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Music Copyright in the Age of Artificial Intelligence: A New Era of Creative Ownership

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Abstract

The rapid advancement of artificial intelligence (AI) in creative industries has introduced significant challenges to traditional frameworks of intellectual property law, particularly in music copyright. AI technologies are now capable of generating music autonomously, raising complex questions regarding authorship, ownership, and the extent of human creativity in music production. This research explores the implications of AI-generated music on existing copyright laws, with a particular focus on how these laws—rooted in human authorship and creativity—are ill-equipped to address the nuances of machine-generated works. The study critically examines the ownership of AI-generated music, the role of human input in the creative process, and the evolving definition of originality and creativity in the digital age. Drawing on case studies, legal precedents, and international copyright frameworks, the research proposes the need for a redefined legal structure to accommodate AI-generated works while preserving the value of human creativity. This paper advocates for a sui generis legal framework or the reinterpretation of existing copyright laws to address the unique challenges posed by AI in the music industry, ensuring that the rights of both human creators and AI technologies are adequately protected. The findings aim to contribute to ongoing legal debates on the intersection of technology, creativity, and intellectual property, providing practical recommendations for lawmakers, musicians, and legal practitioners.

Keywords: AI-Generated Music**,** Copyright Law**,** Authorship and Ownership**,** Creativity and Originality**,** Intellectual Property Rights

1. Introduction:

In the digital age, technological advancements have permeated various sectors, and the creative industries are no exception. Artificial Intelligence (AI), once a tool for automation, is now emerging as a creative force, capable of composing music, writing scripts, and generating artworks. The rapid development of AI technologies, especially in the realm of music composition, is revolutionizing the way music is created and consumed. However, the rise of AI-generated music presents new challenges for intellectual property (IP) laws that were traditionally based on human creativity. This transformation raises fundamental questions about authorship, ownership, and the very definition of creativity in the context of copyright law.

The core issue that arises from AI-generated music is the question of authorship—a concept that has long been tied to human creators under traditional copyright laws. AI tools, such as OpenAI's MuseNet or Google's Magenta, are now capable of composing original music based on algorithms and vast datasets. These tools can generate music indistinguishable from that composed by human musicians, using inputs like mood, genre, or artist styles. Yet, under existing legal frameworks, works that are not authored by humans present challenges in terms of ownership and intellectual property protection.

This research seeks to explore how the rise of AI-generated music challenges traditional views of ownership and creativity in the music industry. While the law traditionally grants copyright protection to works of human origin, AI-generated music complicates this understanding. Who owns the rights to music composed by an AI? Should the programmer, the user of the AI tool, or the machine itself hold authorship? Furthermore, if a machine produces a work, what constitutes creativity, and how can copyright law assess the level of human intervention required for protection?

The aim of this study is to examine the implications of AI-generated music within the framework of music copyright law, focusing on the evolving concept of creativity. This research will analyze current copyright frameworks and their limitations when applied to AI-created works. Additionally, it will assess the role of human intervention in AI music production, offering a nuanced perspective on how much human creativity is necessary for a work to be eligible for copyright protection.

By analyzing global perspectives on AI in the music industry, particularly in jurisdictions like the U.S., U.K., the EU, and India, this research aims to propose potential legal reforms that can accommodate the emerging realities of AI-assisted and AI-generated music. In doing so, it seeks to ensure that human creativity is not overshadowed by technological advancements and that the legal system continues to support both human and machine-driven artistic innovation.

This study will ultimately contribute to the ongoing conversation around AI, copyright, and human creativity, proposing a balanced approach that fosters innovation while safeguarding the rights of human creators in the evolving digital landscape of music production.

2. Literature Review:

The literature on AI in the creative industries reveals a growing intersection between technology and artistic expression, particularly in music. Scholars have examined how artificial intelligence is increasingly used in composition, production, and even performance, with tools like Google's Lyria and OpenAI's Jukebox enabling non-musicians to generate complex musical pieces. At the same time, traditional copyright frameworks, which were built around the premise of human authorship and originality, struggle to accommodate these technological developments. Foundational copyright doctrines—such as the requirement of originality, fixation, and authorship—are now being questioned, as AI-generated works often lack direct human creativity. Global approaches differ widely: while U.S. and Indian copyright laws emphasize the necessity of human authorship, the UK's Copyright, Designs and Patents Act acknowledges computer-generated works, assigning authorship to the person who made the necessary arrangements. Recent case law, such as Thaler v. Perlmutter and Navigators

Logistics v. Kashif Qureshi, highlights judicial reluctance to extend copyright protection to works lacking human input. This divergence in legal treatment has sparked debate among scholars about whether existing laws should be reinterpreted or if sui generis legislation is needed to address the unique challenges posed by AI-generated music. The literature also explores philosophical theories of authorship and creativity, including Lockean labor theory and the Hegelian personality theory, both of which fundamentally assume a human creator. Thus, the evolving academic consensus suggests that a paradigm shift is necessary to reconcile the role of AI in music with the foundational principles of intellectual property law.

