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AI and Copyright in Music Creation: Balancing Innovation and Protection

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ABSTRACT

The fast pace of Artificial Intelligence (AI) evolution has significantly influenced the world music market, especially by the generation of music that imitates the voices and styles of renowned artists. This innovative potential is of critical legal and ethical concern, such as copyright infringement, fair use of intellectual property, and the uncertainty of authorship and ownership. In India, too, these obstacles are compounded by the constraints of the Copyright Act of 1957, not having provisions of dealing with works created by AI. The financial and moral losses for original creators add another twist to the argument, since mimicking artists with AI can derail their economic and existential lives.

This research critically analyzes the nexus between AI and copyright law in the scenario of music production, taking a particular focus on the Indian legal environment. Relying on international insights and critically analyzing existing legislative shortcomings, the study seeks to recommend informed legal reforms that strike an equilibrium between the principles of artistic freedom, creativity, and protection of intellectual property. The article strives to offer a thorough framework for solving problems of liability, authorship, and ownership in AI-generated music production, promoting a just and equitable legal environment in the age of technological advancement.

Keywords: Artificial Intelligence, Copyright, Music Creation, Authorship, AI Generated Content.

I. INTRODUCTION

There has been an unprecedented shift in the evolution of the music industry through the integration of Artificial Intelligence (AI) by empowering the use of generative tools for composition, remixing and replicating the human vocal style and range with unparalleled precision and skill. This dynamic shift in technological use can be a challenge having outpaced the current legal frameworks by creating ambiguities and lacunae in terms of copyright ownership, authorship attributions, and the greatest challenge of ethical accountability and dispute resolution. The world is yet to determine a straight jacket rule for who should be the

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owner or author to a copyrightable material in the music industry when such creation is made through the medium of AI and if AI is so awarded such authorship, who may exercise the rights of the author and who may seek to exploit the fruits of the copyrightable material? These are questions we seek to explore and attempt to address through this research.

In the case of *Heart on My Sleeve* which can be identified as an AI-generated track mimicking Drake and The Weeknd's (now known as Abel) voices is a stellar example highlighting the challenges of determining the ethical values and moral dilemmas of the use of AI and AI generated music, sparking debates about the adequacy of existing laws to address non-human creativity³. By 2024, over 20% of new compositions on streaming platforms involved AI⁴ (IFPI). yet legal systems are crippled by their inability to classify such works as original or infringing⁵.

(A) AI in music Creation

AI (Artificial Intelligence) is a multi-skilled work in the field of science that addresses various scientific behaviours that resolve the complexity of problems or interrogative things that arise as a result of societal challenges, and it develops the computer system into a rationalizing system similar to the brain⁶. It is based on a sequence of inventive appliances for usage in data generation, logical reasoning, and deriving on its goals. These AI machines work automatically on gaming system features, facial observations, and speech testing since, as previously stated, AI is also linked to robotics, which requires it to handle these additional features.

AI is presently used in a variety of industries, including CAV automobiles⁷ (driverless cars), virtual assistants for voice checks, and technologically driven systems such as diagnostics under curative. It also raises questions about the moral dilemma that occurs in the job. In the music production industry, AI is assisting with innovative coding on music, which means that using technical skills, it can recognize what each individual would like and then make personal recommendations and suggest things that they could appreciate.

For example, Spotify. Each person's particular suggestions will be distinct based on their

³ Coote, Jonathan Coote, Don McCombie, J. and McCombie, D. (2023) *Ai-generated music and copyright*, *Clifford Chance*. (Accessed: 22 April 2025).

⁴ IFPI (2023). *Global music report 2023 state of the industry*. [online] ifpi.org. Available at: https://www.ifpi.org/wp-content/uploads/2020/03/Global_Music_Report_2023_State_of_the_Industry.pdf.

⁵ Handy, J. (2024) 'Navigating AI Music Tools and Copyright: An Overview for Rights Holders.', 7 May. Available at: <https://pex.com/blog/navigating-ai-music-tools-and-copyright-an-overview-for-rightsholders/> (Accessed: 22 April 2025).

