

CCIA Explainer¹

International Copyright Frameworks for AI Training

Executive Summary

A small group of jurisdictions have adopted comprehensive, economy-wide exceptions or doctrines that allow copyrighted works to be used for AI training (e.g. fair use, text and data mining (TDM)).² The clearest enacted leaders are **Japan**, **Singapore**, and the **European Union**, as well as the **United States**, through its fair-use doctrine—recently bolstered through a seminal USG Statement of Interest in an ongoing litigation.³ **Israel** reaches a similar result through an official fair-use interpretation, while **Switzerland** has adopted a narrower exception limited primarily to scientific research. These regimes vary sharply on whether rightsholders can withhold consent to training through mandatory opt-out procedures. **Japan**, **Singapore**, and the **United States** impose no specific opt-out, while the **EU** mandates the availability of machine-readable reservations of rights. To facilitate enforcement, it also layers additional transparency obligations through its AI Act.⁴ Among proposed or emerging regimes, **Hong Kong** has advanced a plan for protecting training activities (via a commercial TDM exception), while South Korea, Canada, and Taiwan remain at earlier consultative stages. **South Africa** has advanced comprehensive legislation; its proposed fair-use provisions were upheld by its Constitutional Court in June 2026, although the bill must return to Parliament after the Court invalidated separate education-related exceptions. **Chile** has actively pursued a broad TDM exception for several years but has yet to enact legislation.

Other major jurisdictions are moving toward mandatory licensing, remuneration, or more restrictive approaches. The **United Kingdom** shelved a proposed EU-style exception following significant creative-sector opposition, while **Australia** rejected a broad exception in favor of exploring licensing-based approaches. Similarly, **Hong Kong** proposed a wide ranging TDM exception last year but retreated in the face of rightsholder opposition, resulting in a de facto endorsement of mandatory licensing. **India** has a fair dealing provision, which a court recently determined covered training, suggesting the lack of a need for an express AI training exception. However, India is considering a mandatory collective compulsory licensing and remuneration model amid ongoing litigation, including at the Supreme Court. **Brazil**, meanwhile, proposed an AI framework that would condition commercial AI training on remuneration to rightsholders and allow authors to prohibit the use of their works.

¹ Last updated: September 11, 2026

² This paper surveys how selected jurisdictions have addressed copyright and AI training, without taking a position on whether an express exception is legally required. Several regimes described reach a permissive result through general doctrine rather than AI-specific provision, and whether training activities implicate the reproduction right remains contested.

³ United States Statement of Interest (September 1, 2026). https://cdn.openai.com/pdf/gov.uscourts.nysd.612697.52.0_1.pdf.

⁴ Approaches to AI training also vary in these and other jurisdictions on other considerations such as: lawful access to data, payment mechanisms, rights beyond reproduction, and transparency disclosures for AI training that are beyond the scope of this paper.

Key Takeaways

- **The most permissive cluster remains small:** Japan and Singapore have enacted broad statutory exceptions for commercial AI training, while the United States relies on fair use and Israel on official guidance. The EU permits commercial TDM subject to rightsholder opt-outs and transparency requirements.
- **Consent and remuneration are the principal dividing lines:** Japan, Singapore, and the United States impose no AI-training-specific opt-out, whereas the EU and Hong Kong's proposed regime permit machine-readable reservations of rights. Brazil, India, Australia, and the United Kingdom are instead considering—or moving toward—licensing and remuneration-based approaches.
- **Global momentum is fragmented:** Hong Kong is considering enabling exceptions, while Canada remains unsettled and Chile rejected a proposed exception in May 2026. South Korea and Taiwan have fair-use doctrines but lack clarity on their applicability to TDM. South Africa's proposed fair-use provisions have cleared constitutional review, but other jurisdictions—including Australia and the United Kingdom—have retreated from broad exceptions.
- **The U.S. position is favorable but litigation-dependent:** Two federal district courts held in 2025 that generative-AI training was fair use, while *Thomson Reuters v. Ross* reached the opposite result for a non-generative competing legal-research product. The pending Third Circuit appeal and other ongoing cases could materially alter the current baseline.

