Stakeholder's consultation and call for expression of interest (via EU survey) aimed at supporting the implementation of the Measure 1.3 of the General-Purpose AI Code of Practice's Copyright Section

Fields marked with * are mandatory.

Introduction

The AI Act includes under Article 53 (1) (c) an obligation for providers of General Purpose AI (GPAI) models to put in place a policy to respect EU copyright law and in particular "to identify and comply with, including through state-of-the-art technologies, a reservation of rights expressed pursuant to Article 4(3) of Directive (EU) 2019/790". This obligation has become applicable as of 2 August 2025.

Article 4 of the 2019 Copyright in the Digital Single Market Directive ('DSM Directive') introduced a copyright exception for text and data mining ('TDM') purposes, which is relevant in the process of using lawfully accessible copyright-protected content for the training of AI models. Article 4 includes, under its paragraph 3, a right-reservation mechanism (the so-called 'opt-out'), allowing rightsholders to reserve their rights and exclude the use of their works from TDM processing. The opt-out must be expressed in an appropriate manner, such as machine-readable means for content made publicly available online.

In accordance with Article 56 AI Act, the AI Office has facilitated the drawing up of a Code of Practice (CoP) to enable compliance with the respective obligations established in the AI Act by GPAI model providers, including the obligations related to copyright. The final version of the CoP, which includes three distinct chapters, was published on 10 July 2025.

In the Copyright chapter, Measure 1.3 includes two operational commitments to ensure that signatories will identify and comply with TDM rights reservations expressed pursuant to Article 4(3) of the 2019 DSM Directive when they are scraping or otherwise compiling data from the World Wide Web:

- They commit to use web-crawlers that read and follow instructions expressed in accordance with the Robot Exclusion Protocol (robots.txt) and any subsequent version that is technically implementable;

- They commit to identify and comply with other appropriate machine-readable protocols to express opt-outs, which either result from international or European standardisation activity or have been generally agreed upon through an inclusive process facilitated at EU level.

It also encourages signatories to support the above-mentioned processes and engage on a voluntary basis in bona fide discussions with rightsholders and other relevant stakeholders, with the aim to develop appropriate machine-readable standards and protocols to express rights reservations.

Measure 1.3 Identify and comply with rights reservations when crawling the World Wide Web

(1) In order to help ensure that Signatories will identify and comply with, including through state of-the-art technologies, machine-readable reservations of rights expressed pursuant to Article 4(3) of Directive (EU) 2019/790 if they use web-crawlers or have such web-crawlers used on their behalf to scrape or otherwise compile data for the purpose of text and data mining as defined in Article 2(2) of Directive (EU) 2019/790 and the training of their general-purpose AI models, Signatories commit:

a) to employ web-crawlers that read and follow instructions expressed in accordance with the Robot Exclusion Protocol (robots.txt), as specified in the Internet Engineering Task Force (IETF) Request for Comments No. 9309, and any subsequent version of this Protocol for which the IETF demonstrates that it is technically feasible and implementable by AI providers and content providers, including rightsholders, and

b) to identify and comply with other appropriate machine-readable protocols to express rights reservations pursuant to Article 4(3) of Directive (EU) 2019/790, for example through asset-based or location-based metadata, that have either have been adopted by international or European standardisation organisations, or are state-of-the-art, including technically implementable, and widely adopted by rightsholders, considering different cultural sectors, and generally agreed through an inclusive process based on bona fide discussions to be facilitated at EU level with the involvement of rightsholders, AI providers and other relevant stakeholders as a more immediate solution, while anticipating the development of standards.

(2) This commitment does not affect the right of rightsholders to expressly reserve the use of works and other protected subject matter for the purposes of text and data mining pursuant to Article 4(3) of Directive (EU) 2019/790 in any appropriate manner, such as machine-readable means in the case of content made publicly available online or by other means.

Furthermore, this commitment does not affect the application of Union law on copyright and related rights to protected content scraped or crawled from the internet by third

parties and used by Signatories for the purpose of text and data mining and the training of their general-purpose AI models, in particular with regard to rights reservations expressed pursuant to Article 4(3) of Directive (EU) 2019/790.

