



TONOs Submission to the European Commission Call for Evidence

“Targeted Initiative for a Better Copyright Environment for European Creativity and Innovation”: A review of the copyright in the Digital Single Market Directive

Introduction:

TONO welcomes the European Commission’s initiative to assess whether additional measures are needed to ensure that European copyright law remains effective in a rapidly changing technological environment.

TONO is the Norwegian collective management organization established in 1928 and representing composers, lyricists, music publishers and other music creators in Norway.

We manage the economic copyrights in the music of our more than 46.000 members and millions of their colleagues all over the world.

TONO strongly supports the European Union’s long-standing commitment to cultural diversity, creativity and innovation. Copyright has been one of the key pillars enabling Europe’s creative sectors to flourish. Any future legislative initiative should preserve and strengthen this foundation.

TONO supports the Commission’s exploration of targeted legislative measures addressing copyright and generative AI while preserving the core architecture of the DSM Directive.

From TONO’s perspective, two issues require particular attention.

First, the rapid development and deployment of generative artificial intelligence systems have exposed significant weaknesses in the practical enforceability of copyright. Protected works are being used on a massive scale in connection with the training, development and operation of AI systems, while creators and rightsholders often lack the information necessary to determine whether their rights have been respected.

A new legislative initiative is therefore required to restore balance, stop ongoing infringements and ensure effective protection of authors’ rights in the generative AI environment, thereby enabling a well-functioning licensing market across the GenAI value chain.



Second, coercive buy-out practices continue to undermine the objective of ensuring appropriate and proportionate remuneration for creators. In particular, contractual models imported from jurisdictions outside Europe increasingly threaten the effectiveness of EU copyright policy.

TONO believes that these challenges cannot be addressed solely through transparency measures, voluntary frameworks or guidance documents. Effective legislative measures are required to ensure that copyright remains meaningful, enforceable and economically sustainable in the digital age.

At the same time, TONO sees no evidence justifying an expansion of existing copyright exceptions for scientific research. Where access to protected works is required for research purposes, collective licensing mechanisms offer a balanced and proven solution that supports both innovation and remuneration.

1. Copyright as a foundation of European creativity

Copyright is not merely a legal or economic instrument. It is one of the foundations upon which European cultural diversity is built.

For generations, copyright has enabled authors, composers and publishers to invest time, talent and resources in the creation of cultural works. The European copyright framework has supported a rich and diverse creative ecosystem, allowing creators from small and large markets alike to reach audiences across borders while maintaining meaningful control over the use of their works.

For a country such as Norway, with a relatively small language area and domestic market, copyright plays a particularly important role. It enables professional creators to sustain careers and continue contributing to cultural life despite structural market limitations.

The digital transformation of creative industries has repeatedly demonstrated the adaptability of copyright. Collective licensing solutions have facilitated the development of radio, television, streaming services and other digital services while ensuring remuneration for creators.

Generative artificial intelligence presents a new challenge. However, the solution should not be to weaken copyright protection. On the contrary, the unprecedented scale at which protected works can now be copied,



analyzed, transformed and monetized demonstrates the continuing relevance of copyright and the need for effective enforcement mechanisms.

Europe has consistently been a global leader in promoting a balanced framework that combines innovation with respect for creators' rights. Maintaining this leadership is essential in the age of artificial intelligence.

2. Generative AI and the need for effective copyright enforcement

2.1 The use of protected works by generative AI services

The development of generative AI systems depends heavily on access to vast quantities of data, including copyright-protected works.

Across the creative sector, there is now widespread evidence that protected works have been used in connection with the training and operation of AI systems without authorization and without remuneration for creators.

Music creators are particularly exposed to these developments. Musical works, lyrics, recordings, metadata and related materials constitute valuable training resources for AI systems capable of generating music, text and multimedia outputs.

TONO's members increasingly express concern regarding the use of their works in AI systems. These concerns are not limited to theoretical questions regarding copyright. They relate directly to creators' ability to earn a living from their work and to maintain meaningful control over how their creations are used.

The fundamental principle remains unchanged: where protected works are used, the relevant rights should be respected and, where required, licensed. The emergence of new technologies does not alter this principle.

