

January 28, 2026

Mr. Daniel Lee
Assistant United States Trade Representative for Innovation and Intellectual Property
Office of the United States Trade Representative
600 17th Street, N.W. Washington, D.C. 20508

DCC Written Comments in Response to USTR's Request for Comments Regarding the 2026 Special 301 Review (Docket No. USTR-2025-0243, 90 FR 57519)

Dear Mr. Lee,

We, the signatories to this letter which include members of the Digital Creators Coalition ("DCC"), submit the following comments to the Office of the United States Trade Representative in its capacity as Chair of the Special 301 Committee. These comments are in response to the request for public comments regarding the 2026 Special 301 Review (Docket Number USTR-2025-0243, 90 FR 57519).

The DCC consists of member organizations that represent individual creators, independent producers, small-and-medium-size enterprises, large businesses, and workers from across the American copyright-based creative sectors, including movies, music, television, illustrators, photographers, authors, publishers, and fans as well as news, magazine and digital media. We are committed to advancing the interests of the creative community in the digital environment and are united in our resolve that strong copyright protection for American creators should be a top priority for US international engagement and economic diplomacy.

We appreciate the US Government's annual review of countries that deny adequate and effective protection of intellectual property ("IP") and deny fair and equitable market access to US persons who rely on IP protection. Given the rapid development and deployment of artificial intelligence ("AI") around the globe, this work is more critical than ever to defending the contributions of the US creative sector to US economic growth, job creation, and trade surplus.

To that end, these comments enumerate barriers to trade arising from AI development and deployment in foreign markets. In particular, the following addresses barriers related to

generative AI, a technology that has largely been built on scraping data and using copyrighted works of America's creators without authorization or compensation. These barriers confront US copyright holders overseas and arise out of: inadequate copyright and related laws, particularly where rights holders are unable to fully exercise their rights; inadequate and ineffective enforcement of existing copyright and related laws; inadequate protection of technological protection measures ("TPMs"); and market access barriers that inhibit the licensing and dissemination of copyrighted works and sound recordings. To alleviate these obstacles, we support and encourage US bilateral and multilateral engagement that advances human-centric and responsible AI, promotes creators, protects and respects copyright, and ensures recordkeeping and transparency in AI model training globally.

Specifically, we urge the US Government to:

- *oppose the adoption of measures that permit the use of copyrighted works without authorization for the training of AI models, such as statutory licenses for such use and copyright exceptions for text and data mining ("TDM");*

- *engage internationally to ensure that countries' laws and policies require that AI be developed and deployed in a manner that respects copyright law;*

- *state explicitly in the Special 301 Report the US Government's position that copyright must be respected in the AI context;*

- *state explicitly in the Special 301 Report the US Government's opposition to copyright exceptions for TDM and statutory licenses for AI model training*; *and*

- *convey the opposition of the American creative sector to such exceptions and statutory licenses.*

The American Creative Sectors' Contributions to US National Economic Security

Copyright is an individual property right enshrined in the US Constitution that is an engine of enterprise and is responsible for critical contributions to the US economy. The creative sector contributes significantly to US economic growth, employment, exports, and the digital economy. According to the most recent study, the copyright industries added more than $3.3 trillion to the GDP, accounting for 12.31 percent of the US economy.[1]

In terms of our digital economy, the total copyright industries accounted for 63.13 percent of the US digital economy, contributing over 56.6 percent to the US digital economy employment.[2]

[1] Stoner, Robert and Dutra, Jéssica; Secretariat Economists; "Intellectual Property and the U.S. Economy, The 2024 Report"; Prepared for the International Intellectual Property Alliance; February 2025; p. 1-2; available at: IIPA-Copyright-Industries-in-the-U.S.-Economy-Report-2024_ONLINE_FINAL.pdf
[2] Id., p. 1-2.

The copyright industries employ nearly 21.1 million workers, and the annual compensation paid to core copyright workers amounts to a 50 percent compensation premium over the average US annual wage.[3] Regarding trade, the sales of select US copyrighted products in overseas markets amounted to $272.6 billion.[4]

The Administration's Policy is Clear - Protect Copyright in the AI Environment

The Trump Administration's policy is clear that IP protection is a critical catalyst for American economic growth, job creation and exports, an essential safeguard of the US trade surplus in creative content, and a vital guarantor of American dominance in both the creative and AI sectors.[5][6] Specifically, the Trump Administration has been clear in both its domestic and foreign policy that IP, including copyright, must be respected in the context of AI. For example, the recent Executive Order on *Ensuring A National Policy Framework for Artificial Intelligence*[7] issued on December 11, 2025, affirmed that Congress should adopt a framework that ensures that:

> …children are protected, censorship is prevented, ***copyrights are respected***, and communities are safeguarded. A carefully crafted national framework can ensure that the United States wins the AI race, as we must.

