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The Impact of Artificial Intelligence in the Music Industry: Unveiling Innovation and Unleashing Legal and Ethical Dilemmas

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ABSTRACT

"Music gives a soul to the universe, wings to the mind, flight to the imagination, and life to everything." said by Plato. Throughout history music has been the universal language of every person. With each song written and music composed emotions have been unveiled and transmitted. Artificial Intelligence as we see it is penetrating into every field with each advancement it is found to be bigger and stronger than ever. The music industry is an evolving field at this point in time with many technological advancements such as Artificial Intelligence for the various tasks required to be performed for each song such as song writing, production, composition, singing, etc.. But to the positives there will always be negatives in this case it can be seen that there have been various cases of plagiarism, copyright infringement, violation of ethical concerns, unfair competition etc. This paper analyses the legal and ethical issues posed by AI in the music industry and also scrutinizes the efficiency of Indian law to manage the rampant violations of Artificial Intelligence by comparing it with various laws in different countries. It also provides suggestions as to how the use of such technology can be regulated without harming the various stakeholders involved in the industry.

KEYWORDS: Artificial intelligence, Copyright, music industry, ethics, technological advancement

CHAPTER - I

1.1.INTRODUCTION

The rise of artificial intelligence (AI) and algorithms is impacting nearly every aspect of daily life due to technological advancements. One industry experiencing significant change is the music industry, where AI-driven tools are making it easier for musicians to produce high-quality music. AI is now being used to create and organize sound for various media platforms, such as the internet and video games. In the past, music was performed live, with artists hired to perform at events and gatherings. The invention of the phonograph in the 19th century shifted the industry toward recording, and record labels became prominent. As television and radio gained popularity in the 20th century, the entertainment industry expanded, with broadcast stations helping promote musicians and live concerts being televised. The introduction of digitalization, especially with CDs in the 1980s, revolutionized music with better sound quality and longer playtime.

Today, AI plays a crucial role in many aspects of music production, distribution, and consumption. AI helps generate data-driven insights, enhance creativity, and offer personalized music experiences. One of AI's main applications in music is in production. AI software can compose music, transcribe existing

songs, and even play instruments using robots. AI can also analyze audio files to improve sound quality by adjusting settings like volume, equalization, and compression automatically. This enables producers to mix and master music more efficiently. Additionally, AI systems can recommend music to users based on their listening history, as seen on platforms like Spotify, keeping listeners engaged with new songs.

AI also has the potential to revolutionize copyright and royalty management in the music industry. As digital content increases, tracking royalties and copyrights has become more complex. AI tools such as MuseNet, Jukedeck, AVIA, and Udio can generate entire musical compositions based on specific parameters like genre or tempo. However, these tools require large datasets for training, which often include existing music, raising concerns about copyright infringement. To avoid legal risks, AI models should use works in the public domain or licensed music, but obtaining proper licenses can be complicated, as multiple rights holders are often involved in a single song. Artificial intelligence violates the personal rights of performers by voice cloning technology

While AI opens up possibilities for creating music, it also raises concerns about its impact on traditional artists and the creative process. As consumers increasingly rely on AI-driven recommendations, there's a risk that musical tastes will become more uniform. Additionally, the growing use of AI in music production could threaten jobs, as some roles in the industry may become automated or outsourced to AI systems.

European Union has enacted the first comprehensive legislation to regulate Artificial intelligence also in the United States the first state to adopt such legislation is Tennessee to enact the ELVIS act (Ensuring likeness voice and image security act), this act is used for the protection of personal rights from the misuse of Artificial intelligence in the music industry. Whereas in the other developing countries there is no specific laws for Artificial intelligence regulation or to prevent its misuses and violations. In India, there are certain provisions under the amended Copyright Act, 2012 and Information Technology Act, 2000 which may regulate the impacts of Artificial intelligence. So, this study compares the laws of developed countries and developing countries with India. It also focuses whether the current Indian legislation is fully equipped to curb the violations of Artificial intelligence

1.2. LITERATURE REVIEW

The paper **'Legal aspects of Artificial intelligence application in artistic activities'** written by Vladimir Demidov discusses that the current civil legislation enforced does not adequately meet the requirements with rapid progress in technology. There needs to be certain changes in the civil code so as to determine how the artificial intelligence can be regulated. The paper **'Artificial Intelligence and law: An overview'** written by Harry Surden talks about the need for the formal regulation of Artificial intelligence in law in order to bring some harmonized rules and policies across countries for Artificial intelligence deployment'. In the **paper 'Artificial intelligence and Musicking: A philosophical inquiry'** written by Adam Eric Berkowitz it is said that Generative AI trained on music is misappropriated by developers and is present in the training data of the AI user. The author calls for the need of acting on the philosophical and ethical discussions on AI and promote research and education to ensure ethics in the music space. The paper **'Intersection of Artificial intelligence in the entertainment sector'** written by Radhika Nautiyal discusses about the current and the potential consequences of AI in the entertainment industry including the music industry through examples and case studies. It gives a perspective on the social and ethical consequences of AI integration in the entertainment industry. The paper **'Intelligent music applications: Innovative solutions for musicians and listeners'** talks about the incorporation of AI and machine learning in the music expression and gives and aid for collaboration. It suggests that further research to enhance AI and ML and unlocking new innovations in the music fields.

The paper 'A Comparative Study of the Copyright Laws for Artificial Intelligence in the UK and Korea' written by Byungun Yoon, finds out that UK and USA have well-equipped laws for the regulation of new technology whereas Korea has no such law for copyright protection and it also highlights how the emerging countries are mitigating the regulations on copyright. Another relevant paper found **'Does Pakistan's Copyright and Antitrust Law Protect Creators of AI-Generated Content? A Comparative Study with European Union Jurisdictions'** written by Shahzada Aamir Mushtaq, Khurram Baig, Syed Wajdan Rafay Bukhari and Waqas Ahmad compares the Pakistan's legal system with the EU's to find out the weaknesses in and to seek opportunities for further development in its existing legal structure. It also examines how the anti-trust laws affect the AI generated content. The research found that Pakistan's copyright and antitrust laws don't yet have rules for dealing with new issues around infringement so people affected by infringement still have to use the old legal system to get justice. The **paper 'Enforcement of copyright in the music industry : A critical analysis of the legal and institutional framework on enforcement in Sub Saharan Africa**' written by M. Ouma, the author based on an analysis of four sub-Saharan countries—Kenya, Nigeria, Senegal, and South Africa—shows that even though these countries have modern copyright laws, stresses that they still face high levels of unauthorized commercial use of music and critically examines three key questions from political, social, economic, and technological angles. Firstly, why is copyright enforcement difficult in sub-Saharan Africa. Secondly, why has the current legal system failed to enforce copyright effectively. Third, what would a successful copyright enforcement system look like. The paper, '**Reforming Copyright Law in the Digital Age: a Comparative Study of the Legal Resolutions on P2P Transmission Between Taiwan and the United States'** written by Chiu, I-Hsien finds out that copyright laws are severely affected due to abuse of technology in Taiwan. The author also proposes suggestions for Taiwan Government in amending its copyright law protection. The paper **'Intersection of generative artificial intelligence and copyright: an Indian perspective'** written by Shinu Vig states that Generative AI technology has raised several challenging issues in intellectual property that need to be addressed through policy changes. According to the findings of this paper, India's copyright laws are not sufficient to handle the rights related to AI creations and outputs.

Countries like the United States, the European Union, and China have each taken different approaches to regulating and protecting AI-generated content under copyright law.

1.3. RESEARCH PROBLEM

The research problem in our paper is finding out whether the Indian legislation is fully efficient in addressing the current legal issues brought by the Artificial intelligence especially those created by a branch of AI known as Generative AI in music industry like copyright infringement, violation of personal rights and other social issues which involves the end of human involvement in music production, composition and other creative works involved in it, which may lead to the loss of livelihood of people involved in the music creation and the authenticity in the music produced or generated by the Gen AI. This paper also involves a comparative study on the regulation of AI in different jurisdictions like European Union, USA, few developing countries and India.

