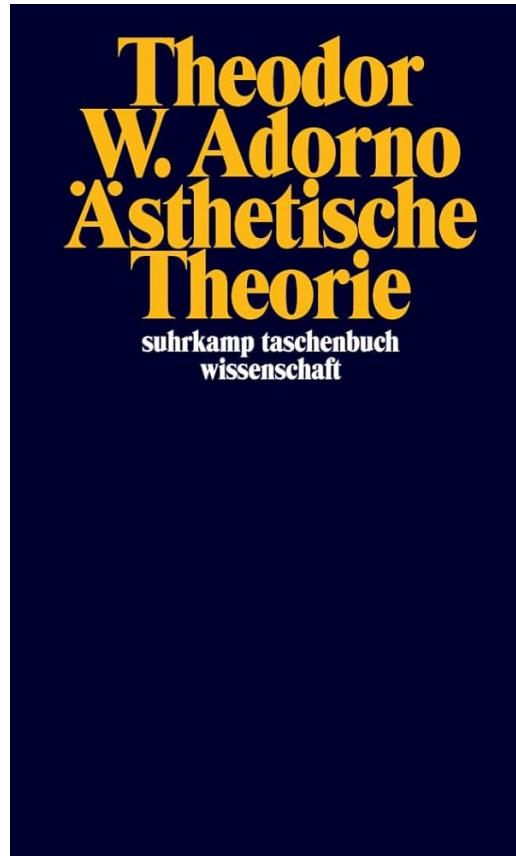
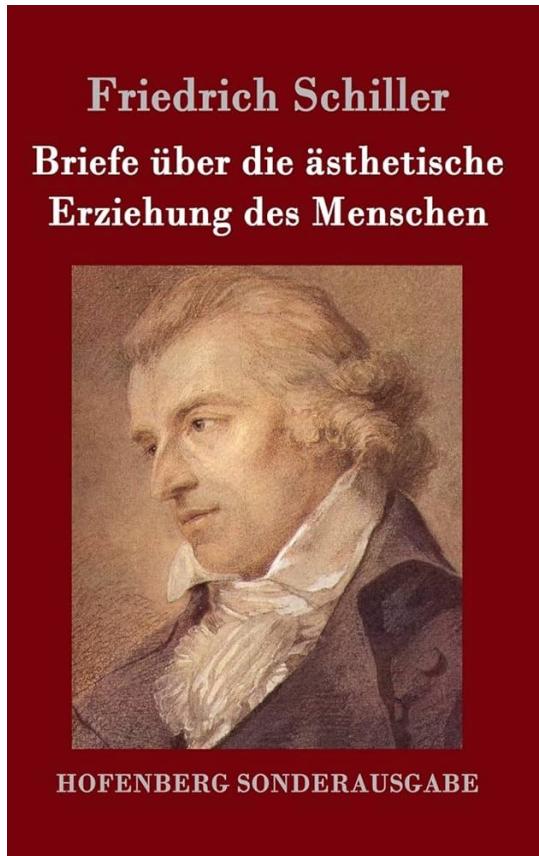




IUM Symposium – Vergütungsmodelle für KI  
**Das outputbasierte  
KI-Grundeinkommen**

Prof. Dr. Martin Senftleben, 14. November 2025

# Tiefere gesellschaftliche Bedeutung



# Widerstreitende Interessen

## Urheberrecht

- Belohnung, Anreiz
- angemessene Vergütung
- Persönlichkeitsrecht
- kein freier Zugriff

## KI mit höchster Qualität

- Innovation
- kulturelle Vielfalt
- breites Inhaltsspektrum
- freier Zugriff

# Beurteilungsmatrix

	Angemessene Vergütung für Kreative	kulturell vielfältige KI-Systeme
Individuelle Lizenz	#	#
outputbasierte Abgabe	#	#

# Auslaufmodell TDM-Schranke



# Fünf Opt-Out-Probleme (und möglicherweise noch mehr)

<https://legalblogs.wolterskluwer.com/copyright-blog/the-tdm-opt-out-in-the-eu-five-problems-one-solution/>



The screenshot shows a web browser window. The title bar says 'The TDM Opt-Out in the EU – Five Problems'. The address bar shows the URL 'legalblogs.wolterskluwer.com/copyright-blog/the-tdm-opt-out-in-the-eu-five-problems-one-solution'. Below the address bar is a search bar with a magnifying glass icon and the placeholder text 'Search blogs for articles and authors'. To the left of the search bar is a small circular icon with a grid pattern.

