IMPF

the global trade body for independent music publishers

EU Targeted consultation on a potential initiative for a better copyright environment for European creativity and innovation

IMPF Response as submitted on 28 October 2026

Executive Summary

IMPF is the global trade and advocacy body for independent music publishers, representing a sector that generated €2.7 billion in 2024 and holds 26.3% of the global market. Independent publishers are essential partners to songwriters and composers, custodians of diverse repertoires, and long-term investors in new works. Their growth depends on functioning licensing markets that ensure creators share in the value generated by the use of their works. Generative AI now poses a material risk to these foundations.

Independent music publishers support innovation and are ready to license. But licensing requires transparency, accountability and enforceable rights. Without these foundations, generative AI risks weakening the market that sustains human creativity. The EU now has an opportunity to ensure that AI development proceeds in a way that respects creators, supports lawful markets and preserves cultural diversity for the long term.

To ensure a fair and sustainable market, IMPF recommends:

- **Binding transparency, record-keeping, retention and audit obligations** across the AI supply chain, covering acquisition, dataset preparation, training, fine-tuning, inference and output exploitation.
- **Accessible disclosure mechanisms**, including NDA-based access upon substantiated request and court-ordered evidence where necessary.
- **Clear application of EU copyright rules,** including territorial considerations and market-access obligations for providers trained offshore.
- **Voluntary licensing framework**s and interoperable technical solutions — without compulsory participation or displacement of exclusive rights.
- **Strong enforcement of existing EU digital regulations** (DSA, DMA and the AI Act) to ensure accountability, transparency and fair competition for AI providers operating in the EU.
- **Protection of cultural diversity and sustainable investment**, ensuring that AI development does not undermine the economic and creative ecosystem that supports human-created music.
- **Consideration of specific EU-level protection against unauthorised digital impersonation**, ensuring clear consent, defined scope, posthumous arrangements and safeguards for lawful parody, criticism and satire.
- **Clear boundaries for research exceptions**, ensuring they cannot be used to justify commercial AI training or dataset construction, with defined beneficiaries, non-commercial purpose and safeguards against preferential access for commercial actors.

Introduction

Musical works are systematically used in AI training datasets, yet the remuneration frameworks intended to ensure rightsholders participate in the exploitation of their works are being bypassed. The core concern is not the development of AI technologies, but the commercial practice of training models on protected works without licences, without remuneration and without transparency. When AI companies rely on exceptions rather than engaging with rightsholders, training can occur at scale long before any negotiation is possible. By the time a model is deployed, value may already have been extracted, leaving rightsholders to pursue litigation rather than receive payment through licensing. This dynamic is reflected in the growing volume of cases in the US and Europe, including recent actions by GEMA, KODA and Reservoir, demonstrating that rightsholders are already forced into court - despite substantial legal costs when AI-driven platforms avoid transparency - simply to establish basic facts about use.

The consequences extend beyond inputs. AI-generated music is now entering the market at unprecedented scale: in June 2026, Deezer reported 90,000 fully AI-generated tracks uploaded per day, representing more than half of all new music delivered to the service. These outputs compete directly with human-created repertoire — including the very works used to train the models — but without the licensing costs, reporting obligations or compliance requirements that apply to legitimate uses. Independent publishers already see displacement in production libraries, advertising, gaming, social media content and low-budget audiovisual uses. As models improve, the risk intensifies, particularly in price-sensitive markets. This creates a parallel market in which protected works are used to build commercial products that then compete against the originals without remuneration flowing back to creators.

AI-enabled streaming fraud further undermines legitimate markets. Fraudsters use bots and false accounts to generate artificial streams and collect royalties that would otherwise go to rightsholders whose music people actually listen to. AI allows the rapid production of vast catalogues of low-cost tracks, making fraudulent activity easier to scale and harder to detect. These practices divert income from genuine listening and weaken the sustainability of independent publishing businesses.

The barriers to enforcement are structural. AI providers control datasets, acquisition records, provenance information and training processes. Rightsholders cannot be expected to establish uses within systems they cannot access. Providers may assert exceptions while withholding the information needed to examine those claims. Unequal bargaining power, opaque technical architectures, offshore training and circumvention of technological protection measures further compound the problem. Rights reservations have practical limits: publishers cannot monitor every online copy or reserve rights separately against every potential user. Without enforceable transparency obligations, licensing cannot function.

The impacts are significant: lost revenue and licensing opportunities, market substitution, reduced investment, weakened competitiveness and risks to cultural diversity. These effects are particularly acute for smaller and specialist publishers and for repertoire in less widely spoken languages. Synthetic substitutes depress the value of human-created music and reduce the resources available to invest in new works. Repeated training on synthetic outputs risks reinforcing bias and reducing diversity.

Despite these challenges, the independent sector is proactively building solutions. IMPF and IMPEL have developed a licensing framework for generative AI[1], setting out principles for lawful training, transparent reporting and fair remuneration. IMPEL and IMPF are jointly running an attribution-technology sandbox with multiple tech companies to test recognition and provenance tools that could support licensing and auditability at scale[2]. Industry-wide licensing arrangements are emerging, including settlements and partnerships between AI companies and publishers, labels and CMOs. But licensing can only succeed where AI providers engage, disclose and negotiate in good faith.

