

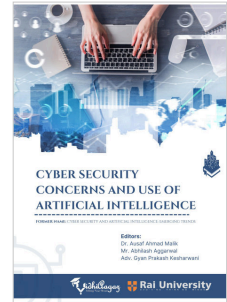
CHAPTER 14

Safeguarding Copyright Protection in AI Lead Reign: Demystifying the Enforcement through Judicial Precedents

Meghna Nair and Prabhdeep Kaur Malhotra

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SAFEGUARDING COPYRIGHT PROTECTION IN AI LEAD REIGN: DEMYSTIFYING THE ENFORCEMENT THROUGH JUDICIAL PRECEDENTS

Meghna Nair¹⁷ and Dr Prabhdeep Kaur Malhotra¹⁸

ABSTRACT

The rise of Artificial Intelligence (“AI”) in literary authorship has raised significant ethical, legal, and intellectual property concerns. Imagine purchasing a book by your favourite author, only to discover later that it was written using AI. While some readers might not mind, others value the authentic expression of the author's own thoughts, not computer-generated content which raises ethical concern in the literary world. Due to advancements in machine learning and generative AI, driven by the vast amounts of data fed into these systems, protected works are in threat of being treated as mere training data for AI models. When the AI companies which may or may not have the legal rights to use such protected works, generate content based on user prompts, the user might unknowingly incorporate someone else's copyrighted material, often without proper citation or acknowledgment. The integration of AI in literary authorship presents significant challenges to existing copyright laws and ethical standards, particularly concerning the unauthorized use of copyrighted material in AI training. It is hypothesized by the author that the liability for copyright infringement primarily lies with the user of the AI-generated work, as they are responsible for the plagiarized content and didn't deploy their own novel thoughts, thereby lacking intellectual footing. Furthermore, since AI is not a natural person and copyright protection is granted only to human authors, literary works created using AI do not qualify for protection under current laws. This paper examines the challenges of AI-generated literary works, focusing on the potential infringement of copyrighted material used in training AI models. It explores the ethics of using protected works without the authors' consent and addresses the issue of liability. The paper also investigates the extent of copyright protection for AI-assisted literary works and the criteria for determining authorship in this context. By analysing these issues, the author aims to contribute to the ongoing discussion on AI, authorship, and intellectual property rights.

Keywords: Intellectual Property, Artificial Intelligence, Literary Authorship, Copyright Infringement, Data Usage Ethics etc.

INTRODUCTION

Humans, as mammals with highly developed brains, have used our intellectual abilities to analyse, discover, and invent a vast array of things—from everyday tools to sending a man to the moon. This remarkable capacity to think, innovate, and problem-solve has positioned humans at the top of the food chain, establishing us as apex predators. However, this dominance and advancement did not happen overnight; it evolved gradually over time, fuelled by the encouragement of creativity and innovation. One of humanity's unique traits is the ability to bring ideas to life through various forms of expression and mediums. Whether through art, literature, or scientific inventions, humans possess the novel ability to create. Naturally, the inventions and creations resulting from this process belong to their creators. However, in earlier times, there was no legal recognition or protection of these intellectual properties. This lack of protection exposed these creations to the risk of being exploited or stolen by others.

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It is easy to imagine the negative consequences this posed on innovation. Although it is in human nature to think and create, it is also natural for individuals to seek recognition and reward for their efforts. If creators were not granted the right to fully benefit from their creations, many would likely be discouraged from innovating, or they might withhold their creations from public use. This realization became especially prominent during the Enlightenment period, a time of intellectual and cultural awakening. It was during this era that the need to protect the rights of creators and inventors, granting them exclusive control over their intellectual property (IP) begun forming shape. These protections ensured that creators could enjoy the fruits of their labour, which in turn fostered innovation and further allowed the society to benefit from them. This system of protection laid the groundwork for modern intellectual IPR, promoting creativity while ensuring that inventors or authors could thrive in a world that values their work.

WHO IS AN AUTHOR AND WHAT ARE THEIR RIGHTS?

Before delving into the specifics of an author's rights under copyright law, it is essential to first understand who exactly qualifies as an “author”. The concept of an “author”, especially in the context of Copyright, goes beyond the layman understanding of the term as simply a writer of literary works. The Copyright Act of 1957 defines the term “author” under Section 2(d) of the Act. The definition makes it clear that the legal understanding of author is more nuanced and inclusive, recognizing the author as the creator of various forms of intellectual outputs. In certain cases, such as joint authorship, where multiple individuals contribute to the creation of a work, all contributors may be regarded as co-authors if their contributions are significant and inseparable from the overall creation.

