VALUING HUMAN CREATIVITY IN THE AGE OF AI

Coalition
for the Diversity of
Cultural Expressions

Report on the Reflection Day held as part of the National Summit on Artificial Intelligence and Culture

prepared by the UNESCO Chair in Communication and Technologies for Development for the Coalition for the Diversity of Cultural Expressions (CDCE)

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As part of the event Valuing Human Creativity in the Age of AI – On the Road to the National Summit on Artificial Intelligence and Culture, organized by the Coalition for the Diversity of Cultural Expressions (CDCE) and held on February 11, 2026, at the National Arts Centre in Ottawa, multiple perspectives on the impact of artificial intelligence (AI) on human creativity were brought into dialogue in order to foster collective reflection.

This document provides a structured account of the presentations and discussions that took place during this day of reflection. It aims to report, in clear and rigorous language, on the analyses, examples and debates that shaped this professional gathering dedicated to the challenges posed by AI in the cultural and creative sectors.

View the program and the speakers

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Opening remarks

In opening the day, Marie-Julie Desrochers, Executive Director of the CDCE, immediately highlighted the strong level of engagement reflected in the high participation rate. She interpreted this as a clear indication of a collective need to reflect on the impacts of artificial intelligence (AI) on cultural ecosystems and on the actions that must be taken as a matter of urgency. She put forward a guiding idea that would run through the entire day: for many actors in the sector, the ability to value human creativity is a fundamental condition of cultural sovereignty.

At the beginning of her remarks, Marie-Julie Desrochers recalled the mandate of the CDCE, which is to carry the collective voice of Canada's cultural sector and to advocate for public policies capable of supporting creation in a highly globalized and digitized economy. She specified the organization's foundation, which brings together more than fifty member organizations, as well as the scope of the representation it claims: more than 350,000 creators and more than 3,000 cultural enterprises across both the country's francophone and anglophone markets. She also placed the discussion within a historical and multilateral perspective, recalling that Canada was the first country to ratify UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter the "2005 Convention"), an instrument that affirms the right of States to adopt cultural policies within their territory. In continuation of this commitment, she noted that the 19th session of the Intergovernmental Committee, bringing together Parties and civil society organizations, would take place at UNESCO from February 17 to 20, 2025, during which, among other issues, the foundations of a first international legal instrument explicitly dedicated to the relationship between AI and culture would be discussed. She presented this moment as potentially decisive, as it could mark the transition from merely identifying risks to establishing binding rules aimed at protecting human creation.

Marie-Julie Desrochers then clarified the overall objective of the day: first, to better understand what AI concretely entails within the cultural industries; second, to highlight what makes human creativity irreplaceable; and finally, to identify possible courses of action to ensure its preservation. She emphasized the desire to "build bridges" between artists and public decision-makers, between legal frameworks and on-the-ground realities, as well as between Canadian, Indigenous and international perspectives, while offering special thanks to speakers who had travelled from abroad. She also positioned the event as a preparatory step toward the National Summit on AI and Culture, scheduled to take place in Banff on March 16–17, 2026,

and announced the publication of this synthesis report.

John Degen then took the floor, adopting a perspective closely tied to the rights of creators. He referred to his various roles as Executive Director of the Writers' Union of Canada, a volunteer contributor to the CDCE, and President of the International Authors Forum, which represents more than 800,000 authors worldwide.

His intervention primarily aimed to challenge a dynamic that he considers dismissive. In debates on technology, cultural workers, particularly authors, are often portrayed as fearful, uninformed, or incapable of understanding innovation, especially when they raise what are considered "boring" questions about their rights and livelihoods.

To counter this narrative, he recalled his long-standing engagement in digital humanities and in work related to machine learning, emphasizing a core principle that guided his research at the time: no work was digitized without prior authorization. From this reminder, he drew a central message: creators are not opposed to technology as such; rather, they demand that its development be accompanied by fair rules. He summarized this requirement in three terms – authorization, remuneration, and transparency (ART) – noting that these concepts would be central to the subsequent panels. In doing so, he placed the question of regulation within a broader perspective of cultural sovereignty: the challenge is to ensure that innovation does not unfold at the expense of authors' rights or undermine the material conditions that make creation possible.

Finally, Johane Despins, serving as master of ceremonies, presented the program for the day.

1. Understanding AI Today: What Transformations for the Creative Industries? (Chloé Sondervorst, Producer, CBC/Radio-Canada)

Chloé Sondervorst begins with an in-depth reflection on AI and the transformations it is bringing about within the creative industries. Her analysis goes beyond viewing AI as a technological tool; instead, she considers it a structuring phenomenon within today's media, cultural and economic ecosystem.

AI as Infrastructure

Drawing on her journalistic practice, Chloé Sondervorst opens the discussion by looking at the space of social media, where AI now organizes a large share of interactions and the visibility of content. She refers to her use of platforms such as

TikTok and LinkedIn to spark public discussions about the transformations associated with AI. Following the publication of a video about the development of AI, she received a comment from an internet user asking why she had “disappeared” for several years.

