Contribution to the Commission's Call for Evidence on a Targeted Initiative for a Better Copyright Environment for European Creativity and Innovation and the Review of the Copyright Directive

Introduction

Google welcomes the opportunity to contribute to the European Commission's call for evidence on a Targeted initiative for a better copyright environment for European creativity and innovation and on the Report on the review of the Copyright in the Digital Single Market Directive (CDSMD). For decades, Google has been a thoughtful partner to the creative and content industries, with a long history of supporting creators and new, sustainable business models and revenue streams. In particular, YouTube has paid out $100 billion to creators, artists, and media companies through the YouTube Partner Program between 2021 and 2024. YouTube has also pioneered revenue sharing through systems like Content ID, which has generated billions of dollars for content creators, as well as new commercial partnerships that enable innovative AI-driven experiences, our goal remains the same: to foster a thriving digital ecosystem that benefits everyone.

With reference to YouTube, Google has thousands of licensing agreements in place with its content partners, including with record labels, music publishers, and collective management organisations based all over the world, many of which grant global or pan-European licences. We also have a significant number of licensing agreements in place with aggregators of recorded music rights and other third-party service providers, such as multi-channel networks

Further, YouTube has invested hundreds of millions of dollars to develop our copyright management suite. We have also accumulated over a decade of learnings on how to best balance the needs of rights holders and creators, and continue to iterate on our tools accordingly. We have established a long-term track record of ecosystem investment

Google is one of the world's biggest financial supporters and contributors to journalism and the news ecosystem. Overall, we have invested hundreds of millions of euros in the news industry across EU Member States since 2021, the vast majority of which is via licensing and direct payments to publishers. We are the only technology platform to have rolled out a scaled licensing program for Article 15 CDSMD called Extended News Preview, with agreements covering more than 5,500 news publications across 25 Member States.

We are building on this foundation by investing in the future of news through initiatives like our News AI pilot program. This program involves commercial partnerships with over 200 publications worldwide to explore how AI can help create more engaging audience experiences and open up new opportunities for publishers. These collaborations are central to our effort to help the news industry innovate and thrive in the digital age.

In this submission, we outline our approach to two key areas. First, we argue that the existing EU legal framework provides a detailed and comprehensive foundation for both rightsholders and developers. We believe this framework effectively supports commercial partnerships between AI developers and rightsholders. Future policy should focus on reducing transactional friction and target bad actors without penalizing responsible developers, rather than imposing expansive new regulatory burdens that would stifle innovation and be counterproductive.

Second, on the issue of online piracy, the most effective strategy is not increased enforcement but fostering a market where legal, accessible, and innovative services thrive. Google's approach involves significant and multifaceted efforts to combat piracy, from our "follow the

money" approach to sophisticated tools like Content ID and proactive demotion of infringing sites in search results. Disproportionate enforcement measures like broad blocking injunctions, in contrast, often cause significant collateral harm to legitimate services. Policies should focus on upholding the robust proportionationality safeguards already established within EU law.

We look forward to collaborating further to discuss balanced, evidence-based policies that allow the full potential of AI to be realized. By working together, we can foster an environment that simultaneously drives innovation, creates economic opportunity, and supports Europe's vibrant creative sector.

I. Expanding the AI opportunity for creativity and innovation

Google's responsible approach to AI and copyright

Training AI models responsibly and prioritizing safeguards for AI outputs

AI is a foundational and transformative technology that is already providing compelling benefits to society through its capacity to assist, complement and empower people. It will help us tackle some of society's most pressing challenges in science, healthcare or energy. But this innovation in AI, regardless of its final application, relies on the ability of AI models to learn in the computational sense from vast amounts of data. Without this broad access, AI models will be far more limited in their understanding and generation abilities. The "open web" provides an unparalleled corpus of human knowledge, language, and creativity, which is essential for AI models to achieve their current and future capabilities – access to it is therefore the lifeblood of AI development.

We firmly believe in training AI models responsibly and that web publishers should have choice & control over the use of their content: this is why we created Google-Extended in 2023, a control that web publishers can use to manage whether their sites help improve our Gemini and Vertex generative AI models.

Existing industry standards governing web crawling are simple and scalable, and build on long-established machine-readable robot.txt protocols, which are widely used across the web to control how web publishers' content is accessed by web crawlers. And now thousands of web publishers are also using the Google-Extended protocol and similar AI-specific protocols offered by other companies. We believe AI developers should remain open to evolving those standards as the ecosystem progresses, and should take reasonable steps to avoid improperly training general purpose AI models in ways that circumvent those standards or similar technical measures like paywalls.

Our internal Copyright Policy for Model Training ensures we have robust internal processes and controls in place to respect those guardrails, in line with AI Act's GPAI Code of Practice.

Further, at Google, we apply a DMCA (copyright notice) filter to all web-crawled training data, meaning that we filter from our web-crawled training data billions of urls which have been subject to a valid copyright notice addressed to our services.

Shifting the focus to AI outputs. Building on nearly two decades of experience developing safeguards across our products, we aim to protect intellectual property while preserving freedom for creative expression. Our approach includes a range of efforts, from deploying advanced, modality-specific filters that help to prevent AI models from exactly replicating training data, to actively removing infringing material via notice-and-removal systems. Further, tools like YouTube's Content ID allow rights holders to manage their intellectual property rights whether uploaded content is created by AI or not.

