Rethinking the Copyrightability of Artificial Intelligence Generated Objects: Taking China's the AI Text-To-Picture Case as an Example

Zhezhe Yang
Law School, China Jiliang University, Hangzhou, Zhejiang, China

Abstract: In recent years, the strong entry of generative AI has once again impacted the anthropocentrism and originality standard of traditional copyright law. In this paper, the latest judicial practice of AIGC in China is used as an example to analyze the copyright of AIGC, firstly, from the copyright elements of intellectual achievement and originality, secondly, in terms of the attribution of rights, which is conceptualized in terms of a balance of interests. The analysis shows that the content of AI-generated objects meets the constituent elements of works, and should not be treated differently in the determination of works, but since AI does not belong to traditional civil subjects, the attribution of rights should be built along the direction of the rules of the right of property from the mode of private ownership, so as to truly give full play to the value of AI-generated objects, safeguard the rights and interests of the relevant parties, and promote the high-quality development of the AI industry.

Keywords: AIGC; Intellectual Achievements; Originality; Rights Attribution

1. Formulation of the Problem

The emergence of AI assistants such as ChatGPT and Wenxin Yiyin has rekindled a lively academic debate about the nature of AI-generated content. It is noteworthy that the Copyright Office of the U.S. Library of Congress issued a policy statement on March 10, 2023, emphasizing that copyright law only protects the creative parts of human authorship, and explicitly excludes AI-generated content "without human creative contribution" from the scope of copyright law protection[1]. In China's judicial practice, both the Dreamwriter Case heard by the Shenzhen Nanshan District People's Court and the Beijing Film Law Firm v. Baidu heard by the Beijing Intellectual Property Court denied the creative ability of AI itself, arguing that AI-generated content can only be protected if it is proven to have been created by human authors. In August 2023, the Beijing Internet Court heard the first case of copyright infringement dispute over AI text-generated pictures, prompting people to take a closer look at AIGC (Artificial Intelligence Generated Content), which has been recognized as a work of art. In August 2023, the Beijing Internet Court heard the first copyright infringement case of "AI text-generated picture", which prompted people to think further about the copyright issues of AIGC.

At present, Chinese academicsare divided on the topic of copyrightability of AI-generated objects, further summarized on the basis of the scholar Wang Guozhu summarized, the doctrine of copyrightability of artificial intelligence can be roughly divided into two positions, one position holds the view that the natural person author is not necessary, and the other side holds the view that the natural person author is necessary[2]. The former includes several doctrines, the first of which is the "non-essentiality of natural person authorship" and the "non-essentiality of human thought and personality", which are mostly purely appearanceist views. In the position of the necessity of natural person authorship, there is a more detailed division of statements, including "the inability to realize the personalized expression of human beings", "the restriction, exclusion, and obstruction of the transmission of human creativity", "artificial intelligence creative tools", and so on. In addition, there is also the "human and machine co-creation doctrine". According to this doctrine, "in the field of intellectual

creation, human beings are no longer the sole bearers of spiritual production activities. Machines intervene in inventions and creations, sharing thoughts and wills with humans in a human-like manner, and realizing interaction at the spiritual level, which are the inventions and works generated by human-machine cooperation." This actually recognizes the subjectivity of AI, but it does not mean that it recognizes the independence of AI as a subject, which cannot be hastily classified into the position of "natural person author is not necessary". According to the current spirit of the decision, the judicial practice adheres to the position of the natural person author necessary, and at the same time tends to regard AIGC as a work in the sense of the copyright law, AI is regarded as a kind of tool similar to the camera, etc, as long as it can reflect the original intellectual input of the human being, the AIGC should be recognized as a work of the viewpoint of the technological development of a certain degree of reasonableness in the context of the development of the technology. However, this may also give rise to a series of problems, as the requirement of human intellectual input for the utilization of AIGC may be very low, which may lead to a certain degree of intellectual property monopoly in the future by generating works through artificial intelligence on a large scale and at a low cost, and may even lead to problems such as the crowding out of the space for human creativity by AIGC. With the rapid leap in technology, the emergence of strong AI is no longer a star-picking fantasy. The future AIGC cannot directly nest the existing template of copyright, as its natural human author characteristics are not directly compatible with the technical characteristics of AI, which will lead to uncertainty at the normative level. The following article will discuss the copyrightability of AIGC and the possible direction of subsequent rights protection in light of China's judicial practice, focusing on its intellectual achievement and originality criteria.

