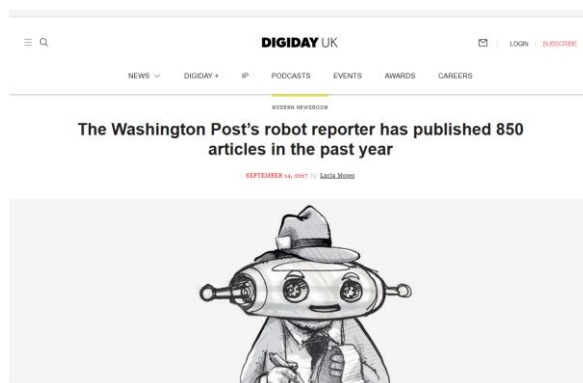


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# The Concept of Authorship Under Pressure: Does AI Shift Paradigms?

SAN  
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## “The Washington Post’s robot reporter has published 850 articles in the past year”



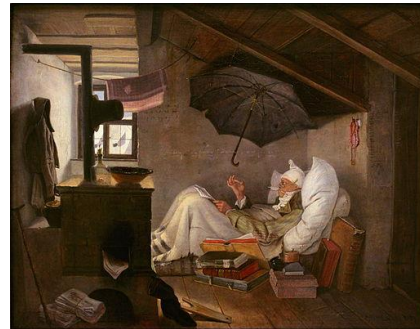
© Lucia Moses, DIGIDAYUK, <https://digiday.com/media/washington-posts-robot-reporter-published-500-articles-last-year/>

## The Next Rembrandt: [www.nextrembrandt.com](http://www.nextrembrandt.com)



## Copyright Law

### Germany



Carl Spitzweg (1808-1885): Der arme Poet (The poor Poet), [https://de.wikipedia.org/wiki/Der\\_arme\\_Poet](https://de.wikipedia.org/wiki/Der_arme_Poet)

*Sec. 2 (2) Copyright Act:*

(2) Only the **author's own intellectual creations** constitute works within the meaning of this Act.

## 1.2. Copyright Law



Gerhard Richter, window, Cologne Cathedral,  
[www.dombau-koeln.de/index.php?id=41](http://www.dombau-koeln.de/index.php?id=41)



Naruto, public domain, <http://www.faz.net/aktuell/wirtschaft/recht-steuern/wem-gehoert-das-affen-selfie-die-urhet-rechte-13086137.html>

## Status Quo

- ❖ “Works” created by AI without sufficient human involvement will be ineligible for copyright protection;
- ❖ Disputed how substantial the human input needs to be in order to enjoy copyright protection

## Reform Options in Copyright Law?

- ❖ Integration of AI-“works” into Copyright Regime  
= radical change of copyright regime
- ❖ No Legislative Actions: AI-“works” = public domain, if not protected by database right
- ❖ Creation of a “Robot Copyright”, “Related Right” or Sui Generis Protection
  - prerequisites for protection?
  - right ownership? ePersons?
  - scope of protection?

## Authorship : Does AI Shift Paradigms?

- ❖ From a practical point of view?  
If AI becomes state of the art, considerable competition for human works, e.g. translations, jingles, graphic design, ...
- ❖ The Legal Concept of Authorship?
- ❖ Need for justifying copyright protection for human works grows, if AI-“works” are perceived to be „better“
- ❖ Further Challenges: Liability Issues? Restrictions of copyright law in order to facilitate machine learning?