

Intersection of Artificial Intelligence and Music: A Nightmare for Copyright Law In India

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ABSTRACT

Artificial intelligence's quick growth has transformed the music industry by making it possible to produce music without the need for human input. But it created the issues with copyright violation and ownership. This research paper explores the difficulties in handling ownership and security as it relates to copyright law and AI-generated music. It also looks at how AI affects creativity and how human involvement affects music produced by AI. The difficulties in enforcing copyright laws on AI-generated music are also discussed in the article. The study examines the societal ramifications of artificial intelligence in the music business and offers possible remedies, such as collaborative authoring and licencing arrangements.

Keywords- Artificial Intelligence, Copyright Law, Music, Protection, Rights.

Introduction

Through AI, the music industry has been upgraded and transformed and its traditional business model has been changed.¹ This intersection of artificial intelligence and music has brought about both positive advancements and complex challenges, particularly in the realm of copyright law in India. The development and adoption of artificial intelligence in the music industry have revolutionized various aspects, from composition and production to distribution and consumption. Large volumes of data, including previously written musical compositions, may be analyzed by artificial intelligence algorithms to produce new and creative songs. Significant concerns about copyright ownership and infringement are brought up by this creative iniquity of AI.

The copyright for a song is similar to buying a property, which entitles the owner to erect a no-trespassing sign outside. It transforms a song into a product, a type of movable intellectual property that can be sold or licensed. But if the music is created by the use of artificial intelligence technology, will the artificial intelligence have similar rights as a human being?

It is important to investigate how copyright law is affected by AI-generated music and examine the difficulties copyright laws have in addressing the ownership and security of musical compositions created by artificial intelligence and also look at the possibility of creating a new legal structure that appropriately takes into account the special characteristics of AI-generated music.

Within the realm of the music industry, composers engage in the process of crafting melodic compositions that possess the ability to elicit profound emotional responses and captivate the listener's focus. The copyright

¹ Melissa Avdeeff, *Artificial Intelligence & Popular Music: SKYGGE, Flow Machines, and the Audio Uncanny Valley*, 8 ARTS 130 (2019), <https://www.mdpi.com/2076-0752/8/4/130> (last visited Apr 19, 2024).

legislation in India safeguards musical works, guaranteeing due acknowledgment and appropriate remuneration for the individuals engaged in their production. The significance of protecting copyright lies in its role of fostering innovative thinking and creativity, as well as safeguarding the legal interests of artists. Through the infusion of amassing technological capabilities accompanied with its ability to automate without instructions and adapt with experiences, the technology is becoming increasingly capable of producing independent creative work. This wide usage of artificial intelligence must be based on a strong legal regulation and licensing mechanism. The Indian Copyright Act requires that the ownership of AI technology be assigned to the author; this is because the author who created the work is the legal owner of the copyright. This is a difficult field to discuss because of the novelty and the possibilities that this technology is thought to offer. Determining the authorship of a human author is relatively easy, but when the subject is a mechanical work that is computer-based, things get much more challenging.

Artificial intelligence technology has been advancing at an exponential rate and is already present in practically every aspect of human life. The main goal of this technology is to increase human potential. The key feature of AI technology is machine learning which is a syntax-based examination of data and patterns that these computers then replicate. Although they are clearly far from being native humans, they have been designed to think, behave, and perform like humans.

Defining musical works under the India Copyright Act, 1957

The concept of copyrights in works of music in India pertains to the legal safeguard provided to creators of authentic arrangements of music. The provisions of the Copyright Act, 1957 confer unique privileges upon creators, including “*composers, lyricists, and music producers*,” with regard to their musical compositions. This safeguard guarantees that the creative outputs of individuals are not replicated, disseminated, executed, or made accessible to the general public without explicit consent.

In the context of India, the Copyright Act, 1957 serves as the legal framework that grants protection to musical works, acknowledging their status as a manifestation of creative endeavor warranting legal entitlements and protective measures. The legislation encompasses a range of elements pertaining to musical compositions, encompassing melodies, lyrics, arrangements, and sound recordings.

The concept of copyright in works of music bestows upon creators the authority to exercise control over and derive financial benefits from their artistic creations. This framework serves to nurture and stimulate creativity, providing incentives for individuals to engage in artistic pursuits. Moreover, it serves as a protective measure for musicians and other relevant parties, ensuring the preservation of their financial interests.

Who is the author of the musical composition?

