

CEPIC represents hundreds of picture libraries and agencies whose core business is the licensing of visual works, most of them SMEs.

We welcome the Commission's combined call for evidence on the CDSM Directive review and the targeted copyright initiative. Our response addresses the copyright-related aspects of generative AI for visual content, in line with the European Parliament's resolution of 10 March 2026.

Generative AI has exposed practical shortcomings in the current framework. Visual works are used at scale in AI training and related processes, while rightholders lack effective means to reserve rights, verify compliance, or assess whether their content was used. Website-level signals alone are insufficient for visual works, which circulate independently of any single source. AI-generated outputs increasingly substitute for licensed visual content, affecting licensing markets.

The Commission should address the following:

Effective opt-out for visual works

Article 4(3) requires rights to be reserved in an "appropriate manner," but legal and technical uncertainty has led to narrow reliance on mainly domain-level signals such as robots.txt, inadequate for images. Opt-out mechanisms should expressly include IPTC metadata, C2PA credentials, image-level rights-reservation metadata, and natural-language rights statements in metadata, licence terms or webpage notices. A rights reservation attached to the work should suffice where reasonably detectable by human or automated means. The Commission should confirm that "lawful access" under Articles 3 and 4 does not extend to scraping from infringing sources, circumvention of access controls, or uses contrary to enforceable contractual conditions or express licence terms, in order to avoid divergent interpretations.

Preservation of rights-management metadata

Effective opt-out depends on metadata integrity. Removing, altering, disregarding or technically neutralising rights-management metadata embedded in visual works should prevent reliance on the Article 4 exception. The Commission should clarify, in light of Article 7 of the InfoSoc Directive, that metadata preservation is a condition for benefiting from the TDM exception for visual works.

Practical transparency for rightholders

In the context of the targeted initiative, rightholders need transparency beyond Article 53 of the AI Act, which requires only summary-level disclosure and does not enable verification of specific opt-outs. General-purpose AI model providers and, where relevant, providers or deployers controlling fine-tuning, retrieval-augmented generation or dataset selection should document training data sources and respond to rightholder queries whether specific works were used. A trusted intermediary through EUIPO should reconcile access with trade secret protection.

Presumption of use and output-side liability

Where serious indicia show protected works were used in training, fine-tuning or RAG, a rebuttable presumption of use should apply. Relevant indicia include absence of transparency documentation, removal of metadata, and outputs reproducing non-trivial elements of protected expression. The relationship between TDM exceptions and output-side liability requires clarification. Where an AI output reproduces protected expression from an existing work — including original elements or a part reflecting the author's own intellectual creation — or is substantially similar to and causally derived from

such a work, the TDM exceptions should not prevent rightholders from enforcing their reproduction, adaptation where applicable, and communication or making-available rights.

These measures support market-based licensing, preserve exclusivity and encourage responsible use of creative content. CEPIC will provide quantitative data in the forthcoming consultation, including on licensing displacement, opt-out failures and metadata removal. The Commission should include visual content as a case study in the impact assessment.