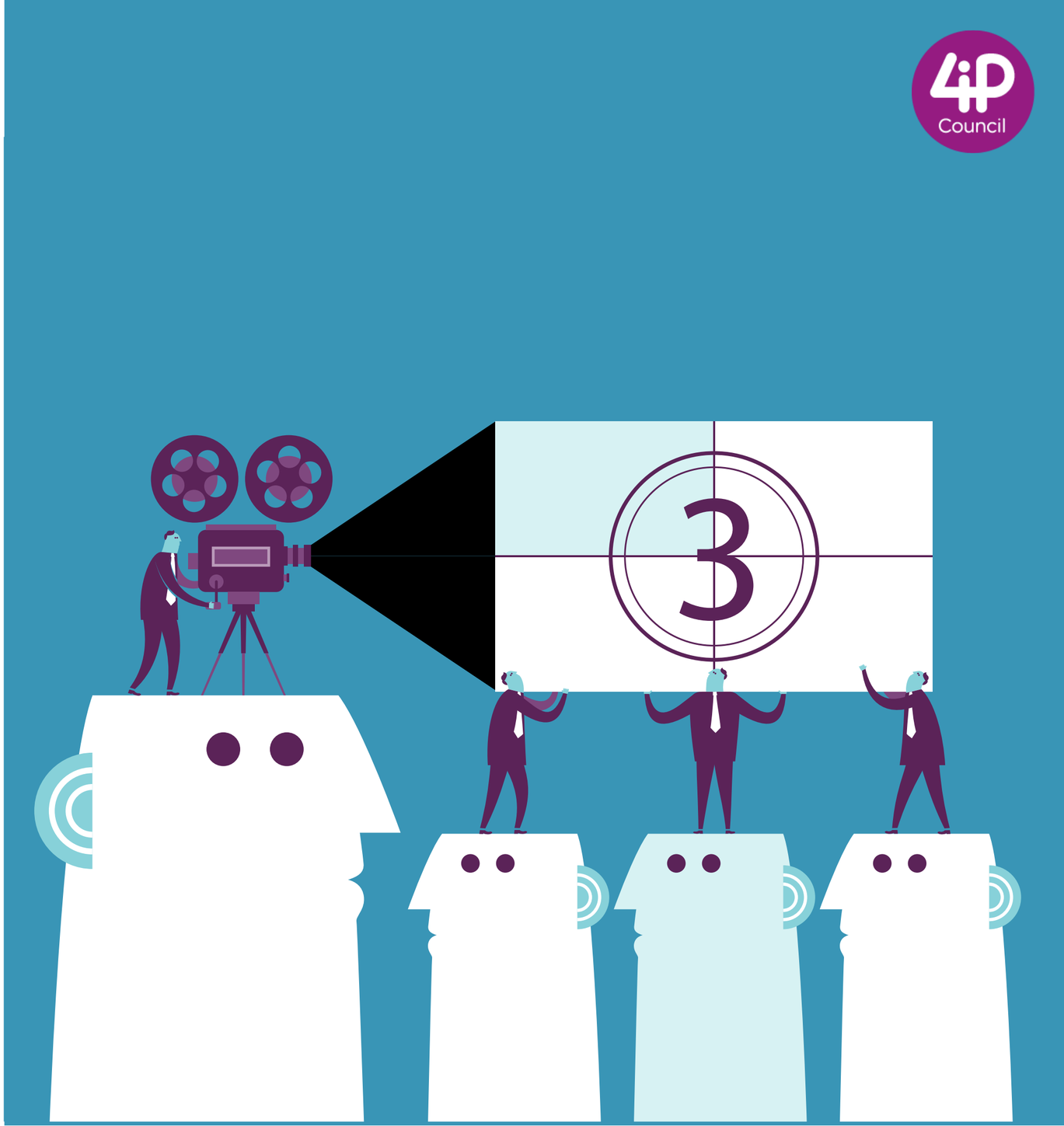
The future of the movie industry in the wake of generative AI

