholder, what are the main barriers or obstacles you have encountered in enforcing and/or licensing your rights? (please select maximum 5 options and rank them in order of priority, with 1 being the highest priority) *at most 5 answered row(s)*

	1	2	3	4	5
Legal uncertainty on the applicable copyright rules, including with regard to the application of the text-and data mining exception	○	○	○	○	○
Fragmentation linked to national rules or jurisprudence across the EU	○	○	○	○	○
Difficulty in obtaining detailed information about the use of copyright-protected content as evidence to support licensing negotiations or infringement claims, including in courts	○	●	○	○	○
Limited bargaining position in licensing negotiations	○	○	○	○	○
Counterparties are unwilling to engage in licensing	○	○	○	○	○
Difficulties in establishing or agreeing on the economic value of works or other subject matter for AI uses	○	○	○	○	○
Unclear responsibility regarding the clearance of rights across the AI value chain (dataset vendor vs. model/system provider vs. deployer)	○	○	○	○	○
Difficulties to express reservation of rights (opt-out) under the TDM exception	○	○	○	●	○
Difficulty to verify the respect of the reservation of rights (opt-out) under the TDM exception	○	○	○	○	●
Insufficient transparency on the activities on web crawlers with regard to copyright-protected content	●	○	○	○	○
Litigation or dispute-resolution costs	○	○	○	○	○
Transaction costs related to licensing	○	○	○	○	○
Other	○	○	●	○	○

Other: please specify (*200-character(s) maximum)*

Lack of technology neutral application of EU copyright rules on AI providers. Lack of respects of the limited scope of the TDM-exception.

~~**3b. As an AI provider/data aggregator/research organisation/other user, what are the main barriers or obstacles you have encountered in relation to copyright, including for the application of the EU copyright legal framework for any AI uses?** (please select maximum 5 options and rank them in order of priority, with 1 being the highest priority) *at most 5 answered row(s)*~~

4a. As a rightholder, how do you assess the impacts of the barriers identified under question 3a? (select all that apply)

- [x] Loss of revenues or licensing opportunities
- [x] Market substitution and erosion of primary markets for copyright-protected content
- [x] Reduced incentive to create, produce, or invest within the EU
- [x] Reduced competitiveness of affected businesses or sectors
- [ ] Negative impact on the quality/performance of AI models or systems (e.g. lack of access to high-quality diverse or specific content, leading to low quality, output and worse model performance)
- [ ] No significant effects
- [ ] Other: please specify

Other: please specify *(200-character(s) maximum)*

Please explain your answer to question 4 (impact of barriers) *(1000-character(s) maximum)*

AI providers are improperly using AV content. This is a global problem, backed in the EU by the lack of certainty regarding the practical application of EU copyright rules and the resulting information asymmetry. These make judicial enforcement difficult and hinder the development of a healthy voluntary licensing market that can take into account AI training that occurs in non-EU countries.

Unlicensed access to and reuse AV content without authorisation enables protected works to enter commercial value chains without remuneration to right holders and weakens existing and emerging licensing markets, including for archives, data access and AI-related uses, and increases enforcement difficulties.

This directly impacts the ability of broadcasters and other right holders to monetise and reinvest in content and creates a value gap that erodes investment, innovation, the sustainability of independent news and the long-term competitiveness of the European AV and creative sectors.

4b. As an AI provider/data aggregator/research organisation/other user, how have these difficulties or uncertainties in relation to copyright identified under question 3b affected your organisation? (s elect all that apply)

- [ ] Increased compliance and litigation costs
- [ ] Limited ability to scale-up
- [ ] Reduced investment into AI development in the EU including possible relocation of certain AI development activities outside of the EU

…….

5. **In your view, what would be the most appropriate approach at EU level to tackle the challenges linked to the use of copyright-protected content for generative AI?**

- ○ Maintain the status quo: continue enforcing the existing rules, with no changes to the regulatory framework
- ○ Enhance voluntary cooperation among market players, through soft law instruments (at national or EU level)
- ○ Introduce non-legislative measures to support access and use of copyright-protected content for AI
- ○ Introduce new binding measures under EU copyright law
- ● Other: please specify

Other: please specify *(200-character(s) maximum)*

Clarify the limited scope of the TDM exception and support the development of a healthy voluntary licensing market where copyright-protected content is used outside the scope of that exception.

6. In your view, which mechanism(s) would be the most appropriate to support <u>enforcement of copyright and related rights</u> related to AI uses?

