



IFRRO Artificial Intelligence Position Statement March 2023

Artificial intelligence (AI) systems provide numerous opportunities for learning and innovation and simultaneously present a set of challenges, both legal and moral. Among these is how AI technologies can appropriately use copyright protected materials.

To best advance the copyright system's overall goals of advancing knowledge, science, arts and culture, it is imperative that AI-related policies include real protections for authors, artists, publishers and other rightsholders. Creators and other rightsholders provide the foundation upon which many AI technologies exist, and striking the correct balance will ensure that AI systems, as well as the copyrighted works on which they are built, thrive.

General Principles

To be successful, AI-related policies should encompass several general principles:

- ***Creators and Other Rightsholders Need Appropriate Protections***

Laws and policies regarding AI must preserve the integrity of copyright and licensing systems. Without these important foundations, the creation and dissemination of copyrighted works will suffer significantly. In turn, this will result in fewer works overall, including scientific, cultural and educational materials, to the substantial detriment of both rightsholders and society overall.

- ***Policy Changes Must Be Based on Strong Evidence and Study***

Copyright law has weathered many technological changes and has, overall, ably addressed previous challenges. To continue to do this, however, we should not rush and overlook the deeply important needs of authors and other rightsholders.

AI technologies today are often trained on the copyrighted works of others, and established copyright laws must not be weakened based on a mistaken belief that doing so is necessary to incentivize innovation related to AI technologies. This is especially true when, as here, there is no evidence of market failure or problems warranting changes to the law.

- ***Licensing and Collective Management are Essential***

Rightsholders and users have long used licensing systems to successfully address the desire to use copyrighted materials. Both individual licenses and collective management solutions are widely available in a variety of markets, including text-based markets relying on books, articles, and other written materials, and image-based markets relying on photographs, graphics, paintings, and other visual materials.

Collective management is particularly beneficial when there is a need to use large numbers of materials from numerous rightsholders, as is the case when using works to train AI systems, and can provide a sound, efficient, and fair way to protect both authors and other rightsholders, and users. Indeed, both individual and collective licenses are already available for training AI systems in certain circumstances, and those licensing systems, and others that follow, must be respected.



Enabling robust licensing markets and continuing to respect balanced copyright systems will benefit creators, publishers and other rightsholders, users of copyrighted works, and technology and society overall.

• ***Policies Must Be Balanced***

All copyright systems incorporate notions of balance between the rights of rightsholders and the interests of users in order to achieve the goals of producing and disseminating creative works, and derogations of exclusive copyright rights are subject to exceptions and limitations set forth in the Berne Convention.

The application of these exceptions and limitations to AI-related systems should be no different. Exceptions and limitations must consider the overall copyright system and should not harm existing or developing markets.

• ***Education and Transparency Are Critical to Successful Policies***

To have sound copyright policies, it is crucial that policymakers and others in the copyright system have a robust appreciation of the legal implications of using copyrighted works and why observing copyright law is important to our overall society.

This includes an understanding that using copyrighted works as inputs without authorization or remuneration to their proprietors, particularly in a commercial context, can result in infringement, and an understanding that liability is likely to be greater where an AI technology produces materials that compete with the underlying copyrighted works for readers as well as for financial and other rewards.

In addition, appropriate policies and their fair implementation must be based on transparency requirements, which should include recording and exposing to rightsholders what copyrighted materials and data are used by AI systems and for what purpose. Transparency is crucial in promoting safe, ethical and unbiased AI systems, and allows for a better understanding of uses of copyrighted materials.

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