

**Q295-RES-C-2025**

2025 AIPPI World Congress – Yokohama

Adopted Resolution

16 September 2025

## **Resolution**

### **2025 – Study Question – Copyright**

#### **AI & Copyright**

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#### **Background:**

- 1) This Resolution concerns the use of copyrighted materials to train artificial intelligence (AI) Systems, and whether such use, the output generated by the AI Systems, or the AI Systems themselves, may be considered to be an infringement of the copyrighted materials.
- 2) The term “AI System” generally means a machine-based system (AI, GENAI, etc.) that uses a trained model trained on input training data to generate outputs, such as new content. An AI System may operate with varying levels of autonomy and may exhibit adaptiveness after deployment. Unless context indicates otherwise, a reference to “AI System” in this Resolution is to be understood as encompassing both a trained AI system and a trained model used by or to be used by an AI system.
- 3) On the one hand, large-scale datasets—including copyrighted texts, images, and audio—are essential for training AI Systems that can process and generate human-like content. On the other hand, creators and copyright holders raise concerns about the unauthorised use of their copyrighted material, asserting that such training infringes their intellectual property rights, especially when the AI Systems replicates or closely mimics original works.
- 4) This Resolution sets forth if, and to what extent, legal frameworks should be developed to manage the use of copyrighted materials in training sets for AI Systems.

- 5) 39 Reports were received from AIPPI's National and Regional Groups and Independent Members providing detailed information and analysis regarding national and regional laws relating to this Resolution. These Reports were reviewed by the Reporter General Team of AIPPI and distilled into a Summary Report (which can be found at [www.aippi.org](http://www.aippi.org)).
- 6) At the AIPPI World Congress in Yokohama in 2025, the subject matter of this Resolution was further discussed within a dedicated Study Committee, and again in a full Plenary Session, following which the present Resolution was adopted by the Executive Committee of AIPPI.

**AIPPI resolves that:**

- 1) Harmonisation on the issue of (1) use of copyrighted material in the training of an AI System and (2) the implications on whether the AI System itself and/or the output of the AI System can be considered an infringement is desirable.

Training of an AI System

- 2) The use of a copyrighted work to train an AI System should require the prior authorisation from the copyright holder, unless such use is covered by one or more of the following exceptions.

Exceptions

- 3) The use of a copyrighted work to train an AI System should be subject to the same exceptions, whether or not for commercial purposes, that apply to other uses of copyrighted works under the laws of the relevant jurisdiction, if the conditions to benefit from the exceptions are met.
- 4) The use of a copyrighted work to train an AI System should be permissible under a specific exception to copyright infringement when this is not-for-profit and for the sole purpose of the public interest, such as, for example, non-commercial scientific research or education. This exception does not extend to commercially exploiting the trained AI System and/or the training data set.
- 5) If the laws of the relevant jurisdiction permit the use of copyrighted works to train an AI System for commercial purposes without the prior authorisation of the copyright holders, then the copyright holders should have the right to opt

out of such use of their works and, where the copyright holders do not exercise their opt out rights, provisions should be made to provide for financial compensation to the copyright holders whose works have been used to train an AI System that is exploited commercially.

- 6) Any exception allowing the use of a copyrighted work to train an AI System should comply with the three-step test provided by Article 9(2) of the Berne Convention.

#### Transparency

- 7) The provider of an AI System or person/entity that trains an AI System must:
  - a) provide adequate information regarding the copyrighted works used in the training of the AI System to enable copyright holders to identify the use of their works and exercise or enforce their rights; and
  - b) identify any copyrighted materials input by a user to the AI System and used by the AI System for training.

#### Outputs of an AI System

- 8) The rules of an applicable jurisdiction to determine copyright infringement should also apply to output from a trained AI System.
- 9) On the basis of the moral rights laws of an applicable jurisdiction, an author should have the right to object in that jurisdiction to an output of an AI System that constitutes a mutilation, distortion or other derogatory action in relation to the work that would be prejudicial to the author's honour or reputation.
- 10) An AI System output should not constitute copyright infringement for the sole reason that it is in the same style as a copyrighted work used to train an AI System.
- 11) An AI System output should not constitute infringement of copyright in a work for the sole reason that training the AI System has infringed copyright in that work.
- 12) In circumstances where use of a copyrighted work to train an AI System is covered by an exception or is authorised by the copyright holder, in order to

determine whether outputs of that AI System infringe the copyrighted work, one should take into consideration the scope of the exception or authorisation. If the exception or authorisation is limited to allowing the training of the AI System, the output may still be considered an infringement. If the exception or authorisation also covers outputs created by the AI System, the output should not constitute an infringement.

- 13) An AI System itself should be considered an infringing article, where a) more than a *de minimis* amount of the training of the AI System was conducted with copyrighted materials used unlawfully or b) where the AI System has been developed specifically to create infringing outputs.

#### Persons/entities liable for output infringements

- 14) If an output is found to infringe copyright, depending on the circumstances of the case, one or more of the following persons/entities should be held liable for the infringement:
- a) a provider of the AI System, *i.e.* the person/entity that develops the AI System and/or places it on the market;
  - b) a person/entity that commercially exploits the AI System; and
  - c) a person/entity that uses the AI System with the aim of and creating infringing outputs, *e.g.* by using detailed and deliberate prompting.

#### Sanctions/remedies

- 15) If copyright in a work has been infringed by training an AI System, the copyright holder should be entitled to remedies that should include one or more of damages, injunctive relief, recall from commercial channels and destruction.
- 16) If copyright in a work has been infringed by an output, the copyright holder should be entitled to remedies that should include one or more of damages, injunctive relief, recall from commercial channels and destruction of the infringing outputs.
- 17) If an AI System itself constitutes an infringing article, then the copyright holder should be entitled to remedies that should include one or more of damages,

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injunctive relief, recall from commercial channels and destruction of the AI System.

- 18) An award of damages and/or an assessment or account of profits should be available to compensate the copyright holder for damages caused by the copyright infringement and the bypassing of the copyright holders' consent.
- 19) All sanctions and remedies should be available, imposed and proportionate on a case-by-case basis to effectively deter copyright infringement and adequately compensate the copyright owners.