

Research on Rights Ownership of Artificial Intelligence-Generated Content

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Abstract: The AI-generated content that has emerged in recent years is at least formally original compared to traditional works. If such generated content is allowed to exile the market, its potential market effect and industrial interests make it difficult for us to ignore the existence of such generated content. From the perspective of copyright incentive, on the basis of the impersonal nature of artificial intelligence creations and the two-element theory of copyright nature in China, we separate the property rights of works, protect them as property rights alone, and allocate the property rights of works around investors.

Keywords: AI-generated Content; Investor; Copyright Incentive.

1. Introduction

As the next branch of the private law system, the traditional copyright law cannot reasonably solve the problem of the ownership of the rights of the content generated by artificial intelligence. Property rights are within the scope of the right holder's control, and within the scope of their control, they can make use of the generated content, thus providing adequate incentives to the right holder, so as to promote the development of artificial intelligence industry and the prosperity of cultural industry. However, the copyright law does not protect the private interests of the groups that should be encouraged in this respect.

Some scholars believe that artificial intelligence only generates products similar to human intelligence. In the process of content generation, there is no value orientation, and its final creativity is the result of artificial intelligence users or program designers providing data to help them train. Therefore, it is recognized that the content generated by artificial intelligence reflects the will of the user or the designer, and the system design can be carried out with reference to the provisions of China's legal person works. This path is conducive to the play of copyright incentive mechanism, further stimulate the enthusiasm of artificial intelligence program designers and investors' investment desire, and greatly benefit the development of artificial intelligence technology. However, in view of the reality of legal works, legal persons and creators mostly have legal relationships as equal subjects, such as administrative preparation relations, labor contract relations, etc., which are different from the ownership domination relationship between owners and artificial intelligence. Based on this reality, the creators of such legal works logically have corresponding subject status. However, in view of the reality of legal works, legal persons and creators mostly have legal relationships as equal subjects, such as administrative preparation relations, labor contract relations, etc., which are different from the ownership domination relationship between owners and artificial intelligence. Based on this reality, the creators of such legal works logically have corresponding subject status. Attributing the rights of content generated by artificial intelligence to the works of legal persons, including commissioned works, job works, etc., is suspected of conferring the subject status of artificial

intelligence in disguise. However, it is not advisable to refer to the American employment works for protection, which will cross and conflict with the legal person works and job works in our country to a certain extent.

Therefore, when the artificial intelligence-generated content is embedded under the copyright theory system, it faces a difficult problem: the ownership of the rights of the artificial intelligence-generated content. We do not advocate the pursuit of extreme incentive policies, but we should also ensure the public's access to information, so as to reflect the function of the public interest concern of copyright law.

2. The Determination of the Rights Subject of the Content Generated by Artificial Intelligence

Based on the development history of copyright law, the incentive role of copyright is on the rise, and the interests of investors are paid more and more attention. With the emergence and progress of printing technology and the further development of commodity economy, it has brought huge economic benefits to the publishing industry, prompting the emergence of legislation in the field of protection of related interests of the publishing industry. At the end of the 17th century, the British printing union, suffering from the loss of interests caused by plagiarism, advocated the protection of authors' rights, which was actually a hiding to the investors in the publishing industry, and gave the authors the property rights expected to obtain benefits, so that the authors were encouraged to create and promote the output of high-quality works. So in the early 18th century, the British Parliament passed the Queen Anna Act, which was essentially a product of the interests of publishing investors. In the colonial era, the copyright law of the United States was embodied in the laws of the states, mostly following the British copyright law. Later, due to the lobbying of publishing investors due to their interests being damaged, the Constitution authorized the United States Congress to raise the copyright law to a unified federal law, which has a certain utilitarian color and attaches importance to the exploitation of copyright incentive mechanism. Modern copyright law establishes the legal person works system and pays attention to the investors behind the works. The incentive function of copyright also begins with investors' promotion for private

interests, and is conducive to the increase of social benefits in the subsequent development. The ownership of copyright to investors helps to give play to the copyright incentive mechanism. At the same time, the author insists on the relative incentive mechanism and believes that absolute incentive or absolute free is not desirable. In the balance of the two, more emphasis is placed on incentive, namely the protection of investors' interests, the degree of which lies in the maximization of individual private interests to achieve the maximization of social benefits, but the supremacy of private interests is denied to avoid the unlimited pursuit of private interests and the loss of social public interests.

