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INTELLECTUAL PROPERTY IN AI-GENERATED CONTENTS

1. INTRODUCTION

The rapid development of artificial intelligence (AI) technologies has significantly transformed creative industries, enabling machines to autonomously generate content that was traditionally the exclusive product of human intellect. These AI systems such as large language models (LLMs), image generators, and music composition tools can produce text, visual art, music, and even software code with minimal or no direct human intervention. The proliferation of these systems has prompted intense legal, ethical and philosophical debates about whether and how existing intellectual property (IP) laws should apply to works generated by artificial intelligence.

Intellectual property law historically protects the creations of the human mind, granting legal rights to authors and inventors to encourage creativity, innovation, and economic investment in creative pursuits. At its core, the doctrine of copyright, trademark, and patent is built on the premise that a natural person undertakes the creative act, imbuing a work with originality, personality, and human expression. Recent writings argue that AI-generated content presents a conceptual challenge to this foundational assumption because machines lack consciousness, intentionality, and emotional agency, instead operating through algorithmic processing of training data to produce outputs that mimic human creativity.[1]

Originality and authorship are two key legal concepts central to copyright protection. Traditionally, for a work to attain copyright status, it must demonstrate a minimal level of creativity commonly referred to in the law as a "modicum of creativity" and must be the product of human intellectual effort. The involvement of AI complicates both elements: while generative AI can produce sophisticated outputs that resemble human work, courts and scholars have questioned whether such outputs can truly reflect originality in the absence of human creative choice. Many legal systems, including the United States, maintain that only works with identifiable human authorship qualify for copyright protection, effectively leaving purely AI-generated works outside the scope of copyright.[2]

[1] N. Agrawal, et al., "Ownership of AI-Generated Works: Rethinking Copyright in the 21st Century." International Journal of Environmental Sciences, 11(16s), 2025. Available at: https://theaspd.com/index.php](https://theaspd.com/index.php Accessed on 11th January, 2026.

[2] Generative AI and copyright: principles, priorities and practicalities. Journal of Intellectual Property Law & Practice, 2023. Available at:

A substantial body of recent scholarship underscores the limitations of traditional IP frameworks when confronted with AI autonomy. For instance, scholars have noted that AI challenges the conventional linkage between creative intent and legal recognition, because AI systems do not possess legal personhood and cannot hold rights or be accountable under existing IP regimes. This raises difficult questions: should ownership and rights be attributed to the AI developer, the user who supplied the prompt, or perhaps neither? In jurisdictions where human involvement is deemed insufficient, AI-generated content may fall into the public domain, creating legal uncertainty and potential commercial exploitation without recourse.[3]

The legal uncertainty surrounding AI-generated works has also led to high-profile litigation and regulatory responses. For example, the United States Copyright Office has expressly clarified that purely AI-generated works without meaningful human contribution are not eligible for copyright protection, while human-assisted works may be protected when the human's creative contribution is significant. This reflects a broader tension between protecting traditional human creativity and adapting legal norms to technological progress.[4]

Given these developments, the study of intellectual property in AI-generated contents is both timely and necessary. It encompasses fundamental doctrinal concerns such as authorship, originality, ownership and enforcement while also engaging with deeper normative questions about the aims and limits of intellectual property law in a digital age marked by autonomous machine creativity. This work seeks to situate these debates within the broader legal, theoretical and policy frameworks of IP law, critically assessing whether current legal regimes can accommodate the rise of AI creativity or whether reform is required to ensure equitable and effective protection of intellectual creations in the twenty-first century.[5]

https://academic.oup.com/jiplp/article/18/12/841/7331468](https://academic.oup.com/jiplp/article/18/12/841/7331468 Accessed on 11th January, 2026.

[3] A. E. Obidimma, H. Okeke, & U. L. Okafor, "Intellectual Property and Ownership of AI-Generated Works in Nigeria: Conceptual, Theoretical and Legal Perspectives". Law and Social Justice Review, 5(2), 2025. Available at: https://nigerianjournalsonline.org/index.php/LASJURE/article/view/545](https://nigerianjournalsonline.org/index.php/LASJURE/article/view/545 Accessed on 11th January, 2026.

[4] News Sources: "Purely AI-generated art can't get copyright protection, says Copyright Office", 2025. The Verge.

