Does AI Violate Creative Ownership When Using Copyright Material to Generate New Art?

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***Abstract*—**The paper has discussed the increasing controversy that emerges about the question of whether artificial intelligence (AI) infringes on the rights of creators by utilizing copyrighted content as the basis of producing new art. There are concerns relating to the training of the AI-generated content in that the large dataset often contains the copyrighted work but without the consent of the original creators. This study looks into how the public and artists feel about AI using copyrighted material to create art. It also explores whether people can tell the difference between art made by AI and art made by humans and takes a closer look at existing legal discussions and real-world cases related to this topic.

This study uses both primary and secondary data. To better understand how the public and artists feel about the issue, primary data was gathered through an online questionnaire. Secondary data involved reviewing legal cases, academic articles, and news reports to analyze the legal and ethical implications of AI in the creative industry. The literature review covers key topics like how AI works, the basics of copyright law, creative ownership, artist opinions, and the overall effects of generative AI on the creative industry.

The findings from this study aim to show how challenging it is to balance the growth of technology with the need to protect human creativity. This paper also looks at whether current copyright laws are enough to handle the issues brought by AI, or if new rules are needed. These insights could help guide future conversations about originality, consent, fair use, and how AI is changing the way we understand and create art.

I. Introduction

In recent years, artificial intelligence (AI) has rapidly evolved to become a powerful tool in the creation of visual art, music, literature, and other forms of creative expression. Generative AI models like DALL·E, Midjourney, and ChatGPT allow machines to create art that looks like or changes existing copyrighted work. This development raises critical legal, ethical, and philosophical questions about authorship, originality, and ownership. AI systems are created to mimic human cognitive abilities like language processing, learning, perception, and problem solving [11].

While AI offers exciting new opportunities for creativity, it also blurs the boundaries between inspiration and infringement. As AI-generated content becomes more common in creative industries, it's important to ask whether using copyrighted material in AI breaks the original creator's rights [3]. As society increasingly integrates AI-generated content into creative industries, it becomes essential to examine whether the use of copyrighted materials by AI systems violates the creative ownership of original authors.

This paper looks at both sides of the debate. It investigates how the public and artists perceive AI-generated art that is trained on copyrighted materials, whether people can tell the difference between AI and human-created work, and what legal frameworks currently exist to manage this issue. As AI continues to grow in influence, understanding how it fits into our creative and legal systems becomes more important than ever.

A. Problem Statement

With more and more advanced generative AI, it is increasingly used to create new artworks by learning from large datasets that often include copyrighted material. These models require massive amounts of data, often in the form of millions of photos, text documents and audio samples. This content is frequently copyright protected, yet developers have rarely or never asked the original creators for permission [7]. This raises critical legal and ethical questions about whether such AI-generated art infringes on the creative ownership rights of original content creators. The main issue is whether using copyrighted works in AI training and creating new content that resembles or is based on those works counts as copyright infringement. It also raises the

question of whether current copyright laws are enough to handle this or if they need to be updated.

The main issue that this paper will discuss is the fact that copyrighted works could be used to create new pieces of art by the use of AI technology, thus violating the creative ownership right. This has brought about constant arguments and lawsuits as to whether this is fair use, copyright, or a new creativity in itself. The lack of clear legal frameworks and consensus leaves both creators and developers in uncertain territory. Thus, the problem lies in determining the ethical and legal responsibilities of AI developers and users when AI-generated outputs are based on copyrighted inputs.

B. Research Objectives

The objective of this paper is:

- To investigate the level of concern among artists and the public regarding the use of copyrighted material in AI-generated art.
- To investigate whether the public can differentiate between original arts and AI-generated art.
- To review existing legal cases, articles, and literature related to copyright and AI art generation.

C. Research Scope

The given paper makes an exploration of the usage of copyrighted material in AI-generated artwork, particularly visual and written. Among the key concerns is the way AI is taught, which in many cases involves relying on large volumes of data, and this data can contain items that are under copyright protection that have been duplicated without authorization. This raises questions about what it means to own creative work and how those rights can be protected now that machines can learn from and copy people's work. The research also investigates the influence of perception and values of people towards the artworks when they can know whether it has been made by a human being or by an artificial intelligence.

