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POSITION PAPER/FEEDBACK

AI STRATEGY FOR THE CULTURAL AND CREATIVE SECTORS

Strengthening the Legal and Economic Protection of Artists, Authors and Creators in the
Age of Artificial Intelligence

Contribution to the European Commission Call for Evidence - Ares(2026)7389748

Summary	A deliverable of the Culture Compass, the strategy will set out a strategic vision for the use of artificial intelligence (AI) in the cultural and creative sectors and industries. The strategy will benefit culture in general and the European cultural sector in particular, as well as citizens by supporting innovation, unleashing AI for European cultural sovereignty and promoting the development and use of AI to uphold genuine creation, and cultural and linguistic diversity and inclusion.
Topic	Culture and media
Type of act	Communication

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EXECUTIVE SUMMARY

The International Law Firm Avv. Simona Putzu welcomes the European Commission's initiative to develop a dedicated AI Strategy for the Cultural and Creative Sectors (CCS).

The forthcoming Strategy represents an important opportunity to establish a European model of artificial intelligence that combines technological innovation with the protection of human creativity, cultural diversity, copyright, authorship and the economic sustainability of creative professions.

The Commission's Call for Evidence correctly recognises that AI is fundamentally transforming the creation, production, preservation, distribution and consumption of cultural content. It also identifies a number of significant risks, including the licensing of copyright-protected works for AI purposes, the unauthorised use of artists' images and voices, the proliferation of AI-generated content, threats to cultural and linguistic diversity, algorithmic bias and the potential impact of generative AI on employment and earnings in the creative sectors.

The International Law Firm Avv. Simona Putzu strongly supports the Commission's stated principle that AI should complement rather than replace human creativity and agency.

However, the Strategy should go significantly further in translating this principle into concrete legal and economic safeguards.

The central position of this Paper is that:

Human creativity must remain the foundation of the European cultural and creative economy, and creators must participate fairly in the economic value generated through the use of their works, identities, performances and creative contributions by AI systems.

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The future Strategy should therefore establish a genuinely creator-centred approach to AI governance.

In particular, the European Union should strengthen:

1. transparency concerning the use of copyright-protected works for AI training;
2. meaningful consent and licensing mechanisms;
3. effective opt-out and rights-management systems;
4. fair and proportionate remuneration;
5. contractual protection for authors and performers;
6. protection of image, voice, name and personality;
7. recognition of human authorship;
8. protection against unfair substitution of creative labour;
9. support for independent and economically vulnerable creators;
10. cultural and linguistic diversity;
11. algorithmic transparency and discoverability;
12. participation of creators in AI governance;
13. monitoring of the economic effects of AI on creative professions;
14. creator-oriented impact assessments;
15. stronger conditions for EU funding supporting AI and culture.

The EU copyright framework already contains important principles which should form the foundation for this approach. Directive (EU) 2019/790 establishes, inter alia, the principle that authors and performers should receive appropriate and proportionate remuneration and provides transparency rights concerning exploitation of their works and performances.

The AI Strategy should build upon these principles rather than treating AI as an entirely separate policy field.

The objective should not be to slow technological innovation.

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On the contrary, Europe should become a global leader in human-centred, creator-friendly and culturally sustainable AI.

1. INTRODUCTION

Artificial intelligence is rapidly changing the Cultural and Creative Sectors.

The transformation is not limited to the use of AI as a productivity tool. Generative AI can participate in the production of text, images, music, audiovisual works, translations, designs and other forms of cultural expression.

This transformation creates extraordinary opportunities.

AI may enable creators to experiment with new forms of artistic expression, facilitate access to cultural heritage, improve accessibility, support multilingual communication, reduce certain production costs and open new forms of interaction between creators and audiences.

The Commission appropriately recognises these opportunities. It identifies AI as a technology capable of enhancing creativity, automating certain tasks and facilitating inclusive and personalised cultural experiences.

At the same time, however, AI fundamentally changes the economic relationship between creators, cultural intermediaries and technology companies.

The critical question is therefore not whether AI should be used in culture.

It inevitably will be.

The question is:

Under what legal, ethical and economic conditions should AI be allowed to transform European culture?

The answer should be based upon a simple principle:

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technological progress must not be achieved at the expense of the people whose creativity generates cultural value.

The future European AI Strategy should therefore establish a balance between innovation and rights protection.

2. OVERALL ASSESSMENT OF THE COMMISSION’S INITIATIVE

The International Law Firm Avv. Simona Putzu considers the Commission’s initiative fundamentally positive.

