



# Copyright Aspects of AI Generated Music

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**Abstract:** The past year has seen numerous developments in the realm of Artificial Intelligence (AI), especially in Generative AI. This model involves the use of machine learning, where the algorithm can learn from data patterns without human training. Generative AI platforms receive input of training data which they use to train their algorithm, which in turn will calibrate that data to generate output (or content) for the user. Discussions regarding the intersection of intellectual property law, music, and artificial intelligence are underway, particularly where users of generative AI platforms, such as Google's MusicLM or OpenAI's Jukebox, are able to create songs which are generated to simulate the voices of famous artists. This note explores the potential for copyright protection of AI generated music.

**Index Terms** - copyright, AI, music, law

## I. INTRODUCTION

AI has been transforming the field of music creation, as it can generate entire songs alone, without human intervention. The voices of music artists Drake, The Weeknd in the U.S, and the late rapper Sidhu Moosewala in India had recently been generated along with new song lyrics using Artificial Intelligence ('AI'). Copyright infringement arises when the AI platform uses elements of copyrighted music works accessible in its database and generates songs, which are technically unoriginal.

AI music is being seen as infringing intellectual property rights without license or permission. AI deep learning algorithms can mimic human voices with accuracy, vocal patterns. These draw the data from existing content or music of artists which is copyrighted. Spotify has removed many tracks from its platforms, citing artificial music generation and copyright issues. With the increase in spread of disruptive AI in the music industry, market dynamics may be affected with challenges for copyright owners.

## II. REVIEW OF LITERATURE

Music artists can rely on the right of publicity to safeguard their identity and voice as distinctive aspects of their persona, and grant them exclusive authority to control the commercial use of their name, likeness and voice (Dunlap Benett & Ludwig, 2023). The law should recognise the skill and labour of the humans that build, train and develop the AI, since the algorithm itself may not be viewed as using its own 'intellectual creation' (Brunel University London, 2023). Under UK law, the author of a computer-generated work shall be deemed to be the persons by whom the arrangements necessary for the creation are undertaken (WIPO Magazine, 2017). If artists' work is being used in AI models, they should be credited or compensated, using licensing models (Kingsley Napley, 2024).

## III. RESEARCH METHODOLOGY

The research comprised a doctrinal approach towards understanding the interrelation between the fields of copyright policy and technological development. By referring to secondary sources available in the form of books, articles, reports in the area of AI technology and music creation, and analysing the corresponding legal provisions, the authors sought to draw conclusions regarding the scope of copyright protection for the same.

## IV. RESULTS AND DISCUSSION

In India, the Copyright Act 1957 grants copyright owners the exclusive right to reproduce, distribute, perform, adapt, communicate to the public, or to sell their works. Here, reproducing a human artist's work without his/her permission would mean that the artist's work has been used as training data. If input of data in the algorithm is considered as training it to listen to music, that could either constitute infringement by use without consent of the copyright owner, or may constitute fair use under the statute. This is so because the purpose behind providing data to the algorithm is training or learning, which produces new output and not a copy of the original, which may be considered as a fair use of copyright. If a user generates and publishes such a song, misrepresenting it as sung by an artist, then the aspects of likeness and commercial use come into play, as also the violation of the artist's corresponding right of publicity by impersonation. An AI generated song may not technically be considered as a cover of the original, nor a recording or impression of the artist's voice, but may fall somewhere in between.

The output of data from the algorithm is based on the original data elements, and the owner's work may be protected through the right to derivative works, however the law in India regarding copyrights in derivative works is vague. Even if the work is created in the user's own style, the question of whether an AI generated work itself is copyrightable is still not resolved. In the U.S, the Copyright Office has clarified that works created by AI without human intervention or involvement cannot be copyrighted as only humans can be authors for the purpose of constitutional and statutory copyright grant. In India, there is no clarification on this aspect of AI technology, yet Ashwini Vaishnaw, the minister for Electronics and Information Technology, recently informed the Parliament that the government is planning a regulatory framework for AI platforms.

An AI generated song published on music platforms as tribute to the artist with due credit can be viewed as fair use. A user merely enters the prompts into the algorithm, while the algorithm delivers the content learnt and drawn from its database, based on these prompts. It is difficult to pinpoint the degree of involvement of the AI platform or the user in the creation of the song, to accordingly assign responsibility for the use of the copyright material.

## V. CONCLUSIONS AND FINDINGS

In the future, AI will not just be a tool, but will generate music with minimal human involvement. The process of machine learning involves the structuring and reviewing of the data model, which is dependent on such data input. Since humans are involved in the creation of AI generation works, joint authorship of the work may be a solution which can be discussed. As AI lacks legal personality, liability would be attributed to the acts or omissions of the relevant human individual or company. The key issues which need to be addressed are infringement of copyright at the stages of obtaining and training the data algorithm, ownership of such content, passing off, and licensing of such AI generated content.

Recently Warner Music has signed a record deal with Endel, an algorithm, which can create custom sound frequencies based on personal user inputs, in which case the founders and software developers would be registered as songwriters for the purpose of copyright protection, which seems to be a practical solution to discuss ownership.

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