Annotated Bibliography

Guadamuz, A. (2017, October). *Artificial Intelligence and copyright*. WIPO.

https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html

This online article by Andres Guadamuz, discusses key points regarding the current issues

of copyrighting AI-generated art. Guadamuz discusses talks about the rapid advancements

of AI programs from solely being input driven to becoming more autonomous that once

create require less input from humans. He covers issues such as the impacts of commercial

intellectual property claims. I plan to incorporate this source into my essay by using it to

reference the changes in technology, to show that the neural network of the AI program

functions similar to human thought as well as reference some of the cases he talks about

that are already setting precedents for future cases. WIPO is the World Intellectual

Property Organization. They are a worldwide resource for intellectual property issues and

are a self-funded agency of the United Nations. WIPO was established in 1967. They have

extensive oversight in all aspects of their organization. Guadamuz is a Senior Lecturer in

Intellectual Property Law at the University of Sussex. In relation to other sources, this

article gives foundational information in connection to more opinionated sources that I

have included.

Heikkila, M. (2022). The Download This artist is dominating AI-generated art. He's not happy

about it. Greg Rutkowski is a more popular prompt than Picasso. *MIT Technology Review*,

125(6), 9. Retrieved October 12, 2023, from

https://link.gale.com/apps/doc/A727286737/CDB?u=tall85761&sid=bookmark-

CDB&xid=ba1f51fe.

This peer reviewed article by Melissa Heikkila focuses on a reputable commercial artist, Greg Rutkowski, who has made a living by creating original fantasy works of art for many companies in the gaming industry. His name has become a popular keyword for inputs given to art generative AI. I plan to incorporate this article into my essay as an example of artists who are being negatively affected by these AI programs. I will reference this article when discussing the issue of copyright infringement when AI developers are scrubbing the internet for images to train their AI program instead of only using public domain images. This credible article was written for the MIT Technology Review journal about one year ago. The article was sourced from the Gale OneFile Computer Science database accessed through the FSU online library. In relation to other sources, this source brings attention to scrubbing the internet and how the copyright issue may not be feasible because it was not legal from the beginning of the process.

Helyer, R. (2023). *What are the copyright rules around AI art?*. MUO. https://www.makeuseof.com/copyright-rules-ai-art/#:~:text=How%20Is%20AI%20Art%20Generated%3F

Ruby Helyer's online article discusses current copyright restrictions and how the terms and conditions of each generative AI program can affect the ability to copyright anything created with the assist of a particular AI program. The article also informs the public about the risks of using AI art, even without trying to copyright it. I plan to incorporate this source to consider the ethical issues of whether copyright licenses were adhered to if the AI sourced its images for training from protected art. Make Use Of is an online publication for

the technology industry. Author Heyler has a BA in graphic Communication as well as an MA in English Creative Writing.

Huson, G. (2018). I, Copyright. *Santa Clara High Technology Law Journal*, *35*(2), 54. https://link.gale.com/apps/doc/A633063411/CDB?u=tall85761&sid=bookmark-CDB&xid=57157418

This peer reviewed article by Garrett Huson in an in-depth look at all the ethical issue of AI regarding intellectual property and authorship. He examines the options of all sides of AI intellectual property including the options of the AI developer or even the AI itself being eligible to claim copyright ownership of AI-generated art. I plan to incorporate this article as the interpretation that the AI developer has possible claim of authorship as well as the AI itself. The article was written for a reputable technology law journal at Santa Clara University. The article was sourced from the Gale OneFile Computer Science database accessed through the FSU online library. In relation to other sources, this well researched article adds depth to the investigative essay with options no considered by the other sources.

Lupu, M. (2018). *Artificial Intelligence and intellectual property*. Artificial Intelligence and Intellectual Property. https://www.sciencedirect.com/science/article/abs/pii/S0172219018300723

This scholarly article, by Mihai Lupu, focuses specifically on what it means to have intelligence and observe how that is applied to computer programs that claim "artificial intelligence". I plan to incorporate this article by quoting some of Lupu's observations to

investigate whether or not AI-programs have the capability of being intelligent on their own accord. This article was published in the World Patent Information journal. Even though it was written before the AI advancements of 2023, it is still relevant to the topic of my essay. The article was sourced through the Science Direct database accessed through the FSU online library. This database specializes in scientific and technical research. The definitions of intelligence relate well to the other sources, and can possible be a determining factor to some of the opposing views regarding intellectual property and authorship.