3. Theoretical Framework

3.1. Creativity and Originality in Copyright Law

Originality is a core requirement for copyright protection, but its interpretation differs globally. In India, the Eastern Book Company v. D.B. Modak case introduced a "modicum of creativity" test, requiring more than mere labor. Similarly, the U.S. Feist decision ruled that creativity—not just effort—is essential. In the EU, the standard is whether the work reflects the author's "own intellectual creation."

These frameworks assume a human origin for creativity. However, AI-generated music often lacks traditional human input, raising the question: can algorithmic outputs qualify as original works under these laws?

3.2. Authorship and Ownership in Intellectual Property

Copyright law links authorship with ownership, giving authors both economic and moral rights. The Lockean theory justifies ownership through personal labor, while Hegel's personality theory views creative works as extensions of one's identity. AI complicates these theories. If music is generated by machines, who is the author—the developer, the user, or neither? Some jurisdictions, like the UK, resolve this by naming the person who makes the "necessary arrangements" as the author of computer-generated works. This redefinition shifts focus from creative expression to procedural control, potentially weakening the traditional link between creator and creation.

3.3. Human Creativity vs. Machine Creativity

Human creativity involves emotion, intuition, and context—especially true in Indian classical music where improvisation is deeply expressive. Machine creativity, by contrast, is data-driven. AI learns from patterns in large datasets and recombines them, producing outputs that may appear novel but lack subjective experience. While some argue AI cannot truly create, others suggest that in collaborative settings, both AI and humans contribute meaningfully. If a human merely selects from AI-generated options, is that enough for authorship? These hybrid scenarios challenge the binary view of authorship and require nuanced legal interpretation.

4. Methodology:

This research adopts a qualitative and doctrinal approach, combining legal analysis with comparative jurisprudence to examine the evolving challenges of copyright in the context of AI-generated music. The primary methodology involves an in-depth doctrinal review of statutory laws, international treaties, judicial decisions, and copyright doctrines in jurisdictions such as India, the United States, the United Kingdom, and the European Union. This will include a comparative legal analysis to highlight how different legal systems define and address the issues of originality, authorship, and ownership in the context of AI-generated works. In addition, the study will incorporate case study analysis of landmark disputes and developments, such as Thaler v. Perlmutter and the Indian case of the Raghav AI Painting. To provide a contemporary and industry-based understanding, the research will also utilize empirical methods by conducting semi-structured interviews or surveys with stakeholders—such as musicians, copyright experts, IP lawyers, policymakers, and AI technologists—to capture practical perspectives on how AI is reshaping music creation and its legal implications. The data collected will be critically analyzed to evaluate the adequacy of current laws and propose legal reforms or sui generis frameworks where necessary, ensuring a robust and forward-looking copyright system that respects human creativity while embracing technological advancements.

5. AI-Generated Music and Copyright Issues:

The advent of artificial intelligence (AI) in the realm of music creation has opened up unprecedented possibilities. However, it simultaneously introduces profound challenges for intellectual property law, particularly in determining authorship, ownership, and the nature of creativity. This section examines these emerging legal complexities in depth.

5.1 Definition and Nature of AI-Generated Music:

AI-generated music refers to musical works that are created with the assistance of algorithms capable of composing melodies, harmonies, rhythms, and even lyrics. These compositions may either be:

- Fully autonomous (created entirely by AI with no human input beyond initiating the process), or
- AI-assisted (where AI tools support a human creator in producing music).

With models like Google's Lyria, OpenAI's Jukebox, and startups like Amper Music and AIVA, AI can now generate music that imitates human composers in tone, complexity, and emotional range. These tools are trained on massive datasets of existing compositions, enabling them to predict note sequences, musical structures, and style-based variations. Despite the remarkable quality of these outputs, the process raises the question: who is the creator of such music—the algorithm, the developer, or the user?