This is an issue for the ownership of the creativity and whether this activity impacts the rights of human artists. The paper also discusses the general perceptions that the people and the artists have on this topic, including the matters relating to consent, no credit accorded, and fairness to the creators. It also explores whether people can trust AI-generated works to have the same quality and creative value as art made by humans and how this affects the way they view and value creative work. On the legal side, this study looks at current copyright laws, academic research, and real-world practices to see if the existing systems are prepared to deal with the specific challenges that come with AI. This paper focuses only on AI-generated art and text. It does not cover AI-created music, programming code, or broader ethical issues beyond copyright and creative ownership.

D. Research Significance

This paper is important because it highlights the growing concerns about the use of AI in the creative industry. Understanding the implications for human artists' rights and recognition is essential as AI technologies improve their ability to produce realistic and beautiful content. This study helps shed light on the legal and ethical questions raised when AI is trained on copyrighted material without permission. It also gives voice to the worries of artists and the public, who may feel that their work is being used unfairly or without credit. By examining AI's potential as a creative tool and how it might complement or contradict current copyright regulations, the study also seeks to present a fair analysis. By looking at both sides, this research can help inform future decisions in law, technology, and the creative industry.

This research also helps us better understand how people today think about creativity and originality in a world where technology plays a bigger role in making art. It looks at whether people see AI-generated work as just as valuable as art made by humans and how this might change the way we think about and support art in our culture and economy. The findings may offer useful insights for educators, policymakers, and platform developers seeking to strike a balance between encouraging innovation and respecting the rights of content creators. By addressing both the opportunities and risks of using AI in art, this study supports ongoing discussions about what creativity means in a rapidly evolving digital world.

II. Literature Review

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A. Overview of Artificial Intelligence (AI)

The concept of artificial intelligence (AI) is widely believed to have been first introduced by John McCarthhy during the Dartmouth Conference in 1956. Today, AI refers to the ability of computers to carry out tasks that typically require human intelligence. In simple terms, AI technology is designed to mimic how humans think and behave so it relies on algorithms and data processing to learn on its own and make decisions independently [25]. The ability of AI to produce creative output, including literature, music, and photos which are frequently at a level that is different from human effort. It has been one of the most important achievements in the field. There are three characteristics of artificial intelligence which are appearance of the work, independent creation, and low cost of creation [13].

Generative AI models, such as those used for creating art, are trained on huge datasets that may include copyrighted materials. These models do not replicate existing content but use learned patterns to generate new output. With AI's ability to function as both a tool and a creator, the standard boundaries of authorship and ownership are becoming increasingly unclear in the creative industries.

AI has the ability to learn from past mistakes and refine its programming patterns over time. Because of this, some people argue that the human creator no longer has full control over how the final work is produced or the conditions under which it is created [24]. However, current AI systems still lack the ability to set their own goals or decide what outcomes to pursue. It is still the human user who defines the purpose and direction of the AI's work. In short, while AI can find better ways to reach a goal, it cannot decide what that goal should be [24].

B. Basics of Copyright Law

Copyright law is a legal system that is specifically designed to protect the rights of people who create original works without directly copying from existing material. However, with the rise of AI-generated content, copyright law is now facing new complex challenges [9]. According to copyright law, a work must meet four key criteria to be considered. First, it has to fall within the fields of literature, art or science. Second, the work must be original. Third, it should be something that can be reproduced. And finally, it must represent an intellectual effort [13]. But, when comparing to human-created works to those produced by artificial intelligence, the ability to replicate is quite similar.

Copyright law currently only recognizes and protects works that are created by individuals or groups of people involved in creative expression. When a piece of content is generated by AI, it becomes difficult to qualify for copyright protection[22]. Additionally, copyright protection is reserved for works created by human beings. Legal systems around the world have consistently ruled that non-human entities, including machines and software, cannot hold copyright. This is because AI is not considered a legal person and therefore cannot hold copyright.

AI's participation in creative works is being addressed by copyright laws in a number of jurisdictions by utilizing the amount of human contribution as a protection factor [14]. Due to AI's possible impact on copyright law, members of the legal community, including academics and intellectual property lawyers, are starting to look into issues like authorship, originality, and the expression of ideas in AI-generated works[8].

C. Creative Ownership

In this era of digital age, creative ownership has become a major field of interest especially with the introduction of artificial intelligence. It reshapes the traditional concepts of authorship, creativity, and intellectual property rights. The combination of human creativity and the creation of AI content has brought in itself complex issues regarding the ownership of the works of creators, the formation of psychic attachment to creative productions, and legal mechanisms to consider these emerging relationships.

