

PRS for Music and Artificial Intelligence

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A message from our Members' Council Chair

AI is transforming music creation in ways unimaginable just five years ago. While it offers new possibilities, AI is also causing great anxiety in our community. There are still so many unknowns in how AI will evolve, and to what extent it can, or cannot, truly become a substitute for human creativity in the future.

The UK Government's recent proposals to introduce a new exception to copyright for the purposes of AI training sparked a powerful response from the creative community, and rightly so. Our music is not just data to be exploited for the benefit of others.

An AI ecosystem in which creators' rights are respected is not an aspiration, it is a necessity. PRS is absolutely committed to fighting to secure the protections necessary to unlock the potential of AI for the benefit, not harm, of creators.

For the last two years the Members' Council have worked hard to build a comprehensive understanding of how the AI market and technologies are evolving and the likely impact on members.

Our AI principles, announced last year, were a critical first step, setting out how we will engage with policymakers and the AI sector. Since then, we have developed new policies on the registration of AI-assisted works, evaluated new tools to identify AI systems and anomalies in registration and usages, as well as identify opportunities to take enforcement actions against AI based music apps.

The Members' Council also recognise the opportunity AI/machine learning represents to enhance PRS' service offering. It can help streamline and simplify the flow of royalties, making royalty distributions quicker and more efficient, ensuring works are matched accurately, and reduce administrative costs.

PRS remains steadfast in its mission to protect the intrinsic value of human composition. While legal and regulatory frameworks around the globe are still taking shape, we will continue to advocate, innovate, and protect what matters most - the rights, livelihoods, and artistry of our members.

Julian Nott

Chair of the PRS Members' Council

Introduction

The rapid advancement of Artificial Intelligence (AI) has already had a profound impact on the music industry, presenting both opportunities and challenges. While AI tools, when used responsibly, can assist the creative process and optimise operations of music businesses, there are significant concerns about unethical practices of some generative AI developers.

PRS for Music will ensure we are well equipped to support members through the development of AI and to mitigate any possible negative impacts. This includes:

- ✓ Advocating for a strong legal and regulatory framework with clear and enforceable rules on compliance with copyright and transparency.
- ✓ Developing a policy on which works PRS will represent that have been created with the use of AI ("AI works"), to protect the value of our members' copyright works in the society network.
- ✓ Establishing an AI Working Group of our Members' Council to consider PRS for Music's position on AI and examine the latest developments across policy, licensing, and enforcement.
- ✓ Putting in place measures to detect fraudulent AI-related activity, such as misleading or false registrations.
- ✓ Utilising AI and automation to accelerate accurate royalty distributions

This paper provides an overview of the intersection of AI and music creation, the legal and regulatory challenges, PRS for Music's position on AI, and the registration of AI works policy. Our Members' Council AI Working Group continues to monitor technological, legislative and industry developments, and is prepared to adjust PRS' position as necessary.

The intersection of AI and music creation

AI encompasses a wide range of technologies that imitate human-like behaviours such as learning, reasoning, problem solving and decision making through the 'intelligent' analysis and interpretation of data.

Machine learning is a type of AI which seeks to 'learn' repetitive actions and decisions through insights derived by analysing patterns in existing data. In the music industry, machine learning techniques are becoming increasingly used in mixing and mastering tools, music marketing, playlist curation and algorithmic recommendations based on listening patterns.

Generative AI is a specific variant of machine learning. Generative AI models, sometimes known as Large Language Models (LLMs), are usually trained on vast datasets and can produce text, images, videos or music within seconds from simple prompts, with minimal human intervention. Although in the early days the quality of AI outputs was noticeably lacking compared to human-created compositions, generative AI music now sounds increasingly similar to human works, to the point that it can be hard to tell if and how AI was used.

How do music creators use AI?

