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Analysis of Legal Protection of Copyright on Plagiarism of Artificial Intelligence Artworks

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ABSTRACT

This study aims to determine and analyze the legal protection of copyright for plagiarism of artificial intelligence artwork and the requirements for obtaining copyright protection for artificial intelligence artwork. The research method in this writing is a normative method that collects library data, namely laws and regulations, and scientific journals related to the problems discussed in the thesis. The results of this study indicate that based on the Copyright Law, artwork produced by artificial intelligence does not explicitly fulfill the elements as a creation that receives legal protection as long as it meets the criteria of originality and suitability with the field of art science and pays attention to the requirements that can be the basis for considering granting copyright legal protection to an artwork produced by artificial intelligence, namely, first according to the standard of authenticity, second the fulfillment of the element of creativity and third the realization of a real format. Research recommendations where the government and related institutions need to consider the Copyright Law which contains special provisions related to the protection of copyrighted works produced by artificial intelligence and regulations that focus on regulating the responsibilities and parties involved in the development and use of Artificial Intelligence in the creation of works that consider the traditional concept of legal subjects in copyright and still accommodate innovation in Artificial Intelligence technology in works of art.

Keywords: Legal protection. Copyright, Artwork, Plagiarism, Artificial Intelligence

I. Introduction

The increasing sophistication of AI systems, moving from advisory roles to proactive execution, further complicates these legal and ethical frameworks by diffusing accountability and challenging established notions of creativity and intellectual property (Mukherjee & Chang, 2025). While AI can now compose music, write blogs, and generate paintings, distinguishing between works created with AI assistance and those solely by AI remains critical for intellectual property rights, particularly in copyright law (Ahuja, 2020). This distinction is crucial for assessing copyright infringement and plagiarism. AI's capacity to process and generate content from vast datasets introduces novel challenges in identifying original contributions versus derivative works (Esposti et al., 2019). This rapid advancement necessitates thoroughly examining how current copyright frameworks, predominantly predicated on human authorship, can adapt to protect or regulate AI-generated content (Ahuja, 2020; Epstein et al., 2023). For instance, training AI models on extensive datasets, which may include copyrighted material, raises concerns about inadvertent replication of existing works without proper attribution, thereby necessitating vigilance from authors (Yousaf, 2025). This leads to



complex questions regarding how AI can be "taught" to avoid copyright infringement or "interpret" legal provisions, particularly concerning the downstream implications of AI-generated content (Miernicki & Ng, 2020). This shift in creative paradigms has ignited vigorous academic discourse regarding the locus of authorship and agency, traditionally anchored in human intellect and purpose (Maravilla et al., 2024). This includes a critical examination of whether users of generative AI should be recognized as authors, given their active role in influencing the output through iterative adjustments and refinements (Mei, 2024). This complex interplay necessitates a rigorous analysis of the legal ramifications of AI's burgeoning role in art creation, particularly concerning plagiarism and copyright protection. Addressing these issues requires re-evaluating fundamental copyright principles, considering the unique characteristics of AI-generated content, and the potential for new forms of infringement. The opacity inherent in the causal chain leading from the training data to the final AI-generated product, coupled with the lack of interpretability of the underlying models, presents a significant hurdle to resolving issues of copyrightability and ownership (Deltorn, 2017). This ambiguity is further compounded by the challenge of ascribing authorship in AI-generated works, raising questions about whether the AI, its developer, or the user should be considered the author, particularly given the AI's increasing autonomy (McCormack et al., 2019). As social creatures, humans can think and excel in various fields, particularly in the realm of art. In the field of creative arts, God, the Creator, has granted humans the freedom to create works that are the product of their thoughts. Artists or creators should be compensated or appreciated to encourage them to continue their work, fostering ambition and motivation to produce new and better creations. Creating art involves many sacrifices, especially time and energy devoted to thinking.

