

## CAN WE CONTROL ROBOT MUSIC?: THE IMPACT OF AI ON COPYRIGHT LAW

### Thesis

Based on public opinion and recent government action, specifically regarding “Heart on My Sleeve” by the AI Drake, AI has proven itself to pose a threat to the intellectual property of musicians and their ability to copyright their work. However, it is not immune to government action, nor criticism by music enthusiasts everywhere, based on these same examinations.

### Abstract and Methodology

Artificial intelligence (AI) is rapidly changing the trajectory of the music industry, and as its technologies evolve, the system that regulates it needs to evolve in tandem. To synthesize the thoughts of scholars and industry professionals, AI has great advantages to the music industry but poses several issues including identity theft and stolen intellectual property. We pulled our research from journals about the progression of AI, audio examples of AI music, the U.S. Copyright Law office, and news articles regarding recent cases of AI and copyright. The primary example we examined was the 2023 AI song “Heart on My Sleeve” and the legal battles and commentary surrounding it. Since there is little we can do to combat the presence of AI, it is important for artists to take appropriate measures to protect their work. There is creative opportunity in AI, but there is also danger and responsibility that comes with it.

### Methodology and Background

One of the major issues regarding AI usage in music is that AI sources typically need to be “trained,” and they are often “trained” using copyrighted material, which can indirectly steal the work of artists who have laid the groundwork to protect their work without considering this unforeseen complication. While humans also take inspiration from other humans, human-made music has the additional factor of creativity, while AI only knows how to copy pre-existing work without adding its own touch. Unfortunately, we do not live in a world that always prioritizes artists. According to Music Business Worldwide, many countries, including Japan, Singapore, Korea, Taiwan, and Israel have already adjusted their copyright laws in a manner that benefits AI creators.

In an effort to assess the reach of AI in the United States, we have looked at opinions and legal complications surrounding the song “Heart on My Sleeve,” which was created using AI to imitate Drake and The Weeknd. Once Drake and The Weeknd were made aware of the song’s existence and listeners were made aware of its AI origins, the song was quickly taken down on the basis of the Digital Millennium Copyright Act (DMCA).

### Findings

A NY Times article following the release of the AI song “Heart on My Sleeve” consulted students on their thoughts on AI generated music. Out of 22 responses:

- 9 students argued that AI music could never replace human-made music
- 9 students said they would listen to AI music, although some with caution
- 7 also mention moral or legal concerns with AI music in their responses

According to culture and arts journalist Chloe Veltman, another rising problem with AI is that it can use an artist’s voice to say lyrics that they would never say or support. While current examples, such as the Drake/Weeknd song, are fairly harmless in this respect, it could eventually be used as political warfare against an artist.

According to Berklee Online, “legally, AI music is still in a grey area,” because it can be impossible to trace work back to original creators due to the wide reach of the internet, and also because old copyright laws could not account for AI and therefore are extremely out of date in the technological realm. Based on AI Policy Guidance from the U.S. Copyright Office released in early 2023, in order for a work to be registered for copyright, it must have human origins. Essentially, this lays the groundwork for protecting human-made works by barring AI-generated works from being able to be copyrighted. However, it still lacks a definitive solution for artists whose intellectual property is stolen by AI in the creation of these songs.

Veltman interviews and refers to Grammy-winning electronic musician and sound engineer BT in her article, who argues that the responsibility of protecting art from AI’s takeover falls on the artists. This is not because it should not fall on the government, but rather because copyright legal processes move too slowly to be able to keep up with the advances of technology.

In Forbe’s article on AI in the music industry, they state that “From the way music is created and produced to the way it is consumed and experienced, AI-powered tools are helping musicians to write, record, and mix music more efficiently and creatively.” Mixing music is something that takes a lot of learning and skill, and the automation of it is never as good as when an actual human does it. You cannot automate a machine to crochet, and you cannot automate a machine to mix well. The forbes article also stated that “AI is also being used to personalize the music listening experience for fans and to discover new artists and genres.” AI doesn’t just affect the music being produced, but the way it is being listened to. AI can create personalized playlists for the consumer and market specific songs to them. This can be used in beneficial ways, as the consumer can discover and enjoy new music. It can also be used as a device to influence the public by whatever AI provider the streaming service uses or curates.

### Conclusions

It would be impossible at this point to undo the entrance of AI into the musical scene. Because AI is taking the world by storm at a rate we cannot comprehend, it is critical that all parties involved take responsibility and take action in some way. Consumers must be mindful of the media that they consume and consider the ethics of how it was created. Similarly, it is more important now than ever that artists invest in copyright protection for their work. The legal implications of AI and copyright violations are a good step in the direction to protect the artist. In the case of the Drake and Weeknd song, the ruling gave protections to the identities that were used.

### Looking Ahead

The process of changing and adding legislation moves too slowly to keep up with the pace of AI, and the future generations need to be mindful of the AI work they consume. To fulfill our goal in this project of helping artists know how to protect their own work, we have formulated sample statements to be included in copyright claims to give a place to start from:

- No material in the following work was sourced from artificial intelligence.
- Any works created using AI that are found to have used this work as a source without proper credit will face a fine of \$XXX.

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