



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

SG23-0800

Source language: English / Written on: 18/09/2023

Document prepared by CISAC

## **CISAC Statement for the Eighth session of the WIPO Conversation meeting on Generative AI and Intellectual Property**

The International Confederation of Societies of Authors and Composers (CISAC) would like to thank WIPO for the opportunity to join the discussion and exchange ideas on the link between Generative AI and IP.

CISAC is the leading worldwide organisation of authors' societies. We represent more than 5 million creators from all geographic areas and all artistic repertoires (including music, audiovisual, drama, literature, and visual arts) through our 225 members.

This statement highlights key points that have been raised through previous conversations hosted by WIPO. It also reflects the efforts of CISAC and other authors' organisations to reinforce and safeguard the indispensable role and rights of creators. That mission becomes ever more important in a rapidly evolving landscape, as AI's presence in society grows more pervasive.

Human experience is made meaningful through the presence of creative works. Our lives are made richer through works of art and music that convey the essential qualities of the human condition. Throughout history, humans have used tools to facilitate this creative process, but the source of creativity has always been the human mind.

Likewise, copyright law has long served as a legal regime to sustain human creativity while enriching the public sphere with a means to consume creative goods. Effective copyright rules enable the public to access more creative content while ensuring that authors can gain the remuneration needed to sustain their creative practices.

Today, the growing use of AI tools has started to diminish the presence of the human author in the creative process. While machines can make decisions mimicking the human creative process, such outputs clearly lack the essential humanity in the creative decision-making process that has traditionally driven the production of works. In our view, it is therefore correct that such AI-generated results should fall below the threshold of recognition as protectable works under copyright law.

Furthermore, while there is little possibility that the growth and use of AI technologies in creative practices will be slowed down or stopped, policymakers are urged to prioritise the development of new regulatory paradigms which can effectively safeguard against the effects of abuses of AI-driven technologies.

An important area of potential abuse concerns the legitimacy of the data used to train foundational models for generative AI tools and applications. In order to improve the utility and accuracy of foundation models, large datasets need to be used as input to "train" algorithms. Because of this, many AI innovators have taken to freely scraping the internet and amassing large amounts of information, including copyright protected content, without seeking permission to use such content for such a purpose. As the value of a foundation model is directly linked to the value of the works used to train it, AI innovators are incentivised to collect as

much information as they can access, often with no regard for preexisting rights. This practice becomes even more problematic where outputs produced using AI appear in the marketplace, competing alongside the same creators whose works have been unwittingly used to train the model.

**It is therefore CISAC's position that the value of authorship in the creative marketplace should be preserved through fair and transparent licensing practices.** In particular, creators should be entitled to grant licences and obtain remuneration for the use of their works at their discretion, or otherwise retain the right to refuse that their works be used as training data for foundational models. This becomes even more critical where the proprietors of AI applications commercially benefit from the use of their technology. It is important for the future of responsible innovation in the AI space to establish a strong foundation of measures in accountability.

Given its many years of rights management experience, developed in the face of rapid technological advancement, CISAC and its members stand ready to facilitate fair licensing practices in the interest of authors and creators.

Creating new pathways towards fairer licensing of works protected by copyright is an important task, and can be completed efficiently by CMOs. In this regard, an AI developer's responsibilities regarding transparency, as required in the current draft AI Act in Europe, are of eminent importance for creators and CMOs alike.

We consider that the task ahead for today's regulators is to determine how best to clarify and improve current law in a way that preserves the force of human-driven creativity for the future. Importantly, such efforts should exclude the introduction of broad new exemptions which would create further opportunities for AI developers to exploit human creative effort without permission or compensation. Undoubtedly, such provisions would worsen the position of human authors in an already volatile creative marketplace.

We hope this statement will be useful and we welcome any opportunity to continue discussing the issues we raise, either within the WIPO conversation meeting or in any other relevant WIPO forum.

Thank you for your attention.