

ARTIFICIAL INTELLIGENCE AND COPYRIGHT

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Abstract

Artificial intelligence is the best example of technological development. It can perform a variety of simple or complex tasks. Along with the development of AI, the need to regulate many new legal issues has arisen, due to its large-scale use has called into question the legal relations which have already been regulated at the legislative level. One of the matters is copyright. Every day, many images, music, and art-works are created by artificial intelligence, and in such cases, the question arises, should copyright extended to the artificial intelligence's created work, and in the event of the extension to whom should it belong, to the AI itself, the creator of the program, or the person who is trying to create the work by using it. Answering these questions is a subject of discussion in modern science, on which there are differences of opinion.

According to Article 20 of the Constitution of Georgia, creative and copyright rights are protected. However, the extent to which it is possible to extend copyright to works created by artificial intelligence is the main purpose of this article, as well as to discuss the issue of protecting those works that are used to create new works by it. In order for AI to function accurately, it needs a lot of data, which includes thousands and millions of created works, which, in return, are already protected by copyright. Artificial intelligence often utilizes them without any permission, thereby violating copyright, which is one of the most significant issues in terms of rights protection.

The article will be devoted to the discussion of two main matters. Namely, the matter of the extension of copyright to artificial intelligence's work, and the need to protect existing works, which are used by AI to create new ones. The above-mentioned issues will be discussed on the background of international legislative and judicial practice, the opinions of a number of scientists will be proposed, the problematic issues will be emphasized, and solving ways will be proposed.

Keywords: Artificial intelligence, copyright, training data, international practice.

Introduction

The role of artificial intelligence in human life is growing every day. It has already covered many areas that have become largely dependent on artificial intelligence's performed work.¹ If in the past couldn't be found analogue to the work performed by a person, today the issue of using AI instead of a human in various fields is already being actively discussed, which is one of the main challenges of the modern world. It is a fact that the development of artificial intelligence has led to a disruption of the balance that already existed in the world. If previously almost all areas of a person's life were related to the humans' work, through a mechanical system it has become possible to obtain similar or better labor results than a person.

Artificial intelligence has also invaded in the field of culture, it makes possible to create high-quality literature, paintings, music, and other works of art. Today, various artificial intelligences are being created for different fields of art, and a lot of investment is being made in them. AI's created content didn't make only for aesthetic pleasure, but also for business. Today, there are already plenty number

¹ For example, in the service sector, a large part of the operators of companies are robots that provide assistance to customers, while in the financial sector, artificial intelligence processes information and makes the best financial decisions. See also. Sharma, G., Amoozegar, A., Najeeb, A., „Transforming Traditional Outsourcing Models: The disruptive impact of AI” In a book Yadav, M, Pendey, A, Huzoore, G., (editors), „Global work Arrangements and outsourcing in the age of AI”, “IGI Global Scientific Publishing”, 2025. p. 344-345.

of works created by AI that have been sold for a solid amount of money.² However, the question if copyright can be extended to works created by artificial intelligence is interesting. Obviously, when investments are made, investors need solid guarantees of protection so that the product they have created does not become available to everyone, which is ensured by the extension of copyright to the already created work, the implementation is unlikely under the current legislative framework.

On the one hand, artificial intelligence creates a work, for the protection of which, in modern conditions, the possibility of extending copyright is being considered, but on the other hand, it often itself violates copyright when it illegally enters already created works into the artificial intelligence database to create a new ones.³ The regulation of this issue is another challenge of the modern world, in relation to it, it's necessary to study the matter in depth. Both doctrinal and comparative legal research methods will be used to discuss these issues. In particular, the legislation and judicial practice of Georgian, European, American and other leading countries will be used to identify modern problematic issues and ways to solve them will be proposed.

