

# Guide to Copyright Registration for Generative AI-Assisted Works

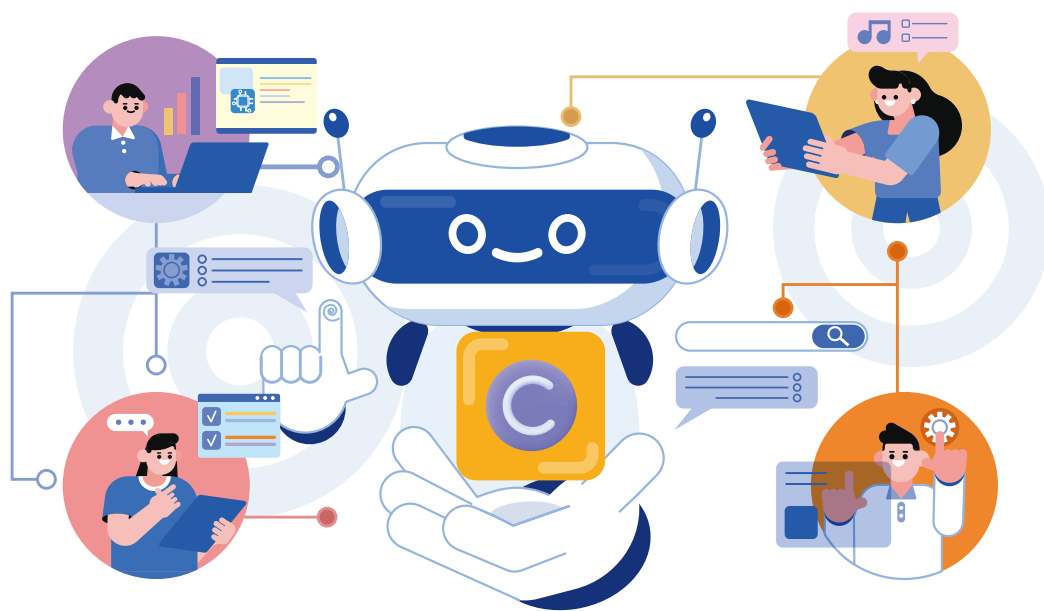


Ministry of Culture, Sports  
and Tourism



KOREA COPYRIGHT  
COMMISSION

# Guide to Copyright Registration for Generative AI-Assisted Works





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- We live in a time when anyone can easily create content using generative artificial intelligence (hereinafter “GenAI”). It is becoming increasingly difficult to distinguish between works created by humans and those produced by GenAI.
  - As GenAI advances rapidly and services leveraging it become widespread, countries around the world—including Korea—are exploring ways to address various issues that the current copyright regime does not cover.
  - The copyright registration system is no exception. While the element of *human creation* is required for a work to be copyrightable, the boundary between *GenAI-assisted works* that involve human creation and *fully AI-processed outputs (autonomous outputs)* that are not eligible for copyright protection continues to blur. In response, the Ministry of Culture, Sports and Tourism (MCST) and the Korea Copyright Commission (KCC) developed this Guide to provide reference criteria for copyright registration of GenAI-assisted works.
  - As a party to major international treaties—including the Berne Convention, the TRIPS Agreement, and the WIPO Copyright Treaty (WCT)—Korea has developed its domestic legal framework in line with international norms and continues to refine its copyright regime with a careful attention to its alignment with these. These copyright regulations apply uniformly to rights holders and users both in Korea and abroad.
  - This Guide was finalized after review by the *2025 AI-Copyright Law Working Group (ACLWG)*, which comprises stakeholders from the AI industry, rights holder groups, academia, the legal profession and relevant agencies.
  - The publication of this Guide will serve as a catalyst for the ongoing efforts of the MCST and KCC to promote human creative endeavors and protect copyright in the AI era.
- \* This Guide is based on the current Korea Copyright Act and relevant precedents as of June 2025 and is subject to change in light of future legislation, amendments, new rulings, or advances in AI.

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# Definition of Key Terms

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### • Copyrighted work or work

- Definition: a creative work that expresses human ideas or emotions
- Even an elementary school student’s journal entry or an amateur photographer’s work can be protected by copyright if creative, as neither the level of artistic merit nor academic value is taken into account.

### • Author

- Definition: creator of the copyrighted work
- Since the person who actually creates the work is considered its author, the following are generally not regarded as authors:
  1. a person who merely provided ideas or topics;
  2. a person who assisted with research or gave advice on the creative process;
  3. a person who commissioned or paid for the work.

### • Works for hire

- Definition: a work created in the course of performing duties by an employee working under the planning of the corporation, organization, or other user (hereinafter “the corporation, etc.”)

#### **Requirements for the corporation, etc. to be the author of a work for hire**

- ✓ The corporation, etc. must *plan* the creation of the work.
- ✓ An *employee working under* the corporation, etc. must create the work.
- ✓ The work must be created *in the course of performing duties*.
- ✓ The work must be published *in the name of the corporation, etc.*
- ✓ There must be no other agreement in the *contract or work rules* to the contrary.

### • Derivative work

- Definition: a creative work based on the original work, created through methods such as translation, arrangement, transformation, adaptation, video production, and others
- The derivative work is protected as an independent work separate from the original work, and only parts exhibiting new creativity not present in the original work are protected. Nevertheless, creating and using a derivative work without the permission of the original work’s rights holder might constitute infringement of the right to create derivative works.

## • Copyright registration

- Definition: the process in which the author or economic rights holder records certain information about the work, as well as any changes in rights, in an official register called the Copyright Register, which is available for public inspection
- Copyright gives rise to rights upon the creation of a work, which can be legally protected even without registration. However, copyright registration provides the following benefits.
- Effects of registration:
  1. Presumption of authorship: A person whose name is registered as the author is legally presumed to be the author of the registered work. Therefore, in a copyright dispute, the opposing party bears the burden of proving that the registered individual is not the actual author.
  2. Opposing power: Upon registration of transfers of economic rights, granting of publishing rights, or other changes in rights, the rights are enforceable against third parties in case of disputes such as double transfers.
  3. Claim for statutory damages: If a work has been registered prior to the infringement, the rights holder may claim statutory damages of up to 10 million KRW per work (up to 50 million KRW in cases of profit-driven or intentional infringement), thereby relieving the burden of proving actual damages.

## • Generative artificial intelligence (GenAI)

- Definition: AI that generates text, images, audio, video, and more according to specific requests (prompts) entered by the user

\*Prompts are not limited to text format.



# **Generative AI and Copyright Registration**





1. Classification of GenAI outputs and their copyrightability
2. Determining the creative contribution of the human creator
3. Determining the creative contribution of prompting behavior

## 1. Classification of GenAI outputs and their copyrightability

- *Copyrighted work or work* is a creative work that expresses *human* ideas or emotions (Korea Copyright Act (hereinafter “KCA”) Article 2.1). To be eligible for copyright registration, a work must meet the requirements of a copyrighted work.
- Since a work must express *human* ideas or emotions, an output created mechanically by GenAI rather than a human does not qualify as a copyrighted work.
- An output of a human creative process that used GenAI as a tool and includes a part where the human creator’s creative contribution can be acknowledged (hereinafter, “GenAI-assisted work”) constitutes a work and is eligible for registration.
  - The human creative contribution can be acknowledged in the following cases:
    1. when a GenAI output, generated by a user who inputs their copyrighted work as the prompt, reflects the creativity of that copyrighted work;
    2. when the *additional work* performed by a user on an autonomous output—such as modification, addition, or deletion—displays creativity;
    3. when creativity is present in the selection, arrangement, or composition of an autonomous output.
- Outputs based on human prompts that do not exhibit human creative contribution (hereinafter, “autonomous outputs”) do not constitute works, as they fail to meet the requirement of *expressing human ideas or emotions*, and are therefore ineligible for copyright registration.

