



Authorship of AI-Generated Works

Large Language Models: Methods and Applications

Daphne Ippolito and Chenyan Xiong

Who is the author of a work that was created by a human with the assistance of a generative AI system?

Scenario #1

Suppose you are writing a story using ChatGPT to help. You design all the prompts passed to ChatGPT.

When your story is finished, who do you reckon is the author?

The image shows a Menti quiz interface. The main screen displays the question "Scenario #1: Who is the author?" and a large blue "Start Menti" button. Below the button, there are three progress bars for the options: "You" (blue), "ChatGPT" (pink), and "Both of you" (red). All three bars show a score of 0. A small text "Responses are hidden" is visible next to the "Both of you" bar. The interface also includes a Menti logo, a join code "3784 4345", and a user profile "DI".

Menti
11-19-2024

Choose a slide to present

Scenario #1: Who is the author?

0 You 0 ChatGPT 0 Both of you

Scenario #1

Suppose you are writing a story using ChatGPT to help. You design all the prompts passed to ChatGPT.

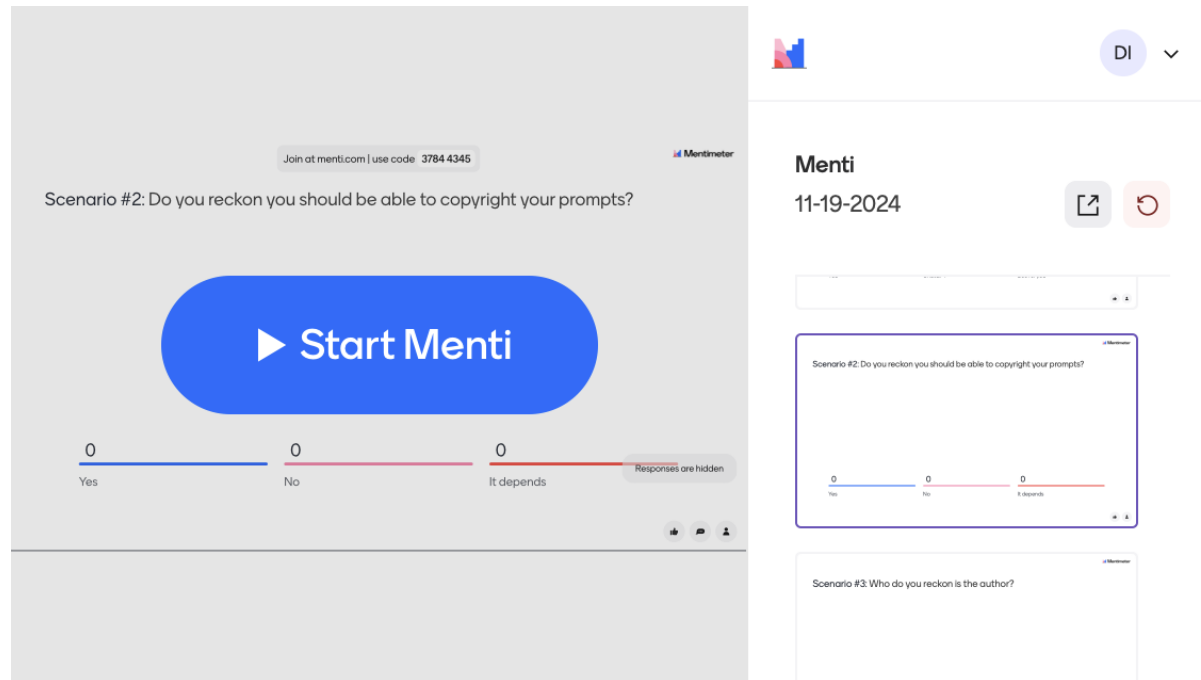
U.S. Copyright Office: the text of this story cannot be copyrighted.



Scenario #2

Suppose you are writing a story using ChatGPT to help. You design extremely complex and detailed prompts to get ChatGPT to make useful instructions.

Do you reckon you should be able to copyright your prompts?