Recent market analysis reinforces these concerns. Goldman Sachs' *Music in the Air* report anticipates that while AI may create new licensing opportunities and improve monetisation for certain catalogues, the benefits will be unevenly distributed. Without transparency, lawful licensing and targeted measures to address substitution, AI development risks eroding the economic foundations that sustain independent publishing and the diverse repertoire it brings to market.

AI-Generated Imitations of Performers: Although IMPF represents independent music publishers rather than performers, AI-generated imitations of performers directly affect publishing interests where songwriters also perform and where synthetic performances involve protected compositions or lyrics.

AI can support authorised creative processes, including synthetic performances, but permissions must be obtained for each category of rights involved. Consent to reproduce a performer's voice or likeness does not clear the underlying composition or lyrics, and a publishing licence cannot authorise the use of personality or performers' rights that the publisher does not hold.

Clear labelling and provenance information should allow audiences and commercial users to distinguish authorised synthetic performances from deceptive impersonations. Labelling does not replace consent.

IMPF supports consideration of specific EU-level rules where existing protection does not provide an effective remedy against unauthorised digital impersonation. Approaches under discussion in Member States, including Denmark's proposed protection against digital imitations of personal characteristics and performances, merit examination. The issue extends beyond professional performers: the proposed US NO FAKES Act illustrates the need to consider protection for individuals more broadly.

Any new protection must remain distinct from copyright in musical works. A synthetic performance may involve both identity rights and publishing rights, but permission concerning one does not resolve the other. Additional protection should address identified gaps while preserving existing copyright, freedom of expression and authorised uses.

Copyright and Research: In addition, the Commission should recognise that research-related exceptions are increasingly invoked in contexts far removed from genuine scientific inquiry. AI developers may characterise large-scale data acquisition as "research" even where the activity is directly connected to commercial model development, product deployment or competitive advantage. This risks creating a de facto pathway for commercial actors to access protected

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[1] https://www.impforum.org/impf-key-principles-for-fair-and-sustainable-ai-licensing/ and https://www.impforum.org/impf-and-impel-launch-a-joint-framework-setting-out-clear-principles-for-a-fair-transparent-and-sustainable-approach-to-generative-ai-licensing/

[2] https://www.impforum.org/impel-and-impf-to-launch-sandbox-project-with-sureel-ai/

repertoire without licensing, under the guise of research partnerships, non-profit intermediaries or hybrid organisational structures. Any clarification of the research exception must therefore ensure that it cannot be used to bypass exclusive rights or to legitimise unlicensed dataset construction for commercial AI systems. Safeguards should prevent "research" from becoming a general label under which commercially valuable uses escape permission, remuneration and transparency obligations.

Please find below detailed answers to the individual consultation questions.

1. What are in your view the three most pressing issues regarding the use of copyright-protected content in the context of AI that need to be addressed?

Human-created and AI-generated music will coexist. Consumers will choose according to taste, need and budget, although platforms, playlists and recommendation systems influence what reaches them. A fair market requires copyright compliance, transparency and clear labelling. AI developers who obtain licences should not be disadvantaged against those who use protected works without permission.

The first priority is copyright compliance and licensing. Independent music publishers support AI development through voluntary agreements. The music industry has repeatedly adapted its licensing practices to technological change. Commercial AI uses should require authorisation where applicable, with remuneration reflecting the value of the works used. It is unacceptable for protected repertoire to be used without permission or payment to develop competing products. Rightsholders should not have to litigate simply to bring a provider to the negotiating table.

The second priority is transparency. Rightsholders need to establish which works have been used, how they were obtained, for what purpose and on what legal basis. This information is necessary for enforcement, licensing and payment. It must cover access, dataset preparation, training, fine-tuning, retrieval, generation and commercial distribution. Focusing only on initial training would leave significant uses unaddressed.

Transparency, provenance and attribution serve different purposes. Records may establish inclusion in a dataset; provenance documents acquisition and processing; attribution technologies seek to identify material reflected in an output. None automatically determines royalty allocation. These technologies should be developed and tested, but uncertainty about their future capabilities cannot justify withholding information providers already hold.

The third priority is identification and labelling of AI-generated music. Consumers and commercial users should be able to make informed choices. Relevant information should accompany content through distribution and remain available to music publishers, collective management organisations and platforms. Labelling should distinguish fully AI-generated music from AI assistance within a human creative process.

Market substitution is a serious risk. AI-generated music can compete directly with human-created repertoire for listening time, playlist placement and commercial uses, including background music, production libraries and commissioned works. Its low-cost, rapid and scalable production may displace licensed music, reduce streaming and licensing opportunities, and weaken the revenues publishers reinvest in songwriters and new repertoire. This risk exists even where no individual output can be linked to a specific work: substitution can occur across the market without one-to-one copying being established. Where AI systems

are developed using protected works without authorisation, providers may extract value from repertoire their products then compete with. Effective copyright compliance, transparency and fair licensing are therefore essential to prevent AI development from undermining the market that sustains human creativity.

