



Music Publishers Association

14 February 2020

WIPO DRAFT ISSUES PAPER ON INTELLECTUAL PROPERTY POLICY AND ARTIFICIAL INTELLIGENCE

The Music Publishers Association (“MPA”) welcomes the opportunity to comment on the WIPO consultation on artificial intelligence. MPA is the trade association for music publishers in the United Kingdom, with over 200 members. Our members include all of the UK’s major music publishers, as well as independent pop publishers, classical publishers, production music publishers and printed music publishers.

The MPA also owns and operates two commercial businesses:

- Mechanical-Copyright Protection Society – MCPS is the UK collection society that licenses mechanical (or reproduction) rights under copyright on behalf of over 26,000 music publisher and composer members.
- Printed Music Licensing Ltd – PMLL represents music publishers to allow UK schools to make copies of printed music

It is important that any approach to artificial intelligence is coordinated on an international level given the universal importance of artificial intelligence. We expect further initiatives at regional (e.g. European Union) and national (e.g. United Kingdom) level; it is paramount that there is no divergence in the approach to artificial intelligence.

On an elemental level, we note that it is too early to introduce specific legislation on artificial intelligence; in particular if we cannot even define what it means at this stage. As other organisations (UK Music and British Copyright Council, of which we are members) point out, the statement in the draft issues paper that “AI applications are capable of producing literary and artistic works autonomously” is too absolute and does not reflect the detailed practical operation of artificial intelligence. It requires further qualifications.

In addition to the use of artificial intelligence in the administration of musical works, composers are employing new digital technologies as part of their creative process which can always be attributed to human endeavour as far as musical works are concerned, including AI assisting the creative process or AI generating music based on previously ingested musical works. We note in this context that the impact of artificial intelligence is very different for musical/ literary works and sound recordings. In order to be comprehensive, we suggest that the WIPO issues paper also extends to related rights rather than only applying the scope of the Berne Convention of 1886.

- **AI-assisted works** still protect the human endeavour of the composer using applications; this is covered by the existing international copyright framework, in particular the WIPO Copyright Treaty of 1996.
- **AI-generated works** are ultimately based on works created by humans, mainly ingested in the machine learning process. Using works in this way requires a copyright licence from the respective right holder (if the musical work used is still in copyright of course). It also needs to be assessed whether the AI generated work is substantially similar to already existing works in order to establish whether there is infringement of copyright. We are looking forward to further discussions on the copyright situation of AI-generated works but stress that normal copyright rules including exceptions apply as to the use of musical works used to train AI applications. The existing copyright framework is adept to deal with the licensing of such uses. New specific rules are not required concerning the use of existing musical works created by human composers.

In general, the existing copyright framework rewarding human endeavour and creating musical works is adequate to cover artificial intelligence-assisted works and the use of musical works for the “generating” of new works. Going forward, we suggest close cooperation with composers who are the essential human creators affected by any policy on artificial intelligence. We are hopeful that WIPO and other policymakers apply clear definitions when describing artificial intelligence and its various applications.

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About the MPA:

The Music Publishers Association (“MPA”) is the trade association for music publishers in the UK, with over 200 members, representing nearly 4,000 catalogues covering every genre of music. Our members include all three of the UK’s “major” music publishers, independent pop publishers, classical publishers, production music publishers and also printed music publishers. We estimate that our members represent around 95% of publishing activity in the UK.

The vast majority of our member companies are small or medium sized enterprises. Many of our member companies are multi-disciplinary music companies, operating not just as music publishers but as record labels, managers, promoters, producers, manufacturers, distributors and retailers.

The MPA is the owner of the Mechanical Copyright Protection Society (MCPS) and of Printed Music Licensing Limited (PMLL), which licenses the copying of sheet music in schools.
www.mpaonline.org.uk