



finnmedia

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European Commission
DG CNECT – Unit I.2

Targeted initiative for a better copyright environment for European creativity and innovation – Call of Evidence

The Finnish Media Federation (Finnmedia) is an advocacy organisation for private companies in the media and printing industries. We are an advocacy organization focusing for example on industrial policies that relate to media and publishing. The Finnish press and book publisher associations, News Media Finland, Finnish Magazine Media Association and The Finnish Publishers Association, are our member associations. Also, RadioMedia, a Finnish private radio broadcasters' association is a Finnmedia member association, and one of our member media companies is also a major private tv broadcaster in Finland.

Together, we represent approximately 600 media companies. The member companies directly employ approximately 20,000 people in Finland, and the combined turnover of the industries represented is approximately EUR 3.1 billion.

Our and our member associations' member companies promote freedom of speech, Finnish democracy and culture by continuously investing in journalism and producing and publishing quality Finnish press, literature, and other media products and services across all channels.

The Finnish Media Federation (Finnmedia), EU Transparency Register ID: 910162617573-84, contribution focuses on certain, important themes highlighted in the EC Call of Evidence document.

The Call of Evidence themes contributed are presented under the following headlines respectively:

1. Well-functioning copyright protects production of sustainable journalism and other professional European content – and safeguards and strengthens democracy and the strategic sovereignty in the EU
2. Rightholders' such as media companies' control and licensing of their works for AI uses
3. Online piracy of live events
4. Implications of the judgement of the Court of Justice of the EU in RAAP (Case C-265/19)
5. Scientific research and scientific publishing
6. AI-generated imitations of individuals' personal characteristics and performances ('impersonifications')
7. Copyright relates critically to protection of European democracy

1. Well-functioning copyright protects production of sustainable journalism and other professional European content – and safeguards and strengthens democracy and the strategic sovereignty in the EU

Defending European free media and safeguarding the operational conditions of editorial media and journalism as well as other professional media is more important than ever.

Robust, independent press and other professional media secure and promote

- European democracy; freedom of speech and citizens access to professional news, literature and other content;
- education, learning, culture, and skills; and finally
- information resilience in Europe.

Editorial media and journalism as well as other professional media play a key role in maintaining and enhancing the strategic sovereignty of the EU. They need to be taken very well care of by the EU and the European Commission.

Finnmedia emphasizes that both copyright and neighboring right protection are the most important forms of protection of press publishers' and other media companies' investments in producing sustainable journalism. If copyright and neighboring right protection does not function in the AI era, there is no basis for investing in journalism. This outcome would have detrimental consequences that can compromise European democracy and its citizens' freedoms.

The EU and the European Commission have a duty to ensure that there will be no AI uses or AI powered business models by for example AI and other technology companies based directly or indirectly on media companies' news and other content that would endanger production of sustainable journalism by the publishers and other media companies in Europe.

The challenges linked in particular to the application and enforcement of copyright and related rights in the context of technological developments, such as for example the rapid advancement of generative AI, have confronted some key pillars of our free democratic European societies. Trust on one hand between citizens and on the other hand between them and their information sources is getting questioned too often nowadays. There is a clear, urgent need for the EU and the European Commission to ensure that there will be well-functioning copyright protection in place to protect production of sustainable journalism and other professional European content – and in that way also safeguard and strengthen democracy in the European Union.

For example, nationwide press safeguards democracy and builds information resilience against disinformation and hybrid threats. Local news media safeguards local politics as there is no politics without publicity made by local journalism. Journalism and press keep the citizens aware of and interested in politics and democratic processes in general. It is of utmost importance to safeguard production of sustainable journalism in Europe.

Democracy is about trust and participation. Key pillars of trust and press freedom are robust press and other publishers and other professional media companies and their constant development of direct relationship between audiences (i.e. readers, viewers and subscribers) and editorial media publications, media education & information literacy and well-established editorial media self-regulation. These basics remain irrespective of technological developments, such as the rapid advancement of generative AI.

Trust arises from the direct relationship between press publishers and their subscribers. The Reuters Institute's Digital News Report 2026 revealed that readers' trust is typically significantly higher in countries where media companies succeeded in developing close and direct relationships with their readers¹ (i.e. accessing original content directly on the news media title's mobile application and online press publication instead of using genAI services such as genAI powered search and answering engines and social networks). Curated environments by the news media publications establish confidence. An intermediation and lack of transparency about original sources create confusion and defiance as typically happens in social network and in genAI search and answering service environments.