Streaming fraud requires separate treatment. In addition to losing market share to AI generated music, independent music publishers face AI based streaming fraud when artificial streams divert royalties from genuine listening. AI makes such fraud easier to scale by supplying large catalogues cheaply, across which fraudulent plays can be spread. Platforms hold the account and listening data needed for detection and should cooperate with distributors, music publishers and collective management organisations.

2a. As a rightsholder, have you faced difficulties in enforcing and/or licensing your rights for AI uses?

Yes. Independent music publishers face significant and persistent difficulties in enforcing and licensing their rights for AI uses. AI providers control the datasets, acquisition records, provenance information and processing systems, meaning rightsholders cannot identify use or verify rights reservations within environments they cannot access. Claims that models rely only on "publicly available" material cannot be verified: lawful access to a stream or download does not automatically permit copying into a commercial training dataset, nor does permission from a record label clear publishing rights. Agreements must specify the rights, repertoire and activities covered, and permission for training cannot be assumed to authorise retrieval, reproduction in outputs or later exploitation.

Although independent publishers are willing to license, that willingness cannot overcome a provider's refusal to disclose use or engage in negotiations. This information imbalance has already forced rightsholders into extensive litigation simply to establish basic facts about use. Numerous cases in the United States challenge unlicensed training, voice cloning, output exploitation and fraud, and similar actions are now emerging in Europe: GEMA has initiated proceedings to address unlicensed training, KODA has launched litigation to compel transparency and licensing, and Reservoir has filed claims to protect its catalogue. These cases show that voluntary engagement remains insufficient and that rightsholders are left with substantial legal costs when AI-driven platforms avoid transparency.

While regulatory uncertainty is beginning to give way to emerging licensing frameworks — including settlements between UMG, Warner Music and AI companies such as Udio and Suno, and partnerships involving Merlin, Kobalt, KLAY and ElevenLabs — licensing can only function where AI providers engage, disclose and negotiate in good faith. Independent publishers are proactively developing solutions: IMPEL and IMPF have created a licensing framework for generative AI and are jointly running an attribution-technology sandbox to test recognition and provenance tools that support licensing and auditability. However, without enforceable transparency obligations, these initiatives cannot overcome the structural barriers that prevent rightsholders from exercising their exclusive rights.

3a. As a rightsholder, what are the main barriers or obstacles you have encountered in enforcing and/or licensing your rights?

The principal barrier is limited disclosure combined with an unwillingness to license. Providers may assert an exception and decline licensing discussion while withholding the

information needed to examine that assertion. By commercial deployment, works may already have been copied and processed at scale. Rightsholders are left pursuing evidence and litigation after value has been extracted.

Unequal bargaining power compounds the problem. Independent music publishers face companies with substantially greater financial, technical and political resources. The cost of identifying use, obtaining disclosure and pursuing proceedings can make enforcement impractical even where there are substantial grounds for a claim. Withholding information must not remain commercially preferable to compliance.

Acquisition presents further obstacles, including scraping that circumvents technological protection measures and copying from unauthorised sources. Circumvention has been maintained in the US proceedings against Suno. Bartz v Anthropic illustrates the need to assess acquisition and retention of pirated material separately from training. The source, method of access and legal basis for each activity must be verifiable.

Rights reservations, similarly, have practical limitations. Independent music publishers cannot control every online copy, recording or third-party upload. Website instructions cannot follow repertoire through copied datasets and later transfers. Rightsholders should not have to monitor every copy or repeatedly register reservations to make their rights effective.

Providers should keep auditable records of works, datasets, sources, collection methods, reservations, licences and other legal bases. Metadata and provenance should be preserved through transfers. Rightsholders need accessible contact points and disclosure upon substantiated requests.

Confidentiality safeguards should protect genuine interests without preventing access to evidence. Where a provider fails without good reason to preserve or disclose relevant records, proportionate evidential consequences should follow, including a defined rebuttable presumption of use.

Costs must also be allocated appropriately. Smaller publishers may depend on collective solutions, but publishers and collective management organisations should not bear the disproportionate cost of reconstructing providers' activities. Responsibility should reflect each party's role, control and access to information.

4a. As a rights holder, how do you assess the impacts of the barriers identified under question 3a?

The barriers cause lost revenue and licensing opportunities, market substitution, reduced investment and reduced competitiveness. Loss arises both from the unlicensed use of protected works to develop AI systems and from the exploitation of their outputs.

Unlicensed inputs deprive rightsholders of the opportunity to negotiate permission, scope, remuneration and reporting before their works are used. Damages are not an adequate substitute for a licensing relationship, particularly where independent publishers cannot afford proceedings.

AI-generated outputs compete with licensed repertoire in production libraries, advertising, gaming, social media and other audiovisual uses, particularly where budgets are limited and price is decisive. Works may be used without payment to develop systems whose outputs replace commissions and catalogue licences that would otherwise generate income.

