



BEFORE THE LIBRARY OF CONGRESS  
UNITED STATES COPYRIGHT OFFICE

In the Matter of: )  
 )  
COPYRIGHT AND ARTIFICIAL )  
INTELLIGENCE MUSIC AND SOUND )  
RECORDINGS LISTENING SESSION )  
 )

Suite 206  
Heritage Reporting Corporation  
1220 L Street, NW  
Washington, D.C.

Wednesday,  
May 31, 2023

The parties met remotely, pursuant to the notice,  
at 1:00 p.m.

ATTENDEES:

SHIRA PERLMUTTER, Register of Copyrights and  
Director of the United States Copyright Office  
JASON SLOAN, Assistant General Counsel  
JOHN RILEY, Assistant General Counsel  
ANDREW FOGLIA, Deputy Director, Policy and  
International Affairs  
DANIELLE JOHNSON, Counsel for Policy and  
International Affairs  
CHRIS WESTON, Senior Counsel for Policy and  
International Affairs

NATHANIEL BACH, Music Artists Coalition (MAC)  
TIMOTHY COHAN, peermusic  
KENNETH DOROSHOW, Recording Industry Association  
of America (RIAA)  
JACK KUGELL, Songwriters of North America (SONA)  
GARRETT LEVIN, Digital Media Association (DiMA)  
KEVIN MADIGAN, Copyright Alliance  
ALEXANDER MITCHELL, Boomy  
ROHAN PAUL, Controlla  
JASON RYS, Wixen Music Publishing  
KATHLEEN STROUSE, SoundExchange

ANTONY DEMEKHIN, Tuney  
RYAN GROVES, Infinite Album  
JOHN HURVITZ, American Association of Independent

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Music (A2IM)  
ATTENDEES: (Cont'd.)

MICHAEL LEWAN, Recording Academy  
JAMES LOVE, Knowledge Ecology International (KEI)  
HOWIE SINGER, New York University  
REGAN SMITH, Spotify  
SHANNON SORENSEN, National Music Publisher's  
Association (NMPA)  
TAURA STINSON, Songwriter  
NICHOLAS TARDIF, Universal Music Group



1       astonishing potential of artificial intelligence and  
2       the impact that it's already having in our lives and  
3       on society as a whole.

4               So, to start off, I can provide a few  
5       takeaways from our prior listening sessions. First,  
6       there is disagreement about whether or under what  
7       circumstances training generative AI on copyrighted  
8       works could be considered fair use.

9               Now, of course, since the last listening  
10       session, the Supreme Court has issued a new fair use  
11       decision in Andy Warhol Foundation versus Goldsmith,  
12       which will have to be taken into account in such  
13       discussions going forward.

14              Second, there's considerable interest in  
15       developing methods to enhance transparency and  
16       education with respect to how generative AI produces  
17       works, including the possibility of tracking  
18       relationships between ingested works and outputs and  
19       also understanding how assistive AI is used as a tool  
20       in the creation process.

21              And, finally, many stakeholders have  
22       questions about the office's registration guidance for  
23       works containing AI-generated material and would like  
24       more details and more examples of how the office will  
25       approach applications for such works.

1           On this last point, the office will host a  
2 public webinar on June 28, where our registration  
3 experts will walk viewers through our registration  
4 guidance and answer frequently asked questions.

5           We'll then host a second webinar on July 26  
6 to focus on international perspectives on AI and  
7 copyright.

8           And as we mentioned before, the office will  
9 be issuing a notice of inquiry in the coming months  
10 seeking public comments on many of the issues raised  
11 during these listening sessions.

12           Now today's session focuses on musical works  
13 and sound recordings, and, certainly, the music  
14 industry has a long history of employing the latest  
15 technologies to create new works, from distortion  
16 pedals, to digital audio work stations, to spatial  
17 audio, and even autotune. So there's a lot of  
18 interest in how the use of generative AI is similar  
19 and how it is different.

20           Before I hand over the virtual mic, let me  
21 thank our panelists in advance for contributing to  
22 today's conversation. This is a complex and very  
23 important topic and one that has great personal  
24 significance for many of our participants. Your  
25 perspectives are critical in informing sound public

1 policy, and we look forward to an enlightening  
2 discussion.

3 I will now turn things back to Andrew Foglia  
4 for more information about today's session.

5 MR. FOGLIA: Thank you, Shira.

6 So, as Shira mentioned, today's listening  
7 session is the fourth and final in the Copyright  
8 Office's series of AI listening sessions. These  
9 listening sessions will inform further steps in the  
10 office's AI initiative. Questions our panelists raise  
11 may be ones in which we seek written comments later  
12 this year.

13 For further information about our  
14 initiative, to learn about upcoming events, or watch  
15 past listening sessions, please visit  
16 [copyright.gov/AI](https://copyright.gov/AI).

17 So today's session will consist of two  
18 panels with a brief break in between, and a few Zoom  
19 housekeeping points before we begin.

20 First, if you are joining this session but  
21 are not a panelist for this particular session, please  
22 keep your camera turned off and your mic on mute.

23 Second, we are recording this session today.  
24 The recording will be available about three weeks  
25 after today's session.

1           Third, the transcription function is  
2           activated as well.

3           So today's panels will start with a brief  
4           introduction and a short statement by each panelist.  
5           We request that these statements be limited to three  
6           minutes. Moderators will be watching the time, and if  
7           you go over your allotted time, we will have to cut  
8           you off to reserve time for other participants.

9           After these introductions, we will have a  
10          moderated listening session. The moderator questions,  
11          most of which the panelists have received in advance,  
12          are intended only as prompts for discussion, and we  
13          welcome participants to share any relevant  
14          perspectives and experiences that they feel are  
15          important for the office to hear.

16          Panelists who wish to speak should use  
17          Zoom's Raise Hand function, and our moderators will  
18          try to call on you in the order in which you raise  
19          your hand.

20          I do want to emphasize that this is a  
21          listening session and not a debate. There will be  
22          other opportunities for participants to engage more  
23          directly with competing views and questions from  
24          others.

25          Finally, we will not be accepting questions



1 from the audience. If you are in the audience and you  
2 want to share a question or comment with the Copyright  
3 Office, we will be soliciting written comments through  
4 a notice of inquiry later this year.

5 With that, I will hand it over to our  
6 moderators for the first session. Jason Sloan is an  
7 Assistant General Counsel in our Office of General  
8 Counsel. Chris Weston is a Senior Counsel in our  
9 Office of Policy and International Affairs.

10 The mic is yours, Jason.

11 MR. SLOAN: Thanks, Andrew.

12 Welcome, everyone. We'll begin with  
13 introductory statements in the order stated on the  
14 agenda. As we asked you in advance, as part of your  
15 three-minute statement, please tell us what you think  
16 is most important for us to know about the use of  
17 generative AI in the music industry. For example, how  
18 is it being used? What are the opportunities and  
19 challenges, advantages, or disadvantages? And what do  
20 you foresee to be the near- and long-term industry  
21 impacts?

22 Let's start with Nathaniel.

23 MR. BACH: Hi. Good morning. Good  
24 afternoon. I'm Nat Bach, an entertainment litigation  
25 partner at Manatt Phelps in Los Angeles, and I'm here

1 today representing Music Artists Coalition, or MAC, an  
2 organization dedicated to putting artists' rights  
3 first. Our membership includes a diverse roster of  
4 both contemporary artists and icons like Don Henley,  
5 Dave Matthews, Anderson .Paak, Billy Eilish, Diplo,  
6 Bonnie Raitt, and Neil Young to name just a few.

7           Generative AI presents a profound  
8 opportunity and challenge for artists in music. On  
9 the one hand, musicians have always embraced new  
10 technology, but on the other, those advances have been  
11 in service of creativity that starts with a human hand  
12 and ear.

13           I'd like to make six brief observations in  
14 my opening remarks.

15           First, human artistry should prevail over  
16 machine-based shortcuts every time. The technology we  
17 are facing today will change and evolve, but by asking  
18 ourselves at key junctures how we can protect human  
19 artistic creation and support artists, we can remain  
20 on the right path.

21           Second, music is different. It is different  
22 than visual arts in its ability to elicit emotions,  
23 and the power of a song to tell a story on its own or  
24 as part of a film, dramatic work, or television  
25 commercial, is unparalleled.

1 Music is also different as it relates to how  
2 AI models are and can be trained. Unlike the billions  
3 of images on which some text-to-image AI platforms are  
4 trained, including vast numbers of images in the  
5 public domain, the universe of recorded music is  
6 smaller and generally accessed via portals and DSPs  
7 like YouTube, Spotify, Apple Music, and others. Those  
8 seeking to train AI models and scrape songs are likely  
9 to do so off of these types of services, which also  
10 play an important gatekeeping role.

11 Third, the training of AI models on artists'  
12 works without a license is infringing and not a fair  
13 use. The Supreme Court's decision in Warhol  
14 Foundation versus Goldsmith confirms the primacy of  
15 artists' songs and recordings where the purpose of the  
16 use is similar, and under its reasoning, AI tools that  
17 scrape, ingest, or copy such musical works are not  
18 transformative. Gen AI companies may use language to  
19 suggest transformativeness, but fulsome disclosures  
20 will be needed to determine what is actually happening  
21 under the hood.

22 Fourth, primarily AI-generated music  
23 threatens the already meager royalties that artists  
24 can earn via streaming. The larger the slice of the  
25 streaming pie that is taken up with AI-created

1 functional music, the less in royalties that DSPs will  
2 be required to pay out to human artists and their  
3 affiliated licensees. Human artists should be  
4 incentivized to create music, but diluting the royalty  
5 pools in such fashion would have a significant  
6 negative impact.

7 Fifth, copyright is a key pillar of artists'  
8 rights and protections and should work in tandem and  
9 not at cross-purposes with other artists' rights like  
10 the right of publicity and rights under The Lanham  
11 Act. MAC supports enactment of a strong federal right  
12 of publicity law that will protect persona and  
13 identity, but that does not lessen the need for robust  
14 copyright protection.

15 Sixth and finally, we cannot be blinded by  
16 the allure of technological advancement without  
17 thinking through its ramifications. In the past,  
18 lawmakers have failed to protect copyright because  
19 they were seduced by changing technology.

20 We should not be misled or confused by those  
21 who claim that AI itself is about freedom and  
22 creativity and not in service of human creators,  
23 especially where profit motives threaten the artists  
24 and songwriters on whose backs they may build their  
25 businesses. Let's not be fooled again.

1 MR. SLOAN: Thanks, Nat.

2 MR. BACH: Thank you very much. I look  
3 forward to the conversation.

4 MR. SLOAN: Thank you.  
5 Timothy?

6 MR. COHAN: Thank you. My name is Tim  
7 Cohan. I'm the Chief Counsel for peermusic, a global  
8 international music publisher.

9 I'd like to thank the Copyright Office for  
10 its timely focus on artificial intelligence and for  
11 the opportunity to share the perspective of one  
12 publisher and the songwriters we represent.

13 When we ask our writers whether they're  
14 using AI, they're not sure. Compositional tools that  
15 employ AI are already integrated into the creative  
16 process. Whether these tools today generate  
17 traditional elements of authorship is unclear. What  
18 is certain from our point of view is that all of our  
19 writers will be using AI in some form before long.

20 We're grateful to the Copyright Office for  
21 raising important issues around the use of AI in the  
22 creative industries in its March 2023 guidance, which  
23 promote remarkable engagement and discussion in the  
24 music community.

25 That said, on close review, we have some

1 concerns about the potential impact on the protection  
2 and promotion of creative works if the current  
3 guidance were implemented to the letter.

4 As we read the guidance, we must require our  
5 writers to specifically identify any AI in delivered  
6 works. Some publishers will simply refuse to accept  
7 such works. Either way, we risk creating a trip wire  
8 to breach of contract that doesn't exist today. A  
9 writer may believe the use of AI was de minimis in  
10 good faith and fail to disclose or may be entirely  
11 unaware of the use of AI in a song by a cowriter or  
12 producer, for example.

13 Moreover, we're not optimistic about getting  
14 precise AI metadata when we still struggle to receive  
15 songwriter splits, not to mention the essential song  
16 metadata that the marketplace desperately needs.

17 The Copyright Office has suggested that in  
18 cases of uncertainty we may register a work with a  
19 general statement that it contains AI-generated  
20 material. This is helpful. However, under current  
21 guidance, we then need to wait for the Copyright  
22 Office to contact us to discuss each such work.  
23 Unless we're prepared to inspect and analyze every  
24 song delivered with AI content, this would appear the  
25 only feasible option.

1           As a publisher, we protect our writers'  
2 works through timely registrations with the Copyright  
3 Office. Works not registered do not receive the full  
4 statutory protections of the Copyright Act.

5           Thanks to the modernization efforts of the  
6 Copyright Office, this critical process has become  
7 more streamlined and efficient. We would hope not to  
8 move in the opposite direction with a process that  
9 can't be scaled and yet may well become the norm.

10           We would respectfully urge policymakers to  
11 afford writers the presumption of authorship in the  
12 selection and arrangement of AI material in works  
13 submitted for copyright protection. If a question  
14 arises as to the enforceability of a particular  
15 copyright, then, if necessary, a court can conduct the  
16 relevant fact-specific inquiry.

17           If that inquiry must instead take place  
18 through patent-level scrutiny of every registration at  
19 inception, the result may be an effective prohibition  
20 on the use of AI in the creative process. We know  
21 that prohibitions on the use of technology have not  
22 historically turned out well.

23           Putting the question simply, do we want to  
24 foster the creative process or fence it in? We would  
25 err on the side of creativity and the presumption of

1 protection. Thank you.

2 MR. SLOAN: Thanks, Tim.

3 Kenneth?

4 MR. DOROSHOW: Good afternoon. My name is  
5 Ken Doroshow. I am the Chief Legal Officer of the  
6 Recording Industry Association of America. The RIAA's  
7 record company members create, manufacture, and  
8 distribute sound recordings representing the majority  
9 of all lawful consumption of recorded music in the  
10 United States, including many of the most popular and  
11 commercially valuable sound recordings in the world.

12 The recording industry is and has always  
13 been a tech-forward business ever since the invention  
14 of the phonograph through the eras of vinyl, tape,  
15 CDs, and now streaming.

16 Record companies appreciate the valuable  
17 role that new technologies, including artificial  
18 intelligence, can play in the creative process.  
19 Indeed, AI and machine learning is already in use in  
20 many facets of music production and distribution.  
21 Like every new technology, AI will undoubtedly push  
22 creative boundaries and help shape recording artists'  
23 visions and expand their commercial reach.

24 We embrace AI's potential as a tool to  
25 support human creativity but not to supplant it. Like



1 any new technology, AI must be used responsibly,  
2 ethically, and in a manner consistent with the law.  
3 By and large, unfortunately, this is not happening  
4 today.

5 Many AI developers, including some of the  
6 largest companies in this fast-growing industry, have  
7 scraped online music repositories and copied vast  
8 troves of copyrighted sound recordings to build data  
9 sets for their AI models and did so and continue to do  
10 so without the content of artists or rights holders.  
11 This, in short, is copyright infringement on a massive  
12 scale.

13 And the arguments of fair use that we  
14 frequently hear as justification for these practices  
15 are misplaced, especially in the wake of the Supreme  
16 Court's recent Warhol decision, which Shira mentioned  
17 in her opening remarks and I'm sure we'll discuss in  
18 greater detail today.

19 We've also seen a proliferation of AI models  
20 and services specifically designed to enable the  
21 generation of recordings containing digital replicas  
22 of well-known artists' voices and styles. In most  
23 cases, this is done without the artist's permission to  
24 capitalize on the commercial value of the artist's  
25 voice, resulting in a distortion of the artist's own

1 vision for themselves, confusion in the marketplace  
2 over whether the artist has endorsed this use of their  
3 voice, and a dilution of the value of the artist's  
4 brand.

5 RIAA's members believe that free market  
6 licensing is the right path forward for the use of  
7 copyrighted sound recordings by developers of AI  
8 systems. We already know that free market licensing  
9 of sound recordings works. In fact, it's the  
10 foundation of today's thriving streaming economy in  
11 which all of the leading services have managed to  
12 obtain licenses from our member companies.

13 The necessary licensing markets already  
14 exist. They are practical, efficient, and have a  
15 track record of success. There is no reason why they  
16 cannot work in the new world of AI.

17 I'm honored to be included in this listening  
18 session, and I'm grateful to the office for allowing  
19 me to participate in today's very important  
20 discussion.

21 MR. SLOAN: Thank you, Ken.

22 Jack?

23 MR. KUGELL: Hey, everybody. I'm Jack  
24 Kugell. I'm a Grammy and Emmy-nominated songwriter  
25 and producer and a co-founding board member of

1 Songwriters of North America, where I co-chair the  
2 Advocacy Committee.

3 Songwriters of North America is a nonprofit  
4 membership organization founded in 2015 by a group of  
5 songwriters, composers, and music industry  
6 professionals determined to advocate for ourselves in  
7 an increasingly challenging digital economy.

8 SONA has since evolved into a trade  
9 association and hub for thousands of engaged working  
10 music creators, representing the boots-on-the-ground  
11 songwriters and composers who call making music their  
12 job. I'm honored to be a part of today's panel,  
13 representing SONA.

14 What is most important for the Copyright  
15 Office to know about the use of generative AI in the  
16 music industry? It is of utmost importance to protect  
17 human creators and their rights in the face of  
18 developing AI technology. Policymakers must ensure  
19 that AI development be done responsibly and in a way  
20 that does not threaten the livelihood of human  
21 creators, particularly songwriters. Creators must  
22 have a say over whether they want their works to be  
23 used for AI training.

24 Generative AI often illegally takes  
25 copyrighted music written by human creators without

1 permission or compensation. In doing so, it also  
2 purposely removes the work's metadata so it can't be  
3 tracked. As this technology develops, it could  
4 foreseeably generate music that competes in the  
5 marketplace with the very human-created music it  
6 ingested in the first place.

7 Developers will claim that this is a fair  
8 use issue. However, fair use was not created to allow  
9 the replacement of, nor to compete with, human-created  
10 work in the marketplace.

11 We need the Copyright Office and the courts  
12 to recognize that our works must be licensed.  
13 Songwriters need to have the choice of whether they  
14 want their works to be used by AI companies and the  
15 ability and right to say yes or no.

16 How will we know if AI uses our work? We  
17 need to have records kept. We need complete  
18 recordkeeping of what is in the database, as well as  
19 tracking specific end user queries, i.e., write me a  
20 song like Prince.

21 Again, this illustrates the need to retain  
22 the ingested work's metadata. Human creators should  
23 be able to use AI as a tool, as we have done with many  
24 technological developments in music in the past, and  
25 have the assurance that our works will be protected by

1 copyright. Thank you.

2 MR. SLOAN: Thanks, Jack.

3 Garrett?

4 MR. LEVIN: Thanks, Jason. And thank you to  
5 Register Perlmutter and the entire U.S. Copyright  
6 Office team for inviting me to speak at today's  
7 listening session and for your steadfast engagement on  
8 this important issue.

9 My name is Garrett Levin. I'm the President  
10 and CEO of the Digital Media Association, DiMA, the  
11 trade association that represents the world's leading  
12 audio streaming services.

13 Music has long been at the forefront of  
14 potentially disruptive and new technology, and the  
15 development of new technology has often been met with  
16 initial concern by many in the industry. However, the  
17 success of today's streaming-driven music industry is  
18 definitive proof that music and technology can,  
19 should, and most often do learn to work together and  
20 enrich our musical traditions.

21 Emerging technologies have historically  
22 improved the creation, distribution, and consumption  
23 of music. AI is a rapidly evolving technology with  
24 similar abilities to assist creators, including human  
25 musicians and songwriters, and improve the way music

1 is created, distributed, and consumed.