Finmedia suggests the EU – operated by the European Commission – to proceed with the following proposals elaborated in more detail in this contribution. In addition, we ask the DG CNECT kindly to pay careful attention to other Finmedia suggestions as presented in this contribution.

2. Rightholders' such as media companies' control and licensing of their works for AI uses

Finmedia recognises that AI can support innovation creativity, efficiency, accessibility and new operational and editorial forms of working at the editorial rooms and in media in general. Publishers and other media companies use and explore AI-assisted tools and systems in journalism of their editorial teams and in content production, analysing, translation, editing, scheduling, research and synthetic voice applications, just to mention few ongoing developments.

The media sector supports innovation, provided it is based on trust, editorial responsibility and respect for rightholders rights. Publishers and other media companies in Finland have adopted AI in their editorial and other work and processes in a manner that complies with copyrights and other obligations set by European and national legislation and, also, with Journalistic self-regulation as expressed in Council for Mass Media in Finland's Journalist's Guidelines². It should not be too much to ask the technology and AI companies including Very Large Online Platforms to do the same and comply with the EU copyright laws.

¹ Nordic countries, followed by for example Portugal, South Africa, the Netherlands, Thailand, Germany. Please see <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2026>.

² [Journalist's Guidelines – JSN](#)

At the same time, especially generative AI creates significant challenges for publishers and other media companies as rightsholders. It has, all of the sudden, during the recent years become extremely challenging and complex to protect production of sustainable journalism and other professional European content – and in that way also safeguard and strengthen democracy in the European Union.

AI systems may be trained on protected journalistic content, non-fiction literature, scientific publications' content, programme archives, voices, music, performances and broadcaster content without permission and authorisation, meaningful transparency or remuneration. Lots of protected content has been already scraped. Even where publishers have exercised its due opt-outs and protected its content behind paywalls, that same content may be freely available on illegal websites that observe no rights reservations. This current, ongoing development risks publishers' and other media companies' investments in producing sustainable journalism protection and, also, in other professional European content – and in that way also risks safeguarding and strengthening democracy in the EU.

Finnmedia suggests that the European Commission will pay attention to reconstitute copyright and neighbouring right protection and licensing in Europe. The most important action point would be to regain control to the publishers over their investments in journalistic content published under their news media titles and as well as to non-fiction and other professional content. If the control is not to the publishers and other media companies over their content investments, there will be no proper basis for licensing markets or remuneration in the future. This control is pre-requisite to everything else, such as licensing, remuneration and investing in sustainable journalism, as copyright is a right to prohibit in the first place.

When considering the next steps and framework we kindly ask the European Commission to take duly into account our examples, evidence and recommendations in the following:

- Effective implementation of opt-outs including machine-readable and contractual reservations and other rights reservations (Section 2.1. below);
- Transparency towards publishers and other media companies as rightsholders on the use of protected content for AI training and development (Section 2.2. below);
- Support to various licensing solutions for the use of protected content in AI training and AI services (Section 2.3. below); and
- Mechanisms supporting effective enforcement (Section 2.4. below).

2.1. Effective implementation of opt-outs including machine-readable and contractual reservations and other rights reservations

Publishers and other media companies express their rights-reservations and opt-outs in line with CDSM Directive rights in an appropriate manner, including in their online

publications' (website's) Terms and Conditions and Legal Notices ("T&Cs"). The press publishers use typically robots.txt mechanisms. The book publishers have adopted more [TDM Reservation Protocol](#) (TDMRep) as their opt-out mechanism. Using these opt-out mechanisms is a part of customary exercising of their rights under CDSM Directive Art. 4.

Finnmedia reminds the European Commission that the real issue and problem is technology and other AI companies' lack of respect for media companies' rights reservations including opt-outs. There should be no technical barriers or other claims of complexity because today's AI can easily locate and interpret such rights-reservations (incl. opt-outs). Today's AI agents are also capable of navigating websites to retrieve information based on human-readable documents.

