Artificial Intelligence Generated Tracks: Who is the True Author?
(Lagu Ciptaan Kecerdasan Buatan: Siapakah Pengarang Sebenar?)

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ABSTRAK

Atas perkembangan kecerdasan buatan dalam era yang bersifat digital, pelbagai industri telah berlumba untuk melangkaui zon selesa dengan penggunaan teknologi AI dalam kerja mereka. Walaupun para pemuzik berpendapat bahawa muzik merupakan alam yang tidak mempunyai sempadan, sesetengah penerbit lagu telah melangkah lebih jauh dengan mula menggunakan perisian AI dalam menghasilkan lagu. Berikutan kemunculan lagu-lagu yang dijana oleh AI di platform media sosial, persoalan mengenai hak cipta telah timbul apabila penerbit lagu AI menuntut perlindungan hak cipta terhadap karya mereka. Lantaran itu, satu kajian perbandingan terhadap pendekatan yang diambil oleh pelbagai bidang kuasa telah dijalani bagi menentukan sejauh mana konsep pengkaryaan apabila melibatkan karya yang didorong oleh teknologi. Meskipun sesetengah negara secara tegas mensyaratkan keperluan pengkaryaan oleh manusia, pada masa yang sama terdapat juga bidang kuasa yang secara meluas menerima bahawa perisian komputer boleh dianggap sebagai pengkarya, walaupun isu berkaitan AI masih belum ditangani secara khusus memandangkan kemajuan AI hanya muncul dalam beberapa tahun kebelakangan ini. Tidak dapat dinafikan bahawa pindaan perlu dibuat bagi menetapkan sempadan yang jelas mengenai pengkaryaan kerana kebanyakan negara masih belum menangani isu pengkaryaan berhubung lagu yang dijana oleh AI, sebelum perbincangan mengenai hak dan tanggungjawab pemilik hak cipta sebenar dapat dilakukan secara mendalam.

Kata kunci: Kecerdasan buatan, hakcipta, harta intelek

ABSTRACT

With the advancement of Artificial Intelligence technology in the digitalised era, various industries have started to redefine their comfort zones by endeavoring AI technology in their work. While musicians propose that music has no boundaries, song producers have made a step ahead by starting to apply AI softwares in producing AI generated tracks. By virtue of the emerging AI generated songs in social media platforms, the question of copyright arises where producers of AI generated tracks claim for copyright protection over their work. Hence, a comparative study of approaches undertaken by various jurisdictions has been conducted to ascertain the extent of authorship when it comes to technology-driven works. While some nations strictly necessitate the requirement of human authorship, at the same time some jurisdictions widely accept that computer softwares could be regarded as an author, despite the issue of AI has not been addressed specifically since the advancement of AI only emerged in the recent years. It is indisputable that amendments should be made in drawing clear boundaries of authorship as most countries have yet to address the issue of authorship in respect of AI generated tracks, before the discussion regarding rights and responsibilities of the exact copyright owner take place.

Keywords: Artificial Intelligence, Copyright, Intellectual Property

INTRODUCTION

The term "reproduction" is defined as the making of a copy or copies of a fixation under Article 3(e) of the Rome Convention 1961.[1] Despite 'fixation' not being defined in the Rome Convention 1961, 'fixations' is widely known to include aural and visual fixations especially when Article 9(3) of the Berne Convention for the Protection of Literary and Artistic Works acknowledges reproduction to include any sound or visual recording.[2] Despite the polemical debate during the 1996 Diplomatic Conference on the treatment of electronic reproductions, it turns out that the right of reproduction under Article 9 of the Berne Convention for the Protection of Literary and Artistic

Works fully applies to digital works as well. As such, ever since the emerging worldwide awareness on the dignity of copyright protection, boosted by the surging users of TikTok and Reels on Instagram, creative electronic tracks and short films on it are the current trends amongst all corners of the society. Specifically, AI generated tracks are gaining popularity amongst content creators whereby one could regenerate a song by changing your voice to the tone of another artist through voice biometrics[3] or even creating deepfake songs. A new era of music industry is arising when the AI-generated song 'Heart on My Sleeve' went viral for cloning the melancholic voices of Drake and The Weekend, achieving a high tier of 8.5 million views in TikTok and more than 250,000 views in Youtube. Even the song 'Magnetic' is chart-topping for reaching 1.2 million views in Youtube for cloning the voices of all thirteen members of the band group Seventeen.