2 But AI is not one size fits all. Current  
3 discussions around AI often lack grounding  
4 definitions, including the lines between generative  
5 and assistive AI. The entire industry will benefit  
6 from establishing a common set of facts in these  
7 discussions, and we're focusing questions around  
8 specific technologies and uses.

9 Similarly, policymakers benefit from shared  
10 substantive expertise about AI technologies, evolving  
11 trends, and the potential effects on artistic  
12 expression, innovation, and commercial markets before  
13 proposing changes.

14 We hope that the office's series of  
15 listening sessions reflects the start of that kind of  
16 analysis, and DiMA members are willing to assist the  
17 government in pursuing that evidence-based path.

18 We'll no doubt dig further into some of the  
19 specifics during the discussion today, but at a high  
20 level, DiMA members believe the following: Existing  
21 U.S. copyright laws, including those governing  
22 copyrightability, such as originality, de minimis  
23 contribution, scènes à faire, and the idea/expression  
24 dichotomy, infringement, including questions of  
25 unlawful appropriation, substantial similarity, and

1 causation, and the DMCA, as well as laws that exist  
2 outside of copyright to protect one's name, likeness,  
3 and the right of publicity, are sufficient to address  
4 creations made with or by AI technology.

5 Different legal doctrines can and should be  
6 employed to consider the various questions arising  
7 from AI-generated music, but copyright laws should not  
8 be stretched or changed to address questions that more  
9 properly arise under laws relating to trademark, right  
10 of publicity, or unfair competition.

11 And one final note in this introductory  
12 statement on the topic of data, a topic on which DiMA  
13 members have extensive experience. Music streaming  
14 services should not be and cannot be the arbiters as  
15 to what is or is not AI-generated. It is not possible  
16 with the existing data, and any new data must come  
17 from copyright owners and creators. Data  
18 accountability must exist throughout the entire chain  
19 from creation to distribution.

20 There have long been data challenges in the  
21 music space. Tim actually acknowledged these in his  
22 opening remarks, including with ensuring that accurate  
23 and complete metadata identifiers are included in  
24 recordings at the time of distribution. These  
25 challenges existed before streaming, continue to

1 exist, and are highly relevant to discussions of the  
2 treatment of AI-generated music in streaming.

3 Thank you, and I look forward to the  
4 discussion.

5 MR. SLOAN: Thank you, Garrett.

6 Kevin?

7 MR. MADIGAN: Thanks, Jason, and thanks to  
8 the Copyright Office for hosting these listening  
9 sessions and allowing me to participate.

10 I'm Kevin Madigan with the Copyright  
11 Alliance, and I want to make just a few points in my  
12 opening remarks, the first of which is that as we  
13 consider questions surrounding copyright infringement  
14 and generative AI, it's really important that we  
15 separate the discussion of potentially infringing  
16 output from infringement that occurs when works are  
17 ingested by AI systems without authorization.

18 There have been comments made in some past  
19 listening sessions about how infringement isn't really  
20 an issue because output of generative AI is so rarely  
21 substantially similar to the works that are ingested.  
22 But even if that's true, it doesn't change the fact  
23 that there are unauthorized reproductions occurring at  
24 the input or ingestion stage, and the right of  
25 reproduction is a standalone right that's implicated.



1           The second point I'll make is that,  
2 especially now in the wake of the Supreme Court's  
3 Warhol v. Goldsmith decision, it's essential that we  
4 recognize that the purpose of many generative AI  
5 systems is to use expressive works of authorship to  
6 generate new works, and in many cases, that means  
7 their purpose is to create works that act as a  
8 substitute for the works they ingest.

9           Now what Warhol v. Goldsmith also makes  
10 clear is that transformative use does not control a  
11 fair use analysis. And so claims by some AI  
12 developers that the transformative nature of AI means  
13 that it just automatically qualifies as fair use are  
14 clearly not supported by the law.

15           The last point I'll make is that in earlier  
16 listening sessions some argued that there are cases  
17 that support the position that AI ingestion of  
18 copyrighted works qualifies as fair use, particularly  
19 Sega v. Accolade and the Google Books case.

20           I disagree strongly that either of those  
21 cases would control an AI fair use analysis because  
22 they're clearly distinguishable. As we know, fair use  
23 is a very fact-specific analysis, and in the Sega  
24 case, which was a reverse engineering case, the court  
25 was clear that its analysis was specific to the

1 functional computer-coded issue, whereas AI systems  
2 make use of clearly expressive works of authorship.  
3 And then, in Google Books, the purpose of the scanning  
4 was to provide information about the books, not to  
5 create new substitutions for the underlying works.  
6 So, while these cases may be instructive in some ways,  
7 they deal in very different fact patterns that are  
8 clearly distinguishable from AI ingestion.

9 So I'll stop there for now, and I look  
10 forward to the rest of our discussion.

11 MR. SLOAN: Thank you, Kevin.  
12 Alexander?

13 MR. MITCHELL: Thank you, Jason. Thanks so  
14 much. I am Alex Mitchell. I'm a musician. I am a  
15 policy advocate for the generative music field. And  
16 I'm the co-founder and CEO of a company called Boomy.

17 I want to thank the Copyright Office right  
18 off the bat for allowing me to participate today and  
19 for being open to a variety of viewpoints on these  
20 very nuanced issues.

21 Boomy is a free online platform where  
22 creators and enthusiasts all over the world are  
23 making, sharing, and monetizing generative music every  
24 day. More than a million Boomy creators have already  
25 produced over 15 million original songs using our

1 proprietary technology, and a small percentage of  
2 those have been released by our creators through Boomy  
3 as a record label and a publisher.

4           We founded Boomy on the principle that every  
5 human on the planet should be able to express  
6 themselves with music regardless of their access to  
7 resources like expensive studio time, instruments, or  
8 even high-end computers, and in pursuit of that human  
9 expression, we determined very early on to respect  
10 copyright as part of our commitment to ethical AI.

11           So what does ethical AI mean? What it means  
12 to us is not creating so-called black box models that  
13 are trained using third-party data and are going to be  
14 widely discussed today. Instead, we developed an  
15 original generative music framework that is directly  
16 inspired, designed, and influenced by the musicians  
17 who work at Boomy and design our algorithms.

18           Generative music to me represents a new  
19 creative class of technology-enabled musicians, and  
20 this creates an on-ramp for musical expression that we  
21 believe will increase the overall interest and  
22 participation in the music industry. This is the big  
23 opportunity that I think can get lost in some of these  
24 conversations.

25           And as a label ourselves, of course, it's

1 our position that the original songs that our creators  
2 are making with Boomy should be subject to the same  
3 copyright protection as the songs made by generations  
4 of algorithmic musicians or generative musicians,  
5 whatever term you want to use, that came before us.

6 These protections aren't just important from  
7 a business perspective; they're crucial for the  
8 prevention of harmful content and the mitigation of  
9 unauthorized uses of platforms like ours.

10 So these questions of copyrightability of AI  
11 in music, which now has a definition that changes  
12 almost weekly, are mission critical for us in  
13 supporting a rapidly growing community.

14 My hope is that today and in the future that  
15 I can be a helpful voice in this conversation from the  
16 perspective of a platform that is very much on the  
17 front lines of the incredible opportunities and the  
18 difficult realities that come with this new generation  
19 of technology-empowered human creative expression.

20 MR. SLOAN: Thanks, Alex.

21 Rohan?

22 MR. PAUL: Hey, everyone. Thanks for having  
23 me. I'm Rohan Paul, an artist and founder of  
24 Controlla. Controlla is a platform powered by human  
25 singers that helps anyone create, protect, and

1 monetize their AI voice. We're helping major labels  
2 and artists pinpoint unauthorized uses of their AI  
3 voices on social media to protect some of the world's  
4 most beloved singers.

5 Three months ago, I was engaging with  
6 various music tech companies to create a platform  
7 where listeners could hear any song in any artist's  
8 voice. I believed this platform needed to be done on  
9 an opt-in basis where artists would contribute their  
10 songs and voices so that fans can generate AI covers  
11 with permission.

12 Instead, they started posting AI covers but  
13 never got permission from artists. They garnered  
14 millions of views on social media and started offering  
15 direct access to celebrity voices in their apps  
16 without getting permission from a single artist. I  
17 felt so ashamed. The teams that I trusted in hopes of  
18 supporting artists turned around and straight up  
19 robbed them.

20 It was at this time various discords were  
21 created, and a community of AI creators were training  
22 models on celebrity voices making original songs like  
23 "Heart On My Sleeve." This is no longer bringing  
24 attention to the original artists. It's appropriating  
25 their voice and brand for clout.

1           After engaging with people in this discord,  
2           it was clear that some of them knew this was wrong,  
3           but others didn't believe it was illegal or unethical  
4           in any way. They saw it as a form of admiration  
5           towards the original artists. They felt like it was  
6           their only chance of collaborating with an artist they  
7           love that would otherwise never work with them. Many  
8           times, they would point to these existing apps and  
9           say, if there's an app for it, it must be legal,  
10          right?

11           Meanwhile, dozens of companies and apps  
12          started stealing these voices and using this new  
13          community to kick-start their products and offer easy-  
14          to-use celebrity singing voices without permission.  
15          They call them user-uploaded voices, but it's obvious  
16          that almost every single voice is stolen.

17           These companies didn't create anything.  
18          They didn't create the tech, they didn't create the  
19          music, and they didn't create the voices that artists  
20          spent their entire lives training. It makes no sense  
21          why a platform like this should continue to exist and  
22          profit off the backs of artists and researchers simply  
23          because they lack the decency to ask for permission.  
24          I believe that every single one of these platforms  
25          needs to have all unauthorized voice models removed

1 immediately as they already contribute to millions of  
2 AI songs each week.

3           Despite these voice-stealing platforms, I do  
4 believe AI voices and other AI music tools have tons  
5 of value to offer artists, fans, and all players in  
6 the industry. We just need more clarity on what isn't  
7 allowed and how artists who want to embrace it should  
8 be compensated from derivative works in their voice.  
9 Artists should have control of their own voices, and  
10 those that want to embrace opening up access to fans  
11 should be able to do so on their own terms.

12           My proposed solution would be to explicitly  
13 include protection of someone's voice, whether real or  
14 AI, under copyright law. Furthermore, I'd advocate  
15 that any past contracts that give catalog owners  
16 permission to use recordings in any way should not  
17 extend to the cloning of a voice or style with AI.

18           We're at the point where AI voices are  
19 indistinguishable from the real thing even by AI, so  
20 we can't compare this to sampling or training systems  
21 on other forms of media like text and images because  
22 our voice is as unique as a fingerprint and it should  
23 be treated as part of our identity. Thanks.

24           MR. SLOAN: Thank you.

25           Jason?

1                   MR. RYS: Hi. My name is Jason Rys. I'm  
2 the co-owner of CTO and EVP of Wixen Music Publishing.  
3 We're a music publishing and administration company  
4 that represents many of the finest songwriters of  
5 songs over the last hundred years, from rock bands  
6 like Tom Petty, The Doors, Weezer, Rage Against The  
7 Machine, to hip hop icons like Missy Elliott, and even  
8 to old standards, like "Santa Claus Is Coming To  
9 Town."

10                   First, let me start by thanking the office  
11 for getting ahead of this issue with these roundtable  
12 discussions and with the recent registration guidance  
13 on the human authorship requirements. AI is quickly  
14 becoming a disruptive technology in the music space,  
15 and the office's proactive approach is both necessary  
16 and appreciated.

17                   There are a few important topics that I hope  
18 we can tackle here today. First is the issue of  
19 rampant unlicensed use of copyrighted songs in  
20 training data in AI models. Songs and recordings are  
21 being used without permission and without compensation  
22 to the songwriters and artists who created them. This  
23 is not fair use. It is large-scale copyright  
24 infringement.

25                   As several panelists have already mentioned,



1 the Supreme Court's decision in the Warhol case  
2 clearly supports this view. This must be stopped.  
3 Music uses in AI training must be properly licensed in  
4 a free market, which includes the right to opt out of  
5 licensing if one so chooses.

6 Second is preserving a functional and  
7 flourishing ecosystem for songwriters and artists.  
8 The near-term impacts of generative AI are already  
9 being felt by music companies which create and license  
10 mostly generic background music for brands, TV, and  
11 film, and this replacement is a bottom-up process.  
12 It'll start with the generic background music, but  
13 make no mistake it will improve rapidly, and it will  
14 start to compete with and displace popular performers  
15 and songwriters.

16 Finally, not everything is doom and gloom.  
17 There are many positive and mutually beneficial  
18 opportunities ahead for human writers and artists, as  
19 well as the AI companies, such as human-machine  
20 ideation, collaboration, and advanced tooling  
21 assisting the songwriting and recording processes.  
22 There are also licensing opportunities for copyrighted  
23 songs or vocal recordings to be used as training data  
24 if one so chooses.

25 While we embrace the technological change

1 that generative AI brings, we must not lose sight of  
2 the humans past, present, and future who have and who  
3 will contribute human authorship to music. We must  
4 ensure that they may continue to earn an honest living  
5 from their work, creativity, and talent without having  
6 the fruits of their labor stolen wholesale, chopped  
7 up, and regurgitated through an AI model without  
8 consent, compensation, or attribution.

9 The human authorship requirement isn't just  
10 a key component of copyright law. It's a key  
11 component to actual creativity, innovation, and  
12 preserving the long march of the progress of the  
13 useful arts for future generations. Thank you.

14 MR. SLOAN: Thank you.

15 And Kathleen?

16 MS. STROUSE: Thank you. Thank you to the  
17 U.S. Copyright Office for convening these sessions and  
18 the chance to participate today.

19 My name is Kathleen Strouse. I'm the Senior  
20 Vice President of Operations for SoundExchange.  
21 SoundExchange is the premier music tech organization  
22 independently formed in 2003 to build a fairer,  
23 simpler, and more efficient music industry through  
24 technology, data, and advocacy. Representing the  
25 entire recorded music industry, SoundExchange closely

1 monitors, assesses, and advises on the legal,  
2 political, and business impacts to the industry of  
3 emerging technology.

4 SoundExchange was created for the streaming  
5 era, and we have distributed over \$10 billion on  
6 behalf of more than 650,000 music creators to date.

7 We continue to embrace cutting-edge  
8 solutions, and through real-time data management we  
9 process billions of performances each month and are  
10 constantly hounding our best-in-class patented  
11 matching technology. We process and pay out 90  
12 percent of royalties within 45 days of receipt.

13 While our matching technology is pivotal to  
14 that, working with DSPs, streamlining recording data,  
15 and sourcing data from copyright owners are  
16 cornerstones in accurate and timely payments.

17 A globally recognized leader in the music  
18 industry, SoundExchange continues to develop and  
19 influence worldwide data and technology standards to  
20 ensure accuracy and efficiency to a continually  
21 evolving digital ecosystem.

22 Through the use of data, SoundExchange is  
23 making it easier for digital service providers to  
24 fulfill their obligations to pay creators fully and  
25 fairly for their work. We pay out monthly, operating

1 with one of the lowest overall administration rates in  
2 the industry.

3 At SoundExchange, our mission is to power  
4 the future of music, and for music to have a future,  
5 it must be fair to the creators who drive it.

6 As one of the founding members of the Human  
7 Artistry Campaign, we believe that creators must be  
8 the center of the conversation and that AI tools  
9 should be operationalized in a way that protects  
10 artists and the value of music.

11 The music industry is poised to transform  
12 once again, and we must anticipate the challenges  
13 ahead, both immediate and long term, so we can  
14 maximize opportunities for creators and enact  
15 guidelines for responsible use of artificial  
16 intelligence. Thank you.

17 MR. SLOAN: Thank you. Thank you all for  
18 those introductions.

19 To begin the discussion, I'm going to hand  
20 things over to my colleague, Chris.

21 MR. WESTON: Thank you, Jason.

22 So the Copyright Office is interested in  
23 learning more about how creators are using and plan to  
24 use generative AI in the creation of musical works and  
25 sound recordings. So I would like the panelists to

1 expand on this, and in responding, specifically, can  
2 you please discuss your views on whether there are  
3 situations where generative AI is used as a tool as  
4 part of a larger creative process that is driven and  
5 controlled by a human being?

6 So, if you'd use the Raise Hand feature, and  
7 I will call on the first person. Alex?

8 MR. MITCHELL: Thanks so much, Chris. You  
9 know, absolutely, generative AI isn't just being used  
10 now. I mean, this is not a new thing. It has been  
11 used, like I said, for generations. I think the  
12 generative -- the term "generative music" actually  
13 comes from the activities of the artists, Brian Eno,  
14 Robert Fripp, Radiohead, Aphex Twin, many, many  
15 examples of artists who have used different types of  
16 algorithms in their creative process, and to take some  
17 of these new methodologies and apply them to that  
18 creative process seems like musicians making music.

19 And I think that's an important filter to  
20 apply when people are talking about this stuff. Is  
21 this, you know some sort of AI robot, as it is  
22 sometimes discussed, or is this just musicians doing  
23 what musicians have always done?

24 I'll give you a specific example from Boomy  
25 where we are really looking at this from the

1 copyrightability perspective on different activities  
2 that people might take or might engage in when they  
3 use our platform.

4           So, for example, on Boomy, you can generate  
5 a song, edit that song, rewrite that song, add your  
6 voice to that song, spend hours and hours editing and  
7 changing that song. In our view, that would be, you  
8 know, clearly quite a bit of human effort that goes  
9 into the creation of a song that might be described as  
10 generative or might be described as AI-generated, but  
11 it's certainly coming from an artist.

12           There's another set of activities that could  
13 be called curation, where you determine, you know, a  
14 human has used their creativity to determine a set of  
15 inputs and then have run that algorithm over and over  
16 and over again until the sort of algorithmic system  
17 can create something that they want.

18           So those are two types of human labor, two  
19 types of work that's going into the creation of the  
20 ultimate song, notwithstanding everything that our  
21 musicians have done to create these algorithms. And  
22 so that's just one example of an area where you have a  
23 new artist or a new musician maybe creating music for  
24 the first time and doing something that is  
25 fundamentally a musician making music.

1           So I would say that at least the way we look  
2           at it and at least the way we designed our generative  
3           AI systems, of course, it is part of a larger creative  
4           process, and, of course that's completely controlled  
5           by a human being.

6           MR. WESTON:   Okay.   Thank you, Alex.  
7           Kevin?

8           MR. MADIGAN:   Yeah, I'll just sort of  
9           piggyback on some things Alex said and also that Shira  
10          said in her opening remarks, and that is that, you  
11          know, music creation is an area of the arts where AI  
12          technologies have been used for years and are  
13          currently used to produce works, and musicians and  
14          music producers use them as a tool for, you know, a  
15          larger creative process.

16          If you think of things like a beat generator  
17          or, like, autotune vocal tools, these have been used  
18          for years, and while they may utilize AI technology,  
19          they aren't models that ingest massive amounts of  
20          creative copyrighted protected works, and that's an  
21          important distinction that we should make.

22          So whereas many AI technologies are used as  
23          part of a greater creative process, there are  
24          different AI platforms that may be ingesting full  
25          songs or sound recordings for the purpose of creating

1 new musical works or sound recordings, and in that  
2 scenario, the person, you know, sort of prompting the  
3 system to generate a song may not be a musician or  
4 songwriter and they may not be really exerting any  
5 creative control over the generation of new works,  
6 and, you know, then that new work might actually act  
7 as a substitute for the songs ingested.

8           So, you know, I guess just to sort of follow  
9 up on something I said in my opening remarks, I think  
10 it's important to recognize when generative AI  
11 technologies have sort of a substitutional purpose  
12 rather than when a creator uses it as a tool to sort  
13 of supplement an already existing work or, you know,  
14 the creator manipulates a tool in a sufficient way.

