

Lecture 4 – AI and intellectual property

WIPO [Artificial Intelligence and Intellectual Property](#)

WIPO [session on the opportunities and challenges raised by generative AI](#)

WIPO Guide on Generative AI; uploaded to IS

Copyright and AI

How artificial intelligence works in relation to copyright

<https://ipkitten.blogspot.com/2022/12/how-artificial-intelligence-works-in.html>

Very few jurisdictions expressly provide for copyright in computer-generated works. These include (and may be limited to) Hong Kong (section 11(3), Copyright Ordinance), India (section 2(d)(vi), Copyright Act, 1957), Ireland (Art. 21, Copyright and Related Rights Act 2000), New Zealand (section 5(2)(a), Copyright Act 1994), South Africa (section 2(h), Copyright Act 1978) and the UK (Copyright, Designs and Patents Act 1988, section 9(3)).

- UK – Originality and subject matter requirements (*Nova Productions v Mazooma Games Ltd & Ors*)
- EU – Originality requirement, no need for categorisation – focus on the author as the source of creativity and expression of creative choice (*Infopaq, BSA, Painer*)
- US – minimum degree of creativity, author must be a human being (*Naruto v. Slater*)

Generative AI: US Copyright Office denies registration

<https://ipkitten.blogspot.com/2023/03/generative-artificial-intelligence-us.html>

Is Generative AI Fair Use of Copyright Works? NYT v. OpenAI

<https://copyrightblog.kluweriplaw.com/2024/02/29/is-generative-ai-fair-use-of-copyright-works-nyt-v-openai/>

A response by Ryan Abbott on the Thaler v. Perlmutter in the D.C. Circuit Court of Appeals, arguing for copyright protection for an AI-generated work. Thaler-v-Perlmutter-Reply-Brief; uploaded to IS

Question: Who would benefit?

WIPO magazine, [‘Regulating machine data: less is more for global growth’](#)

Creative Commons, [Artificial Intelligence and Creativity: Why We’re Against Copyright Protection for AI-Generated Output](#)

Aviv Gaon, *The Future of Copyright in the Age of Artificial Intelligence* (2021)

Deepfakes:

<https://iapp.org/news/a/voice-actors-and-generative-ai-legal-challenges-and-emerging-protections/>

Patent and AI

The Artificial Inventor Project

https://www.wipo.int/wipo_magazine/en/2019/06/article_0002.html

IPKat, ['The mirage of AI invention - nothing more than advanced trial and error?'](#)

Noam Shemtov, 'A Study on Inventorship in Inventions Involving AI Activity', European Patent Office 2019

Artificial intelligence and intellectual property: copyright and patents – a response by the CREATE Centre to the UK Intellectual Property Office's open consultation

<https://academic.oup.com/jiplp/article/17/3/321/6550465>

Number of AI /IP relevant publications from Ryan Abbot

<https://ryanabbott.com/publications/>