

# ***Cross-Border Limitations and Exceptions to Copyright: “Powered by AI”***

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Businesses and institutions that wish to utilize copyright-protected works in multiple countries face a multiplicity of national copyright laws; although national copyright laws have been harmonized in accordance with several international treaties, and harmonized even more in the European Union member states by European Union legislation, countries' copyright laws continue to vary. The multiplicity of national copyright laws raises costs of transnational operations, including for businesses and institutions that rely on limitations and exceptions to copyright (“L&Es”) in multiple countries. For example, AI companies might want to rely on L&Es to train and deploy their AI in multiple countries, as the recently adopted European Union AI Act anticipates, but complying with the conditions of numerous national copyright laws on L&Es can be burdensome and complex. This article discusses several possibilities for ensuring that L&Es operate smoothly across national borders; attempts have been made to this end by the Marrakesh Treaty (for accessible format copies for the visually impaired) and the European Union (for example, in its treatment of orphan works), and there are other examples. This article surveys, categorizes, and critically analyzes the examples, and proposes possible solutions to the problems of the cross-border operation of L&Es, including in the AI context.