

AI Briefing

May 2026



+++ EU PARLIAMENT/COUNCIL: AMENDMENTS TO THE AI ACT UNDER THE "DIGITAL OMNIBUS" +++ EU COMMISSION: DRAFT GUIDELINES ON TRANSPARENCY OBLIGATIONS UNDER ARTICLE 50 AI ACT +++ HIGHER REGIONAL COURT DÜSSELDORF: AI-ASSISTED REDESIGN OF A PHOTOGRAPH DOES NOT AUTOMATICALLY INFRINGE COPYRIGHT +++ REGIONAL COURT FRANKFURT AM MAIN: COPYRIGHT PROTECTION FOR PARTLY AI-GENERATED SONG +++

1. Changes in Legislation

+++ EU PARLIAMENT/COUNCIL: AMENDMENTS TO THE AI ACT UNDER THE "DIGITAL OMNIBUS"+++

The Council of the European Union and the European Parliament have reached a provisional agreement on amendments to the AI Act as part of the 'Omnibus VII' package. The amendments aim to simplify and stagger the timing of individual obligations, particularly transparency obligations and requirements for high-risk AI systems. Several obligations originally scheduled to take effect on 2 August 2026 are now set to be deferred: transparency obligations for synthetic content to 2 December 2026, stand-alone high-risk AI systems to 2 December 2027, and high-risk AI systems embedded in products to 2 August 2028. Additionally, certain relief measures, initially intended primarily for SMEs, will be extended to small mid-cap companies, and the powers of the AI Office will be strengthened. However, the provisional agreement will only become binding once it has been formally approved by Parliament and Council.

[To the Press release of the Council of the European Union \(dated 7 May 2026\).](#)

2. Case Law

+++ HIGHER REGIONAL COURT DÜSSELDORF: AI-ASSISTED REDESIGN OF A PHOTOGRAPH DOES NOT AUTOMATICALLY INFRINGE COPYRIGHT +++

The Higher Regional Court Düsseldorf has ruled that the AI-assisted redesign of a third-party photograph does not constitute copyright infringement solely because the original photograph was used as input and the subject matter remains recognisable. The case involved an underwater photograph of a dog with a red toy, which served as a basis for an AI-generated image in comic style. The court clarified that, in the case of photographic works, elements such as framing, perspective, lighting, and decisions regarding focus and blur may be protected, but not the mere subject matter or theme. Furthermore, the court emphasised that an AI-generated output can qualify as a protected work only if there is sufficient human creative influence over its specific design, despite the software-controlled process. Simply selecting one AI-generated result from multiple suggestions is generally insufficient for this purpose. A comparative assessment remains crucial in determining whether the individual creative elements of the source photograph have been recognisably incorporated into the AI-generated output.

[To the ruling of the Higher Regional Court Düsseldorf \(dated 2 April 2026, 20 W 2/26, in German\).](#)

+++ REGIONAL COURT FRANKFURT: COPYRIGHT PROTECTION FOR PARTLY AI-GENERATED SONG +++

The Regional Court Frankfurt am Main has ruled in preliminary injunction proceedings that the lyrics of a song may be protected by copyright, even if an AI music generator was used in the subsequent production process. The plaintiff claimed to have written the original lyrics themselves, while the music and subsequent processing steps were allegedly created using SunoAI. The court clarified that author generally bears the burden of proof and must, if necessary, provide a detailed account of the creative process. Human-created lyrics are protectable as a literary work. A general reference to the fact that the work as a whole was created with the assistance of AI is therefore insufficient to exclude copyright claims.

[To the ruling of the Regional Court Frankfurt \(dated 17 December 2025, 2-06 O 401/25, in German\).](#)

+++ BERLIN COURT OF APPEAL: CASE LAW CITATIONS "INVENTED" BY AI IN LAWYERS' WRITS +++

The Berlin Court of Appeal has emphasised that lawyers must carefully review AI-assisted submissions. In a family law matter, the statement of grounds for appeal cited, among other things, an alleged decision by the Federal Court of Justice with a purported case number and journal reference, which, according to the court's review, did not exist. The court identified this as a citation apparently generated by a 'hallucinating' AI system and clarified that lawyers must thoroughly verify their submissions, particularly case law references. This obligation arises both from the lawyer-client relationship and the lawyer's role in the administration of justice (Section 43 BRAO).

[To the ruling of the Berlin Court of Appeal \(dated 20 November 2025, 17 WF 144/25, in German\).](#)

+++ REGIONAL COURT AUGSBURG: AI ACQUISITION SYSTEM PROHIBITED +++

The Regional Court Augsburg has prohibited a provider from advertising an AI-based customer acquisition system for real estate agents. The system was designed to automatically search private real estate advertisements on the internet, record contact details and forward them to real estate agencies. According to the German 'Wettbewerbszentrale' (Center for Protection against Unfair Competition), the advertising was unfair because the system was intended to initiate contact for advertising purposes without ensuring the express consent required under Section 7 UWG and therefore constituted unreasonable harassment. The assertion that the system avoided legal risks because it recognised when advertisements contained an express indication that enquiries from brokers were not desired was insufficient. Filtering out advertisements that expressly reject such enquiries does not replace the consent of the other advertisers.

