



European  
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## NEWS MEDIA EUROPE

Putting an end to AI black boxes, unmitigated harms and unfair exploitation

To the attention of AI Act negotiators,

Europe's cultural and creative sector embraces AI and the extensive potential benefits and opportunities it creates. However, generative Artificial Intelligence (GAI) also raises concerns about various social and economic harms, such as breaches of intellectual property which pose an existential threat to our sector.

The EU has a unique opportunity to show leadership in encouraging the development of responsible AI systems. For this reason, we insist on the importance of ensuring core transparency standards to protect human creativity against the systemic and unfair exploitation by AI systems.

To achieve this, **it is essential to have precise knowledge of the content that has been used by AI systems for training, input or any other purpose.** The AI Act should build on the Parliament's proposal in Art. 28b para. 4(c) in a manner which would ensure that providers of generative AI systems are required to **keep a complete, comprehensive and up-to-date record of content used for training, input or any other purpose.**

Parliament's proposal to publish a "detailed summary" of copyrighted content used for training is fully justified and needed but formulated in a way that is **unclear and difficult to implement.** A simple summary would also fail in its purpose to provide rightsholders with a clear indication of whether their content is exploited.

Therefore, a revised wording is needed to ensure a workable and effective solution. We propose AI systems should be required to **"automatically record" all content and data fed into the system for training, input or any other purpose.** This automated recording process would not burden AI system providers disproportionately and enable creators to verify if their content has been used.

Transparency in the AI Act is not about changing copyright rules. However, transparency is a necessary condition for rightsholders to understand whether AI systems respect their choices—and their text and data mining preferences. In other words, without transparency rightsholders will be unable to exercise their rights under current copyright rules. **Only with transparency can rightsholders evaluate whether their opt-out (Article 4 of the Directive) has been taken into account in practice.**

Contrary to the wording in the EP's Art. 28b para. 4(c), imposing transparency would not result in burdensome and impractical regulation of AI systems. On the contrary, implementing automated record-keeping is technically feasible and establishes a foundational framework for the future relationship between AI systems and rightsholders in Europe.

Moreover, implementing such a recording system **would enhance quality control and play a vital role in safeguarding our societies and democratic discourse against disinformation and bias.** The automated record-keeping mechanism would enable verification of the content used, which contributes to the output presented to users, readers and consumers.

We therefore encourage you to consider our proposal for Art. 28b para. 4(c) and we remain at your disposal to provide any clarification you may require.

SIGNATORIES

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