## *Opt-out leads to a lose-lose scenario*

The rights reservation mechanism in Article 4(3) CDSMD does not automatically set in motion a new revenue stream to authors and rightsholders. It is a very simple mechanism: declaring an opt-out, the copyright owner neutralises the TDM permission in the first paragraph of Article 4 and restores the exclusive right to prohibit the use of human works for AI training. From the perspective of the two central societal objectives (the best AI and fair remuneration), this is a lose-lose scenario: no training resources for AI trainers (the copyright owner has said “no”) and no extra income for authors and rightsholders (Article 4 does not provide for the payment of remuneration).

# Potenzial individueller Lizenzvereinbarungen



# Eleonora Rosati: steigende Zahl von Lizenzen

<https://ipkitten.blogspot.com/2025/10/tdm-exceptions-not-just-three-step-test.html>



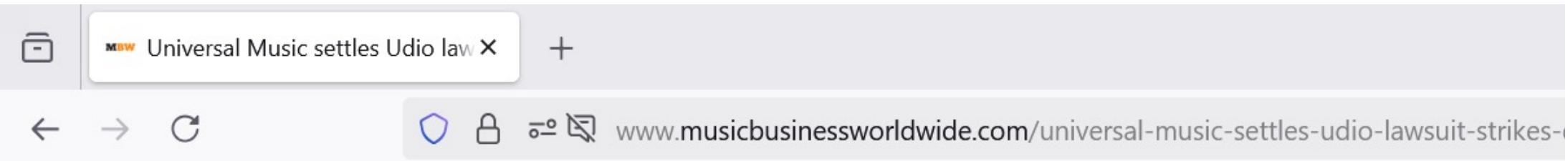
## Conclusion

Over the past few years, a handful of jurisdictions around the world have adopted limited exceptions allowing, under certain conditions, TDM. At this stage, the borders of such provisions remain mostly untested and further litigation will continue to emerge - at least in the short- and medium-term.

That said, a licensing market for AI training is quickly developing. As reported in the media, agreements have been already concluded between rightholders and AI developers, in particular in news media (such as Axel Springer's, Financial Times', Hearst's, and Reuters' partnerships with Open AI and Microsoft, and Prisa Media's partnership with OpenAI and Perplexity) and music sectors (including Stable AI's launch of its licensed Stable Audio 2.0 model, or ElevenLab's launch of Eleven Music in partnership with Merlin and Kobalt), and **more appear to be on their way**.

Collective management organizations have also been developing and launching their own collective licences for GenAI. Licences have been, for example, unveiled by **CCC**, **CLA**, and **STIM**.

# Gütliche Einigung UMG/Udio



The screenshot shows a web browser window. The address bar contains the URL [www.musicbusinessworldwide.com/universal-music-settles-udio-lawsuit-strikes-deal/](http://www.musicbusinessworldwide.com/universal-music-settles-udio-lawsuit-strikes-deal/). The page content discusses Universal Music Group's settlement of a copyright infringement lawsuit with AI music platform Udio.

**In a landmark move late Wednesday (October 29) evening, Universal Music Group announced that it has settled its copyright infringement litigation against AI music platform Udio.**

According to the announcement, the companies “will collaborate on an innovative, new commercial music creation, consumption, and streaming experience”. The new platform is set to launch in 2026.

The statement added that “in addition to the compensatory legal settlement, the new license agreements for recorded music and publishing will provide further revenue opportunities for UMG artists and songwriters”.

