Metadata, Copyright,

& Generative AI
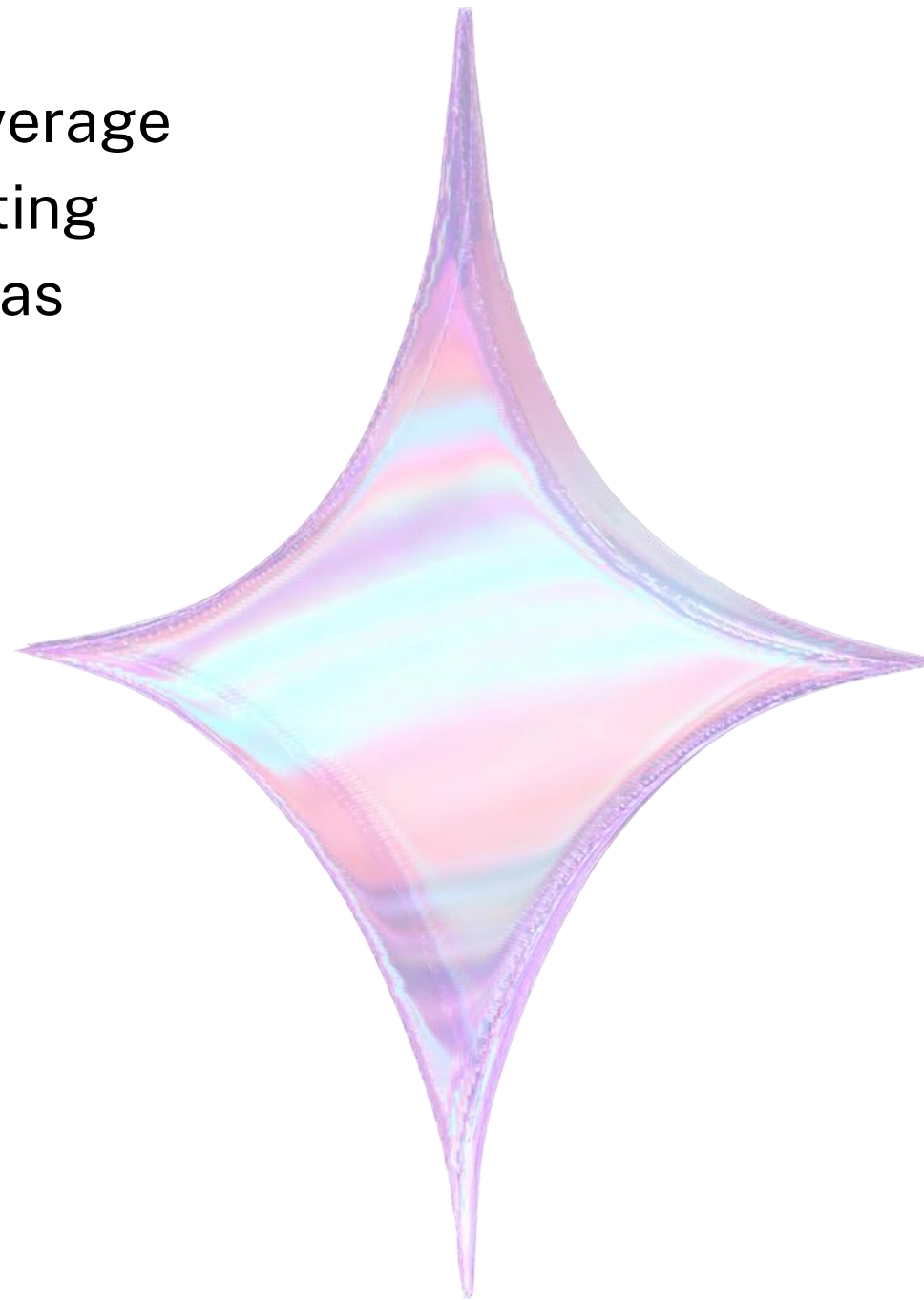
Paul Reinitz, JD/MBA
- Independent business consultant based in Seattle, WA
- Getty Images (2017-2024)

Presented by: Paul Reinitz

Visual Media Crossroads

Visual professional want to leverage copyright to protect their existing work from being used unfairly as training data for AI models.

Professionals want to use generative AI tools as part of the creative process and safely commercialize the work create with AI.

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Copyright Litigation

Highlights

22   *Active US Copyright Suits*

91%   *Fair Use is central to defense*

1.5B   *Proposed settlement in Book publishers Anthropic Case*

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Regulatory Framework Evolution

EU

Law in Effect

EU Copyright Directive (2019)
- Text and Data Mining (TDM) Exception (Art 4)
- Opt-out Right (Art 4(3)), "in an appropriate manner, such as machine-readable means..."

