



# MUSIC IN THE DIGITAL AGE

INTERNATIONAL CONFERENCE | DIGITAL TECHNOLOGIES AND ARTISTS' RIGHTS

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

## KEYNOTES

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**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?

Mr Yiannis Maragoudakis (Head of Legal, APOLLON) outlines a concrete legislative roadmap to tackle the AI crisis. Rejecting the "Opt-Out" system as a trap, Maragoudakis proposes a mandatory licensing framework based on three pillars: Transparency, Consent, and Remuneration. He advocates for a "dual-levy" system—one on the input (training) and one on the output (streaming).



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# KEYNOTES | YIANNIS MARAGOUKAKIS

## GenAI In The Entertainment Sector: Potential Legislative Solutions

**Athens, October 24, 2025**

**Stavros Niarchos Foundation Cultural Center**

It's been a great pleasure to be here. I welcome all. I hope you all enjoy your stay in sunny Athens. I am the Head of Legal of Apollon, a major CMO for neighboring rights here in Greece.

Thank you to the FIM organizing committee and Apollon for the trust to deliver the keynote on such an important issue as potential legislative solutions on AI. I am not used to talking from a text, but I was asked to prepare one due to the complexity of the issues raised, and to facilitate the interpreters, so I will stick to the text.

But for all the flaws, the PowerPoint is to blame, so I don't have anything to do with that. So, legislative solutions. To tell you the truth, having studied, among other things, philosophy of law, I was tempted to make a more philosophical speech. However, regardless of the legal nature of AI-generated works, or the provision of a new right of data machine learning, reality calls for practical solutions. And after all, law is defined as practical philosophy. But why suggest legislative solutions from the start? Can we trust the ability of the market to self-regulate, as many key players imply?

Can we trust the good faith of AI platforms, which wouldn't dream of using intellectual property protected metadata to train their systems without the prior explicit consent of right holders and only after their fair remuneration? Or the good intentions of end users who, in order to benefit from music's added value to increase their profit, choose the cheaper machine creation over the artist whose music they have exploited for many years before AI came to life?

The answers are obvious. So, legislative solutions, according to my view, are based on three pillars: transparency, consent, and remuneration. But let's start backwards. According to my understanding, to cut a long story short, the only viable solution is the introduction of a licensing fee or remuneration right depending on the exclusive or related rights attributed to right holders in each jurisdiction. This



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must be non-waivable, non-transferrable, and subject to mandatory collective management or extended collective license—we'll discuss that later—from CMOs stating specifically that publishers or producers cannot license AI content by themselves without the explicit consent of the right holders they represent.

We will have the chance to discuss that later on. It should be imposed on both the input for machine learning towards tech companies and AI platforms, and the output for generative AI towards end users, namely broadcasters. A levy from the input payable from AI platforms to a society of right holders' CMOs on a national basis and distributable upon their own decision or ruling in case of disagreement. Also, a levy regarding a percentage of their gross or net income generated globally or on a national level—preferably gross so we don't have to audit.

There is no point in discussing numbers and percentages in the present early stage. Regarding the output, a licensing fee or remuneration right payable from end users to each CMO. A fee or remuneration according to CMO's tariffs, even in blanket licenses, at a rate—and that is important—for human creations no less than those of a similar human creation for the same use.

Additionally, infringement of personal data, that is personality and moral rights, should also be included as an object of AI fee or remuneration. Furthermore, studying the nature of both the input and the output, we realize that each have different right holders. In theory, machines could have been trained from each right holder's contribution without knowing the exact percentage.

So, it's only fair the input levy be distributed in equal shares between the right holders, while the output is the reproduction of the market standards in time and place. So, the output fee or remuneration should be distributed between each CMO's members on a market share basis. However, all the above are not enough because legal provisions should be implemented too. To ensure the enforcement of the spirit of law, some additional steps remain.

Now let's examine consent. It's true that right holders support an opt-in system, that is to be asked for permission to use their works, while tech companies propose an opt-out system, that is, the material is free to use unless the right holder explicitly states an objection. Though, in an ideal situation, I can't agree more, opt-in-participation by declaration—could be the answer, being in line with traditional



licensing and presenting obvious benefits before a court and in terms of fair distribution.

I don't know how compatible that could be with the notion of a levy, and it is complicated business-wise, implying negotiations of each CMO with every AI platform worldwide. Just imagine if a private copy levy had not been established; importers would never have remunerated right holders. First things first.

Firstly, each right holder should have the possibility to opt out, to make an exception by declaration even in terms of mandatory collective management or extended collective license, constructing a notion where the moral right prevails. Opting out should take place in an easy and undisputed way. A public statement of each right holder's CMO uploaded online should always be sufficient.

Otherwise, opt-out—I couldn't agree more—could be a trap offering to right holders the illusion of control. Furthermore, the TDM (Text and Data Mining) exception for non-educational—that is for commercial purposes where applicable—makes it necessary to opt out. Of course, for opting out to be enforceable retroactively—and that's another important issue: what's the effect of the opt-out?—unlearning of the machines should be imposed no matter how technically feasible this can be.