⁶ Mycka, J. and Jacek Mańdziuk (2024). Artificial intelligence in music: recent trends and challenges. *Neural Computing and Applications*. doi:<https://doi.org/10.1007/s00521-024-10555-x>.

⁷ Srivastava, S. (2023). *Benefits and Use Cases of AI in the Automotive Industry*. [online] Appinventiv. Available at: <https://appinventiv.com/blog/ai-in-automotive-industry/>.

preferences. Not only does Spotify do this, but there are many more platforms that try to work on the material in the best and most unique way possible in order to reveal insights about its future. In that way, it makes a special layer under music where even those who do not have a music sense can also create music using AI. However, the primary problem that we confront is that to whom such ownership is awarded under the music that is generated using these machine learnings.

Even regulations cannot provide a proper solution to these difficulties; it is too hard to predict whether it will be awarded to the organisation that uses AI or the one that developed the programme. The ownership concerns under intellectual property concern the protection of secrecy on data, algorithms, music, and information ownership. Finally, determining who is the true owner is quite difficult because AI in music composition is generated autonomously.

II. TRANSFORMATION ON AI IN THE MUSIC INDUSTRY

AI broadens its scope by innovating music, which has an impact on traditional artists and involves the creation of visionary creations that become reality.⁸ As the purchaser grows, it relies on the AI-powered council, which complicates matters due to its consistent personal preferences. The increasing use of AI in the music industry, which could endanger jobs, and depending on the section of production, it becomes mechanized or external affairs that processes AI.

The EU has enacted the first scope of developing legislation that controls AI.⁹ The United States, which is also the first state to adopt such legislation, is the region of Tennessee, which has acted in accordance with rules to regulate the misuses of AI, particularly in terms of artists' rights. Many underdeveloped countries lack regulations for artificial intelligence. India is governed by rules under the Copyright Act of 2012 and the Information Technology Act of 2000, which have an impact on its artificial intelligence. However, it is clear whether these regulations are appropriate to address the issues of AI-related infractions. AI systems pose significant risks, particularly in terms of human rights, data privacy, and intellectual property.

AI has used its sense of knowledge to compose contemporary music that is structured in a way that recognizes its uniqueness and the familiarity of the audience. It has also been used to change voiceovers and create hoax music, which falls under the category of infringing copyrights,

⁸ Ghosh, S. (2024). *AI Transforming the Music Industry - Theme Music Institute*. [online] Theme Music Institute -. Available at: <https://institute.thememusic.in/how-ai-is-transforming-the-music-industry/> [Accessed 23 Apr. 2025].

⁹ European Parliament (2025). *EU AI Act: First Regulation on Artificial Intelligence*. [online] European Parliament. Available at: <https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>.

violating personality rights, or misleading the artists' vices.

Instruments like AIVA¹⁰ have assisted such musicians¹¹ by allowing them to experiment with different sounds, styles, and ways of creating music in a more straightforward and creative manner. Other innovative instruments, such as IZotope's Neutron and Ozone, have used machine learning to handle the difficult nature of tasks by adjusting the levels of sound, processing its pressure, and visualizing its audio system, which aids in the excelling of music. AI-based computerization has processed many complex works, allowing artists and producers to focus on the innovative aspects of music production rather than the technical changes.

Its automation is a continuous task that the AI instrument provides to its makers, who travel by devoting more time to it and discovering novel ideas to improve the overall essence of that song. As previously explained in this study paper, AI finds people who listen to whatever music and identifies their preferences for such music creation. Based on their preferences, AI generates a playlist using the platforms that they synthesized to work on the music algorithms. Based on the users' preferences for such platforms, the AI recommends the creation of new music to those who are likely to enjoy it. These are the shifts that occurred in the music industry.