In order to understand creative ownership in the context of human-Ai collaboration, a thorough framework is presented by Polimetla and Gero[21]. The authors develop a three-dimensional model, which is Person (embodiment, occupancy, recognition), Process (control, intentionality, effort), and System (production, abstraction, interdependence) dimensions. Their framework addresses the process of making people feel themselves owners of creative expression and more specifically in a cooperative environment involving AI systems.

Xu, Cheng, and Kuzminykh expand on the already existing psychological ownership theory, primarily the works by Pierce et al. and defining psychological ownership as "that state where an individual feels as though the target of ownership or a piece of that target is 'theirs'"[26] They single out five structural dimensions that are of special importance when it comes to digital possessions: self-identity, self-efficacy, autonomy, territoriality, and accountability/responsibility[26]. The research also identifies three primary factors influencing ownership perceptions in human-AI collaboration which is, Involvement, Sense of Infringement, and Notion of Legal Agreements[26].

In the legal context, Chohan et al. reveal that currently there is no jurisdiction that recognizes AI as a legal creator of inventions or works[4]. There are three primary obstacles including the absence of legal personhood and lack of innate creativity and originality and implications of granting non-humans intellectual property protection[4].

D. Machine Learning Training with Copyright Resources

Due to increased use of massive datasets that sometimes contain content under copyright, there have been disputes over the legality, ethics, and adequate models of using the massive volumes of data in artificial intelligence systems, both in terms of scholarship and ongoing legal cases.

The most important factor that is behind the legal conundrum is the reproduction right under section 106 of the U.S.C. that gives the copyright owners the right to exclude all others of copying their works in any tangible medium. AI systems are trained by reproducing infringed works, usually by copying those into training databases, hosting them on servers, or subjecting them to machine learning algorithms. The temporary digital forms themselves including those kept in RAM during training, under normal interpretations, would be a possible infringement [12]. With this strict liability nature of copyright law, it intensifies the risk for developers.

Compared to uncertain regime in the U.S, jurisdiction such as Japan have embraced more permissible regulations. Japan permits text and data mining both in the commercial and non-commercial context without the need of the copyright holder permission. Under Directive 2019/790, the EU enables text and data mining using it in science, but gives right holders the option to opt out of mining it commercially. UK has also restrained the exceptions to be applied to narrow areas such as personal research and uncommercial research[23].

In addition to legal views, the training of AI using copyrighted material is morally and philosophically problematic. Based on natural rights, creators have moral rights to own the use of their works whether the work was being used commercially or in a transformative fashion. This interpretation results in the idea that the unauthorized utilization even the utilization in machine learning is a violation [12].

In order to keep the balance between copyright with AI development, scholars and legal experts have developed a framework. Leibler proposes a novel doctrine of Fair Learning that reflects the rationale of fair use, but is specifically targeted at AI learning. It would understand training as a transformative and non-expressive process and pay attention to the benefit to society in the analysis [12].

E. Artist Concerns

The latest generation of generative artificial intelligence has stirred serious concerns among the artist about the ethical uses of art. The most serious one is the use of copyrighted works without the owner's permission to train AI models. Recent study reports that the anxiety has been increased as far as the skyrocketing overall development of generative AI technologies is concerned. Majority of the artists fear that AI will impact the future of an art related career and creative identity [15].

Creativity is one feature in which creative works are of great concern in the visual arts field and tend to be called back in the works done by a person. The use of an AI in creating art evokes rather complicated questions concerned with the origins of art. Is it a human being, or a machine?[16]. On the other hand, others believe that the application of AI tools may be an act of creativity in its own right , just like the changes in art production brought by drip painting introduced by Pollock’s drip and Laposky’s early chomp visualization art. These styles widened the paradigm of creativity through utilization of new technologies. But it has also been argued that when AI is allowed to be more independent in producing complex artistic works, it will tend to erode the assumed contribution to the creative process of the artist.

Although most artists express various apprehensions regarding the ethical and financial risk of generative AI, others also share the idea that the tools have the potential to become a creative companion. In the interviews, some artists provided examples of the AI tools in their creative process. This shows that some artists do not substitute them but use it for supplementation to achieve more ideas and experimentations [2].

F. Consequences of Generative AI Art to the Industry.

The explosive development of generative AI has dramatically altered the creative industry, providing new means of expressions alongside creating a host of ethical, legal and professional issues. Thematic review of social media discussions pointed out that numerous artists feel anxious , uncertain and bearing a reputation penalty as a result of increased use of AI in the artistic process. The researchers have found that artists experience stress and worry about unemployment when false claims of the work being created with the help of AI updates emerge[20]. This development of mistrust among the people violates the credibility of art and can weaken trust in the legitimacy of artists and other creative workers[20].

