



MUSIC IN THE DIGITAL AGE

INTERNATIONAL CONFERENCE | DIGITAL TECHNOLOGIES AND ARTISTS' RIGHTS

ATHENS, OCTOBER 22-24, STAVROS NIARCHOS FOUNDATION CULTURAL CENTER

KEYNOTES

Music in the Digital Age: Streaming & Artificial Intelligence has been a three-day international forum organized by APOLLON (Greek CMO for musicians' neighboring rights) and FIM (International Federation of Musicians). Against the backdrop of **AI-generated content and the dominance of streaming platforms**, the conference examined how **revenue models, legal frameworks and artistic labor are being reshaped** in a digital economy that prioritizes scale over sustainability.

Bringing together artists, journalists, industry professionals, legal experts, academics, policy makers and technologists, the event focused on three core questions:

- How to build **sustainable and equitable compensation** models in a saturated streaming market?
- How to protect creators' rights when **AI is trained on and competes with their work?**
- What role should legislation play in **securing ethical AI and fairer digital markets** without stifling innovation?

Lawyer Chris Castle (ARI) delivers a brutal reality check: "The infringement has already occurred." Comparing the current AI boom to the "run fast and break things" era of Internet 1.0, Castle argues that Big Tech is utilizing massive piracy to train models that technically cannot be "untrained." He dissects recent US litigation to show how "Fair Use" is being used as a shield for theft.



APOLLON
GREEK MUSICIANS'
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KEYNOTES | CHRIS CASTLE**GenAI In The Entertainment Sector: The Creators' Perspective****Athens, October 24, 2025****Stavros Niarchos Foundation Cultural Center**

First thing I think everybody needs to understand and be absolutely clear about is that the AI labs have spent years getting to this point, one way or another. They've thought about this, where we're at now, and they've been scraping and copying what they call data for years. And if you read, for example, the Google comments in the US AI Action Plan, they don't refer to us as "rights" holders, they refer to us as "data" holders - and I'm glad to be a data holder... I don't know about you, but I think that's just a wonderful job!

So in the case of AI labs that are owned by the Mag7, or Big Tech, as they're often referred to—I'm really gonna try not to use that term here today, but it is informative—they've been basically preparing for this day one way or another for the last 25 years. So the 50-odd lawsuits against AI labs that have been filed to date, which are well worth reading—I know it's kinda tough going, but it's well worth reading—are probably the best resources for knowing what is actually happening under the hood with copyrights at these places. And not only copyrights, but what we loosely call artist rights, because the infringement—and this is the point I want everybody to internalize—the infringement has already occurred. The infringement has already occurred on a massive scale. Okay? And this should become obvious when you start reading these cases, and I think it's probably true at all of the AI labs, certainly the frontier labs.

For example, in the US you hear about fair use. Well, what is fair use? That doctrine is an affirmative defense. To what? Infringement. Why would you raise an affirmative defense? Because you infringed. That's why you need the affirmative defense. So, there's no doubt that this has happened, right?

The thing that we have to remember is that when you start trying to figure a way out of this situation that we are all in now is that the remedy necessarily requires a retroactive component. You're not gonna really untrain these systems. Once they've ingested the content, it goes into model weights memory. It lives in the machine, even if you actually remove it from the training materials, the training pipeline. So, it's just theoretical, you know, that you're gonna be able to turn that around. That

ship has sailed, and sailed long ago, and it sails probably pretty much every minute of every day.

So, they're not going to retrain, right? They will not do that. So I don't mean to imply that I have all the answers, but I do mean to imply that I recognize the problem. It's not time to form a square, circle the wagons, or lay in supplies for the siege, because those days are gone. The orcs are outside the gate of Helm's Deep, okay? And they mean to take the castle. And they mean to keep it once they've taken it. So we are now in hand-to-hand combat, we're in a street fight, and it's time to start acting like it. So there.

