[FR] Initiatives to regulate AI in relation to audiovisual communication and copyright

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A few days after the French Prime Minister had announced, on 19 September, the creation of a committee on generative artificial intelligence (AI) comprising a group of experts who will analyse the impact of AI on culture, the *Autorité de régulation de la communication audiovisuelle et numérique* (the French audiovisual regulator – ARCOM) launched a fact-finding mission that will examine the role of AI in audiovisual and digital communication, while a bill designed to regulate artificial intelligence through copyright was tabled in the French Parliament.

AI technologies are central to the activities of stakeholders regulated by ARCOM, whether in terms of content recommendation algorithms or automatic social network moderation, for example. However, the unprecedented opportunities created by the growth of generative AI have given rise to a host of new questions relating to copyright, the preservation of cultural diversity and the reliability of information. In order to understand and anticipate the challenges posed by these technologies in greater detail, the regulator has decided to formalise its work in this area. It has therefore launched a fact-finding mission that will see all ARCOM board members and departments engage in dialogue with sector stakeholders and other public bodies with an interest in these matters. It will also take into account the ongoing discussions at European level, especially in relation to the AI Act.

Meanwhile, on 12 September, several MPs from the parliamentary majority (Renaissance party) tabled a bill designed to regulate artificial intelligence through copyright. Containing four articles, the bill proposes firstly to add the following paragraph to Article L. 131-3 of the French Intellectual Property Code (CPI): “The integration by artificial intelligence software of copyright-protected intellectual works and their subsequent exploitation are governed by the general provisions of this code and therefore subject to the authorisation of the authors or rightsholders.” The second article states that “when the work is created by artificial intelligence without direct human intervention, the only rightsholders are the authors or rightsholders who authorised the creation of the said AI-generated work”. The MPs also proposed that works generated by an artificial intelligence system should be labelled as “AI-generated works” and include the names of the authors whose works contributed to them (addition to Article L. 121-2 of the CPI).

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Finally, the bill states that, in order to promote creativity, intellectual works created by an artificial intelligence system from works of uncertain origin should be subject to a taxation system benefiting the collective management organisation. The tax would be paid by the company that used the artificial intelligence system to generate the so-called “artificial work”.

Assemblée nationale, Proposition de loi n°1630 visant à encadrer l'intelligence artificielle par le droit d'auteur

https://www.assemblee-nationale.fr/dyn/16/textes/l16b1630_proposition-loi#:~:text=%C2%AB%20Lorsque%20l'%C5%93uvre%20est%20cr%C3%A9%C3%A9e,de%20concevoir%20ladite%20%C5%93uvre%20artificielle.

National Assembly, Bill No. 1630 regulating artificial intelligence through copyright

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