15           MR. WESTON: Thanks.

16           Jack is next.

17           MR. KUGELL: Sorry. I was muted there. I  
18 was going to say at this point most generative AI  
19 tools for songwriters appear to be in their infancy.  
20 At least in my experience, songwriters are not quite  
21 yet putting in a prompt and receiving a fully baked  
22 composition. But we do know that their widespread use  
23 is just around the corner.

24           Anecdotally, we've heard that generative AI  
25 is mostly being used for ideation at this stage, but



1       there is concern among songwriters about AI being  
2       used, particularly where you don't have a guarantee  
3       that the AI you're using doesn't infringe on someone  
4       else's work or isn't stealing from human creators.

5               MR. WESTON: Thank you.

6               So does anybody else have any responses.  
7       Nathaniel?

8               MR. BACH: Thanks, Chris. Yes, just a few  
9       other thoughts. You know, I think, again, we're at  
10      the infancy of this, and so this is going to continue  
11      roll out and it's going to be a continuing  
12      conversation. Pro Tools, Ableton, GarageBand, we will  
13      get to the point presumably at which AI processes will  
14      be so folded into the standard suite of products  
15      available to songwriters and producers that they may  
16      not even know what is necessarily happening when they  
17      press that button. It will just become de rigeur.

18              And so having an understanding along the  
19      lines of what Kevin said as to what is feeding into  
20      that process on the back end, where the technology,  
21      where the learning, where the magic is coming from and  
22      whether that's trained off of copyrighted works  
23      without a license is really where the rubber meets the  
24      road because, at some point, it's just going to become  
25      part of our Microsoft Word, part of our suite of

1 products that are in front of us every day.

2 MR. WESTON: Okay. Thanks.

3 Rohan?

4 MR. PAUL: Yeah, I just wanted to touch upon  
5 a couple tools as an artist. I think there's a lot of  
6 AI tools that help with different steps in the process  
7 which used to be quite complicated for people, and I  
8 think that helps democratize creation and is a net  
9 positive as long as they're sourced ethically. So  
10 these are tools that could help you compose songs or  
11 design samples for your songs, write lyrics to your  
12 song, and even just master your song. I think a lot  
13 of these tools open up new ways for people to create  
14 music where they would normally otherwise struggle.

15 But I think, when we talk about, like, Music  
16 LM, which is, like, this new model Google released, I  
17 can totally see people in the future trying to train a  
18 model on a specific artist's catalog, and I don't see  
19 a world where it makes sense for that person to end up  
20 having a million songs in this artist's style that  
21 they can own and monetize while the artist only has  
22 their original 10 songs that they created.

23 So I think it's important for catalogs that  
24 more than just mass train catalogs. Catalogs that are  
25 specifically trained for a model—should be owned by

1 the creator rather than whoever decided to take them  
2 and train that model.

3 MR. WESTON: Okay. Thanks.

4 We've got a few minutes left with this  
5 particular topic if anyone else has any thoughts. If  
6 not, we could go to the next topic, and I will ask  
7 Jason to ask the next question.

8 MR. SLOAN: Thanks, Chris.

9 So we've heard how certain AI models  
10 generally for text and images are trained and the  
11 concerns that creators and copyrighters have with  
12 models that use their copyrighted works without  
13 permission as part of the training process, and we  
14 heard similar concerns from several of you all during  
15 your introductory remarks.

16 When it comes to musical works and sound  
17 recordings, what's your understanding of how current  
18 and emerging generative AI models are being built?  
19 For example, are they similarly trained on preexisting  
20 musical works and sound recordings, or are there other  
21 methods, such as applying musicological rules? Are  
22 there any technological distinctions between AI  
23 training of musical works and sound recordings as  
24 compared to other types of works, like text and  
25 images? Jason?

1           MR. RYS: Yeah. Sure. So I think you hit  
2 the nail on the head there. There are a couple  
3 different types of training processes that the AI  
4 companies are using. Some are using musicological  
5 rules, and, you know, as a publishing administrator,  
6 zero problem with that. Great. Love it. I support  
7 the, you know, democratization of access to music in  
8 that fashion.

9           I think where it breaks down is there are a  
10 number of companies that are taking in copyrighted  
11 music through illegally gotten ways, scraping the web  
12 or, you know, whatever data set that some researcher  
13 has collected, and they're taking this copyrighted  
14 music and they're feeding it into their algorithms,  
15 and out the other end they're producing things that  
16 are derivative works based on those copyrighted  
17 original songs. So I think there's two buckets to  
18 consider, and they have different ramifications from a  
19 copyright perspective.

20           MR. SLOAN: Thank you.

21           Tim?

22           MR. COHAN: Yeah. I'd just like to add that  
23 there's a lot of focus on lyrics, and so, really, the  
24 language models must intake those lyrics, they must  
25 take copyrighted lyrics, and so that's not a case

1 where you can ask a question as to whether or not you  
2 just applied musicological rules to it. You do need  
3 to intake those lyrics wholesale.

4 MR. SLOAN: Thank you.

5 Rohan?

6 MR. PAUL: Yeah. I just wanted to touch  
7 upon specifically AI singing voices for this and how  
8 they are trained. When they're trained on celebrity  
9 models, a lot of times they will take existing songs  
10 on YouTube and use stem splitters to get just the  
11 vocals and then they'll train a bunch of those vocals  
12 so that they can recreate the timbre of that voice.

13 And in this case, what the technology does  
14 at its core is it's taking one single vocal  
15 performance and it's converting the timbre into  
16 someone else's voice. So, when people do that, it's  
17 both using that original recording, that reference  
18 audio, and it's cloning that other person's voice.

19 And I think it's kind of irrelevant where or  
20 how much data they use to clone someone's voice. I  
21 think, if they can clone a singer's voice in an  
22 indistinguishable way, that singer should own it  
23 regardless of who owns the catalog of music that it  
24 was trained on.

25 MR. SLOAN: Thank you.

1 Ken?

2 MR. DOROSHOW: So I'm just going to echo  
3 some of the points that have already been made here.  
4 There are obviously different types of technologies in  
5 use here. Distinguishing the sound recording piece  
6 from the musical work and lyrics piece just for a  
7 second, you know, there's a professed desire by some  
8 of these AI companies very openly that they are  
9 seeking when they're trying to output audio, they want  
10 to capture the subtle timbres and dynamics and  
11 expressivity of actual audio.

12 There are some systems that, you know, will  
13 ingest and output MIDI files, but then, you know, to  
14 get this more rich output, they have to ingest raw  
15 audio. And, again, you know, not to beat a dead  
16 horse, this is a theme, I think, in a lot of the  
17 comments here, those audio inputs have to be licensed.  
18 You can't just simply take them to make this more  
19 expressive output, and that's the fundamental problem  
20 that we're seeing with all of this.

21 And to sort of echo the points that Rohan  
22 made, with the vocal cloning in particular, we're  
23 seeing the proliferation of stem extraction, vocal  
24 stem extraction from copyrighted sound recordings.  
25 Those stems are themselves copyrighted material, and

1 you can't just take it without authorization. So, you  
2 know, this is a problem we're seeing across the board.  
3 There's name, image, and likeness and right of  
4 publicity issues with all of that too, and hopefully  
5 we'll talk a little bit more about that in detail.

6 But particularly with respect to the  
7 ingestion of inputs for this kind of technology, it  
8 just seems, you know, nakedly misappropriative to take  
9 this without permission.

10 MR. SLOAN: Thank you.

11 Anybody else have anything to add? Nat?

12 MR. BACH: Yeah. To build on what Ken was  
13 saying, you know, I think whenever there's  
14 transformational technology in a shift in the  
15 landscape, you've kind of entered the land grab phase  
16 where, you know, obtaining market share is  
17 extraordinarily important, and we've seen this  
18 previously with respect to self-driving cars, delivery  
19 services, whatever it might be, the Ubers, the taxis,  
20 et cetera, and then the profit and sustainable model  
21 sort of comes second after they've captured a customer  
22 base.

23 And I think we're still in that phase, and  
24 so setting the ground rules while we're in that phase  
25 and having an understanding is critical to protect

1 artists. And, again, there's nothing preventing  
2 companies who are actually scraping, using inputs, and  
3 ingesting copyrighted works, songs, or recordings from  
4 going out and getting licenses, and, in fact, we're  
5 hearing today from folks like Rohan and others,  
6 they're saying we want artists' consents in order to  
7 build our business, in order to make it sustainable  
8 and scalable long term.

9           And so the question then becomes, well, why  
10 couldn't that and why isn't that the default across  
11 the industry as a whole, and it should be. And, in  
12 fact, Warhol speaks to that, right? The Supreme  
13 Court's decision in Warhol speaks to that just a few  
14 days ago in which you're talking about the same  
15 purpose. You could have two different uses, two  
16 different companies, one giving a license, one trying  
17 to rely on a fair use defense, and I think that that  
18 opinion points up exactly the concerns that are being  
19 articulated today on why a license is necessary in  
20 that circumstance.

21           And Justice Sotomayor said something to the  
22 effect of, you know, why not pay -- why didn't you  
23 simply pay Goldsmith a few bucks for a license or  
24 whatever it would have cost at the time. That really  
25 resonates with me and with MAC here when we're talking



1 about what these companies should be doing as a  
2 baseline.

3 MR. SLOAN: Thank you.

4 Alex, if I may, I want to ask you a specific  
5 question based on something you said in your opening  
6 remarks. You had made reference to, I believe, you  
7 called it an original AI framework, suggesting it was  
8 somehow maybe different from some of the other things  
9 being discussed, and I wanted to see if you could  
10 elaborate on what you meant by that.

11 MR. MITCHELL: That's a very common question  
12 these days, particularly in conversations like this,  
13 and I've got a lot of different ways to explain this,  
14 and none of them are great.

15 The best way I would describe it, and we've  
16 heard, you know, some other support for musicological  
17 rules-based composition, which, again, I cannot  
18 reiterate enough has a very long history and a very  
19 long history of copyrightability.

20 I think that when it comes to our approach,  
21 you know, we are taking those -- there are a lot of  
22 different ways to solve the statistics problem, and as  
23 a musician, it kind of pains me to describe the  
24 creation of a musical work as a statistics problem,  
25 but that is a helpful way of understanding some of the

1 different methodologies that can be applied to  
2 generating music.

3           You can solve a statistics problem by  
4 creating a gigantic black box model. You can also  
5 solve a statistics problem by hand. You can also  
6 understand the relationships between notes on a  
7 musical level, create algorithms that will, you know,  
8 take in those rules and those relationships and  
9 generate an output that, in our experience, very much  
10 needs human intervention and benefits from human  
11 intervention in order to sound great and sound  
12 awesome.

13           Certainly, within the millions of songs  
14 getting created on Boomy, the best that we've heard,  
15 and the things that we are pulling out and supporting  
16 as a label and publisher in the most traditional  
17 sense, of course, tend to be the songs with the most  
18 human intervention and the most sort of, let's call  
19 it, you know, vocal quality, the artistry, the human  
20 artistry that gets applied.

21           And, you know, to answer the broader  
22 question, we pay very close attention, and we've been  
23 in this market for several years, to advances in  
24 methodologies that, obviously, we've seen, right, with  
25 LMs, with things like Stable Diffusion. And, you

1 know, there has been a discussion here of market  
2 forces. Clearly, there is now -- there's also been a  
3 discussion of, you know, companies who have jumped  
4 into the market maybe without licensing in other  
5 domains, not largely music but in other domains.

6           Whatever we want to stay, there is now a  
7 market expectation for prompts, for using musical  
8 influences and using natural language to create music.  
9 And so, for us, we have been very active in doing  
10 everything we can to try to obtain licenses to be able  
11 to answer that market demand for prompts.

12           And I think we'll probably spend more time  
13 discussing licenses inside of this, but, for now, what  
14 I would say is, you know, as one of the leading  
15 platforms in this space, we have, you know, wanted to  
16 respect copyright. We've always respected copyright.  
17 We've answered these statistics problems by hand so  
18 far. We would love to work with rights-holders and  
19 obtain licenses to answer the market demand for  
20 prompts and continue to build, again, what we see as a  
21 human-created work. I have more thoughts on that, but  
22 we'll probably save them for the later questions.

23           MR. SLOAN: Thanks. Great. Thank you.

24           So several of you mentioned this in your  
25 introductions, but would anyone like to elaborate on

1 the concerns that creators and copyright owners have  
2 with various training approaches with respect to using  
3 preexisting copyrighted musical works and sound  
4 recordings as part of the training model? Sorry,  
5 Jack?

6 MR. KUGELL: Sorry about that. Thank you.  
7 Yeah, a few things. I mean, songwriters in general  
8 were extremely concerned about AI developers using our  
9 music and works to train AI for a number of reasons.  
10 Individual creators have no negotiating power with AI  
11 systems developers, some of them being the biggest  
12 companies in the world, and usually we're kind of in  
13 significant areas to being harmed economically by  
14 unauthorized use of our works for training and  
15 ingestion purposes.

16 When folks talk about the sound recording  
17 being ingested, we've got to remember there's an  
18 underlying composition, an underlying work that also  
19 needs to be licensed. It's not just teaching someone  
20 how to sing like Frank Sinatra because of their  
21 license to the master recording. You can't have a  
22 master recording without an underlying composition,  
23 and I think that's something that needs to be  
24 remembered and is not always remembered.

25 AI developers are using copyrighted music to

1 train precise -- they're using it to train precisely  
2 because it does have value, and the fact that they're  
3 using it at all shows that our works should be  
4 compensated accordingly.

5           Unauthorized AI training run the risks of  
6 cannibalizing the marketplace, stealing, ingesting  
7 copyrighted works and then uploading works based on  
8 those to compete with the work made by humans, and  
9 we're going to be at a point in the not too distant  
10 future where they'll be able to do it cheaper and  
11 faster. There you go.

12           MR. SLOAN: Thanks, Jack.

13           Kathleen?

14           MS. STROUSE: So, to reiterate what I think  
15 other people have said today, as a general principle,  
16 all copyright creators and owners have the right to  
17 determine how their works are used, but for this right  
18 to be meaningful, the ability to track how copyright  
19 works are used in AI training sets is critical. This  
20 data includes identifying not only the input works  
21 themselves but their owners, their creative  
22 participants, so that proper licensing around that use  
23 can occur.

24           MR. SLOAN: Thank you.

25           Kevin?

1           MR. MADIGAN: Yeah. I'll just be brief  
2 because I think others have made these points, but,  
3 you know, I just would say absolutely creators and  
4 copyright owners are concerned, you know, if an AI  
5 system is ingesting and engaging and also copying  
6 sound recordings, you know, particularly if the  
7 purpose is to generate a new work that will  
8 potentially act as a market substitute for the work  
9 that the systems trains on.

10           And if you just sort of think about it from  
11 the perspective of a musician or songwriter, their  
12 works are potentially being used without their  
13 permission to fuel a technology that generates  
14 something that may replace them, and they have no  
15 control or say over whether their works are used, and  
16 they receive no compensation. So it just seems highly  
17 inequitable and could really ultimately be very  
18 damaging to the incentives to create that drive our  
19 creative ecosystem.

20           MR. SLOAN: Thank you.

21           Jason?

22           MR. RYS: Yeah. I'll just add that it's  
23 encouraging to hear from some of the AI companies on  
24 this panel that they do respect copyright and are  
25 entertaining licensing, and I think that's ultimately

1 where at least I want to get to.

2 But it's not what we're seeing on the ground  
3 today. You know, our company has maybe 5 percent of  
4 the U.S. publishing market of popular songs and has  
5 had zero AI companies approach us about licensing, and  
6 we know our songs are being used in training sets and  
7 data. So, you know, the talk isn't matching the  
8 action, you know, and there's other certain AI  
9 companies that are going around to judiciary  
10 committees and saying, yes, yes, we love music and we  
11 respect artists, but when you reach out to them,  
12 they're like, yeah, we look forward to discussing this  
13 with you in court over a fair use defense.

14 And it's like, you know, I think we should  
15 just figure out a way to come together, get a  
16 licensing framework in place, allow creators, rights-  
17 holders, to decide to license their works for training  
18 or decide not to, then let the free market figure it  
19 out. But we're not there yet.

20 MR. SLOAN: Is there any licensing activity  
21 happening in this area currently, and is there a  
22 general willingness on the part of creators and  
23 copyright owners to license their works for AI  
24 training? Nat?

25 MR. BACH: Yes. So I had raised my hand for

1 the prior question, so let me just amplify that very  
2 briefly, Jason, and then others who are more familiar  
3 with the licensing current regime can speak to that.

4 So, again, I'll just amplify what others  
5 have said and add a few other points. I don't think  
6 the concern about ingestion and training on  
7 copyrighted works can be overstated, right? It is  
8 existential, and we've been hearing it from folks  
9 across the spectrum here today, and, frankly, I think  
10 what we're all struggling with on some level is the  
11 number of unknowns, right?

12 We hear from -- and I'm not necessarily  
13 singling out those involved in the tech companies here  
14 today. We hear it often. There are individuals who  
15 are creating technologies. They can't explain it to  
16 the public. They're going to have a hard time  
17 explaining it to artists and to have transparency into  
18 what is happening so that we don't have to dig in in  
19 the course of lawsuits and litigation and discovery to  
20 find out where the rubber meets the road.

21 And I say that as sort of against my self-  
22 interests as a litigator. I mean, all parties should  
23 be incentivized, including the platforms who are  
24 seeking such works and using them, to explain what is  
25 going on, and the more there is a disclosure and a



1 fulsome understanding about technologies, whether it's  
2 diffusion, whether it's something else, the more there  
3 can be common ground around this. And I think there's  
4 too many unknowns, too many vertical silos, and folks  
5 need to have that conversation centrally.

6 MR. SLOAN: Thank you.

7 Alex?

8 MR. MITCHELL: Just some feedback. I  
9 couldn't agree more on there being an incredible  
10 number of unknowns, and to bring it back to, you know,  
11 what I think is the central -- some of the central  
12 questions, right, that are being asked of the  
13 Copyright Office, I don't think you can separate the  
14 unknown of copyrightability from some of the unknowns  
15 around licensing.

16 There's been a lot of discussion about  
17 licensing. I have to keep our conversations  
18 specifically with rights-holders private, but, of  
19 course, this is something that we've engaged in. Of  
20 course, we want to meet the market, provide prompts,  
21 provide a really cool experience for our users.

22 And, look, when you ask people what they  
23 want to prompt, they are inspired by their favorite  
24 artists, and that's difficult, not impossible, but  
25 very difficult to answer if you're not using a

1 methodology that ingests copyright training. Great.  
2 So let's go get a license, right?

3 Now, if we're going to get a license and  
4 create commercial terms around this stuff, right, then  
5 we need to have an understanding of, well, how much  
6 should we pay because how much can we make, right? Of  
7 course, we are, you know, actively monetizing  
8 copyrights, you know, today as a label, but if there  
9 were, for example, a rule that said, you know, if a  
10 work that's produced by a model that used copyright  
11 training data, right, like the models we're talking  
12 about today, did not have any copyrightability  
13 associated with it, right?

14 Or let's just say in some of these  
15 conversations it's public domain, right? Well, how do  
16 you monetize that? What's the right sort? And also,  
17 how do you prevent abuse, or how do you sort of police  
18 the usage of a system like that if you don't have DMCA  
19 or if you don't have other sort of copyright  
20 protections on that work? How would you prevent a  
21 different AI company from producing a whole bunch of  
22 stuff and training a different model on the outputs of  
23 your model, which might violate your license?