1. Artificial Intelligence's Created Work and Their Importance in Terms of Copyright Protection

Consumer demand for artificial intelligence created work is getting bigger every day, as evidenced by the rapid development of the industry and the funds spent on purchasing its products. For example, one of the first paintings created by artificial intelligence in 2018, called "Portrait of Edmond de Belamy", which was created by "GEN AI", and it was sold at auction for \$ 432,500.⁴ In 2024, the first painting created by a humanoid robot, titled "Portrait of Alan Turing," which was sold at auction for over \$1 million, and it was created by an artificial intelligence called "Ai-Da."⁵

In this regard the music industry is also interesting. If earlier music was directly related to human creativity, today it is possible to create a lot of musical works through artificial intelligence. Professor Eduardo Miranda has been researching the impact of AI on music for years, after which he concluded that artificial intelligence has a positive impact on the music industry, due to it allows the creation of a lot of compositions.⁶ Creating music by using artificial intelligence is very attractive, considering that the creation process is simplified and it is related with lower costs. An example of this is the music created for computer games using AI, namely "Melodrive", which has reduced the costs allocated to music creation more than ninety percent.⁷ Additionally, according to a global economic study, the AI-powered music market is expected to grow from \$3 billion to \$64 billion by 2028.⁸ This indicates a significant increase in the role of artificial intelligence in the music industry.

Artificial intelligence is actively used in the field of design. especially, it can be used to create graphic, product and interior design that gains efficiency and aesthetics. According to a study which was conducted in 2023, this market was estimated at about half a million dollars, although its amount is expected to increase to eight million dollars by 2033, which implies more investments in this area.⁹

² For example, a portrait of "Allan Turing" created by artificial intelligence, which was sold for a million dollars. See. Pope, A., "AI artwork of Alan Turing sells for \$1m", BBC Article, <https://www.bbc.com/news/articles/cpqdvz4w45wo> [L. s. 28.10.2025].

³ Klobucnik, L., „Intellectual Property Regulation of Artificial Intelligence: A Matter of Time or a Step Too Far?“ In a book, Naim, N (editor), "Developments in Intellectual Property Strategy: The Impact of Artificial Intelligence, Robotics and New Technologies", "Palgrave Macmillan", 2024. p. 95-96.

⁴ Falcon, W., „What Happens Now That An AI-Generated Painting Sold For \$432,500?“ Forbes Article, <https://www.forbes.com/sites/williamfalcon/2018/10/25/what-happens-now-that-an-ai-generated-painting-sold-for-432500/> [L. s. 28.10.2025].

⁵ Pope, A, See footnote. 2.

⁶ LI, L., "Artificial intelligence, an earthquake in the copyright protection of digital music", in a book, Bielicki, D., (editor), "Regulating Artificial Intelligence in Industry", „Routledge, Taylor & Francis Group“, 2021. p. 100.

⁷ Ibid, p.100.

⁸ CISAC, „Global economic study shows human creators' future at risk from generative AI“, Cisac Study, <https://www.cisac.org/Newsroom/news-releases/global-economic-study-shows-human-creators-future-risk-generative-ai> [L. s. 28.10.2025].

⁹ Ibid.

The artificial intelligence industry should be considered one of the fastest growing markets of the 21st century. Today, there is almost no profession or area of human life where it does not have a significant impact. Investments made by businessmen in AI clearly illustrate the mechanics of business development. For example, according to a study conducted by one of the authoritative organizations, by 2033 the artificial intelligence industry is expected to reach 15.7 trillion dollars in the global economy, which is a huge amount of money for the global economy.¹⁰

The development of the AI industry is an irreversible process, as mentioned by the examples given above. On this background, the protection of artificial intelligence created products is even more important. It is difficult to convince investors to invest in areas where products are not protected by copyright, which is an obstacle to developing this sphere. Finding a balance between the development of artificial intelligence and copyright protection is one of the main challenges of modern world, which needs to be regulated. Within the framework of the law regulation, it is important that, on the one hand, don't hinder business development in this direction, and on the other hand, in the event of the extension of copyright to the products created by AI, the role of a person as an author is not diminishing, which will be discussed in detail in the next chapter.

2. Who Owns the Copyright to Works Created by Artificial Intelligence?

2.1. Who Can Be Considered as the Author, Artificial Intelligence, the Program Creator, or the User Themselves?

As already mentioned, many works are created by AI, and in such cases the question arises, who can be considered the author of this type of work. There are many opinions in science regarding this.