It is a major problem and even a rule of law challenge in Europe that in practice, even broadly accepted computer readable opt-outs (such robots.txt and TDMRep) are not respected. The crawlers do not adhere to these reservations, change their settings, and proliferate. Concrete evidence of unauthorised use exists: a 2024 Utrecht University study demonstrated that GPT-4 can reproduce long verbatim sequences from Finnish (and earlier, Dutch) news titles, and the Bartz v. Anthropic litigation revealed that books from European publishers had been ingested for training. The 2024 Utrecht study tested whether press publisher content appears in ChatGPT's training dataset, it does. The study was then replicated in Finland and five other EU Member States. Separately, NDP Nieuwsmedia ran a smaller study in the Netherlands, submitting the same prompt daily for two months. The study found that robots.txt opt-outs were not respected at all. Together, the two studies make distinct points: the Utrecht extraction-attack study shows our content is in the dataset, and the second shows that robots.txt is ignored.

In addition, Finnmedia points out that this issue of not-followed rights-reservations and opt-outs is compounded by the existence of illicit websites that scrape, duplicate, and republish publishers' paywalled and other opt-outed content without authorisation. Even where a publisher has exercised its' opt-out and protected its content behind a paywall, that same content may be freely available on illegal websites that observe no reservations at all. An AI provider can then train on the duplicated copy while never directly crawling the publisher's own domain. This example further underlines why technical opt-outs alone are insufficient: without transparency as to the actual sources of training data, a rightsholder cannot detect ingestion that occurs.

Publishers are particularly concerned that this current approach places disproportionate emphasis on the technical form of opt-outs. At the same time, it leaves the more fundamental problem unaddressed: the absence of meaningful transparency obligations.

2.2. Transparency towards publishers and other media companies as rightsholders on the use of protected content for AI training and development

Finnmedia underlines that effective rights reservation and opt-out requires full, actionable transparency, also at crawler level. The success of rights reservations (including opt-outs) is linked to transparency obligations.

The European Commission should take an action role to strengthen transparency over the use of publishers' and other media companies' protected content, for whichever AI purposes. Finnmedia points out a recent European Parliament briefing³ on the impact of Google's AI summaries on press publishers concludes that AI Overviews represent a structural shift in how citizens access public-interest information. As a result, the effect then draws attention and commercial value away from the original source and towards the platform, making this at its core a media-pluralism and democratic-resilience problem. This relates strongly to Europe's challenge on how to protect investments in production of independent journalism. The report also identifies significant gaps in the existing EU legislation: the AI Act does not provide inference-stage transparency, the TDM opt-out system is fragmented and difficult to use in practice, there is no clear remuneration mechanism for publisher content used in AI-generated summaries.

Transparency over the use of protected content of third parties, for whichever AI purposes, must be coupled with equally robust transparency and source documentation. There should also be available binding standards, for the identification, control, transparency, and licensing of the types of software used to copy content i.e., AI crawlers, bots, agents, etc. It is important that sufficient granularity is provided. This is key since a crawler's or agent's stated purpose might be e.g., "search", but the content will be used for training or RAG. In addition, a gatekeeper search engine should not be allowed to bundle "search" and the separate, yet in the search engine integrated AI chatbot service.

In case there will be no sufficient transparency and in case a proper enforcement of rights-reservations and opt-outs cannot be achieved, Finnmedia recommends that the European Commission and the EU would proceed with an introduction of a rebuttable presumption of use of copyright-protected content in the context of the development and deployment of AI systems. This approach that has been proposed in the JURI Committee INI Report on copyright and generative AI⁴, in the Danish expert group's reports from February 2024 and September 2025,⁵ and recently also in the recent French legislative proposal⁶.

In line with the French approach, unless proven otherwise, there should be a presumption that the copyrighted content has been exploited by an AI system where

³ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2026/787211/IUST_BRI\(2026\)787211_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2026/787211/IUST_BRI(2026)787211_EN.pdf)

⁴ https://www.europarl.europa.eu/doceo/document/A-10-2026-0019_EN.html

⁵ February 2024 report Boundaries for big tech's development and use of AI (point 3.1, page 22), and in a second Danish expert group's September 2025 report Recommendations from the Expert Group on Copyright and Artificial Intelligence.

⁶ https://www.assemblee-nationale.fr/dyn/17/textes/l17b2634_proposition-loi

an indication relating to the development or deployment of that system, or to the result generated by it, makes such exploitation plausible. Such a presumption would not amount to an automatic finding of infringement; it would simply ensure that, where credible indications of use exist, the burden shifts to the AI provider to demonstrate that the content was not used.

