



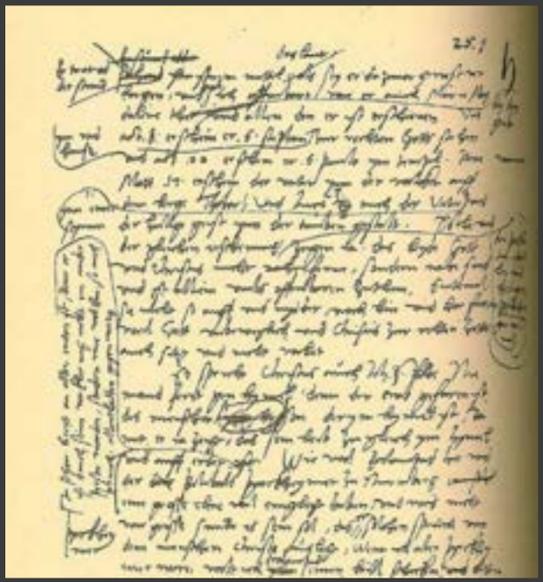
Atlanta University Center
Robert W. Woodruff Library

AI and Copyright in the US

Navigating AI Creativity and Copyright



Applies to music, visual art,
literature and more



Protects Original Works fixed
in a tangible medium

Copyright Basics

Fair Use Considerations

Purpose and character of work

To justify the use as fair, one must demonstrate how it either advances knowledge or the progress of the arts through the addition of something new.

Nature of the copyrighted work

Because the dissemination of facts or information benefits the public, you have more leeway to copy from factual works such as biographies than you do from fictional works such as plays or novels.

Amount used and market impact

The less you take, the more likely that your copying will be excused as a fair use. However, even if you take a small portion of a work, your copying will not be a fair use if the portion taken is the “heart” of the work.



Includes Generative models for
text, music, and images

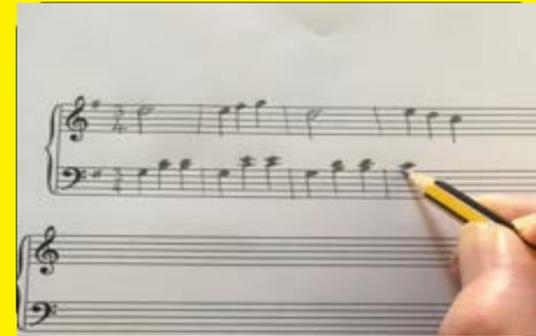


Content Generated with the
assistance of algorithms



What is AI Generated Content ?

AI & Music



Training on Copyrighted Music Datasets



Style Imitation vs Direct Copying



Sampling, Fair Use, & Derivative Works

AI & Visual Artwork



Image generators trained on large art datasets



Concerns from artists about consent and compensation



Style Replication vs Copyright Infringement

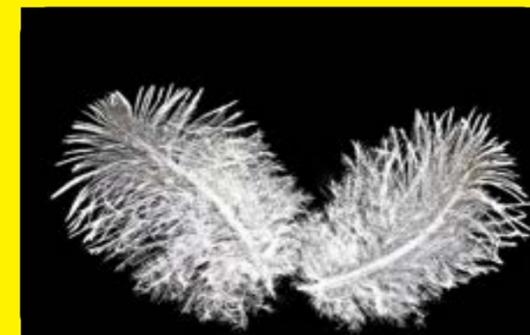
AI & Creative Writing



Text generation trained on books and articles



Copyright protects expression, not ideas



Outputs must be evaluated for substantial similarity

Authorship & Ownership

US Copyright Office
requires human
authorship

The Human Authorship Requirement The U.S. Copyright Office will register an original work of authorship, provided that the work was created by a human being.

AI-only works are
not copyrightable

The US Copyright office report explicitly stated that works fully generated by AI without meaningful human creative input are ineligible for copyright protection and will remain in the public domain because they do not meet the statutory definition of authorship.

Human –AI
collaboration
may be
protected

Eg. - The Report reiterates the views set forth in the 2023 guidance that a human can select or arrange AI-generated material in a sufficiently creative way such that “the resulting work as a whole constitutes an original work of authorship,” or can modify AI-generated works to such a degree that the modifications meet the standard for copyright protection.

Current Legal Landscape

01 Ongoing lawsuits involving AI companies

02 No definitive Supreme Court rulings yet

03 Policy and legislation are evolving



In Flux

While litigious and legislative efforts continue, experts find it difficult to advance these efforts and keep pace with an ever changing AI landscape

Key Takeaways for Academics

01

Use AI as a “tool”, not a replacement for human authorship

02

Teach ethical and legal AI use



03

Expect continued legal and legislative change

04

Never stop asking “What does it mean to be human?”

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