According to one opinion, the author of a work created by artificial intelligence is the AI itself.¹¹ Scientists contemplating that, the concept of considering only humans as authors has become outdated, since, artificial intelligence can create original and unique works, just like humans.¹² Often, considering AI as an author is negatively assessed, due to using existing data to create something.¹³ However, scientists view the data fed into artificial intelligence as training material, which is used by humans itself in the same way until they create something valuable, and since artificial intelligence imitates humans, they believe it should not be surprising that it uses the knowledge already existing in the world, just like humans.¹⁴

Despite this argument, recognizing artificial intelligence as a copyrighted subject should still be considered premature, due to such a decision would recognize AI as an independent copyrighted subject, while it does not have "independent will" itself.¹⁵ It's a person who creates, programs, give tasks and uses it for its intended purpose, that's why the person himself should be the one who is responsible for the AI mistakes. If copyright is granted to artificial intelligence, it is interesting, who will be held responsible in the event of copyright infringement. It is also worth considering the fact that AI has not yet developed to the point where its creative ability is completely dependent on it, which is why the possibility of contemplating it as an author should still be a distant prospect.¹⁶ However, given

¹⁰ Rao, A., Verweij, G., Cameron, E., „Sizing the prize What's the real value of AI for your business and how can you capitalise?” Pwc Research, <https://www.pwc.com/gx/en/issues/analytics/assets/pwc-ai-analysis-sizing-the-prize-report.pdf> [L. s. 28.10.2025].

¹¹ Koutras, N., Selvadurai, N., „Recreating Creativity, Reinventing Inventiveness: Challenges Facing Intellectual Property Law”, „Routledge”, 2024. p. 55.

¹² Księżak, P., Wojtczak, S., „Toward a Conceptual Network for the Private Law of Artificial Intelligence”, „Springer”, 2023. p. 140.

¹³ Hutson, J., „The Evolving Role of Copyright Law in the Age of AI-Generated Works”, 2(4), „Journal of Digital Technologies and Law”, 2024. p. 893-894.

¹⁴ Księżak, Wojtczak, See footnote 12. 83. 140.

¹⁵ Gabisonia, Z., „National Artificial Intelligence Strategy for Georgia”, in a journal Rusiashvili, G., Muthorst, O., and Sirdadze, L., (editors), „Georgian-German Journal of Comparative Law”. N8, 2021, Publishing House of the Institute of State and Law, Tbilisi, 2021. p. 24.

¹⁶ Mik, E., „AI as a Legal person?”, in a book Hilty, R., Lee, J-A., Liu, K-C., (editors), „Artificial Intelligence and Intellectual Property”, „IRL Press at Oxford University Press”, 2021. p. 421-422.

the pace of development of AI, for example, in Albania, a minister of artificial intelligence has even been appointed,¹⁷ it is not impossible that in a few years the issue of granting various rights to it, including copyright, will become even more active.

According to the second opinion, the creator of the program himself should be considered as the author of an AI's created work, since he is the person who enters data, programs, ensures its proper functioning, and spends time and resources on its perfection.¹⁸ In this case, a person is considered the author, but it is necessary to separate the functions of the program creator and the user of the artificial intelligence. If programmer of AI creates it by himself, the user is the one who gives it final instructions to create works.

The third and final opinion is precisely related to the recognition of the user as the author of an artificial intelligence's work.¹⁹ A program developer can create an artificial intelligence that creates a work, but the user is the person who actually gives the AI instructions on what content, form, and visuals they want to create.²⁰ In addition, the creator of the artificial intelligence is deprived of the ability to control it, which can create various copyright-infringing works at the user's request. In such circumstances, the question of the creator's liability should be less considered, because there is a person who directly asks the AI to create such a work.

2.2. Regulating the Issue at the Legal Level

In addition to the theoretical discussion of this issue, it is also interesting to see how this matter is legally regulated in different countries.