Speakers: Prof. Dr. Eleonora Rosati

Host: Axel Ferrazzini



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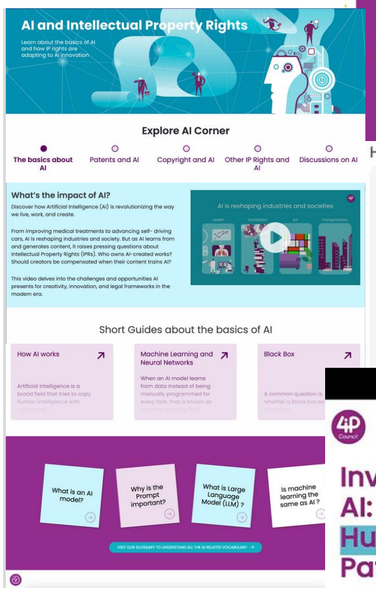

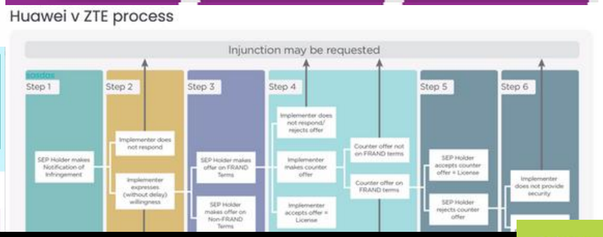

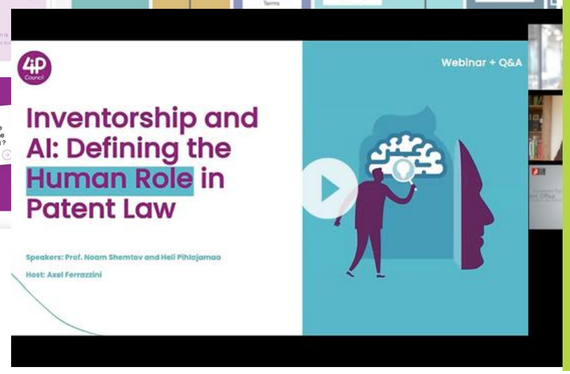

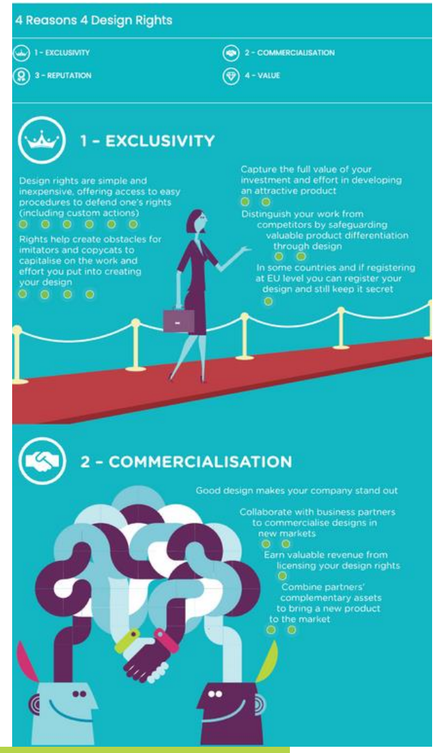

Explore AI Corner

- **The basics about AI**
- Patents and AI
- Copyright and AI
- Other IP Rights and AI
- Discussions on AI

The future of the movie industry in the wake of generative AI

Prof. Dr. Eleonora Rosati

Professor of Intellectual Property Law at Stockholm University

The future of the movie industry in the wake of generative AI: A perspective under EU and UK copyright law

