



IPO consultation on Copyright and AI

Bectu response summary

February 2025

The Government's recent consultation on AI and copyright sought views on how the Government should approach rights holders' control whilst supporting the development of world-leading AI models in the UK. This included proposals to create an exception for "text and data mining" which would allow AI companies to train their models on material owned by UK copyright holders, so long as they had not 'opted out' to reserve their rights.

In our consultation response, we do not support the Government's preferred option (option 3) to create an exception for "text and data mining" per the above. We instead support option 1, to strengthen the copyright framework, if some transparency clauses are included.

Introduction

The Bectu sector of Prospect union represents nearly 40,000 members working across the creative industries, including broadcasting, cinema, film, digital media, independent production, leisure, live events, theatre, fashion and the arts. The Information Technology and Telecoms sector of Prospect union represents more than 16,000 people working in both the private and public sector in software, coding, data analysis, AI, engineering and many other parts of the tech sector. We also represent workers in VFX and gaming, who cross both the tech and creative sectors.

As a union representing workers across both the tech and digital sectors and the creative industries, we understand the importance of maintaining a competitive advantage across both sectors. We believe that the greatest way to achieve this is not by pitting the tech industry against the creative industries, but by understanding the intersecting needs of workers across the sectors.

In deciding the outcome of this consultation, it is essential that the Government fully understand that the creative and tech ecosystems cannot thrive economically unless both sectors are well protected.

A copyright exemption for AI training would fundamentally harm the UK's world-leading creative industries and we urge the Government to consider how this would in turn impact the workforce behind them, arguably the backbone of the UK's 'soft power' industries.

Protecting creators' rights to maintain the UK's competitive advantage

While seeking to enhance the UK's appeal as a hub for technology investment is understandable, undermining creatives' rights will not grant a meaningful advantage in global competition. The UK is an important player for tech development, but weakening intellectual property protections is unlikely to be a determining factor in attracting global companies.

Moreover, the success of the tech sector is often interlinked with that of the creative industries. This includes technologies such as VR and video games, which contributed around £5.12 billion to the UK economy in 2019. [Research by the Creative Industries Policy and Research Centre](#) has shown that the UK has one of the highest global levels of AI research publications in areas that are directly relevant to the creative industries. Growth should be understood ecologically between

the sectors rather than risking the decimation of the creative industries in an attempt to attract foreign investment in tech and digital.

Strengthening collaboration between the tech and creative industries with greater transparency and retained copyright protections, rather than pitting them against each other, is a far more sustainable approach to fostering long-term economic growth across sectors and maintaining the UK's competitive edge.

A copyright exception for commercial generative AI training purposes would be profoundly damaging for the creative industries

At present, copyright law works to protect many creatives from the theft and misuse of their work. It works, because the owner of an original work is automatically given the sole right to use, reproduce, distribute, and exhibit it thanks to copyright protection. The automatic nature of this protection is especially effective for smaller businesses and individual creatives, who do not have the resources to spend a lot of effort and money protecting their content.

The UK's thriving creative sector is enabled through original, unique, British content creation, which builds on the foundations of small budget productions. Making small companies and individual creatives 'opt out' of text and data mining would add another burden that could effectively give tech companies free reign over their creative content. This would make it impossible for smaller and independent creatives to survive.

And in order to apply an existing opt-out model such as 'robots.txt', creators need to have control over the web domain where their work is hosted, which is often not the case. Moreover, there is no way to protect downstream copies using such a model, making it effectively unworkable.

Much creative content has already been mined without the creator's permission, and there is little to say that creators would effectively be able to opt out of text and data mining when so many large language models have already been trained on their work. Any rights reservation would have to apply retrospectively to these works, but a lack of transparency means that this would be an incredibly difficult, if not impossible, thing to do.

The introduction of an opt-out model would have a negative impact across our membership, as it is likely that many would find their work used to train AI models without their knowledge or consent. Many creators are not directly remunerated for their creative outputs through licensing, which is held by the company for which they are working. However, they will be directly impacted by advancements in generative AI which are trained on their work and so their needs and rights must be taken into account.

If there is to be rights reservation, the format should also be as simple as possible and low cost for individual creators and rightsholders. We do not believe that effective rights reservation in any format can be achieved where the onus remains on individual creators.

Transparency and labelling

The transparent and clear labelling of machine-generated outputs is essential to be able to differentiate original human-created content from that which is created by AI, and prevent the devaluing of human creativity. These measures must be sufficient to support the breadth of the creative workforce and its skills.

[Research by Queen Mary University](#) has shown that the business models underpinning generative AI are already undermining current rights and protections through data extraction, reinforcing existing power inequities and furthering exploitative contractual process. The research highlights that the current lack of transparency in the use of generative AI is impacting less powerful creatives and those doing the 'backroom' work in the creative industries, with freelancers most exposed.

Transparency measures will be fundamental for AI developers to demonstrate adherence to copyright law as well as enabling rightsholders to enforce their rights when necessary. Transparency is also key to ensuring public trust in AI development and use. Where AI

developers use human generated content, this must be recorded in accessible logs so that creators can exercise their rights.

We also urge the Government to be mindful of changing requirements as new technologies develop, for example in the digitisation of fashion and costume design or in visual effects, where formats and processes of creation and down streaming are likely to change over time.

Computer generated works

We generally support maintaining the current protection that exists for computer generated works. Originality must remain intrinsically tied to human creativity and authorship, which sometimes relates to individuals creating content that is computer generated. A significant section of our membership working in visual effects create computer-generated content, and while it is often the companies rather than the workers who hold the rights to this content, weakening existing protections for human-generation would have a major impact on the industry. The protection of “traditional” works made with the assistance of AI tools must remain unaffected.

Moreover, the government must consider this regulation in the context of jobs of the future. AI could well have a transformative role in job creation, but there are roles such as prompt engineers who create original content using AI tools, so this must be considered in deciding how computer-generated works with human creators are protected under copyright law.

Developing value across the tech and creative sectors

There is clearly huge potential to grow the tech and digital sectors and the creative industries in tandem, with technological advances bringing innovation and improving efficiency across the creative economy.

Recent data from the [Pact Census](#) found that 57% of producers had used AI in their production process or planned to soon. This is likely to grow exponentially as the technology improves, as 80% of producers who had used generative AI had made their organisation more efficient.

However, it is essential that in growing the UK’s tech and digital sector, especially surrounding the growth of generative AI technologies, that value is developed in both industries rather than seeing a transfer of value from the creative to the tech sector.

Protecting creators must be at the heart of this.

The Government must ensure investment into the creative industries is maintained, and that AI is regulated so there is transparency and accountability in its application that does not undercut human creativity and inadvertently take value away from a thriving creative industry. They must also ensure investment in skills and training in the creative industries, to allow those who support this essential sector to benefit from emerging technologies.