



ASSOCIATION LITTÉRAIRE ET ARTISTIQUE INTERNATIONALE

TELEPHONE: +32 2 740 00 05
TELEFAX: +32 2 740 00 01

17 February 2024

RESOLUTION

Concerning the Impact of Artificial Intelligence on Copyright

The Executive Committee of the Association Littéraire et Artistique Internationale (ALAI), at its meeting in Paris on 17 February 2024, adopted the following resolution, which follows on from the results of the ALAI Paris Congress, held from 22 to 23 June 2023:

Considers that artificial intelligence (AI) raises existential social and economic challenges that affect, in particular, the individual creator, whether author or artist.

Considers that the principle of respect for the exclusive rights of authors and performers applies in the context of AI, and that it follows that the rightholder's authorisation must be obtained and at least fair and equitable remuneration guaranteed from the moment their creations or performances are used, whether or not for profit-making purposes, to feed all or part of the system's "training data". Any legislative, case law or contractual solution put in place to authorise this input must comply with this fundamental standard. In particular, any limitation or exception to the rightholder's exclusive rights must at least comply with the three-step test.

Affirms that the humanist principle that inspires the provisions of the Berne Convention requires us to consider that, in the absence of creative and determinative intervention by a human being, no production resulting from an automatic data processing system can claim to be vested with rights based on this Convention. While a system whose output is controlled by a natural person may provide a tool for human creation, outputs resulting from purely mechanical processing are not "intellectual creations" within the meaning of article 2 of this Convention.

Affirms that the use of an AI system must be accompanied by a duty of transparency, upstream and downstream, of the production process. Upstream, for the information of rightholders, when pre-existing protected works or performances are entered into the AI system for training purposes. Downstream, after production, so that potential buyers or users of the generated object are informed of its production process.

ALAI, the International Literary and Artistic Association, is an independent learned society dedicated to studying and discussing legal issues arising in connection with the protection of the interests of creative individuals. Founded in 1878 by the French writer Victor Hugo to promote the international recognition of the legal protection of authors for their intellectual work, ALAI fulfils its purpose by fostering the wider international dissemination of works so as to enrich the heritage of humanity. This objective was initially achieved at the end of the 19th century with the adoption of the Berne Convention for the Protection of Literary and Artistic Works. Since then, ALAI continues to play a key role in the preparation of international legal instruments related to copyright and performers' rights, specifically by organizing congresses and study days dedicated to the in-depth analysis of every aspect of copyright. For more information about ALAI please visit our webpage: www.alai.org

[end]