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A Study On Copyright Issue On AI Generated Model

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Abstract :

Our daily lives have changed as a result of artificial intelligence's growing application in the fields of medical science, transportation, aviation, space exploration, education, entertainment (including games, movies, music, and art), industry, and many other fields. Intellectual property rights are not an exception in this regard. Global recognition has been accorded to AI's contribution to creativity and innovation. More precisely, among other forms of IPRs, AI has a big part to play in copyright, patents, designs, and trade secrets. Among other things, AI can write poems, novels, blogs, paintings, and drawings. But it's important to distinguish between works produced by an individual using AI support and those produced by AI on its own, devoid of human input.

Keywords :

Innovation, Patent, Copyright, Artificial Intelligence, IPR

Introduction :

Artificial Intelligence (AI) has grown in relevance in the modern era since it is now required for the majority of technology applications. AI's entry into a wide range of industries, including healthcare, aviation, space exploration, education, and the entertainment sector (including games, movies, music, and art) has completely changed our way of life. In order to assure efficiency and eliminate errors, a tendency has developed in all countries to automate the majority of tasks and limit human interaction. "The development of full artificial intelligence could spell the end of the human race," according to a statement made by Professor Stephen Hawking. He added that "it would take off on its own, and re-design itself at an ever increasing rate," adding that "humans, who are limited by slow

biological evolution, couldn't compete, and would have to adapt to survive."

EMERGENCE OF ARTIFICIAL INTELLIGENCE (AI) IN THE FIELD OF INTELLECTUAL PROPERTY RIGHTS (IPR):

The concepts of creativity and innovation are viewed against the backdrop of Artificial Intelligence (AI). In the future, it's quite likely to become a regular part of our lives. Emerging AI technologies promise significant discoveries and advancements across numerous fields. The world community has been altered and changed by AI. We can now interact with technology more easily. But it's crucial to be aware of a few of the consequences of AI technology, and appropriate action must be taken to address them. Novel technology development has been strongly linked to intellectual property (IP), and regulatory adjustments are now necessary to keep up with the rapid changes in both technology and tradition. With the advancement of technology, the field of intellectual property (IP) has undergone significant change, and artificial intelligence (AI) is no exception. There are some moral and legal issues raised by the convergence of AI and IP that require immediate attention.

ARTIFICIAL INTELLIGENCE AND COPYRIGHT:

Ray Kurzweil famously defined artificial intelligence as "the science of making computers do things that require intelligence when done by humans." While the ability of machines to perform mathematical and scientific tasks has been widely acknowledged, creativity has long been believed to be a uniquely human trait. But thirty years after Kurzweil's idea, computers are generating a wide range of unique works, such as literary, musical,



and visual works. Artificial intelligence systems have gained significant traction in the last ten years in this highly technologically advanced world. Using extremely complex and advanced technologies, clever, intelligent, and intellectual AI systems are being developed. Thus, it is not too far off that these intelligent bots will begin to create amazing and helpful inventions without actually requiring human intelligence. The potential of artificial intelligence (AI) to produce and generate content, information, inventions, technology, and other things has sparked concerns about the difficulties and issues that may arise with regard to intellectual property rights.

COPYRIGHT ISSUES IN THE AI AUTONOMOUSLY GENERATED WORKS IN INDIA :

The first nation to acknowledge AI as a co-author is India. Using a combination of a photo taken by Mr. Ankit Sahni and the painting "Starry Night" by Vincent van Gogh, the painting app Raghav produced "Suryast." Two applications for the registration of the work "Suryast" were received by the Copyright Office. The Copyright Office rejected the first application, which identified Raghav as the exclusive owner of the AI painting app. Raghav and the painting's owner, Ankit Sahni, were listed as co-authors in the second application. The Copyright Office approved the second application, designating AI as a co-author.

The Indian Parliament has recently become interested in the highly advanced AI. In its 161st report, the Parliamentary Standing Committee on Commerce focused on intellectual property rights. The report unequivocally confirmed that the existing Copyright Law is insufficient to safeguard works created by artificial intelligence and recommended that changes be implemented as soon as possible. According to the report, AI-generated works ought to be safeguarded by copyright laws in order to provide an incentive for the AI's creator. The Parliament Standing Committee's discussion of AI in its report is inspiring.

No research has been done on the effects of including AI as a joint author under the Copyright Act of 1957 (the Act). This work provides a thorough analysis of this impact and establishes the groundwork for future studies. This paper's limitation is that it doesn't address the AI's legal personality status. Despite AI's legal personhood, the Act is ill-suited to safeguard its independently produced works in the absence of human involvement. But one should not ignore the research on AI's legal personhood.

