Abstract

A Study on the Protection of AI-Generated Works
- Focusing on the Degree of Human Involvement -

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Artificial intelligence (AI) technology is advancing daily and is increasingly permeating our everyday lives. The field of art is no exception; generative AI can produce astonishingly sophisticated creations in a short time. However, the lack of explicit regulations regarding the protection of AI-generated works amplifies uncertainty about their legal safeguarding. To fully enjoy the benefits brought by rapidly developing AI technologies while minimizing their side effects, it is necessary to balance legal policies appropriately.

In the current landscape where AI's performance and functionalities are diversifying, recent studies have uniformly examined the protection of AI-generated works without considering the degree of human involvement in the creation process. Therefore, this study proposes a system that provides differential protection for AI-generated works based on the extent of human involvement.

We define AI-generated works specifically as "all creations that utilize outputs generated using weak AI" to establish the scope of discussion. From both engineering and legal policy perspectives, we underscore the necessity of differential protection according to human involvement. Specifically, we categorize the degree of human involvement into: 1) cases with no or virtually negligible involvement, 2) cases where involvement is small but meaningfully present, 3) cases of active involvement, and 4) cases of complete involvement. We

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propose a protection system that grants stronger rights to AI-generated works as human involvement increases. We also apply and analyze this AI-generated works protection system to real cases that have recently raised issues concerning the protection of AI-generated works.

While a protection system that grants differential rights based on human involvement appears reasonable, it has limitations because only the creator knows the extent of their involvement. Therefore, protectors have no choice but to rely on the creator's honesty. Moving forward, it will be crucial to address these issues and expand the discussion from domestic to international levels to establish global agreements on AI protection systems.