1.4. RESEARCH OBJECTIVE

To find out:

1. To measure the efficacy of the existing Indian legislation in addressing the copyright violations and other legal issues posed by the Artificial intelligence in the music industry.
2. The extent to which the laws of the developed countries that can be adopted in India for the regulation

of Artificial intelligence.

1.5. RESEARCH HYPOTHESIS

1. If the existing legislation for copyright protection is not updated with the rapid technological advancement, then it would lead to severe copyright infringements in the music industry.
2. If the innovations of the AI in music production, composition etc. is not regulated then it will lead to the end of livelihood of people in the creation of music.
3. If Generative AI is not put under a legal scrutiny, it will violate the personal rights of the performers.
4. If the activities of the AI are not limited to a certain limit, it would lead to the loss of authenticity and uniqueness in the music composed.

1.6. RESEARCH QUESTION

1. Whether the Indian legislation needs amendments for the regulation of AI to protect the copyright infringements in music industry?
2. Whether there is any threat as to livelihood loss of the people involved in music industry if AI is not regulated?
3. Whether there is any violation of personal rights by the Generative AI due to lack of legal scrutiny?
4. Whether the music losses its authenticity if the activities of the AI are not limited?

CHAPTER- II

2.1. RESEARCH METHODOLOGY

We have adopted the doctrinal method of research for our paper which includes both primary sources and secondary sources

- PRIMARY SOURCES such as Art 11 & 12 of WCT, Art 18 & 19 of WPPT, Sec 1201 of DMCA and Sec 65A and 65B of the Copyright Act.
- SECONDARY SOURCES such as thesis, research papers, research articles, journals etc.

2.2. IMPACT OF AI

This paper discusses about various laws across the world for AI regulation in the music industry and specifically focusing on the stand taken by India in this aspect as well as the impacts of AI in the music field.

2.2.1. EU law on AI regulation

Generative AI, while capable of boosting creativity across industries like music, literature, and film, often raises copyright issues by using existing works without permission. It analyzes and reproduces aspects of these creations on a large scale, creating new content such as images, music, and videos. This leads to concerns over intellectual property, authenticity, and the potential devaluation of original works. To balance innovation with artists' rights, lawmakers and industry representatives are working together to establish ethical guidelines and ensure transparency in AI's use.

On March 13, 2024, the European Union passed groundbreaking AI legislation, aiming for implementation by year's end. The law, a global first, seeks to regulate AI technology by balancing innovation with protection of fundamental rights, democracy, and environmental sustainability. It classifies AI systems into four categories: prohibited, high-risk, limited risk, and minimal risk. High-risk sectors like health and education face strict oversight, while limited risk systems require informed consent. The law also prohibits AI models that exploit human vulnerabilities and mandates compliance with EU copyright laws for AI training.

New rules for the use of artificial intelligence (AI) in Europe, including the regulation of copyrighted music, have been approved by the European Parliament. The law, known as the Artificial Intelligence Act, was first proposed in April 2021 and will take effect in December. It is the first of its kind and covers a wide range of AI applications, such as biometric surveillance, predictive policing and the use of published AI models such as ChatGPT OpenAI and Claude 2 Anthropic.

The main provisions of the AI law:

1. Transparency requirements: AI companies operating in Europe must provide summaries of all copyrighted works, including music, used to train their models. This applies to all data, even if it is received outside of Europe. If a company uses copyrighted music from a country outside the EU, it must still provide a summary of the music used when the AI is deployed in Europe.
2. Watermark training data: Production AI systems that create music and audio functions need to watermark their training data sets. This allows copyright holders to track and prevent illegal use of their work.
3. Signature of AI-Generated Content: All AI-generated content, as opposed to human creators, must be properly signified as such. Companies must also ensure that their AI systems cannot be used to generate illegal or infringing content.
4. Penalties for non-compliance: Large technology companies that violate the rules will be fined up to 35 million euros or 7% of their turnover annual of the world. Small companies receive similar penalties.

The law clarifies that AI systems must respect copyright laws and secure prior authorizations from copyright holders, as well as follow understanding and licensing obligations. The purpose of this is to prevent companies from using copyrighted works without permission, which is important in the music industry.

Although some provisions of the AI Act won't fully apply for up to two years, existing AI models must comply within 12 months, and any new AI systems entering the EU market will be required to follow the regulations from the start. Other countries, including the U.S., Canada, China, and the U.K., are also exploring their own regulatory paths for the rapidly evolving AI sector.

At the moment, many tech companies are behaving like "glorified stream-rippers." They are collecting digital audio without proper regard for the rights of songwriters and artists. This new legislation is a crucial step in putting an end to such practices.

Under the new EU law, companies like OpenAI and Microsoft cannot legally access, train, or generate AI-based content using copyrighted material without obtaining permission from the rights holders. The legislation makes it clear that they cannot claim to be acting within the bounds of exceptions like text and data mining or fair use.

Deepfakes and voice clones have become widely popular on the internet, but the legal framework around them is still unclear in most countries, as there are generally no specific rights protecting artists and celebrities (except in cases of false endorsement). The EU AI Act aims to address this by introducing a transparency rule that requires deepfakes, including voice clones, to be clearly identified. While this won't completely prevent their spread, it will help consumers recognize when they are encountering a deepfake.

The EU's AI Act offers positive news for rightsholders, as it indicates that AI models trained on copyrighted materials will need permission from rightsholders. According to Article C of the proposed law, "any use of copyright-protected content requires the authorization of the rightsholder unless relevant copyright exceptions apply.

"This requirement is seen as a win for the music industry, which has been advocating for AI developers to license copyrighted content used in training their algorithms. However, there is a provision that introduces exceptions. The document references Directive (EU) 2019/790, which allows reproductions and extractions of works for text and data mining under certain conditions.

Rightsholders may opt to reserve their rights to prevent text and data mining unless it is conducted for scientific research. If they reserve this right, AI model developers must obtain authorization to perform text and data mining on those works. This opt-out clause may raise concerns within the music industry.

The EU AI Act classifies AI systems based on the level of risk they pose to society:

1. High-risk AI systems: These include AI applications that significantly affect human rights, privacy, or intellectual property. AI tools used for deepfake music or voice cloning would fall into this category if they infringe on copyright, violate personality rights, or misappropriate musicians' voices.
2. Unacceptable risk: AI systems that pose a severe threat to fundamental rights are banned under the EU AI Act. This could include AI-generated content that violates ethical norms, such as unauthorized deepfake music created without an artist's consent.
3. Transparency requirements: AI systems that generate content, including music, must meet clear requirements. Users should be informed when interacting with AI-generated content and help maintain integrity and protect against fraud.

2.2.2. US law on AI

Currently, there is no international regulation addressing these issues, making Tennessee the first U.S. state to pass a law aimed at clarifying the relationship between AI and music. The law, known as the ELVIS Act, was enacted on March 21 and is set to take effect on July 1. Its purpose is to establish clearer and more protective boundaries for artists, songwriters, and professionals in the music industry, including podcasters and voice actors.

The ELVIS Act amends the 1984 Personal Rights Protection Act (PPRA), which was originally designed to safeguard “publicity rights”—the distinctive rights of artists concerning their name, image, and likeness. The new legislation expands these protections to include the voice of artists residing in Tennessee, explicitly prohibiting the use of artificial intelligence systems that impersonate individuals and facilitate the creation of unauthorized fake works using someone else's image and voice. The definition of an artist's "voice" has been expanded to include not only their "real" sound, but also what they imitate.

The ELVIS Act allows music companies to act on behalf of artists who represent them in the event of damages. Violations of the ELVIS Act may result in civil and criminal penalties, including injunctions and destruction of property created in violation of the Act.

Recent advances in artificial intelligence have dramatically changed the way we create and listen to music. Many artists and business professionals have embraced the technology and see it as a powerful creative tool, but others remain cautious.

