

Video Games Europe response to the European Commission's Call for Evidence on an AI Strategy for the Cultural and Creative Sectors

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Introduction

Video Games Europe welcomes the European Commission's Call for Evidence and the preparation of an EU strategy on artificial intelligence in the cultural and creative sectors. Artificial intelligence is already affecting how cultural works are created, financed, produced, localised, distributed, discovered and enjoyed. A coherent European approach can help cultural and creative businesses use AI responsibly, protect Europe's creative assets and strengthen the capacity of European companies to compete globally. Artificial intelligence has been used in the video games sector for many purposes, including the control of in-game opponents, generating non-player character (NPC) dialogue, safety and content moderation, cheat detection, among other uses.

The strategy should be ambitious about innovation, recognising the importance of copyright, freedom of contract and creators' rights. These objectives are not inherently opposed: for our industry, creative ambition, technological development and intellectual property protection form part of the same ecosystem. The strategy should therefore avoid framing cultural creators and AI or technology companies as opposing constituencies. Video games companies illustrate the convergence: they are creators and rightsholders, but they are also technology developers, AI deployers and customers of European and international technology providers.

Video games are a core European cultural and creative sector

Video games should be recognised explicitly and consistently throughout the strategy as a major cultural and creative sector. They are not merely software products or entertainment services. They bring together code, audiovisual works, music, writing, performances, animation, design, brands and interactive systems to create a distinctive cultural form. Their defining quality is participation: players do not simply observe a video game, but explore it, engage with it and make choices within it, frequently experiencing it with others.

European games draw on the continent's histories, languages, literature, mythology, architecture, music and visual traditions, while creating new characters, stories and worlds that reach global audiences. They support a broad creative ecosystem of writers, artists, composers, performers, designers, programmers and specialist technology companies. Independent studios also provide an important route for regional, minority and experimental creative voices. Video games are now part of the everyday cultural life of Europeans across generations and increasingly form part of education, museums, exhibitions, concerts and academic study.

This cultural importance is not always reflected in policy. Video games are still too often considered primarily through the lenses of technology, consumer protection or potential harm. The strategy offers an opportunity to correct that imbalance. Europe cannot pursue cultural sovereignty, cultural diversity or a sustainable creative economy while treating its most interactive and technologically advanced cultural medium as peripheral.

AI opportunities for the video games sector

The video games industry has long used certain forms of AI. AI tools can support programming, animation, testing, quality assurance, localisation, accessibility, player support, safety, fraud detection and the management of complex development processes. Used well, they can reduce repetitive work, allow creative professionals to concentrate on higher-value tasks, and help studios bring ambitious projects to market. They can also make games more accessible, improve localisation into European languages and enable smaller studios to undertake work that previously required much larger teams or budgets. Any strategy should rely on the AI Act's definition of an AI system, and should not extend cultural policy obligations to long-established techniques or technologies.

The strategy should not focus only on generative AI or on a narrow conception of cultural production. It should cover the full range of responsible uses relevant to the creative lifecycle and recognise the substantial differences between general-purpose AI models, specialist development tools, internal business systems and AI-enabled features incorporated into particular products. The legal, commercial and societal issues raised by these uses are not identical and should not be treated as though they were.

Human creativity, agency and AI-assisted works

Video Games Europe supports the Commission's objective that AI should reinforce human creativity and agency. Technology should expand creative possibilities and give people better tools. It should not be allowed to erode respect for creative work or to remove human accountability from decisions that materially affect individuals.

However, the statement that AI should 'complement and not replace' human creativity should operate as a strategic orientation, not as a prescriptive rule governing how creative businesses organise production. The appropriate relationship between people and technology will differ between tasks, projects and sectors. Attempts to abstractly define an acceptable quantum of human involvement would be unworkable, intrusive and likely to quickly become obsolete.

Our industry routinely licenses athlete, talent, voice and motion-capture performances on a large scale under negotiated agreements that already handle consent, scope and remuneration, including for replicas. The strategy should support consent- and contract-based approaches and should not propose new unwaivable statutory rights, mandatory collective bargaining or compulsory remuneration mechanisms for AI-assisted or replica performances, which would displace functioning contractual arrangements and risk fragmenting the internal market as Member States legislate divergently on image and personality rights.

The reference to 'genuine human creation' also requires care. It must not create a hierarchy in which works produced with lawful AI-assisted tools are treated as culturally suspect or less worthy of support. Nor should the strategy prejudge questions of copyright subsistence, authorship or ownership, which must continue to be determined under applicable law on the facts of each case. Technology-neutral policy and creative freedom are essential if European cultural businesses are to experiment responsibly and remain competitive.

