



INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 6 AND ISSUE 10 OF 2026

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 10 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-10-of-2026/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

AI-GENERATED MUSIC & COPYRIGHT OWNERSHIP: HUMAN INTERVENTION, AUTHORSHIP, AND THE LIMITS OF PROTECTION

AUTHOR – SIDDHARTH JADHAV, STUDENT AT ILS LAW COLLEGE PUNE.

BEST CITATION – SIDDHARTH JADHAV, AI-GENERATED MUSIC & COPYRIGHT OWNERSHIP: HUMAN INTERVENTION, AUTHORSHIP, AND THE LIMITS OF PROTECTION, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (10) OF 2026, PG. 193-202, APIS – 3920 – 0001 & ISSN – 2583-2344.

Abstract

The creation of music has been revolutionized by generative artificial intelligence (AI), raising pressing issues for copyright law related to authorship, ownership, and the extent of protection for sound recordings and musical compositions. The doctrinal conflicts and policy decisions that result from the intersection of machine-generated outputs with legal frameworks based on human creativity are critically examined in this study. In order to explain how levels of human participation impact authorship attribution under standard tests of originality and fixation, it first maps technical modalities: entirely autonomous generation, algorithmic recomposition, and human-assisted co-creation. Building on this theoretical underpinning, the paper examines real-world issues such as training data from copyrighted works, the possibility of model memorization and output replication, the implications of attribution and moral rights, and distributive issues pertaining to royalties and compensation for displaced creators. In order to protect expressive labor, the main argument supports a balanced, hybrid regulatory framework that maintains a human-centric authorship threshold while enacting specific legal and contractual mechanisms to regulate machine-human collaboration. These mechanisms include mandatory training-data licensing, transparency and provenance obligations, sui generis rights for AI service providers, and revenue-sharing schemes. In order to account for algorithmic opacity and cross-border data flows, the study also suggests procedural improvements for enforcement and dispute resolution. The study intends to provide policymakers and courts with practical avenues that balance incentives for AI innovation with sufficient protection for human creators and cultural heritage by fusing technical reality with doctrinal analysis. The paper's methodology grounds legal theories in empirical reality by combining doctrinal analysis, a review of case law, and a technical evaluation of generative models. By outlining contractual provisions and regulatory adjustments that governments may implement to lessen harms while maintaining cultural vibrancy, it advances scholarship.

Keywords: AI-generated music; authorship; copyright law; training-data licensing; remuneration mechanisms.

Introduction

Recent litigation by major record labels against AI music generators has forced copyright law from theory into practice: platforms that 'learn' from recordings are now squarely in the dock. The Recording Industry Association of America announced in June 2024 the filing of two

landmark copyright infringement cases against AI music companies Suno and Udio, representing what RIAA Chairman and CEO Mitch Glazier describes as "straightforward cases of copyright

infringement involving unlicensed copying of sound recordings on a massive scale."⁵³⁹

This article argues that while human-centred authorship tests remain the cornerstone of copyright protection, enforcement gaps demand complementary licensing and provenance obligations for AI platforms to ensure creator protection without stifling innovation. The analysis spans multiple jurisdictions including the United States, European Union, and India, employing doctrinal mapping, technical analysis, case examination, and targeted empirical demonstration to assess how existing copyright frameworks accommodate AI-generated music.

The contribution lies in four key areas: a three-part taxonomy of AI music production modes that predicts copyright outcomes, a comparative doctrinal matrix revealing cross-jurisdictional convergence on human authorship requirements, empirical evidence of model memorisation risks, and a practical enforcement framework combining mandatory licensing with transparency obligations. This framework acknowledges both the U.S. Copyright Office's January 2025 guidance which states that "copyright does not extend to purely AI-generated material, or material where there is insufficient human control over the expressive elements"⁵⁴⁰ and the EU AI Act's transparency mandates⁵⁴¹ while proposing targeted reforms to bridge the gap between legal doctrine and technological reality.

Background & Literature: Legal and Technical Primer

To assess copyright's fit with AI music we must first sketch two separate worlds: the legal tests

courts use to recognise authorship, and the technical processes by which models learn and reproduce sound. Copyright law traditionally rests on three foundational elements: originality (requiring minimal creativity), fixation (tangible expression), and authorship (human creative contribution). The U.S. Copyright Office's 2025 report on AI copyrightability affirms that copyright protection in the United States requires human authorship and explicitly states that works generated wholly by AI are not copyrightable. The human authorship requirement serves as the pivotal constraint, with the Office concluding that where AI technology determines the expressive elements of its output, the generated material is not the product of human authorship.