There are many legal challenges in using artificial intelligence tools to produce musical works, especially when it comes to intellectual property rights. Algorithmic or generative art is not new, as rule-based systems have been used in art for a long time. But with machine learning, AI tools can create creative tasks in real-time based on user input or requests.AI tools such as MuseNet, Jukedeck, AVIA and Udio can create entire music tracks based on parameters such as genre, time and style. These tools often use large datasets, including existing music, which raises concerns for copyright holders. Using copyrighted music without permission increases the risk of copyright infringement.

To avoid this, use proper license functions or music to train the AI models. However, getting paid for mu-

sic is difficult and involves many parties such as songwriters, artists, publishers and record companies.
In addition to the music industry, tech companies and media organizations are making agreements to use copyrighted content for AI training. For example, OpenAI has signed similar agreements with media outlets such as the Financial Times and the Associated Press. Similar practices arise in the music industry, and may involve public licensing procedures operated by music collection companies.
The music industry is grappling with challenges from unauthorized content created by artificial intelligence on online platforms. Recently, Universal Music Group (UMG) expanded its partnership with Meta Platforms to license UMG's music on platforms such as Facebook, Instagram and WhatsApp. The goal of the collaboration is to address unauthorized content created by artificial intelligence and recognize its potential impact on artists and songwriters. As this trend continues to grow, expect more formal collaborations between publishers, labels and platforms to facilitate the use of music in AI operations.

2.2.3. South Korea laws

South Korea has taken steps to solve the problem of copyright infringement related to AI-generated content, especially in the music industry. The country's copyright law has been revised to regulate digital content and the effects of artificial intelligence. Under the current framework, works created by artificial intelligence are eligible for copyright protection when human intervention is essential. However, tasks performed by artificial intelligence alone are not protected without human intervention. As artificial intelligence plays a significant role in content creation, further changes to these laws are considered to clarify copyright and intellectual property rights.
The Ministry of Culture, Sports and Tourism is working together to develop guidelines for managing music created by artificial intelligence and to ensure that the rights of human creators are respected. When artificial intelligence is used in composition, the main objective is to balance the moral and financial rights of creators - including attribution and protection from infringement. In addition, they will review how fair use requirements apply to AI-generated content, especially if AI tools are being trained using copyrighted music. One of the main issues is the use of copyrighted material for training artificial intelligence models. South Korean laws ensure that copyrighted music cannot be used to train AI without permission, except in certain circumstances.
This measure is intended to prevent unauthorized sampling or reproduction of music through AI tools. Moreover, the government is working closely with private companies and the music industry to create a balanced approach that protects the rights of artists while encouraging innovation in AI technologies. This collaboration includes organizations like KOMCA (Korean Music Copyright Association) to ensure that AI-generated works do not infringe on human creators' intellectual property. South Korea enforces civil and criminal penalties for copyright infringement, and AI-generated content falls under these regulations when it involves unauthorized use of copyrighted works.
The penalties can include hefty fines or even imprisonment for those who misuse AI to produce infringing content. Recognizing the global nature of AI and digital content, South Korea is also participating in international discussions and cooperating with other countries to establish a unified approach to handling AI-related copyright issues in the creative industries, including music. Additionally, there is an ongoing effort to raise public awareness about the ethical use of AI in content creation. Developers are encouraged to build AI systems that respect copyright laws, and public campaigns emphasize responsible use of AI tools. Through a combination of legislative action, industry cooperation, and ethical guidelines, South Korea is working to protect both creators' rights and promote responsible innovation in AI-generated content. Further legal adjustments are expected as the technology continues to evolve.

2.2.4. Pakistan laws

In Pakistan, the legal framework addressing issues related to AI in the music industry, particularly concerning voice cloning and the use of copyrighted inputs, is primarily governed by the Copyright Ordinance of 1962 and various intellectual property laws. The Copyright Ordinance provides protection for musical works, sound recordings, and performances, granting exclusive rights to creators and performers. This legal structure is significant in safeguarding against unauthorized use of copyrighted music for AI training and generating works without the consent of the rights holders. As AI technologies evolve, the existing laws may face challenges in adequately addressing new forms of copyright infringement, such as those arising from AI-generated music that mimics or uses the voices of artists without authorization.

The Personal Data Protection Bill, which is currently under consideration, aims to establish regulations surrounding data privacy, including biometric data. This bill is relevant in the context of voice cloning, as it seeks to protect individuals' rights over their personal data, including their voice. If enacted, it could provide a legal basis for performers to challenge unauthorized voice cloning, thereby reinforcing their personal rights in the digital realm. However, the bill's specifics and how effectively it can address these emerging issues will depend on its final form and implementation. Moreover, the Pakistani legal system lacks specific provisions tailored to AI-generated content, which leaves a gap in addressing the complexities of AI in the music industry.

Stakeholders, including artists and legal experts, are advocating for updated legislation that encompasses the challenges posed by AI, ensuring that the rights of performers and creators are upheld. As the use of artificial intelligence in the music industry continues to grow, the debate and potential changes to copyright and data protection law will continue to create a legal framework that addresses these issues. law.

2.2.5. Sub Saharan Africa laws

The emergence of AI tools in creative sectors, particularly music, has raised important copyright issues worldwide. In Sub-Saharan Africa, tackling copyright infringements linked to AI technologies poses distinct challenges due to varying levels of legislative development, enforcement capabilities, and digital infrastructure. Despite these challenges, there are ongoing efforts to enhance intellectual property (IP) laws and establish adaptable frameworks for the rapidly changing digital environment. Most nations in Sub-Saharan Africa possess existing copyright laws, often aligned with international agreements like the Berne Convention and the WIPO Copyright Treaty. While these frameworks lay a groundwork for creator rights protection, they were developed prior to the rise of AI-related concerns.

For instance, South Africa is amending its Copyright Act to address issues like digital rights management and fair use, while Nigeria is also reviewing its copyright laws to better fit the realities of digital technologies and the internet. However, these frameworks may need further modifications to adequately encompass AI-generated works and to safeguard original creators from potential misuse by AI systems. Countries such as South Africa, Kenya, and Nigeria are taking steps towards legal reforms aimed at making their IP laws more pertinent in the digital landscape. For example, South Africa's Copyright Amendment Bill aims to tackle digital media and AI issues through new licensing provisions and fair use exceptions, though it faces challenges in striking a balance between protection and open access.

Similarly, the Nigerian Copyright Commission is working to bolster legal protections against digital infringements, including those arising from AI technologies. Collective Management Organizations (CMOs) also play a crucial role in enforcing copyright laws by ensuring that royalties are distributed for music use, including AI-assisted applications, thereby enhancing efforts to manage licenses for potentially

infringing content. While the region is engaging in discussions at the World Intellectual Property Organization regarding AI-generated content and copyright law, there is a notable absence of AI-specific legislation across Sub-Saharan Africa. However, countries like Rwanda and Ghana are leading the way in digital economy initiatives, indicating that as AI technology proliferates, more nations may adopt legal frameworks specifically targeting AI's effects on copyright. Despite these legislative efforts, enforcement remains challenging due to limited resources and technical capabilities for tracking digital and AI-enabled infringements.

As a result, strengthening enforcement mechanisms and raising public awareness about copyright and AI issues will be vital in ensuring that creators understand their rights and can proactively protect their works. Sub-Saharan Africa has begun to address AI copyright infringement, with reforms and regional cooperation showing progress. Adapting copyright laws for the digital world, improving enforcement and increasing public awareness are important steps in developing the local digital economy. Addressing AI-related copyright challenges is critical to protecting the rights of creators in the music industry as these technologies become part of the creative process.