Besides creating art, humans can also generate other innovations, such as technology or previously unknown discoveries. Copyright arises when a creation is made by its creator. Copyright is considered a personal right, as the creation exists due to the efforts of its creator. A creation in the field of art and science results in copyright when it meets several criteria, one of which is originality. Originality refers to the ownership of the copyright or the uniqueness of a claim over a creation or work. This indicates that the creation or work is indeed made by its creator. Originality does not necessarily require that the creation is novel; instead, it means that the creation or work results from the creator's thoughts or creativity. Originality in this context also means that the creation or work is not merely imitating another person's work or a public domain work. According to Article 1, Paragraph 1 of Law No. 28 of 2014 on Copyright (UUHC), copyright is defined as "the exclusive right of the creator that arises automatically based on declarative principles once a creation is made in tangible form, without reducing the limitations set out by the prevailing laws." Copyright is an exclusive right because it is solely owned by the creator, thus prohibiting or limiting others from applying these rights without the creator's consent. In the era of digital technology, artificial intelligence (AI) has become a prime example of the technological advancements that continue to grow. AI is one of the most popular forms of technology today and significantly impacts how we create and use works of art. AI can create various art forms, such as music, paintings, and literature, with quality levels that are often difficult to distinguish from human-made works. However, alongside its benefits in enhancing productivity and innovation in the creative industries, the advancement of AI also brings challenges, particularly regarding the potential for imitation of works. The increasing volume of artwork produced using AI raises concerns for creators, as their original works may be easily copied by those who lack accountability. Therefore, AI's development introduces new challenges in protecting copyright and plagiarism. With AI's ability to replicate an artist's style and techniques, plagiarism has become a more serious issue in art. As AI's capabilities to produce art similar to original works continue to grow, the risk of plagiarism also increases, leading to confusion surrounding ownership and originality. In this context, copyright protection becomes increasingly complex, requiring a balance between the use of AI as a creative tool and the rights and obligations of AI users.

This paper critically examines the emerging legal challenges and considerations surrounding copyright protection for artworks generated by artificial intelligence, particularly in the context of plagiarism. It delves into the complexities of assigning authorship, originality, and ownership in AI-created content, contrasting these with traditional copyright frameworks. The increasing sophistication of AI in generating creative works necessitates a re-evaluation of established intellectual property doctrines to address instances

where AI-generated art may infringe upon existing copyrighted material or become subject to unauthorized reproduction (Watiktinnakorn et al., 2023). This involves a detailed analysis of existing copyright laws and judicial precedents in various jurisdictions, including the US, UK, and China, to ascertain their applicability to AI-generated works (Gaffar & Albarashdi, 2024). The discussion extends to the European Union's copyright framework and the judicial practices of the Court of Justice of the European Union, providing a comprehensive, comparative legal perspective (Gaffar & Albarashdi, 2024). Specifically, this research will explore whether current legal protections adequately address the unique issues of AI art plagiarism, considering the dual nature of AI as both a tool for creation and a potential source of infringement. Furthermore, it will investigate the intricate relationship between human input and AI autonomy in the creative process, which blurs the lines of traditional authorship and necessitates novel approaches to copyright attribution and enforcement (Watiktinnakorn et al., 2023). This paper aims to comprehensively analyze the current legal landscape, highlighting gaps and proposing reforms to ensure robust copyright protection in the evolving domain of AI-generated art (Dzuong et al., 2024). The rapid evolution of artificial intelligence technologies has led to profound transformations across numerous sectors, notably within the creative industries, where AI can now autonomously generate sophisticated artworks, music, and literary works (Ahuja, 2020). This unprecedented capability, however, introduces significant ambiguities regarding intellectual property rights, especially concerning the originality, ownership, and potential infringement of AI-generated content (Ahuja, 2020).

The challenge lies in determining the extent to which existing copyright laws, primarily designed for human-created works, can be effectively applied to AI-generated content, a task complicated by the absence of traditional human authorship (Majumdar, 2024). This ambiguity is particularly pronounced in plagiarism, where AI's capacity to emulate and transform existing artistic styles raises complex questions about derivative works and copyright infringement (Ducru et al., 2024). Existing copyright legislation generally does not protect AI-generated works, as they lack the foundational element of human authorship, a prerequisite for copyrightability (GAFFAR & Albarashdi, 2024). This lacuna creates a legal gray area, leading to uncertainty for both creators utilizing AI tools and for the broader art market regarding the ethical and legal implications of such creations (Amini, 2025).