Copyright, rights reservations and licensing

Copyright is indispensable to the video games industry. It enables companies to invest in ambitious, high-risk projects, sustain skilled employment, license technologies and creative contributions, and bring culturally significant works to audiences worldwide. Games are composite products involving multiple layers of rights and licences, including software, audiovisual content, music, performances, literary material, designs, databases, middleware,

user-generated content tools and third-party technologies. The treatment of games in AI systems can therefore raise unusually complex questions of ownership, authorisation and enforcement.

The proposed strategy should affirm that the development and use of AI must respect copyright and related rights. Rights reservations under Article 4 of the DSM Copyright Directive (Directive (EU) 2019/790) must be effective and enforceable in practice, and the framework of Article 53 of the AI Act must be made to work in practice, through usable summaries and meaningful enforcement. Solutions for expressing rights reservations should be practical, scalable, technologically neutral and capable of evolving, recognising that different mechanisms may be appropriate for different types of works, distribution environments or rightsholders. It is important to highlight the challenges that this point poses for our sector: the game industry's unique challenge with reservation stems from the fact that content is widely accessible via gameplay videos, streams, etc., which are hosted by third parties. A reservation by a rightsholder should be effective regardless of the channel through which the works reach a crawler, and rightsholders should not be required to place technical signals on every third-party copy in order to preserve their rights. The strategy should promote interoperability and legal certainty rather than create new evidentiary or disclosure obligations outside the applicable legislative framework.

At the same time, the Article 4 text and data mining framework provides important legal certainty for lawful AI research and development. The strategy should preserve that balance rather than anticipate or duplicate the Commission's separate review of the DSM Copyright Directive. It should support voluntary licensing markets where licences are needed and commercially viable, respect freedom of contract and encourage interoperable tools that reduce transaction costs. It should not promote compulsory or extended collective licensing, mandatory remuneration rights, forced access to content or data, or presumptions that protected works have been used merely because an AI system can generate material of a similar type or style. Video Games Europe believes that the DSM Copyright directive is fit for purpose, and that the AI Act helps rightsholders to enforce their rights against unlawful uses. We do not support a review of the DSM Copyright Directive.

Proportionate transparency and effective enforcement

Meaningful transparency can assist rightsholders, improve accountability and support confidence in the AI market. It must nevertheless be proportionate, technically feasible and directed towards the actors that control model training and the relevant data. Obligations placed indiscriminately on downstream deployers or creative companies using third-party tools would add cost without necessarily providing useful information.

It is important that transparency obligations are limited to non-confidential information: these must protect trade secrets, cybersecurity, confidential development information, and the integrity of anti-fraud and player-safety systems. Video game development involves valuable source code, unpublished assets, security architecture and commercially sensitive production data. A cultural strategy should not create expectations of disclosure that undermine the assets it is intended to protect. Enforcement should be targeted and evidence-based, with appropriate procedural safeguards, rather than built around automatic presumptions or requirements that amount to self-incrimination. We caution against the strategy establishing a parallel set of cultural-sector labelling or disclosure expectations on top of the framework established by the AI Act.

A coherent and proportionate regulatory framework

The proposed strategy should build on the EU's extensive existing framework, including the DSM Copyright Directive, the AI Act, the Data Act, the Digital Services Act, the GDPR, consumer law

and cybersecurity requirements. Its added value should lie in strategic direction, coordination, funding, skills and practical support, not in creating a parallel layer of sectoral AI regulation.

Any proposal for additional legal obligations should be supported by evidence of a clearly identified gap that cannot be addressed through implementation, guidance, voluntary standards or enforcement of existing law. Measures should be risk-based, proportionate, and sensitive to the role played by the relevant actor. Particular care is needed to ensure that compliance obligations are proportionate and scalable, and that they do not create unnecessary barriers to innovation, especially for SMEs and smaller developers.

Funding, infrastructure and collaboration

Video games companies and interactive works should be eligible on equal terms for support under existing EU programmes, including Creative Europe, Digital Europe and Horizon Europe, and under their relevant successor instruments in the 2028–2034 Multiannual Financial Framework, including the proposed European Competitiveness Fund. Funding definitions and selection practices have not always reflected the cultural importance or technical characteristics of video games. The new strategy should ensure that interactive works and game-development technologies are included explicitly, rather than left to compete under categories designed for older media.

Priority areas should include responsible sector-specific AI tools, localisation into European languages, accessibility, testing and quality assurance, safety, skills, research collaboration and practical experimentation. SMEs need accessible routes to expertise, compute, testing facilities, regulatory sandboxes and clear guidance. Application procedures should be proportionate and commercially realistic.