2.2 Access to information as a prerequisite for licensing

A well-functioning licensing market depends on one fundamental condition: the parties involved must have sufficient information to understand whether, how and to what extent protected works are being used.

Today, this condition is often absent in the context of generative AI.

Authors, composers, publishers and collective management organizations are frequently unable to determine whether their works have been used in



the development, training or operation of AI systems. Even where rightsholders have publicly reserved their rights, they often lack the information necessary to verify whether such reservations have been respected in practice.

This creates a structural imbalance. While AI developers possess detailed knowledge regarding the datasets, sources and processes used in connection with their services, rightsholders are often left without the information necessary to assess whether licensing is required, whether rights have been respected, or whether remuneration may be due.

As a result, the absence of meaningful access to information does not merely create enforcement challenges. It also undermines the development of licensing markets.

Licensing negotiations cannot realistically take place where one party lacks basic information regarding the use of its assets. In practice, information asymmetry becomes a barrier both to licensing and to effective exercise of rights. For this reason, TONO considers that access to relevant, meaningful and verifiable information should be regarded as a prerequisite for a functioning licensing ecosystem in the age of AI.

Improved transparency should not be viewed as an objective in itself, but rather, transparency should serve a broader purpose, namely enabling rightsholders and AI developers to engage in constructive licensing discussions, establish legal certainty, and develop sustainable business models that benefit both innovation and creativity.

The ultimate goal should not be transparency for its own sake, but transparency that enables trust, licensing and remuneration. Access to information is therefore not an end in itself. It is a necessary precondition for licensing, enforcement and remuneration. However, transparency alone will not solve the underlying challenges unless it is accompanied by effective mechanisms enabling creators and rightsholders to exercise their rights in practice.

2.3 Transparency is necessary but not sufficient

TONO strongly supports enhanced transparency obligations for AI providers.



Without access to meaningful information regarding the use of protected works, creators and rightsholders are effectively prevented from exercising and enforcing their rights.

However, transparency alone is not enough. The objective of copyright law is not merely to inform creators that their works have been used. The objective is to ensure that creators can exercise rights, negotiate licenses and receive remuneration where their works contribute value.

A transparency framework that does not ultimately enable licensing and remuneration risks becoming little more than a reporting exercise. Future legislative measures should therefore focus not only on disclosure obligations but also on ensuring that transparency serves the practical exercise of rights.

2.3 A Functioning licensing market requires more than opt-out mechanisms

Experience since the adoption of the DSM Directive has demonstrated significant practical challenges associated with the implementation and enforcement of opt-out mechanisms under Article 4.

Many creators and collective management organizations have no practical ability to monitor all locations where their works may appear online. Nor can they verify whether opt-out declarations have been respected in practice.

TONO therefore believes that policy discussions should move beyond a narrow focus on technical opt-out mechanisms and instead address the broader question of how a functioning licensing market can be established for AI-related uses of protected works. Licensing has successfully supported innovation in numerous digital markets. There is no reason why AI should be treated differently.

Rather than creating increasingly complex systems for rights reservation, policy should focus on enabling efficient licensing solutions that provide legal certainty for both creators and technology developers.

2.4 EU copyright law must apply to services operating in Europe

The effectiveness of European copyright law depends on its practical applicability. AI developers increasingly operate across multiple jurisdictions,



often training systems outside Europe while making services available to European users and markets.

TONO supports the principle that where AI services are offered within the European Union and affect European markets, European copyright law should apply regardless of where technical training processes occur.

Any other interpretation would risk creating significant loopholes that undermine both creators' rights and the competitive position of European businesses that comply with EU rules. The principle of territoriality should not become a mechanism through which compliance can be avoided.

2.5 The introduction of a rebuttable presumption of use to rebalance the burden of proof

Without meaningful transparency and cooperation, proving infringement is practically impossible. A rebuttable presumption of use is therefore essential. It should apply when GenAI services refuse to cooperate with authors' CMOs and main rightholders, or fail to provide granular transparency.

