The creation of works by artificial intelligence systems (AIS) challenges our perception of creativity, and raises questions about copyright protection. The Copyright Directive provides special protection to computer programs, which are defined as "original works created by human beings.

International trends show a different definition of authorship than before. In China, for instance, copyright protection would not be available. However, it is unclear whether the AIS would be considered a creator, or whether works automatically generated by an AIS can qualify for protection under copyright law.

International trends show a different definition of authorship than before. In China, for instance, copyright protection would not be available. However, it is unclear whether the AIS would be considered a creator, or whether works automatically generated by an AIS can qualify for protection under copyright law.

The question of whether a work is original is of utmost importance. A work is considered original if it is the result of the author's own intellectual creation. If an AIS is an algorithm that follows a set of rules, it may not qualify as an original work. An AIS is choosing among a range of pre-existing options, which means it lacks imagination and thus it could be argued that the AIS is not making any "free and creative" choice. Rather, it is following a set of rules that it has been programmed to follow.

On a policy level, it should also be noted that there is not much justification to protect works as an extension of their (non-existing) personality, or to award it a reward for its (non-existing) effort to create. The human being who owns (or is in possession of) the AIS might need protection for copyright law views them, Kluwer Copyright Blog, November 13, 2018,


Kluwer Copyright Blog