

CCIA Europe Response to EU Commission Call for Evidence

Refocusing the EU copyright framework on its core purposes: Societal benefit and innovation

June 2026

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to provide feedback on the European Commission's call for evidence on its upcoming targeted initiative for a better copyright environment for European creativity and innovation.¹ The Association respectfully submits the seven recommendations below.

I. Preserving copyright rules to build Europe's AI future

Today's EU copyright rules are delicately balanced and unique. They offer robust protection to copyright holders and are a key enabler of AI innovation at the same time. The EU should preserve this framework and recognise it as a fundamental asset for Europe's ambition to become an 'AI Continent'.

Recommendations:

1. Maintain the existing TDM framework and avoid constant regulatory changes
2. Reject mandatory licensing and disproportionate transparency requirements
3. Rely on consensus-driven international technical standards for opt-outs
4. Ensure harmonised enforcement of existing rules, respect territoriality, and address replicas through appropriate legal frameworks

II. Resisting the overreach of copyright injunctions aimed at curbing online piracy

The current legal framework already provides adequate tools to fight online piracy of live events. The Commission should refrain from adding new rules and instead focus on better enforcement in order to effectively curb illegal broadcasts, while protecting users' rights from abusive practices.

Recommendations:

5. Enforce the current EU legislative framework better
6. Balance anti-piracy enforcement and fundamental rights protection
7. Support effective measures to tackle online piracy

¹ European Commission, 'Targeted initiative for a better copyright environment for European creativity and innovation', accessible [here](#).

Introduction

The Computer & Communications Industry Association (CCIA Europe) welcomes the opportunity to submit its recommendations in response to the call for evidence on the European Commission's future targeted initiative for a better copyright environment for European creativity and innovation. The call for evidence aims to collect information to support the review of the EU Copyright Directive² and to seek feedback on the challenges linked to the exercise of copyright and related rights in the context of technological developments.

As Europe strives to boost its competitiveness and become a global leader in the digital age, its current copyright framework stands out as delicately balanced and unique in the world. Indeed, by offering robust protections for rightsholders, while simultaneously providing the legal certainty necessary to fuel AI innovation, these rules have become a cornerstone of European AI development.

To fully realise the ambitions set out in the AI Continent Plan, EU policymakers must resist the urge to dismantle this framework or add new layers of complexity. Instead, the EU should actively preserve and leverage these established rules as a fundamental asset that safeguards copyright protection but simultaneously also enables European AI developers and deployers to scale and compete globally.

In parallel, while online piracy remains a persistent challenge, addressing it must not come at the expense of the proper functioning of the internet or fundamental rights. Rather than layering new obligations onto neutral intermediaries, the Commission should focus on enforcing the EU's robust legal framework. The current trend towards blunt, fragmented national injunctions demonstrates that overreaching enforcement not only fails to curb piracy effectively, but also triggers severe collateral damage, including the overblocking of legitimate services and the privatisation of internet censorship.

CCIA Europe respectfully submits the seven recommendations found below, which are structured around two thematic areas:

- I. Preserving copyright rules to build Europe's AI future
- II. Resisting the overreach of copyright injunctions aimed at curbing online piracy

Our Association stands ready to support the Commission in achieving these objectives.

I. Preserving copyright rules to build Europe's AI future

Today's EU copyright rules are delicately balanced and unique. They offer robust protection to copyright holders and are a key enabler of AI innovation at the same time. The EU should preserve this framework and recognise it as a fundamental asset for Europe's ambition to become an 'AI Continent'.

² Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market, available [here](#).

1. Maintain the existing TDM framework and avoid constant regulatory changes

The commercial text-and-data-mining (TDM) exception enshrined in Article 4 of the EU Copyright Directive serves as a cornerstone of the European AI ecosystem. This exception was explicitly introduced to promote the development of new applications and technological innovation by allowing AI models to train on lawfully accessed, publicly available data. Restricting this access would severely degrade the output quality and reasoning capabilities of European models.