The absence of transparency and reliable attribution also restricts output licensing. Rightsholders cannot readily establish whether protected expression has been reproduced or

assess its relationship to generated material. IMPF's licensing principles address both training and outputs.
The EU should also ensure that its existing digital regulatory frameworks — including the Digital Markets Act (DMA), Digital Services Act (DSA) and the AI Act — are effectively enforced in relation to generative AI providers. These instruments already establish obligations around accountability, transparency, data governance, risk mitigation and fair market behaviour. Their enforcement should be coordinated to ensure that AI developers and service providers operating in the EU respect copyright, competition and consumer-protection rules. Large platforms and gatekeepers should not be able to rely on opaque technical architectures or offshore training to circumvent EU law. Consistent enforcement across these frameworks would reinforce copyright compliance, support lawful licensing markets and ensure that AI services entering the EU respect the rights and reservations of creators and publishers.
Streaming fraud causes a separate loss. Bots and false accounts manufacture plays and obtain royalties that would otherwise remunerate genuine listening. AI allows large catalogues to be produced cheaply and fraudulent streams to be spread across them. Platform accountability, reliable usage data and cooperation across distribution are needed to address this diversion of income.
Cultural diversity is also at risk. AI systems may reproduce linguistic, cultural and commercial biases in existing material. If synthetic substitutes reduce investment in new human work, fewer experiences and perspectives may enter musical culture. Music should continue to reflect experiences not adequately represented in existing datasets.
The European Commission should also assess the market distortions caused specifically by generative AI outputs, including substitution effects where synthetic material displaces licensed uses of human-created music. Such outputs may depress the value of copyright-protected repertoire, distort competition, and weaken the commercial incentives that sustain investment in new works. The Commission should examine whether additional measures are needed to ensure that AI-generated outputs do not undermine licensing markets, reduce opportunities for smaller and specialist music publishers, or erode the economic foundations of cultural diversity. Where synthetic outputs materially affect demand for human creativity, targeted interventions may be required to preserve fair market conditions and safeguard continued investment in diverse European repertoires.
Repeated training on synthetic outputs can reinforce errors and reduce diversity, particularly where it displaces new human-created sources on which AI development depends.

5. In your view, what would be the most appropriate approach at EU level to tackle the challenges linked to the use of copyright-protected content for generative AI?
IMPF supports targeted, binding measures to make copyright and related rights effective across AI development and exploitation. Exclusive rights should be preserved, with stronger transparency, evidence and enforcement obligations. Commercial incentives should favour lawful acquisition and licensing.
The Commission should enable rightsholders to identify uses and exercise their rights while preserving voluntary negotiations. Direct and collective licensing should remain available within the relevant mandates.
IMPF opposes broader commercial TDM exceptions, additional safe harbours sheltering unauthorised acquisition or use. Commercial generative AI uses should require authorisation

where applicable. Existing exceptions remain subject to legal interpretation and cannot be treated as general permission for every act of acquisition, training, retrieval, generation and distribution.

Providers should keep detailed records of works, datasets, provenance, acquisition methods, reservations and legal bases, whether or not they claim an exception. Rightsholders, their representatives and competent authorities need access to evidence, supported by preservation duties, audits and consequences for unjustified non-disclosure.

Technical measures should assist compliance without making copyright depend on registration or a particular protocol. Appropriate blanket, contractual and collective reservations must remain effective. Independent music publishers cannot monitor every copy or reserve rights separately against every potential user.

The EU should also ensure effective enforcement of its existing digital regulatory frameworks — including the DSA, DMA and the AI Act — in relation to generative AI providers. These instruments already contain obligations on transparency, accountability, data governance and fair market behaviour. Their coordinated enforcement is essential to prevent AI developers and large platforms from circumventing EU law through opaque technical architectures, offshore training or unlicensed data acquisition. Ensuring compliance across these frameworks would reinforce copyright protection, support lawful licensing markets and uphold the rights and reservations of creators and publishers.

Services offered in the EU must also be addressed where their models were trained elsewhere. Developers obtaining licences should not face competition from providers avoiding equivalent accountability through offshore training. IMPF supports market-access requirements obliging providers serving the EU to retain and disclose sufficient information to demonstrate compliance with applicable copyright obligations.

These requirements should distinguish the territorial application of copyright from obligations attached to offering a model or service in the EU. They need not assume that EU law governs every foreign training act. They should prevent offshore training and intermediary arrangements from defeating transparency, reservations and enforcement in the European market. Responsibility must follow each actor's role and control.

6. In your view, which mechanism(s) would be the most appropriate to support enforcement of copyright and related rights related to AI uses?

Increased transparency to assist enforcement (as well as licensing). IMPF supports binding requirements for detailed records, retention, disclosure, identifiable crawlers and independent audit, together with access to evidence and a defined rebuttable presumption of use. These requirements should extend across the supply chain. Enforcement cannot depend on the willingness of the party holding the evidence to preserve or disclose it.

Records should begin at acquisition and identify, per work, material used in dataset preparation, pre-training, training, fine-tuning and retrieval. They should show how, where, when and from whom material was obtained, the activities undertaken, licences, reservations and other legal bases. Compositions and lyrics must be distinguished from recordings.