Likewise, the Administration has stated consistently its policy of promoting strong copyright protection with respect to AI in the international context. For instance, on June 17, 2025, in the *G7 Leaders Statement on AI for Prosperity*,[8] President Trump committed to:

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[3] Id., p. 1-2.
[4] Id., p. 1-2.
[5] President Trump, World IP Day Proclamation, April 26, 2025; available at: Proclamation 10924—World Intellectual Property Day, 2025 | The American Presidency Project, providing that: "The future of our great Nation depends on the continued ***safeguarding of our intellectual property***, which fuels economic growth, technological progress, and global competitiveness" and "Just as we protect our physical property, we will ***not tolerate the theft of our intellectual property***, and we will defend our businesses and people from those who are seeking to steal American jobs and wealth."
[6] USTR, *2025 Special 301 Report*, April 29, 2025, page 5, available at: 2025 Special 301 Report (final).pdf, providing that "A top trade priority for the Administration is to use all possible sources of leverage to encourage other countries to open their markets to U.S. exports of goods and services and to provide adequate and effective ***protection and enforcement of intellectual property (IP) rights***. Toward this end, a key objective of the Administration's trade policy is ensuring that U.S. owners of IP have a full and fair opportunity to use and profit from their IP around the globe."
[7] Trump Administration, Executive Order entitled "*Ensuring A National Policy Framework for Artificial Intelligence*", December 11, 2025; available at: Ensuring a National Policy Framework for Artificial Intelligence – The White House.
[8] G7, Leaders' Statement on AI for Prosperity, June 17, 2025; available at: G7 Leaders' Statement on AI for Prosperity, stating further: **"**Promote economic prosperity by supporting SMEs to adopt and develop AI that ***respects*** personal data and ***intellectual property rights***, and strengthen their readiness, efficiency, productivity and competitiveness.

> …double down on AI adoption efforts that connect research to practical applications, helping businesses—especially SMEs—integrate AI technologies that drive productivity, growth and competitiveness. We recognize the need to ***respect intellectual property rights*** in enabling these efforts. While we have already taken steps to promote AI adoption, scaling these efforts remains essential, including access to computing resources, expertise, and partnerships to move from AI experimentation to impact.

Furthermore, on December 9, 2025, the United States and other G7 Industry, Digital and Technology Ministers issued a Declaration,[9] among other statements,[10] affirming that:

> …***robust, reliable and predictable intellectual property (IP) legal frameworks*** are essential to ensuring a resilient and competitive digital economy, especially as digital services, automation and AI advance rapidly. We reaffirm our commitment to fostering collaboration with relevant stakeholders to promote best practices to support innovation and identify approaches to address challenges related to the ***respect of IP rights in new digital contexts***.

TDM Exceptions Threaten Creators' Contributions to US National Economic Security

The United States must continue this trajectory of promoting respect for copyright and protecting the US creative sector. The protection of IP is particularly important in the AI environment. In an effort to gain an advantage over American creators and innovators and to undermine US global competitiveness, foreign governments and AI companies in those jurisdictions have stolen US IP through the theft of copyright, trade secrets and other IP. Sometimes this theft is illicit and sometimes it has been conducted under the guise of appropriation and subsidization via government-approved IP exceptions.

US Government leadership is essential in opposing efforts to diminish copyright protection both at home and abroad. This is particularly true as governments around the world are adopting or considering the adoption of broad exceptions to copyright for TDM to incentivize the unauthorized use of American creative content to train AI models. Such exceptions amount to state-sanctioned theft of American creativity for use by AI companies, impose significant barriers to trade in US creative goods and services globally, and contravene international

[9] G7, Industry, Digital and Technology Ministers Declaration, December 9, 2025; available at: G7 2025 Industry, Digital and Technology Ministerial Declaration.

