



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO

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CISAC Statement for the 11th Session of WIPO's Conversation on IP and Frontier Technologies: Infrastructure for rightsholders and innovation

The International Confederation of Societies of Authors and Composers (CISAC) welcomes the opportunity to engage with other stakeholders in this WIPO conversation on AI focused on infrastructure for rightsholders and innovation.

As an organisation representing 227 collective management societies internationally, CISAC has extensive expertise on the vital identifiers and network systems used by CMOs, and how important these are for ensuring that rightsholders are correctly paid.

Across many years of changes to the dynamics of the creative marketplace, collective management systems have consistently adapted and evolved alongside such changes and confronted new challenges head-on. In the transition towards digital consumption of creative works, the need for accurate and consistent identifiers and broader network systems grew much more pressing, as works could be consumed at higher rates and across more territories than ever before. In response, CMOs adapted themselves to the globalisation of the licensing framework, and developed new solutions to better address market changes and the increasing volume of transactions (e.g., licensing and technology hubs). These efforts were further supported by the development of accurate and consistent identifiers and network systems by CISAC.

Other solutions such as the IPI System, which identifies individual creators and publishers, and the ISWC System, which was developed by CISAC to identify musical works, were also created in order to track the use of works more accurately, and to link such uses to the creators who should be remunerated. On top of the use of these solutions by the CMO network, additional services were developed to ensure the widespread dissemination of identifiers throughout the value chain. Within CISAC, a complete solution, CIS-Net, has been implemented to make the sharing of work information easier between CMOs, interconnecting the databases of all CISAC members to provide a holistic, comprehensive, and accurate view of the musical works that have been produced and managed worldwide.

Now, with the introduction of AI into the creative practices of many artists, it is our responsibility once again to adapt to ensure that works are properly identified and managed within the creative marketplace. To achieve this goal, three key issues must be taken into consideration:

First, in recalling the promise of the EU AI Act, it is necessary that rightsholders are fully able to benefit from available copyright law and protective regimes. Particularly, rightsholders must be able to reserve their rights pursuant to Art. 4(3) of the Copyright in the Digital Single Market Directive – in effect, to “opt out” of the use of their works for text and data mining purposes. However, the current technical means of exercising the opt-out, as already identified in the presentation at the end of Day 1, are insufficient for ensuring that rightsholders’ wishes are respected.

The “robots.txt” protocol, which should ideally indicate when works should be excluded from data scraping tools, is not granular enough for rightsholders to use on a work-by-work basis, and fails to affirmatively stop or prevent data scraping where data scraping tools can easily circumvent such an indication. Although some clarifications have been attempted at the EU level through the drafting of the Code of Practice, rightsholders have already voiced their concerns on the adequacy of such a measure where obligations placed on general purpose AI providers remain voluntary in nature.

Second, and relatedly, licensing cannot be possible without transparency on the side of AI providers. This should be ensured by the EU AI Office's Code of Practice and Template of Disclosure, but so far the information that they are obligated to disclose would hardly be detailed enough for rightsholders to be properly informed of whether, and to what extent, their works have been used for AI training purposes. Additionally, existing identifiers like IPI numbers and ISWC codes are useful information which shall be included as part of AI services' transparency obligations, but are currently omitted. Without such information available, this would impede licensing efforts where no accurate estimations can be made on the basis of how and when works are being used during the AI training process, and provides even less information on how the use of protected works may be compensated for the generation of outputs by AI services.

Finally, with the rapidly increasing use of generative AI tools to create fraudulent works, it is necessary that generative AI works are clearly identified as such within the creative ecosystem. Such labelling would also facilitate consumer choice in the marketplace, where AI outputs may compete against works created through human authorship. Properly labelling AI outputs may entail the adaptation of existing identifier systems to both account for works which include elements of generative AI, and to continue to reward and credit human creativity where present.

Tackling these three issues of rightsholder protection, AI provider transparency, and AI labelling will not only require a robust legal framework and new technology solutions, but will also require more coordination than ever before between stakeholders. Therefore, we strongly encourage collaboration between international organisations, CMOs, and AI providers to jointly develop solutions and best practices which will take into account existing rights management infrastructures, while providing a space for further refining state-of-the-art technologies.

In concluding, we emphasise that the longstanding expertise of collective management societies will be crucial in further developing rights management systems which protect creators in the AI age.

Once again, we appreciate the opportunity to participate in this important exchange, and stand ready to collaborate on new solutions which can safeguard the rights of creators while encouraging innovation.