

Joint statement from authors' and performers' organisations on Artificial Intelligence and the AI Act



True culture needs originals: Transparency and consent are key to the ethical use of AI

Brussels, 9th of February, 2023

As the European institutions are now addressing further the opportunities, risks and challenges raised by Artificial Intelligence (AI) through various legislative initiatives, the undersigned federations of authors' and performers' organisations across Europe's cultural and creative sectors (representing hundreds of thousands authors and performers) wish to contribute to the ongoing decision-making process on AI, notably on the so-called "AI Act"¹ and its transparency obligations for certain AI systems, as set out in Article 52.

Authors and performers embrace the advancement of digital technologies to enrich their artistic works and tell diverse stories. However, AI technologies increasingly use authors' and performers' works and creations to "feed" and train their applications without their consent or knowledge, in breach of authors and performers' rights granted under international, EU or national laws. In this era of rapidly advancing AI technologies, whose principle consists solely of copying and mixing, **we must highlight the urgent need to protect the works and performances of professional authors and performers from misappropriation. Not only to preserve their livelihoods, but also to inform citizens about the use of original works by AI applications.**

We support a human centric approach of AI, based on fundamental rights (including artistic freedom and the right to property), the highest level of transparency required

¹ [Proposal for a Regulation laying down harmonised rules on artificial intelligence {SEC\(2021\) 167 final} - {SWD\(2021\) 84 final} - {SWD\(2021\) 85 final}](#)

for AI users and AI-made texts, images, audio, videos, etc., and the absolute need to get consent from authors and performers to use their work through AI technologies – or to use AI technologies in their creative process.

Article 52 of the AI Act of the European Commission proposal includes important transparency safeguards requiring “*users of an AI system that generates or manipulates image, audio or video content*” to disclose that the content has been artificially generated or manipulated. **However, the Council’s general approach now includes an exception to this principle, “where the content is part of an evidently creative, satirical, artistic or fictional work or programme subject to appropriate safeguards for the rights and freedoms of third parties”** (Article 52, paragraph 3 and corresponding recital 70).

Authors and performers strongly object to this amendment and urge all EU policy makers involved to oppose such an ambiguous and pernicious wording, which may well be used against the rights and interests of authors, performers, and citizens alike.

We oppose any necessity to exclude this content from the transparency requirements and any compelling need for secrecy regarding use of AI. On the contrary, we strongly support maximum transparency in any aspect of the development, production, and the delivery of creative works by means of AI technologies. Providing unwarranted exceptions to transparency would have harsh consequences on both our economic and moral rights (including the right to attribution) and on our ability to exercise them.

We therefore also call on a clarification of the approach contemplated by the European Parliament Legal Affairs committee in its amendments to Article 52 (3) (AM 90, 91, 92) to make sure that all “deep fakes” are encompassed and that when use of AI is made to generate or manipulate content as part of an evidently creative, artistic or fictional audio-visual or videogame work, any such transformative work is based on consent of the resembled, or otherwise concerned, person.

We urge all EU policy makers to place both the notion of transparency and of consent of authors and performers to use their work at the heart of all their initiatives related to the use of AI. We look forward to working with the European institutions to achieve a result that forwards the advancement of AI technologies to serve and enhance human creativity, whilst continuing to promote original content and protecting the hundreds of thousands of authors and performers we represent whose livelihood depends on the recognition, and fair reward, of their creative work.

- **ECSA (European Composer and Songwriter Alliance)** - The European Composer and Songwriter Alliance (ECSA) represents over 30,000 professional composers and songwriters in 27 European countries. With 54 member organisations across Europe, the Alliance speaks for the interests of music creators of art & classical music (contemporary), film & audiovisual music, as well as popular music.

Web: www.composeralliance.org / EU Transparency Register ID: 71423433087-91
- **EWC (European Writers' Council)** represents 46 writers' and literary translators' associations from 31 countries. EWC's members comprise over 160.000 professional authors in the text and book sector.

Web: <https://europeanwriterscouncil.eu> / EU Transparency Register ID: 56788289570-24
- **FERA (Federation of European Screen Directors)** - The Federation of European Screen Directors (FERA), founded in 1980, represents film and TV directors at European level, with 48 directors' associations as members from 35 countries. We speak for more than 20,000 European screen directors, representing their cultural, creative and economic interests.

Web: <https://screendirectors.eu> / EU Transparency Register ID: 29280842236-21
- **FIA (International Federation of Actors)** – The International Federation of Actors is a global union federation representing performers' trade unions, guilds and professional associations in about 70 countries. In a connected world of content and entertainment, it stands for fair social, economic and moral rights for audiovisual performers working in all recorded media and live theatre.

Web: www.fia-actors.com / EU Transparency Register ID: 24070646198-51
- **FIM (International Federation of Musicians)** - The International Federation of Musicians (FIM), founded in 1948, is the only body representing professional musicians and their trade unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as the ILO, WIPO, UNESCO, the European Commission, the European Parliament or the Council of Europe.

Web: <https://www.fim-musicians.org> / EU Transparency Register ID: 01953872943-65
- **FSE (Federation of Screenwriters in Europe)** - The Federation of Screenwriters Europe is a network of national and regional associations, guilds and unions of writers for the screen in Europe, created in June 2001. It comprises 25 organisations from 19 countries, representing more than 7,000 screenwriters in Europe.

Web: www.federationscreenwriters.eu / EU Transparency Register ID: 642670217507-74