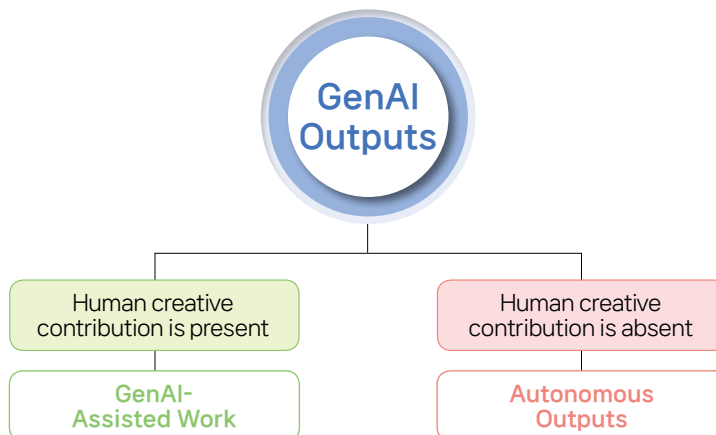


Image 1. Types of GenAI outputs

## 2. Determining the creative contribution of the human creator

### A. Cases where the human creative contribution is acknowledged

- A creative expression refers to an expression that is not a copy of another's work, reflects human mental effort, and is distinguishable from other copyrighted works.

Creativity does not mean originality in the complete sense; rather, it merely means that a work is not simply a copy of another's and embodies the author's own unique ideas or emotions. To satisfy this requirement, it is sufficient that the work bears the characteristics of the result of the author's own mental effort and is distinguishable from existing works of other authors. (Supreme Court, 27th February 2014, Decision 2021da28745)

- Copyright registration is possible if the additional work performed by a human on a GenAI output reflects human creative contribution.

The court makes the ultimate determination regarding the human creative contribution—in other words, the degree of human involvement, the presence of human expression, the particular creativity of such expression, and more.

- Additional human involvement in an autonomous output that secures *controllability and predictability*\* tends to increase the likelihood that human creative contribution will be recognized.

\* Controllability means that the creator can determine what to express and exercise control over the method and process of that expression. Predictability refers to whether the intended expression can be realized as envisioned.

Controllability and predictability are factors considered in distinguishing between GenAI-assisted works and autonomous outputs when determining the human creative contribution to a GenAI output.

- Guiding the creation toward the desired product by calibrating positions and adding visual elements through techniques such as inpainting<sup>1)</sup>, or by providing a human-created sketch, are some ways to secure controllability and predictability.

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1) Generally known as a technique or creative tool that selectively modifies or regenerates specific parts of an image to ensure contextual consistency within the image

**Case: The U.S. Copyright Office (USCO) granted copyright registration to *A Single Piece of American Cheese*, a GenAI-assisted work created through a combination of prompting and inpainting. (USCO, *A Single Piece of American Cheese*, VAU001543942 (2024))**



Although the USCO initially denied the application, a reexamination was requested by additionally submitting a video clip showing the image generation process that combines prompting and inpainting along with a description<sup>2)</sup> of the creative contribution, and the work was ultimately acknowledged.

Creation process<sup>3)</sup>



1) Images were generated via prompting, one of which was selected and added to the canvas, where refinement work was carried out.



2) After extending the working area of the image on the canvas, extra color details were applied with a brush, and a new element (cheese on top of the head) was added.



3) Inpainting technique was applied to selected parts.







4) After iterating the inpainting process more than 35 times within 10 minutes, existing elements were refined, and new concepts such as a third eye, melting cheese, torso, and internal organs were added to the image.

2) To prove *human authorship*, the description highlighted the following characteristics of the inpainting-based image generation process: (a) *multi-stage process*, (b) *iterative refinement*, and (c) *creative decision-making*.

3) Invoke. (2025). *How we received the first copyright for a single image created entirely with AI-generated material*. Available at: <https://44037860.fs1.hubspotusercontent-na1.net/hubfs/44037860/Invoke-First-Copyright-Image-AI-Generated-Material-Report.pdf> [Accessed 14 Apr. 2025].

- Human creative contributions made prior to the use of GenAI may also be acknowledged alongside those made afterward and are eligible for copyright registration.
- When a human-created copyrighted work is used as a prompt, the resulting GenAI output is eligible for registration as long as the expression of the human-created work is clearly discernible in the output.
  - Nevertheless, the effect of registration is limited to the portion that reflects the creativity of the human-created work used as the prompt, meaning that the entire output itself does not constitute a copyrighted work.

**Case: A human sketch was rendered into a car design using Vizcom AI, an AI rendering tool, and then completed by adding a background and other elements with the “Relight” function of Magnific AI.**

Input	Prompt	Output
	<p>Futuristic electric sports car, ultra sleek and aerodynamic design, metallic silver body, seamless glass canopy, large black wheels with thin spokes, sharp and minimal front grille, low and wide stance, high-tech concept style, hyper-modern lighting details, smooth reflections, photorealistic rendering, premium studio background</p>	
	<p>Highly detailed futuristic concept car driving through a frozen mountainous landscape at sunset, ultra-sleek metallic silver body with smooth curves, deep reflections on the surface, black high-performance wheels with red accents, cinematic lighting, photorealistic textures, crisp snow trails, dramatic shadows, cutting-edge luxury vehicle in motion</p>	

Note: The above example is not a registered work, and the input image may not constitute a copyrighted work. It is included for illustrative purposes only.

Source of image: designgoth

- If an original work is entered into GenAI and the human user makes creative contribution using the tools provided by GenAI, with controllability and predictability, the resulting product can be registered as a derivative work, separate from the original work.
  - If human creative contribution is added to an original work, the creativity of the newly added part may be recognized and become subject to the effect of registration.

Case: Video-based GenAI such as Runway AI and Kling AI along with design tools were employed to create a video with new characteristics based on *Pensive Bodhisattva*, a work by photographer Joon Choi.

