radiocentre

RADIOCENTRE RESPONSE TO IPO, DSIT AND DCMS CONSULTATION ON COPYRIGHT AND ARTIFICIAL INTELLIGENCE

SUMMARY

1. Radiocentre welcomes the opportunity to respond to this consultation on AI and copyright. The radio and audio industry recognises the transformative potential of AI, but we believe that the fundamental principles of copyright and protection of IP should be upheld in a rapidly changing technological landscape to ensure the long-term health of our industry, the public value it provides for audiences, and the wider creative economy.

2. UK radio broadcasters have been experimenting with or using AI tech in some form for back-end tools and processes, as well as in some of their consumer facing apps and/or other output. However, the widespread use of AI generated content in commercial radio remains limited due to the emerging nature of the technology and reputational risks.

3. Like many in the creative industries, we are concerned about the lack of transparency on the use of copyrighted material to train AI models, a phenomenon which appears to be happening on a large scale and without consent or compensation. Due to the way that radio is distributed – i.e. free-to-access and broadcast across multiple platforms (including online streaming) – it is particularly challenging to prevent the unauthorised scraping of radio content in the same way that other online content may be controlled by blocking web crawlers.

4. There is evidence to suggest that radio and audio content is valuable for AI training, particularly in areas like natural language processing and synthetic voice development, as well as the news and current affairs output on speech radio. Tech platforms like Google and Microsoft are experimenting with AI generated podcasts or daily audio briefings, while services like Spotify have launched an AI generated 'personalised DJ' to create a radio-like experience.

5. Although we appreciate the government's interest in checking whether the current copyright framework is fit to deal with AI training, we still maintain that it provides the necessary foundation for protecting rightsholders' IP. We understand the government's intention behind Option 3 but we have reservations about how it would work in practice, particularly the proposed rights reservation mechanism.

6. If the government were to proceed with its preferred approach it should only do so once there has been collective agreement amongst all stakeholders that the rights reservation mechanism is satisfactory and practicable. If this cannot be achieved, the government should refrain from proceeding with a TDM exception for AI developers and explore alternative approaches.

BACKGROUND

7. Radio in the UK remains an important and powerful medium. UK radio listeners are well served by a diverse mix of national, regional and local broadcasters, from commercial radio and the BBC, with 9 out of 10 of the adult population tuning in every week. Radio broadcasters

make a significant public value contribution by providing listeners with a broad mix of music, trusted news, entertainment and companionship.

8. Commercial radio alone has 40 million listeners and is one of the UK's largest providers of news and information, broadcasting over 10,000 news bulletins weekly. The sector is also a significant contributor to the creative economy. Commercial radio is estimated to provide £683 million GVA to the UK economy, as well as supporting 12,340 jobs both directly and indirectly.

9. UK commercial radio broadcasters have been experimenting with AI tech in some form for back-end tools and processes. There are an increasing number of companies offering AI radio and audio services[1], such as synthetic voices or automated news/information. To date, there has not been widespread uptake of these AI generated radio services from commercial radio broadcasters in the UK.

10. Some European broadcasters have launched fully AI generated radio stations – for example, Voicetrack AI by Radio.Cloud[2] is powering stations in Germany, Austria and Switzerland. However, there are reputational risks, for example a broadcaster in Poland had to abandon the use of AI presenters on a radio station following public backlash.[3]

11. Audio providers, such as Spotify, are starting to experiment with 'personal DJ' products to try to recreate the radio experience.[4] There are also nascent tools for automated podcasts and audio briefings with synthetic voices, such as the 'Deep Dive' feature in Google's NotebookLM[5] and Microsoft's Copilot Daily audio briefing[6]. These are relatively new developments, and it is unclear whether there is listener demand for a fully AI generated radio/podcast-like experience.

12. The advertising industry is integrating AI across different areas of work including strategic planning, idea generation, content review and improvement. AI is creating new opportunities across the advertising value chain, from creative development to media planning, recommendations and customer experience optimisation. There are also AI tools[7] and services currently available that can generate audio ads from start to finish based on user prompts and guidelines. These tools are being integrated into self-serve digital advertising platforms in some markets.

AI AND THE RADIO INDUSTRY

13. AI presents significant opportunities to drive productivity and streamline audio and radio production, while also presenting new and unprecedented risks.