This seemingly trivial question reveals a fundamental reality: what is not selected and promoted by algorithms is, in effect, rendered invisible. From this example, Chloé Sondervorst argues that AI should be understood not only as a technology for generating content, but also as a communicational, cognitive and creative infrastructure. She emphasizes that these systems, now omnipresent in the mediation of information, increasingly tend to take on the role of an everyday “advisor” for a growing number of users. She proposes revisiting recent developments through three “acts.”

Act 1 – AI in Culture

The first part of the presentation examines the rapid introduction of generative AI tools into the cultural sphere. Chloé Sondervorst notably refers to the AI reinterpretation of the famous print The Great Wave off Kanagawa, an iconic work nearly two centuries old, to illustrate how these technologies appropriate heritage corpora.

She traces the evolution of the practices of OpenAI. At the launch of DALL-E, access to the tool was relatively restricted and closely controlled, in a context of declared caution. A few years later, the release of ChatGPT, made directly available to the general public, marked a turning point, characterized by the widespread diffusion of powerful tools without comparable safeguards. To explain how large language models function, she uses the metaphor of a “vacuum cleaner”: data are first collected and analyzed on a massive scale in order to extract statistical regularities; generative AI adds a stage of recombination, producing new assemblages from these data. This dynamic immediately raises central questions: Who owns the data being used? Where do they come from? And what visions of the world do they convey—or, conversely, obscure?

Chloé Sondervorst describes the period following the arrival of these tools as an “era of firsts”: the first AI-generated work to win a competition, the first large-scale legal challenges. She notably refers to the case of Jason Allen, who stated that he had written hundreds of prompts and spent many hours on his piece. Despite this involvement, the United States Copyright Office refused to recognize the work as fully creative, opening a broader debate on the definition of a “work” in the age of generative AI.

In the background, she situates the major strikes by American unions in 2023, the controversies surrounding the unauthorized cloning of voices and faces, and the opposition to the commercial use of artists' likenesses. Within AI laboratories themselves, concerns have emerged: fears of losing technological control and union pressure to establish mechanisms for remuneration and protection. Despite this, the diffusion of these tools continues "like water slipping through one's fingers," as she describes it. The public is rapidly appropriating these technologies. She cites the example of an engineer in Seattle who recreated an image in the style of Studio Ghibli, raising the question not only of reproducing images or voices, but of replicating entire artistic styles. At the same time, major industrial agreements – particularly with leading studios and platforms – seek to experiment with the production of television series using AI, with the aim of accelerating processes and reducing costs.

Social media platforms are becoming key showcases for such generated content, at the cost of increasing opacity regarding the true origin of works. The speaker nevertheless notes a gap between the power of these tools and the public's actual acceptance, which remains ambivalent and sometimes limited, particularly when the perceived quality of works suffers.

Finally, she draws attention to the growing role of conversational AI systems as a "gateway" to knowledge. Referring to a report by Microsoft on Copilot, she notes spikes in usage around events such as Valentine's Day, when users ask the tool about relationships or personal growth. This phenomenon raises a new question: how can creators remain visible and heard when AI systems become, for part of the public, the preferred interface for accessing information and knowledge?

Act 2 – AI in Culture and Culture in AI

The second act focuses on the reciprocal influence between AI and culture: how does AI transform cultural practices, and to what extent can artists contribute to framing or guiding these technologies?

Chloé Sondervorst presents several artistic experiments that use AI not as a simple substitute, but as a creative material. She notably refers to the work of an artist who created a "group" of "artificial artists" and made the "blank brain" of one of these agents accessible to the public so that it could be fed with data. The objective is to experiment with a form of "creative sovereignty," in which creators configure and guide complex systems – much like conductors – without necessarily writing the code themselves, but by working with agents.

She also points out that some projects choose to host their models on servers located in specific jurisdictions (for example, in Ontario), invoking ethical or environmental considerations such as the use of cleaner electricity. Business models are emerging around entirely AI-generated “characters” or “artists.” In response to these developments, different approaches are beginning to take shape.

Some music platforms are developing tools to detect synthetic works and license them; others are launching pilot projects based exclusively on datasets for which artists have given explicit consent. A trend is thus emerging toward the creation of specific licensing models and the gradual structuring of the sector. Companies such as Adobe are integrating generative functionalities—such as soundtracks, avatars and audio translation—into their software suites. While this can expand creators’ production capacities, it also raises numerous ethical questions. Start-ups such as Moonvalley in Toronto are developing video models trained exclusively on licensed data, compensating artists and concluding agreements with North American studios. One of the co-founders emphasizes the importance of “developing these tools in collaboration with artists.”

