A Legal Framework for Artificial Intelligence and Copyright Protection in Brazil

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This year's World Intellectual Property Day celebrates music, making it a good opportunity to reflect on how the industry is being reshaped by new technologies. With the rapid spread of generative artificial intelligence, all it takes is a human operator with the right prompt for an AI platform to generate melodies, lyrics, and even new versions of well-known songs—raising critical questions about authorship and legal protection.

The Brazilian Senate recently approved Bill PL 2.338/2023 to establish a regulatory framework for artificial intelligence in this country. In the field of Intellectual Property, the proposed legislation introduces specific provisions on the use of copyrighted works in training AI systems. Notably, the Bill stipulates that rights holders must be compensated whenever AI systems trained on their works are used for commercial purposes, even if those works are used without prior authorization – and this marks a departure from the logic underlying copyright law.

In addition to giving creators the option of prohibiting the use of their works by third parties, the Bill also introduces a transparency requirement: If AI developers train their systems using content protected by copyright or related rights, they must disclose which protected works were used.

Although the Bill must be approved by the Chamber of Deputies before it becomes law, it has drawn attention to the protection of creators' rights when their works are reproduced and transformed by AI. These issues are especially pressing in the music industry, where the use of AI to mimic artists' voices and simulate songs for sharing on social media is increasingly common.

Generative AI is undoubtedly a powerful tool in developing new artistic creations. But innovation must be balanced with fair and balanced regulatory solutions. Even in this age of algorithms and automation, human creativity remains at the heart of artistic development—and it must be respected.