I'm gonna tell you a little bit about our filing with the UK IPO AI inquiry and consultation. That was done under the auspices of the Artists Rights Institute. We're a 501(c)(3) that David Lowery, Nikki Rowland, and I founded in 2023. David, for those of you who don't know him, was the founding member of Cracker and Camper Van Beethoven, and is a professor at the University of Georgia in their business school, where he teaches in the business program—also known to Spotify as plaintiff - just kidding. Nikki was a founder of the Austin Music Foundation, and I'm me. Our website is artistsrightsinstitute.org. We have the Artists Rights Watch newsletter and blog, which is at artistsrightswatch.com, and we have a podcast as well, which you can get wherever you get your podcasts.

So just a brief mention, since we're in Athens - Prometheus Unchained: AI is really in a fight against control, right? It's not just about copyright, it's not just about artists' rights, it's about any control. These guys do not want to be controlled. And I'm gonna give you a couple of examples of how that's true and how I can demonstrate that.

But just a word of warning, we're rocketing down a path towards super-intelligence, and what that means, unclear, right? So I commend you to the work of the Human Artistry Campaign. We just did a panel at our American University in Washington that we co-sponsored with the Kogod School of Business, which is their business school. Wonderful people there. And Dr. Moiya McTier joined us on that panel. She's the head of the Human Artistry Campaign. I commend them to you on this topic of just preserving humanity in this situation. humanartistrycampaign.com. And then there's another professor named Max Tegmark at MIT who is part of a group called Future of Life Institute, and I commend them to you as well.



So when we talk about AI, this should all kinda sound familiar if you've been at this for a while. It's kind of like the Internet 1.0, right? And it's certainly that way from a financial point of view. And if you remember, the Internet 1.0 basically grew, grew, grew, grew, grew, eventually ran out of other people's money, and then crashed, right? And in those days, you used to see carriage deals, which, in the simple case, would be like AOL would do an investment in your company, and then you would turn around and make an offsetting purchase of advertising revenue from them, or advertising space from them, right?

And the first time I saw one of those things, I thought, "This is a Ponzi scheme," you know? But the same kind of thing is happening again with AI, where there's these circular deals. NVIDIA invests in one, and then they invest in OpenAI, and then they buy server time from somebody else, and it goes on.

So many of these companies were around in 1999, but they now have much higher valuations, and they also have all the same lawyers. And as a lawyer, you know, this is kinda like *Groundhog Day* meets *Palm Springs*, you know what I mean? It's just like, can't they get something else to do? Do I have to listen to this again? But it's many, many, many of the same people. And, of course, it's the next generation that those people have brought along. So it should sound very familiar. It's like the Internet 1.0.

I always say they wanna run fast and skip things. The first time around, it was "run fast and break things". Now, it's "run fast and skip things"... And you see this now with the revisiting of "don't break the Internet," which we all heard during the copyright directive. The AI labs characterize copyright itself, name, image, likeness rights, right of publicity, right of privacy, as regulation that inhibits innovation, right? So, it's all well-traveled ground. But this time around, they have much more political power, and they don't intend to license anything that they're not made to license, right? So, this is, again, back to the street fight. And this is for real, okay? We just saw this with the so-called AI moratorium against state laws in the United States. This was something of a fight with a guy named David Sacks in the White House.

Every data center, of which there are many, is basically in somebody's district. That gives you an idea of how many data centers there are around the world. That's the UK, and if you can see that down there around London, there are 187 data centers in the London, greater London area. So, that's all a lot of political clout. Obviously, the danger of a new safe harbor is that when they say fair use and they say text and data mining exception, what they mean is safe harbor. They don't want to be regulated in



any way. This AI moratorium against state laws passed the House of Representatives in the United States, and was soundly defeated in the Senate, but only by accident, when people actually figured out what was in there.

And this would have banned state laws like consumer protection, which is where we have, in the United States, in our federal system, that tends to live in the state level. So consumer protection, privacy, child safety, data center zoning, including like these nuclear plants they wanna build as their power stations, transmission lines—all of that would have been impeded by the federal government and preempted, but fortunately that died. However, it will be back. And what they really want is a retroactive safe harbor like they got in the Music Modernization Act, which I always said was a big mistake, and that fix is the only way they can fix their past and protect their future. It's very important right now because a lot of this is gonna shape global norms. The EU IP act will have an effect on the UK. Whatever they end up coming up with will have an effect, but the US litigation will also have an effect.