2. Case Commentary

Beijing Film Law Firm v. Baidu is known as the first case of AIGC copyright infringement in China[3] , and one of the points of contention in the case was whether the analysis report generated automatically by utilizing the WK database constituted a written work. The court of first instance held that although the report was original, the current law stipulated that written works should be created by natural persons. In this case, the software developer did not participate in the process of generating the report, and the software user only submitted the search keywords and used the visualization function to generate the report, which did not convey the original expression of thoughts and feelings of the two aforementioned, so the software developer and the software user could not be regarded as the authors, and at the same time, the WK Database was also not a natural person. Therefore, it was concluded that the analysis report was not a work in the sense of the copyright law, and the corresponding copyright could not be generated based on the report. The Court of First Instance also held that even though the analysis report was not recognized as a work, it was produced with the input of the software users, and should be given certain rights and interests to incentivize its use and dissemination. The Court of Second Instance also recognized the above conclusion.

The Dreamwriter Case was the first case in which AIGC was found to constitute a work[4]. The core issue of the case was to determine whether the financial review article generated by the Dreamwriter software constituted a written work. The court held that the article belonged to the field of literary expression and was reproducible. The content of the article in question reflected the selection, analysis and judgment of the relevant stock market information and data on that morning, and the article was reasonably structured and clearly expressed in a logical manner, with a certain degree of originality. The specific expression of the article reflects the personalized choice and arrangement of the creator. In conclusion, the article is considered to be a work within the meaning of the copyright law.

The AI Text-To-Picture Case is the first copyright case of AI-generated images in China[5]. After the judgment of the case was made public, it triggered discussions in all walks of life. In this case, the plaintiff used the Stable Diffusion model to generate the image in question, "Spring Breeze Sends Tenderness", by setting prompt words and parameters. The court held that the picture in question clearly

belonged to the field of art and had a certain form of expression, so to determine whether it constituted a work, it should focus on analyzing whether it belonged to "intellectual achievements" and whether it further possessed "originality" if it constituted intellectual achievements. Regarding the "intellectual achievements", the plaintiff has made certain intellectual inputs, such as designing the presentation of the characters, choosing the prompts, arranging the order of the prompts, setting the relevant parameters, and selecting which picture meets the expectation, etc. The picture in question embodies the "intellectual achievements" of the plaintiff, and the plaintiff has made certain intellectual inputs. The picture in question reflects the Plaintiff's intellectual input, so the picture in question has the element of "intellectual achievement". With regard to "originality", on the one hand, the plaintiff designed the characters and their presentation and other elements of the picture by means of prompts, and set up the parameters for the layout and composition of the picture, reflecting the plaintiff's choice and arrangement. On the other hand, the plaintiff continued to increase, modify the parameters, and ultimately obtained the picture in question, adjustment and correction process also reflects the plaintiff's aesthetic choice and personality judgment. In conclusion, the picture in question has the element of "originality". The Court further discussed that people using AI models to generate pictures are essentially people using tools to create, it is the person who makes the intellectual input in the entire creative process, not the AI model, and that the Plaintiff is the author of the pictures in question, and is entitled to the copyright.

From the above jurisprudence, it can be extracted that if a certain output content is generated by a user using AI technology, and in the process of generation, the user has made his own choices and arrangements for setting parameters and generating commands, and poured in his own aesthetic choices, personalized judgments, personalized expressions, and his own expected presentation of the output content, which embodies the creativity of the user of the technology, and the output content has a certain degree of difference from existing works in terms of external expression, then it can be recognized that AIGC possesses originality. If there is a certain degree of difference between the output content and the existing works in terms of performance, and the output content has a minimum degree of creativity, then AIGC can be recognized as having originality. In terms of attribution, the first two cases denied that the software developer was the author, arguing that the software developer did not have subjective intent and direct choice for the generated results in this case; in terms of work identification, the user of The AI Text-To-Picture Case from the initial model selection, cue word selection, parameter selection and setting, to the final continuous correction, reflecting more and more specific intellectual input, and therefore was recognized by the judge as belonging to the intellectual achievements of the user of the natural person and constituting a work. Therefore, it was recognized by the judge as belonging to the intellectual property of the natural person user and constituting a work. Although the result seems to be a different judgment in the same case, the court still upholds the position of "the necessity of the natural person's authorship".