5.2 Ownership of AI-Generated Music:

Ownership of musical works typically resides with the author or creator, defined by most copyright systems as a natural person. However, AI-generated compositions blur this foundational principle. The key scenarios to explore include:

- AI as sole creator: If a musical piece is composed entirely by AI with minimal human input, there is currently no clear legal framework under which the AI can own copyright, since AI lacks legal personhood.
- User-directed creation: If a user provides prompts, styles, and thematic input, can this be construed as creative authorship? Some jurisdictions may consider the user the author, based on the originality of their input.

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- Developer or programmer ownership: In some interpretations, the creators of the AI model or the platform might claim copyright, particularly if the AI functions as a tool similar to a musical instrument or software application.

In India, Section 2(d)(v) of the Copyright Act, 1957 recognizes "the person who causes a computer-generated work to be created" as the author. However, the lack of specificity regarding AI-based creation leads to ambiguity in interpretation and enforcement.

5.3 Human Input and the Threshold of Creativity:

Traditional copyright doctrine emphasizes originality and creative input as prerequisites for protection. In AI-generated music, human involvement may range from merely pressing a button to curating, editing, or blending AI outputs into a cohesive musical work.

Courts and copyright offices across jurisdictions have struggled with this nuance:

- The U.S. Copyright Office has consistently denied registration to works without substantial human authorship, as seen in Thaler v. Perlmutter (2023).
- In the UK, Section 9(3) of the Copyright, Designs and Patents Act (1988) provides that the author of a computer-generated work is the person who undertakes the arrangements necessary for the creation of the work. This has been interpreted to mean that the person operating the AI system may claim authorship, provided they exercise meaningful creative control.

Thus, the threshold of human creativity required to qualify as an "author" remains unsettled in most jurisdictions. The fundamental question is whether the human user makes creative decisions or simply activates a generative tool.

5.4 Case Studies: Practical Legal Conflicts in AI Music:

Several real-world instances illustrate the current legal vacuum:

- Jay-Z Deepfake Audio: In 2020, Roc Nation filed takedown notices against YouTube over AI-generated deepfake audio of Jay-Z rapping Hamlet's soliloquy. The issue wasn't just imitation, but whether AI could legally reproduce or "clone" an artist's style without consent.
- "Now and Then" by The Beatles (2023): AI was used to isolate John Lennon's voice from an old demo tape, raising questions about the line between restoration and new creation. While it was a human-curated work, critics questioned the originality and authorship integrity.
- Huawei's Completion of Schubert's Symphony No. 8: An AI system filled in missing movements in Schubert's unfinished work, guided by Emmy-winning composer Lucas Cantor. Though AI performed the core task, the human orchestration likely qualifies it for copyright.

These examples underscore the complexities of attributing copyright and illustrate the inconsistencies in how jurisdictions view AI-human collaboration.

5.5 Indian Context and Legal Vacuum:

India's legal position remains conservative. While AI tools are increasingly used in Indian music production, including experimental classical and Bollywood compositions, the Copyright Act, 1957 still hinges on human creativity for copyright eligibility. The 1994 amendment introducing authorship for "computer-generated works" has yet to be interpreted in the context of modern AI. A notable case is the Suryast painting, where Raghav (an AI painting app) was initially recognized as a co-author along with Ankit Sahni. The Copyright Office later issued a withdrawal notice, highlighting the ambiguity around AI's role in authorship. In music, where human creativity—especially in Indian classical traditions—relies heavily on improvisation, mood, and personal expression, attributing creativity to an AI system could undermine traditional notions of originality and artistic ownership.

6. Adapting Copyright Laws for AI-Generated Music

The unprecedented integration of artificial intelligence (AI) into music production has transformed the traditional paradigms of authorship and ownership in copyright law. While AI offers remarkable efficiency and creative potential, it also challenges the foundational concepts of copyright-originality, creativity, and human authorship. This section critically examines the limitations of existing copyright laws, proposes legal adaptations to account for AI-generated music, and explores international comparative frameworks to balance innovation and human creative rights.

6.1 Limitations of Existing Copyright Laws

Current copyright regimes, including those in India, the United States, and the United Kingdom, were built upon the presumption that a human is always the author of a creative work. This foundational presumption is increasingly being tested by the emergence of autonomous AI systems that generate music without direct human composition.

The Indian Copyright Act, 1957, defines an "author" in relation to a musical work as the composer (Section 2(d)(ii)), which presupposes a human subject. Similarly, U.S. copyright law, following decisions like Feist Publications v. Rural Telephone Service (1991), emphasizes a "modicum of creativity" that must originate from a human mind. In Thaler v. Perlmutter (2023), the U.S. District Court reaffirmed that AI-generated works without any human creative input are not eligible for copyright.

