



## **Generative Artificial Intelligence, Music & the Creators' Path Forward**

*Legislative Position Paper by the  
Society of Composers & Lyricists*

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**THE SOCIETY OF COMPOSERS & LYRICISTS (SCL)** is the primary organization for professional film, television, video game, and musical theatre composers and lyricists, with a distinguished 78-year history in the fine art of creating music for visual media. It is committed to advancing the interests of its broad membership throughout the United States, and to ensuring:

**CREDIT** wherever the works of audiovisual creators' works are used;  
**CONSENT** by creators in the use of their works in audiovisual media;  
**COMPENSATION** at fair market levels for the creation and use of audiovisual works.

The rapid introduction of generative Artificial Intelligence systems is seen as an existential threat to the livelihood and continuance of these creative professions, unless immediate steps are taken on legal, interpretive, and economic fronts to address these emerging issues. To this effect, our organization is requesting that:

1. As an immediate action, all creator organizations should distribute a recommended clause for individual consideration its members to include in any work contracts going forward, expressly forbidding the automatic use of any works created under the contract from being used to train Artificial Intelligence systems (AI).

### **Legislative Proposal to create a new Section 123: Training Generative Artificial Intelligence**

- (a) TRAINING ARTIFICIAL INTELLIGENCE ON PRE-EXISTING HUMAN-CREATED WORKS –  
Notwithstanding any provision of this Act,
  - (1) it shall be an infringement to use, reproduce or distribute pre-existing human-created works in whole or in part for purposes of training artificial intelligence systems and/or to generate new works of authorship, unless the human creator(s) of the works on which the artificial intelligence system is trained have granted prior express written permission, either directly or through privately negotiated licenses or collective licensing.
  - (2) It shall not be a violation of the Sherman Antitrust Act for copyright owners to cooperate and work together for the sole purpose or creating and administering collective licenses that authorize third parties to use such copyright owners' copyrighted works to train AI systems.

2. "Scraping" of creative works from the internet is currently being carried out without consideration for copyright or privacy, and often from illegal archives. The means must be put in place to discourage, prevent and hold AI companies accountable for this practice.
3. The stripping off of authorship data (Content Management Information) from any creative work with the intent to induce, enable, facilitate or conceal an infringement is illegal and should be strongly enforced as such in the case of generative AI ingestion & training.
4. A need for Transparency should be asserted in the origins of AI-created works. Methods can be discussed to etch an indelible watermark for every created work as to its original author (Blockchain, Metadata etc.), traceable throughout the AI generative process.
5. Works created by Artificial Intelligence should be considered Public Domain. Since Constitutionally-based US copyright law has established that rights of authorship may only be given to human creators, AI has no right of any ownership.
6. Copyrightability of a work depends upon the predominance of direct human input into such work's creation. The work for hire doctrine, which deals with designation of authors' rights, still requires human creativity as the predominant source of a work's creation.
7. AI created works are all by definition derivative. They are based on the ingestion of any number of human-created inputs, be they music scores, songs, paintings, etc. An AI has not lived a conscious life from which creative inspiration is drawn. It can only analyze, mimic or resynthesize previously existing human works or data sets.
8. AI companies should pay a license percentage of any monies earned through the sale of AI creations and any associated advertising, as compensation to human creators for the use of their works in the training of the AI.
9. A legislative framework should be created to embody the above points and the growing role of AI in the human world. It should be designed to protect the creative professions and maintain the ability of human creators to be paid for their work. This could even be considered a human rights issue as AI presents a clear existential threat to the continuance of creative professions and the advancement of human culture.

10. Because of the frequent difficulty in proving intent to infringe on copyright, AI companies are attempting to exploit the Fair Use Doctrine to avoid litigation. As with US Copyright overall, the Fair Use Doctrine should be clarified to have relevance only for human-created works, closing this highly concerning loophole.