The remainder of this paper compares key aspects of these regimes in greater detail, examining their legal foundations, treatment of commercial AI training, opt-out and licensing requirements, and current legislative or litigation status. It is important to recognize that all these regimes, including the most permissive, operate within the constraints of international law, including the 3-step test (e.g. Berne Art. 9(2), TRIPS Art. 13).

Comparative Table

Shading: **blue** = permissive regimes in force; **grey** = official guidance/proposed/under review; **red** = considered and rejected or shelved.

Jurisdiction	Legal Instrument	Commercial AI Training?	Key conditions / Opt-Out	Key Dates	Status
United States	Copyright Act, 17 U.S.C. §107 (fair use, general exception) ⁵	Yes, case-by-case	Case-by-case 4-factor test; source acquisition and market effect significant; appeals pending	Fair use enacted 1976; principal AI-training rulings issued 2025	Established
Japan	Copyright Act, Art. 30-4 ⁶	Yes	No opt-out; excludes uses with an enjoyment purpose or that unjustly harm rightsholders' interests.	Amendment enacted 2018; effective 2019	Established
Singapore	Copyright Act 2021, s.244 (CDA) ⁷	Yes	Lawful access required; no opt-out; cannot be overridden by contract	Enacted 2021; effective 2021	Established
European Union	Directive (EU) 2019/790 (CDSM Directive), Arts. 3, 4 and 7(1)	Yes (Art 4)	Lawful access required; Rightsholder opt-out; machine-readable for publicly available online content; Art. 4 may be overridden by contract (unlike Art. 3); national transposition diverges; additional EU AI Act transparency obligations for GPAI.	CDSM Directive adopted 2019; transposition deadline 2021; AI Act obligations began 2025	Established (conditional)

⁵ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title17-section107&num=0&edition=prelim>

⁶ <https://www.japaneselawtranslation.go.jp/en/laws/view/3379>

⁷ <https://sso.agc.gov.sg/Act/CA2021>

Israel	MoJ opinion (2022) interpreting established under open fair use ⁸	Yes	Non-binding; caveats where data is narrow / outputs compete	Ministry of Justice opinion issued 2022	Established (guidance)
Hong Kong	Proposed TDM / CDA exception ⁹	Yes	Lawful access; no use of infringing copies; source record-keeping and disclosure; rightsholder opt-out.	Consultation launched 2024; proposal outlined 2025; legislation delayed	Proposed
South Korea	Fair use, Copyright Act, Art. 35-5 ¹⁰	Undecided	Case-by-case 4-factor test	Fair Use Guidelines issued Feb 2026 ¹¹	Under review
Canada	Under consultation (ISED) ¹²	Undecided	“What We Heard” report Feb 2025; no bill tabled	Consultation launched 2023; findings published 2025	Under review
Taiwan	Fair use, Copyright Act, Art. 65 ¹³	Undecided	Case-by-case 4-factor test	Fair use guidelines pending	Under review
Brazil	AI bill PL 2338 (in Chamber of Deputies) ¹⁴	Subject to remuneration and rightsholder opt-out.	Research/non-commercial TDM free; commercial training requires payment; rightsholders may prohibit	Bill introduced 2023; Senate approved 2024; pending before Chamber	Proposed
South Africa	Copyright Amendment Bill (fair use) ¹⁵	Potentially	Fair-use clause upheld; separate provisions invalidated	Bill introduced 2017; Parliament approved 2024; fair-use provisions upheld 2026	Proposed (returned to Parliament)

⁸ <https://www.gov.il/BlobFolder/legalinfo/machine-learning/he/machine-learning.pdf>

⁹ <https://www.ipd.gov.hk/filemanager/ipd/en/share/consultation-papers/Eng-Copyright-and-AI-Consultation-Paper-20240708.pdf>

¹⁰ https://elaw.klri.re.kr/eng_service/lawView.do?hseq=71274&lang=ENG

¹¹ https://www.copyright.or.kr/eng/doc/etc_pdf/Guide_on_Applicability_of_the_Fair_Use_Doctrine_to_Training_of_GenAI_Models.pdf

