



Resolution 2654 (2026)¹

Copyright enforcement in the artificial intelligence environment

Parliamentary Assembly

1. The Parliamentary Assembly stresses that intellectual property rights are a fundamental catalyst for innovation and investment across diverse industry sectors.
2. The Assembly values the fact that cultural and creative industries represent a significant economic force in Europe, with a workforce numbering in the millions. These industries depend on copyright law for the protection of the rights and interests of authors and other rightsholders as well as for the remuneration of their creative works and contributions.
3. The Assembly acknowledges that the emergence of the artificial intelligence (AI) era has given rise to a particularly challenging set of issues for the creative sector.
4. In order to feed their data-hungry systems, AI companies are scraping the internet without prior permission and without remunerating content creators, on the basis of legislative provisions that are neither clear nor fit for purpose.
5. AI training requires the making of copies at different stages: from the initial web scraping and the creation, online publication and downloading of datasets, to the actual AI training with those datasets and the use of the resulting model. Those copies, if the originals are protected by copyright, are acts of reproduction and would require the authorisation of the relevant rightsholders unless they are covered by a copyright exception or limitation.
6. The Assembly notes that current European Union legislation does not offer a solution to this problem. The “text and data mining exceptions”, which were adopted before the advent of generative AI, place the onus on copyright holders to opt out of this exception and do not include any remuneration provisions.
7. Moreover, there are doubts regarding the applicability of the text and data mining exceptions to generative AI, in particular since these exceptions must comply with Article 5, paragraph 5, of European Union Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society, which states that limitations or exceptions apply only to “certain special cases which do not conflict with a normal exploitation of the work or other subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder”.
8. The Assembly underlines that such a legal environment is particularly advantageous for US and Chinese companies. Without a level playing field, innovation and competition in Europe will suffer. In the absence of fairness, existing disparities in wealth and power will be exacerbated. Unfortunately, the present legal system is incapable of rectifying market failure, as regulators and smaller competitors lack the financial resources to match the billion-dollar legal expenditure of tech giants. Furthermore, judicial proceedings themselves are inadequate for addressing public goods such as trustworthy information and digital infrastructure, or externalities, including disinformation and environmental damage.

1. *Assembly debate* on 23 April 2026 (17th sitting) (see [Doc. 16374](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Mr Mogens Jensen). *Text adopted by the Assembly* on 23 April 2026 (17th sitting).



9. In particular, the sustainability of the news media ecosystem may be at risk due to the immediate, short-lived economic value of news content. It is important to note that lengthy litigation is not an effective solution to loss of revenue when platforms use that content without fair payment. During protracted legal proceedings, platforms can generate advertising revenue and consolidate their market position, while publishers forfeit revenue that is irrecoverable in the long term.

10. In addition, the impressive capabilities of generative AI tools in generating new content give rise to other copyright-related issues.

11. There is an ongoing legal debate about the “copyrightability” of works created using AI tools, and about who would hold the rights resulting from them. Whereas it seems obvious that an AI tool cannot be a holder of rights, a case-by-case analysis might be required to determine whether a work created with the intervention of an AI tool can have a natural person as an author.

12. In any event, it is important to note that content generated by AI systems that is based on copyrighted material has the potential to infringe the rights of reproduction, communication and making available to the public of copyright holders.

13. Generative AI content aiming to mislead people (“deepfakes”) is a subject of widespread concern. Deepfakes are not inherently harmful and can be used for purposes that are legal, such as parody. However, they can be misused for disinformation purposes and for manipulating public opinion in electoral processes and can violate personality rights by misusing a person’s image and voice. This violation of personality rights can be particularly harmful when it involves the image of minors.

14. In light of all these considerations, the Assembly calls on Council of Europe member States to adopt a regulatory approach that balances the rights and interests of AI providers and rightsholders so that innovation is not achieved at the expense of creators, and to protect citizens and democracy at large against the abuse of AI tools. In this respect, they should in particular:

14.1. clarify in their national legislation that copyright exceptions such as the text and data mining exceptions introduced by European Union Directive (EU) 2019/790 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC are not applicable to the training of AI systems;

14.2. sign and ratify the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225) and adopt or maintain measures to ensure that adequate transparency and oversight requirements are in place to facilitate the possibility for parties with legitimate interests, including copyright holders, to exercise and enforce their intellectual property rights;

14.3. require that providers of AI systems disclose training data so that rightsholders can assert their rights and provide substantiation in a court of law for any unauthorised utilisation of their content;

14.4. introduce a rule in their national legislations whereby it would be presumed that commercial AI systems have been trained on copyright-protected material in cases where transparency requirements are not met;

14.5. introduce, in their national legislation, fair remuneration rules based on an independent valuation for cases where access to data is not possible and support collective licensing schemes in this regard;

14.6. introduce a compulsory final offer arbitration model that allows a negotiating party to make a request for binding arbitration to the relevant national ministry when another of the parties has broken off negotiations, refused a request for negotiations or when negotiations do not seem likely to lead to a result;

14.7. require that content generated by AI systems is disclosed as such by appropriate labelling that is machine readable, interoperable and easily identified by human beings;

14.8. require that the unauthorised distribution of realistic digitally generated imitations of personal characteristics is considered illegal in their national legislation;

14.9. require that performers and artists are protected against the unauthorised distribution of realistic digitally generated imitations of their performances or artistic achievements;

14.10. promote media and information literacy and invest in media and civic education programmes to uphold critical thinking, especially with regard to AI tools and the understanding of their output.

15. The Assembly calls on AI providers to ensure transparency of data used for AI training and demonstrate openness to dialogue and good will in negotiations with rightsholders.