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Enhancing Trust in Artificial Intelligence Through Increased Transparency

Submission of the Songwriters Association of Canada (S.A.C.)

Introduction

1. For more than 40 years, the Songwriters Association of Canada (“S.A.C.”) has advocated on behalf of Canadian songwriters, composers, lyricists and music creators, championing their rights and interests in Canada and internationally. S.A.C. is a 100% Canadian not-for-profit organization, governed by a Board of Directors composed entirely of active professional Canadian songwriters and music creators.

2. S.A.C. welcomes the opportunity to provide its views on measures to enhance trust in artificial intelligence (“AI”) through increased transparency. The development of generative AI presents significant opportunities, but it also raises fundamental questions about copyright, accountability, remuneration, and creators' ability to understand and control the use of their works.

Creative Works and Generative AI

3. Songs and the songwriters who create them generate the valuable intellectual property on which the music industry is built. Songs support recordings, performing artists, record labels, publishers, broadcasters, digital streaming services, and countless other businesses and cultural activities. Copyright-protected creative works are likewise an essential resource for the development and operation of many generative AI systems.

4. Generative AI systems do not develop in a vacuum. They depend on vast quantities of existing material, including works created through the skill, labour and investment of human creators. When copyright-protected works are used to develop commercial AI systems, creators and rightsholders must be able to determine whether and how their works have been used and to exercise their rights under Canadian copyright law.

5. The rapid proliferation of generative AI poses a profound economic challenge for songwriters. Creators increasingly face competition from synthetic content generated by systems that were likely developed using human-created works. The scale of this transformation is already significant. In July 2026, Deezer reported that fully AI-generated tracks had exceeded 50% of new daily music uploads, with peak levels in June 2026 and approximately 90,000 AI-generated tracks delivered per day.¹

6. Concerns about the unauthorized use of creative works extend beyond creators and rightsholders. Newly unsealed court filings in The New York Times' copyright litigation against OpenAI and Microsoft reveal significant internal concerns about using copyright-protected material to train generative AI systems. In a 2023 internal memo cited in the filings, Microsoft Director of Applied Science Brent Hecht described the large-scale use of online content for AI training as potentially "the largest theft of labor in human history."²

7. These concerns underscore the fundamental information imbalance facing creators: without meaningful transparency into training and development inputs, creators may have no practical way to determine whether their works have been used, whether authorization was required or obtained, or whether their existing rights have been respected.

Transparency as the Foundation for Authorization and Remuneration

8. S.A.C. has consistently advocated for the principles of Authorization, Remuneration and Transparency ("ART") as essential foundations for the treatment of creators and rightsholders in the development of generative AI.

9. These principles are interdependent. Transparency enables rightsholders to identify uses of their works. That knowledge enables meaningful authorizations and licences. Licensing, in turn, provides a mechanism through which creators can participate in the economic value generated by the use of their intellectual property.

10. Transparency is therefore not an end in itself. It is a necessary foundation for a functioning licensing marketplace, effective copyright enforcement, and public confidence in AI-generated content.

11. S.A.C. supports the development of a robust market for voluntary licensing between AI developers and rightsholders. Permission-based licensing models can provide AI developers with lawful access to high-quality creative works while ensuring that the creators whose works contribute value to those systems share in the resulting economic benefits. Collective management organizations, which have adapted licensing practices to successive technological changes, can play an important role in developing scalable solutions for AI.

Input Transparency

12. The responsibility for transparency rests primarily with AI developers. Developers are best placed to know what material has been acquired, collected, or otherwise used in developing and

¹ <https://newsroom-deezer.com/2026/07/ai-music-exceeds-50-percent-daily-uploads-deezer/>

² https://www.nytimes.com/2026/09/17/technology/microsoft-openai-publishing-industry.html?eafs_enabled=false

training their systems. The burden should not instead be placed on individual creators to determine whether their works have been ingested into systems whose training processes and datasets are not visible to them.

13. AI developers should therefore be required to disclose meaningful information about the datasets and copyright-protected material used to train or otherwise develop AI systems made available in Canada. This should include sufficient information to allow rightsholders to identify whether their works have been used, together with relevant information about the source of that material and the basis on which it was accessed or used.

14. Transparency requirements must be sufficiently detailed and machine-readable to be practically useful to creators and rightsholders. General descriptions of broad categories of training data, without meaningful information that permits the identification of copyright-protected works and their sources, would not provide the accountability required for creators to exercise their rights.

15. To ensure that input transparency obligations carry meaningful legal weight, S.A.C. explicitly supports a core principle set out in the ACCORD submission: the introduction of a rebuttable presumption of copyright use. Under this framework, if an AI developer fails to maintain or publicly disclose complete, machine-readable records of its training datasets, the law must presume that protected works were ingested and used. Shifting the evidentiary burden directly onto the developer, who alone controls access to its system architecture and training log, resolves the severe information asymmetry currently imposed on rightsholders and creates a direct, practical incentive for developers to secure authorization and licensing upfront.