Law No. 28 of 2014 on Copyright (UUHC) has not yet adequately addressed the copyright protection for artworks created by AI. This legal uncertainty opens the door for potential copyright violations, where AI-generated works are published without the creator's consent. The consequences of this legal ambiguity could be detrimental, as creators may lose their rights to their works and fail to receive fair compensation. Furthermore, AI-generated plagiarism could damage the reputation and credibility of the original creators. According to the Copyright Law, a "work" is something original that can be perceived, heard, felt, read, sung, performed, recited, recorded, photographed, filmed, illustrated, or expressed in other tangible forms of creative work. "Creator" is the person who creates the work. In the case of AI-generated artworks, these definitions become complicated because AI is not categorized as a "person" in legal terms. Nevertheless, AI-generated works exhibit originality and creativity that cannot be denied. Given this background, the legal issues surrounding AI are twofold: First, there is a serious debate about which party can claim to be the creator of a work not directly created by a human or an AI system. Since such works are not created directly by humans or by the creators of AI systems, this presents a complex legal challenge. Second, there are issues regarding the classification of works in copyright law and whether there are exceptions to copyright protections in this context. AI can easily create works that fall under the purview of copyright regulations. Additionally, due to automation and the unpredictability of AI systems, questions arise regarding fair use or the potential for infringement on creative works generated by AI. In Surah Al-Maidah, verse 38, the Quran states:

وَالسَّارِقُ وَالسَّارِقَةُ فَاقْطَعُوا أَيْدِيَهُمَا جَزَاءً بِمَا كَسَبَا نَكَالًا مِنَ اللَّهِ وَاللَّهُ عَزِيزٌ حَكِيمٌ (٣٨)

"As for the male thief and the female thief, amputate their hands in recompense for what they have committed as a deterrent [punishment] from Allah. Moreover, Allah is Exalted in Might and Wise."

Considering the context above, the writer is motivated to conduct a more thorough investigation, leading to the research title: *"Legal Protection of Copyright Against Plagiarism of AI-Generated Artworks."*

II. Research Method

This study employs normative legal research, examining concepts and analyzing regulations. The research approach used is the Statute Approach, which is based on reviewing existing laws. For example, this research may be conducted when there is a legal vacuum, which can be identified by legal norms requiring further regulation within positive law. (Efendi & Rijadi, 2016). In normative legal research, the data collection is focused on obtaining secondary data. Secondary data consists of primary legal sources, secondary legal materials, and tertiary legal sources. Data collection in normative legal research is conducted using the library research technique, which is an effort to obtain data by searching literature sources, legal regulations, internet articles, and legal journals relevant to the research topic. These materials are used to solve a problem. They are then studied, analyzed, and formulated into a systematic and interconnected discussion framework that aligns with the research theme and problem formulation. (Nasution, 2008). The data analysis technique used in this research is deductive analysis, which involves concluding general issues from specific or more concrete problems.

III. Results and Discussion

3.1. Legal Protection of Copyright Against Plagiarism of AI-Generated Artworks

With the advancement of artificial intelligence (AI) technology today, the emergence of works created automatically by AI systems poses legal challenges related to the legitimacy and intellectual property protection of these creations. An analysis is needed to understand how the current copyright framework regulates works created by artificial intelligence (AI). In Indonesia, copyright regulations are outlined in Law No. 28 of 2014 on Copyright, which serves as the primary legal foundation for the regulation of Intellectual Property Rights (IPR) in Indonesia, particularly concerning copyrights that are attached to every creative work in the fields of science, art, and literature. According to Law No. 28 of 2014, a creation is the result of work in science, art, and literature that reflects inspiration, ability, thought, imagination, skill, or expertise and is expressed in a tangible form. This aligns with Article 1, paragraph (1) of Law No. 28 of 2014, which states: "Copyright is the exclusive right of the creator that arises automatically based on the declarative principle after a creation is realized in a tangible form without reducing the limitations outlined in the provisions of the laws and regulations."

Copyright, as explained in Article 6, paragraph (1) of Law No. 28 of 2014, refers to the exclusive right held by the creator of a work they have created. Based on the declarative principle, this right arises automatically once a creation is realized in tangible form. The declarative principle is a legal principle that states that a legal condition or status applies due to a particular declaration or action. In the context of copyright, this principle means that the exclusive right to a creation exists and applies immediately after the creation is realized in tangible form. In Article 1, paragraph (3) of Law No. 28 of 2014, a legal subject is defined as an entity that holds legal rights and obligations. In this context, the legal subjects include the creator, the copyright holder, and the related owners.