(please rank the options in order of appropriateness, with 1 being the most appropriate)

Note that you should only rank the options you deem appropriate - you may remove a selection by clicking the selected button

	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
Operationalising the existing opt-out mechanism under the TDM exception via a common vocabulary, EU standards for opt out protocols, and an EU-level registry for opt-out	○	○	○	○	○	○	○	○	○	○
Clarify the application of EU copyright rules (including territorial application) for use of copyright-protected content for AI training and other AI uses	●	○	○	○	○	○	○	○	○	○
Imposing an obligation on web crawlers and AI agents used to crawl content online to disclose identity and purpose	○	○	○	○	●	○	○	○	○	
Introducing an obligation on AI providers / dataset providers / data collectors of record-keeping and retention of information about use of copyright-protected content (e.g. clearance/licensing, verification of opt-out, etc.) for a defined period	○	○	○	●	○	○	○	○	○	○
Imposing an obligation on AI providers / dataset providers / data collectors of independent audit/certification on use of protected content	○	○	○	○	○		●	○	○	○
Imposing an obligation on AI providers to provide information under NDA about use of protected content upon a substantiated request from CMOs/rightholders and under certain conditions, as an alternative to the public disclosure of the top 10% of the top domain names of the websites crawled as required in the Commission template for the public summary of training content under the AI Act	○	●	○	○	○	○	○	○	○	○
Providing for the possibility for courts/ administrative authorities to impose disclosure obligations under certain conditions in the context of legal proceedings or mediation/arbitration	○	○	○	○	○	○	○	○	○	○
Introducing a rebuttable presumption of use of copyright-protected content by AI providers, subject to specific conditions, e.g. where AI providers do not fulfill the existing transparency obligations provided for in the AI Act	○	○	○	○	○	●	○	○	○	○
No need for additional mechanisms	○	○	○	○	○	○	○	○	○	○
Other: please specify	○	○	●	○	○	○	○	○	○	○

Other: please specify *(200-character(s) maximum)*

The mechanism of an obligation to respond to substantiated requests from right holders should be be introduced as an additional obligation, not as an alternative to the existing transparency template.

6b. Please explain your answer and share your views on the mechanisms listed above, including on possible considerations and conditions of application: *(1500-character(s) maximum)*

ACT considers that effective enforcement of copyright and related rights in the context of AI depends first and foremost on meaningful transparency. The most appropriate measures are therefore those that enable rightholders to identify whether, how and under what conditions their content has been used.

In particular, web crawlers and AI agents should be required to disclose their verified identity and purpose, while AI providers, dataset providers and data collectors should be subject to independent audits, robust record-keeping obligations covering the use of protected content, licensing arrangements and compliance with opt-out requests. Rightholders should also have access to sufficiently detailed information enabling them to verify compliance and exercise their rights.

The measures that prove most effective are those capable, at the very least, of allowing rightsholders to secure compensation for the harm they have incurred, while also helping to partially redress the imbalance of negotiating power in court proceedings. The introduction of a rebuttable presumption of use triggered whenever AI providers fail to meet the obligations set out in Article 53(1)(c) and (d) of the AI Act. could also be considered. This would transfer the burden of proof on the party possessing the evidence. Equal emphasis should be placed on enabling courts or competent authorities to issue disclosure orders, whether within judicial proceedings or through mediation and arbitration, consistent with the framework established by Articles 6 to 8 of Directive 2004/48/EC.

7. In your view, how would these different options impact your business/activity?
Note that you may choose not to answer any option on which you have no opinion by leaving the relevant boxes unticked

	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
Operationalising the existing opt-out mechanism under the TDM exception via a common vocabulary, EU standards for opt-out protocols, and EU-level registry for opt-out	○	○	○	○	○
Clarify the application of EU copyright rules (including territorial application) for use of copyright-protected content for AI training and other AI uses	○	○	○	○	●
Imposing an obligation on web crawlers and AI agents used to crawl content online to disclose identity and purpose	○	○	○	○	●
Obligation on AI providers/dataset providers/ data collectors of record-keeping and retention of information about use of copyright-protected content (e.g. clearance/licensing, verification of opt-out, etc.) for a defined period	○	○	○	○	●
Imposing an obligation on AI providers / dataset providers / data collectors of independent audit/certification on use of protected content	○	○	○	○	●
Imposing an obligation on AI providers to provide information under NDA about use of protected content upon a substantiated request from CMOs/rightholders and under certain conditions, as an alternative to the public disclosure of the top 10% of the top domain names of the websites crawled as required in the Commission template for the public summary of training content under the AI Act	○	○	○	○	●
Providing for the possibility for courts / administrative authorities to impose disclosure obligations under certain conditions in the context of legal proceedings or mediation/arbitration	○	○	○	○	○
Introducing a rebuttable presumption of use of copyright protected content by AI providers, subject to specific conditions e.g. where AI providers do not fulfill the existing transparency obligations provided for in the AI Act	○	○	○	○	●
Use this row to indicate the impact of the mechanism you described under "other" in question 6 above	○	○	○	○	●

7b. Please explain your answers to the question above *(1000-character(s) maximum)*

Enforcement of existing EU copyright rules to AI uses is urgently needed to enhance legal certainty for both right holders and AI providers.

Effective enforcement depends on right holders being able to identify whether and how their content has been used. Measures such as disclosure of crawler's verified identity and purpose, record-keeping obligations and the obligation to provide access to information upon request in addition to the transparency template will allow right holders to verify compliance, enforce their rights and engage in licensing negotiations.

