

ARTIFICIAL INTELLIGENCE AND COPYRIGHT ISSUES

Introduction

In recent years, Artificial Intelligence has undergone huge advancement and now it has become part of our everyday life. From generating computer codes, and simple essays to generating complex text, pictures, and even music and poetry, AI is influencing how we work and live.

As AI is advancing rapidly, we are facing Intellectual property concerns. AI is challenging the current provisions in copyright and trademark laws. Concerns over ownership of content produced by AI are proving to be a big issue for the current legal framework. Is content produced by AI copyrightable? If yes, who is the absolute owner of this work?

Is AI-generated work copyrightable? Copyrightability and Originality

The Copyright Act, of 1957 grants copyright protection. As per the act, the work should be original and must have a minimum degree of creativity in producing it. AI tools collect and analyse data from millions of different sources and produce output according to the collected data¹. As the output produced by AI tools is influenced by millions of sources, it lacks in its originality and creativity. AI follows the art style fed to it, which results in producing similar content. Anyone who has used AI tools could easily argue about mere complications and a lack of creativity and originality in the output. AI tools lack creativity, but does creativity require the involvement of the human mind? Can artificial intelligence be as creative as human minds?

Can AI still be granted copyright protection even though the work produced is influenced by original work? A solution for this issue could be protecting the work of AI as derivative work. Derivative work is protected under the Copyright Act. For the derivative work to get protection from it requires considerable variation from the original work. As the work produced by AI tools is not just a copy of preexisting work, it has substantial variation, it can be considered as derivative work².

Ownership concerns

As per the provisions of the Copyright Act, the person who creates computer-generated work is recognized as the owner of such work. But who is the actual owner in the case of AI tools? The key issue of AI-generated work is the rightful owner or author of that work. Should the

¹ Eastern Book Company v. D.B. Modak

² Section 101 of Copyright Act, 1957

copyright protection be attributed to AI, recognizing its role in creating it? Or is it given to the creator of AI tool as he trained AI to generate this style of content?

As debate continues, it is crystal clear that current copyright laws are inadequate in overcoming issues raised by AI tools. New amendments should be fabricated to find balance between human and artificial intelligence.

In case of Navigators Logistics Ltd. v. Kashif Qureshi, Delhi high court rejected the copyright claim on ground of lack of human intervention. As per the bench, the author of a literary work must be a natural person and not an artificial person³.

Various businesses are adapting AI tools in their work whether it is writing computer codes or generating ideas related to marketing strategy. It is essential to understand if those works are protectable or not under laws. It is necessary to keep in mind the tangled issues put forward by AI tools.

Issues of collection and use of data by AI tools

Another issue concerning AI tools is that they are trained on data from millions of different sourced, which can be licensed data. AI can use books, articles, photographs, essays to learn from it. This data gathered by AI tools can be under copyright protection as artistic work or literary work. If the data used by AI tools for training is copyrighted work, then the content or work produced by Ai tools can come under violation of copyright protection. For example, DALL-E can create similar drawings of famous artists, which means that the training data used by it can be copyrighted work of that famous artist. This complex issue can lead to legal actions from artists. It is important for AI tools to such publicly available and not copyrighted work for its training and development purpose to avoid future legal complications.

Stable diffusion, an AI tool, is facing lawsuit from Getty, an image licensing service. It is alleged that the AI tool unlawfully scrapped and used millions of images without the consent of Getty, violating copyright protection. Three cartoonists also filed a case against several AI tools for Copyright infringement. The artists alleged that the Ai tools are illegally scrapping the millions of images which is volitation of their protection under copyright act.

Conclusion-

AI tools is the expanding and acquiring majorly every sector from finance, and production to healthcare, education. As AI bring new opportunity it also come up with serval challenges. It is important to overcome the challenges to fully utilise this new opportunity window. New and fresh regulations over AI tools should be brought up to solve copyright issues. Solving the problems to avoid future risks and collaborating with the innovation and creativity of AI, we can achieve new heights and shape impeccable future.

References

³ Navigators Logistics Ltd. v. Kashif Qureshi & Ors.

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