Overall, Articles 40 to 42 of Law No. 28 of 2014 explain the legal objects within copyright, where the creation includes works in the fields of science, art, and literature that hold economic value, can be used as fiduciary collateral, and are subject to certain limitations according to regulations. A digital work is legally protected under Law No. 28 of 2014 if it meets the originality criteria, fits science, art, or literature classifications, and has a form that the human senses can perceive. While artificial intelligence (AI) is not explicitly regulated in Law No. 28 of 2014, a creation produced by AI can still receive legal protection as long

as it meets the criteria of originality and relevance to science, art, and literature. The declarative principle of copyright protection affirms that copyright automatically attaches when the work is born, without registration.

Referring to Article 1, paragraph (3) of Law No. 28 of 2014, which states: "A creation is any work in the field of science and literature that results from inspiration, ability, thought, imagination, skill, or expertise, expressed in a tangible form," a work can be registered for copyright as long as it is the result of the AI user's thoughts and is consciously realized into a tangible form. From the copyright perspective, those who train and develop artificial intelligence are considered the copyright holders of the works produced by AI. According to Article 4, paragraph 1 of Law No. 28 of 2014, the copyright holder is entirely responsible and can be held accountable if AI is involved in a copyright infringement in the future. However, some experts argue that legal responsibility for copyright violations caused by AI should be extended to multiple parties, especially the users of the AI system.

Although AI is fundamentally an artificial system that does not possess natural thought like humans, the user of AI remains responsible for the work generated by that AI system. The best practice for regulating accountability in AI-related copyright violations in Indonesia could be achieved by expanding the Work Made For Hire (WMFH) clause in Article 8 of Law No. 28 of 2014 (Perdana, 2022). According to the provisions of Law No. 28 of 2014, various parties, including the system's creators, developers, owners, and users of image-generating tools, can be legally responsible for copyright violations related to digital works produced by and through AI. (Undang-Undang Hak Cipta No 28, 2014). It is important to note that works produced through artificial intelligence systems can receive legal protection under Law No. 28 of 2014, as long as they meet the originality criteria and are relevant to science, art, or literature. The copyright holder of works produced by AI is typically the party that trains and develops the AI. Legal responsibility for copyright violations can be imposed on multiple parties, including the AI users. (Azmi, 2024). Protection of copyright against plagiarism of AI-generated artworks, as defined in Law No. 28 of 2014, remains limited and requires legal clarification. First, Law No. 28 of 2014 does not explicitly regulate copyright for works created using artificial intelligence. Article 1, paragraph (2) of the Copyright Law defines the "creator" as "an individual" or "several individuals" who, either individually or collectively, create distinctive and personal works. In this definition, AI is not considered a legal subject that can be attributed with copyright protection.

Second, an artwork created using AI can be considered plagiarism if it imitates or adopts another work without permission. Based on Article 8 of the Copyright Law, copyright includes the exclusive right of the creator to benefit economically from their creation. Article 9, paragraph (1) of the Copyright Law also explains that the creator can publish, reproduce, translate, adapt, arrange, or transform their creation. In the context of AI-generated artworks, if the work imitates or adopts another work without permission, it can be considered plagiarism and a violation of copyright. Third, to address plagiarism in AI-generated artworks, there is a need for specific regulations that govern the use of artificial intelligence (AI) in the context of copyright. Indonesia still requires clear and specific rules regarding copyright protection for artworks created using AI. This regulation should consider the definitions of "creator" and "work" in the context of AI and outline how copyright can be applied to works produced with this technology. (Pinasty et al., 2024). Law No. 28 of 2014, the copyright law in Indonesia, provides the legal basis for regulating copyright and protecting creative works in the digital era.

