

Protecting Creator IP in the Age of AI

Guidelines and Code of Conduct for the responsible use of creator intellectual property across generative AI systems in Europe.

DEVELOPED BY

TrueRights & EIMA

JURISDICTION

European markets

DATE

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— THE PROBLEM

Creators are unprotected. Brands are exposed.

The rapid growth of generative AI has created unprecedented opportunities for creativity and content production — but also significant risks for the people whose work and likeness fuel it.

Talent and creators face widespread misuse of their intellectual property: images, videos, voices, and other likenesses are increasingly used without proper permission, licensing, or compensation. Current copyright and personality rights frameworks struggle to address these challenges, leaving creators unprotected and brands exposed to legal and reputational risk.

These challenges are compounded across Europe by the diversity of national legal traditions governing IP, personality rights, and contract law. What constitutes enforceable consent in **Germany** differs from the approach in **France**, the **UK**, **Spain**, **Poland**, or the rest of the world. Any practical framework must account for this multi-market reality.

The Solution

TrueRights and EIMA have developed a practical, scalable framework to ensure creators' rights are respected and their IP is protected and optimised in the AI era. At its core is a **Guidelines and Code of Conduct for Creator IP** which:

- Provides clear standards for licensing, consent, and usage of creator content across AI platforms.
- Integrates with existing copyright, personality rights, and AI policy frameworks — including the **EU AI Act**, the **Audiovisual Media Services Directive**, and likely the **Digital Fairness Act** once enacted.
- Offers actionable steps for brands, agencies, and platforms — reducing risk while enabling innovation.
- Supports verification, tracking, and transparency in how creator content is used and monetised.

IN SHORT

This framework complements existing EU initiatives on copyright and AI — bridging the gap between emerging technology and established IP protections.

 — ENDORSEMENT & ADOPTION

A shared baseline for European creators.

TrueRights and EIMA invite the following entities to endorse and support the adoption of this Code of Conduct:

- **National and European regulatory bodies** with oversight of digital markets, AI, and consumer protection.
- **Industry associations, agencies, AI platforms,** and rights holder organisations across Europe.

By endorsing this Code, supporting organisations signal their commitment to protecting creators' rights while fostering responsible innovation in AI-driven industries.

Governance Structure

DEVELOPED BY

TrueRights & EIMA

Joint authors and custodians of the Code.

ENDORSED BY

To be confirmed

Additional endorsing organisations across the EU.

Both organisations share responsibility for the Code's maintenance, periodic review, and evolution. EIMA's member organisations across **10 European countries** may propose amendments and flag country-specific adaptations through a structured consultation process. Governance decisions are made jointly by TrueRights and EIMA, with input from endorsing organisations where appropriate.

Funding and resourcing of custodianship responsibilities will be defined in a separate operational agreement between TrueRights and EIMA.

PURPOSE OF THE CODE

Trust, transparency, accountability, fairness.

This Code of Conduct establishes a shared baseline of best practice for the responsible use of creator intellectual property in the development and deployment of generative AI systems.

It is intended to promote trust, transparency, accountability, and fairness across the creator economy and the AI value chain. The Code also addresses the broader responsibility dimensions of AI-generated content, including the potential for synthetic media to manipulate body image, reinforce stereotypes, or create misleading representations of diversity. These concerns align with EIMA's mission to foster sustainable, ethical, and profitable influencer marketing across Europe.

The Code is designed to evolve over time in line with technological, legal, and regulatory developments.

Scope and Applicability

This Code applies to all organisations and individuals involved in the creation, licensing, intermediation, deployment, or commercial use of generative AI systems that utilise or replicate creator intellectual property, including:

- AI platforms and model developers.
- Brands and commercial users of AI-generated content.
- Agencies, intermediaries, and technology partners.
- Creators, talent, and rights holders.

The Code is designed for **cross-border application** across European markets. Where national legislation or established local practice creates specific requirements — for example, the German *Kunsturhebergesetz* governing personality rights, or the French *droit à l'image* — local EIMA member organisations may issue supplementary guidance as annexes to this Code.

STAKEHOLDER RESPONSIBILITIES

Four roles. Shared commitments.

01 · AI Platforms and Model Developers

Platforms and model developers commit to:

- Obtain **explicit, informed consent** before using creator IP for training, fine-tuning, or synthetic generation.
- Clearly distinguish between training, inference, and commercial deployment when licensing creator IP.
- Maintain accurate records of licensed creator inputs and their permitted uses.
- Implement systems that support verification, traceability, and auditability of creator IP usage.
- Ensure fair and transparent remuneration — clearly defined compensation models (upfront fees, revenue share, or usage-based payments) that reflect commercial value and scale.
- Enforce against AI outputs that falsely represent, impersonate, or misattribute a real person without authorisation.
- Respect time-limited, purpose-limited, and revocable licences where agreed.

02 · Brands and Commercial Users

Brands and organisations using AI-generated outputs commit to:

- Use only AI systems that demonstrably respect creator IP rights and licensing obligations.
- Be transparent about how AI-generated content is created and deployed in commercial contexts.
- Ensure that creator IP is not repurposed beyond the scope of agreed permissions.
- Ensure fair and proportionate remuneration where AI-generated outputs incorporate, simulate, or are derived from creator IP.
- Recognise and mitigate legal, ethical, and reputational risks — including body image manipulation, synthetic diversity, and misleading representation.