Output Transparency and Provenance

16. Transparency must also extend to the outputs of generative AI systems. Consumers, creators, rightsholders and digital platforms should be able to distinguish AI-generated content from human-created works.

17. AI developers and deployers should implement appropriate technical mechanisms (including provenance metadata, watermarking, fingerprinting and other emerging standards) to identify content generated by their systems and preserve information about its origin.

18. Platforms distributing AI-generated content are well positioned to ensure that appropriate information is communicated to consumers. Where reliable provenance information is available, platforms should clearly identify AI-generated content and preserve relevant metadata throughout the distribution chain.

19. Responsibility should therefore be allocated according to the information and technical capabilities available to each participant: developers should maintain transparency about system inputs and outputs; deployers should preserve relevant provenance information; and platforms should provide clear, consumer-facing identification of AI-generated content.

Copyright Must Remain the Foundation

20. S.A.C. strongly supports the detailed proposals on input and output transparency advanced by ACCORD in this consultation. These transparency measures must operate alongside, rather than replace or diminish, the rights afforded to creators under the *Copyright Act*.

21. S.A.C. urges the Government of Canada to maintain Canada's existing copyright framework and to explicitly reject the creation of a commercial text-and-data-mining ("TDM") exception, an AI-specific safe harbour, or an expansion of fair dealing that would permit the unauthorized commercial use of copyright-protected works for AI training.

22. Creating broad exceptions while simultaneously requiring greater transparency would undermine the purpose of transparency. Knowing that a work has been used is meaningful only when creators retain enforceable rights over that use. Transparency and copyright protection must therefore work together.

23. Copyright is not an abstract principle for professional creators. It is the legal and economic mechanism that enables songwriters and other creators to earn income from their work. To put it plainly, for music creators, copyright is our paycheque. When creators cannot participate in the economic exploitation of their works, their ability to sustain professional creative careers is diminished. Over time, this risks weakening Canadian cultural production and reducing the diversity of Canadian voices and expression.

S.A.C.'s Advocacy

24. S.A.C. has consistently advanced these principles in its engagement with Canadian and international policymakers, including federal discussions on AI and copyright, policy briefings with Canadian Heritage, Innovation, Science and Economic Development Canada, and federal AI officials, and its participation as an accredited observer at the World Intellectual Property Organization ("WIPO") in Geneva.

25. Transparency, licensing and remuneration are increasingly central to international discussions on AI and copyright. WIPO's recent work on copyright and generative AI has identified "Visibility and Transparency" and "Licensing and Remuneration" as key areas for examination.³ In December 2025, WIPO's Standing Committee on Copyright and Related Rights ("SCCR") also asked the WIPO Secretariat to prepare a study examining policy and regulatory approaches to the relationship between AI training and copyright, including applicable practices for authorization, enforcement and compensation.⁴

³ World Intellectual Property Organization, *Information Session on Copyright and Generative Artificial Intelligence – Provisional Program*, SCCR/47/INF/2 REV. (12 November 2025), identifying "Visibility and Transparency" and "Licensing and Remuneration" as the two principal themes of the Information Session, https://www.wipo.int/edocs/mdocs/copyright/en/sccr_47/sccr_47_inf_2.pdf

⁴ World Intellectual Property Organization, *Summary by the Chair*, Standing Committee on Copyright and Related Rights, Forty-Seventh Session, SCCR/47/SUMMARY (9 December 2025), para. 21, https://www.wipo.int/edocs/mdocs/copyright/en/sccr_47/sccr_47_summary.pdf

26. This ongoing international work underscores the importance of developing frameworks that make the use of copyright-protected works in AI systems visible and that enable creators and rightsholders to exercise their rights and participate in the economic value generated by those uses.

Conclusion

27. Songwriters and music creators are not opposed to technological change. The history of music is inseparable from technological innovation. From synthesizers and sampling to digital recording, streaming, and new forms of music creation and distribution, creators have continually adopted new technologies, developed new creative practices, and adapted to new marketplaces.

28. Generative AI represents another significant technological transformation, and it offers new possibilities for creativity and innovation. However, technological progress cannot come at the expense of the human creators whose works, skill and labour make that progress possible. Innovation and the protection of creators' rights are not mutually exclusive.

29. Meaningful transparency is therefore paramount. Creators must be able to know when and how their copyright-protected works are used, while consumers and the public should be able to understand when the content they encounter has been generated by AI. Transparency provides the foundation for authorization, licensing, remuneration and accountability.

30. Canada has an opportunity to establish a framework for responsible AI development that fosters innovation while safeguarding the rights and economic interests of human creators. By advancing Authorization, Remuneration and Transparency together, Canada can support technological progress while ensuring that Canadian songwriters and other creators continue to participate meaningfully in the cultural and economic value their works help generate.