

# “AI Music Raises Fresh Copyright Issues for Lawyers,” *Daily Journal*

## Publications

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In an article for the *Daily Journal*, Partner Steve Englund and Associate Eric Wolff discussed how the use of Artificial Intelligence (AI) in the music-making process affects copyright protection.

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The authors explained how copyright law applies to AI’s growing role in all aspects of the music industry—from songwriting to audio engineering and full-track production.

“Courts and the Copyright Office have agreed that U.S. copyright protection requires human authorship. Thus, copyright protection is available if AI is merely used as a tool to assist human creativity, but not if it acts as a substitute for human creativity. Applying these principles, the Copyright Office has made clear its view that a user who merely types a prompt into a generative AI system does not receive copyright protection for music -- or any other material -- that the system generates,” the authors wrote.

Additionally, they addressed questions about copyright protection for works that combine human-created and AI-generated material.

“The human is entitled to copyright protection for the human-created material and the compilation of human-created and AI generated material as a whole. The Copyright Office considered a similar issue when an author tried to register a copyright for a graphic novel that used AI-generated images combined with text the author wrote herself. Similarly, artists who use AI to create part of a recording, such as a synth loop or a backing vocal, should be able to register a copyright but need to disclose and disclaim the part that was AI-generated,” they wrote.

Lastly, the authors explored how professionals in the music industry can utilize AI in their creative process without limiting copyright protection.

“An artist who uses AI to assist and enhance their own creativity is unlikely to limit copyright protection for their music as long as they avoid allowing the AI to make expressive choices for them. For example, using AI in a brainstorming process to come up with ideas and incorporating ideas

from AI-generated material into a human-created work should not affect the work's copyrightability," they explained.

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## Related Capabilities

AI Task Force

Content, Media, and Entertainment

## Related Locations

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