COPYRIGHT ISSUES IN DIGITAL TEACHING :

Recent years have seen a rise in the popularity of digital teaching, especially in light of the Covid-19 pandemic and the growth of online learning environments. While there are many benefits to digital teaching, there are also several copyright concerns that need to be resolved to allow teachers and students to use these resources in an ethical and responsible way. The use of copyrighted materials in online courses is one of the main copyright issues in digital teaching. Instructors may choose to incorporate copyright-protected photos, videos, and other materials into their online courses. It is unclear from this whether they have permission to use these materials and, if so, how they can do it in a morally and legally compliant manner. Teachers can employ a variety of tactics, including requesting permission from copyright holders, utilizing materials in the public domain, or depending on copyright law's fair use exceptions. In some situations, such as for criticism, education, or commentary, fair use permits the use of copyrighted materials. To make sure that their use of copyrighted materials is morally and legally acceptable, educators should seek legal advice. Fair use is a complicated and frequently arbitrary area of the law. Ownership is another issue with copyright in digital education. The question of content ownership arises when educators are required by online education platforms to upload their courses to the platform.



RETHINKING OF COPYRIGHT FUNDAMENTALS IN THE ERA OF NEW TECHNOLOGICAL EDIT CREATION :

The way content is created, shared, and consumed has changed dramatically in the last few years due to the rapid advancement of technology. This has brought up significant issues regarding the function of copyright in the digital era and the necessity of reconsidering its foundations. The idea of originality presents a significant difficulty. Original works of authorship are protected by copyright law, but in the digital age, what is original? With the increase in user-generated content, it can be difficult to identify the true author of a work and assess if it is unique enough to be protected by a copyright. An additional obstacle is the ownership question. Since works are frequently created collaboratively in the digital age, it can be challenging to ascertain who is the copyright holder of a given work. This is particularly true for art produced through crowdsourcing initiatives or on social media platforms. In addition, concerns concerning the extent of copyright protection have been raised by the simplicity of digital editing. These middlemen may have a big part in the production and distribution of works, which makes them potentially liable for copyright violations.

AI AND COPYRIGHT PROTECTION :

The National Commission on New Technological Uses of Copyrighted Works (CONTU) declared in one of its reports that the development of an AI capable of producing an independent work is theoretical and not practical in 1974, which is why there is still uncertainty about the subject today. Twenty When the Office of Technology Assessment (OTA) assessed the effects of interactive computing's rapid advancements on intellectual property (IP) in 1986, it took another look at the matter. Contrary to CONTU, OTA proposed that AIs be recognized as valid co-authors of works protected by copyright. In thirty years, the debate over artificial intelligence will be at its height. On one side, proponents contend that

computers are not as creative as humans, while opponents dispute on the grounds that leads to creative ideas. Even in the event that nations acknowledged giving copyrights to artificial intelligence (AI) works, it is still unclear and challenging to understand who is entitled to such rights. This is because, unless its creator is granted legal personhood on its behalf, an AI lacks the legal personhood of a right holder, which is currently required by law.. There is a flaw in the same, though, which has to do with what would happen if the AI system was purchased and who would get the copyright-the buyer or the creator. In nations like England and New Zealand, where the programmer is granted copyright in works created by AI through legal fiction, the answer is in favor of the creator. Expanding the definition of copyright to include computer-generated works-those without a human author, or AIs-provides legal support for the same. Still, this does not provide a response to the original query. The existing system's inability to address AIs' criminal liability is another issue.

CONCLUSION :

Through the prism of Indian copyright law and the arguments it provides, this paper has examined the questions of authorship and ownership in works produced by artificial intelligence. First of all, AI is distinct from other technological instruments like a camera in that it is capable of independent creation. As long as the work is unique and not plagiarized, it would pass the originality test. Objective assessment would also qualify it as the "minimum degree of creativity." The subjective standard of "minimum degree of creativity" would be met by AGI, Super-intelligent AI, and Strong AI, but not by ANI and Weak AI. The Indian Copyright Act's Section 2(d)(vi) is insufficient to cover work produced by AI. Alternatively, AI may be regarded as an author under the Copyright Act's Section 2(d)(i). If AI is given legal personhood, it will be regarded as the owner of the work in addition to the author. 78% AI programmers can be regarded as the work's authors under Section 2(d)(vi), and



they would be more qualified to do so than AI users or data providers. AI does not need to be granted copyright according to the labor theory, personality theory, or incentive theory


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