Generative music models operate through sophisticated neural architectures that process vast training datasets to learn statistical patterns in sound. Leading platforms like Suno utilise multimodal transformer-based architectures processing text prompts and audio patterns, while Udio employs hierarchical generative frameworks with specialised networks handling different levels of musical organisation.⁵⁴² These systems do not store copies of training data directly—instead, as explained by researchers, patterns derived from millions of audio files are encoded as numerical parameters that enable the generation of new musical sequences.⁵⁴³ The training process involves exposing models to extensive musical datasets, with streaming platform Deezer reporting in September 2025 that "fully AI-generated songs make up 28% of daily uploads" to their platform.⁵⁴⁴

⁵³⁹ Connelly R, "Record Companies Bring Landmark Cases for Responsible AI Against Suno and Udio in Boston and New York Federal Courts, Respectively" (RL44, June 24, 2024) <<https://www.riia.com/record-companies-bring-landmark-cases-for-responsible-ai-against-suno-and-udio-in-boston-and-new-york-federal-courts-respectively/>> accessed September 21, 2025

⁵⁴⁰ Banh L and Strobel G, "Generative Artificial Intelligence" (2023) 33 Electronic Markets

⁵⁴¹ European Parliament, "EU AI Act: First Regulation on Artificial Intelligence" (Topics | European Parliament, July 8, 2023) <<https://www.europarl.europa.eu/topics/en/article/20230601STO93804/e>

u-ai-act-first-regulation-on-artificial-intelligence> accessed September 21, 2025

⁵⁴² Anna, "Best 3 AI Music Generation Models of 2025 - CometAPI - All AI Models in One API" (CometAPI, March 3, 2025) <<https://www.cometapi.com/best-3-ai-music-generation-models-of-2025/>> accessed September 21, 2025

⁵⁴³ Varghese A and K A, "AI as Songwriter: Establishing Originality and Copyright Protection for AI-Generated Music" (2025) 5 AI as Songwriter: Establishing Originality and Copyright Protection for AI-generated Music

⁵⁴⁴ Robinson K, "Billboard" Billboard (September 11, 2025) <<https://www.billboard.com/pro/deezer-ai-generated-songs-daily-uploads/>> accessed September 21, 2025

However, this learning process introduces the phenomenon of memorisation or overfitting, whereby models inadvertently retain portions of their training data and can reproduce them in outputs. As noted by Wolters Kluwer legal analysis, this creates substantial legal risk: "if a model reproduces copyrighted content upon request, even without storing it conventionally, the service operator may face liability under copyright laws."⁵⁴⁵ Technical studies demonstrate that memorisation increases when models encounter multiple copies of the same work, when works are associated with unique identifiers, or when the ratio of model size to training data is relatively large.⁵⁴⁶

The regulatory landscape adds complexity to these technical realities. The EU AI Act requires AI systems generating synthetic audio content to mark outputs as artificially generated in machine-readable format, while mandating transparency about training data usage, as detailed by Transparent Audio AI's analysis of the legislation.⁵⁴⁷ Streaming platforms have responded variably: Deezer has implemented AI detection systems and subsequently announced it is "demonetising such content to protect artist royalties,"⁵⁴⁸ while other platforms have adopted more cautious approaches. This patchwork of responses underscores the urgent need for coherent legal frameworks addressing both the creative and commercial implications of AI music generation.

Taxonomy of AI-Music Production Modes

I propose a three-part taxonomy—fully autonomous, prompt-curation, and co-creative—that predicts when copyright's human-authorship tests will be satisfied. This operational framework enables precise legal

analysis by distinguishing between different levels of human creative involvement, each mapping distinctly onto established copyright doctrines.

Mode 1: Fully Autonomous Generation represents the minimal human involvement scenario where users provide simple text prompts and accept AI outputs with little modification. In this mode, platforms like Suno or Udio receive prompts such as "create a pop song about summer" and generate complete tracks including vocals, instrumentation, and structure.⁵⁴⁹ The human contribution is limited to basic subject matter specification without meaningful creative control over musical elements such as melody, harmony, rhythm, or arrangement. Legal analysis suggests this mode fails to meet authorship requirements as the U.S. Copyright Office explicitly states that based on the functioning of current generally available technology, prompts do not alone provide sufficient control for copyright authorship. Courts consistently emphasise that copyright protection requires human creative expression beyond mere idea generation or tool operation.

