

KLYS



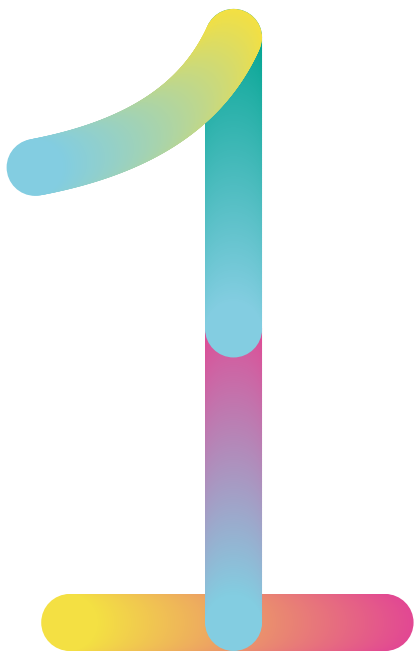
**Recommendations
for use of**



generative AI

About KLYS's recommendations

A growing number of public institutions, companies and organisations are using generative AI to produce texts, images, animations or other types of material. To allow users to make responsible choices, KLYS has produced a set of recommendations focusing on sustainability, diversity and quality within the culture field. These recommendations can be used by creative professionals as a basis for fair terms and payment as well as to promote and develop new works of art and other forms of cultural content.



**Respect and
protect copyright**

Copyright is fundamental to every artistic and creative pursuit. It is protected by the constitution and should be respected and protected at all times, including when using AI. Using a copyright protected work or other subject matter without permission or an applicable provision in copyright law is an infringement of copyright.

To reduce the risk of copyright infringement, it is essential to be aware of copyright legislation and ensure that procedures for using copyrighted material are well-defined and transparent.

Organisations that use generative AI should have internal routines for reviewing and ensuring that AI-generated material has not been mined from protected works or other subject matters without permission.



**Do not use AI
tools that induce
infringement
of copyright**

AI models are typically trained on large data sets, often mined from copyrighted works. Without explicit permission from the copyright holder, e.g. in the form of licences, or if the training is not supported by a provision in copyright law, this constitutes an infringement of copyright.

It has not yet been established whether the existing provision for text and data mining is applicable to generative AI models. However, it is undisputed that training carried out by commercial entities within the EU in cases where copyright holders disallow use and no valid licence exists, is not permitted. Several Swedish licensing and collecting societies representing affected copyright holders have made collective reservations – opt outs – on account of their members.

Against this background, a copyright assessment should always be made before using generative AI.

Users should consider the following points:

- Identify what kind of training data the supplier of the AI model has used – and will be using – when developing their service and whether any permits and licences from copyright holders exist. If there is a risk of unlawful training, the service should not be used without permission. Permission can normally be obtained from collecting societies that represent copyright holders.**
- Identify in what way the supplier of the AI model will be using the data that is fed into the system via a prompt, or whether the supplier will be claiming any rights to the created content. This should be included in the terms of use. However, terms are often vaguely formulated. It is therefore important to make your own assessment.**

- Identify whether the supplier has been involved in a copyright lawsuit or if they are waiving liability, which may be an indication against using the service.

If your risk assessment suggests that the service should not be used, it is recommended to instead select a licensed model, or models that are proven to have been trained on copyrighted works with permission.



**AI-generated
material is not
subject to copyright**

As copyright can only be established for works and achievements made by humans, something that has been created solely by an AI model cannot be granted copyright status. As a result, AI-generated texts, images, music, films and animations can be used by anybody in any way they like without any right to compensation. So-called AI-assisted material, on the other hand, whereby AI is merely used as a creative tool, can be considered a copyright protected work if a human has been involved in the process to such an extent that the person in question can be considered the author of the work.



**Clearly state
whether your material
is AI-generated**

Knowing the identity of the sender of a message is a fundamental right in an open information society and a democracy. Much of the information that is disseminated is in the form of disinformation and fake news. It is therefore essential to clearly state whether the disseminated material is AI-generated. Use of generative AI places greater demand on openness and citing of sources.

Professional entities that disseminate AI-generated material should provide clear guidelines for how and when they are to declare that the material is AI-generated. This can be done in print, via document metadata or watermarking.



**Putting your name on
AI-generated material
is misleading**

The moral right to intellectual property within the legislation identifies the right for a person who has produced a work or other subject matter to be named. It is therefore misleading to put your name on an image, text, piece of music, film or animation that is entirely AI-generated as you cannot claim to have participated in the creative process of a machine.

To pose as the author of AI-generated material not only misrepresents the creative process, it can also result in unfair competition on the culture and media markets and affect the terms of creative professionals.



**Do not feed other
people's work into
generative AI**

Users should never use the work of others to train AI models without permission. This constitutes an infringement of copyright. You need to pay attention to the type of information that is entered into the model.

The major AI-modelling companies on the market provide terms of use that give them the right to use all uploaded material freely, including that of users who are copyright holders. If you are not certain of the material's legal status, it is recommended that you do not do anything without explicit permission. Material that is freely available on the internet cannot be used either, as it may have been made available to the public without permission.



**Do not produce
material in the unique
style or manner of
another person**

Material that is generated in an AI-model may resemble the copyrighted work or achievements of a real person. Artists and other creative professionals invest a great deal of time, energy, education and money in their work. They often produce a style or manner that adds value.

Style and manner are not currently protected by copyright law. This is a problem for many creative professionals, as generative AI now makes their style or manner easily accessible to others. You should never profit from the work of others by producing material in the style or manner of others, regardless of current legislation.

Sometimes material is generated that not only resembles the style and manner of someone else, but also their protected work or other subject matter. This may be considered plagiarism. Make sure that the AI-generated material does not resemble copyright protected material.



**Do not
replace creative
professionals' work
with generative AI**

The safest and most responsible thing to do is to employ a creative professional for the job.

Replacing creative professionals' work with generative AI results in loss of commissions and inferior terms within the creative community. In the long term, it will affect quality and diversity within the culture and media sectors. Generative AI should only be used to produce material that does not require the input of a creative professional.

Safeguarding human creativity guarantees a vibrant culture market in the future.

KLYS is a united voice for artists and creative professionals in Sweden. Via our 14 member organisations we represent some 30,000 authors and performing artists within image/design, theatre/film, music, literature and journalism.

- **Swedish Writers Union**
- **Script Writers Guild of Sweden**
- **Swedish Union of Journalists**
- **Swedish Association of Authors of Educational Material Writers**
- **Visual Artists' Association of Sweden**
- **Association of Swedish Illustrators and Graphic Designers**
- **Association of Swedish Professional Photographers**
- **Society of Swedish Composers**
- **Swedish Association of Composers, Songwriters & Lyricists**
- **Swedish Federation of Musicians**
- **Swedish Union for Performing Arts and Film**
- **Sveriges Scenkonstregissörer**
- **Independent Filmmakers' Union of Sweden**
- **Swedish Directors (theatre directors)**
- **Swedish Union for Clerical and Technical Employees in Industry, at the Swedish Radio, Swedish Television and Swedish Educational Radio**

Read more on klys.se where you will also find a glossary with definitions of the words and concepts we use in our AI recommendations.

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**A united voice for
Sweden's artists and
creative professionals**

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