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# **AI TRAINING ON COPYRIGHTED MUSICAL WORKS: LESSONS FOR CAMEROON FROM INDIA'S COPYRIGHT FRAMEWORK**

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## **1. Introduction**

Artificial intelligence has moved from a supporting tool in music production to a technology capable of composing, arranging and reproducing musical material with minimal human involvement.<sup>2</sup> This shift places direct pressure on a principle that has anchored copyright law since the nineteenth century: that protection attaches automatically to an original work, without formality, and cannot lawfully be exploited without the author's consent.<sup>3</sup> The international framework built around this principle – the Berne Convention, later reinforced by the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the WIPO Copyright Treaty (WCT) – extended automatic protection into the digital environment, but none of these instruments anticipated a technology capable of learning from, and reproducing patterns drawn from, vast quantities of copyrighted material at industrial scale.<sup>4</sup>

The result is a legal gap with real economic weight. AI developers routinely assemble training datasets that include copyrighted songs and recordings, without a settled answer as to whether such use requires a licence, falls within an existing exception, or escapes copyright altogether. For developing music markets, unlicensed training risks displacing the very revenue streams – licensing, royalties, collective remuneration – that a national music industry needs to grow, at precisely the moment those markets are beginning to gain international visibility through digital streaming.

The stakes are not evenly distributed. Large technology companies and well-resourced entertainment businesses tend to possess disproportionate access to computing power,

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<sup>2</sup> See generally World Intellectual Property Organization, *WIPO Technology Trends 2019: Artificial Intelligence* (WIPO 2019).

<sup>3</sup> Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, as revised) art 5(2).

<sup>4</sup> Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (adopted 15 April 1994, entered into force 1 January 1995) art 9; WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002).

training data and legal expertise, positioning them to capture much of the commercial value AI-generated music creates; independent musicians, particularly in developing markets, may find themselves competing against AI-generated content produced at a cost and speed no individual artist can match, without a corresponding share of the resulting economic benefit. At the same time, AI can lower the barriers that have historically excluded musicians without access to expensive studios or professional production infrastructure – a genuine democratising potential that any regulatory response must be careful not to foreclose. A sound legal framework must hold both concerns simultaneously: protecting creators against uncompensated large-scale exploitation of their work, while preserving the opportunities AI tools offer to musicians who have historically had the least access to professional production infrastructure.

This article compares how India and Cameroon confront this specific problem: the use of copyrighted musical works to train AI systems. It argues that neither jurisdiction currently has a framework adapted to this use, but that the disparity between them is instructive. India's considerably more developed music industry and copyright infrastructure have produced institutional and judicial responses – however incomplete – that Cameroon, still building its own framework under Law No. 2000/011 and the regional OAPI system, can draw on. The article does not suggest that India's model be transplanted wholesale; it identifies specific institutional capacities that offer a workable template for reform in Cameroon. Section 2 sets out the shared international framework within which both countries operate. Sections 3 and 4 examine, respectively, Indian and Cameroonian copyright law as each applies to AI training. Section 5 draws out what, specifically, Cameroon can learn from India's experience, and Section 6 sets out concrete recommendations.

## **2. The International Framework**

Both India and Cameroon operate within the same international copyright architecture. India is a party to Berne, TRIPS, the WCT and the WIPO Performances and Phonograms Treaty (WPPT) in its own right; Cameroon is bound by the same instruments and additionally participates in the regional system administered by the African Intellectual Property Organization (OAPI).<sup>5</sup> This shared international foundation means that both countries guarantee automatic protection to musical works and sound recordings, and both are bound by TRIPS' minimum enforcement standards, including the availability of civil remedies, injunctions and damages

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<sup>5</sup> See Organisation Africaine de la Propriété Intellectuelle, Bangui Agreement (as revised 1999).

for infringement.<sup>6</sup>

Article 9(2) of TRIPS confirms that copyright protects expression rather than the ideas, procedures or methods underlying it – the idea-expression dichotomy that underlies every domestic infringement analysis this article later examines.<sup>7</sup> The WCT, for its part, extended Berne-style protection into the digital environment, addressing computer programs, databases and the right of communication to the public that online streaming engages.<sup>8</sup> What none of these instruments does – because none was drafted with the possibility in mind – is specify whether the automated ingestion of copyrighted works into an AI training dataset constitutes an act of reproduction requiring authorisation, or whether it might instead fall within some analogue of the exceptions Article 9(2) and the Berne three-step test otherwise permit.<sup>9</sup> That silence is not an oversight so much as a structural limitation: international copyright instruments are renegotiated rarely and slowly, while the technology this article examines has developed within a handful of years. The practical consequence is that the question is left entirely to domestic law – which is precisely where India and Cameroon diverge most sharply, as Sections 3 and 4 show.