Google plays a leading role in AI partnerships with creative industries.

We continue to expand our News AI pilot program, a commercial partnership program where we pay for enhanced content rights and specialized delivery methods, work with publishers to enable experimental AI features, and explore how AI can drive more engaged audiences. The program includes more than 200 publications globally, including Der Spiegel, El País, Folha de S. Paulo, Infobae, Kompas, The Guardian, The Times of India, The Washington Examiner and The Washington Post, and we expect to expand further this year and next. This builds on existing programs like Extended News Previews (ENP), through which we pay more than 5,500 European publications for the display of relevant press content in Search, including in Search generative AI features, and Google News Showcase, where we pay more than 2,800 partners in 33 countries globally. See Google's ongoing commitment to supporting the information ecosystem.

We are piloting new partnerships with websites whose content meaningfully contributes to the **freshness and factuality of generative AI responses through the process of grounding.**

We have entered into deals in which we are paying for access to and delivery of diverse types of specialized, non-public content including creative and educational content to help make further improvements to a variety of products and services. As we continue to use AI to enable new experiences and product capabilities for people around the globe, we're identifying specific types of data and content delivery methods that can help enhance our models and services. We're engaging with a focused set of content providers to evaluate key factors, like the usefulness of their content and the utility of delivery mechanisms like API access. To help improve our AI capabilities, we engage in partnerships that include delivery of content in a few key areas: closed and offline datasets, enhanced metadata and signals, as well as real-time structured factual information for verification purposes. We're prioritizing data sets in areas such as science, mathematics, and learning contexts. We engage in partnerships that not only focus on data that's most beneficial for improving our models, but also benefit the broader services and product experiences we make available to users. In the past few years, we have engaged in hundreds of new partnerships with content providers to support this work. See Partnerships to improve ourAI products.

Our commitment to developing controls and transparency

We have long recognised that AI developers should remain open to evolving opt-out standards, and we are keen to spearhead those efforts.

In June 2026, we announced that we are beginning to test a new control that allows website owners to manage how their links and content appear in generative AI Search features.

With this new toggle in Search Console, website owners can decide if they want their site to appear in and help ground responses in our generative AI Search features (like AI Overviews, AI Mode or AI Overviews in Discover). Sites that opt out will not receive traffic or impressions from our generative AI features. This control will not be used as a ranking signal for search results outside of these generative AI Search features. This work builds on our long history of designing tools, like snippet controls and Google-Extended, that give websites more choice.

We are also committed to a timely IETF AIPREF process which will yield a common AI opt out vocabulary. This is essential work to ensure opt-outs "speak the same language" and to avoid conflicting rightsholder preference statements. This is a necessary first step—the focus is on establishing a common way to express and interpret publisher signals in the AI era, which is essential regardless of future discussions on implementation mechanisms.

While we recognize this will take time, we support meaningful transparency, and have also started to roll out new insights for website owners in Search Console about the appearance of their pages in generative AI Search features. These insights include impressions metrics and information about which pages appear in AI responses and in what countries. We're continuing to work with website owners to understand what insights will be most helpful to inform their strategies, and we'll introduce additional metrics over time.

The existing EU framework encourages innovation and creativity, to deliver value growth and expanded opportunities

The current DSMD's Article 4 (Text and Data Mining Exception), complemented with the AIAct, provides a detailed and comprehensive foundation. Changing this framework before the AI Office's powers come into effect is premature.

The AI Act ensures regulatory oversight by the AIO over GPAI model providers' compliance with copyright. This includes the obligation for providers to have a policy in place to comply with copyright. The AIO's enforcement powers will come into force in August 2026. In line with the Better Regulation agenda, before suggesting policy options, a clear, evidence based problem definition should be available. Moreover, this should consider the impact of the AIO's oversight in relation to the copyright-related provisions of the AI Act. Effectively contemplating additional legislation before the regulator has even begun enforcing the existing framework is premature. It risks over-regulation, duplication and unintended consequences.

The Article 4 TDM exception drives innovation, incentivizes commercial partnerships and reduces transaction costs

The Article 4 TDM exception provides much-needed legal certainty for AI developers to train AI and develop competitive models in Europe, while respecting the rights of rightholders who retain the ability to opt out from such use.

It is easy to understand how the TDM exception under Article 4 provides a sound framework against which new markets for data, content and rights can develop: some data may be unavailable online, its access restricted by Technical Protection measures, or opted-out under Article 4. Thus there are no obstacles in the TDM exception itself to the development of deals. For example, the European Copyright Society states that "due to the discussions surrounding the adequate manifestation of the CDSM Directive opt-out provision and other uncertainties, including in other jurisdictions, in effect the AI training space is already moving to licensing as a default" (ECS, Copyright and Generative AI: Opinion of the European Copyright Society (2025)).

In reality, the Article 4 TDM exception is an optimal framework for deal making, rather than a hindrance. The opt-out mechanism reduces transaction costs: freely available online content which rightholders do not object to being used can be used without incurring prohibitive transaction costs which would otherwise make such use impossible. Conversely, rightholders who object to such use or want to enter into agreements with TDM users can reserve their rights. This is an economically sensible approach which greatly reduces transaction costs and friction.

At the same time, it enables the use of online content for model training, which does not impact rightholder revenue, and there is no evidence that it displaces sales (Bertin Martens, Economic arguments in favour of reducing copyright protection for generative AI inputs and outputs, Bruegel Working Paper (2024)).

