Scam*

For the development of an AI respectful with copyright authors rights, laScam exercises its right to opt-out.

The evolution of artificial intelligence (AI) has taken a very decisive turn. It offers new creation tools whose potential is very promising. This challenging development for creative players must comply with authors' rights.

However, these emerging AI tools still raise many legal uncertainties. Opinions differ on the possible application of the text and data mining exception to generative AIs, as provided by the Copyright directive adopted on April 17, 2019, and transposed into the French national law. This exception would exempt AI system providers from obtaining an authorization from rightsholders unless they exercise their right to opt-out.

In this context, laScam is exercising, as a precautionary measure, its right to opt-out on behalf of those, among its members, who have assigned it with their reproduction rights, in accordance with the statutes.

This right is exercised as provided by the French intellectual property code (Article L. 122-5-3 III) regardless of the type of AI considered. Consequently, any AI system provider wishing to reproduce works from laScam's repertoire will have to obtain its authorization.

As regards authors who have not provided their reproduction rights to laScam, the opt-out option remains in their hands, or that of their assignees or beneficiaries. This is the case, in particular, of those who have assigned this right to literary publishers or press publishers. laScam recommends that they exercise their right thanks to standard clauses inserted in their contracts.

Pending adequate legislation, this approach clarifies and provides a legal framework for the reproduction of works from laScam's repertoire, when scraped by AIs.

LaScam thus reaffirms its core mission: ensuring its members the respect of their rights in a fair and transparent manner, for the benefit of those who have entrusted it with the management of their rights.