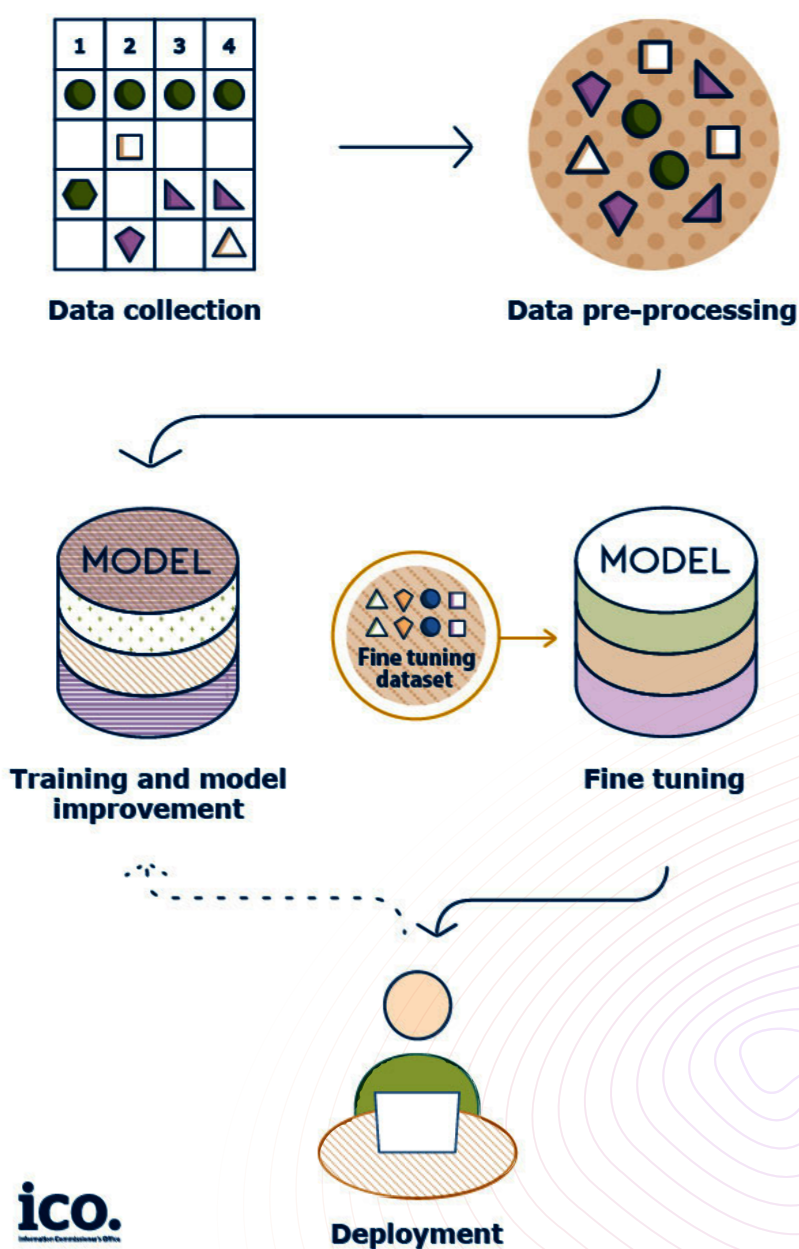
The availability of AI music creation services has rapidly increased in recent years. Alongside AI-powered plug-ins integrated into existing production software a wide variety of new AI music creation tools are available, including those with little or no cost to users. Although functionality of AI music tools is ever-changing, the most common applications are:

- Stem separation (use of AI to separate individual components of an existing work, such as specific instruments or vocals, to include in a new composition)
- Timbre transfer (use of AI to convert input sound generated by one instrument into the same sound as if it were played by another instrument)
- Writing lyrics
- Composing or adding individual elements of instrumentation
- Generating or editing vocals
- Generating full compositions from prompts
- Stimulating ideation
- Applying a style filter to generate a work in a specific artist's style or genre

The development of AI models

Developing a generative AI model involves different stages, including collecting and pre-processing the training data. The data is then used to train the base model. The base model is then fine-tuned for deployment in a specific context and its performance is evaluated. Regular feedback is provided for model improvement post-deployment.

Figure 1: An indicative model development lifecycle. Some of the later steps may be interchangeable and iterative depending on the context.¹



¹ <https://ico.org.uk/about-the-ico/what-we-do/our-work-on-artificial-intelligence/generative-ai-first-call-for-evidence/>

The use of musical works in AI training

Generative AI models rely on vast quantities of existing data as training material. Many AI developers or data providers acquire this data through web scraping; a process that extracts information from online sources, including copyright-protected music and lyrics.

If AI developers want to use music for the purpose of training, they must first obtain an authorisation. Such an authorisation, if granted, would generally be provided by a licence from the rightsowner, individually or collectively. There are international variances in how the right to authorise operates, notably in the European Union (EU). EU law provides an exception to copyright for data mining, provided that rightsholders have not exercised the right to opt out and have satisfied the relevant conditions.

Beyond the ingestion of music for the purposes of training, it is increasingly understood that in the provision of the service to users, additional copyright acts will take place. In such instances additional authorisations will need to be obtained by the AI services.

Many AI models have been trained on copyright works without obtaining the necessary authorisation from rightsholders. Using an unlicensed service carries a significant risk that the output will infringe other people's copyright. When considering whether to use an AI service or tool, members should satisfy themselves the service has obtained authorisation from all the appropriate rightsholders for the use of their works and not use unlicensed services which are infringing copyright.