Mahari, R., Fjeld, J., & Epstein, Z. (2023). *Generative AI is a minefield for copyright law*. The Conversation. https://theconversation.com/generative-ai-is-a-minefield-for-copyright-law-207473

This online article examines the case of Jason Allen who used an AI-generative program called Midjourney to create a work of art that won an art contest in 2022. The article further explores that amount in creative input that is required to have the output of such programs to equal the quality of the art that was created by Jason Allen. I intend to incorporate this article in my essay to explain the human effort that is put into creating art using AI-generative programs. I will explain about the quantity of revisions through additional inputs that are required and how an artist can use an AI text-to-image program to assist in their creation similar to other digital editing tools, like Photoshop. In terms of credibility, this article was written by two PhD students attending MIT as well as a Harvard Law School lecturer. This source relates to the others sources as giving an

opposing view. It considers the option that the artist using the AI-program may be entitled to claim authorship as long as their input was sufficient to me current copyright standards.

Miernicki, M., & Ng (Huang Ying), I. (2021). Artificial Intelligence and Moral Rights. *AI & Society*, *36*(1), 319. https://link.gale.com/apps/doc/A718382522/CDB?u=tall85761&sid=bookmark-CDB&xid=019b584f

This peer reviewed article, examines the ethical, or moral, rights rather than the economic rights of content created with the use of AI. The article covers a high volume of legal information as well as the debate of what best serves the artist's own interest versus the public's interest. It further discusses the possible ramifications if AI was recognized as having a qualifying "personality" to be able to claim authorship of work it creates. I intend to use the above-mentioned observations and theories in my essay to further explore my topic question, particularly about whether current rules aid or hinder the interests of artists, developers, and the public. This credible article was written for the AI & Society journal and is well researched with many credible citations. The article was sourced from the Gale OneFile Computer Science database accessed through the FSU online library. In relation to other sources, this article allows me to connect what the future outcomes could be regarding the other sources' perspectives.

Moran, B., & Vézina, B. (2023, September 27). *Artificial Intelligence and creativity: Why we're against copyright protection for AI-generated output*. Creative Commons. https://creativecommons.org/2020/08/10/no-copyright-protection-for-ai-generated-output/

This online article from Creative Commons takes a strong stance that AI-generated work of all kinds should never be copyrighted. The authors argue that anything created by a non-human cannot be copyrighted per current laws. The article references a photograph taken by an animal that made it to court and was legally determined to be the property of public domain. I plan to incorporate this article as the source for the public domain stance against AI authorship. Creative Commons is a reputable international nonprofit organization that focuses on advocating the public's interest. In relation to other sources, this article shows that it is important to consider public domain when investigating the issue of AI-generative works. While most are debating whether the AI or the artist using the AI has authorship, this article reminds its readers that the originality requirement of intellectual property laws does not include non-human entities.

Somaya, D., & Varshney, L. R. (2020). Ownership dilemmas in an age of creative machines: Developments in computational creativity are leading to a new era of innovation. intellectual property rights must keep up. *Issues in Science and Technology*, *36*(2), 79. https://link.gale.com/apps/doc/A615490527/CDB?u=tall85761&sid=bookmark-CDB&xid=7cef1dc9

This scholarly article discusses the fast rate in which AI is advancing and how policies will need to continue to evolve to keep up with this ever-improving technology. I plan to incorporate this source into my essay by exploring the listed programs from the article and how they are advancing their autonomous capabilities. I will cite some of the discussion about how new copyright laws may hinder the developers and their advancement with AI. How it is vitally important to not hinder the progress of AI will also be incorporated as

well as unexplored options such as licensing contracts. The article was sourced from the Gale OneFile Computer Science database accessed through the FSU online library. It was written for the Issues in Science and Technology journal. In relation to other sources, this article relates to the other sources by reminder readers of the importance of fostering creativity and technological innovation.

Vincent, J. (2022, November 15). *The scary truth about AI copyright is nobody knows what will happen next*. The Verge. https://www.theverge.com/23444685/generative-ai-copyright-infringement-legal-fair-use-training-data

This online article written by James Vincent contemplates the reality that no one knows the outcome of the intellectual property issues regarding AI-generative art. The author notes that the US Supreme Court does not rules on topics of fair use often, and that creators are already attempting to find ways to resolve copyright issues with developers and artists. I intend to incorporate this article in my essay by showing that there will most like be an agreeable determination to this ethical issue of AI produced intellectual property, but that overall, no one can determine what the future will hold because one cannot predict the future capabilities of AI. This article was written by a senior editor at The Verge, which is a reputable tech brand that is part of Vox Media. In relation to the other sources, this article provides the information to round out the investigation and begin to draw conclusions of what can be expected in the future of Ai-generated art and Ai-generative programs.