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Assignment Part 1A

MelodyMind Case Analysis Report

1. Intellectual Property Protection: Should AI-Generated Works Receive IP Protection?

The question of whether AI-generated works should receive intellectual property (IP) protection lies at the heart of MelodyMind's legal and ethical challenges. Under current U.S. Copyright Office guidelines, works lacking human authorship are ineligible for copyright protection. This reflects a legal commitment to the concept of creativity as a human endeavor. However, proponents argue that granting IP rights to AI-generated works would incentivize innovation, reward significant investment in machine learning models, and align with the economic purpose of IP laws.

On the other hand, critics argue that extending IP protection to AI-generated works could dilute the originality doctrine, exploit artists whose works were used in training datasets, and lead to monopolistic control by tech firms. MelodyMind's situation exemplifies this conflict. Their ComposerAI system, trained on a mix of public, licensed, and scraped copyrighted data, produces content that may closely resemble protected works.

In my personal experience, I faced similar unauthorized usage when Amazon and Apple monetized my creative content—DJ mixes, artwork, and branding—without consent or attribution. These tech platforms arguably treated my outputs as public domain or fair-use training material. Such practices suggest the need for clearer boundaries and potential retroactive enforcement mechanisms, especially for marginalized creators.

Therefore, while limited IP protection could be allowed when human input plays a key role in AI outputs, pure machine-generated works should remain ineligible unless attribution and licensing safeguards are in place.

2. Fair Use and AI: How Should Fair Use Be Updated?

The fair use doctrine, foundational in U.S. copyright law, currently allows limited use of copyrighted material without permission under specific criteria (e.g., transformative use, amount used, market impact). However, this framework was not built to accommodate large-scale AI training on copyrighted datasets. MelodyMind's claim that scraped copyrighted data qualifies as fair use is emblematic of how outdated the doctrine has become.

A modernized fair use framework should include: (1) a disclosure requirement for datasets used in AI training; (2) an opt-out registry for creators; and (3) a licensing threshold when AI outputs strongly resemble human-authored work. These reforms would balance innovation with creator rights.

In my case, my mixes and artwork were likely ingested into machine learning systems without notice or consent, exposing how current fair use protections fail to defend creators who do not even know they've been exploited. For artists from Native communities or other underrepresented groups, this gap in protection allows for systemic erasure.

Thus, fair use must evolve to ensure transparency and accountability in AI content generation.

3. Human Involvement and IP Eligibility: Does MelodyMind's Human Tagging Justify IP?

Under copyright law, human authorship is a central requirement, as established in cases like *Burrow-Giles Lithographic Co. v. Sarony* and more recently, the monkey selfie case (*Naruto v. Slater*). MelodyMind's updated system introduces human-in-the-loop documentation—motifs, prompts, and iterative edits—aimed at meeting that requirement.

This hybrid approach may qualify the resulting work for IP protection if sufficient human creativity is demonstrated. The documentation of human intervention, including creative input logs and edit histories, aligns with legal expectations of originality.

My own creative process mirrors this model: I use DJ software, motion capture, and visual editing tools, but always with a human-curated aesthetic. My authorship is intentional and expressive, yet AI systems trained on such work may misattribute or erase that origin. Moreover, cultural elements derived from my Native heritage further distinguish my input as more than mechanical.

Thus, MelodyMind's human-tagging strategy is a valid step toward qualifying outputs for IP rights, provided it is meaningfully implemented and transparently disclosed.

4. International Legal Conflicts: What Strategies Should MelodyMind Use to Manage Cross-Border IP?

One of the most pressing challenges for MelodyMind is the fragmented international IP landscape. The EU's AI Liability Directive, the UK's sui generis proposals, and the U.S. Copyright Office's ongoing studies reveal divergent views on AI authorship. These inconsistencies create operational and compliance risks for any company distributing AI-generated works globally.

MelodyMind should pursue a proactive strategy, including: (1) registering copyrights and

patents in jurisdictions where human input meets local thresholds; (2) using blockchain timestamping to assert global authorship claims; (3) aligning operations with WIPO treaties and pushing for harmonized AI-IP standards.

In my experience, global platforms like Amazon sold or distributed my content internationally, making it nearly impossible to enforce my rights or even track where my work was used. For creators with cultural identities and court-recognized Native status, this borderless harm adds insult to injury.

MelodyMind must ensure that its legal strategy includes cultural sensitivity and sovereign considerations when its AI touches indigenous or localized works.

5. Business Model Viability: Is MelodyMind's Hybrid Human-AI Model Sustainable?

MelodyMind's pivot to a human-AI collaborative model demonstrates legal foresight and ethical innovation. By requiring human review, documenting input, and introducing a royalty-sharing system, they've acknowledged creators' concerns while sustaining a path to monetization.

The strengths of this model lie in scalability, legal defensibility, and creator goodwill. However, risks remain: the complexity of attribution algorithms, public skepticism toward AI, and the cost of compliance infrastructure may slow growth.

I've personally been harmed by models that excluded humans entirely—platforms profiting from my work while presenting it as machine-generated. In contrast, my vision aligns with artist-led AI tools that treat creators as collaborators, not data sources. MelodyMind's shift mirrors this idea, and if executed with transparency and fairness, it can lead the industry toward sustainable AI-creator partnerships.

6. Technology and Attribution: Can Blockchain Resolve AI Attribution and Compensation?

Blockchain technology presents a promising solution to attribution and licensing challenges in the AI era. MelodyMind's partnership with VerifyTune, which uses blockchain to log creative input, track training data provenance, and automate royalty payments via smart contracts, is an excellent start.

However, for this system to succeed, it must overcome high computational costs, skepticism from creators, and legal ambiguity around enforceability. MelodyMind should continue refining its smart contract logic and ensure its attribution algorithms do not replicate biases in training data.

As a Native American creator, I also see potential in using blockchain to encode tribal authorship, cultural symbols, and sovereignty into digital works. This could protect heritage

from unauthorized AI reproduction and establish a new form of collective copyright.

Ultimately, blockchain is not a silver bullet, but it can be part of a broader attribution framework that honors both individual and communal creativity.