

GUIDE TO RESPONDING

UK GOVERNMENT CONSULTATION ON AI AND COPYRIGHT



It is important that songwriters and composers have their say about the UK government's consultation on AI and copyright.

You don't need to be an expert on AI or copyright to respond to the key points, and you do not need to answer all the consultation questions.

[Submit your response](#) by 11.59pm on Tuesday 25th February 2025.

WHAT IS IN THE CONSULTATION?

The consultation includes a proposal to change copyright law to introduce a "text and data mining (TDM) exception".

Text and data mining is a technique used by AI companies to analyse content on the internet and gather this data for ingestion into AI models to create and train them. This is often done by web-scrapers which crawl the web for content to ingest which is then analysed for patterns and insights that can be used to train AI models.

Under current UK law, AI companies need to license your work if they want to use text and data mining for commercial purposes.

HELP SUBMITTING YOUR RESPONSE

Here are some points you may wish to include in addition to your thoughts, experiences and views.

Question 4: Do you agree that option 3 – a data mining exception which allows right holders to reserve their rights, supported by transparency measures – is most likely to meet the objectives set out above?

Answer: No

Please say in your own words why you do not support this option – you may want to mention that:

Option 3 fails to meet the objectives set out in the consultation and songwriters and composers are concerned that this option creates a system where:

- AI companies would be able to use all musicians and composers' works without asking permission or paying licence fees or royalties.
- Introducing a requirement for creators to reserve their rights will in effect create a copyright registration system by the backdoor, which stands against the fundamental principle in UK copyright law that an author has the exclusive rights to control how their works are used.
- *(If you are a self-published writer you may want to mention that)* Self-published songwriters or composers, or those represented by smaller publishers, will be at greater risk as they will be it more difficult to protect and reserve their rights unless a system is specifically designed with them in mind.
- Even if a songwriter or composer has reserved their rights, they may have their work ingested by AI companies as it will be almost impossible to stop all the recordings or downstream copies (for example covers or unauthorised copies of a song) being ingested by AI companies.
- Current poor standards of music metadata (ISWCs) will make it more difficult for songwriters and composers to monitor if AI companies are respecting a rights reservation system and make it difficult for the right composer or songwriter to be paid if their works are licensed to AI companies.
- *(If you are a media composer you may want to mention that)* Some sectors, in particular media composers who make compositions for library music companies are likely to be significantly affected. Research from CISAC has found that by 2028, generative AI music is projected to account for approximately 60% of music libraries' revenues in comparison to 20% of streaming platforms' revenue.
- The UK may be in breach of international copyright treaties it is a signatory to and the Berne three-step test.
- In the EU, which has created a rights reservation system similar to that proposed here, there are a number of issues, which include:
 - The fact that there have been no licenses agreed between major AI companies and music rightsholders. Which suggests that this proposal will not lead to a new licensing market.
 - GEMA, the German songwriter collecting society, has issued a template license to AI companies, which none of them have taken them up on, and they have had to take action to protect their

members by suing Suno, a generative-AI music company for using their members' music without permission.

- Five years after the adoption of Article 4 of the CDSM Directive, which created the rights reservation system in Europe. No creator organisation has been able to reserve their rights in an efficient manner and there is still a great level of uncertainty on the reservation of rights and how authors and performers can exercise it.

Question 5: Which option do you prefer and why?

Answer: Option 1: Strengthen copyright requiring licensing in all cases

'Option 1: Strengthen copyright requiring licensing in all cases' is the option preferred by Ivors Academy, because developers must ask for permission before using people's music, and this would allow music creators and publishers to negotiate licensing deals and get fairly paid for their work.

Please say in your own words why this would be preferable – you may want to mention:

- The ability for you or your publisher to negotiate licensing deals with developers to ensure you get fairly paid for your work.
- Any kind of exception would weaken the market for AI training licenses, and your ability to earn income from AI using your work.
- AI products compete with the work that they are trained on – your music – this is why we need licensing in all cases.
- That through their publishers and collecting societies, songwriters and composers have been able to agree complex licensing schemes with technology companies to take advantage of new technologies like music streaming and social networks. This has been within and supported by the existing copyright framework.