The application and development of artificial intelligence in the field of information are mostly provided by investors with a lot of material and technical support, and the artificial intelligence is also mostly owned by investors, Tencent's financial writing robot Dreamwriter. In artificial intelligence with the support of deep learning algorithm, its data storage can be completed independently with big data. At this time, the creative will of private subjects has limited or even no participation in the generation of artificial intelligence. Unlike Dream writer, the generation should be combined with financial data and materials provided by certain subjects. Therefore, it is inevitable to be dominated by the will of the subject, the new generation of Microsoft Xiaobing, the creation of literary works, there are at most different genres, such as poetry, prose, etc., but the creative part will not be dominated by the will, at this time, when talking about legal works and job works, its composition elements are difficult to meet. Although most scholars believe that the copyright of the content generated by artificial intelligence should belong to the operator (user), the author believes that the relationship between the investor and the operator should be comprehensively considered in the discussion. If there is a subordinate relationship between the operator (user) and the investor, such as a labor contract relationship, and the user uses the artificial intelligence that needs data support such as information and opinions provided by others, then the artificial intelligence is created by the operator's creative will. The artificial intelligence content generated by the operator whose purpose is to complete the investor's work task or which mainly uses the material and technical conditions of the investor and ultimately bears the responsibility of the investor can be applied or designed with reference to the job work, If it is based on the will of investors, presided over by investors and assume responsibility, artificial intelligence is governed by the will of investors, and the operation does not pay creative intellectual labor at this time, refer to the works of legal persons.

Investors and owners of artificial intelligence are consistent in most cases. The author equates the owner of AI with an investor, and interprets the investor as a corporation that organizes and invests a lot of resources in the process of developing AI, and actually bears the legal risk of the content generated by AI. It interprets the creation subject as including investors, affirms the owner of AI as the author, and confers exclusivity on investors.

3. Configure the Right to AI-generated Content in the Form of Property Rights

The theory of "natural rights" prevails in the civil law system, which believes that the extension of the author's

personality in the creation creates the personal right of the work, while in the current Anglo-American law system countries, it is called spiritual right. China's copyright law believes that the author's personal right is related to the author's creation, and does not reflect the property content itself, so even if artificial intelligence can have a high degree of independence from human creation or even a complete degree of independence from human creation, its final product is no less original than human works, but its "thought" is dependent on the internal algorithm. Different from the flesh and blood and spirit of the natural person, with personality will. Even if in the future, due to the "evolution" of deep learning algorithms, artificial intelligence may have the will to humanize, it is generally believed that natural persons are mainly equipped with personality attributes, and there are also personality attributes in legal or unincorporated organizations, but the premise of these two is that they have a certain subject status in private law, and artificial intelligence is difficult to exclude the restriction of object status. Cannot fill the personality attribute of copyright. Therefore, some people believe that the personality of natural persons is based on their ethical values, and the right capacity is the combination of biological and legal attributes of natural persons, while the reason why legal persons have personality is that the right capacity reflects the will of the group, thus filling in the personality attributes and making it possible for them to enjoy personality benefits. However, artificial intelligence dominated by people is difficult to become an independent subject and have personality attributes. China's copyright nature as a kind of comprehensive rights, with personality and property dual attributes. Based on the basic advantages of the duality theory of copyright exploitation in China, the author finds that the property rights of works and the personal rights of works are independent of each other, and the two rights can be separated theoretically, which makes it possible to create a kind of copyright with only property attributes to some extent. In order to facilitate the distinction, this kind of copyright nature is not without precedent. In the early Anglo-American law system, employment works were also dominated by economic benefits and only recognized the existence of property rights in works. This attribute of copyright will help solve the problem of human authoritarianism, and also has great practical significance for solving the future artificial intelligence technology from human self-creation to the level of complete autonomy and independence. According to the analysis of this idea, the scope of property rights can be selected and adapted around the copyright property rights system according to the actual situation of the content generated by artificial intelligence, and the system design can be carried out with the reference of the current system of transferring and licensing the property rights of works. As a branch of private law, copyright law should fully respect the contract between the subjects of private law in the allocation of copyright, only in this way can the autonomy of the subject be fully brought into play. Considering that such a scheme will lead to the problem of unsigned works, the name of artificial intelligence can be noted and registered as a distinguishing mark, inspired by the establishment system of land contract management rights in tangible property rights, registration and ownership certificate grant, which does not produce private law effect, but is treated as an administrative means. The purpose is to distinguish the convenience of finding the right holder and reduce the transaction cost of

licensed use.

4. Conclusion

Based on the possibility of the separation of copyright personality and property independence in China and the impersonal characteristics of artificial intelligence creation, a system suitable for artificial intelligence birthdate content is derived. The design of the system is the product of the interest game of the claimants, and from the side, it is also the result of the sorting, selection and consideration of the interests of the legislators. When allocating rights, it is necessary to comprehensively consider the play of the market effect and the incentive function of copyright by the generated content of artificial intelligence, and design the system around investors to maintain the relativity of incentives and the concern of social welfare. Based on this, the author puts forward the system design of separating the property rights of works based on the investor principle.

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