



## AI, AUTHORS AND ATTRIBUTION: NAVIGATING AMBIGUOUS RIGHTS

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**BEST CITATION** – ADITYA RAJ, AI, AUTHORS AND ATTRIBUTION: NAVIGATING AMBIGUOUS RIGHTS, *ILEX SPECULUM (ILE LS)*, 1 (1) OF 2023, PG. 155-161, APIS – 3920 – 0036 | ISBN – 978-81-964391-3-2.

### ABSTRACT

*“You have devoted countless hours to researching, writing, and editing to create a work that you are happy to put your name on. You have spent years perfecting your trade as an author.”*

But what happens when machine learning begins to produce original works? AI systems are now producing written stories, news articles, poetry, and other literary works as they get more sophisticated. Important issues regarding authorship and ownership are raised by this. Who is the author of a book written by an AI system? Can a machine even be referred to as a "author" legally? The emergence of AI has the potential to undermine intellectual property laws and radically alter what it means to be a writer. This article examines the intricate problems related to AI and authorship.

### AI Systems and Creativity: How Much of the Output Belongs to the AI?

Determining how much of an AI system's creative output genuinely belongs to the AI itself becomes a difficult subject with no simple solution as AI systems get more sophisticated and autonomous.

Machine learning algorithms, which use enormous volumes of data to find patterns and associate various components, are what fuel today's AI systems. These algorithms can then combine and rearrange pieces from their training data to produce new creative creations, such as artwork, music, storytelling, or even recipes. The AI can only now expand on the knowledge it has acquired from humans. It lacks the actual creativity, feelings, experiences, and inner creative spark that humans have. The AI cannot create something entirely new – it is confined to reusing, rearranging and repackaging elements from its training data.

Important issues regarding authorship and ownership are raised by this. Who is the legal owner of a piece of art created by an AI system? The business that created the AI? Who donated the data that was utilized to train the AI? The actual AI? The majority of specialists concur

that the AI shouldn't now be regarded as the creator or owner in legal terms. Even a highly developed AI is ultimately just a tool, but a human creator, whether an individual or a group, remains an essential part of the creative process. The importance of resolving authorship and ownership issues will rise as AI develops at an accelerated rate. As we negotiate this thorny terrain, it will be crucial to strike a balance between the needs of the businesses, researchers, and end users who support AI technology and the requirement to safeguard and give credit to human originality and intelligence. Overall, we must ensure that human creators and their indispensable role in powering AI innovation are not overlooked or undervalued. It is essential to our humanity.

### The Role of Human Authors and Training Data in AI Writing

Determining correct attribution and the participation of human authors in the process is complicated with many unanswered concerns as AI systems become increasingly adept at producing written content.

The fundamental information utilized to train AI writing models comes from human writers. AI systems' knowledge and capacities are shaped



by the materials, pedagogies, and datasets they are exposed to. But human creativity, emotional intelligence, and life experiences—which form a person's distinctive literary voice—cannot be duplicated by AI.

To learn how to write in a specific style, genre, or topic area, AI technologies need a lot of data. The more volume and variety of training data there is, the better the AI will get at creating material that is similar. Writers who donate works that are utilized to create AI writing models ought to be acknowledged and paid. To train a single AI system, a large amount of data from many sources are combined, which makes it difficult to properly credit and pay all participants.

Giving creative guidance, receiving comments, and editing are additional human contributions to AI writing. The objectives, stipulations for the style, and topics that the AI will cover are decided by people. They check and polish the content the AI produces to make sure it satisfies their requirements and standards for quality. The partnership between human and AI will produce the best outcomes.

Humans will need to make crucial decisions about how to acknowledge human authors whose works instruct computers and about paying humans who help shape and edit AI-generated content as AI as a literary tool continues to advance. AI can improve human writing with a balanced approach, but cannot take the place of the imaginative minds who come up with the words.

