

## Analysing The Direction of Artificial Intelligence Legislation from a Global Perspective from the Perspective of AIGC Copyright Protection

**Authors :** Xiaochen Mu

**Abstract :** Due to the diversity of stakeholders and the ambiguity of ownership boundaries, the current protection models for Artificial Intelligence Generated Content (AIGC) have many disadvantages. In response to this situation, there are three different protection models worldwide. The United States Copyright Office stipulates that works autonomously generated by artificial intelligence 'lack' the element of human creation, and non-human AI cannot create works. To protect and promote investment in the field of artificial intelligence, UK legislation, through Section 9(3) of the CDPA, designates the author of AI-generated works as 'the person by whom the arrangements necessary for the creation of the work are undertaken.' China neither simply excludes the work attributes of AI-generated content based on the lack of a natural person subject as the sole reason, nor does it generalize that AIGC should or should not be protected. Instead, it combines specific case circumstances and comprehensively evaluates the degree of originality of AIGC and the contributions of natural persons to AIGC. In China's first AI drawing case, the court determined that the image in question was the result of the plaintiff's design and selection through inputting prompt words and setting parameters, reflecting the plaintiff's intellectual investment and personalized expression, and should be recognized as a work in the sense of copyright law. Despite opposition, the ruling also established the feasibility of the AIGC copyright protection path. The recognition of the work attributes of AIGC will not lead to overprotection that hinders the overall development of the AI industry. Just as with the legislation and regulation of AI by various countries, there is a need for balance between protection and development. For example, the provisional agreement reached on the EU AI Act, based on a risk classification approach, seeks a dynamic balance between copyright protection and the development of the AI industry.

**Keywords :** generative artificial intelligence, originality, works, copyright

**Conference Title :** ICAILLP 2024 : International Conference on Artificial Intelligence, Law and Legal Practice

**Conference Location :** Tokyo, Japan

**Conference Dates :** December 02-03, 2024