The cooperation should be in good faith and with a view to obtaining licenses and the presumption applying automatically where the relevant conditions are met. It is important to note that the presumption of use applies to all usages of protected works by GenAI services, going beyond the use for training only, since the issue concerns also the exclusive rights that can in no way be part of the limited TDM exception and the opt-out regime that may apply (see in any case our comments above and below relating to the limits and inherent dysfunctions of the opt-out regime as a basis to create a functioning licensing market for GenAI value chain).

This is particularly relevant considering the fact that usages of protected works in the process of memorization, RAG and fine-tuning are happening in a much larger scale than initially pretended by the GenAI services. This is becoming increasingly more obvious with the recent court cases in Germany (OpenAI and Suno) and research on the functioning of the GenAI services.

3. The growing substitution effect on music and creative markets

3.1 The challenge extends beyond training data



Public debate regarding copyright and artificial intelligence has often focused on the use of protected works as training data. While this issue remains critically important, it represents only one part of a broader challenge.

For creators, the economic consequences of generative AI arise not only from the unauthorized use of protected works during model development, but also from the increasing use of AI-generated outputs in commercial markets that have traditionally relied on human-created content.

The question is therefore not only whether creators should be compensated when their work contributes to the development of AI systems. It is also whether creators will continue to be compensated when AI-generated content increasingly replaces licensed creative works in the marketplace.

This challenge is particularly visible in the music sector. Music is relatively inexpensive to generate, distribute and consume. It is also highly adaptable to automated production systems. As a result, music has become one of the first creative sectors where large-scale substitution effects are becoming visible. These developments should be regarded as a matter of strategic concern for European cultural policy.

3.2 AI-generated music is entering existing commercial markets

TONO observes growing interest in AI-generated music across several commercial sectors.

These include the production music and library music, and advertising and marketing content, as well as social media content, gaming environments, audiovisual productions, background music services and public performance environments, including also corporate communications.

In many of these markets, AI-generated music is promoted not because it offers greater artistic value, but because it clearly may reduce licensing costs or avoid royalty obligations.

This creates a risk that markets built upon professional creative work gradually become saturated with content generated through systems that themselves have relied on existing creative repertoire. Such developments raise fundamental questions of fairness and sustainability.



The objective of copyright has never been solely to encourage creation. It has also been to ensure that creators are able to participate in the economic value generated by their works. If AI systems are allowed to utilize protected works without meaningful remuneration while simultaneously displacing those same works in the marketplace, the result is a distortion of the economic framework that copyright is intended to support.

3.3 The impact on cultural diversity

The implications extend beyond economics. Europe's creative ecosystem depends on the continued existence of professional creators working across diverse languages, genres and cultural traditions.

The European Union has consistently recognized cultural diversity as a core value and policy objective. Generative AI presents a potential challenge to this objective if commercial incentives increasingly favor low-cost, automated content over original human creativity.

For creators working in smaller linguistic and cultural markets, the risks may be particularly significant. Countries such as Norway, Denmark, Finland and others rely on copyright frameworks that enable local creators to sustain professional careers despite operating in relatively small domestic markets.

If AI-generated content contributes to downward pressure on revenues, local cultural production may become increasingly difficult to sustain. The result would not merely be economic harm to individual creators. It could also reduce cultural diversity and weaken Europe's creative ecosystem.

3.4 Economic evidence should not be ignored

Recent economic studies have highlighted the potential scale of these developments. Research commissioned within the creative sector indicates that substantial portions of creators' future revenues may be placed at risk as generative AI systems become more widely deployed and commercialized.

While estimates naturally vary depending on methodology and assumptions, the overall direction is clear! Creators face economic pressure both from unauthorized use of their works and from increasing competition from AI-generated outputs.



The policy debate should therefore move beyond the narrow question of data access and consider the wider economic consequences for creative industries. Copyright policy cannot focus solely on the input side of the AI value chain. It must also address what happens when AI-generated output enters markets and competes directly with human-created works.

3.5 A sustainable AI economy requires sustainable creative markets

TONO fully supports technological innovation and recognizes the significant opportunities that AI may create for society. The objective should not be to prevent innovation. On the contrary, the objective should be to ensure that innovation develops within a framework that remains economically sustainable for creators.