¹² <https://ised-isde.canada.ca/site/strategic-policy-sector/sites/default/files/documents/copyright-consultation-report-en.pdf>

¹³ <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=10070017>

¹⁴ <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2487262>

¹⁵ <https://www.saflii.org/za/cases/ZACC/2026/26.html>

India	No express TDM/AI-training exception; Copyright Act 1957, s.52 (fair dealing) ¹⁶	Provisionally recognized as fair dealing; appeal and merits pending	ANI v. OpenAI pending (positive Delhi HC, interim judgment Jul 2026 but full case still pending); DPIIT proposes blanket licence + statutory royalties (CRCAT)	ANI litigation filed 2024; licensing proposal released 2025	Under review (litigation)
United Kingdom	Consultation 2024-26 (shelved) ¹⁷	No	TDM+opt-out dropped; s.29A CDPA stays non-commercial research only	Consultation launched 2024; proposed exception shelved 2026	Shelved
Australia	PC proposal rejected (2025) ¹⁸	No	Government examining licensing and remuneration arrangements	Exception proposed August 2025; rejected October 2025	Rejected

Permissive Regimes in Force

A first cluster of jurisdictions has already clarified or established legal pathways for the commercial use of copyrighted works in TDM and AI training, whether through express statutory exceptions, flexible fair-use doctrines, or official guidance. These regimes vary in scope and certainty, particularly regarding commercial use, lawful-access requirements, rightsholder opt-outs, and transparency obligations—but generally provide the clearest existing bases for permission-free AI training.

United States: fair use (17 U.S.C. §107)

- The U.S. relies on the flexible, four-factor fair use doctrine for AI training. Two key 2025 district-court rulings have been broadly favorable to AI training on lawfully acquired material. In *Bartz v. Anthropic*, Judge Alsup held that training models on purchased books is “spectacularly transformative” fair use, while retaining a library of pirated copies was not; Anthropic settled the piracy claims for roughly \$1.5 billion. In *Kadrey v. Meta*, Judge Chhabria also found AI training was fair use. Cutting the other way, the court in *Thomson Reuters v. Ross* found a non-generative tool trained on materials derived from Westlaw’s materials to directly compete with Westlaw was not fair use, now on appeal to the Third Circuit.

¹⁶ <https://copyright.gov.in/Documents/Copyrightrules1957.pdf>

¹⁷ <https://www.gov.uk/government/publications/report-and-impact-assessment-on-copyright-and-artificial-intelligence/report-on-copyright-and-artificial-intelligence>

¹⁸ See the proposal here: <https://www.pc.gov.au/inquiries-and-research/data-digital/interim/> and the government’s rejection here: <https://ministers.ag.gov.au/media-centre/albanese-government-ensure-australia-prepared-future-copyright-challenges-emerging-ai-26-10-2025>

- The U.S. is among the most permissive regimes in practice for training, but it is case-by-case and remains unsettled due to numerous cases awaiting decisions and pending appeals.

Japan: Copyright Act, Article 30-4

- Japan operates the most permissive enacted statutory regime. Article 30-4 (in force since 2019) allows use of works for “non-enjoyment” purposes, including information analysis and AI training, without rightsholder permission, for commercial or non-commercial use, and with no opt-out. A provision withholds the exception where use would “unjustly harm” rightsholders’ interests. The Agency for Cultural Affairs’ “General Understanding” (2024) and updated AI business guidelines (March 2025) clarify that training aimed at reproducing specific works or a creator’s style, or relying on pirated sources, falls outside the exception.

Singapore: Copyright Act 2021, Section 244

- Singapore’s “computational data analysis” exception expressly covers AI training for both commercial and non-commercial use and, unusually, cannot be overridden by contract (so a website’s terms of service cannot disable it). The main condition is lawful access to the copy used. There is no opt-out. A 2024-25 Ministry of Law / IPOS review is examining access-control circumvention and possible clarifications, but the core exception remains intact and highly permissive.

