Abstract

Limitations on Granting Copyrights to AI-Generated Works and Alternative Protection Methodologies

Kim, Wonoh*

With the development of generative artificial intelligence technology, AI is emerging as a complete creative subject throughout the creative process. Therefore, in this paper, the concept of artificial intelligence-generated works (AGW) with minimal human intervention among AI-related creations is clearly defined through comparison with adjacent concepts, and then comprehensively summarizes the limitations of AGW protection in the interpretation of the current copyright law, and the international trend and overseas trends are briefly checked. Second, if it is difficult to protect by granting copyrights to AGW, first, consider how to leave it as a public domain, but also review the theoretical grounds for the theory of putting public domain and specific implementation methods thereof. Furthermore, we examine the limitations and problems of the theory of public domains, such as concerns about the possibility of abuse and false registration, as well as alternative solutions, to see what problems neglecting AGW, which is difficult to distinguish from human creation, can cause. Third, as a concrete protection methodology that has been discussed as an alternative solution, we look at the unification/dualization method and the method of subsuming within the copyright normative system or enacting a special law. In either way, the protection of AGW is premised on discriminatory protection, so this

* Professor of INHA Law School

paper focuses on the theory of so-called 'thin copyright protection' and examines the key points that need to be reviewed in case of discriminatory protection.

Keywords

Artificial Intelligence, Artificial Intelligence Generated Works (AGW), Human Authorship, Machine Authorship, Copyright, Public Domain Theory, Thin Copyright Theory