[5] A. De Smet, E. Carter, L. Wei, "The Future of Intellectual Property in AI-Generated Creativity: Authorship, Originality, and Protection. Legal Studies in Digital Age", 2025. Available at: https://jlsda.com/index.php/lsda/article/view/307](https://jlsda.com/index.php/lsda/article/view/307 Accessed on 11th January, 2026.

2. CONCEPTUAL AND LEGAL FRAMEWORK OF AI-GENERATED CONTENTS

Artificial Intelligence (AI) refers to computational systems that perform tasks typically requiring human intelligence, such as learning, reasoning, and creative production. Within this broad definition, generative AI denotes systems equipped to autonomously produce content words, images, audio, code based on learned patterns and statistical inference from large datasets. As these technologies advance, they challenge long-established legal concepts such as authorship, originality, creativity, and ownership, which are foundational to intellectual property law.[6]

2.1 AI-Generated Content: Definitions and Characteristics

AI-generated content encompasses creative outputs produced either entirely by a machine with minimal human intervention or through significant human-AI collaboration. Common examples include text generated by large language models, images synthesized by neural networks, musical compositions created via generative algorithms, and software code authored by AI tools. These works may be indistinguishable in quality and sophistication from those produced by human creators, fuelling debate over their legal treatment under existing intellectual property regimes.[7]

One characteristic of AI systems is autonomy. They produce outputs by processing learned representations of human works without conscious intention or subjective creativity. This autonomy raises pivotal questions about whether AI's role transcends that of a mere tool and ventures into the realm of independent "creative" agent an inquiry that sits at the crossroads of law, philosophy, and technology.[8]

2.2 Traditional Legal Concepts: Authorship and Originality

In classical intellectual property frameworks, authorship and originality are indispensable prerequisites for protection. Authorship

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[6] Irawati, Anggayasti, Hardiyanti & Sandiani, "Legal Protection of AI-Generated Creative Works in the Age of Digital Disruption: An Intellectual Property Law Perspective." International Journal of Social Science and Human Research, v 8(6) 4420–4429, 2025. Available at: https://ijsshr.in/v8i6/Doc/54.pdf](https://ijsshr.in/v8i6/Doc/54.pdf Accessed on 11th January, 2026.

[7] Copyright in the Age of Artificial Intelligence (AI): Legal Implications and Emerging Issues (2025) Mondaq Available at: https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues Accessed on 11th January, 2026.

[8] N. Agrawal et al., Ownership of AI-Generated Works: Rethinking Copyright in the 21st Century. International Journal of Environmental Sciences, 11(16s), 2025. Available at: https://theaspd.com/index.php](https://theaspd.com/index.php Accessed on 11th January, 2026.

traditionally means the creation of a work by a human being whose intellectual and creative efforts shape the final expression. For instance, in traditional copyright principles, works must reflect a "modicum of creativity" stemming from human ingenuity rather than mere mechanical processes.[9]

Originality is similarly tethered to human creative input. The seminal Feist Publications, Inc. v. Rural Telephone Service Co. decision in the United States established that for a work to be original, it must owe its existence to the creative efforts of an identifiable human mind rather than routine effort or mechanical production. This principle has guided subsequent interpretations in the context of AI-assisted creations.[10]

These foundational concepts pose legal friction when applied to AI outputs. AI systems can autonomously generate novel works by recombining learned elements drawn from training datasets, often without explicit human creative contribution beyond the initial command prompt. Under traditional doctrine, where human creativity anchors authorship and originality, purely machine-generated outputs risk falling outside the protective ambit of copyright and related rights.[11]

2.3 Challenges and Scholarly Perspectives

One central issue is whether output produced "autonomously" by an AI should be treated analogously to human authored works. Most legal systems currently locate authorship in human agents, reflecting deep-rooted legal philosophies that regard creativity as an expression of human personality and intellect. According to this view, granting authorship or ownership to non-human entities, such as AI systems, disrupts the doctrinal foundations of copyright, which presuppose intentionality and human agency.[12]

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[9] Copyright in the Age of Artificial Intelligence (AI): Legal Implications and Emerging Issues (2025) Mondaq Available at: https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues Accessed on 11th January, 2026.

[10] N. Agrawal et al., Ownership of AI-Generated Works: Rethinking Copyright in the 21st Century. International Journal of Environmental Sciences, 11(16s), 2025. Available at: https://theaspd.com/index.php](https://theaspd.com/index.php Accessed on 11th January, 2026.