Record-keeping should apply whether or not an exception is claimed and should not depend solely on a provider's size or initial commercial status. Non-commercial datasets may later support commercial development, and small developers may be acquired. Provenance must remain traceable.

Providers should disclose access methods, including scraping and any circumvention of technological protection measures. Lawful access must be demonstrated. Online availability does not establish permission to copy, and access for one purpose does not necessarily permit another.

Crawlers and agents should identify their operator and purpose, distinguishing collection for AI development from search indexing and other activities. Metadata, reservations and provenance should be preserved when datasets are transferred, combined or reused. Recognition technologies should assist rather than replace record-keeping.

IMPF supports retaining relevant copyright compliance records for at least ten years. The requirement should define the records and starting date and prevent destruction during a notified dispute or proceeding. Records must be searchable and usable. Keeping a dataset without the means to establish its contents is insufficient.

Public disclosure should identify sources and acquisition practices. Rights holders and their representatives should obtain further information through accessible procedures upon substantiated requests. Courts and competent authorities should be able to order disclosure and preservation. Independent audits should test records and compliance, with relevant findings available for scrutiny.

There is no excuse for AI developers not to engage. Proportionate confidentiality arrangements can protect genuine trade secrets without concealing use of third-party works or its legal basis. NDAs should supplement public disclosure and must not obstruct licensing, collective representation or enforcement. Both parties must know what is licensed and for which activities.

A rebuttable presumption of use should be available where a rightsholder establishes reasonable grounds to believe its repertoire was used and a provider then fails without good reason to preserve or disclose relevant records. Verifiable evidence should rebut the presumption. It must address the evidential disadvantage without creating automatic liability because a licence was declined or an output is similar. Use, authorisation and infringement remain separate questions.

IMPF opposes a centralised opt-out registry as a condition of protection or enforcement. Rightsholders cannot be required to register works to retain automatic rights. Appropriate reservations outside any technical system must remain recognised, including blanket, company-level, contractual and collective declarations. Absence from a registry is not consent. Per-work provider records must be distinguished from per-work reservations by rightsholders. Providers control their acquisitions and the resulting records. Publishers do not control every copy, recording, upload or subsequent dataset use and cannot be expected to reserve rights separately against each.

Responsibility should reflect control over acquisition, datasets, training, integration and deployment. Providers using intermediaries should obtain and retain sufficient information to verify provenance and permitted uses. Outsourcing must not create gaps in accountability.

Enforcement must be accessible and consequences sufficient to make compliance a commercial priority. Smaller independent music publishers should not need prolonged litigation to obtain basic information. Music publishers and collective management organisations should not bear disproportionate costs for reconstructing uses providers should have recorded.

Rather than creating registries that place burdens on rightsholders or make protection conditional on registration, the EU could consider a registry for AI-generated content. Providers control their outputs and can record them reliably. A registry of synthetic material would support transparency, enable monitoring of substitution effects, assist competition and consumer-protection authorities, and help distinguish human-created repertoire from generated content. This approach avoids undermining automatic copyright protection and ensures that compliance obligations fall on AI providers rather than creators.

7. In your view, how would these different options impact your business/activity?

Record-keeping, disclosure and access to evidence would have a strong positive impact. They would enable publishers to identify uses, assess permission, negotiate licences and verify compliance, while reducing enforcement costs and uncertainty.

Identifiable crawlers and preserved provenance would help establish who acquired works, for what purpose and under which conditions. Keeping that information through transfers would preserve accountability.

A defined rebuttable presumption would correct the information imbalance without deciding infringement. Providers would have an incentive to keep and disclose records, and rights holders a remedy where a provider's failure prevents direct proof.

Audits would help if they examine adequate records and produce findings useful for enforcement, without transferring providers' compliance costs to rights holders. Certification must not replace disclosure or defeat substantiated claims.

Lawful developers and commercial users would also benefit. Reliable information would clarify permissions and help users assess infringement exposure and contractual assurances. Developers investing in lawful acquisition should not be undercut by businesses avoiding those obligations.

Territorial clarification would improve certainty if it prevents the location of training, acquisition or intermediaries from defeating EU market requirements.

A registry making protection or enforcement dependent on registration would have a strong negative impact. It would shift compliance burdens and administrative costs onto publishers and provide false reassurance where rights or reservations were missing. Voluntary infrastructure could assist only if existing reservations remain valid and non-registration is not treated as permission.

These measures would allow informed participation in licensing while preserving the right to authorise or refuse use.

8. In your view, which mechanisms would be the most appropriate to facilitate licensing and access to and use of copyright-protected content in the different phases of the AI lifecycle?

IMPF supports voluntary licensing across training, inference and outputs, supported by enforceable exclusive rights and transparency. The Commission should enable negotiations without prescribing commercial structures. This position is reflected under 'Other' across the three phases.

Publishers and collective management organisations already license extensive repertoires across territories and uses. The obstacles are identifying use, obtaining information and engaging providers that maintain permission is unnecessary.