Enforcing the EU copyright rules in full to AI uses, respecting the limited scope of the TDM exception, will further enhance legal certainty for both right holders and AI providers. A rebuttable presumption linked to failures to comply with transparency obligations could potentially create appropriate incentives for compliance but should not step in the way of the pursuit of the obligation for AI providers to provide meaningful transparency.

8. **In your view, which mechanisms would be the most appropriate to facilitate licensing and access to and use of copyright-protected content in the different phases of the AI lifecycle?** Fill out a maximum of 3 rows)**.** In order to take into account, the different types of uses of copyright-protected content, the table below makes a distinction between
   - uses related to the training of generative AI models (where rights holders have opted out from the TDM exception),
   - uses taking place at inference time (use of content by an AI system after training, including for the purpose of responding to user inputs, retrieving copyright-protected content, providing context, grounding outputs, augmenting generation, or otherwise supporting the operation of the system during deployment), and
   - other uses related to AI-generated output (such as production, creation, adaptation, or summarisation of content by an AI system based on content or prompts).

	For training of generative AI	For inference-time use	For output
Supporting the development of a marketplace for licensing copyright protected content for AI uses, for example through technical solutions for automated licensing at scale	☐	☐	☐
Develop model contractual clauses for licenses covering AI uses	☐	☐	☐
Imposing an obligation on rightholders and AI providers to conduct negotiations in good faith	☐	☐	☐
Introducing a structured mediation or arbitration mechanism involving an independent body which could, under certain conditions, require the parties to share information, negotiate and assist in the determination of the remuneration	☐	☐	☐
Promoting collective licensing, in particular through the use of extended collective licensing (ECL), if and where appropriate	☐	☐	☐
Introducing a fair compensation obligation for the uses falling under the exception in Article 4 DSM which have not been reserved by the rightholders	☐	☐	☐
Introducing a remuneration right for certain uses of copyright-protected content by generative AI models/systems providers or other relevant actors	☐	☐	☐
No need for additional measures	●	●	●
Other - please explain	☐	☐	☐

Other: please explain *(200-character(s) maximum)*

8b. Please explain your answer and share your views on the mechanisms listed above, including on the conditions of application: *(1500-character(s) maximum)*

We welcome the Commission's acknowledgement of different types of use of copyright protected content by AI providers. EU copyright rules should be enforced in full, respecting the limited scope of the TDM exception.

The AV sector depends on exclusive exploitation rights, typically consolidated with producers and broadcasters (who are legally and financially responsible for the work). Collective licensing – mandatory or extended – is not suited for the AV sector and should not be promoted. Authorisation though direct and voluntary licensing is the appropriate basis for any use of AV works in training, model development, inference-time use or output. The lack of respect for existing right reservations cannot be solved with a right to fair compensation.

In principle, no additional legislation is required for voluntary licensing to apply to the AI sector. Right holders, and AVMS in particular, have already demonstrated multiple times that voluntary licensing works with every new technological development. AI should be no different. Rather than providing additional mechanisms, care should be taken to ensure that new technologies cannot get out from under the duty of a negotiating a license. However, under the current opt-out model content is scraped and exploited first and compensation is discussed later, if at all. This undermines the contractual freedom of those who have invested in producing content. At present, no incentive is put in place to negotiate licenses on fair terms.

In your view, how would these different options impact your business/activity?

Note that you may choose not to answer any option on which you have no opinion by leaving the relevant boxes unticked.

	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
Supporting the development of a marketplace for licensing copyright protected content for AI uses, for example through technical solutions for automated licensing at scale	●	○	○	○	○
Develop model contractual clauses for licenses covering AI uses	○	●	○	○	○
Imposing an obligation on rightholders and AI providers to conduct negotiations in good faith	○	○	●	○	○
Introducing a structured mediation or arbitration mechanism involving an independent body which could, under certain conditions, require the parties to share information, negotiate and assist in the determination of the remuneration	○	●	○	○	○
Promoting collective licensing, in particular through the use of extended collective licensing (ECL), if and where appropriate	●	○	○	○	○

Introducing a fair compensation obligation for the uses falling under the exception in Article 4 DSM which have not been reserved by the rightholders	●	○	○	○	○
Introducing a remuneration right for certain uses of copyright-protected content by generative AI models/systems providers or other relevant actors	●	○	○	○	○
Use this row to indicate the impact of the mechanism you described under "other" in question 8 above	○	○	○	○	○

9b. Please explain your answer: (*1000-character(s) maximum)*

Further to our response to question 8.

The effective application and enforcement of the EU copyright framework start with rights holders' freedom to decide whether, with whom and on which terms to license its catalogues and with respecting the obligation for users and right holders to engage in good faith negotiations.

Licensing agreements for AV content are highly individualised and depend on the specific value, rights chain, territorial scope, and exploitation strategy of the works concerned.

Introducing remuneration rights in the AV sector risk creating statutory entitlement to use protected content in exchange for micro-payments, thereby replacing or diluting the requirement for prior authorisation.

Collective licensing is not suitable for the AV sector, which is based on exclusivity, high investment, and centralised rights management by producers and broadcasters.