2.2.6. Taiwan laws

In Taiwan, as in many other regions, legal challenges are related to artificial intelligence in the music industry, such as sound simulation and the use of copyrighted material to train the know-how, it's a hot topic. Taiwan's legal framework addresses these concerns through specific laws and regulations. Audio simulation raises important questions about copyright and human rights, including moral rights and the right to read. These rights are designed to protect the right of performers to use their image, especially the voice. Copyright law in Taiwan protects the moral rights of performers, including the right to decide how their performances are presented to the public. If the performer's voice is repeated without permission, these moral rights may be violated.

In addition, civil laws in Taiwan protect human rights and cover aspects such as language, appearance and character. When AI violates these unauthorized audio rights, performers can seek legal remedies such as damages or penalties. Although Taiwan does not have a separate copyright law, protection under civil law is similar, allowing performers to challenge unauthorized commercial use of their music through civil litigation. Using copyrighted material to train artificial intelligence models is another important issue. AI training often requires large datasets that may include music, lyrics, or copyrighted audio recordings. Under Taiwanese copyright law, original works, including music and sound recordings, are protected against the use of such materials to train artificial intelligence, reproduce or create a creative work. These actions must be approved by the rights holders. Although Taiwan's fair use laws provide limited protection, such as for research or educational purposes, commercial use of copyrighted music in AI training may not be fair use, especially for money. In Taiwan, research is ongoing to clarify these issues in the broader context of intellectual property reform. Although no explicit provisions currently exist regarding AI training on copyrighted content, it is anticipated that lawmakers will prioritize this as they modernize copyright law in light of AI advancements.

To address the challenges posed by the use of copyrighted inputs, Taiwan is exploring licensing models that would enable AI developers to legally access and utilize copyrighted music and media for training purposes. The music industry, in collaboration with government entities, is investigating new licensing frameworks. Collective management organizations (CMOs) have been established in Taiwan to oversee the licensing of music for public performance, broadcasting, and reproduction. These organizations could potentially offer licenses to AI developers, allowing them to use copyrighted music for training while

ensuring that rights holders receive appropriate compensation. Additionally, claims of copyright infringement may arise when AI music is similar to copyrighted works. Although Taiwan's courts have yet to handle major cases involving the infringement of AI-generated music, the current copyright framework allows legal action if a significant portion of copyrighted music is infringed.

2.2.7. Indian's stand on AI regulation

The World Intellectual Property Organization (WIPO) has established two significant treaties to enhance the protection of copyright and related rights in the digital environment: the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). Both treaties were adopted in December 1996 and represent key milestones in adapting intellectual property laws to the realities of the digital age, especially in light of the rapid advancements in technology and the internet. The WCT aims to provide comprehensive protection for authors' rights in the digital space, reinforcing the fundamental principles of copyright while addressing challenges posed by new technologies. It emphasizes the need for member states to ensure that authors maintain control over their works, even as they are disseminated and exploited online. The treaty also outlines the importance of providing effective legal remedies against copyright infringement, including unauthorized reproduction and distribution of protected works in digital formats. On the other hand, the WPPT focuses specifically on the rights of performers and producers of sound recordings, recognizing their vital role in the music industry and the creative sector.

This treaty grants performers moral and economic rights over their performances, including the right to authorize the use of their performances and to receive remuneration for such use. Additionally, it addresses the rights of producers of phonograms, ensuring that they are compensated for the use of their recordings and protected against unauthorized reproductions and distributions. Together, the WCT and WPPT represent a concerted effort by the international community to adapt copyright law to contemporary technological developments, ensuring that creators and performers are adequately protected in an increasingly digital world. These treaties serve as frameworks for national legislation, encouraging countries to modernize their copyright systems and enhance the protection of intellectual property rights in a manner that fosters creativity, innovation, and economic growth.

Section 1201 of the Digital Millennium Copyright Act (DMCA) prohibits the restriction of technical means that control access to copyrighted works. Circumvention or circumvention of Digital Rights Management (DRM) systems is illegal, and this prohibition includes the creation and distribution of devices designed to circumvent them. Although Section 1201 provides strong protections for copyright holders, exceptions allow certain fair uses, such as educational and research purposes. Violation of this section may result in civil penalties, including statutory penalties and injunctive relief, and criminal penalties for serious violations.

Article 11 of The WIPO Copyright Treaty (WCT) - Protection of Technological Measures:

This article says that countries must provide legal protection against people trying to bypass or "hack" tools that authors (like writers, musicians, or filmmakers) use to protect their work. These tools might prevent unauthorized access or copying, and if someone tries to get around them without permission, the law should protect against it. These protections help authors control how their works are used and keep others from using them without permission.

Article 12 of The WIPO Copyright Treaty (WCT) - Protection of Rights Management Information:

This article is about protecting the information that tells people who owns a creative work, who made it, and how it can be used. Countries must make sure there are laws that stop people from doing certain things knowingly, like:1. Removal or modification of this proprietary information without permission.2.

Distribute or distribute the work when they know that the information has been removed or modified without permission. “Rights management information" is data that shows who made the work, who owns it and the rules for using it. It can be attached to a digital file, such as a watermark or metadata tag. This information must be protected by law so that no one misuses the work or hides the true owner.

Article 18 of the WIPO Treaty on Functions and Protocols (WPPT) - Protection of Technological Measures for Performers and Producers

This article says that countries must have laws that protect performers (like singers, musicians, or actors) and producers of recorded music (phonograms) from people trying to bypass or "hack" the tools that are used to protect their recordings. These tools might prevent unauthorized copying or sharing. If someone tries to break or get around these protections without permission from the performer or producer, the law should step in to stop it.

Article 19 of the WIPO Treaty on Functions and Protocols (WPPT) - Protection of Rights Management Information for Performances and Phonograms

This article focuses on protecting the information that identifies who performed or produced a sound recording, and how it can be used. Countries must ensure there are laws in place to stop people from doing things like:

1. Removing or changing this information (which identifies the performer, producer, or owner) without permission.
2. Sharing, selling, or broadcasting the performance or recording if they know the information has been removed or changed without permission.

"Rights management information" refers to details like who performed the music, who produced the recording, and the rules for how the recording can be used. It might be attached to the recording in the form of a tag, code, or watermark. The law should protect this information so that performers and producers can control how their works are used and prevent unauthorized use.

The WIPO Copyright Treaty (WCT) and the WIPO Treaty on Functions and Protocols (WPPT) provide international protection for technical works. To align Indian copyright law with these treaties, a new section 65A was introduced in the new amendment, which seeks to protect the technical means used by copyright holders to protect their rights. According to this new document, people who violate these rules face imprisonment and fines. However, this method is not very accurate, because some exceptions as mentioned, in particular the prohibition does not apply to activities that are not strictly prohibited by law. This addition to the Human Rights Act reflects Articles 11 and 18 of the WCT and WPPT, aims to reduce the risk of violations in digital media. In response to technological protection measures (TPMs), various circumvention techniques have emerged, which are criminally punishable. The implementation of TPMs has regulated how works can be used legally; circumventing technology has often been the only means to make fair use without the owner's consent. Concerns arose that prohibiting circumvention could harm public interest, leading to allowances for specific uses under Sub-section (2) of Section 65A. The Standing Committee Report on the Copyright Amendment Bill of 2010 noted that some terms in this newly added Section were intentionally left undefined to consider the challenges faced by developing nations in defining them. The legislative strategy behind Section 65A is to lessen the impact of rigid guidelines, enabling the judiciary to shape the law based on practical circumstances while balancing public access to works.

Digital Rights Management (DRM) refers to the methods used to control access to and control of protected intellectual property after it has been purchased by copyright holders. The inclusion of DRM protection

in Indian copyright law is due to the need to align with the WCT and WPPT. The 2012 amendment introduced section 65B to protect copyright management information (RMI), which includes information such as artists' names, copyright information and ISBN numbers used to identify and authenticate copies. of activities or performances. Subsection (1) makes it an offense to take or modify RMI in any way, but subsection (2) makes it illegal for people to illegally distribute, broadcast, or publicly posting copyrighted works knowing that the RMI has been removed or modified. These people are just as responsible as those who canceled or changed them. In contrast to the exceptions from the technical protection provisions in Section 65A, there are no exceptions to this requirement.

