

# Copyright law complicated by AI technology

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A representative of the U.S. Copyright Office says copyright law is being complicated by artificial intelligence as the technology matures.

George Thuronyi is deputy director of the Office of Public Information and Education within the federal office, which is part of the Library of Congress. He spoke yesterday as part of the STOPfakes Roadshow, held in Milwaukee by a variety of partners including the Wisconsin District Export Council.

“Is there human authorship involved in artificial intelligence? So, this is a very fast-moving question that’s going on, and a lot of people are studying — not only the Copyright Office, but the U.S. Patent and Trademark Office and many others,” Thuronyi said.

Just in the past few weeks, the office issued guidance reiterating previous determinations that “human authorship” is needed for a copyright, he said. That guidance came after an author late last year wrote a comic book that included art created by AI and submitted it to the office.

While the copyright registration was initially accepted, the artist later bragged on social media that she had “duped” the Copyright Office into registering the art, Thuronyi explained. He noted she failed to notify the office that the art was created by AI, despite having the option of registering the text she wrote while excluding the artwork.

The office canceled her copyright registration and reissued it to cover the artist’s work, but the case raised difficult questions about how much of a role humans play in AI art production, he said. For example, people often write the prompts themselves that machine learning systems use in this process.

To better understand this evolving landscape, the office is holding a series of listening sessions to gather insights and public comments on the role of AI in literary works, visual artwork, music and other forms of expression.

Thuronyi pointed to “gray areas” that pose a challenge to the question of human authorship.

For example, an artist could create artwork and register it, before running it through an AI program to alter it. In that case, he said the artist might own the rights to the original work but not necessarily to the altered form. But then the degree of difference comes into play, he added.

“I think that’s the part that we’re still trying to figure out,” he said. “We don’t have clear answers on that yet because it’s moving really, really fast.”

*-By Alex Moe*