Even such giant industry players as Netflix have already chosen to apply AI to soundtrack analysis in order to facilitate compliance with music use rules and enhance functionality related to user options. Even as these developments boost productivity, they lead to the alienation of human input in the creative pipeline and the declining need of specialized labor which comes with fear of long term employment and the death of human craftsmanship in the media arts industry[5].

The emergence of AI-based content poses great psychological implications to upcoming musicians. AI tools can easily generate visually elegant and high-output contents, so many novice creators feel insecure and similar to imposters.This effect is particularly especially augmented on social media when select algorithms tend to favor speed, aesthetic fashion, and the potential to go viral. AI dominates in these components. Consequently, the upcoming artists might be opposed to experimenting or presenting original work, as they are afraid of being compared or rendered insignificant[10]. It is the competitive pressure that threatens to destroy the flow of artistic innovation, and discourage the confidence and motivation of human creators at the dawns of their careers. Such trends in the long-term might cause less diversity in artistic voices and have an entrenching effect on the dependence upon machine-assisted aesthetics in place of organic human artistic voices[10].

III. *Methodology*

This study adopts a mixed-method approach which consists of primary and secondary data analysis.

The primary data is collected through an online questionnaire with Google Forms. The questionnaire is distributed to a selected group of UiTM respondents, including art students, creative media students, and non-creative media students. These groups are chosen to gather a wide range of perspectives from individuals who are involved and not involved in the creative industry. The questions are designed to measure the level of concern regarding the use of copyrighted materials in AI-generated art. Likert scale questions are used to assess opinions and attitudes.

To achieve Research Objective 2, the questionnaire also includes questions that ask respondents to identify whether certain artworks are original or AI-generated. These questions aim to evaluate the public's ability to distinguish between human-made and AI-generated art.

For secondary data, the research involves a descriptive analysis of existing literature, legal cases, academic articles, and news reports related to copyright and AI art. This method will focus on reviewing real-world examples regarding AI-generated art and ownership rights. These analysis helps to strengthen the analysis of the primary data findings.

IV. Findings and Discussion

We have distributed the questionnaires through Whatapps and received 38 responses. The survey consists of 15 questions with 3 sections. Below, we will explain the demographics of our respondents.

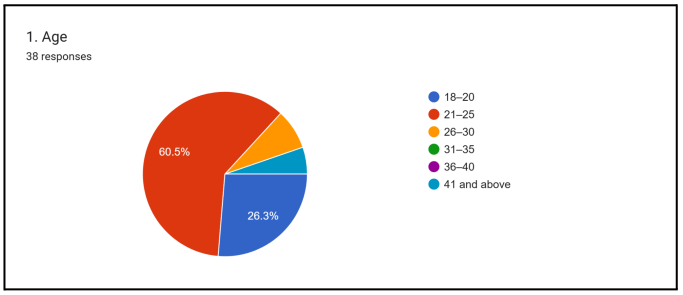

Fig. 1 Pie chart for age of respondents

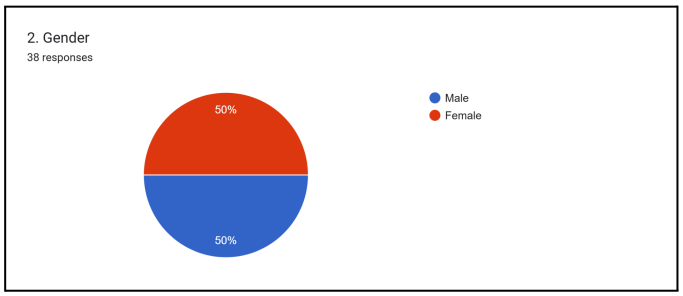

Fig. 2 Pie chart for gender of respondents

Based on Fig 1, we have received respondents from different age groups. Most of our respondents come from the 21 to 25 age group (60.5%). However, we didn't receive any respondents from the 31 to 35 age group. Furthermore, we have received equal participation from both genders as shown in Fig 2.