Date Announced	Rights holder / trade group	Org type	AI company / counterparty	Deal type / scope	Geography	Repertoire covered (at high level)	Notes	Source
Aug 5, 2025	Merlin	Independent labels agency (rights holder representative)	ElevenLabs (Eleven Music)	Licensing/training deal for music-gen model development	Global (Merlin membership across 70+ countries)	Participating Merlin member catalogs (scope not fully public)	Announced alongside Kobalt; framed as opt-in licensing for AI music model; details evolving	Business Wire press release 2025-08-05
Aug 5, 2025	Kobalt Music Group	Music publisher (rights holder representative)	ElevenLabs (Eleven Music)	Publishing licensing/training deal for AI music model	Global	Kobalt publishing catalog (opt-in/participation details not fully public)	Announced in tandem with Merlin; details evolving	Business Wire press release 2025-08-05
Sep 9, 2025	STIM (Sweden)	CMO (collective management organization)	Multiple; first named adopter: Songfox	Collective AI license explicitly covering model training and usage	Sweden (pilot with global implications)	STIM-managed works under the license framework	Described as 'world's first AI license for music'; includes transparency/attribution tech	STIM announcement; Reuters; MBW coverage 2025-09
Jun 18, 2024	Universal Music Group (UMG)	Label group / rights holder	SoundLabs (MicDrop)	Artist-consented vocal model training & plug-in for UMG artists	Global	Artist-provided voice data; not wholesale catalog training	Focus on consented training; used in high-profile projects later in 2024	UMG press release 2024-06-18
Oct 28, 2024	Universal Music Group (UMG)	Label group / rights holder	Klay (Klay Vision)	Strategic collaboration to build 'ethical' foundational music-gen model	Global	Not specified publicly; collaboration for model development with protections	Framed as rights-respecting foundational model initiative	UMG newsroom; The Verge 2024-10-28
Apr 29, 2025	Nordic CMOs (Koda, STEF, STIM, Teosto, TONO)	Trade bodies / CMOs	N/A (principles/framework)	Joint licensing principles for AI (training, services, outputs)	Nordic region	Members of each Nordic CMO	Policy framework, not a specific contract	Teosto / TONO / Koda announcements 2025-04-29
Sep 30, 2024	GEMA (Germany)	CMO	N/A (model/framework)	Proposed licensing model for AI training and derivatives	Germany / EU	GEMA members (conceptual framework)	Framework announced; not a named training deal	GEMA / MBW / Digital Music News 2024-09-30 to 2024-10-25

# Zufriedenstellende Lösung?

	Angemessene Vergütung für Kreative	kulturell vielfältige KI-Systeme
Individuelle Lizenz	<b>unsicher</b>	<b>unsicher</b>
outputbasierte Abgabe	#	#

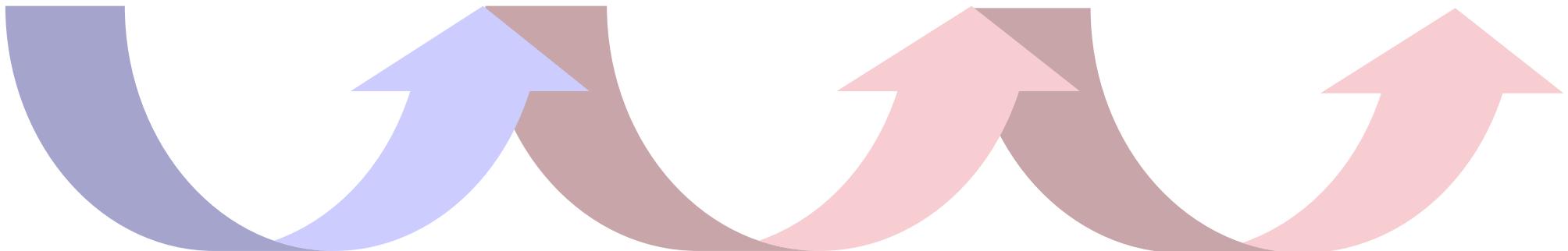
# Kommen Kreative in den Genuss der KI-Gelder?