[To the report of the Wettbewerbszentrale on the default judgment of the Regional Court Augsburg \(of 8 January 2026, 2 HK O 4274/25, in German\).](#)

+++ HIGHER REGIONAL COURT HAMM: OPERATOR LIABLE FOR FALSE STATEMENTS MADE BY AN AI CHATBOT +++

The Higher Regional Court Hamm has ruled that a company is liable under competition law for misleading statements made by its AI chatbot. defendant operated a website where patients could book appointments and ask questions via a chatbot. In response to specific enquiries, the chatbot claimed, among other things, that the two doctors associated with defendant were 'specialists in plastic and aesthetic surgery', 'specialists in aesthetic medicine,' and 'specialists in aesthetic treatments', although these specialist titles were either inaccurate or, in

some cases, non-existent. The Senate classified the chatbot's responses as unlawful commercial practices by defendant within the meaning of Section 5(1), (2) No. 3 UWG. The objection that the false statements could not be attributed to defendant as its own commercial practice was dismissed. The court clarified that the chatbot does not qualify as a 'third party' under the law; consequently, defendant is responsible for the false statements, even if the chatbot was programmed exclusively with correct datasets. Given the novel legal questions regarding the attribution of false statements made by an AI chatbot, the Higher Regional Court Hamm granted leave to appeal to the Federal Court of Justice.

[To the press release of the Higher Regional Court Hamm \(dated 12 May 2026, 4 UKI 3/25, in German\).](#)

3. Opinions / Miscellaneous

+++ EU COMMISSION: DRAFT GUIDELINES ON TRANSPARENCY OBLIGATIONS UNDER ARTICLE 50 AI ACT +++

The European Commission has published draft guidelines on the implementation of the transparency obligations under Article 50 AI Act and opened a consultation until 3 June 2026. The guidelines are intended to help authorities, providers and deployers implement the obligations uniformly. Article 50 AI Act concerns, in particular, informing natural persons when they interact with AI systems, the machine-readable labelling of certain AI-generated or manipulated content, and information obligations in relation to deepfakes, AI-generated texts on matters of public interest and certain systems for emotion recognition or biometric categorisation. The guidelines were developed in parallel with the Code of Practice on the labelling of AI-generated content and are intended in particular to clarify questions of scope and practical implementation.

[To the draft guidelines of the EU Commission \(dated 8 May 2026\).](#)

+++ EU PARLIAMENT: COPYRIGHT AND GENERATIVE AI +++

On 10 March 2026, the European Parliament adopted a resolution on copyright and generative AI, based on the report of the Committee on Legal Affairs dated 25 February 2026. The report highlights key areas of tension between AI training, transparency, rights reservations, and remuneration. Parliament emphasises that EU copyright law applies equally to providers that market AI systems within the EU and calls for greater legal certainty for both rightholders and AI developers. Particular focus is placed on transparency regarding training data, the effectiveness of rights reservations under the DSM Directive, voluntary and collective

licensing models, and questions of fair remuneration for the use of protected works. While the report does not establish any directly binding new obligations, it signals political pressure for further action.

[To the European Parliament report \(dated 25 February 2026, A10-0019/2026\).](#)

+++ BMDS: "AGENTIC AI HUB" LAUNCHES PILOT PROJECTS IN MUNICIPALITIES +++

The Federal Ministry for Digital Affairs and State Modernisation has launched the piloting of agentic AI in municipalities as part of the "Agentic AI Hub". A total of 18 pilot projects in 17 municipalities involving ten start-ups were selected. The aim is to test AI agents for specific administrative processes, such as checking applications for completeness, requesting missing documents, analysing documents or preparing official decisions. The hub is intended to act as a central interface between public administration and AI start-ups and to make successful prototypes scalable. From a legal perspective, the pilots will be particularly relevant with regard to administrative procedure, data protection, transparency, traceability and human oversight.

[To the press release of the BMDS \(dated 9 March 2026, in German\).](#)

+++ EU COMMISSION: DRAFT GUIDELINES OF THE CLASSIFICATION OF HIGH-RISK AI SYSTEMS +++

The European Commission has published draft guidelines on the classification of high-risk AI systems under Article 6 AI Act. The guidelines are intended to support providers and deployers of AI systems, as well as competent market surveillance authorities, in assessing whether an AI system qualifies as high-risk and to facilitate the uniform application and effective enforcement of Article 6 AI Act. The draft sets out the Commission's interpretation of certain concepts relevant for classification purposes and provides practical examples of AI systems that should or should not be classified as high-risk. The guidelines distinguish between the two scenarios under Article 6 AI Act: AI systems used as safety components of products, or AI systems that are themselves products, covered by the EU harmonisation legislation listed in Annex I and subject to third-party conformity assessment; and AI systems falling within one of the use cases listed in Annex III AI Act.

[To the draft guidelines of the EU Commission \(dated 19 May 2026\).](#)

4. Event-Highlight

The Cyber Resilience Act (CRA) will fundamentally reshape cybersecurity and compliance obligations for companies placing digital products on the EU market. It introduces extensive new requirements for manufacturers, importers and distributors — including security-by-design obligations, incident reporting duties and potentially significant penalties for non-compliance.

We are pleased to invite you to our upcoming free webinar, "**The EU Cyber Resilience Act – What Businesses Need to Do Now**", taking place on **2 July 2026 from 11:00 to 12:00 CET**.

During the session, our cross-border ADVANT team will provide a practical and business-oriented overview of the most relevant legal and operational implications of the CRA and highlight the key actions companies should already be considering today.

You are welcome to register via the button below – we look forward to your participation.

2. July

Webinar: The EU Cyber Resilience Act – What businesses need to do now

MS Teams | 11:00 - 12:00 Uhr

Registration

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