

Platforms and New Technologies: Solid from a Copyright and Data Law Perspective

Leander Stähler

KU Leuven Centre for IT and IP Law
(CiTiP)

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KUL PI: Prof. Dr. Thomas Margoni

Outline

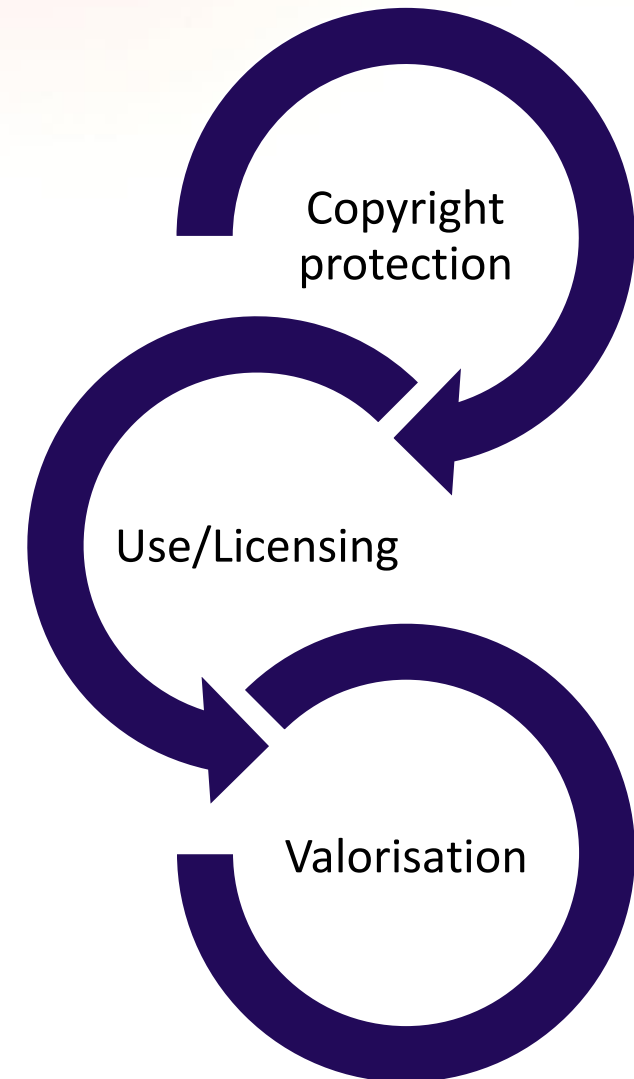
- I. What is copyright law and how does it matter for media?
 - I. What are some common challenges?
- II. What is specific about Extended Reality (XR)?
 - I. What are new forms of producing media content?
- III. What role do certain technologies like smart contracts play?

Copyright Basics

- **EU Copyright** law protects **works** of authorship that are original expressions
- **Related rights** protect forms of substantial investments (adjacent to copyright) – “other subject matter”
- **Authors/Rightholders** have certain **rights** (reproduction, CTP, distribution, etc.)
- If an act falls within the **scope of a right**, a non-rightholder needs an **authorisation**, either:
 - **Exception** or limitation (statutory)
 - **License** (voluntary)
- **Copyright** last for the life of the author + 70y (may differ for related rights)

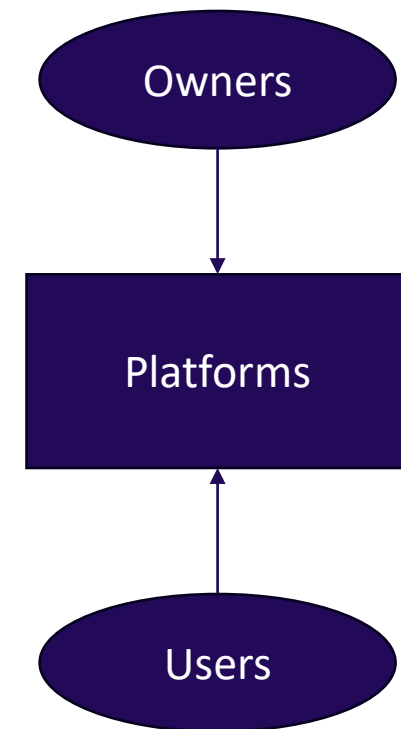
Copyright Basics – Media Valorisation

- Copyright protection is automatic – **no formalities**/registration needed
 - One of the most accessible forms of IP protection
- If you are a copyright holder, you **can use the content that you own** for your own purposes
- Alternatively, it **can be licensed to another** for exploitation
 - It is the remit of the copyright holder what the terms will be (e.g. CC licenses make content usable for many)
- Some uses **may not require** a license



