

Abstract

## Copyright Law Issues Regarding AI-based Literature Translation

— Déjà-vu of the Tower of Babel?

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Translation is a form of creativity, and AI creativity is making remarkable strides in many fields, including music, art, and literature, but especially in literature translation, where AI-based machine translation is becoming a reality. The recent happening about the winner of the Newcomer Award Competition of Literature Translation Institute of Korea, who was found to have utilized machine translation, has drawn attention to the question of how to set the boundaries between machine and human translation. I argue that AI-generated translation (AIGT), which is a purely AI translation without human assistance, is only reproduction under copyright law, while AI-assisted translation (AIAT), which is a human translation with the help of AI, can be a derivative work under copyright law as a translation. The distinguishing factor between the two is the control and subjectivity of human users of machine translation in the post-editing process, and the context surrounding the translation. This paper points out that excessive pre-editing by human users to facilitate machine translation may undermine the diversity of the original text. Once the legal status of machine translation output has been determined, I discuss the legal responsibility of human users to exercise due care at the stage of publication. The legal liability of failing to disclose that a work is the result of machine translation is also discussed, as well as

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plagiarism liability, which is not a legal liability.

**Keywords**

Translation, Literature translation, AI, AIGT, AIAT, a derivative work, Tower of Babel, Plagiarism