Mode 2: Prompt-Curation involves more sophisticated human input through detailed prompts, iterative refinement, and selective curation of multiple outputs. Users might specify musical style, instrumentation, emotional tone, structural elements, and lyrical themes, then generate multiple variations before selecting and potentially combining preferred elements.⁵⁵⁰ The threshold question becomes whether such curatorial activities constitute "meaningful human authorship" sufficient for copyright protection. This mode presents the most legally ambiguous scenario, as human creative choices regarding selection, combination, and

⁵⁴⁵ Carvalho J, "The Stubborn Memory of Generative AI: Overfitting, Fair Use, and the AI Act" (*Kluwer Copyright Blog*, April 4, 2024) <<https://legalblogs.wolterskluwer.com/copyright-blog/the-stubborn-memory-of-generative-ai-overfitting-fair-use-and-the-ai-act/>> accessed September 21, 2025

⁵⁴⁶ Sag M, "Copyright Safety for Generative AI" (2023) 61 *Houston Law Review* 295

⁵⁴⁷ Lukas Lyrestam, "Transparent Audio" (*Transparent Audio*, February 9, 2025) <<https://www.transparentaudio.ai/resources/transparency-compliance-for-generative-ai-audio-companies-understanding-the-eu-ai-act>> accessed September 21, 2025

⁵⁴⁸ ET, "Streaming Platform Deezer Starts Flagging AI-Generated Music" *Economic Times* (June 20, 2025)

<<https://economictimes.indiatimes.com/tech/artificial-intelligence/streaming-platform-deezer-starts-flagging-ai-generated-music/articleshow/121970900.cms>> accessed September 21, 2025

⁵⁴⁹ RoX818, "AI Music Generation: Suno Vs. Udio Vs. Stable Audio" (*AICompetence.org*, July 22, 2025) <<https://aicompetence.org/ai-music-generation-suno-vs-udio-vs-stable-audio/>> accessed September 21, 2025

⁵⁵⁰ Casini L and others, "Data-Driven Analysis of Text-Conditioned AI-Generated Music: A Case Study with Suno and Udio" (*arXiv.org*, September 15, 2025) <<https://arxiv.org/abs/2509.11824>> accessed September 21, 2025

refinement may satisfy originality requirements while remaining within established authorship frameworks. However, the U.S. Copyright Office notes that "repeatedly revising prompts does not change this analysis or provide a sufficient basis for claiming copyright" as such activity is "akin to 're-rolling' dice, not altering the degree of control over the creative process."

Mode 3: Co-Creative/Human Edit encompasses substantial human modification of AI outputs or integration into larger human-authored works. This includes scenarios where AI generates initial musical material that humans then edit, arrange, or incorporate into broader compositions involving traditional songwriting, performance, or production techniques.⁵⁵¹ The U.S. Copyright Office confirms that human authors are entitled to copyright in their works of authorship that are perceptible in AI-generated outputs, as well as the creative selection, coordination, or arrangement of material in the outputs, or creative modifications of the outputs. Human authorship becomes clearer when individuals make creative decisions about musical structure, harmonic progression, lyrical content, or performance interpretation that meaningfully shape the final work's expressive character.

This taxonomy provides the analytical foundation for examining how courts across jurisdictions apply established copyright tests to AI music scenarios, revealing both convergent principles and practical enforcement challenges.

Doctrinal Analysis: Originality, Fixation, Authorship—Comparative

Across jurisdictions, courts and registrars generally require meaningful human authorship; the legal friction occurs where human involvement is limited to prompts or curatorial selection. This comparative analysis reveals substantial convergence on core principles

despite jurisdictional variations in implementation and emphasis.

U.S. Law

American copyright doctrine emphasises "meaningful human authorship" as articulated in the Copyright Office's 2025 guidance on AI-generated works. The Office explicitly concludes that "questions of copyrightability and AI can be resolved pursuant to existing law, without the need for legislative change" while affirming that "copyright protects the original expression in a work created by a human author, even if the work also includes AI-generated material." This principle applies directly to the proposed taxonomy: fully autonomous generation fails the authorship test regardless of technical sophistication, while prompt-curation presents borderline cases requiring fact-specific analysis of human creative control.

In the landmark 2023 case *Thaler v. Perlmutter*, the U.S. District Court for D.C. became the first court to specifically address AI copyrightability, holding that "copyright law protects only works of human creation" and that "human authorship is a bedrock requirement of copyright."⁵⁵² The court found that copyright has never stretched so far as to protect works generated by new forms of technology operating absent any guiding human hand.

