

# AI & Copyright

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# Context

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- What is AI? Weak v Strong
- Where is AI intersecting with the copyright sphere?
  - *Next Rembrandt Project*
  - *Flow Machines, Aiva*
- Legal question: are these © works or protected subject matter and who is the author/owner?

# Key arguments

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- © has a strong anthropocentric focus, and for good reason
- © should *not* protect AI-generated outputs beyond the existing framework of protection that already exists
- © may hinder the creation of AI-generated outputs

## © & its anthropocentrism

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- Originality - ‘intellectual creation’, ‘minimal level of creativity’, ‘exercise of free and creative choices’, ‘author’s personal touch’
- Authors – are usually humans – although there are sometimes exceptions (work-made-for-hire doctrine in U.S.; related rights, collective works)
- Term – generally *post mortem auctoris* calculation
- Moral rights

## Creating new © or related rights for AI generated output?

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- Query the need for additional incentives in this sphere
- Consider the downstream consequences if additional protection given
- Still left with the difficult issue of identifying *who* is entitled to exercise the rights

## © - does it facilitate or hinder AI-generated content ?

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- Which ‘datasets’ is the AI drawing on? Expressive content or data?
- Will © exceptions facilitate access and use of this content/data?
- Will AI generated content constitute a ‘reproduction’ of existing © protected content?