[10] G7, Industry, Digital and Technology Ministers, *Statement on the AI Adoption Blueprint*, December 9, 2025; available at: G7 Industry, Digital and Technology Ministerial Statement on the SME AI Adoption Blueprint, providing: "Increasing the availability of high-quality, privacy-preserving, ***intellectual property-respecting datasets***, including sector-specific datasets, that are essential for training AI models and can help drive SMEs' AI adoption and innovation. Access to sector-specific datasets—offering, where relevant, de-identified and anonymized datasets—is particularly critical for supporting high-risk domains, such as healthcare, finance and critical infrastructure, where accuracy, reliability, confidentiality and privacy are essential. To help achieve these objectives, it is important to build and invest in public-private collaborations where needs are identified."

copyright treaties, including the three-step test contained in the Berne Convention, TRIPS Agreement, WIPO Internet Treaties, and other international agreements.

We strongly oppose copyright exceptions for AI, including TDM exceptions and statutory licenses, and reaffirm our position that its proponents have failed to demonstrate the need for such measures. These harmful exceptions impede the creative sector's significant and sustained contributions to US national economic security and facilitate the offshoring of vast amounts of data used by the US AI sector, exposing such data to foreign control. Moreover, where AI developers fail to maintain adequate records and provide recordkeeping and transparency regarding what content they use to train their AI models, rightsholders face enormous hurdles in enforcing their property rights, including in court.

Unfortunately, countries such as Japan and Singapore have already implemented broad TDM exceptions that weaken copyright protections in favor of allowing companies to train their AI models on copyrighted material without a license. Vietnam has adopted a TDM exception approach and is (at the time of writing) developing implementing regulations. China as well as other countries such as Brazil, Hong Kong, Indonesia, South Korea, and the United Kingdom are all considering proposed copyright exceptions for TDM. India is deliberating on a highly problematic statutory licensing regime to compel the use of copyrighted works for the training of AI models at rates set by Indian government officials instead of the free market.

In this context, we stress that the so called "opt-out" provisions for rightsholders to reserve their rights are inadequate to remedy the critical flaws inherent in TDM exceptions for a variety of practical reasons.[11] Such schemes would create a fundamentally asymmetrical obligation, imposing the onus entirely on copyright holders and inviting legal uncertainty, chilling licensing negotiations, and making enforcement highly challenging.

[11] Opt-out regimes fail to consider that copies of a creative work have downstream uses and can exist on a variety of online platforms (including being proliferated via user-generated content on social media platforms) or even illicitly offered as pirated goods—largely putting such downstream uses beyond the control of the creator or copyright owner and rendering opt-outs ineffective. Moreover, for individual creators and copyright owners, an opt-out regime unnecessarily makes copyright protections and the enjoyment of copyrights conditional on fulfilling certain requirements, raising questions of whether this approach would pass muster under international treaty obligations like the Berne Convention's prohibition of copyright formalities in Article 5. *See* Ed Newton Rex; "Generative AI opt-outs are unfair and unworkable. Let's drop the pretense that they're some sort of compromise"; Music Business Worldwide; November 18, 2024: available at: Generative AI opt-outs are unfair and unworkable. Let's drop the pretense that they're some sort of compromise. - Music Business Worldwide; and Ed Newton Rex; "The Insurmountable Problem With Generative AI Opt-Outs"; available at: Opt-outs — Ed Newton-Rex. *See* also Copyright Alliance Comments to the Commerce and Economic Development Bureau and the Intellectual Property Department of Hong Kong, *Public Consultation on Copyright and Artificial Intelligence*, September 6, 2024, available at: https://copyrightalliance.org/wp-content/uploads/2024/09/Copyright-Alliance_Hong-Kong-IPD-Consultation-Comments.pdf.

DCC Recommendations - Countries that Have or Are Considering TDM Exceptions or Similar Measures

The DCC recommends that the following priority markets be the focus of increased US bilateral engagement concerning their existing or pending broad copyright exceptions for TDM or statutory licensing of copyright-protected content for the training of AI models.

Africa Continental Free Trade Area

The Africa Continental Free Trade Area (AfCFTA) is a free trade zone whose membership includes most African nations. The organization's Secretariat has drafted an Annex to the AfCFTA Agreement on Copyright and Related Rights to the Protocol on Intellectual Property Rights. While the status of and deliberative process regarding the Annex remain unclear, Article 11 on Copyright and Related Rights of the Protocol[12] provides in part:

> State Parties shall provide for balanced copyright and related rights frameworks that encourage and facilitate the protection, access to, and use of works for education, research, scientific inquiry, and the preservation of cultural materials for the advancement of public welfare and sustainable development. In particular, such frameworks shall:
>
> > take into account ***rapid technological developments*** that have disrupted and transformed traditional models of ***production, dissemination and use of copyrighted works***;

This provision in the context of numerous other copyright exceptions provisions at the very least foreshadows interest among AfCFTA member countries and Secretariat regarding possible copyright exceptions for TDM. We strongly oppose the introduction of a copyright exception for TDM in the AfCFTA, reject any opt-out framework as unworkable, and reaffirm our view that there is no need for any AI exception.