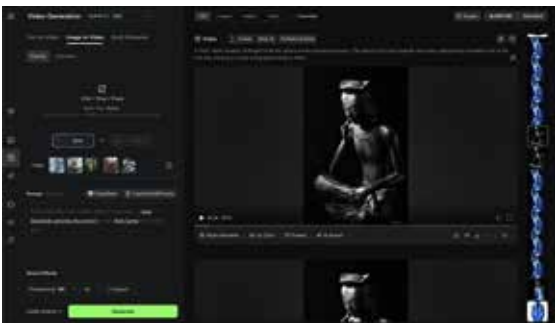


Original work (photograph)



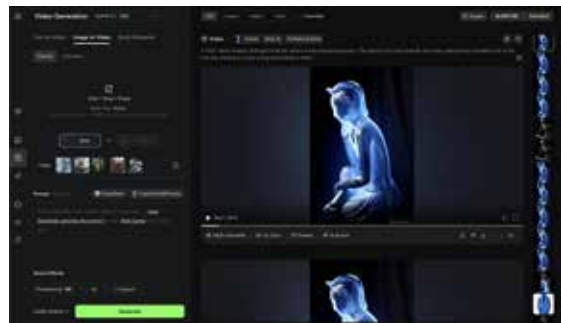
GenAI-assisted work (video)

Creation Process



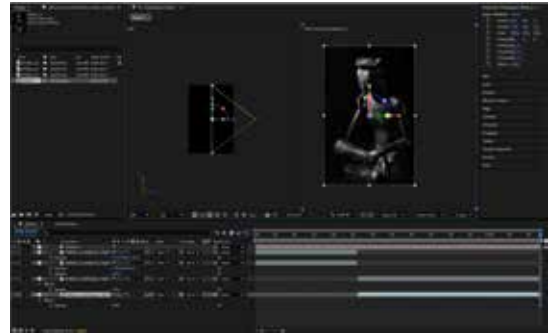
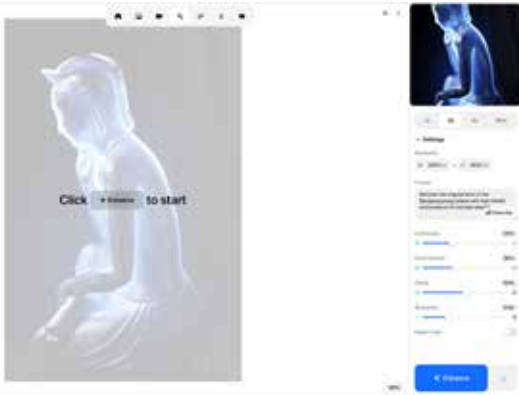
1) Prompting and iterative generation using GenAI based on the photograph

- Approximately 30 prompt adjustments were made to reinterpret the noble sculptural aesthetic in a futuristic way.
- The output was refined iteratively by generating various images to express a futuristic palette and mood while preserving the form and texture.



2) Ensuring seamless transition between frames

- To achieve smooth transitions between images, the video transition function was used, repeating the frame-by-frame generation process about 10 times.
- A visual effect of the camera rotating clockwise was applied to create the impression that the sculpture itself is rotating.



3) Resolution improvement and detail calibration

- GenAI features were used to adjust metrics such as similarity, sharpness, and clarity to enhance the overall smoothness and polished finish while preserving the sculpture's details.
- The Prompt "Maintain the original form of the Bangasayusang statue with high fidelity and preserve its intricate detail" was used to prevent loss of form.

4) Post-processing on Adobe After Effects

- The rotating movement was precisely configured using the 3D camera in Adobe After Effects to enhance the video's continuity and immersiveness.
- The final approximately 13-second video was completed through iterative, layer-by-layer adjustments of the transition speed between frames, ensuring seamless transitions without unnecessary distortion or overlapping.

Note: The above example is not a registered work, and is included for illustrative purposes only.

Source of image: designgoth

- Since proving human creative contribution to the expression is key, documenting the generation or creation process (via video, etc.) can provide crucial evidence for copyright registration and potential disputes.

## B. Cases where the human creative contribution is denied

- If human contribution consists only of *minor changes* that, on their own, do not satisfy the creativity requirement, copyright registration shall not be granted.
  - Minor changes such as typo corrections, slight size adjustments, and simple color modifications are not considered creative contributions, even if made by a human.

In a case where two GenAI-generated images were composited into one and simple post-processing and retouching were performed, copyright registration was denied on the grounds that no substantial human creative contribution could be recognized (KCC (2024)).

- In cases where a human-created work is input into GenAI with a prompt to modify the work in the style of a particular artist, and the output does not clearly reflect a human-created expression, the likelihood of the human creative contribution being recognized is low.

For the same work, titled *SURYAST*, created by inputting a human-taken photograph into GenAI and instructing it to convert the image into the style of a particular artist, the Copyright Office of India (2020)\* and the Canadian Intellectual Property Office (2021)\*\* granted registration to the GenAI used—RAGHAV—as co-author, while the USCO denied registration (2023) on the grounds that the *human authorship requirement* was not met.

\* In November 2021, the Copyright Office of India issued a withdrawal notice citing Sections 2(d)(iii) and 2(d)(vi) of the Copyright Act, 1957, which pertain to author determination. However, the applicant objected<sup>4)</sup>, arguing that the Copyright Office has no authority to review its own decision, and as of June 2025, the work remains registered<sup>5)</sup>.

\*\* In July 2024, a non-profit organization filed a suit in Canada’s Federal Court seeking to either cancel the registration of *SURYAST* or to remove RAGHAV—the GenAI used—as co-author, based on two claims: (1) that human creative contribution is denied in an AI-generated image, and (2) that AI is not eligible to be recognized as an author.

Original photograph	Style	Deposit copy
		

4) SpicyIP. (2023). *Ankit Sahnii’s AI Co-authored Artwork Denied Registration by US, Continues to be Registered in India*. Available at: <https://spicyip.com/2023/12/ankit-sahnii-ai-co-authored-artwork-denied-registration-by-us-continues-to-be-registered-in-india.html> [Accessed 19 May 2025].

5) Copyright Office of India. (n.d.). Copyright Registration Status Enquiry. Available at: <https://copyright.gov.in/frmStatus.aspx> [Accessed 19 May 2025].

### 3. Determining the creative contribution of prompting behavior

- Prompting is commonly regarded as merely providing ideas or instructions to generate an outcome.
- Since an autonomous output is generated without human intervention, depending on the weight of the training data (low controllability), and the same prompt does not always produce the same autonomous output (low predictability), the act of entering a prompt is unlikely to demonstrate controllability or predictability, and thus has a low chance of being recognized as a creative contribution.
- That said, as of June 2025, countries take different stances on whether prompting constitutes a creative contribution.

**United States:** Prompts alone do not provide sufficient human control to make users of an AI system the authors of the output and prompts essentially function as instructions that convey unprotectible ideas<sup>6)</sup>.

**Japan:** Considering factors such as the length and substance of the prompt, the number of generation iterations, and whether the user engaged in selecting from multiple outputs, prompting may potentially be acknowledged as a creative contribution<sup>7)</sup>.

**China:** There is a case where, even though only prompting was performed, creative contribution was acknowledged, and the autonomous output was deemed copyrightable<sup>8)</sup>.

6) USCO, *Copyright and Artificial Intelligence, Part 2: Copyrightability*, 2025, page 18.

7) Agency for Cultural Affairs, AI と著作権に関する考え方について（令和6年3月15日、文化審議会著作権分科会法制度小委員〈[https://www.bunka.go.jp/seisaku/bunkashingikai/chosakuken/hoseido/r05\\_07/pdf/94024201\\_01.pdf](https://www.bunka.go.jp/seisaku/bunkashingikai/chosakuken/hoseido/r05_07/pdf/94024201_01.pdf)〉, 2024.3.15., pages 39~40.

8) Chinese Internet Court Civil Judgment (2023) Jing 0491 Min Chu No.11279.