Indeed, copyright legislations are enacted and enforced in various nations in order to appreciate the blood, sweat and tears gone through by the original artists in producing each masterpiece. Nevertheless, since the soaring popularity of AI generated music especially on social media platforms, the question of copyright emerges where producers of the AI generated tracks as well as the AI track generating software itself claim copyright protection on the songs produced. While there have been 181 countries across the globe which conceded to be a signatory of the Berne Convention for the Protection of Literary and Artistic Works, playing the role as the governing treaty for copyright law, [4] the Berne Convention for the Protection of Literary and Artistic Works has granted wide discretion for Member States to enact specific laws on the issue of copyright for the determination of each Member State.[5] As such, a comparative study has been executed to dissect the approaches undertaken by various jurisdictions in respect of the issue of copyright for AI generated music. This study primarily adopts a doctrinal legal analysis, whilst empirical engagement was beyond the landscape of this paper since AI generated music is still not that popular amongst music producers in Malaysia. As such, ethical considerations such as authorial bias and jurisdictional disparities were mitigated through a balanced comparative review. In the future, further ethical inquiry could be taken into account when AI generated music gains popularity in Malaysia.

HUMAN AUTHORSHIP- THE UNITED STATES

As Article I, § 8, cl. 8 of the Constitution of the United States promulgates the progressive advancement of art, authors are guarded by a protective shield by furnishing the respectable authors with exclusive rights as to their creations through copyright as well as patent protection. With high hopes in attaining significant breakthroughs in useful arts, the Digital Millennium Copyright Act of 1998 (DMCA) was enforced to implement the World Intellectual Property Organization (WIPO) Copyright Treaty 1996 and the WIPO Performances and Phonograms Treaty 1996. The effort made by the States to protect the intellectual creations of the admirable authors is clearly evident.

The Berne Convention does not define the term 'author,' leaving it to national laws.[6] S.102(a) of the Copyright Act 1976 has enumerated a list of works of authorship recognised under the law of the States. S.102(a) permits copyright protection for works created with machine assistance, while s.103(a) extends this to compilations and derivative works. Nevertheless, despite the seemingly wide scope being permissible under the Copyright Act 1976, the case of Respect Inc. v. Committee on the Status of Women[7] had firmly established that to be qualified as an author under the Copyright Act 1976, the

contributor must have contributed something original pursuant to the Constitution of the United States as well as statutory sources. In fact, albeit § 311.2 of the Compendium of U.S. Copyright Office Practices recognises authorship in respect of derivative works as in adapting, recasting and transforming pre-existing works, it still necessitates a significant amount of originality through independent creation with creativity, which seems to be a high threshold for AI music producers to attain.[8] The Court of Appeal for the Second Circuit in the case of Alfred Bell & Co. v. Catalda Fine Arts, Inc[9] had laid out that an author must have made significant contributions to the work and not mere trivial variations in respect of derivative works. As originality serves as an essential foundation to copyright, the question of authorship and originality of AI generated songs remains debatable. One could certainly argue that it is up to the song-producer himself to manipulate the AI music generator software to create his own piece deriving from other published songs. Where a coin has two sides, the opposing parties would on the other hand raise that AI generating systems are based on symbolic reasoning, algorithms and artificial neural networks generate outputs of your preference,[10] failing to achieve the threshold of originality and creativity. At the same time, AI generated music might threaten the profit of royalties of the original artist when the larger slice of the streaming pie had been enjoyed by AI generated music despite using the original tracks as the foundation beat.[11]

In the United States, ever since the Copyright Office of the States had rejected Thaler's application in claiming copyright in respect of a computer generated visual work, it has been firmly established that human authorship is an essence under copyright law.[12] By virtue of § 313.2 of the Compendium of U.S. Copyright Office Practices, a work must be created by a human being before it could be qualified as a work of authorship.[13] This is in line with the 1879 decision of Trademark Cases[14] which had established that it was the fruits of intellectual labour that deserved protection by law. As early as in the 1880s, the word "author" has been defined by the Supreme Court of the United States in Burrow-Giles Lithographic Co. v. Sarony[15] as "he to whom anything owes its origin; originator; maker; one who completes a work of science or literature". As evident from the decision of the Supreme Court in Feist Publications, Inc. v Rural Telephone Service Co,[16] originality is the underlying foundation in copyright protection such that independence and creativity play an important role as copyright rewards originality and not effort.