(3) Signatories are encouraged to support the processes referred to in the first paragraph, points (a) and (b), of this Measure and engage on a voluntary basis in bona fide discussions with rightsholders and other relevant stakeholders, with the aim to develop appropriate machine-readable standards and protocols to express a rights reservation pursuant to Article 4(3) of Directive (EU) 2019/790.

(4) Signatories commit to take appropriate measures to enable affected rightsholders to obtain information about the web crawlers employed, their robots.txt features and other measures that a Signatory adopts to identify and comply with rights reservations expressed pursuant to Article 4(3) of Directive (EU) 2019/790 at the time of crawling by making public such information and by providing a means for affected rightsholders to be automatically notified when such information is updated (such as by syndicating a web feed) without prejudice to the right of information provided for in Article 8 of Directive 2004 /48/EC.

To initiate the inclusive process described in Measure I.3 (1)(b) above, the Commission is launching the present survey as the first step towards identifying and generally agreeing on appropriate machine-readable protocols for TDM opt-outs.

The **first section of this survey** aims to gather evidence on the use of existing and available rights reservation solutions to implement Measure 1.3 Point (1)(b) of the GPAI CoP. It therefore focuses on machine-readable solutions other than the Robot Exclusion Protocol (robots.txt) which is covered under Measure 1.3 Point (1)(a). The solutions included in this questionnaire do not affect the right of rightholders to use any other appropriate means to express their right reservations under Article 4(3) of the DSM Directive.

This consultation builds on the findings of the 2025 EUIPO study on development of generative artificial intelligence from a copyright perspective, specifically on the technical solutions identified therein. While investigating the diverse approaches that rightholders have been relying on to manage their rights in the age of AI, the study identifies a number of technical reservation measures that have emerged and have been used to exercise the opt-out from TDM.

By combining the findings of the EUIPO study and the results of the present stakeholders' consultation, and as means to support the implementation of the copyright chapter of the GPAI CoP and, more generally, the AI Act obligation in Article 53(1)c), the Commission will compile a first list of the machine-readable opt-out protocols. This will provide the base for further discussions in the context of two subsequent workshops.
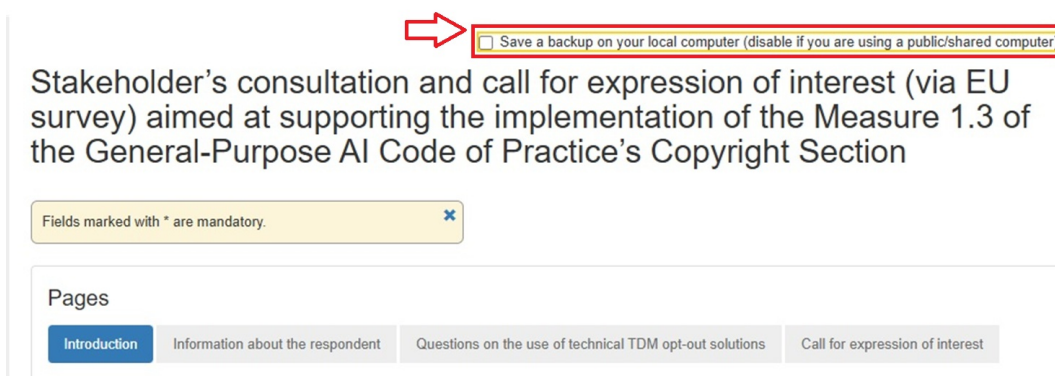
The **second section of this survey** includes a call for expression of interest to contribute to the process based on bona fide discussions to help identify and agree on the opt-out solutions to be considered under

Measure I.3 (1)(b) of the CoP (Copyright Chapter). Please see section 2 for more information in this regard.

This survey is available in **English only** and will be open **starting on 01.12.2025 until 23.01.2026**.

