

AI's Impact on Music Law

Berklee College of Music
Presented by Holly Winn

Why AI Requires a New Legal Lens

Copyright law exists to assign ownership, licensing authority, and legal responsibility — not to judge creativity or quality.

Music law assumes expressive decisions originate with humans, with technology treated as neutral and assistive.

AI-generated output disrupts this framework by obscuring who made the expressive decisions.



Goals for Today

- ✓ Understand how AI intersects with traditional rights
- ✓ Identify new risks and protections
- ✓ Apply AI legal thinking to real band situations



The Core Authorship Problem AI Creates

Copyright protection requires a human author.

AI systems can generate expressive music without a human selecting each element.

This enables music to be created, distributed, and monetized at scale—often without clear permission, attribution, or control. It can be derived from existing works without the original owners permission.



Human Authorship as a Legal Requirement

Under U.S. law, only humans can be authors.

AI systems are not legal persons and cannot hold rights.

AI-only output is therefore not copyrightable.

Case: *Thaler v. Perlmutter* — court rejected copyright with AI listed as author.

Guidance: U.S. Copyright Office requires human authorship and AI disclosure.



What Partial Copyrightability Means in Practice

A single song may contain both human-authored and AI-generated elements. Ownership can be fragmented within one track.

Example: AI-generated chorus melody with human lyrics and arrangement.

Implication: Unowned elements cannot be exclusively licensed. But technically a particular expression can be.

The issue is deals assume:

- clean ownership
- enforceable exclusivity
- no downstream disputes

If *any* portion is questionable, licensors treat **the whole asset as tainted**.



How Do We Tell If AI or Not?

There is no technical watermark, no built-in AI flag, no copyright database that tells you what was human and what wasn't. Instead, the system relies on **evidence of human creative control**. That evaluation happens through **process evidence**, not output analysis.

Did a human:

- select notes?
- change melody?
- alter structure?
- decide what stayed vs what was discarded?

This is why *prompting alone* is weak.



How Do We Tell? - Part 2

Useful evidence includes:

- drafts
- version histories
- DAW session files
- prompt iterations
- before/after comparisons
- written notes

You're not required to submit all of this, but you need to be able to produce it if challenged.



AI Training Focuses on Input, Not Output

- AI models are trained by copying existing music.
 - Training analyzes patterns rather than distributing songs.
 - Copyright law is triggered at the point of copying.
 - Training does not fit traditional copyright categories.
 - Courts are still deciding whether training is fair use. There is no settled legal rule.
 - Dispute: Labels allege unauthorized copying; AI companies argue transformation.
- 

Saturation & Hurt Income

Generative AI has dramatically increased the volume of new music on streaming services, with tens of thousands of AI tracks uploaded daily.

Some estimates suggest AI-generated uploads may constitute a *large proportion* of new content on platforms like Spotify, contributing to catalog saturation.

Studies show listeners cannot reliably distinguish AI music from human-created music, making it hard for audiences to find human artists.

Platforms have removed large volumes of “spammy” AI tracks (e.g., Spotify reported taking down **75 million spam/AI tracks** in the past year to protect the ecosystem).

Real-world examples include AI bands reaching mainstream attention, like *The Velvet Sundown*, which gained millions of streams before being revealed as AI-generated.



Industry Response: Suno × Warner Music Group

Litigation shifted toward licensing and partnership. Training rights began to be treated as negotiable. But the market moved faster than the courts.

Risk: Once training occurs, exposure cannot be reversed.

Example: Accidental demo upload leading to permanent loss of control.

Warner Music Group settled its copyright lawsuit with Suno and shifted into a licensing partnership that compensates artists and songwriters. Under the deal, WMG artists can *opt in* to have their names, voices, likenesses, and compositions used in Suno-generated music, creating new revenue streams tied to AI usage.

Suno plans licensed AI models and download restrictions; free users can't download tracks and paid users have caps.

