



**Science, Innovation
and Technology
Committee**



**Culture, Media and
Sport Committee**

Tuesday, 25 February 2025

Rt. Hon. Peter Kyle MP
Secretary of State for Science, Innovation and Technology
Department for Science, Innovation and Technology

Rt. Hon. Lisa Nandy MP
Secretary of State for Culture, Media and Sport
Department for Culture, Media and Sport

By email

Dear Peter and Lisa,

Copyright and AI consultation response

We are writing following a joint session of our committees on Tuesday 4 February regarding your December 2024 consultation on "Copyright and AI".¹

The government has stated the need to work in partnership with both the creative industries and AI sector, and similarly we came together, across parties and committees, to explore some of the key areas of contention between rights holders and AI developers.

While the evidence we heard underlined the deep disagreements in this debate, we seek to provide a joint perspective on these key issues.

As the government has recognised, both sectors play an important part in our economy: the creative industries contributed £125 billion gross value added in 2023, while AI can unlock new potential for growth – estimated by the Government, using International Monetary Fund research,² as potentially worth up to an average £47 billion or an up to 1.5% annual rise in productivity to the UK each year over a decade.³ We believe that a solution can be reached that improves on the status quo.

The case for copyright

Underpinning our recommendations is the principle that everyone should receive fair remuneration for their creative work.

¹ Intellectual Property Office, [Copyright and AI: Consultation](#), CP 1205, 17 December 2024

² [IMF predicts AI could boost UK economic growth by 16%](#), International Monetary Fund, 25 April 2024

³ [Prime Minister sets out blueprint to turbocharge AI](#), GOV.UK, 12 January 2025



Science, Innovation and Technology Committee



Culture, Media and Sport Committee

Copyright plays a vital and longstanding role in this—modern UK copyright law has existed since 1709.⁴ Copyright law gives creators the right to restrict others from using and copying their works without permission. This framework, underpinned by the principle of rights holder consent, provides for the commercialisation of copyrighted works, incentivising further creativity and innovation.

Both sides of this debate benefit from copyright law. Original non-literary written works, such as software, web content and databases, are not protected by patents under UK law, but by copyright.⁵ Core and applied AI inventions are only eligible to be patented where they both make a relevant technical contribution and are not solely “mathematical methods” or “programs for a computer”.⁶

Any industry, particularly a new and emerging one, should take a considered approach when advocating for the reform of frameworks that may in fact be protecting their economic interests. The case of DeepSeek, which OpenAI alleges breached ChatGPT’s terms of service by copying outputs to train its model, illustrates these potential risks.⁷

Additionally, we note that other key jurisdictions, such as the United States and European Union, have not settled this issue,⁸ despite the government’s statement that AI developers seek countries with “clearer or more permissive rules”.⁹ In the US, where copyright law contains “fair use” provisions, almost all of the major generative AI developers are collectively facing dozens of lawsuits,¹⁰ while in the EU, whose approach the government’s preferred option broadly emulates, the German collecting society GEMA has filed lawsuits against OpenAI and music generator tool Suno in recent months.¹¹

Engagement with leading developers

We invited two leading AI developers, Google and OpenAI, to send representatives to our evidence session. However, they told us that as the consultation was still live, they would be unable to take part in a public session—a core scrutiny activity of select committees.

We chose not to press them, in part because we wanted to focus on arranging a productive session, and in part because the position of leading developers on the issue of copyright is clear.

⁴ [Q53](#) [Sajeeda Merali]

⁵ gov.uk, [How copyright protects your work](#), accessed 6 February 2025

⁶ Intellectual Property Office, [Guidelines for examining patent applications relating to artificial intelligence \(AI\)](#), gov.uk, 30 January 2025

⁷ [“OpenAI says it has evidence China’s DeepSeek used its model to train competitor”](#), Financial Times, 29 January 2025

⁸ [Qq30, 51](#) [Matt Rogerson]; see also [Q10](#)

⁹ Intellectual Property Office, [Copyright and AI: Consultation](#), CP 1205, 17 December 2024, p5

¹⁰ [“Every AI copyright lawsuit in the US, visualized”](#), Wired, 19 December 2024

¹¹ [“\\$500m-valued Suno hit with new copyright lawsuit from Germany’s GEMA”](#), Music Business Worldwide, 21 January 2025



Nonetheless, it is disappointing that they chose to decline our invitation. This stance is all too familiar to our committees, which share an interest in furthering the public's understanding of how global companies develop, operate and deploy their products, taking decisions that affect us all.

We are of the view that, given the extent to which AI has been embraced by successive Conservative and Labour governments, the developers of these models should take a more constructive, transparent approach to engaging with parliamentary scrutiny.

We hope and expect that, should we return to this topic after the consultation has closed, we will be met with greater transparency and willingness to engage.