Scenario #2

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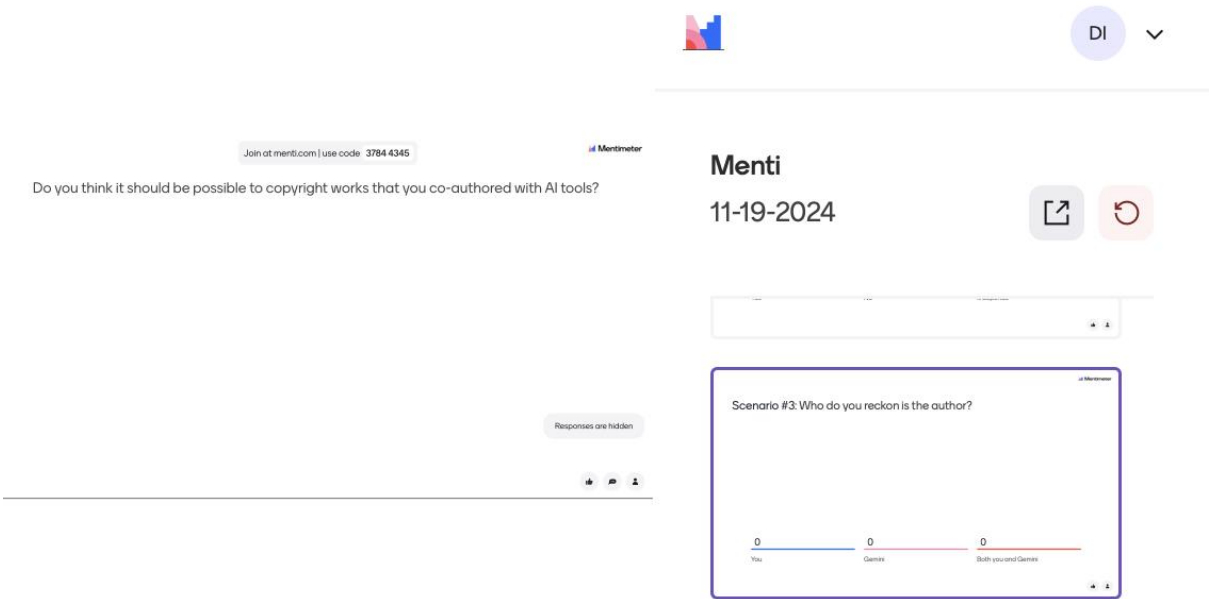
U.S. Copyright Office: Yes



Scenario #3

Suppose you are making a comic book. You use Gemini to generate all the images. However, the text and the layout of the images and text were all done you.

Who do you reckon is the author of the comic book?



Scenario #3

Suppose you are making a comic book. You use Gemini to generate all the images. However, the text and the layout of the images and text were all done you.

U.S. Copyright Office:

“We conclude that Ms. Kashtanova is the author of the Work’s text as well as the selection, coordination, and arrangement of the Work’s written and visual elements. That authorship is protected by Copyright.”
The images are not protected.



Scenario #3

Suppose you are making a comic book. You use Gemini to generate all the images. However, the text and the layout of the images and text were all done you.

U.S. Copyright Office:

If substantive edits were made to the images in Photoshop, those *edits* could be copyrighted, but not the source images.



Human Perception of Authorship vs. Copyright Office's

- The Copyright Office needs firm rules that they can apply uniformly to everyone.



