IMPF

**INDEPENDENT MUSIC PUBLISHERS
INTERNATIONAL FORUM**

IMPF Ethical Guidelines on generative Artificial Intelligence

IMPF welcomes technological developments in as far as they improve our business and the capacity to assist the writers we represent. To enhance the relationship between the creative side, in our case writers and music publishers, and tech companies providing AI applications, we propose a set of ethical principles to ensure a more transparent collaboration.

The basic tenet for the practical application of artificial intelligence has to be a good faith between all parties involved - writers, rightsholders, tech companies, digital service providers and platforms - underpinned by the existing copyright and enforcement framework. We have elaborated four principles to apply specifically to generative AI.

1. Seeking express permission for the use of music in the machine training process. The machine learning process, including deep learning, involves many reproductions of musical and/or literary works which require the permission of the respective writers or rightsholders, even if the reproductions only relate to a part of the musical and/or literary work. This reflects the main notion of copyright, that its owner, i.e., the writer or rightsholder can choose whether to allow a specific use of their creative output, and, if they choose so, under what conditions. No superseding social interest exists which would justify an exception to this human right of intellectual property which protects not only the writers' economic interest but also the expression of their creative personality. We specifically require all interested parties in the field of AI application to comply with this basic tenet established under the international trading framework, and in particular the WTO TRIPS agreement of 1994. In a responsible and mature economic market there is no place for a cavalier approach to copyright.

2. Keeping records of the musical works used in the machine training process. Keeping records of the music ingested by AI applications in the machine training process is not only socially responsible but will also provide certainty that the use of the specific music has been permitted. The process of ingesting existing musical works constitutes the best opportunity to know the creative elements used by AI applications. It is relevant for any licensing, should the writer or rightsholder choose to allow the use, so as to ensure that any remuneration can be accurately distributed to the writers or rightsholders. It also provides certainty for the tech companies applying artificial intelligence as to how they can operate within the legal framework. Keeping transparent records of the elements used in the production of a new product, in our case AI generated music, has been in operation in several sectors as part of good business practice; in some specific areas such as fair-trade clothing it has been mandatory for producers to provide the origin of the individual components of the end product; even if the individual components are not separately identifiable in the final product.

3. Labelling of AI generated music. Labelling is a fundamental principle of consumer protection to inform the consumer as to the nature and origin of the product they are acquiring. AI generated music will increase in measure and quality, and thus affect the commercial music market. We suggest a clear differentiation between human created musical works which benefit from copyright protection and machine generated music which does not. Such clear demarcation of AI generated musical works will ensure that a level playing field for human created music exists while also protecting consumer choice.

4. Status of purely AI generated musical works. The protection of musical works is deeply ingrained with human creativity. Consequentially, we strongly urge differentiating between human creation and technical generation, in particular by clearly labelling AI generated musical works as such. However, we note the practical challenges in establishing whether a work is created by a human with the assistance of an AI application or generated without any human involvement. Whilst the copyright status of a musical work created by a human using AI as a tool is established, questions subsist in regard to the copyright status of purely generative AI. As a first step we require further criteria to establish a delineation between assistive and generative AI applications respectively. However, in any case, AI generated works should not dilute the exploitation and management of human created works at the expense of our creative writers. This would also provide certainty for the consumer as to the nature of the product they are acquiring.

Conclusion

The protection of human writers' copyright and livelihood should be explicitly acknowledged and provided for in any AI related activities; commercial negotiations or legislative initiatives. Applying generative AI should be based on principles of legality, accountability, and transparency.