**Summary**

The panel was an interview-style talk focused on the recent rise in generative AI, and specifically the grey area that currently exists regarding who owns the copyright to the computer code these AI models write. The panelists are Joseph Saveri, a lawyer litigating over a case involving GitHub Copilot, an AI software designed for intelligent code autocompletion, and Pamela Samuelson, a professor of Law at Berkeley focused on intellectual property and copyright laws. During the talk, two incredibly interesting questions were debated: whether computer-generated work is copyrightable, and whether using existing human works as training data for AI models is considered copyright infringement.  
  
One topic they discussed is the ongoing question of whether AI generated outputs are considered transformative works, and how they need special attention when applying existing copyright laws to them. Furthermore, they also discussed whether the process the AI uses to generate an output is truly different compared to what humans do when generating original work. In debating this topic, one of the other points being made was that these AI models are trained on a very large set of data (often millions of inputs), so it would be near impossible to definitively prove whether an AI generated output is truly a copy of an input, or whether it’s completely original work.  
  
The panel then concluded with a discussion on fair use when applied to selecting an AI’s training dataset, drawing parallels to the recent Andy Warhol case of whether his artwork of Prince was considered fair use. While Pamela argued that this case has significant implications to the fair use of AI generated artwork, Joseph claims that it won’t have a large impact, since in the case of Google vs. Oracle, it was ruled that transformativeness was only one of many factors in determining whether something was considered fair use.

**Relation to themes**

Possibly the most relevant connection between this topic and what we’ve talked about in class is the discussion we had about the government pushing the frontiers of innovation and development. As we’ve mentioned in class, much of modern technological progress was facilitated by public entities such as the government, since a failed investment is not as detrimental to them as it is for private companies.

In the case of AI, many of the leading companies in the field (OpenAI, Google, Facebook, etc.) have all received some level of funding from government entities such as the DARPA, which provides evidence for this principle.

We also discussed the topic of “creative destruction” – how the emergence of specific markets will ultimately destroy other markets – this principle is no different in the case of AI. Currently, these artificial intelligence programs open the door to natural language processing (NLP), which has applications in voice recognition, language translation, and (perhaps most evident right now), in conversational models such as ChatGPT and others like it. In the case of these conversational bots, there is the possibility that they can replace customer service requests very soon; in fact, many companies are already experimenting with a primitive prototype of this software. Not only this, but as artificial intelligence becomes increasingly sophisticated, they can be used to complete increasingly complex tasks. For instance, there is also interest in using artificial intelligence in medical imaging, where the AI is trained to identify signs of disease much earlier and at a much higher accuracy than human doctors. With this, it’s entirely possible that the work of doctors could also be replaced one day. This demonstrates how the invention has disrupted the market in a way that the market for human customer service agents is now slowly becoming obsolete, supporting the idea of creative destruction.

**What was interesting to learn (q3)**

One of the main points brought up during the discussion concerning what the AI model generates is the originality of what was generated. Pamela mentions that in the past the copyright office has rejected the copyright of AI generated media because they lacked “human authorship”. Corroborating this, Joseph also mentioned that in most situations, it’s not exactly an easy task determining how much inspiration the AI takes from its training set when generating an output.

Another fascinating point that was brought up during this panel was the question of whether the process through which AI generates an output is fundamentally different than what we humans do when creating original work. They argue that as humans, we also take inspiration from our surroundings to generate transformative works, which is almost identical to the case for AI, except their inspiration comes instead from the set of data we train it on. While this is an interesting point, one of the things they forgot to mention concerning this is that determining how an AI model learns from its data set is an area of active research, and we currently have no idea how it works. To me, I think that this question of “how” the AI learns from its dataset must be answered first before we can truly know how similar AI learning is to human learning.

Finally, it was also interesting to learn about the Google vs. Oracle case, where even though much of Google’s source code was based upon Oracle’s API, the courts judged that the result (Google’s search engine) was transformative enough that this still fell under fair use. For me, it’s interesting seeing small nuances in how the law is applied in different situations – generally this much reliance on someone else’s code is not considered fair use, but this seemed to be a special situation.

In addition to this, they also talked about AI models concerning fair use

In other words, whether the outputs of the AI model should be interpreted as original works or plagiarism of the training data. In the case of humans, we constantly use our surroundings as inspiration to create original works; so the question hinges on how different we think what the

They highlight that in the case of humans, we take inspiration from our surroundings, and use it to create a piece of original work – how different is AI generation compared to this? They discuss that in the past, the AI output has been rejected as copyright as it lacked “human authorship”