

Legal Status of Intellectual Property Created by Artificial Intelligence

Javokhir Eshonkulov

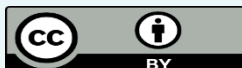
Lecturer of Cyber Law Department, Tashkent State University of law, Uzbekistan
javoxireshonqulov0724@gmail.com

Shukurullayev Firdavs

Tashkent State University of Law, The faculty of International law and comparative legislation
firdavsshukurullayev4@gmail.com

Abstract: The legal status of intellectual property generated by artificial intelligence (AI) remains a topic of debate. Due to the Berne Convention's recognition of only humans as authors, many countries, including the United States and the European Union, do not acknowledge AI as an independent author or inventor. Similarly, patent legislation is primarily applicable to natural persons. This situation renders the legal status of works created by AI ambiguous. The acquisition of intellectual property rights by artificial intelligence can have both positive and negative consequences. Therefore, it is expected that the world community will provide solutions to this issue with new approaches.

Keywords: Artificial intelligence, Intellectual property, copyright, legal status, author, Berne Convention, World Intellectual Property Organization.



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Introduction.

The rapid development of digital technologies in today's era is causing unprecedented changes in humanity's centuries-old traditional way of life and even in the general form of human existence. A clear example of this can be seen in our daily lifestyle. Not long ago, just a few years back, we would access the internet on our personal smartphones, search through specialized platforms, and satisfy our desire to listen to or watch our favorite music or movies. Currently, such actions can be performed by simply giving a few written or verbal commands to digital technologies, especially Artificial Intelligence. Even if we can't find what we're looking for, Artificial Intelligence can offer its own creative product based on its capabilities in response to our query. Most importantly, Artificial Intelligence can create products in any field. According to research conducted at universities in Great Britain, we can cite as a real-life example the high rates of students using Artificial Intelligence (AI) during the learning process and for completing tasks. In 2024, the use

of AI in the learning process among students was 66%, while today this indicator has reached its highest point at 92%. Moreover, 18% of students who use AI complete their tasks entirely by directly utilizing AI.¹ Of course, students' use of Artificial Intelligence (AI) and the question of AI's claim to intellectual property rights may be viewed as a relatively insignificant issue. However, it has sparked various discussions and raised several questions worldwide regarding who owns the intellectual property rights to films, photographs, music, and artworks created by AI, as well as works written by AI. Can students and people in general claim authorship of creative products generated by AI? Should it be the individuals who commissioned the creation of these products, or the AI itself that used its own intellect, albeit artificial, to create them? To what extent would recognizing AI as a subject of intellectual property bring benefits or harm to society? This essay attempts to elaborate on these issues in detail.

Methods.

In 2016, researchers from Japan's Future University Hakodate, led by Professor Hitoshi Matsubara, created a short story titled "The Day a Computer Writes a Novel" using artificial intelligence.² Notably, this AI-written work passed the preliminary selection stage in a literary competition dedicated to Hoshi Shinichi. Although the story did not win in the final stage of the competition, the participating authors gave a positive assessment of the AI's creative capabilities. They emphasized that in the future, collaboration between AI and human writers could yield promising results. However, the artificial intelligence that created the story was not granted copyright for the work. Nevertheless, this story opened a new chapter in world history as the first work of art written by artificial intelligence.

Artworks created by artificial intelligence systems such as Dall-E and Midjourney are also causing various copyright disputes worldwide. In 2022, Jason M. Allen participated in a fair in the state of Colorado, United States, with a piece created by the Midjourney artificial intelligence. The creative output of the artificial intelligence emerged victorious in this competition.³



¹ Sally Weale. UK universities warned to 'stress-test' assessments as 92% of students use AI. The Guardian. (2025) https://www.theguardian.com/education/2025/feb/26/uk-universities-warned-to-stress-test-assessments-as-92-of-students-use-ai?CMP=share_btn_url

² Natalie Shoemaker. "Japanese AI Writes a Novel, Nearly Wins Literary Award". BigThink. (2016) <https://bigthink.com/technology-innovation/a-japanese-ai-wrote-a-novel-almost-wins-literary-award/>

³ 3. Kevin Roose, An A.I.-Generated Picture Won an Art Prize. Artists Aren't Happy. The New York Times. (2022) <https://www.nytimes.com/2022/09/02/technology/ai-artificial-intelligence-artists.html>

Jayson M. Allen's work "Theatre D'Opera Spatial" created by Midjourney through artificial intelligence.