[11] Wei Zeng, "On the Copyright Protection of Creation Produced by Artificial Intelligence". International Journal of Law and Society, v6(4) 293–297, 2023. Available at: https://www.sciencepublishinggroup.com/article/10.11648/j.ijls.20230604.16](https://www.sciencepublishinggroup.com/article/10.11648/j.ijls.20230604.16 Accessed on 11th January, 2026.

[12] N. Agrawal et al., Ownership of AI-Generated Works: Rethinking Copyright in the 21st Century. International Journal of Environmental Sciences, 11(16s), 2025. Available at: https://theaspd.com/index.php](https://theaspd.com/index.php Accessed on 11th January, 2026.

Scholars have articulated divergent positions on how to adapt existing frameworks:

a. Human-centric approaches argue that the law should require meaningful human creative input whether through selection, editing, or arrangement for AI-generated works to qualify for copyright protection. Under this model, the extent of human involvement becomes a determining factor for legal recognition.[13]

b. Adaptationist perspectives suggest adjusting legal thresholds for originality and authorship to reflect the realities of generative technologies. Proponents have considered sui generis frameworks tailored to AI creations, distinct from conventional copyright regimes, to allocate rights and incentives effectively.[14]

c. Tool-based doctrines maintain that AI should be regarded solely as an instrument akin to a camera or word processor, with authorship attributable exclusively to the human user whose creative input frames the AI's output. This approach reinforces the human centrality of intellectual property law while accommodating collaborative human-AI generation.[15]

A critical dimension of the debate also concerns the training data used by AI systems. AI models often learn from vast corpora of human creations protected by copyright. Questions arise regarding the legality of using copyrighted works for training without consent, the potential derivative nature of AI outputs, and the implications for intellectual property holders. These issues implicate not only authorship and originality but also licensing, fair use, and liability doctrines.[16]

2.4 Comparative Legal Responses

Legal responses to these challenges vary. Some jurisdictions, like the United Kingdom, have statutory provisions granting copyright to the "person who made the arrangements necessary for

[13] Authorship and Ownership Issues Raised by AI-Generated Works: A Comparative Analysis (2025) Laws (MDPI) v14(4) 57, 2025. https://www.mdpi.com/2075-471X/14/4/57](https://www.mdpi.com/2075-471X/14/4/57 Accessed on 11th January, 2026.

[14] Wei Zeng, "On the Copyright Protection of Creation Produced by Artificial Intelligence" International Journal of Law and Society v6(4) 293–297, 2023. Available at: https://www.sciencepublishinggroup.com/article/10.11648/j.ijls.20230604.16](https://www.sciencepublishinggroup.com/article/10.11648/j.ijls.20230604.16 Accessed on 11th January, 2026.

[15] Generative AI and copyright: principles, priorities and practicalities (2023) Journal of Intellectual Property Law & Practice. Available at: https://academic.oup.com/jiplp/article/18/12/841/7331468](https://academic.oup.com/jiplp/article/18/12/841/7331468 Accessed on 11th January, 2026.

[16] Authorship and Ownership Issues Raised by AI-Generated Works: A Comparative Analysis (2025) Laws (MDPI) v14(4) 57, 2025. https://www.mdpi.com/2075-471X/14/4/57](https://www.mdpi.com/2075-471X/14/4/57 Accessed on 11th January, 2026.

the creation of the work" where no human author is identifiable ostensibly including computer-generated works. Other jurisdictions, such as the United States, maintain a strict human authorship requirement and have denied copyright protection to works lacking sufficient human creative involvement.[17]

The lack of uniform international standards has prompted calls for harmonization and reform. International organizations and scholars continue to explore models that balance the protection of human creators, incentivize innovation, and prevent legal vacuums.[18]

2.5 Synthesis and Emerging Frameworks

Ultimately, the legal framework for AI-generated content lies at the intersection of evolving technology and established intellectual property principles. While traditional doctrines emphasize human creativity and authorship, emerging scholarship and policy debates advocate recalibrated criteria that account for AI's role while preserving fundamental legal values. The conceptual challenge is not merely technical but philosophical: reconciling the legal community's human-centric heritage with technological capabilities that blur the line between tool and creator.[19]