Part I.B - Copyright and generative AI: AI-generated imitations of performers

1. **In your view, how can AI be used to support creative processes, including through the use of digitally generated imitations of performers, in a balanced and fair manner?** *(1000-character(s) maximum)*

ACT members are aware of the opportunities that come with implementing AI in the AV sector. As part of the digital transformation, they embrace any technological advancement that enhances both creative processes and content distribution methods.

The use of digitally generated representations may also offer legitimate creative opportunities where it is transparent, authorised and based on appropriate contractual arrangements.

A balanced approach requires greater clarity regarding what constitutes an "AI-generated imitation". An overly broad definition could capture a wide range of legitimate creative and production practices. The focus should be on uses that create a genuine risk of deception or misrepresentation, rather than on all forms of AI-assisted creation.

Any framework should preserve the freedom of performers, producers, broadcasters and other market actors to contractly determine whether, and under which conditions, such uses are permitted.

2. **As a performer / performer representative organisation, have you had any experience with regards to AI-generated impersonification?**
3.
4. **As a performer / performer representative organisation, do you have any experience with enforcing your rights (stemming from e.g. personality rights, personal data protection (GDPR) to control the use of AI-generated impersonifications of your personal characteristics?**

- ◯ Yes
- ◯ No
- ◯ Not applicable

Please give more details on the actions taken and their outcome. (*1000-character(s) maximum)*

3. **Do you have any experience with regard to AI-generated impersonification and/or how the relevant rights and interests of performers impersonated have been taken into account? (***1000-character(s) maximum)*

Our members have been confronted with the malicious misuse of the image and voice of their artists, executives and shareholders. These deepfake cases have been exploited for fraudulent purposes and promoted through paid advertising on social media platforms, which has further increased their reach. This shows that, at present, the interests of the individuals impersonated are not adequately protected.

4. **Do you consider that there is a need for specific rules at EU level, to address the use of performers' likeness in AI-generated content?**

- ◯ Yes
- ◯ No, the existing protection is sufficient
- ◯ No opinion

4a. What additional measures you would consider necessary, at EU level, in order to allow performers to better control and exploit their digital likeness? Please indicate also how such measures would affect performers during their life and/or after their death. (*1000-character(s) maximum)*

4b. Please explain why you believe that existing protection is sufficient.
(*1000-character(s) maximum)*

Performers' interests are already protected through a combination of neighbouring rights, contractual arrangements, personality and image rights, data protection rules, and sector-specific regulation where applicable. The key challenge is not introducing additional measures, but to ensure legal clarity and effective enforcement of existing frameworks.

It needs to be examined how these can be deployed to effectively combat unauthorized imitations of performers and how they can be used to protect the persona of TV-personalities (non performers) against deepfakes.

In addition, clarity is needed regarding what would constitute an AI-generated "imitation". An overly broad definition could capture a wide range of legitimate creative, artistic and production practices, discouraging innovation and restricting commercial freedom. Any assessment should be based on clear and demonstrable risks of deception, misrepresentation or unauthorised exploitation rather than on the mere use of AI tools.

5. **Taking into account the rationale, nature and scope of copyright protection, do you think that EU copyright legislation would be appropriate to address these issues or that this issue should be addressed through other legal means? (***1000-character(s) maximum)*

As mentioned above, this issue should not be addressed through additional EU legislation in the field of performers' neighbouring rights. Performers' interests are already protected through a combination of neighbouring rights, contractual arrangements, personality and image rights, data protection rules, and sector-specific regulation, where applicable.

In particular, there is currently no clear or commonly accepted definition of what constitutes an AI-generated "imitation" of a performer. Legislating in this area prematurely could inadvertently capture legitimate creative, and commercial practices.

PART II - ONLINE PIRACY OF TIME-SENSITIVE COPYRIGHT-PROTECTED CONTENT, INCLUDING LIVE EVENTS

1. **Based on your experience or knowledge, are the remedies currently available at EU level to fight the piracy of time-sensitive copyright-protected content, including live events, sufficient to ensure effective enforcement?**

- ○ Yes
- ● No
- ○ I don't know

Please indicate the main reason(s) why you consider the existing EU-level remedies as insufficient for the effective enforcement of rights against piracy of time-sensitive copyright-protected content, including live events. (select all that apply)

- ● The existing rules on notice and action mechanisms do not allow for a prompt removal of unauthorised time-sensitive copyright-protected content, in particular live events
- ● The existing rules on injunctions are not well suited for time-sensitive copyright-protected content, in particular live events
- ☐ The existing framework for cooperation among Member States is insufficient to tackle the challenges of online piracy of time-sensitive content, in particular live events
- ● Other: please explain

Other: please explain. (*200-character(s) maximum)*
No duty on EU network providers to stop serving hosting providers that persistently ignore notices, and no binding live takedown deadline or stay-down obligation.

1sub. Please explain why you consider that the existing framework is sufficient to ensure an effective enforcement against piracy of time-sensitive copyright-protected content, including live events. *1000-character(s) maximum*

For the 4 reasons indicated in response to question 1.

