Copyright Aspects of the Development and Use of Artificial Intelligence (AI)

Abstract

The thesis focuses on copyright aspects related to the development and use of AI. In light of the ever-increasing importance of AI in society, the thesis describes how this technology affects copyright law. The thesis focuses on a general interpretation of the term AI, discusses the concept of a work in the sense of copyright law, and further explores the field of automated text and data analysis, which is essential for the development of AI technologies. In addition, the thesis deals with the creation of works with the help of AI.

The main objective of the thesis is to analyse in detail the regulation of the licences to reproduce a work for the purpose of automated text or data analysis and to describe the legal regime of the outputs generated using AI. In this respect, the thesis also discusses the conditions under which copyright may arise in AI-generated outputs. In summary, the thesis should provide a comprehensive overview for public users of AI and improve their understanding and orientation on the relationship between AI and copyright.

The analysis of licenses to reproduce works for the purpose of automated text or data analysis has shown that legislation unwittingly hinders AI innovation within the EU by limiting access to data and increasing development costs, which may lead to the creation of lower quality AI tools. It can be concluded that legislation prioritises copyright protection over technological progress.

In the area of AI-powered creation, findings have shown that the key to the creation of a copyrighted work is sufficient creative input from the AI user, which the user expresses through the prompt. This mode of expression allows the user to express their personality and enables them to become the author of the AI-generated output. A practical test on the output generated by DALL·E 3 confirmed that the creative choices expressed in the prompt are necessary for the creation of the work.