PRS for Music's position on AI

PRS for Music's primary purpose is to grow and protect the value of the rights entrusted to us, including collecting and distributing the royalties owed to members when their works are used. Adapting to changing technologies and markets is essential so we can continue to protect the interests of human music creators and the publishers which support them, ensuring they are fairly paid whenever and wherever their works are used.

PRS for Music members' survey

In August 2023, PRS for Music commissioned a survey to better understand our members' perspectives on AI. Over 1,400 members responded, of whom:

- 29% were using AI for music-related activities, and 55% said they will or might do so in the future.
- 74% expressed concerns around AI-generated music competing with human-made compositions.
- 93% believed creators deserve to be compensated if their music is used for AI-generated content.
- 89% felt that AI tools should be transparent about how they generate AI works.

PRS for Music principles

The PRS Members' Council has developed guiding principles, informed by the results of our members' survey, to define how PRS engages with the AI sector and policymakers. These are:

Protection of human creativity – Music is an expression of human emotion, a record of our shared lived experience. Songwriters and composers are at the core of all great music. PRS for Music is committed to championing human creativity, including by ensuring creators are paid and credited whenever and wherever their works are used.

Choice – Authorisation is the central pillar of copyright and must be protected. Rightsholders should always have the right to decide whether their works are used, including by AI systems. Music is not data, it should not be mined for others' benefit.

Transparency – Auditability and transparency must be enshrined in the development of all AI systems. AI-generated content should be clearly labelled as such, for everyone to see.

Global cooperation – PRS for Music will work with its partners around the world to secure an enforceable regulatory framework for AI companies, one which holds them accountable for their actions.

In addition to these core principles designed to protect members rights and interests, PRS has committed to identify ways in which AI can enhance the services we provide to members, including delivering royalty distributions even more efficiently and accurately.

AI outputs – Registration Policy

As the use of AI is becoming more prevalent in the creation of music, music creators are increasingly seeking guidance from their collecting societies on whether works which have been generated by, or with the assistance of, Artificial Intelligence (“AI works”) can be registered within society networks.

The PRS Members’ Council has considered this issue carefully, including by reviewing relevant case law, and developed a new registration policy for musical works where AI was involved. The policy also sets out which penalties we will apply to false and misleading registrations.

Our policy is based upon two guiding principles:

- PRs will only represent musical works and associated literary works which meet the legal requirements to qualify for copyright protection.
- To qualify for copyright protection, music and/or lyrics must be the original work of a human author or authors.

Eligibility for copyright in AI outputs

While the use of technology in the creation of musical works is not new, the advanced capabilities of generative AI technologies are. Whether works created with the use of AI are eligible for copyright protection will depend on the nature and extent of a human’s contribution and whether the resulting work satisfies the legal test of originality. Ultimately, it will be for the creator or creators of the work to ensure it is eligible for copyright protection and, where appropriate, to evidence the extent and influence of their contribution.

AI Generated Works

Originality in copyright law is inextricably tied to a human author. By definition, AI generated lyrics and compositions (“AI Generated Works”) with no human author or with insufficient human intervention are not protected by copyright under UK law.²

PRS Policy – AI generated works cannot be registered with PRS for Music.

AI Assisted Works

Where AI has been used only as an assistive tool in the human-led composition process, the work is more likely to satisfy the legal requirements for copyright protection of human originality (“AI Assisted Works”).

For a work to meet PRS’ definition of AI Assisted and therefore be registrable, there must be sufficient original human contribution in the work, and it must reflect the originality, creativity and effort of the human author or authors.

PRS Policy – PRS will represent AI Assisted Works insofar as the work satisfies the legal test for copyright protection, by satisfaction of the terms set out above.

In determining whether a work satisfies PRS’ definition of ‘AI Assisted’ and can be registered, it may be helpful to consider whether the human contribution to the work alone would be enough to attract copyright, without the AI elements.

² PRS acknowledges UK law provides for the concept of a computer-generated work in Section 9 (3) of the Copyright, Design and Patents Act 1988. There is, however, a contradiction between this provision and the legal necessity for human originality in the work. As such, PRS believes it may never be practically applied. PRS will not represent any work claiming copyright as a computer-generated work.

Understanding the originality test: use cases of AI in music creation

Ultimately only a court of law will be able to adjudicate on what counts as sufficient human contribution, creativity and effort to satisfy the originality test, though members can (and should, if they are in any doubt) seek their own legal advice as to whether the processes they use are likely to satisfy that test and lead to the creation of copyright works. PRS cannot give legal advice to members on this.

Although not legally binding, the examples below illustrate the likelihood of different uses of AI to satisfy the originality test, and consequently whether the work would be registrable with PRS:

Don't
register

Prompts or minor alterations: Generating a piece of music using prompts alone will not be considered by PRS to be sufficient originality to be registered. Similarly, tweaks or edits to an AI generated composition or AI generated lyrics are highly unlikely to make you the author, and the work is equally unlikely to be copyright protected and shouldn't be registered.