III. TECHNOLOGICAL DISRUPTION AND LEGAL AMBIGUITIES

AI-generated music relies on machine learning models trained on vast datasets of existing works. Google tools similar to that of MusicLM can be used to analyse and dissect voice patterns and styles to produce a "voice clone" that replicates any artist's¹² vocal style¹³, timbre, pitch and vibrations (9to5Mac, 2023¹⁴). These systems often incorporate copyrighted materials without explicit authorization, raising questions about fair use and infringement. A 2023 study by JETIR highlighted that AI music generators can create complete songs using AI-supported software¹⁵ but noted challenges in determining copyright status.¹⁶ Clifford Chance emphasized

¹⁰ Aiva (2024). *AIVA - the AI composing emotional soundtrack music*. [online] www.aiva.ai. Available at: <https://www.aiva.ai/>.

¹¹ Frith, S. (1988). Copyright and the music business. *Popular Music*, 7(1), pp.57–75. doi:<https://doi.org/10.1017/s0261143000002531>.

¹² Frith, S. (1988). Copyright and the music business. *Popular Music*, 7(1), pp.57–75. doi:<https://doi.org/10.1017/s0261143000002531>.

¹³ Bockstedt, J.C., Kauffman, R.J. and Riggins, F.J. (2006). The Move to Artist-Led On-Line Music Distribution: A Theory-Based Assessment and Prospects for Structural Changes in the Digital Music Market. *International Journal of Electronic Commerce*, 10(3), pp.7–38. doi:<https://doi.org/10.2753/jec1086-4415100301>.

¹⁴ Lovejoy, B. (2023). *AI-generated songs on Apple Music and Spotify breach copyright, says music label UMG*. [online] 9to5Mac. Available at: <https://9to5mac.com/2023/04/12/ai-generated-songs/>.

¹⁵ Basso, M.J. and Vianna, A.C.K. (2003). Intellectual Property Rights and the Digital Era: Argentina and Brazil. 34(2), p.277.

¹⁶ Vinish Pujari, Wilson, B., Vinish Pujari and Wilson, B. (2025). Copyright and Authorship in AI-Generated Music. *JETIR*, [online] 10(12), pp.f351–f354f351–f354. Available at: <https://www.jetir.org/view?paper=JETIR2312540> [Accessed 23 Apr. 2025].

that AI tools can be used to generate compositions, recordings, and even manipulate existing recordings to create "deep-fake" voices¹⁷.

The concept of originality, a cornerstone of copyright law, becomes nebulous when applied to AI-generated works. The U.S. Copyright Office mandates human authorship for protection, as evidenced in *Kristina Kashtanova's "Zarya of the Dawn"* (2023), where AI-generated elements were deemed unprotected. Conversely, the UK's Copyright, Designs and Patents Act 1988 (CDPA) ambiguously recognizes computer-generated works under Section 178 but fails to address autonomous AI outputs¹⁸. India's Copyright Act of 1957 attributes authorship to individuals enabling AI creation but lacks provisions for disputes involving generative adversarial networks (GANs).¹⁹

Scholars identify critical gaps in the field of Authorship having concluded that current laws prioritize human creativity, leaving AI-generated works in legal limbo. Economic Equity and Unlicensed training data usage deprives artists of royalties, exacerbating financial inequities²⁰. Moral Rights of an author is infringed and Voice cloning undermines artists' right to integrity, as seen in Rihanna's condemnation of AI covers distorting her artistic intent²¹. Finally, the Lack of Enforcement Tools is a critical lacuna that is imperative to be repaired²².

IV. LEGAL PRINCIPLES UNDER THE REALM OF AI AND COPYRIGHT IN THE PROCESS OF MUSIC CREATION

(A) Originality and Authorship

Under traditional Copyright Laws around the world, protected and copyrightable work is generally attributed to human creativity and originality expressed in human created work. In the case of *Hyperion Records v. Sawkins*²³ ([2005] EWCA Civ 172), which was adjudged by the UK Court of Appeal, the court upheld the validity and originality of works in derivative works wherein substantial skill and judgement were expressed and demonstrated. This set the precedent of rather limited guidance in terms of completely AI-generated output which lacks

¹⁷ Supra 6

¹⁸ Pillsbury Law. (2024). *Legal Riffs: Music Industry Alleges AI Is Out of Tune*. [online] Available at: <https://www.pillsburylaw.com/en/news-and-insights/record-labels-lawsuit-copyright-infringement-generative-ai-music.html>.

