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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(21.3.2025)

Under EU law, the use of copyright-protected content requires the rightsholder's permission unless an exception to copyright applies.

Article 4 of Directive (EU) 2019/790¹ introduced an exception for text and data mining, which provides a relevant framework for the use of protected content for Artificial Intelligence (AI) training. Article 4(3) allows rightsholders to reserve their rights, thereby excluding the application of the exception. The opt-out can be used by rightsholders to negotiate licensing agreements with AI developers for the use of their content. Article 53(1) of the AI Act², which applies to general purpose AI models placed on the EU market regardless of where their training occurs, will support the enforcement of these rules. The Commission is committed to further supporting the development of a licensing market for the use of protected works for AI purposes.

Regarding AI-generated content, Article 50(2) of the AI Act requires AI system outputs to be marked in machine-readable format and detectable as artificially generated. The Commission is conducting research on existing watermarking methods by type of content. This will ensure traceability of AI-generated content, allowing users to be aware of the type of content they are exposed to and helping creators protect their works.

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>