Europe has repeatedly demonstrated that innovation and copyright protection are not mutually exclusive. Streaming services, digital distribution platforms and online licensing systems all emerged within a copyright framework that recognized creators' rights while enabling technological development. The same principle should apply to artificial intelligence.

A sustainable AI economy ultimately depends upon a sustainable creative economy. Without professional creators, there will be no high-quality cultural works upon which future innovation can build. Without such economic incentives for our creators, there will be no more new innovative and contemporary music!

4. Collective licensing as part of the solution

4.1 Innovation and licensing have always developed together

Throughout the history of copyright, technological innovation has repeatedly created new challenges regarding the use of creative works. The emergence of broadcasting, cable retransmission, satellite services, digital downloads and music streaming all required new licensing solutions capable of operating on a scale.

In each of these cases, collective management organizations played a central role in creating practical, efficient and legally secure frameworks that benefit both creators and users. Rather than preventing innovation, collective licensing has often been one of the key mechanisms enabling innovation to develop.



The development of artificial intelligence should be viewed through the same lens. The scale of AI-related uses of protected works is unprecedented. Millions of works may potentially be involved across multiple jurisdictions, languages and repertoires. Individual negotiations between individual creators and AI developers cannot realistically address this complexity. The challenge therefore is not whether licensing should occur, but how licensing can occur efficiently and on a better scale.

4.2 Collective management provides a sustainable infrastructure

Collective management organizations have decades of experience administering rights in situations where individual licensing would be impractical or impossible. This experience is particularly relevant in the age of AI where CMOs already perform functions that are directly relevant to future AI licensing markets, including representing large numbers of creators and rightsholders and administering rights across extensive repertoire.

CMOs are more than capable of facilitating multi-territorial licensing and collecting and distributing remuneration, hereby ensuring transparency and accountability and reducing transaction costs for users, and at the same time also providing legal certainty for both licensors and licensees.

The infrastructure necessary to support large-scale licensing already exists. Future policy initiatives should therefore seek to build upon these existing systems rather than attempting to replace them with entirely new and untested mechanisms.

4.3 Licensing creates legal certainty for AI developers

Discussions concerning copyright and artificial intelligence are sometimes presented as a conflict between creators and innovation. TONO does not share this view. From a legal and commercial perspective, uncertainty benefits neither creators nor technology developers. AI developers require access to content and legal certainty regarding the scope of their rights and obligations. Creators require transparency, respect for their rights and appropriate remuneration.

Licensing offers a practical means of achieving both objectives. A functioning licensing market would provide AI developers with predictable access to high-quality creative content while reducing legal uncertainty and litigation



risks. At the same time, creators would be able to participate in the economic value generated through the use of their works.

This approach is fully consistent with the broader objectives of European copyright policy, which has long sought to balance innovation with the protection of creators' legitimate interests.

4.4 Collective licensing can support the entire AI value chain

Future policy discussions should avoid viewing AI-related uses of protected works as a single activity. Different forms of use occur at different stages of the AI value chain and may require different licensing approaches.

Without seeking to prejudge future legislative solutions, TONO considers it useful to distinguish between the use of protected works during the training and development of AI systems and the operation and commercial exploitation of AI services, as well as the downstream exploitation of AI-generated outputs where such outputs compete with or derive value from protected repertoires.

These different activities raise distinct legal and economic questions. However, they share a common characteristic: they involve the creation of value from creative works. Collective licensing mechanisms have the flexibility necessary to address these different forms of use while maintaining legal certainty and administrative efficiency.

4.5 Policy should encourage licensing rather than rely on exceptions

One of the strengths of the European copyright framework has been its recognition that licensing is generally preferable to broad and open-ended exceptions. Licensing ensures that creators remain participants in the economic ecosystem built upon their works. Exceptions, by contrast, should remain limited, targeted and carefully justified.

TONO therefore believes that future policy initiatives should focus primarily on enabling and strengthening licensing solutions rather than expanding exceptions or creating additional mechanisms that weaken the exercise of rights. The objective should not be to identify new ways of avoiding licenses, but instead the objective should be to facilitate licenses that are practical, efficient and scalable.