¹⁹ Bulayenko, O., Quintais, J., Gervais, D.J. and Poort, J. (2022). AI Music Outputs: Challenges to the Copyright Legal Framework. *SSRN Electronic Journal*. doi:<https://doi.org/10.2139/ssrn.4072806>.

²⁰ Deng, J. and Ma, J. (2023). Computational Copyright: Towards A Royalty Model for AI Music Generation Platforms. *arXiv (Cornell University)*. doi:<https://doi.org/10.48550/arxiv.2312.06646>.

²¹ Reynolds, M. (2024). *AI-generated music is everywhere; is any of it legal?* [online] ABA Journal. Available at: <https://www.abajournal.com/web/article/ai-generated-music-is-everywhere-is-any-of-it-legal>.

²² Supra 19

²³ Neutral Citation Number: [2005] EWCA Civ 565. (2005). Available at: <https://www.5rb.com/wp-content/uploads/2013/10/Hyperion-Records-Ltd-v-Sawkins-CA-19-May-2005.pdf>.

the involvement of a human faculty²⁴. A similar clarification was offered by the U.S Copyright Office, asserting that works made solely by AI without human intervention cannot be copyrighted as it lacks the involvement of human control and authorship (*Compendium III* §313.2).

(B) Fair Use for Training Data- Ownership and Liability

The fair use doctrine plays a pivotal role in evaluating whether AI's use of copyrighted materials for training purposes constitutes infringement. In *Authors Guild v Google Inc.* [2015], the court upheld fair use for transformative purposes but did not address scenarios involving non-human creators. In the case of *Anthropic vs. Universal Music Group (UMG)* (2025)²⁵ the Music group alleged that its chatbot Claude2 infringed copyrights by reproducing song lyrics used during training without authorization. This breeds the question as to at what point the line is drawn for the use of Fair Use provisions to justify use of data for "training", or with whom the ownership rights lie and the liability of any damage or redressal of injury.

V. LEGAL PROTECTIONS FOR AN ARTIST'S STYLE

(A) Artist's style protection in different countries²⁶ :-

1. Europe²⁷: Based on the European representative , has no regulation in protecting the musicians style but it accepts pastiche as a deviation and considers a restriction to such copyright. Pastiche the term states it is a work of art or music where it imitates the style of some other person. The representative of such country permits the members of the countries to decide that pastiche is an exception and restriction because it completely acknowledge the rights of the owner will encroach in such countries where they cannot include such exception. As per the royal Spanish academy it means that a copy of certain behaviour of a components of such author's work and collaborating such work by making it as a sole creation of such person. Simply said, it is the imitation of one person's behaviour in order for the other person to be self-sufficient. Spain have also supplied additional facts that the pastiche limitation 2022 which was entered to strengthen the lawful boundaries based on the interpretation of multimedia, structures which are copied and such things are sent through its public media networks by memes. Then as per article 70 of the royal Spanish decree stated that the pastiche will not be needed for the

²⁴ Supra 6

²⁵ Dietrich, S. (2024). *UMG v. Anthropic: Can International Copyright Laws Guide U.S. Law?* - LLS Entertainment Law Review - Loyola Law School. [online] LLS Entertainment Law Review - Loyola Law School. Available at:<https://entertainmentlawreview.lls.edu/umg-v-anthropic-can-international-copyright-laws-guide-u-s-law/>.

²⁶ Artlaw.club. (2023). *Protection of the artist's style: Comparative law.* [online] Available at: <https://artlaw.club/en/artlaw/protection-of-the-artist-s-style-comparative-law> [Accessed 23 Apr. 2025].

²⁷ Artlaw.club. (2023). *Protection of the artist's style: Comparative law.* [online] Available at: <https://artlaw.club/en/artlaw/protection-of-the-artist-s-style-comparative-law>.

sanction of the owner to change such work and therefore the Spanish laws are requiring to have an innovative areas where to introduce new technology to grow their new categorization of works in use. As per the EU representatives they have included such exceptions and restriction under the copyright based on pastiche , caricature, or parody.

