

# **AI and the ethics of creative authorship: who owns AI-generated art?**

Artificial intelligence is transforming the creative industries, bringing both unparalleled opportunities and complex ethical challenges. Generative AI models such as DALL·E, MidJourney, and Stable Diffusion use large data sets to generate visual and textual content in response to user instructions. Although these instruments speed the creation of artwork, they also blur traditional understandings of authorship and ownership.

## **The evolution of AI-generated art and its challenges**

AI has significantly transformed the development of artwork by automating and speeding creative processes. Some contend that AI democratises creativity by allowing non-artists to produce high-quality graphics, while others express concerns regarding artistic integrity and originality. (Boden 2016) believes that while AI can demonstrate algorithmic creativity, it lacks the intent, self-awareness, and emotional depth, a sign of human artistic authorship. My personal experience corroborates this viewpoint: in my attempts to create manga pages with AI, I discovered that while AI could generate individual components, it failed in replicating the intricate art technique of mangaka Yumi Tamura. To address this gap, I used AI-generated assets as a basis, afterwards refining them manually in Procreate.

## **The legal debate: copyright and AI-generated works**

The development of AI-generated art has resulted in ongoing legal conflicts regarding authorship and copyright protection. Standard copyright legislation acknowledges primarily human creators, resulting in a legal dilemma regarding AI-generated works. The 2023 Thaler v. Perlmutter verdict in the United States confirmed that AI-generated works are ineligible for copyright protection unless they demonstrate substantial human involvement (U.S. Copyright Office, 2023). According to Section 9(3) of the UK's Copyright, Designs and Patents Act 1988, in the case of computer-generated works without a human creator, the person who makes the relevant arrangements for the work's creation is considered to be the author. On the other hand, the European Union has started the exploration of a regulatory framework that might acknowledge AI-assisted creations inside collective copyright models (European Commission, 2023). My effort, which involved upgrading AI-generated images, would probably be legally acknowledged as human-authored, given that my alterations significantly influenced the final artwork. However, situations in which artists depend only on AI with minimal contribution challenge current copyright systems, inciting discussions on whether legislation should adapt to grant partial authorship to AI or maintain human exclusivity.

The legal difficulties of AI-generated art extend beyond individual makers, affecting sectors such as gaming, animation, and publishing. Large organisations are integrating AI into creative processes, raising questions over equitable attribution and ownership. If AI-generated content is considered unsuitable for copyright, businesses might use AI tools to avoid traditional licensing agreements, so disadvantaging human artists. The unsolved legal issues highlight the necessity for revised intellectual property legislation that integrates innovation with ethical safeguards for creators.

## **Ethical implications: AI as innovation or exploitation?**

A key ethical issue in AI-generated art is its reliance on training datasets from pre-existing works, often without author consent. Models such as DALL·E and Stable Diffusion are trained on

extensive web repositories, including copyrighted photographs, illustrations, and cartoons as well. Numerous artists believe that this is digital plagiarism, as AI can follow unique artistic forms without proper attribution (Elgammal, 2020).

In my project, I purposely adjusted AI-generated images to prevent them from closely resembling the manner of Yumi Tamura, which results in generating an individual style. This reflects a fundamental ethical problem: while AI improves creative accessibility, it also risks damaging professional artistry. Many artists argue that AI-generated artworks should be labeled for transparency. However, in the gaming industry, AI is seen as a tool to assist rather than replace human creativity, with ethical concerns and artist protections requiring urgent legal attention (The impact of integrating Artificial Intelligence into the video games industry, n.d., KTH Royal Institute of Technology). This matter raises enquiries regarding intellectual property rights and whether AI training qualifies as transformative usage or unauthorised reproduction.

The inquiry remains: how can society defend artists while allowing AI to make major improvements to creative industries? It's important to find a balance between giving fair credit, developing ethical AI, and encouraging creativity as AI becomes part of making art.

## **The future of AI in creative industries**

The use of AI is set to transform industries, including comics, gaming, and interactive storytelling. In the manga industry, some believe that AI can boost production efficiency by automating background design and shading, so reducing the workload for illustrators, while others fear AI may replace traditional illustrators (Cohn, 2013). Even so, some predict that dependence on AI-generated content may streamline artistic methods, preferring efficiency at the cost of creativity. The gaming industry likewise uses AI to improve adaptive storytelling, generative world-building, and automated character behaviour. The research I conducted examined AI-generated mini-games as a method to render survival education more engaging, demonstrating how AI can strengthen learning experiences.

Considering these benefits, the creative sectors must design ethical standards to keep AI from compromising artistic work. Equitable remuneration for artists, clarity in AI-generated work, and preservation of creative integrity will be essential in supporting a future where AI functions as an augmentative instrument rather than an alternative for human creativity.

## **Conclusion**

AI should be viewed not as an alternative for artistic talent but as a collaborative instrument that increases human creativity. Although AI can produce remarkable designs, it lacks the intentionality, emotional complexity, and distinctive characteristics that define authentic artistic expression. Creativity is fundamentally a human experience where AI can help, but it cannot replace the artistry, intuition, and storytelling talent that define human creators. For example, policymakers must establish stronger legal frameworks to ensure proper recognition and protection for human creators. Global collaboration will be essential in establishing the legality of AI training on copyrighted material, the criteria for authorship determination, and the eligibility of AI-generated works for fair use. In the absence of decisive actions, creative sectors face potential legal confusion and commercial abuse of artists. Ethical AI development must prioritise both innovation and protections that prevent AI from compromising artistic labour and intellectual property rights.

## Reference list

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