Chloé Sondervorst also mentions audiovisual productions such as the series Rebelles (broadcast on TFO), which uses AI to generate variations of archival images in short formats aimed at younger audiences. The creators involved stress that these processes remain demanding: AI is not an automatic substitute, but rather a tool that requires artistic vision, rigor, patience and expertise.

She concludes this second act by emphasizing that the challenge is not to oppose AI in the abstract, but to decide collectively how culture and AI can work together within frameworks that respect rights, working conditions and the diversity of cultural expressions.

Act 3 – The “Middle Ground”: Between Rejection and Embrace

The third act introduces a metaphor inspired by The Lord of the Rings: AI today can be seen as a kind of “middle ground,” an intermediate space between technological promises and the risks of disorder. In 2026, according to Chloé Sondervorst, the challenge is to navigate between rejection and embrace, without giving in either to naïve enthusiasm or to systematic opposition.

She observes a growing tendency within creative communities to make the artistic process and the human work behind creative outputs more visible. Apple, for instance, recently highlighted the manual, behind-the-scenes aspects of its visual identity,

illustrating a desire to reaffirm the artisanal and sensitive dimensions of creation. This effort to foreground the creative process appears to be one possible response to public concerns.

From a policy and regulatory perspective, Chloé Sondervorst refers to analyses published in MIT Technology Review, which anticipate a period of intense regulatory activity. She cites a well-known remark by Mark Carney "when you're not at the table, you're on the menu" to emphasize the importance for cultural actors to be present in decision-making arenas related to AI governance. In this context, AI is increasingly likely to be considered a critical infrastructure, comparable to other major technical systems.

She also recalls the well-known phrase attributed to Peter Drucker, "culture eats strategy for breakfast", to underline that, behind algorithmic architectures, there remain human values, organizational choices and imaginaries.

Following the announcement of her participation in the event on LinkedIn, a professor from the Université de Montréal commented that "artificial intelligence systems and human creativity have now reached roughly equivalent levels; the question is no longer to compare them, but to redefine creativity together." This observation opens the discussion toward configurations in which human creativity and AI systems are co-constructed rather than opposed.

2. Analysis: Human Creativity and Artificial Intelligence — What Sets Them Apart? (David Cropley, Professor of Engineering Innovation, University of Adelaide, Australia)

Professor David Cropley then presented, drawing on recent scientific research, a comparative analysis of human creativity and the creativity attributed to generative AI systems. His objective was to demonstrate that, despite their impressive performance, AI systems remain structurally limited in their ability to reproduce the highest forms of human creativity.

He proposed understanding **creativity** as the product of two components: **effectiveness** (relevance in relation to a given objective) and **novelty** (the degree to which something is original or surprising). Formally, he suggested that creativity can be expressed as **C = E × N**. Humans are capable of optimizing these two dimensions simultaneously, producing ideas that are both highly relevant and radically new, sometimes reaching a level of "creative genius."

By contrast, large language models (LLMs) rely on statistical prediction: their most "effective" responses tend to be those with the highest probability, that is, responses that remain consistent with patterns found in their training data. Yet novelty, by definition, involves low probability. From a statistical perspective, there is therefore a structural tension between high effectiveness and high novelty: a piece of content cannot simultaneously be highly probable and highly improbable. As a result, LLMs encounter a "creative ceiling," which leads them to produce outputs that generally fall within a zone of moderate creativity, closely tied to patterns already widely observed in existing corpora.

David Cropley concluded that while LLMs can generate acceptable content very quickly, they cannot, by design, surpass human creativity at its highest level. The key issue therefore lies in how these systems are used and perceived. Some economic decision-makers may be tempted to view such tools as substitutes for human creativity because of their speed and relatively low cost. However, speed of execution does not guarantee aesthetic quality or cultural relevance.

The speaker noted that in some segments of the entertainment industry, there are already signs of a perceptible decline in quality in content generated at scale by AI. He also emphasized that audiences remain sensitive to the singularity of artistic works, much like painting enthusiasts who appreciate the brushstrokes of master artists. For the coming years, he anticipates a renewed appreciation for human creativity, provided that public policies, professional communities and educational institutions continue to support and strengthen creative experimentation and training.

Taken together, these interventions point to a shared observation: AI is profoundly reshaping the conditions under which works are produced, circulated and recognized, but it cannot, on its own, resolve the question of creativity. The added value of human creativity – its ability to combine meaning, experience, sensitivity and responsibility – remains central. It is precisely this articulation between technological innovation and the recognition of the irreplaceable role of creators that the CDCE event helped to bring into informed and constructive debate.

3. Address by David Myles, Parliamentary Secretary to the Minister of Canadian Identity and Culture and Minister responsible for Official Languages and to the Secretary of State (Nature), and member of the Standing Committee on Canadian Heritage

At the outset of his remarks, David Myles situated his intervention within a national context marked by tragic events that had recently occurred in British Columbia and

Quebec, inviting participants to keep the affected families in their thoughts. In his view, these painful circumstances highlight the relevance of reflecting on creativity and artificial intelligence, as they underscore the fundamental role of art in society.