2. United States : In the case Steinberg vs Columbia Pictures Industries, Inc.²⁸(1987) where it involves the musicians own style is secured under the court. As per this case the appellant stated that the Steinberg have asserted that Columbia pictures industries have made a publishing poster based on the film called Moscow or Hudson which have infringed the rights as per the picture which have drew on the cover on 29th March 1976 which have provided in the New Yorker magazine. The appellant field a lawsuit against the supporters , film maker , marketer and organizer for such copyright infringement. It has included RCA and DHB firms with Columbia for such movie. The other respondents were subsequently attached for such complaint compatible to the memorandum of association for deciding on the court by November 17 ,1986 based on this case. In later part two peoples of respondents were splitted, one was the Columbia and the RCA firms who were engaged in the marketing of the movie nationally and internationally. The other side where the owners of such crucial newspapers have produced which have infringed based on its promotions . The poster was created with similar style of stroke , its visual construction and the opinions were it as created the similar work of artist Steinberg but which has not imitated based on its elements. The respondents were declaring for a defence of fair use based on its elements of estoppel , statute, and satire. Then the second district judge where they evaluated for a non-literal similarity test was directed. In the later point the decision was In favour of the plaintiffs based on the context of copying. The judge decided that the respondent have infringed over the creator's copyright by innovating a poster which have a striking stylistic relationship based on the real work. The judgment has synthesized that the style has been between two works where its importance was sufficient to represent infringement. It is a high point where its specific style has been examining the real utterance working on the protection of copyright.

(B) AI be sued for mimicking a famous artist's sound without direct copying²⁹ :-

Artists sued AI for imitating sound without direct copying :- Many of the appellants assert that they will move their case on discovery and trial , the two lawyers one is Matthew and the

²⁸ Justia Law. (2025). *Steinberg v. Columbia Pictures Industries, Inc.*, 663 F. Supp. 706 (S.D.N.Y. 1987). [online] Available at: <https://law.justia.com/cases/federal/district-courts/FSupp/663/706/1414117/> [Accessed 23 Apr. 2025].

²⁹ Farfan, I. (2024). *Judge Says Artists Can Sue AI Companies for Using Their Work*. [online] Hyperallergic. Available at: <https://hyperallergic.com/943250/judge-says-artists-can-sue-ai-companies-for-using-their-work/>.

other is Joseph who have represented in behalf of the owners where they have given statement or the term called Hyper – allergic which means that is an abnormal way of inclination where it harms like an allergic reaction which is on a person who can be easily influenced or damaged. There is a group of artist's like Sarah Andresen , Kelly McKernan, and others so on... who have sued the companies including Stability, Midjourney, Dall-E etc.. . These owners have been claimed on these firms who have utilized their artistic works without their prior consent where in which such it has processed its AI to work in a way in which where it can produce those images. It means that the AI software is have trained in that way where it can produce the work of artist to create such images and which have made such artist to believe that it is a copyright infringement. Based on these cases in court the judge has come into one point where they stated that the owners have right to profess about such copyright infringement which is justifiable and which can begin to go for next level based on its law process. As of now the judges have disbanded the cases which are removing the unfair embellishment. The authors and the lawyers who contended the others work without the prior consent which is unlawful and add up to infringement. On the other side lawyers of such firms taking part who have conveyed there way of concerns about the powerful impact of this legal action , by advising on that where it could harm the essence of difficulty which permits it to proceed. The problems are synthesized because it impacts on how such owners make their living. If AI software's can duplicate the work without their consent, it can affect their profession and their livings. Some owners like Molly, Crab apple and many other have said opposite to the using AI in sketch , where it fears which will unsettle the working life of the artists.