4.6 The role of collective management in a sustainable AI future

The development of AI presents one of the most significant challenges ever faced by copyright law. It also presents an opportunity, and Europe now has the possibility to demonstrate that technological innovation and creators' rights are not opposing objectives, but complementary ones.

A sustainable AI ecosystem requires access to high-quality creative content. A sustainable creative ecosystem requires meaningful recognition of creators' rights and economic participation in the value generated from their works.

Collective management organizations are uniquely positioned to help bridge these objectives. The experience accumulated over decades of licensing complex and large-scale uses of creative works should be recognized as an asset in the search for future-oriented solutions. Rather than treating copyright as an obstacle to innovation, European policy should recognize that effective licensing frameworks are often what make innovation possible. The same principle should guide future policy in relation to artificial intelligence.

Legislative clarification should confirm that authors' and rightsholders' existing reproduction and communication to the public rights in original works *extend* to the generation and exploitation of AI-generated output. While collective management is the most effective way of licensing for authors and composers in general, it is an essential part of the solution when it comes to exploitation by third party businesses in the downstream markets to provide legal certainty for users, prevent market foreclosure, and ensure an appropriate remuneration for all creators whether big or small.

Another option to consider in this respect would be the creation of a new exploitation right, on which there are also several academic papers and dedicated discussions at some Member States.

5. Appropriate remuneration and the threat of Buy-Out practices

5.1 Copyright must enable creators to share in the success of their works

One of the fundamental objectives of European copyright law is to ensure that creators can participate in the economic value generated by their works.



Copyright is not solely intended to reward the act of creation itself. It is also intended to establish an ongoing relationship between creators and the exploitation of their works, enabling authors and composers to benefit when their works continue to generate value over time.

This principle has become increasingly important in digital markets, where works may be distributed and exploited across multiple territories and platforms for many years after their initial creation.

The principle of appropriate and proportionate remuneration embodied in Article 18 of the DSM Directive reflects this fundamental objective. TONO strongly supports this principle and considers it one of the most important achievements of recent European copyright policy. However, significant challenges remain regarding its practical effectiveness.

5.2 Buy-Out practices continue to undermine European copyright policy

Despite the objectives pursued by the DSM Directive, creators continue to face contractual practices that effectively deprive them of the possibility to participate in the long-term success of their works. Particularly in the audiovisual and digital content sectors, creators are increasingly confronted with contractual arrangements requiring extensive transfers of rights in exchange for a one-off payment.

Such arrangements often include a worldwide transfers of rights and transfers covering the entire term of copyright protection. It can also include transfers extending to future and currently unknown forms of exploitation and broad waivers of future remuneration claims. Furthermore, issues like choice-of-law and jurisdiction clauses favoring non-European legal systems.

While contractual freedom is an important principle, it cannot justify arrangements that systematically undermine the policy objectives pursued by European copyright law. The concern is not limited to individual contracts. The issue is actually structural.

Where creators are routinely required to surrender future participation in the value generated by their works as a condition of professional engagement, the principle of appropriate and proportionate remuneration risks becoming ineffective in practice.



5.3 The imbalance of bargaining power remains significant

The European legislature recognized during the adoption of the DSM Directive that creators frequently negotiate from a weaker bargaining position than those exploiting their works. This imbalance remains highly relevant today. Individual creators often negotiate with large multinational corporations possessing substantial economic, legal and negotiating resources.

In many cases, creators face a practical choice between accepting the offered contractual terms or losing access to professional opportunities altogether. The imbalance becomes even more pronounced when contracts are governed by legal systems that do not share the same traditions regarding authors' rights, moral rights or ongoing remuneration.

As a result, creators may formally agree to contractual provisions while having little realistic ability to negotiate their content. This reality should be considered when assessing the effectiveness of existing safeguards.

5.4 New challenges emerging in the age of artificial intelligence

TONO is increasingly observing discussions regarding contractual provisions that seek to grant broad rights relating to the use of creative works, performances, voices, likenesses or other creative contributions in connection with AI development and deployment. The rise of artificial intelligence introduces additional concerns.

In some cases, creators may be asked to grant rights covering future AI-related uses that are not clearly defined at the time of contracting. Such provisions raise important questions regarding transparency, informed consent and remuneration.

