Copyright Laws of AI generated Artistic Works

(Note that artistic works includes all works created by an author, such as writing, painting, music, art, etc.)

Technology/Topic

The focus of this topic revolves around how changes in copyright laws surrounding AI generated artistic works will affect society. Such a new, yet rapidly evolving, technology needs to be closely monitored and effectively regulated as to not harm creators in this space.

There are already existing copyright laws surrounding AI generated artistic works. The rules and guidelines set out by the *United States Copyright Office, by Shira Perlmutter,* describes that if there is enough human intervention in the artistic work, then it can be eligible for copyright claims. However, this is a case-by-case scenario and involves a degree of subjectivity to it. The *office* has given examples of where work cannot be claimed for copyright – entering in text into an AI generating software has no "human authorship" and therefore does not have adequate "human involvement" in the creative process (Shira Perlmutter, 2023).

However, these laws may need to be adjusted to suit the agenda of both original creators and creators that use AI in their work.

Opportunities in Society

Creative expansion

AI-generated work provides opportunities for new forms of artistic expression and creativity. It is not limited to the human mind, as it can utilise the internet as well as massive database of information available to access. Furthermore, its exponential growth far exceeds what was thought to be possible. Limiting the laws around this work can pave a way for a new generation of artists to emerge. A popular example is the viral song "Heart on my sleeve" written by an anonymous user known as "ghostwriter". The song uses AI generated voice overs of Drake and The Weekend. It has recently been removed from streaming platforms, with UMG (Universal Music Group) considering the work to be a "breach of our agreements and a violation of the copyright law" (Archie Brydon, 2023, WhyNow.co.uk). However, this is only one case, with there being many more songs that us AI-generated voices of celebrities.

Workplace usage

AI-generative tools are already being implemented in schools and jobs. Tools like ChatGPT, which has gained major popularity over the past year, are being used to increase the speed and quality of work. As an article on Korn Ferry denotes, a survey revealed that upwards of "46% are already using ChatGPT to complete work tasks" with roughly 80% of professionals believing that it is a "legitimate, beneficial work tool" (2023, Korn Ferry). Furthermore, the utilisation of ChatGPT does not stop at writing emails and documents. Korn Ferry additionally highlights that "stock traders and assets managers are already using ChatGPT to analyse stock-market trends and company data in order to predict share-price performance more accurately". It is important to note that this is only one, although popular, AI-generative tool, with there being many more tools available on the internet.

However, the scope of AI-generation software may not be limited to its workplace usage. Copyright laws can create economic opportunities for AI developers and companies involved in AI-generated art. By allowing them to hold exclusive rights to their creations, they can monetize their artworks, license them to others, and negotiate contracts or partnerships with various stakeholders. These can include galleries, museums, and other commercial platforms.

Risks

Protection of existing artist

Many artists using the traditional method of production will face major issues with the rise of AI-generating software. Work that once took them hours to make can be generated in 10 seconds via a single prompt and the click of a button. What would be the point of paying someone to make you a logo or hiring a producer for a song to make an instrumental, when it can all be done for free and possibly better using AI. This will therefore result in major losses in revenue as original artist will see a massive drop in customers. Copyright laws need to be put in place to protect these artists and prevent this "new generation" of artist from exploiting the power of AI.

Recently however, a new tool has been designed to help protect artists' work from being stolen and copied by AI art generators called Glaze (Shannon Burton, 2023, makeuseof.com). As outlined by Shannon, this tool adds "minor, inconspicuous changes to an artwork" which cannot be detect by the humans, but its recognisable to AI software. This in turn causes the software to produce an image that differs from the intended style of the artist, therefore implying that the AI software can never learn the artists' unique style and can never replicate it. If laws are not able to protect original creators adequately enough, then alternative methods like Glaze need to be utilised.

Copyright infringement and intellectual property

As we can infer from the previous paragraph, AI is exposed to large amounts of data and can unintentionally generate content that infringes upon existing copyrights. This raises questions on the reliability of these software; if we rely on this AI generating software to make artistic works for us, it may cause us to unintentionally end up in a copyright lawsuit. Furthermore, Stability AI (A company that uses Stable Diffusion deep learning method in training AI by gathering data across the internet) currently is facing a copyright lawsuit issued by Getty images. They "allegedly copying 12 million images to train its AI model without permission or compensation" (James Vincent, 2023, the verge.com). There are a plethora of similar cases of AI generating software stealing content without reimbursing the original creators. This highlights the question of whether AI companies like Stability AI should pay for the usage of stock images in training of AI algorithms.

Choices

Frameworks and regulations

Society must determine the adequacy of existing copyright laws in addressing the new challenges posed by AI-generated content. A balance needs to be struck between protecting the rights of original creators and fostering innovation of AI-generated works. Although the current laws may suffice, with the rapid growth of AI, changes need to be made to secure the future of both original artists and new generation artists. In the case of there being little to no restrictions for AI-generation of artistic content then, as we have seen and discussed, existing artist will face an immeasurable amount of competition and eventually their jobs will become obsolete. A report by Viola Zhou outlines how AI-generation tools like DALL-E-2 have troubled the Chinese video game art industry. A freelance illustrator by the name of Amber Yu has lost many of her possible job opportunities as gaming industries now have AI image generators integrated into their businesses (Zhou, 2023).

On the other hand, heavily regulating AI art generation will restrict new artists and new job opportunities. Although roughly 85 millions jobs are said to be replaced by the year 2025, a total of 97 million jobs, an additional 12 million, will be created by 2025 due to AI generative tools (Ascott, 2021). Therefore, heavily regulating AI art generation may not be a favourable outcome as many future jobs will be lost. However, these statistics are only estimates and should be taken with a grain of salt.

Ethical Guidelines and Standards

Developing ethical guidelines and standards for AI generation is essential to ensure responsible and accountable practices. This includes transparency in disclosing the use of AI-generating software in content. People in the past have attempted to claim AI works as their own. Referring to what was stated at the beginning, AI work can only be claimed copyright if there is sufficient human intervention. It would be problematic if creators falsely claim AI work as their own, therefore it is essential that these guidelines are established.

Team Roles and Responsibilities

Blaine McDonald

My role in our team is to do research on the topic and type up relevant information into a draft. This draft will be shared with my team members so they can also learn some interesting information about the topic. Once my team members have copied the information to the team website, I will assist in the design process (although the lead role in the designing phase will be taken by Afsar). I will also be writing the references.

Afsar Nurul

My role in this team is to review the draft and ask questions about the contents to learn about our topic more in depth. Once I have gained a good understanding, I will copy the completed and revised draft onto our team website. I will also design the website making sure it is presentable, easy to read, and easy to navigate. Finally, I will in charge of the final submissions of both our team website and PowerPoint slides that we create during our research.

References

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