Fair use and copy right challenges in AI music generation:- Generative AI is a type of AI system that is used to generate latest content, this type of AI can also be used to create artistic material such as movies, poems and music's. The foundation for creation of these artistic work is based on previous work that has been created by artists who own copyright to these works. Recent cases have shown the challenges faced by artists whose works have been infringed on by these generative AI models. AI companies have copied artistic works without the authors explicit permissions. Landmark cases in these area include UMG Recordings, Inc. et al. v. Uncharted Labs, dba Udio, et al. (1:24-cv-04777, U.S. District Court for the Southern District of New York) and UMG Recordings, Inc. et al. v. Suno, Inc. et al. (1:24-cv-11611, U.S. District Court for the District of Massachusetts) in which the record labels allege direct copyright infringement by Suno and Udio in using their copyright material without obtaining proper licences. The United States Copyright office has stated that work generated by AI systems,

cannot be protected by copyright as per the offices 2025 report³⁰. But works generated with assistance of AI where “meaningful human authorship” is evident has been copyrighted by the US Copyright office. European Union has taken much more proactive regulatory work towards AI by enacting the EU AI Act. The EU AI Act imposes stringent transparency obligations on AI companies trained generative AI models, requiring them to published detailed reports of the copyrights content used in the training of their models. The EU has also provided mechanisms for right holders of the copyrights to exercise over the use of these materials in training of these models.

VI. STAKEHOLDER PERSPECTIVES AND LEGAL PRECEDENTS

The rise of Voice Cloning³¹ can be explored through the viral AI track *Heart on My Sleeve* which highlighted the legal system’s inadequacy in addressing voice cloning. Ghostwriter³² used open-source tools to mimic Drake and The Weeknd’s vocals, bypassing traditional licensing frameworks³³. UMG’s takedown request underscored the need for clearer guidelines on derivative works, yet platforms like TikTok face difficulties policing AI-generated content³⁴.

The EU’s 2019 Copyright Directive mandates transparency in AI training data but lacks mechanisms to attribute royalties. A 2022 study proposed algorithmic solutions using data attribution techniques, enabling platforms to trace AI-generated music to influential copyrighted works³⁵. For example, YouTube’s Content ID system could be adapted to allocate royalties based on AI usage frequency, though technical hurdles persist.

In the case of *UMG v Suno*³⁶ and *Udio*³⁷ as reported by Debevoise & Plimpton³⁸ (2025), major American music labels are suing generative AI music platforms in what is seen as the first case

³⁰ Act, A. (2023). *EU AI Act: first regulation on artificial intelligence* / Topics / European Parliament. [online] Topics | European Parliament. Available at: <http://europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>.

³¹ ElevenLabs. (2024). *What is Voice Cloning?* / ElevenLabs. [online] Available at: <https://elevenlabs.io/blog/what-is-voice-cloning>.

³² Universal Music Group v Ghostwriter [2023] EWHC Civ 334 (Ch).

³³ Reed, R. (2023). *AI created a song mimicking the work of Drake and The Weeknd. What does that mean for copyright law?* [online] Harvard Law School. Available at: <https://hls.harvard.edu/today/ai-created-a-song-mimicking-the-work-of-drake-and-the-weeknd-what-does-that-mean-for-copyright-law/>.

³⁴ Supra 22

³⁵ Supra 23

³⁶ DeepLearning.AI. “Sony, UMG, and Warner Music Sue Suno and Udio over Alleged Copyright Violations.” Sony, UMG, and Warner Music Sue Suno and Udio over Alleged Copyright Violations, 3 July 2024, www.deeplearning.ai/the-batch/sony-umg-and-warner-music-sue-suno-and-udio-over-alleged-copyright-violations/. Accessed 22 Apr. 2025.

³⁷ UMG Recordings, Inc. v. Suno, Inc., 1:24-cv-11611, (D. Mass.)

³⁸ Thomson Reuters Enterprise Centre GmbH v. Ross Intelligence Inc. [2025] (DISTRICT COURT FOR THE DISTRICT OF DELAWARE) Available at: https://www.lawnext.com/wp-content/uploads/2025/02/2025-02-11-Memorandum-dckt-770_0.pdf [Accessed 17 Apr. 2025]. 1:20-CV-613-SB (D. Del. Feb. 11, 2025).

of its kind over AI audio³⁹. The plaintiffs allege that the AI platforms are using copyrighted material to train their models without permission, infringing on the rights of copyright owners⁴⁰. This case highlights the growing tension between the music industry and AI developers.