Recommended approach: Please note that the survey doesn`t offer the option to save a draft of your answers and must be filled out in one go.
Before filling out the questionnaire, **please make sure you disable** the local back-up function of the survey on your computer as shown below:

If needed, please download the pdf-version of the questionnaire and assess whether it needs internal consultation within the organisation before answering any of the questions. Please keep in mind that the pdf-version will entail all potentially relevant questions. However, their number will automatically be limited during the fill-out process, according to your answers.

For the information on how we process your personal data please read our privacy statement bellow. If you provide personal data of other individuals (e.g., representatives of your organisation), please share this privacy statement with them.

Privacy_Statement_Consultation_on_the_implementation_of_Measure_1.3_of_the_GPAI_CoP.docx

Introductory section - Information about the respondent

*Which stakeholder category do you/your organisation represents? If more than one category is applicable, please select the category that is best applicable in your situation / from the capacity you are responding in.

- ◉ Rightholders
- ◯ GPAI model providers
- ◯ Others

*In which cultural sector do you mainly operate?

- ☐ Books/press publishing
- ☑ Images
- ☐ Videogames
- ☐ Audiovisual

4

☐ Music

☐ Other

☐ Not relevant

* Please briefly describe the activities of your organisation or yourself:

1000 character(s) maximum

CEPIC is an international association representing professional stock photo agencies and visual content distributors, with members both within and outside the European Union. Our members manage and license large volumes of copyright-protected images across editorial, creative, and commercial markets, and are therefore directly affected by EU copyright and AI regulatory frameworks. CEPIC is registered in the EU Transparency Register and qualifies as an association representing rightsholders within the eligible stakeholder categories.

* First name of the (contact) person filling out the form:

Marisol

* Surname of the (contact) person filling out the form:

Muniz

* Email of the (contact) person filling out the form:

(this information will not be publicly disclosed)

marisol@icab.cat

* Organisation name

255 character(s) maximum

CEPIC AISBL

* Organisation size

◉ Micro (1 - 9 employees)

◯ Small (10 - 49 employees) or Medium (50-249 employees)

◯ Small Mid-cap (250-499 employees)

◯ Large (500 or more)

◯ Other (e-g. multiple organisations)

Transparency register number

Check if your organisation is on the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making.

844063451685-53

* Country of origin

Please add your country of origin, or that of your organisation. This list does not represent the official position of the European institutions with regard to the legal status or policy of the entities mentioned. It is a harmonisation of often divergent lists and practices.

BE - Belgium

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* Do you agree that we may publish your identity together with your contribution in case all contributions are made publicly available?

For participant acting in their personal capacity the publication could include: *The name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself.*

For participants representing one or more organisations the publication could include: *The respondent category you fall under, as indicated by yourself, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution can be published as received. Should you choose to remain anonymous, your name will not be published. Please do not include any personal data in the contribution itself.*

- ◉ Yes
- ○ No, I choose to remain anonymous

Do you agree that we may contact you in the event of follow-up questions or if we want to learn more about your responses?

- ◉ Yes
- ○ No

Section 1 - Questions on the use of technical TDM opt-out solutions

* 1. Have you (or your members) developed, deployed or put in place any measures to express or identify rights reservations in a machine-readable format for content publicly available online, pursuant to Art. 4(3) of the DSM Directive?

- ◉ Yes
- ○ No

2. Do you (or your members) have experience with the following technical opt-out solutions identified in the EUIPO study on the Development of Generative AI from a copyright perspective (beyond the robot exclusion protocol which is covered by point I(a) of Measure I.3 of the Code)?

Please mind that, based on your selection here, follow-up questions 3. and/or 4. should appear.

Technical Solution	Yes	No
* TDM reservation protocol (TDMRep)	○	◉
* C2PA TDM Assertions	○	◉
* AI.txt	○	◉
* Do not train registry (Spawning AI)	○	◉
* JPEG Trust core foundation V2	○	◉
* TDM.ai protocol (Liccium)	○	◉
* Open Rights Data Exchange (Valunode)	○	◉

* If no experience with the "TDMRep" solution, can you please indicate the reason?
- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "C2PA TDM Assertions" solution, can you please indicate the reason?
- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "AI.txt" solution, can you please indicate the reason?
- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "Do not train registry" solution, can you please indicate the reason?

- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "JPEG Trust core foundation V2" solution, can you please indicate the reason?

- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "TDM.ai protocol" solution, can you please indicate the reason?

- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

* If no experience with the "Open Rights Data Exchange" solution, can you please indicate the reason?

- ☐ not aware of this solution
- ☑ not adapted or not available for my/our type of content
- ☐ not implementable by me/us directly
- ☐ not effective
- ☐ this solution is too complex to implement
- ☐ other
- ☐ this solution is too costly to implement

5. Are you using or are aware of other machine-readable solutions to express rights reservations or preferences in relation to TDM-processing beyond those identified by the EUIPO study? If so, please provide detailed information on such solutions, including on the technical characteristics (including maturity, technical implementability, resilience, scalability and granularity) and the degree of uptake (including across sectors and content modalities).

Yes. The only widely adopted rights-management infrastructure currently used across the visual content industry is IPTC metadata.

The IPTC Photo Metadata Standard provides an embedded, machine-readable "Data Mining" property that enables rightholders to explicitly allow or prohibit text and data mining (TDM), including AI/ML and generative AI training. These signals are embedded directly in image and video files.

IPTC metadata is:

Mature and established, having been the industry standard for decades, and maintained by the global news-media standards body.

Technically implementable, using simple XMP properties with a controlled vocabulary, readable and writable by mainstream professional tools;

Resilient, as embedded metadata travels with the asset across platforms and hosting environments unless deliberately removed.

Scalable, already deployed at scale by photographers, news agencies, photo agencies, publishers, libraries, museums, and related sectors;

Granular, distinguishing general TDM, AI/ML training, generative AI training, and specific carve-outs, in line with Article 4(3) DSM Directive.

As such, IPTC represents the only existing, industry-wide, operational solution for machine-readable rights reservations for visual content. Any list of generally agreed TDM opt-out solutions under Measure I.3(1)(b) should therefore explicitly recognise IPTC, in accordance with Article 4(3) DSM Directive and Article 53(1)(c) AI Act.

Section 2 - Call for expression of Interest to engage in the process to identify the technical solutions to be considered under Measure I.3 (b) of the CoP (Copyright Chapter)

The outcome of the consultation (section 1) will be used to guide the process that should lead to a list of generally agreed TDM opt-out protocols that GPAI model providers shall comply with in the context of their respective commitment under the CoP and their obligation under Article 53(1)c) AI Act more generally.

In order to take into account the position of the different stakeholders and to facilitate a general agreement on state of the art opt-out protocols, the process will consist of the following steps:

1) Stakeholders' consultation and call for expression of interest (current phase);

2) Online information session to present the EUIPO study and outline the process;

3) First online workshop on the draft assessment proposed by the Commission;

4) Second online workshop with a view to reaching a general agreement regarding the identified solutions;

5) Publication by the Commission of the final list of generally agreed TDM opt-out protocols.

The Commission is looking for stakeholders with legitimate interests to express **their interest to participate** in the follow-up workshops that the Commission will convene**.** You will have to explain your interest to participate in the process and how you can contribute to the future process, (for instance, bringing experience in development or use of TDM protocols and/or crawlers, experience in using TDM technology for AI development and training, experience in rights management information, contribution to the research on the topic of TDM, AI and copyright and related policy discussions). On this basis, eligible participants will be invited to the two workshops to discuss the assessment of the identified solutions and reach a general agreement.

Eligible stakeholder categories are (exhaustive list):

- GPAI model providers (signatories to the GPAI Code of Practice will all be invited by default)
- Rightsholders associations
- Service provider distributing copyright-protected content online
- Civil society organisation
- Entity that develops TDM opt-out protocol(s)
- Entity that develops crawlers
- Data aggregator
- Standardisation organisation

Eligible organisations must appoint maximum two representatives to participate to the process on their behalf. These participants must be responsible for overseeing relevant activities within that organisation. Associations representing rightsholders may select eligible representatives from within their members which possess relevant experience, knowledge and/or expertise on TDM rights reservation. Participants are expected to attend the workshops and to commit to contribute substantively to the process by providing feedback on the respective topics. Each organisation should submit a single application covering all of its appointed representative(s).

