

Abstract

**Generative AI Outputs and Performer Protection:
Limitations of Copyright Law and the Applicability of
Articles 2(1)(ta) and (pa) of the UCPA**

dayeong, Yu*

This article examines the applicability of the Unfair Competition Prevention Act (UCPA) to generative AI outputs, focusing on performer protection in “AI cover songs.” While generative AI can replicate a performer’s voice and style with high fidelity, such imitations fall into a regulatory gray area because the Copyright Act’s neighbouring rights are strictly limited to the “performance itself.”

To address this gap, this article explores the UCPA as a supplementary legal framework. It first analyzes Article 2(1)(ta), regarding the unauthorized commercial use of identifiable attributes, and critically reviews the legal significance and limitations of a recent preliminary injunction involving AI voice-synthesis. Furthermore, the article considers the application of Article 2(1)(pa), a supplementary general provision. It conceptualizes the transactional value embodied in a performer’s identity as a protectable “achievement” and argues that its application must be substantiated by “special circumstances”—establishing a high degree of illegality to distinguish it from fair competition.

By proposing a structured interpretation of Articles 2(1)(ta) and (pa), this study seeks to resolve the legal vacuum in performer protection. It suggests a balanced approach that safeguards performers’ economic interests while harmonizing the principles of free competition and freedom of expression in the era of generative AI.

* Ph.D. Candidate, Department of Law, Hanyang University

Keywords

AI Cover Songs, Generative AI outputs, Performer's Rights, Neighbouring Rights, UCPA Article 2(1)(ta), Supplementary General Provision