Empirical research demonstrates that limiting AI model training strictly to public-domain data can result in a 50% drop in complex reasoning performance.³ Furthermore, economic evidence warns that undermining the current TDM framework could cost the European economy up to €600 billion in annual gains due to slower AI adoption and diminished research and development productivity.⁴

To secure Europe's digital competitiveness, the European Commission must prioritise regulatory stability over continuous disruption. Constantly moving the goalposts by introducing additional copyright rules creates tremendous legal uncertainty, which actively harms business operations and stifles long-term investment in the European AI ecosystem. Moreover, the AI Act's copyright chapter is set for enforcement in August 2026, bringing its own set of substantial compliance burdens.

Rather than introducing new targeted initiatives, the EU must allow sufficient time to holistically assess the existing framework. Crucially, the upcoming AI Act transparency obligations must be implemented coherently with the Directive on Copyright in the Digital Single Market (DSM Directive) and must not be used as a vehicle to impose new substantive obligations not originally foreseen by EU copyright law.

2. Reject mandatory licensing and disproportionate transparency requirements

CCIA Europe urges the Commission to firmly reject proposals to introduce mandatory licensing schemes or arbitration mechanisms. Commercial negotiations are the only viable path to drive revenue and mutually beneficial outcomes. Rigid regulatory arbitration schemes would be unworkable and ineffective given the scale of the open internet and the quantity of data needed to train AI models. Such schemes would therefore considerably slow down innovation and harm Europe's competitiveness.

Current market dynamics show that mutually beneficial deals between rightsholders and AI developers are emerging and demonstrate that the market is evolving rapidly. Copyright must not be misconstrued as an industry subsidy or leveraged to satisfy oversized payment demands disconnected from market economics. Nor should slow, fragmented arbitration mechanisms be allowed to override the fundamental right to freedom of contract while disproportionately benefiting intermediaries over actual creators.

Furthermore, the EU must resist calls to impose additional transparency requirements or artificial presumptions of use. The AI Act already introduces a comprehensive AI training

³ Implement Consulting Group, 'The TDM Equation: Shaping the Future of Training AI in the EU', 3 June 2026, accessible at <https://implementconsultinggroup.com/article/the-tdm-equation>

⁴ Ibid.

data transparency framework that will be enforced from August 2026. Introducing additional reporting mandates would create severe compliance overlaps, compromise trade secrets, and threaten model security.

In particular, proposals to reverse the burden of proof via a presumption of use are technically impossible to implement but also introduce a legal risk of excessive litigation and prolonged uncertainty. Such disproportionate regulatory burdens would considerably harm innovation. Under primary EU law, disclosures cannot be mandated for uses that fall outside the scope of copyright protection, rendering any attempts to circumvent established legal frameworks entirely illusory. Instead of burdensome reporting requirements that directly hinder commercial agreements, policy should focus on freely negotiated, contract-based obligations and industry-driven technical standards that allow the European AI ecosystem to remain globally competitive.

3. Rely on consensus-driven international technical standards for opt-outs

While the EU's TDM exception effectively balances innovation with intellectual property (IP) by allowing rightsholders to opt out, the mechanisms must remain technically viable. Rather than introducing fragmented, overlapping, or legally mandated opt-out mechanisms that risk making the TDM framework entirely unworkable, the EU should rely on industry-led, international consensus standards.

Specifically, the EU should support ongoing work within international bodies, such as the IETF AIPREF process, to update widely adopted protocols like the universal robots.txt protocol, enabling more effective and granular rights reservations. Establishing a standardised, machine-readable vocabulary at the global level ensures that rights reservations can be processed automatically and reliably at scale across different jurisdictions. This is key to avoiding the emergence of conflicting signals or protocols, which would defeat the purpose of rights reservations.

Moreover, future policy initiatives must remain grounded in the technical realities of AI development. Data selection and model-training cycles are lengthy processes that frequently take 12 months or longer. Because modifying complex datasets in the middle of a training cycle is technically impossible and economically disproportionate, AI developers require absolute clarity regarding opt-outs far ahead of training and deployment. Instead of imposing rigid new rules, the EU should consider non-legislative measures, for example, to improve crawler transparency.

