Chapter 14
Navigating Copyright Law in the Age of AI:
The Complex Relationship Between Generative AI and Artistic Expression

S. M. Aamir Ali
https://orcid.org/0000-0002-8686-0217
Symbiosis Law School, Symbiosis International University, Pune, India

Anuttama Ghose
https://orcid.org/0000-0002-7210-4074
School of Law, Dr. Vishwanath Karad, MIT World Peace University, Pune, India

ABSTRACT

The revolutionary effects of generative AI on artistic output are investigated in this research, which also looks at how artists and state-of-the-art tech work together. The integration of AI and human creativity opens up new avenues for expression but also brings up intricate IP issues. Looking beyond visual art, the research sheds light on the complex interaction between people and sophisticated algorithms, providing a fresh viewpoint on the creative process. Critical copyright problems are raised by the convergence of AI and creativity, which challenges conventional notions of authorship and infringement. The study advocates for a unified framework to navigate the legal complexities and guarantee ethical considerations in the evolving landscape of creative technology, addressing the global scope of AI-generated art.

DOI: 10.4018/979-8-3693-7235-7.ch014

1. INTRODUCTION

The ever-evolving realm of creative production is undergoing a sea shift as innovative artists collaborate with state-of-the-art technology, particularly via the use of generative artificial intelligence (AI) technologies in the artistic process. Intellectual property (IP) rights get more complicated when human creativity and AI combine, which expands the breadth of creative expression. Generative artificial intelligence (AI) is opening up new avenues of creative expression for artists who are looking beyond traditional mediums to include the digital and algorithmic realms (Martens, 2024). The complexity of human involvement with complicated algorithms is explored in this work, which extends beyond the mere act of visual art creation. From this vantage point, we may examine and make sense of the creative process from a fresh angle. Working together, artists and AI code may create anything from stunning, naturally occurring visual compositions to algorithms designed to make people feel a certain way. This work's research technique is known for its thoroughness; it will combine legal analysis with case studies and a thorough literature study. As part of the legal study, we will look at all the laws, both national and international, that are currently in place regarding AI-created artwork. The legal frameworks that govern ownership and authorship in creative works pertaining to artificial intelligence, as well as copyright restrictions and fair use principles, are further investigated in this study (Loaiza et al., 2019). In addition, this chapter will use case studies to show how artists, lawyers, and AI developers handle the intricate link between AI and creative expression, and to provide insights into the actual issues they face.

The findings of this research have important and practical implications for modern society for several reasons. There has been a recent uptick in the use of AI in the creation of unique pieces of art. In a novel way, this calls into question the long-established ideas of ownership and authorship. Understanding the complex legal concerns of AI-generated art is greatly enhanced by this work. Important questions like credit, copyright protection, and creator/user rights are explored. It is critical for lawmakers, legal professionals, artists, and anybody engaged with the creative industries to understand the gravity of artificial intelligence's effect on IP laws in this era of rapid technological development and digitization (Franke, 2019). In order to make educated decisions and guarantee that artists and consumers are treated fairly, this research offers helpful recommendations for navigating the changing copyright environment in the digital era. From a legal standpoint, it delves into the nexus between artificial intelligence and creative expression. We can now better grasp the intricate relationship among innovation, creativity, and the law thanks to the study's conclusions. What this means for the future of legal protections for intellectual property, creative expression, and innovation is enormous. The cornerstone of this chapter's goals is an in-depth understanding of the IP landscape associated