3. INTELLECTUAL PROPERTY CHALLENGES IN AI-GENERATED CONTENTS

3.1 The Human Authorship Requirement and Copyright Eligibility

A central challenge in applying traditional copyright law to AI-generated content is the longstanding requirement that a protected work must have a human author. Copyright regimes around the world have historically grounded protection in the creative choices of a person. Consequently, works created solely by AI systems which lack human intention or cognitive creativity cannot satisfy this originality standard under conventional frameworks. A U.S. federal appeals court recently reaffirmed that purely AI-generated art with no human involvement remains ineligible for copyright protection because the law mandates a human author at the point of creation, illustrating

[17] Y. Lu, "Reforming Copyright Law for AI-Generated Content: Copyright Protection, Authorship and Ownership Technology and Regulation." (2025). Available at: https://techreg.org/article/view/23039](https://techreg.org/article/view/23039 Accessed on 11th January, 2026.

[18] Copyright in the Age of Artificial Intelligence (AI): Legal Implications and Emerging Issues (2025) Mondaq Available at: https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues Accessed on 11th January, 2026.

[19] Ibid.

how existing legal systems resist recognizing AI as an "author."[20]

Scholars and industry commentators similarly highlight that major jurisdictions' copyright statutes were drafted with human creativity as the touchstone for protection. In many analyses, the human authorship requirement remains the principal barrier to granting AI outputs automatic copyright coverage, thereby producing a class of "orphan works" or ownerless creations outside the protective ambit of copyright law.[21]

3.2 Ownership and Attribution of AI-Generated Works

Even where AI plays a significant role in producing content, determining who in law owns the resulting rights is a significant challenge. Traditional copyright systems assume that the author or their employer holds the rights, with ownership usually assigned to the person who first fixes the work in a tangible medium. However, with generative AI, identifying the true "author" of a text, image or musical composition becomes problematic. Is it the programmer who developed the model? The end-user who supplied the prompt? Or the AI system itself, which generated the output?

Legal scholars have pointed out this ambiguity as a continuing dilemma. For instance, Nigerian legal research recognizes the conceptual and juridical gaps in assigning ownership where AI output lacks clear human genesis, thereby exposing deficiencies in existing intellectual property frameworks that were crafted long before modern generative technologies.[22]

3.3 Originality, Authorship and Legal Doctrine

The doctrines of originality and authorship under copyright pose doctrinal complications for AI-generated content. Many jurisdictions tie the "originality" criterion to human creative input and personality, a principle that does not comfortably accommodate machine-produced works. International comparative analyses also show that while some legal systems (e.g., UK's "computer-

[20] Reuters. "U.S. appeals court rejects copyrights for AI-generated art lacking 'human' creator". Available at: https://www.reuters.com/world/us/us-appeals-court-rejects-copyrights-ai-generated-art-lacking-human-creator-2025-03-18/](https://www.reuters.com/world/us/us-appeals-court-rejects-copyrights-ai-generated-art-lacking-human-creator-2025-03-18/ Accessed on 11th January, 2026.

[21] S. Vishnu, "Navigating the grey area: Copyright implications of AI generated content". Journal of Intellectual Property Rights, 29, 103-108, 2024. Available at: https://www.vishnuswarrier.in/wp-content/uploads/2024/09/Copyright-Implications-of-AI-Generated-Content.pdf](https://www.vishnuswarrier.in/wp-content/uploads/2024/09/Copyright-Implications-of-AI-Generated-Content.pdf Accessed on 11th January, 2026.

[22] A. E. Obidimma, H. Okeke, & U. L. Okafor, "Intellectual property and ownership of AI-generated works in Nigeria: Conceptual, theoretical and legal perspectives". Law and Social Justice Review, 5(2), 2024. Available at: https://nigerianjournalsonline.org/index.php/LASJURE/article/view/545](https://nigerianjournalsonline.org/index.php/LASJURE/article/view/545 Accessed on 11th January, 2026.

generated works" provision) attempt limited accommodation, most retain a requirement that the author be human. This legal inertia not only inhibits straightforward protection for AI outputs but also affects enforceability, as rights-holders cannot register or rely on exclusive rights for content lacking human participation.