David Myles emphasized that in moments of crisis, citizens instinctively turn to artistic works and practices to express, share and transform both their suffering and their joy. In this regard, he noted, AI remains limited, as it cannot grasp or experience the human realities of pain and jubilation in the same way as creators can. According to him, this ability to translate emotion and make it a vehicle for social cohesion is one of the irreducible specificities of human creativity.

Drawing on his experience as a professional musician for more than twenty years, David Myles illustrated his point by recalling moments on stage when audiences laughed and cried together, demonstrating the unique power of artistic performances to bring together people from diverse backgrounds around a shared experience. He emphasized that artistic creation is fundamentally rooted in relationships and connections between human beings, and that this conviction continues to guide both his current engagement and the cultural vision he advocates within government institutions. In this context, he called for continued dialogue on the intrinsic value of art created by human beings, in order to “return to understanding the value” of human creativity at a time when technologies are evolving at an accelerated pace.

David Myles’s address also highlighted the economic and structural dimension of culture. He recalled that artists and cultural workers represent not only social and symbolic wealth but also a significant economic driver, generating employment and benefits for a dense network of small and medium-sized enterprises. Reflecting on previous technological transformations, particularly in the recorded music sector, he noted that profound transitions have already been experienced. These shifts generated significant debates regarding copyright and licensing regimes and required substantial normative adjustments. In this continuity, he stressed the importance of protecting intellectual property, the rights of creators and those of small cultural businesses, reaffirming that this is a longstanding issue that remains central in the current context of AI development.

David Myles also drew attention to the significant decline in revenues from music production since the rise of streaming platforms, noting that artists now operate with increasingly limited economic margins. In this context, protecting their work, their rights and their income appears essential, in his view, to ensure their ability to continue creating. Supporting artists, he emphasized, also means recognizing and preserving

their role during difficult collective moments, as they help sustain social bonds and strengthen the resilience of communities.

In conclusion, David Myles reaffirmed the fundamentally positive, humanistic and forward-looking dimension of artistic creation. He stressed the importance of passing on to younger generations the joy of creating and the awareness that creativity is an integral part of the human condition, stating that “we are made to create as human beings.” Finally, he emphasized that in the age of AI, it is essential to protect the meaning, value and enjoyment of the creative process so that technologies remain in service of human creativity, rather than the other way around.

4. Why Human Creativity Remains Essential in the Age of Artificial Intelligence? – Perspectives from the Book Sector (Jean-Paul Eid, comic book author and illustrator, spokesperson for the *Regroupement pour l’Art Humain*, and Félix Moreau, CEO of *Éditions Québec Amérique*)

The discussion devoted to the challenges posed by AI in the book sector highlighted a range of significant concerns regarding the future of literary creation and illustration in Quebec, as well as possible avenues for action in terms of regulation and cultural policy.

A sector particularly exposed to the spread of AI

Jean-Paul Eid, a comic book author and illustrator and spokesperson for the *Regroupement pour l’Art Humain*, noted that AI is now widely embedded in the book production chain, whether in the writing and translation of texts or in the generation of illustrations. According to him, some publishing houses supported by public funding are using these tools without clearly informing the public or acknowledging the contribution of the artists they replace. In this view, the benefits of this shift primarily accrue to large foreign technology companies rather than to local creators.

The speakers emphasized that the fields of literature and illustration are among those most affected by the current wave of automation. In France, for example, illustrators are already experiencing an estimated decline of around 30% in their income, as part of the market is gradually being replaced by AI-generated content. This trend is generating serious concerns about the long-term viability of jobs and discouraging many recent graduates in visual arts, some of whom are considering changing career paths immediately after completing their studies. In the words of Jean-Paul Eid, this represents an entire segment of the market that is beginning to erode.

Intellectual Property Infringements and Aesthetic Trivialization

From a legal and ethical perspective, the panelists referred to what they consider one of the largest appropriations of intellectual property in contemporary history. Large language and image models have been trained on massive datasets that effectively incorporate the portfolios of thousands of artists, without explicit consent, compensation, or proper recognition. Having already "scraped" most of the content available online, generative AI now tends to recycle its own outputs within an informational environment that, in the words of Jean-Paul Eid, has become a "contaminated ocean," producing works marked by redundancy, clichés and stereotypes, comparable to a generalized form of "elevator music."

This situation raises the question of the very nature of the creative act. Jean-Paul Eid emphasized that artistic creation is above all grounded in a process, an intention, and a process of formal exploration. The fact that an AI-generated image may be visually successful is not, in itself, enough to make it a work of art. To illustrate his point, he used an analogy: if a camera accidentally falls and produces an interesting image, it is simply a fortunate accident; if, on the other hand, the artist deliberately decides to let it fall repeatedly, systematically exploring the effects produced, this intentional approach gives the experiment an artistic dimension. AI, he argued, may be capable of imitating the "formula" of such a process, but without truly carrying its intention or the reflective path behind it.