Thus while opt-outs work in practice, this does not mean that opted-out subject-matter is automatically entitled to be licensed and remunerated. In particular for training, content is often, from an engineering perspective, "fungible", and used to model the characteristics of language rather than for any expressive or consumptive use.

Accordingly, AI developers and rightholders must be free to choose the content that is useful for a particular use case, and to agree on the terms, including financial, of such uses. Critically, only then can they develop those innovative and mutually beneficial agreements and partnerships. This is exactly what is currently happening.

Partnerships between AI developers and rightholders are growing fast

Deals are being done today for a variety of situations. Developers are increasingly identifying content which is valuable for AI uses; and use cases for which partnerships and remuneration are appropriate. We kindly refer you to the developments above regarding Google's partnerships with the creative industries.

Naturally, these are innovative and, commercially, highly sensitive agreements. As pointed out by both AI developers and rightholders in the run to the GPAI Code of Practice, these agreements are confidential and private. The fact that parties cannot share details of those partnerships - precisely because they are innovative and sensitive - does not mean that they do not exist.

This also means that regulatory intervention would be counterproductive. Regulators cannot know what mutually beneficial outcomes rightholders and AI developers will reach, nor on what terms.

Moreover, regulatory intervention will stifle innovation. In this rapidly evolving space, both rightholders and AI developers decide to take certain calculated risks in how they structure their agreements. If those experimental, innovative deals risk becoming "benchmarks" for regulatory intervention, stakeholders will have an incentive not to experiment and conclude such agreements. This effect is well-known in copyright policy - it is why, for example, collective licensing agreements concerning innovative services are non-precedential (CRM Directive, Article 16(2), para 2).

Improvements to the copyright framework should focus on reducing friction and targeting bad actors

While the Article 4 TDM exception is critical to enabling both AI development and value generating partnerships value generating partnerships in Europe, there is room to accelerate these outcomes. Policies could usefully focus on reducing transaction costs, focusing on AI outputs and targeting bad actors without penalizing responsible developers - rather than over-regulating responsible actors.

Rights ownership transparency is critical to allowing more efficient agreements between AI developers and rightholders

As outlined above, the TDM exception is an economically efficient framework for the commercial partnerships to develop. However, commercial partnerships also work best when potential buyers know who owns what. In the copyright context, this is often very difficult to ascertain. In the absence of a source of truth for such information, AI developers cannot easily identify the owners of content that they are interested in using.

Further, within the creative industries themselves, it is not clear whether there is agreement as to who controls the relevant rights. For example, the statements of some collecting societies (e.g. OSA, March 2025; SCAM, November 2023) , might be better understood not as an appropriate reservation of rights under Article 4, but as a claim that a CMO, rather than music publishers or authors themselves, control the requisite rights (see further, Brad Spitz, AI data mining: French music collecting society Sacem opts out (2024); Senftleben, Copyright Data

Improvement for AI Licensing (2024) , page 14). This lack of clarity across the copyright value chain injects unnecessary complexity into commercial negotiations.

International rights registries or opt-out registries, provided there is some governmental oversight over their accuracy, could be a useful approach to helping to solve this problem.

Generally, improving the effectiveness of the existing framework requires more collaboration - rather than new legislation - including between AI developers, rightholders and civil society representatives (including academics, users of AI tools and other interested parties). We regret that in some critical international standardization efforts - such as AIPREF, referenced above - some rightholders are focussed on challenging the principle of machine readable reservations, at the cost of introducing time-consuming friction.

Working towards a predictable policy environment for GenAI outputs

Rather than focus on AI training inputs, policy should focus on the nature of AI outputs, particularly how AI outputs are used. This can help build a shared understanding where human-guided creativity is recognized and valued, giving creators the confidence they need to innovate with these new tools. Such debate would also accord proper recognition to the overall legal framework for copyright and other legal protections, including permitted exceptions under such frameworks for private study, education, criticism and review, and news reporting.

We recognize that responsible model developers implement proactive safeguards. This includes terms of service, robust notice and action frameworks to address the distribution of IP-infringing content as well as technical safeguards. Those should be carefully balanced with other fundamental rights and freedoms. Protective copyright measures, such as proactive filtering, should be applied judiciously, but not mandated, to avoid blunt enforcement that stifles lawful creativity or blocks legitimate expression, contrary to the fundamental principles that justify copyright. However, recognizing that AI developers can achieve more effective protection results through one or more innovative solutions, policymakers should refrain from prescribing the protection measures that AI developers must adopt.

Policies should also acknowledge that bad actors, not tools, should bear responsibility. A user whose actions through a chatbot result in downstream violations of IP is the responsible party, not the general-purpose tool they used. We hold an individual liable for using a photocopier to illegally reproduce a copyrighted book, not the manufacturer of the machine. This same logic should apply to Generative AI. Legal culpability must come down to intent and control. The AI may provide the advanced capability, but it is the user who supplies the intent to cause harm and exercises control over deploying the final output.

Targeting bad actors, rather than over-regulating responsible developers

Google and other AI developers are focussed on compliance with the AI Act (as GPAI model developers), including respecting copyright obligations. They are also investing heavily in and developing new commercial models for acquiring content. In addition, and still in relation to

copyright, AI developers are engaged in the stakeholder dialogue on TDM opt-outs; international standardisation of opt-out vocabularies (IETF-AIPREF); the evaluation of the CDSMD Directive; and a targeted initiative for a better copyright environment for European creativity and innovation.