3.4 Intellectual Property Infringement and Derivative Risks

Beyond authorship and ownership, a major challenge concerns the copyright infringement risks posed by generative AI. Generative models are trained on vast datasets that often include copyrighted material. Because these models learn patterns from training data, the resulting outputs may inadvertently imitate or reproduce substantial elements of pre-existing works. The traditional approach to infringement assessing unauthorized copying and substantially similar content becomes difficult to apply where AI systems produce similar expressions without intent or clear lineage.[23]

Moreover, the ambiguous nature of AI training data has led to high-profile legal disputes, such as lawsuits by authors against AI developers for using copyrighted books as training material without permission. Although some courts have found certain uses to qualify as fair use, other aspects like downloading pirated copies remain contentious and subject to ongoing litigation and debate.[24]

3.5 Training Data and Transparency Issues

Linked to infringement risks is the opacity of training datasets used by AI developers. Much of the data that trains generative models comprises copyrighted works drawn from the public Internet or proprietary sources without explicit licensing. Legal commentators argue that this foundational issue undermines the integrity of intellectual property norms, as developers may inadvertently build models on content that was never authorized for such commercial use. Critics advocate for greater transparency in training datasets, although even transparency mandates do not by themselves solve the underlying legal uncertainty regarding permissible use of copyrighted materials.[25]

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[23] M. A. Chohan, M. A. Farooqi, A. Raza, & M. N. Rasheed, "Artificial intelligence and intellectual property rights: From content creation to ownership". International Journal of Social Sciences Bulletin, 2(4), 2514-2524, 2024. Available at: https://ijssbulletin.com/index.php/IJSSB/article/view/628](https://ijssbulletin.com/index.php/IJSSB/article/view/628 Accessed on 11th January, 2026.

[24] Associated Press. (2025, Jun 24). Anthropic wins ruling on AI training in copyright lawsuit but must face trial on pirated books. Available at: https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035](https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035 Accessed on 11th January, 2026.

[25] A. Buick, "Copyright and AI training data transparency to the rescue?" Journal of Intellectual Property Law & Practice, 20(3), 182-192. Available at: https://academic.oup.com/jiplp/article/20/3/182/7922541](https://academic.oup.com/jiplp/article/20/3/182/7922541 Accessed on 11th January, 2026.

3.6 Liability and Accountability for AI Outputs

Another unresolved challenge is liability for infringing AI-generated content. If AI generates a work that infringes upon existing copyrights either because it extracts or closely resembles protected elements determining who bears responsibility is legally unclear. Traditional doctrines of direct and vicarious liability presume human agency and intent. However, generative AI operates autonomously, making classical models of culpability less applicable. Some commentators suggest hybrid legal frameworks that balance the interests of developers, users and original rights-holders, but consensus remains elusive.

3.7 Policy and Reform Considerations

The confluence of these challenges indicates a pressing need for legal reform and policy innovation. Some scholars advocate for novel IP regimes tailored to AI's unique attributes, including tiered protection standards that recognize varying degrees of human involvement and creative contribution. Others propose clear statutory definitions of authorship and ownership that expressly account for AI participation, while still preserving incentives for human creativity.

4. COMPARATIVE AND INTERNATIONAL APPROACHES

As Artificial Intelligence (AI) technologies evolve rapidly, states and international organisations are grappling with how traditional intellectual property (IP) regimes can accommodate AI-generated content. This section surveys diverse legal approaches focusing primarily on copyright law because it is the IP domain most immediately affected by generative AI and highlights notable differences across jurisdictions in defining authorship, ownership, and protection of AI-generated works.

4.1 International Frameworks and WIPO's Role

The World Intellectual Property Organization (WIPO) has become a focal point for international discussion on the intersection of AI and IP law. WIPO has convened expert groups and solicited submissions to understand the complex policy questions around AI output and traditional IP norms, particularly authorship and originality. These ongoing discussions underscore that no global consensus currently exists on how to treat AI-generated works under copyright law. The absence of a uniform approach reflects both the novelty of generative AI and the philosophical underpinnings of copyright, which historically prioritise human creativity.

4.2 European Union and EU Member States

In the European Union (EU), copyright protection hinges on the presence of "originality" understood as work that reflects the author's personality via free and creative choices. Courts like the Court of

Justice of the EU (CJEU) have reaffirmed that works primarily determined by technical constraints, without real creative freedom, fail to satisfy this originality threshold. This means purely AI-generated output, lacking significant human intervention, typically falls outside copyright protection under existing EU standards.

