Awarding Copyright Protection to Artificial Intelligence Technology for its Original Works: The New Way Forward

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Abstract : Artificial Intelligence (AI) and Intellectual Property are two emerging concepts that are growing at a fast pace and have the potential of having a huge impact on the economy in the coming times. In simple words, AI is nothing but work done by a machine without any human intervention. It is a coded software embedded in a machine, which over a period of time, develops its own intelligence and begins to take its own decisions and judgments by studying various patterns of how people think, react to situations and perform tasks, among others. Intellectual Property, especially Copyright Law, on the other hand, protects the rights of individuals and Companies in content creation that primarily deals with application of intellect, originality and expression of the same in some tangible form. According to some of the reports shared by the media lately, ChatGPT, an AI powered Chatbot, has been involved in the creation of a wide variety of original content, including but not limited to essays, emails, plays and poetry. Besides, there have been instances wherein AI technology has given creative inputs for background, lights and costumes, among others, for films. Copyright Law offers protection to all of these different kinds of content and much more. Considering the two key parameters of Copyright – application of intellect and originality, the question, therefore, arises that will awarding Copyright protection to a person who has not directly invested his / her intellect in the creation of that content go against the basic spirit of Copyright laws? This study aims to analyze the current scenario and provide answers to the following questions: a. If the content generated by AI technology satisfies the basic criteria of originality and expression in a tangible form, why should such content be denied protection in the name of its creator, i.e., the specific AI tool / technology? B. Considering the increasing role and development of AI technology in our lives, should it be given the status of a 'Legal Person' in law? C. If yes, what should be the modalities of awarding protection to works of such Legal Person and management of the same? Considering the current trends and the pace at which AI is advancing, it is not very far when AI will start functioning autonomously in the creation of new works. Current data and opinions on this issue globally reflect that they are divided and lack uniformity. In order to fill in the existing gaps, data obtained from Copyright offices from the top economies of the world have been analyzed. The role and functioning of various Copyright Societies in these countries has been studied in detail. This paper provides a roadmap that can be adopted to satisfy various objectives, constraints and dynamic conditions related AI technology and its protection under Copyright Law.

Keywords : artificial intelligence technology, copyright law, copyright societies, intellectual property

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