EU AI Act (effective 8/2025)
- Key Transparency provisions requiring GPAI providers to:
  - Retain a summary of content used for training
  - Design and implement systems to prevent infringing content and label AI generated content

US

Federal Guidance

US Copyright Office Guidance (2023)
- Must disclose AI use in creation process to obtain copyright

State Legislation

Prioritize disclosure and transparency as a core principle
- Most states have introduced or enacted AI legislation
- At least 8 states have enacted AI laws with transparency provisions

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Transparency & Standards Convergence

Metadata can be used for IP protection and can enable trusted and transparent distribution of AI generated work

- Indicate AI opt-out preferences
- Identify AI generated or manipulated content
- Enable provenance verification

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Protection Tools & Strategies

01   *Leverage Metadata Standards*

- **Preserve metadata as a rule**
- **Embrace transparency and maintain audit trail**
- **Start signing content using C2PA (see IPTC Guide)**

02   *Unauthorized Scraping & Licensing*

- **EU TDM copyright exception opt-out**
- **IPTC List of 12 technical suggestions to stop scraping**
- **Automated licensing (really simple licensing (RSL))**

03   *Legal & Technical Combinations*

- **Compliance & Technical teams work together**
- **Consistency between legal and technical solutions**

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Using AI Generated Content Responsibly

Be Transparent

- Disclose AI generated content and the AI tools used for creation or edits
- Be honset about content sources

Think about the context

- Editorial vs creative use
- Commercial use
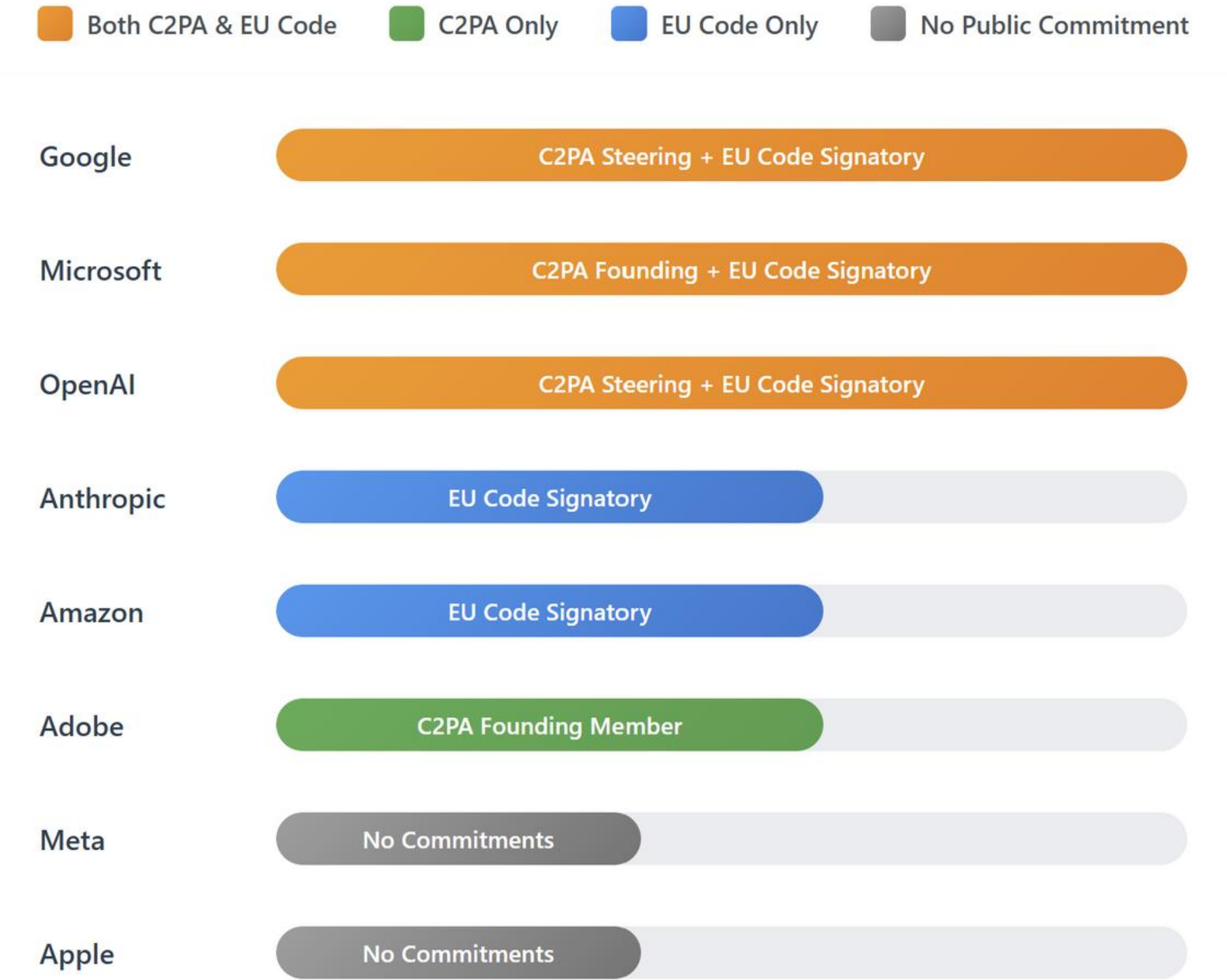- When to go beyond metadata

Demand Transparency

- Use commercially safe generative models
- Use GPAI tools from developers who have agreed to the EU code of practice

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Industry Outlook & Next Steps

Transparency as competitive advantage

- Major GPAI model developers have agreed to voluntary commitments under EU AI Act Code of Practice

- C2PA Standard is being broadly adopted.

Major Tech Companies: Transparency Commitments Comparison

Legend: Both C2PA & EU Code | C2PA Only | EU Code Only | No Public Commitment

Company	Commitment
Google	C2PA Steering + EU Code Signatory
Microsoft	C2PA Founding + EU Code Signatory
OpenAI	C2PA Steering + EU Code Signatory
Anthropic	EU Code Signatory
Amazon	EU Code Signatory
Adobe	C2PA Founding Member
Meta	No Commitments
Apple	No Commitments

Thanks! Let's Connect.

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