GEMA files model action to clarify AI providers‘ remuneration obligations in Europe

Wednesday 13 November, 2024

GEMA is the first collecting society worldwide to file a lawsuit against a provider of generative artificial intelligence (AI) systems for the unlicensed use of protected musical works. Specifically, it concerns the US company OpenAI, the autogenerative chatbot systems operator. GEMA accuses OpenAI of reproducing protected song lyrics by German authors without having acquired licenses or paid the authors in question. The aim is to prove that OpenAI systematically uses GEMA's repertoire to train its systems.

OpenAI has become the world's leading provider in the field of generative AI and now boasts annual sales over two billion dollars. In 2024, the company is aiming for sales of up to five billion dollars. Its AI-supported language system or chatbot, ChatGPT, was trained with copyrighted texts, including song lyrics from the repertoire of around 95,000 GEMA members. These authors have not yet been paid for the use of their works.

On November 13, 2024, GEMA therefore filed a lawsuit with the Munich Regional Court to enforce its members’ claims against the American parent company, OpenAI, LLC, and against OpenAI Ireland Ltd., the chatbot’s operator in Europe. The lawsuit‘s subject is the chatbot’s unlicensed reproduction of song lyrics. When simple prompts are entered, the chatbot reproduces the original song lyrics with which the system has obviously been trained.

While other internet services pay licensing fees to authors for using their texts, OpenAI systematically makes use of the authors' content, deliberately infringing copyrights. Fair remuneration is circumvented.

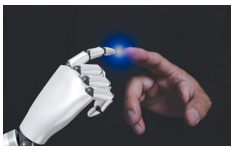
Dr. Tobias Holzmüller, CEO of GEMA, says, "Our members‘ songs are not free raw material for generative AI systems providers‘ business models. Anyone who wants to use these songs must acquire a license and remunerate the authors fairly. We have developed a license model for this. We are taking and will always take legal action against unlicensed use."

Numerous well-known German music artists, including Kristina Bach ("Atemlos"), Rolf Zuckowski, Reinhard Mey, Inga Humpe, Thomas Eckert, Ulf Sommer and Peter Plate, as well as their music publishers, support GEMA's lawsuit. Their song lyrics have demonstrably been exploited by the chatbot without remuneration.

Supervisory Board Chairman Dr. Ralf Weigand says, "Last week, we made it clear with GEMA's AI Charter that human creative achievements must not be used as a free template for the offerings of AI providers in a deeply commercial exploitation chain. Likewise, we cannot accept that copyright infringements occur in the output of chatbots. GEMA's lawsuit sends an important signal: the livelihood of us creative professionals is at stake."

GEMA presented a generative AI licensing model at the end of September.

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The aim is the fair participation of music creators when their works are used in training systems, in the generation of new AI songs or as part of AI-generated music content. In the past, GEMA had already informed AI model and system operators in writing that they must acquire a license to use GEMA works.

GEMA General Counsel Dr. Kai Welp, says, "The new technology presents us with fundamental legal questions that we absolutely must clarify. This is the only way we will succeed in establishing a licensing model on the market that strikes a fair balance between creators‘ and exploiters‘ interests. Our model procedure makes a decisive contribution to this. However, it also shows that we are prepared to enforce the rights to which authors are entitled."

GEMA’s AI Charter calls for a responsible approach to generative AI. It comprises ten core principles, including protection of intellectual property, fair participation of creative professionals in value creation, sustainability, and transparency and responsibility from AI providers.

GEMA represents the copyrights of around 95,000 members in Germany (composers, lyricists, music publishers) as well as over two million rights holders from all over the world. It is one of the world's largest authors' societies for musical works.

Note to editors

FAQ on the lawsuit against OpenAI: **www.gema.de/ai-lawsuit**

GEMA's AI Charter: **www.gema.de/ai-charter**

Information on the AI licensing model as well as statements, facts and figures on "AI and music" can be found in GEMA's digital AI dossier at **www.gema.de/ki**

You can find the "AI and music" study (2024) at **www.gema.de/ai-study**

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