3. Ientifying the Attributes of a Work

3.1 Examination of Intellectual Attributes

AI already possesses basic human intelligence. Taking ChatGPT as an example, neural network technology enables ChatGPT to adjust its generated content in response to each user's feedback. As ChatGPT autonomously grabs different materials, the result of creation also shows a high degree of randomness, reproducing the human creative process. Although it does not have free will, AI Text-To-Picturealready has considerable autonomy and is only controlled by top-level code during the creation process after receiving instructions. Humans can indirectly intervene in the creation of AI during the design phase by designing algorithms, selecting data, and adjusting the model structure, but the autonomous creation process of AI is a black box that cannot be foreseen by humans. The current AI can not only perform pre-defined tasks without human intervention, but also understand complex concepts and reason logically, and then propose creative ideas and solutions, which can just prove the degree of intellectualization of generative AI. First of all,

in terms of external expression, AIGC is not substantially different from the intellectual achievements created by human beings, and it is a class of human-understandable expression of thoughts, emotions and cognition. Its expressions in terms of language style, narrative structure, phrase construction, grammatical construction, and writing style are highly in line with the expressions characterized by human-created textual works, and can clearly convey the information and thoughts behind the words and symbols to the audience[6]. Secondly, from the perspective of internal operation principle, AI generated products are not fixed results produced by executing established algorithms and programs, but contain a certain sense of intellectual "creativity". On the one hand, AI is a kind of intelligent information processing system that imitates human intellectual activities, and its different structures correspond sequentially to the levels of human intellectual activities: the computer hardware as the basis of AI operation corresponds to the physiological process at the lowest level of human intellectual activities; the computer language of AI corresponds to the primary information processing of human intellectual activities; and the program of AI corresponds to the highest level of human intellectual activities - the highest level of human intellectual activities, which is the computer language of AI. The computer language of AI corresponds to the primary information processing of human intellectual activity; the AI program itself corresponds to the highest level of human intellectual activity - thinking strategy. By independently recognizing the similarity and uniqueness of big data, it independently completes the construction of its feature function model, and then generates corresponding products based on the creative materials provided by human beings[7]. In this way, the creative process of AI is essentially the same as human intellectual activity, and both embody the comprehensive ability of cognition, application of experience, and problem solving, etc. AIGC certainly has the attribute of creative "intelligence" in a certain sense.

Another perspective is Trends and Developments in Artificial Intelligence – Challenges to the Intellectual Property Rights Framework released by the European Commission in 2020. The report, which delineates the stages of AIGC formation, suggests that human intellectual inputs may occur in the "conceptualization", "execution", and "editing and refinement" stages respectively. First, in the idea conceptualization stage, creators need to make a series of design choices, such as the genre, style, and format of AIGC. This stage is mainly handled by human operators, while the role of AI in the creative process is limited to acting as an external constraint, limiting the designer's creative possibilities. At this stage, human contributions to the final AIGC are still at the level of ideas and have not yet materialized into concrete expressions, which are naturally not protected by copyright law. When generating images with AI, users of The AI Text-To-Picture Case inform the AI of their ideas by inputting prompts such as "ultra-realistic photo" and "color photo", etc. Admittedly, if the prompts, prompts and prompts are entered in a certain way, the AI will not be able to create the image. It is true that if the prompt words or sentences inputted have a certain degree of originality, the prompt words or sentences may constitute a written work protected by copyright law, but it is necessary to distinguish whether the prompt words can be equated with the specific expression of the AIGC generated in the end, and whether the prompt words protected by copyright law can be equated with the specific expression of the AIGC protected by copyright law. Secondly, the execution stage is to transform the human user's "thoughts" into "concrete expressions". In this process, AI usually plays the role of the main executor, almost without human intervention, and it is difficult for users to accurately predict and control the output results. Take the Stable Diffusion model used in The AI Text-To-Picture Case as an example, the model generates images by controlling the noise reduction of pixels through massive learning of correlations and commonalities of materials. Although the model generates images based on prompts from human users, Stable Diffusion generates images in an unpredictable way, unlike the usual drawing tools that can be controlled and guided to achieve the user's expectations. The prompts entered by the user "influence" the generated image, but the prompts do not determine the exact result. It is precisely because of the unpredictability of the

