

EN

E-002840/2024

Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(11.2.2025)

Whether any subject matter enjoys protection as a work of authorship and merits copyright protection under EU copyright law would depend on whether it qualifies as an original work and can be expressed in a manner which makes it identifiable with sufficient precision and objectivity. If subtitles meet the criteria for copyright protection, their use by third parties must be authorised by the relevant rightsholders, unless specific exceptions or limitations apply in EU copyright law.

Article 4 of Directive (EU) 2019/790¹ introduces an exception for text and data mining carried out on lawfully accessible copyright-protected content, which provide a relevant framework for the use of protected content for the training of artificial intelligence (AI) models. Under Article 4(3) of Directive (EU) 2019/790, rightsholders can expressly reserve the right ‘in an appropriate manner such as machine-readable means’, thus preventing their works from being used under the exception for text and data mining purposes, including in the context of AI. The respect of such rights reservation is supported by the AI Act². Under the AI Act, general-purpose AI model providers must put in place a policy to respect EU copyright law and make publicly available a sufficiently detailed summary of the content used for regardless of where the training occurs.

The Commission will continue to promote the development of AI in the EU, in the respect of copyright rules, by facilitating licensing between creative industries and AI companies.

¹ 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 <https://eur-lex.europa.eu/eli/dir/2019/790/oj>

² Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act). <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>