3.2. Copyright as an Exclusive Right

Article 4 of Law No. 28 of 2014 on Copyright states that copyright is an exclusive right consisting of moral rights and economic rights. Copyright gives the creator exclusive rights to control the use of their work. In Law No. 28 of 2014, copyright is defined as an exclusive right consisting of moral and economic rights. Moral rights include rights related to the emotional and spiritual relationship between the creator and their work. These moral rights include the right to be recognized as the creator, the right to have the creator's name or pseudonym mentioned in the work, the right to protect the integrity of the work from modifications that may

harm the creator's reputation, and the right to withdraw the work from publication if deemed necessary. Economic rights include rights that grant economic benefits to the creator from their work. These economic rights include the right to publish the work, reproduce it in various forms, translate it, distribute it, perform it, announce it, communicate it, and rent it. With these exclusive rights, the creator has complete control over the use of their work and is entitled to receive economic benefits from it. This incentivizes creators to continue producing new works and protects their rights from unauthorized use. Thus, copyright as an exclusive right offers a strong foundation for protecting intellectual works and promoting social innovation.

3.3. Protection of Digital Works

In the digital era, physical works can transform into digital creations. Copyright law protects digital works such as e-books, songs, movies, images, etc. These works can be easily accessed through various online media. The Copyright Law protects digital works by recognizing the creator's exclusive rights over their creations, including digital formats. This includes the rights to publish, reproduce, distribute, and perform various actions related to these digital works. Digital works can be easily accessed through multiple online platforms such as e-books, music streaming services, movie websites, and social media platforms. While digital works can be widely disseminated online, copyright law still provides a legal basis for enforcing copyright and protecting digital works from unauthorized use. Creators and copyright holders can take legal action if their rights are infringed upon in the digital realm.

3.4. Exclusive Rights of the Creator

Law No. 28 of 2014 on Copyright emphasizes that exclusive rights are only granted to the creator, ensuring that no other party can exploit the work without permission. This provision aims to protect the creator's rights from actions that violate the Copyright Law. The creator's exclusive rights, as outlined in Law No. 28 of 2014 on Copyright, are fundamental principles that protect the continuity of copyright and intellectual property. The Exclusive Rights for the Creator: The Copyright Law asserts that the exclusive rights to a work belong solely to the creator. This means that only the creator has the right to control the use of their work, including the rights to publish, reproduce, distribute, and perform other economic activities related to the work. The principle of exclusive rights aims to protect the creator from unauthorized actions not complying with copyright law. With these exclusive rights, the creator has complete control over their work and can ensure that it is not exploited without permission or violating the applicable rules. With the establishment of exclusive rights, the Copyright Law provides a strong legal foundation to prevent others from using the work without the creator's consent. This also includes prohibiting reproduction, distribution, or commercial use of the work without authorization, which could harm the creator's rights. The exclusive rights of the creator, as regulated in the Copyright Law, are crucial in preserving copyright, encouraging creativity, and protecting the interests of creators in the fast-paced and sophisticated digital era.

3.5. Implementation of Legal Protection

Although Law No. 28 of 2014 on Copyright provides protection and legal safeguards for copyrights, creators, and copyright holders, there are still deviations regarding copyright rights. In its implementation, copyright infringement cases can still be legally pursued. While the Copyright Law provides clear protection and legal safeguards for copyright, its implementation on the ground often faces challenges. These cases may involve unauthorized duplication, use of works without consent, or violations of the creator's economic rights. This can be caused by various factors, such as a lack of awareness about copyright, difficulties in monitoring the use of works in the digital realm, and a shortage of resources for law enforcement. In dealing with copyright infringement cases, enforcing the law firmly and consistently is important. This involves legal processes in which the creator or copyright holder can file legal claims against those who infringe upon their

copyright. In addition to law enforcement, improving public education and awareness about the importance of respecting copyright is essential. By increasing understanding about copyright, it is hoped that copyright violations can be reduced, and the implementation of legal protection will be more effective. Given the challenges in implementing legal protection for copyrights, there is a need for cooperation among various parties, including the government, legal institutions, the creative industry, and the public, to improve awareness, law enforcement, and comprehensive protection of copyrights. Therefore, protecting copyright against plagiarism of AI-generated artworks commercialized under Law No. 28 of 2014 on Copyright in Indonesia requires legal certainty and regulations to govern this issue. Artworks created using AI should be considered plagiarized if they imitate or adopt another work without permission, and there needs to be precise regulations regarding copyright protection for works created using artificial intelligence.