Piracy of live broadcasts continues at scale across Europe. Organised criminal networks are increasingly sophisticated, faster and more profitable. At the same time, enforcement tools have not kept pace. As a result, European broadcasters and other right holders are unable to effectively prevent the widespread theft of their content.

The data illustrates the scale of the problem. In the first half of 2025 only 6% (of 26 million notices sent to intermediaries) resulted in suspension within 30 minutes. Estimates point to more than €26 billion in losses for sports right holders and annual losses of €2.2 billion in Italy, €1.8 billion in Germany, and €1.5 billion in France for the AV sector. Beyond direct financial damage, piracy undermines investment in original content, infrastructure and jobs, reduces tax revenues that support public services, and ultimately weakens the broader creative ecosystem.

2. **In your view, what would be the most appropriate approach at EU level to tackle the challenges linked to the online piracy of time-sensitive content, including live events?**

- ○ Maintain the status quo: continue applying the existing rules, with no changes to the regulatory framework
- ○ Enhance voluntary cooperation among market players through soft law measures
- ● Introduce new binding measures at EU level
- ○ Other: please explain

Other: please explain. (*200-character(s) maximum)*

3. **If measures were to be taken at EU level, which of the following actions do you consider would help to better address the piracy of time-sensitive content, including live events, and facilitate thereby the enforcement of rights? (please rank the options by order of importance, with 1 being the most important)**

Note that you should only rank the options you deem helpful - you may remove a selection by clicking the selected button

	1	2	3	4	5	6	7	8
Providing a forum for discussion and exchange of best practices among market players	○	○	○	○	○	○	○	○
Strengthening voluntary cooperation between intermediaries and rightholders	○	○	○	○	○	○	○	○
Requiring treatment of notices related to live and/or time-sensitive content by hosting service providers within a specific timeframe	○	●	○	○	○	○	○	○
Requiring hosting providers to provide to the relevant rightholders technical means enabling them to block access to or remove unauthorised live and /or time-sensitive copyright-protected content	○	○	○	●	○	○	○	○
Enabling rightholders to apply in each Member State for dynamic injunctions in case of unauthorised use of time-sensitive copyright-protected content, including live events	●	○	○	○	○	○	○	○
Requiring Member States to exchange information, notably on decisions issued by relevant bodies (courts/authorities) relating to piracy of time-sensitive copyright-protected content, including live events	○	○	○	○	●	○	○	○
Other: Please specify	○	○	●	○	○	○	○	○
None of the above	○	○	○	○	○	○	○	○

Other: please specify. (*200-character(s) maximum)*

Designation by ASN only, based on persistent non-compliance with notices, with a single EU-wide register to ensure proportionality and consistent enforcement across Member States.

4. In your view, what would be the impact of each of the following options on your business/activities?

1.

	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
Providing a forum for discussion and exchange of best practices among market players	○	○	●	○	○
Strengthening voluntary cooperation between intermediaries and rightholders	○	○	●	○	○
Requiring treatment of notices regarding live and/or time-sensitive content by hosting service providers within a specific timeframe	○	○	○	○	●
Requiring hosting providers to provide to the relevant rightholders technical means enabling them to block access to or remove unauthorised live and/or time-sensitive copyright-protected content	○	○	○	○	●
Enabling rightholders to apply in each Member State for dynamic injunctions in case of unauthorised use of time-sensitive copyright-protected content, including live events	○	○	○	○	●
Requiring Member States to exchange information, notably on decisions issued by relevant bodies (courts/authorities) relating to piracy of time-sensitive copyright-protected content, including live events	○	○	○	●	○
Use this row to indicate the impact of the mechanism you described under "other" in question 3 above	○	○	○	○	●

4sub. Please explain your answers: (*1000-character(s) maximum)*

The 2023 Recommendation has not delivered. Voluntary cooperation cannot replace binding measures that improve the speed, effectiveness and consistency of measures against piracy of live and time-sensitive content.

Hosting providers should act on notices relating to live content as near to immediately as possible, within 30 minutes at most, with effective stay-down, so that right holders can protect their investments while the content retains its value.

Many hosts used for live piracy ignore notices altogether. A competent authority should designate those that persistently do so. European ICT providers should stop serving them and carrying their traffic, deny them access to the EU market

Dynamic injunctions allow enforcement to follow infringing services as they alter domains, IP addresses and technical infrastructure. Experience in several Member States shows their value. Making them available across the EU would increase legal certainty and limit cross-border evasion.

5. **If measures were to be taken at EU level with regard to dynamic injunctions applicable to time-sensitive copyright-protected content, including live events, what relevant safeguards (e.g. related to the update of blocked websites by rightholders, duration of the injunction, etc.) do you consider should accompany them? (***1000-character(s) maximum)*

Dynamic injunctions must remain agile enough to address evolving piracy operations while respecting proportionality, legal certainty and fundamental rights. Updates must be implemented as near as immediately after receipt of notification, without a new judicial or administrative procedure for each technical change.