4. Ensure harmonised enforcement of existing rules, respect territoriality, and address replicas through appropriate legal frameworks

To unlock the full potential of AI, the European Commission must address the current legal fragmentation undermining the Digital Single Market. Because Member States have implemented the Article 4 TDM exception with varying scopes and conditions, cross-border AI operations still face legal fragmentation today. AI developers and deployers are currently forced to maintain separate compliance processes and legal assessments for different EU jurisdictions, which drives up operational costs and discourages cross-border investment. That is why the Commission must ensure uniform enforcement and interpretation of copyright rules.

Equally vital to legal certainty is the strict adherence to the fundamental principle of territoriality in international copyright law. The EU must strongly caution against misguided interpretations of the AI Act, particularly regarding Recital (106) that attempt to apply EU copyright rules extraterritorially to data training activities occurring outside the Union. As recognised under Article 5 of the Berne Convention and consistently upheld by the Court of Justice of the European Union, copyright rules are strictly territorial. Attempting to enforce EU copyright law beyond its borders would violate international norms and international comity, while creating insurmountable, conflicting compliance demands for companies operating on a global scale.

Finally, for the distinct cases of impersonations and digital replicas, policy interventions must look outside the scope of copyright to avoid distorting established intellectual property rules. Any measures targeting the unauthorised public dissemination of replicas must be precisely targeted to protect personal use and safeguard fundamental free expression through broad exceptions for parody, news reporting, and art. Crucially, legal liability must rest with the specific actors who intentionally create and share harmful content, rather than with the model or system providers. Bespoke legal frameworks, such as personality rights or right of publicity laws, are more legally appropriate and effective than copyright law for addressing the unique societal and identity challenges posed by digital imitations.

II. Resisting the overreach of copyright injunctions aimed at curbing online piracy

The current legal framework already provides adequate tools to fight online piracy of live events. The Commission should refrain from adding new rules and instead focus on better enforcement in order to effectively curb illegal broadcasts, while protecting users' rights from abusive practices.

5. Enforce the current EU legislative framework better

The European Union possesses a comprehensive legal framework to combat online piracy, particularly regarding live sports events. Article 8(3) of the InfoSoc Directive requires Member States to ensure that rightsholders are in a position to apply for an injunction against intermediaries whose services are used by a third party to infringe a copyright or related right⁵. The Court of Justice of the European Union (CJEU) clarified that, to be lawful, such measures must be strictly targeted, ensuring they are capable of bringing the infringement to an end without unnecessarily affecting lawful uses of the intermediary's services. Furthermore, they must strike a fair balance between the competing fundamental rights, including the intermediary's freedom to conduct a business and users' freedom of information⁶.

⁵ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, available [here](#).

⁶ CJEU, 27 March 2014, case C-314/12, ECLI:EU:C:2014:192, UPC Telekabel Wien GmbH v Constantin Film Verleih GmbH and Wega Filmproduktionsgesellschaft mbH (UPC Telekabel).

The removal of illegal content by online platforms is regulated through Article 17 of the Copyright Directive. This article establishes a clear liability framework for unauthorised acts of communication to the public, including making copyright-protected works available to the public. According to Article 17, online content-sharing service providers (OCSSPs) are generally held directly responsible for these actions unless they secure the necessary permissions from rightsholders, usually via licensing contracts.

In the absence of such authorisation, platforms can benefit from an exemption⁷ but must prove they have undertaken best efforts to secure such authorisations and to prevent the availability of specific works. Moreover, upon receiving a properly detailed notification, they must act promptly to remove or block access to the reported content and ensure it is not re-uploaded in the future.

The CJEU emphasised that this obligation cannot be interpreted as imposing general monitoring obligations on OCSSPs and that any preventive measures must be strictly targeted, proportionate, and accompanied by robust safeguards against the blocking of lawful content⁸. The EUIPO's assessment of the European Commission Recommendation on combating online piracy highlights the effectiveness of this mechanism, noting that infringing material was successfully removed in 96% of instances by platforms during the live transmission⁹.