2.3 Support to various licensing solutions for the use of protected content in AI training and AI services

Licensing taking place in functioning licensing markets is the third way to ensure protection of publishers' and other media companies' investments in producing sustainable journalism and other professional European content. Licensing plays therefore a key role in safeguarding and strengthening democracy and strategic sovereignty in the EU. Protection of sustainable journalism requires guidelines and terms and conditions for the uses of protected content in developing and training AI systems including genAI.

Finmedia proposes that the European Commission will encourage, support and strengthen voluntary licensing of protected content. Licensing markets on the EU and the EU Member State level should, in line with publishers' and other media companies' choices and national practices, facilitate both individual (i.e. direct) licensing and various collective licensing models, including extended collective licensing. While individual licensing should always remain possible, the licensing markets framework should also recognise that purely individual negotiations, particularly with dominant technology and AI players, can weaken bargaining power and erode licensing value, making voluntary collective licensing an important option for ensuring proper terms and conditions to protect publishers' investments in producing sustainable journalism as well as fair remuneration, too.

Finmedia points out that the publishers will need to have separate licensing arrangements for AI training. Also, should the restrictions set in licensing agreement terms and conditions be clear and sufficient, there could be additional licensing arrangements regarding the use of publishers' live content. However, this is a critical issue to press publishers. In all AI use cases the press publishers should be in the position to protect production of independent journalism. Clear terms and conditions to guide AI uses are the key, whether they are established in individual agreements or collective licensing agreements including extended-collective licensing solutions.

AI Licensing: concrete examples from Finland

The European Commission and the EU should actively promote and support licensing markets and force big technology and AI companies to agree on terms and conditions that will maintain due protection to press publishers' and other media companies' investments in producing sustainable journalism. For example, excluding all competing and free-riding uses and out-puts and other end-products/services is important.

Finmedia refers, also, to its contribution to CDSM Directive survey and challenges around the press publisher's right licensing.

Extended-collective license (ECL) example 1: Use of works as a prompt in an AI application used internally by an organization (so-called prompting license)

This so-called prompting license has been automatically included in Kopiosto's (Publishers and authors joint CMO in Finland) current organizations' "internal information use" copying license as of January 2026. This ECL enables text and image material covered by the copying license to be entered into a closed AI application as a prompt. This new ECL has been welcomed and needed in private and public organizations (i.e. in workplaces in general) to facilitate compliant use of AI.

Key terms and conditions are for example the following: AI application may not store or use the used material as training material. A product made with AI that is based on an used copy of a work/publication may be distributed only within the organization. Out-puts may not be distributed to anyone other than the organization's own staff. The license does not allow, for example, editorial publishing activities. The AI out-put must include the sources and that it was made with AI. AI application may not be asked to imitate the appearance or expression of the original work or the style of an author. Out-put made with AI may not be incorporated into a commercial product or service.

Typical uses in the organizations, workplaces are analysis, comparisons, data content fact-checks and similar tasks carried out "under the hood", i.e. not be published, disclosed outside of organization, etc.

Extended-collective license (ECL) example 2: Customizing and fine-tuning of organization's internal AI

This is a separate additional license to the Kopiosto internal information use copy license and it has been available from January 2026.

This new ECL enables the improvement or adaptation of a pre-trained AI program to the organization's internal needs by training the program with the materials permitted by the copy license. It applies only to AI bots, agents or similar AI applications that are in internal use by the organization.

Key terms and conditions are for example the following: The material used for training must be legally acquired. The trained program, etc. may not be given to third parties for use as such or as part of another application, product or service. The ECL does not allow, for example, content published in editorial publishing activities. The ECL does not allow the development of an application/program that imitates the appearance or expression of a work or the style of an author. Material used for training (at least a summary) must be reported to CMO.

Please see more detailed information on Kopiosto's website:

www.kopiosto.fi/en/kopiosto/for-users-of-works/copying-of-publications-and-works/companies-and-other-organisations/

www.kopiosto.fi/wp-content/uploads/2018/11/Terms-of-the-copying-licence-companies-and-other-organisations.pdf

www.kopiosto.fi/wp-content/uploads/2018/11/Licence-terms-for-fine-tuning-an-internal-AI-program-companies-and-other-organisations.pdf

www.kopiosto.fi/en/kopiosto/for-users-of-works/copying-of-publications-and-works/companies-and-other-organisations/frequently-asked-questions/

Cross-border extended-collective licensing, supported by appropriate safeguards for media companies, could facilitate lawful AI uses of protected content works across the EU

