



# 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, Director General) and **Tilo Gerlach** (AEPO ARTIS, President BoD), and a keynote presenting a coherent legislative proposal for Generative AI from **Yiannis Maragoudakis** (APOLLON, Head of Legal), this final panel, moderated by Maragoudakis, brought together global legal and policy experts: **Roberto Mello** (ABRAMUS, CEO), **Pál Tomori** (EJI, CEO), **Konstantinos Christodoulou** (University of Athens, Law Faculty, Dean), **Xavier Blanc** (AEPO ARTIS, Legal Counsel), **Ben Kessler** (AFM, Director of government affairs), and **Marcos Alves de Souza** (Brazilian Ministry of Culture, Secretary of Intellectual Property).

## 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. The CISAC Triptych

**Gadi Oron** (CISAC) stated that the use of human – created works for the training of AI models without any consent or remuneration is **not training but theft**. He suggested a legislative framework on three pillars: **transparency, consent and remuneration**, meaning that AI developers and operators must disclose what works are used by them, they must obtain authorization for this use and they must pay rightsholders fairly. After opposing the poor implementation of the EU AI Act by the European Commission, he mentioned STIM's recent AI licensing model, establishing the principle **"follow the work"**, proving that transparency and remuneration respecting copyright is possible. Finally, he cited CISAC's study predicting a 24% decrease in music creators' revenues by 2028 due to unregulated AI..

### 3. The "Private Copying" Model

**Tilo Gerlach** (AEPO ARTIS) suggested that an unwaivable remuneration right under **compulsory collective management in the form of a levy**, as that of the private copy regime, for both the input and the output, could be the only solution. He urged for the need for transparency regarding AI generated works and considered **opt-out as critical in the context of Text and Data Mining exception**. Finally, he opposed contractual clauses of obsolete contracts granting labels every right for ways of exploitation to be invented in the future, stating that under no means AI could fall within this provision.

## 4. The Brazilian Initiative

**Roberto Mello** presented the Brazilian model of **licensing AI**, referring to the Brazilian Constitution granting intellectual property rights and related rights to humans not machines. He mentioned the **development of an extended database** containing millions of works and tracks combined with **a tool able to identify whether a content is AI generated or not**. This effort resulted in users paying CMOs for AI content and CMOs to refuse registration of AI developers. Furthermore, he proposed that **every work with AI content more than 30% should be considered AI-generated and not AI-assisted** and stated that the AI bill under approval in Brazil prohibits producers trying to license AI claiming contractual clauses for the transfer of rights for ways of exploitation to be invented in the future.

**Marcos Alves de Souza** offered us an insight into the approval process of **a bill regulating AI in Brazil**, approved by the Senate and struggling to pass in the Chamber of Deputies, due to enormous pressure of tech companies, which argue that for copyright not to prevent innovation, the 'fair use' doctrine should be globally applied for protected content - since remuneration to millions of rightsholders is impossible. According to this legislative proposal, obligations for **transparency** and **unwaivable remuneration** for all rightsholders are established, moral and personality rights are protected, a broad **opt-out system is adopted** even if violating the principle of no formality for intellectual property rights, **AI content must be labeled**, and AI platforms should comply even if their systems are trained out of the territory. Secondary legislation will define the protectable type of output and issues related to metadata traceability.

## 5. The Failure of TDM in the EU

**Pál Tomori** recognized that AI is a reality in need of **legislative regulation** for both **the input and the output** to ensure rightsholders' rights, since the market cannot self-regulate and **WIPO cannot intervene effectively**. He pointed in the significance of data for the training of machines, without which machines would be empty shells, and mentioned that we don't have to fully understand the algorithm behind the machines to license AI. He urged for a **change in legislation for CMOs** not managing the reproduction right to be able to opt-out. Finally, he opposed to countries weaponizing AI as a matter of national security.

**Xavier Blanc** focused on the **need for transparency** to access necessary information to license both the input and the output of AI generated content. He particularly opposed the interpretation of the **DSM directive introducing TDM exception** offering the possibility to opt-out for commercial use, a right that should be granted to both individuals and CMOs. Finally, he urged for the exception of the above mentioned system for AI content since when the directive was adopted AI was not used broadly and suggested an interpretation such as the one for private copy resulting in equitable remuneration based on an **exception to the reproduction right**.

**Konstantinos Christodoulou** regarded the aim of a possible international convention AI treaty as too ambitious, mentioning that a **new EU directive concerning AI** could be a more realistic approach, however the DSM directive introducing TDM exception is rather recent. He specifically stated that every national legislative initiative to regulate AI in EU member states should not conflict with TDM exception. Furthermore, he recognized **CMOs' right to opt-out on behalf of its members** even via non mechanical means and expressed a reservation whether infringement of personality rights could be included as an object of AI remuneration under GDPR. Finally, pointed out that TDM exception regards input and output in a single way, perhaps the input constituting a transitional reproduction.

## 6. USA Legislative Framework

**Ben Kessler** regarded AI as a matter of **consumer protection** apart from a matter of intellectual property and supported a licensing scheme for generative AI based on **consent, credit and compensation**, both for the input and the output, **choosing an opt-in system to express consent over any opt-out system**, the latter being contrary to basic principles of property rights. He emphasized that **there is no such thing as 'blanket fair use' for AI** but only case by case and stated that he prefers the White House AI Action Plan *not mentioning* intellectual property rights at all than doing it in the wrong way.

Finally, he informed us on some legislative initiatives in USA with bipartisan support such as the **TRAIN Act** (allowing the rights holder to determine whether his work was used for machine training), the **CLEAR Act** (creating a registration requirement for works used for machine learning), the **AI Accountability and Personal Data Protection Act** (providing a private right of action when copyrighted material are used without clear affirmative consent, which is a federal tort) and **Protect Working Musicians Act** (allowing independent musicians to collectively negotiate with AI developers and streaming platforms even under antitrust protection rules).

## 7. 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 human culture and subsidizing a new wave of technological giants.