In the European Union applies „Berne Convention for the Protection of Literary and Artistic Works" of which one of the members is also Georgia. The convention does not define the term "author", which allows proponents of considering artificial intelligence as an author to argue that only humans should not be considered it.²¹ However, a review of EU legislation and its court decisions will suffice to establish that the EU considers only a human as an author. For example, the EU has directives on computer programs, databases and the digital single market, and all of them contemplates as an author human or a group of people.²²

The legislation of the EU member states, however, either directly refers to a person as the author or makes a strong reference to him. For example, according to the Spanish copyright law, only a natural person who creates various types of works is considered as an author.²³ In France, only human mind created work is protected by copyrights²⁴ German law, on the other hand, links authorship to the individual and protects their personal and intellectual relationship with the work.²⁵

As for Georgia, according to Article 4, Subparagraph "a" of the Law of Georgia "On Copyrights and Related Rights", an author is considered a natural person who creates a work using intellectual and creative abilities. Accordingly, in Georgia, like in Europe, only a natural person contemplates the work author.

In general, there is a 4-step test in EU law, and if the work passes, it will be granted copyright.²⁶

¹⁷ Delauney, G., „World's first AI minister will eliminate corruption, says Albania's PM", BBC Article, <https://www.bbc.com/news/articles/cm2znzgwj3xo> [L. s. 28.10.2025].

¹⁸ Frosio, G., „Four theories in search of an A(I)uthor", in a book Abbott, R., (editors), „Research Handbook on Intellectual Property and Artificial Intelligence", „Edward Elgar Publishing Limited", 2022. p. 171.

¹⁹ Ibid, p. 171.

²⁰ Gemignani, M., „Laying Down the Law to Robots", 21 San Diego L. Rev. 1043, 1984. p. 1054.

²¹ Xiao, Y., „Decoding Authorship: Is There Really no Place for an Algorithmic Author Under Copyright Law?" 54, „IIC - International Review of Intellectual Property and Competition Law", 2023. p. 7-8.

²² Article 2, „Computer Programs Directive 2009/24/EC", 23.04.2009. Chapter 2, Article 4, „Legal Protection of Databases Directive 96/9/EC", 11.03.1996. Article 73, „Digital Single Market Directive 2019/790", 17.04.2019.

²³ Article 5, „Ley de Propiedad Intelectual (LPI)", 22.04.1996.

²⁴ Article L111-1, „Code de la propriété intellectuelle (CPI) 92-597", 01.07.1992.

²⁵ Article 11, „Gesetz über Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz – UrhG)", 09.09.1965.

²⁶ Hugenholtz, B., Quintais, J. P., „Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?", 52, „IIC - International Review of Intellectual Property and Competition Law", 2021. p. 1200.

1. The first stage determines if the author's created work is protected by copyright law.²⁷ Article 2 of the "Berne Convention for the Protection of Literary and Artistic Works", as well as Article 3 of the "Law of Georgia on Copyright and Related Rights", includes the list to which copyright applies. For example, these are: literature, science, art, etc. A work created by artificial intelligence should not have difficulty overcoming the first stage, since it is possible to create works of this through it.

2. The second stage directly requires the presence of human intellectual effort in the work.²⁸ This stage is precisely the obstacle to the extension of copyright artificial intelligence's created work, because if AI creates a work without significant human intervention, it will not be able to pass this stage and will remain without any copyright protection. Overcoming this stage for this type of work will be possible only if a person uses AI as an auxiliary tool to create a work, which is confirmed by the decision of the European Court of Justice in the case "Eva-Maria Painer v Standard VerlagsGmbH".²⁹ In the case in question, the judge ruled that copyright applied only to works created by humans, and using camera to take the picture should be considered an auxiliary tool to create the original work, since the originality of the picture stemmed from the author's creativity in choosing the lighting, pose, angle, etc. for taking the photo.³⁰ Accordingly, if a person uses AI in a way that demonstrates their creativity and the originality of the work, it should be considered an auxiliary tool similar to a camera, for which the distribution of copyright should not be a problem. However, the matter changes when the work entirely or largely is created by AI.