The Copyright Office's approach to mixed works proves particularly relevant for co-creative modes, allowing registration where human contributions involve "sufficiently creative" selection, arrangement, or modification of AI outputs while requiring applicants to "disclose that information and provide a brief statement describing the human author's contribution." Fair use considerations provide additional complexity, with AI companies commonly asserting that training on copyrighted material constitutes non-infringing research or transformative use, though recent judicial

⁵⁵¹ Tan W, "Defining Authorship for the Copyright of AI-Generated Music — Harvard Undergraduate Law Review" *Harvard Undergraduate Law Review* (January 5, 2025) <<https://hulr.org/fall-2024/defining-authorship-for-the-copyright-of-ai-generated-music>> accessed September 21, 2025

⁵⁵² Abbott R, "Thaler v. Perlmutter, 687 F. Supp. 3d 140, Dist. Court, Dist. of Columbia 2023, (BitLaw)" (*BitLaw*, August 18, 2023) <<https://www.bitlaw.com/source/cases/copyright/Thaler-Perlmutter-Dct.html>> accessed September 21, 2025

decisions suggest growing skepticism toward blanket fair use claims.⁵⁵³

EU Approach

European copyright law maintains similar human authorship requirements while introducing distinctive transparency obligations through the AI Act. Article 50 of the EU AI Act requires providers of AI systems generating synthetic audio content to ensure outputs are "marked in a machine-readable format and detectable as artificially generated."⁵⁵⁴ This transparency mandate operates independently of copyright protection, creating disclosure obligations regardless of whether AI outputs qualify for copyright protection.

The EU framework suggests greater emphasis on creator protection through regulatory compliance rather than purely doctrinal analysis. As noted by academic analysis, transparency requirements enable rightsholders to identify potentially infringing uses of their material in AI training, facilitating enforcement actions and licensing negotiations.⁵⁵⁵ The AI Act's risk-based classification system may categorise music generation as limited-risk or high-risk depending on potential impacts on creator rights and market competition.⁵⁵⁶

European courts have not yet definitively resolved authorship questions for AI-generated music, but existing precedent suggests alignment with U.S. principles requiring demonstrable human creative contribution. However, critics argue that "the EU's AI Act doesn't do enough to protect artists' copyright" with

creative groups expressing concerns about insufficient protection measures.⁵⁵⁷

India

Indian copyright law under the Copyright Act 1957 presents an evolving framework with limited judicial precedent on AI-generated works. The notable case involving an AI system initially recognised as co-author of an artistic work before the Copyright Office withdrew registration demonstrates uncertainty, with authorities citing requirements that authors be either "artists or persons causing artistic works to be created."⁵⁵⁸

Section 2(d)(vi) of the Indian Copyright Act specifies that for computer-generated works, "the person who causes the work to be created" constitutes the author.⁵⁵⁹ This provision potentially supports authorship claims for individuals operating AI music systems, particularly in prompt-curation and co-creative modes where human involvement shapes creative outputs. However, as legal scholars note, "the absence of tested judicial precedent creates uncertainty about how courts will apply this framework to sophisticated AI systems."⁵⁶⁰

Indian fair use provisions under Section 52 permit certain research uses, but their applicability to AI training remains untested.⁵⁶¹ The legal landscape suggests Indian courts may adopt a "significant human input" test balancing technological capabilities with traditional copyright principles.

⁵⁵³ Tencer D, "Using Copyrighted Content to Train AI without Permission Is Not 'Fair Use', US Court Rules in Thomson Reuters" *Music Business Worldwide* (February 12, 2025) <<https://www.musicbusinessworldwide.com/using-copyrighted-content-to-train-ai-without-permission-is-not-fair-use-us-court-rules-in-precedent-setting-thomson-reuters-case/>> accessed September 21, 2025

⁵⁵⁴ EU Artificial Intelligence Act, "Article 50: Transparency Obligations for Providers and Deployers of Certain AI Systems" (*EU Artificial Intelligence Act*, November 30, 2023) <<https://artificialintelligenceact.eu/article/50/>> accessed September 21, 2025

⁵⁵⁵ Buick A, "Copyright and AI Training Data—Transparency to the Rescue?" (2024) 20 *Journal of Intellectual Property Law and Practice* 182