Brazil

On December 10, 2024, a new AI bill was passed by the Senate of Brazil, and subsequently transferred to a Special Committee on AI in Brazil's second legislative chamber, where it remains at the time of writing. The AI bill upholds the need for AI developers to secure authorization from, and provide remuneration to, rightsholders for the use of their copyright-protected content in the training of AI models. While this is a positive development, it is critical that any legislation preserve the freedom of private parties to agree to contractual terms for the direct licensing of such content. It is notable that this bill represents a significant departure from Brazil's initial legislative effort in 2021 that proposed to establish a broad copyright exception

[12] Africa Continental Free Trade Area, Protocol on Intellectual Property Rights, Article 11 on Copyright and Related Rights; available at: en_-_afcfta_protocol_on_intellectual_property_rights.pdf.

for TDM similar to that in Japan and Singapore. We strongly oppose the introduction of a copyright exception for TDM in Brazil, reject any opt-out framework as unworkable, and reaffirm our view that there is no need for any AI exception.

China

On February 29, 2024, the National Information Security Standardisation Technical Committee enacted a technical document addressing data security, model security, and security assessments, among other issues, for AI service providers. Under the document, providers of generative AI must identify an IP infringement risk before using data for training and must not use that data if there is such a risk. Other Chinese governmental departments have also published draft regulations for consultation pertaining to other proposed AI national standards and measures and have been proactive in progressing guardrails seeking to safeguard IP rights in the context of generative AI.

Despite this positive development, we understand that the Chinese government has considered the introduction of a copyright exception for TDM, which would be extremely problematic for the US creative sector. Notably, such deliberations have been on-going for over a year and have not resulted the introduction of such an exception. We strongly oppose the introduction of a copyright exception for TDM in China and reaffirm our view that there is no need for such an exception, and that it would promote the offshoring of US AI sector investment, while exposing vast amounts of data to foreign control.

EU

EU law provides for two TDM exceptions that were introduced in 2019 in Directive 2019/790/EU ("the DSM Directive"). Article 3 of the DSM Directive provides for an exception that may be relied upon by research organizations and cultural heritage institutions in order to carry out, for the purposes of scientific research, text and data mining of works or other subject matter to which they have lawful access. Article 4 of the DSM Directive then provides for a broader TDM exception but for which the subject matter must have been "lawfully accessible" and not expressly reserved by the right holders in an appropriate manner. While we do not consider that any TDM exception was, and is, needed, we support efforts via the adoption of the EU AI Act to ensure that copyright holders are able to exercise and enforce their rights effectively.

The EU AI Act was adopted on August 1, 2024, with the majority of the Act entering into force on August 2, 2026, although certain provisions of the Act will take effect on alternate dates. In July and August 2025, the European Commission's AI Office published three measures addressing compliance with the EU AI Act by so-called general purpose AI (GPAI) model providers: the Transparency Template (mandatory for all GPAI model providers), the GPAI Code of Practice (voluntary means to demonstrate compliance), and the GPAI Guidelines (non-binding). It is critical that the EU AI Act is implemented in a manner that preserves strong

copyright protection and enforcement and provides meaningful transparency and recordkeeping in the EU in the context of AI.

Hong Kong

On July 3, 2024, the Hong Kong Commerce and Economic Development Bureau and the Intellectual Property Department initiated a public consultation on copyright and AI, including a proposed amendment to the Copyright Ordinance to introduce a broad copyright exception for TDM for the development, training, and enhancement of AI models. On February 18, 2025, the Hong Kong government announced that it would introduce a TDM exception. Notably, while nearly a year has passed since that announcement, the government of Hong Kong has not introduced such an exception. We strongly oppose the introduction of a copyright exception for TDM in Hong Kong, reject any opt-out framework as unworkable, and reaffirm our view that there is no need for any AI exception.

