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Submitted electronically: AIConsultations-ConsultationsIA@ised-isde.gc.ca

Re: Consultation on *Enhancing trust in artificial intelligence through increased transparency*

1. The Screen Composers Guild of Canada (SCGC) is the national association certified under the Federal Status of the Artist Act to represent all professional Anglophone composers and music producers for audiovisual media productions in Canada.
2. SCGC supports the Government's objective of building trust in artificial intelligence through greater transparency. For creators, however, trust and transparency cannot be separated from copyright and the ability of creators to control uses of their work.
3. The current consultation asks three related questions:
 - a. *Who in the AI value chain (developers, deployers, or others) should be responsible for providing transparency around AI-generated content? Why?*
 - b. *Who in the AI value chain (developers, deployers, or others) is best placed to provide what information about AI systems, how they are created, and their capabilities and limitations?*
 - c. *Are existing disclosure practices and legal frameworks sufficient to provide the information that users and other stakeholders need? If not, where do gaps remain and what actions (e.g., regulatory measures, guidance and codes of conduct, standards and technical solutions, research and development, literacy initiatives, procurement requirements) do you think the Government should take?*
4. SCGC submits that AI developers should bear primary responsibility for transparency of materials used to train AI systems, and that platforms that deploy AI generated content should bear primary responsibility for identifying it as such.

5. Developers are best placed to know what material was used to develop their systems and to implement technical measures that identify and preserve the provenance of AI-generated content. Platforms are best placed to detect and label AI generated content offered to consumers.
6. For 'trust' to have any meaning in enforceable AI governance frameworks, copyright must be treated as a fundamental part of the AI trust infrastructure.
7. For creators, meaningful transparency requires answers to two questions:
 - a. What copyrighted material was used to develop an AI system?
 - b. Can AI-generated content be identified, traced and connected to the human-created works on which it relies?
8. These questions are central to trust and transparency. A creator cannot meaningfully exercise their legal rights if they cannot determine whether their work has been used, whether permission was obtained, or whether their work has been reproduced or simulated by an AI system.
9. Technology is increasingly being used to establish the provenance and identity of AI-generated content. But an equally important question remains unresolved: *How do we identify and track the human-created works that are embedded within audiovisual content and may be used by AI systems in the first place?*

Transparency depends on preserving creator rights under the copyright framework

10. SCGC fully supports the detailed proposals for 'input and output transparency' submitted by ACCORD to this consultation. SCGC further urges the Government to explicitly reject a commercial text-and-data-mining (TDM) exception to the *Copyright Act* for AI training.
11. Copyright is not simply a restriction on AI investment or development. Current guardrails limiting 'fair dealing' to non-commercial contexts create the legal and economic framework that gives AI developers an incentive to work with creators to license works and develop practical solutions for attribution, provenance and compensation.
12. Transparency is strengthened, not hindered, when creators retain meaningful rights. If AI developers are given a blanket right to ingest copyrighted works

without any authorization, remuneration or transparency, the incentive to seek negotiate licenses is substantially weakened. It also reduces the incentive to invest in the development of systems that accurately identify the works used to train AI models.

13. The emerging market should be allowed to develop licensing solutions between AI developers and rights holders. Some AI companies are already pursuing licensing arrangements, demonstrating that permission-based models are possible. Collective licensing organizations have also adapted successfully to successive technological changes and can play an important role in developing solutions for AI.
14. Technology is already moving toward mechanisms such as watermarking, fingerprinting and other tools for identifying AI-generated content and establishing provenance. This creates an opportunity for Canada to support an AI ecosystem in which developers and creators have incentives to develop workable licensing and technical solutions.
15. A commercial TDM exception would undermine progress toward negotiated solutions. If developers can use copyrighted works without permission, there would be no reason to negotiate licenses, identify the works being used or develop mechanisms that allow creators to participate in economic value generated by AI.
16. SCGC therefore recommends that the Government:
 - a. Place primary transparency responsibility on AI developers, with complementary obligations for deployers and platforms.
 - b. Require meaningful information about copyrighted material used to develop AI systems, including appropriate information about training sources and rights.
 - c. Support technical mechanisms for identifying AI-generated content and preserving provenance, including appropriate standards for watermarking, fingerprinting and related technologies.
 - d. Maintain Canada's existing copyright framework and explicitly reject a commercial TDM exception for AI training.



- e. Encourage licensing and market-based solutions that provide AI developers with lawful access to Canadian creative works, while allowing creators to participate in the economic value generated by AI.

Conclusion

- 17. Canada does not need to choose between AI innovation and creator rights. The better approach is to preserve the rights and incentives that encourage developers and creators to build transparent, licensed and sustainable ways of working together.
- 18. Trust in AI will be stronger when creators can see that their work is being used transparently, lawfully and with appropriate recognition and compensation. Copyright protection and AI transparency should therefore be treated as complementary elements of a trusted Canadian AI ecosystem.
- 19. SCGC appreciates the opportunity to share its views as part of this important process.

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