In some EU jurisdictions (e.g., the UK before its exit), statutory provisions have gone slightly further. The Copyright, Designs and Patents Act 1988 (CDPA) explicitly addresses "computer-generated works" traditionally vesting copyright in the person making the necessary arrangements for creation when no human author is identifiable. Although this was not designed with advanced generative AI in mind, it provides a statutory foothold for considering authorship in cases involving sophisticated generative systems.[26]

These European positions generally emphasise human creativity as pivotal, and scholars argue for legal refinements that can accommodate collaborative human-AI creativity while preserving the foundational principles of copyright protection.

4.3 United States Approach

In the United States, both statutory practice and recent judicial decisions illustrate a strong commitment to the human authorship requirement. The U.S. Copyright Office's guidance supported by federal court interpretations concludes that copyright attaches only to works with human origin. Purely AI-generated output, even if creative, lacks the necessary human creative input and is therefore not eligible for protection.[27]

A recent decision from the U.S. Court of Appeals for the D.C. Circuit upheld this principle, ruling that AI-generated art lacking human involvement cannot receive copyright protection because the Copyright Act presumes an author must be human.[28]

[26] Copyright, Designs and Patents Act 1988 (UK). Available at: https://en.wikipedia.org/wiki/Copyright%2C_Designs_and_Patents_Act_1988](https://en.wikipedia.org/wiki/Copyright%2C_Designs_and_Patents_Act_1988 Accessed on 11th January, 2026.

[27] Reuters, "U.S. Copyright Office issues highly anticipated report on copyrightability of AI-generated works," Reuters (2025). Available at: https://www.reuters.com/legal/legalindustry/us-copyright-office-issues-highly-anticipated-report-copyrightability-ai-2025-04-02/ https://www.reuters.com/legal/legalindustry/us-copyright-office-issues-highly-anticipated-report-copyrightability-ai-2025-04-02/ Accessed on 11th January, 2026.

[28] "US appeals court rejects copyrights for AI-generated art lacking 'human' creator," Reuters (2025). Available at: https://www.reuters.com/world/us/us-appeals-court-rejects-copyrights-ai-generated-art-lacking-human-creator-2025-03-18 https://www.reuters.com/world/us/us-appeals-court-rejects-copyrights-ai-generated-art-lacking-human-creator-2025-03-18/ Accessed on 11th January, 2026.

However, the U.S. approach does allow that AI-assisted works, where substantial creative control resides with humans, may be eligible for copyright so long as the human contribution reflects sufficient originality. The Copyright Office's reports stress that prompts alone, without meaningful creative direction, almost never suffice.[29]

4.4 China and Asian Jurisdictions

China presents a mix of doctrinal developments. Certain judicial decisions have declined to award copyright to AI outputs absent human authorship, consistent with traditional copyright principles. Other cases reflect flexibility in assessing the role of human contribution to AI-assisted works. Chinese courts have at times applied a two-tier analysis separating objective originality from subjective human authorship, offering a conceptual framework for nuanced adjudication.[30]

Similar debates exist in other Asian jurisdictions, including Japan and South Korea, where courts and policymakers are still wrestling with whether to treat AI-generated work as deserving IP protection or to leave it in the public domain if no identifiable human creative influence exists. ([Reddit][7])

4.5 Other National Variations

Some common law jurisdictions (e.g., New Zealand, India, Hong Kong) have statutory frameworks recognising "computer-generated works," which could theoretically extend protection to AI outputs but these laws rarely specify how to allocate rights when human input is minimal or absent. In practice, their application to modern generative AI remains uncertain and largely untested.[31]

Moreover, Latin American perspectives are emerging. In rare, highly publicised cases, courts have ruled that AI-generated content is part of the public domain if it cannot be attributed to human creativity or meet originality criteria.

4.6 Key Comparative Issues

[29] Associated Press. (2025, Jun 24). Anthropic wins ruling on AI training in copyright lawsuit but must face trial on pirated books. Available at: https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035](https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035 Accessed on 11th January, 2026.

[30] M. Ampovska "Thresholds for Authorship and Originality in AI-generated and AI-assisted Works: A Comparative Study of Chinese and EU Copyright Case Law", Bratislava Law Review (2025). Available at: https://blr.flaw.uniba.sk/index.php/BLR/article/view/1136](https://blr.flaw.uniba.sk/index.php/BLR/article/view/1136 Accessed on 11th January, 2026.