The Digital Services Act (DSA)¹⁰, which applies to all digital services that connect consumers to content, sought to improve the mechanisms for the taking down of illegal material. The DSA also correctly recognises that the online ecosystem is made up of different actors that play different roles and have different technical capabilities to act against illegal content – a principle that must be respected and maintained when considering any future action. Article 16 establishes notice-and-action mechanisms according to which providers of hosting services shall put mechanisms in place for the notification and removal of illegal content, such as pirated streams. This mechanism is complemented by Article 22, which creates the certification system for trusted flaggers.

Receiving this status means that online platforms have to treat trusted flaggers' submitted notices on illegal content with priority and without undue delay. The DSA abstains from establishing automatic takedowns to avoid creating a massive loophole for abuse and censorship. By establishing a more favourable mechanism for trusted flaggers, the Commission ensures a delicate balance with freedom of expression of internet users. It remains premature to assess the full impact of the DSA, particularly as the Commission's draft guidelines on trusted flaggers are still undergoing the public consultation process¹¹.

⁷ Article 17(4) of the Copyright Directive.

⁸ Case C-401/19 Poland v Parliament and Council EU:C:2022:297.

⁹ Commission Staff Working Document, Assessment of the effects of Commission Recommendation (EU) 2023/1018 of 4 May 2023 on combating online piracy of sports and other live events, available [here](#).

For more information, see: Quintais, João Pedro and Aznar, Miquel, Between Effectiveness and Fundamental Rights: Sports Piracy and the Privatization of Copyright Enforcement in the EU (April 10, 2026). Available at <http://dx.doi.org/10.2139/ssrn.6674479>.

¹⁰ Regulation (EU) 2022/2065 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), available [here](#).

¹¹ European Commission, Targeted consultation: draft guidelines on trusted flaggers under the Digital Services Act (DSA), accessible [here](#).

Given this context, CCIA Europe believes that taking further action is premature. Instead, the Commission should focus on protecting users' rights against overreaching enforcement strategies by rightsholders at national level. If the current regimes are not functioning, the question should be why, and the issue should be resolved through enforcement of the existing rules. New rules will not close the gap if the rules already in force are not being enforced.

6. Balance anti-piracy enforcement and fundamental rights protection

Relying on Article 8(3) of the InfoSoc Directive, several Member States recently implemented national strategies aiming at quickly blocking illegal content online, especially in the context of live sports events. These anti-piracy systems rely on blunt blocking of Internet Protocol (IP) addresses and the Domain Name System (DNS). They lead to massive overblocking of legitimate websites, without ultimately curbing online piracy.

In Italy, the automated Piracy Shield forces internet service providers (ISPs) to block websites – but also virtual private networks (VPNs) and DNS resolvers – within 30 minutes of a rightsholder's report. Because of shared IP addresses and a lack of robust verification, this has led to massive overblocking of legitimate services, including a nationwide outage of Google Drive¹².

A concerning shift towards 'privatised enforcement' has also emerged, where private organisations, such as sports leagues, effectively function as *de facto* regulators of internet traffic. These entities determine which IP addresses should be blocked, without any judicial oversight, leading to significant collateral damage. In Spain, the national football league has established an aggressive, privatised IP-blocking regime based on a single court judgment. This court decision allows them to unilaterally compile lists of IP addresses to block without ongoing judicial oversight, disrupting tens of thousands of legitimate websites, including payment providers and a national health operator¹³.

These blunt infrastructure-level measures ultimately undermine the DSA, disrupt lawful services, and severely infringe upon Europeans' fundamental rights for the sake of limited effectiveness. Because they fail to actually remove content from the internet or prosecute the perpetrators, they leave pirates untouched. Bad actors simply rotate to new IP addresses or URLs to bypass the blocks. The European Commission must avoid replicating these counterproductive rules at the EU level and instead enforce clear safeguards to protect fundamental rights.