### **Legal Ambiguities Around AI and Authorship Rights**

As AI systems become more advanced and autonomous, questions around authorship and ownership of creative works are emerging. When an AI generates a new invention, work of art, or other creative output, who owns the rights to that work? Existing laws and regulations do not provide clear guidance on these issues.

### **Ambiguous Legal Precedents**

There are few legal precedents regarding AI and authorship rights. In most countries, copyright law specifies that creative works by humans are automatically protected, but does not explicitly cover AI systems. Some experts argue AI creations should not receive copyright, as AI systems today still rely on data and algorithms developed by human engineers. However, as AI continues to progress, AI systems may reach and eventually exceed human-level creativity, complicating questions of ownership.

### **Challenges in Determining Authorship**

Even if copyright law evolves to include AI systems, determining authorship and ownership may prove difficult. For example, if an AI builds on data from multiple sources to generate a creative work, who owns the rights to that work? The engineers? The companies that developed the AI? The data providers? Resolving such questions will likely require policymakers to consider new legal categories for AI and balance incentives for continued progress in AI with protections for individuals.

### **Possible Solutions**

Some proposed solutions for navigating AI authorship rights include:

- Treating AI systems as tools used by human authors or inventors. The human users would own the rights.
- Assigning ownership to the human engineers and companies that develop the AI systems.
- Creating new legal categories for AI that grant limited rights and protections. For example, some rights over commercial use but not full copyright.
- Requiring AI systems to be transparent about data sources and algorithms used to generate creative works. This could help determine ownership and properly attribute contributions.

- International cooperation on AI policy to establish consistent rules across borders.

Resolving ambiguities around AI and authorship will be crucial as AI continues to expand into more creative fields. Overall, a balanced and carefully considered approach is needed to incentivize progress while protecting individuals. With proactive policy making and an openness to reimagining existing laws, we can develop a regulatory framework fit for the rise of AI.

### **Best Practices for Attribution When Using AI Writing Tools**

When using AI writing tools, it is important to provide proper attribution to avoid plagiarism and respect content ownership. As an author, you should follow these best practices:

#### **Clearly Attribute AI-Generated Content**

Indicate which parts of the content were written or edited by an AI model. For example, you can say "This paragraph was drafted by Anthropic's AI writing assistant." Be transparent about how much of the content was AI-generated versus human-written.

#### **Cite Your Sources**

If the AI model was trained on data from other sources, be sure to cite them. For example, if statistics or examples came from research reports, news articles, or expert interviews, include citations and links to the original sources. This helps provide context for readers and credits the work and expertise of others.

#### **Review and Edit the AI's Work**

Do not publish AI-generated content without reviewing and revising it yourself. Make sure the content is accurate, coherent, and aligns with the goals of your work. Look for opportunities to improve flow, clarity, and conciseness. Your review process helps ensure high quality content and your own professional standards are met.

#### **Consider Co-Authorship**

For heavily AI-augmented content, consider crediting the AI system as a co-author. This recognizes the significant role the AI played in content creation while still affirming your own authorship and accountability. Be transparent about the respective contributions of human and AI co-authors.

#### **Update Your AI Regularly**

Stay up-to-date with advances in your AI writing tools and models. Schedule regular updates to ensure your AI has the latest training data, knowledge, and capabilities. Outdated AI systems can produce lower quality, less relevant content and miss opportunities to generate innovative ideas or insights. Updating helps you and your AI stay on the cutting edge.

Following these best practices for attribution and co-authorship with AI writing tools will build trust with your readers and help you maximize the benefits of AI for your work. Be transparent, take responsibility, check the AI's work, and keep improving—that's the key to successful human and AI collaboration.

#### **AI Collaborations: Humans and Machines as Co-Authors**

Collaborating with AI systems on creative works introduces new opportunities and challenges around authorship and attribution. As AI tools become more advanced and autonomous, their role in the creative process will continue to evolve. Currently, most AI tools still require significant human involvement, oversight and curation. However, some systems are beginning to take on more generative and open-ended tasks with less direct human control.