Responsible AI developers are subject to an ever-increasing compliance and regulatory process; developers who ignore responsible approaches to copyright and AI continue to operate unhindered. For example, one of the most common grievances of rightholders relates to bad crawling practices. This typically happens when crawlers ignore robots.txt directives, or worse, attempt to cloak their crawlers identity. A bad actor may for example attempt to disguise themselves as Google crawlers (Google publishes information to detect those practices). Rather than further focus on responsible AI developers, policies could be developed to increase crawler transparency and facilitate crawler management.

Similarly, policies aimed at helping responsible AI developers in excluding commercial scale infringing domains from crawled data would be a positive development.

Expansive new regulatory burdens will be counterproductive

Expansive ex-ante monitoring and reporting obligations serve no one

Introducing new data reporting obligations, before the AI Office's powers come into effect, is entirely premature and counterproductive. It undermines innovation and trade secrets protection, creates security risks and effectively reverses the positive effects of the TDM exception by effectively requiring developers to monitor content freely available online for copyright infringement - an impossible task. It is also ineffective, an impossible burden for new entrants and a hindrance to innovative value-sharing partnerships.

The process for creating the appropriate mixture of training data is experimentally established, involving significant expertise and skill, and optimized for AI developers' models. The resulting mixture represents a key differentiator for AI developers and maintaining its secrecy encourages competition in research and innovation, while contributing directly to the performance and capabilities of their models. Thus while some datasets themselves may be public, the combination of data and the process of curating data are protectable trade secrets under Directive 2016/943, as held by French and Italian courts, and the disclosure of such information is likely to cause disproportionate harm to providers' investment in research and innovation (see Joint Cases C-453/03, C-11/04, C-12/04, and C-194/04).

Exposing details on data sets is, in the current state of the art, also a potential security risk, as it can expose patterns that attackers can use to manipulate data, such as model extraction, data poisoning, and privacy breaches (see e.g. Carlini, Poisoning the Unlabeled Dataset of Semi-Supervised Learning, 2021; Carlini, Jagielski, Choquette-Choo, Paleka, Pearce, Anderson, Terzis, Thomas, Tramèr, Poisoning Web-Scale Training Datasets is Practical, 2023).

Additional reporting obligations effectively require AI developers to perform an impossible task: upfront monitoring all online content for potential copyright infringement. This is simply impossible - AI developers cannot themselves identify infringement content, especially at this scale. More importantly, it is a reversal of the Article 4 TDM exception. Article 4, the AIAct and the Code of Practice are clear: AI developers, when accessing content freely available online, must focus on respecting opt-outs, under supervision of the AI Office.

Such obligations are also likely to be ineffective. As a matter of primary EU law (Fundamental Rights), reporting obligations can only and at most apply to uses which are subject to the permission of the relevant rightholders. They cannot apply to use of content which falls outside the scope of protection, under a limitation or exception. Such obligations must also come with safeguards to ensure that confidential information is duly protected. As a matter of secondary EU law (e.g. IPRED), judicial authorities are entrusted with protecting those safeguards. Crude attempts to circumvent the rule of law and due process are more likely than not to fuel lengthy litigation.

They will also hinder innovation and partnerships. In all sectors, copyright licensing reporting requirements are based on freely negotiated obligations and industry driven standards. Top-down reporting mandates are doomed to shackle the contractual freedom and flexibility which are so critical to the growth of value sharing partnerships.

Negotiations, not arbitration mechanisms, will drive revenue

We note the reference to arbitration mechanisms in the Call for Evidence. To the best of our knowledge, such mechanisms are slow and ineffective. Such national mechanisms also contribute to fragmenting the market along national borders, further hindering the attractiveness of the single market. They are also likely to make commercial agreements in such markets more risky and less desirable, de facto excluding local content from such agreements.

Such mechanisms also have no track record of improving outcomes for individual creators.

Finally, they fuel the expectations that copyright remuneration is a form of subsidy, which can yield remuneration with no realistic connection to either actual use or economic value.

Copyright and new IPRs are not the right tools to address potential harms from digital imitations

We understand and share the growing concerns about the potential misuse of AI-generated digital imitations and replicas. Addressing these concerns is important, and we have experience working cross-industry in the US to develop balanced policy solutions, as demonstrated by our engagement and support for the draft NO FAKES Act in the US, which aims to protect individuals' voice and likeness.

As the European Union considers this complex issue, it should start with research, evidence and a problem definition. In our view, any preliminary enquiries should target the harmful use of digital imitations, rather than the underlying technology, and provide a clear, legally certain and predictable framework, involving a notice-and-action framework, for individuals to protect their digital likeness from harms.

The problem definition would require significant precision and clarity."Digital replicas" as realistic depictions are not "deep fakes," which often carry a connotation of deception or malicious intent. Furthermore, ensuring alignment with the EU AI Act is crucial, particularly as some draft national laws on digital replicas risk overlapping or conflicting with the AI Act's transparency and labelling provisions.

