



the global trade body for independent music publishers

## **IMPF Submission to DPIIT - Consultation on the Interface between Artificial Intelligence and Copyright**

16 December 2025

### **1. Introduction**

IMPF is the global trade and advocacy body for independent music publishers, representing more than 300 companies worldwide. Our members are deeply rooted in local cultural and economic ecosystems, investing in songwriters and composers, supporting cultural diversity, and enabling repertoire to reach audiences across borders.

Independent music publishers collectively account for over 26% of the global music publishing market, generating more than €2.7 billion in annual revenues, with sustained growth over recent years. This growth is underpinned by a functioning copyright framework that enables investment, risk-taking, and long-term cultural development.

IMPF welcomes the opportunity to contribute to this consultation on the Committee's Working Paper on Generative AI and Copyright and appreciates the Indian government's engagement with creators and rightsholders at an early and formative stage of policy development on AI.

Our submission concerns musical and literary works only.

### **2. Core Principle: AI Innovation and Copyright Are Complementary, Not Competing**

IMPF strongly supports technological innovation, including AI tools that enhance creativity, efficiency, and market access. However, generative AI represents a qualitatively different form of disruption from previous technological change.

Large-scale generative AI systems depend on the systematic reproduction, ingestion, and internalisation of copyrighted works. Where such uses occur without authorisation, remuneration, or transparency, they directly undermine the economic foundations of the creative sector.

AI innovation and copyright protection are not opposing forces. On the contrary, a sustainable, ethical, and competitive AI ecosystem depends on respect for copyright, transparency, and licensing. Weakening copyright protections will not accelerate innovation; it will simply transfer value from creators to technology developers.

### **3. Use of Copyrighted Works for AI Training Constitutes Infringement Absent Authorisation**

Generative AI training typically involves:

- Mass copying of protected works,
- Storage and transformation of expressive content,
- Long-term retention and internalisation of protected material within models.

In the absence of a specific, narrowly defined exception, such uses fall squarely within the scope of the reproduction right and therefore constitute copyright infringement when undertaken without authorisation.

Claims that AI training is merely “learning” or “non-expressive” overlook the commercial reality: the economic performance of AI models is directly dependent on the quantity and quality of copyrighted material ingested. This dependency is precisely why licensing is both appropriate and necessary.

### **4. Why a Blanket or Broad TDM Exception for AI Training Should Not Be Introduced**

IMPF strongly cautions against introducing a broad text-and-data-mining (TDM) exception for commercial AI training.

#### **4.1 Incompatibility with International Copyright Obligations**

Any new exception must comply with the three-step test under the TRIPS Agreement, which requires that exceptions:

1. Apply only to special cases,
2. Do not conflict with the normal exploitation of the work, and
3. Do not unreasonably prejudice the legitimate interests of rightsholders.

Using the entire internet or large cultural repertoires as free training data for commercial AI systems cannot be considered a “special case”, and it directly interferes with normal exploitation through licensing markets .

#### **4.2 Economic Harm and Market Distortion**

Empirical research demonstrates that generative AI threatens a substantial portion of creator income over the coming years. Allowing unlicensed training enables AI outputs to compete directly with human-created works, without bearing the costs of creation, discovery, or cultural investment.

This creates structural market distortion and undermines incentives to create, particularly for independent publishers and emerging songwriters.

#### **4.3 Comparative International Experience**

International developments do not support the claim that broad TDM exceptions attract AI investment:

- Courts in the United States have questioned the applicability of fair use to AI training.
- The United Kingdom and Australia recently abandoned proposals for a broad commercial TDM exception.
- The European Union remains legally uncertain, with key questions now before the Court of Justice.

## **5. Opt-Out or Rights-Reservation Models Do Not Solve the Problem**

Proposals that combine a TDM exception with an opt-out mechanism invert the fundamental logic of copyright. Such systems:

- Shift the burden of enforcement onto creators,
- Are practically unverifiable at AI scale,
- Do not provide visibility into whether works have been ingested,
- Do not enable meaningful enforcement once copying has occurred.

Even sophisticated, machine-readable reservations fail in the absence of mandatory transparency and auditability. As currently conceived, opt-out models offer neither legal certainty nor effective protection for rightsholders.

## **6. Licensing Is Feasible, Scalable, and Already Emerging**

Claims that licensing is impractical at scale are contradicted by decades of experience in the music sector. Rightsholders license:

- Streaming services,
- Broadcast platforms,
- User-generated content platforms,
- Digital services.

AI training is no different in principle. Where AI developers have chosen to engage, licensing markets are already emerging, including in the music sector through consent-based model training and authorised datasets.

Licensing is not a barrier to innovation; it is simply a cost of doing business in a lawful market.

## **7. Transparency as a Precondition for Fair Markets**

IMPF emphasises that transparency is essential to any workable AI-copyright framework.

Effective transparency obligations should include:

- Disclosure of training data sources,
- Identification of categories and repertoires used,
- Information on data acquisition methods,
- Record-keeping sufficient to enable verification and enforcement.

Without transparency, licensing negotiations cannot occur on a level playing field, and rights cannot be meaningfully exercised.

## **8. Statutory or Compulsory Licensing: Premature and Risky**

At this stage, IMPF sees no justification for introducing statutory or compulsory licensing for AI training. Such mechanisms risk:

- Freezing immature markets,
- Setting artificially low remuneration,
- Undermining voluntary licensing solutions,
- Reducing flexibility across different creative sectors.

Policy should instead focus on enabling voluntary, market-driven licensing, supported by transparency and enforcement mechanisms.

## **9. AI-Generated Outputs and Downstream Value**

Regardless of how jurisdictions ultimately address the copyrightability or authorship of AI-generated outputs, it is essential that rightsholders whose works contribute to AI generation participate in downstream economic value. This requires:

- Traceability,
- Attribution where feasible,
- Revenue-sharing or remuneration mechanisms linked to training and use.

## **10. Conclusion and Recommendations**

IMPF respectfully urges DPIIT to adopt a license-first, transparency-driven policy approach, grounded in existing copyright principles. In particular, we recommend to:

- 1. Reject broad or blanket TDM exceptions for commercial AI training**
- 2. Affirm that use of copyrighted works for AI training requires authorisation**
- 3. Promote voluntary licensing markets rather than statutory overrides**
- 4. Introduce robust transparency obligations for AI developers**
- 5. Ensure alignment with international copyright obligations and cultural policy goals**

IMPF stands ready to continue constructive dialogue and to contribute sector-specific expertise.



IMPF is the global trade and advocacy body for independent music publishers, helping to stimulate a more favourable business environment in different territories and jurisdictions for artistic, cultural, and commercial diversity for songwriters, composers, and music publishers everywhere. [www.impforum.org](http://www.impforum.org)