24 So there are a lot of unknowns. I don't  
25 think they're unsolvable, but the sooner we get to

1 more solid answers and solid guidance on what these  
2 systems -- you know, if what these systems produce  
3 depending on how the system is created, what the  
4 copyrightability standards are for that.

5 I think the licensing conversation is going  
6 to move slowly because both sides, right, and neither  
7 side has a full understanding of what the commercial  
8 potential would look like, but if those works do enjoy  
9 copyright, then I think we all understand how to  
10 monetize copyrights.

11 MR. SLOAN: Thanks, Alex.

12 MR. MITCHELL: That's, you know, what  
13 everybody here does.

14 MR. SLOAN: Thanks, Alex.

15 Ken?

16 MR. DOROSHOW: Yeah. So I want to go back  
17 briefly and echo comments that Nathaniel and others  
18 have made about the importance of licensing the input  
19 for so-called training of these AI systems and  
20 specifically to talk about the Warhol case, because,  
21 again, as others have mentioned, there's this debate  
22 going on whether it's fair use or it's not fair use.

23 In our view, it's always been clear that  
24 when you're talking about ingestion of copyrighted  
25 material for the purpose of training a system to

1 output material that will compete in the marketplace  
2 with the very material that was used to train the  
3 system in the first place, that is purely  
4 substitutional. It is not fair use.

5 We've always thought that that was clear.  
6 In the wake of the Warhol decision, candidly, I think  
7 it's a cynical argument at this point to say that it's  
8 fair use. It couldn't be clearer given the specific  
9 purpose to which this is being put.

10 Now, as for your question, Jason, about  
11 whether licensing activity is happening in this area,  
12 the short answer is yes. Our member companies have  
13 made it very clear that they are open for business to  
14 discuss licenses for their catalogs for use by  
15 legitimate AI businesses. There have been public  
16 announcements in recent weeks about certain deals that  
17 colleagues on the next panel can probably speak to  
18 more authoritatively than I can, but the deals are  
19 being discussed and they are happening, as it should  
20 be.

21 Every licensing agreement, obviously, is  
22 going to be bespoke, and it will be dependent on the  
23 use case at issue, but as the streaming market -- as I  
24 said in my opening remarks -- as the streaming market  
25 has already made clear, free market licensing of sound

1 recordings in the context of new technology is readily  
2 achievable. It's nothing new. There's no reason for  
3 any AI company at this point to proceed without  
4 licenses for use of copyrighted sound recordings for  
5 training of their AI systems, and they act at their  
6 peril if they choose to do so.

7 MR. SLOAN: Thank you.

8 Tim?

9 MR. COHAN: Thanks. As to the question of  
10 licensing, I think it's clear among publishers, many  
11 of us, that we certainly are willing to engage in  
12 discussions about licensing for generative AI. We've  
13 licensed AI training in the past, years ago,  
14 nongenerative, but for development of clearly AI  
15 tools. And I think I echo what Ken says that, you  
16 know, it's possible to license in the market, right?

17 I think I saw in the transcript of one of  
18 the Hill discussions one of the speakers simply saying  
19 that, oh, this would be impossible. How would you  
20 possibly get licenses from everyone, all the content  
21 owners that you need?

22 And it's been done in the past. It's been  
23 done many, many times. It's feasible. We did it with  
24 YouTube. We did it with TikTok. Our lyrics are  
25 licensed independently in many different ways.

1           So we would be willing to talk about it, but  
2 I think there are a lot of unknowns, as everyone has  
3 said, and we need to know how the licenses will be  
4 structured, what safeguards and limitations would be  
5 in place, and how ownership would be attributed to the  
6 output.

7           And I think that Alex's point is really  
8 well-taken that we need to have a little more  
9 certainty as to what the commercial value is of these  
10 licenses, and, again, if the aim is simply going to be  
11 from a copyright perspective to try to identify and  
12 ferret out what's AI and make sure that doesn't get  
13 monetized in the product of these processes, then I  
14 think we're going to lose a lot of value and works  
15 that I think we all agree should be copyrightable and  
16 should be protected and should be out in the  
17 marketplace.

18           MR. SLOAN: Thank you.

19           I see Kevin and Rohan both have their hands  
20 up. We are running a little behind. I'll let you  
21 both respond, but please do so quickly. Kevin first,  
22 please.

23           MR. MADIGAN: Sure. Thanks. Yeah. I can't  
24 speak about the specific licensing deals, but I will  
25 just say that I heard arguments in earlier sessions

1 that, you know, it's just too hard or too impractical  
2 to license in the AI space and so we shouldn't even  
3 try.

4           You know, I obviously disagree strongly with  
5 that position, and I would point out that there are  
6 copyright owners who are already offering licenses for  
7 use of a massive amount of works, and when developers  
8 use works without a license, they destroy the market  
9 for licensing.

10           And I would just add that simply because a  
11 license for a certain type of use is not yet available  
12 or is in development doesn't mean that those works can  
13 be used without permission. And, you know, just  
14 thinking back to a good example of photocopying about  
15 30 years ago around the time of the Texaco case in the  
16 early '90s, at that time of that case, licensing for  
17 photocopying was just being developed, but it's now a  
18 robust market. So we shouldn't see the lack of a  
19 completely developed licensing system as justification  
20 for why there shouldn't be one.

21           MR. SLOAN: Thank you.

22           And Rohan, briefly, please.

23           MR. PAUL: Yeah. I just wanted to add that  
24 I think there's definitely licensing going on. People  
25 are very open to it. The important thing is that the

1 companies are approaching it with a sense of how are  
2 we supporting artists in a sustainable way, rather  
3 than how are we taking more money from that pie, and  
4 as long as there's a business model that supports  
5 that, it's actually very easy to license lots of  
6 musical works.

7 MR. SLOAN: Thank you.

8 Back to you, Chris.

9 MR. WESTON: Thanks. So I wanted to ask a  
10 question about what's being done with AI outputs.  
11 What effect is the production and distribution of AI-  
12 generated music having or expected to have on  
13 streaming, including from the perspectives of digital  
14 services, their users, copyright owners, and creators,  
15 as well as AI companies? Garrett?

16 MR. LEVIN: Hi. Thanks. I want to touch on  
17 a couple of things on this topic.

18 First is something I mentioned in my  
19 introductory statement, which is the data challenges.  
20 I think there has been a lot of discussion in  
21 conversations around AI about ensuring that generative  
22 AI materials are identified as such, and as I said in  
23 my introductory statement, music streaming services  
24 should not be and cannot be the arbiters of that. The  
25 data challenges that exist in the music industry are



1 well-known and well-documented. They stem from well  
2 before the time of streaming. They will continue. We  
3 are working hard collectively as an industry to solve  
4 for them, but throwing in the additional challenge of  
5 identifying what is and is not AI-generated adds  
6 additional hurdles to that process.

7           Second, I want to touch on value a little  
8 bit because that's something that I think comes up in  
9 a lot of these conversations. There are broader  
10 conversations within the music industry going on right  
11 now about the relative value of various works. This  
12 is not limited to conversations about generative AI.  
13 It covers all kinds of different audio made available  
14 on streaming platforms and is subject to a lot of  
15 ongoing commercial conversations, and it impacts  
16 something that is relevant to the third topic, which  
17 is how consumers play into this.

18           Ultimately, consumers should not be  
19 restricted in the music that they consume, subject to  
20 applicable laws, regardless of whether AI was involved  
21 in the creation of such works or not. The consumer  
22 is, at the end of the day, the ultimate arbiter of the  
23 value of a given work. They'll choose whether they  
24 want to listen or not based on whether they enjoy that  
25 or not and whether they continue to consume it.

1           And, finally, I want to be mindful that  
2 others are going to have a lot to say about these  
3 various topics. Also, urge a note of caution that as  
4 we have these conversations that we don't  
5 automatically always jump to Issue X is an AI-driven  
6 issue. This is relevant to the value question.

7           It's also relevant to things that we've seen  
8 reported in the press or instances where, for example,  
9 there was news about a particular service removing a  
10 selection of works that had come from originally an  
11 AI-generated platform, but it turned out that that had  
12 nothing to do with whether those works were AI-  
13 generated or not and everything to do with an entirely  
14 separate yet overlapping issue of ongoing challenges  
15 around stream manipulation. And so not everything  
16 today in the music industry is an AI problem; not  
17 everything is solvable by saying, well, let's throw  
18 more rules around what the services can and cannot do  
19 because AI.

20           And I'll stop there because I'm sure others  
21 have things to say about this, but this is obviously a  
22 topic that covers a lot of ground for DiMA's members.

23           MR. WESTON: Thank you.

24           We've got a line-up of Alex, then Ken, then  
25 Nat adjacent. But I'm going to exercise my

1 moderator's privilege and ask Kathleen if she has any  
2 response to this particular topic. I just want to  
3 make sure everyone gets a chance to talk.

4 MS. STROUSE: So the music industry has a  
5 history of working with stakeholders to develop  
6 solutions for copyright owners and artists. There's  
7 no reason to think that that history will not be able  
8 to continue into the future.

9 The most important thing is, for creators,  
10 they deserve fairness and control over their AI use,  
11 and we agree with the Human Artistry Campaign that the  
12 use of copyrighted works and use of voice and likeness  
13 and professional performers requires authorization,  
14 licensing, and compliance with all relevant state and  
15 federal laws. This is an example where the ability to  
16 track and identify AI is critical. There's been a lot  
17 of talk about data on both sides. I don't think we  
18 can ignore the importance of data in this  
19 conversation.

20 MR. WESTON: Thank you.

21 Alex?

22 MR. MITCHELL: Sure. And, you know, to echo  
23 some of the points that Garrett made, which I think  
24 were very well-founded, you know, the impacts on  
25 streaming, you know, streaming is a function of the

1 music in the market, and I think the main effect of AI  
2 tools and AI systems is going to be additional  
3 participation by, like I keep ranting about, a new  
4 creative class, a technology-enabled creative class.

5 It will accelerate a trend of additional  
6 participation by more artists that will probably have,  
7 you know, effects on market share. But there are  
8 concerning ideas to me as an artist being thrown  
9 around about an idea, for example, that you would pay  
10 a musician differently or less depending on the  
11 generative methodology used in the creation of the  
12 work, and I want to keep this short, or even excluding  
13 those musicians entirely from the market and that  
14 should give anyone who cares about creative music,  
15 creative art, real pause.

16 There's always been push-back from  
17 incumbents on every major creative leap in music  
18 throughout history. You know, imagine a rule that  
19 said, well, if you use Auto-Tune, you get paid, you  
20 know, 25 percent less than somebody who didn't use  
21 Auto-Tune. The idea that you would pay musicians  
22 differently because of how they're creating their  
23 music has no precedent that I'm aware of and is  
24 something that should be taken very, very seriously.

25 And, of course, it's easy to paint AI as,

1       you know, bad, and that's going to be a popular thing  
2       to do for a while, and that's why I think it's so  
3       important that we continue to advocate for this new  
4       creative class.

5                 MR. WESTON:  Thanks.

6                 Ken?

7                 MR. DOROSHOW:  If I can just briefly.  I'm  
8       going to take the other side of the coin that Alex and  
9       Garrett are minting about the consumer experience,  
10      which, of course, is paramount for all of us.

11                What we're seeing in practice with the  
12      proliferation of this AI-generated output is the  
13      introduction of a lot of -- I mean, the scale of  
14      production is obviously, you know, infinitely greater  
15      than humans of capable of.  So what we're seeing is  
16      the introduction of low-quality machine-generated  
17      music on these digital services that make it harder  
18      for fans to find their favorite artists.  It has  
19      little appeal to the subscribers, and it diverts the  
20      flow of royalties away from human creators.

21                So, you know, we can have this conversation,  
22      but we have to be mindful of what the effect is on  
23      human creativity, which I think a lot of us are in  
24      agreement on, is really a paramount consideration.

25                MR. WESTON:  Thank you.

1 Nat is next.

2 MR. BACH: Yeah. To build off of Ken, I  
3 think, you know, we're coming from the same  
4 perspective on this question. As I said in my open --  
5 as I raised in my opening statement, you know, there's  
6 a serious concern that the streaming royalty pie is  
7 going to be diluted by AI-created music and there will  
8 simply be less to go around and less that companies  
9 are required to pay out to human creators and those  
10 that have licensed their music.

11 And, you know, a couple points in response  
12 to Garrett, and, you know, I take them as well-  
13 crafted, the question about whether platforms have to  
14 be the arbiter of what is AI-generated or not. And I  
15 think we're sort of focused a little bit maybe  
16 mentally at this point about the one-off, the Whac-A-  
17 Mole phenomenon of someone coming up with an AI-  
18 generated song. Who knows where it came from? They  
19 have no particular identity or affiliation.

20 I think we're soon going to be in a position  
21 where it's not going to be a mystery. There's going  
22 to be whole libraries of AI-created works that are  
23 going to be sought to be licensed or partnered with  
24 platforms.

25 Alex's comments about what Boomy's doing,

1 for example, you know, with respect to their record  
2 label and understanding the copyrightability of their  
3 own music that they're creating using the technology,  
4 you know, leads in that direction as well.

5 So pretty soon I don't think we're going to  
6 be in the mystery, we have to throw our hands up and,  
7 you know, what can we do about this. There's going to  
8 be clear markers and definitions around what is coming  
9 from sources that are created using similar types of  
10 technology, and maybe there will be reps and  
11 warranties and other things that others should be  
12 required to use when uploading music.

13 And then, on a separate point about whether  
14 consumers are the ultimate decision-makers about what  
15 they're going to listen to and the arbiters, I think  
16 this is an important point. You know, as Ken  
17 mentioned, playlisting, DJs, and others who are  
18 feeding to consumers in the first instance what  
19 individuals or what companies are promoting and  
20 pushing will mean that to the extent that there's an  
21 incentive to promote AI-created music that would pay  
22 out to others than human creators, that raises a  
23 serious concern, and finding the songs that are  
24 created by humans and the number of plays that those  
25 get based on algorithmic recommendations is a serious

1 concern in that regard as well.

2 MR. WESTON: Thank you. Thank you, Nat.

3 Jason?

4 MR. RYS: Yeah. A bit duplicative here, but  
5 I just want to echo concerns about dilution. You  
6 know, we're already seeing a huge amount of dilution  
7 even with human-made tracks. You know, there's been  
8 so many advances in democratizing recording  
9 technology. You know, I forget what the number is  
10 today, but 100,000 new tracks are getting uploaded  
11 every day. What does that look like at 10X or 100X  
12 scale? How do you find -- how do you cut through the  
13 noise? I think that's going to be a real problem, and  
14 it's going to harm human creators because they're just  
15 going to be overrun by generative music.

16 That's one issue. And the other issue is it  
17 sort of creates a weird perverse incentive for  
18 streaming companies perhaps. You know, if they can  
19 steer their playlist and their algorithms towards  
20 stuff that maybe pays out at a lower rate or pays out  
21 at a zero rate because they bought the rights even if  
22 the rights are copyrightable in the first place, which  
23 is, you know, still kind of an open question, you  
24 know, they have a financial incentive to steer  
25 listeners towards, you know, those kinds of songs and



1 away from human-created songs.

2 MR. WESTON: Thank you.

3 And Garrett? And Garrett will be the last  
4 person for this question, and then we'll move on.

5 MR. LEVIN: Thank you for the opportunity,  
6 and I know we're not in a debate, and so I am not  
7 intending to turn it into a debate. I just think  
8 there's just two things that I do want to say in  
9 relation to the issues that have been raised here.

10 The first is that, like, at the end of the  
11 day, streaming services have the incentive to provide  
12 a compelling product to consumers that they actually  
13 continue to subscribe to, and what that looks like, I  
14 think, is ultimately an ongoing iterative process.

15 And the second thing that I will say is that  
16 I don't think that we are ever going to be in a  
17 situation in which it is a binary question about  
18 easily identifiable AI versus not. I mean, we have  
19 heard, in fact, from rights-holder representatives on  
20 this call about the ways in which rights-holders are  
21 themselves seeing their own creators either use AI  
22 tools or partner with AI-generative creators and  
23 creative platforms to develop things.

24 And so I don't think that we are in a  
25 scenario or we will ever be in a scenario where it can

1 simply be an on/off switch between treat AI stuff way  
2 X and treat non-AI stuff way Y. And that is part of  
3 the challenge of the ongoing conversations here.

4 MR. WESTON: Thank you.

5 And for the next question, I am going to  
6 hand it back to Jason.

7 MR. SLOAN: Thanks, Chris. And I'm sure all  
8 of you see we are running a little bit short on time,  
9 so please try to keep your answers concise so we can  
10 get through the next few questions.

11 So, as several of you noted in your  
12 statements, there are songs being released into the  
13 market, both cover songs and new compositions, being  
14 sung by AI-generated voices that sound like famous  
15 performers. What are your views on the use of  
16 generative AI to imitate or simulate the voice of a  
17 particular recording artist for use in new recordings,  
18 including whether there are any particular copyright  
19 implications? Rohan?

20 MR. PAUL: Yes. I touched upon this a  
21 little before, but I definitely believe that all  
22 artists should own their own voice, and from my  
23 understanding of current copyright law, this is the  
24 case because fair use says, if a copyrighted piece of  
25 work is -- if the heart of the original work is used

1 in a derivative, then that's not fair use, and I would  
2 argue that a singer's voice is the heart of their  
3 work.

4 I think we also just have to acknowledge  
5 that, like, AI is recreating their voice  
6 indistinguishably, so it should be their voice; they  
7 should be in control of it. And it's not the same as  
8 sampling or stealing a song. It's taking someone's  
9 identity.

10 MR. SLOAN: Thank you.

11 Ken?

12 MR. DOROSHOW: I'd just echo what Rohan just  
13 said. The problem that we see with these voice-  
14 cloning AI models is it's just theft of an artist's  
15 voice. There's a lot of different laws that are  
16 implicated here. There are some noncopyright laws  
17 that were mentioned earlier. There's Section 43(a) of  
18 the Lanham Act. There's state right of publicity  
19 laws. These are, of course, not within the Copyright  
20 Office's purview, but it's impossible to have a  
21 conversation about this without at least mentioning  
22 those rights and those laws, and the proper  
23 enforcement of those laws is essential to protecting  
24 artists in this context.

25 But even for the copyright piece of it,

1       there are several ways in which copyright law is  
2       implicated. For one, as we mentioned earlier, in a  
3       lot of the situations of voice cloning, there's an  
4       extraction of the vocal stem from a sound recording  
5       that's used in pieces to train the AI system to  
6       improve the mimicking capability of the AI model.  
7       Those stems are themselves copyrighted works, and the  
8       reproduction of them in the process of this training  
9       is itself an infringing act.

10               We're also seeing -- I think also as it was  
11       described, forgive me for the repetition here, but a  
12       lot of instances of so-called covers where you have  
13       one artist's voice superimposed over the musical bed  
14       of an existing sound recording, so that artist seems  
15       to be singing a song that they had never recorded  
16       before, that underlying composition -- or, rather, the  
17       underlying sound recording bed is itself a copyrighted  
18       work, and that's infringement to distribute those and  
19       to reproduce those. And we've actually had some  
20       success in having those materials taken down under the  
21       DMCA from services.

22               And then even when it's a true cover where  
23       the artist's voice is used in a new rendition of a  
24       musical work, obviously, as has been mentioned here,  
25       there's a musical work that requires a license, and

1 I'm sure my publishing brethren on this panel can  
2 speak to this more authoritatively.

3 And there are several other potential  
4 copyright violations: Section 1201 to the extent that  
5 stream ripping is used to amass your data set.  
6 Section 1202 to the extent that copyright management  
7 information is stripped out of these sound recordings  
8 that are used as training material in the ingestion  
9 process. There's a lot of other ways too, it's still  
10 early days, but there are a lot of problems that we  
11 see from a copyright angle.