Negotiations require clarity about the parties, works, rights and activities. Both sides must understand the permission sought, the licensor's authority and the licensee's ability to comply. Agreements should specify repertoire, acts, duration, territory, remuneration, reporting and audit. Further permissions and adjustments can address uses not settled at the outset.

Training requires the applicable permissions for acquired material. Agreements must distinguish compositions and lyrics from recordings. Permission for one category or activity does not automatically extend to others.

Retrieval, grounding and other inference activities require separate assessment. A system may acquire or reproduce works when responding to users, independently of training. Licensing and reporting should reflect those acts. A training licence does not automatically authorise retrieval or communication.

Output licensing should cover reproduction and exploitation of protected expression where rights are engaged. An output's lack of copyright does not remove rights in existing works reproduced within it. Musical style or competition with human repertoire alone does not establish reproduction.

IMPF has developed principles. They address training and commercial exploitation of outputs, with remuneration reflecting music's economic and creative value to the service. Reporting and audit must permit verification. IMPF and IMPEL's pilots explore with various tech companies attribution technologies, but payment should not depend on capabilities not yet demonstrated reliably at scale.

Direct and voluntary collective licensing should remain available within the relevant mandates. There is no demonstrated need to impose extended collective licensing on music publishing or displace existing arrangements. Scale does not justify removing the rights holder's choice.

Marketplaces, automated systems and model clauses may reduce costs where parties choose them. They should accommodate different repertoires, rights and business models. Participation must not be a condition of exercising copyright, nor absence imply permission. Infrastructure should facilitate agreements without determining prices or compelling licences.

Good-faith negotiations require disclosure and genuine engagement while preserving the right to refuse. Voluntary mediation may assist but must not delay urgent remedies, become compulsory before enforcement or permit continued unauthorised use during discussions.

IMPF opposes replacing exclusive rights with statutory compensation. Payment must not become a substitute for authorisation or weaken developing licensing markets.

Output substitution nevertheless requires attention. AI music can displace commissions and catalogue licences without identifiable infringement. IMPF supports exploring continuing remuneration from commercial AI-generated music. Any new mechanism requires a defined legal basis, scope, beneficiaries, liable parties and distribution arrangements. It must complement licensing, preserve exclusive rights and leave infringement remedies intact.

9. In your view, how would these different options impact your business/activity?

Voluntary licensing supported by reliable information would improve opportunities to negotiate remuneration, verify compliance and ensure songwriters and composers share in the value of their works. Clear permissions and reporting would also give developers and users greater certainty.

Licensing across training, inference and outputs would reflect how services operate and earn revenue. It would prevent a defined input licence being treated as unrestricted clearance and allow publishers to respond to different repertoires and uses.
Voluntary infrastructure could reduce costs if it works with existing rights information and makes agreements easier to administer without disproportionate burdens on smaller publishers.
Compulsory structures, prescribed terms or compensation replacing exclusive rights could reduce control, weaken bargaining positions and displace emerging agreements. A duty to negotiate must not become a duty to license.
Output remuneration could address displacement and support investment in songwriters and catalogues. Its effect would depend on scope, revenue, administration costs and distribution. It must not legitimise unauthorised training, release existing liabilities or replace licences where exclusive rights apply.
A level playing field should support the music market and legitimate AI businesses. Providers obtaining lawful access and permission should not be disadvantaged against those avoiding those costs. Enforceable rights, transparency and freedom of contract provide the basis for sustainable agreements.

Copyright and generative AI: AI-generated imitations of performers

3. In your view, how can AI be used to support creative processes, including through the use of digitally generated imitations of performers, in a balanced and fair manner?
IMPF represents independent music publishers rather than performers. These questions are relevant where songwriters also perform and where synthetic performances involve protected compositions or lyrics. Our response is confined principally to those publishing interests.
AI can assist composition and production, including through authorised synthetic performances. The relevant permissions must be obtained and their scope understood. Consent to reproduce a performer's voice or likeness does not clear the underlying composition or lyrics. Equally, a publishing licence cannot authorise the use of personality or performers' rights that the publisher does not hold.
Clear labelling and provenance information should allow audiences and commercial users to distinguish an authorised synthetic performance from an apparent performance or endorsement that never occurred. Labelling does not, however, replace consent or clear the rights involved.
IMPF encourages the Commission to examine the approaches under discussion in Member States, including Denmark's proposed protection against digital imitations of personal characteristics and performances.

4. Do you consider that there is a need for specific rules at EU level to address the use of performers' likeness in AI-generated content?
IMPF supports consideration of specific rules where existing protection does not provide an effective remedy against unauthorised digital impersonation. Performers and their representatives are best placed to address the detailed requirements concerning their identity and performances.

The issue extends beyond professional performers. The proposed US NO FAKES legislation provides a useful comparison because it addresses digital replicas of individuals' voices and visual likenesses more generally. The Commission should consider whether protection confined to performers would leave comparable misuse of other individuals' identities unaddressed.

