

British Copyright Council: Generative artificial intelligence in education: call for evidence

The British Copyright Council (BCC) represents those who create, hold interests, or manage rights in literary, dramatic, musical, and artistic works. The following response has been developed with our membership which include professional associations, industry bodies and trade unions which collectively represents the voices of over 500,000 creators, spanning the creative industries.

These right holders include many individual freelancers, sole traders, and SMEs, as well as larger corporations within the creative and cultural industries. Our members also include collecting societies which represent right holders, and which provide licensed access to works of creativity. A list of our members can be found [here](#).

Many BCC members are creators who increasingly work with AI technologies as both assistive and generative tools linked to the works they create. On the other hand, many creators are extremely concerned with good reason, that AI-outputs are and will be used instead of human-authored work. As such, transparency over how creative works can be ingested and adapted throughout this process will be increasingly important and IP licensing safeguards will remain vital to protect against the unfair use and devaluation of copyright protected work. This can be accomplished by respecting existing UK copyright and related rights laws.

The Committee is seeking evidence on the following questions (there is no requirement to answer all questions in your submission):

What are your main concerns about using generative AI in educational settings?

Over the past few years, the British Copyright Council has responded to numerous government consultations concerning the relationship between copyright works and generative AI. We would point the committee towards our [2022 response](#) to the IPO's TDM Consultation, [2023 response](#) to the House of Lords Governance of Artificial Intelligence (AI) inquiry, and our [2023 response](#) to the Government's recently released White Paper for our broader thoughts on the emergence of AI and its accompanying challenges and opportunities for creators and right holders.

The use of AI in educational settings can raise issues related to trust in the source of material used and potential copyright infringement, especially when it comes to generating content using AI models. AI models are also often trained on large datasets that include copyright material. As a result, content generated by AI might not only closely resemble existing

works which are protected by copyright but might also be created through a machine-learning process which directly infringes on the rights of creators and right holders.

Not only does this risk undermining existing licensing arrangements which are pivotal to ensuring that high quality educational material and data is incorporated in classroom teaching, it can also lead to unintentional plagiarism. AI-generated content can inadvertently replicate phrases, pictures, and sentences from existing sources. This further highlights the need to ensure adequate copyright literacy is recognised as an important skill for students and working professionals. From an educational perspective, this lack of originality could lead to challenges in demonstrating independent thought and creativity, which are important aspects of educational assessment.

Furthermore, whilst the ethical use of generative AI in educational settings offers many opportunities for innovation, this should not take place at the expense of creative skills and original creative works which are the focus for education.

AI-generated content should not be seen as a substitute for original works. We need to ensure that all children and young people receive a full and rounded education in key creative disciplines and that institutions of further and higher education continue to offer courses that equip students with the skills and tools to create original works.

Educators and institutions also need to understand the specific copyright laws in their region and how they apply to AI-generated content. Some copyright laws include exemptions for educational purposes, but the scope of these exemptions can vary.

Within the UK the copyright framework has been developed to provide a strong licensing framework for the use of copyright works of all kinds in an educational context. Crucially this has also involved educational establishments having access to a range of licences through collective management organisations. Licences in schools across the UK have been facilitated in some case by helpful central payment mechanisms, including those supported by the Department for Education¹.

Educators and students should be transparent about using AI tools (which are themselves based upon copyright protected works) to generate content and ensure that they are still engaging in genuine learning and creative processes. To address the concerns outlined above, educational institutions and individuals using AI-generated content within school settings should:

- Educate students and educators about copyright law and related rights.
- Implement guidelines for using AI-generated content, including proper attribution and adherence to copyright law.

¹<https://www.gov.uk/guidance/copyright-licences-information-for-schools>

- Ensure learners develop critical thinking and the skills necessary for original content creation alongside the use of AI tools.
- Stay updated on copyright laws and guidance specific to the use of AI in educational settings.

Ultimately, balancing the benefits of AI-generated content with respect for copyright and intellectual property rights is crucial to maintain ethical and legal practices in education.

Many of the BCC's members are Collective Management Organisations closely involved with licensing the use of members' works in educational contexts.

It is hoped that the Committee will recognise the importance of these licensing structures and will support the evolution of licensing terms as the use of AI technologies within education develops.