



AUTHORS', PERFORMERS' AND OTHER CREATIVE WORKERS' ORGANISATIONS JOINT STATEMENT ON ARTIFICIAL INTELLIGENCE AND THE DRAFT AI ACT

BRUSSELS, 26TH SEPTEMBER, 2023

We represent several hundred thousand professional authors, performers, and other creative workers and artists, who rely entirely on their ability to license and control the use of their work, as well as their voice, likeness, and other personal data, to make a living. We all share a common concern as generative AI rapidly spreads in a legal environment which is poorly enforced and lacks adequate safeguards regarding the use of our members' works and personal data for AI training purposes. Equally problematic are the numerous unauthorised, abusive, and deceptively transformative uses of our members' protected works and personal data by AI-powered technologies.

Our eyes are on the EU AI Act, which represents the first attempt by a major regulator to establish a legal framework for the advancement of this technology, while safeguarding fundamental societal and individual rights. As the negotiation of this Proposal enters its final “trilogue” stage, **we must reiterate our position and insist on the absolute need for a human-centric approach to regulating generative AI.** This approach should recognise, secure and enforce the right of our members to control the use of their artistic creations during the machine-learning process. To make sure it protects human artistry and creativity, **it must be built upon principles of informed consent, transparency, fair remuneration and contractual practices.**

We acknowledge that AI represents an extraordinary technological advancement with immense potential to enhance various aspects of our lives, including in our sectors. However, it is crucial to recognise that alongside these benefits, there exists a darker aspect to this technology. Generative AI is trained on large sets of data and huge amounts of protected contents scraped and copied from the internet. It is programmed to deliver outputs that closely mimic and have the ability to compete with human creation. This technology poses several risks to our creative communities:

Firstly, the protected works, voices, and images of our members are often used without their knowledge, consent and remuneration to generate content. Some of these uses may harm their moral and personality rights and prejudice their personal and professional reputation. Additionally, there is a risk that their own work may become displaced, forcing them to compete against their digital replicas, with dire economic consequences. **There is also a broader societal risk, as people may be led to believe that the content they encounter—whether in text, audio, or visuals—is a genuine and truthful human creation, when it is the mere result of AI generation or manipulation.** This deception can have far-reaching implications for the spread of misinformation and the erosion of trust in the authenticity of digital content.

AI cannot be permitted to develop in a manner that disregards fundamental rights, such as authors and performers rights, image, and personality rights, and it should not be employed in ways that may deceive the general public. As the AI Act approaches its final stage of negotiations, the creative professionals we represent request absolute transparency to be prioritised. This is essential to ensure that informed consent and fair remuneration can be agreed upon, effectively implemented and enforced in relation to both the input (protected contents and data used by machine-learning) and the output (results generated).

Authors, performers and other creative workers should be informed and have accessible means to give or withhold authorisation when their protected contents or personal data are used, or are planned to be used, to train AI. This is essential for them to be able to engage on fair terms with those using and benefiting from their creative contents and their value, determining aspects such as the scope, purpose and length of usage and how they may be remunerated for such use. At present, neither the CDSM directive (and in particular Article 4 and its so-called “opt-out” mechanism) nor the GDPR are adequately enforced in this radically new technological environment. **It is crucial to acknowledge that none of the protections built into these legal instruments has a slightest chance to work if strict transparency requirements are not placed upon developers of generative AI.** We welcome the European Parliament proposals to include specific transparency requirements for AI foundational models, but **it is paramount to further enhance these safeguards** by encompassing the reproduction of any protected works and any personal data for purposes of training these models. Scraping and mining to train AI were initially permitted for research and trend analysis purposes; today, this has become an integral part of generating content: legislation must reflect this change in the use of protected works and personal data.