India

On December 8, 2025, a committee established by the Indian Department for Promotion of Industry and Internal Trade of the Ministry of Commerce and Industry to examine Generative Artificial Intelligence and Copyright issued a Working Paper on Generative AI and Copyright: Part 1, entitled *One Nation, One License, One Payment: Balancing AI Innovation and Copyright*.[13] Included among the Working Paper's recommendations is a proposal to impose a statutory licensing regime to compel the use of copyright protected works and sound recordings for the training of AI models at rates set by Indian government officials.

Similar to the so-called Article 31D proposal to impose a statutory license on the streaming of copyright protected works, which was subsequently renounced and withdrawn by the government of India, this proposal would radically undermine copyright protection in India in the context of AI by eliminating the exclusive right to authorize the use of such works and replacing free market contractual negotiations with Indian government intervention and governmental rate setting procedures favoring Indian interests and facilitating the fleecing of American creators. We strongly oppose the introduction of a statutory licensing of copyright protected works and sound recordings for the training of AI models in India, and reaffirm our view that there is no need for any statutory licensing of copyright protected works or for any copyright exceptions for TDM in India.

Japan

On January 1, 2019, Japan's copyright exception for TDM went into effect. While this highly problematic exception, contained in Article 30(4) of the Copyright Act, provides that it does not

[13] Department for Promotion of Industry and Internal Trade of the Ministry of Commerce and Industry, Government of India, Working Paper on Generative AI and Copyright: Part 1, entitled *One Nation, One License, One Payment: Balancing AI Innovation and Copyright*, December 8, 2025; available at: ff266bbeed10c48e3479c941484f3525.pdf

apply if the action would unreasonably prejudice the interests of the copyright owner in light of the nature or purpose of the work or the circumstances of its exploitation, this caveat falls short of key elements required under Japan's international copyright treaty obligations as it lacks any adequate limitations. We strongly oppose Japan's TDM exception, reaffirm our view that there is no need for such an exception, and call for its repeal.

On January 23, 2024, the Japan Agency for Cultural Affairs (ACA) issued a draft report for public comment that contained guidance on the training of AI models and the generation of synthetic outputs, which did little to address copyright holder concerns with the TDM exception. Following a short consultation period, ACA issued its final report on March 19, 2024. Despite receiving prolific recommendations to narrow or withdraw the TDM exception as well as to expand recordkeeping and transparency obligations for AI developers, the final report included no material changes. The non-binding nature of this ACA guidance further diminishes its ability to ameliorate copyright holder concerns, which remain extremely serious with respect to Japan's TDM exception.

Singapore

Copyright Exception for TDM

On November 21, 2021, Singapore's copyright exception for TDM went into effect. This deeply concerning exception provides that AI developers need to have lawful access to the copyright-protected content used in AI training, but otherwise lacks any adequate limitations. We strongly oppose Singapore's TDM exception, reaffirm our view that there is no need for such an exception, and call for its repeal.

Technological Protection Measure (TPM) Exception for TDM

On April 22, 2024, Singapore's Intellectual Property Policy Division of the Ministry of Law issued a call for public comments on exceptions to anti-circumvention provisions for technological protection measures ("TPMs"), including with respect to the TDM exception introduced in the Copyright Act of 2021. Rights holders responded overwhelmingly to oppose an exception to TPM protections for TDM.

On December 19, 2024, the Government of Singapore issued its decision that it would not proceed with the proposed TPM exception for TDM. In its decision, the Government of Singapore stated that it agreed with rights holders that TPM protection is necessary to support the lawful access safeguard in the TDM exception (i.e., circumventing TPMs means that users would fail to meet the lawful access criteria in the TDM exception, and thus not be able to avail themselves of the TDM). The DCC strongly welcomes this decision and continues to strongly oppose the introduction of any TPM exception for TDM.

South Korea

The South Korean Ministry of Culture, Sport and Tourism has announced that it is reviewing the country's copyright law with respect to AI. On December 15, 2025, South Korea's National AI Strategy Committee published a draft AI Action Plan which includes Action Plan No. 32 which directs various ministries to propose amendments to South Korean laws, including its copyright laws, so that copyrighted works can be used for AI training "without legal uncertainty." We strongly oppose any introduction of a copyright exception for TDM or statutory licensing regime in the context of using copyrighted works to train AI in South Korea, reject any opt-out framework as unworkable, and reaffirm our view that there is no need for any AI exception.