12 MR. SLOAN: Thank you.

13 Garrett?

14 MR. LEVIN: I just want to underscore two  
15 points that actually Ken made. The first is that for  
16 the most part, much of this feels -- that it sounds in  
17 the name, image, and likeness and right of publicity,  
18 which are state-level -- state law issues rather than  
19 federal copyright law. And so I do think we need to  
20 be mindful of that and calls to extend federal  
21 copyright law in ways that it has not been intended to  
22 do so.

23 The second is actually to touch on something  
24 that's another thing that Ken said, which is that the  
25 streaming services have shown a willingness to work

1 with their partners in response to a lot of these  
2 conversations as they arise. Like, I don't know the  
3 specific details of what notices are sent and what the  
4 takedown looks like, but we have seen, particularly in  
5 the highest profile of these things that we all see  
6 publicly, that there is ongoing cooperation within the  
7 industry to respond to these emerging technologies and  
8 these emerging challenges as they arise.

9 MR. SLOAN: Thank you.

10 Ken, did you have anything further? I  
11 wasn't sure if your hand was still up or not.

12 MR. DOROSHOW: Actually, yes, if I may.

13 MR. SLOAN: Sure. Go ahead. Go ahead.

14 MR. DOROSHOW: I'll just respond to Garrett.  
15 And I appreciate everything Garrett just said.

16 Just in point of fact, the compliance on the  
17 noncopyright notice takedown regime is, I should say,  
18 spotty at best. There's some unfortunate refusals to  
19 cooperate on that front. But, as you say, that's a  
20 conversation that will continue.

21 MR. SLOAN: Does anyone think there is any  
22 need to think about whether there should be uniform  
23 federal laws on these types of issues or whether the  
24 state laws are sufficient to meet what's going on in  
25 the market?

1 MR. BACH: Jason, if I could briefly?

2 MR. SLOAN: Yeah, yeah. Please go ahead,  
3 Nat.

4 MR. BACH: Yeah. No, it was one of the  
5 things I was going to mention, I think there's a lot  
6 of concern across music and beyond with respect to  
7 actors and voice actors about this particular issue.  
8 The patchwork of state laws is not making things  
9 easier, and so we support a robust federal regime that  
10 will be easier to apply and will have more teeth.

11 And even within the states that do have the  
12 laws, there is a difference about what is protected,  
13 and voice, right, protection for "voice," typically  
14 refers to one's actual voice, whereas one's identity  
15 can be broader, and it can cover vocal mimicry, but  
16 not all laws protect identity. And so having a robust  
17 federal regime will be important in that regard so we  
18 know what is protected.

19 And then, with respect to the take-downs  
20 that are discussed, again, you know, echoing Ken's  
21 comments about it being, you know, a voluntary and  
22 also potentially a regime that lacks sufficient teeth,  
23 and beyond the members of Garrett's organization, for  
24 example, would be even more problematic to force such  
25 compliance. So it will be more challenging, all the

1 more reason why we need a robust right of publicity  
2 regime on a federal level.

3 MR. SLOAN: Thank you. I see we are over on  
4 time. Rohan, I see your hand's up. I can give you,  
5 like, 20 seconds, and then I'm going to hand it back  
6 to Chris for the final question.

7 MR. PAUL: Yeah. I was just going to say  
8 that I think that state-by-state issue of there being  
9 different laws state by state is part of what's  
10 causing people to create these contents. A lot of  
11 people wouldn't do it if they knew it was definitely  
12 illegal, but because it's kind of a gray area where  
13 they're not sure how it could be prosecuted, there's  
14 an influx of people creating it. So I think more  
15 clarity would definitely help.

16 MR. SLOAN: Great. Thank you.

17 Chris, would you like to ask our final  
18 question?

19 MR. WESTON: Sure. We'll go over a little  
20 bit by about five minutes, so to the extent that you  
21 have an answer to this question, please try to keep it  
22 brief.

23 What additional registration policy  
24 guidance, if any, would you like to see the office  
25 provide with respect to the registration of musical



1 works and sound recordings that incorporate AI-  
2 generated elements? We'll go with Jason.

3 MR. RYS: Hey. So, as echoed by a lot of  
4 other panelists previously, I think we do need some  
5 more clarity on the copyrightability of works that are  
6 created using AI-generated tools.

7 Yes, we have some clarification already,  
8 selection and arrangement, but I think, on both sides  
9 of the equation, whether you're talking about the AI  
10 companies and Alex, who is unsure, you know, what the  
11 copyrightability is of the works that are coming out  
12 of Boomy, and that affects downstream, you know,  
13 licensing considerations. If we had more clarity on  
14 that issue, I think it would be helpful to create a  
15 framework for licensing on the input side.

16 MR. WESTON: Thanks.

17 Jack is next.

18 MR. KUGELL: Thank you. Yeah, it's very  
19 important to ensure that we can actually rely on our  
20 copyright registration for protection. So we need to  
21 ensure that whatever the guidance is that it's clear  
22 enough for humans to follow it and we can easily  
23 register our works. What we don't want is to have  
24 this become a massively burdensome task that  
25 discourages anyone from registering. It's crucial

1 that the guidance needs to be clear.

2 And we thank the office for its careful  
3 consideration of these issues and hope you'll continue  
4 to revise and clarify this guidance as both the office  
5 and applicants become more familiar with the process.

6 It's also very important to create and  
7 maintain consistent international policy guidelines  
8 along the way. We appreciate the offer to work with  
9 the U.S. Copyright Office staff where there are  
10 questions regarding how an application should be  
11 handled. And I thank you.

12 MR. WESTON: Thank you.

13 Tim?

14 MR. COHAN: Thanks. I'll just reiterate a  
15 point that I made in my opening remarks in sort of  
16 underscoring what Ken is saying, that I think that our  
17 copyright department will be quickly overwhelmed by  
18 the case-by-case analysis that seems to be required  
19 when there's AI content in a delivered work or  
20 delivered by a songwriter. And I would hate to see  
21 our department or any copyright department having to  
22 make difficult choices in prioritizing registrations  
23 when works with AI content will enter a registration  
24 process that from day one will be defined by its  
25 backlog at least on our end.

1 MR. WESTON: Okay. Thank you.

2 And, finally Alex.

3 MR. MITCHELL: Thanks, Chris. And I can  
4 keep this very short because I would just echo  
5 everything Jason said. The copyrightability of works  
6 created by different generative methodologies is  
7 totally paramount, especially during a time where I  
8 think, you know, some are fantasizing a world in which  
9 there are sentient Terminator-style AIs that are  
10 nefariously competing with a powerful group of humans,  
11 which I just don't think is the world we live in.

12 We live in a world of increasing access,  
13 increasing creative expression, and I'm wary of  
14 interests that want to restrict or gate-keep how we  
15 define who gets to be a musician, and copyright is one  
16 of those gates. In fact, it may be one of the most  
17 important gates at least for how we monetize music  
18 today. So I appreciate sort of the thoughtful  
19 consideration of multiple views, and thanks so much  
20 again for allowing us to participate.

21 MR. WESTON: Okay. I want to thank everyone  
22 on the panel and hand it over to Andrew.

23 MR. FOGLIA: Thanks, Chris. And thank you  
24 again to our panelists.

25 We are now going to take a 10-minute break.

1 For those of you who will be joining us for the second  
2 panel, we invite you to come back at 2:45. We'll be  
3 starting at 2:45. Thanks.

4 (Whereupon, a brief recess was taken.)

5 MR. FOGLIA: John Riley is an Assistant  
6 General Counsel in the Office of General Counsel, and  
7 Danielle Johnson is a counsel in our Office of Policy  
8 and International Affairs.

9 The mic is yours, John.

10 MR. RILEY: Thank you, Andrew, and welcome,  
11 everyone.

12 We'll begin with introductory statements in  
13 the order stated on the agenda. As we asked you in  
14 advance as part of your three-minute statement, please  
15 tell us what you think is the most important for us to  
16 know about the use of generative AI in the music  
17 industry. For example, how is it being used, what are  
18 the opportunities and challenges, advantages and  
19 disadvantages, and what do you see to be the near- and  
20 long-term industry impacts?

21 Mr. Demekhin, would you like to begin?

22 MR. DEMEKHIN: Sure. Thank you. My name is  
23 Antony, cofounder and CEO of Tuney. I appreciate the  
24 opportunity to engage in the discussion, and I thank  
25 the Copyright Office for having me.

1           Prior to founding Tuney, I spent over a  
2 decade producing and licensing music for marketing  
3 campaigns for large brands. Copyright safety is a big  
4 concern for brands, and I spent the majority of my  
5 career in making sure music was produced, acquired,  
6 and licensed correctly to save my clients time and  
7 money and protect them from legal risk.

8           When we set out to build a music automation  
9 platform with Tuney, we prioritized building a system  
10 that was copyright-compliant and commercially viable  
11 from the very beginning, and also build technology  
12 that makes producing new music and adapting existing  
13 music more accessible to professional and casual  
14 creators.

15           Tuney is a unique generative platform that  
16 uses human-made musical building blocks we call  
17 elements. Elements are either produced by Tuney in-  
18 house, commissioned as works for hire, or acquired  
19 from third parties.

20           Elements can also be provided by a customer,  
21 for example, when we're working with a record label or  
22 a catalog which owns their own material. Tuney's  
23 algorithm can also version elements to be musically  
24 compatible with one another and then assemble them  
25 into a finished track based on user inputs like genre,

1 mood, length, and arrangement format. This lets users  
2 create music variations, edit length and narrative arc  
3 of a song, or change the genre with the click of a  
4 button.

5 Working with audio, Tuney can also generate  
6 remixes of existing music through legal sampling. The  
7 generative element of Tuney, therefore, is in the  
8 assembly of new musical audio from existing musical  
9 audio, not synthesis from a large training data set.

10 With this system, we avoid what we see are  
11 two big areas of legal ambiguity facing music  
12 automation platforms today: lack of authorship when a  
13 user does not provide enough creative input to be  
14 deemed an author and difficulty attributing a single  
15 generated piece of music for proper tracking and  
16 remuneration models when an algorithm's training set  
17 might be in the tens or hundreds of thousands of  
18 individual compositions or authors.

19 Tuney's vision is that generative tools  
20 provide the biggest value when they enable adaptation  
21 of existing music or when they supercharge human  
22 creativity as a tool instead of replacing it.

23 It has been our experience that consumers  
24 want more ways to interact with the music they already  
25 love versus generic music they don't have a

1 relationship with. For music creators, the  
2 expectations are that generative tools will continue  
3 to lower the technical barrier to making great art  
4 around their musical ideas, as they've been doing  
5 already for several years.

6           Therefore, we see Tuney's role in the  
7 ecosystem as lowering the technical barrier to  
8 produce, edit, and interact with music as we move  
9 towards a world where music consumption is less about  
10 static audio files and a database and more about a  
11 living, breathing art form that fans can interact  
12 with, content creators can easily adapt into their  
13 work, and musicians can use to make more great art in  
14 both a legally safe and a mindblowingly fun way.  
15 Thank you.

16           MR. RILEY: Thank you.

17           Mr. Groves?

18           MR. GROVES: Hi. First off, I'd like to  
19 thank the Copyright Office for inviting me to  
20 participate and for seeking to learn more about this  
21 new challenge of AI and music.

22           My name is Ryan Groves. I'm composer, music  
23 theorist, machine learning specialist, and Chief  
24 Technology Officer and co-founder at Infinite Album.  
25 We create infinitely playable streams of generative AI

1 music for gamers. I'm also the director of a  
2 nonprofit group that organizes the international  
3 competition for artists collaborating with AI creative  
4 partners called The AI Song Contest.

5 In the past, I was a lead product developer  
6 for a worldwide top ten messaging app called Ditty,  
7 which used AI to turn chat messages directly into  
8 songs. I hold nine AI music patents and won the Best  
9 Paper Award at ISMIR, the world's leading conference  
10 for researchers in music information retrieval.

11 Infinite Album approaches AI-generated music  
12 differently than most companies. Our music is  
13 infinitely generative, so music plays continuously  
14 until the user presses stop. Because our music is  
15 composed and performed in real time, we can make it  
16 reactive to outside inputs.

17 So our main focus for this is gaming.  
18 Player actions and game events determine the direction  
19 of music, so it can get sad, for example, when a  
20 player loses a battle or happy when it wins.

21 If the gamer is live streaming as well,  
22 their viewers can temporarily change the style or  
23 emotion of the music or add guitar solos or lyrics,  
24 for example. And this applies to extended realities  
25 as well.



1           Our engineers are all musicians and they  
2           have a growing library of music that we've created.  
3           We're beginning talks with artists about licensing  
4           their music for our platform and generating music  
5           infinitely in their style.

6           Our goal isn't to replace artists with AI.  
7           Our goal is to use AI to enable artists to create  
8           musical experiences that are impractical or even  
9           impossible for them to create on their own and to do  
10          that on a scale that they couldn't achieve on their  
11          own.

12          We feel strongly that AI music needs to be  
13          recognized as a copyrightable work. Even though we  
14          create music for gaming environments, it doesn't exist  
15          in a vacuum from the rest of the music industry. So  
16          music used in gaming live streams will turn up on  
17          YouTube and TikTok videos, for example, and without a  
18          copyright, it makes it difficult for us to collect  
19          revenue from those and other platforms and to share it  
20          with our artist partners.

21          Additionally, as an industry, we should be  
22          finding ways to create efficiencies in how we  
23          attribute ownership to AI-generated works. This year,  
24          a number of credited authors on a work will explode  
25          once you include training data and as mash-ups of AI

1 music proliferate.

2           So, in our case, we don't have definitive,  
3 predictably repeatable music to upload a reference to  
4 a reference database. Our music follows general  
5 composition rules with specific training models and  
6 uses a specified set of instruments, so it's packaged,  
7 but the output will actually vary every time, often  
8 depending on user action in games.

9           So it's not realistic or practical to commit  
10 each iteration of music as a separate copyright, and  
11 we're not the only ones doing infinitely generative  
12 music. We need a framework that recognizes the  
13 complexities of how AI music is created and includes  
14 it in the existing industry mechanisms for collecting  
15 and distributing revenue. Thanks.

16           MR. RILEY: Thank you.

17           Mr. Hurvitz?

18           MR. HURVITZ: Hi. Sorry about that. You'd  
19 think after almost four years I'd know how to use the  
20 mute button. Hi. I'm Josh Hurvitz. I'm here today  
21 speaking on behalf of A2IM, the American Association  
22 of Independent Music. Thanks for including me and  
23 A2IM.

24           As many of you may know, we are a creative  
25 association of the independent sector of music

1 creators and record labels not affiliated with the so-  
2 called major labels represented by our friends of the  
3 RIAA, with whom we share an aligned vision for the  
4 opportunities and potential risks associated with the  
5 use of generative AI to create music.

6           A2IM has over 650 members in 35 states.  
7 While many of our members are small businesses, indie  
8 labels have played a key role in the development of  
9 quintessentially American art forms, like jazz,  
10 Motown, and hip hop over the years, with member  
11 companies like, for example, Sub Pop in Seattle  
12 becoming synonymous with grunge and punk rock and  
13 Alligator in Chicago being synonymous with the blues.

14           We're members of the Human Artistry  
15 Campaign, and I believe earlier today you guys heard  
16 from Ken at the RIAA outline a number of  
17 quintessential issues that we agree with being  
18 necessary to discuss in this format related to the use  
19 of sound recordings in large language models that  
20 propel generative AI.

21           We believe that this does represent an  
22 existential threat to human creativity, and our bottom  
23 line is, as AI takes hold, rights-holders will face  
24 increased pressures as their works compete in a zero  
25 sum environment for attention and value-added

1 opportunities, like sync licenses.

2 Rather than rehashing some of the better-  
3 known copyright issues that I know others have touched  
4 on, I thought I'd take my time in this round to make  
5 three quick observations.

6 First, for indie labels, the partnership  
7 with government agencies, with our distribution  
8 partners, like DSPs, one of whom is represented here  
9 on this second panel, and with the burgeoning AI  
10 industry is critically important. Our experience is  
11 that with each new technology that takes the internet  
12 and digital distribution to new heights, innovation  
13 happens too quickly for policy to keep up. The onus  
14 ends up landing on the rights-holders on the back end,  
15 often through the DMCA, to expend resources to clean  
16 up infringement.

17 In A2IM's experience, that just doesn't  
18 work. In fact, in 2021, A2IM asked its members about  
19 the resources they deploy towards DMCA enforcement,  
20 and most companies said they'd simply given up. So  
21 there's a lot of incentive to get this right on the  
22 front end.

23 With regard to ingestion, A2IM absolutely  
24 supports the notion that such use requires a license  
25 and compensation to the rights-holders. In today's

1 conversation, we think we'd benefit from the  
2 observation that generative AI systems need not be fed  
3 copyrighted works from any given rights-holder for the  
4 output of that system, the music created on the  
5 output, to immediately and directly undermine the  
6 commercial viability of a given rights-holder's  
7 intellectual property.

8           Generative AI systems don't necessarily need  
9 all of the music on earth to start churning out music  
10 that has a commercial appeal and competes with human  
11 creative work, just enough music. And so, in that  
12 context, we need to guard against smaller rights-  
13 holders being left out of the licensing agreements  
14 that will govern compensation for ingestion of  
15 copyrighted content.

16           I have a couple other observations on the  
17 output side, but I think I'll leave those to try to  
18 inject as we move into the question-and-answer  
19 section.

20           MR. RILEY: Thank you, Josh.

21           MR. HURVITZ: Okay. Great.

22           MR. RILEY: Thank you.

23           Michael?

24           MR. LEWAN: Good afternoon. My name is  
25 Michael Lewan. I am the Senior Director of Advocacy

1 and Public Policy for the Recording Academy, the  
2 nation's leading organization for individual music  
3 makers. Collectively, the Academy represents some  
4 23,000 individuals in the music industry.

5 We have long worked closely and  
6 collaboratively with the Copyright Office to ensure  
7 sound policy with respect to matters impacting sound  
8 recordings and musical works. We are grateful to be  
9 invited to participate in today's roundtable and add  
10 the voice of the individual music maker to the  
11 discussion on artificial intelligence.

12 Our perspective on AI is summed up neatly by  
13 one of our national trustees, John Legend, who said  
14 recently, "AI is going to be a part of our lives, and  
15 it's going to be something that kind of augments our  
16 own intelligence, our own collective intelligence, and  
17 that's fine. But, when it comes to using someone's  
18 likeness, using their intellectual property, I believe  
19 our rights should still be protected."

20 In short order, generative AI has made the  
21 creation of new music affordable and attainable. Like  
22 innovative technologies and instruments that came  
23 before it, AI has quickly been embraced and  
24 incorporated into the production of music. But,  
25 unlike the drum machines or Auto-Tune, AI is also

1 expanding the universe of who can be a music creator,  
2 opening doors and unlocking opportunities for  
3 individuals to create and feed their creative  
4 passions. That is a good thing.

5           The Academy believes that more diverse and  
6 accessible pathways to become a music creator, to join  
7 this industry, is a wonderful prospect, but as John  
8 Legend said, individual rights still matter.  
9 Intellectual property still matters. A robust  
10 copyright system that incentivizes human creativity  
11 still matters. We cannot and we should not sacrifice  
12 the rights of the individual for the sole purpose of  
13 technological advancement.

14           Building off recent rulings like in Warhol,  
15 the Academy is hopeful that future guidance will soon  
16 come out from this office and other bodies that will  
17 ensure boldly that the human creator is protected when  
18 generative AI is used to produce music. We are eager  
19 for this guidance to more precisely address the  
20 uncertainties that come with the complex context of  
21 music production, which often involves many  
22 collaborators and steps.