Protection of identity must remain distinct from copyright in musical works. A synthetic performance may involve both, but permission concerning one does not resolve the other. Any new protection should preserve existing publishing rights and remedies.

4a. What additional measures would you consider necessary at EU level to allow performers to better control and exploit their digital likeness? Please indicate how such measures would affect performers during their life and/or after their death.

Additional protection should give individuals an effective means of authorising commercially significant uses of their digital likeness and acting against unauthorised impersonations. This requires clear consent arrangements, accessible removal procedures, preservation of relevant evidence and remedies against misuse. Contracts should identify the permitted uses rather than treating consent to one synthetic performance as unrestricted permission for future exploitation.

Any proposal must define the characteristics protected, the activities requiring permission and the relationship with existing rights. It must also address duration and the persons entitled to authorise use or enforce protection after death. These questions require consultation with performers and their representatives. IMPF does not propose a particular posthumous term.

Appropriate safeguards should preserve lawful parody, satire, criticism and other protected expression. Labelling may assist in distinguishing such uses from deceptive impersonation, but should not provide a general defence to unauthorised exploitation.

5. Taking into account the rationale, nature and scope of copyright protection, do you think that EU copyright legislation would be appropriate to address these issues or that this issue should be addressed through other legal means?

The appropriate legal basis depends on the interest affected. Copyright and related rights address the use of protected works, recordings and fixed performances. They do not necessarily provide a remedy where a person's voice or appearance is imitated without reproducing protected material.

Digital impersonation therefore requires consideration beyond copyright, including personality rights and, where applicable, data protection, misleading endorsement and unfair commercial practices. The fact that a measure is placed within copyright legislation should not obscure the distinction between protecting a work and protecting an individual's identity.

The same distinction applies to musical style. Style alone is not protected expression. An imitation may nevertheless infringe where it reproduces protected elements of particular compositions or lyrics. Any assessment must identify what has been taken rather than infer infringement from a general resemblance.

Additional protection should address the identified gaps while preserving existing copyright and publishing rights, freedom of expression and the ability to agree authorised uses.

Copyright and research

1. Have you experienced specific challenges or barriers related to the use of copyright-protected content for scientific research activities, including across borders?

Not applicable in IMPF's capacity as a representative of independent music publishers. Our concern is the scope of research exceptions and their use in activities connected with commercial AI development.

The *Kneschke v LAION* proceedings illustrate the importance of defining the beneficiaries and activities covered by the scientific research TDM exception. The dispute concerns copying undertaken in preparing a dataset for AI training and the application of Germany's research exception. It has reached the German Federal Court of Justice. IMPF does not seek to prejudge those proceedings.

The Commission should nevertheless examine whether the definition of a research organisation adequately addresses relationships with commercial developers. Non-profit status alone should not settle the assessment. Funding, governance, commercial influence and arrangements for access to research results must be considered against the statutory conditions. Commercial sponsorship does not automatically disqualify an organisation, but neither should its formal status prevent scrutiny of those relationships. The DSM Directive already addresses decisive commercial influence and preferential access to results.

A distinction must also be maintained between analysing information contained in works and reproducing or exploiting their protected expression. Converting a composition, recording or lyrics into data does not remove the rights in that material. Whether particular acts fall within an exception depends on its purpose and conditions. Permission for research activity cannot be assumed to authorise subsequent commercial training or exploitation.

2. Do you think that the existing copyright exception for scientific research provided for in Article 5(3)(a) of Directive 2001/29/EC is fit for purpose to support research in the digital and cross-border environment?

IMPF does not consider that a case has been established for broadening the exception. Its purpose and conditions should be clarified where necessary, while retaining the non-commercial condition and compliance with the three-step test.

The InfoSoc research exception must be distinguished from the separate TDM provisions in Articles 3 and 4 of the DSM Directive. Their beneficiaries, purposes and conditions differ. Neither "research" nor "educational" should become a general description under which commercially valuable uses escape licensing.

Research may involve protected music without requiring unrestricted copying or exploitation. Uses outside the applicable exception should remain subject to permission. Clarification should help researchers identify those boundaries rather than remove them.

3. In your view, what would be the most appropriate approach at EU level to tackle the challenges and barriers related to the use of copyright-protected content for scientific research, including cross-border research collaboration?

The priority should be clarity about existing exceptions and access to suitable licensing arrangements. Cross-border research should be facilitated through defined permissions and consistent application of the relevant conditions.

Music publishing rights and mandates differ from those concerning academic publications. Measures developed for scientific journals or reproduction rights organisations should not be assumed to apply unchanged to compositions, lyrics and recordings.
Any proposed intervention should identify the uses causing difficulty and explain why existing exceptions or licensing cannot address them. General assertions about research access are insufficient grounds for weakening rights across unrelated markets.

3a. In your view, what changes related to the research exception under the InfoSoc Directive could be considered at EU level?
IMPF supports clarification of the exception's purpose, beneficiaries, permitted acts and conditions. The assessment should concern the activity undertaken and the beneficiary claiming the exception, including relevant relationships with commercial businesses.
IMPF opposes removing the non-commercial condition. Measures facilitating cross-border activity should remain confined to defined research uses and should not create a general permission for commercial exploitation.
Any provisions concerning contracts or technological protection measures should enable the exercise of an applicable exception while preserving effective protection against unauthorised access and use. Describing an activity as research does not itself justify unrestricted scraping or circumvention.

