



# MUSIC IN THE DIGITAL AGE

INTERNATIONAL CONFERENCE | DIGITAL TECHNOLOGIES AND ARTISTS' RIGHTS

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

## EXECUTIVE SUMMARIES

**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?

Following video interventions from **Gadi Oron** (CISAC) and **Tilo Gerlach** (AEPO ARTIS), and a keynote from **Yiannis Maragoudakis** (APOLLON), this final panel, moderated by Maragoudakis, brought together global legal and policy experts: **Roberto Mello** (ABRAMUS), **Konstantinos Christodoulou** (University of Athens), **Xavier Blanc**, **Pál Tomori** (EJI), **Ben Kessler** (AFM), and **Marcos Alves de Souza** (Brazilian Ministry of Culture).



**APOLLON**  
GREEK MUSICIANS'  
COLLECTING SOCIETY



## G. GENERATIVE AI | POTENTIAL LEGISLATIVE SOLUTIONS

### 1. Context and Synthesis

Pivoting from the conflicting narratives of industry innovation and creator outrage, the final session served as the conference's pragmatic and urgent climax. It systematically dismantled the industry's arguments for self-regulation and presented a unified legislative battle plan.

### 2. International Environment

**The CISAC "Triptych": Gadi Oron** (CISAC) clarified via video that using works without license "is not training, it is theft." He presented the three-pillar legislative framework: **Transparency, Consent, Remuneration**, citing the Swedish (STIM) example as proof that transparency is technically feasible.

**The "Private Copying" Model: Tilo Gerlach** (AEPO ARTIS) argued that individual licensing is impossible. The solution lies in a system analogous to "private copying": an **unwaivable remuneration right** under mandatory collective management, for both the training (input) and the result (output) of AI.

**The "Brazilian Initiative": Marcos de Souza and Roberto Mello** reported that Brazil is moving unilaterally on legislation, ignoring WIPO's delays. Their bill provides for remuneration, **prohibits rights "buy-outs"** for AI, and has extraterritorial power over platforms operating in the country.

**Legislative Action in the USA: Ben Kessler** (AFM) analyzed bipartisan efforts in Congress, such as the **"No Fakes Act"** (for deepfakes) and the **"Protect Working Musicians Act"** (allowing independent artists to bargain collectively, bypassing antitrust laws).

**The Failure of TDM in the EU: Xavier Blanc and Pál Tomori** agreed that the EU's TDM (Text and Data Mining) exception is **"badly written legislation"** not designed for Generative AI, rendering the "Opt-Out" system inadequate.

### 3. Consent, "Opt-Out," and the "Unlearning" Fallacy

The core of the legislative debate revolves around the irreconcilable **models of consent**:

- On one side is the creator-demanded **"opt-in" system**, a cornerstone of intellectual property law requiring explicit, prior permission for use.
  - On the other is the industry-preferred **"opt-out" model**, which assumes permission is granted for all data unless a rights holder explicitly objects.
- Speakers in this session fiercely criticized the "opt-out" framework as a betrayal of fundamental legal principles. It was argued that it **violates the Berne Convention's principle of "no formality"** by forcing creators to take action to protect their inherent rights. More critically, it places an impossible **administrative burden on individual creators and their CMOs** to constantly monitor and declare objections to countless AI platforms worldwide.
  - This leads directly to the "unlearning" fallacy: even if a creator successfully opts out, their work has likely already been ingested into a model's foundational data. Speakers questioned the technical feasibility of forcing a machine to "unlearn" or purge specific data from its complex neural network. **If unlearning is impossible, any opt-out becomes legally hollow**, offering no retroactive remedy for the initial infringement.

The "opt-in" vs. "opt-out" debate represents a **classic clash between established property rights doctrine and the tech industry's push for a new paradigm of data exceptionalism**. Legally, "opt-out" shifts the default from "prohibited unless permitted" to "permitted unless prohibited," a **radical departure from copyright norms**. The "unlearning" issue creates an unprecedented evidentiary challenge for legal systems. How can a court verify that a model has truly "forgotten" infringed data? Without a clear technical and auditable process for unlearning, any legal remedy based on it remains largely theoretical, reinforcing the creators' argument that **financial compensation for past ingestion is the only practical solution**.

## 4. APOLLON's Legislative Framework

**Yiannis Maragoudakis** (APOLLON), delivering the keynote, after showing the inability of the market to self-regulate, presented a detailed **legislative framework** to ensure rightsholders' rights, based on three pillars: **Remuneration, Consent, Transparency.**

### 4.1. Unwaivable Remuneration Right & Resource Redistribution

Recognizing the impossibility of **mass individual licensing**, the dominant solution is the **introduction of a licensing fee or an unwaivable equitable remuneration right, under mandatory collective management.**

- **Input Levy:** An equitable remuneration payable by AI platforms for machine training. It was proposed that this be **distributed in equal shares among all rights holders**, as the contribution of each work to training is theoretically equal.
- **Output Fee:** A distinct fee based on tariffs from end-users (e.g., streamers, broadcasters) for the commercial use of AI products, distributed based on market shares.
- **The Break with 50/50:** A radical proposal was made to abolish the traditional 50/50 split between producers and performers in neighboring rights, moving to a distribution of **1/3 for each category** (Producers / Musicians / Singers).

### 4.2. Reversal of Burden of Proof & Rebuttable Presumption

A critical legal strategy for empowering creators. Legislation must establish a **rebuttable presumption**, whereby the burden of proving non-infringement **lies with the AI platform**, not the creator. This corrects the massive information asymmetry and relieves creators of the prohibitive cost of musicological expertise for every infringement.

### 4.3. Mandatory Watermarking & Metadata

To enable any functional system of transparency and distribution, regulation must mandate a **digital watermark on all AI-generated outputs.** This watermark must contain machine-readable metadata that identifies all original works used in the output's creation and, if possible, the percentage of their influence.



The proposed framework leverages recognized **legal tools for managing "uncontrollable markets."** The levy system is a classic solution where tracking individual use is impossible. Reversing the burden of proof is a standard judicial tool applied in cases of information asymmetry to level the playing field. The call for mandatory technical standards like metadata-rich watermarks reflects a modern approach to regulation, where **legal obligations are embedded within the technology's architecture ("compliance by design")** rather than being applied only after a violation has occurred.

## 5. CONCLUSION AND GLOBAL CALL TO ACTION

- Speakers framed the current situation not as a technological evolution to be accommodated, but as **a crisis requiring immediate and forceful legal intervention** to correct a massive market failure and prevent what was repeatedly termed **"the greatest theft in the history of humanity."**
- The session resoundingly concluded that **market self-regulation has failed**, making binding legislative action - built on the non-negotiable pillars of **transparency, consent, and remuneration** - the only viable path forward.
- The session concluded with an **urgent call** for national governments to act decisively, citing Brazil's bold legislative initiative as a model. The economic threat - a potential €4 billion annual loss to music creators by 2028 - was presented as a clear and present danger.
- The consensus is that **without immediate, strong, and binding legislation to enforce transparency, consent, and remuneration, the professional creative ecosystem faces an existential crisis.** Legislators are now being called upon to choose between protecting