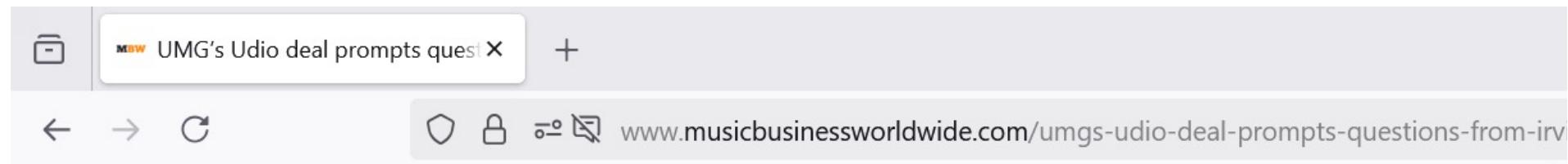
Lizenz auf  
Industrie-  
Ebene

Verwertungs-  
vertrag  
("Buy-Out"?)

Urheber-  
vertrags-  
recht

Zusätzliches  
Einkommen?





The screenshot shows a web browser window with the following details:

- Tab title: "MBW UMG's Udio deal prompts quest"
- Address bar: "www.musicbusinessworldwide.com/umgs-udio-deal-prompts-questions-from-irv"
- Content area (partially visible):

The day after the deal was announced, the **Music Artists Coalition**, a nonprofit organization representing music creators, stated that it seeks clarity on revenue splits and artist consent.

**Irving Azoff**, board member and founder of MAC, said in a statement emailed by the **Music Artists Coalition**: "Every technological advance offers opportunity, but we have to make sure it doesn't come at the expense of the people who actually create the music – artists and songwriters."

**"WE'VE SEEN THIS BEFORE – EVERYONE TALKS ABOUT 'PARTNERSHIP' BUT ARTISTS END UP ON THE SIDELINES WITH SCRAPS. ARTISTS MUST HAVE CREATIVE CONTROL, FAIR COMPENSATION AND CLARITY ABOUT DEALS BEING DONE BASED ON THEIR CATALOGS."**

**IRVING AZOFF, MUSIC ARTISTS COALITION**

# UMG/Udio aus dieser Perspektive

The day after the deal was announced, the **Music Artists Coalition**, a nonprofit organization representing music creators, stated that it seeks clarity on revenue splits and artist consent.

**Irving Azoff**, board member and founder of MAC, said in a statement emailed by the **Music Artists Coalition**: "Every technological advance offers opportunity, but we have to make sure it doesn't come at the expense of the people who actually create the music – artists and songwriters."

**"WE'VE SEEN THIS BEFORE – EVERYONE TALKS ABOUT 'PARTNERSHIP' BUT ARTISTS END UP ON THE SIDELINES WITH SCRAPS. ARTISTS MUST HAVE CREATIVE CONTROL, FAIR COMPENSATION AND CLARITY ABOUT DEALS BEING DONE BASED ON THEIR CATALOGS."**

**IRVING AZOFF, MUSIC ARTISTS COALITION**

# Konstanter Vergütungsstrom?



unregelmäßige KI-Einkünfte,  
abhängig von KI-Trainingsaktivität?