Updates should rely on objective and verifiable evidence provided by right holders and remain subject to judicial or administrative supervision. Orders should reach all relevant intermediaries, including ISPs, DNS resolvers, VPNs and CDNs.

Member States that have a system in place that meets these conditions have no problem with overblocking. For example, in Italy AGCOM reported that, out of more than 150,000 reports, only two cases of overblocking were ascertained, both promptly resolved.

All intermediaries should be covered, including VPN and DNS providers (EU and non-EU). Injunctions should apply for the period needed to prevent or stop the infringement effectively.

PART III - USE IN THE EU OF THE SOUND RECORDINGS OF NATIONALS OF NON-EU COUNTRIES

1. Have the national rules implementing the single equitable remuneration due to phonogram producers and performers changed in your country or in the countries your organisation operates in to comply with the RAAP judgment?

- (●) Yes
- ( ) No
- ( ) The national legislation was already in line with the RAAP judgment
- ( ) I don't know

1a. Since the national legislation changed, have you been impacted by the new rules?

- (●) Yes
- ( ) No

1a1. What were the specific impacts of the new rules introduced at national level and are there any impacts you still expect?

- [ ] Higher remuneration received or expected for the broadcasting / communication to the public of phonograms
- [ ] Lower remuneration received or expected for the broadcasting / communication to the public of phonograms
- [ ] Higher tariffs to be paid for the broadcasting / communication to the public of phonograms
- [ ] Lower tariffs to be paid for the broadcasting / communication to the public of phonograms
- [ ] Fairer conditions in the sharing of the single equitable remuneration between performers and producers
- [ ] Any other financial consequences *(please specify)*
- [ ] Contracts had to be renegotiated
- [●] Any other impact(s) *(please specify)*
- [ ] No impact
- [ ] Do not know

1b. In your view, if new rules had been introduced in your country to comply with the RAAP judgment, what could be their impacts?

- ☐ Higher remuneration received or expected for the broadcasting / communication to the public of phonograms
- ☐ Lower remuneration received or expected for the broadcasting / communication to the public of phonograms
- ☐ Higher tariffs to be paid for the broadcasting / communication to the public of phonograms
- ☐ Lower tariffs to be paid for the broadcasting / communication to the public of phonograms
- ☐ Fairer conditions in the sharing of the single equitable remuneration between performers and producers
- ☐ Any other financial consequences *(please specify)*
- ☐ Contracts had to be renegotiated
- ☐ Any other impact(s) *(please specify)*
- ☐ There would be no impact
- ☐ Do not know

6. **Please provide details of the other financial consequences of the new rules. (***1000-character(s) maximum)*

1. **Please explain the other impacts of the new rules. (***1000-character(s) maximum)*

Prior to the ruling, the way in which this equitable remuneration (ER) was collected and distributed across the EU was already characterised by a significant lack of harmonisation among Member States (and sometimes even within a single Member State). The varied ways in which Member States have responded to this ruling have only exacerbated this lack of harmonisation, increasing the legal uncertainty for broadcasters.

In some countries ACT members have been confronted with an increase of the tariff for the ER for the use of an unaltered repertoire.

More importantly, ACT members continue to be confronted with the collection of this ER for phonograms that have been incorporated in AV works, which is in conflict with the established case law of the Court of Justice (Atresmedia case).

2. In your view, what would be the most appropriate approach at EU level as regards the application of the single equitable remuneration to phonogram performers and producers from non-EU countries?

- ○ Status quo (national treatment continues to apply at EU level for phonogram producers and performers from non-EU countries)
- ○ Introducing material reciprocity in EU law for the application of the single equitable remuneration across the EU (all EU MS should apply material reciprocity, i.e. the single equitable remuneration would only be granted to phonogram producers and performers from non-EU countries which grant EU phonogram producers and performers equivalent remuneration)
- ○ Introducing material reciprocity in EU law for the application of the single equitable remuneration as a common minimum standard at EU level, while allowing EU Member States to provide, at national level, broader protection to non-EU countries' rightholders through national treatment
- ● Other - please explain

Other - please explain. (*1000-character(s) maximum)*

From the perspective of commercial broadcasters and AV services, it is essential that any possible legislative intervention should pursue legal certainty, be narrow in scope to avoid market disruption and consider the diversity of national remuneration systems, collective management practices and contractual practices.

Any EU intervention should be carefully calibrated and based on a thorough assessment of its economic and operational consequences for users, including TV broadcasters.

Regardless of any reform in relation to the international dimension of Article 8.2 Dir 2006/115/EC, it should be clearly confirmed that the right to single equitable remuneration applies exclusively to the use of phonograms as such. Where a phonogram has been incorporated into an AV work, the subsequent communication of that work does not trigger the SER right. This clarification is essential to avoid legal uncertainty and to prevent attempts to extend the scope of Article 8.2 beyond its intended limits.