The Call for Evidence has several important strengths.

First, it recognises the strategic importance of culture to European identity, democracy, social cohesion and competitiveness.

Second, it recognises the specific characteristics of the Cultural and Creative Sectors and does not treat them merely as conventional economic industries.

Third, it acknowledges the legal and economic challenges arising from the use of copyrighted works for AI purposes.

Fourth, it recognises risks associated with the unauthorised use of artists’ images and voices.

Fifth, it identifies potential employment and income risks for creative professionals.

Sixth, it recognises the importance of cultural and linguistic diversity.

Seventh, it explicitly identifies respect for creators’ rights as one of the guiding principles of the future Strategy.

These elements provide a strong foundation.

Nevertheless, the Paper considers that the protection of creators should become considerably more precise and operational.

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3. THE PRINCIPLE OF HUMAN CREATIVITY

The Commission proposes two particularly important principles:

- AI should complement and not replace human creativity and agency;
- AI should support progress, broader access to culture and knowledge and enhanced creativity.

The first principle should become the fundamental normative principle of the Strategy.

The European Union should expressly recognise that human creativity constitutes an essential cultural, economic and democratic asset.

AI should be regarded primarily as a technological instrument capable of assisting human creativity.

This approach does not require rejecting AI-generated content.

Rather, it requires distinguishing between:

A. Human-authored works

Works created through human intellectual and creative activity.

B. AI-assisted works

Works in which AI is used as a tool but meaningful creative decisions remain attributable to a human creator.

C. AI-generated works

Content generated predominantly or entirely through automated systems without meaningful human creative intervention.

This distinction has significant implications for:

- copyright;

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- attribution;
- remuneration;
- contractual rights;
- professional recognition;
- cultural value;
- consumer transparency.

The Strategy should therefore encourage a European framework in which the use of AI does not result in the progressive disappearance of the human author from the cultural ecosystem.

4. COPYRIGHT AND AI TRAINING

The use of copyright-protected works in the training of AI systems represents one of the most significant issues identified by the Commission.

The Call for Evidence expressly refers to the licensing of copyrighted works for AI uses.

This issue deserves a central position in the future Strategy.

AI systems can require access to enormous quantities of creative material.

The economic value of such material should not be treated as if it were automatically available without meaningful consideration of the rights of authors and other rightsholders.

The EU should therefore develop a framework based on:

- transparency;
- traceability;
- lawful access;
- licensing;

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- consent where required;
- effective rights reservation;
- remuneration;
- accountability.

The existing EU copyright framework already provides an important foundation.

Directive (EU) 2019/790 establishes a principle of appropriate and proportionate remuneration for authors and performers who license or transfer exclusive rights for exploitation.

The future AI Strategy should ensure that this principle remains effective when the exploitation involves AI-related uses.

5. TRANSPARENCY OF TRAINING DATA

Transparency should be one of the principal pillars of the future Strategy.

Creators cannot effectively exercise rights if they do not know whether their works have been used.

The Strategy should therefore promote mechanisms allowing creators and rightsholders to obtain meaningful information concerning:

- categories of works used for AI training;
- relevant sources;
- categories of rightsholders;
- licensing arrangements;
- rights-management mechanisms;
- applicable opt-out or licensing systems.

This does not necessarily require disclosure of commercially sensitive information or proprietary algorithms.

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It does, however, require sufficient transparency to make rights enforceable.

The existing copyright framework already recognises transparency as an essential element of the relationship between creators and those exploiting their works.

Article 19 of Directive (EU) 2019/790 requires regular, updated, relevant and comprehensive information concerning exploitation, revenues generated and remuneration due.

The AI context should build upon this principle.

6. CONSENT, LICENSING AND OPT-OUT

The European approach should ensure that creators have genuine control over the use of their works.

An opt-out mechanism is useful only if it is:

- accessible;
- technically effective;
- interoperable;
- transparent;
- enforceable.

Individual creators should not be required to possess sophisticated technical expertise in order to protect their works.

The EU should therefore support interoperable rights-management infrastructure allowing creators to express:

- permission;
- refusal;
- licensing conditions;

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- remuneration expectations;
- permitted categories of AI use.

The system should be designed particularly with freelancers and independent creators in mind.

7. FAIR REMUNERATION

Fair remuneration should be one of the central principles of the Strategy.

The Commission already identifies “fair business models” among the principal pillars of the initiative.

This principle should be made more concrete.

The economic value generated by AI systems should not be concentrated exclusively among technology companies and digital platforms where that value is materially connected to the use of human-created works.