Finnmedia recommends the European Commission to get acquainted with Kirsi Salmela's article on how copyright licensing can be made more effective in a cross-border digital environment. Please see Salmela's article, "Extended Collective Licence in Cross-Border Digital Use", published in https://www.linkedin.com/posts/kirsi-salmela-a1949_extended-collective-licence-in-cross-border-ugcPost-7473429819435900928-w87q/?utm_source=social_share_send&utm_medium=ios_app&rcm=ACoAAAABhnUB0wKWQhx1S3qHT8BvnMINDkmRLpA&utm_campaign=copy_link (2/2023, pages 178–210). The article examines whether cross-border extended-collective licensing, supported by appropriate safeguards for rightsholders such as press publishers, could facilitate lawful digital uses of copyright-protected works across the EU. The discussion on scalable cross-border licensing solutions is very relevant in this AI era.

Finnmedia recommends the European Commission to get acquainted also with Tuomas Mattila's article on extended-collective licensing as a potential solution to AI licensing challenges in Europe. Please see [Extended Collective Licensing as a Solution to Copyright Frictions in Aldriven Creative Economy by Tuomas Mattila :: SSRN](#).

2.4 Mechanisms supporting effective enforcement

Finnmedia considers that it is important to facilitate AI licensing through and with help of "mediation or arbitration", referring also to the Call of Evidence listing.

Experiences of the implementation of the CDSM Directive around press publisher's right licensing negotiations especially with major technology companies have evidenced clear imbalances in bargaining power. Some EU Member States such as for example Italy and Belgium countries have included in their national laws implementing

the CDSM Directive specific dispute settlement mechanisms for negotiating and enforcing compensation claims by press publishers for the use of their content protected under the CDSM Directive Article 15 right. These national laws share the objective of addressing some of the gaps of the EU copyright acquis. The Italian transposition law supporting the implementation of the Article 15 right not only provide for a clear right for press publishers to obtain fair remuneration in return for the authorisation to use their publications but also oblige ISSPs that (intend to) use press content to:

- Enter into negotiations with publishers;
- Not to limit the visibility of publishers' content in search results during the negotiations; and
- Make available to publishers the information necessary to determine fair remuneration;

In addition, Italian authorities are empowered to define the benchmark criteria to be used to determine that remuneration and, in the absence of agreement between the parties, to also: (i) determine the remuneration amount; (ii) monitor compliance with the obligation to provide information incumbent on ISSPs; and (iii) impose administrative fines on ISSPs in the event of failure to comply with that obligation.

Finnmedia points out the judgement of 12 May 2026 "Meta Platforms Ireland Limited v Autorità per le Garanzie nelle Comunicazioni" by the Court of Justice of the European Union. There CJEU confirmed that this approach and firm commitment by national legislators to enforce exclusive rights and uphold press freedom was justified, proportionate and fully compliant with both the Press Publishers" Right and with Arts. 16 and 52 of the EU Charter of Fundamental Rights.

Finnmedia suggests that the European Commission would consider introducing under EU law a robust arbitration mechanism which can be triggered by publishers and other media companies as rightsholders towards ISSPs making use of creative content, including gatekeepers under the Digital Markets Act (DMA), Very Large Online Platforms/Search Engines under the Digital Services Act (DSA), and AI-based services. This new mechanism could be introduced in the EU law either in DMA or as a part of the EU Copyright acquis.

This type of mechanism could be a tool to both in the event of an unwillingness by the ISSPs to negotiate, but also where negotiations are conducted in bad faith or in disputes on the fairness of a remuneration for an intellectual property right, such as copyright and Article 15 right. ISSPs should be not only legally required to participate in said proceedings but also legally bound by the arbitration award. This type of mechanism would promote transparency and accountability on how license agreements are reached, as well as ensure that negotiations are conducted in good faith. This potential EU arbitration mechanism should for example:

- Ensure that procedures are simple, swift, and low-cost. Dispute resolution should not impose unnecessary burdens on the parties.

- Ensure transparent procedures, including clear information about the timelines, process and regular public reporting of activities.
- Ensure that the terms and conditions do not compromise or endanger production of sustainable journalism by the press publishers.
- Enable either negotiating party to trigger the mechanism, i.e., not require prior agreement between the parties.
- Ensure that negotiating parties can resort to the mechanism either individually or (in accordance with Art. 101 TFEU) through their authorised representatives, including collective management organisations at national level.

