COMPARATIVE JUDICIAL TREATMENT OF AI-GENERATED WORKS IN COPYRIGHT LAW

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RESEARCH SCOPE

- Findings from my research on how courts around the world are dealing with a fundamental question: Can works created by artificial intelligence be protected by copyright?

- As generative AI tools become universal, they are challenging copyright law's core principles, which were built for a human-centric creative process. My research reveals that in the absence of new legislation, it is the courts who are on the front lines, actively shaping the legal boundaries for AI creativity through real-world disputes.

THE TWO-LAYERED CHALLENGE

- To understand the judicial landscape, we must look at two distinct but interconnected legal layers.

- **First, the challenge of the OUTPUTS:** Can the text, image, or music generated by an AI be copyrighted? Who, if anyone, is the author?

- **Second, the challenge of the INPUTS:** Is it legal to train these AI models on vast datasets that often contain copyrighted human works?

- My analysis shows that courts are now conducting a dual inquiry, examining not just what the AI produces, but how it was built in the first place.

TABLE 1: JUDICIAL APPROACHES TO AI-GENERATED WORKS – COMPARATIVE OVERVIEW

Case	Type of AI-generated work	Legal basis	Ruling (Outcome)	Court reasoning (Summary)
Thaler v. Perlmutter (US, 2023)	Artwork created by "Creativity Machine"	US Copyright Act (requires human authorship)	Rejected registration	Copyright requires human creativity; AI systems cannot be authors.
Andersen v. Stability AI (US, ongoing)	Images generated using Stable Diffusion	Copyright infringement, unauthorized dataset use	Pending	Questions raised on originality, authorship, and derivative use of copyrighted inputs.
Getty Images v. Stability AI (UK, ongoing)	AI-generated images trained on Getty images	Copyright infringement under UK law	Pending	Focus on whether training on copyrighted images constitutes infringement and if outputs reflect protected expressions.

CONCLUSION AND IMPLICATIONS

- First, **courts are the de facto regulators for now**. They are stretching traditional copyright concepts to address a technological revolution, striving to preserve the law's core principle of incentivizing human creativity.

- Second, a **global divergence is emerging**. We have a strict, human-centric camp—including the U.S., EU, and Australia—and a more flexible, technology-neutral camp, led by China. This creates significant uncertainty for cross-border enforcement and investment.

- Finally, the **future of AI copyright hinges on a simple but profound question: "How much human is enough?"** Is it the UK's "arrangements," China's "intellectual achievement," or the U.S.'s "human authorship"? As AI systems become more autonomous, answering this question will only become more difficult, likely necessitating legislative intervention.