Determining the Copyright Holder for AI-Generated Content: Human Creator, AI System, or Platform?

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Abstract. AIGC has become popular which brought legal issues concerning the ownership of copyrights. This paper will examine the question of who deserves to be a copyright user; human users or AI systems, or development platforms. The main problem of AIGC is that its output does not contain the independence of intent and creativity but rather violates the copyright laws. To this, other countries react differently: the United States follows the rule of human author, the European Union is experimenting with new frameworks, whereas China is likely to introduce AI as a secondary instrument. This paper believes that humans should be given copyrights since they are the individuals who assume the decisive and dominant role in the entire creative process. Essentially, AI systems are hardware and software devices, which cannot be a product of their own and do not personally qualify as the subject of the law. The platform position must be one of the managers who will go through the contents, prevent and control any risks. To encourage the creative process of advancing the laws to fit the technological progress, this paper offers to suggest that legislation ought to explicitly lay out the preeminent role of human creators, and augment the compliance obligation of platform makers. Simultaneously, it must maintain some level of flexibility and open up to the prospect of acknowledging some rights of the developers or platforms under given conditions so as to balance the rights and interests of pinnacle creators and technological advancement.

Keywords: AIGC, copyright ownership, human creators, platform responsibility

1. Introduction

Artificial intelligence is rapidly advancing and has reshaped most industries. In content generation more specifically, artificial intelligence generated content (AIGC) has gained prominence in the fields of journalism, art work, advertisement design, code creation and so on. AI systems, in particular generative adversarial networks (GANs) and large language models (e.g., GPT-5) allow machines to produce creative text, images and videos either automatically or with the help of humans. With the increasing use of AI and its ability to write, create, and produce of high quality, some copyrights debates have escalated as to who owns copyrights in AIGC [1].

Currently, an integrated local or global legal rule does not exist to determine the copyright holder of the AI-generated content. Copyright regimes have been around since the time of human authors; AIGC comes with and brings about new challenges. Owing to its suitability and breadth of

applicability, the existence of relevant issues is being discussed internationally, including in the United States or European Union, although there are great differences in legislative approaches. Some of the cases in China relate to AIGC dispute, but the current legal framework simply fails to clarify that AI is a special subject of creative work to be copyrighted. This paper examines the issues of establishing the roles and responsibilities of human creators, AI systems, and the providers of platforms in setting copyright when it comes to AIGC and how the existing legal system ought to evolve to safeguard such creations to the fair allocation and protection of rights attached to it. The paper methodologically takes the approach of a literature review, comparative analysis and the case analysis to integrate the domestic and foreign legal rules to discuss how existing frameworks address ownership-related concerns in AIGC and suggest a copyright regime that would conform to the current trends in the development of AI. It will aim to explain the AIGC copyright topic, outline legal duties of the parties involved in creative operation, and offer the theoretical and practical advice on how to develop the Chinese copyright protection service towards AIGC. The paper aims at advocating an enhancement of the Chinese law regarding the balancing of technological innovation and copyright protection in the face of the accelerating development of AI through thorough study of the topic.

2. Legal characterization of the AI-generated content

2.1. What is AI-generated content and what its characteristics are

The AI systems are also capable of continuously creating content on their own and thereby optimizing themselves, in an existing and pre-defined creative system, with machine learning and deep learning algorithms. This allows AI to design in a more industrialized application, which generates various outputs that fall outside the conventional artistic discipline. Examples of this are that AI text-generating systems can produce news stories, novel texts and advertisements, whereas fake character and landscape systems have the potential to write virtual characters and landscapes, being more flexible in format. Nevertheless, the legality of AI-generated content is not clearly defined in the existing copyright law because AI systems are neither natural nor legal persons having a legal personality. Existing rules only more tangibly refer to people as the creators with human consciousness and creative thought, which is contested by AIGC, making it more difficult to identify the subject of copyright. They are neither natural nor legal persons having legal personality, thus it is not well defined how the outputs of the AI systems are treated under the existing copyright law [2]. In accordance with the current regulations, the authors are only people with the human consciousness and creative thought. AIGC argues with this assumption and makes the determination of copyright subject more complicated.