The introduction of section 65B is consistent with Articles 12 and 19 of the WCT and WPPT, which deal with motor vehicle information. With the advancement of digital technology, copyright management has become more effective through online contracts. Recognizing the unauthorized adoption of RMI, the council made it its goal to prevent such practices and the distribution of work without RMI. Establishing safeguards for technical and information rights management practices, in line with the WCT and WPPT, aims to reduce copyright infringement in the digital landscape. This development is expected to help the film and music industry fight piracy through the provisions of Sections 65A and 65B.

The Digital Millennium Copyright Act (DMCA), passed in 1998, is an important piece of legislation in the United States that addresses copyright issues related to the Internet and digital media. Its primary goal is to reform copyright law for the digital age and provide a framework to protect the rights of copyright holders when dealing with aspects of online content sharing and distribution. A key component of the DMCA is the prohibition against copyright protection systems. It is generally illegal to circumvent technologies that protect copyrighted material, such as Digital Rights Management (DRM) systems.

Sections 65A and 65B of the Indian Copyright Act, 1957 specifically deal with copyright management information (RMI) and protection against copyright infringement. These sections provide a framework for protecting the rights of copyright holders against infringement and unauthorized use of their works. However, these categories do not fully address the issues arising from artificial intelligence, such as the creation of information or the use of copyrighted material to train intelligent systems. The real problem is that artificial intelligence works differently from traditional innovation. Without direct human intervention, AI can produce works that closely resemble copyrighted material. The lack of clear definitions in Indian law regarding authorship and ownership of AI-generated content leaves a gap in regulation.

Many legal scholars argue that while AI tools can utilize existing copyrighted materials (which raises issues of copyright infringement), the laws in India have not evolved to specifically address the implications of AI-generated content. This includes the lack of clarity on issues like the ownership of AI-generated works and how to handle copyright infringement when it involves AI. The ongoing discourse surrounding AI's impact on copyright law highlights the need for reform. Many researchers and legal experts advocate for the introduction of specific regulations that address AI-related copyright issues, including defining how AI interacts with existing copyright protections and ensuring that personal rights are upheld when using AI technologies.

Further Sec 65A specifically mentions that if any person circumvents any technological measures with an intention, he/ she is punishable for copyright infringement but AI is an open platform and it comes into the picture after getting legal approval and without any intention it uses various copyrighted materials, particularly in producing soundtracks and tunes whereas under section 65A the legislature envisions only the circumventions of technological measure by persons behind the screen.

Sec 51 of the copyright act deals with infringement of copyright when any person without license or in contravention of the conditions of license violates the exclusive rights of the copyright holder or permits for profit any place to be used for the communication of the work to the public which constitutes copyright infringement. The provision lacks clarity about whether AI can be held liable for an infringement and whether the term person includes AI or not. Whether the term place includes the AI platform is not clear under this provision.

2.2.8. Consideration of AI

In a broad sense, AI can be distinguished as autonomous and non-autonomous AI. Traditional artificial intelligence system requires explicit instructions and constant supervision, whereas autonomous AI system can comprehend the environment and make decisions and improve their strategies based on outcomes. There are many parties involved in an AI system like data provider, designer, manufacturer, programmer, developer, user and a system itself and liability is to be fixed on the right party by analyzing each case. for an example user is liable for damage arising in usage and the manufacturer is liable for damage due to lack of instruction for damages caused while the AI system is in still learning the developer or data provider is liable

The classification of generative AI (Gen AI) used in music production as either autonomous or non-autonomous largely depends on the level of human involvement in the creative process and the nature of the AI's operation. Here's a breakdown of the two categories: Autonomous AI typically operates independently, making decisions without direct human intervention. In the context of music production, an AI system would be considered autonomous if it can generate music compositions, melodies, or beats entirely on its own, based on algorithms and data it has processed. For instance, if an AI is trained on vast datasets of music and can create original tracks without needing human prompts, it may be deemed autonomous. On-autonomous AI, on the other hand, relies heavily on human guidance or input to function. In this case, an AI creation is classified as non-automated if it requires any instructions, requests or settings from a human user to produce music. For example, if a music producer uses AI to generate ideas or assist with composition, but retains control over the final creative decisions, AI has no exclusive rights in this regard.

Determining liability for copyright infringement related to proprietary and non-proprietary AI raises complex legal issues. Liability can be established in two cases:

Autonomous AI

1. An artificial legal entity: If an AI system is classified as autonomous - that is, it can act independently, make decisions and generate innovation without human intervention Slow process - conflicting errors. to be considered a fictitious legal entity. This concept suggests that private intellectual property can be understood as a legal entity that can have rights and obligations, similar to a company. In this situation, if a specific AI violates copyright, it can be sued for such violations. However, it raises important legal and ethical questions, including the effects of legal personhood on non-human entities and the potential legal implications.
2. Owner's responsibility: Another important consideration is that the owner or developer of AI is responsible for copyright infringements resulting from its use. It is based on the principle of vicarious liability, where the actions of the agent (AI) lead to liability for the principal (principal). In this case, if a special AI produces music that violates copyright, the owner can be sued because he created the AI and uses the output. This approach is consistent with existing legal frameworks that determine liability based on the jurisdiction and consequences of the infringer's actions.

Non-autonomous AI

1. Responsibility of the owner: In the case of non-autonomous AI, the responsibility lies with the operator or owner. Since non-autonomous AI relies heavily on human input and guidance, any deviations in performance can be attributed to the decisions of human users. For example, if a music producer uses a non-independent AI to produce music and infringes copyright, the producer may be liable for infringement because he is controlling the AI's actions.
2. Disclaimer of use: In addition, the user of the non-automated AI is responsible for ensuring that any input into the AI (such as copyrighted music samples) does not violate copyright laws. Failure to do so may result in user restrictions and reinforce the notion that the individual's involvement in the creative process is responsible for compliance with copyright laws. The issue of liability for copyright infringement related to artificial intelligence, whether proprietary or not, is still an area of legal development. While thinking of autonomous AI as an artificial legal entity provides an interesting theoretical framework, current practical considerations and legal principles favor human owners or operators. Finally, there is a need for clarity in the legal framework to address these issues and ensure that creators, developers and users of AI systems understand their rights and obligations in relation to copyright infringement in the context of AI-I activities as the technology continues to evolve. discussions will continue to evolve and potential changes to copyright law will be necessary to meet these new challenges.

In 2018, India introduced its integrated approach to artificial intelligence (AI), in its first AI strategy. The strategy highlighted key areas for national focus on AI innovation and application, including health care, education, agriculture, smart cities and transportation. Since then, some of the recommendations outlined in the strategy have been implemented, including the development of high-quality datasets to support research and innovation, and the establishment of a legal framework for data protection and internet security.

On 26 May 2022, the Ministry of Electronics and Information Technology (MeitY) published the draft National Data Governance Policy (NDGFP). The main objective of this policy is to update and improve the procedures for collecting and managing public data. The main objective of NDGFP, as stated in the draft, is to promote an ecosystem for artificial intelligence and data-driven research and start-ups in India, which will be achieved by creating a large database of data sets. India is working to establish best practices for transparency and inclusion, as the key elements of the framework are the establishment of the Indian Data Protection Authority under MeitY and Digital India Corporation, the development of the Data Collection of India, the launch of the application is to access the datasets, and promote the participation of the private sector through the donation of non-personal data and anonymity in the database.

