

THE INDIAN MUSIC INDUSTRY

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Submissions on behalf of the Indian Music Industry on draft Issues Paper on Intellectual Property Policy and Artificial Intelligence (dated 13 December 2019)

Introduction:

The Indian Music Industry (IMI) represents the business, legal and trade interests of the Indian recorded music companies all over India with a membership base of 204 music labels. IMI is affiliated to IFPI, the association representing the recorded music industry worldwide.

We welcome this opportunity to give our comments and inputs on the draft Issues Paper on Intellectual Property Policy and Artificial Intelligence and hope to continue engaging and participating in further developments thereto.

General Comments:

IMI represents the recorded music industry in India and the comments following herein pertain to the section on Copyright and Related Rights in the Issues Paper. At the outset, we find that the questions and issues raised are very relevant in the context of Artificial Intelligence and their applicability to the music industry.

Issue 6: Authorship and Ownership:

Draft Question 12:

Copyright and creation of music revolve around human creativity and in this aspect, the fundamental question that becomes pressing is whether copyrighted works generated by AI should even be granted any form of copyright protection. Would copyright protection to AI-generated works lead to discouragement and eventual death of human expression of creativity?

It is our opinion that this essential question would form the fundamental basis of any further conversation or deliberation on the issues revolving around copyright protection to AI-generated works.



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Draft Question 12(iv)

We propose the inclusion of a fourth sub-question in Draft Question 12 as provided below:

- iv. *“Should AI-generated work be granted the same status of copyright protection with respect to exclusivity and term of copyright protection as compared to the copyright protection granted to original work created by humans?”.*

Issue 7: Infringement and Exceptions:

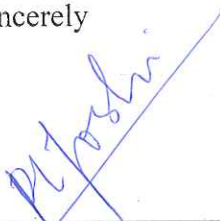
While the questions raised under Issue 7 are very relevant. We are of the opinion that Question 13(vi) should be rephrased in the manner provided below:

“How would unauthorised use of copyright works for machine use of copyright works be detected and enforced, in particular, when a large number of copyright works are created by AI? In the absence of a legal personality being attributed to the AI application, what would be the mechanism to restrain further creation of AI-generated works based on unauthorised use of copyright works.”

Conclusion:

We once again thank you for this opportunity and are hopeful of continuing to engage in this conversation on behalf of the recorded music industry in India.

Sincerely



Priyanka Joshi
General Secretary
The Indian Music Industry (IMI)