Collaboration between cultural businesses and European AI developers can strengthen both sectors. It should be based on voluntary, mutually beneficial arrangements and respect for intellectual property, contracts and confidential information. Participation in common data spaces, shared datasets or model-training projects must remain voluntary and rights-respecting. No company should be required to pool valuable content or proprietary data as a condition of receiving public support or participating in the European AI ecosystem.

Cultural and linguistic diversity, accessibility and inclusion

AI can help European works reach wider audiences by improving localisation, accessibility, search and discovery. This is particularly relevant to smaller European language markets and to players with disabilities. Support for language technologies and culturally aware tools can reduce barriers that would otherwise prevent content from travelling across borders.

Maintaining cultural and linguistic diversity in AI also depends on access to diverse, high-quality sources of information and creative expression. AI systems are better able to understand and serve Europe's many languages, cultures and communities when they can learn from a broad range of publicly available content, including materials reflecting Europe's rich cultural heritage.

Cultural diversity is not, however, secured merely by imposing quotas, origin requirements or prescriptive criteria on creative works and AI tools. Such measures can restrict creative freedom and make European companies less competitive without ensuring that audiences choose European content. The more sustainable approach is to enable European creators to produce compelling works, retain control over their assets and distribute them effectively at home and abroad. 'European digital cultural sovereignty' should mean greater European capability and resilience, not technological protectionism or isolation from global markets.

Policymakers should therefore focus on creating conditions that enable innovation while supporting creators and cultural industries. Measures that expand access to knowledge,

strengthen language technologies and support the development of culturally aware AI tools are likely to be more effective than prescriptive requirements that seek to dictate outcomes. European digital cultural sovereignty should mean strengthening Europe's capacity to create, innovate and compete globally, while ensuring that AI technologies reflect and support Europe's cultural and linguistic diversity.

Skills and the future creative workforce

The proposed strategy should support AI literacy, professional development and workforce adaptation across the cultural and creative sectors. Training should reflect actual roles and production practices rather than offer generic courses detached from sectoral needs. Creative professionals should understand both the capabilities and limitations of AI tools, including questions of copyright, confidentiality, bias, quality control and accountability.

The impact of AI on employment should be monitored carefully, but policy should not begin from a predetermined assumption of widespread replacement. AI may change tasks, workflows and skills, while also creating new roles and making existing professionals more productive. Evidence should be gathered by sector, occupation and company size. Social dialogue and company-level workforce planning can then respond to demonstrated developments rather than speculative forecasts.

Governance and international engagement

Video games must have a meaningful place in the strategy's development, governance and implementation. The Commission should establish a structured dialogue involving representative sector associations, publishers, studios of different sizes, national trade associations, creative professionals, AI providers and relevant research bodies. The sector should also participate in the design and evaluation of funding calls, skills programmes and collaborative initiatives that affect it.

A whole-of-Commission approach is necessary to ensure coherence between cultural, digital, industrial, competition, trade and copyright policy. The Commission should also defend European interests in international cultural and intellectual property fora while remaining committed to open markets and international collaboration. Divergent national approaches would fragment the internal market and make it harder for European cultural businesses to develop and deploy AI responsibly at scale.

Lastly, the Commission should promote regulatory certainty, support innovation and investment, and avoid unnecessary fragmentation of the Single Market. Consistent and technology neutral rules can help European companies of all sizes develop and deploy AI responsibly while ensuring that Europe's creative sectors remain globally competitive and can continue to reach audiences around the world.

Conclusion

The proposed strategy can make an important contribution if it recognises that Europe's creative economy is both cultural and technological. For video games, copyright protection, human creativity, innovation and competitiveness are mutually reinforcing. The Commission should explicitly recognise video games as a core cultural and creative sector; preserve the balance and legal certainty of the existing copyright framework; support effective rights reservations and voluntary licensing; avoid duplicative or prescriptive regulation; provide practical access to funding, infrastructure and skills; and ensure that the sector is represented in the strategy's governance.

Properly framed, the strategy could help European cultural businesses use AI with confidence while protecting the creative assets, rights and diversity on which their future depends.

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About Video Games Europe

Video Games Europe comprises national trade associations covering 18 countries throughout Europe. Video Games Europe also has as direct members the leading European and international publishers, many of which have studios with a strong European footprint, which produce and publish interactive entertainment and educational software. Video Games Europe is the founder of PEGI.

The video games industry represents one of Europe's most compelling economic success stories, relying on a strong IP framework, and is a rapidly growing segment of the creative industries. There are around 6,000 game developer studios and publishers in Europe, employing over 116,000 people. www.videogameseurope.eu