23           Last, the Academy is particularly concerned  
24 with the widespread use of an artist's name, likeness,  
25 and voice to promote, market, and distribute AI-

1 generated music. We believe these documented uses  
2 bring up legal questions on the rights of publicity,  
3 but they also could be a rather implicit admission  
4 that the generative work was trained on copyrighted  
5 materials without permission from the copyright owner.  
6 It is not much of a leap to say that a song that is so  
7 prominently labeled and referred to as "like Drake"  
8 was, in fact, trained to some degree on the  
9 copyrighted works of Drake.

10 In sum, there is a real need to craft  
11 policies that guide the use of AI in music while  
12 protecting the individuals behind the music. The  
13 Academy and our members look forward to aiding the  
14 office in this important policymaking endeavor.

15 MR. RILEY: Thank you.

16 Mr. Love?

17 MR. LOVE: Thank you. I am James Love. I'm  
18 speaking on behalf of Knowledge Ecology International.  
19 We're a nonprofit organization that works on  
20 intellectual property rights.

21 I'm not part of the music industry. I'm a  
22 listener and a subscriber, like everyone else, of  
23 recorded music. In the copyright field, I'm probably  
24 best known for my role in the WIPO Marrakesh Treaty  
25 for the Blind and our engagement in global norm-



1 setting for representing consumer interests.

2 I will comment on consent, attribution,  
3 remuneration, and transparency of AI training data,  
4 but, first, I just want to say that one size does not  
5 fit all. If you look at IP rules for other uses, such  
6 as text and data mining for drug development, you  
7 probably want different rules than you do for music.

8 On the issue of consent, you know, I sort of  
9 prepared this with the idea that at some point some  
10 type of statutory license, such as a mechanical  
11 license, might be available for people that are trying  
12 to get access to large amounts of recorded music for  
13 training data, and if that comes to be, we would hope  
14 that if there's an opt-in or opt-out option, that you  
15 would have opt out rather than opt in.

16 One reason that opt-in is problematic  
17 concerns monopolies. Some entities will have the  
18 time, money, legal, and management resources to  
19 acquire large training data sets while smaller  
20 entities won't. There's a risk of monopolies or  
21 dominant platform scenarios emerging similar to what  
22 we see now in internet search and streaming platforms.

23 While consent can slow down or temper or  
24 degrade services over time, AI programs and well-  
25 financed entities will eventually overcome this, and

1 the leverage that I think some people expect from  
2 consent may not be as robust as they expect or hope.

3 On the topic of attribution, this is an  
4 important area, and it's not just for music; for all  
5 innovative and creative efforts. It's controversial.  
6 I mean, people argue about who should have gotten  
7 Nobel Prizes or, you know, with a song, you know, who  
8 really deserves credit for a certain popular song.

9 One thing that really can help us better  
10 manage that, the current inconsistent standards and  
11 practices and problems with accuracy and completeness  
12 are well-known in the industry. Society, not just  
13 nationally but globally, needs better incentives to  
14 improve metadata collection, curation, verification,  
15 sharing, and use. We think that AI can play a  
16 positive role in providing better metadata and better  
17 attribution.

18 Compensation. Litigation over copyright  
19 infringement is expansive, it's time-consuming. I  
20 think there's an opportunity here. I think that AI  
21 programs can provide a relatively low cost and fast  
22 way to evaluate and resolve disputes over remuneration  
23 for works, the way the works used AI or not.

24 On transparency, if you want AI services to  
25 do a better job on metadata, on attribution, on

1 compensation, the training data needs to be robust,  
2 and policymakers and artists and others need to be  
3 able to audit and test the services to ensure they are  
4 functioning in ways that are considered fair and  
5 useful. With such a diversity of interested parties  
6 and jurisdictions involved, thought needs to be given  
7 to the best governance structure since they may  
8 replace -- in some cases and to some extent -- judges  
9 and juries.

10 Now, finally, globally, measures to address  
11 better metadata attribution, remuneration, et cetera,  
12 have a global connection and that we think the  
13 Copyright Office should ask the WIPO SSCR to use the  
14 current agenda item on copyright in the digital  
15 environment to address these issues and also avoid  
16 provisions in trade agreements that restrict the  
17 ability of governments to audit or make code  
18 transparent related to this. Thank you.

19 MR. RILEY: Thank you.

20 Mr. Singer?

21 MR. SINGER: Hi. My name is Howie Singer,  
22 and I was the Chief Technologist for the Strategy  
23 Group at Warner Music for 15 years. I have a Ph.D. in  
24 engineering from Cornell, spent the first part of my  
25 career at Bell Labs, and currently teach data

1 analytics in the NYU music business program, and have  
2 consulted for several companies on the applications of  
3 AI to the music industry. Thanks to the Copyright  
4 Office for including me today in this informative  
5 session.

6 I had a front-row seat to the upheavals we  
7 experienced from Napster to Spotify. And the book I  
8 co-authored about the history of technology  
9 disruptions in the music industry, from the phonograph  
10 to the current day, including artificial intelligence,  
11 will be published in September, and that history shows  
12 that positions on AI copyright will be driven by  
13 economic realities both on the input side, meaning the  
14 songs used to train these systems, as well as on the  
15 output side, that is, the music created by these new  
16 tools.

17 In general, artists, rights-holders will  
18 seek compensation for the use of their IP in training  
19 and control over whether content based on their  
20 compositions or voices may be distributed freely or  
21 not. That will yield new incremental revenues and  
22 minimize the negative impacts on current income.

23 Every profitable industry adopts new  
24 technologies most readily when its current business is  
25 under stress. The growth rate for streaming revenues

1 in the largest music markets has been declining. It's  
2 just math. The denominator gets bigger, and the pool  
3 of nonsubscribers gets smaller, and that economic  
4 reality will drive rights-holders to urge higher  
5 streaming prices for services and to alter the methods  
6 of calculating royalties to favor "quality" music,  
7 think air quotes around quality, over the functional  
8 or less professional content that makes up so much of  
9 the 120,000 new tracks reportedly added to catalogs  
10 each day, and AI is poised to make that number go even  
11 more vertical. That means rights-holders are open to  
12 new and creative licensing schemes.

13 Economics drive the creators of the AI tools  
14 as well. They want to minimize their cost of goods by  
15 arguing that training is covered by fair use, and  
16 those arguments will be put forward Warhol decision or  
17 not. They want to maximize revenues by distributing  
18 the music they create without constraint or payment as  
19 long as it doesn't include exact copies of elements of  
20 the original. If history is any guide, this conflict  
21 will ultimately play out in conference rooms and  
22 courtrooms, where licensing agreements and legal  
23 decisions will determine the outcome.

24 Look forward to the rest of our discussion.

25 MR. RILEY: Thank you.

1 Ms. Smith?

2 MS. SMITH: Thank you, and thank you to the  
3 Copyright Office for the opportunity to participate.  
4 My name is Regan Smith, and I'm here today on behalf  
5 of Spotify.

6 AI is a rapidly developing space for all  
7 corners of the music industry, including distributors,  
8 and it makes sense to be both hopeful and careful  
9 about opportunities for music. New technologies have  
10 always pushed the art form forward, and as you heard  
11 from some of my colleagues, musicians are increasingly  
12 using AI-powered tools to create music, from mixing  
13 and mastering, to overcoming writer's block, to  
14 humming a tune that can become a sonic backdrop able  
15 to be edited.

16 There is a potential to enable and empower  
17 all levels of musicians as other tools have done  
18 before. But even before the breakthroughs we see with  
19 AI, there have also been attempts to use computers to  
20 game the system, to game search results or  
21 recommendations. We will continue to take action and  
22 to monitor whether AI technologies increase the  
23 prevalence of this spam.

24 Turning to copyright, the focus of this  
25 session, a few thoughts. First, AI or generative AI

1 is not a uniform concept. It's not all of the same  
2 thing. We've heard of examples where AI is just used  
3 to create a sound effect as part of a larger creative  
4 endeavor, other cases where a single text prompt is  
5 used to make a full song, and there's a lot in between  
6 in its early days.

7 Use cases are going to continue to evolve,  
8 and recognizing the gray areas is going to advance  
9 policy conversations, including those related to  
10 provenance and consent. It will also help ensure that  
11 responsibilities and expectations can be applied to  
12 large and small players and operationalized across the  
13 supply chain.

14 Second, AI discussions must not erode legal  
15 rules on the scope of protectable elements in a song  
16 or a recording or alter the standards for  
17 infringement. Recent litigation around songs ranging  
18 from "Stairway To Heaven" to Taylor Swift's "Shake It  
19 Off" show a shared industry-wide concern about  
20 copyright law restricting music creativity too much.  
21 Legally, if an arpeggio, ostinato, or groove is not  
22 copyrightable, it doesn't matter if it's used by a  
23 machine, Katy Perry, or Ed Sheeran.

24 Third, in a music context, as we heard in  
25 the last session, other legal frameworks, including

1 trademark, unfair competition, and personality, or  
2 right of publicity laws, may bear more directly on  
3 some of these questions than copyright. The office  
4 should resist a push to stretch doctrines to address  
5 situations more properly addressed by other bodies of  
6 law.

7           Next, as a licensee that takes delivery of  
8 tracks with associated metadata, digital services  
9 cannot determine the way content was made or if it was  
10 legal, including whether and how AI was used in the  
11 production, what the AI was trained on, or whether use  
12 of the AI tool was sanctioned or problematic.  
13 Metadata related to this would need to be provided  
14 with delivery of the track.

15           The NCIA's recent consultation asked about  
16 different responsibilities across the value chain, and  
17 that may be a useful way for the office to think about  
18 the roles of creators, rights-holders, AI platforms,  
19 and distributors.

20           And then, finally, since this is the final  
21 listening session, I've noticed that many of these  
22 questions have been technical or operational and are  
23 going to benefit from further industry dialogue or  
24 standard-settings conversation, especially for music.

25           It's also true that the existing legal



1 frameworks are likely to address many of the  
2 developments we are seeing. The Copyright Office may  
3 be able to be especially helpful employing its  
4 convening function to facilitate the exchange of views  
5 rather than committing to an approach that does not  
6 hold up over time. These are complex issues, and it's  
7 important to have dialogue to get the right balance,  
8 and so we thank you for convening this session.

9 MR. RILEY: Thank you.

10 Ms. Sorensen?

11 MS. SORENSEN: Thanks, John. And thank you  
12 to the Copyright Office for convening these listening  
13 sessions.

14 My name is Shannon Sorensen. I am the  
15 Senior Vice President of Legal and Business Affairs at  
16 the National Music Publishers Association. We were  
17 fortunate to hear from two of our members on the  
18 previous panel today.

19 What I want to underscore is the importance  
20 of protecting human creators and respecting copyright  
21 in the face of developments in generative AI. NMPA  
22 supports the advancement of AI technology. Generative  
23 AI as a tool has immense promise and potential, but it  
24 needs to be used responsibly and in a way that upholds  
25 the underlying goals of our copyright system.

1           We need to bear in mind the impact of these  
2 technologies on human creators and ensure that  
3 policies around AI preserve the viability of human  
4 artistry and the creative industries that support it.  
5 To that end, AI developers should not be given a free  
6 pass to commit copyright infringement either on the  
7 input side or on the output side of their systems.

8           While there are some good actors, some of  
9 whom we've heard from during these listening sessions,  
10 the unfortunate reality of the industry today is that  
11 many generative AI companies in the music space are  
12 commercial businesses that were built on the backs of  
13 human creators by taking their music without  
14 permission.

15           Copyright law protects creators' exclusive  
16 rights to reproduce, distribute, and authorize the  
17 creation of derivative works based on their works. AI  
18 developers need to comply with copyright law and  
19 obtain licenses for their training data. AI ingestion  
20 should not be categorically or presumptively  
21 considered fair use.

22           Fair use is a highly fact-specific and case-  
23 by-case analysis, but in the case of generative AI  
24 that takes copyrighted human-made works and uses them  
25 to make new content that competes in the marketplace

1 with the very copyrighted works that it was trained  
2 on, that's unquestionably not fair use. That would  
3 cannibalize the marketplace for licensing human-  
4 created music and would harm the long-term economic  
5 viability of human creative industries. Without  
6 question, that is beyond the intention of our fair use  
7 laws.

8           The recent decision in Warhol underscores  
9 the fact that transformativeness is not dispositive of  
10 fair use and that you need to look at the purpose of  
11 the secondary use and whether that purpose supplants  
12 the use of the original work. In the case of  
13 generative AI, we often see that supplanting, and we  
14 will probably see more of it as these developments  
15 continue.

16           As a legal and policy matter, the market for  
17 direct licensing for AI training needs to be  
18 preserved. Creators must have the freedom to choose  
19 how and whether they want their works to be used and  
20 for what price. They need to be able to engage in  
21 direct free market licensing.

22           Direct licensing is the proper venue to  
23 address a lot of the unknown questions about AI  
24 developers' use of copyrighted works and what  
25 limitations are put on the outputs and things like

1 that. All of the sort of safeguards that we need in  
2 the outputs, a lot of that can be addressed by direct  
3 licensing.

4 I also want to highlight the importance of  
5 transparency in recordkeeping. There need to be  
6 standards set to require transparency regarding the  
7 contents of databases that AI developers use to train  
8 their algorithms, how those databases were put  
9 together, where the data came from, and recordkeeping  
10 of how everything in those data sets are used.

11 There also need to be transparency  
12 requirements on the aggregators, web crawlers, and  
13 scrapers that compile those databases. These  
14 databases that are compiled often include copyrighted  
15 material, and that needs to be tracked.

16 Thank you. I'm looking forward to today's  
17 discussion.

18 MR. RILEY: Thank you, Shannon.

19 Ms. Stinson?

20 MS. STINSON: Thanks to the United States  
21 Copyright Office for allowing me to share my  
22 perspective. My name is Taura Stinson. I am a  
23 vocalist, composer, author, and Oscar-nominated  
24 songwriter. I'm a proud member of the Academy of  
25 Motion Pictures Arts and Sciences, the Television

1 Academy, and the Society of Composers and Lyricists.  
2 But it's important to note that my opinions that I  
3 will express today are my own.

4 I'm here today to give voice to and advocate  
5 for songwriters and composers who, like me, are  
6 alarmed about AI and how it could impact our lives.  
7 The obvious concern is this battle of man or woman  
8 against the machine. We do not have the superhuman  
9 powers required to turn out songs or art of any kind  
10 at speeds comparable to deep learning algorithms.  
11 That and the name and likeness heist that we are  
12 facing as music creators is unprecedented.

13 The voices of the biggest recording artists  
14 in the world are being replaced with deep fake  
15 replicas without their permission and currently with  
16 few repercussions. While the things that we make as  
17 humans can be copyrighted, unfortunately, our styles,  
18 our likenesses, our voices, and some of the things  
19 that makes us human currently cannot.

20 I am aware that all AI isn't evil. Many of  
21 us engage in simple AI tools every day. Rule-based AI  
22 is extremely useful. Composers that use Ableton,  
23 Logic, Pro Tools, MIDI, Auto-Tune, and other plug-ins  
24 can attest to this, but we must separate rule-based AI  
25 from deep learning AI while having conversations

1 related to the livelihood of creatives.

2 I stand in solidarity with screen writers,  
3 who in part just want to know that studios won't use  
4 deep learning AI to write their stories. Songwriters  
5 and composers want the same assurance.

6 Profit over people is what it could come  
7 down to, and in this case, the law is on our side.  
8 Copyright law asserts that only original works of  
9 authorship can be copyrighted provided that they are  
10 work created by a human. No human, no protection.

11 Since algorithms themselves currently can't  
12 hold copyrights, thank goodness, then people who use  
13 these deep learning tools to masquerade as someone  
14 else should not be able to obtain or monetize their  
15 work.

16 Text to models have the biggest potential to  
17 harm composers since anyone can type in words about  
18 what kind of music they want and the AI model will  
19 generate it in a matter of seconds.

20 Again, as creatives, we should be able to  
21 utilize everything from nature to emerging  
22 technological advances to inspire us. After all,  
23 ChatGPT will soon be a standard feature with Microsoft  
24 Word. It's here to stay. But our tools should not be  
25 able to steal our voices or write us out of our own

1 stories. Thank you. Looking forward.

2 MR. RILEY: Thank you.

3 Finally, Mr. Tardif?

4 MR. TARDIF: Hi. Thanks. My name is  
5 Nicholas Tardif, and I'm litigation counsel at  
6 Universal Music Group. Universal Music Group, or UMG,  
7 is the world leader in music-based entertainment with  
8 a broad array of businesses engaged in recorded music,  
9 music publishing, music-focused merchandising, and  
10 audiovisual content.

11 As those who have read the news about the AI  
12 fake Drake song may assume, UMG is very much on the  
13 front lines of generative AI music. We know that  
14 nearly all of the large language generative AI models  
15 have trained on UMG's assets without authorization,  
16 our sound recordings, compositions, and cover art,  
17 essentially everything we've registered with the  
18 Copyright Office.

19 And one of my tasks at UMG is to review a  
20 fast-growing list of AI-generated works that infringe  
21 on UMG's copyrights or our artists' name, image, and  
22 likeness rights. And I typically review about 200 AI-  
23 generated works every day, and we currently have a  
24 queue of more than 4,000, and, of course, you know,  
25 these are just the ones that we find. So, we deeply

1 appreciate the Copyright Office's attention to this  
2 important issue.

3           And when it comes to generative AI and  
4 music, UMG has a few core beliefs. On the input side,  
5 copyright law clearly requires that copyrighted works  
6 that are used to train AI must be licensed. Indeed,  
7 UMG licenses our catalog to hundreds of digital  
8 business partners around the world. It really escapes  
9 logic that generative AI enterprises don't have to do  
10 the same.

11           Additionally, transparency, responsibility,  
12 and trustworthiness are critical. Generative AI  
13 models should be required to detail their training  
14 data. Consumers have a right to know when something  
15 has been manipulated by generative AI.

16           Additionally, on the output side, the  
17 Copyright Office got it right. Human input,  
18 direction, and creativity should always be a requisite  
19 of copyright registration.

20           And, finally, using generative AI to create  
21 deep fake sound recordings or images that use an  
22 artist's name, image, or likeness without their  
23 consent is illegal and deeply disturbing.

24           So, with these in mind, you know, UMG, we  
25 approach AI with a two-prong strategy. First, it's



1 our responsibility to vigorously defend our artists'  
2 and songwriters' rights, and we will do so using every  
3 legal tool at our disposal.

4 Likewise, insisting on trustworthiness means  
5 it starts with us. We won't work with a generative AI  
6 model that we know is trained on copyrighted works  
7 without authorization, not just their own catalogs but  
8 anyone's.

9 And second, done legally and respectfully,  
10 generative AI can provide an opportunity for our  
11 artists and songwriters. So we promote, encourage,  
12 and license ethical AI, which is generative AI that  
13 respects copyright law and allows for a creator to  
14 exercise choice, self-determination, consent, creative  
15 direction. Ethical AI is lawful, transparent, and  
16 elevates artistic creativity. It does not supplant  
17 it.

18 Thanks for having me here.

19 MS. JOHNSON: Thank you, everyone, for those  
20 introductions. To begin the discussion, we are  
21 interested in learning more about how creators are  
22 using, and plan to use, generative AI in the creation  
23 of musical works and sound recordings. Can you please  
24 expand on this, and in responding, please discuss your  
25 views on whether there are situations where generative

1 AI is used as a tool as part of a larger creative  
2 process driven and controlled by a human being.

3 And I see Mr. Groves first.

4 MR. GROVES: Yeah. Thank you so much. Yes.  
5 Absolutely, we see this being used by creators as part  
6 of the creative process.

