



**To the Intellectual Property Office**  
**Attn. Margaret Haig**  
[Margaret.Haig@ipo.gov.uk](mailto:Margaret.Haig@ipo.gov.uk)

20<sup>th</sup> October 2022

**Ref. Text and Data Mining (TDM) in AI legislation – international perspective –**

Dear Ms. Haig,

I am writing to you as president and on behalf of CEPIC, International Association of the Media Licensing Industry.

CEPIC, registered in Brussels as an AISBL (international non-profit organisation), represents hundreds of Picture Libraries and Agencies, including 200 members in the United Kingdom. These Libraries and Agencies represent hundreds of thousands of photographers, videographers and increasingly synthographers whose core business is the direct licensing of visual content. Our membership also includes several cutting-edge technology developers, some of them involved in manipulating images with AI driven tools, others in creating/ producing AI generated images.

CEPIC members are continuously supporting the development of innovative technological solutions. They are also aware that any technological development meets social responsibility towards the creative economy and the society at large.

**For this reason, we are aghast of the proposed UK legislation proposing a wide and indiscriminated exception to Text & Data Mining.**

In May 2022 CEPIC set up a working group to work on AI Ethical Guidelines for Responsible Re-Use and Production of VISUAL CONTENT.

Members of the AI working group are all conscious of the societal and economic responsibility they face when developing AI products. Some of them run their own initiatives for a Responsible AI. They share the core belief that **only responsible AI is sustainable AI.**

**The group identified several harms, including:**

- Fake news
- Infringement of Third-Party Rights, including privacy rights such as rights biometric rights and personality/image rights
- Bias and Diversity issues
- Hampering sustainable innovation by providing a competitive edge to irresponsible companies

A large exception to Text and Data Mining would allow the creation of AI products with flawed data.

As a consequence, this would:

- Support the proliferation of Fakes News that has been identified as the main source of political instability worldwide
- Bring about a wave of legal actions, due to the amount of unlicensed and unchecked rights, notably privacy rights
- Undermine ties between UK-based creative sector and their colleagues worldwide. There are close ties between European creators and their UK counterpart. The proposed UK exception would undermine this relationship as it would make it impossible for creative businesses based in the UK to work with their continental based counterparts who will not want to entrust them with their creative material.
- Discourage existing responsible licensors of legally clean datasets and stifle a nascent market avoiding all the risks mentioned above
- Finally, scare away responsible investors, aware of the legal pitfalls that come with legislative irresponsibility

There is little to no evidence that a broad exception to TDM favouring AI developers at the expense of rightsholders and creators benefits anyone.

To the contrary:



Without strong copyright laws that incentivize and protect the creation and dissemination of copyrighted works, there cannot be well-developed AI technologies. The UK proposed legislation both undermines an existing, vibrant, and internationally successful economy, the creative economy, and the making of a sustainable AI economy.

For all these reasons above, we urge the OIP to withdraw its proposed extended exception on Text and Datamining completely.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Christina Vaughan', is written over a light blue horizontal line.

**Christina Vaughan**  
**President of CEPIC**  
On behalf of the CEPIC Board