[ES] Interruption of adoption of draft royal decree regulating the granting of extended collective licences for mass exploitation of protected works for the development of general-purpose AI models

IRIS 2025-2:1/12

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On 29 January, the Spanish Minister for Culture decided to suspend the adoption of the decree on extended collective licences for generative AI in order to initiate dialogue with the cultural sector after numerous stakeholders in the audiovisual sector expressed opposition and concerns. Those affected by the decree fear a real threat to copyright or an attempt by tech firms to interfere in the regulation of the use of works.

The draft decree was in line with EU Directive 2019/790, which authorises member states to establish extended collective licences for the mass exploitation of cultural works for the training of AI models (see IRIS 2025-1:1/5).

However, this proposal has attracted considerable criticism from artists, writers and other professionals in the cultural sector, as well as their organisations and unions.

The most critical fear that these regulations will enable large tech companies to retroactively legalise the massive and arbitrary use of works without the prior consent of or financial compensation for their creators. By suspending the implementation of the decree, the Spanish government hopes to reopen the debate on this legislation in order to avoid infringing creators' rights.

This controversy raises the issue of intellectual property and the implications of AI. The *Sociedad General de Autores y Editores* (general society of authors and publishers – SGAE) is the decree's only backer, although it is also calling for measures to protect authors' rights. On the other hand, bodies such as the federation of entertainment, graphic arts, audiovisual and paper trade unions, which is affiliated to the *Confederación General del Trabajo* (general confederation of labour – CGT), reject the draft decree in its entirety and denounce a model which, in their view, "breaches the current social contract and the expropriation of copyright throughout the country."

In this context, several associations and representatives of the sector have expressed their opposition through the #ASÍNO (#NOTLIKETHIS) movement, which includes bodies such as the *Alianza Audiovisual* (audiovisual alliance), the

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Asociación de Directores de Escena de España (association of Spanish stage directors), the *Sección Autónoma de Traductores de Libros* (autonomous division of book translators) and the *Federación de Asociaciones de Ilustradores/as de España* (federation of Spanish illustrators' associations).

These bodies warn of the risks posed by the decree, which facilitates the exploitation of works without the explicit agreement of their authors by legitimising unauthorised use through extended collective licences. Although the proposed decree contained an opt-out clause enabling creators to remove their works from these arrangements, most of the audiovisual sector thought this mechanism was inadequate. Rightsholders are therefore calling for a decree that offers greater protection for their intellectual property rights.

Over the coming months, consultations and negotiations will take place in an attempt to come up with a text that reconciles technological innovation and copyright protection.

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