# Besser: outputbasierte Vergütung

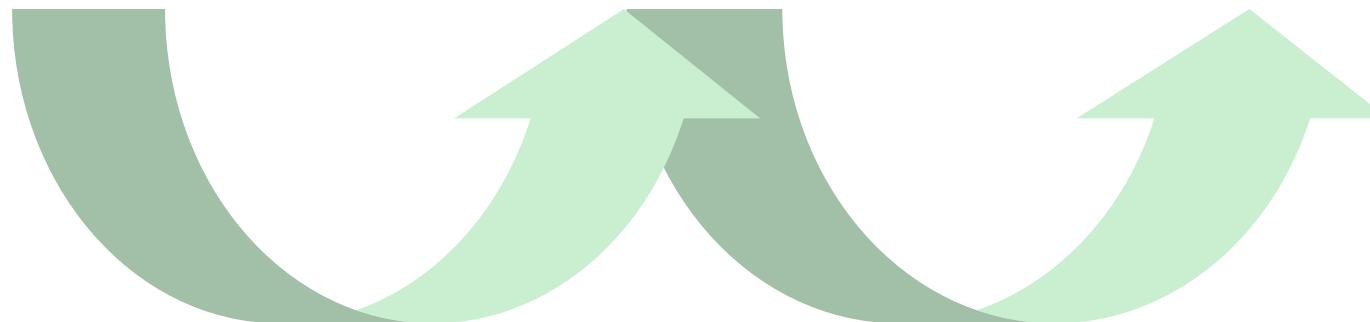


# Von Input- zu Outputregulierung

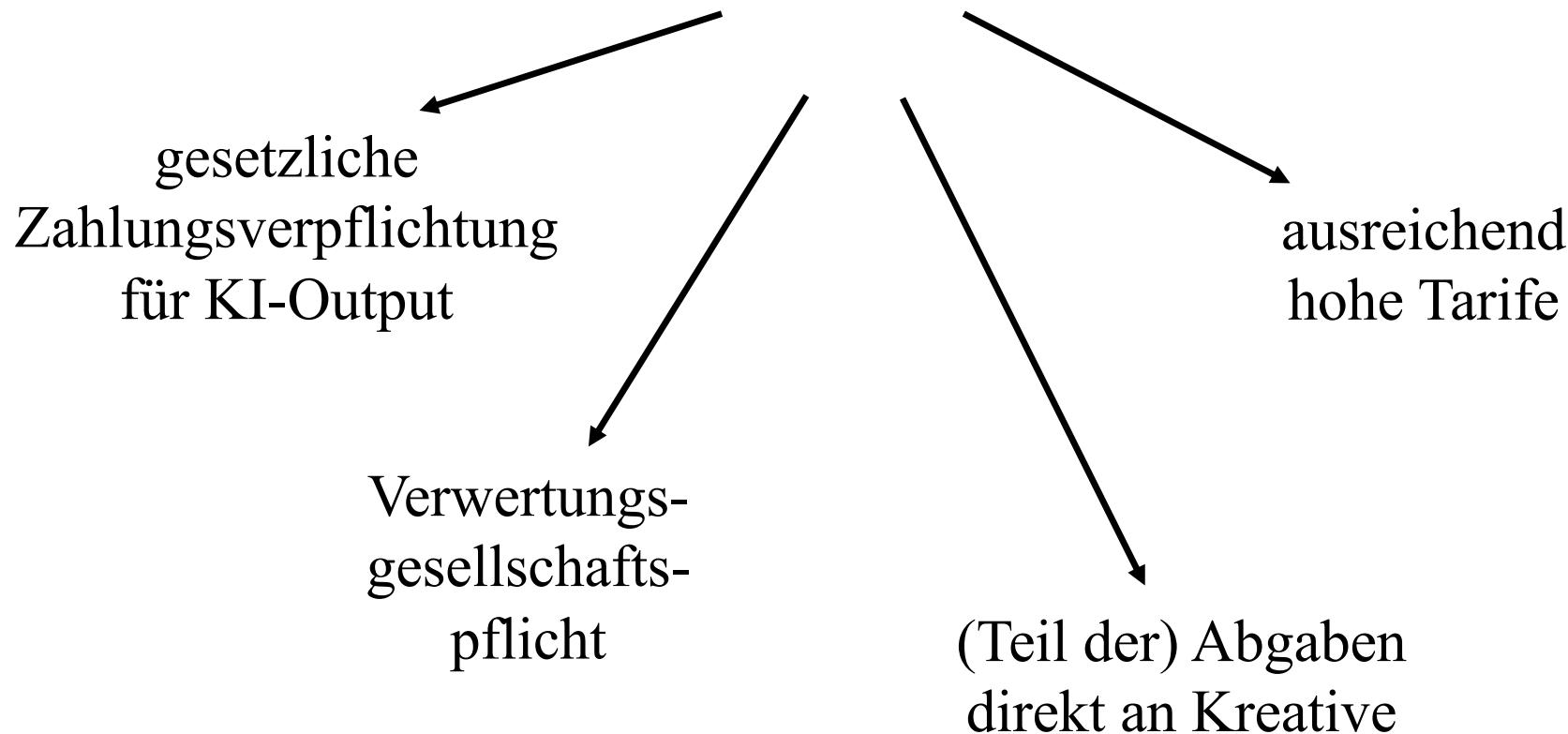
KI-Entwickler  
erhalten freien  
Zugang zu  
allen Werken