Switzerland

In September 2025, the Commission of the Council of States adopted a motion requesting the Federal Council to:

> …create the necessary conditions to ensure that journalistic content and other works and services covered by copyright are fully protected when used by AI providers. In doing so, it must be ensured that Switzerland's position as a center of economic activity and innovation is not weakened or disadvantaged in international competition with regard to AI research, development, and commercialization.

If this proposal moves forward, the Council would work with the Swiss Intellectual Property Office on developing relevant measures. While we welcome the motion's stated support for the protection of copyright-protected content used by AI developers, we strongly oppose any introduction of a copyright exception for TDM in Switzerland, reject any opt-out as unworkable, and reaffirm our view that there is no need for such an exception.

United Kingdom

The United Kingdom currently has a narrow copyright exception for TDM that is limited to the non-commercial use of copyright-protected content under section 29A of the Copyright, Designs and Patents Act 1988. However, the UK government launched a public consultation on AI and IP in December 2024, putting forward a preference for a new commercial TDM exception which, if adopted, would be highly detrimental to the continued sustainability of the creative industries operating in the United Kingdom.

Following significant criticism of its proposal, the UK government has announced that it no longer has a preferred outcome to the consultation, and that "if it does not work for creators" the government will not proceed with any reforms. The government is now organizing stakeholder roundtables. Any further legislation would have to be announced in the next King's Speech, in the Spring 2026. We strongly oppose any introduction of a copyright exception for TDM in the

UK, reject any opt-out as unworkable, and reaffirm our view that there is no need for such an exception.[14]

United States-Mexico-Canada Agreement

As part of the ongoing review or otherwise, it is critical that Chapter 20 on Intellectual Property Rights of the US-Mexico-Canada Agreement (USMCA) not be opened and that any efforts to diminish copyright protection under the Agreement or in the laws of Canada or Mexico be strongly rejected. This is particularly important in the context of copyright exceptions for TDM. Under Chapter 20, Mexico and Canada have agreed to binding commitments to the United States to provide strong exclusive rights for American creators and such exceptions would violate those commitments. The US government should oppose any calls to amend Chapter 20 to include copyright exceptions for TDM.

In this context, it is critical to note that the first Trump Administration rejected attempts to weaken copyright protections during the USMCA negotiations. Of particular importance in the AI context, the Administration dismissed proposals by certain stakeholders to add expansive language on copyright exceptions from the Obama Administration's Trans-Pacific Partnership Agreement into the USMCA and to include a copyright exceptions for TDM in the text of the Agreement.[15] The Administration's decision to reject this proposal was strongly supported by the creative sector and prevented the devastating impact of the proposal on American creators.

Vietnam

In October 2025, the Vietnamese government proposed to amend its Law on Intellectual Property to include a copyright exception for TDM, which was subsequently passed on December 12, 2025, and will enter into force on April 1, 2026. The process by which this amendment was adopted fell far short of basic due process standards, where meaningful stakeholder engagement was effectively absent and transparency regarding ministerial and legislative deliberations were highly deficient in the context of so-called expedited review procedures.

The adoption of this measure that is woefully lacking both in terms of substance and process is particularly concerning given that it was conducted concomitant with negotiations with the US Government regarding the recently-concluded bilateral trade deal, which contains commitments

[14] See Copyright Alliance letter to Rt Hon Peter Kyle MP, Secretary of State for Science, Innovation and Technology, Department of Science, Innovation, and Technology; December 10, 2024; available at: https://copyrightalliance.org/wp-content/uploads/2024/12/Copyright-Alliance-Letter-Re-AI-and-Copyright.pdf. See also *Financial Times*, "US Media Groups Warn UK Over AI Content-Scrapping Rules", December 12, 2024; available at: Financial Times 12 Dec 2024 US Media Groups Warn.

[15] Trans-Pacific Partnership Agreement (draft text); Article 18.66 Balance in Copyright and Related Rights Systems; available at: TPP-Final-Text-Intellectual-Property.pdf

regarding both IP protection and good regulatory practice.[16] We strongly oppose the introduction of this copyright exception for TDM in Vietnam, reject any opt-out as unworkable, and reaffirm our view that there is no need for such an exception. Moreover, we urge Vietnam to ensure that any implementing decrees severely limit this amendment until this copyright exception can be suspended and repealed.