3. Online piracy of live events

3.1. Live and time-sensitive piracy poses a growing economic, legal and consumer protection risk for the media companies and sports event organisers

Finmedia underlines that the main priority to tackle the growing problem of illegal streaming of live sport and other live events is to strengthen enforcement against live online piracy. Live streaming piracy poses a growing economic, legal and consumer protection risk for the media and sports sectors. While the EU copyright framework remains broadly fit for purpose, its enforcement is uneven across the EU Member States and lacks the speed and flexibility required to tackle live, time-sensitive infringements effectively.

3.2. Enforcement should be improved by making existing remedies more effective and consistently applied across the EU

To improve enforcement, Finmedia support building on the European Commission's Recommendation on combating online piracy of live events, with a focus on making existing remedies more effective and consistently applied across the EU.

Key priorities to improve enforcement include:

- Faster and more flexible enforcement tools: Dynamic injunctions are essential to address rapidly shifting piracy services, yet they are not available in all Member States (for example in Finland they are not available). The application of existing legal frameworks, such as Article 8(3) of the InfoSoc Directive, must be adapted to enable rapid, real-time action.
- Immediate notice-and-takedown mechanisms: Hosting providers should be required to remove infringing live content without delay — ideally within minutes — given the time-sensitive nature of live events, and to prevent reappearance of such content. The Digital Services Act provides a foundation but requires consistent and effective enforcement across the EU Member States.

- Involvement of all relevant intermediaries: Effective enforcement requires cooperation across the entire ecosystem, including access providers, hosting services, domain registrars, payment providers and advertising networks. All intermediaries should take responsibility and contribute to preventing and disrupting illegal services.
- Access to accurate domain registration data: Rapid access to reliable “Who is” information is essential for enforcement. The Commission should ensure proper implementation of NIS2 provisions on access to domain name data.
- Proportionate but effective procedures: Enforcement mechanisms must reflect the urgency of live content piracy. Procedures must avoid unnecessary evidentiary burdens or delays that would undermine timely action, while maintaining appropriate safeguards.

In summary, the European Commission’s priority in this issue should be efficient enforcement, in other words, to ensure that existing tools are used to their full potential, strengthened where necessary, and applied consistently across the EU Member States to deliver fast and effective protection against live piracy.

4. Single equitable remuneration, the judgement of the Court of Justice of the EU in RAAP (Case C-265/19) and material reciprocity

4.1. The application of the single equitable remuneration right is one of the most important copyright issues for commercial radio, European performers, producers and national music cultures

The application of the single equitable remuneration right under Article 8(2) of Directive 2006/115/EC is one of the most important copyright issues for commercial radio, European performers, producers and national music cultures, also in Finland. The European Commission is right to identify the said application of the single equitable remuneration right under as a matter requiring EU-level action.

The Court of Justice of the EU RAAP judgment has created a serious imbalance in the application of the single equitable remuneration right. In practice, Member States that traditionally relied on material reciprocity can no longer maintain such a mechanism at national level. As a result, EU radio broadcaster users may be required to pay remuneration for the use of sound recordings from third countries even where those third countries do not grant equivalent remuneration to European performers and producers.

This amounts to unilateral reciprocity. It is neither fair nor consistent with the EU’s objectives of strengthening competitiveness, cultural diversity and the European creative economy. European performers and producers should not be placed at a structural disadvantage in relation to third-country rightsholders who benefit from remuneration in the EU while European rightsholders do not receive equivalent treatment in those third countries.

For Finland and other Member States with strong national music cultures, the consequences could be significant and even detrimental. Applying national treatment without material reciprocity would risk diverting remuneration away from domestic and European performers and producers. Tentative estimates available indicate that this could reduce distributions to Finnish music producers and performers substantially and lead to very significant annual revenue transfers from Europe to third countries. This would weaken the ability of the European music sector to invest in new domestic and European music.

Commercial radio broadcasters already pay copyright remuneration according to established licensing systems. In Finland, commercial radio stations pay copyright royalties in relation to their turnover. As radio listening volumes are under pressure and advertising revenues are not growing in a way that would offset major new costs, a significant expansion of payment obligations would not simply create new value. Instead, this expansion of payment obligations would put pressure on radio broadcasting companies' operations, employment, programming and music use. For smaller and regional radio operators, the impact could be particularly severe.