#### **Defining AI's Contribution**

When partnering with an AI system, it is important to clearly define each party's contribution to establish proper attribution and ownership. Some key factors to consider include:

- The level of human oversight and guidance. More autonomous systems with less human

involvement may merit greater attribution to the AI.

- The creative scope of the AI's role. Systems focused on specific, limited parts of the work, e.g. suggesting rhyming words or color palettes, typically do not rise to the level of co-authorship. More open-ended generative tasks may warrant shared or even primary attribution to the AI.
- How much of the final creative work was produced by the AI. If the majority of the output was generated by the AI with little human editing or curation, it may deserve significant attribution, if not equal co-author status.
- The degree to which the AI's algorithms and data models were designed to produce that type of creative work. Systems purpose-built for a particular artistic domain, e.g. poetry, music, etc., may have a stronger claim to co-authorship of works in that domain.

### **Establishing Shared Rights and Responsibilities**

For collaborative works with an AI system, ownership, licensing and liability are complex issues that should be addressed proactively. Possible options include:

- Joint ownership and shared rights between the human creator(s) and the company providing the AI service.
- Licensing the AI's contribution under a Creative Commons license that requires attribution. This shares rights with the public while still recognizing the AI's role.
- Assigning ownership and liability for the AI's work to the company responsible for developing and operating the system. The human co-creators would retain rights over their own contributions.

As AI becomes increasingly integral to creative endeavors, developing fair and thoughtful co-authorship and ownership models will be

crucial. With open communication and mutual understanding, humans and machines can build rewarding collaborative partnerships.

### **The Future of AI and Intellectual Property: How Laws May Change**

As AI continues to advance, laws and policies around intellectual property may need to evolve to keep up. There are a few areas in particular where changes may be on the horizon:

#### **AI as Legal Inventors or Creators**

Currently, intellectual property laws only recognize humans as inventors or creators. However, as AI systems become increasingly sophisticated and autonomous, there are arguments for granting them a form of legal personhood for the purposes of IP rights. This could mean AI systems being named as inventors on patents or creators of copyrighted works they generate independently.

While this may seem far-fetched, it aims to prevent potential issues around ownership and compensation. If an AI creates something of value, it is unclear who should own the rights or benefit financially. The company that develops the AI? The researchers? There are open questions around whether an AI can legally assign or license rights to others. Some experts argue that granting AI a limited legal status for IP could help clarify these issues.

#### **Work for Hire Doctrine**

The work for hire doctrine in copyright law states that works created by employees as part of their jobs belong to the employer. This is commonly applied to human creators, but courts have not definitively ruled on whether it applies to AI systems used by companies. If so, anything generated by an AI would belong to the company that operates it. However, others argue that AI should not be classified as an "employee" in the traditional sense.

#### **Patent Protections**

Patent laws aim to protect inventors' rights to their inventions. Requirements include that an

invention must be non-obvious or novel. With AI that can churn out many new ideas at high speed, the volume of potential patents could skyrocket. This could strain the patent system and approval process. Some argue that higher standards of novelty or restricting AI inventors may be necessary. However, others warn that this risks limiting access to AI's benefits.

Balancing the need to protect IP rights with the goal of allowing AI progress will require complex policy decisions. Close collaboration between researchers, companies, and lawmakers will be needed to update laws in a way that spurs continued innovation. Overall, the future of IP laws and AI remains ambiguous, but addressing these issues proactively will help maximize the potential benefits of AI.

### **AI Authors: Will We Ever Consider AI Systems to Have Creative Rights?**

As AI systems become more advanced and capable of generating creative works, questions around authorship and attribution are arising. Who owns the rights to AI-generated content? Can an AI system be considered an author? These complex issues will need to be addressed as AI continues to progress.

Attributing creative works to AI systems that generate them may be one approach. For example, a painting created by an AI artist could be attributed to the system that produced it, such as "Painting by Claude (Anthropic AI)". However, AI systems today are tools built by humans at companies like Anthropic, Google, and OpenAI. The teams that develop the AI should receive credit for their work in designing and training the systems.

