EUIPO Copyright Knowledge Centre Conference

Alicante, 20 - 21 November 2025
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The inauguration of the **EUIPO Copyright Knowledge Centre** was marked by a two-day conference at the EUIPO premises in Alicante on the 20th and 21st of November 2025. Bringing together EU institutions, WIPO, national authorities, academics, industry representatives as well as representatives from the creative sector, the conference provided a synoptic account of the current state of European copyright law and policy in the context of digitalisation and generative AI.

There were three themes that recurred across the sessions. Firstly, the search for an adequate copyright infrastructure (legal, technical and organisational) capable of operationalising EU copyright norms in practice. Secondly, the tension between sectorally specific licensing-based solutions and other structural mechanisms of remuneration and control such as compulsory licensing or exceptions. Thirdly, the need for enhanced multilateral coordination, both within the EU and globally, given the increased forece of AI to further destabilise traditional territorial and sectoral boundaries.

Day One

The concept of a copyright infrastructure

In the opening session, EUIPO Executive Director **João Negrão** positioned copyright explicitly as economic infrastructure. Copyright-intensive industries were quantified as contributing to around 7% of EU GDP and to 70 million jobs. The EUIPO's previous engagement with copyright through the Observatory, the orphan works initiative, the out-of-commerce portal and enforcement, was presented as the institutional foundation for the new Copyright Knowledge Centre. Copyright was framed not as an end in itself but as a mechanism "connecting ideas to markets".

Member of the Europena Parliament, **Axel Voss,** reinforced this macro-economic and institutional framing, highlighting the importance of the progressive expansion of EUIPO's competences. Mr. Voss also called for a less fragmented European copyright regime capable of functioning in a world of data-driven technologies and geopolitical competition. He underscored that Europe's collective voice on copyright is a strategic asset in a global landscape in which major powers seek technological dominance.

Representatives of the European Commission (**Henna Virkkunen** and **Renate Nikolay**) emphasised the need to maintain copyright's dual role in incentivising creativity and enabling innovation. The need for an effective implementation of the Digital Services Act (DSA), and the emerging interface between the Digital Single Market Directive (DSM) and the Artificial Intelligence (AI) Act were identified as central policy challenges, notably in relation to text and data mining (TDM), opt-outs and trusted flaggers.

The year 2026 was predicted to be the year of copyright, not the least due to the Commission's forthcoming 2026 assessment of the DSM Directive.

EU copyright and the digital age

The session *"Is EU Copyright Fit for the Digital Age?"* crystallised several doctrinal and economic tensions. Advocate General **Maciej Szpunar** traced the way the internet since the very beginning has disrupted core copyright concepts such as territoriality, exhaustion and communication to the public. Key jurisprudence of the European Court of Justice was revisited, including cases on re-transmission, private copying, intermediary liability. The difficulties of reconciling data protection constraints with the need to identify infringers was also mentioned. Mr. Maciej Szpunar's intervention suggested that while case law has adapted incrementally, the underlying conceptual architecture of copyright remains under stress in a borderless digital environment.

From an economic perspective, **Antanina Garanasvili** (London Metropolitan University) argued that copyright must be understood as a sectorally differentiated instrument. Creative industries encompass everything from traditional arts to software and databases, each with distinct market failures as well as sector specific incentive structures. Ms. Garanasvili highlighted the risks of value re-allocation towards large intermediaries and "data-rich gatekeepers", and presented empirical evidence on piracy and consumer preferences. The need for copyright to not only reward past creativity but also to enable subsequent innovation, including in relation to AI, was emphasised strongly.

Martin Senftleben (IViR, University of Amsterdam) presented his research in which he problematisises regulatory focus on input licensing for AI training, and advocates for output based solutions. Bargaining asymmetries between various actors within different copyright markets and meaningful remuneration for individual authors were further points that were raised by Mr. Senftleben. The prevalence of "data delivery contracts" was also mentioned, pointing to news role of Collective Management Organisations (CMOs). Mr. Senftleben arguments and advocacy for a levy on generative AI systems were questionned by those pressing for copyright solutions not only to focus on compensation, but also on the issues of credit and consent.

Séverine Dusollier (Sciences Po Paris) revisited the evolving role of exceptions and limitations, moving from a paradigm of narrowly tolerated uses towards one that conceptualises exceptions as users' rights embedded in fundamental rights frameworks. The argument that exceptions function as enabling devices for a "knowledge society" was put forward, as were questions about cost allocation.

Cumulation of IP rights

The session on *"Protecting creativity - Copyright hand in hand with other IP titles"* examined IP cumulation from both academic and industry perspectives.

Estelle Derclaye (University of Nottingham) mapped historical and contemporary overlaps between design, trade mark, patent and copyright protection. It was noted that what was once a marginal issue, the overlapping of rights, has become systemic with the potential for over-protection and competitive distortions. Recent case law on design and copyright (including *Louboutin* and pending decisions such as *Mio/konektra*) were referred to as illustrations of the difficulties of maintaining coherent boundaries between regimes, while addressing new product configurations and repair markets.

Ann Necker (Videogames Europe) described how a single video game title typically integrates multiple IP layers, from copyright in code, artwork, narrative and music; trade

marks in titles and characters; patents in gameplay or technical features; design rights in visual interfaces; and trade secrets in development processes and unreleased content. Ms. Necker emphasised that for the videogame sector, cumulation is not an anomaly but a business necessity, underpinning investment, licensing and brand extension. The presentation underscored both the sophistication of sectoral IP strategies and the importance of legal clarity for cross-border exploitation.