Finmedia points out that this would not serve European culture. Radio remains one of the most important ways for audiences to discover music in their own language and for domestic authors, performers and producers to receive remuneration. A copyright framework that unintentionally weakens radio's ability to play and promote music would harm both audiences and rightsholders.

4.2. The European Commission should propose a clear EU-level legislative solution based on material reciprocity

The European Commission's clear EU-level legislative solution based on material reciprocity should:

- restore the possibility to apply reciprocity in relation to third countries that do not grant equivalent remuneration rights to EU performers and producers;
- safeguard the interests of European authors, performers, producers, broadcasters and users of phonograms;
- prevent disproportionate revenue transfers from European music ecosystems to third-country rightsholders where no equivalent rights are granted to Europeans;
- encourage third countries to introduce equivalent remuneration rights;
- avoid double payment, retroactive uncertainty and unnecessary administrative complexity for licensed broadcasters; and
- ensure transparency in the collection, allocation and distribution of remuneration.

Alternatively, if a fully harmonised EU-level reciprocity rule is not pursued, the EU should at minimum allow the EU Member States sufficient flexibility to maintain or introduce

reciprocity-based mechanisms in relation to third countries. This would give the EU Member States a clear legal basis to avoid unilateral treatment where equivalent remuneration rights are not granted to European performers and producers.

Material reciprocity is not a protectionist measure. It is a fairness measure. It would secure equal competitive conditions between the EU and third-country rightsholders and ensure that the EU uses the legislative competence confirmed by the CJEU to protect its own European creative economy.

Inaction is not a neutral option. Without EU legislation, the imbalance created by the current legal situation will continue to undermine European performers, producers, broadcasters and cultural diversity. The targeted copyright initiative by the European Commission should therefore include a legislative clarification of the 2006 Rental and Lending Rights Directive to establish material reciprocity in the application of the single equitable remuneration right, or at least to enable the EU Member States to apply reciprocity-based mechanisms within a clear EU legal framework.

5. Scientific research and scientific publishing

5.1. Introduction of a mandatory secondary publication right or parallel publication requirement would weaken the conditions for sustainable scholarly publishing

An EU-level initiative to introduce a mandatory secondary publication right or parallel publication requirement would risk weakening the conditions for sustainable scholarly publishing in Europe. Especially, this outcome is a major concern and risk in smaller language areas such as in Finland and with respect of the Finnish language scientific publishing.

The greatest concern is not only scholarly publishing market structure, but the future of research published in national languages in the Member States. Domestic scholarly publishing plays a vital role in maintaining scientific vocabulary, supporting academic debate within national communities, and ensuring that research remains accessible and relevant in each Member State's own language.

The concerns and risks do not relate only to scientific publishers. Instead, the EU-level mandatory secondary publication right or parallel publication requirement would weaken position of scientists and researchers as well. Such a mandatory rule may also harm individual researchers directly: it can reduce their ability to negotiate publication terms with their potential publishers, diminish the value of the rights they hold in their own work, and make them less attractive publishing partners where exclusive publication remains important. This would likely in turn limit researchers' opportunities to publish in respected scientific journals, weaken academic merit-building, and, finally, restrict their practical freedom to decide how and where their work is first disseminated.

In more constitutional terms, such a measure raises serious concerns in relation to protection of copyright and property, freedom of contract, freedom of expression, and, also, academic freedom. If European or national EU Member States' legislation undermines these foundations, Europe risks narrowing linguistic diversity in science and weakening the connection between research and society.

Finnmedia underlines that for these reasons any EU-level solution to be discussed or considered should safeguard copyright protection, legal certainty, the rights of individual researchers, and the viability of domestic scholarly publishing in the EU Member States while promoting access to scientific publications in a balanced and proportionate manner.

5.2. The Ministry of Education and Culture small group discussions on “responsible AI” witnessed lack of understanding of the importance of due copyright protection to production of sustainable journalism

The Advisory Board on Copyright Affairs, chaired by the State Secretary to the Minister of Science and Culture in Finland, established by the Ministry of Education and Culture for the entire term of government, launched a round of small group discussions under a topic of “responsible AI” from December, 2025, to May, 2026.

The aim of the discussions was to draw up common operating procedures, i.e. rules of the game for the use of responsible AI and the development of AI models. The aim was to compile the key perspectives related to the development and utilization of AI models in the form of rules of the game/guide. The rules of the game/guide would support developers of AI models, creative creators and users of services in Finland.