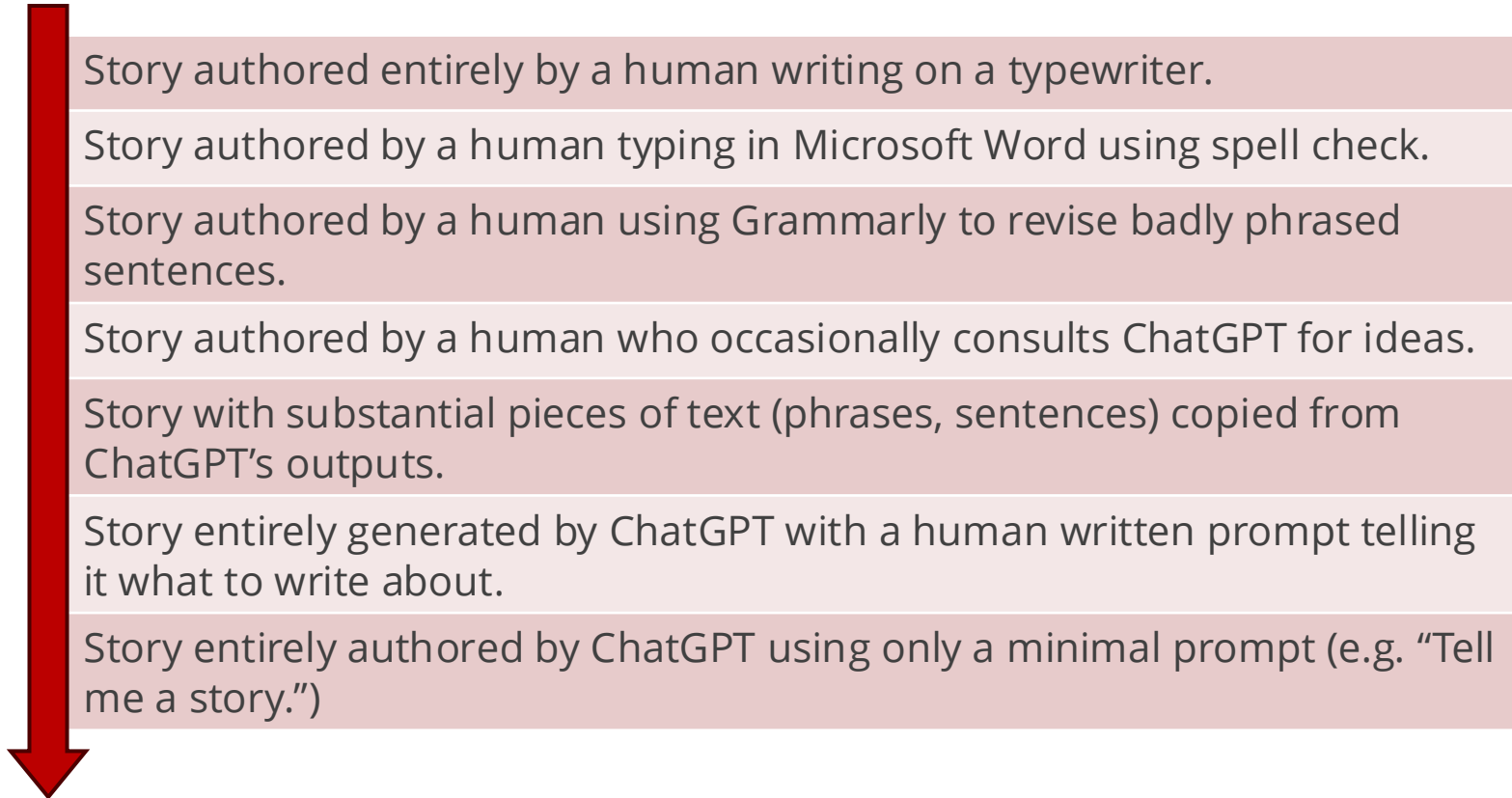
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- Humans have nuance in their perspectives. Works can exist on a spectrum of unambiguously human-authored to unambiguously AI-authored.



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Today's rules may not be tomorrow's rules.

Laws can change.

Interpretations of laws can change.

Enforcement of laws can change.



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**COMMENTS IN RESPONSE TO THE COPYRIGHT OFFICE'S NOTICE OF INQUIRY ON
ARTIFICIAL INTELLIGENCE AND COPYRIGHT**

By Pamela Samuelson, Christopher Jon Sprigman, and Matthew Sag

October 30, 2023

“A person who instructs a Generative AI with enough detail, such that model output reflects that person's original conception of the work, should be regarded as the author of the resulting work.”

“Furthermore, refining a series of text prompts and choosing among different outputs should also be recognized as a way in which a human using Generative AI could meet the authorship standard.”

What are your thoughts?

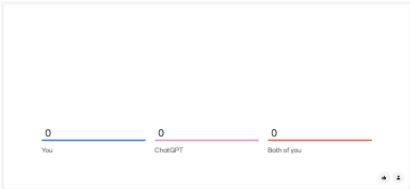
Join at [menti.com](#) | use code **3784 4345**



Do you think it should be possible to copyright works that you co-authored with AI tools?

Menti

11-19-2024



Responses are hidden

Do you think it should be possible to copyright works that you co-authored with AI tools?

