
Artificial Intelligence – opt-out declaration

Authors must be fairly remunerated for the use of their works

The Société Suisse des Auteurs (SSA), a cooperative society for the management of rights in the field of dramatic, music-dramatic, choreographic and audiovisual works in Switzerland and Liechtenstein, wants to ensure that its members receive a fair compensation when their works are used for training purposes by artificial intelligence services. It therefore expressly draws the attention of these services to the fact that works belonging to the SSA repertoire may not be used for text and data mining, or for any form of copyright use, without a valid licence agreement.

Text and data mining consists of collecting large amounts of information, such as video files or script extracts, storing them in databases and analysing them, for example to train AI. Supplying AI with texts, audiovisual or sound recordings, or even images of protected works therefore often involves copying these works in order to store and analyse them. This is where the right of reproduction comes in, on the basis of which SSA can grant or refuse a licence.

In Switzerland, copyright law itself only authorises text and data mining if it is carried out for the purposes of scientific research. The situation is different under European law, where the interpretation of the legal provisions on text and data mining for other purposes is controversial. However, European rights holders have the option, by exercising an opt-out, i.e. by reserving their rights, to prevent AI providers from using their works for text and data mining.

AI providers must negotiate a licence with SSA for the use of its repertoire for training purposes

SSA is now exercising this opt-out right for Europe and, insofar as is necessary, for the rest of the world. This means that AI providers in Switzerland and in European countries will have to negotiate a licence with SSA if they wish to use the works of its members for training purposes. The same will apply in any other country where such licences are possible. For exploitations within Swiss territory, this also applies to works created by authors affiliated with foreign rights management organisations that SSA represents in Switzerland.

This will ensure that, even in the case of AI-generated content, the copyright of the works used for this purpose is respected and the artists are fairly remunerated for the success of AI thanks to their works.

Authors' works constitute the basic material for new content created by artificial intelligence.

In Europe and Switzerland, several management companies have already exercised the opt-out right.

Legal basis of the opt-out (right to object)

In Switzerland, the 'text and data mining' exception provided for in Article 24d of the Copyright Act will rarely be applicable, as it is intended solely to enable scientific research. SSA believes that no other legal exception to copyright can be invoked.

Under European law, text and data mining is certainly permitted for scientific research purposes, but the scope and applicability of the exception for text and data mining for other purposes is controversial (Articles 3 and 4 of Directive 2019/790/EU). Although the question is unclear, the



exception to copyright could therefore apply to the reproduction of pre-existing works as part of the AI generation process, including when it has, for example, commercial purposes unrelated to research. However, rights holders have the option to object to the text and data mining exception: they can 'reserve' the use of their works in an appropriate manner, i.e. exercise an opt-out right.

SSA hereby declares that it exercises this opt-out or right to object.

Lausanne, 20 March 2025