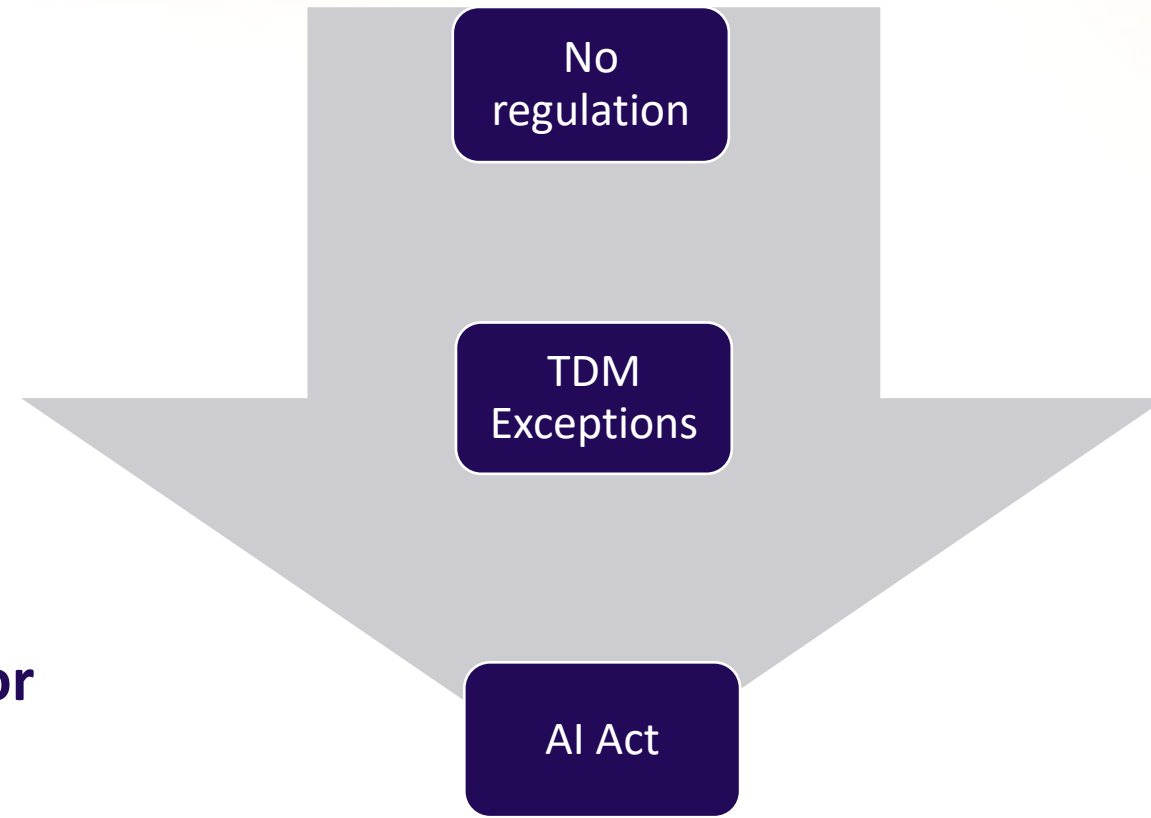
Copyright Questions – Platforms

- How can copyright owners and users engage with content platforms?
 - Initial approach – **no liability for platforms** but requirement to take down upon notice (E-Commerce Directive)
 - New approach – **liability for certain platforms**, obligation to seek licenses in advance (CDSM Directive, DSA)