Eleonora Rosati

30 October 2025

Examples of outputs generated by Midjourney

Younger versions of the characters played by Tom Hanks and Robin Wright in Here

Contents

Input/AI training: Licensing vs exceptions

Output generation: Protectability

Output generation: Liability

Input/AI training: Licensing vs exceptions

Jurisdiction	Provision	Restrictions on beneficiaries ?	Acts covered	Does the provision extend to output generation?	Purpose-specific	Express limitation to non-commercial use	Express requirement of lawful access	Express possibility of reservation	Reference to the three-step test
Japan	Art. 30-4 Copyright Act	No	Not specified	Not specified	Yes (non-enjoyment)	No	No	No	Yes
Singapore	Sec. 244 Copyright Act 2021	No	Reproduction	No	Yes (computational data analysis)	No	Yes	No	No
UK	Sec. 29A CDPA	No	Reproduction	No	Yes (research)	Yes	Yes	No	No
EU	Art. 3 DSMD	Yes (research organizations and cultural heritage institutions)	Extraction and reproduction	No	Yes (scientific research)	No	Yes	No	Yes (Art. 7 DSMD)
EU	Art. 4 DSMD	No	Extraction and reproduction	No	No	No	Yes	Yes	Yes (Art. 7 DSMD)
~~**(USA)**~~	~~Section 107 US Copyright Act~~	~~No~~	~~TBC~~	~~TBC~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~

Examples of outputs generated by Midjourney (source: Case 2:25-cv-05275)

Scraping/crawling of protected content online	Sui generis database right (if content included in database) Right of reproduction
Creation of dataset	Right of reproduction
Online publication of dataset	Right of reproduction Right of communication/making available to the public
Downloading of dataset	Right of reproduction
AI training	Sui generis database right Right of reproduction
Use of resulting model	Right of reproduction Right of adaptation Right of communication/making available to the public Right of distribution

TDM not synonymous with AI training

Other considerations

- Lawful access
- Three-step test – not an additional consideration
  - UK fair dealing

- Other exceptions
  - Education
  - Research

Output generation: Protectability

- Authorship
- Authorship in light of originality

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‘You can make really good stuff – fast’: new AI tools a gamechanger for film-makers

Instead of spending millions and taking years to complete, creative directors are producing high-grade work using the latest software, but critics voice copyright concerns

Reporter Budapest
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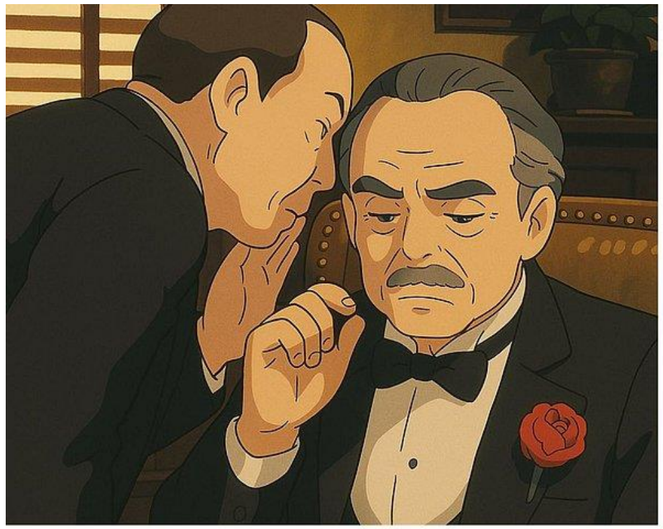
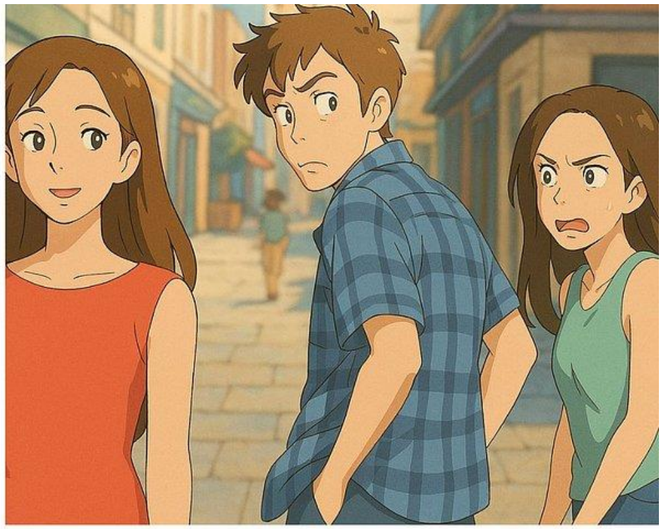
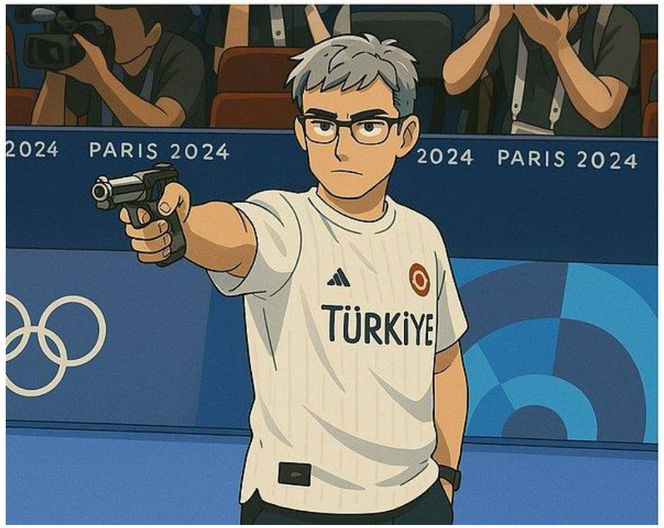
AI and The Brutalist – A Controversy Over Technology or a Step Toward Authenticity?