The risk is that the same contractual mechanisms that have historically been used to facilitate buy-out practices may now be extended to encompass AI-related uses on a potentially global scale. If this trend continues unchecked, creators may find themselves excluded not only from existing markets but also from future forms of exploitation enabled by emerging technologies.

This would be contrary to the objective of ensuring that creators can participate in the economic opportunities generated by technological innovation.



5.5 Collective management organizations play an essential role

Collective management organizations have long served as an important counterbalance to unequal bargaining power in creative markets. By enabling creators to exercise rights collectively, CMOs strengthen the position of individual creators and help ensure that remuneration is distributed fairly and transparently. This role remains highly relevant today.

In sectors characterized by significant market concentration, collective management often represents one of the few practical mechanisms through which creators can exercise rights effectively and participate in negotiations on more equal terms. Future policy initiatives should therefore recognize and support the role of collective management organizations in safeguarding the principle of appropriate and proportionate remuneration.

5.6 The need for further action

TONO welcomes the protections introduced through Articles 18 to 20 of the DSM Directive. However, experience suggests that additional measures may be necessary to ensure that these principles achieve their intended effect in practice.

Attention should be given to situations where contractual arrangements seek to circumvent the objectives of European copyright law through the choice of non-European legal frameworks or through contractual provisions that effectively eliminate creators' future participation in the value generated by their works.

The objective should not be to restrict legitimate commercial agreements. Instead, it should be to ensure that the fundamental principles established by European copyright law cannot be rendered ineffective through contractual structures that systematically shift economic value away from creators.

A vibrant European creative sector depends not only on the creation of new works, but also on creators' ability to share fairly in the success of those works over time. Safeguarding this principle is essential for the long-term sustainability of Europe's cultural and creative industries.

6. Scientific research and copyright exceptions

6.1 The existing framework provides a balanced approach



TONO recognizes the important contribution that scientific research makes to European innovation, competitiveness and societal development.

Research institutions, universities and cultural heritage organizations play a vital role in advancing knowledge and supporting technological progress, including in the field of artificial intelligence.

For this reason, the European Union has already established specific copyright exceptions designed to facilitate text and data mining activities for scientific research purposes.

In TONO's view, the current framework needs to uphold a sustainable balance between the interests of researchers and the rights of creators.

The existing exceptions may provide legal certainty for genuine scientific research while it is necessary to preserve the fundamental principle that creators should retain meaningful control over the commercial exploitation of their works.

6.2 No evidence supports further expansion

In TONO's view there is no evidence demonstrating that the current legal framework has created significant barriers to scientific research that would justify additional copyright exceptions.

The policy discussion surrounding artificial intelligence has primarily concerned commercial AI development and deployment rather than non-commercial scientific research. It is therefore important to distinguish clearly between these different activities.

Measures intended to support scientific research should not inadvertently create loopholes or 'back-door' channels that facilitate large-scale commercial exploitation of protected works without authorization or remuneration.

The chance of so-called 'data laundering' may happen if usage and generation of data collected under the DSM directive article 3 (research exception) is then sold to commercial companies, thus evading the restrictions of article 4. The targeted and purpose-specific nature of the current research exceptions should therefore be upheld as intended and not be subject to such commercial use or expansion.



6.3 Licensing remains a viable and effective solution

Where access to protected works is required beyond the scope of existing exceptions, licensing mechanisms provide an effective and balanced solution. Collective licensing has repeatedly demonstrated its ability to facilitate large-scale uses of protected works while ensuring appropriate remuneration and legal certainty.

This approach enables researchers and institutions to obtain lawful access to relevant materials without undermining the rights of creators. For many forms of use, licensing solutions may provide greater flexibility and legal certainty than broad statutory exceptions.

TONO therefore encourages the European Commission to continue exploring licensing-based approaches where additional access to protected content is required.

6.4 Preserving the balance of the copyright system

The European copyright framework is built upon a carefully calibrated balance between exceptions and exclusive rights. Maintaining that balance is particularly important at a time when creators are already facing significant economic pressures arising from rapid technological change.

Future policy initiatives should therefore focus on improving the practical functioning of existing mechanisms rather than expanding copyright exceptions in the absence of clear evidence demonstrating a need for such measures.