Recently, on March 15, 2024, the **Ministry of Electronics and Information Technology** (hereinafter MeitY), Government of India in supersession of advisory No.eNo.2(4)/2023-CyberLaws-3 which was issued on March 01, 2024, announced advisory for the regulation of Artificial Intelligence (AI) models, software, or algorithms used by intermediaries or platforms vide issuance of Advisory titled “Due diligence by Intermediaries / Platforms under the Information Technology Act, 2000 (IT Act) and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules,2021 (“IT Rules”)”

- Features of Advisory dated March 15, 2024 Vide the New Advisory, all Intermediaries and Platforms are advised to ensure compliance with the following:

- To ensure that use of AI model/LLM/Generative AI, software or algorithm on or through its computer resource does not permit its users to host, display, upload, modify, publish, transmit, store, update or share any unlawful content.
- To ensure that their computer resources in itself or through the use of AI model/LLM/Generative AI, software or algorithm do not permit any bias or discrimination or threaten the integrity of the electoral process.
- The use of under-testing / unreliable Artificial Intelligence model /LLM/Generative AI, software or algorithm and its availability to the users on Indian Internet should be made only after appropriately labeling the possible inherent fallibility or unreliability of the output generated.
- The 'consent popup' or equivalent mechanisms may be used to explicitly inform the users about the possible inherent fallibility or unreliability of the output generated.
- All users must be clearly informed including through the terms of services and user agreements of the intermediary or platforms about the consequence of dealing with the unlawful information, including disabling of access to or removal of non compliant information, suspension or termination of access or usage rights of the user to their user account, as the case may be, and punishment under applicable law.

Although the new directives require compliance with various obligations in addition to specifying the consequences of non-compliance with the IT Act and/or IT regulations, how much the new directives about digital "tablets" that use AI models. And the legal basis, and the authority of the new counsel, remains unclear.

In addition, no adequate advice was found to prevent legal problems created by AI, especially those related to the music industry. We will see how EU AI requires technology companies to publish their documents in a specific format without any indication of copyright works etc.

In the 2020 case of **Ranks v. Blippi LLC**, Ranks, a musician, sued Blippi, a children's video producer, for using one of his songs without proper permission. The judge ruled in favor of Lists and ordered Blippi to pay damages for copyright infringement. This case highlights the importance of obtaining proper licenses for music users, even if the music is used in educational settings.

In a **2021 lawsuit** involving the National Music Publishers Association (NMPA) and TikTok, TikTok was accused of copyright infringement by allowing users to upload music without proper permission. TikTok agreed to pay $92 million to settle the case after the NMPA alleged that the company was using the music without proper permission. This example illustrates the need for legal licensing of music used on digital media, and the consequences of doing so.

Legal protection of an artist's voice is a nuanced area. Generally, an artist's voice is not protectable under intellectual property laws, except in specific instances. For instance, a unique voice element that has been trademarked as a sound mark, or a recorded voice as a performance, which is subject to copyright protection, can be legally safeguarded. Hence, the voice of an artist primarily falls within the realm of personality and publicity rights. This distinction is crucial in understanding the legal ramifications of AI voice cloning.

In India, the legal framework governing AI and personality rights is still in its infancy. Celebrities like Amitabh Bachchan and Anil Kapoor have begun to navigate these waters, primarily in response to deepfake technologies. The Delhi High Court recently granted ex-parte, omnibus injunction that effectively restrained 16 entities, and the world at large, from utilizing Mr. Anil Kapoor's name, likeness, image, and employing technological tools such as AI, face morphing, and GIFs for financial gain or

commercial purposes. The Delhi High Court delineated instances like parody and satire where free speech in the context of well-known persons may be protected.

Artificial intelligence needs basic data to train the language. If AI developers use existing recordings without proper permission from the music companies, copyright infringement issues may arise.

2.2.9. Legal issues raised in India- Personal rights violation

Arijit Singh vs Codible Ventures LLP[1]

Arijit Singh is a renowned playback singer in the Indian film industry with a discography of more than 661 songs and 107 awards. He claimed that the legally protectable facets of his personality include: his name; his voice, vocal style and technique; his mannerisms and manner of singing; images, photographs, caricatures and likeness; and his signature. Singh claimed that misappropriation of any of these attributes for commercial purposes violate his personality and publicity rights. In the infringement case brought against Codable Ventures, Singh alleged that: AI tools were being used to synthesise artificial recordings of his voice; the defendants advertised Singh's likeness to misrepresent and confuse prospective attendees about his endorsement of or performance at their virtual event; merchandise bearing his name, image, caricature and likeness was created and sold on various websites, including Amazon and Flipkart; platforms were developed to create, store, search for and share GIFs of Singh and his performances; and website domains bearing his name – including 'arijitsingh.com' and 'arijitsingh.in' – were registered without authorisation.

This ruling seems to be the first of its kind in India to directly address the legal complexities surrounding AI-driven voice cloning, setting a precedent for how the law might adapt to rapid technological advancements. The BomHC's order underscores the growing need to reconcile intellectual property rights with the evolving capabilities of AI. This order is noteworthy as it sets in motion a series of questions about how this technological advancement will be regulated to safeguard artists' rights in an age where technology can easily replicate and exploit their work and how the system of IPR can work in tandem with technological growth in the order, Justice Riyaz Chagla noted that the case 'shocked the conscience' of the BomHC, highlighting the vulnerability of celebrities, particularly performers, to being exploited by unauthorised AI content creators. Acknowledging the substantial goodwill and reputation that Arijit Singh has cultivated, the BomHC noted with concern that the defendants were leveraging the plaintiff's popularity to attract visitors and drive traffic to their websites and AI platforms. The court stated that this exploitation not only risks infringing upon Arijit Singh's personality rights but also "could potentially jeopardize the Plaintiff's career/livelihood". The panel concluded that while freedom of speech and expression is open to criticism and interpretation, the commercialization of celebrities for profit is unacceptable.

Examining the arguments of the petitioners and citing precedents *like* ***Amitabh Bachchan v. Rajat Nagy***[2]***, Anil Kapoor v. Simply Life India***[3]***, D.M. Entertainment v. Baby Gift House***[4]***, Applause Entertainment v. Meta Platforms***[5]***, and Karan Johar v. Indian Pride Advisory***[6]**, BomHC observed how courts recognize and enforce human rights. The legal principle established in these cases is that proving the name of the plaintiff is only the first step to preserve human rights and the right to publicity.

[1] *COM IPR Suit (L) No. 23443 of 2024*
[2] *CS (COMM) 819/2022*
[3] *CS (COMM) 652/2023*
[4] *CS (OS) 839/2002*
[5] *COM IPR Suit No. 10238 of 2023*
[6] *COM IPR Suit No. 17863 of 2024*

In the case, the BomHC first noted that the defendants alleged unauthorized use of the plaintiff's personal characteristics, including name, appearance and appearance. This usage can identify the thief. It further noted that this exploitation was being conducted without the Plaintiff's consent and was pursued for both commercial and personal benefit. BomHC highlighted that these activities are not only unauthorised but also infringe upon the Plaintiff's established personality rights. The liability was imposed on several parties based on their activities involved in the violation of personal right and the defendants involved are AI Platforms and their Operators AI Music Creation Website, AI Platforms, Music Production Company, and AI Voice Cloning Platform.

BomHC issued an ex-parte ad-interim order that places significant restrictions on several third parties regarding the use of Arijit Singh's personal attributes. Specifically, it prohibited these parties from using his name, voice, vocal style and techniques, mannerisms, photographs, images, signature, persona, or any other aspect of his personality for any purpose—commercial or personal—without his explicit consent.

Position of Protection against AI Voice Cloning Internationally Free access to AI voice cloning technologies has definitely caused a ruckus across jurisdictions, with its improper use ranging from politics to entertainment to crime. These technologies, capable of accurately replicating voices with 95% accuracy in multiple languages and accents, have been misused more often than put to good use. India is seeing a notable rise in AI-driven scams due to freely accessible voice-generation tools. Over a dozen websites now offer these services, which has spurred concerns globally about the misuse of such technology.