[1] RadioNewsAI by Aiir - AI News Anchor Generator
[2] Voicetrack AI - Radio.Cloud
[3] Polish radio station uses AI presenters « Euro Weekly News
[4] Spotify Debuts a New AI DJ, Right in Your Pocket — Spotify
[5] NotebookLM now lets you listen to a conversation about your sources
[6] Microsoft Introduces a More Personalized Copilot with Voice and Vision Features - Source Asia
[7] Create Engaging Audio Ads using AI with Wondercraft

Opportunities

14. **Back-end efficiencies:** AI tools can improve productivity across businesses, including text and image generation, audio editing, coding and data analysis. Commercial radio operators are already utilising these tools, though substantive productivity gains may not yet be realised.

15. **Radio and audio content:** There are already AI tools developed specifically for radio broadcasting or audio production, such as synthetic voices for AI radio presenters or voiceovers, and AI algorithms that analyse listener preferences and behaviour to curate personalised music streams or recommendations. For example, the BBC has been testing generative AI to provide a curated audio feed for listeners based on their preferences.[8]

16. **Journalism and news:** AI services can streamline, and even automate, radio news, including using AI algorithms to identify potential stories and generate bulletins via a synthetic voice (or a cloned presenter voice). While fully automated news gathering and distribution may not be feasible for core news content on Ofcom-regulated services, it is conceivable that AI could improve efficiency in some areas, including the news gathering process and the delivery of routine updates like traffic, travel and weather bulletins using synthetic voices.

17. **Advertising:** AI tools can generate creative concepts, including ad copy, scripts and visual assets, based on prompts and guidelines. Other AI tools can synthesise voices and sound effects to reduce production costs and time. Advertisers are also exploring the use of AI in audio media planning. Combining these tools, there is scope for AI tools that can offer a self-serve audio advertising platform, allowing advertisers to create, manage, and optimize their ad campaigns without the need for external help (with some products[9] already available). There is also potential for AI to streamline the clearance process by assessing ad scripts against the ASA's BCAP code and Ofcom's Broadcasting Code.

18. **Commercial opportunities:** Commercial radio broadcasters could licence their intellectual property to AI developers to train their models, generating additional revenue streams for broadcasters. There are examples of licencing deals being agreed in other markets, for example between AI companies and news publishers.[10]

19. **Technological developments:** AI-powered voice assistants that improve smart speaker interactions could accelerate device penetration across households, driving up IP-connected listening and providing further opportunities to grow digital audio advertising.

Risks

20. **Reputational risks:** This is a core concern for radio broadcasters. AI voice cloning is a new and untested technology in broadcasting. Listeners may find the idea or experience of an AI presenter or newsreader disconcerting and may also perceive AI-generated content to be less trustworthy than content produced by humans. This is backed up by research from the

[8] Sounds Daily - trialing generative AI & synthetic voices to deliver personalised audio streams
[9] What is a radio commercial maker? | IAB UK
[10] Guardian OpenAI deal: Publisher latest to sign licensing agreement

Reuters institute.[11] For a one-off experiment on Halloween in 2023, Hits Radio temporarily replaced the breakfast DJ, Fleur East, with an AI copy.[12] The stunt served to highlight that human connection remains essential to the radio experience.[13] Generative AI is also prone to hallucinations and can give responses that contain false or misleading information, posing a reputational (and regulatory) risk to using AI in the production and delivery of radio news.

21. **Copyright infringement and IP:** The lack of transparency about the data used to train AI models raises several risks, including copyright infringements, the lack of brand attribution, and limited accountability for AI developers. The current debate on AI and copyright has predominantly focused on music, image, video and text IP, although there is still a risk that radio broadcasters' IP could be used in the development of AI audio services. The extent to which TDM has already taken place using commercial radio broadcasters' content remains unknown. Furthermore, the diverse nature of radio broadcast content, comprising not only broadcaster-owned material but also substantial amounts of third-party music and advertising, presents a unique challenge to any AI training copyright framework.

22. **Competitive risks:** Vertically integrated tech firms dominating in AI tech and other digital services could distort competition. These firms benefit from data-driven advantages and can self-preference their own services, impacting competition in both AI and sectors like audio. Examples like Amazon's integration of AI into Alexa and Google's Gemini highlight how powerful firms can leverage AI tools into existing products, raising concerns about self-preferencing of their own audio services by gatekeeping virtual assistants powered by AI.