Author's rights under copyright law are bifurcated into Economic and Moral rights. Economic rights allow authors to financially benefit from their work by controlling its reproduction, distribution, performance, and adaptation, as well as earning royalties from their use. These rights can be transferred or licensed to others, enabling commercial exploitation of the work. In contrast, moral rights protect the author's personal connection to their creation. These include the right to attribution, the right to protect the work's integrity, and the right to prevent false attribution. Moral rights ensure that the author's reputation is preserved and that their work is not to be altered in a way that distorts its original intent. While economic rights can be assigned or sold, moral rights are generally non-transferable and remain with the author to safeguard their personal interests. Together, these rights enable authors to maintain control over their work while benefiting from its commercial use.

Can AI be Regarded as an Author?

A key element of the legal definition of an author is that it generally refers to a “natural person”, someone capable of independent thoughts and creativity. Under the Indian Copyright Act, the author is recognized as a natural person who creates the work, whether it is literary, artistic, or musical and is considered the first owner of the copyright, with consideration to certain provisos. This distinction is crucial because copyright law traditionally acknowledges that only humans possess the cognitive ability to originate and express ideas creatively. However, this long-standing belief has been challenged by technological advancements, particularly by generative AI, which is raising ethical questions and

concerns in creative fields. AI blurs the line between originality and human intellect, making it difficult to determine whether a work produced with AI qualifies as original. Despite this, original expression remains the cornerstone of legal protection, forming the foundation of the economic and moral rights that allow authors to control and benefit from their creations.

The requirement that an author must be a natural person serves not only to recognize individual intellectual effort but also fulfils an essential legal function as when authorship is tied to a natural person, the law guarantees legal accountability and responsibility that can be properly assigned in cases of infringement, disputes, or liabilities related to the work. The creators of intellectual property are subject to legal frameworks governing their rights and responsibilities. When issues arise, whether related to ownership, copyright infringement, or attribution, the legal proceedings require a tangible individual against whom claims can be made, or from whom defences can be raised. If authorships were attributed to non-human entities, such as AI or corporations, this system would not function effectively. Legal entities, like companies, do not possess the inherent ability to create original works independently; they rely on the intellectual labour of individuals. If companies were considered authors, it would introduce significant challenges in assigning legal responsibility during accusations of IP infringement. Corporate entities do not have the same moral or intellectual accountability as individual authors. Moreover, legal accountability could become diluted if an organization with many employees or stakeholders were recognized as the author, making it difficult to identify the actual originator of the work or the person responsible for infringement. Furthermore, allowing companies to be considered authors would conflict with public policy, as it could lead to perpetual copyright protection for works, which would be detrimental to the public domain. While companies or corporate entities can hold copyright through assignment or ownership transfer, they cannot be considered the author of a work. Even when an individual creates a work as part of their employment within a company, the author remains the individual, although the company may hold the copyright by virtue of the employment contract.

COPYRIGHTABILITY OF AI-GENERATED WORKS

It seems counterintuitive to grant copyright protection to works generated by AI, but should this always be the rule? Is it fair to deny protection to any literary work simply because AI was involved in its creation? Current copyright law requires that a work possess some level of original expression to qualify for protection. However, consider a scenario where an author uses AI to correct grammar, refine their ideas, or simplify complex findings for the general public. In such cases, the core ideas and creativity still belong to the human author; AI merely assists with the presentation. Should these works be denied copyright protection simply because AI was a tool in the process? This raises the need for a more nuanced approach, evaluating each situation on a case-by-case basis to determine whether AI's contribution was significant enough to disqualify the work from protection. This is not a new challenge for IP laws, which have long dealt with the question of originality. Different countries already have varying standards for determining the originality of a work.

While it may seem logical to assume that the individual providing the prompts for AI is the creator of the resulting work, simply inputting a vague one-line prompt isn't sufficient to meet the legal standards

for copyright protection even through the lens of the lowest thresholds for determination. Copyright is only granted if the work meets a threshold of originality and creativity. Though not recognized in India, “*sweat of the brow*” doctrine, awards copyright based on the effort and diligence an author puts into their work. It is to be highlighted that effort alone is not enough; there must be original intellectual input. A significant case for understanding originality in copyright law through sweat of brow is *University of London Press Ltd v. Tutorial Press Ltd*. In this case, a publisher compiled question papers issued by the University of London. The university claimed this was a violation of the copyright held by the professors who had invested their time and skill in creating those papers.