It is for the interested organisation to provide relevant evidence to demonstrate they belong to one of the categories of eligible actors and should have the required expertise or experience to contribute to the process. Organisations are only eligible if they are registered in the Transparency Register.

Participants will not receive monetary compensation for their input or for participating in the process.

*6. Are you interested to engage in the process based on bona fide discussions to help identify and agree on the opt-out solutions to be considered under Measure I.3 (1)(b) of the CoP (Copyright Chapter), including to be invited to the follow-up online workshops?

- ◉ Yes
- ○ No

*7. Category of eligible stakeholder the applicant organisation falls into:

- ○ GPAI model providers
- ◉ Rightsholder associations
- ○ Service provider distributing copyright-protected content online
- ○ Civil society organisation
- ○ Entity that develops TDM opt-out protocol(s)
- ○ Entity that develops crawlers
- ○ Data aggregator
- ○ Standardisation organisation

*8. Is the organisation located within the European Economic Area (EEA)?

- ◉ Yes
- ○ No

*9. Has the organisation existing or planned operations in the EU?

- ◉ Yes
- ○ No

*10. Please describe the relevant experience, knowledge and/or expertise your organisation (or member thereof) would provide to the process

1500 character(s) maximum

> CEPIC is an international association representing professional stock photo agencies and visual content distributors whose copyright-protected works are extensively used for text and data mining and AI training. CEPIC and its members therefore have a direct and practical interest in the implementation of Article 4(3) of the DSM Directive and Article 53(1)(c) of the AI Act.
>
> CEPIC members have long-standing, hands-on experience in deploying machine-readable rights management information at scale, notably through embedded metadata in image files and professional distribution workflows. This includes the use of widely adopted industry standards (such as IPTC metadata) to express copyright ownership, licensing conditions and usage restrictions at asset level, which is particularly relevant for image-based TDM.
>
> CEPIC also actively engages in policy and regulatory discussions at the EU level relating to copyright, AI, and data mining, including the AI Act, the GPAI Code of Practice, and EUIPO work on generative AI. This places CEPIC in a position to contribute evidence-based, sector-specific feedback on whether proposed TDM opt-out solutions are technically implementable, scalable and effective in practice, and whether they meaningfully support compliance by GPAI providers.

CEPIC's contribution to the process would focus on bridging the gap between legal obligations, technical proposals and real-world deployment in the image licensing market.

*11. Please provide the details of the organisation's representative(s) (maximum of two), including their first name, surname, a description of their position and tasks within the organisation (or member thereof) and technical expertise (as applicable). Please demonstrate as well that the representative(s) is/are responsible for overseeing the organisation's relevant activities.

500 character(s) maximum

Marisol Muñiz Merino is a lawyer specialised in EU copyright, digital, and AI law. As external counsel to CEPIC, she advises and oversees its legal and policy work on AI transparency, copyright, and content provenance in EU-level regulatory processes.
Brendan Quinn, managing director of IPTC, closely participates with CEPIC in many technical working groups, such as the TDM working group.

*12. Where relevant, please provide hyperlinks to information available online demonstrating the applicant organisation's activities or expertise as mentioned in question 10.

255 character(s) maximum

https://www.cepic.org/post/iptc-publishes-best-practice-guidance-on-generative-ai-opt-out-for-publishers
https://www.cepic.org/advocacy/artificial-intelligence; https://www.cepic.org/advocacy/digital-policies

13. Please upload supporting documentation showing that (i) your organisation belongs to one of the eligible stakeholder categories, (i) your organisation has the relevant experience, knowledge and/or expertise and (iii) your organisation's representative(s) fulfils the respective requirements.

Only files of the type pdf,doc,docx,odt,txt,rtf are allowed

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