

THE DANISH APPROACH TO DEEPPFAKE AND COPYRIGHT: A MODEL FOR THE EU?

This infographic is based on the research report titled “**The Danish Approach to Copyright and Deepfakes: A Model for the EU?**” (PE 782.611), published by the European Parliament Research Service (EPRS) in January 2026.

Why does it matter?

Denmark proposes a new approach by enhancing the protection under domestic copyright law against harmful deepfakes generated by artificial intelligence (AI). The proposal, which will be implemented within the framework of EU Digital Services Act (DSA) that regulates content control, is to create a legal basis for identification, notification and taking-down of harmful deepfakes.

The amendments proposed to this end highlight the following two parts against digital imitations:

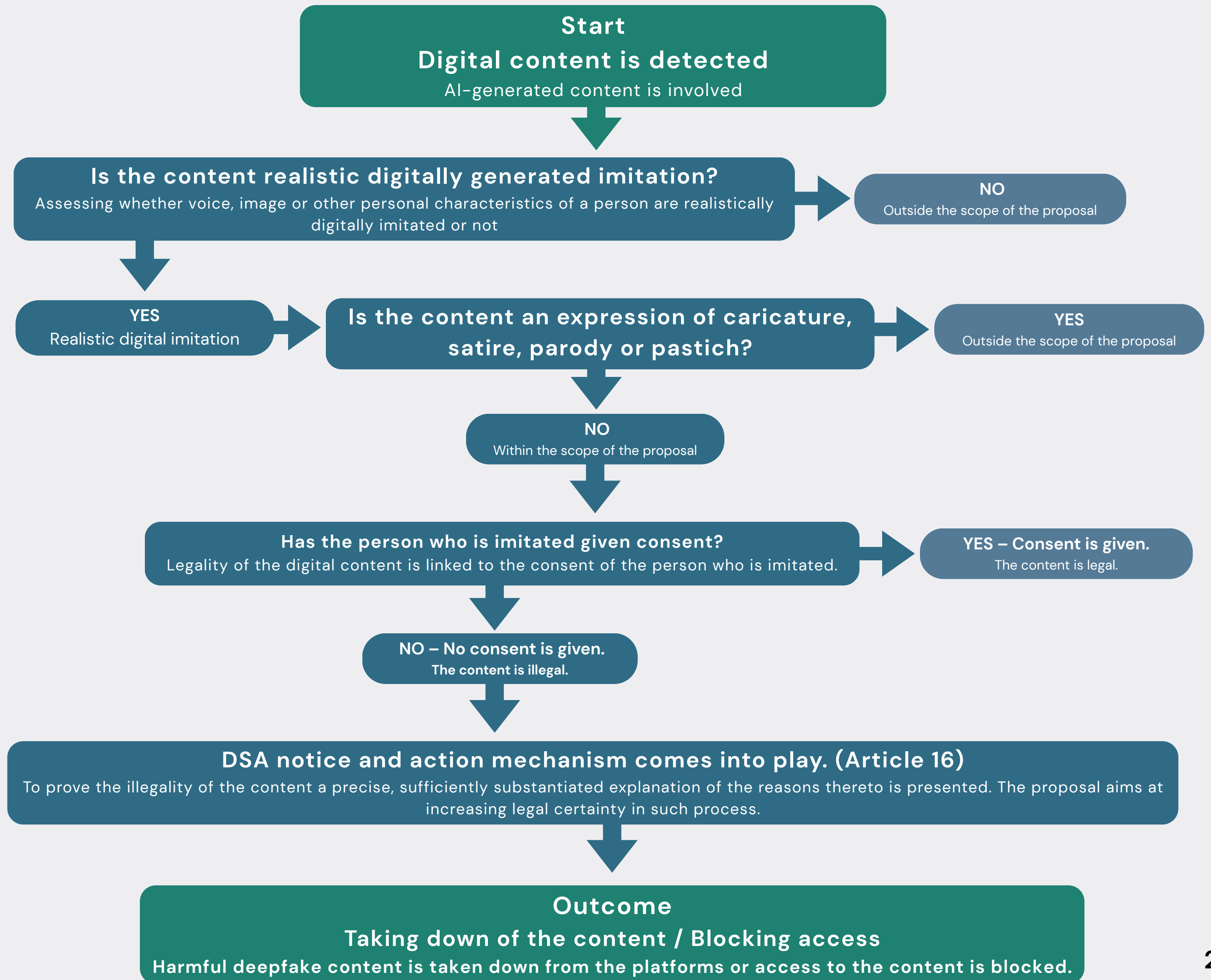
General protection relating to personal characteristics