December 2023 saw artists from South Africa to Europe, and Japan to the United States unite to safeguard their professional and personal identities against the misuse of AI-generated voices. Some major incidents highlighting the misuse of AI voice cloning include Jay-Z taking legal action against deepfakes that featured him rapping Hamlet and Billy Joel, Voice actors suing Lovo (an AI startup) for incorporating their voices into a chatbot named Poe, a viral track featuring AI-generated versions of Drake and The Weeknd which was subsequently removed from streaming services, a voice actor Armando Plata found his voice copied for advertisements without his consent, Scarlett Johansson considering a right of publicity claim against OpenAI over its voice assistant, Sky, which was alleged to sound similar to her, and most recently, an incident from Maryland where a high school principal was framed as racist through an AI-faked voice recording.

In the US, a voice isn't explicitly protected under copyright law, but there are potential protections under the right of publicity, which is enforced through state laws related to the appropriation of likeness, name, and voice. Legal precedents like Midler v. Ford (where Bette Midler won a case against Ford, which used a voice double and altered her song for a commercial after she rejected their offer to voice it) demonstrate that unauthorised use of a person's voice can be actionable. Most recently, the state of Tennessee enacted the Ensuring Likeness Voice and Image Security (ELVIS) Act to replace the Personal Rights Protection Act, aimed specifically at protecting music industry professionals from unauthorised AI voice cloning. The No Fakes Act, recently passed as a bill in the US Congress, aims to protect actors and musicians from unauthorized copies of AI.

In the UK there is no monopoly on advertising, which means that voice actors have limited control over the use of their voice in marketing. They can rely on the "rule of opposition" to protect their interests, which requires them to show good faith and honesty about their votes. In addition, in the EU and the US, privacy laws come into play alongside the protection of intellectual property.

To look at the culture of neighbouring countries, consider China. The Beijing Internet Court issued the country's first ruling on AI-generated audio rights in June 2024, finding that a software company had

violated a person's "personal rights" - the " use" and "develop" their form or form under Chinese jurisdiction. law - using social media tools to publish their voice without permission and share it on multiple platforms.

The BomHC has ordered various entities to remove content infringing on singer Arijit Singh's personality rights, though the broader issue of his personality and moral rights remains unresolved. This order highlights the necessity of protecting personality rights in the digital age, especially as AI tools can easily replicate a celebrity's attributes. The ruling emphasizes that unauthorized exploitation of a celebrity's persona not only violates legal rights but also threatens their career and personal brand. It establishes a precedent that AI should not be used to profit from celebrity personas, which could influence future legal standards concerning personality rights and technology. However, this ruling marks just the beginning of a developing body of jurisprudence as technology continues to evolve, necessitating greater judicial caution from Indian courts. The order raises several critical questions about handling similar cases moving forward. For instance, while the court found clear infringement through explicit use of Singh's likeness, it remains unclear how the court will address cases lacking direct references. Additionally, the court noted the importance of freedom of speech and expression but did not clarify how fair use of personality rights for parodies or creative works will be determined. Questions about AI's culpability as an unintentional creator of infringing content also arise, along with concerns about protecting the voices of non-famous individuals. Ultimately, the effectiveness of monetary penalties and the lawsuit's focus on publicity rights over passing off could complicate the plaintiff's position, highlighting the need for nuanced legal interpretations as technology progresses and challenges existing intellectual property rights.

In the famous Landmark case of ***Infopaq International A/S. V. Danske Dagbaldes Forening*** [7]the European Court of Justice stated that copyright is based on the originality of the work, and that originality must show intellectual creation of the author". This landmark decision demonstrated that copyright protection is available only to original works that demonstrate the intellectual creativity of the author. According to Mr. Justice UU Lalit, "Artificial intelligence is there to help people, it cannot replace people and the current legal challenges of "Deepfake" need the right law and control to prevent these challenge type.

2.2.10. Loss of livelihood

A recent study conducted by the French and German music societies Sacem and GEMA has revealed the growing concerns about the impact of artificial intelligence (AI) on the music industry that could affect musicians' livelihoods. With over 15,000 respondents participating in the survey, the study revealed that more than two-thirds of musician's fear that AI may render it impossible for them to sustain a living in the future. The survey highlighted that 71% of musicians expressed concerns about their financial viability, expressing apprehensions about the potential consequences of AI adoption in the music sector. Some 35% of those surveyed acknowledged already incorporating AI in various aspects of music creation. In addition to the survey, the study included market analysis and expert interviews, projecting a significant downturn in musicians' incomes by 27% by 2028.This equates to a loss of 2.7 billion euros ($2.9 billion).

These findings are a financial threat to artists and producers in this industry. Among the survey participants, 95 percent expressed a demand for increased transparency from companies developing AI tools. Also, that decline called for more attention from politicians to meet the challenges of the intersection of intellectual property and copyright in the music sector. "The statistics in this study show that there is a

[7] *62008CJ005- European Court*

lot of damage for manufacturers. Using your right to publish, we hope to establish a clear and fair relationship between AI developers and companies." From the end of 2022, indicated the study predicts that the market for artificial intelligence in music will grow from 3 billion dollars in 2028, which indicates the rapid growth of the industry.

AI Pay is an important factor in ensuring fair payments for creators whose work is created by AI databases, for the benefit of profitable companies in the digital space where streaming services face competition from AI music content. Despite the recognition of the potential benefits of AI, including its use as a creative tool, the survey found that there is no consensus among producers in the music world. About 64 percent of those surveyed believe that the risks associated with the use of artificial intelligence outweigh the opportunities and emphasize the need for strong laws to protect copyright.

Over 200 musical artists, including Pearl Jam, Nicki Minaj, Billie Eilish, and the estate of Frank Sinatra, have signed an open letter from the Artist Rights Alliance (ARA) condemning the irresponsible use of AI in the music industry. The letter urges AI developers, tech companies, and music platforms to stop exploiting AI in ways that "infringe upon and devalue the rights of human artists," calling it an "existential threat" to their art and livelihood. The ARA emphasizes that AI systems are being trained on copyrighted music without permission, potentially replacing human creators with AI-generated content. This protest comes amid growing concern across other creative industries, such as visual arts, writing, and filmmaking, following the rise of generative AI technologies. The artists' letter highlights that AI, when used irresponsibly, threatens their privacy, identity, and ability to earn a living from their craft.

They claim that powerful companies are using artificial intelligence to violate artists' rights and destroy the creative ecosystem. In a broader context, this reflects earlier fears in the music industry about new technologies, such as synthesizers in the 1960s and digital sampling in the 1980s. First reaction, the industry changed to these innovations. However, the ARA warns that unchecked AI development could harm many artists by depleting leading sources and reducing their work. They call it a "race to the bottom", and call for the protection of human art and the inclusion of artificial intelligence tools in the creative process so that the lives of musicians, composers and performer. The letter concludes by asking companies to agree not to use AI in ways that violate or replace human creators, and to demand fair compensation and respect for the rights of artist ARA recognizes the potential of AI to boost innovation and warns of the negative consequences of ignoring AI development.

2.2.11. Loss of authenticity

The use of AI in music creation is revolutionising the industry, bringing both thrilling advances and complicated ethical concerns. AI-generated music, which uses computers to analyse existing music and compose new pieces, broadens creative possibilities. However, its application raises questions about authenticity, as AI lacks human emotions and personal experience, both of which are necessary for artistic expression. The issue is to strike a balance between AI assistance and true human creativity, so that AI enhances rather than detracts from artistic distinctiveness.

Key ethical considerations include transparency, algorithm bias, copyright, and intellectual property rights. Questions are raised concerning whether AI should be viewed as a co-creator and how ownership of AI-generated music should be handled.

There are also concerns regarding job displacement in the music industry as AI automates certain stages of the creative process. The balance between efficiency and the irreplaceable human touch in music remains critical.

Furthermore, the ethical landscape includes considerations for artistic aim and user perception. Transpare-

ncy with listeners regarding AI's role in music production encourages informed appreciation and confidence. To promote ethical AI practices, legislative frameworks and industry-wide rules are required. Workshops, open debates, and AI literacy programs for artists and producers can all contribute to the responsible use of artificial intelligence.

