

# Australian ‘contemporary’ portrait prize allows entries wholly generated by AI

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A prestigious portrait competition has defended allowing entrants to submit artwork generated by artificial intelligence, arguing art is not stagnant and should reflect societal change. The Brisbane Portrait Prize – with a top prize worth \$50,000 – has been described as Queensland’s answer to the Archibalds with selected entries displayed at the State Library later in the year. In the terms and conditions of entry, the Brisbane Portrait Prize notes this year that it will accept entries “completed in whole or in part by generative artificial intelligence” so long as the artwork is original and “entirely completed and owned outright” by the entrant. A spokesperson for the prize told Guardian Australia that allowing AI entries acknowledged the definition of art was not stagnant and would always grow. “BPP prides itself on being a contemporary prize and we are always interested in what ‘contemporary’ portraiture is while fostering both the ongoing evolution of art and engaging in the surrounding conversation,” they said. The spokesperson said in the past more traditional artists had objected to digital and photographic entries being allowed – which are now generally accepted in the art world. “As technology continues to adapt and integrate into our society, it has already opened the door for artists with a disability to be included thanks to the use of assistive technology, and we see the use of AI tools and methodologies as the next stage in this,” the spokesperson said. A previous winner, the painter Stephen Tiernan, told the ABC there were still artistic processes involved in the creation of AI-generated work, and ultimately the rule change kept the prize contemporary. The spokesperson said the competition would determine ownership of the work based on the processes used and the terms of the AI program behind it. When entering, artists must declare they have full copyright over the entry. Dr Rita Matulionyte, a senior lecturer in law at Macquarie University, said AI itself could not be an author under Australian copyright law, but it remained an open question how much input a person must have in an AI-assisted artwork to claim ownership. “The thing that is unclear [is] how much human contribution is enough for a human to become an author,” she said. “Is one prompt enough or is it 100 prompts that you have to make?” The Brisbane Portrait Prize spokesperson said if the artist had contributed “sufficient independent intellectual effort” in creating the work it would likely be protected by copyright. “An example of someone determining whole ownership of the content might be seen in an artist using an AI tool to produce an entirely brand-new artwork using elements of several of their own original artworks, with all original designs belonging solely to the artist,” the spokesperson said. “We recognise that AI is an evolving space and that our laws are often playing catch up to technological advancements.” Dr TJ Thomson, a senior lecturer at RMIT’s school of media and communication, said that “creating an image through a camera and imagining one through keyword prompting is a completely different experience that draws on largely different skills”. “Some knowledge of photography principles and equipment can inform one’s prompting, but having camera-produced

and AI-generated imagery compete wouldn't be fair." It is not the first competition to have grappled with AI entries since the explosion of widely-available generative AI applications over the past year. The National Portrait Gallery's National Photographic Portrait Prize for 2024 allows the use of generative AI tools in the development of photographic work entered – but will not allow wholly AI-generated images. But there are strict conditions, including requiring details on what tools were used and how. If the prompt to the AI includes names, images, work or creative styles of others, express consent must be obtained. Thomson said it was a messy space with many unanswered questions, but that in the meantime other competitions were likely to follow suit. The World Press Photography competition in November announced it would exclude AI-generated entries from its open format following "honest and thoughtful feedback", stating the ban was "in line with our long-standing values of accuracy and trustworthiness". German artist Boris Eldagsen declined the prize for the creative open category at the Sony World Photography Awards last year after stating he entered an AI-generated photo of two women "as a cheeky monkey" to find out if competitions would be prepared for AI images. "They are not," he said in April last year. In Sydney last year, a woman's photo of her son missed out on winning a competition because the judges were suspicious it was AI-generated, despite her stating she took the photo on her phone. The NGV's Triennial exhibition this year in Melbourne featured works by Irish artist Kevin Abosch of "deepfakes of scenes depicting civil unrest across the world" – including in Melbourne – which examined how manipulated information could fuel civil unrest. • This article was amended on 8 February 2024. An earlier version incorrectly said that the venue for the exhibition of prize finalists was Brisbane Powerhouse, rather than the State Library.