While U.S. courts have consistently emphasized the necessity of human authorship, such decisions were not made in the context of generative AI. This still creates the blind spot for AI music producers whom invested significant efforst in guiding the AI outputs but still fall short of the element of human authorship pursuant to the legal framework in the US.

Imagine a situation similar to the landmark "Monkey Selfie" case of Naruto v. Slater[17] repeats wherein an AI song generating system comes upon the court and allege that it had produced some works entitled to protection under copyright, would the system itself have the locus standi to make such allegations? Unfortunately, a negative response is most likely anticipated by virtue of the decision in Naruto v. Slater[18] which dismissed copyright infringement actions taken by non-human entities. The Copyright Office of the United States has the discretion in refusing the registration of copyright if the piece of work was not created by humans[19] as copyright law serves as a protection towards the intellectual conceptions originally produced by the author.[20] As such, it is vivid that by virtue of the cases decided by the Courts of the United States,

the Courts strictly necessitates the element of human authorship.

Indeed, if the Copyright Office of the States is of the opinion that a specific AI generated work contains sufficient human authorship at the same time, the work may be entitled to copyright protection. Nevertheless, as seen from the example given by the Copyright Office in the Statement of Policy dated 16th March 2023, when a user of an AI software instructs the system to write a poem in the style of William Shakespeare, it was the AI technology itself which decides on the rhyming of the poem, structure of the text and the choice of words. [21] Undeniably, basically it is the AI software which accomplishes the work, in which the degree of human authorship and involvement remains trivial. The same goes for AI generated tracks wherein the foundations were obtained from ready-tracks published in the Internet by artists all over the world and were then further rearranged or derived by the AI music generating softwares into new tracks.

Nat Bach, a partner of Manatt Phelps practising entertainment litigation in Los Angeles had acknowledged that human artistry should prevail over machine-orientated shortcut creations. [22] Given current interpretations of the law in the United States, AI-generated tracks may not qualify for copyright protection unless there is demonstrable human authorship, reflecting the existing emphasis on human intellectual input. Unless and until the Courts of the State recognizes so or that the Congress had expressly enacted and expanded the term 'author' to include non-human entities, AI generated tracks are generally not protected by copyright law unless there is indeed sufficient involvement of human authorship in creating the work.

Further, the element of human authorship was not only emphasized under the copyright laws of the States, but also plays a significant role under the law of patents in the United States. Under the Patent Act of the United States, the term 'individual' was used repeatedly. With reference to § 115 of the Dictionary Act[23] the term 'individual' means a human being, a person, signifying that only a human being could execute an oath under § 115 of the Patent Act that he or she believes that he or she is the original inventor of the invention.[24] Clearly, an AI system or robot would not have such consciousness of being an inventor despite creating a paragon work.[25] As such, in the realm of patents protection, it is certain that under the law of patents, protection is only afforded to inventions created by natural persons.[26]

RECOGNITION OF COMPUTER GENERATED WORKS- UNITED KINGDOM

Prior to the enforcement of the Copyright Designs and Patents Act 1988, the English Courts were inclined to uphold the necessity of human authorship. The Court in Express Newspapers v Liverpool Daily Post had held that a computer equipped with the feature of reproducing winning sequences was no more than a tool similar to a pen. Absurdity would arise if one was to allege that a pen is deemed as the actual author of the work created instead of the person who drives the pen.[27] In spite of the decision, the coming into force of the Copyright Designs and Patents Act 1988 has significantly welcomed changes on the issue of authorship. In stark contrast to the strict requirement of human authorship in the United States, under section 9(3) of the UK Copyright Designs and Patents Act 1988, the individual responsible for making the essential arrangements for a computer-generated musical work is recognised as its author. Accordingly, section 178 of the United Kingdom had defined the term 'computer-generated' in relation to a work as work generated by computer in