Directive (EU) 2019/790 already establishes the principle of appropriate and proportionate remuneration.

The AI Strategy should reinforce its application to the new technological environment.

The EU should examine:

- licensing models;
- collective licensing;
- individual licensing;
- revenue-sharing;
- sectoral agreements;
- collective bargaining;
- standard contractual clauses;

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- remuneration funds where appropriate.

The objective should be to create an economic relationship in which:

creative contribution → lawful use → economic value → fair participation of the creator.

8. CONTRACTUAL PROTECTION

AI introduces new forms of contractual exploitation.

Authors and performers may be asked to grant extremely broad rights covering:

- AI training;
- machine learning;
- synthetic reproduction;
- voice cloning;
- image generation;
- style imitation;
- future technologies not yet foreseeable.

Such clauses may create substantial bargaining asymmetries.

The Strategy should therefore encourage:

- specific AI-related contractual clauses;
- clear definitions of permitted AI uses;
- separate remuneration for materially different uses;
- transparency regarding downstream exploitation;
- safeguards against excessively broad contractual transfers.

Directive (EU) 2019/790 already strengthens authors' and performers' contractual position through remuneration, transparency and adjustment mechanisms.

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The AI Strategy should make these principles fully effective in the AI environment.

9. PROTECTION OF IMAGE, VOICE AND PERSONALITY

The Commission expressly identifies the unauthorised use of artists' image and voice as a relevant risk.

The International Law Firm Avv. Simona Putzu considers this area particularly important.

AI can make it possible to reproduce a person's:

- voice;
- face;
- appearance;
- performance;
- name;
- professional identity.

Such uses can create economic, reputational and personal harm.

The Strategy should therefore support strong safeguards against unauthorised digital replicas.

These safeguards should include:

1. clear consent requirements for commercial exploitation;
2. transparency concerning synthetic replicas;
3. rapid removal mechanisms;
4. accessible complaint procedures;
5. appropriate remuneration;
6. protection against false attribution;

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7. protection of professional reputation.

Artists should not have to initiate lengthy litigation every time their identity is unlawfully reproduced through AI.

10. AI AND CREATIVE EMPLOYMENT

The Commission notes that almost three quarters of Europeans are concerned about the potential impact of generative AI on artists' employment and earnings.

This concern should receive greater attention.

The creative economy is characterised by a large number of freelancers and independent professionals.

AI may reduce demand for certain forms of creative labour while increasing demand for others.

The transition must therefore be actively managed.

EU policies should support:

- reskilling;
- upskilling;
- AI literacy;
- legal literacy;
- entrepreneurial training;
- new creative business models;
- access to creator-friendly technologies.

However, training alone is not sufficient.

The Strategy should also monitor whether AI creates structural displacement and whether economic gains are fairly distributed.

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11. PROTECTION OF INDEPENDENT CREATORS

The Call for Evidence correctly identifies the risk of inequalities affecting smaller organisations with limited access to computing resources, funding, high-quality data and expertise.

A similar concern applies to individual creators.

The European creative economy includes:

- writers;
- musicians;
- photographers;
- designers;
- actors;
- translators;
- independent filmmakers;
- visual artists;
- performers;
- journalists;
- illustrators;
- independent publishers.

These creators frequently negotiate with much larger organisations.

The Strategy should therefore incorporate a specific **Independent Creator Protection Principle**.

EU support should favour projects that strengthen creators' negotiating position and access to legal and technological tools.

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12. CULTURAL AND LINGUISTIC DIVERSITY

The protection of cultural diversity should be treated as a strategic objective.

The Commission identifies risks deriving from:

- algorithmic bias;
- insufficient diversity in training data;
- dominance of mainstream content;
- linguistic concentration.

These risks are particularly significant for Europe.

AI systems should not contribute to a progressive homogenisation of cultural expression.

The EU should promote:

- multilingual datasets;
- minority-language resources;
- digitisation of cultural heritage;
- equitable access to AI tools;
- support for local cultural production;
- discoverability of European cultural content.

The future Strategy should therefore recognise:

Cultural diversity is not an obstacle to AI innovation; it is one of the principal assets that European AI should protect and enhance.

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13. ALGORITHMIC DISCOVERABILITY

AI increasingly influences what audiences see, hear and read.

Recommendation systems may determine the visibility of:

- musicians;
- authors;
- films;
- books;
- artworks;
- independent creators.

Consequently, creators may suffer economic harm even where their copyright is formally respected.

The Strategy should therefore address the relationship between AI-driven recommendation systems and cultural discoverability.