The final report of small group discussions was introduced to the Advisory Board on Copyright Affairs on 2 June. The Ministry of Education and Culture will likely publish the final report online in course of summer.

Finnmedia attended these small group discussions. During these discussions we have noticed that unfortunately the scientific research and cultural heritage institution representatives seem to lack knowledge and understanding of the importance of due copyright protection to production of sustainable journalism as well as, for example, to non-fiction literature. They do not seem to have an understanding that facts-based sustainable journalism and non-fiction literature form cornerstones of democracy and the strategic sovereignty of Europe, as elaborated above in this contribution above.

Another key finding from these “responsible AI” discussions in Finland is that the scientific research and cultural heritage institutions as well as also technology industry and AI developers seek actively to stretch CDSM Directive Article 3 text and data mining (TDM) exception to cover any and all AI uses in the various stages of utilizing AI in “scientific research”. It is evident that this type of approach and interpretation would in practice water

down press publishers' and other media companies opt-outs and other reservations of rights followed by disappearing copyright protection.

Finmedia reminds that scientific research, irrespective whether it is funded from public resources or private resources or other public-private research collaboration, may not lead to research results, end-products or out-puts publicly available in the market (for example online with help of "open science" principle) that would in practice endanger production of sustainable journalism and non-fiction literature by the publishers and other media companies. The EU and the European Commission need to act cautiously in area of scientific research, AI and copyright.

5.3. Proper balance between societal interests – on one hand democracy with a support of production of sustainable journalism and non-fiction literature and on the other hand scientific research and related innovation – is needed

Finmedia underlines that all scientific research in the European Research Area should be in line with and comply with the EU copyright acquis. It is of utmost importance that scientific research operated under CDSM Directive Article 3 exception results, or its end-products or other outputs do not end up to the market. I.e. they should remain in scientific research use only unless commercial use and availability in the market have been agreed by licensing and setting terms and conditions and remuneration.

Use of an "open science" principle should be clarified that it does not enable damaging, directly or indirectly, production of sustainable journalism and non-fiction literature by the publishers and other media companies in Europe.

A principle of proportionality that is one of the key principles of EU regulation should be taken duly into account by the European Commission. Its application in this scientific research and AI context means that that one fundamental right, such as the freedom of scientific research, should not overrule copyrights and neighboring rights as a primary protection of production of sustainable journalism and non-fiction literature. There is a great need to seek proper balance between these societal interests – on one hand democracy with a support of production of sustainable journalism and non-fiction literature and on the other hand scientific research and related innovation.

Commercial and AI use cases that will reach the market can be smoothly solved by licensing, as elaborated above in this contribution (please see Section 2.3. above, too). For example, for the press publishers, the main rule in copyright licensing is direct, individual agreement. This can happen, for example, between a media company and scientific research institutes or commercial users. For the publishers, collective licensing and extended collective licensing are also workable secondary means of licensing.

6. AI-generated imitations of individuals' personal characteristics and performances ('impersonifications')

Concerning the challenges related to AI-generated imitations of personal characteristics and performances of individuals (impersonifications), a possible new neighbouring right within EU copyright law might offer legal certainty for media companies and thus enable licensing of and investments in certain types of creative content.

Individual legislative action by the EU Member States on this issue easily creates barriers for offering media products within the EU Single Market. It should be therefore avoided.

7. Copyright relates critically to protection of European democracy

One key part of the European Commission work programme is protecting European democracy. The main initiatives from editorial and other professional media viewpoint for this year, 2026, are the European Democracy Shield and the Media Resilience Programme. The Commission has stated that through these initiatives it will reinforce the resilience of European democracies and societies and strengthen our collective capacity in Europe to withstand threats to tackling information manipulation. The existing EU copyright acquis, including the CDSM Directive, and the AI Act have an important role.

There is no one single solution to maintain democracy, to increase trust and participation in our European societies with help of well-functioning copyright protection. Instead, the EU and the European Commission should pay attention to various highly relevant themes introduced in this contribution.

In this contribution we provide among other things case examples and experiences especially from Finland, and from some other EU Member States, too. Please feel welcome to be in touch with us, should you need more detailed information of our proposals.

We remain at your disposal should you need additional information and contacts in Finland relating to the themes discussed in this contribution.

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