7 You know, as director of the AI Song  
8 Contest, there are so many facets of the music  
9 creation process that now have tools, AI-driven tools,  
10 to facilitate that process. So anywhere from  
11 generating lyrics, to generating melodies, to, you  
12 know, generating the audio for backing instruments,  
13 generating chord progressions using Google Magenta's  
14 Ableton plug-ins to generate baselines, applying human  
15 performance to drum patterns.

16 And what we've seen is there's an incredible  
17 artistry in the selection and usage and sometimes even  
18 the sort of misuse or using models in a way that  
19 they're not intended to be used.

20 There's an incredible amount of creativity  
21 that's happening with these models, and there's a huge  
22 amount of models that are available, and there is a  
23 huge, wide range, you know, to emphasize what Regan  
24 mentioned, there's a huge gradient of what these  
25 models can do, and there's a huge gradient in terms of

1 what they've been trained on and how they're applied.

2 So, to give an example, you know, Magenta's  
3 instrument synthesis model, they hired a saxophone  
4 player to play for 30 minutes, and that's a deep  
5 learning model, fully copyright-safe, open-source, not  
6 infringing any copyright, and you can use that to  
7 generate the performance of a saxophone if you're not  
8 a saxophone player.

9 So, yes, absolutely, there's a huge growing  
10 community, and what we've seen with the AI Song  
11 Contest is there's even an emerging community that is  
12 using AI models to preserve cultural heritage, so  
13 leveraging AI models to synthesize Thai, traditional  
14 Thai instruments, and using a particular model that  
15 doesn't require Western scales. So this is a huge  
16 creative opportunity in my opinion.

17 MS. JOHNSON: Thank you.

18 Mr. Demekhin?

19 MR. DEMEKHIN: Thanks. Yeah. What we've  
20 seen in working with a lot of video creators is, you  
21 know, the desire to manipulate and edit music without  
22 having musical technical abilities. So this has long  
23 been a charm for video editors who are not musical by  
24 nature to take a licensed piece of music and adapt it  
25 to a piece of video.

1           And, obviously, in order to do that with  
2           great results, your algorithm needs to understand the  
3           underlying musical complexities of what that piece  
4           does because it can't be blindly rearranging that  
5           piece to fit the video, or it would need a lot more  
6           input from the user, and if the user is not technical,  
7           then they'd have a hard time doing that.

8           I think, you know, in the next 12 months or  
9           so, I anticipate that we will see a lot more tools  
10          that allow a music creator to collaborate with these  
11          tools in a broader way than what audio plug-ins, AI-  
12          powered audio plug-ins have allowed people to do by  
13          lowering the technical barrier to near zero, and then  
14          I think, you know, the interesting question that will  
15          come up there is how much creative input is too little  
16          before, you know, you could say that that was a  
17          creative work by the person who, you know, used that  
18          tool to make something.

19          And, you know, my personal belief is that,  
20          you know, I've been playing music my whole life.  
21          Granted, I'm a drummer, so I need other people around  
22          me to make melodic music, or else it's just a bunch of  
23          noise, but, you know, my experience has always been  
24          that you at least need, you know, some unique chord  
25          progressions and melodies in the mix before you could

1 start laying claim to it.

2           And what's nice about what we've seen in  
3 terms of sort of users' and creators' feedback is that  
4 if you don't have that component, it's hard for people  
5 to feel ownership over it and feel like this is  
6 something that they made, which I think lowers the  
7 value of the output. You know, I think, if you can  
8 press a button and create something that all you did  
9 was press a button to do, it kind of diminishes your  
10 relationship with it.

11           MS. JOHNSON: Thank you.

12           Mr. Singer?

13           MR. SINGER: Thanks. I think that one of  
14 the things that we've seen is this even greater  
15 fragmentation of genres and types of music that people  
16 opt to select. Just look at the wide variety of  
17 playlists that are available in different genres on  
18 Spotify, to pick someone who's participating in this  
19 panel as well, and we know already that artists work  
20 to create different kinds of content for different  
21 audiences.

22           We can go all the way back to Shania Twain's  
23 *Up* album, which was, you know, engineered to have  
24 three different versions that appeal to pop and  
25 country and fans of Indian movie music. We could

1 start to see tools allowing artists to do that kind of  
2 thing themselves and, you know, take it even to a  
3 finer level. You know, I already get a personalized  
4 playlist of music I like. Maybe I prefer music with  
5 more cow bell. I might be able to get that.

6 Again, with the permission of the artists  
7 and the rights included, we're going to see music  
8 that's tailored not just for exercise or studying or  
9 sleep but actually music that matches tastes for  
10 individual users, and that could generate incremental  
11 revenue for artists and greater connections.

12 MS. JOHNSON: Thank you.

13 Mr. Tardif?

14 MR. TARDIF: Yeah. Thanks. You won't  
15 believe this, but I just wanted to say, you know, at  
16 UMG, we expect our artists and writers will use  
17 generative AI kind of as a tool in the creative  
18 process, you know, like, with a human guiding hand  
19 kind of supporting their own creative input. It  
20 really has to be about artistic control and, you know,  
21 using a tool that enhances but doesn't really decide  
22 or supplant.

23 You know, on this panel and the prior panel  
24 that talked, there's all sorts of tools in the studio  
25 that artists can use in this regard, and they're not

1 new. And I just wanted to highlight a couple other  
2 examples, you know, that we're excited about at UMG.  
3 One is one of our distributed artists, a South Korean  
4 artist, Lee Hyun; he recently used a generative AI  
5 system called Supertone to train on his recordings of  
6 his vocals. It allowed him to kind of simultaneously  
7 release a single in six languages in his own voice on  
8 the same day. And, here, he used an ethically trained  
9 AI tool that really enhanced and extended his creative  
10 intent and, importantly, with his own consent. It  
11 also enabled him to reach new markets and fans.

12 And one additional one, we recently  
13 announced a partnership with Endel, which is a  
14 generative AI tool that derives, like, functional  
15 soundscapes to help facilitate, like, sleep and focus  
16 and meditation, and it's driven by, like, scientific  
17 insights into how music affects our mind state. And,  
18 you know, this deal will allow our artists to use  
19 Endel to help create new or derivative recordings that  
20 are built from their own stems of sound recordings.  
21 And, importantly, you know, artists can elect to use  
22 this tool to drive and control the creative results  
23 with their own approval rights. So, these are a  
24 couple things we're excited about.

25 MS. JOHNSON: Thank you.

1                   And Mr. Hurvitz?

2                   MR. HURVITZ: Thanks so much. I just want  
3 to take a quick moment in reflection on the  
4 observation Mr. Groves made regarding AI tools that,  
5 say, could synthesize the sound of a traditional Thai  
6 instrument to point out that on the output side, if  
7 commercialized, that work, the same as any other work,  
8 would displace or run the risk of displacing the  
9 commercial viability of, say, world music labels based  
10 here in the United States, who go to great lengths to  
11 amplify the works when they're culturally appropriate,  
12 especially in that space as well. So, totally get  
13 that there is a benefit to lifting up non-Western  
14 musical traditions, but I think focusing on the human  
15 creation thereof is just as appropriate as in Western  
16 contexts.

17                   Also, just a quick point. I don't know that  
18 much work has been done in the music generative AI  
19 space, but, certainly, in the more general generative  
20 AI space, there has been and there's a mounting body  
21 of literature pointing out issues related to bias and  
22 especially Western-focused bias that perhaps we should  
23 consider when looking at non-Western musical  
24 expression as captured by AI tools.

25                   MS. JOHNSON: Thank you.



1                   And, Mr. Love, I see your hand is up. Was  
2 that an accidental hand raised, Mr. Love?

3                   MR. LOVE: Oh, I'm sorry. No, no. I mean,  
4 all the speakers, I mean, there's all this talk about  
5 consent. I think consent is overrated in the  
6 copyright area. I mean, the recorded music industry  
7 thrives on the use of the fallback mechanical license,  
8 which doesn't require consent from the authors, and,  
9 you know, you don't need consent from an author to  
10 perform live music.

11                   And all the artists that are walking around  
12 are just soaking up as much information as they can  
13 from their fellow artists all the time. I mean,  
14 they're all influenced by other people all the time,  
15 and they don't have to get permission for that.

16                   And I think that the concerns about  
17 attribution, the concerns about remuneration,  
18 compensation, are important. I just think it's a  
19 mistake to sort of bring everything back to the idea  
20 that people want to have this ironclad consent.  
21 That's just basically, if done in an aggressive way,  
22 it's really going to degrade the models.

23                   But also, if you extend that copyright model  
24 to things like drug development and things like that,  
25 it's going to be quite harmful regardless of whether

1 you think, you know, it's a good idea or not within  
2 the music area.

3 MS. JOHNSON: Great. Thank you.

4 We have one last hand for this question, and  
5 then we'll move on, so turning to you, Ms. Sorensen.

6 MS. SORENSEN: Thanks. I just want to  
7 respond to that. I couldn't quite let "consent is  
8 overrated" go without saying something.

9 From our perspective, you know, representing  
10 copyright owners, consent is of paramount importance.  
11 And I think direct licensing, again, as I said before,  
12 is the right venue. There are a lot of concerns about  
13 compulsory licensing and the way that it results in  
14 chronic undervaluation of art and music, and it makes  
15 an uphill battle for creators to achieve fair market  
16 value, whereas direct licensing is not the same uphill  
17 battle. There's not this inability to say no that you  
18 have in compulsory licensing.

19 And then, on the question of people being  
20 influenced, of course, human authors are influenced  
21 all the time, and, you know, that's something that you  
22 expect when you release music, but there's a really  
23 big difference between a human learning from music  
24 that they listen to and being influenced by music that  
25 they listen to and an AI doing that. A human can't

1 listen to the entire volume of all the recorded music  
2 that has ever been released in the span of a day or  
3 instantaneously and then put out millions of tracks  
4 with the same speed and scale that an AI can.

5 So, I think we need to make clear when we're  
6 talking about the ways that AI and generative AI are  
7 going to impact the marketplace for human music, not  
8 to conflate this idea that generative AI is somehow  
9 the same as human creators. It's not. Thanks.

10 MS. JOHNSON: Thank you. I'll now turn this  
11 back over to John for the next question.

12 MR. RILEY: Thank you. And I'd also thank  
13 my panelists for keeping their comments as concise as  
14 possible because we have a lot to get through today.

15 Ms. Sorensen's comments actually dovetail  
16 very neatly into our next question, so I'm going to  
17 ask it here. We've heard how certain AI models,  
18 generally those for text and images, are trained. Any  
19 concerns that creators and company owners have with  
20 models that use their copyrighted works without  
21 permission as part of the training process? Can  
22 anyone discuss any licensing activity happening in  
23 this area and a willingness on the part of creators  
24 and copyright owners to license their musical works  
25 and sound recordings for training generative AI

1 systems, as well as the willingness on the part of AI  
2 technologies to license those works?

3 Ms. Stinton (sic)?

4 MS. STINSON: Hi. Stinson. Well, I think  
5 something that I want to talk about, I pulled up the  
6 data for Common Crawl, the data aggregator for many  
7 large language models, including ChatGPT, and their  
8 most recent data set is 46.175 English. So, when it  
9 comes to music across the globe, these text-based  
10 models -- I'm sorry, there's a bias toward music  
11 that's either in English or described by English.

12 And so it can't be -- just going back to the  
13 point of it being culturally diverse and protecting  
14 and preserving cultural legacies, it's just like, at  
15 this point, how is -- the math doesn't add up for me.

16 I know that many of you are here  
17 representing your companies. This is a talent that I  
18 was born with as a songwriter, as a composer, and I  
19 should not have to battle these machines when it comes  
20 to representing my culture, using my voice, stealing  
21 my voice.

22 There's just so much to unpack here, and I  
23 know that everyone has their agenda, but my agenda is  
24 in here. You know, it's my heart. I'm a human here.  
25 And I think that a lot of this conversation is not

1 pointed toward humans and how it really will affect us  
2 as songwriters, as composers, as people.

3 MR. RILEY: Thank you. And please excuse my  
4 mispronunciation.

5 Ms. Sorensen?

6 MS. SORENSEN: Thanks. Sorry. Just to  
7 clarify, are we on 2-B or 2-C? Are we talking about  
8 our concerns with music in the database, or are we  
9 talking about licensing? I got a little off track.

10 MR. RILEY: This is 2-C.

11 MS. SORENSEN: Okay. Thank you. For our  
12 members, there have been licensing discussions for  
13 generative AI. They haven't panned out yet. There  
14 definitely is licensing discussion or there has been  
15 licensing in the past for AI that's nongenerative, and  
16 there's been, you know, permission obtained for  
17 different uses, which is, I think, a good benchmark to  
18 look at. But, when it comes to generative AI, what  
19 we're seeing a little bit is a hesitance to engage in  
20 licensing conversations for the ingestion side.

21 You know, we can talk about licensing for  
22 the output, like language models that display lyrics,  
23 in the same way that everyone that displays lyrics has  
24 to get a license for that. But, on the ingestion  
25 side, what we've heard is, you know, we're happy to

1 talk about it in court.

2 MR. RILEY: And that's from both copyright  
3 owners and AI technology companies or just copyright  
4 owners?

5 MS. SORENSEN: I think the -- sorry. From  
6 the technology companies. Copyright owners are very  
7 willing to talk about licensing for ingestion. It's  
8 been met with resistance from AI companies, who are  
9 just saying it's fair use across the board and we  
10 don't need licenses for this, and we obviously  
11 disagree with that.

12 MR. RILEY: Thank you.

13 Mr. Lewan?

14 MR. LEWAN: Yeah. A similar point just  
15 quickly. We're kind of in the Wild Wild West still  
16 here with respect to the legal teeth. So I think more  
17 clear policymaking guidance could spur more private  
18 market deals being brought to the table and bring both  
19 sides to a point where they're willing to negotiate.

20 Right now, we're probably not really seeing  
21 that. I know there's been some examples discussed  
22 already about some deals that are in place, but  
23 absence of real clear guidance from this office and  
24 other policymaking bodies, we're lacking that sort  
25 incentive to bring everyone to the table to negotiate.

1 MR. RILEY: Thank you.

2 Mr. Love?

3 MR. LOVE: One concern we have about license  
4 arrangements is whether you need a concentration in  
5 terms of the platforms that control the most licenses.  
6 And I think it's a trivial issue. I mean, we already  
7 have a lot of concentration in the labels and the  
8 platforms to begin with. So, if it's too burdensome,  
9 too costly, too complicated, too expensive to license,  
10 I mean, the large companies with really deep pockets,  
11 they'll end up with a lot of data.

12 And it's also not obvious who really is in a  
13 position to license the data. I mean, maybe Universal  
14 has a lot of contracts, and they probably, you know,  
15 give them, you know, really sweeping rights on things,  
16 but there's so many rights in recorded music right now  
17 between different authors and in different  
18 jurisdictions, and it's not just the United States  
19 too. Music travels around the world.

20 So I think the complexity is going to be  
21 costly and difficult, and that's one of the reasons  
22 why I think some kind of extended license, statutory  
23 license, is probably a better approach.

24 And also, I think you have to confront the  
25 fact that one of the problems in general with AI if

1 you have to have huge data sets in order to do good,  
2 quality training, you run the risk of a lot of  
3 monopolization and dominant players in the area, and I  
4 don't think that's a good thing. So you might want to  
5 think about essential facilities doctrine type  
6 mandatory sharing of access to large databases as well  
7 at some point in order to avoid monopolies.

8 MR. RILEY: Thank you.

9 Mr. Tardif?

10 MR. TARDIF: Thanks. Yeah, I'll be brief.  
11 You know, from UMG's perspective, there is a  
12 willingness to license, and, you know, we're in early  
13 conversations with several generative AI companies,  
14 you know, that did not train on unlicensed copyrighted  
15 content. So, you know, licensing, it's not difficult,  
16 but it really has to be thoughtful and careful, and,  
17 you know, we need to figure out the best way to  
18 protect our artists before, you know, discussions of  
19 licenses or ingestion.

20 You know, we know the vast majority of large  
21 learning generative AIs have trained illegally not  
22 just on our catalogs but on the copyrighted works of  
23 others. And, you know, we're not willing or we don't  
24 want to partner with an entity that doesn't act  
25 legally or ethically. So, in that case, we're sending



1 a message to these companies act ethically, respect  
2 copyright law and artists, and we're happy to talk.

3 MR. RILEY: Thank you.

4 I want to have a follow-up question very  
5 briefly for anyone who has an opinion on this, but  
6 there's been some comments about consent and some  
7 comments about statutory licensing. The music  
8 industry probably has a unique perspective with  
9 respect to statutory licensing. Can anyone speak to  
10 briefly why a statutory license might be a good or bad  
11 fit for licensing copyrighted musical works and sound  
12 recordings for AI training? Ms. Sorensen?

13 MS. SORENSEN: Yeah, happy to take it. As I  
14 said before, our experience with compulsory licensing  
15 is it is not resulting in the proper valuation, and it  
16 makes this really difficult to accomplish the proper  
17 valuation for music when you don't have the ability to  
18 say no.

19 We also don't think that it's sufficiently  
20 flexible. At this point, when a lot of these  
21 questions are so new, the licenses between AI  
22 developers and copyright owners would have to address  
23 a lot of big questions like what's the size of the  
24 training data as compared to the parameters on the  
25 model to make sure that you don't have overfit or

1 underfit issues, and what kind of things can be done  
2 with the output, and what sort of limitations should  
3 be put on what the algorithm can make, or how much of  
4 the copyrighted work could be reproduced in an output.

5 There's a lot of questions like that that  
6 need to be answered in these licensing conversations  
7 and can be answered in direct licensing conversations.  
8 When that's done at scale, it's not going to  
9 accurately represent the value, and I don't think it  
10 is the right fit anyway given that a lot of, you know,  
11 the future of generative AI is probably a little bit  
12 more specialized and for special purposes than what  
13 we're talking about at an abstract level here, and  
14 those licenses are going to need to reflect the exact  
15 purposes for which the copyrighted material is going  
16 to be used.

17 It doesn't make a lot of sense to just say  
18 overall here's everything that ever has been created  
19 and go ahead and use it. Like, there need to be  
20 safeguards in those licenses, and that's why we need  
21 direct licensing, so that that can all be tailored.

22 MR. RILEY: Thank you.

23 Did you have an additional comment, Mr.  
24 Love? You will need to unmute, sir.

25 MR. LOVE: This issue about whether or not

1 the same rules apply in the copyright, of course, it's  
2 not just music. You know, if you talk about what's  
3 fair use or not in AI, it really extends to all kinds  
4 of other things that are going on.

5 And one thing I would encourage is it's  
6 better, I think, to have a more nuanced approach  
7 toward music that doesn't apply to science, for  
8 example.

9 Now there's a lot going on in science that's  
10 really important. It's important medically, it's  
11 important strategically for the United States, it's  
12 important in a lot of areas, and I don't think you  
13 want it to be handicapped with the same type of  
14 restrictive licensing things that people are dreaming  
15 up from the music industry here.

16 And so I think to the extent that you can  
17 sort of look at the music as a special case, it's  
18 better than, like, just sort of saying the copyright  
19 system dictates X, Y, and Z because, if you apply this  
20 to other parts of the copyright system, it's really  
21 harmful.

22 And the other thing is that, you know,  
23 there's not much -- I'll give one example in licensing  
24 that I saw, which is an example of really a bad  
25 outcome. When Kindles came out and you had a machine

1 that could read text to speech, blind people really  
2 were elated because they could use the text to speech  
3 on a Kindle to read books that they had never had  
4 access to before.