Expanding existing intellectual property rights, however, such as copyright and related rights (including Article 17 CDSMD), to cover personal characteristics like voice or likeness is not a suitable solution. This approach contradicts the fundamental rationale of IP law, which is meant to reward and encourage creativity and innovation. The European Commission itself has recognized this in its response to the Danish digital replica law proposal (TRIS Notification 2025/0654/DK in relation to the Danish digital replica law proposal of 2 February 2026), stating that protecting personal characteristics seems "in contrast with the underlying rationale that informs copyright legislation" and that granting performers a right against digital imitations could unintentionally interfere with the established harmonized copyright and related rights. Further, expanding intellectual property rights to personal characteristics contradicts the fundamental rationale of IP law, which is meant to reward and encourage creativity and innovation.

II. The fight against piracy

At Google, we build tools that empower users to access, create, and share information like never before — giving them more choice, opportunity, and exposure to a diversity of opinions. Google's investment in Search and discovery efforts across multiple products makes it easier for audiences to find and access legitimate content on the web.

We understand that a key part of preserving and encouraging the creative economy is ensuring that creators and artists have a way to manage their creative works online. This is why we take seriously the ever-evolving challenge of copyright infringement and invest significantly in technology, tools, and resources that prevent copyright infringement on our platforms. We also work with others across multiple industries to combat piracy, and we remain committed to this work.

There are five principles that guide our substantial investment in the fight against online copyright infringement (Fighting Piracy - Protect Your Content with Google):

1. **Create more and better legitimate alternatives.** In our experience, unmet consumer demand is a key driver of piracy. That is why one of the best ways to combat piracy is to provide better, more convenient, and legitimate alternatives. We have developed

products with compelling user experiences, like YouTube Music, to generate revenue for creative industries and steer people toward legitimate alternatives.

2. **Follow the money.** Rogue sites that specialize in online piracy are commercial ventures, albeit illicit ones. The most effective way to combat them is to cut off their revenue streams. Google is a leader in rooting out and ejecting rogue sites from our advertising and payment services, and we help establish best practices across the industry.
3. **Be efficient, effective, and scalable.** We strive to implement anti-piracy solutions that work at scale. For example, as early as 2010, we began making substantial investments in streamlining the copyright removal process for Search results. As a result, these improved procedures allow Google to process copyright removal requests for Search results at the rate of millions per week. We also have dedicated global Trust and Safety teams, who work with users, governments, and industry to ensure that illegal content is removed efficiently and at scale.
4. **Guard against abuse.** We have seen certain actors abuse our takedown system as a pretext for censorship and anticompetitive behavior. We are committed to ensuring that we detect and reject bogus infringement allegations, such as removals for political or competitive reasons, even as we battle online piracy.
5. **Provide transparency.** We publish our Transparency Report, which discloses the number of requests we receive from rightsholders and governments to remove information from our services (Google Transparency Report - Government requests to remove content).

Creative industries are growing; accessibility & innovation drive piracy down, not disproportionate enforcement

The Internet is a powerful force for creativity, learning, and access to information. More music, video, written works, apps, and software are being created by more people in more places than ever before. This has led to a boom in creativity, both amateur and professional. Creative industries are experiencing robust expansion, and we are living through an unprecedented period of cultural abundance.

2025 marked the 11th consecutive year of revenue growth for the recorded music industry (IFPI, Global Music Report 2026: Global Recorded Music Revenues Grow 6.4% As Record Companies Drive Innovation (2026)). The digital creator economy sub-segment alone is expected to grow from $252.3 billion in 2025 to $310.4 billion in 2026 (Grand View Research, Creator Economy Market (2026 - 2033) (2026)). Global streaming, gaming and digital media revenues are continuously climbing (PwC, Global entertainment and media advertising revenues to hit US$1.4 trillion in 2030 – as global box office continues recovery (2026)).

Europe commands a major market share of over 25% of the global creator economy (Coherent Market Insights, Global Creator Economy Market Analysis & Forecast (2026-2033) (2026)). Collecting societies in Western Europe alone account for over 50% of worldwide collections,

reaching over €7 billion of a record total of €13.97 billion in 2025. This continues a decade-long surge that has seen overall collections grow by over 70% (CISAC, CISAC Global Collections Report (2025)).

Convenience and accessibility drive piracy down, not enforcement. Studies find a strong correlation between piracy and lack of purchasing power. Empirically, piracy drops significantly not when laws get stricter, but when the business models shift towards affordability and convenience. For example, in the music industry, declines in piracy result from a shift from buying individual albums to "all you can eat" streaming (American University International Law Review, The Decline of Online Piracy: How Markets - Not Enforcement - Drive Compliance (2019)). Piracy rates drop naturally because users prefer the convenience of the legal product (IVIR, Global Online Piracy Study (2018)).

Thus economic factors such as GDP per Capita, income inequality, youth unemployment rates are strongly correlated with levels of piracy, while the extent and availability of legal offers contribute significantly to reducing piracy across TV, film and music (EUIPO, Online Copyright Infringement In the European Union (2023)). Price and availability appear to play a huge role in the willingness to access content illegally. 43% of those who use online content from illegal sources report that lower prices might lead them to stop doing so; conversely, 44% report that the main reason they do not access content illegally is because the content they want is available via legal sources (CEPS, The benefits and costs of website-blocking legislation: an economic, legal and policy assessment (2026)). Further, education is preferable to stricter enforcement. Research indicates that stricter legislation often backfires, often triggering a backlash. Some feel that they have no appropriate alternative, others may even be reinforced in their behaviour (Dario Miocevic, Consumers' responses to opposing copyright enforcement regimes: When cognitive appraisal leads to compliance vs reactance (2024)).

