

## **TONO's response to "Call for evidence" consultation for Apply AI Strategy under the AI Continent Action Plan of the European Commission**

TONO is a Norwegian collective management organization (CMO) that represents 43,000 songwriters, composers, lyricists, and music publishers from Norway, as well as millions of their colleagues in Europe and from around the world through reciprocal agreements with 78 sister societies. The organization, like SACEM in France and GEMA in Germany, manages performance rights and mechanical rights for musical works in Norway, issuing licenses for music usage on various platforms such as radio, television, concerts, music and movie streaming services, and cinemas.

As a non-profit cooperative owned and governed by songwriters, composers, lyricists and music publishers, TONO distributes its financial results to the rights holders in musical works. TONO was established in 1928, and achieved record results in 2024, with a revenue of NOK 1 billion, which is equivalent to approx. EUR 90 million and USD 92 million.

TONO welcomes the opportunity to respond to this initial step in the public consultation on the *Apply AI Strategy* as part of the *AI Continent Action Plan*.

Although the current *AI Continent Communication* does not explicitly reference the Cultural and Creative Industries (CCIs), we have been informed by our European partners at GESAC in Brussels — based on consultations with officials from the European Commission's AI Office, DG EAC, and the Commission's appointed consultants — that the CCI sector has been identified as a key area for dedicated workstreams, actions, and funding within the strategy.

TONO strongly urges the Commission to publicly and clearly confirm this policy direction. Moreover, meaningful and structured engagement with European creators and other CCI stakeholders from the outset is essential. An inclusive and collaborative approach is the only way to ensure that any EU-wide AI strategy effectively addresses the real needs and concerns of the sector. A top-down process — or the imposition of pre-defined plans that exclude the voices of those working within the CCIs, including the Norwegian creators represented by TONO — risks undermining the strategy's relevance, complicating implementation, and ultimately missing a valuable opportunity to support the sector while risking misallocation of EU resources.

In this context, any *Apply AI* initiative in the cultural and creative domain should focus first and foremost on strengthening, developing, and growing the CCI — with AI as an enabler. As with any technological advancement, AI must serve the people and sectors in which it is deployed. In the case of CCIs, the guiding principle should be to empower creators, helping to grow revenues through improved efficiencies, and reinforcing Europe's position as home to the world's most dynamic and competitive creative markets.

The CCIs have already been recognized as a strategic economic ecosystem in the *Next Generation EU* recovery plan. Beyond their substantial contribution to the EU's economy — in terms of jobs, growth, and innovation — they are a cornerstone of the European project

itself. The work of creators fosters shared cultural understanding, identity, and progress across Europe, while also representing a unique source of European soft power and global influence through its heritage, world-class events, and vibrant creative communities.

The continued success of the CCIs depends on a strong and enforceable copyright framework. According to data from the EU Intellectual Property Office (2022), copyright-intensive industries alone generate over 17 million jobs and nearly 7% of the EU's GDP. It is therefore imperative that companies developing and deploying generative AI technologies fully comply with EU copyright law and uphold transparency when using cultural and creative works. The AI Office and the European Commission carry a vital responsibility to safeguard these principles as they advance the *Apply AI Strategy* and related policy measures.

TONO is a longstanding member of CISAC (the International Confederacy of Societies and Composers) and our CISAC President Björn Ulvaeus (co-founder of ABBA) said during high-level meetings with all three EU institutions on 20-21 May:

*"All we are asking for from policy makers is that creators' rights are not cast aside in a visionless, misguided rush to claim supremacy in the AI world".*

Within this "call for evidence" stage we would like to provide several resources and basic principles regarding the importance of the CCI and the use AI technologies in the field of AI:

1. **AI in CCI is here to stay, and its value is poised to grow exponentially:** Several studies and forecast show the rapid uptake of AI technologies in the field of CCI, with already visible impacts on jobs, revenues, working conditions, and the operational models of the cultural and media sectors.
2. **The current generative AI market is to a large extent parasitic:**  
This is because there are no licenses in place, with creators and their authors' societies, as well as the majority of the rightholders community.  
Major GenAI developers have publicly resisted compliance with copyright rules, while admitting to extensive use of protected works. So, both the mass scale infringement of rights and the unwillingness of those services to correct this behavior is blatantly apparent.

See in particular the following most recent news:

- ["Mark Zuckerberg is said to have allowed AI training with pirated copies"](#) as revealed in court proceedings.
- Suno AI admitting that they used all protected works in their legal filings, [see here an article](#).
- ["Microsoft's AI boss thinks it's perfectly okay to steal content if it's on the open web"](#) referring to Mustafa Suleyman's video.
- ["'Impossible' to create AI tools like ChatGPT without copyrighted material, OpenAI says"](#) referring to OpenAI's statement at the House of Lords evidence gathering in the UK Parliament.

- [“How Tech Giants Cut Corners to Harvest Data for A.I.”](#) the investigative article published on New York Times explaining how OpenAI, Google and Meta ignored corporate policies, altered their own rules and discussed skirting copyright law as they sought online information to train their newest artificial intelligence systems.

### 3. **If not properly addressed the impact on creators will be twofold:**

Firstly creators would receive no licensing revenue, leading to direct income loss, secondly cannibalization of actual revenues due to substitution of original works (on which the AI-generated content is trained/developed) with AI generated outputs, and then offered to public and commercial users at very low or zero cost through unfair competition.

This impact has been measured in two recent studies:

- According to a [Goldmedia study](#) conducted in Germany and France, 27% of music creators' revenues are at risk by 2028
- According to a [PMP Strategy study](#) conducted at global level, 24% of music creators and 21% of audio-visual authors' revenues are at risk by 2028

To unlock mutually beneficial growth for CCI and AI, TONO proposes the following indispensable measures:

#### 1. **Ensure transparency and compliance of GenAI systems:**

- Require cooperation and licensing with authors' societies and rightholders to create a functioning, fair market in Europe, so legitimate GenAI businesses can access the widest possible repertoires with legal certainty, while creators of the protected works are paid fairly.
- Allow dedicated European AI tech start-ups working with and embraced by CCI to grow safely and with legal certainty without being threatened by the dominance of non-compliant and non-transparent global tech giants.
- Ensure cultural diversity, multilingualism and trustworthy AI with the use of diverse, reliable and quality content.

#### 2. **Adopt a human-centric approach that prioritizes the enhancement of human creation:**

- Facilitate the use of AI to enrich creation, increase efficiency, and reduce the cost of administration, in order to grow revenues for both creators and CCI businesses.
- Take measures against GenAI applications' cannibalizing substitution effect and to maintain human creators' roles and remuneration.
- Develop a competitive market based on merit and fair conditions, instead of a race to the bottom.

#### 3. **Ensure transparency and diversity in AI-based algorithms to:**

- Prevent harmful manipulation of streams and payola schemes on streaming platforms through algorithmic transparency and labelling of AI-generated content.

- Tackle proliferation of streaming fraud powered by AI-generated content and algorithmic manipulation.
- Facilitate discoverability and prominence of diverse European works on streaming platforms with positive obligations.

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