The publisher countered that the papers were derived from existing knowledge and thus lacked "originality" to qualify for copyright protection. However, the court ruled that despite drawing from existing knowledge, the effort and skill put into crafting the papers were sufficient to meet the threshold for originality, thereby making them eligible for copyright. This standard, which grants copyright based on diligence and effort rather than creativity, contrasts with the case of AI-generated work, where a simple prompt, regardless of how unique the output, lacks the human effort required for copyright protection. In India and most other jurisdictions, the use of AI complicates this determination, as courts and lawmakers will need to evaluate whether the AI-generated aspects of a work detract from its originality or merely assist in enhancing the author’s original expression.

In the landmark case of *Eastern Book Company v. D.B. Modak*, Supreme Court Cases (SCC), a journal run by Eastern Book Company (EBC) since 1969, published Supreme Court judgments with additional elements like paragraph numbers, headnotes, formatting, and cross-references. In 2004, the respondents launched software containing judgments directly copied from SCC. EBC filed a copyright violation suit, claiming infringement of their original additions. The respondents argued that since government documents are not copyrightable, this principle should extend to judicial decisions, meaning SCC held no copyright over them. The Supreme Court of India herein examined different standards of "originality" to establish a benchmark for India. The court rejected the *sweat of the brow doctrine*, which grants copyright based solely on effort, as it felt this standard set the bar too low and unduly favoured the rights of the copyright holder. The court also considered the American "*modicum of creativity*" standard, which requires a minimum level of creativity for a work to be copyrightable. However, it found this standard too demanding. Instead, the court adopted the Canadian test, which focuses on the author’s "*skill and judgment*".

According to this test, the work must result from an author's application of skill and judgment, which should not be so trivial that it can be considered purely mechanical. This standard reinforces the notion that output generated by merely entering a single-line AI prompt cannot qualify for copyright protection. It was ultimately held that judicial decisions, in their edited and compiled form, involved the application of legal knowledge, skill, and judgment, making them eligible for copyright protection. By extension, this reasoning suggests that AI-generated works can also meet the originality threshold in India, provided that human skill and judgment were applied in creating the final product, regardless of whether the work was based on pre-existing knowledge. The court's decision reaches the understanding that while novelty may be too high a standard for copyright, the application of human

intellect remains a key factor in determining eligibility for protection, even in the context of AI-generated content.

Another test of originality is the “*Significant Input*” test which is the most appropriate test when it comes to the culmination of AI with copyright. Unlike rigid standards that require novelty or specific creative acts, this test allows for a flexible evaluation of the human contribution through skill, judgment, and effort. By focusing on the overall extent of human input, it ensures that copyright protection is only granted when the human element is substantial enough to make the final product fundamentally different or non-existent without it. This approach balances the evolving role of AI with the need to protect genuine human creativity. It outlines two key criteria for determining if an author using AI can claim copyright. *First*, it assesses whether there was any human involvement in the creation process. *Second*, it examines the extent of that involvement, requiring substantial human input through skill, judgment, and effort so that the final product would not exist or be fundamentally different without it. In the *Navigators Logistics Ltd. v. Kashif Qureshi* case, a copyright claim on a list generated by a computer was rejected due to a lack of human contribution, emphasizing that human involvement is essential for copyright protection in India.

In the U.S., a similar stance was taken in the *Zarya of the Dawn* case, where the U.S. Copyright Office (USCO) granted protection to a graphic novel created with AI-generated images. This was due to the significant human creativity involved in arranging and editing the AI images. The USCO formalized this approach, stating that AI-generated works may receive copyright protection if they include sufficient human authorship. Furthermore, the Copyright Office has stated it will “register an original work of authorship, provided that the work was created by a human being.” This position is based on case law, such as *Feist Publications v Rural Telephone Service Company, Inc.*, which holds that copyright law only safeguards “the fruits of intellectual labour” grounded in human creativity. Similarly, in a recent Australian case, *Acohs Pty Ltd v Ucorp Pty Ltd.*, the court ruled that a work created with computer assistance could not be copyrighted because it was not produced by a human.

