



March 5, 2025

If you have any questions regarding the matters discussed in this memorandum, please contact the following attorneys or call your regular Skadden contact.

Deborah J. Kirk

Partner / London

44.20.7519.7461

deborah.kirk@skadden.com

Alistair Ho

Associate / London

44.20.7519.7005

alistair.ho@skadden.com

This memorandum is provided by Skadden, Arps, Slate, Meagher & Flom LLP and its affiliates for educational and informational purposes only and is not intended and should not be construed as legal advice. This memorandum is considered advertising under applicable state laws.

One Manhattan West
New York, NY 10001
212.735.3000

22 Bishopsgate
London EC2N 4BQ
44.20.7519.7000

AI Takes Centre Stage at the Oscars as the UK Creative Industry Urges Protection of Copyrighted Works

Artificial intelligence (AI) took a lead role at the Oscars on 2 March 2025, with several filmmakers and actors using their speeches to touch on AI's impact on the industry, in particular the presence of AI-generated content in some of the nominated films.

In “The Brutalist,” which won for best actor, cinematography and original score, the AI tool Respeecher was used to tweak the Hungarian accents of nonnative speakers. In “A Complete Unknown,” AI was used to make Timothée Chalamet’s stunt double look more like the actor himself in motorcycle stunt sequences.

Though those involved have argued that what AI was used for has been done for years by other means — with AI just making these processes cheaper and faster — the stage has been set for the industry as a whole to determine its position on AI use.

The concerns of the global creative industry are being echoed strongly by the UK’s own creatives in light of the UK government’s Copyright and AI consultation (the Consultation). [A letter from UK artists](#) including Elton John, Dua Lipa, Paul McCartney and Kate Bush to The Times, published 25 February 2025 (the Letter), is one of a number of responses by the creative industry in strong opposition to the Consultation.

Their concern stems from the Consultation’s proposal to broaden the text and data mining (TDM) exception to UK copyright law, *i.e.*, expand the permitted circumstances for the use of automated techniques to analyse copyrighted text and data for patterns, trends and other useful information.

Although the creative industry has been a vocal opponent to these proposals, it would not be the only industry impacted. The reforms would apply to use of all lawfully accessed text and data, affecting any copyrighted works shared therein, from newspaper articles to health care databases.

How the UK government decides to legislate is therefore likely to have a significant impact on the general approach taken to publishing copyrighted works and training AI models in the UK.

Additionally, permitting broader use of copyrighted works necessitates consideration of a range of compliance requirements, not just intellectual property. For example, the [UK Information Commissioner’s Office \(UK ICO\)](#) has [noted](#) that a substantial amount of concerned materials may include personal data and has been clear that the TDM exemption does “not in and of itself constitute a determination of the lawful basis for any personal data processing.”

AI Takes Centre Stage at the Oscars as the UK Creative Industry Urges Protection of Copyrighted Works

Whilst the AI developer would need to undertake its own data protection compliance analysis, any third party's ability to use personal data for TDM would also need to be factored into the content publisher's own data protection analysis and transparency measures.

Current Position

A narrow TDM exception to copyright laws exists for non-commercial research, provided that the researchers already have lawful access to the work (including where access requires a subscription). Though content providers are able to enforce reasonable measures to maintain the security and stability of their networks, they cannot prevent researchers from making copies of the content for permitted TDM purposes.

The current position is considered by many AI developers as constraining innovation. The creative industry has also expressed frustration that though TDM for training commercial AI models requires a valid licence, the lack of transparency on the training data AI developers use has prevented effective monitoring and enforcement by content owners.

Consultation Proposals

The Consultation considers four options:

1. **Do nothing.** The Consultation considers that this option would not meet the UK government's objectives of ensuring control for rights holders or access for AI developers, or of trust and transparency.
2. **Strengthen UK copyright laws.** This option would constitute clarifying UK copyright law to ensure legal certainty in how they apply to AI developers. No substantive changes in law would be proposed. The Consultation states that this option could "significantly damage the UK AI sector and have limited value for right holders too."
3. **Provide a broad data mining exception.** Proposed by the Conservative government in 2022 and withdrawn following substantial opposition, this option would have permitted TDM of copyrighted works without rights holders' permission (with few or no restrictions).
4. **Create a data mining exception that allows rights holders to reserve their rights and increases transparency measures.** This option proposes following a similar approach to that adopted by the European Union under the EU Digital Single Market copyright directive's TDM exception. It would permit TDM of copyrighted works to which the party had

lawful access, except to the extent that rights holders have expressly reserved their rights. The Consultation states that this approach would be underpinned by "robust measures to ensure developers are transparent about the works their models are trained on," noting that many developers do not disclose the sources of works used for AI training, making enforcement by rights holders difficult.

The Consultation favours Option 4, suggesting that as well as being an approach with which many AI developers are already familiar given its similarities to the EU's position, it has the potential to meet the UK government's "objectives of control, access, and transparency, and enable licensing agreements, ensuring right holders are remunerated where appropriate." The likelihood of this direction of travel by the UK government is further supported by its 13 January 2025 [AI Opportunities Action Plan](#), which recommends that the UK's TDM regime be reformed so that it is "at least as competitive as the EU."

However, this view is not shared by many in the creative industry, including 1,000 musicians (some of whom co-signed the Letter) who released an album titled "Is This What We Want?" made up of 12 tracks that are all recordings of empty studios and venues.

The 12 track names spell out "The British Government Must Not Legalise Music Theft To Benefit AI Companies."

The Letter and the Consultation do agree on the need for increased transparency in relation to the works AI models are trained on, which is crucial for ensuring copyright law (however amended) is complied with and can be enforced. The Letter supports the adoption of Baroness Kidron's proposed amendments to the Data (Use and Access) Bill, which is currently at the House of Commons committee.

Baroness Kidron's amendments, which were agreed upon in the House of Lords, propose that UK-linked web crawlers and general-purpose AI models disclose, on a monthly basis, certain information in relation to their training data (including URLs accessed and the provenance of text and data obtained), enabling the individual works used to be identified.

This approach goes slightly further than the EU's under the EU AI Act, which will, from 2 August 2025, require providers of general-purpose AI models to "make publicly available a sufficiently detailed summary about the content used for training" listing "the main data collections or sets that went into training the model, such as large private or public databases or data archives" and "providing a narrative explanation about other data sources used."

AI Takes Centre Stage at the Oscars as the UK Creative Industry Urges Protection of Copyrighted Works

Final Thoughts

With the backdrop of the creative industry vocalising its concerns, the Consultation notes that “legislation is ultimately likely to be needed.” Though it considers that the EU’s approach is a “useful precedent,” it also acknowledges the uncertainty that it brings in practice, particularly given the current lack of standardisation, sufficiency and adoption of digital protocols, which would constitute one of the main methods for rights holders to assert their rights against web-crawlers and AI developers.

With the Consultation having closed on 25 February 2025, AI developers and rights holders alike should continue to monitor legislative developments [to see how the UK government](#) “will act to ensure that we have a competitive copyright regime that supports both our AI sector and the creative industries.”