3. The third stage is the creativity and originality of the work, which can be said to be related to human involvement.³¹ The European Court of Justice ruled in one case that copyright protection is linked to the originality of the work, which was to be determined by the extent to which it represented the intellectual creation of the author.³² The judge's interpretation of this means that copyright should extend to a work created by a person, because the work must generally reflect the personality of the author, who uses his creative ability to create the work. The originality of a work, which is related to human involvement in order for copyright to extend to it, is demonstrated by one of the cases considered by the European Court of Justice, where the plaintiff requested copyright extension to the English and Scottish football tables which were created by machine and companies used it without permission.³³ The court did not satisfy the aforementioned request and focused on the fact that the author's work was expressed only by entering data into the program, while the table was created by the program itself, therefore the court considered the data entered into the program insufficient to meet the criterion of originality.³⁴ This case also clearly shows that, based on the current approach, it is necessary to use a person's creative ability to extend copyright to a work.

The fourth stage involves the existence of the work in protected form.³⁵ Normally, before an author begins any creative activity, they must have an idea, but an idea alone is not enough for copyright protection; it must be implemented, therefore it must have a certain form in which it will exist in the world.³⁶ Accordingly, the final stage is to verify whether the author has created the work in a form worthy of copyright protection through his or her own creative ability. Passing this stage should not be a huge problem for a work created by artificial intelligence, as AI has the ability to create a work in forms that are protected by law.

As for the United States of America, like the Berne Convention, US law does not directly define the meaning of authorship.³⁷ However, a review of case law is sufficient to clarify that it also links

²⁷ Ibid, p. 1200.

²⁸ Ibid, p. 1200.

²⁹ European Court of Justice ruling on the case, C-145/10, „Eva-Maria Painer v Standard VerlagsGmbH”, 01.12.2011.

³⁰ Ibid, Paragraphs 89-91.

³¹ Hugenholtz, Quintais, see footnote 26, p. 1201-1202.

³² European Court of Justice ruling on the case C-5/08, „Infopaq International A/S v Danske Dagblades Forening“, 16.07.2009.

³³ European Court of Justice ruling on the case C-604/10 „Football Dataco and Others“ 01.03.2012.

³⁴ Ibid, Paragraph 38-41.

³⁵ Hugenholtz, Quintais, see footnote 26, p. 1205-1206.

³⁶ Ibid, p. 1205-1206.

³⁷ For example, United States Code Title 17-Copyrights, an act of October 19, 1976, does not provide a definition of author, although the human connection of creation is indicated in paragraph 101, where anonymous authorship is associated with a natural person whose identity is unknown.

authorship to a person's creative ability. For example, in the case "Feist Publications, Inc. v. Rural Telephone Service Co" the judge directly connected the originality of a work to a person's creative ability, for which he used the words "the author's creative spark" and "the author's intellectual product".³⁸ The US Copyright Office also refused to grant copyright to comic books where the author used artificial intelligence to create the images, while there was no issue with copyrighting the text.³⁹ In the rejection letter it was directly emphasized the importance of the human role in creative work which was compared to the use of the program "Photoshop". In particular, in the case of the latter, the author of the letter linked the creation of the image to strict human oversight, which is why he considered the person himself to be the main participant in creating the final product, while in the case of the use of artificial intelligence, the US Copyright Office did not consider giving instructions to the program as sufficient creative activity for the extension of copyright on the created images.⁴⁰

from the foregoing that, it is clear that the European Union, like the United States, requires satisfy two main criteria for the extension of copyright to a work, which fulfillment is the most problematic for artificial intelligence's created works. The first criterion is directly related to the existence of a human being in the process of creation, which in itself excludes the extension of copyright to works created by artificial intelligence.⁴¹ The second criterion is the definition of originality, which, it can be said, is directly interpreted by the courts as a person's creative ability.⁴² According to the above criteria, the definition of the issue of the spread of copyright on a work should be considered outdated, because it does not respond to modern challenges. The originality of a work cannot be interpreted only as a human ability, because with the development of artificial intelligence, the uniqueness of the work also increases. The period should not be too far away when AI will begin to create various original works without human intervention, and under such conditions, the need to discuss the issue of granting copyright to Artificial intelligence will once again arise, which may lead to a fundamental change in the current legislation and the definition of originality of a work.