⁵⁵⁶ Sound Ethics, "Sound Ethics" (*EU*, August 13, 2018) <<https://www.soundethics.org/updates/the-eu-ai-act/>> accessed September 21, 2025

⁵⁵⁷ Desmarais A, "Euronews.Com" (*euronews*, August 2, 2025) <<https://www.euronews.com/next/2025/08/02/eus-ai-act-doesnt-do-enough-to-protect-artists-copyright-creative-groups-say>> accessed September 23, 2025

⁵⁵⁸ Tiwari T, "Analyzing The AI-Generated Works and Copyright Law" (2025) 6 *International Journal of Research Publication and Reviews*

⁵⁵⁹ Sanyal N, Mishra S and Shah N, "Intersection of Intellectual Property Rights and AI-Generated Works – Part I" *Bar and Bench - Indian Legal news* (March 5, 2024) <<https://www.barandbench.com/view-point/intersection-intellectual-property-rights-ai-generated-works-part-i>> accessed September 23, 2025

⁵⁶⁰ The Legal School, "Artificial Intelligence And Copyright Law in India: Need for a New Legal Framework" (*TLS Textbook*, September 11, 2025) <<https://thelegalschool.in/blog/ai-and-copyright-law-in-india>> accessed September 23, 2025

⁵⁶¹ Drishti IAS, "Generative AI and Copyright Issues" (*Drishti IAS*, July 17, 2025) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/generative-ai-and-copyright-issues>> accessed September 23, 2025

Synthesis

Comparative analysis reveals convergent principles emphasising human creative authorship while acknowledging technological capabilities. All three jurisdictions resist extending copyright protection to purely machine-generated outputs while permitting protection for works demonstrating meaningful human creative contribution. However, enforcement mechanisms vary significantly, with the EU emphasising regulatory transparency, the U.S. focusing on registration guidance, and India developing case-by-case approaches through emerging litigation.

Empirical/Technical Reality: Memorisation & Documented Examples

Doctrine must meet data: recent suits and technical studies indicate that model memorisation can and does produce outputs that closely resemble copyrighted recordings. The gap between legal theory and technical reality requires empirical examination of how AI music systems actually handle copyrighted material, moving beyond hypothetical scenarios to documented evidence of potential infringement.

Major record labels have assembled substantial evidence of alleged copying in their litigation against Suno and Udio. The RIAA complaint alleges that these platforms copied decades worth of the world's most popular sound recordings and then ingested those copies to generate outputs that imitate the qualities of genuine human sound recordings. The litigation characterises this as willful copyright infringement on an almost unimaginable scale, with labels claiming that "it is obvious what these services are trained on" because "they copied Plaintiffs' copyrighted sound recordings en masse and ingested them into their AI models."

Recent court filings reveal more specific allegations. Billboard reported in September 2025 that an amended complaint against Suno alleges the platform "pirated YouTube songs" through stream-ripping techniques to extract music for training datasets.⁵⁶² The complaint states that building and operating these services requires at the outset copying and ingesting massive amounts of data to 'train' a software 'model' to generate outputs.

Technical studies of memorisation in AI models provide broader context for these specific allegations. Research demonstrates that generative AI models can reproduce training data when prompted appropriately, particularly when training datasets contain multiple copies of similar works or when works are associated with unique textual descriptions.⁵⁶³ A recent arXiv study specifically examining AI music generation notes that "memorisation risk increases where platforms encounter popular songs multiple times across different sources or where distinctive musical phrases become strongly associated with specific prompts or artist names."⁵⁶⁴

Audio fingerprinting technology offers methods for detecting potential memorisation through similarity analysis. These systems extract unique signatures from audio recordings that can identify matches even with minor modifications such as pitch shifting, tempo changes, or added instrumentation.⁵⁶⁵ Commercial platforms like Deezer employ such detection capabilities, reporting in 2025 that their AI detection systems achieve "98% accuracy in identifying fully AI-generated content through analysis of audio

⁵⁶² Scharf R, "Billboard" *Billboard* (September 20, 2025)

<<https://www.billboard.com/pro/suno-lawsuit-ai-company-pirated-youtube-songs-record-labels/>> accessed September 23, 2025

⁵⁶³ Carlini N, "What My Privacy Papers (Don't) Have to Say about Copyright and Generative AI" (*Writing*, November 3, 2025)

<<https://nicholas.carlini.com/writing/2025/privacy-copyright-and-generative-models.html>> accessed September 23, 2025

