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Executive Committee of IAA Europe

## Calling for attention to the impact of generative AI on artists' rights

**The International Association of Art (IAA) Europe** is a network of about 40 national member organisations within Europe, representing professional visual artists. It is part of the International Association of Art (IAA), the largest international non-governmental association of visual artists and an official partner of UNESCO. The IAA aims to improve the economic and social position of artists.

### **The EU needs to amend the European Artificial Intelligence Act**

IAA Europe calls for the EU to regulate the use of generative AI throughout the production and consumption chain. The chain begins with the collection of data and ends with citizens consuming content that is created using artificial intelligence. The EU must pay particular attention to how the 'engine room' of AI applications entering the market works. Here, 'engine room' refers to the foundation models on which the learning ability of various generative applications is based.

There is also a risk that concerns artists and other content creators that applications that use generative AI will absorb all human-generated digital or digitised material and will be able to churn out an unlimited number of adaptations and versions from the material. And since there are no direct quotes in the products made by artificial intelligence, its outputs are not governed by the current copyright legislation. Unless we significantly change the way we interpret the law.

If this is the case, the market and the earning potential may be almost exclusively in the hands of those operators who have access to the most efficient data harvesting methods and the most powerful AI applications.

It is no coincidence that man-made content is not referred to as raw material in generative AI parlance, but as *training material*. This gives the impression that AI does not actually take in or copy anything man-made but is only interested in watching what it does and uses it for training, a bit like a singer who listens to someone else singing in order to learn how to sing. This impression is misleading.

Generative artificial intelligence differs from other types of AI in that it actually is able to generate new outputs. It does not just compile statistics, classify and perform user-defined calculations, but it also independently creates new texts or other types of content on the basis of the data given to it. It can use everything published on the internet — and any other digital content available to it — as raw material that it can absorb in virtually unlimited quantities.

What harm could this do? Well, if things go wrong, our world will be filled with fake texts, images, videos and chatbots generated by artificial intelligence, and we will no longer be able to tell these from real news, documentary material, speeches made by real people — or even from real people.

We may find ourselves in a situation in the future where people will not pay for any content, whether created by humans or artificial intelligence; we'll only pay for the use of content-generating applications instead. This could mean, for example, that large streaming services that dominate the market would not pay song makers even the pittance they do now but would start distributing robotic music produced by their own AI applications, customised for each group of listeners. More information on IAA Europe's President Teemu Mäki's essay [AI is coming – Who is ready?](#)

**IAA Europe supports the statement by Author's Rights Initiative, a consortium of 42 German creative industries organisations, where they call on the EU to update its legislation on AI: [Authors and Performers Call for Safeguards Around Generative AI in the European AI Act \(19/4/2023\)](#).**

Author's Rights Initiative proposes the following amendments to the AI Act:

- Generative AI must be regulated across the entire product cycle, with particular focus on providers of foundation models (large language models and other large foundation models).
- The placing of such foundation models on European markets should be conditioned on providers demonstrating that they fulfil the following minimum requirements:
  - full transparency about the training material used;
  - sufficient resilience of the training material in terms of veracity, accuracy, objectivity and diversity, in particular documentation that an adequate share of the training material originates from European sources or originates from professional sources, as compared to user-generated or illegal content;
  - evidence of a legal basis for the collection and use of the training material, both for personal data (under the GDPR) and non-personal data (under European Copyright Law); including on the adoption, implementation, and adherence to an effective and workable system for granular machine-readable communication of usage rights;
  - liability for all content generated and disseminated by the AI, in particular for infringement of personal rights and copyrights, misinformation or discrimination;
  - no algorithmic or other promotion of AI-generated content over human-generated content or defamation of the latter, and reasonable measures to prevent users' overreliance on AI content;
  - structural separation of generation of dissemination of AI output: providers of foundation model shall not simultaneously operate central platform services for the distribution of digital content as defined in the Digital Markets Act, in particular no search engines or social media;
  - a minimum of continental compute infrastructure: the minimum share of the inference of generative AI systems should run on computing infrastructure located in Europe, with the share of domestic data processing increasing over time

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