Testimonies from the creative sector

A session dedicated to testimonies from creators, spanning from journalists, musicians, fashion designers, actors and writers, provided an important counterpoint to the legal-economic debates.

Nathalie Boyer's account of neighbouring rights from the perspective of performers highlighted the pervasive imbalance in contractual negotiations, the prevalence of buy-outs, and the challenges posed by the cloning of voice and likeness via AI. Ms. Boyer stressed that neighbouring rights are not a "bonus" but the economic basis of professional artistic work, and called for robust European frameworks protecting image, voice and identity against non-consensual replication.

Grażyna Plebanek offered a writer's perspective on precarious remuneration structures, the time-intensive nature of literary production, and the limitations of opt-out mechanisms in the AI context. Her intervention drew attention to linguistic hierarchies in AI training, stressing the need for smaller language communities obtaining public support. The cumulative impact of exceptions, taxation and social security rules on authors' livelihoods were other poins that were raised, underpinning the need to keep the copyright system intact and as a stable source of income.

Other contributions emphasised the structural absence of legal and economic education in artistic training, the need to embed copyright awareness in curricula for creative higher education. Together, these testimonies framed copyright not only as an economic instrument but as a question of professional dignity, cultural diversity and inter-generational justice.

Day Two

Copyright infrastructure, AI and international coordination

The second day's first session, *"Exploring new paradigsm of copyright in a globalised and digital era"* focused more explicitly on copyright infrastructure in the age of AI and on international perspectives.

In his keynote, **Axel Voss** argued that the combination of Article 4 DSM Directive and the AI Act's transparency provisions reveals a structural gap with a legal framework that presupposes, but does not itself provide, machine-readable infrastructure for opt-outs, licensing and transparency. Mr. Voss advocated for the developpment of standardised and centralised mechanisms (potentially under EUIPO's stewarship) for representing rights in machine-readable forms, as well as exploring trusted third-party models for reconciling transparency with trade secrecy.

Panel discussions on infrastructure, including contributions from **Paul Keller**, **Alain Strowel** and **Kai Welp**, highlighted that even if the EU currently has a relatively sophisticated legal layer, the union lacks what was referred to as the middle semantic layer of identifiers, metadata standards and registries necessary to make rights management and clearance operational at scale. Collective management organisations (CMOs) were seen as key actors in certain sectors such as the music industry, but their existance and efficiency could not be presumed to be sufficiently developed across all fields of copyright-protected works. Public authorities, such as national Intellectual Property Offices and the EUIPO's new Knowledge Centre, were repeatedly identified as potential coordinators for technical standardisation and other operational efforts.

Generative AI, licensing, differentiation and accountability

In the session on copyright and generative AI, representatives of AI developers and content industries (Aleph Alpha, Wiley, Google, GPT-NL) the importance of differentiation between sectors was, once again, stressed. As were the particularities of the different models and uses. The importance of technical transparency, quality of training data, and the risk of oversimplified monolithic solutions were issues that were highlighted. The speakers acknowledged the limits of bilateral licensing, especially for smaller AI developers and for sectors where no established collective licensing infrastructures exist.

Enforcement, piracy and streaming fraud

The enforcement session discussed how traditional copyright threats such as unauthorised streaming, stream-ripping, and large-scale piracy remain acute, and that they have been intensified by AI.

Representatives from the record music industry (**Elena Blobel**) and the International Olympic Committee (**Katarzyna Gorgol-Maeder**) detailed the increasing sophistication of infringements, from high-quality counterfeit releases and stream manipulation (with empirical estimates of up to 23% manipulated streams in the music market) to live event piracy, undermining major revenue sources and funding for sport. Practical limits in ensuring around-the-clock enforcement and due diligence for smaller hosting providers was a point of discussion, raised by **Mr. Alex de Joode**, Legal, Regulatory, Risk & Compliance for AMS-IX, that engaged the whole panel with particularly diverging views on what should and should not count as realistic expectation. In contrast, there was a broad agereement on the need for technological tools such as fingerprinting and automated detection, and that cooperation frameworks and clear legislative baselines (better defined legal obligations under the DSA) remain indispensable and a pre-requisite for trust-buildning amongst stakeholders.

Closing session

The closing session, "*Copyright for the next generation of creators"*, focused on young and future creators and returned to the normative core of the conference. Contributions by **Dominick Luquer** (actor), **Cecilie Waagner Falkenstrøm** (AI artist), **Niclas Molinder** (songwriter, Music Rights Awareness Foundation) and **Ibán García del Blanco** (former MEP and member of the European Parliament Intergroup on Artificial Intelligence and Digital) underscored both the opportunities and systemic risks of AI. Deepfakes and identity theft were presented as existential threats to performers, while artist-

driven initiatives such as WIPO's CLIP platform were provided as illustrations of how metadata and rights-management tools can be co-designed with creators.

Concluding remarks

The EUIPO Copyright Knowledge Centre Conference was more than a formal inauguration of a new institutional initiative. It marked the beginning of a more strategically coordinated phase in European copyright governance.

The conference became a moment of unusual alignment across policymakers, creators, academics, and industry actors recognising that the existing EU copyright acquis, though far from obsolete, can no longer operate effectively without the development of supporting infrastructures.

A recurring motif was the need for coordinated European responses to divergent national practices, with an emphasis placed on interoperability of identifiers, metadata standards and flexible licesning solutions. In other words, there was a broad consensus that copyright effectiveness depends as much on a functional infrastructure as on substantive law.

In this context, the EUIPO Copyright Knowledge Centre position as a potential hub for facilitating coordination, organising knowledge and fostering a dialogue around copyright in an increasingly AI-mediated ecosystem was warmly welcomed.

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