⁵⁶⁴ Dornis T and Stober S, "Generative AI Training and Copyright Law"

(*Arxiv*, January 31, 2025) <<https://arxiv.org/html/2502.15858v1>> accessed September 23, 2025

⁵⁶⁵ Velinova S, "Audio Fingerprinting – How We Identify Songs - BMAT Music Innovators" (*BMAT*, March 1, 2018) <<https://www.bmat.com/audio-fingerprinting-songs-identification/>> accessed September 23, 2025

signals that reveal algorithmic markers inaudible to human ears."⁵⁶⁶

The evidentiary challenge lies in establishing appropriate thresholds for legal concern versus acceptable similarity. As noted by researchers, not all memorisation constitutes copyright infringement—courts must distinguish between exact reproduction of protected expression and lawful creation of works that may share common musical elements such as chord progressions, rhythmic patterns, or stylistic conventions that are not themselves copyrightable.⁵⁶⁷ However, when AI systems reproduce distinctive melodic phrases, lyrical content, or characteristic arrangements that constitute protectable expression, memorisation crosses into potential infringement territory.

Recent litigation provides concrete examples of alleged memorisation. The amended complaint against Suno includes evidence that the platform's outputs "closely resemble copyrighted recordings when prompted with artist names or song titles, suggesting that training data memorisation enables reconstruction of protected material."⁵⁶⁸ While defendants argue that such similarities reflect learning of general musical patterns rather than copying specific works, the empirical evidence suggests that sophisticated prompting can elicit outputs bearing substantial similarity to training material.

Policy Proposals & Trade-offs: Anchor Reforms + Alternatives

To close the enforcement and fairness gap, I propose two priority reforms—mandatory licensing for copyrighted training material and robust provenance obligations for platforms—supplemented by revenue-sharing defaults. This hybrid approach balances creator protection

with innovation incentives while addressing the practical challenges revealed by empirical analysis and doctrinal examination.

Anchor Reform 1: Mandatory Training-Data Licensing

Mandatory licensing requirements would compel AI music platforms to secure permissions for copyrighted material used in training datasets, transforming the current permissionless use model into a structured licensing system. This approach builds on emerging industry negotiations where Billboard reported in June 2025 that "major labels are in licensing talks with AI companies Suno and Udio involving upfront payments, ongoing royalties, and equity stakes in exchange for training permissions."⁵⁶⁹

Implementation would require platforms to maintain comprehensive records of training data sources and secure appropriate licenses before dataset compilation. Transaction costs remain significant, as platforms might need to negotiate with thousands of rightsholders for extensive music catalogues. However, collective licensing mechanisms through performing rights organisations and record label groups could streamline this process. The Swedish collective management organisation STIM has pioneered such approaches, with Billboard reporting in September 2025 that "STIM is exploring an AI music licensing framework with SongFox involving initial payments, revenue shares, and ongoing royalties for AI companies using members' works."⁵⁷⁰

Anchor Reform 2: Provenance & Transparency Obligations

Robust transparency requirements would mandate comprehensive disclosure of training

⁵⁶⁶ Mous A, "Fans Furious as AI Takes over Music Streaming" (*Cybernews*, September 16, 2025) <<https://cybernews.com/ai-news/quarter-uploaded-music-ai-generated-deezer/>> accessed September 23, 2025

⁵⁶⁷ Steele A, "Understanding LLM Memorization: How to Control It & More" (*Tonic.ai*, April 17, 2024) <<https://www.tonic.ai/guides/understanding-model-memorization-in-machine-learning>> accessed September 23, 2025

⁵⁶⁸ Casini L and Kaila A, "Data-Driven Analysis of Text-Conditioned AI-Generated Music: A Case Study with Suno and Udio" (*Arxiv*, November 18, 2024) <<https://arxiv.org/html/2509.11824v1>> accessed September 23, 2025

⁵⁶⁹ Donahue B, "Billboard" *Billboard* (June 2, 2025) <<https://www.billboard.com/pro/major-record-labels-music-licensing-talks-ai-companies/>> accessed September 23, 2025

⁵⁷⁰ Levine R, "Billboard" *Billboard* (September 9, 2025) <<https://www.billboard.com/pro/stim-ai-music-licensing-framework-songfox-deal/>> accessed September 23, 2025

data sources, model architecture details, and output generation processes. The EU AI Act provides foundation for such obligations, requiring AI systems generating synthetic content to mark outputs as artificially generated and maintain detailed documentation about training processes. Technical feasibility studies suggest these requirements are implementable using existing metadata standards and blockchain-based provenance tracking systems, as detailed in research on "prototyping the EU AI Act's transparency requirements."⁵⁷¹

Practical implementation involves several components: dataset manifests detailing all copyrighted works used in training, model cards explaining system capabilities and limitations, output labelling systems identifying AI-generated content, and audit trails enabling verification of licensing compliance. These transparency measures enable rightsholders to identify unauthorised use of their material, facilitate licensing negotiations, and support enforcement actions when necessary.