# **Overview of Copyright Registration for Generative AI-Assisted Works**

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1. Significance of copyright registration for GenAI-assisted works
2. Effect of copyright registration for GenAI-assisted works
3. Classification of GenAI-assisted works for copyright registration
4. Copyright registration eligibility by case of GenAI-assisted works
5. Copyright registration applicants for GenAI-assisted works

# 3

## Overview of Copyright Registration for Generative AI-Assisted Works

### 1. Significance of copyright registration for GenAI-assisted works

- The widespread adoption of GenAI-powered services has ushered in an era where anyone can easily pursue creative endeavors using GenAI tools.
- Although copyright protection applies automatically upon creation of a work and does not require registration, registering a GenAI-assisted work ensures that it benefits from the effects of copyright registration, thereby encouraging creative activities and providing effective measures against infringement.
- In a copyright registration application, the fully AI-processed and human-created portions must be identified separately, which clarifies the scope of protection and improves transparency.

### 2. Effect of copyright registration for GenAI-assisted works

- Only the portion of a GenAI-assisted work that reflects human creative contribution benefits from the effects of copyright registration.
- The person whose real name is registered as the author is presumed to be the author of the registered work, and the work for which the date of creation or the date of first publication is registered shall be presumed to have been created or first made public on the registered date (KCA Article 53.3).
  - Since a work registered more than one year after its creation is not presumed to have been created on the date written in the entry (pursuant to the proviso to Article 53.3), it is advisable to register a work within one year of its creation.
  - A person who infringes rights such as copyright is presumed to have been negligent in the relevant infringement (KCA Article 125.4).
- Registration of changes in copyright confers opposing power of the transfer or other changes in rights against third parties (KCA Article 54).
  - Although changes in rights take effect between the parties even without registration, once registered, the registered parties' claims as to the validity of the changes prevail over those of any third party in the event of a dispute.

- Here, the term third party refers only to those with a legitimate interest—for example, a subsequent assignee of economic rights who acquires a legal status incompatible with that of the original assignee in a double transfer of economic rights. A person who infringes economic rights is not considered a third party under this definition (Supreme Court, 13th July 2006, Decision 2004da107560).
- Most notably, in the case of a double transfer of economic rights, granting priority to the assignee who first completes the registration of the transfer enhances the security of copyright transactions and facilitates the use of works.
- In addition to establishing the presumption of authorship and opposing power, copyright registration also enables the right to claim statutory damages (KCA Article 125–2).

### 3. Classification of GenAI-assisted works for copyright registration

- If a GenAI-assisted work constitutes literary, musical, artistic, audiovisual, computer program, or compilation work, it may be registered as such.
- While the autonomous outputs themselves are ineligible for registration, a work that results from the selection, arrangement, and composition of the autonomous outputs may be registered as a compilation work, provided there is human creative contribution.

### 4. Copyright registration eligibility by case of GenAI-assisted works

- **Case 1:** For a comic with human-written text and GenAI-generated<sup>9)</sup> images, the work may be registered as a literary work, with the effects of registration limited to the text.
- **Case 2:** A work composed by a human with GenAI-generated lyrics qualifies as a musical work, while the effects of registration are limited to the composition.
- **Case 3:** If a human provides the sketch and GenAI colors it, the work may be registered as an artistic work, but only the sketch is covered by the registration.

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9) In all the following cases, the GenAI-generated portion refers to the *autonomous output* that lacks human creative contribution.

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- **Case 4:** A movie produced by a human featuring a GenAI-generated virtual character may be registered as an audiovisual work, excluding the virtual character.
  - **Case 5:** While a GenAI-generated image itself is ineligible for registration as it is an autonomous output, a work resulting from human selection, arrangement, and composition of such images qualifies as a compilation work and may be registered.
  - **Case 6:** Even if a song's composition and lyrics by GenAI are ineligible for registration, a human performance of the song qualifies as a performance work. If recorded on an album, the album may be registered for neighboring rights.
  - **Case 7:** If a human creates a new work based on the concepts or ideas derived from an autonomous output, the new work may be registered for copyright independently of the autonomous output.
    - Since an autonomous output is not a copyrighted work, it is not possible to register a derivative work—defined as a creative work made through translation, arrangement, transformation, adaptation, video production, or other methods based on an original work—that is based on an autonomous output as the original work.

## 5. Copyright registration applicants for GenAI-assisted works

- The creator of a GenAI-assisted work is deemed the author and may register the work for copyright.
- The developer of the GenAI merely provided the tool used in the creation of a GenAI-assisted work and, therefore, may not be registered as an author.
- A GenAI-assisted work created by a company employee constitutes a work for hire. If the work is or will be made public under the company's name, it may be registered with the company listed as the author (see requirements on page 8).
  - When registering a GenAI-assisted work as a work for hire, only the person who made a substantial contribution to its creation may be listed in the “person involved in the creation as part of their duties” field; GenAI may not be included.
- When registering the transfer of economic rights to a GenAI-assisted work, the assignee and the assignor must file the application jointly.
  - Nonetheless, in this case, the assignee becomes the holder of the economic rights, while the assignor—who is the author—retains the moral rights.
  - Therefore, if the assignee registers themselves as the author, they shall be regarded as a *person who files for false registration* and punished accordingly (KCA Article 136.2.2).



# Copyright Registration Practices for Generative AI-Assisted Works

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1. Principles of copyright registration examination
2. Procedures for copyright registration

## 1. Principles of copyright registration examination

- The administrative body for registration—the KCC—conducts a formal examination limited to the application and the deposit copy itself, and determines whether it is *legally* evident that the deposit copy does not constitute a work, without any substantive fact-finding.
  - The degree of human creative contribution in the submitted GenAI-assisted work, as well as the resulting scope of copyright protection, are not subject to examination.
- Therefore, copyright registration may be granted if the “Content” field in the Detailed Statement of Copyright Registration Application (hereinafter “Detailed Statement”) describes a portion of human creative contribution that may be recognized as copyrightable, and such contribution is evident in the *copy* of the work submitted upon filing the application.

### **The formal examination authority of the administrative body (Supreme Court, 23<sup>rd</sup> August 1996, Decision 94nu5632)**

The administrative body is, of course, authorized to examine whether the submitted material meets the formal requirements to qualify as a *work* eligible for registration under the KCA. However, in conducting such an examination, the body shall deny registration if, based solely on the Registration Application or the submitted material itself, it is legally evident—under the interpretation of the KCA—that the material does not constitute a work. (This does not require that a court precedent denying copyrightability has been established, nor that there is no room for academic debate.) Nevertheless, the body does not have the authority to conduct further examination concerning the degree of originality, the scope of protection, or the actual rights relationship such as the ownership of copyright for each individual work.

- Filing false information in the Detailed Statement is punishable as false registration (KCA Article 136.2.2). If registration is granted for an autonomous output—not a GenAI-assisted work—that falsely claimed as a human-created work, this constitutes false registration under the KCA that is subject to penalties. Therefore, caution is advised.

**Article 136 Penalty Provisions (2)** Any person who falls under any of the following subparagraphs shall be punished by imprisonment with labor for up to three years or by a fine up to 30 million KRW, or may be punishable by both:

2. A person who files for false registration pursuant to Articles 53 and 54 (including cases where Articles 90 and 98 apply accordingly).