BpR by Budapest Reporter — 2025-01-25 in film Reading Time: 3 mins read

Output generation: Liability







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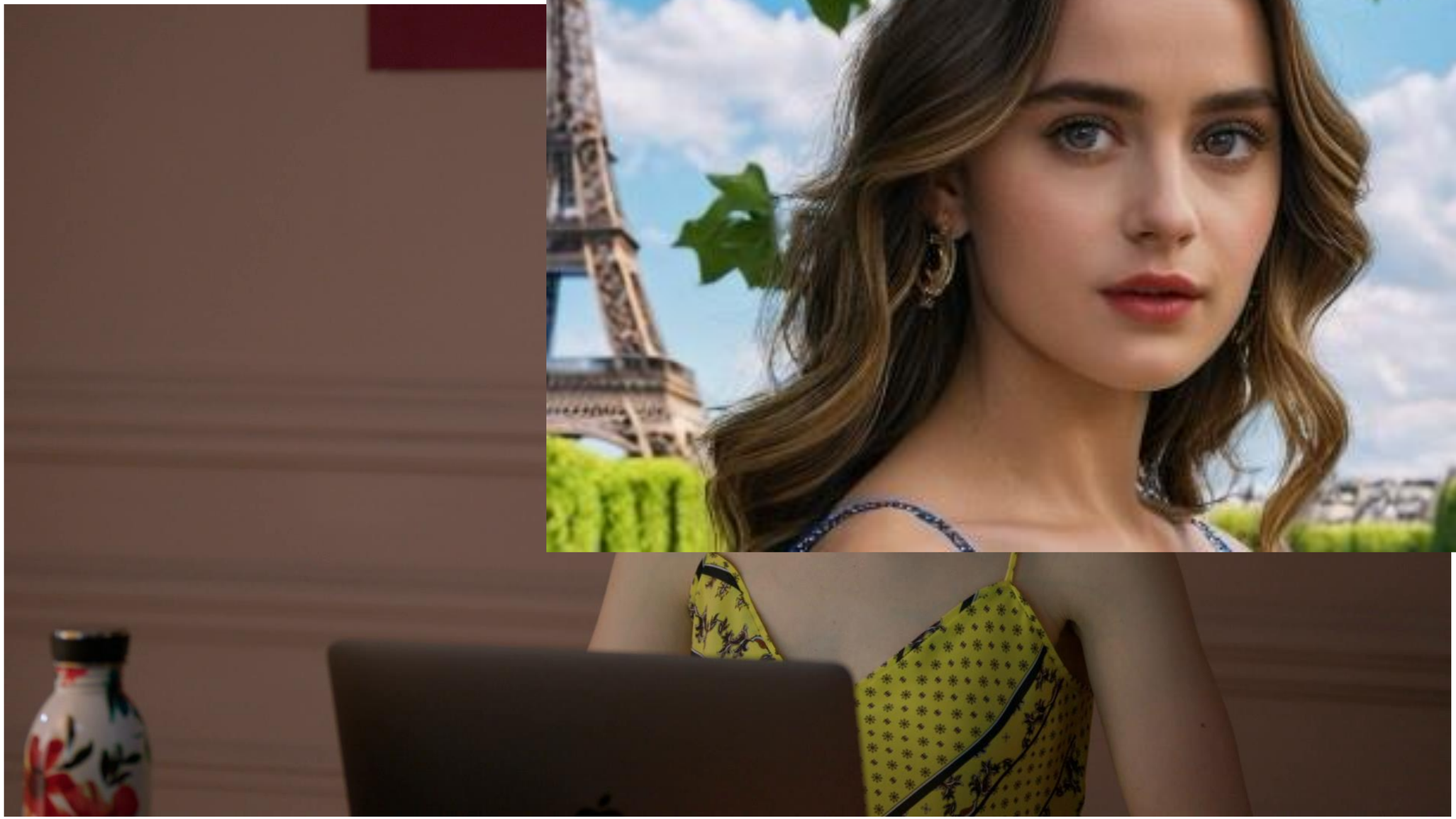
ChatGPT's viral Studio Ghibli-style images highlight AI copyright concerns