General protection against realistic digitally generated imitations of personal characteristics

Protection of the rights of performers

Protection against realistic digitally generated imitations of performers

HOW IS THE DECISION-MAKING PROCESS GOING TO WORK?



TIMELINE

Summer
2025

Danish government announced that it will protect people's personal characteristics (appearance and voice) against AI-generated deepfakes through copyright law.

July–Oct
2025

July–Aug 2025 · Denmark's Presidency of the Council of the EU (6 months): Denmark promoted the approach at the EU level during its Presidency of the Council of the EU.

Oct 2025 · WIPO: At the International WIPO Conference, alternative legal frameworks against deepfakes were discussed.

31 October 2025 · Notification: The draft law has been notified to the EU Commission through the Technical Regulation Information System (TRIS).

Jan–Feb
2026

The European Parliamentary Research Service (EPRS) published an assessment report on the topic (PE 782.611, By: Sofia Karttunen). During the same period, The Danish Minister of Culture stated that Ireland had announced that it intends to follow the planned Danish rules.

The draft law is open for comments until **3 February 2026**.

Spring
2026

Vote on the Report on Copyright and Generative AI: The European Parliament is expected to vote on its own-initiative report concerning copyright and generative artificial intelligence.

July
2026

The expected date of entry into force of the amendments in Danish laws

PERSONALITY RIGHTS UNDER RESPECT FOR PRIVATE LIFE

Right of Publicity:

It provides protection against the unauthorised commercial use of personal name, image or voice.

Image Rights:

It prohibits the unauthorised use of personal images.

FOCUS OF THE PROPOSAL: COPYRIGHT LAW

The consent of the imitated person is required and protection lasts 50 years after the death of the imitated person. However, Danish authorities acknowledge that the proposal does not aim to grant a truly new copyright to the citizens.

The aim is to support and codify unwritten legal principles relating to personal rights.

COMMERCIAL LAW

Trademark rights:

Trademark law comes into play when deepfake contents use registered trademarks or the business identities of well-known individuals without consent.

Unfair Competition (Passing Off):

Deceptively impersonating a person or a business may create a violation under unfair competition laws.

Deepfake technology could potentially be used to disclose trade secrets.

LEGAL FRAMEWORKS AT THE EU LEVEL

General Data Protection Regulation (GDPR):

Generating deepfakes may constitute the unlawful processing of personal data, including biometric data.

EU AI Act:

Systems generating deepfakes are subject to transparency obligations.

Digital Services Act (DSA):

Through notice and action mechanisms of the DSA (Article 16), identification, notification, and taking down of the illegal content are regulated.

Directive combating violence against women and domestic violence:

It directly covers the sharing of private images without consent including deepfakes.

RELEVANT LEGAL FIELDS

OBJECTIVE OF THE PROPOSAL

The person subject to deepfakes is not defined as a copyright holder in the proposal. Moreover, products that are differentiated through their technical function without containing any creativity are not protected. Therefore, it cannot be stated that the proposal grants a truly new copyright to the person. Yet, the aim is to support unwritten legal principles relating to personality rights and provide more control to the person in private law.

DANISH LAWS

Danish Criminal Law:

There are regulations prohibiting acts directly related to deepfakes, such as identity theft and the production of illegal sexually explicit content.

Danish Marketing Practices Act:

It provides protection against the unauthorized commercial use of personal images, and this provision covers the commercial use of deepfakes.



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