



AI GUIDELINES

1. European Regulation on Artificial Intelligence (AI Act)

Adopted in 2024, the AI Act is the world's first legislative framework aimed at regulating the development, commercialization and use of AI systems in the European Union. It is based on a risk-based approach, with four main categories: unacceptable, high, limited and minimal risk.

Main provisions related to audiovisual creation/advertising films:

Transparency of generative systems : Generative AI used to create or manipulate content (images, videos, sounds) must indicate that the content is artificial and report the data used for their training. This aims to protect creators of original works against unauthorized exploitation of their creations.

Respect of copyright : AI model providers must implement a policy ensuring respect for copyright and related rights, in accordance with Directive (EU) 2019/790. They must allow rights holders to exercise their reservation of rights (opt-out) to prevent their works from being used without authorization.

Sanctions et innovation :

Violations can result in penalties of up to €30 million or 7% of annual turnover.

“Regulatory sandboxes” are planned to test innovations while respecting the rules.

⇒ Consequences in French law : clauses in contracts, recommendations for websites and reports from the High Council for Literary and Artistic Property (CSPLA)

A. Clauses in contracts:

In agreement with the SACD (collective management society of authors), the UPC has drafted a standard clause concerning the use of generative artificial intelligence (GAI) in the audiovisual field.

General Principles

Any use of audiovisual works (films, series, advertising films) or their components protected by copyright (text, graphics, production, etc.) for the purposes of training or operating an IAG system requires prior agreement with:

- The Producer, as assignee of the Author's rights or via a mandated collective management organization.
- The SACD, for works in its repertoire.

Obligations and Rights of the Parties

1. Author's Rights:

- The Author cannot be forced to use an AGI or to work from elements generated by it.
- If the Author uses an AGI for his creations (text, scenario, graphics), he must obtain prior authorization from the Producer and specify the nature and extent of this recourse.

2. Use by the Producer:

- The Producer may use or authorize the use of IAG for production tools, translation, dubbing, subtitling or promotion of the audiovisual work.
- These stipulations apply even to elements not retained in the final version of the work.

3. Responsibility of the Producer:

- The Producer must inform its partners (co-producers, broadcasters) of the stipulations relating to the IAG but is not responsible for any possible breaches by the latter.

Objectives and Challenges

These clauses aim to guarantee ethical and respectful use of protected works while establishing a transparent framework for interactions between authors, producers and IAG technologies. They respond to concerns related to intellectual property and respect for copyright in a context where IAG technologies are redefining audiovisual creation.

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[Standard clause relating to Generative Artificial Intelligence \(AGI\)](#)

B. Recommendation on the producers' website

The UPC has drafted a recommendation to be inserted on the producers' website aimed at protecting audiovisual works and their components against text and data mining (TDM) by artificial intelligence (AI) systems, in accordance with the Intellectual Property Code (IPC) and European Directive 2019/790. Here are the main points summarized:

Content protection :

The audiovisual works, texts, graphics, sounds, images, etc., present on the site are protected by copyright. Any use requires prior written authorization from the company concerned.

Explicit opposition to TDM :

The company XXX opposes any copy or digital reproduction of its contents with a view to TDM by AI. This opposition complies with articles L.122-5-3 and L.211-3 of the CPI and can be expressed by any means, including via metadata or the general conditions of use (CGU).

Limited permissions :

The co-contractors or online press services may use the content within the framework strictly necessary for their authorized exploitation. However, they cannot perform or allow text and data mining via AI.

Penalties in case of counterfeiting :

Any TDM operation without agreement constitutes an infringement punishable by the sanctions provided for by the CPI (articles L.331-1 et seq.).

Technical expression of the opposition :

To facilitate recognition by automated systems, the opposition can be expressed via tags like ``<TDM-RESERVATION: 1>`` or ``TDM: NO``.

Objectives and Challenges

This clause is part of a legal context aimed at regulating the use of protected works in the face of technological advances in AI, while ensuring the protection of copyright.

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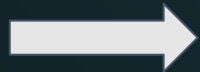
[Clause type Site internet Opposition to Text and Data Mining by Artificial Intelligence](#)

C. Reports from the High Council for Literary and Artistic Property (CSPLA)

MISSION REPORT ON THE IMPLEMENTATION OF THE EUROPEAN REGULATION ESTABLISHING HARMONIZED RULES ON ARTIFICIAL INTELLIGENCE (“TEMPLATE”):

Collecting quality data is crucial for AI, but its commercial value is contested. Article 53 of the EU AI Regulation imposes transparency regarding training data, requiring providers to publish a detailed summary of the content used. The objective is to help rights holders to enforce their rights, while protecting business secrets. The flash mission aims to clarify the scope of this article and to propose a summary model for the French position at the European level. This summary must identify the content used, without revealing the techniques used, and facilitate a dialogue between rights holders and AI providers. Transparency is essential for an ethical and competitive market that respects copyright.

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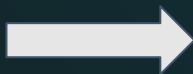


[CSPLA REPORT](#)

MISSION RELATING TO THE REMUNERATION OF CULTURAL CONTENT USED BY ARTIFICIAL INTELLIGENCE SYSTEMS

The mission entrusted by the French Minister of Culture to the High Council of Literary and Artistic Property (CSPLA) in April 2024 aims to examine the economic and legal issues linked to the use of cultural content protected by artificial intelligence (AI) systems and to propose remuneration mechanisms for rights holders.

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[CSPLA REPORT](#)

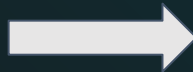
Launch of a mission concerning the protection of content generated using generative AI

The development of generative artificial intelligence tools, capable of rapidly, efficiently, and cheaply producing content that can directly compete with human-created content, is a profound transformation of creative processes, particularly in the arts and media. These tools are also increasingly being used by creators themselves and integrated into the creative process.

This development poses a challenge to copyright law, particularly regarding the crucial issue of protection criteria, which touches upon the very foundation of the subject. When AI tools replace humans, in whole or in part, in the act of creation, the question arises as to the legal status of the output.

While copyright law aims to protect outputs that could be classified as works, such protection is subject to meeting applicable legal criteria. Since a work of the mind is a creation of original form, it is important to verify whether and how the person using AI was able to express their personality in the creation.

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[CSPLA MISSION](#)