3.6. Requirements for Obtaining Copyright on AI-Generated Artworks

The development of Artificial Intelligence (AI) technology has led to various innovations in various fields. One of the innovations is the emergence of AI systems capable of creating highly creative artworks such as paintings, music, poetry, stories, designs, and more. This raises speculation about how intellectual property rights, particularly copyright, can protect these works. Several legal experts and international regulatory bodies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Intellectual Property Organization (WIPO), and Anglo-Saxon countries, are still debating whether and how works created entirely by AI systems, without human intervention, can obtain legal protection. This is because, traditionally, copyrighted creations are derived from human thought, ideas, and expressions. However, it is not impossible for AI-generated works to gain legal recognition (legal rights) in the future, provided they meet specific criteria (Azmi, 2024):

- The AI output must not be purely the machine's work; a human intellectual element must be involved.
- The AI product must be original and not plagiarized or duplicated.
- The work must be realized in a digital format that the public can access, not just a prototype or an abstract concept.
- The AI output must fall within the scope of intellectual property objects such as artistic works.

The creator or relevant copyright holder can claim AI-generated creations for their economic rights by meeting these four essential criteria. According to Law No. 28 of 2014 on Copyright, AI-generated artworks can be protected if they meet the requirements of intellectual human creations, do not plagiarize other works, have materialized in a definitive form, and contain artistic value. AI outputs must still be under the guidance of human creators. Referring to the copyright provisions in Indonesia's Law No. 28 of 2014, the protection scheme for AI-generated creative works can be obtained through a registration mechanism by applying to the Minister responsible for legal affairs. Article 1, paragraph (3) of Law No. 28 of 2014 on Copyright states that a "creation" is "any result of a creator's work that shows its originality in the fields of science, art, or literature."

Thus, the definition of "creation" in the law allows AI-generated works to be recognized as creations, as long as they meet the originality standard and involve human creative input, even if assisted by an AI system. Without a human touch or idea, pure machine outputs cannot be categorized as creations protected by the law. The confusion about who is entitled to hold the copyright for AI-generated works is a significant issue in determining the legal protection status of AI-generated art. This is because the output of an AI system cannot be fully categorized as an original artistic work created solely by the AI machine without human ideation.

Referring to Indonesia's copyright law, the definition of a creator only includes humans, so AI cannot be categorized as a creator entitled to copyright over its works. However, the law provides an opportunity for determining the copyright holder to fall on parties who are considered to have contributed to the creation of the AI-generated artwork, such as the owner of the AI system, the user of the AI system, or both, depending

on their respective contributions. In this context, considering the criteria for the legal protection of AI-generated artworks under Law No. 28 of 2014 on Copyright in Indonesia, at least three criteria can serve as the basis for considering the granting of copyright protection to an AI-generated artwork (Azmi, 2024):

- Originality Standard: The AI-generated work must be original, even if assisted by the machine, and not merely a plagiarized or copied work.
- Creativity Requirement: The AI output must contain a certain level of creativity, not just a mechanical procedural result without artistic value or innovation.
- Materialization in a Tangible Digital Format: The AI work must be realized in a digital format that can be perceived by human senses, such as images, text, sound, video, etc., and not just a non-physical prototype or abstract concept.

IV. Conclusion

The Copyright Law No. 28 of 2014 in Indonesia does not explicitly address the protection of Artificial Intelligence (AI)- generated artworks. As per the existing law, works created by AI are not explicitly protected unless they meet the requirements for originality and relevance to the fields of science or art. The declarative principle states that copyright automatically attaches when a work is created, without registration. However, to ensure adequate protection for AI-generated artworks, specific criteria must be met: originality, creativity demonstrated by AI, and the materialization of the work in a tangible form. This study underscores the need to revisit and potentially amend the Copyright Law to include specific provisions for AI-generated works. Theoretical perspectives on intellectual property, particularly copyright, must evolve to accommodate technological advancements like AI, which can generate original works. A theoretical framework that includes AI as a legitimate subject for copyright protection would enhance understanding of how traditional legal concepts like "creator" and "originality" can be interpreted in light of emerging technologies. From a managerial perspective, there is a clear need for policymakers and relevant institutions to consider the creation of regulations that specifically address the protection of AI-generated artworks. Such regulations should define the rights and responsibilities of parties involved in AI development and use, including developers, owners, and users. Ensuring that the law accommodates technological innovations while protecting creators' rights is crucial for maintaining the stability of the legal system and fostering continued innovation in the creative industries. Technology and legal managers must work together to establish a framework that supports AI's role in creativity while safeguarding intellectual property.

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