The AI Act should also impose strict visible and/or audible labelling obligations to all deployers of generative-AI powered technologies, warning the general public about the fact that what they are watching, listening to or reading has been altered or generated by AI. While these obligations may be adapted to the nature of the content in order not to hinder its exploitation, we firmly reject broad exceptions that would render labelling obligations practically meaningless, such as when it is deemed “necessary for the exercise of the right to freedom of expression and the right to freedom of the arts and sciences guaranteed in the Charter of Fundamental Rights of the EU”, or “where the content is part of an evidently creative, satirical, artistic or fictional work”.

We urge the European institutions to agree on a balanced regulation that not only forwards the advancement of AI technologies but also promotes original human creativity in our societies and preserves the rights and livelihoods of the authors and artists we represent.

- **CEATL (European Council of Literary Translators' Associations)** was created in 1993 as a platform where literary translators' associations from different European countries could exchange views and information, and join forces to improve status and working conditions of translators. It now unites 34 member associations from 26 countries across Europe, representing some 10,000 individual literary translators.

Web: www.ceatl.eu / EU Transparency Register ID: 65913704675-82

- **ECSA (European Composer and Songwriter Alliance)** 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

- **EFJ (European Federation of Journalists)** is the largest organisation of journalists in Europe, representing over 320,000 journalists in 73 journalists' organisations across 45 countries. The EFJ is recognised by the European Union and the Council of Europe as the representative voice of journalists in Europe. The EFJ is a member of the European Trade Union Confederation (ETUC).

Web: www.europeanjournalists.com / EU Transparency Register ID: 27471236588-39

- **EGAIR (European Guild for Artificial Intelligence Regulation)** is a network of creatives and associations from all over Europe, lobbying for the protection of artists' works and data from AI companies. Originally founded by MeFu, the Italian association of comic book creators, EGAIR now represents over 20.000 creatives, artists and associations.

Web: www.egair.eu / EU Transparency Register ID: 385629348610-21

- **EWC (European Writers' Council)** is the world's largest federation representing solely authors from the book sector and constituted by 49 national professional writers' and literary translators' associations from 31 countries. EWC members comprise over 220.000 professional authors, writing and publishing in 33 languages.

Web: <https://europeanwriterscouncil.eu> / EU Transparency Register ID: 56788289570-24

- **FERA (Federation of European Screen Directors)** represents film and TV directors at European level, with 48 directors' associations as members from 35 countries. Founded in 1980, FERA speaks 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)** 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 audio-visual 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)** is the only body representing professional musicians and their trade unions globally, with members in about 65 countries covering all regions of the world. Founded in 1948, 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)** 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

- **IAO (International Artist Organisation)** is the umbrella association for national organisations advocating for the rights and interests of the Featured Artists in the music industry. Our main interests are transparency, the protection of intellectual property rights and a fair reflection of the value an artist's work generates.

Web: www.iaomusic.org / EU Transparency Register ID: 490166825799-90

- **IFJ (International Federation of Journalists)** is the world's largest organisation of journalists, representing 600,000 media professionals from 187 trade unions and associations in more than 140 countries.

Web: www.ifj.org / EU Transparency Register ID: 999725935832-94

- **UNI MEI - UNI - Media, Entertainment and Arts** unites over 140 unions and guilds to raise standards and enforce rights for more than 500.000 creatives, technicians and auxiliary workers. Together, our members work for a fair, inclusive, equal, and sustainable global entertainment industry and a just transformation.

Web: www.uniglobalunion.org / EU Transparency Register ID: 605859248462-93

- **UVA (United Voice Artists)** is a global coalition of voice acting guilds, associations, and unions that have united to pursue their shared goals of protecting and preserving the act of creating, in particular, through the human voice. This collaborative effort brings together prominent associations and unions from the European Union, including France, Spain, Italy, Germany, Austria, Belgium, and Poland, as well as organizations in Switzerland, Turkey, the United States of America, Africa and in South America.

Web: www.unitedvoiceartists.com / EU Transparency register ID: 810100650765-18