

Insights

AI AND COPYRIGHT: THE CREATIVE INDUSTRY'S CALL FOR TRANSPARENCY

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On May 12th, peers in the House of Lords backed Baroness Kidron's proposed amendments to the Data (Use and Access) Bill. These amendments would require AI companies to disclose which copyright material they have used to train their AI models and would give the Information Commissioner's Office (ICO) enforcement powers to allow copyright holders to pursue legal action against AI companies who have used their copyright material without consent.

The amendments were supported by the Creative Rights in AI Coalition, who recently published an open letter to the Prime Minister imploring him to back proposals to protect copyright in the creative industries as the role of AI continues to grow.

The Data (Use and Access) Bill in its current form, follows the EU approach which allows copyright holders to prevent their works from being used to train AI models by 'opting out'. However, many high-profile creatives in the UK have argued that the 'opt-out' system does not offer them sufficient protection. They argue that a system where AI companies are allowed to use copyright works by default, reverses the traditional principle of copyright law, which requires permission before use.

Baroness Kidron has been explicit that the creative industries are not opposed to artificial intelligence or technological progress. Rather, they are eager to embrace innovation—provided it does not come at the expense of undermining the rights of creators who have invested significant time and resources into their work.

We, the creative industries, embody both change and tradition, and we reject the assertion that we are standing in the way of change - Baroness Kidron

She has repeatedly emphasized the need for transparency in how AI companies use copyright content. She argues that without clear disclosure, creators are left in the dark—unable to assert or enforce their rights if they are unaware that their work has been used in the first place.

We do not need to change copyright law. We need transparency so that we can enforce copyright law, because what you cannot see you cannot enforce - Baroness Kidron

However, on May 15th, ministers removed Baroness Kidron's amendments from the draft text of the bill citing 'financial privilege', meaning that they do not agree with the financial implications of the amendments and confirming that the issue of use of copyright works by AI models will be addressed separately, outside the scope of the Data Bill.

In delivering this update, Chris Bryant, Minister of State for Data Protection and Telecoms, stressed that addressing the issue of remunerating rights holders fairly is not something that can be dealt with in a legislative amendment to the Data Bill but rather through further consultations with relevant stakeholders - those in the creative industries and those in the tech sector.

I understand the attraction of what is on the amendment paper today, but I do not think it would deliver the answer that the people need now to the issues that the creative industries are facing now - Chris Bryant

A reworded amendment was put forward by Baroness Kidron in the House of Lords the following week and this amendment was passed by the Lords with 287 votes in favour and 118 against. The Bill in its amended form will now be sent back to the House of Commons.

Creators do not deny the creative and economic value of AI, but we do deny the assertion that we should have to build AI for free with our work, and then rent it back from those who stole it.
- [Baroness Kidron](#)

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