"Follow the money" approaches are more proportionate and effective. Rather than penalising the citizen for infringing IPR (often unknowingly), the 'follow the money approach', seeks to deprive commercial scale infringers of the revenue flows that draw them into such activities, see European Commission, Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan (2014).

Google was the first tech player to sign the MoU on Online Advertising and Intellectual Property Rights in 2018.

The follow the money approach is still actively being developed. WIPO is launching "WIPO Alter Pay", which lets rightsholders flag pirate and counterfeit sites to payment providers such as PayPal and Mastercard.

How Google Fights Piracy

The Copyright Removal Process at Google

Google and YouTube operate a streamlined submission process for copyright takedowns, which allows rightsholders to submit copyright removal requests via easy-to-use webforms. Hundreds of thousands of individuals and organizations across the globe have used our webforms to submit copyright removal requests. The information that the webforms require is consistent with relevant notice-and-action provisions from copyright laws in many jurisdictions, and we continue to invest substantial resources and engineering efforts to improve our procedures for receiving and processing these requests. We also enforce repeat infringer policies across our services, and take action (including account restrictions and terminations) when users have multiple copyright complaints against them (How Google handles repeat infringement of copyright).

In the EU, Google and YouTube additionally comply with Trusted Flagger provisions under the Digital Services Act. Those require Google and YouTube to give priority, and process and decide without undue delay on notices submitted by entities designated by Digital Services Coordinators as experts in specific fields, including copyright.

Google also operates our Trusted Copyright Removal Program (TCRP) for rightsholders with a proven track record of submitting accurate notices and a consistent need to submit large numbers of copyright removal requests. TCRP allows rightsholders or their enforcement agents to submit large volumes of such requests on a consistent basis for Search, Docs, Drive, Google Photos, Sites, and Google Cloud. There are over 350 TCRP partners across Google's services.

Because they are available to everyone, our copyright webforms are subject to a significant amount of abuse or otherwise invalid use which we take very seriously. We have a team dedicated to processing copyright removal requests, and when necessary, we request additional information or deny the request altogether. Google and YouTube carefully review removal requests and depend on the counter notice process as a check against mistaken or abusive removal requests. We also design our webforms to help us reduce abuse and misuse, and to ensure that rightsholders are providing us with the valid and complete information required by law. Content creators are also empowered to push back on removal requests they believe are invalid by filing counter notices.

Beyond the removal process

Google and Youtube have also implemented a number of additional measures to help prevent and limit online copyright piracy.

In relation to “live events” this includes:

- **Accepting removal requests for future illegal streams of live events:** Rightsholders can pre-notify Google Search of webpages that advertise that they will illegally stream a live event in the future;

- **YouTube Live Stream Abuse:** All live streams are scanned for matches to third-party content, including copyrighted content in the form of another live broadcast, including live sporting events and music festivals, as well as pre-recorded content. When third-party content is identified, a placeholder image may replace your live stream. Uploaders will be warned to stop streaming the third-party content. If uploaders comply with this warning and address the issues, their stream can continue. If the third-party content remains in their stream, their live stream will be temporarily interrupted or terminated. Their stream can also be terminated if the uploader gets a copyright or YouTube Community Guidelines strike (see: Copyright issues with live streams);

- **A trusted copyright removal program for Cloud** which expedites removals of live stream events for rightsholders with an express need for this type of enforcement.

For Google Search, other measures include the following.

- **Helping users find compelling legitimate alternatives,** e.g. providing Knowledge Panels at or near the top of search results and adding Watch and Listen Actions as features in Google Search that direct users to legitimate sources of movies and music.

- **Demoting websites that receive a large volume of removal requests:** We have developed a "demotion signal" for Google Search that causes sites for which we have received a large number of valid removal requests to appear much lower in search results, as well as made it much harder for sites hosting infringing content to evade demotion.

- **Accepting removal requests for not-in-index webpages, and** will apply these removal requests to our demotion signal as well.

- **Accepting removal requests for circumvention tools:** Google Search has voluntarily implemented a notice and takedown process that allows rightsholders to notify us of webpages offering software tools or physical devices that they believe circumvent technological protection measures.

- **Removing piracy-associated terms from autocomplete and related search**

- **Voluntarily removing sites from search upon receipt of court orders against third parties:** When a court decides that web pages are unlawful, including on copyright grounds, we typically honor that order when it's brought to our attention, and we remove the site from Search Results.

- **Improving Google Image Search:** We have worked directly with photographers and the stock photography industry and encourage people to view images that appear in Google

Image Search results in the context of the websites that host them. We've also added licensing information and creator and credit metadata to images on Google Images.

The additional measures YouTube employs include:

- **Building the Copyright Match Tool:** Creators using the Copyright Match Tool simply need to be the first to upload a video to YouTube, and then they are shown subsequent re-uploads of those videos. For each video match, the Copyright Match Tool shows the user information on total views, the channel that uploaded it, what percentage of the video is made of their content, and a collection of representative screenshots of the video. From this interface, rightsholders can choose to leave a video up, request removal, archive the match, or contact the uploader.