23. **Technological developments:** As AI becomes integrated into existing technologies like voice assistants, it could expose regulatory gaps in the safeguards designed to ensure access to UK radio content within the Media Act. Tech platforms could exploit these gaps to the detriment of radio broadcasters. For example, emerging technologies like LLM Agents (such as Open AI's Operator[14]), which can understand and execute tasks by translating human intentions into action, could act as a new gatekeeper that may not be explicitly voice activated.

24. **Bad actors:** The voice cloning abilities of generative AI opens up new risks for radio. For example, fake or unauthorised reproduced streams of radio brands could appear online, using a voice clone of a well-known presenter and an AI-generated playlist trained without permission or attribution, utilising the broadcaster's IP.

THE GOVERNMENTS PROPOSED APPROACH ON AI AND COPYRIGHT

25. We do not believe there is any lack of clarity in the current copyright system. Using copyrighted content for commercial purposes, including AI training, requires permission from rights holders. If AI developers would like to use content in training their models, then the established licencing system provides the appropriate framework.

[11] OK computer? Understanding public attitudes towards the uses of generative AI in news | Reuters Institute for the Study of Journalism
[12] Fleur East replaced on Hits Radio Breakfast... with AI Fleur East – RadioToday
[13] Can AI replace radio DJs? No, Fleur East experiment proves they're still essential | The Independent
[14] Introducing Operator | OpenAI

26. However, we appreciate that there are challenges in enforcing copyright claims in the context of generative AI, where large data sets have been used to train models and existing litigation processes are slow and resource intensive. Similarly, the lack of transparency from many AI developers means that it is challenging for rights holders to even know if their content has been scraped for training models, making enforcement even more difficult.

27. We already know that tech platforms are experimenting with AI generated audio content – for example Google's Notebook LM 'Deep Dive' tool can generate a 20-minute natural sounding podcast from specified source material in about 5 minutes. It is highly likely that this model will have been trained on audio content. Indeed, Google has filed a patent[15] for a system that uses radio broadcasts to train AI models specifically focusing on "ephemeral learning" where a continuous stream of audio data is used for training and then discarded. This suggests that Google is at least exploring the use of radio broadcasts for AI training.

28. We note the government's preference for Option 3, which proposes a rights reservation mechanism, underpinned by transparency, which would allow rights holders to essentially 'opt-out' from AI training. However, we share the concerns of the wider creative industries about this proposal – firstly as a point of principle, and secondly that the rights reservation mechanism proposed by government is fundamentally unworkable in practice.

29. Option 3 effectively shifts the burden from those who wish to use copyrighted material to the rights holders themselves. It requires rights holders to actively monitor and attempt to utilise opt-out mechanisms, rather than placing the onus on AI developers to seek permission before using copyrighted material. It is therefore our view that a fairer and more effective approach would be to establish a framework that prioritises licensing and permission from the outset.

30. Moreover, the proposed rights reservation mechanism, often discussed in the context of web crawling and robots.txt, is technically inapplicable to radio broadcasts (and we understand that it would be unworkable for other segments of the creative industries, such as publishing, too). There is no equivalent technical mechanism to 'opt-out' for radio broadcasts (and, to an extent, online streams) which, in any case, are intended for broad public consumption and lack a conditional access mechanism (i.e. a subscription or paywall).

31. As a result, there is no current way to stop these broadcasts from being recorded, transcribed and processed for training AI models in a situation where an AI developer is disregarding copyright law. This is why transparency is absolutely critical. There must be an obligation placed on AI developers to disclose the sources of data used to train their models, allowing rights holders to assess potential infringement and seek appropriate remedies.

32. Finally, the government must also address the critical issue of enforcement. Without adequate enforcement there is no strong incentive for AI developers to abide by the rights reservation mechanism. Any new regime will need to be overseen by an expert and well-resourced regulator with powers to investigate claims of non-compliance. Those AI developers that do not comply with these principles should be subject to significant financial penalties.

[15] Google May Use Radio Waves to Feed its AI Models - The Daily Upside

33. While we understand the government’s desire to effectively balance innovation with the protection of creators' rights, we cannot support Option 3. We look forward to working with the government to develop a workable solution, focusing on transparency, licensing mechanisms, and robust enforcement.

ABOUT RADIOCENTRE

Radiocentre is the industry body for commercial radio. We work on behalf of more than 50 stakeholders who represent over 90% of commercial radio in both listening and revenue.

www.radiocentre.org

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