The protection of users' freedom of information and expression must be guaranteed, as broad IP address blocking frequently results in overblocking, inadvertently restricting internet users' access to lawful, non-infringing content hosted on shared infrastructure. Intermediaries' freedom to conduct a business must also be preserved, since extending blocking injunctions to neutral infrastructure providers like content delivery networks (CDNs), DNS resolvers, and VPNs fundamentally interferes with their core business models.

¹² For more information, see CCIA Europe's blog post: Italy Piracy Shield: Lessons Learned and Mistakes to Avoid, September 2024, available [here](#).

¹³ For more information, see CCIA Europe's blog post: Repeating Failure: How Spanish Overblocking Ignores the Lessons of Italy's Broken Piracy Shield, May 2026, available [here](#).

It also puts the burden of enforcement onto intermediaries who lack control over the content.

The right to privacy must also be protected, as treating VPNs as internet service providers that are required to implement injunctions contradicts their core purpose of providing users with an encrypted, private tunnel for secure online navigation. Finally, the right to judicial remedies must be upheld to ensure due process, continuous judicial oversight, accountability, and rapid unblocking mechanisms for affected third parties.

7. Support effective measures to tackle online piracy

Addressing piracy effectively requires a proportionate and multi-faceted strategy, primarily by properly enforcing the current rules, targeting pirate operations directly, and encouraging better stakeholder cooperation.

CCIA Members believe that the least damaging approach for the internet ecosystem is to attack illegal content and activities at their source. Instead of broad, infrastructure-level blocking – which creates a ‘whack-a-mole’ scenario where bad actors simply migrate to new IP addresses – strategies should focus on prosecuting the actual piracy networks. Additionally, a follow-the-money strategy ought to be deployed to target the payment gateways that process illegal streaming fees and the advertising networks that fund pirate operations, thereby dismantling the commercial incentives of piracy networks.

Member States should allocate additional resources to law enforcement and provide specialised training to track and dismantle cross-border piracy networks. Robust public enforcement is a far more appropriate and accountable tool for combating large-scale digital crime than delegating quasi-regulatory blocking powers to private entities.

Collaboration between rightsholders and intermediaries remains essential for combating the piracy of live content. Because online piracy directly impacts their services, CCIA Members have developed robust systems to counter IP infringement – including reporting mechanisms as well as proactive detection of repeat infringers and the disabling of their accounts. These established, industry-driven tools must not be undermined.

In addition, online intermediaries engage in proactive partnerships with rightsholders that go beyond notice-and-takedown mechanisms. Cross-industry collaboration is critical to any broader strategies that seek to tackle IP infringement. Such collaborative efforts also serve to warn potential abusers that platforms and other stakeholders will not tolerate their actions. Rather than misclassifying neutral infrastructure providers (such as CDNs, DNS resolvers, or VPNs) as hosting services, policy should focus on enhancing cooperative frameworks that streamline communication with rightsholders with a view to effectively addressing online piracy.

Conclusion

To build Europe’s AI future, the EU must maintain the existing copyright framework and the careful balance that it manages to strike. The European Commission should avoid constant regulatory changes that create legal uncertainty and threaten significant economic and productivity losses. Indeed, the EU must firmly reject mandatory licensing and

disproportionate transparency requirements, while relying on consensus-driven international technical standards (such as updates to the robots.txt protocol) to manage opt-outs effectively. The Commission should ensure the harmonised enforcement of existing rules, respect territoriality, and address replicas through appropriate legal frameworks.

Finally, CCIA Europe supports the Commission's ongoing efforts to protect IP and fight against illegal streaming of live events. However, we believe that the European Union already possesses a strong legislative framework and that it is premature to take any further action. Instead, the EU should continue to carefully balance anti-piracy enforcement with the protection of fundamental rights, while focusing its efforts on enforcing existing remedies.

About CCIA Europe

The Computer & Communications Industry Association (CCIA) is an international, not-for-profit association representing a broad cross section of computer, communications, and internet industry firms.

As an advocate for a thriving European digital economy, CCIA Europe has been actively contributing to EU policy making since 2009. CCIA's Brussels-based team seeks to improve understanding of our industry and share the tech sector's collective expertise, with a view to fostering balanced and well-informed policy making in Europe.

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