### **3. India: A Head Start Without Settled Answers**

India's copyright system rests on the Copyright Act 1957, amended several times, most significantly in 2012 to implement the WIPO Internet Treaties. Section 2(d)(vi) of the Act provides that, for a computer-generated literary, dramatic, musical or artistic work, the author is "the person who causes the work to be created."<sup>10</sup> India is therefore among a small number of jurisdictions whose statute expressly contemplates computer-generated works – a provision Cameroon's legislation simply does not have. The difficulty is that this provision predates generative AI by decades: it was drafted for software that followed instructions a human had substantially specified, not for systems that produce a complete composition from a short prompt while independently determining melody, harmony and arrangement. Whether a person who supplies such a prompt "causes the work to be created" within the meaning the provision intended remains untested, and no Indian court has resolved the question in relation to music. The Act's fair-dealing exception, Section 52, permits certain uses – private use, research, criticism and review – without infringing copyright.<sup>11</sup> Whether this exception extends to large-

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<sup>6</sup> TRIPS (n 3) arts 41–61.

<sup>7</sup> TRIPS (n 3) art 9(2).

<sup>8</sup> WCT (n 3) arts 4, 5, 8.

<sup>9</sup> Berne Convention (n 2) art 9(2); TRIPS (n 3) art 13.

<sup>10</sup> Copyright Act, 1957, §2(d)(vi).

<sup>11</sup> Copyright Act, 1957, §52.

scale commercial AI training is genuinely uncertain: it was drafted around individual, largely non-commercial uses, not the automated ingestion of millions of recordings by a commercial developer, and no Indian court has ruled directly on the question.

Ownership adds a further layer of difficulty. Section 18 permits an author to assign copy-right, and Section 19 sets out the formal requirements for a valid assignment, including that it be in writing, signed, and specify the rights, duration and territorial extent assigned.<sup>12</sup> This assignment framework is what would allow an AI developer to obtain rights to musical works by agreement rather than relying on an exception – but where a work’s authorship is itself unsettled, as Section 3.1 explains, the assignment framework built on top of that authorship becomes correspondingly harder to apply with confidence, since a licensee cannot be certain what, precisely, it is acquiring, or from whom.

Performers receive separate protection under Section 38, of particular relevance to AI voice cloning: because a performer’s right exists independently of the copyright in the underlying composition, an AI system that reproduces a performer’s recognisable vocal characteristics may engage Section 38 even where it does not copy any specific existing recording.<sup>13</sup> Section 57 separately protects an author’s moral rights of attribution and integrity, engaged whenever AI-generated content is falsely attributed to a musician or distorts an existing work in a manner prejudicial to their reputation.<sup>14</sup> Neither provision was drafted with AI in mind, and India has no legislation addressing unauthorised voice cloning or deepfake music as such, leaving affected performers to construct a claim from whatever combination of these general provisions happens to fit the facts.

Where India’s framework does offer something concrete is institutional. Sections 33 to 36 regulate copyright societies – India’s collective management organisations – requiring registration with the Registrar of Copyrights and imposing obligations of transparent royalty distribution among members.<sup>15</sup> These societies administer performance and broadcasting rights at scale on behalf of composers, lyricists and publishers, and this existing infrastructure of membership records, repertoire databases and royalty-distribution mechanisms is precisely the institutional capacity that any collective licensing solution to the AI-training problem would require. Whether India’s copyright societies could realistically be adapted to license AI training use, rather than only performance and broadcasting, remains an open question – but

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<sup>12</sup> Copyright Act, 1957, §§18–19.

<sup>13</sup> Copyright Act, 1957, §38.

<sup>14</sup> Copyright Act, 1957, §57.

<sup>15</sup> Copyright Act, 1957, §§33–36.

the statutory framework permitting collective administration is, unlike an AI-training exception, already in place.