Public Preference for Human Connection and the Role of Publishing Houses

The discussions highlighted that a portion of the public is already expressing reservations about the integration of AI into literary and visual creation, showing a preference for works produced through the efforts of human artists. In this regard, the comparison drawn by Jean-Paul Eid with the Olympic Games is particularly telling: just as spectators do not wish to see victories achieved through doping, readers expect works to be the result of the imagination and intellectual labour of their authors, rather than of concealed artificial processes.

Félix Moreau, CEO of *Éditions Québec Amérique*, emphasized the specific responsibility of publishing houses. In his view, the primary role of a publisher is to support creators and then connect their works with the public. Introducing AI into this process amounts to inserting an additional filter into a relationship that should remain, as much as possible, a direct human-to-human exchange. He stressed that many publishers explicitly seek to offer creation "from human to human" and to preserve an authentic connection between the author and their readers.

Félix Moreau also noted that AI, as a technology, carries no intention of its own: it simply executes a command without a genuinely autonomous creative act. What audiences seek on the page, he argued, is the singular "genius" of creators, which publishers have a responsibility to highlight. He further pointed out that certain functions often perceived as technical, such as translation, also contain an important creative dimension, as they involve choices of wording and tone that influence how a work is received in another language and cultural context.

Public Policy Challenges and Cultural Sovereignty

The speakers emphasized the need to establish stronger protection mechanisms for both artists and the public. One key measure identified was ensuring clear, standardized and verifiable identification of AI-generated content, in order to guarantee transparency in practices and enable the public to make informed choices. At the same time, they called for greater solidarity across the book sector, including creation, illustration, publishing, distribution and bookselling, in response to the challenges raised by AI.

In Quebec, where the cultural sector remains heavily reliant on public funding, the speakers stressed the importance of questioning the collective purposes of cultural support. Decisions regarding the allocation of public resources reflect fundamentally human choices and priorities. Directing funds toward generative automation solutions rather than toward creators risks undermining the very foundation of cultural creation. They warned against the possibility that publicly funded companies might flood the market with AI-generated works at the expense of artists.

In a context where cultural sovereignty is a central concern in Quebec, the panelists emphasized that such sovereignty first requires the existence of original works rooted in the experiences, imaginaries and voices of Quebec society. Culture, they noted, is the mirror through which a community represents itself and presents itself to others. The choices made today regarding the regulation of AI and the support of creation will have lasting consequences for Quebec's ability to tell its own stories. Nothing suggests that "progress" necessarily means increasing the role of AI in creative processes; rather, it is up to public authorities, working in dialogue with cultural communities and the broader public, to determine to what extent and under what conditions technologies can serve human creativity without undermining its vitality or diversity.

5. AI as a Lever for Linguistic and Cultural Diversity: An Inspiring

Indigenous-Led Initiative (Natasha Ita MacDonald, Vice-President, Heritage Lab & Thomassie Mangiok, Board Member, Heritage Lab)

The speakers presented an exemplary approach to the responsible use of AI in support of the preservation of Inuktitut language and Inuit culture, grounded in a broader perspective of Indigenous digital sovereignty.

Originally from Nunavik, Natasha Ita MacDonald first outlined a concerning overview of the current linguistic situation. Although approximately 99% of the population still speaks the local language, this rate is rapidly declining. Recent census data, as well as her own research, show that an increasing number of children and students now use English at home. This linguistic shift makes the risk of a major intergenerational rupture tangible. To contextualize these issues, she introduced the concept of Qanuqtuurniq, an Inuit principle of knowledge referring to the capacity for adaptation, ingenuity and innovation that Inuit peoples have demonstrated for millennia. She recalled that the Inuit worldview has been profoundly affected by decades of colonial domination and repressive policies, while emphasizing the resilience of communities: a large proportion of the population continues to practice hunting, gathering and ways of life closely connected to the land, in a context where the cost of living in the North remains particularly high. The vitality of the language, she stressed, is closely linked to this way of life and to the ability to transmit it.

Within this context, Heritage Lab aims to defend and operationalize Indigenous digital sovereignty. As a nonprofit organization, it supports communities in establishing models for linguistic and cultural protection based on collective control of technological tools. Ongoing work notably includes the development of a functional translation tool between Inuktitut, English and French, combining both a text model and a voice model. The team recruits, within the communities themselves, fluent speakers to serve as “voice models” to train speech recognition and speech synthesis systems.

The project includes several key components: a trilingual translation tool, speech recognition technology currently under development, grammar-learning and writing assistance tools, research on regional history through the figure of Ayaguta, and a terminology database with more than 3,000 entries. Beyond technological innovation, the initiative stands out for its rigorous ethical framework designed to guarantee data sovereignty: AI models and servers hosted locally, strict access protocols, data storage under community control, and explicit recognition of Indigenous ownership over all collected linguistic data. Dr. Ita MacDonald emphasized the importance of

ensuring fair compensation for individuals who lend their voices and of clearly identifying them, in order to avoid the depersonalization that often accompanies the use of anonymous synthetic voices.