## 2. Procedures of copyright registration

- The Copyright Registration Application, the Detailed Statement, and any required supporting documents must be completed and submitted to the administrative body—the KCC—either online, by mail, or in person.

Copyright Registration Website: [www.cros.or.kr](http://www.cros.or.kr)

Jinju: Registration & Escrow Team, 1<sup>st</sup> Floor, Korea Copyright Commission, 117 Soho-ro, Jinju-si, Gyeongsangnam-do 52851, Republic of Korea

Seoul: Registration & Escrow Team, 5<sup>th</sup> Floor, Gateway Tower, 107 Huam-ro, Dongja-dong, Yongsan-gu, Seoul 04323, Republic of Korea

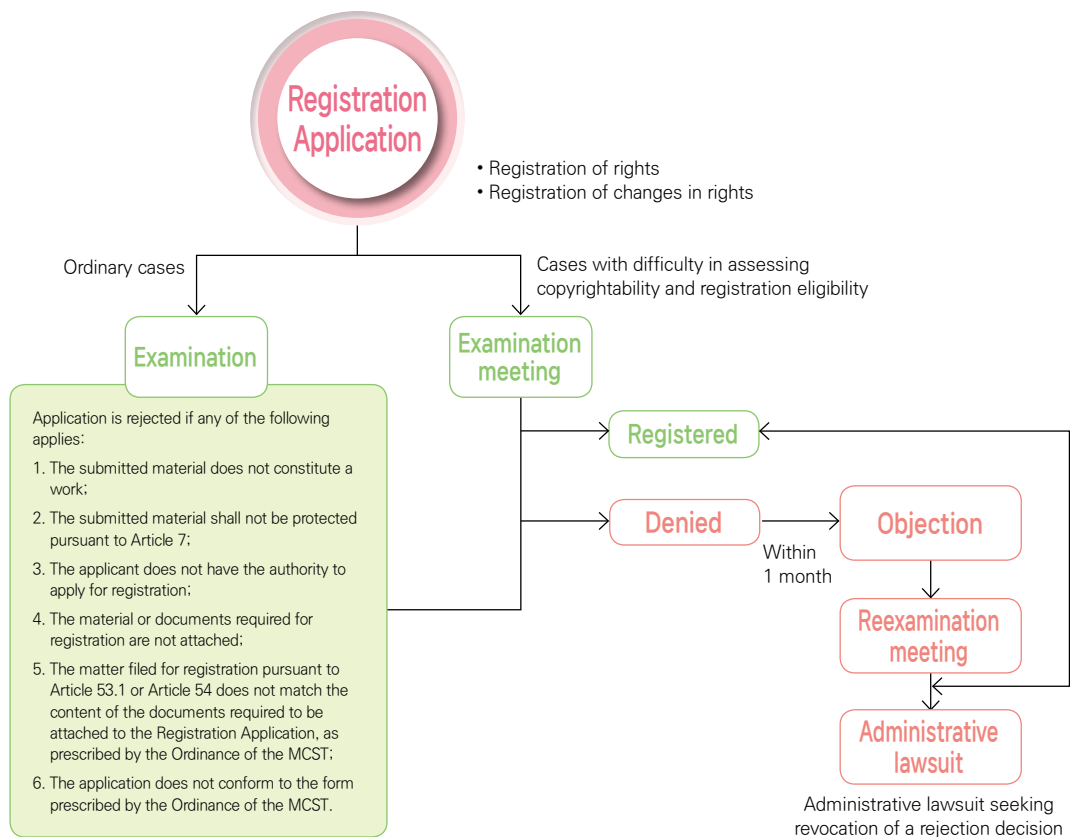


Image 2. Procedures of copyright registration

Note: Please refer to the *Guide to Copyright Registration* for forms and sample entries for each type of registration, as well as the criteria for copyrightability. ([www.copyright.or.kr](http://www.copyright.or.kr) – Publications – Etc.) ([www.cros.or.kr](http://www.cros.or.kr) – Customer center – Materials – Copyright materials)



# Cases of Copyright Registration for Generative AI-Assisted Works in Korea

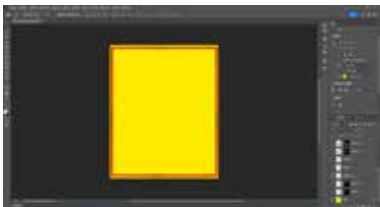
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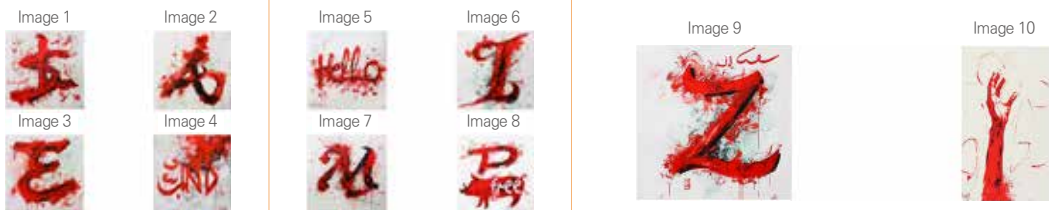
## 1. 符(fú), Kang Bo-Hyun / Korea Copyright Commission, C-2024-010508 (2024)



- Characteristics: After generating images (autonomous outputs) using GenAI, the final image was produced by selecting and arranging AI-generated images containing elements that match those of the author's sketch, and by modifying specific details to achieve overall harmony in the work.
- Creation process:



1. The human user created simple sketches and the background for the image.



2. Image is created using GenAI.



3. After removing the backgrounds and making specific adjustments to the autonomous outputs, the human user configured and arranged them.

## 2. Gen Human V1, Kang Bo-Hyun / Korea Copyright Commission, C-2024-010509 (2024)



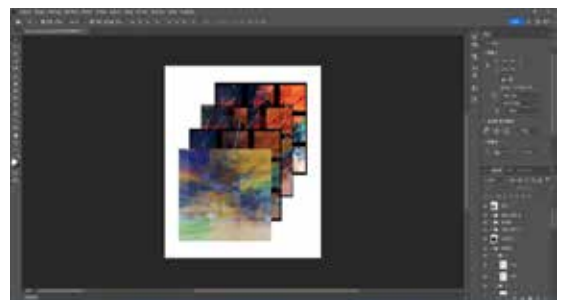
- Characteristics: After generating an image (autonomous output) using GenAI, the final image was created by modifying it through techniques such as image segmentation, layering, adjusting transparency, editing, and adding texture.
- Creation process:



1. Image is created using GenAI.



2. After segmenting and rearranging the autonomous output, the human user performs editing such as image segmentation and transparency adjustment.