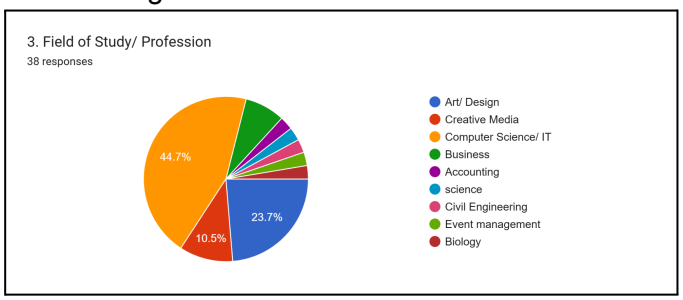

Fig. 3 Pie chart for occupation of respondents

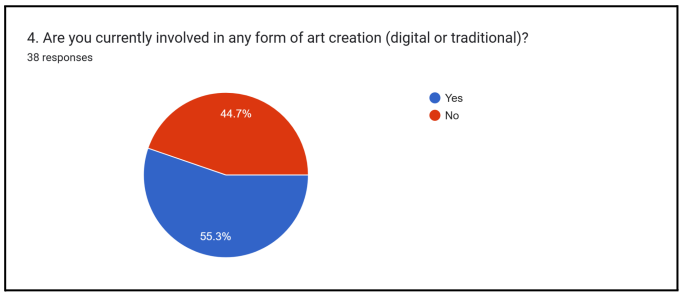

Fig. 4 Pie chart for involvement of respondents in any form of art creation

Based on Fig 3, we have received respondents from various occupational fields. For instance, the biology sector, event management, civil engineering and science. However, more than half of the respondents come from occupational sectors directly relevant to this research, which are art and design (23.7%), creative media (10.5%) and computer science (44.7%). Furthermore, based on Fig 4, we can see that most of our respondents (55.3%) were directly involved with any form of art creation.

Therefore, we understand that most of the responses we received come from various perspectives.

A. Concerns Among Artist and the Public Regarding the Use of Copyright Material

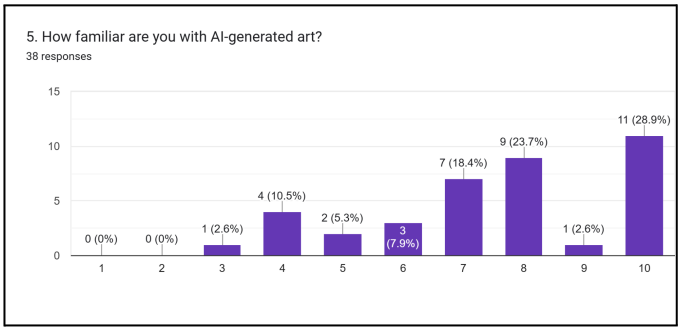

Fig. 5 Bar chart of respondent familiarity with AI-generated art

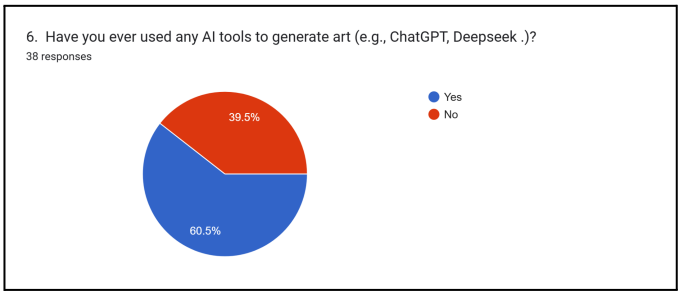

Fig. 6 Pie chart for respondent experienced with AI tools to generate art

From the questionnaire, we understand that most of our respondents are familiar with AI-generated art. Based on Fig 5 the majority of respondents leaned toward higher familiarity scores (6-10) with 81.5% clustering at these levels. The right-skewed graph demonstrates that AI-generated art is very common to be found. To evaluate further, from Fig 6, we can see that over half of the respondents (60.5%) have used AI tools to generate art before. This suggests that even respondents not involved in art creation tasks, they still have engaged with AI tools to generate art.

