

Abstract

**A Study on the Protection of AI-Generated Performances
- A Comparison of the Publicity Rights Approach (U.S.) and
the Performers' Rights Approach (South Korea) -**

Junu Park*

This article examines the measures to address the issue of job displacement for performers caused by artificial intelligence (AI) technology generating performances, focusing on a comparative analysis of the protection methods for performers' rights (neighboring rights) and publicity rights. In particular, it explores how 'AI-generated performances' can be incorporated into existing legal protection frameworks and seeks to address the limitations of current protections for digital replicas and AI-generated content.

The article compares and analyzes the legal responses in the United States and South Korea to identify the strengths and weaknesses of each system. First, it examines the U.S. Copyright Office's 'Copyright and Artificial Intelligence, Part 1: Digital Replicas' and the 'U.S. NO FAKES Act (h.r. 9951)' to assess their approaches. Then, it evaluates the applicability and limitations of South Korea's Unfair Competition Prevention Act and Copyright Act concerning 'AI-generated performances.' Finally, the article argues that, unlike the United States, South Korea can adopt not only the 'identity protection approach' but also the 'performers' rights (neighboring rights) protection approach' (V). It also addresses key issues to consider when protecting 'AI-generated performances' under performers' rights (neighboring rights) (VI).

* Sogang University Law School. Professor.

Keywords

Artificial intelligence, AI-generated performances, performers' rights(neighboring rights), publicity rights, digital replicas, AI cover songs