

Kultur
MINISTERIET



INTRODUCTION

Senior legal adviser
Copyright Office
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Been working with IP for 10 years.

First DKPTO, EUIPO and now Ministry of Culture.





COPYRIGHT IN DK AND EU

In Denmark:

- Copyright arises automatically when a qualified original work to obtain protection.
- No registration
- Sits within EU copyright law
- Informations Society Directive (InfoSoc) from 2001
- Copyright in the Digital Single Market Directive (CDSM) from 2019



CDSM ARTICLE 15

New related right

- **For press publishers**
- **Covering certain online uses of their press publications by information society service providers (ISSPs)**

Gives press publishers:

- **Reproduction right**
- **Making available to the public right**

The rights last for two years

Authors must have a share of the remuneration



WHAT THE DANISH PRESIDENCY REPORT TELLS US

Art. 15:

- Licensing agreements exists, but the picture is uneven
- Transparency is a common concern
- Bargaining power and enforcement matter
- Legal clarity and national differences affect the market

On AI licensing:

- Identify relevant use
- Communicate their choices
- Reach potential licenses
- Negotiation for smaller participants
- Enforcement of agreements
- Practicalities about reserving rights
- Varying licensing models



CURRENT DEVELOPMENT IN EU

The European Commission is reviewing the practical impact and effectiveness of the CDMS Directive, including its effects on licensing and the fairness of the copyright marketplace.

The Commission is considering possible targeted measures addressing emerging challenges, including gen AI.

The Commission launched a further targeted consultation covering, among other issues, the use of copyright protected content in AI.

Gives an opportunity to examine where the current framework works, where better implementation or infrastructure could help, and where further measure may be needed.



DIGITAL IMITATIONS (DEEPFAKES)

On 8. October 2026 the Danish Minister of Culture will be presenting a bill on digital imitations.

Proposes protection against sharing

- realistic digitally generated imitations of a person's personal characteristics
- realistic digitally generated imitations of artists and performers' performances.
- CONSENT!



CLOSING POINTS

Art. 15 reminds us that recognising a right and making a market work are connected elements.

Questions regarding AI:

- access to information
- negotiating conditions, and
- the practical exercise of rights.

A common question is how infrastructure can support creator in exercising their rights and receiving remuneration, while enabling innovations through lawful access to content.

