[DK] Report on copyright and AI

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On 15 September 2025, the Danish Ministry of Culture published a report from the Expert Group on Copyright and Artificial Intelligence (AI). The report contains several recommendations aimed at addressing the challenges posed by AI in relation to copyright.

The report includes recommendations to improve transparency and control over training data, to strengthen the framework of conditions for collective licensing, and introduce technical measures to prevent the illegal use of copyright-protected content. In addition, it proposes an investigation into measures to promote the use of human-generated content, alongside guidance and awareness initiatives to promote clarity and legal certainty in the use of AI systems.

The Expert Group consisted of representatives from the Joint Council on Copyright (*Samrådet for Ophavsret*), the Danish Rights Alliance, the Danish Chamber of Commerce, Danish Industry, the Association of Danish Media (*Danske Medier*), the Royal Danish Library and technical and legal experts.

The report was long awaited by many in the creative sector, since under the terms of reference it was originally due to be submitted to the Minister of Culture in the winter of 2024/2025.

The report marks an important step in Denmark’s handling of AI in relation to copyright.

The report includes the following 10 recommendations:

1. "Effective transparency in training data

2. Effective opt-out mechanisms or revised rules for text and data mining

3. Strengthening the framework for collective licensing

4. Pilot scheme for mandatory arbitration in press publication rights disputes

5. Protection against digital imitations of individuals’ personal characteristics

6. Requirement of technical measures to prevent illegal uploading and copying of copyright-protected content on AI services

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7. Conditional public prosecution in copyright and AI cases that are technically and territorially complex

8. Exploring possible measures to promote the use of human-generated content

9. Guidance and awareness initiatives on copyright and AI

10. Clarification in copyright law that the provision of AI systems constitutes communication to the public"

Regarding recommendations Nos. 1 and 2 on training data and opt-out mechanisms (rights reservations) and the rules for text and data mining, these matters are governed by Article 53(1)(c) and (d) and Recitals 105-107 of the AI Regulation.

Article 53(1)(d) requires providers to prepare and publish a sufficiently detailed summary of the content used to train the model, following a template provided by the AI Office. Article 53(1)(c) requires that providers implement a policy to comply with EU copyright law, in particular regarding identification of and compliance with rights holders' opt-outs under Article 4 of the DSM Directive. Articles 3-4 of the DSM Directive on text and data mining are implemented in sections 11b-c of the Danish Copyright Act (*ophavsretsloven*).

The AI Code adds further stipulations on training data and opt-outs.

Regarding recommendation No. 5 on digital imitations of individuals' personal characteristics, a bill on this subject has already been submitted for public consultation by the Ministry of Culture, with a consultation deadline of 21 August 2025. The Ministry stated that the bill is expected to be enacted on 31 March 2026. The bill is included in the Danish Government's legislative programme for the 2025-2026 parliamentary year (which began in October) but has not yet been presented to Parliament.

Regarding recommendation No. 6 on users' illegal uploads to AI services, according to the AI Code, providers must implement technical security measures to ensure that the model does not reproduce training content in its output in a way that would constitute copyright infringement. Furthermore, the AI Code requires providers to prohibit copyright-infringement in their terms of use.

Rapport for ophavsret og kunstig intelligens

https://kum.dk/kulturomraader/ophavsret/ekspertgruppe-for-ophavsret-og-kunstig-intelligens

September 2025 report from the Expert Group on Copyright and Artificial Intelligence

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