The UK government has been considering whether to utilize existing protections of copyright and IP law on the output of AI, with the UK Intellectual Property Office (IPO) expected to produce a code of practice. However, there remains uncertainty in English law about the correct test for "originality" and whether the test requires a human author. The IPO's proposal to allow text and data mining for any purpose received significant objection from the music industry. In the case of *Anthropic PBC Lawsuit by Concord Music Group*, Concord Music Group alleged that Anthropic's Claude2 chatbot reproduced copyrighted song lyrics during user interactions without authorization. The lawsuit centered on text and data mining practices used during model training and subsequent reproduction of copyrighted content by Claude 2. The court reflected on certain key issues including the fair use provision and whether using copyrighted material during model training constitutes fair use. It is also inclined to examine whether outputs resembling original works be classified as derivative infringements. As this case remains unresolved at present, it serves as a critical test for defining permissible uses of copyrighted inputs in generative AI systems.

The question of whether heavy reliance on AI can qualify for Copyright protection was explored in the case of *Kristina Kashtanova's "Zarya of the Dawn"*⁴¹. Kashtanova used an AI tool called MidJourney to create graphic novel elements. Although her complete work was copyrighted, her individual images were not qualified for such protection due to being AI generated images. This led to the US Copyright Office denying protection for the individual works. This breached the question of whether work with heavy reliance on AI technology can become qualified for Copyright Protection under US law. The court analyzed whether human input in curating or directing an AI tool sufficed for copyright eligibility. The U.S. Copyright Office ruled that only elements involving human creativity could be copyrighted (*Compendium III §313.2*). This case underscores the limitations of current copyright laws in addressing hybrid creations involving both human input and machine outputs. It sets a precedent that emphasizes

³⁹ Crowell & Moring - Major American Music Labels Sue Generative AI Music Platforms in First Case of Its Kind Over AI Audio. (2024). *Major American Music Labels Sue Generative AI Music Platforms in First Case of Its Kind Over AI Audio*. [online] Available at: <https://www.crowell.com/en/insights/client-alerts/major-american-music-labels-sue-generative-ai-music-platforms-in-first-case-of-its-kind-over-ai-audio>.

⁴⁰ Supra 21

⁴¹ Lindberg, V. and English, T. (2023). *United States Copyright Office*. [online] Available at: <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>.

human authorship as a prerequisite for protection but leaves unresolved questions about ownership in collaborative settings.

In India, the Indian Digital Copyright Association (IDCA) filed a lawsuit against OpenAI, claiming that its AI models had utilized copyrighted Indian music compositions to create AI-supported audio outputs. The Delhi High Court is considering whether the use of copyrighted material by AI infringes the Copyright Act of 1957⁴² in India, one of India's first big AI copyright controversies. The case has fueled regulatory debates, with Indian parliamentarians weighing up copyright law amendments to cater to music generated by AI. The argument is that without specific copyright provisions for AI, owners of content will find it difficult to protect their rights against AI systems (IDCA vs. OpenAI, Delhi High Court, 2025)⁴³.

VII. ETHICAL CONSIDERATIONS FOR AI GENERATED MUSIC

Economic Displacement and Royalty Inequities: AI-generated music disrupts royalty structures, as platforms profit from tracks that bypass traditional licensing. For instance, Bad Bunny's AI clones on TikTok amassed millions of streams without compensating the artist. Proposals for mandatory licensing pools, akin to Spotify's revenue-sharing model, aim to ensure artists receive royalties for AI training data usage⁴⁴.

Moral Rights and Cultural Integrity: Voice cloning threatens artists' moral rights, enshrined in the Berne Convention⁴⁵. When an AI cover of Lata Mangeshkar's songs circulated in India, her estate argued it violated her right to integrity under Section 57 of the Copyright Act⁴⁶. Such cases highlight the urgency of updating moral rights provisions for the AI era.