- **Investing in Content ID:** YouTube pioneered Content ID, a first-of-its-kind copyright management system that helps rightsholders effectively manage their works on YouTube. Rightsholders or their agents who are granted access to Content ID provide YouTube with reference files for the works they own, along with metadata such as the title and detailed ownership rights. Based on these references, YouTube creates digital "fingerprints" for the works in question and then scans the platform to determine when content in an uploaded video matches the reference content. Rightsholders instruct the system to either block, monetize, or track matching content. The system can also address ownership conflicts and disputes among Content ID partners and uploaders. Content ID partners represent over 99% of all copyright actions on YouTube.

- **Developing the Content Verification Program:** Available to creators and rightsholders who have a regular need to submit high volumes of copyright removal requests and have demonstrated high accuracy in their prior submissions, this program makes it easier to search YouTube and quickly identify allegedly infringing videos.

- **Combating Stream Ripping:** YouTube continuously invests in various approaches to combat stream ripping, including through improvements to technical infrastructure, working together with third parties, with whom we have run various technical experiments and explorations, and other legal means, such as sending cease-and-desist letters and filing domain name disputes to prevent use of YouTube's trademarks or confusingly similar marks in association with stream-ripping sites.

- **Prohibiting "How to Bypass Payment" Videos:** In collaboration with rightsholders, we updated our Community Guidelines to prohibit videos that show viewers how to use apps, websites, or other information technology to gain unauthorized free access to audio content, audiovisual content, full video games, software, or streaming services that normally require payment.

We have implemented further additional measures across **Google Ads, Google Cloud and the Play Store**. These include providing a trusted copyright removal program for Cloud (which

expedites removals of live stream events for rightsholders with an express need for this type of enforcement).

Our commitment to increased transparency and fighting abuse

We are also committed to **providing transparency** around the actions we take to combat online piracy. Google regularly issues transparency reports reflecting data from the notices we receive pursuant to our policies prohibiting intellectual property infringement on our services. We started this practice for Google Search for copyright removals in 2012.

- **We maintain the Google Transparency Report.** The Copyright Removals section of our report shows the aggregate number of web pages we have been asked to remove, as well as who submitted the notices on behalf of which rightsholders and for which websites (Google Transparency Report - Copyright removal request data)
- **We share information from legal notices with Lumen.** Google provides information from individual copyright and counterfeit removal notices that we receive for Search results to the nonprofit organization Lumen.
- **We maintain and publish the YouTube Copyright Transparency Report.**
- **We notify webmasters of removals.** Website operators who use Google's Search Console are notified whenever a web page on their domain receives a takedown notice. Webmasters who do not use the Search Console can find copyright removal notices their domain has received within the Transparency Report. This empowers webmasters to submit a counter notice (copyright) if they determine that a page on their site has been removed from Google Search results due to an erroneous removal notice.
- **We inform users when results have been removed from their Search results.** When people perform a search where results have been removed due to a copyright complaint, Google displays a notice informing the user.

How Google Responds to Invalid Notices of Infringement Recognizing that abuse and misuse of our anti-piracy tools can stifle legitimate speech, expression, and commercial activity, we have dedicated teams working to detect and prevent such abuse and misuse. We rely on a combination of humans and technology to detect suspicious behavior, request additional information where necessary, and provide users with the robust ability to contest the removal of their content through counter notice and appeals processes. When it comes to our Trusted Copyright Removal Program, we have terminated or suspended partners from the program for repeatedly sending invalid or incomplete notices through our high-volume submission mechanisms. In addition, we have built transparency tools so that the community can identify and appeal invalid takedown requests.

Rather than increased enforcement, policy should focus on addressing the harms of disproportionate enforcement

Expansive enforcement initiatives, including dynamic and live blocking injunctions have a proven track record of causing significant harm.

Increasingly, injunctive relief is inappropriately targeting technical infrastructure, extending to IP addresses, DNS resolvers, VPNs. This is the case even though these "intermediaries" neither communicate works to the public and even though these are legally accessible services. In relation to VPNs, for example "as the Commission points out in its observations, VPN services are legally accessible technical services which users may, however, use for unlawful purposes. The mere fact that those or similar services may be used for such purposes is not sufficient to establish that the service providers themselves communicate the protected work to the public" (C-788/24, *Anne Frank*, Rantos A.G. (2026))

Blocking DNS resolvers, IPs, VPNs, is ineffective, as it does not remove content at all and is easily circumvented by using alternative DNS resolvers. It is disproportionate, catching lawful services, raising extra-territoriality concerns and blocking entire domains (including lawful services available from the same domain name). Similarly, blocking IP addresses neither removes the content nor achieves proportionate outcomes, as many lawful services may be using the same IP address.

Google services, clients and end users can and do suffer harm from such overblocking. For example, in December 2019, we experienced traffic disruptions in Portugal after local Internet Service Providers blocked Google-hosted Virtual IP addresses. The blocks inadvertently disrupted core Google services and cut off legitimate traffic for other innocent Google Cloud customers sharing the same virtual IPs or IP blocks.

There is ample evidence of how these measures have led to widespread harm, negatively impacting thousands of unrelated legal services.

Italy's "Piracy Shield" has blocked Cloudflare IPs hosting over 42 million domains, a Google Drive subdomain and legitimate VPN and CDN services. It caused widespread service outages and the exit of VPN providers from the market. Recently, French court orders have been extended to DNS resolvers and VPNs, causing CISCO to withdraw OpenDNS from the French market. A Spanish court-ordered IP block caused third-party platforms, cloud services, APIs, SME sites to be blocked, pursuant to demands from a sports league.