2.2. Disprove of AIGC and traditional works

The subject of the creative work is the central dissimilarity. Through the traditional copyright law, human creators are identified as one who was creative and intended to be independent. Algorithms generate AIGC which does not inherently and merit the motivational notion of intent or creativity; therefore, it does not conform to the traditional idea of authorship [3].

As much as AIGC may be innovative, it does not include the human thought and emotion as in authorship. The AI is an efficient content creation tool, although it lacks autonomy and originality. As an example, image generators can create outputs based on the current artworks or datasets, and originality in such a case reasonably differs in regard to the conventional generation of artwork.

3. The recent position of determining the copyright subject of AIGC at home and abroad

3.1. International experience

We may begin the discourse with the case in the United States. U. S. law on copyright holds that works must have a human author. In the opinion of the U. S. Copyright Office (USCO), it is not possible to list purely AI-generated content as a human-authored work, which makes it ineligible to receive a copyright. The general interpretation of the courts is that the copyright does not belong to AI, but developers or users [4]. Indicatively, the USCO refused to copyright an AI-generated image in the year 2019, stating that it was not the human interest in the image. Although this warrants protection to the traditional authors, the framework is not able to suitably accommodate AIGC.

Then we are going to speak about the case of the European Union. The EU strategy is relatively loose. The European Commission has realized in its Digital Single Market (DSM) strategy that they will have to review the allocation of copyright to AIGC. Even though the existing guidelines continue to assume that humans are in charge, more deliberations have included giving some rights to the users of AI tools. There are Member States, which consider the change in the way copyright rules should be applied to AI development. Indeed, the U. K. has engaged in consultation on whether or not users of AIGC tools ought to have some creative responsibilities, or not, although the law is not yet very clear about the objects of copyright on AIGC [5].

At last, we should talk about what is happening in China. The copyright legislation of China does not comment specifically on AIGC. Courts and governments generally use the old system and consider AI a means of accomplishment and distribute rights to consumers or creators. The 2020 Copyright Law changes of China demand that the works must be original and the iniquitousness of originality in the machine-based nature of AI lacks attributability [6]. In practice, certain courts have granted the rights to developers or platforms when their technology and algorithms aid in generation, as it illustrates the struggles that the system faces to accommodate AI.

With the development of AI and its spread of uses, possible future legislation would seemingly offer the crowd of developers of AIGC a better understanding of the copyright topic, offering more specific guidance by considering the disparities between AI-supported and traditional production.

4. Law review on the discovery of the subject of copyright in AIGC

4.1. Human creation responsibility

Humans who apply AI in the creation regime are typically entitled to the major copyright liability. AI is an instrument; physical oversight is in the hands of human designers, responsible for guiding and changing the course and determining what will happen. The creators decide between themes, styles and structures, and interfere by providing inputs, choosing algorithms and adjusting models. They therefore should be responsible in leadership, expression and results and copyright should rest in their hands.

In art, an artist who employs AI, nevertheless, curates originality, style and subject. Even though AI is capable of generating aesthetically pleasing results, it is not always emotional and deep. Artists define the course of the work through the creation of prompts and parameters, so rights are supposed to belong to the human beings who create works [7].

4.2. Legal status of AI systems

As tools, AI systems do not have independent legal rights due to the copyright law. Although they play an essential role, they do not meet the fundamental aspect of what is called by the copyright doctrine as creativity. It is an engine of creation, which depends on algorithms and information and frequently does not communicate any intention or feeling on the part of the human.

Although AIGC might seem innovative, its novelty is not bound by the law. Copyright presupposes some level of independence and intellectual work, expressing the feeling, will, and character of the author, which are missing in the works of the AI [8]. The combinations of AI are based on past data and models and not on a creative motivation. Hence, AI cannot be the one being subject to copyright.

