

OPEN LETTER

Global Creators and Performers Demand Creative Rights in AI Proliferation

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With the proliferation of Artificial Intelligence (AI), artists, creators and performers must be respected, human creativity protected, copyright principles remain robust and fair licensing practices developed and implemented. At the same time, global solutions should be adopted to ensure AI companies remunerate human creators whose works are exploited.

The advancement of AI has been rapid and unprecedented. Globally, governments recognize the scale and potential impacts of the use of AI on our daily lives, and as such have prioritized measures to safeguard the interests of the public at large, while also seeking to preserve innovation and technological progress.

The cultural sector and international creative community will be among those most impacted by unbridled development and open use of generative AI models. Policymakers around the world have heard from creators and performers whose works and performances are being used to train AI without their authorisation, remuneration, or even recognition, often under the guise of “research”. There is furthermore a general, societal sense of unease around AI-generated works and the deception of passing off AI works as works of human creativity.

The cultural sector and international creative community acknowledge there is a number of useful and important purposes to which AI more generally is currently being applied. However, in the case of generative AI there is a clear and urgent need for policymakers around the world to take action, adapt and improve current regulatory regimes. It is imperative that the cultural sector and international creative community are at the table in those policy discussions to ensure their interests are incorporated to ensure AI systems are transparent, ethical, fair and lawful.

The undersigned organisations and entities which represent over 6 million artists, creators, performers and publishers globally call upon governments and decision-makers to commit to developing and adopting policies and legislation that are consistent with the following seven principles:

1. Creators’ and performers’ rights must be upheld and protected when exploited by AI systems

AI systems analyse, scrape and exploit vast amounts of data, typically without authorisation. These datasets consist of musical, literary, visual and audiovisual works and performances protected by copyright. Those copyright works and datasets have a value, and creators and performers should be in a position to authorise or prohibit the exploitation of their works and performances and be compensated for such uses.

2. Licensing should be enabled and supported

Licensing solutions should be available for all potential exploitation of copyright works, performances and data by AI systems. This would encourage open exchanges between innovators who require the data, and creators and performers who wish to understand how and to what extent their works will be used.

3. Exceptions for Text and Data Mining which do not provide for effective opt-out by rightsholders should be avoided

The introduction of exceptions, including for text and data mining (TDM), that permit AI systems to exploit copyright works and performances without authorisation or remuneration must be avoided. Some existing exceptions should be clarified, in order to provide legal certainty for creators of the underlying data and performers, as well as for AI systems wishing to benefit from such data.

4. Credit should be given

Creators and performers must be entitled to obtain recognition and credit when their works and performances have been exploited by AI systems.

5. Transparency obligations should apply to ensure fairer AI practices

Legal obligations relating to disclosure of information should apply. These should cover (i) disclosure of information on the use of creative works and performances generated by AI systems, in a sufficient manner to allow traceability and licensing (ii) identification of works and performances generated by AI systems, as such. This will ensure a fair approach towards creators, performers and consumers of creative content.

6. Legal responsibility for AI operators

There should be legal requirements for AI companies to keep relevant records. There should also be effective accountability for AI operators for activities and outputs that infringe the rights of creators, performers and rightsholders.

7. AI is only an instrument in the service of human creativity, and international legal understandings should reinforce this

AI models should be considered as simply an instrument at the service of human creativity. While there is a spectrum of possible levels of interactions between humans and AI to consider when defining the protectability of works and performances, policymakers shall make clear that fully autonomous AI-generated works cannot benefit from the same level of protection as human-created works. This topic should be an urgent priority and global discussions should be initiated rapidly.

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Signatory Organisations:

AEPO-ARTIS is a non-profitmaking organisation and the paramount voice of performers' collective management organisations in Europe. Our 38 members represent over 650,000 actors, musicians, dancers, and singers active in the audio and audio-visual sectors. www.aepo-artis.org.

ALCAM, the Latin American Composer and Songwriter Alliance, is an organisation formed only by authors and composers of Latin America. It works daily to promote and create awareness about the legitimate moral and economic rights of every artist and to promote fair remuneration for their creative work. It is also a platform to unite the interests of creators in Latin America and lobby for their rights and interests. www.alcamusica.org.

AMA, the African Music Academy is dedicated to celebrating the achievements of African music creators.

APMA was launched at the World Creators Forum in Beijing in November 2016. It brings together songwriters from across the region and its charter of principles and intentions was signed by creators from 15 countries and territories including Australia, Mongolia, New Zealand, Taiwan, Thailand, South Korea, Japan and Vietnam. APMA helps local artists to unite their voices, understand their rights, develop awareness, and guide organisations to protect creators and their works. www.musiccreatorsap.org.

BIEM is the international organisation representing mechanical rights societies. Mechanical rights societies exist in most countries. They license the reproduction of songs (including musical, literary and dramatic works). As of today, BIEM represents 59 societies from 55 countries. www.biem.org.

CIAGP (The International Council of Creators of Graphic, Plastic and Photographic Arts) brings together creators in the field of visual and plastic arts from around the world. The organisation serves as a forum for the exchange of information, ideas, best practices, experiences, and practical advice on the administration of visual authors' rights. It includes tools and activities aimed at promoting the moral, professional, economic, and legal interests of visual authors.

CIAM, the International Council of Music Creators, advocates for the cultural and professional aspirations of music creators. CIAM's mission is to serve as the unified global voice of music creators of all repertoires, and from all regions of the world. CIAM works to support its partner organisations in different regions of the world. www.ciamcreators.org.

CISAC – the International Confederation of Societies of Authors and Composers – is the world's leading network of authors' societies. With 225 member societies in 116 countries, CISAC represents over five million creators from all regions and artistic repertoires, including music, audiovisual, drama, literature, and visual arts. CISAC's President is singer-songwriter Björn Ulvaeus, co-founder of ABBA. CISAC protects the rights and interests of creators worldwide. www.cisac.org.

ECSA, the European Composer & Songwriter Alliance, is a European network whose main objective is to defend and promote the rights of music authors on a national, European, and international level. The Alliance advocates for equitable commercial conditions for composers and songwriters and strives to improve the social and economic development of music creation in Europe. ECSA collaborates with its members located all across Europe and strives to improve the social and economic development of music creation in Europe and beyond. <https://composeralliance.org/>.

EVA, European Visual Artists, represents the interests of authors' collective management organisations for the visual arts. 31 societies are gathered under this roof as members or observers. They manage collectively authors' rights of close to 150 000 creators of works of fine art, illustration, photography, design, architecture and other visual works. <https://www.evartists.org>.

IMPF represents independent music publishers internationally. It is the global trade and advocacy body that helps stimulate a more favourable business and entrepreneurial environment for artistic, cultural, and commercial diversity for independent music publishers everywhere and the songwriters and composers they represent. www.impforum.org.

MCNA (Music Creators North America) is an alliance of independent songwriter and composer organizations who advocate for, and educate on behalf of North America's music creator community. In addition, as a member organisation of CIAM, the MCNA works with sister alliances in Europe, Latin and South America, Asia, and Africa to further the interests of music creators throughout the world. www.musiccreatorsna.org.

SCAPR is the international federation representing Performers' Collective Management Organisations (CMOs). SCAPR's main mission is to support, promote, and maintain a worldwide, cross-border system of collecting and distributing performer royalties that is fair, efficient, accurate, transparent, and continually improving. As of today, SCAPR represents 58 CMOs from 42 countries, that collect on behalf of more than 1 million performers. www.scapr.org.