According to Section 2(d)(ii) of the Act, the identification of the author of a musical composition is specified as:

“The ‘author’ in relation to ‘musical work’ is called a composer”²

According to this particular section, the individual responsible for creating the mentioned piece is considered As author

Section 2, namely subsection (ffa), serves as a comprehensive representation of the concept of a “*composer*” as:

“A composer in relation to a musical work means any person who composes the music irrespective of the fact that whether he/she records the musical works in any form of graphical notation.”³

In the context of a musical composition, the term “*composer*” refers to the individual responsible for creating the music, irrespective of whether they document it using any sort of pictorial notation.

When dealing with a collaborative musical composition involving numerous authors or composers, it is possible to submit a joint application. According to Section 2(z) of Copyright Act, 1957:

“A work produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other author or authors is a work of joint authorship.”⁴

In simpler words “*Work of joint authorship*” refers to a creation that arises from the collaboration of multiple authors, wherein the individual contributions of each author lack distinctiveness. The acknowledgement and safeguarding of collaborative contributions from several composers in the composition of a musical piece is facilitated by the acknowledgment of joint authorship. The implementation of this policy guarantees that all participants are afforded equitable rights and shared ownership of the collaborative endeavor.

The term of legal safeguards provided by Copyright Act, 1957

The term of copyright protection for musical works in India is ascertained by Section 22 of the Copyright Act. As per the aforementioned provision, if there is single author the duration of copyright protection for a musical work that is published while the author is alive extends for a period of sixty years following the year subsequent to the author's demise. The termination of copyright protection for a collaborative musical composition occurs

² Section 2(d)(ii) of the Copyright Act, 1957

³ Section 2(ffa) of the Copyright act, 1957

⁴ AIR1977 SC 1443

at the demise of the final living author. The duration of copyright is calculated based on the date of the most recent author's death.

This provision serves the purpose of safeguarding the rights to a musical work for a specified duration, thereby granting composers and their successors the authority to exercise control over the utilization, reproduction, and dissemination of the work within the designated timeframe.

Distinction between musical work and sound recording

The distinction between a musical work and a sound recording is a topic of significance within the realm of music studies. It is essential to understand the fundamental differences between these two entities in order to analyze and interpret many aspects of music production and consumption. A musical work refers to the composition or creation of a piece of music, encompassing elements. though seems difficult to comprehend the differentiation between Musical Works and Sound Recording Works while completing copyright registration applications.

In the case of *Indian Performing Rights Society v. Eastern Indian Motion Pictures Association*, the Supreme Court of India provided clarification that copyright in a musical work extends beyond the tune, singing, voice, or performance quality and also applies to the representation of melody or harmony in a written or graphic format.

The term "*Sound Recording*," as stated in Section 2(xx), pertains to the act of capturing and preserving sounds in a manner that allows for their reproduction, regardless of the specific media or technique employed.

The concept of a Sound Recording Copyright pertains to the compilation of auditory elements that have been preserved in a physical form, such as phonograph discs, tapes, cassettes, or digital formats. A Sound Recording is a visual depiction of music that is captured in order to generate perceptible auditory stimuli.

In the realm of sound recording, the producer is commonly acknowledged as the author, whereas the composer is recognized as the creator of the musical composition. The aforementioned distinction elucidates the respective functions and entitlements attributed to each category of intellectual work within the domain of copyright safeguarding.

An Examination of Music Copyright: Ownership, Entitlements, and Safeguarding

Music copyright laws grant producers legal ownership rights over musical compositions and recordings. The copyright holder possesses the exclusive entitlement to disseminate, replicate, and grant licenses for their intellectual property, so enabling them to accrue royalties.

There exist two primary categories of music copyright, namely master copyright and composition copyright. The term "Master Copyright" pertains to the ownership of the sound recording in question. The master copyright is held by producers, granting them authority over the reproduction and dissemination of recorded music.

The concept of composition copyright refers to the legal ownership of the fundamental musical composition, encompassing elements such as the melody, lyrics, and arrangement. The copyright for a music is often held by the composer or songwriter, affording them authority over the utilization and presentation of the composition.

The copyright for a musical composition or its accompanying lyrics is automatically established upon the act of recording, writing, or otherwise documenting the work.

This practice guarantees that creators are granted legal protection and authority over their musical creations, so preserving their rights and facilitating their ability to derive benefits from their artistic pursuits.