3. **In your view, what would be the impacts of each of the following options on your business /activity?** *Note that you may choose not to answer any option on which you have no opinion by leaving the relevant boxes unticked.*

-

	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
Status quo	○	○	●	○	○
Introducing material reciprocity in EU law for the application of the single equitable remuneration across the EU	○	○	●	○	○
Introducing material reciprocity in EU law for the application of the single equitable remuneration across the EU as a common minimum standard, while allowing EU Member States (MS) to provide, at national level, broader protection to non-EU countries' rightholders through national treatment	○	○	●	○	○

Please explain your answer: (*1000-character(s) maximum)*

It is unclear from the question whether status quo refers to a continutation of the current situation (November 2026) or a return to the legal situation that existed in September 2020. Several Member States have already changed their legislation in result of the ruling of the CJEU, with increased tariffs as a result. A status quo that aims at maintaining these increased tariffs cannot be supported by commercial broadcasters and AV services.

From the perspective of commercial broadcasters and AV services, it is essential that any possible legislative intervention should pursue legal certainty, be narrow in scope to avoid market disruption and consider the diversity of national remuneration systems, collective management practices and contractual practices.

4. Do you think that introducing, across the EU, material reciprocity in EU law for the application of the single equitable remuneration right would contribute to:

	Yes	No
Increasing the remuneration of European music performers and producers	○	○
More investment in national / European music talents	○	○
Fair conditions to be involved in the recorded music business in the internal market	○	○
Cultural diversity in the EU	○	○
Strengthening the position of the EU in trade negotiations with third countries	○	○
Increasing the level of protection of music performers and producers in third countries	○	○
Fair conditions in the collection and distribution of the single equitable remuneration	○	○
Fair conditions in the sharing of the single equitable remuneration between performers and producers	○	○

5. Do you think that introducing material reciprocity in EU law for the single equitable remuneration right as a common minimum standard, while allowing EU Member States to provide, at national level, broader protection to non-EU countries' rightholders through national treatment, would contribute to

	Yes	No
Increasing the remuneration of European music performers and producers	○	○
More investment in national / European music talents	○	○
Fair conditions to be involved in the recorded music business in the internal market	○	○
Cultural diversity in the EU	○	○
Strengthening the position of the EU in trade negotiations with third countries	○	○
Increasing the level of protection of music performers and producers in third countries	○	○
Fair conditions in the collection and distribution of the single equitable remuneration	○	○
Fair conditions in the sharing of the single equitable remuneration between performers and producers	○	○

PART IV - COPYRIGHT AND RESEARCH

1. **Have you experienced specific challenges or barriers related to the use of copyright-protected content for scientific research activities, including across borders?**

- ○ Yes
- ○ No
- ● Not applicable

Please describe the challenges or barriers you have encountered:
(*1000-character(s) maximum)*

2. **Do you think that the existing copyright exception for scientific research provided for in Article 5 (3)(a) of Directive 2001/29/EC is fit-for-purpose to support research in the digital and cross-border environment?**

- ● Yes
- ○ No
- ○ I don't know

Please explain your answer: (*1000-character(s) maximum)*

Yes, it is. While improving legal certainty for legitimate research activities is important, any harmonisation or clarification should not result in expansion of the exception beyond its original scope.

The distinction between non-commercial research and commercial exploitation is increasingly blurred, particularly in the context of AI and other data-intensive technologies. Broadening the exception could facilitate the use of protected content beyond genuine research purposes, including situations where content accessed under a research exception subsequently enters commercial value chains without appropriate authorisation or remuneration.

The current framework provides an appropriate balance between enabling research and preserving the system of exclusive rights and licensing. Any future measures should therefore remain strictly limited to clearly defined non-commercial research purposes, comply with the three-step test, and avoid undermining existing licensing markets.

3. **In your view, what would be the most appropriate approach at EU level to tackle the challenges and barriers related to the use of copyright-protected content for scientific research, including cross-border research collaboration?**

- (●) Maintain the status quo: no changes to the copyright regulatory framework
- ( ) Work on increasing awareness on allowed uses and developing guidelines
- ( ) Changes to the regulatory framework at the EU level
- ( ) Other: please explain

Other: please explain. (*1000-character(s) maximum)*

3a. In your view, what are the changes related to the research exception under the Infosoc Directive which could be considered at EU level? *(select all that apply)*

- [ ] Making the exception mandatory for all Member States
- [ ] Clarifying the beneficiaries of the exception
- [ ] Clarifying the purpose of the exception, scope of permitted use and conditions of applicability
- [ ] Removing the non-commercial condition attached to the existing exception
- [ ] Allowing cross border uses of protected content under the exception
- [ ] Ensuring that technological protection measures do not prevent beneficiaries from uses under the exception
- [ ] Ensuring that the exception cannot be overriden by contracts
- [ ] Other: please specify

Other: please specify. (*200-character(s) maximum)*

4. **Considering possible changes to the EU copyright regulatory framework (research exception under the Infosoc Directive), what would be in your view the impacts of the following options on your business, innovation, research and/or other activities?**

Note that you may choose not to answer any option on which you have no opinion by leaving the relevant boxes unticked.