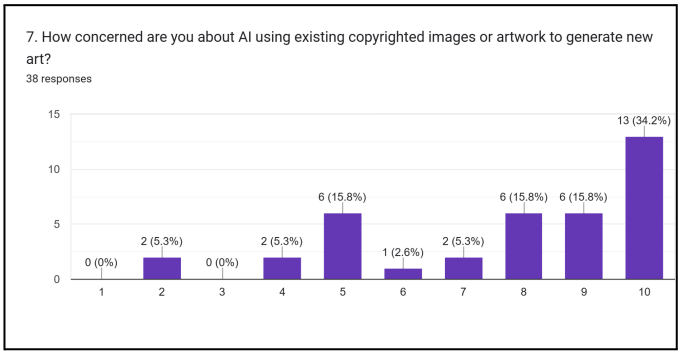

Fig. 7 Bar chart of respondent concern of using copyright materials for AI

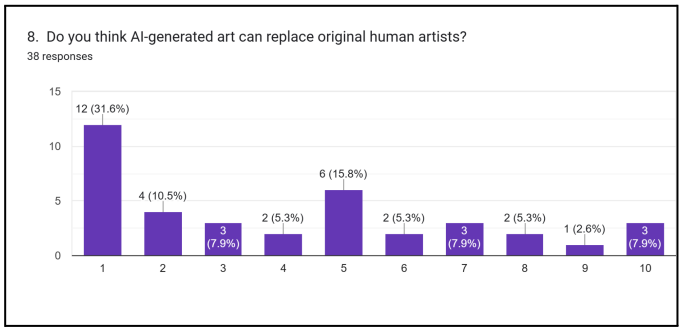

Fig. 8 Bar chart of respondent's opinion whether can AI replace artist

After that, we evaluate their concerns of copyright materials that are used for generating new art. Similar to before, we also received a right skewed graph as shown in Fig 7. 73.7% of the respondents leaned toward a high score of concerns. However, respondents still believe that AI-generated will be unable to replace human artists as shown in Fig 8. As respondents worry about AI using copyrighted art materials, they still prefer real human-made art over AI-generated work.

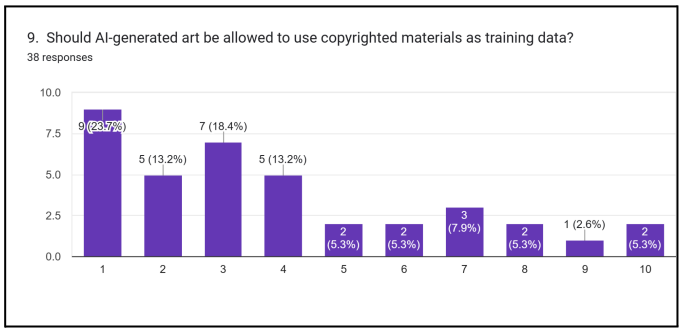

Fig. 9: Bar chart of respondent's opinion whether can copyright materials used as machine learning data

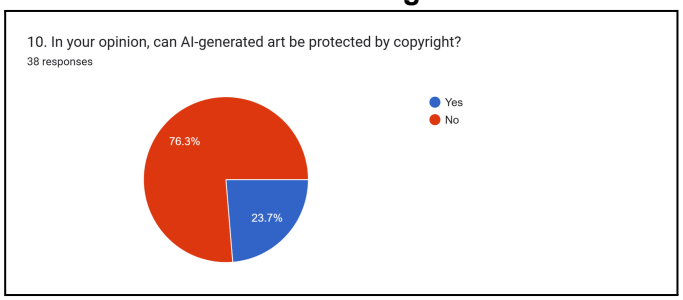

Fig. 10: Pie chart for respondent's opinion whether can should AI-generated protected by copyright

Furthermore, most of the respondents agree that AI should not be allowed to use copyright materials for machine learning purposes. As you can see on Fig 9, only 26.4% of the respondents allowed copyright materials as machine learning resources. Moreover, Fig 10 shows that 76.3% of the respondents believe that AI-generated art cannot be protected by copyright.

Therefore, from all the responses, we believe that most of the respondents are very concerned with the use of copyright materials for AI-generated art.

B. Public Ability to Differentiate Between Original Art and AI-generated Art

To understand the public's ability to differentiate between original art and AI-generated art, we asked them to guess whether the pictures we provided are original or not. At the end of this section, we also asked them to rate their confidence level in their answers.

Fig. 11 Japanese animation character AI-generated art

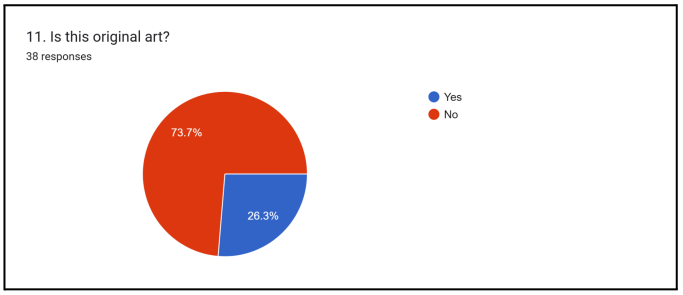

Fig. 12 Pie chart for respondent's guess on Picture 4.1

Based on Fig 12 most of the respondents believed that Fig 11 is not an original art. However, a quarter of the respondents answered that the art is an original art. This shows that the number of people who believed it was original art is still quite high. This suggests that AI-generated art can closely mimic human-made art to the point where it can mislead a significant portion of viewers.