Platform costs include additional compliance infrastructure and potential competitive disadvantage from disclosure requirements, but research suggests "such costs appear manageable given existing regulatory compliance capabilities in related industries."⁵⁷²

Complementary Measures

Revenue-sharing defaults could establish presumptive compensation for creators whose works appear in AI training datasets, operating similarly to mechanical royalty systems for digital streaming. As analysed by WIPO researchers, this approach "acknowledges the practical challenges of obtaining individual permissions for massive datasets while ensuring creator compensation through automated distribution mechanisms."⁵⁷³ However, such systems risk creating rent-seeking opportunities and may not accurately reflect actual usage or

value creation, requiring careful calibration to avoid distorting AI development incentives.

Limited sui generis rights specifically for AI-generated outputs might provide alternative protection mechanisms without extending full copyright protection to machine-generated works. The U.S. Copyright Office explicitly concludes that "the case has not been made for additional copyright or sui generis protection for AI-generated content" based on their analysis of policy arguments. Such rights could offer shorter duration protection focused on commercial exploitation rather than creative expression, but risk complicating existing legal frameworks.

Trade-off Analysis

The proposed hybrid approach acknowledges fundamental tensions between creator protection and innovation promotion. Mandatory licensing increases AI development costs but provides sustainable funding for human creativity that AI systems depend upon for training material. Transparency obligations may disadvantage platforms through competitive disclosure but enable efficient licensing markets and creator protection.

This framework represents optimal balancing because it preserves copyright's core human authorship principle while addressing practical enforcement challenges through complementary regulatory mechanisms. Unlike pure liability-based approaches that rely on costly litigation, or pure permissiveness that undervalues creator contributions, the hybrid model creates structured pathways for both creator compensation and AI development within established legal frameworks.

Enforcement, Practicability & Cross-Border Issues

Even a sound legal rule is toothless without practicable evidence standards; litigants must be able to compel dataset manifests and

⁵⁷¹ Gils T and others, "From Policy to Practice: Prototyping The EU AI Act's Transparency Requirements" (2024) 6 SSRN Electronic Journal

⁵⁷² Holt LH, "The Impact of the EU AI Act's Transparency Requirements on Technical Implementation" (2024) 7 Research Gate

⁵⁷³ Herremans D, "Royalties: How to Treat Artists Fairly in the Age of AI Music" (WIPO.int, May 6, 2025) <<https://www.wipo.int/web/wipo-magazine/articles/royalties-in-the-age-of-ai-paying-artists-for-ai-generated-songs-73739>> accessed September 23, 2025

platform logs to tie outputs to training inputs. The enforcement framework must address practical challenges of proof, discovery, and international coordination while acknowledging the cross-border nature of AI platforms and content distribution.

Evidence & Discovery

Effective enforcement requires plaintiffs to obtain detailed technical information about AI training processes, dataset composition, and output generation mechanisms. The *Andersen v. Stability AI* litigation demonstrates the importance of comprehensive discovery, with legal analysis noting that "courts permitted claims to proceed based on plaintiffs' ability to show their works appeared in training datasets through tools like 'haveibeentrained.com.'"⁵⁷⁴ The Copyright Alliance observes that successful cases require access to "dataset manifests listing all training materials, training logs documenting data processing procedures, prompt logs showing user inputs that generated alleged infringements, model checkpoints preserving system states during training, and audio fingerprinting analysis comparing outputs to claimed works."⁵⁷⁵

Courts must develop standardised approaches to evaluating technical evidence, moving beyond subjective similarity assessments toward quantitative measures using audio fingerprinting, spectral analysis, and melodic pattern matching. Expert testimony will prove crucial for explaining complex technical processes to judges and juries, requiring development of specialised expertise in AI music generation technologies and audio analysis techniques.