The Commission should promote:

- transparency;
- diversity;
- non-discriminatory recommendation practices;
- visibility of European cultural content;
- opportunities for independent creators.

14. AI-GENERATED CONTENT AND TRANSPARENCY TO THE PUBLIC

The Commission identifies the growing propagation of AI-generated content as a significant challenge.

Public transparency is therefore essential.

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Consumers and audiences should be able to understand whether cultural content is:

- entirely human-created;
- AI-assisted;
- substantially AI-generated.

Transparency should not stigmatise AI-assisted creativity.

Rather, it should allow audiences to make informed choices.

The Commission should therefore support reliable and interoperable systems for identifying AI-generated or substantially AI-manipulated cultural content.

15. GOVERNANCE AND PARTICIPATION OF CREATORS

The Call for Evidence proposes workshops, surveys, stakeholder dialogue and a high-level policy dialogue.

This consultation structure is welcome.

Nevertheless, the future governance framework should ensure that individual creators have a meaningful voice.

Large technology companies and major cultural organisations inevitably possess greater institutional resources.

The European Strategy should therefore establish a permanent:

European Creators' Forum on AI

Such a forum could include representatives of:

- authors;
- artists;
- performers;

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- musicians;
- writers;
- audiovisual creators;
- photographers;
- designers;
- independent publishers;
- collective management organisations;
- cultural institutions;
- AI developers;
- researchers;
- civil society.

Particular attention should be paid to independent and emerging creators.

16. EU FUNDING AS A TOOL FOR CREATOR PROTECTION

The Commission identifies Creative Europe, Digital Europe and Horizon Europe as key instruments for implementing the Strategy and connecting it with the future 2028–2034 Multiannual Financial Framework.

This is a major opportunity.

Funding should not merely support AI adoption.

It should support responsible and creator-centred AI adoption.

The EU could therefore introduce eligibility or evaluation criteria concerning:

- copyright compliance;
- creator participation;
- fair remuneration;

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- transparency;
- cultural diversity;
- protection of human creativity;
- ethical AI.

This approach is already consistent with the direction of EU research policy. The Horizon Europe 2026–2027 Work Programme on Culture, Creativity and Inclusive Society expressly identifies creators’ rights, earnings, royalties, consent, control, rights management and compensation as areas requiring investigation and policy development.

17. MONITORING THE ECONOMIC EFFECTS OF AI

The Commission proposes relying on existing monitoring mechanisms, Eurostat, the EU Cultural Data Hub and the AI Observatory.

These mechanisms should be supplemented by creator-centred indicators.

The Commission should monitor:

- creative employment;
- average creator income;
- licensing revenue;
- AI-related licensing;
- copyright disputes;
- use of works in training;
- market concentration;
- cultural diversity;
- visibility of European content;
- economic participation of independent creators.

The fundamental question should be:

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Is AI strengthening or weakening the economic sustainability of human creativity?

18. CREATOR IMPACT ASSESSMENT

The Call for Evidence explains that no formal impact assessment is being conducted because the initiative is expected to be non-legislative.

While this is understandable from a Better Regulation perspective, the International Law Firm Avv. Simona Putzu considers that a dedicated assessment of the effects on creators would nevertheless be highly desirable.

The Commission should conduct, at minimum, a:

Creator Impact Assessment

Such an assessment should examine the effects of AI on:

- employment;
- remuneration;
- copyright;
- contractual bargaining power;
- cultural diversity;
- independent creative professions;
- market concentration.

The absence of a formal impact assessment should not mean the absence of evidence-based evaluation.

19. PROPOSED EUROPEAN CREATOR PROTECTION FRAMEWORK

The International Law Firm Avv. Simona Putzu recommends the establishment of a European Creator Protection Framework based on the following principles.

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Principle 1 – Human Creativity

Human creativity must remain at the centre of European cultural policy.

Principle 2 – Transparency

Creators should have meaningful information about the use of their works in AI systems.

Principle 3 – Consent

AI-related exploitation should be subject to meaningful and informed contractual arrangements.

Principle 4 – Fair Remuneration

Creators should receive adequate and proportionate remuneration for the economic exploitation of their rights.

Principle 5 – Identity Protection

Image, voice, name and professional identity should receive effective protection against unauthorised AI exploitation.

Principle 6 – Contractual Fairness

AI-related rights should not be transferred through excessively broad or opaque contractual provisions.

Principle 7 – Cultural Diversity

AI development must protect European cultural and linguistic diversity.

Principle 8 – Independent Creators

EU policy should specifically protect freelancers and small creators.