Though the “*Significant Input*” test shares similarities with the U.S. standard, it is broader and can be applied to various forms of creative work (music, books, software), not just graphic novels. It focuses on the overall level of human creativity, judgment, and effort, rather than specific acts like arranging or selecting AI-generated content. Lastly, the proposed test avoids using the U.S. “modicum of creativity” standard, which Indian courts find too stringent. Instead, it adheres to the “skill and judgment” test, ensuring that AI-generated works align with the Indian Copyright Act. After its amendment in 1994 to inculcate computer-generated works, including literary, dramatic, musical, or artistic works, Section 2(d)(v) was introduced in the act to define the authorship of such works as “the person who causes the work to be created.” How the term “person” is defined and interpreted here becomes relevant, since as of now only natural persons have been recognised as authors under law. What therefore also needs to be clarified by the law and by the courts is the legal status of AI – whether AI can be defined as a ‘person’ under the law, and if so, to what extent. This approach helps Indian copyright law adapt to the growing influence of AI in creative industries.

The Case Study of Robust Artificially Intelligent Graphics and Art Visualizer (RAGHAV), which addresses the issue related to joint authorship of AI-Generated works in India. India initially became the first country to grant joint authorship to AI alongside the creator of the program. However, the Indian Copyright Office later expressed uncertainty about extending protection to AI-generated content, eventually issuing a withdrawal notice that revoked the co-authorship status granted to the AI alongside a natural person. RAGHAV, an AI painting application, created a painting titled 'Suryast,' which combined elements from Vincent van Gogh's 'Starry Night' and a photograph taken by Ankit Sahni for which the creator of RAGHAV filed two applications: one claiming sole authorship for the AI and another claiming joint authorship between the AI and Ankit Sahni.

In the wake of this case being pending with the Copyright office in India, a parliamentary Standing Committee on Commerce took up the issue in its 161st report, concluding that India's current copyright laws were inadequate to protect AI-generated works and recommended amendments to include such rights.

In 2020, Mr. Sahni applied to the USCO for copyright registration of 'Suryast,' listing both himself and RAGHAV as co-authors. He argued that the AI's contributions were distinct and independent from his own as the painting had been created by inputting his photograph into RAGHAV, along with Van Gogh's 'Starry Night' as the stylistic reference. However, the USCO initially rejected the application, emphasizing the lack of human involvement and authorship, stating that the human contribution could not be clearly separated from the final AI-generated work.

Mr. Sahni then filed a second request for reconsideration, arguing that RAGHAV was merely an assistive tool, and that the primary inputs, including the photograph and stylistic directions, were his. He also contended that the final work was not a derivative of Van Gogh's painting, as it was not substantially similar to the original. In response, the USCO reaffirmed its position that non-human creations are not eligible for copyright protection, and that human creativity must be evident in the final product. The office referenced its March 2023 guidance, which states that AI-generated works may be protected only if they are "essentially of human authorship" with the AI playing an assistive role. Applying this standard, the USCO concluded that while Sahni decided what elements to include, the AI tool was responsible for how those elements were incorporated, making RAGHAV the primary creative force.

Interestingly, Mr. Sahni successfully secured copyright registration for 'Suryast' in Canada, where only humans can be recognized as authors. He maintained that his creative process was so intertwined with RAGHAV's contributions that both should be considered joint authors under Canadian law. On the other hand, This raises two varying outcomes, therefore more upcoming case laws and legislations will be able to provide a concrete answer to the question of whether AI-generated works can be/ should be given protection or not and if yes, then to what extent.

LIABILITY FOR COPYRIGHT INFRINGEMENT: AI COMPANY VERSUS USER RESPONSIBILITY

AI developers' liability largely hinges on their 'Terms-of-Use.' If a developer claims ownership over the work generated by their AI, they may assert copyright unless another agreement is in place. However, most common AI models, including OpenAI, do not claim copyright over the generated outcomes. The creative product is the result of the user's application of thought, even though the AI provides substantial assistance in its creation. AI, including systems like ChatGPT, cannot own the content they generate, as they lack the legal personality required to be considered an author under U.S. and European copyright laws. When asked, ChatGPT itself has stated that content generated by it may or may not be protected by copyright, but it will not be owned by the AI. The risk of IP infringement is also significant because AI chatbots may generate content that infringes on IP rights by closely resembling or duplicating existing works, despite OpenAI's efforts to limit the use of copyright material in training models, publicly available data, including copyrighted material, is often used in AI training, raising questions about potential IP violations. Under OpenAI's Terms of Use, the user is ultimately responsible for the AI-generated output.