Competing artists who participated in the competition objected that the work was not created by man and emphasized that it has no legal protection. Since the judges of the competition initially did not know that the work was created by Artificial Intelligence, they left the victory to M. Allen. However, due to the fact that in order to protect copyright in the legislation of the United States, the work must be created only by a person, that is, as a result of human intellectual potential, the right of Midjourney's Artificial Intelligence to intellectual property is not recognized this time either.

Artificial intelligence has not bypassed the world of cinematography. Filmmakers use artificial intelligence to create sound, visual effects, or some animation. Fabian Stelzer posted a 2022 film titled "Salt" on Twitter. This film was created using Midjourney, ChatGPT, and other Artificial Intelligence technologies, with no human intervention at all⁴. In this case as well, no intellectual property rights were granted to the creation of artificial intelligence.

Some believe that intellectual property rights should be granted only to the results of intellectual activity created by humans, while on the other hand, they believe that granting this right to Artificial Intelligence will lead to its development in the future and the next stage of improving people's lives. In general, it is possible to partially agree with both of these views. Let's analyze this in more detail.

Whether we like it or not, artificial intelligence occupies important positions in various fields, and there is a need to expand its scope of application. It is also true that industries have developed and are developing with the help of artificial intelligence. The most important positive aspect of granting intellectual property rights to artificial intelligence is the fact that it can contribute to the further acceleration of innovation and technological progress. By granting this right to artificial intelligence, it creates relative motivation and trust among its creators. That is, granting intellectual rights will lead to attracting additional investments in the creation or further development of other types of artificial intelligence. This leads to an increase in the capabilities of Artificial Intelligence and the quality of the creative works it creates reaches the next level.

Also, the fact that Artificial Intelligence protects the creative products created for people instead of them can be another reason for granting intellectual property rights to Artificial Intelligence. As an example, business entities are borrowing the symbols, emblems, or logos they need from the creative product of artificial intelligence. Granting intellectual property rights to artificial intelligence will lead to the protection of these creative products by artificial intelligence itself and create more convenience for people.

The answer to the question about the reasons why this right is not granted to artificial intelligence might be what negative consequences it would lead to if this right were given to artificial intelligence. The first major problem is a very significant decline in human creativity. Firstly, we know that human creativity is created based on originality, emotion, and experience. At the same time, it is natural that human creativity requires time. Artificial intelligence can create creative works that are no worse than human creativity several times faster than the time spent by humans. This can lead people to choose artificial intelligence's creative product rather than real human creativity. The decline in demand for real human creativity leads to economic and material damage to the authors. After this, creative people may also be forced to leave this field.

Another negative consequence of artificial intelligence acquiring this right may be the violation of intellectual property rights itself. That is, Artificial Intelligence often creates using materials

⁴ 4.Rachel Metz. This guy is using AI to make a movie — and you can help decide what happens next. CNN Business. (2022) <https://edition.cnn.com/2022/09/25/tech/ai-film-salt/index.html>

available on the Internet. This can lead to an increase in plagiarism in creative products created by Artificial Intelligence and violation of people's copyright, causing many problems.

As a result of the creative activities of artificial intelligence, such as those mentioned above, there is a growing demand for amendments to international and domestic legislation regarding intellectual property rights. These demands stem from the disputes and negotiations arising from AI-generated content. However, the international community has not yet fully recognized the intellectual property rights of artificial intelligence.