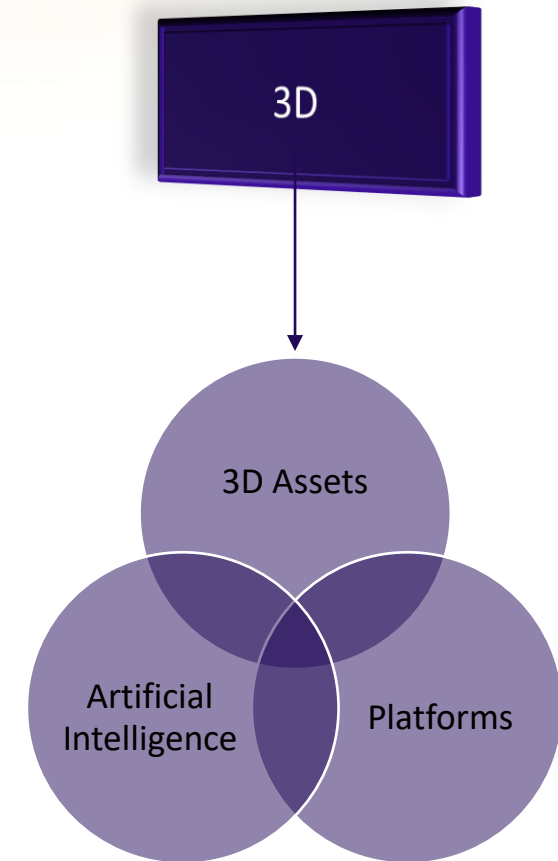
Copyright Questions – AI

- What role does copyright law play for the development of content-based AI systems?
 - Initial concern: EU copyright law **preventing** the effective training of AI systems
 - Response: **Copyright exceptions** for text and data mining (CDSM 2019)
 - Current: Concern that too much is being exploited for AI – **reporting obligations for foundation models (AI Act Proposal)**



Copyright Questions – Extended Reality (XR)

- What is different about creating and using content in XR?
 - Relevant platforms may not be covered by the new platform rules (barriers to entry might remain)
 - AI might be an important tool for developing 3D assets, wholly new virtual worlds
- ➔ XR at the intersection of multiple challenges for copyright



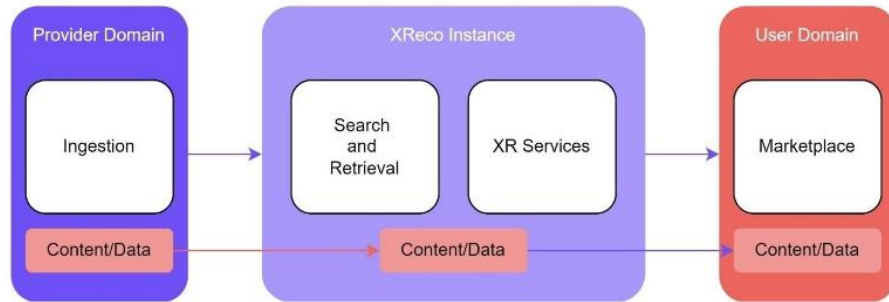
Traceability as a Key Challenge

- Remember: **No formalities** for copyright
 - How do you know who is the owner?
- “Usual manner” – put your **name** on the work!
 - Technical: attach rights management information (e.g. metadata)
- **Smart contracts?**
 - Circumvention of “effective technological protection measures” is unlawful under copyright law (ISD) → Digital Rights Management
 - Distributed ledgers as a way of corroborating ownership information (e.g. Bodó et al 2018)
 - May work well in closed environment – open DLT-based platforms can be messy (e.g. OpenSea)

“Smart Contracts”, Really?

- Yes, really.
- Smart contracts defined in the 2023 Data Act as a type of “a **computer program** used for the **automated execution of an agreement** or part thereof, using a **sequence of electronic data records** and ensuring their **integrity** and the **accuracy** of their chronological ordering”
- Potential link to provision of **trust services** (eIDAS Regulation)
 - Regulation of “**qualified electronic ledgers**” (eIDAS 2.0 Proposal)

XReco



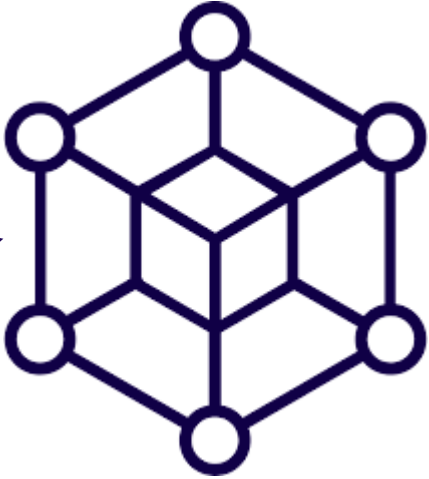
- Horizon Europe project – generating XR content using multimedia inputs
 - Content provision platform with AI tools for generating XR content
 - E.g. Neural Radiance Fields (NeRF), Gaussian Splatting
- Basilica di Superga NeRF (generated using drone flyover footage)