[31] R. Huma, M. Janb, K. Nisarc, S. Noord, "Copyright and AI-Generated Content: A Comparative Analysis of Legal Perspectives in China and the United States", International Journal of Social Science Archives 7(2) (2024). Available at: https://ijssa.com/index.php/ijssa/article/download/315/236/](https://ijssa.com/index.php/ijssa/article/download/315/236/

Across jurisdictions, several common issues recur:

a. Human authorship requirement: Systems rooted in classic copyright theory consistently exclude works created without sufficient human creative input from protection; this is especially pronounced in the US and EU.

b. Statutory exceptions and sui generis rights: Some countries (e.g., UK via the CDPA) have tailored provisions for computer-generated works, but these predate current generative AI and may not fully resolve modern disputes.[32]

c. Training data use: Comparative debates also extend to whether and how generative AI's use of third-party copyrighted works for training should be regulated with varying reliance on fair use/fair dealing doctrines.

d. Policy and innovation balance: Nations are increasingly aware that overly rigid IP treatment might stifle innovation, whereas too permissive an approach could undermine incentives for human creators.

4.7 International Policy Challenges and Prospects

The lack of harmonised standards has significant implications for cross-border recognition of AI-generated works. Organisations like WIPO are pivotal for fostering dialogue and potentially developing model laws or guidelines that reconcile diverse legal traditions with technological realities. International cooperation could help establish consistent thresholds for human creativity, clarify ownership rules where AI systems play a substantive role, and address transnational disputes resulting from global AI platforms.

5. CONCLUSIONS AND RECOMMENDATIONS

The rapid evolution of artificial intelligence (AI) and its capacity to autonomously generate high-value creative content presents significant challenges to traditional intellectual property (IP) frameworks that were designed with human creators in mind. Existing copyright systems in most jurisdictions hinge on the requirement of human authorship, a criterion tested and affirmed in recent policy guidance and case law (e.g., U.S. Copyright Office and courts reaffirming human creativity as central to copyright protection).[33]

However, without legal reforms, works generated purely by AI without significant human

[32] Copyright, Designs and Patents Act 1988 (UK). Available at: https://en.wikipedia.org/wiki/Copyright%2C_Designs_and_Patents_Act_1988](https://en.wikipedia.org/wiki/Copyright%2C_Designs_and_Patents_Act_1988 Accessed on 11th January, 2026.

[33] Generative AI and copyright: principles, priorities and practicalities (2023) Journal of Intellectual Property Law & Practice. Available at: https://academic.oup.com/jiplp/article/18/12/841/7331468](https://academic.oup.com/jiplp/article/18/12/841/7331468 Accessed on 11th January, 2026.

involvement may fall outside current protections, potentially leaving creators, developers, and businesses uncertain about ownership, rights enforcement, and economic incentive structures. This is compounded in legal systems that, like Nigeria's, lack explicit statutory provisions addressing AI-generated works.[34]

5.1 Summary of Core Issues

First, the requirement of human authorship remains a formidable barrier for AI-generated works. Many current laws and policies refuse copyright for content created without significant human input, effectively placing purely AI-generated outputs outside the protective ambit of existing copyright law.[35]

Second, determining ownership of AI-generated content is legally ambiguous. Traditional systems assign ownership to the human creator, but AI complicates this because it lacks legal personality, and the human role in creation can range from direct artistic input to minimal prompting a distinction that remains unclear under many current codes.[36]

Third, the absence of a clear legislative framework for AI-specific IP rights impedes innovation and investment, especially in countries where intellectual property law has not kept pace with technological realities.[37]

5.2 Key Recommendations for Legal Reform

In light of these challenges, the following recommendations are critical to develop an IP regime that balances innovation, human creativity, and fair economic rights:

A. Clarify the Legal Definition of Authorship and Originality

A foundational reform should define the scope of authorship in the AI context. Legislatures should clarify whether AI remains merely a tool or can generate protectable works under certain

[34] Copyright in the Age of Artificial Intelligence (AI): Legal Implications and Emerging Issues (2025) Mondaq Available at: https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues https://www.mondaq.com/nigeria/copyright/1626440/copyright-in-the-age-of-artificial-intelligence-ai-legal-implications-and-emerging-issues Accessed on 11th January, 2026.