Angebot und  
Nutzung GenAI  
abgabepflichtig

KI-Abgaben  
fließen direkt an  
Kreative und  
Rechtsinhaber



## Vorlage: Vergütungsregelung im Tonträgerbereich



## Im Policy-Prisma

	Angemessene Vergütung für Kreative	kulturell vielfältige KI-Systeme
Individuelle Lizenz	<b>unsicher</b>	<b>unsicher</b>
outputbasierte Abgabe	<b>ja</b>	<b>ja</b>

# Konstanter Vergütungsstrom





**Vereinbar mit dem  
Dreistufentest?**

## Ja, im Einzelnen: <https://ssrn.com/abstract=5373903>



The screenshot shows a web browser with a single tab open to [papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5373903](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5373903). The page is for the article 'TDM, GenAI and the Copyright Three-Step Test' by Martin Senftleben. The SSRN navigation bar is visible at the top, with links for Product & Services, Subscribe, Submit a paper, Browse, Rankings, Blog, Contact, a search icon, a shopping cart icon, and a 'Create account' button. Below the navigation, there are buttons for 'Download This Paper' (PDF icon) and 'Open PDF in Browser'. To the right, there is a 'Share' button, a 'Add Paper to My Library' button (star icon), and a sidebar with a 'Place Job Opening' button and a 'Paper statistics' button.

**TDM, GenAI and the Copyright Three-Step Test**

35 Pages • Posted: 1 Aug 2025

Martin Senftleben

Institute for Information Law (IViR), University of Amsterdam; University of Amsterdam

Date Written: July 24, 2025

Do you have a job you would like to post on SSRN?

Place Job Opening

Paper statistics

## Normale Verwertung des Werks

KI-Output zerstört den Markt für menschliche Werke?

- falls Vervielfältigung geschützter Elemente: direkte Rechtsverletzung, Dreistufentest nicht erforderlich
- falls lediglich **ungeschützte Ideen, Konzepte oder Stilmerkmale**: kein Urheberrecht, keine normale Verwertung

Keine Beeinträchtigung trotz “Market Dilution” (nicht richtig: diesbezügliche Erwägungen in *Kadrey v. Meta*)



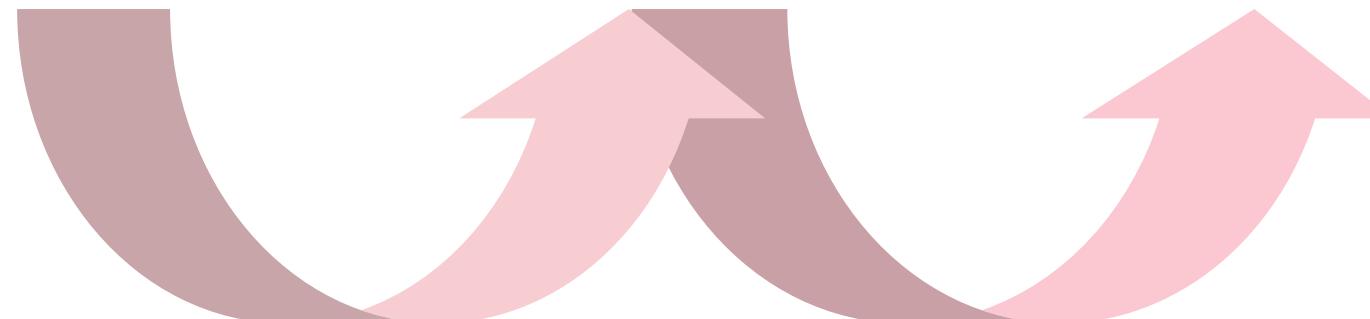
Zusammenspiel mit  
individueller Lizenz?

## Analog erweiterter kollektiver Lizenz

Einkünfte aus  
KI-Abgabe  
(Grundeinkommen)

Opt-Out-  
Erklärung  
(Übergang zu Lizenz)

Kreative können  
Resultat vergleichen  
(mehr Geld?)



...KI-Standertrag = zentrale Vergleichsgröße

# Fine. Vielen Dank!

Kontakt: [m.r.f.senftleben@uva.nl](mailto:m.r.f.senftleben@uva.nl)

Prof. Dr. Martin Senftleben, 14. November 2025