Positive Developments

Australia

On August 5, 2025, the Australian government's Productivity Commission issued a report on harnessing data and digital technology, which included a recommendation to amend the Copyright Act of 1968 to include a copyright exception for TDM. On October 26, 2025, however, the Australian government rejected the Commission's recommendation. The DCC applauds the Australian government's decision to reject the adoption of a copyright exception for TDM and welcomes Australia's support for creators and defense of copyright in the AI context.

Chile

On May 7, 2024, the previous President of Chile introduced an AI bill to the Chamber of Deputies of the Chilean Congress, without consultations with creative community stakeholders. Article 31 of the bill would amend the Chilean Copyright Act to introduce a vast copyright exception for TDM. In October 2025, however, the relevant congressional committee voted to remove the proposed TDM exception, and to include several positive elements, including a provision that ensures that AI systems should be developed and deployed in accordance with IP rules (Article 4). The DCC applauds the Chilean government's decision to reject the adoption of a copyright exception for TDM and welcomes Chile's support for creators and defense of copyright in the AI context.

[16] White House, "Joint Statement on United States-Vietnam Framework for an Agreement on Reciprocal, Fair, and Balanced Trade", October 26, 2025, available at: Joint Statement on United States-Vietnam Framework for an Agreement on Reciprocal, Fair, and Balanced Trade – The White House, providing: "Viet Nam has agreed to address many such barriers including, for example, by accepting vehicles built to U.S. motor vehicle safety and emissions standards; addressing import licenses for U.S. medical devices; streamlining regulatory requirements and approvals for U.S. pharmaceutical products; ***fully implementing Viet Nam's obligations under certain international intellectual property treaties to which it is a Party***; and addressing U.S. concerns with conformity assessment procedures" and "The United States and Viet Nam will engage to ***address intellectual property***, labor, environment, customs and trade facilitation, ***good regulatory practices***, and any distortionary behaviors of state-owned enterprises."

Colombia

On July 28, 2025, the Colombian government introduced legislation to regulate AI. Notably, the draft does not include a TDM exception and instead requires mandatory consent for the use of copyrighted content by AI developers. The DCC applauds the Colombian government's decision to reject the adoption of a copyright exception for TDM and welcomes Colombia's support for creators and defense of copyright in the AI context.

Peru

On September 10, 2025, the Peruvian government issued Supreme Decree 115-2025-PCM, which implements the Peruvian AI Law passed in 2023. The AI Law is high-level and does not contain a copyright exception for TDM. Notably, the Supreme Decree also excludes a TDM exception, and includes the protection of copyright and related rights as a "ruling principle" under Article 7 of the Decree. The DCC applauds the Peruvian government's decision to reject the adoption of a copyright exception for TDM and welcomes Peru's support for creators and defense of copyright in the AI context.

Conclusion

The DCC strongly encourages the US Government to actively engage with countries and international organizations to promote strong copyright protection in the AI environment, including to oppose copyright exceptions for TDM, to continue the Administration's support for G7 and other commitments regarding respect for copyright protection in the AI environment, and to ensure that all countries protect creators and respect copyright. Likewise, we recommend that the Special 301 Report explicitly state the US Government's policy of respecting copyright in the AI context and of opposing copyright exceptions for TDM. We look forward to working with the US Government in its international engagement on these critical issues and stand ready to provide any assistance with respect to these priorities.

Sincerely,

American Association of Independent Music
American Federation of Musicians
American Society of Composers, Authors and Publishers
American Society of Media Photographers
Artist Management Association
Artist Rights Alliance
Artist Rights Institute
Association of American Literary Agents
Association of Independent Music Publishers
Association of Writers & Writing Programs

Austin Texas Musicians
The Authors Guild
Black Music Action Coalition
Choreographers Guild
Concept Art Association
Copyright Alliance
Copyright Clearance Center
Department for Professional Employees, AFL-CIO
Directors Guild of America
Fan Alliance
Future of Music Coalition
Georgia Music Partners
Independent Film & Television Alliance
International Alliance of Theatrical Stage Employees
International AntiCounterfeiting Coalition
Music Artists Coalition
Music Managers Forum - US
Nashville Songwriters Association International
National Association of Voice Actors
National Music Council of the United States
National Music Publishers' Association
News/Media Alliance
Production Music Association
Professional Photographers of America
Recording Academy
Recording Industry Association of America
Screen Actors Guild-American Federation of Television and Radio Artists
SESAC Music Group
The Society of Composers & Lyricists
Songwriters of North America
SoundExchange