Ownership and Royalty Claim Issues:
Songs Created with AI and Modified AI-Generated Songs

Challenges and Perspectives from Collective Management Organizations (CMOs)

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CORE ISSUE:

How do we account for copyright ownership and royalty claims in the age of AI music?

❑ **Traditional system:** Copyright ownership and royalty claims are based on human authorship—the extent of a natural person's intellectual creation.

❑ **AI disruption:** Songs may now be created fully by AI, with the assistance of AI, or as a derivative of an AI-generated song ("AI Songs").

❑ **Key challenge for Collective Management Organizations (CMOs):** How to register copyright ownership and royalty claims over AI songs for licensing and royalty distribution purposes?

Categories of AI Songs

1

Fully AI-Generated Songs

2

AI-Assisted Songs
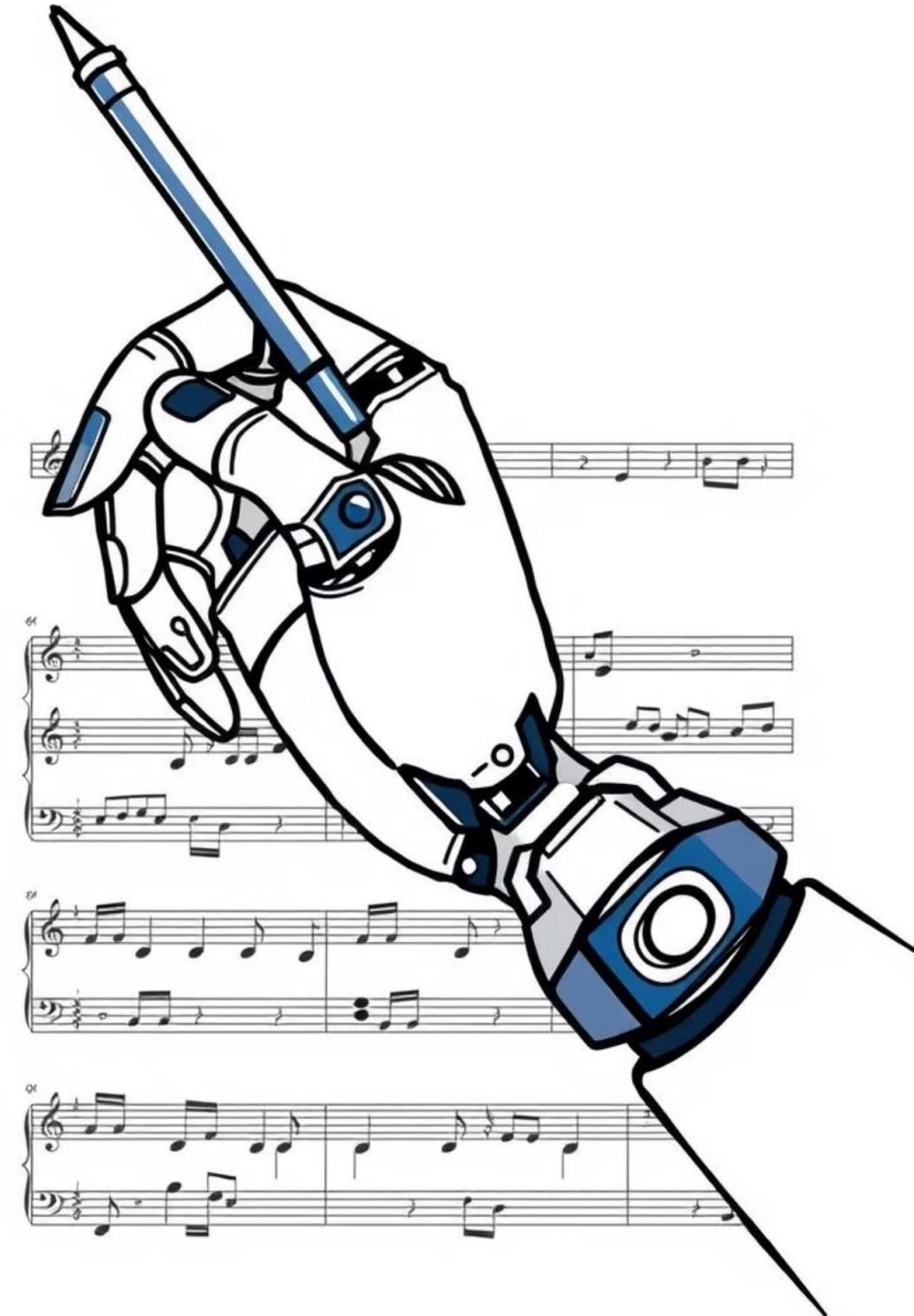
3

Modified AI-Generated Songs

Fully AI-Generated Songs

Definition:

- songs created entirely by AI, without human intervention or expressive contribution

- generated autonomously or through prompts

Opinion:

- not subject to ownership or royalty claims as copyright laws require human authorship

- treat the songs as public domain works (for registration of claims purposes)

Challenge with Fully AI-Generated Songs:

⚠ **Unforeseen Royalty Claims:** The copyright owner of a work used as reference by the AI system in creating the song may seek royalties from the AI system's owner and/or user.

⊗ **Possible Infringement:** AI output may include direct reproductions of existing copyrighted works, leading to legal challenges for users.
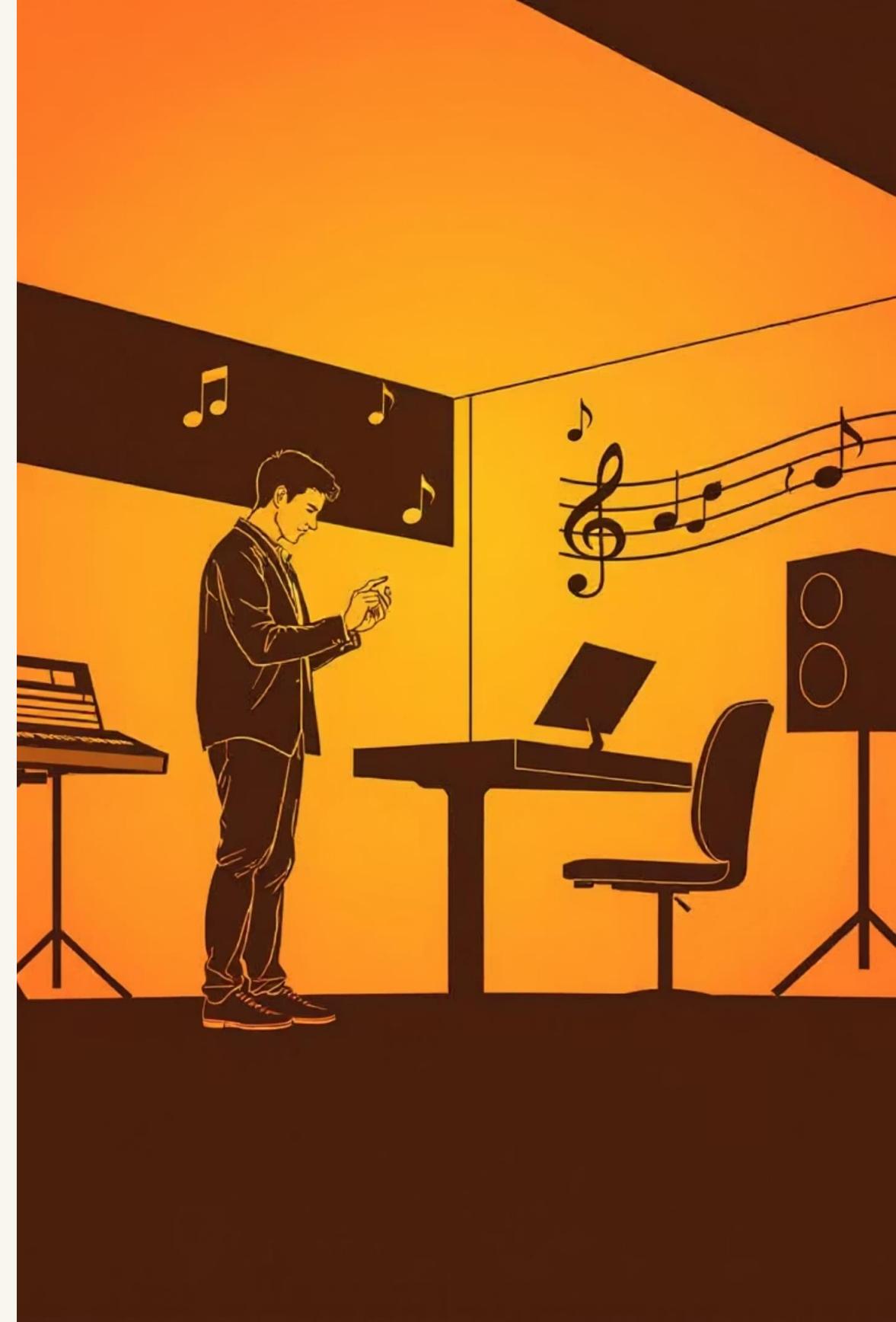
AI-Assisted Songs