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Principle 9 – Human-Centred Innovation

EU-supported AI technologies should enhance rather than unnecessarily replace human creativity.

Principle 10 – Accountability

AI developers and cultural platforms should bear appropriate responsibility for unlawful uses of creative works.

20. KEY RECOMMENDATIONS

The International Law Firm Avv. Simona Putzu respectfully recommends that the European Commission consider the following measures.

Recommendation 1

Establish human creativity and authorship as foundational principles of the AI Strategy.

Recommendation 2

Develop a European framework for transparent identification of copyright-protected works used for AI training.

Recommendation 3

Strengthen effective and interoperable opt-out and rights-reservation mechanisms.

Recommendation 4

Promote fair licensing models for AI training and exploitation.

Recommendation 5

Ensure that authors and performers benefit from adequate and proportionate remuneration.

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Recommendation 6

Develop standardised contractual safeguards for AI-related exploitation.

Recommendation 7

Strengthen protection against unauthorised voice cloning, image replication and digital impersonation.

Recommendation 8

Establish effective and rapid complaint and redress mechanisms for creators.

Recommendation 9

Create specific support measures for independent creators and freelancers.

Recommendation 10

Integrate creator-protection criteria into relevant EU funding programmes.

Recommendation 11

Establish a European Creators' Forum on AI.

Recommendation 12

Develop creator-oriented indicators within the EU Cultural Data Hub and related monitoring mechanisms.

Recommendation 13

Introduce a Creator Impact Assessment for major future EU initiatives concerning AI and culture.

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Recommendation 14

Strengthen European support for AI systems that preserve multilingualism and cultural diversity.

Recommendation 15

Promote transparency concerning AI-generated and substantially AI-manipulated cultural content.

Recommendation 16

Develop European standards for digital identity and personality protection in the context of AI.

Recommendation 17

Support collective and sectoral mechanisms enabling creators to negotiate effectively with AI developers and platforms.

Recommendation 18

Ensure that AI-related exploitation is appropriately reflected in copyright licensing and remuneration frameworks.

Recommendation 19

Promote AI literacy together with copyright and contractual literacy for creators.

Recommendation 20

Ensure that the future 2028–2034 financial framework provides dedicated resources for the protection and empowerment of creators in the AI transition.

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21. CONCLUSIONS

The European Commission has correctly identified the need for a dedicated AI Strategy for the Cultural and Creative Sectors.

The initiative is timely, necessary and strategically important.

The Call for Evidence provides a solid foundation by recognising both the opportunities created by AI and the significant risks affecting creators, copyright, employment and cultural diversity.

The International Law Firm Avv. Simona Putzu fully supports the objective of developing a European AI ecosystem that is innovative, competitive and technologically advanced.

However, technological leadership should not be pursued independently from the protection of human creativity.

Europe should avoid a model in which creative works are treated principally as data resources for AI development while the creators themselves remain outside the economic value chain.

The European cultural economy depends upon authors, artists, performers and other creators.

Their works constitute the cultural capital upon which the digital creative economy increasingly operates.

Consequently:

The protection of creators is not an obstacle to AI innovation. It is a prerequisite for a sustainable European AI ecosystem.

The European Union already possesses important legal foundations.

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Directive (EU) 2019/790 recognises the importance of adequate and proportionate remuneration and transparency for authors and performers.

The future AI Strategy should build upon these principles and adapt them to the new technological environment.

The Strategy should therefore pursue a creator-centred model of digital transformation, based on:

innovation + human creativity + copyright + transparency + fair remuneration + cultural diversity + economic sustainability.

The European Union has the opportunity to establish an international benchmark.

Rather than merely becoming a leader in AI adoption, Europe should aspire to become the global leader in:

Human-Centred AI for Culture

Such a model would demonstrate that technological innovation and the protection of creators are not competing objectives.

They are mutually reinforcing.

The ultimate objective should therefore be to ensure that:

AI serves creativity, rather than creativity serving AI.

And that:

the economic value generated through human creativity is fairly shared with the human creators whose work makes that value possible.

The International Law Firm Avv. Simona Putzu therefore encourages the European Commission to strengthen the forthcoming AI Strategy by transforming its recognition of creators' rights into a concrete, enforceable and adequately funded European

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framework for the protection of artists, authors, performers and other creative professionals.

A European AI Strategy for the Cultural and Creative Sectors will be successful only if it succeeds simultaneously in promoting innovation, protecting rights and preserving the human dimension of European culture.

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Avv. Simona Putzu