Thus, AI-generated music, especially that produced autonomously with minimal or no human intervention, falls outside the scope of copyright protection in most legal systems. These gaps raise questions of ownership, enforcement, and misuse, especially as such music increasingly populates streaming platforms and social media.

6.2 Proposed Legal Frameworks

To address these limitations, scholars and policymakers have proposed several approaches to reform copyright laws. Two prominent paths are: (a) introducing sui generis legislation for AI-generated works, and (b) reinterpreting or amending existing copyright statutes to accommodate AI-influenced creativity.

6.2.1 Sui Generis Legislation for AI-Generated Works

A sui generis system is a unique legal category tailored to a specific kind of intellectual output. This framework would provide distinct rights and obligations for AI-generated works that differ from those granted to human authors.

Such legislation could:

- Assign ownership of AI-generated music to the person who caused the work to be created (e.g., the AI developer, platform provider, or prompt engineer).
- Specify a limited duration of protection, possibly shorter than traditional copyright, to prevent monopolization.
- Require clear disclosure and labeling of AI involvement in creative outputs, maintaining transparency for users and consumers.
- Establish ethical guidelines for the use of training data, particularly when copyrighted materials are involved in training AI systems.

A sui generis model would preserve the sanctity of human-authored works under existing copyright law while creating a separate structure for AI creations, avoiding the dilution of human creativity standards.

6.2.2 Reinterpreting or Amending Existing Laws

Alternatively, jurisdictions could reinterpret or revise their copyright definitions. For instance:

- The UK Copyright, Designs and Patents Act, 1988 already includes computer-generated works under Section 9(3), assigning authorship to “the person by whom the arrangements necessary for the creation of the work are undertaken.” This model could inspire similar adaptations in other jurisdictions.
- In India, the Copyright Act could be amended to expand the definition of “author” to include persons who design the generative process, rather than merely those who compose in the traditional sense.

Such reinterpretations would involve redefining “originality” in a way that recognizes intellectual contribution beyond traditional composition—such as algorithm design, data curation, or aesthetic oversight in the output selection.

6.3 Balancing AI and Human Creativity

The legal system must strike a delicate balance: enabling innovation through AI while ensuring that human creativity remains incentivized and protected.

If copyright protection is extended too liberally to AI-generated works, there’s a risk that the market will be flooded with machine-created content, potentially displacing human musicians and weakening the value of human-authored compositions. This may also lead to issues like:

- Unfair competition: Human musicians may be disadvantaged in marketplaces dominated by high-volume, algorithmically produced music.
- Cultural dilution: AI may replicate styles without understanding cultural or emotional contexts, risking homogenization of musical expression.

On the other hand, denying all protection to AI-generated works may hinder investment in innovative AI tools, affecting sectors such as film scoring, advertising, or therapeutic music design.

A practical compromise could involve recognizing AI-assisted works as copyrightable, provided that there is demonstrable human input in either the creative direction, editing, or curation of the final output. This principle was illustrated in the case of Huawei’s completion of Schubert’s Unfinished Symphony, where AI generated content under human orchestration.

6.4 International Approaches to AI Music Copyright

A comparative analysis shows a divergence in global legal frameworks:

- United States: Human authorship remains a non-negotiable prerequisite. The Copyright Office has denied registrations to purely AI-generated works.
- United Kingdom: The law recognizes computer-generated works and assigns authorship to the person making arrangements, offering a more flexible model.
- European Union: Emphasizes the need for personal intellectual creation (as per Eva-Maria Painer v. Standard Verlags GmbH), reinforcing the human-centric approach.
- India: The Copyright Office controversially accepted and later questioned joint authorship registration for a painting co-created by an AI named RAGHAV and a human. This illustrates the ambiguity and inconsistency in India's current legal stance.

India’s copyright regime, in particular, is still entrenched in traditional standards. As AI adoption grows, there is an urgent need to clarify statutory interpretations and judicial positions. Harmonization with global best practices or the creation of national AI-specific IP policies could serve as key steps forward.

7. Case Study Analysis:

This section analyzes landmark real-world examples and legal cases that illustrate the challenges AI-generated music poses to existing copyright laws. It particularly examines how different jurisdictions interpret authorship, originality, and ownership in the context of music created or assisted by AI.

7.1 Google DeepMind’s Lyria and Dream Track

Case Summary:

Google DeepMind developed Lyria, an AI model capable of generating music in the voice and style of popular artists. Users provide prompts like themes or moods, and the AI generates a short musical track that mimics the selected artist's vocal timbre and musical style. This was launched as part of "Dream Track" on YouTube Shorts.