circumstances such that there is no human author of the work. Indeed, reading the provisions harmoniously with one another seemingly leads to the postulation that the creator of the AI system is the copyright holder of the result generated by the AI.[28] However, as contended by the learned author in Mind Over Matter: Addressing Challenges Of Computer-Generated Works Under Copyright Law, [29] it is still ambiguous whether it is the person directing the pen or the person arranging the AI generated work who shall be deemed as the author of the said AI generated work. In other words, in the context of producing of AI generated tracks, would the programmer of the AI music generating software be deemed as the author of the said track or it should have been the users of the software creating the tracks to be regarded as the author. As such, the position in the United Kingdom with regards to AI generated works has yet to be clarified explicitly despite recognising computer generated works in general.

In fact, the British Copyright Council had responded to the WIPO draft issues paper on intellectual property and artificial intelligence by reminding that AI generated works are autonomous creations integrating from wide yet scrupulous analysis of existing human works. [30] A dynamic approach had been adopted by the United Kingdom when the Taskforce on Innovation, Growth and Regulatory Reform (TIGRR) report had prompted the United Kingdom's involvement in the field of AI. Accordingly, in the year of 2022, the National AI Strategy was promulgated by the Government of the United Kingdom, presented to Parliament by the Secretary of State for Digital, Culture, Media and Sport by Command of Her Majesty to propose consultations on copyright and patents for AI by the Intellectual Property Office. The question on the extent of protection conferred onto AI generated works requires an explicit answer. Hence, a call-for-views was initiated which had received numerous

responses from all roads of society, be it academicians, workers from the AI technology industry and users of AI softwares. [31] Respondents from the AI technology industry were keen for the view that AI generated works shall be entitled for copyright protection on the grounds that computer-generated works are recognised by virtue of section 9(3) of the Copyright, Designs and Patents Act 1988. This group of respondents were of the perspective that copyright of such AI generated works should reside with the owner or the user of the AI system, instead of residing with the AI system itself. Nevertheless, respondents from creative industries were of the view that conferring copyright protection to AI generated works was not ideal as such AI generated works certainly lack originality and human creativity. While machines and computer programs could produce a song in less than a second, it might take months or even years for a producer to complete a chorus. Certainly, the input and endeavour contributed by human creators in human-authored works are definitely distinguishable from AI generated works. Accordingly, the government of the United Kingdom conceded that there is a need to reconsider the status of computer-generated works, in particular when the work produced was composed by AI without clear human authorship.

In the year of 2022, the Intellectual Property Office had issued the outcome of the consultation regarding the issue of copyright and patents with regards to AI. It was affirmed that no changes were made to the law with regards to computer-generated works on the grounds that there is no evidence for the moment to prove that conferring protection to computer-generated works would lead to detrimental and negative consequences. Whereas with regards to the application of AI technology in various industries, the response by the government of the United Kingdom was that the application of AI is still premature and in its early stages, requiring a

meticulous evaluation as time goes by. A prompt decision to amend or enact specific regulatory laws on the issue of copyright in respect of AI generated works should not be made abruptly for the purpose of preventing unintended outcomes. As such, the government of the United Kingdom had decided to keep the gates open for the law of intellectual property to be reviewed and amended in the nearest future when circumstances necessitate so. The same goes for the scope of patent law in the United Kingdom wherein it was discovered from the majority views of the respondents from the call-for-views, such that AI at that time, was not advanced enough to make inventions without human intervention. As such, in 2022, the government stood by the view that no amendments were needed at that time with respect to patent law as well.

Time flies, and technology grows at an exponential rate. Two years seem to be more than enough for AI technology to grow at a skyrocketing pace. In February 2024, the United Kingdom had established that the Office for Artificial Intelligence became part of the Department for Science, Innovation and Technology, signifying the ascent of AI technology in the United Kingdom.[32] Contemporarily, would there be a need to raise again the question of whether amendments or reformative actions are necessary to ascertain the boundaries of copyright protection conferred onto AI generated works in the United Kingdom? The answer would probably be in the affirmative.