XReco Approach to Traceability

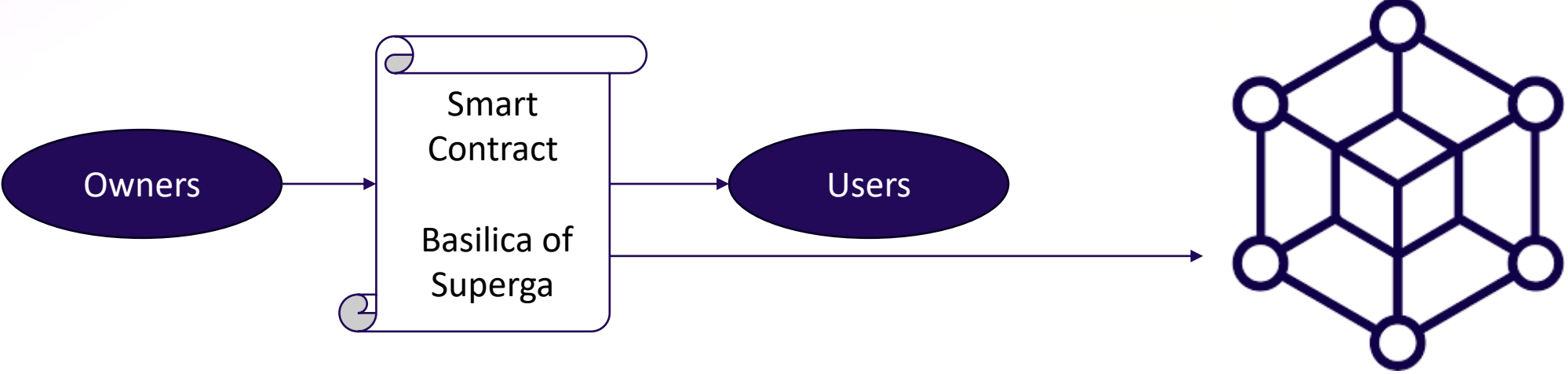


Smart Contract
Basilica of Superga

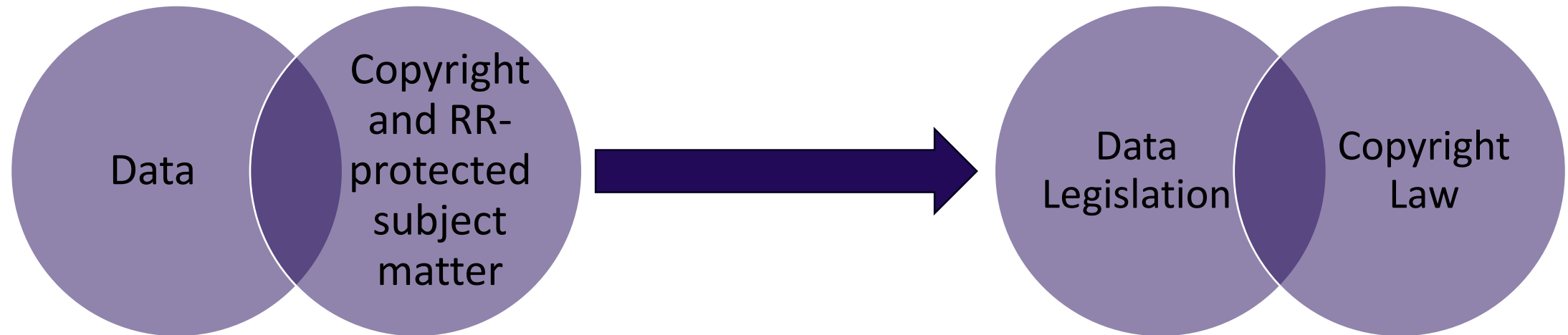
Blockchain?