India's judiciary has also begun engaging with digital-era exploitation more broadly, even without addressing AI training directly. In *Eastern Book Company v D.B. Modak*, the Supreme Court articulated a "skill and judgment" threshold for originality, rejecting both a bare "sweat of the brow" standard and a strict originality requirement, and adopting an intermediate test relevant to how AI-processed or AI-assisted works might later be assessed for originality.<sup>16</sup> In *R.G. Anand v Delux Films*, the Supreme Court articulated the idea-expression dichotomy in the Indian context, holding that copyright protects the particular expression of an idea rather than the idea itself – a distinction that will become central once Indian courts are asked whether an AI system's output merely reproduces an unprotectable style or genre, or the protectable expression of a specific work.<sup>17</sup> In *Super Cassettes Industries Ltd v MySpace Inc*, the Delhi High Court at first instance addressed intermediary liability for infringing content hosted on a digital platform, a body of reasoning with direct relevance to how a court might later approach a platform hosting AI-generated music – although the Division Bench subsequently reversed that finding on appeal, holding that My Space qualified for safe-harbour protection as an intermediary, a reminder that Indian jurisprudence on platform liability is itself still unsettled.<sup>18</sup> None of these cases resolves the AI-training question directly, but together they show a judiciary already accustomed to reasoning about originality and digital exploitation – a comparative advantage Cameroon's courts have not yet had the same opportunity to develop, given the absence of a comparable body of jurisprudence.

Taken together, India's strengths are real: comprehensive statutory protection for musical works and sound recordings, express recognition of performers' and moral rights, an established collective management infrastructure, and a judiciary with some experience of digital-era reasoning. Its limitations are equally real: Section 2(d)(vi) does not resolve how much human involvement its "causes the work to be created" test requires; no provision addresses AI training specifically; and no legislation addresses voice cloning or deepfake music as such. India's statutory head start on computer-generated works has not, in practice, translated into settled answers for the AI-specific questions this article examines – but it has produced institutions and judicial experience that Cameroon does not yet have.

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<sup>16</sup> *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).

<sup>17</sup> *R.G. Anand v. Delux Films*, A.I.R. 1978 S.C. 1613 (India).

<sup>18</sup> *Super Cassettes Indus. Ltd. v. MySpace Inc.*, 2011 (48) P.T.C. 49 (Del.) (India), *rev'd*, *MySpace Inc. v. Super Cassettes Indus. Ltd.*, 2016 SCC OnLine Del 6382 (India).

#### 4. Cameroon: A Sound Principle, an Absent Institution

Copyright in Cameroon is governed principally by Law No. 2000/011 of 19 December 2000 on Copyright and Neighbouring Rights, which protects “musical compositions with or without lyrics”<sup>19</sup> and grants authors the exclusive right to exploit their work in any form and to derive pecuniary profit from it<sup>20</sup> – a formulation broad enough, on its face, to extend to AI-related exploitation despite predating both digital streaming and generative AI by well over a decade. The Law recognises both economic and moral interests in broadly the same structure as the international framework examined in Section 2. Economic rights allow authors to control reproduction, representation, adaptation and distribution of their work; moral rights protect the personal relationship between author and work, engaged in essentially the same circumstances as under Indian law – false attribution of AI-generated content to a musician, or unauthorised digital manipulation of an existing work in a manner harmful to the author’s reputation. The Law also recognises neighbouring rights for performers, producers of phonograms and broadcasting organisations, the domestic counterpart of the Rome Convention and WPPT framework: performers’ contributions are recognised as distinct from the underlying composition, meaning voice-cloning technology raises the same analytical difficulty for Cameroonian law that it raises for Indian law under Section 38.

The 2000 Law contains no provision addressing AI-generated works, computer-generated authorship, or AI training specifically. Where a Cameroonian musical work is copied into an AI training dataset, the general reproduction right is engaged in principle, but whether any existing exception could apply to such use is untested, and considerably more uncertain than in India given the absence of a comparable body of jurisprudence. Cameroon’s courts have not yet had occasion to address digital exploitation at the scale India’s have. A further complication, largely absent from the Indian context, concerns Cameroon’s musical heritage: genres such as Makossa and Bikutsi are culturally and commercially significant, and the 2000 Law – built, like all copyright statutes, around individual authorship – was not drafted to answer how AI processing of musical patterns and traditions developed collectively over generations, rather than owned by any single identifiable rights holder, should be treated.

The sharper problem, however, is institutional rather than statutory. Effective enforcement requires digital monitoring capacity, reliable rights databases, metadata systems and accessible judicial remedies – infrastructure that remains considerably less developed in Cameroon than

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<sup>19</sup> Law No 2000/011 of 19 December 2000 Relating to Copyright and Neighbouring Rights (Cameroon) s 3(1)(b).