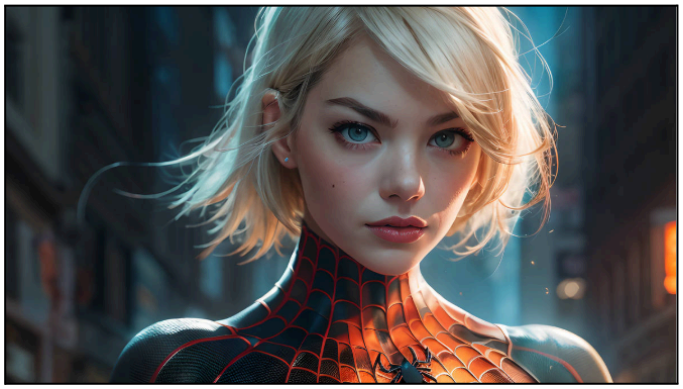

Fig. 13 Spider Woman original art from Deviant Art

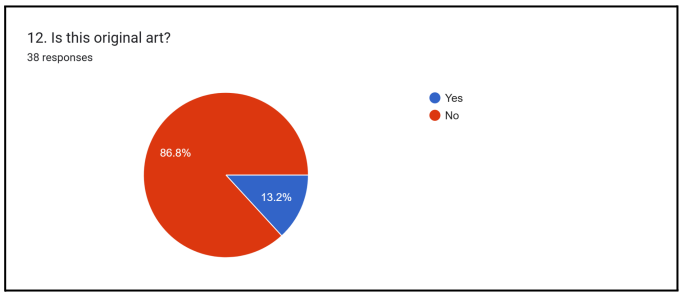

Fig. 14 Pie chart for respondent's guess on Picture 4.2

However, most of the respondents believed that Fig 13 is an AI-generated art. Only 13.2% correctly identified it as an original artwork. This could be because the art looks very realistic which might have led people to assume it was created by AI. It shows how realistic styles can lead the public to misjudge an artwork as AI-generated.

Fig. 15 Two wolves original art from Deviant Art

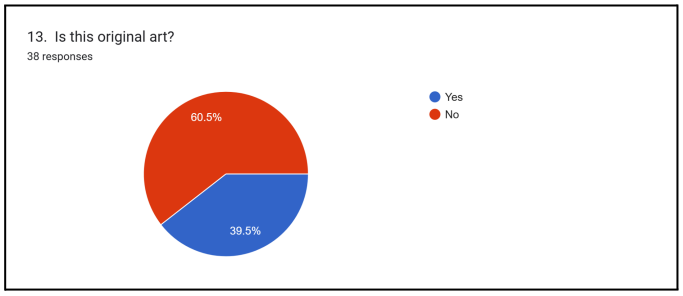

Fig. 16 Pie chart for respondent's guess on Picture 4.3

Next, Fig 15 is an original art. However, most of the respondents incorrectly answer it as an AI-generated art. There are 60.5% of them who opposed it as an original art.

Fig. 17 Animal police AI-generated art

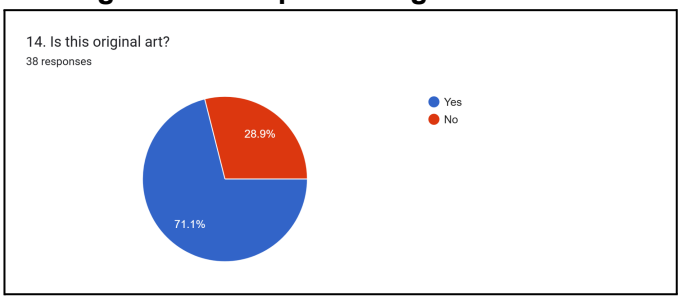

Fig. 18 Pie chart for respondent's guess on Picture 4.4

For the last image, 71.1% of the respondents answered "Yes". This indicates that the majority of them accept it as an original art. However, the art is not original and it was generated by AI. This result may have been influenced by the simplicity of the piece. Compared to previous arts, this art is the least realistic.

