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# Critical Study of Music and Copyright in the Era of Artificial Intelligence: Emerging Issues and Legal Challenges

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## ABSTRACT

*The advent of artificial Intelligence (AI) in the music industry has brought about unprecedented change in the way music is created, performed and distributed. In India a country with a rich and diverse musical heritage, AI Generated compositions and voice synthesis technologies are rapidly gaining traction. While these innovations open new avenues for artistic exploration and democratization of music production they simultaneously pose significant legal and ethical challenges, especially concerning copyright authorship and the protection of artistic identity. Indian copyright law, as governed by the copyright act 1957 is grounded in the notion of human authorship Section 2(d) of the Act define an author as a natural person thus failing to recognize AI as a creator This omission creates legal ambiguity over the ownership and protection of AI generated musical works. Moreover many AI tools in India are trained using extensive datasets comprising copyright songs from Bollywood and regional music industries often without obtaining prior permission-raising serious questions about infringement and fair use (Menon,2021;Basu 2022).Another pressing concern is the misuse of AI-generated deepfake audio which can replicate the voices of legendary Indian singers without their consent potentially violating their publicity and moral right. Despite increasing incidences of such unauthorized digital impersonation, Indian law lacks a comprehensive legal mechanism to address these evolving (Naidu-2023)This paper critically analyses the intersection of AI and copyright in the Indian music industry. It argues for urgent legal reforms including the recognition of AI assisted works, updated definitions of authorship and stronger safeguard for artists rights Based on Indian legal heritage. Case law, and policy documents, the research will attempt to contribute to a more expansive and future –oriented intellectual property regime*

**Keyword:** Music, Legal, AI -Gen, Right, Ethic.

## I. INTRODUCTION

With technological change transforming creative industries, where artificial intelligence (AI)

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meets music, there are promising opportunities but also challenging legal issues to confront. AI software is now being employed to write, produce, and even play music, testing established legal definitions of creativity, authorship, and ownership. This review of the literature examines the developing relationship between music copyright and AI, taking insights from academic debates, legal analysis, and practical case studies to inform an understanding of the situation today and the gaps that remain to be filled.

## **II. TRADITIONAL FOUNDATIONS OF MUSIC COPYRIGHT**

In history, copyright legislations have rested on the concept that original work is the product of human effort. Starting with global treaties such as the Berne Convention, up to national law regimes, protection by copyright has rested on the notion of conferring exclusive rights upon authors and composers who create original works. The scholars such as Bently and Sherman (2014) point out that originality is at the center of such laws in demanding some measure of intellectual work and imagination.

The law distinguishes between the two most fundamental elements of music: the sound recording and the composition (harmony, melody, lyrics). In both situations, copyright accrues to human authors. US cases such as *Feist Publications v. Rural Telephone Service* have maintained that only creations with a semblance of originality can merit protection.

This historical perspective is now being challenged as machines, not humans, start creating works of art that increasingly match those created by humans.

## **III. THE RISE OF AI IN MUSIC CREATION**

AI technologies are becoming increasingly capable of generating music with little or no human input. Tools like OpenAI's, MuseNet, Google's Magenta and Sony's Flow Machines use advanced machine learning algorithms to analyze existing music and create new compositions. These systems learn patterns, styles, and structures from massive datasets of songs and can produce original-sounding music across various genres. Scholars such as Herremans et al. (2017) have studied how AI in music is developing from mere rule-based systems to sophisticated models that can improvise and learn like human musicians. This has significant questions regarding authorship: if an AI program composes a song, who (if anyone) owns the copyright?

## **IV. LEGAL UNCERTAINTY AROUND AI-GENERATED MUSIC**

One of the biggest challenges is establishing the legal status of AI-created works. The majority of copyright regimes to date do not consider machines as creators. In the United States, for

example, the Copyright Office has established that only works created by human beings are protectable. Their 2022 guidance specifically excludes works created exclusively by AI. By comparison, the United Kingdom has a bit more leniency. According to its law, where a work is produced by a computer but not written by a human being, the author is deemed to be the person who arranged the necessary. This provides some degree of legal clarity for content generated by AI, but it is still an exception to the rule around the world.

## V. KEY CASE STUDIES AND LEGAL PRECEDENTS

There have been a number of cases that have highlighted the legal gray areas in this area:

**Thaler v. Comptroller-General of Patents:** In this instance, an AI system called DABUS was named as an inventor on a patent application. Courts in the UK, US, and EU all dismissed the claim, confirming that inventorship and authorship need human identity. **Naruto v. Slater:** Although concerning a monkey instead of a machine, this case is frequently referenced during AI arguments. A macaque snapped a selfie, yet the court determined non-humans cannot obtain copyright—a rule frequently applied to AI.

**Zarya of the Dawn:** This American case involved a comic book created with images generated by AI. While the human-written narrative was given protection, the images created by AI were not. This brought the requirement to distinguish between human and machine work for copyright purposes into focus.

Cases like these illustrate the challenge courts and agencies experience in applying outdated conceptions to contemporary technological realities.

## VI. ACADEMIC TRENDS AND ETHICAL CONCERNS

Outside of the law, academics in various fields are offering opinions on the wider impact of AI in music. Some see it as a new method of collaborative creativity, while others sound warnings over ethical dangers. For instance, there has been outcry over AI models that mirror the style or tone of live artists without authorization, potentially producing a new paradigm for artistic appropriation. There's also the concern about credit and remuneration—should musicians receive payment whenever their work is employed to teach AI models? Authors such as Crawford (2021) and Pasquale (2020) make the case for greater transparency in how these systems are constructed and how they operate on existing data.

Others stress the need to reconsider our conception of creativity itself in a world where machines have an active role in creating art.

## **VII. CONCLUSION**

In short, the confluence of music copyright and AI technology is a rapidly evolving field replete with promise and uncertainty. While AI software is making it simpler than ever to produce music, it is also threatening traditional legal and ethical conventions. Most current laws were written with human creators in mind, and translating them to take into consideration non-human actors is a tricky task.

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**VIII. REFERENCES**

- Bently, L., & Sherman, B. (2014). *Intellectual Property Law*. Oxford University Press.
- Boden, M. A. (2004). *The Creative Mind: Myths and Mechanisms*. Routledge.
- CIFAR (2021). *AI and Society: A Critical Perspective*.
- Crawford, K. (2021). *Atlas of AI*. Yale University Press.
- Drott, E. (2021). Music and the New Artificial Intelligence. *Journal of the American Musicological Society*, 74(3), 759–793.
- Gervais, D. (2020). AI and Copyright: Ownership and Authorship. *Columbia Journal of Law & the Arts*, 44(2).
- Ginsburg, J. C. (2020). Authorship in a Time of AI. *Berkeley Tech Law Journal*, 34(2).
- Goldstein, P. (2010). *Copyright's Highway: From Gutenberg to the Celestial Jukebox*. Stanford University Press.
- Hao, K. (2023). *Generative AI's Copyright Problems*. MIT Technology Review.
- Herremans, D., Chuan, C. H., & Chew, E. (2017). A Functional Taxonomy of Music Generation Systems. *ACM Computing Surveys*, 50(5).
- Pasquale, F. (2020). *New Laws of Robotics*. Harvard University Press.
- Srnicek, N. (2017). *Platform Capitalism*. Polity Press.

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