[GB] UK Government published consultation paper on copyright and artificial intelligence

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On 17 December 2024, the Department for Science, Innovation and Technology (in conjunction with the Department for Culture, Media and Sport and the Intellectual Property Office) presented to parliament an open consultation paper (the Consultation) about the impact of Artificial Intelligence (AI) and copyright. The Consultation poses 47 questions and participants have until 25 February 2025 to comment.

The Consultation reflects the significance of the UK creative industries and their contribution to the UK economy suggesting that the creative industries contribute GBP 124.8 billion to the economy annually. The Consultation cites the 2024 AI Global Index whereby the UK was ranked third for the highest number of funded startups between 2013 and 2022.

The Consultation presents the government's plan to provide a copyright and AI framework aiming to reward human creativity; it incentivises AI innovation but provides long-term growth for both sectors.

The Consultation highlights the concerns of copyright holders and AI developers. Rights holders assert that their copyright material is being used to train AI models with no control or remuneration. Meanwhile, AI developers assert difficulty in developing AI models due to uncertainty over the application of copyright law. The Consultation suggests this lack of clarity means that leading AI developers do not train their models in the UK but use jurisdictions with clearer or more permissive rules.

The Consultation suggests that this restricts innovation and investment in AI. At the same time, the creative industry suggests that this uncertainty restricts their ability to enforce their rights. The Consultation seeks views about how to deliver a solution that achieves key objectives for both the AI sector and creative industries.

These objectives include supporting rights holders' control of their content and ability to be remunerated for its use, and supporting the development of world-leading AI models in the UK by ensuring wide and lawful access to high-quality data whilst promoting greater trust and transparency between the sectors.

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The Consultation outlines the government's suggested interventions to address the concerns of both sectors. The proposed interventions include a mechanism for rights holders to reserve their rights, enabling them to license and be paid for the use of their work in AI training. Further, the government proposes an exception to support use at scale of a wide range of material by AI developers where rights have not been reserved.

However, for this approach to work, the Consultation suggests greater transparency from AI developers is a prerequisite, including transparency about the material developers use to train models, how they acquire it, and about the content generated by their models.

The Consultation recognises that legislation may be required to provide legal certainty depending upon the outcome of the consultation process.

Further, the Consultation recognises that an effective system requires a simple technical means for creators to exercise their rights, either individually or collectively. The AI developers and creatives need to collaborate to create a technical system ensuring the control and licensing of copyrighted material, including the ability of creative rights holders to reserve or restrict the use of their copyrighted material.

The Consultation suggests an exception to copyright law for "text and data mining". The Consultation proposes that this improves access to content by AI developers, allowing rights holders to reserve their rights and prevent their content being used for AI training.

Another proposal is that the UK will have to collaborate with its international partners to progress towards an interoperable AI and copyright framework.

Views are sought in the Consultation on whether and how the government should support licensing, including collective licensing, and consider the needs of individual creators.

The Consultation flags the fact that the government considers that clear labelling of AI outputs would be beneficial to rights holders and the public, but acknowledges the technical challenges involved. The Consultation seeks views on the required standards and the type of technical tools required to implement labelling.

According to the Consultation, the UK currently provides copyright protection for purely computer-generated works but considers that a wider application of this law is required. The Consultation seeks views on potential reform to protections for computer-generated works.

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The Consultation addresses the issue of digital replicas or deepfakes. It seeks evidence about digital replicas, including concerns around deepfakes and AI-generated content that may replicate a person's voice, image, or personal likeness. It also seeks evidence of whether the existing laws offer sufficient protection for victims of deepfakes.

The Consultation highlights the rapidity of ever-changing AI technology and the consequential legal and policy development; for example, the Consultation flags the need for clarity of UK law for AI systems that generate content on Internet search or other processes that draw on datasets at inference. Clarity is also required with regard to how the increasing use of synthetic data to train AI models may affect the ecosystem.

Copyright and artificial intelligence

https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence

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