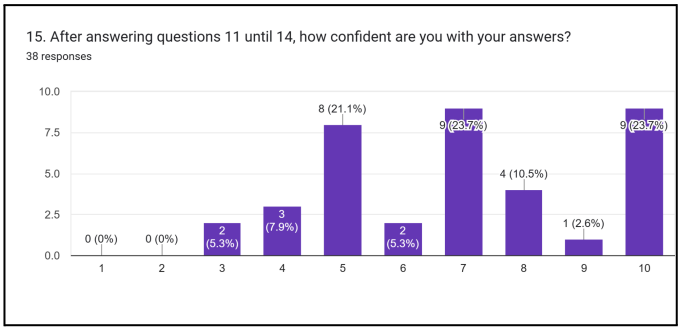

Fig. 19 Bar chart for respondents' confidence level on their answers

At the last section of this questionnaire, we asked their confidence level for their answers. We are surprised as most of the respondents are very

confident with their answers. From the questionnaires, we can summarize that most people are unable to differentiate between original and AI-generated art. Furthermore, most of the respondents were very confident with their answer which made the situation even worse. AI-generated art might gain recognition while original art might be wrongly dismissed as fake.

C. Review Existing Legal Cases, Articles, and Literature Related to Copyright and AI Art Generation

In recent years, a number of cases have brought serious attention to the rights of artists. Artificial intelligence can easily generate artwork that mimics the original art of the artist. These incidents revealed how creative works were being used as raw material for machine learning. This issue causes serious concerns about ownership of the artwork. Hayao Miyazaki strongly opposes AI-generated art by calling it “an insult to life itself” and believed that true art must come from human emotion and which cannot be expressed by machines [18].

However, the use of copyrighted material for AI training remains largely permissible under current legal frameworks. This means that all protected artworks can be collected and processed by AI systems without the permission of the original creators. In a ruling by the U.S. District Court for the Northern District of California, AI companies are allowed to use nearly any published media they want for training their models [19]. For many artists, this means they’re losing control over their own work. According to a survey conducted by YouGov, the original artist receives only 13% of the recognition, which makes the situation even more troubling [1].

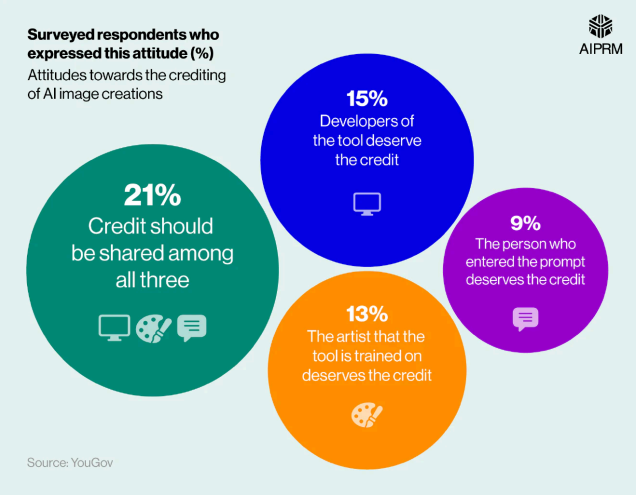

Fig. 20 Respondents’ attitudes towards creaditing the AI-generated art

One clear rule in law is that content made entirely by AI cannot be protected under copyright. Only works created by humans are eligible for copyright protection. Anything generated by a machine is considered public and free to use. For example, the U.S. Copyright Office agreed with the District of Columbia Circuit that an image created by Stephen Thaler's AI system, DABUS, could not be copyrighted [6]. Only works made by humans are eligible for protection. This rule doesn't solve every issue, but it helps define a boundary in the growing use of AI.

Therefore, we understand that copyright materials can legally be used by the AI company for machine learning. However, the generated arts can not be protected under copyright.

V. CONCLUSION

From this research, we successfully achieved all the three objectives. Firstly, we can conclude that most of the respondents are very concerned about AI-generated art. Especially when the respondents are very familiar with AI-generated art. Secondly, we identified that respondents have poor ability to differentiate between original art and AI-generated art. This issue is more serious especially when most of the respondents are very confident with their answers. Lastly, from all legal cases review, we can conclude that AI-generated art cannot be protected under copyright law. However, AI companies can legally use the copyright materials for machine learning even without the concerns of the original artist.

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