European Union: DSM Directive (2019), Articles 3 and 4

- Article 3 provides a mandatory TDM exception for scientific research by research organizations and cultural heritage institutions, subject to lawful access with no opt-out. Article 4 provides a general (including commercial) TDM exception for works to which the user has lawful access, but lets rightsholders reserve their rights via machine-readable means for content made publicly available online. A German appellate court has confirmed that Article 4 can cover the creation and preprocessing of AI training datasets: in *Kneschke v. LAION* (Higher Regional Court of Hamburg, Dec. 2025), the court held a natural-language reservation was not “machine-readable” and upheld the copying involved in creating the training dataset; leave to appeal to the Federal Court of Justice was granted.¹⁹
- The EU AI Act must now also be considered: providers of general-purpose AI models (obligations applying from 2 August 2025) must adopt a copyright policy that identifies and complies with CDSM Article 4(3) opt-outs²⁰ and publish a “sufficiently detailed summary” of training content using the AI Office template (Art. 53(1)(d)). A voluntary

¹⁹ The Federal Court of Justice heard the case on 3 September 2026 (I ZR 281/25); reporting from the hearing indicates a reference to the CJEU is expected, with the BGH’s ruling on that reference to be handed down on 17 December 2026. The referral questions are expected to include whether “machine-readable” means machine-interpretable, and the scope of “research organisation” and “scientific research” under Art. 3 where commercial entities have influence.

²⁰ See Article 53(1)(c), which advocates for the use of state-of-the-art technologies: <https://artificialintelligenceact.eu/article/53/>

GPAI Code of Practice (July 2025) includes a copyright chapter; Commission enforcement powers over GPAI providers apply from August 2026.

Israel: Ministry of Justice fair-use opinion (2022)

- Israel has an open-ended, U.S.-style fair-use provision. A December 2022 Ministry of Justice opinion concluded that using copyrighted works to train machine-learning models is generally permitted as fair use (and via incidental/transient-use defenses), explicitly to bolster the competitiveness of Israeli AI firms. It is authoritative guidance rather than binding statute, and carries caveats where training data is drawn narrowly from a few creators whose markets the outputs would compete in.

Switzerland & UK: a narrow, research-only exception

- For contrast among enacted regimes: Switzerland’s Copyright Act’s Article 24d covers TDM only where the primary purpose is scientific research (it excludes software and does not clearly reach commercial AI training). The UK’s current Copyright, Designs and Patents Act 1988 s.29A is similarly limited to non-commercial research. These are enacted but not the comprehensive, commercially usable exceptions that are this memo’s focus.

Proposed / Unsettled Measures

A second cluster of jurisdictions is actively considering new exceptions or broader legal frameworks for AI training but has not yet settled on a final approach. These proposals range from broad commercial exceptions to remuneration-based or research-only models, leaving their ultimate scope, and the balance they will strike between AI development and rightsholder control, subject to ongoing legislative, regulatory, and judicial developments.

Hong Kong: a proposal in limbo

- Following a 2024 consultation and a February 2025 LegCo update, Hong Kong proposed a TDM / computational-data-analysis exception covering commercial and non-commercial use, subject to three conditions (lawful access, no retention of infringing copies, record-keeping) and a rightsholder opt-out including machine-readable signals. A consultation was launched in 2024 and a proposal released in 2025, but the process has been delayed following strong opposition from the filmmaking industry and the proposal now appears to have lost momentum.

Canada: under consideration

- Canada’s ISED ran a consultation on copyright and generative AI (2023-24) and published a “What We Heard” report in February 2025. A TDM exception is among the options on the table, but no bill has been introduced; the government is monitoring litigation and developing a broader AI strategy.

South Africa: open fair use, but returned for revision

- The long-running *Copyright Amendment Bill (B13F-2017)* would replace South Africa's closed fair-dealing list with US-style, open-ended fair use capable of covering TDM and AI training. Parliament approved it in February 2024, but in October 2024 the President referred it to the Constitutional Court over the constitutionality of the fair-use clause and related exceptions, and the Court heard arguments in May 2025. On 26 June 2026, the Court upheld the fair-use provisions (ss. 12A-12C) as constitutional, striking down only one set of education exceptions (s. 12D(1)-(5)) and declining to rule on a few others, upholding the proposed fair-use framework but requiring the bill to return to Parliament before it can proceed.