	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
Making the exception mandatory for all Member States	●	○	○	○	○
Clarifying the beneficiaries of the exception	○	○	○	○	●
Clarifying the purpose of the exception, scope of permitted use and conditions of applicability	○	○	○	○	●
Removing the non-commercial condition attached to the existing exception	●	○	○	○	○
Allowing cross border uses of protected content under the exception	●	○	○	○	○

Ensuring that technological protection measures do not prevent beneficiaries from uses under the exception	●	○	○	○	○
Ensuring that the exception cannot be overridden by contracts	●	○	○	○	○
Use this row to indicate the impact of the change you suggested under "other" in the question above	○	○	○	○	○

Please elaborate your answer: (*1000-character(s) maximum)*

The objective to enable authors of scientific works to disseminate their research independently should be addressed through targeted contractual mechanisms, rather than by altering the scope of the research exception. Efforts should focus on ensuring its consistent application and legal certainty.

The current research exception already provides the necessary flexibility to support scientific research, including in a digital and cross-border environment. A broader exception risks enabling situations where content is lawfully accessed within a public research environment but subsequently transferred to or exploited by private partners for commercial purposes (dataset laundering), effectively bypassing licensing requirements.

In the current digital environment, particularly in the context of data-intensive technologies, the distinction between non-commercial research and commercial exploitation is increasingly blurred. The non-commercial condition can therefore not be removed.

5. **Have you faced issues in sharing your own work or accessing others' works produced in the context of publicly funded research (e.g. scientific publications, such as articles, books, conference papers)?**
   - ○ Yes
   - ○ No
   - ● Not applicable

Please specify what problems you faced. (*1000-character(s) maximum)*

6. **In your view, what would be the most appropriate approach to tackle the challenges related to the sharing and accessing of scientific publications / works produced in the context of publicly funded research?**
   - ● Maintain the status quo: no changes to the copyright regulatory framework
   - ○ Issuing recommendation and/or guidance to Member States to encourage and support open access to publicly funded research results
   - ○ Introducing a harmonised secondary publication right in EU copyright legislation
   - ○ Other: please explain

Other: please explain. (*1000-character(s) maximum)*

7. **In your view, which of the following statements best describe the added value and/or risks related to the possible introduction of an EU-wide secondary publication right?** (select all that apply)
   - ☐ It will be easier for researchers to share their research publications more widely.
   - ☐ It will be easier for researchers to access publicly funded research publications and use them for the benefit of further research
   - ☐ It will strengthen the position of scientific authors when transferring rights to publishers

- ☐ It will facilitate the commercial exploitation of research publications (e.g. accelerating their route to market, supporting the faster adoption of research results into products and services)
- ☐ It will disrupt existing publishing models, potentially affecting journal operations and quality of scientific publications overall, and reducing the incentives for investment in publishing
- ☐ It will make it more difficult for researchers to publish their works in journals
- ☐ It will have no additional effects as currently available open access routes are sufficient to share and access scientific publications
- ☐ It is not possible to estimate the effect of its introduction
- ● Other: please explain

Other: please explain. (*1000-character(s) maximum)*

All the above statements approach the exception from too narrow a perspective and fail to take into account the broader societal impact of the proposal. Any objective to enable authors of scientific works to disseminate their research independently should be addressed through targeted contractual mechanisms, rather than by altering the scope of the research exception embedded in the Infosoc directive.

Further harmonisation could increase the volume of protected content that can be accessed and used without authorisation, thereby creating a risk of downstream uses that go beyond the intended research purpose.

A broader or more flexible research exception risks enabling situations where content is lawfully accessed within a public research environment but subsequently transferred to or exploited by private partners for commercial purposes (dataset laundering), effectively bypassing licensing requirements.

8. **Considering possible changes to the EU copyright regulatory framework (introduction of an EU-wide secondary publication right), what would be in your view the impacts of the following options on your business, innovation, research and/or other activities?**

SPR Scenario	Strong negative impact	Moderate negative impact	Neutral	Moderate positive impact	Strong positive impact
The SPR would apply only to scientific journal articles and would allow authors to make publicly accessible the author accepted manuscript after an embargo period	○	○	○	○	○
The SPR would apply only to scientific journal articles and would allow authors to make publicly accessible the author accepted manuscript without embargo period	○	○	○	○	○
The SPR would apply to scientific journal articles and all forms of scholarly output that enjoy copyright protection and would allow authors to make publicly accessible the author accepted manuscript without embargo period	○	○	○	○	○
The SPR would apply to scientific journal articles and would allow authors to make publicly accessible the author accepted manuscript without embargo, and the version of record (VoR) after an embargo period	○	○	○	○	○
The SPR would apply to scientific journal articles and all forms of scholarly output that enjoy copyright protection and would allow authors to make publicly accessible the author accepted manuscript without embargo, and the version of record (VoR), after an embargo period	○	○	○	○	○

Please elaborate your answer: (*1000-character(s) maximum)*

9. **Would your responses to the previous question change if any amount of public funding would allow for the SPR provision to come into effect?**

If so, please elaborate how and what percentage of public funding you would find adequate. (1000-character(s) maximum)