

UK Music Briefing – Artificial Intelligence

No new copyright exceptions

- **The Government should not introduce any further text and data mining (TDM) copyright exceptions**, similar to the [proposal](#) the previous Government retracted following widespread criticism from the creative industries.
- This would allow AI service providers to train their systems on music without the consent of, or need to compensate, creators or their chosen rightsholder. Research from Germany and France estimates that by 2028, 27% of music creators' revenues will be at risk due to generative AI.
- The UK has a strong copyright regime that is vital for encouraging investment and enabling growth in our sector. Weakening this regime will damage an industry that thrives in the international market.
- Moreover, **a copyright exception with an opt-out mechanism is also not an appropriate solution**. This approach would require individuals to actively request that their content is not ingested by AI platforms, rather than obligating AI developers to obtain permission to use the content.
- This undermines the permission-based copyright standard by assuming a right to use data without seeking authorisation or permission, and without obtaining a licence. Under current UK law, express consent must always be obtained before use, not assumed – and this should remain the case. Opt-out mechanisms are not the answer to balancing the impact of broad copyright exceptions.
- As the experience in the European Union shows (they introduced an approach with opt out in 2019), an opt-out based approach led to an high degree of ambiguity and has proven difficult to enforce in practice. **The UK should take advantage of second mover advantage and avoid any copyright exceptions with an opt-out.**

Record Keeping

- Keeping a record of all the materials ingested by AI applications is important, especially when determining the consent of the original creators.
- At present, there is no standalone legal requirement in the UK to disclose the material AI systems are trained on in the UK beyond the data protection law framework.
- **The Government should introduce clear transparency requirements around the AI training process, including requiring AI service providers to maintain records of trained and ingested works.**
- Requirements for record keeping would reflect international standards, e.g. as adopted under Article 53(1)(c) of the EU AI Act.

Labelling

- Labelling AI generated products as such allows human creators to be properly recognised for their intellectual contributions and helps protect them from unauthorised exploitation.
- Currently there are no UK legal requirements to label AI-generated works as such.

- This is critical for allowing consumers to distinguish between what is, or is not AI-generated. Without this labelling, consumers may unknowingly engage with AI-generated content under the assumption it is human created.
- Polling from UK Music and Whitestone Insights found four out of five (83%) members of the public agree that if AI has been used to generate a song it must be clearly labelled.
- **The Government should ensure that AI-generated works are labelled as such to distinguish them for human-created works.**

Personality Rights

- AI is capable of mimicking human creativity, which has been seen by countless artists such as Drake, the Weeknd and Eminem having their voices being mimicked by AI.
- This ability creates a risk of misappropriation and false endorsement, potentially causing harm to the reputation and personality of artists and songwriters, similar to concerns over deep fakes in the visual world.
- While in the UK, various legal instruments exist protecting individuals from misappropriation or false endorsement, there is need for clarity around the applicability of these in relation to AI-generated content.
- The U.S. is taking a lead on protections in this space. The bipartisan [NO FAKES ACT](#) entered the House of Representatives in July 2024 and looks to create a federal property right for every individual to control their own voice and likeness.
- Legal certainty and protections for personality rights will ensure artists are safeguarded against unauthorised use of their image/voice. By protecting creators' rights, investors in AI technologies can have confidence that the value of IP is protected.
- **The Government should introduce a specific law protecting the personality and likeness of a human writer or artist(s) against misappropriation, similar to the US No Fakes Act.**