Policy should focus on ensuring that measures enforced under the laws of Member States are subject to appropriate safeguards, rather than use those as a model for harmonization.

The EU legal order provides a multi-layered framework to copyright enforcement in relation to intermediaries. The DSA lays down overarching rules governing liability of intermediaries, a prohibition on general monitoring (Article 8), notice and take down procedures (Article 16) and minimum standards for national court or administrative orders to act against illegal content (Article 9, see also response from the European Commission to the notification of the Italian Piracy shield). IPRED (Articles 9(1)(a) and 11) and the InfoSoc Directive (Article 8(2)) provide for the granting of injunctions against intermediaries whose services are used to infringe copyright. In granting such injunctions, Courts must assess the impact of measures on the Fundamental rights protected under the Charter, including those of users and intermediaries (C-314/12, *UPC Telekabel*). In addition, in C-534/25, the CJEU is called upon to determine whether and under what conditions a CDN can be subject to injunctions related to copyright infringement. Finally, Article 17 DSMD lays down specific obligations for online content sharing services; and some national authorities have also considered the Net Neutrality regulation as relevant.

As illustrated by the list of harms and unintended consequences caused by new enforcement orders, the safeguards intended to protect users and intermediaries and to uphold the rule of law are increasingly under strain. This is well documented by independent research, including Sommese, Sperotto, Prado, van der Ham, Affinito, 90th Minute: A First Look to Collateral Damages and Efficacy of the Italian Piracy Shield (2025); and Quintais, Aznar, Between Effectiveness and Fundamental Rights: Sports Piracy and the Privatization of Copyright Enforcement in the EU (2026). Measures increasingly lead to, for example: overblocking; excessively costly measures; compliance requiring intermediaries to monitor their traffic; complete lack of judicial oversight and privatization of injunctions; lack of information and redress for users and for intermediaries.

Any new initiative should be focussed on enforcing the safeguards already provided by EU law and ensuring the strict proportionality of injunctions, in compliance with Article 9 of the DSA, the country of origin principle and in keeping with fundamental rights.

- **Injunctions should only be used subsidiarily:** the plaintiff must first give evidence they tried to reach out to the infringer; that existing measures, such as notice and take down, are insufficient; and that removing the content at source (i.e. the hosting provider) was ineffective.

  Injunctions are neither a substitute, nor a workaround for the DSA's notice and action framework. By allowing private parties to notify illegal content via a system that issues administrative orders to act against illegal content, Member States are essentially circumventing the harmonised notice-and-take down framework under the DSA. The

DSA already ensures that private parties can notify illegal content and provides prioritised handling of notices via the trusted flagger mechanism. A provider that is able to identify, without a detailed legal examination, that the content is clearly illegal, must act expeditiously to remove the content to escape liability. This harmonised framework is the result of a careful balancing exercise between the involved fundamental rights.

Injunctions should not be targeted at global internet infrastructure such as DNS resolvers, VPNs or CDNs. A DNS block is implemented at the level of the domain, so the entire website becomes inaccessible, blocking both illegal and lawful content. Similarly, in modern Internet infrastructure, IP addresses are regularly shared among multiple domains and services, particularly in relation to content delivery networks (CDNs) and proxy servers. This shared usage means that blocking a single IP address is bound to inadvertently restrict access to thousands, potentially millions, of unrelated, perfectly lawful websites.

In order to be proportionate, injunctions should be targeted at the appropriate layer and source of the content. For example, dynamic injunctions obtained by the FAPL have focussed on identifying servers the predominant purpose of which is to enable access to infringing streams of FAPL content, and with no other substantial purposes. The injunctions accordingly focus on blocking access to the IP addresses of such servers. See e.g. *FAPL v BT and others* [2017] EWHC 480 (Ch). To the best of our knowledge, the FAPL has maintained this strategy without the need to target VPNs, CDNs or search engines.

- **Implementation costs should be shared between rightholders and intermediaries** - to ensure an appropriate balance of rights and incentives, as well as a proportionate resource to injunctions;

- **Injunctions should require reasonable evidence, subject to judicial scrutiny:** evidence of ownership, infringement and harm; this evidence should be subject to judicial scrutiny and review;

- **Courts and administrative bodies should not serve as mere rightholder "mail boxes"**, converting rightholder demands automatically into legal remedies; instead, they should at the minimum (i) review the evidence and (ii) weigh the likely effect of an injunction sought on intermediaries, users and third parties (proportionality);

- **Injunctions should be transparent:** the alleged infringer should be contacted, the decision should be published, users and third parties affected by the measures should be informed of the reason for the block and of their right to seek a rapid cessation of the interference with their rights;

- **Users and third parties wrongly affected by an injunction should have the right to set aside the injunction; Intermediaries' should have a clear, immediate right to**

challenge the injunction, including seeking the immediate suspension of a measure which causes them immediate harm;

- **Injunctions should be strictly limited in time** to what is necessary to prevent the alleged harm (e.g. in the case of live events); any requests to extend injunctions should require judicial review of the effects and efficacy of the injunction;

- **Complying with injunctions should not require intermediaries to monitor their traffic:** the content should be identified clearly; and injunctions should not be granted when the intermediary, in order to limit overblocking, must deploy monitoring of its traffic.