The speakers also presented the main principles guiding Heritage Lab's model for expansion to other communities: community governance, the presence of a linguistic committee, adaptation of technological solutions to local needs, community-guided AI, and the development of skills among youth. The organization also sets out a number of non-negotiable requirements: respect for cultural protocols, full community ownership of data, preservation of dialects, integration of traditional knowledge, careful adaptation to local needs, and effective Indigenous control over tools and infrastructures.

In conclusion, Dr. Ita MacDonald emphasized that decisions concerning the future of language, culture and the technologies that support them must come from the communities themselves, rather than from the commercial interests of large platforms. She stressed the importance of making these projects spaces for employment and training for young people, before concluding with gravity that communities are "continuing the great struggle: protecting what we have."

6. Overview of Canada's Legal Framework on Artificial Intelligence and Culture **(Christian Leblanc, Main Partner, Fasken)**

This session was introduced by Johane Despins, who emphasized the need for a thorough review of existing law, in a context where lawsuits and legal challenges are multiplying internationally and where the development of generative AI has often occurred "in disregard of certain existing laws," testing the limits of current legal regimes. Christian Leblanc, a lawyer at Fasken specializing in litigation and intellectual property, also active in telecommunications, communications, and media, then highlighted the main legislative benchmarks in Canada and international developments to monitor.

From the outset, Mr. Leblanc offered a deliberately reassuring legal framing. Although generative AI is at the forefront of current technologies, he reminded the audience that "the principles remain the same" in law and are generally adaptable to new technical environments. According to him, the fundamentals of the Copyright Act remain fully relevant, and the law is not intended to hinder innovation but rather to resolve rights conflicts by setting limits when "one person's rights become prejudicial to those of others." It is in this balancing function that the legal system will be particularly called

upon in the age of AI.

He then explained that the relative slowness of judicial developments is largely due to the centrality of evidence in the functioning of courts. It is not enough to make hypotheses about the functioning of models or their effects: one must be able to demonstrate, with supporting documents and expert analyses, what has been done and what the consequences are. Mr. Leblanc emphasized the dual challenge for judges, who must both understand complex technologies and translate this understanding into the usual legal categories of trial, which rely on what can be proven in court.

Substantively, he structured the analysis around two main areas of potential infringement risk. The first occurs upstream, during the training of large language models when works are reproduced to constitute the training corpus. In such a case, “one could possibly infer infringement by reproducing works to teach the LLM.” The second occurs downstream, when the system’s output reproduces, in whole or in part, a protected work. Mr. Leblanc refers here to the input and output levels, two spheres “where infringement can occur.” This distinction highlights the complexity of the debates, as generative AI heavily relies on pre-existing content. He clearly reminded the audience that “generative AI models need a lot of data” and that, without prior works, “there is no generative model.” He illustrated the underlying industrial logic by discussing massive content harvesting, scraping, and fragmentation into tokens, technical steps that feed the predictive capacity of the models.

Mr. Leblanc added another layer of complexity by discussing retrieval-augmented generation (RAG) architectures, which combine a trained model with real-time information retrieval from third-party websites “live,” at the moment of the query. This functionality raises new legal questions, particularly regarding authorization and reproduction, since the tool no longer relies solely on the initial training data but draws from external content as it is used.

Returning to Canadian copyright law, he reminded the audience that the notion of a “substantial part” of a work is not limited to a quantitative threshold: the quality and significance of the excerpt reproduced are just as important. Much of the current uncertainty also lies in the realm of exceptions, particularly fair dealing. Mr. Leblanc reviewed the logic of the two-step test: the use must first fall within a recognized category (e.g., research) and then be exercised fairly. Among the criteria, impact on the market and on the normal exploitation of the work is central. He emphasized that “the impact of the use of the work in the United States, but also in Canada, is

important," again highlighting the need for factual analyses and concrete evidence.

During the Q&A period, these issues were explored further, notably regarding access to evidence in the context of opaque training data and industrial practices, as well as the potential influence of U.S. decisions on Canadian law. On this point, Mr. Leblanc noted that Canadian judges are accustomed to consulting foreign case law, but it serves only as "inspiration," not as binding authority. He reaffirmed his confidence in the current legal framework's ability to address AI challenges, stressing that "the Copyright Act is here, it is well made" and "applies very well to new technologies, including AI." While he remains attentive to the outcomes of future landmark rulings, he concluded by stating that he has "no fear" regarding the ability of Canadian courts to effectively use existing mechanisms to regulate AI development in respect of cultural rights and the rights of creators.

