



## The Copyright Licensing Agency Limited (CLA)

### Data (Use and Access) Bill: call for evidence

CLA believes that compliance with copyright law is crucial to facilitate the ethical, safe and legal development and scalability of generative AI technologies and is essential for the sustainability of the UK's creative industries worth £124<sup>1</sup> billion annually to the UK economy. We therefore support ss135 – 139 of the Data (Use and Access) Bill. We believe these requirements in the Data (Use and Access) Bill will encourage innovation, and ensure the safe, ethical and legal development of generative AI, therefore promoting greater adoption by consumers and business in the UK, as well as creating a fair playing field for rightsholder and creators by facilitating greater licensing and the development of new licensing solutions through a clear understanding of which copyright protected works have or are being used.

Compliance with copyright law and mandatory transparency measures are required to facilitate licensing as is required by law where copyright protected works are used for the training of generative AI systems. There are societal and economic benefits for the UK in mandating generative AI developers to provide accessible, accurate and complete information around works used to train their systems. In respect of licensing, this will support the current licensing market, facilitate greater licensing and promote the evolution of new licensing solutions – either on a direct or voluntary collective basis. Rightsholders and creators will benefit from greater access to information and the ability to exert control over the use of their works by identifying which of their works have been used, by whom and how, allowing them to offer an appropriate licence if they choose to do so.

CLA is well established in offering voluntary, collective copyright licences and for over forty years, CLA's licences have adapted to enable the copyright-compliant use of content with new technologies, and generative AI is no different. As professionals increasingly use copyright protected works as prompts in generative AI tools in the workplace, CLA has developed new **workplace AI permissions** which permit content users to carry out this activity lawfully and ensure that rightsholders and creators are fairly remunerated for the use of their works. These new workplace permissions will be followed later this year with the launch of a premium model that includes the right to perform retrieval augmented generation (RAG). CLA is also working on developing a training licence to complement direct licensing deals already being negotiated between the larger AI firms, to ensure the medium and long tail of rightsholders is represented and compensated where those rightsholders wish to participate.

This evolution in CLA's blanket licences follows the development and launch of a text and data mining (TDM) extension for the corporate and public sector, permitting TDM for commercial purposes of whole works and covering a wide range of published content.

These enhancements to CLA's voluntary licensing schemes developed in consultation with CLA's members – Authors Licensing and Collecting Society (ALCS), Design and Artists Copyright Society (DACS), PICSEL (Picture Industry Collecting Society for Effective Licensing) and Publishers' Licensing Services (PLS) – demonstrate the flexibility of licensing as a solution without the need for changes to copyright law.

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<sup>1</sup> <https://lordslibrary.parliament.uk/contribution-of-the-arts-to-society-and-the-economy/>.



## **About The Copyright Licensing Agency Ltd (CLA)**

The Copyright Licensing Agency Ltd (CLA) is a collective management organisation (CMO) as defined in The Collective Management of Copyright (EU Directive) Regulations 2016.

Regulated by the UK Intellectual Property Office (IPO), CLA is the recognised UK CMO for collective licensing of text and images from book, journal and magazine content (including some websites) to the corporate, education and public sectors. CLA exists to simplify copyright for content users and copyright owners, and our mission is to help users to legally access, copy and share published content, while also making sure that creators and rightsholders are fairly remunerated for the use of their works.

Established over 40 years ago, CLA has provided copyright licences to a growing user base, enhanced by a range of related products and services, evolving its offering over time to meet changing user needs and requirements, but always with the aim to simplify copyright and make it easier for users to access content.

CLA is a not-for-profit, membership owned organisation. It has four members: Authors Licensing and Collecting Society Ltd (ALCS), Design and Artists Copyright Society (DACS), PICSEL Ltd (Picture Industry Collecting Society for Effective Licensing) and Publishers' Licensing Services Ltd (PLS). CLA distributes the revenue it collects from licensing to its members, who in turn distribute to authors, publishers and visual artists.

## **About Voluntary Collective Licensing**

Voluntary collective licensing is a cost-effective blanket licensing solution and offers a practical alternative where it is not easy to license on an individual basis for specific uses due to the volume of rightsholders or users and/or the scale of use. Since it is not possible to take account of the exact rights ownership of each extract which may be copied or used, the licence revenues are shared between all the relevant rightsholders.

Through licensing, CLA ensures that creators and rightsholders are fairly remunerated for their time and investment and continue to innovate to support the UK's creative economy. Since 1983, CLA has distributed over £1.5 billion to creators and rightsholders, and in 23/24 distributed £91.5m.

CLA has developed a set of principles for copyright and generative AI which we believe will ensure the responsible development of AI.<sup>2</sup> These principles are:

- Permission Based
- Fair Remuneration and Compensation
- Transparency and Attribution
- Authenticity

For further information, please contact:

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<sup>2</sup> <https://cla.co.uk/ai-and-copyright/principles-for-copyright-and-generative-ai/>.