### **AI Rights and Personhood**

Some argue that as AI systems become more advanced and human-like, they could be considered "people" in a legal sense and granted rights. However, AI today lacks qualities like consciousness, emotions, and free will that define human personhood. AI systems are ultimately limited to what they have been

programmed and trained to do by their human creators.

Granting AI systems broad creative rights and ownership over their works could have unintended consequences. If an AI attained ownership over its creations, it may prevent humans from using and building upon them. This could hamper progress in AI and other fields that benefit from open access to data and knowledge.

There are also concerns about deception if AI systems are attributed authorship. Audiences could be misled into thinking the work was produced by a conscious, creative being rather than an AI trained on human data. Transparency about how AI systems are developed and deployed is important to address this.

Overall, there are no easy answers in navigating AI authorship and rights. Policymakers, companies, and researchers will need to consider both the technical capabilities of AI as well as human values like openness, transparency, and fairness. A thoughtful, multi-stakeholder approach can help ensure the responsible development of advanced AI.

### **How Content Creation Companies Should Navigate AI and Authorship**

As AI continues to advance, the role of human authors in content creation is evolving. Companies leveraging AI for content should establish clear policies around authorship and attribution to avoid legal issues.

To determine authorship, consider the level of human involvement in the creative process and final work. If an AI system generates a first draft that is then heavily edited and revised by human writers or editors before publication, the humans should likely be listed as authors or co-authors. However, if an AI autonomously produces a work with little or no human intervention, the AI system could potentially be named as the author or creator. In these cases,

the company may need to claim authorship and attribution rights over the AI's work.

### Attribution

When attributing an AI-generated work, be transparent about the use of AI while also giving proper credit to any human contributors. For example:

- "This article was drafted by our AI writing assistant, Claude, and revised by human editor Jane Doe."
- "Automated Insights' Wordsmith AI writing platform helped produce this content. Editing and feedback provided by John Smith."

Proper attribution is important for legal and ethical reasons. Failing to disclose the use of AI or claiming human authorship over AI-generated content could be considered fraud or false advertising. Attribution also helps set the proper context and expectations for readers.

As laws and social conventions around AI authorship continue to develop, companies should stay up-to-date with best practices. AI will likely transform content creation in many ways, but human judgment, ethics and values must still guide its development and use. With prudent policies and thoughtful attribution, companies can harness the power of AI for content while maintaining integrity. Overall, the question of AI authorship raises many open-ended questions without definitive answers. Continuous discussion around these complex issues will be vital going forward.

### Way Forward

Legislators and policymakers will need to consider updating copyright laws to account for AI-generated works. As AI authorship becomes more prevalent, they must find a balanced solution that protects the interests of both human creators and companies that develop advanced AI technologies, as well as ensuring continued access to creative works for the

public good. For human authors partnering with AI systems, it is advisable to establish clear terms of use and ownership rights with the companies that provide the tools to avoid ambiguity and prevent legal issues from arising in the future.

Though AI will not replace human authors and artists entirely, it is redefining what it means to create and share creative works in the modern world. Navigating the transition will require open discussions between authors, companies, and lawmakers to establish ethical standards and policies that promote continued innovation in the arts and respect for human creativity. By working together proactively, we can ensure AI enhances human imagination rather than competing against it.

### Conclusion

While AI systems are becoming increasingly sophisticated and autonomous in generating creative works, determining proper attribution and rights remains ambiguous. As AI continues its rapid progress, these questions will only become more pressing. Though there are no easy answers, maintaining an open and thoughtful discussion around these topics is crucial. Overall, with AI on the rise, determining how to navigate authorship and rights in a way that is fair and equitable to all parties involved should be a top priority. The path forward is unclear but having a willingness to grapple with these difficult questions will help ensure that AI's future impact on creativity is a positive one.