Copyright infringement cases focus on identifying the infringer, and users can be held liable for reproducing or creating derivative works that violate someone else's rights. Since AI models rely on existing content to generate new responses, the risk of copyright infringement is high. Legal action could be taken against both OpenAI and its users for unauthorized use of third-party content. In India, the Copyright Act was amended in 1994 to address computer-generated works, establishing that authorship belongs to the person who caused the work's creation. Based on this framework, the user is solely responsible for any copyright infringement, though ongoing court cases may further clarify the legal landscape in this area. The user, as the party who prompts and applies the AI's output, is considered the primary actor in copyright-related actions. If the AI generates content that infringes on another party's intellectual property rights—such as reproducing or deriving work from copyrighted material—the user may be held liable for violating reproduction or derivative work rights.

Ultimately, the responsibility for verifying the copyright status and accuracy of data generated by AI lies with the user. When individuals or organizations utilize AI tools, they must exercise due diligence in cross-checking the information provided against existing copyright protections and factual correctness. This involves ensuring that any AI-generated content does not infringe on the rights of copyright holders and is based on reliable sources. Users must be aware that while AI can assist in the creative process, it is their responsibility to critically evaluate and validate the output to mitigate the risk of copyright infringement or dissemination of false information. Thus, users play a crucial role in upholding intellectual property rights and ensuring the integrity of the content they produce.

Li Yunkai v. Liu Yuanchun

In November 2023, the Beijing Internet Court delivered a landmark ruling in a copyright infringement case involving an AI-generated image. The court addressed two critical questions: whether AI-generated works can be protected by copyright and, if so, who holds the copyright. The case involved a plaintiff who used the text-to-image generative AI model Stable Diffusion to create an image of a young woman. The plaintiff generated this image by entering various prompts and adjustments, later posting it on social media. The defendant subsequently used the image without permission, leading the

plaintiff to file a copyright infringement claim. The court examined the definition of “works” under the Copyright Law of the People’s Republic of China, which mandates that copyrightable works must be original and reflect intellectual achievement. The court concluded that the plaintiff's detailed input and adjustments during the image creation process demonstrated significant intellectual contribution, thus qualifying the work as original. Furthermore, the court determined that originality, in this context, means that a work should reflect the author's subjective expression and not merely follow fixed procedures. The plaintiff's specific prompts and adjustments indicated their creative choices, leading the court to classify the image as a “work of fine arts” protected by copyright.

Regarding copyright ownership, the court clarified that copyright is owned by the author, who must be a natural or legal person. Since AI cannot qualify as an author, and given the plaintiff's substantial input in creating the image, the court awarded the copyright to the plaintiff. This ruling has significant implications for the future of AI and intellectual property in China, suggesting that courts may recognize the copyrightability of AI-generated works. The case highlights the importance of assessing each situation individually, considering the specifics of user input in generating content.

FAIR USE OR FAIR DEALING A POSSIBLE DEFENCE?

Thanks to the consumption of websites like YouTube, almost everyone is aware of the Section 52 of the Copyright Act, 1957, which provides specific exceptions to copyright infringement, allowing limited use of copyrighted material without the owner's authorization. The author wishes to explore into the idea whether this provision potentially defends the use of copyrighted content by AI tools, such as Large Language Models (LLMs). Though the law does not explicitly define "fair dealing," it permits the use of literary, dramatic, musical, or artistic works for purposes like research, private study, criticism, or review, which may not constitute infringement.

In India, the test for copyright infringement focuses on two key questions: whether the content is "substantially similar" to the original copyrighted work and whether it falls under the exceptions listed in Section 52. According to this framework, literary works generated by AI systems, such as LLMs, may not be considered infringement if used for private consumption, research, review, or educational purposes, as these uses typically fall within the exceptions outlined in the law. However, the situation changes when AI-generated content is used for commercial purposes or in ways that do not meet the exceptions. For example, if a person uses an LLM to generate a translation of a copyrighted book or to create an alternate ending to a novel and then publishes it under their own name, this will infringe the original author’s copyright, as it goes beyond the scope of fair dealing.

