Key Issues - European Commission Targeted Consultation on Copyright and Creativity and Innovation

19 October 2026

1. **Legal uncertainty about the scope of the TDM exceptions (articles 3 and 4 DSM)**
    a. Negative impact on public interest research and other activities (including development of public-interest AI)
    b. Proposal to clarify and broaden the scope of Article 3

2. **Challenges around opt outs (rights reservation) under Article 4**
    a. No agreed standard. No respect for existing tools (e.g. robots.txt). Hard to determine copyright status and comply with rights reservation mechanisms.
    b. Proposal to develop a standard and EU registry of opt-outs.

3. **Sustainability of the commons ecosystem**
    a. Support ability to choose to use access controls (conditional access aka Signals) and voluntary licensing tools, while supporting the value of public and open access content & ensuring protection for public interest uses.
    b. General open information ecosystem fund (levy, no remuneration right)

4. **Transparency/"attribution"**
    a. Develop best practices and mechanisms to implement the transparency obligation + template under AI Act
    b. Develop bot identification best practices and mechanisms, subject to public interest and privacy safeguards (which must not be abused as back door for black-listed, deceptive bots)

5. **Deepfakes**
    a. Copyright is not a suitable framework, better to rely on personality rights or other frameworks better suited to protect an individual's autonomy and self-determination.

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6. **Piracy of live events**
    a. Measures to prevent piracy must be proportionate and include safeguards to protect fundamental rights and lawful uses

7. **Research copyright exception**
    a. Develop a broad, mandatory, harmonized EU-wide exception to allow cross-border collaboration; no contract or TPM override; no commercial restriction to allow for public-private partnerships.
    b. Article 3 should be clarified to include a right to communicate to the public research datasets used for TDM to enable reproducibility.

8. **Secondary publication right & obligation**
    a. In addition to SPR, calling for an obligation for publicly-funded research to publish research outputs in OA repository without embargo.