The United States of America has considered the progress of science and art as copyright protection purpose⁴³ every day Artificial intelligence is actively used for the progress of art and science. Against this background, when it comes to the matter of copyrighting AI's created works, state agencies and scientists almost always cite the example of a picture taken by a monkey named "Naruto",⁴⁴ as an example to argue why copyrighting works created by artificial intelligence cannot be protected, which is not very convincing.⁴⁵ Comparing a monkey and artificial intelligence based on their intelligence should not be considered correct, because artificial intelligence is much more developed. It can perform tasks or demonstrate creative skills that not only animals but, in some cases, even humans themselves cannot do. AI is designed as resemble human intelligence, it can be said that it imitates humans, and in this context, comparing it to animals is meaningless.⁴⁶ The example of monkey's taken picture can be considered appropriate not to compare the creative abilities of artificial intelligence and animals, but to clearly demonstrate the fact that various legal systems do not consider anyone other than humans to be the author, which is why copyright cannot be extended to AI's created works in today's reality. This approach may change in the near future, considering its development.

³⁸ US Supreme Court decision, 499 U.S. 340 "Feist Publications, Inc. v. Rural Tel. Serv. Co", 27.03.1991

³⁹ Official letter from the US Copyright Office, "Zarya of the Dawn Letter", (Registration # VAu001480196), <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>

⁴⁰ Koutras, N, Selvadurai, N, „Recreating Creativity, Reinventing Inventiveness: Challenges Facing Intellectual Property Law", "Routledge", 2024. p. 22-23.

⁴¹ Hugenholtz, Quintais, see footnote 26, p. 1200.

⁴² See footnote 33.

⁴³ Ang, S., "The Moral Dimensions of Intellectual Property Rights", „Edward Elgar Publishing", 2014. p. 139-140.

⁴⁴ See in detail, Koutras, N, Selvadurai, N, „Recreating Creativity, Reinventing Inventiveness: Challenges Facing Intellectual Property Law", "Routledge", 2024. p. 53.

⁴⁵ For example, the letter from the US Copyright Office states: See footnote 39, also, Guadamuz, A., „Originality in AI Generated Works", in a book, Hilty, R., Lee, J-A., Liu, K-C., (editors), „Artificial Intelligence and Intellectual Property", "IRL Press at Oxford University Press", 2021. p. 154-156.

⁴⁶ Kok, J. N., Boers, E. J. W., Kusters, W. A., Van der Putten, P., Poel, M., „Artificial intelligence: Definition, trends, techniques and cases", in a book, Kok, J.N (editors), "Artificial Intelligence, Encyclopedia of Life supporting systems", „Eolss Publishers Co Ltd", 2009. p. 1-2.

2.3. The Advantage of the British Method in Terms of Extending Copyright to Works Created by Artificial Intelligence

Copyright extension for works created by artificial intelligence is unfeasible in the legal systems of Georgia, the European Union, and the United States. If a work is created by AI in such a way that human creativity is not greatly involved, it will not meet the standard for copyright.⁴⁷ In such cases, any person can utilize its created work without any permission or indication of the author, since it will simply be considered authorless. Accordingly, under such conditions, it is impossible to protect artificial intelligence's created work.

The fact that copyright is not extended to AI's created products, thereby hindering the development of artificial intelligence, should be considered only one side of the coin, since on the other side there are people who oppose the extension, in whose favor several arguments can be presented.

1. The first argument can be called dissatisfaction with granting any rights to artificial intelligence. This is a truly sensitive issue, since in the case of granting copyright to artificial intelligence, a computer program will acquire rights similar to a human being, which means recognizing it as a subject with legal rights.

2. The second argument could be the diminishing role of the author as a human. Obviously, when artificial intelligence is considered an author or copyright is extended to works created by artificial intelligence, this can raise fears whether human-made works demand will be decreased due to often Artificial intelligence creates products faster and with higher quality than human can.

3. The third argument could be the danger of confusing human and AI-created works. Today, it's already very difficult to distinguish between real and AI-created products, and if copyright extends to both, this could mislead the consumer.