Hayao Miyazaki of Japan, director of the animated film "Ponyo," poses at a special screening of the film in Los Angeles on July 27, 2009. (AP Photo/Chris Pizzello, File)

Style imitation

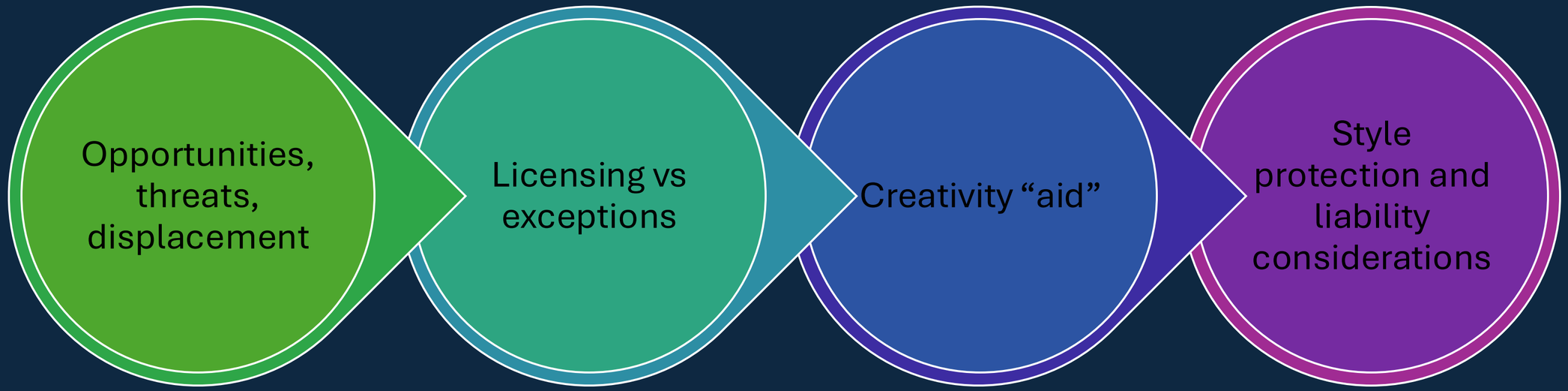


Hayao Miyazaki of Japan, director of the animated film "Ponyo," poses at a special screening of the film in Los Angeles on July 27, 2009. (AP Photo/Chris Pizzello, File)

- Who would need a licence?
  - User
  - AI model developer
  - AI model provider

- Primary / secondary liability
- Contractual considerations
- Exceptions / limitations

Some concluding remarks



Thanks for your attention!

https://www.sciencedirect.com/science/article/pii/S2212473X25000793

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Q&A

Open floor for questions and discussion.

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