

UK lawmakers make a push on AI copyright questions to prompt government action

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UK copyright holders could be given stronger protections against web crawling and web scraping done to train artificial intelligence models under three amendments proposed to the country's data reform bill. While the changes are unlikely to ultimately pass as drafted, they will further increase pressure on the government to resolve the continuing impasse in this area.

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Drafted by a cross-party group of lawmakers, three amendments to the Data (Use and Access) Bill introduce new clauses on "compliance with UK copyright law by operators of web crawlers and general-purpose AI models" with strict transparency obligations.

As drafted, the amended bill would "clarify the steps the operators of web crawlers and ... AI models must take to comply with United Kingdom copyright law," and would apply to producers and services marketed in the UK.

Details of the regulations would be left to the relevant minister and have to be set out within six months from the day the law is passed through secondary legislation.

The clauses suggest that operators and developers would also need to "disclose information" about their crawlers, including their name, the legal entity behind it and the specific purposes, with a set, single point of contact for rights holders to communicate with and complain to about the use of their work.

In response to concerns from copyright holders that they could be penalized for denying scraping — for example, by lowering their search ranking — the draft also calls for an explicit prohibition of any such practice.

A separate provision calls for more transparency on how copyrighted works are scraped, with operators told to disclose what they accessed, how and when through monthly disclosures.

— Just do it —

The amendments are part of a broader push to amend the bill and extend its reach into areas that critics say lack legal clarity, such as copyright, online safety, and AI (see [here](#)).

Ahead of the parliamentary process resuming tomorrow, lawmakers put forward more than 62 pages of new clauses.

The proposed wording on copyright may not necessarily find its way to the bill's final version as it is more advanced than the government's plans to propose a delicately balanced solution for the ongoing stand-off between rights holders and developers.

Despite that, the proposals are likely to put further pressure on ministers to urgently act on this issue amid growing frustration about prolonged legal uncertainty and amid reports that the government could be considering reviving a proposal for an opt-out mechanism similar to that adopted in the EU.

Ministers have already said that a public consultation on the next steps will be launched "shortly" and "by the end of the year" (see [here](#)).

Xuyangu Zhu, a partner at law firm Taylor Wessing, told MLex that if the rumors are correct and the government focuses on "proposals to allow AI developers to train models on copyright works for commercial purposes unless rights holders expressly opt out," it would take the UK's regulatory position "closer to the EU."

She added that the issue will also likely be central to any upcoming legislation on the most powerful AI models. "Initially it

was thought this would focus on safety aspects, but it now seems likely it will also aim to provide clarity for copyright owners and AI developers on the use of IP-protected materials to train AI models," she said.

Some industry insiders told MLex that the UK's decision to follow the EU would mark a clear departure from the previously bullish rhetoric on potential benefits from post-Brexit divergence and potentially suggest a dawning acceptance of how difficult would be to escape "the Brussels effect" in this area.

— Industry arguments —

On Friday, the UK's tech lobby said that the current uncertainty was "a worst of all worlds scenario, which does not suit tech companies or content holders" and prompted concerns that "this could slow the rollout of new AI products across the economy."

TechUK argued that "there should be clear permission for companies to scrape the web for content unless the site or service in question has utilized the opt-out," with a discussion on "how to make the market for licensing run effectively," with particular attention to technical standards and protecting the smaller rights owners.

"In the vacuum of no legal clarity the market is moving ahead of policy and we are seeing a de facto scenario where licensing supported by technical opt-outs is defining the relationship between AI developers and content holders," TechUK said.

The group warned that currently, there were "no common standards and legal rules that would allow a wider range of participants to confidently enter the market to seek their own agreements."

The group said that officials should "seek to move with the grain of the market and through its consultation set the rules that will enable an effective market for the licensing of content for use in AI services."

— Critics —

Several lawmakers across the political divide keep pressing for a more robust course of action, however, and the proposed amendments are likely to be seen in this context.

Tina Stowell, a former senior BBC executive and chair of Parliament's Communications and Digital Committee, warned that the inactivity was "increasingly entrenching the status quo with negative consequences for rights holders and AI start-ups," saying that "powerful players continue to dominate and exploit their position with impunity."

Her committee last week raised specific concerns about this delay's impact on the news industry (see [here](#)).

Former AI minister in the previous Conservative government, Jonathan Berry, said, "any solution that does not address the offshoring problem is not very far from pointless."

"Even if this is workable in the EU ... there is a key ingredient missing that would make it workable anywhere. That ingredient is an internationally recognized technical standard to indicate copyright status, ownership and license terms," he said.

The bill's parliamentary passage continues with a number of sessions expected between tomorrow and the festive break, starting on Dec. 19.

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