Transparency and Accountability: Artists demand visibility into training datasets. A 2024 survey found 70% of musicians support legislation requiring AI platforms to disclose data sources⁴⁷. Blockchain-based registries, such as the EU's proposed Voice Biometric Database, could authenticate vocal samples and prevent unauthorized replication⁴⁸.

VIII. POLICY RECOMMENDATIONS

There can be certain changes made to current legal frameworks and the introduction of new

⁴² Copyright Act . 4 June 1957, www.indiacode.nic.in/handle/123456789/1367. Accessed 22 Apr. 2025.

⁴³ Pandya, D. (2025). *The Global South AI Copyright's Test Case: India*. [online] CEPA. Available at: <https://cepa.org/article/the-global-south-ai-copyrights-test-case-india/#> [Accessed 23 Apr. 2025].

⁴⁴ Supra 23

⁴⁵ Berne Convention. Available at: <https://www.wipo.int/treaties/en/ip/berne/> [Accessed 15 Apr. 2025].

⁴⁶ Copyright Act.57 [online] Available at: <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf> [Accessed 12 Apr. 2025].

⁴⁷ Supra 7

⁴⁸ Supra 23

policies can be done to bind the chasm that exists between current legal standards and the requirements of the ever changing dynamic of AI in various fields especially the music industry. The first such recommendation can be credited to *Amending Copyright Laws to Recognise a maiden concept of Dual Authorship*⁴⁹ which is a version of UK's CDPA Model⁵⁰ which allows for AI to be credited with authorship for AI developers while ensuring that economic rights are reserved for the original artists themselves. Additionally the implementation of the AI Copyright Act which remains a mere proposal still allows for the requirement of platforms to license training data and share revenue with the holders and owners of such rights⁵¹.

Secondly, *Establish Compulsory Licensing Frameworks* by imposing a mandate for obtaining licenses for training data which shall include royalty distribution through collective management organisations (CMS). Royalties shall be allocated in a proportionate manner after identifying AI-generated content in the music realm by adapting YouTube and various platforms' content ID system which shall facilitate such tracking⁵².

Thirdly to *Enhance Transparency through Algorithmic Audits* by mandating disclosure of training datasets by AI developers and undergoing third party or external audits to ensure compliance by all involved parties. Additionally the development of spectral analysis tools which shall aid in the detection of AI generated music content shall be a viable solution. This solution was also proposed by the JETIR Study⁵³

Lastly to facilitate *Global Harmonization through the medium of WIPO Treaties*⁵⁴ by advocating for a WIPO Copyright Treaty on AI to ensure standardized definitions for the concepts of "originality" and "infringement" across any and all global jurisdictions. Furthermore the establishment of an international tribunal to adjudicate on matters concerning cross-border AI copyright disputes⁵⁵

IX. CONCLUSION

The convergence of AI and copyright law represents one of the most complex challenges in modern jurisprudence. While generative technologies democratize music creation, they also

⁴⁹ Pandey, H.C. and K.G. (2024). *Balancing Indian Copyright Law with AI-Generated Content: The 'Significant Human Input' Approach*. [online] IJLT. Available at: <https://www.ijlt.in/post/balancing-indian-copyright-law-with-ai-generated-content-the-significant-human-input-approach>.

⁵⁰ Copyright, Designs and Patents Act . Available at: <https://www.legislation.gov.uk/ukpga/1988/48/contents> [Accessed 18 Apr. 2025].

⁵¹ Supra 21

⁵² Supra 23

⁵³ Supra 19

⁵⁴ www.wipo.int. (n.d.). WIPO Lex. [online] Available at: <https://www.wipo.int/wipolex/en/text/295166>.

⁵⁵ Supra 21

threaten the economic and moral rights of artists. By adopting and enforcing hybrid authorship models, enhancing transparency, efficiency, and fostering international cooperation through harmonization, standardization and uniformity, policymakers can cultivate an ecosystem where AI serves as a collaborator.