4. Considering possible changes to the EU copyright regulatory framework, what would be the impacts of the options concerning the research exception on your business, innovation, research or other activities?
Clarifying purpose, beneficiaries and permitted uses would reduce uncertainty for researchers and rights holders. It would also help distinguish activities covered by an exception from those requiring a licence.
Removing the non-commercial condition could adversely affect licensing income and investment by extending the exception to commercially valuable uses. The effects would depend on the activities brought within its scope and their relationship with existing and emerging markets.
Other proposals, including mandatory implementation, cross-border application, contractual restrictions and measures concerning technological protection, require separate assessment. IMPF does not assign impact ratings without sufficient evidence of the musical uses and licensing markets affected. Any changes should preserve the distinction between facilitating research and authorising subsequent commercial exploitation.

6. In your view, what would be the most appropriate approach to tackle the challenges related to sharing and accessing scientific publications or works produced through publicly funded research?
IMPF does not take a position on scientific publication models in this response. Our concern is that measures concerning research publications should not permit unauthorised reuse of third-party musical works incorporated into them. Public funding of research does not, by itself, clear rights in pre-existing compositions, lyrics or recordings.

8. What would be the impacts of the options concerning an EU-wide secondary publication right on your business, innovation, research or other activities?
Not applicable. Any proposal extending beyond scientific articles should nevertheless preserve the separate rights in third-party musical material. A publication right should not confer permissions that the research author does not hold.

9. Would your responses change if any amount of public funding allowed the secondary publication right to apply?
IMPF does not propose a funding threshold. Whatever threshold is adopted, rights in pre-existing compositions, lyrics and recordings should remain separately protected.

Additional documents

Supporting material
IMPF refers the Commission to its earlier submission on the DSM Directive review and additional submission to this targeted copyright initiative, which develops its position on transparency, licensing, enforcement and remuneration for AI inputs and outputs.
IMPF would welcome the opportunity to provide further member evidence and technical information as the initiative develops. Evidence of lost commissions, licensing refusals and difficulties establishing use should inform the assessment of market effects. Streaming fraud should be examined separately from infringement and legitimate AI use, with attention to its diversion of royalties from genuine listening.

Conclusion and recommendations
Generative AI can support innovation, but only if its development and commercial deployment respect copyright, transparency and fair market conditions. Independent music publishers cannot license or enforce their rights without reliable information about how their repertoire is used across acquisition, dataset preparation, training, inference and output exploitation. Voluntary cooperation alone cannot overcome the structural information imbalance or bring unwilling providers to the negotiating table. Enforceable obligations are therefore essential.
The EU should ensure that AI providers operating in the European market comply with copyright, competition and consumer-protection rules, including the DSA, DMA and the AI Act. Coordinated enforcement is needed to prevent opaque architectures, offshore training and unlicensed acquisition from undermining lawful licensing markets. Providers who obtain permission should not face competitive disadvantages against those avoiding compliance.
Market substitution by AI-generated music is a growing risk, particularly for smaller and specialist music publishers. Synthetic outputs can displace commissioned works and catalogue licences even where no individual infringement can be identified. Any approach to outputs should begin with a clear assessment of displacement and market distortion, and only then consider appropriate mechanisms to address those effects - including targeted remuneration or other measures that complement, rather than replace, exclusive rights.

IMPF recommends:

- **Binding transparency, record-keeping, retention and audit obligations** across the AI supply chain, covering acquisition, dataset preparation, training, fine-tuning, inference and output exploitation.
- **Accessible disclosure mechanisms**, including NDA-based access upon substantiated request and court-ordered evidence where necessary.
- **Clear application of EU copyright rules**, including territorial considerations and market-access obligations for providers trained offshore.
- **Voluntary licensing frameworks** supported by model clauses, optional mediation and interoperable technical solutions - without compulsory participation or displacement of exclusive rights.
- **Assessment of displacement and market distortion caused by AI-generated outputs**, followed by consideration of appropriate mechanisms - including targeted remuneration - that complement, not replace, exclusive rights.
- **Strong enforcement of existing EU digital regulations** (DSA, DMA and the AI Act) to ensure accountability, transparency and fair competition for AI providers operating in the EU.
- **Protection of cultural diversity and sustainable investment**, ensuring that AI development does not undermine the economic and creative ecosystem that supports human-created music.

Together, these measures would support lawful AI innovation, protect creators, and maintain a sustainable, diverse and competitive music ecosystem in Europe.

IMPF Co-funded by the European Union clip Creators Learn Intellectual Property

IMPF is the global trade and advocacy body for independent music publishers. IMPF helps to stimulate a more favourable business environment in different territories and jurisdictions for artistic, cultural, and commercial diversity for its music publisher members and the songwriters and composers they represent. www.impforum.org