Dogmatic Analysis of Legal Risks of Using Artificial Intelligence: The European Union and Polish Perspective

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Abstract : ChatGPT is becoming commonplace. However, only a few people think about the legal risks of using Large Language Model in their daily work. The main dilemmas concern the following areas: who owns the copyright to what somebody creates through ChatGPT; what can OpenAI do with the prompt you enter; can you accidentally infringe on another creator's rights through ChatGPT; what about the protection of the data somebody enters into the chat. This paper will present these and other legal risks of using large language models at work using dogmatic methods and case studies. The paper will present a legal analysis of AI risks against the background of European Union law and Polish law. This analysis will answer questions about how to protect data, how to make sure you do not violate copyright, and what is at stake with the AI Act, which recently came into force in the EU. If your work is related to the EU area, and you use AI in your work, this paper will be a real goldmine for you. The copyright law in force in Poland does not protect your rights to a work that is created with the help of AI. So if you start selling such a work, you may face two main problems. First, someone may steal your work, and you will not be entitled to any protection because work created with AI does not have any legal protection. Second, the AI may have created the work by infringing on another person's copyright, so they will be able to claim damages from you. In addition, the EU's current AI Act imposes a number of additional obligations related to the use of large language models. The AI Act divides artificial intelligence into four risk levels and imposes different requirements depending on the level of risk. The EU regulation is aimed primarily at those developing and marketing artificial intelligence systems in the EU market. In addition to the above obstacles, personal data protection comes into play, which is very strictly regulated in the EU. If you violate personal data by entering information into ChatGPT, you will be liable for violations. When using AI within the EU or in cooperation with entities located in the EU, you have to take into account a lot of risks. This paper will highlight such risks and explain how they can be avoided.

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