Definition:

- songs created by a natural person with significant assistance of AI

- human input extends beyond mere prompts (e.g., providing lyrics, melody or musical arrangement)

Opinion:

- recognize copyright ownership and royalty claims provided there is a minimal degree of human creativity

- acknowledge the human creator's role in guiding the AI towards a unique artistic outcome

Challenge with AI-Assisted Songs:

> **? Determining the Extent of Ownership and Royalty Claims**

- **Differing Opinions:**
    - claim should be 100% (human part + AI part)
    - claim should be limited to the extent of the human creative input only

- **Human Co-Authorship:** shares typically depend on agreement; absent an agreement, co-ownership rules (based on actual contribution) may apply

- **AI as "Co-Author":** measuring the percentage of "AI part" vs. "human part" remains a complex challenge making equitable distribution difficult (*e.g.*, if you revise one line or verse of an AI-generated song or lyrics, how much ownership can you claim?)

Modified AI-Generated Songs

Definition:

- AI-generated songs which are subsequently modified or revised by a natural person

- essentially, derivative works of fully AI-generated songs or AI-assisted songs

Opinion:

- recognize copyright ownership and royalty claims provided the modification or revision has a minimal degree of creativity

Challenge with Modified AI-Generated Songs:

⑦ Determining the Extent of Ownership and Royalty Claims

- **Differing Opinions (if the original was a fully AI-generated song):**

  - claim should be 100% (human part + AI part)
  - claim should be limited to the extent of the human modification/revision only

- **Differing Opinions (if the original was an AI-assisted song):**

  - claim = extent of the human modification + the AI part
    (include the AI part but exclude the human part in the original AI-assisted song)

  - claim should be limited to the extent of the human modification only
    (exclude both the AI part and human part in the original AI-assisted song)

- **Attribution Complexity:** while identifying the "AI parts" in fully AI-generated songs might be easier than in AI-assisted songs, measuring the actual percentage of the "AI part" versus the "human part" remains a significant challenge

Potential Paths Forward:

Enact AI-Disclosure Requirements

Mandate declaration of AI usage in song registrations, specifying the role of AI (fully generated, assisted, or modified).

Standardize AI Song Categories

Establish clear categories for AI Songs and develop guidelines for copyright ownership and royalty claims based on those classifications.

Establish Attribution Guidelines

Establish percentage-based attribution guidelines (*i.e.*, human input vs. AI input) to facilitate fair and equitable royalty distribution.

Harmonize AI Registration Rules

Establish global standards (or at least international best practices) to minimize, if not prevent, conflicting regulations across jurisdictions.

The End

THANK YOU FOR LISTENING