Suno's own terms grant it broad rights over user content (e.g., worldwide, perpetual, royalty-free license to use, reproduce, distribute, and create derivatives of content users upload). In practice, this means *creating a song on Suno under the free tier may not give users full ownership and commercial rights* unless they upgrade.



Independents Against Suno & Udio

Independent Artist Lawsuit Against Suno & Udio (2025)

- In June 2025, country music artist **Tony Justice (aka *Tony Justice*)** filed a lawsuit against the AI music generator Suno, alleging that its system *used his copyrighted songs without authorization* to train its AI and generate derivative music.
- Justice's complaint asserts that Suno's model *scrapes and duplicates copyrighted songs* to train and generate output and that this violates copyright law.
- A **similar independent complaint was filed against Udio**, another AI music generation service, in June 2025.
- These cases may become *key test cases* on whether unauthorized use of copyrighted recordings for AI training and output constitutes infringement under U.S. law.

Outcome Status: As of early 2026, both cases were **pending**; courts have not yet issued a final ruling. The proceedings are moving through motions to dismiss and discovery, so the final impact is still being determined.



AI Voice Cloning Shifts the Legal Focus

AI can replicate a voice without copying a specific recording.

This bypasses traditional copyright claims.

Identity becomes the legal focus.



Identity Risk and Contract Implications

Law: Right of publicity protects name, voice, and likeness.

Example: AI “featuring” tracks causing fan confusion.

Reality: Scale, not fame, drives risk.

Implication: Voice and likeness require explicit contractual protection.



Related Legal Cases

Lehrman v. Lovo, Inc., No. 1:24-cv-03770 (S.D.N.Y., July 10, 2025)

Outcome (as of mid-2025): A U.S. federal judge **denied in part and granted in part** the AI startup Lovo's motion to dismiss.

- The court allowed **voice actors' right of publicity and breach of contract claims to proceed** against Lovo.
- Most federal trademark and copyright claims were dismissed, but the publicity claims survived.

This is one of the first cases where a court has allowed voice or identity claims involving AI-generated or AI-associated voices to move forward, signaling that voice actors can seek relief under publicity laws.

Tom Waits v. Frito-Lay (voice impersonation case)

Although not about AI, this case similarly upheld that a voice imitation used for commercial purposes can violate the right of publicity. A jury awarded damages for use of a vocal imitation in a radio ad.

Use in class: This reinforces a previous Bette Midler case as precedent for voice identity protection even without AI technologies involved.



Market and Deal Responses

New clearance question: “Was AI used?”

Publishing may not attach to AI-generated elements.

Stricter warranties, lower fees, and more documentation are emerging.



Market Opportunities: AI as a New Licensing Layer

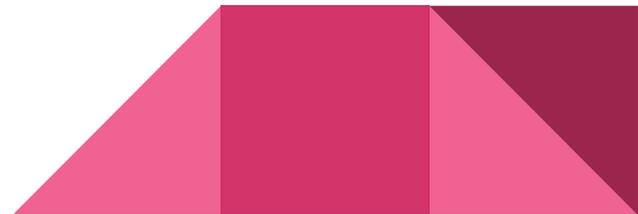
AI platforms create new monetization pathways beyond traditional royalties and copyright enforcement.

Instead of relying on downstream ownership, artists can **license voice, style, or performance through flat-fee or usage-based models**.

Platforms like **ElevenLabs** enable creators to license voices and music for use in ads, social media, games, and creator content—often bundled with visuals or other AI-generated media.

This model shifts value from *exclusive ownership* to *authorized access and scale*.

Opportunity: Artists who opt in can monetize identity and performance directly, without waiting for traditional label or sync deals.



Key Takeaways & Pop Quiz

AI disrupts authorship, training, identity, and monetization simultaneously.

Existing legal frameworks are being stretched, not replaced.

Uninformed AI use — not AI itself — is the primary legal risk.

[Take the quiz here.](#)

