Abstract

A Study on the Protection of Generative Art

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'Generative Art' is a artistic work in which some or all of the work is produced using an autonomous system programmed with algorithms; it is a field of Digital Art. This art form has existed for years, but works were not properly evaluated since it is difficult to prove what is original. However, with the advent of Non-Fungible Tokens(NFTs), the original can now be verified, and thus this art form has achieved rapid growth over the last few years.

This study examined whether Generative Art can be protected by the current Copyright Act. To this end, it classified Generative Art creation based on the level of contribution by human into four different types. 1)A type in which humans create works using software, 2)a type in which humans create parts and combine them with algorithms, 3)a type in which works are created with mathematical functions, and 4)a type in which works are created using Artificial Intelligence(AI). This study also sought ways to protect works created by AI, which are not protected under the current Copyright Act. In addition, it examined how to protect Generative Art by reviewing whether the exemption provisions of Online Service Providers(OSP) can be applied when a violated work is traded on an NFT platform.

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Keywords

Generative art, AI, NFT, OSP, Copyright, Algorithm, AI art, Digital art, Copyright infringement