Based on all of the above, it can be said that there are arguments on both sides. Derived from these arguments, it is necessary to find a system that will more or less take into account their arguments, thus making it possible to maintain a certain balance between the parties. The British approach can be considered as the best example for developing this system.

The UK, like other countries, requires originality and human involvement to grant work copyright⁴⁸ However, there is a provision in the legislation that provides for an exceptional case when copyright applies to artistic, literary, dramatic and musical works created by computer, and the author is considered the person who performs various necessary measures to create the work using a computer method.⁴⁹

This approach is truly unique, because using the British method makes it possible to extend copyright to AI's created work, and in such a way that, on the one hand, it gives artificial intelligence the opportunity to develop in terms of extending copyright to the work it has created, and on the other hand, artificial intelligence is not considered an author, and therefore the robot is not recognized as a legal subject and endowed with rights. Under such conditions, the protection of works created by AI is achieved in such a way that the originality of the work and human involvement is given importance only in the case when there is a request from the human to be recognized as the author of the work in a direct way.

Accordingly, it can be said that the British approach envisages direct and indirect recognition of authorship. The use of this method is also possible in Georgia in the future. For this, it is necessary to include in the legislation a record "Author of a work created by artificial intelligence", which will be interpreted using the British method, and the person who carries out the measures to create the work by machine will be considered the indirect author of the work. It will exist alongside the old definition of the author, which will be feasible to coexist without any conflict with each other. In addition, it is

⁴⁷ Mehta, N., A., Tomer, A., „AI-generated works and Copyright Law”, in a book, Aston, J., Tomer, A., Singh, R., „Global Perspectives and Emerging Issues in Comparative Law”, „Cambridge Scholars Publishing“, 2025. p. 132.

⁴⁸ Article 9.1 „Copyright, Designs and Patents Act 1988“, 15.11.1988.

⁴⁹ Ibid, article 9.3.

possible to require legislation to make a certain designation, for example “AI”, on a work created by artificial intelligence, in order to easily distinguish between human and artificial intelligence work, which will exclude the diminishment of the role of humans as authors, since at the initial stage it will be known to any person that, the work was created by AI. In addition, it is widely known that human-made products are almost always more valuable than mechanical ones, therefore, the demand for human-made products is not in danger of disappearing, although competition is expected to increase, which can even be considered a stimulating factor for the market to create better products.

3. The Issue of Regulating the Unauthorized Use of Existing Works by Artificial Intelligence

The development of artificial intelligence is one of the most important achievements of the progressive world, however, AI cannot work independently yet, which means that it needs databases to study and use them to create various products.⁵⁰ These databases represent a collection of works that are individually protected by copyright.⁵¹ It means that AI uses the work created by other people to create a new one. In such cases, the question always arises whether the AI itself is infringing copyright to this manner.

The definition of reproduction of a work is given in Article 4, Subparagraph “o” of the Law of Georgia “On Copyright and Related Rights”, according to it, during reproduction, a full or partial copy of the work is made, which is an exclusive, property right of the author as indicated in Article 18 of the same law. In order for artificial intelligence to work accurate, it is necessary to convert existing works into electronic format and then enter them into the program as data, as training material, so that AI can study it to create a new product.⁵² Making these copies is a reproduction in its essence.

In the European Union, the right of reproduction is protected, although there is a directive which allows, as an exception, copyrighted works to be included in the AI database.⁵³ In particular, the exception concerns two cases. The first case is related to the research organizations and cultural heritage institutions which can use works as a database for scientific purposes, without authors permission.⁵⁴ The second occasion is related to the author's inaction to prohibit the use of his work in digital technologies as information to be entered into a database.⁵⁵ In the absence of this prohibition, Based on the EU directive, they can be used for both commercial and non-commercial purposes, however, if the author has expressed a clear refusal to utilize his work, in such a case, their use, except for research activities, will be considered illegal.⁵⁶

For the United States of America, unlike the EU directive, their legislation does not specify exceptional cases when certain uses of copyrighted works will be considered lawful.⁵⁷ Instead, the U.S. legal system establishes a number of factors that serve as a starting point for determining whether a particular use of a copyrighted work is fair. The determination of what constitutes “fair use” of a work is the prerogative of the judge.⁵⁸ The judge must assess the situation in each individual case, taking into account the factors set out in the legislation, and decide whether the use of the work is justified or not. These criteria are: the purpose and nature of the use, the nature of the copyrighted work, the amount of the work used,

⁵⁰ Quang, J., „Does Training AI Violate Copyright Law?”, 36 „Berkeley Technology Law Journal”, 2021. P.1410-1411.