As such, the UK government's 2022 decision not to amend the law reflects a wait-and-see approach. Indeed, the inclusion of the Office for AI under the Department for Science, Innovation and Technology portrays regulatory momentum is on the build. Post-Brexit, UK may have more room to craft in respect of IP laws.

By virtue of the 2023 case of Thaler v Comptroller-General of Patents, Designs and Trademarks,[33] the Supreme Court of the United Kingdom had unanimously held that only a natural person could be regarded as an inventor in the application of a patent. Undeniably this case precisely concerns patent law. Nonetheless, this landmark decision had exerted a reflective impact on intellectual property law in the United Kingdom, promulgating the objective of protecting intellectual creations of individuals.[34] Hence, a clear and explicit reformative amendment is desperately needed to clarify the extent of authorship with regards to computer softwares, specifically when AI software comes into play.

SOFTWARES AS INTELLECTUAL CREATIONS- EUROPEAN UNION

The European Court of Justice in the case of Infopaq International A/S v Danske Dagbaldes Forening[35] had scrutinized into the right of reproduction under Article 2 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society,[36] so long as the work produced was an intellectual creation of the author. Recitals 9 to 11 of the Preamble to Directive 2001/29 had clearly reflected the main underlying objective of Directive 2001/29 which is to protect authors full of creativity and potential in creating majestic works through their own hands. Accordingly, the European Court of Justice in Infopaq [37] clarified that copyright protection applies exclusively to works that stem from the intellectual creativity of their author. Article 1(3) of the Council Directive 91/250/EEC of 14 May 1991[38] on the legal protection of computer programs, on the other hand, seems to resemble the position undertaken by the United Kingdom wherein Article 1(3) confers protection to original computer programs which are the intellectual creation by the authors on their own. Hence, this portrays that a software engineer, who knows nothing about music

production but managed to create an AI song producing software, would still be entitled to protection under copyright law whilst the users of the software were strictly excluded from the realm of copyright.

A POSITIVE RESPONSE- CHINA

Despite the fact that most jurisdictions all over the world were reluctant to expressly recognise AI generated works as eligible to be copyrighted to secure the notion of originality and creativity in production of works, the learned authors of the work 'The copyright protection of AI-generated works under Chinese law' had brought forward that China had made progressive steps to address AI-generated works under copyright law by recognising certain human contributions in cases involving AI outputs. [39] Indeed, in the early stage, a negative response was expected wherein Article 2.1 of the Guideline for the Trial of Copyright Infringement Cases issued by the Beijing High People's Court had vividly emphasized the element of creation by natural persons and originality as essential factors which shall be considered before a particular work is eligible for protection under copyright law. [40] Essentially, the strict requirement of creation by natural persons had comprehensibly excluded AI softwares. However, a landmark turning point occurred in the year of 2019 when the Nanshan District Court had, for the very first time, acknowledged that AI generated objects could be regarded as works under the copyright law. In this case of Tencent Computer Company v. Yingxun Technology Company, the Company Tencent,[41] has developed a software named as "Dreamwriter" which is capable of producing articles automatically. The Court had held that the company Tencent which was responsible for making necessary arrangements in choices of data input, writing styles and other default features had portrayed contributions by human creators. Followingly the works produced by the software had met the conditions under the copyright law to be regarded as a literary work. This case highlights the approach that so long as there is sufficient human contribution in the work, despite being generated by AI, the piece of work might still be regarded as works eligible for copyright protection.

Nevertheless, when it comes to AI generated music, could a user of the AI software argue that he has contributed sufficiently to the AI generated track by choosing the beat or background music that he preferred before extracting and regenerating the original tracks into a new piece using the AI music generating software? The answer would barely be in positive. The original song was definitely a published song before the user could have extracted it and regenerated it using AI softwares. What he needs is merely pick and choose according to his own preferences, without actually having to rewrite or recompose the foundations.