The Berne Convention for the Protection of Literary and Artistic Works of 1886 is considered the most significant international treaty in safeguarding intellectual property rights. This international agreement does not contain any provision prohibiting artificial intelligence from acquiring intellectual property rights. However, Article 3 of the convention specifies who is eligible to exercise the right to intellectual property protection. According to Article 3 of the Convention, the right to intellectual property protection applies only to citizens of a state or stateless persons. That is, only individuals have the right to intellectual property protection, regardless of their citizenship status. On March 18, 2025, at a court hearing in the United States, the U.S. Court of Appeal stated that an image created by Stephen Taler's "DABUS" artificial intelligence system does not have copyright protection rights, and only work with human authors can be protected by copyright⁵. The court made this decision on the basis of the Berne Convention on the Protection of Literary and Artistic Works. Also, the World Intellectual Property Organization (WIPO) expresses its opinion on this issue with the Berne Convention and believes that intellectual property rights can belong only to the authors.

China is one of the few countries that has granted intellectual property rights to artificial intelligence. In a court hearing in 2023, the Beijing Internet Court ruled that the image created with the help of artificial intelligence is copyrighted, and the person who prompted the image created with the help of artificial intelligence is copyrighted in accordance with Chinese copyright law⁶. Four main criteria listed in Chinese legislation for obtaining copyright for this work created by artificial intelligence: (1) relating to the fields of literature, art, or science; (2) has a specificity; (3) has the form of an expression; and (4) is the result of "intellectual achievement." The "intellectual achievement" and "uniqueness" of the court were sufficient.

What is the issue of artificial intelligence acquiring intellectual property rights in the legal system of the Republic of Uzbekistan? Article 3 of the Law of the Republic of Uzbekistan No. 42 "On Copyright and Related Rights" defines the concept of an author, according to which an author is a natural person who creates a work through creative labor⁷. It follows that the Republic of Uzbekistan also does not recognize artificial intelligence's right to intellectual property. However, in recent years, the country has been paying increasing attention to artificial intelligence technologies. As a practical example of this, we can cite the "Digital Uzbekistan - 2030" strategy, which is based on Presidential Decree No. 6079 of the Republic of Uzbekistan adopted in 2020. Furthermore, to ensure the implementation of the goals and objectives defined in the strategy, Presidential Decree No. 358 "On Approving the Strategy for the Development of Artificial Intelligence Technologies until 2030" was adopted in 2024.

⁵ 5.Blake Brittain. US appeals court rejects copyrights for AI-generated art lacking 'human' creator. Reuters. (2025) <https://www.reuters.com/world/us/us-appeals-court-rejects-copyrights-ai-generated-art-lacking-human-creator-2025-03-18/>

⁶ 6.Yuqian Vang , Jessi Chjan. Beijing Internet Court Grants Copyright to AI-Generated Image for the First Time. Kluwer Copyright Blog. (2024) https://copyrightblog.kluweriplaw.com/2024/02/02/beijing-internet-court-grants-copyright-to-ai-generated-image-for-the-first-time/?utm_source=chatgpt.com

⁷ <https://lex.uz/ru/docs/-1022944>

Discussion.

The study shows that many countries around the world do not provide any legal protection to works created by artificial intelligence. From this it follows that if in the future there is a serious struggle for artificial intelligence to acquire intellectual property rights and the world community does not grant it this right, many governments are eliminating the possibility of artificial intelligence acquiring this right by eliminating shortcomings in domestic legislation. Completely limiting this right of artificial intelligence The decrease in people's need for artificial intelligence and the decrease in investments attracted by investors also question its future prospects. Therefore, many legal scholars cite the collaboration of artificial intelligence and authors as a solution to this issue. However, even in this case, it is emphasized that the author's creative activity should be greater than the contribution of artificial intelligence.

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