5           Immediately they're sued by the Authors  
6 Guild. You know, there was all these sort of -- there  
7 was all this pressure on the publishers to assert,  
8 like, a noncopyright contractual right because they  
9 said, well, you know, we license you to put the text  
10 on a Kindle but not to use this little text-to-speech  
11 engine. And so that was turned off, including like in  
12 President Obama's biography, for example, and that was  
13 just crazy from our point of view.

14           So I think that when you give some group --  
15 you know, they think, well, we have some rights we  
16 have to protect. We're a trade association. We have  
17 all kinds of members. We have to do our best by them.  
18 They will overreach. And I think you can predict that  
19 right now.

20           MR. RILEY: Mr. Hurvitz and then Mr. Tardif,  
21 and then we are going to move on to the next question.  
22 Thank you.

23           MR. HURVITZ: So just quickly,  
24 notwithstanding my prior observation about making sure  
25 that small rights-holders have an ability to get

1 compensation in any sort of final scheme, I would note  
2 that free market negotiation is a mechanism not just  
3 to arrive at the proper level of compensation but also  
4 conditions on which the licensing is predicated. And  
5 so, for a rights-holder, that creates an opportunity  
6 potentially to mitigate some of the output  
7 displacement risks and we think would be valuable and  
8 a valuable opportunity that rights-holders should be  
9 able to avail themselves of.

10 MR. RILEY: Thank you.

11 MR. TARDIF: Yeah. So I just want to say,  
12 you know, this is a unique kind of licensing. Like,  
13 if a creator's work is used to train a generative AI  
14 model, you know, the outputs of that model could  
15 compete against the artists in the marketplace, and  
16 there are really no limits to how many works it could  
17 produce. So it would flood the marketplace.

18 So any licensing of training sets, it really  
19 needs to be thoughtful, careful, and respectful, and  
20 any deals we do, I want to reiterate, must be artist-  
21 centric. You know, it has to be dependent on artists'  
22 choice, compensation, and credit received. And for us  
23 to start those conversations with a potential partner,  
24 you know, we need to know that all training data going  
25 into the system was lawfully licensed.

1                   MR. RILEY: Thank you. My colleague,  
2 Danielle, has the next question.

3                   MS. JOHNSON: Thanks, John.

4                   Our next question, what effect is the  
5 production and distribution of AI-generated music  
6 having or expected to have on streaming, including  
7 from the perspective of the digital services, their  
8 users, the copyright owners and creators, as well as  
9 the AI companies?

10                  Mr. Demekhin, I see you first.

11                  MR. DEMEKHIN: I'm going to get a more fun  
12 response to this out of the way before the not-so-fun  
13 responses follow.

14                  I think, from a opportunity perspective,  
15 there's a lot of exciting opportunities to create  
16 derivative works of existing copyright, either old  
17 recordings that have been forgotten, undermonetized  
18 assets that record labels and publishers have that,  
19 you know, could have new life breathed into them  
20 where, you know, remixing these things manually is way  
21 too costly and risky, you know, to do at scale.

22                  And also, when you look at the arbitrary  
23 nature of the TikTok algorithm and what pops and  
24 doesn't pop, you know, you kind of want to try a lot  
25 of different things, and you don't know what's going

1 to recoup and what's not going to recoup.

2           And these technologies and our technology in  
3 particular is going to enable that, and it won't be  
4 that difficult to track because, you know, the one  
5 thing that we've purposefully focused on is making  
6 sure that we have kind of one-to-one attribution  
7 versus dumping a ton of copywritten material even if  
8 it's licensed into, you know, a deep learning or black  
9 box model and then, you know, create derivatives on  
10 the other end.

11           So I'm super excited at that potential, and,  
12 obviously, all those derivative works will be  
13 monetized predominantly through streaming royalty  
14 revenues.

15           MS. JOHNSON: Thank you.

16           Ms. Smith?

17           MS. SMITH: Thank you. Maybe this will be  
18 the last fun response. Who knows? But I think, you  
19 know, many businesses are having a lot of discussions  
20 about how to manage the power of AI technologies. I  
21 think you got a lot on this panel and the one before  
22 about the opportunities that AI-enhanced or AI-  
23 generated music can bring to its creators, including  
24 professional musicians.

25           From a digital service perspective, Spotify

1 has long used machine learning, of course, to power  
2 recommendations that help artists and writers connect  
3 with the fans, build their career, and help them  
4 figure out where to go next. Earlier in the year, it  
5 introduced an AI DJ, which is a personalized DJ that  
6 will deliver a curated line-up of music alongside  
7 generated commentary about the tracks and the artists.  
8 It's pretty fun. The voice was modeled after a  
9 Spotify employee, our Head of Cultural Partnerships,  
10 Xavier Jernigan, or "X," and the feedback so far has  
11 been really positive as an exciting way to connect and  
12 help fans discover and rediscover music.

13           Turning to some of the distribution issues,  
14 I think one way to conceive of it is to remember that  
15 streaming is a model that's based around what's  
16 actually listened to and not just what is uploaded.  
17 So, if you have sort of bot-made drivel, it's not  
18 necessarily going to travel very far. Recommendation  
19 algorithms typically favor content where users are  
20 saving something, or they like it, there's repeat  
21 listening, and when there's a connection with perhaps  
22 an artist's page.

23           We would also want to separate developments  
24 over generative AI or other computer-generated music  
25 that we're talking about today with concerns over



1 stream manipulation. So, if a sound is created by a  
2 computer and it appeals to a listener, you know,  
3 there's nothing inherently wrong with that. Just look  
4 at the rise of electronic music in other genres.

5 But, as I mentioned, I think, in the opening  
6 statement, we have seen now examples of mass-created  
7 computer-generated music, and we will continue to  
8 action those types of tracks and activities and look  
9 at that. I don't think that necessarily is showing a  
10 weakness in copyright law, however, per se. Thank  
11 you.

12 MS. JOHNSON: Thank you.

13 Mr. Singer?

14 MR. SINGER: Yes. There was an article, it  
15 was actually this morning, so it's hard to keep up  
16 with all the AI developments, about a Singaporean  
17 singer named Stefanie Sun, whose music took off in  
18 China. The only problem, the music that took off were  
19 all AI-generated fakes of her voice. And she said, I  
20 quote her, "My fans have officially switched sides and  
21 accepted that I am an unpopular singer while my AI  
22 persona is the current hot property. I mean, how do  
23 you fight with someone who's putting out new albums  
24 every few minutes," the singer asks.

25 And I know it's awfully hard for the

1 services to distinguish between the content that is  
2 real and generative AI. This gets back to the ethical  
3 question of are these companies going to label  
4 appropriately what is fairly created, what are copies.  
5 You know, here is a performer whose livelihood is  
6 being compromised because of the services being  
7 flooded with content that is based on her voice but  
8 she's not being compensated for.

9 So I think that it is a difficult problem  
10 and it's one that, you know, if the technology  
11 companies and the rights-holders can work together to  
12 figure out how to label this content appropriately,  
13 and drawing a line is hard, I understand that, we will  
14 need to find a way to do that, though, because we have  
15 artists already facing that.

16 MS. JOHNSON: Thank you.

17 Mr. Lewan.

18 MR. LEWAN: So I think, as I said earlier  
19 and others have said, it's never been easier to  
20 commercially upload a song and, you know, earn a  
21 royalty or dilute the pool on a DSP than ever before.  
22 So there definitely needs to be more robust safeguards  
23 in place. That probably starts with better  
24 transparency on data and recordkeeping with these  
25 learning models just so that the creators and their

1 teams have an ability to identify the infringement and  
2 file the right takedown notice.

3 But, at the Academy, we're particularly  
4 concerned about how this burden is going to  
5 particularly affect independent creators and  
6 independent songwriters, who are already powerless in  
7 this fight against generated content out there, and  
8 it's only going to multiply with generative AI as this  
9 explodes. We've already seen it explode. They don't  
10 have any recourse right now. I think Mr. Tardif  
11 mentioned in his opener that he has a queue of 4,000  
12 cases, and that's at Universal. That's a major of the  
13 major. It's the biggest music company in the world.

14 How is an independent creator, independent  
15 songwriter, supposed to fight back against this? They  
16 don't have the power. They don't have the means.  
17 They don't have the time or the resources to file  
18 these notices and really police the internet. It's  
19 going to take a fraction of a second to have your  
20 rights infringed and exploded a billion times with AI,  
21 and you're only one person to be able to police this.

22 I'd also like to point out we're talking  
23 about this often in a prism of the major platforms  
24 that are out there, you know, like Spotify, the good  
25 actors. There's also been a proliferation of new

1 platforms that are using strictly AI-generated music  
2 that are not necessarily understanding the rules of  
3 the road or are ethical in their nature.

4 So we have a big problem here, and I think  
5 we're just at the tip of the iceberg and definitely  
6 will need to see more guardrails in place to ensure  
7 that independent creators, all music creators, have  
8 the ability to have their music protected and have  
9 their creativity protected.

10 MS. JOHNSON: Thank you.

11 We'll hear from Ms. Stinson next and then  
12 move on to the next question. Ms. Stinson?

13 MS. STINSON: Hi. Just really quickly, I  
14 think that just in general we already have issues as  
15 songwriters and just artists in general. We have  
16 issues with streaming income and how it's divvied up  
17 and how we're represented as independent artists but  
18 completely different. But, when you're signed, like,  
19 you don't have much of a say in your copyrights. So I  
20 think this is just going to deepen that wound. That's  
21 just my opinion, and that's all really I wanted to  
22 say.

23 MS. JOHNSON: Thank you. And back over to  
24 you, John, for the next question.

25 MR. RILEY: Thank you. We've seen some news

1 stories about songs being released into the market  
2 that have been sung by AI-generated voices that sound  
3 like famous performers. Can you please tell us your  
4 views on the use of generative AI to imitate or  
5 simulate the voice of a particular recording artist  
6 used in new recordings, including especially whether  
7 there are any particular copyright implications or, as  
8 referenced earlier, is copyright not suited to address  
9 this issue?

10 And you may want to expand your answer, Mr.  
11 Lewan, just to reference some enforcement challenges.  
12 If you want to talk about any enforcement challenges  
13 that AI-generated tracks are presenting to you, please  
14 do so.

15 All right. Maybe Mr. Groves may be first.

16 MR. GROVES: Thanks a lot. So I think  
17 there's a bit of a misnomer here where we're talking  
18 about AI-generated voices, and the technology behind  
19 this is not fully generative.

20 So the way that this works is, actually, you  
21 have to record yourself singing, and it's actually a  
22 voice transformation model. So, in this particular  
23 case, the risk of this exploding is not because of the  
24 AI but just because of the ability for anybody to use  
25 it. So people are creating recordings of themselves

1 and transferring their voice into, you know, Drake or  
2 whoever, and so that technology is available. But  
3 this is still almost a 50/50 contribution of a human  
4 and a machine in this particular case.

5           So we're calling it AI-generated, but that's  
6 a bit of a misnomer. And it's sort of a similar case  
7 in the example that I gave of the Thai artists. You  
8 know, there was a Thai performer performing that, and  
9 that performance was translated into a Western  
10 instrumental system with Western instruments. So even  
11 in that case, you know, the artist has continued  
12 working with traditional Thai artists who are ecstatic  
13 to work with this.

14           So, when we're talking about this stuff, we  
15 are often conflating consent with copyright. In the  
16 current environment, I totally understand why there's  
17 a huge uproar because the consent is not being given  
18 by these artists. I fully support consent. There's a  
19 fantastic initiative by Holly Herndon, who's a very  
20 amazing innovator and artist who has created spawning  
21 AI, and it's HaveIBeenTrained.com. So she's creating  
22 repositories of artists who are saying I don't want to  
23 be trained with music.

24           But what we're not talking about as much is  
25 the situation where consent is given. So, if you give

1 that example that Nicholas gave for Lee Hyun, who just  
2 released six generated soundtracks, the Copyright  
3 Office has said, oh, those soundtracks are not  
4 copyrightable because they're AI-generated. So how is  
5 Lee Hyun supposed to capture his work, his artistic  
6 input, if those works can't be copyrighted?

7 And it's the same thing with the Singaporean  
8 artist that Howie mentioned. If she had control over  
9 those and she had given consent and partnered with an  
10 AI firm or whatever, similar to what Grimes is doing,  
11 giving her consent to her voice, this creates a huge  
12 new opportunity. So, if the copyright is established  
13 for those works, then artists can benefit for those  
14 works.

15 And it's the same situation that we're  
16 dealing with, is that we're creating -- we're working  
17 with artists, we're creating these, you know,  
18 generative models around an artist's style, but we're  
19 not able to copyright the output because of the  
20 copyright issues, because of this copyright decision.

21 So that means that we can't track this on  
22 TikTok. We can't track this on YouTube. We can't  
23 earn revenue from that AI-generated content, and,  
24 therefore, we cannot remunerate our artists that we're  
25 working with in a completely consensual way with their

1 permission, with licenses. It's just not possible.  
2 So that's a huge limitation.

3 And so we keep talking about dilution, and  
4 there are so many new opportunities for these artists.  
5 It's not just a one -- we're not going to see a single  
6 business model in the future with these AI tools.

7 MR. RILEY: Thank you. I appreciate that,  
8 and I appreciate there may be some questions today  
9 that overlap on certain topics. We are going to get  
10 back to our registration guidance as our final topic,  
11 but I want to make sure we have enough time for that.

12 So I'm going to go next on my screen, which  
13 is Mr. Demekhin.

14 MR. DEMEKHIN: Yeah. Just very, very  
15 quickly about sort of the voice cloning piece, and  
16 I'll echo what Ryan said as well. I think the way  
17 that it's being used today and the stuff that's making  
18 the headlines is not super interesting because it's  
19 not -- I mean, it's interesting, obviously, we're  
20 talking about it, but it's not interesting in the long  
21 term from a business perspective because I think a)  
22 it's not scalable. Like Ryan said, like, a human  
23 needs to go and make a song.

24 And then the other thing is it's basically  
25 like equity jacking. You know, somebody is taking the



1 equity of an artist and then putting usually not as  
2 good of a song on -- you know, taking that person's  
3 precious voice and soul and putting it on a usually  
4 like not as good of a composition unfortunately.

5 So I think, in the short term, you know, the  
6 way that it's working is not ideal, but I think, in  
7 the long term, if there is both a legal framework and  
8 tracking technology, which right now we're just kind  
9 of still in the early days, so it's really hard to  
10 track all this stuff, but if there is tracking  
11 technology and there is a legal framework, I think it  
12 presents an awesome opportunity for artists to further  
13 monetize themselves.

14 So, if a famous artist or a not famous  
15 artist could grant those rights to fans or grant them  
16 to a generative music company that could create works  
17 where that person is compensated every time that work  
18 makes money, I think it opens up a slew of amazing use  
19 cases, and, you know, we hope to participate in that  
20 when that infrastructure is there.

21 And especially for artists who decide to  
22 retire, you know, and don't want to, like, make the  
23 music themselves but still might want to make their  
24 voice, name, likeness, et cetera, available, and  
25 passively earn from that, you know, into retirement, I

1 think that would be really cool.

2 MR. RILEY: All right. In the interest of  
3 time, I'm going to call on our next four participants  
4 here, Ms. Stinson, Mr. Lewan, Mr. Love, and then Mr.  
5 Tardif, to close things out on this question.

6 If you could keep your comments brief, we  
7 can add a little time for our closing. Just be a  
8 little mindful of the time. Thank you.

9 MS. STINSON: Regarding deep fakes, my voice  
10 belongs to me. Drake's voice belongs to him. I said  
11 it before. It's a likeness heist, a voice jacking.  
12 Consent is the only way that this should even be a  
13 discussion.

14 Grimes has spoken. She will give consent  
15 based on 50 percent of ownership, but Drake said  
16 enough is enough, and I'm rocking with Drake. I think  
17 enough is enough. Like, I should not, if I am the  
18 child of someone who passed away, I should not have to  
19 hear his voice if I don't want to.

20 MR. RILEY: Mr. Lewan?

21 MR. LEWAN: I'll just point out that there's  
22 a website, AIHits.Co, that I guess it's kind of a  
23 cross between Billboard and, like, Sound Cloud or  
24 Spotify that tracks, and you can also play AI-  
25 generated music directly there. It has, like, a

1 running tally of how many times it's been streamed.  
2 It's in the hundreds of thousands, if not millions,  
3 and every single one of the songs in the top 10, top  
4 20, invokes the name of a popular artist or the style  
5 of a popular artist either directly in the title or in  
6 the track description.

7 That is a clear infringement scenario. It's  
8 something the Academy is going to prioritize both from  
9 a right of publicity but also on the implicit  
10 copyright implications of using the artist's name or  
11 using their underlying work or sound recording or  
12 lyrics to train the subsequent generative work.

13 MR. RILEY: Mr. Love? Mr. Love, you're on  
14 mute again.

15 MR. LOVE: Yeah. Sorry. Well, short of  
16 banning the deep fakes, there's this issue, which is a  
17 generic issue, I think, in innovation, is how do you  
18 recognize and compensate the people whose work  
19 influenced and contributed to something that sort of  
20 built on that in some different way?

21 And that's, I think, a really important  
22 area, and it's an area that I think you can get a  
23 fresh look at when you look at AI. It's not really  
24 dealt with, I don't think, satisfactorily within the  
25 regular litigation you have over copyright

1 infringement for non-AI works.

2 And the other thing is getting back to the  
3 metadata, I think that just in terms of the enforcement  
4 in making the remuneration schemes work, I think you  
5 really have to not only do a better job of what you're  
6 doing right now in metadata, but you have to have a  
7 fresh look at what would be useful in accomplishing  
8 your objectives here.

9 MR. RILEY: Thank you.

10 Mr. Tardif?

11 MR. TARDIF: Sure. Just briefly, I just  
12 want to say a hundred percent Ms. Stinson is correct.  
13 You know, it's absolutely wrong. It's morally  
14 despicable the way it's being done right now.

15 You know, these AI-generated vocals, they're  
16 likely trained on vocal recordings extracted from  
17 recordings. So, you know, beyond name, image,  
18 likeness, right of publicity issues, there's also, you  
19 know, copyright laws being violated.

20 Mr. Doroshov on the previous panel went  
21 through all that, so I won't do it again, but it's  
22 just being done in a bad way right now.

23 MR. RILEY: Thank you. At this time, I'm  
24 going to turn it over to my colleague, Mr. Foglia.

25 MR. FOGLIA: Thanks, John. And thank you

1 again to all of our panels, our panelists today, for  
2 participating in these sessions. We appreciate the  
3 insights and the perspectives that everyone shared as  
4 we examine the copyright law and policy issues raised  
5 by artificial intelligence technology.

6 As I mentioned earlier, transcripts and  
7 video recordings of this and all of our listening  
8 sessions will be made available to the public on our  
9 website, [copyright.gov/ai](https://copyright.gov/ai), about three weeks after  
10 each session.

11 Although this is the last of our 2023  
12 listening sessions, throughout this year, the  
13 Copyright Office will be providing additional  
14 opportunities for those interested in AI to share  
15 their perspectives with the Office.

16 As Register Perlmutter mentioned earlier,  
17 later this year, the Office will be issuing a notice  
18 of inquiry calling for written comments on a number of  
19 questions on artificial intelligence and copyright.

20 We also plan to host two webinars this  
21 summer. The first on June 28 will focus on our  
22 registration guidance, and the second later in July  
23 will focus on international perspectives.

24 We look forward to hearing from you and to  
25 seeing you at future events. Thank you again for

1 joining us, and have a great evening.

2 (Whereupon, at 4:06 p.m., the listening  
3 session in the above-entitled matter adjourned.)

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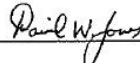
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REPORTER'S CERTIFICATE

DOCKET NO.: N/A  
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I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me in the above-entitled matter before the Library of Congress, United States Copyright Office.

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