Question 6: Do you support the introduction of an exception along the lines outlined in section C of the consultation?

Answer: No

Question 7: What other approach do you propose and how would that achieve the intended balance of objectives?

Explain, in your own words, what would be important to you as a songwriter or composer. You may want to mention:

- The ability to control how your work is used.
- To be fairly paid for your work.
- The ability for licenses to be negotiated via the usual channels.
- To have transparency on how your work has been used for AI if you do give permission.
- For consumers to know whether music they are buying has been created by AI or a human.
- Generative AI competes with the work it is trained on – any proposal that allows this without licensing is unacceptable.
- That AI companies should at their own expense fund the creation of any technical tools and websites needed to enable a workable rights reservation system and or website.

Question 9: What influence, positive or negative, would the introduction of an exception along these lines have on you or your organisation? Please provide quantitative information where possible.

Explain, in your own words, what you think might happen if the government goes ahead with its proposal. You may want to mention:

- Income you currently get from licensing your music or contributing to music that is later licensed or bought out that may be lost.
- Time and money invested in creating your music (including time and money spent on education and training).
- That it would be impossible to effectively opt-out of AI training under the proposed model.
- The difficulties this would create in ensuring you are fairly paid for your work and, if you are an individual or small business, the difficulties in policing how your works are used if there is no requirement for AI companies to ask permission.
- The possibility of AI creating highly scalable competitors without your permission, in what is already a competitive market.
- You may also want to highlight that you want to, or have used AI tools in your work, but do not want to infringe copyright that may have been used in the training of these tools, and that this proposal does not address this concern.

Question 22: Do you agree that AI developers should disclose the sources of their training material?

Answer: Yes

- You may want to mention that transparency measures could reduce copyright infringement, but only if combined with Option 1 – keeping or strengthening existing copyright.
- Transparency is vital to monitoring that AI companies are only using compositions in their training sets that they have a right to access and use.
- If a rights reservation system is introduced, having transparency over data sets must enable songwriters and composers and their publishers to check that their rights reservations are being respected by AI companies.
- AI companies should provide a breakdown of a track-by-track- basis of the content they have ingested. As some composers and songwriters may be willing to allow some tracks to be used, by AI companies but not others.
- To make transparency disclosures effective AI companies should ensure that songs used in their training data have an associated metadata code (ISWC) and that this is searchable and available to songwriters and composers or their representatives.
- The cost of creating these transparency systems should be borne by AI companies.

Question 45: Do you agree that generative AI outputs should be labelled as AI generated? If so, what is a proportionate approach, and is regulation required?

Answer: Yes

- Labelling will be key to ensuring that consumers are aware of whether they are listening to music that has been generated or edited by AI systems. This should be a mandatory requirement.
- Labelling should be done in a way to ensure they are resilient to manipulation or removal.
- If it is technologically possible, this labelling must include information about the works included in the training data and associated metadata (ISWCs).
- Government has a role to play in coordinating key stakeholders to develop these standards and they should intervene and legislate if there is no progress in developing industry-wide labelling standards.

Question 48: To what extent would the approach(es) outlined in the first part of this consultation, in relation to transparency and text and data mining, provide individuals with sufficient control over the use of their image and voice in AI outputs?

You may want to mention:

- Transparency and rights reservation systems will not be sufficient to protect against deep fakes, and will not provide songwriters or composers with sufficient control over the use of their image and voice in AI outputs.
- There is a risk of serious professional harm to those with a public image, and people are already using this technology to create AI with performers' images or voice against their will. For example, in 2023 a deepfake of Drake and The Weeknd was released online and had comments from listeners saying "Can't even tell what's legit or fake anymore".
- The government should introduce a personality right in addition to the current patchwork protection of measures.
- Any new personality rights should include protections against impersonation by AI copies that are 'in the style of'.
- As songwriters and composers who are not performers may be harmed by these copies and such a right would offer them greater protection.