



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

SG24-0822

Source language: English / Written on: 04/11/2024

Document prepared by CISAC

CISAC Statement for the 10th Session of WIPO's Conversations on IP and Frontier Technologies " AI Outputs: To protect or not to protect - That is the IP Question"

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

As an organisation representing more than 5 million creators from all geographic areas and all artistic repertoires, CISAC provides its position today as a participant in the current international debate on the subject of the protectability AI Outputs. We maintain three points:

- **Copyright law should always be grounded in rewarding human creative effort.**

Currently, the prevailing view in most jurisdictions throughout the world is that copyright only offers protection to works of human authorship. This view reflects the important role of copyright as a means of giving human creators control over the use of their works with the purpose of rewarding human creative effort. We encourage national governments to carefully monitor the international consensus before making any attempt to extend copyright or copyright-like protections to the outputs of generative AI. Furthermore, adopting diverging approaches on fundamental principles of copyright law could have a significant, disruptive effect on commerce, copyright and cultural diversity if countries adopt different levels of protections for AI outputs.

- **The exercise of identifying human- vs. AI-generated aspects of individual works may prove challenging to support in the long-term.**

Distinguishing the threshold amount and scope of human involvement in the creative process in order to formulaically differentiate among human-created, AI-assisted, and AI-generated works can lead to misrepresentation, as there are potentially greater benefits to be derived from works which are classified as "AI-assisted" vs. "AI-generated".

One can imagine a situation where a human author makes significant use of a generative AI model via prompt-based activity to produce an output, while adding some minimal additional elements expressly to change its classification by fulfilling a threshold and thereby obtaining copyright protection. This self-reporting classification system may set up incentives for abuse by AI users, which may create further downstream issues where such AI-generated works may be misrepresented in the marketplace as works of human authorship.

While no broad consensus has been reached yet, it is possible that the concepts of originality and human creative involvement may need to evolve in order to ensure that copyright laws adequately serve creators and rewards human creativity above all. Further, such distinctions will put users under an obligation to report precisely which part of a work is being used when they play an excerpt. Such reporting obligation will prove both burdensome and costly, to the detriment of both such users and rights holders.

- **In discussing the protectability of AI Outputs, one must not ignore the possible downstream effects on authors' rights.**

The lack of transparency surrounding the training of generative AI models presents a challenge to the evaluation of the legality of using AI models trained on infringing content. Under the current conditions, users are not given the means to properly evaluate the use – possibly unauthorised – of copyrighted materials in the training of the generative AI models. Likewise, there will always be the danger for the user to have a result which is too close to copyrighted works which may lead to copyright infringement in the AI output.

Thank you for your attention.