AI to amend or enhance: Where a composer has written an original melody and used AI to add instrumentation, or where a songwriter has used AI to refine original lyrics, the final work may satisfy the originality test. It is for the composer to ensure the work can still be considered their own intellectual creation, despite these amendments or additions by AI, before registering with PRS.

Register

AI-assisted mixing and mastering: Where a composer writes the melody, lyrics and arrangement, and then uses AI tools to mix and/or master the track, the work is highly likely to satisfy the originality test.

AI is a relatively new phenomenon and the distinction between AI generated and AI assisted still isn't very well documented. However, there are some useful resources to begin to navigate the distinction, for example where policymakers have considered the applicability of their respective copyright regimes to works created with AI. In particular, the UK Government said the following in its consultation on AI and Copyright, published in December 2024:

[For a work] to be so protected [by copyright] it must be original, in the sense that it is the intellectual creation of its author, reflecting their personality and creative choices. In general, any work made using AI as a tool, but where the creative essence of the work comes from a human creator will fall in this category. [...] We will refer to such works as "AI-assisted works" – works with a human creator, making use of an AI tool. They are protected in similar terms in the EU and the US as they are in the UK.³

³ <https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence/copyright-and-artificial-intelligence>

Works with an AI-generated component

Under UK law, the music and lyrics that may make up a song are separate copyrights – the former is a musical work, and the latter is a literary work. One can attract copyright (or not, as the case may be), entirely independently of the other.

Although PRS permits music and associated lyrics to be registered together as a single work, it has always allowed for the naming of interested parties distinctly for lyrics and composition. Following this existing precedent, PRS members will need to specify during the registration process if either the music or lyrics are AI generated. This allows PRS to identify elements of the work which are not copyright protected and, where appropriate, to treat those elements of the work differently.

PRS Policy - Where lyrics are AI generated but the composition was human created (including AI assisted) the author(s) of the work can register their ownership of the composition and must declare the AI generated component as "AI", or vice versa.

Considerations when using AI to assist in the creation of new works

As previously detailed, many AI tools are trained using vast quantities of musical works that have been scraped from the internet without obtaining the necessary licences from legitimate copyright owners. Notably, at the time of writing, AI services including Suno, Udio, Open AI (Chat GPT) and Anthropic (Claude) are in active copyright infringement litigation with rights holders.

Using unlicensed services carries a significant risk that the output may include other people's copyright, constituting an infringement of their rights. Members should consider this in deciding whether to use certain AI services, particularly those that are unlicensed. It is encouraged that members use AI tools which demonstrate they have obtained authorisation from all the appropriate rightsholders for the use of their works and do not use unlicensed services which are infringing copyright.

Additionally, members should carefully review the Terms of Service of the AI tools used to ensure they retain full ownership of rights in the output, as some AI services claim ownership of works generated by users. Members should also ensure the Terms of Service do not require the assignment, transfer or sub-license of rights to any other party. Under the terms of the PRS Membership Agreement, members shall not assign, transfer or sub-license rights to any other party without the prior written consent of PRS for Music.

Members are responsible for accurate registrations

PRS members are solely responsible for the accuracy of works registrations. A member must have a reasonable and honest belief that the work they are registering would satisfy the definition of an original musical work. Penalties will be applied under [Rule 3 and Rule 5 of the PRS Rules](#) where members have knowingly made a false registration, for example, registering an AI generated work or partly AI generated work which does not attract copyright.

Under Rule 3(b), any registration of a work in which copyright does not subsist will be made ineffective. In addition, depending on the circumstances, the Members' Council may take one or more of the actions specified under Rule 5, as appropriate. In the context of AI, the Council will be empowered to apply maximum penalties as set out under Rule 5, which include

PRS requiring the return of any royalties distributed in respect of such work, withholding other royalties from the member pending repayment of wrongly paid royalties, costs and expenses, the imposition of an additional penalty on the member, court proceedings, plus possible referral to a Disciplinary Panel.

Detection of suspicious activity

AI accelerates the possibility of fraudulent works registration, which in unison with stream manipulation tools puts the fair and accurate distribution of royalties at risk, to the detriment of human creators.

Whilst it is not possible for a society to run checks on all work registrations to ensure each is a valid copyright work, PRS is proactively strengthening its defences. Through sophisticated data analysis and tracking of anomalous patterns in registrations, we are continuing to develop processes, tools and mechanisms to identify misleading or false registrations.

PRS takes a zero-tolerance approach to fraud. We will continue to use all tools at our disposal to protect the integrity of our copyright systems, ensuring fair and accurate royalties for our members.