⁵¹ Ibid, p 1407.

⁵² Buick, A., „Copyright and AI training data - transparency to the rescue?”, 20 „Journal of Intellectual Property Law & Practice”, 2025. p. 186.

⁵³ Bonadio, E., Dinev, P., Mcdonagh, L., „can artificial intelligence infringe copyright some reflections”, in a book Abbott, R., (editor), “Research Handbook on Intellectual Property and Artificial Intelligence”, “Edward Elgar Publishing Limited”, 2022. p. 252.

⁵⁴ Article 3, “Directive (EU) 2019/790.”, 17.04.2019.

⁵⁵ Ibid, article 4.

⁵⁶ Buick, A., „Copyright and AI training data-transparency to the rescue?”, 20 „Journal of Intellectual Property Law & Practice”, 2025. p. 186.

⁵⁷ Rosati, E., „Copyright Exceptions and Fair Use Defences for AI Training Done for “Research” and “Learning,” or the Inescapable Licensing Horizon” 10.1017, „European Journal of Risk Regulation”, 2025. p. 15.

⁵⁸ Ibid, p.15-16.

namely it was used in whole or in partly, and finally, whether the use of the work has diminished its value, including its market value.⁵⁹

The case of Great Britain is also interesting. In this country, the use of copyrighted works for non-commercial purposes is permitted only for research purposes.⁶⁰ Accordingly, it is possible to include works in the AI database without the permission of the authors, but it must have a non-commercial, research goal. In recent years, the issue of whether it should be permissible for artificial intelligence to use created works for commercial purposes has been actively discussed in the UK, due to their government wish to make a special contribution to the development of AI.⁶¹ However, this proposal was met with massive opposition from authors, as it was directly related to the authors' financial income, and it was a reason why the discussion of the issue has been temporarily suspended.⁶² Nevertheless, it is not excluded that in future the UK will become one of the first countries to allow artificial intelligence to utilize the created works for non-scientific, commercial purposes, as educational material.

The use of Artificial intelligence's protected works for non-commercial, scientific and research motives as data should be considered justified based on its legitimate purpose, which is allowed in the legislation of a number of countries. However, using protected work for commercial aims, which the UK is trying to implement, it may be especially painful for authors, because in this case they will lose a certain part of their income, while technology companies will increase their financial benefits by using created works. That's why, when it comes to the issue of including created works in databases for commercial purposes, it is desirable to create databases which can be purchased by companies developing artificial intelligence which will pay a certain fee for the use of these works, and part of the proceeds will be distributed to the authors who create the copyrighted work. This approach may even be an incentive for authors to create better works and receive additional income.

Conclusion

The role of artificial intelligence in the field of culture is growing every day, which leads to the creation of numerous works through it. Against this background, the demand for the extension of copyright to AI's created work is growing even more. Given the intensity of the development of artificial intelligence, it is expected that in the future its independence and creative quality will increase significantly, which will once again call into question the issue of attributing copyright only to humans. Until then, this matter can be regulated using the British method, which is an alternative in regarding the extension of copyright to works created by AI.

With the development of artificial intelligence, the risk of copyright infringement of existing works is also increasing, which requires special attention. In this regard, it is desirable to establish some type of control to prevent the illegal modification or illegal reproduction of works and their filling in the AI's database, especially when this is used for commercial reasons. This is one of the huge challenges in the modern world in terms of copyright protection.

⁵⁹ See footnote 50, p. 1415.

⁶⁰ Article 29.A, „Copyright, Designs and Patents Act 1988”, 15.11.1988.

⁶¹ Rosati, E., see footnote 57, p. 8-9.

⁶² Ibid, p.9.

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