Looking ahead, advances in AI may increase its impact on music, needing continual ethical vigilance. By embracing responsible methods, the music business can shape a future in which AI enhances rather than undermines human creativity.

CHAPTER- III

3.1. CONCLUSION

The rapid integration of AI in the music industry poses significant legal challenges, particularly in areas such as copyright infringement, voice cloning, and deepfakes, which threaten the core of artistic integrity and originality. These issues also raise concerns about the erosion of musicians' livelihoods, as AI-generated works disrupt traditional royalty systems and undermine the authenticity of creative expression. The inadequacies of the current Indian legal framework, particularly under Sections 65A and 65B of the Copyright Act, highlight a lack of preparedness to address the complexities introduced by AI technologies. The absence of AI-specific regulations creates a regulatory vacuum, leaving creators vulnerable and AI developers largely unaccountable. In contrast, other jurisdictions have started addressing these issues, with the European Union’s AI Act and the U.S.'s proposed ELVIS Act offering frameworks to tackle the challenges AI brings to creative industries. Countries such as Pakistan, Taiwan, and Korea are also recognizing the need for AI regulation to protect creative rights.

A significant study revealed that 71% of industry professionals acknowledged AI as a substantial threat to the music industry, reflecting widespread concerns about AI's potential to undermine originality, authenticity, and fair compensation for creators. This highlights the urgent need for legal reforms and regulatory safeguards to address these concerns.

The open letter by the Artists Rights Alliance (ARA) to Congress underscores the immediacy of this issue. Signed by prominent artists, the letter advocates for stronger regulations around AI to protect creators' rights, ensuring that AI tools do not exploit human creativity or dilute the authenticity of artistic expression. The letter also emphasizes the need to fight against music created by artificial intelligence and false lyrics that violate copyright and human rights.

India's legal system, while prepared to handle traditional copyright disputes, needs to evolve to handle the growing impact of AI. Without legal action, the Indian music industry may face legal AI technologies, raising concerns about copyright infringement, loss of originality and financial security for musicians. Using international best practices, including those supported by the ARA and validated by industry research, India should have access to a strong regulatory framework that balances innovation with demand. innovation and economy.

3.2. SCOPE AND LIMITATIONS OF THE STUDY

This study focuses on the legal issues arising from the use of artificial intelligence (AI) in the music industry, specifically examining how AI technologies—such as voice cloning, deepfakes, and AI-generated music—interact with copyright law and personality rights. The research primarily evaluates the implications of AI on copyright infringement, violation of personality rights, loss of authenticity in music, and the impact on musicians' livelihoods, such as royalty losses. The study is grounded in the Indian legal system and provides a detailed analysis of relevant laws under the Indian Copyright Act, particularly

Sections 51, 65A, and 65B, assessing how these sections fall short in addressing AI-related challenges. The research also compares international legal frameworks, drawing on the EU AI Act, the ELVIS Act from the United States, and regulatory stances in developing countries such as Pakistan, Taiwan, Korea, and Sub-Saharan Africa. Through this comparative analysis, the study seeks to identify potential legal reforms that India could adopt to regulate AI's impact on the music industry effectively. In addition, this research addresses the concerns raised by industry professionals, including a study where 71% of participants acknowledged AI as a threat to the music industry. The study also considers the Artists Rights Alliance (ARA) open letter in the U.S., which calls for stronger regulation of AI to protect musicians' rights, highlighting the broader international concern regarding AI's influence on the creative sector.

- While the study offers a broad analysis of AI's legal implications in the music industry, several limitations exist:
- The research focuses primarily on the Indian legal system, with a comparative analysis of the EU AI Act and ELVIS Act. However, the study does not provide an exhaustive evaluation of AI regulations across all global jurisdictions, limiting its scope to select regions. The legal frameworks in other significant music markets, such as China or Latin America, are not fully explored, which could offer additional insights into AI regulation globally.
- AI technology is accelerating, and this study looks at the current state of AI in the music industry through 2024. As artificial intelligence technologies become more and more their application, may arise new challenges and legal models that have not been considered in this study. . The rapid pace of AI development means that some of the legal proposals in this article will need refinement in the near future.
- This research relies on legal analyses, case studies and a review of existing guidelines. While the research includes industry insights, including surveys and ARA's open letter, it does not conduct substantive research such as direct interviews with AI developers, musicians, or policy makers. A more intuitive approach can provide a deeper understanding of the practical challenges of implementing AI rules.
- This study will limit its scope to copyright infringement, human rights, and originality and compensation issues in the music industry. Although these areas are very important, this study does not delve deeply into other legal concerns related to AI in the music sector, such as contract law, licensing or data protection. Exploring these areas can provide a broader overview of the legal landscape surrounding artificial intelligence in music.
- While this study focuses on the potential financial impact of AI on the lives of musicians, such as lost wages, it does not address the deeper economic models or wider social impacts of using AI in business. A more detailed study could examine the economic viability of the music industry in the context of artificial intelligence and its long-term impact on cultural formation.

CHAPTER- IV
RECOMMENDATIONS AND SUGGESTION

In the context of the Indian Copyright Act, it is very important to include sections related to AI under sections 51, 65A and 65B to meet the challenges posed by AI in the music industry. Section 51, which deals with copyright infringement, should be amended to include infringements by artificial intelligence. The onus should also be placed on AI developers and users to ensure prevention mechanism for any

damage might be caused by their systems. A disclaimer should be included for AI systems, stating that AI tools cannot use copyrighted material illegally.

Strengthening sections 65A and 65B is also important. AI systems must be subject to technical protection measures (TPM) to prevent copyright infringement. This includes building safeguards into smart devices that prevent unauthorized access to copyrighted material. Section 65B, which deals with access to electronic documents, should be extended to include content created by intelligence. AI systems must provide a comprehensive view of the data and copyrighted assets they use in content creation. This adherence is important so that courts can properly assess claims of copyright infringement.

The application of the provisions of the EU AI Act will strengthen India's approach to managing AI in the music industry. India could adopt the EU's risk framework, in which AI systems are classified based on the risk they pose to intellectual property rights. High-risk AI applications, such as depth perception or voice simulation technologies, require more scrutiny. Transparency requirements should also be established, so that users can understand when interacting with AI-generated content. This prevents scams like artificial intelligence impersonating an artist or sound without verification. In addition, EU AI rules on data use and copyright provide a valuable example. AI developers in India should issue laws and license copyrighted music to train their AI systems and prevent unauthorized use.

The ELVIS Act, which deals with sound reproduction and human rights, provides important measures that India can adopt. A consent-based framework should be created to prevent unauthorized use of art or image by intelligent systems. Musicians must provide explicit consent before their voice or persona can be used by AI tools, protecting them from exploitation. This framework should extend to posthumous rights, ensuring that deceased artists' voices cannot be commercially exploited by AI without permission from their estate. Additionally, a royalty-sharing mechanism should be introduced to ensure musicians are fairly compensated when AI-generated content leverages their voice or style for profit.

To effectively regulate AI in the music industry, India could establish a specialized regulatory body under the Ministry of Electronics and Information Technology (MeitY) or Ministry of Commerce and Industry. This body would ensure AI systems comply with copyright laws, monitor the use of copyrighted material in AI-generated content, and handle cases of infringement. Fair use and licensing guidelines for AI-generated content are also important. AI systems often use large data sets, so decisions must be made when to use copyrighted material and when permission is required. Adopting an EU copyright-like framework for AI training data will help prevent unauthorized use of copyrighted content. Finally, there should be severe punishment for non-compliance. Developers of AI systems that violate copyright or fail to implement technical protections can face heavy fines and, if necessary, have their technology banned.

India's copyright law needs to evolve to deal with AI's disruption to the music industry. By incorporating AI into sections 51, 65A and 65B and adopting legal provisions from the EU AI Act and the ELVIS Act, India can create a strong legal framework that harmonizes creativity and protection of creative rights. These rules not only protect the financial interests of musicians, but also protect the originality and integrity of music in the age of understanding.

CHAPTER- V
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