

Copyright, Artificial Intelligence and the Changing Nature of the Creative Process

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The creative achievements of artificial intelligence, previously unimaginable, have become a fascinating reality. AI technologies are increasingly being integrated into various creative and artistic fields, contributing to the development of new forms of works and creativity.

The ability to create new works through artificial intelligence—in a process where the role of the human author becomes ambiguous, sometimes to the point of complete dissolution—challenges the fundamental principles of copyright law and necessitates rethinking the rules and presumptions that should apply to such works.

This article focuses on three key aspects: first, it discusses the fundamental changes in the creative process resulting from the use of AI tools. Second, it examines how these changes challenge basic principles and core concepts in copyright law, such as “authorship.” Third, the article addresses whether AI technologies constitute a technological disruption that changes the copyright paradigm.

The article examines the challenges facing copyright law in adapting to these fascinating technological innovations, addressing the need to balance the protection of human creativity with the promotion of technological innovation. It considers issues such as ownership of AI-generated and AI-assisted works, recognition of moral rights, and protection of technological investment.

The article highlights the need to adapt the legal framework to a new reality where the boundary between human- and computer-generated creation becomes blurred. It proposes a new conceptual framework for achieving the appropriate balance between protecting human creativity and promoting technological innovation in an era when human-machine collaboration becomes a central component in the creative process.