Copyright Issues Raised:

- Who owns the output—the user who entered the prompt, the artist whose style was mimicked, or Google as the developer?
- Can a style or vocal signature be copyrighted or protected under publicity rights?
- The AI-generated track is not a copy of any existing work but is based on deep learning of stylistic features, leading to legal ambiguity.

Legal Insight:

This case underscores the growing tension between creative mimicry and originality. While copyright traditionally doesn't protect "style," this new capability of AI challenges that principle, suggesting a need to redefine the boundaries of music copyright.

7.2 Roc Nation LLC vs YouTube (Jay-Z Deepfake Case)

Case Summary:

Roc Nation filed takedown requests for AI-generated deepfake audio that imitated Jay-Z's voice reciting Shakespeare and Billy Joel lyrics. Initially removed, the videos were later reinstated, citing insufficient copyright basis for permanent removal.

Legal Implications:

- This case highlighted the limits of current copyright law in addressing voice cloning.
- Raises the question: should copyright protection extend to vocal likenesses or voice "fingerprints"?

Insight:

This instance reveals the legal vacuum around the "right of publicity" and its interaction with copyright when AI mimics unique vocal identities in music.

7.3 Thaler v. Perlmutter (U.S. District Court, 2023)

Case Summary:

Stephen Thaler attempted to register a visual artwork created by his AI, the Creativity Machine, with no human involvement. The U.S. Copyright Office denied the request. The District Court upheld the decision, stating that "human authorship is a bedrock requirement of copyright."

Relevance to Music:

Though not a music case directly, the precedent applies broadly to all creative works. Fully AI-generated music without human input would similarly lack copyright eligibility under U.S. law.

7.4 Suryast Painting (India's First AI Co-authored Work)

Case Summary:

India registered Raghav (AI) and Ankit Sahni as co-authors for a painting. Later, the Copyright Office issued a withdrawal notice, seeking clarification on the AI's role.

Implications for Music:

In India, the Copyright Act emphasizes "human authorship." The initial registration indicates openness to novel interpretations, but the withdrawal notice reflects legislative uncertainty. If applied to AI-generated music, such works might not be protected without clear human creative contribution.

7.5 Huawei's Completion of Schubert's Symphony No. 8

Case Summary:

Huawei's AI completed the unfinished symphony by Schubert using machine learning, and composer Lucas Cantor orchestrated the AI output.

Legal Questions:

- Who is the author—the AI or Cantor?
- Can the AI-generated part be copyrighted, or does copyright only apply to Cantor's orchestration?

This case suggests that AI-assisted music creation can be protected, provided there is demonstrable human interpretation, curation, or orchestration involved.

7.6 The Beatles "Now and Then" (2023 Release Using AI)

Case Summary:

AI was used to isolate John Lennon's vocals from an old demo, enabling the surviving Beatles to complete the song. The AI didn't compose or generate new content but helped extract audio for professional use.

Legal Implications:

- AI as a tool, not a creator.
- Human authorship was retained; thus, the final product remains copyrightable.

7.7 Navigators Logistics Ltd. v. Kashif Qureshi (Delhi High Court, 2018)

Case Summary:

The Delhi High Court denied copyright to a list auto-generated by software due to lack of human creativity.

Application to AI Music:

This judgment suggests that in Indian law, creative intent and human authorship are critical. AI-generated music, without identifiable human creativity, may not meet this threshold.

7.8 Implications for Indian Copyright Law

- India recognizes computer-generated works under Section 2(d)(v) of the Copyright Act, where the "person who causes the work to be created" is considered the author.
- However, ambiguity exists regarding whether this applies to AI-generated music, especially when AI acts autonomously.
- There is no sui generis law in India for AI-generated works, leading to inconsistent interpretation and registration practices.

8. Conclusion:

In conclusion, the advent of artificial intelligence in music creation has ushered in transformative possibilities while simultaneously posing complex legal challenges, particularly regarding authorship and copyright protection. Traditional copyright frameworks, deeply rooted in the notion of human creativity and originality, struggle to accommodate works generated wholly or partially by machines. As AI becomes more sophisticated in producing music that mirrors human artistry, questions of ownership, creative input, and intellectual property rights become increasingly urgent. This research emphasizes the need for a reimagining of copyright laws—either through the reinterpretation of existing doctrines or the development of sui generis legislation—to ensure that human creativity remains protected without stifling technological innovation. Balancing these competing interests will be essential for fostering a fair, forward-looking legal system that addresses the evolving realities of the music industry in the AI era.

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