STAKEHOLDER RESPONSIBILITIES (CONTINUED)

03 · Agencies and Intermediaries

Agencies, talent representatives, and intermediaries commit to:

- Act as **responsible stewards** of creator IP when negotiating AI-related licences and partnerships.
- Ensure creators understand how their IP may be used in AI systems — including cross-border considerations where campaigns operate across multiple European markets.
- Support transparency, fair remuneration, and accountability across the AI supply chain.
- Flag and report unauthorised or non-compliant use of creator IP encountered in the course of their work.

04 · Creators and Rights Holders

Creators and rights holders commit to:

- Engage in **informed decision-making** when licensing IP for AI use.
- Clearly define permitted uses, duration, and compensation terms.
- Register and document their IP to support enforcement and verification.
- Work with platforms and intermediaries that support transparency and verification.
- Report unauthorised AI usage of their IP when discovered.

CROSS-CUTTING PRINCIPLE

No party may treat creator IP as a default input. Every use of a creator's image, voice, performance, or likeness — for training, inference, or output — requires an explicit, traceable basis.

— CONSENT, TRANSPARENCY & USAGE CONTROLS

Permitted uses. Defined in advance.

All parties commit to:

- Defining permitted uses of creator IP **clearly and in advance**.
- Avoiding perpetual or open-ended AI licences by default.
- Providing creators with visibility into how their IP is used, adapted, or monetised.
- Disclosing when AI-generated outputs are materially derived from licensed creator IP, where appropriate.

Fairness and Remuneration

The Code recognises the structural imbalance between creators and AI systems, and commits stakeholders to:

- Fair, proportionate, and transparent compensation for the use of creator IP in AI.
- Avoiding uncompensated extraction of creative value.
- Supporting sustainable creator livelihoods in the AI economy.

To make these principles operational, TrueRights and EIMA will develop supplementary guidance on compensation mechanisms — including standard licensing tiers, minimum transparency requirements, and benchmarking against existing rate frameworks. Members will also receive preferential access to **TrueRates**, the world's first Usage Rights Calculator from TrueRights. This guidance will draw on the operational knowledge of EIMA's **300+ member agencies** across Europe.

Duty of Care & Risk Mitigation

- Take reasonable steps to prevent harmful, misleading, or defamatory AI-generated content involving real individuals.
- Consider downstream risks of AI-generated likenesses, voices, or identities — including content that manipulates body image, reinforces stereotypes, or misrepresents diversity.
- Act promptly to address misuse, disputes, or unauthorised deployments.

TECHNICAL INFRASTRUCTURE & CONTENT PROTECTION

Verification, attribution, enforcement — at scale.

Effective protection of creator IP in AI systems depends on robust technical infrastructure that enables verification, attribution, and enforcement at scale.

The Code recognises that policy commitments alone are insufficient without the underlying tools to operationalise them. Stakeholders therefore commit to supporting, adopting, and advocating for the following technical capabilities:

- **Watermarking and digital fingerprinting** that allow creator IP to be identified, tracked, and attributed across AI training datasets and generated outputs.
- **Open content provenance standards** — including the Coalition for Content Provenance and Authenticity (C2PA) — providing tamper-evident records of content origin, edits, and licensing status.
- **Machine-readable licensing** embedded within creator content, enabling AI platforms and downstream users to automatically detect permitted uses at ingestion or generation.
- **Detection mechanisms** that allow creators, agencies, and rights holders to identify unauthorised use of their IP across AI platforms and outputs.
- **Interoperability** between platforms, registries, and verification systems — so rights signals travel with content across the AI value chain.

TrueRights and EIMA will pursue a **dual-track approach**: advocating for the integration of these technical safeguards into existing regulatory and industry frameworks — including the EU AI Act and the Digital Fairness Act — while also supporting the development of practical tools and infrastructure that creators, agencies, and brands can adopt today. Specific implementation pathways will be set out in supplementary technical guidance.

COMPLIANCE AND DISPUTE RESOLUTION

A living framework. Reviewed annually.

To ensure the Code is meaningful in practice, TrueRights and EIMA will establish:

- A **complaints and reporting mechanism** for creators, brands, and agencies to flag potential breaches of the Code.
- An **annual compliance review** process to assess adherence across stakeholder groups.
- A **mediation pathway** for disputes arising from AI-related IP usage, accessible through EIMA member organisations and TrueRights.

Signatories agree to participate in good faith in any compliance or mediation process initiated under these provisions.

Governance & Evolution of the Code

This Code is intended to operate as a living framework. TrueRights and EIMA commit to:

- **Periodic review and update** of the Code, with a minimum annual review cycle.
- Ongoing consultation with creators, industry participants, and policymakers.
- Alignment with evolving EU and international AI and IP regulation — including the **EU AI Act**, the **Digital Fairness Act**, and the **Audiovisual Media Services Directive**.
- Structured input from EIMA member organisations to ensure the Code reflects the operational realities of influencer marketing across European markets.
- Publication of an annual status report summarising adoption, compliance, and any amendments.

10

European countries with EIMA member organisations.

300+

EIMA member agencies contributing operational input.

1 yr

Minimum review cycle — with annual status report.

— SIGNATURE & ENDORSEMENT

Endorse the Code.

Endorsement of this Code signals a commitment to accountability, transparency, and responsible innovation in the age of generative AI.

<p>AUTHORISED REPRESENTATIVE</p> <p>Organisation</p> <hr/> <p>SIGNATURE</p> <p>DATE</p>	<p>NAME & TITLE</p> <p>Print name</p> <hr/> <p>ROLE</p> <p>JURISDICTION</p>
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Submit endorsements via your local EIMA member organisation or directly to TrueRights. A countersigned copy will be returned for your records, and your organisation will be added to the published list of endorsing parties in the next annual status report.