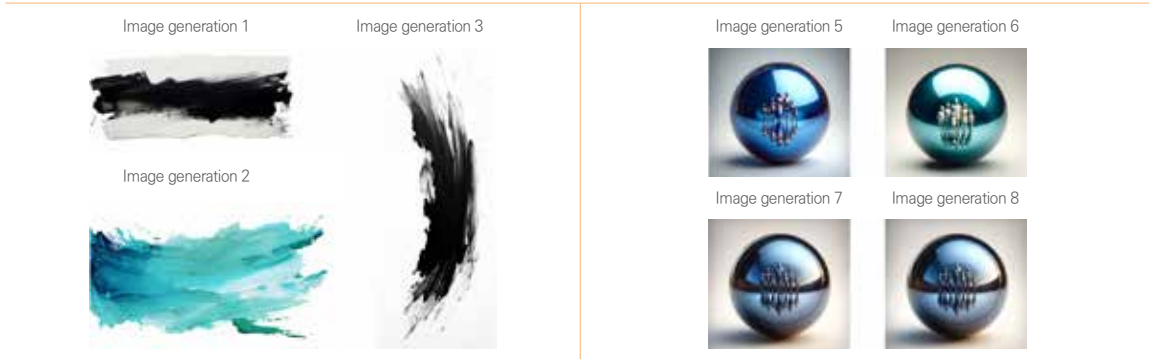


3. The final image is created by repeating the previous step.

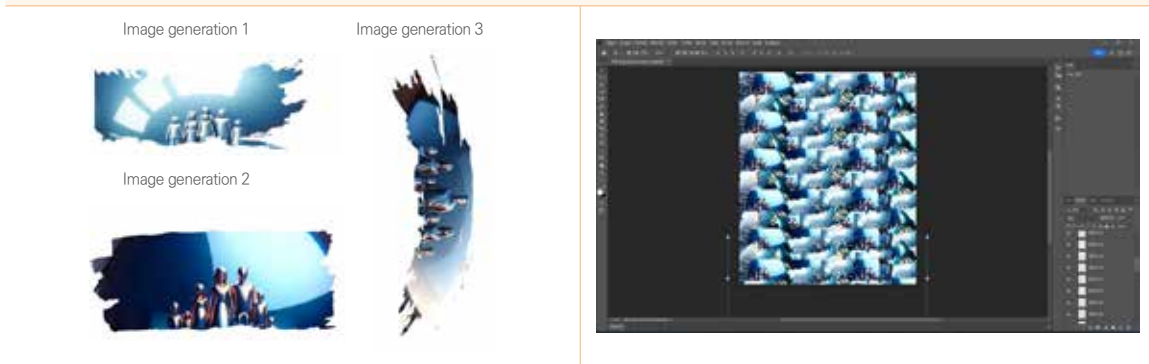
### 3. An Abstract of a Family, Kang Bo-Hyun / Korea Copyright Commission, C-2024-010510 (2024)



- Characteristics: After generating images (autonomous outputs) using GenAI, the final image is created by selecting images that well capture the intended mood, which are then assembled, transformed, and positioned.
- Creation process:



1. Images are created using GenAI.



2. The generated images are selected and assembled.

3. The final image is created by transforming and positioning the assembled images.

#### 4. ONE MORE PUMPKIN, Studio Freewillusion Inc. / Korea Copyright Commission, C-2024-034221 (2024)



- Characteristics: To convey the characters' emotions, set the mood, and express intended meanings in line with the human-written scenario, GenAI was used to generate videos (autonomous outputs). These videos were then edited—through selection, arrangement, and speed adjustments—to produce the final video.
- Creation Process:

1. Prompts were used to generate scenes instead of filming with a camera.
2. The human user arranged and edited selected autonomous outputs to produce the final video.



In a countryside village in Korea lived an old couple who farmed pumpkins.



And one day, the Grim Reaper arrived...

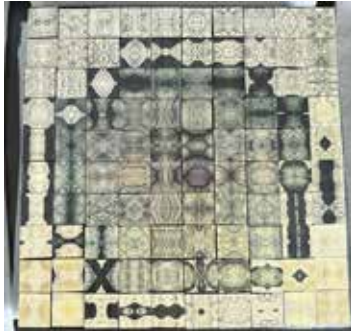


It was so delicious that he kept devouring it without stopping.



The old couple went against the laws of nature.

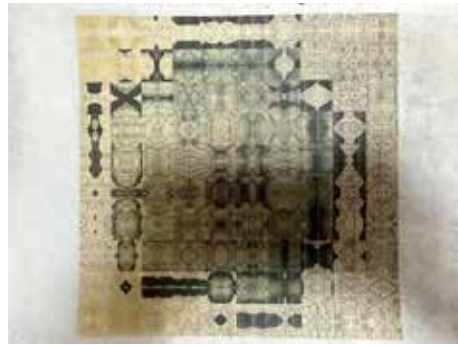
5. Resonance of Nature, Kim Sung-Ja / Korea Copyright Commission, C-2024-035109 (2024)



- Characteristics: GenAI was used to generate pattern images, some of which were selected and further processed—glued onto wooden blocks and treated with *meokmul* (traditional black ink)—to create the final work.
- Creation process:



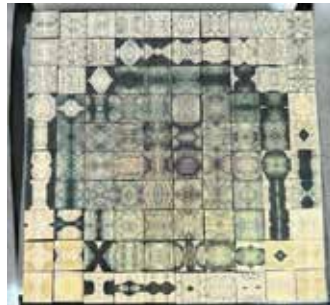
1. GenAI was used to create images.



2. Selected autonomous outputs underwent the first round of editing—composition and arrangement.



3. Additional editing work—creating them into wooden blocks and treating them with *meokmul*—was performed.



4. The wooden blocks were arranged and positioned to produce the final work.



## Guide to Copyright Registration for Generative AI-Assisted Works



# Frequently Asked Questions

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### Q1) Can an autonomous output itself be registered for copyright?

- A copyrighted work is a creative work that expresses human ideas or emotions. Therefore, a work should meet the following conditions to be eligible for protection under the KCA:
  1. It must express human ideas or emotions;
  2. It must be acknowledged for its creativity.
- Autonomous outputs refer to portions of results generated based on human instructions that lack human creative contribution—meaning they can hardly be seen as expressions of *human* ideas or emotions. As such, they do not qualify as a work under the KCA. This means autonomous outputs such as images, music, and novels, in and of itself, are ineligible for copyright registration.
- Nevertheless, if a human makes creative contribution by performing additional work on an autonomous output, the corresponding portion may be eligible for copyright registration.
  - Furthermore, if various elements including autonomous outputs are selected, arranged, and configured so that the result constitutes a compilation work and displays creative contribution, the work may be registered as a GenAI-assisted work.
- Intentionally filing an autonomous output for registration as if it were one's own work constitutes false registration, which is subject to penalties and therefore requires caution.

### Q2) Which part of a work created using GenAI can be filed for copyright registration?

- The portion that displays human creative contribution is eligible for registration.
- The final judgment on the presence of human creative contribution is made by the court, based on the facts of each specific case.
- Works in which GenAI was used to add to or modify expressions in a human-created work, or in which human creative expression was added to or modified on an autonomous output, may be registered since they involve human creative contribution. However, only the portions reflecting such human contribution are subject to the effects of registration.

### Q3) For an autonomous output to be registered as a compilation work, what criteria must be satisfied?

- Under the KCA, a compilation work refers to an edited work (a collection of symbols, texts, sounds, videos and other forms of materials (subject matters)) that is creative in the selection, arrangement, or composition of the materials.
  - Thus, to qualify as a compilation work, a work must be an edited work in which the selection, arrangement, or composition of materials—including autonomous outputs—reflects the creator’s distinctiveness. If the result would be the same regardless of who edits it, it does not qualify—meaning there must be sufficient room for discretion in the *selection, arrangement, or composition of materials*.
  - As a result, simply compiling all materials or mechanically listing them is rarely considered a compilation work due to the lack of creativity. Cases where there is only one or very limited ways to select, arrange, or compose materials also lack creativity and are therefore ineligible for registration.
- The ultimate determination of whether the selection, arrangement, or composition of materials is creative must be made by the court on a case-specific and issue-specific basis.