Consultation proposals

Having considered the evidence we heard in our session on the government's AI and copyright consultation, we are of the view that:

1. The government should introduce practical measures to provide transparency on AI training data, whatever its approach to copyright law

In our session, representatives from the media and creative industries emphasised the importance for rights holders of transparency around training data inputs.

Sajeeda Merali of the Professional Publishers Association and Matt Rogerson of the Financial Times set out three areas where transparency could improve outcomes: first, enabling rights holders to identify, and obtain fair value for, the use of their works; second, promoting good governance, by ensuring that rights holders who opt out are not penalised through reduced discoverability; and third, enabling consumers to make informed choices about what AI models they use, account for biases and improve scrutiny of AI decision-making.¹²

Composer Max Richter noted that "[t]here is really nothing I can do" to ensure his works have not been used illegitimately, despite there being "a couple of music AI models out there, and it is perfectly easy to make them generate a piece of music that sounds uncannily like me [that] would not be possible unless it had hoovered up my stuff without asking me and without paying for it".¹³ Mr Richter, Mr Rogerson and Ms Merali all emphasised that the biggest impact would be felt by the long tail of creators and journalists already operating under financial constraints.¹⁴

We welcome the fact that the government's consultation establishes transparency as a distinct policy objective and provides a series of discrete questions on this;¹⁵ however, it

¹² [Qq42-43](#); see also [Qq32, 38-42](#)

¹³ [Q44](#) [Max Richter]

¹⁴ [Q53](#); see also [Qq35, 40](#)

¹⁵ Intellectual Property Office, [Copyright and AI: Consultation](#), CP 1205, 17 December 2024, pp5-6, 11, 19-21



Science, Innovation and Technology Committee



Culture, Media and Sport Committee

is disappointing that the government only includes explicit supporting measures on transparency as part of its preferred option, and not the other proposed options it sets out.¹⁶

While the Startup Coalition argued that transparency requirements would increase compliance costs for startups and scaleups,¹⁷ we heard from AI developers who are developing technical solutions to promote transparency of inputs and enable efficient compliance and reporting.¹⁸

We therefore recommend that the government introduce measures to provide transparency in training data, irrespective of its approach to copyright reform.

Both the EU and the state of California have introduced transparency requirements, including detailed technical record-keeping and/or comprehensive summaries about training data. While we are not prescriptive regarding the technical detail, any approach must meet minimum thresholds for **clarity and specificity** (so developers can comply) and **accessibility and granularity** (to be useful for rights holders).

Developers have contested these measures on the basis that training data constitutes a trade secret.¹⁹ However, UK law states that trade secrets must: be secret, in the sense that precise configuration and assembly of components is not known; have commercial value because they are secret; and be protected by reasonable steps to keep them secret.²⁰ While this would apply to the proprietary models themselves (i.e., the arrangements of the model's architecture and components), we are unconvinced that it would apply to training data, which is a component of the model. We would welcome the government's view on this, alongside its response to our recommendation.

2. The government's preferred option should not be taken forward without a technical solution that works, is implementable and accessible to all

During our evidence session, one witness described the current situation as generative AI's "Napster era".²¹ This is in many ways an apt comparison, though arguably the technical challenge of reaching a solution that works for all affected parties is greater today.

¹⁶ As above, pp12-14

¹⁷ [Q13](#) [Vinous Ali]

¹⁸ [Qq15-16](#) [James Smith]; [Qq7, 19](#) [Sebastien Posth]

¹⁹ "[How the EU AI Act Can Increase Transparency Around AI Training Data](#)", Tech Policy Press, 9 December 2024

²⁰ [The Trade Secrets \(Enforcement, etc.\) Regulations 2018](#), s.2; these Regulations apply in parallel to the protection of trade secrets under the common law of confidentiality. There is no definition of 'trade secret' under that common law and so we do not consider the extent to which it could afford legal protection to training data in this letter.

²¹ [Q3](#) [James Smith]



We heard from Human Native AI, a UK-based startup that offers a platform for rights holders to receive compensation for copyrighted works and for AI developers to responsibly acquire high-quality data.²² James Smith, the company's co-founder and CEO, told us that "the original sin" of text and data mining to train AI models on copyrighted material had already happened and that the key question should now be how to move forward.²³

Based on what we have heard, delivering the government's preferred outcome in full as set out in the consultation may be technically challenging. For example, two witnesses on our AI sector panel told us that technology could yet help create an entirely transparent rights environment,²⁴ while a third disagreed.²⁵ It may prove possible, but we are not there yet, and the package of proposals set out in the consultation contains multiple technical elements.