7. International Overview of Recent Developments in the Regulation of Generative AI in the Cultural Sector **(Benjamin Bleton, Board Member of SACEM, France; Sebastian Cuttill, Head of Parliamentary and Legislative Engagement, News Media Association, UK; Claire Pullen, CEO of the Australian Writers' Guild Authorship Collecting Society, Australia)**

Johane Despins opened this roundtable by noting that mobilizations in favor of "human art" and the protection of creativity are not isolated phenomena limited to Canada. Around the world, groups are organizing and developing strategies to regulate generative AI in the cultural sector. The goal of this panel was to broaden perspectives, take stock of international initiatives, and, above all, identify approaches that Canada could draw on to protect human creativity, beyond ad hoc reactions.

In his opening remarks, John Degen briefly framed the Canadian context. Within the Writers' Union of Canada, he explained, issues that were traditionally prioritized, such as contract negotiation and freedom of expression, are now largely overshadowed by AI-related concerns. The organization is active on multiple fronts: monitoring and research, close alignment with international partners involved in early legal battles, and continuous advocacy for clear rules that place human creativity at the center. John Degen emphasized the importance of transparency regarding AI use and the necessity of licensing mechanisms, including collective ones, to ensure that existing rights are neither undermined nor circumvented.

Sebastian Cuttill began the discussion from a distinctly political perspective. According to him, many governments perceive AI primarily as a lever for economic

growth and, in some cases, as an instrument of competitiveness or even geopolitical power. Within this framework, creative industries and copyright advocacy organizations may be mistakenly seen as obstacles to innovation. He noted that decision-making spaces often include the companies developing the technologies, but much less frequently representatives of creators, creating a concerning imbalance in public policy development processes.

Sebastian Cuttill offered a structuring insight: the fundamental differentiator among AI actors is not so much the algorithm as access to data. Countries like the UK and Canada possess substantial cultural and informational heritage that constitutes a strategic resource. Without proper regulation, there is a real risk of a model emerging in which a few companies centralize system training, outputs, and profits, while states and their cultural institutions become mere data markets. He referred to this as “digital colonialism” and stressed the importance of preserving sovereignty over cultural data. Drawing on the UK experience, he discussed debates around transparency, understood as the ability to identify what is used to train models. He noted major parliamentary tensions and recalled that every attempt to weaken copyright met with strong resistance. In his view, the problem is global, and lobbies are transnational, but an international consensus is beginning to emerge regarding the need for firmer regulation.

Benjamin Bleton then offered a more institutional and systemic perspective. He expressed a nuanced position: openness to AI’s potential, but deep concern about the risk that works are used to train systems without information, consent, or fair compensation for rights holders. To him, generative AI is not an isolated innovation but a paradigm shift affecting creation, production, value chains, and legal balances in the cultural sector.

He emphasized a point often overlooked in public debate: AI creates nothing ex nihilo; it draws on human works, and the fact that a work is accessible online does not imply that it is free of rights. Behind the rhetoric of innovation lies, in his view, a challenge to fundamental principles such as protection of works, fair remuneration of creators, and transparency of usage. Benjamin Bleton reiterated SACEM’s position: AI must be recognized as a tool, not a creator. AI cannot be an author or co-author, and content generated entirely without meaningful human creative intervention cannot be protected by copyright. Conversely, a work remains protectable when a human creator exercises genuine control over artistic choices and the final expression.

He noted that SACEM exercised, as early as 2023, its right to oppose the use of its

repertoire for AI model training, but the main difficulty today lies in enforcing these rights. In theory, a legal framework exists; in practice, it remains largely ineffective due to the opacity of model providers. Current transparency obligations do not allow precise identification of the works used nor the establishment of legally robust evidence. In this context, Benjamin Bleton advocated for a mechanism based on a presumption of exploitation, which would shift the burden of proof to model providers, the only holders of relevant information. The goal is not to arbitrarily ban or tax, but to create a transparent licensing market and a credible negotiation framework. He also drew attention to the risk of catalog saturation by artificial content, leading to reduced visibility of human works and homogenization of creation. He concluded that copyright should not be seen as an obstacle, but as a democratic foundation: protecting it means protecting cultural diversity and the sovereignty of societies.

Claire Pullen intervened from a more activist and organizational perspective. She described the situation in Australia, where many actors are observing attempts by large international companies to harvest cultural data. In response, unprecedented alliances have formed between authors' organizations, directors, publishers, distributors, and other cultural stakeholders to defend a common position. Claire Pullen outlined a structured mobilization, relying on regular coalition meetings, sustained political advocacy with ministers, opposition parties, and parliamentarians, media actions, and reports documenting economic impacts on creators. She stressed that this work is long, demanding, and often discreet, but produces tangible effects, including the opening of more serious political discussions on copyright in relation to AI. She emphasized that regulation is possible and that the deployment of AI results from human and political choices, which must be accompanied by clear compliance rules.