XReco Approach to Traceability

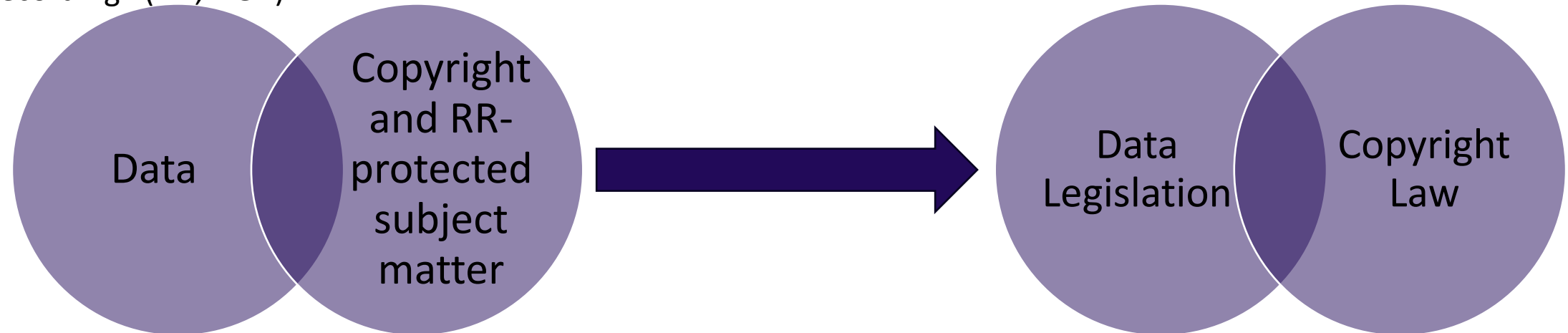


Copyright Law, Data and IT Law Intersect



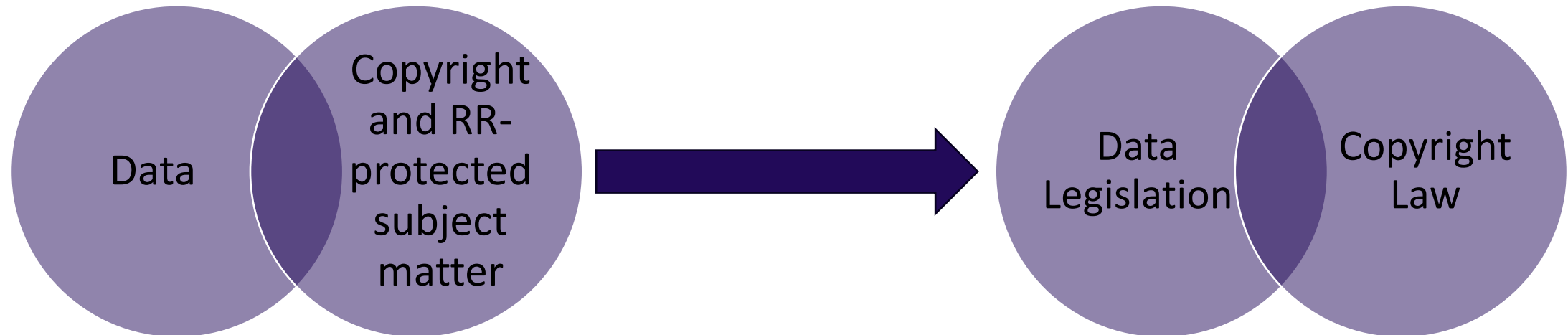
Copyright Law, Data and IT Law Intersect

Data: “any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audio-visual recording” (DA, DGA)



Work: “the subject matter protected by copyright must be expressed in a manner which makes it identifiable with sufficient precision and objectivity, even though that expression is not necessarily in permanent form.” (*Levola*, 40)

Copyright Law, Data and IT Law Intersect



Implication: If we can use Solid, trust services and “smart contracts” to empower owners and users, we need to consider **both data law and copyright law**

XReco and Data Spaces

- Common European data spaces
 - “facilitate trusted and secure **data pooling and sharing** in strategic economic **sectors** and domains of public interest” (EC 2024)
- XReco contributes to the common European **media** data space (EC 2024)
 - “aims to help media organisations **thrive on data-driven collaboration** and address the digital economy challenges of the digital economy, especially in relation to their competitiveness in a market dominated by online platforms”
 - “For broadcasters producing in 3D environments, the interoperability services integrated in the data space will **facilitate the exchange and repurposing of 3D assets** or allow for remote joint production at lower costs”

Closing

- Copyright protects a vast amount of content by default
 - This makes it usable for valorisation
- Platforms, AI and other new technologies impact and are impacted by EU copyright law
 - “Smart contracts” can address the issue of traceability of copyright-protected content
- XR content is expected to be a key part of media production, but 3D asset production may require platforms and AI – opportunity for new approaches
- XReco provides novel insights into the interaction between copyright law and new digital and data regulation

Thank you!

- Questions, comments, concerns? All are welcome!

<https://xreco.eu>