So, an opt-out depository should be created worldwide containing all opt-out CMOs' repertoires. Even if opt-out is a calculated compromise, the ideal would be the opt-in system. There is no question about it. But even if we choose or we are dragged into the opt-out system as a calculated compromise, at the same time it isn't compatible with the three-step test. First of all, limitations and exceptions are overly broad; secondly, they conflict with the normal exploitation of the work depriving right holders of a substantial source of income; and thirdly, they cause disproportional harm against their legitimate interests.

Secondly, and very important according to my point of view, for litigation to be effective—that is for a case to be presented before a court with a fair chance of success—it's necessary to reverse the burden of proof so that AI platforms or end users as defendants must prove the non-infringement of right holders' rights as plaintiffs, and not vice versa.



Otherwise, every plaintiff would need a musical study for its phonogram to prove its claim, which is unrealistic should many phonograms or right holders be involved in litigation. All in all, the provision of a rebuttable presumption for the use of copyright protected content from AI platforms is of vital importance. The main objective is not to file lawsuits on a large scale but to make platforms sit on the table to negotiate, of course.

And now we are passing to the transparency issue. It's imperative for people and right holders to know whether a creation or a performance is AI generated or not. So, a watermark for all AI generated products should be introduced. I leave for the discussion the distinction between AI-assisted and AI-generated works, which is of vital importance for the watermark to be imposed.

However, even the watermark is not enough. In the digital form of the product, this watermark should contain all necessary information regarding all the metadata that was used for the creation of the product and, if possible, the percentage of its influence. It's the only way to distribute in a fair way and to license in a fair way.

At least in that way, the right holders' task could be limited to controlling the accuracy of the data contained in the watermark. Now we all are aware of several research studies that calculate the decrease of CMOs' income due to AI from 25 to 50% for the years to come, a fact that will affect the weaker right holders, namely the musicians, even more.

So, even if it's not the main theme of my intervention, new sources of making income for neighboring rights should be established. After all, this is a conference organized by musicians. Firstly, a streaming collective remuneration right, non-waivable, non-transferrable, subject to mandatory collective management from CMOs. Two, and that is important, to add up to existing contractual provisions of featured artists. Furthermore, it's important to oppose contractual clauses—no matter how old contracts are—granting producers or publishers every right for ways of exploitation to be invented in the future. AI is not another means to an end, but a technological revolution by itself.

Secondly, a right to collect from live public performances as authors do, because a playlist performed live is selected considering the original phonograms to the creation of which contributed musicians and producers different from the ones on stage. So, there is an obvious added value missing there. Thirdly, introduce



orchestrators as authors, combined with a slight dedicated increase of author CMO's tariffs so as not to affect composers.

Orchestrators are mostly musicians, and although orchestration is a significant contribution to the whole musical work or phonogram, the orchestrator having a place like that of the director in an audiovisual work, isn't compensated at all. And I saved for the end the most provocative suggestion: abolishing all legal provisions where applicable for the distribution of neighboring rights between phonogram producers on one hand and performers on the other in equal shares.

That is 50/50. This notion takes for granted that performers, musicians, and interpreters are represented at a union or a CMO level jointly, which is not the case in many jurisdictions. Furthermore, it was established taking into account producers' financial investment to publish a phonogram in a physical form, which is no longer the case.

The market is mature enough for the interested parties to negotiate freely and end up with a fair solution. The aim for performers being the distribution of music neighboring rights at one-third for each category of right holders. So, to sum up, AI is a reality. There is no point in stating whether we are pro or against it.

I don't even know whether it's the biggest theft of the century, as many reasonably imply. It does remind me, however, of the violation of the rights of Indigenous people in the name of progress. And we should congratulate the FIM statement on AI for reminding us of the UN relevant declaration affirming the right of Indigenous people to restitution or fair and equitable compensation for resources taken and used without their free, prior, and informed consent.

What I know is that should we really want to suggest some practical solutions, we don't have the luxury to be lost in procedure, creating a committee to examine the issue and then forming a subgroup to the committee and so on. It is high time we found common ground because when it comes to legislation to regulate technology, timing is everything, and obviously legislators are in a tough spot.

Some legislative attempts in a few countries and the EU don't address the issue effectively. They don't even scratch the surface, limited to neutral wording and wishful thinking, if not indifferent or even hostile. I understand that AI platforms lobbying in the name of progress and being profit-centered in this equation have

more leverage over government in comparison to right holders who can only offer political support and an underestimated vague notion of justice.

Let's even hope that small states with a great past like Greece could make the difference as introducing an AI bill instead of copying other legislations as colonies used to do. The undeniable fact is that AI, as implemented till now, is a clear assault against human rights. Closing, Albert Camus has never been more prophetic. "And if zero," he said, "if zero is our fate, let's not make it fair." Thank you for your attention.

**Yiannis Maragoudakis,  
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