South Korea: fair-use exists, but undecided scope

- South Korea's Copyright Act has an open-ended, U.S.-style fair-use provision. However, there is no case law on whether the provision covers TDM. The Ministry of Culture, Sports and Tourism has issued a "Guide on Applicability of the Fair Use Doctrine to Training of Generative AI Models"²¹, providing guidance on interpreting the fair use doctrine under Korea's Copyright Act. While not legally binding, the guidelines appear to take the position that TDM for certain commercial purposes is not covered under South Korea's fair use doctrine²².

Taiwan: fair-use exists, but undecided scope

- Taiwan's Copyright Act has an open-ended, U.S.-style fair-use provision. However, there is no case law on whether the provision covers TDM. The Taiwan government is in the process of developing guidelines on AI and copyright, including on how the fair use doctrine might apply to AI training.

Consent/Payment Jurisdictions

Rather than enact a broad, commercially usable exception, a third cluster of large markets is moving to steer AI training toward requiring express consent and/or mandatory payments (via statutory remuneration, levies, or other measures).

United Kingdom: a "wait-and-see" pause on reform

- The United Kingdom's December 2024-February 2025 consultation floated an EU-style TDM exception with an opt-out as the government's preferred option; after roughly 11,520 responses and strong creative-sector opposition, the government abandoned it as its preferred approach and deferred copyright reform while gathering further evidence and considering alternatives (current law, s.29A, remains research-only). The existing exception, Section 29A, remains confined to non-commercial research. The

²¹ https://www.copyright.or.kr/eng/doc/etc_pdf/Guide_on_Applicability_of_the_Fair_Use_Doctrine_to_Training_of_GenAI_Models.pdf

²² Ibid., at section III.7 "Case Studies Related to Fair Use."

assessment expects the EU AI Act and U.S. litigation to shape UK market practice faster than any domestic reform, leaving licensing and the courts, rather than a statutory exception, to govern AI training in the near term.

Australia: exception rejected in favor of paid licensing

- Australia's Productivity Commission initially proposed a TDM/fair-dealing exception in August 2025, but later concluded in its final report that no changes were needed to Australian copyright law. The Attorney-General later also rejected adopting a TDM exemption on 26 October 2025, opting instead to consult on a paid collective-licensing framework. Together with the UK and India, the Australia proposals illustrate the licensing-led alternative to the Japanese and Singaporean model: access to training material is expected to be paid for and negotiated, not granted by statute. (We note that the Attorney General continues to debate frameworks that attempt to balance rightsholders' calls for payment with establishing a framework that enables AI data center investment, with proposals so far focusing on some form of payment to rightsholders for training on their works).

India: AI training recognized as fair dealing in interim ruling; licensing proposal

- India has no express TDM or AI-training exception, but the Delhi High Court has provisionally recognized AI training as covered by the existing fair-dealing provision in Section 52 of the Copyright Act 1957. In *ANI Media v. OpenAI*, Justice Amit Bansal denied ANI's request for an interim injunction on July 24, 2026, finding that scraping and storing ANI's copyrighted news content to train LLMs prima facie constitutes fair dealing. The ruling is under appeal, and the case remains pending on its merits.
- Separately, a December 2025 DPIIT working paper proposes a mandatory blanket licence for training on lawfully accessed works, paired with statutory remuneration administered through a government-designated collective, the proposed CRCAT. This proposal would introduce a payment-based framework alongside the ongoing judicial consideration of AI training under existing law.

Brazil: proposed remuneration and opt-out requirements

- Brazil's AI bill, *PL 2338/2023*, approved by the Senate in December 2024 and now before the Chamber of Deputies proposes a comprehensive AI framework. It permits automated use of copyrighted works for non-commercial purposes such as research and journalism, but would require remuneration for the use of protected works to train commercial AI systems and allow authors to prohibit such use. Although it provides an exception for certain non-commercial uses, including research and journalism, its approach to commercial training prioritizes rightsholder control and payment.