The challenge is made more acute by the government's evident desire to move quickly. This is, on one level, understandable. Both rights holders and AI developers have sought greater clarity since the Intellectual Property Office (IPO) published proposals in June 2022 for a new copyright and database exception that would have allowed text and data mining for any purpose.²⁶ The rapid emergence of generative AI raised the stakes further, but a process convened by the IPO²⁷ failed to deliver progress,²⁸ reportedly due to intransigence on the part of leading developers.²⁹

We agree that a way forward must be found, given the status quo is clearly unsatisfactory for the relevant sectors, and note the emphasis the government has placed on embracing technology. However, while technology may yet deliver, a way forward may not be agreed as quickly as ministers might hope.

3. The government should publish a full impact assessment for each option set out in the consultation

²² [HumanNative.AI](#), accessed 6 February 2025

²³ [Q3](#) [James Smith]

²⁴ [Q19](#) [Vinous Ali, James Smith, Sebastian Posth]

²⁵ [Q19](#) [Vinous Ali, James Smith, Sebastian Posth]

²⁶ [Artificial Intelligence and Intellectual Property: copyright and patents: Government response to consultation](#), Intellectual Property Office, 28 June 2022

²⁷ [The government's code of practice on copyright and AI](#), Intellectual Property Office, 29 June 2023; launched following a [recommendation made by Lord Vallance](#) in his former role as Government Chief Scientific Adviser

²⁸ [A pro-innovation approach to AI regulation: government response](#), CP 1019, Department for Science, Innovation and Technology, 6 February 2024

²⁹ [Q39](#) [Matt Rogerson]



Science, Innovation and Technology Committee



Culture, Media and Sport Committee

As Matt Rogerson of the Financial Times pointed out to us, the debate between rights holders and AI developers on this issue is fuelled by a significant and growing body of analysis, of varying quality.³⁰

Just as AI developers should be more transparent in relation to training data, we believe that the government should be more forthcoming about the economic analysis underpinning the proposals set out in the consultation.

If the government is to win the confidence of our committees and other Members of Parliament on this issue, comprehensive impact assessments for each of the four options set out in the consultation must be made available for scrutiny. Only then can we and other interested parties take a fully informed view on the best way forward.

4. Compliance, enforcement and redress

Robust mechanisms are needed to enforce compliance, enforcement and redress, particularly regarding transparency measures, while setting an appropriate balance with ease of compliance. Indeed, the Startup Coalition said that “there should clearly be stringent enforcement mechanisms to allow rights holders to take issue with it and to have their day in court” if copyrighted materials are reproduced as outputs with few changes, or where bad actors are involved.³¹

As the PPA’s Sajeeda Merali noted, at present, “not everybody’s pockets are deep enough to try to enforce that this works”.³²

Suggestions ranged from introducing a statutory damages scheme such as the one that exists in the US,³³ which removes the need for plaintiffs to quantify actual damages,³⁴ to establishing an independent regulator.³⁵ Other companies are developing per-use revenue sharing models,³⁶ the widespread proliferation of which could move gen-AI past its “Napster era”, much as Spotify did in the advent of music streaming following two decades of peer-to-peer digital piracy.³⁷

Any mechanism for compliance, enforcement and redress must be based on the principles of **fairness, practicality** and, most importantly, **accessibility to all**.

³⁰ [Q40](#) [Matt Rogerson]

³¹ [Q20](#) [Vinous Ali]

³² [Q32](#) [Sajeeda Merali]

³³ [Q27](#) [James Smith]

³⁴ United States Code, [title 17 chapter 5 section 504](#): Remedies for infringement: Damages and profits

³⁵ [Q32](#) [Sajeeda Merali]

³⁶ “[Start-up ProRata.ai valued at \\$130mn after signing up UK publishers](#)”, Financial Times, 20 November 2024

³⁷ Digital, Culture, Media and Sport Committee, Second Report of Session 2021-22, [Economics of music streaming](#), HC 50, paras 12-23



**Science, Innovation
and Technology
Committee**



**Culture, Media and
Sport Committee**

As the recent AI Opportunities Action Plan illustrated, it is possible to devise proposals that balance the imperative to realise the economic and societal benefits of technology with the impact on those negatively affected by its deployment.

In particular, ambitions to secure developers' access to compute, energy infrastructure and talent and to drive up adoption using public sector procurement and via the new Government Digital Service are welcome. Indeed, these measures have been endorsed by the creative industries, which are themselves increasingly experimenting with AI tools.³⁸

Please accept this correspondence as our joint submission to the consultation.

We look forward to receiving your response by Tuesday 18 March and to further engagement on this important topic.

With best wishes,

Chi Onwurah MP
**Chair, Science, Innovation and
Technology Committee**

Dame Caroline Dinenage MP
**Chair, Culture, Media and
Sport Committee**

³⁸ See, for example: Oral evidence taken by the Culture, Media and Sport Committee on 11 December 2024, [Qq1-33](#)