### Q4) In cases where a human performs additional work on an autonomous output, what degree of creativity must be recognized for the resulting work to be eligible?

- Regardless of whether an autonomous output was used, if the portion of human creative contribution alone is deemed to have at least a minimal level of creativity, registration is possible.
- The Supreme Court rules<sup>10)</sup> that “a work need not be of high merit but must display a *minimal level of creativity* worthy of protection under the KCA, as a work is considered creative when it is the author’s own—not a copy of another’s—and exhibits at least a minimal level of creativity.”

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10) Supreme Court Decision 97do2227, 25th November 1997 (recognized the creativity of college entrance exam questions); Supreme Court Decision 99da51371, 23rd November 1999 (denied compilation copyrightability of horse-racing tips publication); and Supreme Court Decision 98da46259, 26th November 1999 (the Koryo Suji therapy lecture case), etc.

- 
- Furthermore, if there are no alternative forms of expression, or if the available options are extremely limited, the work may be deemed to lack creativity.
    - Merely compiling texts, music, videos or other materials comprehensively by topic, or mechanically listing them, is unlikely to be regarded as displaying even the minimal level of creativity.

### Q5) Who should be registered as the author of a GenAI-assisted work

- If a human modifies, adds to, deletes from, or otherwise edits an autonomous output through additional creative work, that person may be registered as the author.
  - If a work qualifies as a work for hire—for example, when an employee of a company performs additional creative work as part of their job duties—and it is published under the company’s name, the company may be registered as the author.

### Q6) What factors should be considered when filing registration for music or videos created using GenAI?

- When generating music or audiovisual works using GenAI technologies or services, the creator must take the following into consideration:
  1. When music or video is created using GenAI technologies, the likelihood of registration eligibility is higher when the human creative contribution is clearly articulated and can be proved;
  2. While GenAI technologies and services are used as tools, a creative contribution beyond merely entering prompts is required;
  3. Registration is possible when an autonomous output was used only as a reference for ideas or concepts, or when the author created an original work by transforming the autonomous output.

### Q7) What is the duration of copyright protection for a GenAI-assisted work?

- A GenAI-assisted work is protected from the date of creation until 70 years after the death of the author, the same as any other copyrighted work.
  - Works for hire and audiovisual works are protected from the date of creation until 70 years after their first publication.

### Q8) To what extent are works that include an autonomous output protected?

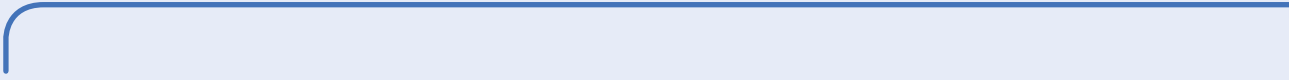
- Since an autonomous output itself is not a copyrightable work, it is not protected under the KCA. However, the portion reflecting human creative contribution may be protected under the Act, provided it meets the criteria for copyrightability.
  - For compilation works that include an autonomous output as a material, only the creativity involved in the selection, arrangement, or composition of the materials is protected, independently of the protection of each individual material. Thus, even if a work is recognized as a compilation work and protected under the KCA, the autonomous output itself—as an individual material—is not protected.

### Q9) Are the prompts used for creating an autonomous output copyrightable?

- A prompt itself can be recognized as a copyrightable work if it demonstrates creativity and shall be eligible for registration.
  - Nevertheless, prompts that consist of expressions likely to be the same or similar regardless of who writes them—that is, expressions lacking the author’s creative distinctiveness—cannot be considered creative.
  - The recognition of creativity in the prompt does not, in itself, imply that the resulting autonomous output is likewise creative.



**Annex**





Annex 1. How to complete the Copyright Registration  
Application for GenAI-assisted works

Annex 2. Progress report of ACLWG Break-Out Group on  
the Use of AI Outputs

### 1. Detailed Statement of Copyright Registration Application (KCA Enforcement Rule Appendix Form No. 4)

- **In person:** Fill out the “Work (5) Content” field of the Detailed Statement.
  - If more space is needed, use additional paper and attach.

[Appendix Form No. 4]

(Page 1)

Detailed Statement of Copyright Registration Application						
*Check (V) relevant boxes ( ).						
Work	(1) Title	*If in foreign language, also put Korean transliteration or title in Korean.		(2) Type	*Please refer to the classification table on page 2.	
	(3) Format of copy	<input type="checkbox"/> Book <input type="checkbox"/> Print-out <input type="checkbox"/> Photograph <input type="checkbox"/> CD <input type="checkbox"/> DVD <input type="checkbox"/> USB thumb drive <input type="checkbox"/> Tape <input type="checkbox"/> Videotape <input type="checkbox"/> Other ( )			(4) No. of copies	
*If already registered, do not fill out this section.	(5) Content	* Write in detail to show the content sufficiently. (Between 10 and 1,000 characters. If more space is needed, use additional paper and attach.)				
(6) Prior registration no. and registration date			*Only if the same work is already registered.			
Information being registered	Derivative Work * Fill out this section only when applying to register a work that is a recreative translation, arrangement, alteration, or cinematization of another original work.		(7) Title of the original work			
			(8) Author of the original work			
	(9) Stake in the rights		* Fill out only if a joint author			
	Creation	(10) Date the work was created				
	Information regarding making the work public	(11) Date the work was made public		(12) Country the work was made public		
		(13) Method the work was made public	<input type="checkbox"/> Publishing <input type="checkbox"/> Copying and distributing <input type="checkbox"/> Internet <input type="checkbox"/> Performance <input type="checkbox"/> Exhibition <input type="checkbox"/> Broadcasting <input type="checkbox"/> Other ( )		(14) Medium through which the work was made public	
		(15) Name (pseudonym) of the author indicated on the work when made public				
	Author * If same as applicant, check box and do not fill out.	(16) Name (Name of organization)	(KO) (EN)		(ZH)	
		(17) Nationality		(18) Resident registration no. (Legal entity registration no.)		
		(19) Address				
<input type="checkbox"/> Same as applicant		(20) Phone no. (Mobile no.)	* Mobile phone no. not mandatory but processing may be delayed if not submitted.		(21) Email address	
		(22) Date of death	* Fill out only if the author is dead			
(23) Name and date of birth of persons who had participated in creating the work for hire						

210mm X 297mm (Plain paper, 60g/m2(recycled))

Image 3. Detailed Statement of Copyright Registration Application

- **Online:** Fill out the application under the “Registration Application” tab on the registration website (cros.or.kr).
  - Fill out “Detailed Statement of Copyright Registration Application → Work → Content”
  - If additional explanation is needed regarding the human creative contribution, you may attach the file under the “Other supplementary documents” section.

### Registration Application

Find the Right Application for You

Registration of Rights

Copyright Registration (General: literary works, artistic works, etc.)