<sup>20</sup> Law No. 2000/011, §15(1).

in India. Collective management, which the 2000 Law contemplates, has not developed the scale or technological sophistication of India's copyright societies, even though individual Cameroonian creators frequently lack the practical means to monitor every use of their own work without such an institution acting on their behalf. Cameroon's participation in OAPI situates its national legislation within a regional framework shared with other member states, which offers a channel for coordinated reform but does not, on its own, supply the domestic monitoring and licensing capacity Cameroon currently lacks. This institutional gap is decisive: even a well-drafted AI-training provision would have little practical effect without an institution capable of administering the licences, royalty flows and monitoring it would require.

### **5. What Cameroon Can Learn From India**

The comparison yields a specific rather than general lesson. Cameroon does not lack sound statutory principle: Section 15(1) of the 2000 Law states the exclusive right of exploitation in terms at least as protective as India's Copyright Act. What Cameroon lacks is the institutional machinery to make that principle operative against a technology the 2000 Law never anticipated.

Three elements of India's experience are directly transferable. First, India's copyright societies demonstrate that collective management infrastructure – membership registries, repertoire databases, transparent distribution rules – can be built at national scale and later adapted to new forms of exploitation; Cameroon's collective management system, still comparatively nascent, could be developed along the same institutional lines, drawing on India's regulatory model under Sections 33 to 36 rather than starting from first principles. Second, India's Section 2(d)(vi), whatever its interpretive difficulties, shows that a legislature can at least name computer-generated authorship as a distinct statutory category; Cameroon's legislature could adopt a comparable provision – ideally drafted with more precision than India's, expressly addressing the degree of human contribution required – rather than leaving the question to silence. Third, India's judiciary's willingness to engage with platform liability and digital exploitation, however incomplete its answers to AI-specific questions remain, offers Cameroonian courts a body of comparative reasoning to draw on as similar disputes eventually reach them.

None of this implies that India's framework is adequate on its own terms – Section 4 of this article and the underlying dissertation both show that it is not. The claim is narrower: between two jurisdictions that share the same international obligations but differ sharply in institutional maturity, the more developed system's partial answers are a more useful starting point for

reform than a blank statutory page.

## 6. Recommendations and Conclusion

Four recommendations follow directly from this comparison. First, Cameroon's legislature should amend Law No. 2000/011 to include an express provision addressing AI-generated and AI-assisted works, specifying the degree of human creative contribution required for authorship to attach – learning from, rather than replicating, the interpretive uncertainty Section 2(d)(vi) has produced in India. A graduated test, distinguishing assistive use of AI from substantially autonomous generation, would give Cameroonian courts a clearer starting point than India's courts currently have.

Second, Cameroon should prioritise building collective management capacity specifically capable of administering AI-training licences, modelled on the institutional structure of India's copyright societies under Sections 33 to 36 of its Copyright Act rather than reproducing the whole of Indian law. A licensing scheme of this kind – potentially built on a compulsory or extended collective licence, allowing AI developers to obtain authorisation to train on a defined repertoire in exchange for a set remuneration flowing back to rights holders – offers a more administrable path than requiring individual authorisation from every affected musician, particularly for a market where individual creators frequently lack the resources to negotiate directly with AI developers.

Third, performer protection deserves separate legislative attention in both jurisdictions, given that voice cloning implicates personality and reputational interests distinct from the underlying musical composition; a dedicated statutory remedy for unauthorised voice cloning, rather than one assembled indirectly from performers' rights and moral rights provisions never drafted with this technology in mind, would benefit both India and Cameroon, though Cameroon in particular given its less developed jurisprudence in this area.

Fourth, both countries would benefit from pursuing this reform through regional and international cooperation – Cameroon through OAPI, India bilaterally and through existing WIPO channels – given that AI training and music distribution both operate across borders that a purely domestic reform cannot fully address. A reform agenda pursued in isolation by either country risks being outpaced by an AI industry that operates, by its nature, across all of them at once.

Artificial intelligence has not created a new copyright principle; it has exposed how much the enforcement of an old one depends on institutional capacity rather than statutory text alone.

India's experience shows that even a legal head start does not resolve every question AI raises. Cameroon's experience shows that sound statutory principle, without the institutional means to enforce it, offers creators only nominal protection. The comparison between them suggests that the most useful reform for Cameroon lies not in copying India's law wholesale, but in building the specific institutional capacities – collective management, statutory clarity on computer-generated authorship, and judicial familiarity with digital exploitation – that have allowed India's imperfect framework to function in practice.