TONO believes that innovation, research and creativity are mutually reinforcing objectives. A well-functioning copyright system should continue to support all three.

However, in the field of GenAI, the large-scale use of protected works without authorization, combined with a lack of transparency, the absence of a functioning licensing market and increasing substitution effects, have rendered copyright unenforceable in practice.

Restoring legal certainty, enabling licensing and ensuring remuneration for creators requires a dedicated and enforceable legislative framework.

7. Recommendations



In light of the considerations outlined above, TONO respectfully encourages the European Commission to consider the following priorities in the development of future copyright policy initiatives:

- **Ensure the effective application of copyright law to AI services operating in Europe**

EU copyright law should apply effectively to AI services that are made available within the European Union and generate economic effects within the European market, regardless of where technical development or training activities take place.

- **Strengthening transparency and cooperation obligations**

Creators and rightsholders must have access to meaningful, verifiable and actionable information regarding the use of protected works by AI services. Transparency obligations should be designed to support the practical exercise and enforcement of rights.

- **Facilitate licensing solutions for AI-related uses**

Future policy initiatives should prioritize licensing-based approaches that enable lawful access to protected works while ensuring remuneration for creators. Licensing should remain the primary mechanism through which value is exchanged between creators and AI developers.

- **Recognize the role of Collective Management Organizations (CMOs)**

Collective management organizations provide proven and efficient infrastructures for large-scale licensing and remuneration. Future policy frameworks should build upon these existing mechanisms rather than duplicating them.

- **Address the economic impact of AI-generated outputs**

Policy discussions should consider not only the use of protected works as inputs for AI systems, but also the growing substitution effects arising from AI-generated outputs competing with human-created works in commercial markets.



- **Protect the principle of appropriate and proportionate remuneration**

The objectives underlying Articles 18–20 of the DSM Directive should be strengthened and protected against contractual practices that undermine creators' ability to participate in the economic value generated by their works.

- **Preserve the current balance regarding scientific research**

The existing framework governing scientific research exceptions should be maintained and not expanded! Future policy initiatives should focus on improving transparency, licensing and enforcement rather than expanding copyright exceptions.

8. Conclusion

TONO welcomes the European Commission's efforts to ensure that Europe's copyright framework remains fit for purpose in a rapidly evolving technological environment. However, the Call for Evidence confirms that the European copyright framework is facing structural challenges, especially when it comes to the use of protected works by GenAI services and the coercive buy-out contracts that can no longer be addressed through incremental or non-binding measures.

GenAI services present significant opportunities for innovation, creativity and economic growth. At the same time, it raises fundamental questions regarding the future sustainability of Europe's creative sectors and the continued effectiveness of copyright law if the existing EU rules are being systematically circumvented.

The challenge facing policymakers is not whether innovation should be encouraged. It should naturally *be* encouraged! The challenge is instead how innovation can develop within a framework that continues to recognize and reward the creators whose works provide the foundation upon which much of that innovation depends.

Europe has long demonstrated that technological progress and strong copyright protection can coexist. The development of broadcasting, digital



services and streaming platforms all illustrate that innovation flourishes when clear legal frameworks and effective licensing mechanisms are in place.

The same principle should guide future policy in relation to artificial intelligence.

TONO believes that a future-oriented copyright framework should be built upon four core principles **a)** respect for creators' rights; **b)** meaningful transparency; **c)** effective licensing mechanisms; and **d)** fair and proportionate remuneration.

These principles are not obstacles to innovation. They are instead essential conditions for ensuring that innovation remains sustainable, legitimate and beneficial for society as a whole.

Taken together, these four elements point clearly to the need for a coherent, focused, rights-based legislative initiative that restores the balance of the copyright system, ensures its enforceability and safeguards the sustainability of Europe's creative sectors in the digital environment.

TONO is always ready to contribute constructively to the continued dialogue on these issues and looks forward to working with the European Commission and other stakeholders in developing solutions that support both creativity and innovation across Europe. What Europe does not need is *less* copyright in the age of AI. Europe needs copyright that can be licensed, enforced and trusted by both creators and technology developers.

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Oslo, Norway