Copyright Registration (Computer programs)

Neighboring Rights Registration

Database Producer's Rights Registration

Change of Rights Registration

Amendment/Correction/Cancellation Registration

Copies Issuance

Software Research Output Registration

## Copyright Registration Application

| This is the Copyright Registration Application page where you enter information about the applicant (the rights holder) and their representative. Please make sure to fill out each field accurately by following the instructions that appear when you hover your mouse over the input fields.

Which one of the following best describes you: **the rights holder**, their **representative**, or an **heir**?  Rights holder (self)  Representative  Heir

| Applicant (Rights holder) \*AI is not an author (rights holder)/neighboring rights holder/database producer. [View applicant details](#)

Please select your status as the rights holder:  Author  Joint author

| Other supplementary documents

\* If you have supplementary documents, click the "Add file" button. After selecting the file, be sure to click the "Send" button to complete the submission. [Add file](#)

Document	Name of file

## Detailed Statement of Copyright Registration Application

Preview registered info

| This is the page for filling out the Detailed Statement of Copyright Registration Application and Program Overview for the work. The entered information will be recorded in the register and cannot be changed once registration is complete. Please fill out the form carefully.

| **Work** \* AI outputs are not eligible for registration. (Filing a registration for an AI output as your own work may result in penalties for false registration.)

Title

\* If in foreign language, also put Korean transliteration or title in Korean.

Type

- Select -
- Select -
- Select -

Content

Fill out detailed description of the work.

\* Please provide a detailed explanation sufficient for understanding, limited to 1,000 characters or less. Byte=0/3000 (3 Byte per Korean character)

\* For multiple submissions, ensure that the content entered for each work is distinct.

Image 4. Copyright Registration Application screen

---

## 2. The “Content” of the work is one of the items publicly disclosed in the Copyright Register and serves to introduce the registered work. When registering a work that involves the use of GenAI, please provide the following information separately: (1) an overall summary of the work being registered, (2) a description of the autonomous output used, and (3) an explanation of the human creative expression (direct expression).

- In addition to the information entered in this field, supplementary materials—such as images, music, videos, etc.—that provide a detailed explanation of the creation process and the human creative contribution in the GenAI-assisted work may be submitted separately in non-statutory formats.
  - If the information provided in the “Content” field is insufficient, you may be asked to provide additional details about the creation process of the work during the examination stage.
- ① Overall summary of the work: Provide an overview of the entire work being submitted.
  - ② Autonomous output used for the work: Provide information about the output generated with AI.
    - Describe the GenAI tool used, the generation process, the output, and the role and proportion it occupies within the overall work being submitted.
    - You may also submit supplementary materials such as images or videos to illustrate the AI generation process.
  - ③ Human creative expression: Describe the part consisting of direct creative expression by human made before or after the AI generation.
    - Description of a simple idea will not suffice; you must provide a detailed explanation of how the idea was developed and expressed in the final work, including the process and outcome.
    - Supplementary materials such as images or videos may be submitted to explain the creation process of a work that incorporates an autonomous output.

## 3. Sample entry

※ The example below is a hypothetical case included as a reference to show how to complete the “Content” field when filing registration for a GenAI-assisted work.

In actual registration, the final decision may vary depending on a comprehensive review of the information provided by the applicant, along with any supplementary documents and submitted copies.

**Artistic work:** Sample entry for registering a human hand-drawn image created with Photoshop that used a fully AI-processed image as a reference

① Overall summary of the work

- Genre: Digital illustration
- Theme: Coexistence of humans and AI in a future city
- Subject matters: Flying public transportation, streets where AI robots and humans walk together, and eco-friendly buildings
- Composition: An AI robot holds hands with a human child at the center, while various futuristic elements fill the background, creating a warm, hopeful atmosphere.
- Expressive elements: Use of bright fluorescent colors, three-dimensionality based on perspective, dramatic contrast between light and shadow, and digital brush strokes and textures to accentuate the feel of a digital illustration

② Autonomous output used for the work

- GenAI tool: Midjourney v6 (text prompt-based image generator)
- Prompt: “a futuristic cityscape where humans and AI coexist, flying cars, neon lights, high-rise buildings with vertical gardens, digital painting style”
- Role and proportion of the output: Only one of the ten AI-processed images best suited for developing ideas on subject matter and establishing the visual composition was selected to serve as the reference image.

③ Human creative expression

The final work was produced by the human creator using Photoshop to add the following expressive elements through manual transformation, drawing, and painting:

- Redesign of composition and communication of the core theme
  - Based on the layout in the autonomous output, the author reconfigured the overall scene by placing empathy and sentiment between the AI robot and the human child at the center, conveying warmth through their gaze and smiles.
- Expression of specific details
  - Taking buildings in existing cities as references, the building designs were expressed as graphic images by integrating sci-fi elements.
  - The characters (the child and robot), not present in the autonomous output, were completely newly sketched by hand and digitally painted using digital brushes.
- Color and lighting effects
  - Bright fluorescent colors absent in the autonomous output were added, and positive sentiment toward the futuristic city was conveyed through shading contrast and highlights.

\* Attachment: The autonomous output itself and photographic records of the creative process are submitted as supplementary materials.

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- Since 2023, the MCST and the KCC have been operating a working group composed of stakeholders from the AI sector, rights holder groups, academia, the legal profession, and relevant agencies to review copyright issues and possible improvements to the legal framework in the AI era, along with promoting transactions of AI training data.
  - Based on discussions at the Break-Out Group on the Use of AI Outputs of the ACLWG and reviews by individual members, this Guide was finalized through the Working Group plenary meeting and public consultation.
- The members of the ACLWG Break-Out Group on the Use of AI Outputs are as follows:

〈Members of the Break-Out Group on the Use of AI Outputs〉

Area and name		Affiliation and position
Legal profession	Gyu-Hong LEE	Principal Research Fellow, Judicial Policy Research Institute (Presiding Judge)
	Ara CHO	Deputy Chief Prosecutor, Seoul Eastern District Prosecutors' Office
	Tae-Wook KANG	Attorney-at-law, Bae, Kim & Lee LLC
Academia	Joon-Woo PARK	Professor, Sogang University School of Law
	Sang-Yook CHA	Head of Break-Out Group #3 Professor, Kyungpook National University Law School
	Jin-Won CHOI	Professor of Law, Daegu University
Technology	Myung-Joo KIM	Director, AI Safety Institute
	Simon Sung-II WOO	Associate Professor, Department of Intelligence Software, Sungkyunkwan University

Area and name	Affiliation and position
Government/ Public agencies	<p><b>Hyang-Mi JUNG</b> Director General, Copyright Bureau, Ministry of Culture, Sports and Tourism (MCST)</p>
	<p><b>Young-Jin CHOI</b> Director, Copyright Policy Division, MCST</p>
	<p><b>Jee-Hee MOON</b> Senior Deputy Director, Copyright Policy Division, MCST</p>
	<p><b>Jong-Woo LIM</b> Deputy Director, Copyright Policy Division, MCST</p>
	<p><b>Hyung-Min PARK</b> Assistant Director, Copyright Policy Division, MCST</p>
	<p><b>Hye-Chang KIM</b> Director General, Policy Research Division, Korea Copyright Commission (KCC)</p>
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