[35] Generative AI and copyright: principles, priorities and practicalities (2023) Journal of Intellectual Property Law & Practice. Available at: https://academic.oup.com/jiplp/article/18/12/841/7331468](https://academic.oup.com/jiplp/article/18/12/841/7331468 Accessed on 11th January, 2026.

[36] O. V. C. Ikpeze & O. E. Anyanor, "Legal Protection of AI-Generated Works: Appraising the Adequacy of Nigeria's Intellectual Property Framework", International Review of Law and Jurisprudence, Vol. 7 No. 2, 2025. Available at: https://nigerianjournalsonline.org/index.php/IRLJ/article/view/2620](https://nigerianjournalsonline.org/index.php/IRLJ/article/view/2620 Accessed on 11th January, 2026

[37] Ibid.

conditions, and what degree of human creative input is required for copyright applicability. This aligns with academic calls for legislative clarity in authorship criteria for AI outputs.[38]

Example Reform Model: Statutorily require a threshold of "creative contribution" by a human such as direction, selection, or modification of AI output before copyright can vest. This model allows copyright only where human creative decisions are sufficiently documented.

B. Introduce Hybrid/Attribution-Based Copyright Models

An inclusive approach would allow creators to obtain copyright for AI-generated works where a human's role meets a defined standard of contribution. Under such a model:

a. The human direction of the AI process becomes the basis of authorship, not the mechanical output alone.

b. Contractual agreements between AI developers, users, and creative contributors may allocate rights and responsibilities for outputs.[39]

This recommendation has been advocated in scholarly discourse as a balanced reform that preserves creative incentives while recognizing the technical contributions of AI.

C. Develop AI-Specific Intellectual Property Laws

Another forward-looking solution is the creation of a distinct IP regime for AI-generated content. This could include:

a. A sui generis protection regime for AI outputs (distinct from traditional copyright),

b. Specific rules on liability, transferability of rights, and licensing structures.

Such legislation could protect economic interests of developers and human operators without forcing ill-fitting principles of traditional copyright onto automated processes.

D. Harmonize International Legal Standards

Currently, jurisdictions vary widely: the U.S. and some African frameworks insist on human authorship, while other regions consider broader definitions or emerging hybrid approaches. Harmonizing legal approaches internationally would:

a. Reduce fragmentation in global digital markets,

b. Facilitate cross-border enforcement and cooperation,

[38] Lu, Yiheng, "Reforming Copyright Law for AI-Generated Content: Copyright Protection, Authorship and Ownership, Technology and Regulation". 2025 DOI: https://doi.org/10.71265/chkr8w30](https://doi.org/10.71265/chkr8w30 Accessed on 11th January, 2026

[39] Ibid.

c. Provide clearer standards for multinational AI developers and users.

E. Address Ethical Use of Training Data

Another critical dimension is legislative or regulatory guidance on how AI models use copyrighted material as training data. This affects not just AI outputs but the rights of original creators whose works train AI systems. Governments should clarify when training data use constitutes fair use/dealing, and when it amounts to infringement.

Such rules would support both innovation and fair compensation for original creators, mitigating disputes like those seen in major litigation and settlements involving AI companies. "…cases where AI training allegedly used copyrighted works without consent highlight the need for IP law reform to fairly balance rights and innovation."[40]

5.3 Policy Outcomes and Future Directions

Adopting these reforms would produce several beneficial outcomes:

1. Legal Certainty: Reducing ambiguity in authorship and ownership fosters creativity and investment.

2. Balanced Incentives: Recognizing human creative input while encouraging technological development.

3. Economic Growth: Clarified rights increase market confidence for AI creators and traditional artists alike.

4. Ethical AI Development: Clear standards for data use and transparency in AI training.

Ultimately, the future of AI and IP law depends on dynamic, nuanced legislation that evolves with technology without undermining foundational principles of creativity and fairness in intellectual property rights.

[40] Associated Press. (2025, Jun 24). Anthropic wins ruling on AI training in copyright lawsuit but must face trial on pirated books. Available at: https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035](https://apnews.com/article/1e5cece51c2e4bd0bb21d94de2abb035 Accessed on 11th January, 2026.