RECOMMENDATIONS

By virtue of the extensive discussion on the different approaches adopted by various jurisdictions, some recommendations could be reflected in Malaysia as the copyright laws in Malaysia had yet to address whether AI generated works and songs could be copyrighted.[42] It is undeniable that the lack of clear and explicit statutory provisions in drawing up a boundary of authorship raises multiple issues in the music industry in majority nations, be it- the issue of copyright infringement, ownership of AI generated music or licensing and commercial use of AI generated songs.[43] The learned authors in 'Copyright and Authorship in AI-Generated Music' proposed that both human programmers and the AI song generating softwares could both be recognised as co-authors to reach a win-win situation to appreciate the impressive endowment of the programmers whilst at the same time conceding to the independency of AI softwares.[44]

On the other hand, the author of the article 'Do Androids Dream Of Copyright? Examining AI Copyright Ownership' had suggested for the adoption of the principle established under the copyright law of the United Kingdom to be applied in the context of the United States by acknowledging the effort and contributions devoted by programmers and software developers. [45] The learned author also postulated the model in pronouncing the AI as the author-in-fact whilst the programmer, and not the users of the AI music generating software, be regarded as the author-in-law for the fair distribution of benefits attained and responsibilities bore. A timeframe limit could be imposed, be it fifty years or a hundred, to prevent both the programmers and the AI music producing system from reaping unreasonable profits.[46] Essentially, it is the programmers themselves together with the aid of AI music generating software that bring AI generated music to the industry. The rights of the programmers and the AI system itself should be accentuated instead of the users of the softwares who hardly contributed sufficient originality, independence and creativity to the AI generated tracks produced.

Fundamentally, what could Malaysia initiate now is to grant copyright to music works if there is sufficient human authorship and contribution in the opinion of the Intellectual Property Corporation of Malaysia while pending the reformative amendments to be proposed to the legislators or for the courts to interpret the boundaries of authorship with respect of AI generated works. As reflected from the case of Wedding Galore Sdn Bhd v Rasidah Ahmad, [47] photographs edited by human authors using computer softwares were still entitled to copyright protection under the Malaysian Copyright Act 1987.[48] Resultant to that, it is certain that sufficient degree of human authorship in the piece of work is still adequate in conferring copyright protection to a technology-driven work. Undeniably, such degree of human

intervention and contribution varies on a case by case basis to be determined by the Intellectual Property Corporation of Malaysia. Whether the requirement of human authorship shall be strictly treated as a prerequisite element before a music work could be copyrighted or the AI tracks generating software could be regarded as co-author would depend on the future direction of the legislative body or the judiciary.

In the long run, the Malaysian Copyright Act 1987 can be amended to include a specific provision akin to the section 9(3) of the Copyright Designs and Patents Act 1988. For instance, a provision may be enacted to acknowledge persons making necessary arrangements for an AI generated work to be regarded as the author. On the other hand, perhaps the scope of Section 3 of the Copyright Act 1987 could be widened to include computer generated work; or an arranger making necessary arrangements in AI generated works could be given an exact definition. Reformative actions could also be undertaken by the Intellectual Property Corporation of Malaysia (MyIPO) in issuing administrative guidelines to assess the level of human contribution in AI generated works. As such, with the aid of statutory provisions and guidelines, the legal framework will be more comprehensive with regards to AI generated works.

CONCLUSION

Essentially, most jurisdictions necessitates the elements of originality, creativity and independence in creating works to be entitled for copyright protection, which unequivocally applies in respect of creating music and songs. Nevertheless, when a sufficient degree of human contribution exists, such that a person in charge had orchestrated the necessary agendas in creating the piece of work, there is still a chance that the work could be copyrighted. Clear boundaries of authorship could be

drawn by legislators or the judiciary to clarify whether AI generated music could be copyrighted when the AI and digital music industry is thriving day by day. Further, it is definitely beyond the shadow of doubt that any AI softwares is the persistent devotion of software engineers and programmers. Followingly, the question of contribution by programmers behind the AI systems should be scrutinised as well on the grounds that the sacrifice and hard work contributed by the programmers behind the scene should not be neglected. Baby steps taken by IT experts would absolutely foster the growth of a digitally literate nation for a prosperous tomorrow.