Understanding the Complexity of AI in Music Creation

AI has not only transformed the process of music creation but has also blurred the lines between what constitutes original work and what is considered a derivative piece.⁵ The nuances of AI-generated music have made it increasingly challenging to define ownership and rights. Unlike traditional music creation, where the individual artist or composer is clearly identified as the owner of the work, AI-generated music complicates this notion.⁶

In addition, the rapid production of a vast amount of music through AI technology has led to concerns regarding the quality and uniqueness of the compositions. While AI can create music quickly and easily, the question of artistic intent and emotional depth in the compositions arises, impacting the authenticity of the music created.

Copyright law grants copyright owners the sole authority to duplicate, distribute, present, or exhibit their works, as well as to generate adaptations of those works. Categorizing the impact of AI on copyright into two

⁵ James Sammataro Saady Nicholas, James Sammataro & Nicholas Saady, *How Much Humanity Will AI-Generated Songs Need to Be Copyrightable?* (Guest Column), BILLBOARD (Jan. 27, 2023), <https://www.billboard.com/pro/ai-generated-music-songs-copyright-legal-questions-ownership/> (last visited Apr 19, 2024).

⁶ Oleksandr Bulayenko et al., *AI Music Outputs: Challenges to the Copyright Legal Framework*, (2022), <https://papers.ssrn.com/abstract=4072806> (last visited Apr 19, 2024).

distinct areas. There are two types of rights related to AI-generated material. The first type refers to the rights that the AI-generated content itself possesses. The second type refers to the rights that individuals may have and can enforce against AI-generated content.

The primary concern with this matter is determining the rightful owner of the copyright for content that is either fully or partially created by artificial intelligence. Moreover, the Copyright Office has just provided highly beneficial instructions specifically addressing this matter. The Copyright Office released its most recent official guidance on March 15, reiterating its stance that works generated by AI without any human interaction or involvement are ineligible for copyright protection. The Constitution grants Congress the authority to pass copyright legislation, and it explicitly use the term "author." The copyright laws explicitly employ the term "author," which has consistently been construed to refer only to a human being. Only individuals who are human beings are eligible to be considered writers for the specific purpose of receiving copyright protection as defined by the constitution and statutes.

To clarify, the stance stated belongs to the Copyright Office. However, it has not undergone comprehensive testing in the courts yet, but it will in the future. However, it is important to mention that the Copyright Office has stated that a creation that includes material generated by artificial intelligence (AI) may be eligible for copyright protection if there is a significant contribution from a human author. For instance, if a human creatively selects or organizes AI-generated content, it can still be safeguarded by copyright.

Another significant concern pertains to the extent of legal entitlements held by human copyright holders in cases where artificial intelligence generates creative works. There are two distinct sorts of inquiries: input questions and output questions. Does the training process involved in creating these intricate AI models raise copyright implications? Put simply, would I be violating the copyright of the music owners if I trained an AI to listen to a large amount of music without obtaining their permission? Is the content safeguarded by fair use or any other provision of the copyright law.

Next, there is the issue of output question. If copyright law grants the owner the sole right to produce a modified work based on their own previous work, does creating something using AI that is based on that original work qualify as a derivative work that only the original copyright owner can create? Typically, creating music in the manner of another artist is not deemed a derivative work under copyright law and is permissible. However, when machine learning and AI are responsible for generating the work, it remains uncertain whether the resulting outputs are safeguarded. Both the input and output questions remain unresolved and intricate.

The Impact on Artists and the Music Industry

The widespread adoption of AI in music creation has also raised concerns within the artist community. Artists worry about the potential devaluation of their creative contributions and the commodification of music as a result of AI's ability to replicate existing works and generate new compositions. This has led to a re-evaluation of the artist's role in the creation process and the relationship between technology and artistic expression. Furthermore, the music industry itself faces challenges in adapting to the rapid advancements in AI technology. The traditional business model of the industry is being reshaped, and the integration of AI in music distribution and consumption has disrupted established norms. This has led to a re-examination of copyright law, licensing agreements, and royalty distribution, introducing complexities in the management and protection of intellectual property rights.

Conclusion

In conclusion, the intersection of artificial intelligence and music presents a multifaceted landscape encompassing technological innovation, legal challenges, and artistic integrity. As AI continues to redefine the music industry, the need for comprehensive and adaptive legal frameworks in India becomes increasingly imperative to address the complexities and ensure fair and transparent practices in the era of AI-generated music.

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