

Abstract

Does Article 9(3) of the UK CDPA protect Artificial Intelligence creation?

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As artificial intelligence technology develops, works by artificial intelligence are being created. How to deal with rights to artificial intelligence creations? Regarding this question, it is argued that a resolution is possible through Article 9(3) of the UK CDPA. Accordingly, this paper considered whether Article 9(3) of the CDPA can be applied to the current artificial intelligence creation.

In this regard, the first thing we must premise is to presume artificial intelligence in which human creativity does not exist. From the point of view of the copyright legal system, there is no need to distinguish between weak AI and strong AI. This is because there is no human intervention in the creative process by weak artificial intelligence.

Nevertheless, when the United Kingdom established Article 9(3) of the CDPA in 1988, it did not assume the same artificial intelligence as it is today, and it requires certain contributions by human, such as inputting motifs or motivations, and selecting and arranging works for reference. So, CDPA regulations are not suitable for applying the current artificial intelligence creation.

In addition, the requirements for 'arrangement' in Article 9(3) of the CDPA refer to certain contributions by human such as inputting a motif or motivation, and selecting and arranging the works to be referenced. It also does not meet the requirements of Article 9(3).

Therefore, how to deal with artificial intelligence creation requires an independent discussion from Article 9(3) of CDPA.

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Keywords

Artificial Intelligence, Computer-Generated Work, Arrangement, Step-By-Step Algorithm, Rule Based Algorithm, Deep Learning, GAN