NOTES

[1] Rome Convention 1961, *Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite* (opened for signature 23 May 1961, entered into force 25 December 1972) 495 UNTS 65, art 3(e).

[2] Berne Convention 1886, *Berne Convention for the Protection of Literary and Artistic Works* (as revised 28 September 1979) 828 UNTS 221, art 9(3).

[3] Vinish Pujari and Bindy Wilson, 'Copyright and Authorship in AI-Generated Music' (2023) 10 *Journal of Emerging Technologies and Innovative Research* 351.

[4] Intellectual Property Rights Office, 'Berne Convention' https://intellectualpropertyrightsoffice.org/berne_convention/ accessed 9 November 2024.

[5] Jane C Ginsburg, 'The Concept of Authorship in Comparative Copyright Law' (2002) 52 *William & Mary Law Review* 1063, 1092.

[6] Sam Ricketson, 'People or Machines? The Berne Convention and the Changing Concept of Authorship' (1991) 16 *Columbia-VLA Journal of Law & the Arts* 1.

[7] 815 F. Supp. 1112, 1120 (N.D. Ill. 1993)

[8] *Compendium of U.S. Copyright Office Practices* (3rd edn, United States Copyright Office 2021) https://www.copyright.gov/comp3/ accessed 10 November 2024.

[9] 191 F.2d 99 (2d Cir. 1951)

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[13] *Compendium of U.S. Copyright Office Practices* (3rd edn, United States Copyright Office 2021) https://www.copyright.gov/comp3/ accessed 10 November 2024.

[14] 100 U.S. 82 (1879)

[15] 111 U.S. 53

[16] [1991] 499 U.S. 340

[17] No. 16-15469 (9th Cir. 2018)

[18] *Ibid*.

[19] *Supra,* n 13.

[20] Burrow-Giles Lithographic Co. v. Sarony, 111 U.S. 53, 58 (1884)

[21] U.S. Copyright Office, '37 CFR Part 202: Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence' (Federal Register, Vol 88, No 51, 16 March 2023) https://www.federalregister.gov/d/2023-05348 accessed 10 November 2024.

[22] Transcript of Proceedings, *In the Matter of Copyright and Artificial Intelligence: Music and Sound Recordings Listening Session* (31 May 2023, United States).

[23] 1 U.S.C. § 1 (Dictionary Act) (as amended).

[24] Patent Act § 115.

[25] *A Siri-ous Societal Issue: Should Autonomous Artificial Intelligence Receive Patent or Copyright Protection?'* (2020) 11 *Cybaris* 81, 88, 132.

[26] Michelle Lavrichenko, 'Thaler v. Vidal: Artificial Intelligence—Can the Invented Become the Inventor?' (2022) 44 *Cardozo Law Review* 1, 10.

[27] [1985] 3 All ER 680

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[29] Tzipi Zipper, 'Mind Over Matter: Addressing Challenges of Computer-Generated Works Under Copyright Law' (2022) 22 *Wake Forest Journal of Business & Intellectual Property Law* 129, 241.

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[33] [2023] UKSC 49

[34] Copyright, Designs and Patents Bill [Lords], HC Deb 28 April 1988, vol 132, cc 525-99.

[35] [2009] ECLI:EU:C:2009:465

[36] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L 167, 22.6.2001, p 10–19.

[37] [2009] ECLI:EU:C:2009:465

[38] Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs [1991] OJ L 122, 17.5.1991, p 42–46.

[39] Zhe Dai and Banggui Jin, 'The Copyright Protection of AI-Generated Works under Chinese Law' (2023) 13 *Juridical Tribune* 55.

[40] Beijing High People's Court, *Guideline for the Trial of Copyright Infringement Cases* (art 2.1).

[41] Judgement No. 14010, 2019

[42] LPPLaw, 'Who Owns the Copyright Work in AI-Generated Art?' https://lpplaw.my/insights/e-articles/who-owns-the-copyright-work-in-ai-generated-art/ accessed 11 November 2024.

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