Determining what qualifies as fair dealing ultimately rests with the courts, which evaluate each case based on the specific facts, circumstances, and established guidelines. Courts assess whether the use of the copyrighted material is justified within the context of the exceptions and whether the original work has been transformed in such a way that it constitutes an infringement. This legal standard is particularly relevant in cases involving AI, as the lines between creative input and replication of copyrighted material can sometimes blur, leading to potential infringement claims.

CONCLUSION

The normalization of AI in creative fields has been rapid, and the deeper issues that it presents remain largely unaddressed. What's even more unsettling is the fact that the creators of this technology admit that they cannot predict the full scope of challenges it may pose to humanity, with AI's unpredictability being one of its most concerning uncanny traits. There is an ongoing competition amongst the AI developing companies where they are blindly trying to create a model which can provide the broadest spectrum of services, negating even an ounce of thought towards the future implications of the same. It is a rat race where they are simply launching tech without even fully understanding it, which to say the least is very dangerous. Though AI may offer short-term profits for businesses, it threatens to displace human jobs, potentially leading to widespread unemployment and a host of social problems.

While generative AI can produce work based on user prompts, it's important to remember that it lacks original thought. These AI models rely on vast amounts of data, to generate their responses. Not only do they need historical data, but they also require up-to-date, protected content to provide the most relevant answers. OpenAI, an artificial intelligence research organization, with its most notable product being ChatGPT, declared that training AI models would be impossible without using copyrighted materials, since virtually all forms of human expression fall under copyright law, from blog posts and photographs to forum posts, bits of software code, and even government documents. This raises significant ethical issues, as companies using such data do so without necessarily obtaining consent from the original authors. Even if permissions were granted for AI training by the authors, does that give users the right to indirectly use the authors' work without acknowledgment? When an AI model like ChatGPT generates responses, it doesn't cite specific sources, making it difficult to trace the origins of the information. This blurring of intellectual property lines also raises questions about the accuracy and reliability of AI-generated content as it often draws from a mixture of wide range of data sources within its database. This concern is reflected by the disclaimers on AI platforms like in ChatGPT, which subtly warn users with statements like, *"ChatGPT can make mistakes. Check important info."*

The research paper has examined several key issues at the intersection of copyright law and AI, addressing integral questions about the future of intellectual property in the AI era. The first question explored whether works created using AI should be granted copyright protection. After an analysis of global legal standards, and Indian copyright regimes, the paper concludes that AI-generated works are not eligible for copyright protection, as current laws require a human author to exercise creativity, skill, and judgment. While AI can assist in the creation process, it lacks the legal personality and creative input necessary to be recognized as an author under existing frameworks. But this is not the thumb rule as works using AI but having considerable effort and creativity of the author or human input are up for protection given the stance of IP laws and the test of originality. While AI can assist in generating content, the core of copyright protection lies in human creativity, skill, and judgment. Without substantial human contribution, AI-generated works lack the originality required for copyright. Therefore, legal protection should not be extended to fully autonomous AI creations, but to works where human input plays a crucial role in shaping the final product. This approach ensures the protection of genuine creativity while acknowledging the evolving role of technology.

The second integral question investigated was whether AI or the user should bear liability for copyright infringement when copyrighted material is used through AI models. Although there is a lack of direct case law to provide definitive answers, this paper has drawn from existing legal principles and ongoing cases to offer a reasoned conclusion: users, rather than AI developers, are generally held responsible for any infringement because they initiate and control the use of AI-generated content. However, this remains an evolving area, and pending cases in jurisdictions such as the U.S. and Europe may soon offer clearer judicial guidance on this issue.

Another important topic, although not fully explored in this paper, is the issue of data mining. AI systems, particularly those like ChatGPT, rely on extensive data mining to train their algorithms, frequently using copyrighted material without clear authorization. This presents a significant and burgeoning legal question, particularly regarding fair use, data scraping, and privacy concerns. While this paper does not delve into that area, it is a fascinating issue that will likely grow in importance as AI technologies continue to develop and challenge traditional notions of intellectual property.

Ultimately, the research demonstrates that while AI's impact on copyright law is profound, the current legal frameworks remain centred on human authorship. Future court decisions and legislative changes will undoubtedly shape the path forward, but for now, the balance between innovation and the protection of creative rights remains focused on the human creator. The conclusions presented in this paper are drawn from the best available sources, even though some questions, such as liability for AI-generated content, remain unsettled pending further judicial decisions. This reflects the dynamic nature of the field, where continuous evolution and legal adaptation will be critical in addressing the challenges posed by AI.