Following the individual presentations, an open discussion took place under John Degen's moderation. He notably raised the issue of a "fear of missing out" motivating some governments, worried about missing economic or technological opportunities. Panelists agreed that it is essential to occupy the political space: if creators do not define the terms of the debate themselves, other actors, often better funded, will do so on their behalf. They stressed the need for ongoing educational work with decision-makers to help them better understand the realities of cultural professions, the economic and democratic value of the sector, and the concrete implications of copyright in the digital environment.

Another topic discussed was the frequent confusion between different types of AI, as some governments tend to conflate commercial uses of generative AI with more

scientific or specialized systems, complicating regulatory discussions. Panelists also noted that AI transcends traditional partisan divides and requires an analytical and cross-cutting approach rather than ideological polarization. Several exchanges highlighted the power asymmetry between large tech companies and cultural actors, as well as the difficulty of adapting legal frameworks, which are often too slow for the rapid pace of technological change.

The discussion concluded with a clear convergence of views. Experiences from the UK, France, and Australia demonstrate that it is possible to act collectively to defend human creativity and regulate generative AI without denying its benefits. Three principles consistently emerged throughout the panel: the need for explicit authorization for use of works, fair remuneration for creators, and genuine transparency regarding data and models. The objective is not to hinder innovation, but to ensure that AI remains a tool at the service of creators rather than a value-extraction device that could weaken cultural diversity and the sovereignty of creative ecosystems.

8. International Instruments and AI: The Key Role of UNESCO'S 2005 Convention (Destiny Tchéhouali, Professor of International Communication, Department of Social and Public Communication, *Université du Québec à Montréal* (UQAM), Chairholder of the UNESCO Chair in Communication and Technologies for Development)

At the close of the day, Destiny Tchéhouali delivered an intervention that was both analytical and strongly oriented toward public action.

From the outset, he refocused the debate on a central tension: AI can, on one hand, serve as a powerful lever to support creation; on the other, it can undermine the very foundation of cultural value, namely human creativity and the diversity of cultural expressions. His goal was not to reiterate the many observations already made during the day, but to shift the conversation toward solutions and issues of international governance. In this regard, he issued a clear call to "move from outrage to action," emphasizing that decisions in the coming years will primarily be political and normative.

To illustrate this paradigm shift, Destiny Tchéhouali referenced Tristan Harris, former head of ethical design at Google, who summarizes the current rupture as follows: "For twenty years, whatever was good for tech was good for humanity. And then everything changed." According to Tchéhouali, this statement highlights the "dark side" of a techno-solutionist narrative that has long dominated digital policy. In the cultural field, generative AI introduces a "new systemic risk": industrialization of creation; dilution of the symbolic and social value of human works amid massive streams of machine-generated content; competition between human creativity and potentially "endless" standardized content; weakening of linguistic and cultural diversity under algorithmic performance and profitability logics; and finally, blurring of informational boundaries between human works, automated productions, misinformation, and manipulation.

Conceptually, Destiny Tchéhouali emphasized a distinction he considers crucial for public policy orientation: "AI does not create; AI generates." Creating implies intention, originality, a relationship to time, emotion, and authenticity rooted in a singular human experience. Generating, in contrast, refers to a primarily automated technical process relying on preexisting data. This distinction explains why notions of cultural and linguistic sovereignty—understood as societies' capacity to support their creators, transmit their languages, and tell their own stories—are now directly challenged by the rise of AI.

Turning to solutions, Destiny Tchéhouali highlighted that numerous international instruments already exist. He cited, among others, the European Artificial Intelligence Act (AI Act), a rare example of a binding framework; ongoing work on the Global Digital Compact within the United Nations; UNESCO's 2021 Recommendation on the Ethics of AI; and discussions at the World Intellectual Property Organization (WIPO) concerning copyright, transparency, and AI training data. He noted, however, that culture, and specifically the discoverability of content, often remains marginal, insufficiently operationalized, with significant blind spots regarding the role of recommendation algorithms in the visibility of works.

From this perspective, he presented the 2005 UNESCO Convention as a central lever. He views the Convention as one of the few forums capable of articulating cultural, legal, technological, and equity dimensions within a single framework. Referring to the work of an expert group in which he participated, Destiny Tchéhouali mentioned eleven recommendations aimed at better integrating AI issues into the implementation of the 2005 Convention. He specifically advocated for the idea, still not adopted at the time of the conference, of an additional protocol dedicated to AI, which would strengthen Parties' obligations regarding system transparency and traceability, respect for copyright and related rights, value sharing, and the establishment of measurable criteria for cultural diversity in digital environments.

In conclusion, Destiny Tchéhouali stressed the urgency of adapting cultural and intellectual property governance frameworks to the pace of ongoing technological transformations, affirming that cultural sovereignty "must not be an empty wish." Drawing inspiration from Kofi Annan, he reminded the audience that it is humans, not technologies, who determine the uses and purposes of innovation. His closing statement, intended to resonate beyond the event, was succinct and decisive: "The time has come to regulate."