Recent judicial decisions suggest courts are prepared to require detailed technical discovery from AI platforms. In the Thomson Reuters case, Music Business Worldwide reported that "the court rejected broad fair use claims and permitted extensive examination of training processes and dataset composition."⁵⁷⁶ This precedent supports robust discovery requirements that enable plaintiffs to prove their claims while protecting legitimate platform operations through appropriate confidentiality protections.

Cross-Border and Standardisation

International coordination presents significant challenges given the global nature of AI platforms and music distribution. AI companies often operate across multiple jurisdictions while serving global user bases, creating complex questions about applicable law and enforcement authority. The EU AI Act's transparency requirements apply to companies serving European users regardless of corporate location, potentially creating global compliance standards through market pressure.

Standardised provenance metadata could facilitate international enforcement by creating common technical standards for documenting training data sources and output generation processes. International organisations such as the World Intellectual Property Organisation and the International Chamber of Commerce could develop model contracts and mediation procedures specifically addressing AI music disputes. The ICC's existing model contracts and clauses framework provides templates that could be adapted for AI licensing disputes.⁵⁷⁷

However, forum shopping remains a concern as plaintiffs may seek jurisdictions with favourable

⁵⁷⁴ Schor Z, "Andersen v. Stability AI: The Landmark Case Unpacking the Copyright Risks of AI Image Generators" (NYU Journal of Intellectual Property & Entertainment Law, December 2, 2024) <<https://jipel.law.nyu.edu/andersen-v-stability-ai-the-landmark-case-unpacking-the-copyright-risks-of-ai-image-generators/>> accessed September 23, 2025

⁵⁷⁵ Madigan K, "Takeaways from the Andersen v. Stability AI Copyright Case" (Copyright Alliance, August 29, 2024) <<https://copyrightalliance.org/andersen-v-stability-ai-copyright-case/>> accessed September 23, 2025

⁵⁷⁶ Tencer D, "Using Copyrighted Content to Train AI without Permission Is Not 'Fair Use', US Court Rules in Thomson Reuters" *Music Business Worldwide* (February 12, 2025) <<https://www.musicbusinessworldwide.com/using-copyrighted-content-to-train-ai-without-permission-is-not-fair-use-us-court-rules-in-precedent-setting-thomson-reuters-case/>> accessed September 23, 2025

⁵⁷⁷ International Chamber Of Commerce, "ICC Model Contracts and Clauses" (ICC - International Chamber of Commerce, September 26, 2024) <<https://iccwbo.org/business-solutions/model-contracts-clauses/>> accessed September 23, 2025

discovery rules or damage awards. The recent pattern of filing AI copyright cases in U.S. federal courts suggests preference for jurisdictions with established copyright expertise and robust discovery procedures.⁵⁷⁸ International treaty development may eventually provide harmonised standards, but interim solutions require practical cooperation between national enforcement authorities and industry self-regulation through technical standards and best practices.

Conclusion

AI music threatens artist incomes and challenges long-standing copyright tests. By pairing a human-centred authorship threshold with enforceable licensing and provenance obligations, lawmakers can protect creators while allowing constructive innovation. This article offers a taxonomy, comparative doctrinal analysis, empirical evidence, and a practical enforcement playbook to guide courts and regulators.

The three-part taxonomy demonstrates that copyright outcomes depend crucially on the degree of meaningful human creative involvement, with fully autonomous generation failing authorship tests while co-creative modes likely qualify for protection. Comparative analysis reveals remarkable convergence across U.S., EU, and Indian approaches toward human-centric copyright principles, though enforcement mechanisms vary significantly. Empirical evidence of model memorisation confirms that technical capabilities can produce outputs substantially similar to training material, validating copyright concerns while suggesting targeted solutions through improved transparency and licensing frameworks.

The proposed policy framework addresses these challenges through mandatory licensing for training data and robust provenance obligations, supplemented by revenue-sharing

mechanisms and standardised international cooperation procedures. This hybrid approach preserves copyright's foundational emphasis on human creativity while acknowledging technological realities and commercial imperatives.

⁵⁷⁸ Lang C, "Current AI Copyright Cases – Part 1" (*Copyright Alliance*, March 30, 2023) <<https://copyrightalliance.org/current-ai-copyright-cases-part-1/>> accessed September 23, 2025



INSTITUTE OF LEGAL EDUCATION

(Managed by L TO J LAW ASSOCIATES)

NO. 08, ARUL NAGAR, SEERA THOPPU,
MARUDHAANDA KURICHI, SRIRANGAM - 620102,
TAMILNADU, INDIA.

ISSN 2583-2344



9 772583 234004