4.3. Platform responsibility

The AI systems are associated with some duties of the platforms offering them. Outside the technical assistance, they ought to oversee the process of creation in order to reduce the potential risk of infringements, make sure that AI systems do not infringe the rights of others, and implement the actions to prevent infringement.

Since their immediate contribution with regard to technical operability- structures and datasets, platforms must adopt review systems to identify and prevent offensive outputs, and apportion rights between account holders and architects through contracts. They are also not supposed to train using illegal data and in support traceability of privileges in produced material [9].

5. Policy recommendations to improve copyright protection for AIGC

As AI technology develops, AIGC has become central to creation across text, images, audio, and video. Yet ownership questions raise legal challenges. The current framework struggles with authorship identification and responsibility allocation. Reforms and practical measures are needed.

5.1. Improve the legal framework: clarify identification of the copyright subject

Under current law, human creators are typically recognized as authors. The U.S. Copyright Office has stated that AI itself cannot be an author; AI functions as a tool and does not meet the requirements of "creativity" and "independent intent." Accordingly, copyrights should belong to the natural person using AI to create.

Even where AI plays an important role, creative control remains with humans, who decide direction and refine results. Thus, rights should vest in human creators rather than AI systems or platforms.

Although AI systems cannot be copyright subjects, in certain situations, AI developers or platforms may meaningfully shape outputs [10]. The DSM discussions of EU imply re-evaluating the allocation in which the tools play a major role in creation, and it may be that developers or platforms are discerned as co-authors or co-rights-owners in restricted circumstances. The transparent regulations would be more just in distributing rights and making the law more flexible.

5.2. Enhance platform duty: platform compliance and copyright

There is some form of responsibility of the platforms in cases of contents created by the users that violate the U. S. Digital Millennium Copyright Act (DMCA). In the case of AIGC, use of platforms

should not be restricted to the traditional safe-harbor models and both ex-ante and ex-post compliance checks should be put in place to assist in certifying originality and legality.

Platforms must have clear rights declarations and management- Each platform should enable registration, attribution, and traceability (e.g. using smart contracts). They are to make creators aware of ownership and responsibilities to avoid competence, and put in place inspection mechanisms to eliminate training with unlicensed information.

5.3. General education and legal consciousness

It is important to increase legal awareness in the population, content creators, and platforms. Governments have the opportunity to hold lectures and guidance materials to spread the copyright essentials and responsible use of AI. To mitigate risk, industry associations and platforms are to encourage self-regulation, standard publication, organize training, as well as dispute-resolution mechanisms.

5.4. International co-ordinating and cooperation

Although there is a foundation in the Berne Convention, it is not comprehensive in AIGC. To ensure common standards, the international community would want to revise tools or make combined statements explaining the authorship and rights to AIGC.

Nations ought to ease collaboration between regulators, platforms, and rightsholders to exchange copyright material and trace rights across countries, offer viable solutions to the cross-border enforcement, and minimize conflicts.

6. Conclusion

In this paper, the author will analyse what should be identified as the copyright object in the case of AIGC and suggest an adequate legal framework. When examining the roles and responsibilities of human creators, AI systems and platforms, this paper concludes that the Copyright in AIGC belongs in human creators as opposed to AI systems and platform creators. Even though AI makes an important contribution, it cannot possess the so-called creativity and will of its own, characterized by the standard copyright law; AI is an instrument, and creative control should be left to humans. Artificial intelligence, consequently, can not be a copyrightable entity. Platforms offer technical support and are not in general to be considered authors, but are expected to deal with copyright risks by compliance.

It is both theoretically and practically important to clarify the pivotal position of human creators to make sure that the legal frameworks will be adjusted in order to balance between protection and innovation. Suggestions based on the platform roles and the right treatment can be offered to enhance the current systems and advance healthy development of AI.

Further developments in research are the investigation of protection mechanisms, the differences between AI-assisted or human-written creation in such areas as art, journalism, and advertising, and the cross-border problems. Alongside the development of AI, it might be necessary that legislators reconsider the definition of author and come up with a new set of criteria, the development of which must keep pace with technology to create a more comprehensive system that is less rigid.

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