And I wanna talk a little bit about style prompts 'cause this is something that doesn't come up very often and needs to come up more. If you say to these AIs, you know, "Write me a guitar solo"—and this affects non-feature musicians too, right?—"Write me a guitar solo like Eric Clapton." That style is not copyright as a general rule, but it is evidence of design choices that they've made to take advantage of the name, image, likeness, style, tone, voice of non-featured artists, right?

So, I asked ChatGPT to write me a solo like Eric Clapton, and it knew exactly what to do, right? It said, "Oh, would you like that in the Cream era? Would you like that in the Layla era? You know, how would you like..." And so it started like, "Here's all the characteristics of an Eric Clapton tone." And it goes right down there, and it actually provided me with some code to feed to an AI platform or a device that uses this language, right? "And here's the presets. We're gonna do all that too. And if you want the Layla era, and if you want the modern era," right? So, it's all there. It's all there. And so what it comes down to at the end of the day is just plain old piracy, and that's what we're seeing in the litigation in the US, right?

And I'm gonna talk just briefly about this. So one of the things that's common between the two cases that we've seen decided recently, which is the Bartz case against Anthropic and Kadrey against Meta—these are both book cases—is that in both cases, the AI stole through plain old pirate sites, and in the case of Kadrey and

Meta, it was BitTorrent, millions of copies of works, of books, right? And the idea that they just did that with books is sort of incredible to me. I'm sure they've done that with everything. I'm sure they've used these pirate sites for everything. It's the largest copyright infringement settlement in the history of the United States, in the Bartz case, and they settled because they were gonna go to trial.

And they didn't wanna go to trial. Now, Meta is gonna go to trial so far. They haven't settled the case, but they're scheduled to go to trial in the next few months. The retroactive fix was the judge came up with this idea that somehow the only books that should be able to recover as part of this \$1.5 billion settlement pool were books that had an ISBN number, had been stolen, and had a copyright registration. Now, this copyright registration business is a unique US deal, right? 'Cause that's what gives you access to statutory damages in the United States. But everybody outside of the United States, your ears should perk up when you hear that because you probably don't have any registrations.

I mean, you wouldn't necessarily have to have any registrations. And this is well-trodden ground in terms of whether that's even permitted under treaties, but we're gonna go with it as it is, it is permitted. But it's an odd way to reach a settlement, because there's no database that connects all these different pieces of information. How in the world are you gonna do this, right? So you're gonna have to construct a database that will allow the class action settlement company to tell you whether you have a book that is implicated, right?

And if you know these class action settlement companies, which we have a few of in the United States, you know, they could be doing perfume one day, dog food the next. You know, I mean, there's nothing unique about that, and that's not meant as a dig at them. It's just that's the business that they're in, right? They settle class actions from all comers. So it's kinda crazy.

I've got this Venn diagram if anybody wants to see it. There's one little section of that, that pink in the upper left-hand corner, that's the works that we know are gonna be included. All the rest of it is works that could be included, might be included, maybe not included, or are excluded, right? So that's most of them that would have been stolen just by category. We don't know what they actually stole because why? The list of stolen works is a trade secret, and it's right there in the settlement. They're not gonna be required to publish the list anywhere. They have a searchable list, but they're not gonna tell you. You have to tell them, right? Crazy.



So I'm gonna kind of skip to the end here, but basically, what you've got in all these settlements, in all these cases is you've got a situation where it seems obvious that there's massive piracy involved and there needs to be some kind of retroactive fix. I have some experience with this from working with Shawn Fanning on his second company, SnowCap, but that was many years ago and that company doesn't exist anymore, and there really isn't anybody out there who's got an off-the-shelf solution to figure this stuff out.

And that's for the inputs. We haven't even talked about the outputs, right? That's just for the inputs, where you actually do have a still point in a turning world because it came from some place, right? So you just have to figure out what it is. So I will stop there, and I guess we will call up the panel then, right? Is that the next move? Okay. Thank you, everybody.

**Chris Castle,
Artists Rights Institute**