results generated by current drawing AIs that users need to spend a great deal of time and effort repeatedly adjusting and adding cues and parameters, and ultimately selecting the image that matches their preconceived ideas among the multiple images generated by the AI. In other words, the user of AI case may not have a specific image of the painting result in his/her mind, or his/her specific image may not be consistent with the final result, then the painting result may not be the user's original intellectual achievement, and a large part of the creative contribution belongs to the AI software itself. It is a purposeful calculation made by the AI after countless hours of deep learning, based on the cue words provided by the user. In this case, it is difficult to say that the human user decides the specific expression of the final generated image, and it is impossible to regard the AI, which is not fully controlled by the user, only as the user's tool. Third, due to the limitations of the current technology level, it is difficult to directly commercialize or generate economic value for the content generated by AI, so most users will also edit and improve the content on the basis of AIGC, and if the content edited and improved by the user meets the requirements of the copyright law for the work, the part constitutes a work. The U.S. Copyright Office has stated the same view in the matter of whether the science fiction comic Zarya of the Dawn should be registered for copyright. The U.S. Copyright Office stated the same view in the matter of whether the science fiction comic strip Zarya of the Dawn should be copyrighted. It held that the court recognized the work as the creation of a human author, so the single picture in the cartoon was created by AI and did not give rise to copyright, but because the author arranged and added textual descriptions to the multiple pictures, the cartoon collection as a whole constituted a compilation work, and the textual descriptions in the cartoon constituted a literal work. The plaintiff in the The AI Text-To-Picture Case can steadily reproduce to the court the process of generating the pictures and guide the Stable Diffusion model to generate the same pictures for many times, but reproducing the existing AIGC does not equate to the predictability of generating the AIGC for the first time.

3.2 Examination of Originality

According to Prof. Wang Qian, originality can be broken down into two aspects: "unique" and "creative", with "unique" referring to independent creation, originating from oneself, and "creative" referring to a certain degree of intellectual creativity. "Creation" refers to a certain degree of intellectual creativity[8] . At this stage, the originality of AI-generated content can only originate from human beings rather than machines, which is reflected in the intervention and control of human will on all aspects of AI content generation activities, namely: in the stage of software development and algorithm training, the developer implanted his or her own originality judgment into the code of the AI machine; in the process of AI creation, the large amount of text corpus and the processing of the synthesized language models are not all containing the creativity of human authors. None of them contains the creative labor of human authors. Artificial intelligence is only a tool to help human beings carry out creative activities, not the main body of creative activities, and it can neither create independently nor have a sense of creation[9] . In the case of "AI Text-To-Picture", the most specific choices and arrangements of human users are setting prompt words and setting parameters of prompt words. On the one hand, most of the prompt words given by the user are not "expressions" that can directly point to the result, but "Japanese idol", "cool pose", "location(environment)", "shy", "elegant", "cute", "erotic", "teenager", etc, each of which has its own interpretation, Stable Diffusion helps the user choose a "shyness", like "drawing cards" in a themed card pool of a game. On the other hand, the so-called setting parameters, including guidance coefficients, such as increasing the weight of the "Hanfu" model, also belong to the "subjective" modification of subjective content. Part of the user's input in this case may not be called the most direct causal relationship with the final "expression", and the "shyness", "elegance", "loveliness", etc. given by the user may not be called the most direct causal relationship with the final "expression", and the user may not be called the most direct causal relationship with the final "expression". The "shy", "elegant", "cute", and other prompt words may only be recognized as its "thoughts", while the AI's calculation involves the analysis and selection of data, which has a randomness that is

difficult for humans to predict, and the "expression" is determined by the AI's use of the data. Here, the "expression" is generated by the AI using the results of learning rather than the user's independent creation. The basis of originality is the personality element of thought expression, in the creation of human-computer synthesis, the generation is still a work completed under the guidance of the human user, the aesthetic orientation and value definition comes from human beings, reflecting the intrinsic personality element. The judgment of originality after creation actually comes from the social evaluation outside the author's personal, which is a comparative concept[10], it is not an individual phenomenon that it is difficult to distinguish between AI-generated works and human-created works in terms of appearance, so the judgment of AIGC originality should follow the criterion that it does not constitute a substantial similarity with the works of others, as well as the evaluation criteria of the general public, and there is no need to take into account the identity of the creators here. In summary, the creative process of AI is not simply the application of algorithms, rules and templates, but the purposeful computation based on training such as "deep learning" and the application of relevant algorithms or rules, which is essentially the same as the creative process of human beings, and there is no essential difference between this behavior and the creative process of human beings. The viewpoint of "Necessity of Natural Human Authorship" that denies the copyrightability of AI creations on the basis of the logic and process of AI creation is insufficient to be adopted. The high efficiency of artificial intelligence will indeed cause human creators to suffer a certain impact, even if it is necessary to carry out a certain bias towards human beings in order to maintain the stability of the knowledge market, it should also be a careful distinction in the specific provisions of the copyright of the content generated by artificial intelligence, and should not be differentiated in the part of the determination of the originality of the content.

Conceptualization of protection of rights attribution

AI is capable of generating works with originality, but this does not mean that AI has ipso facto gained the qualification of a creative subject and become an author and a subject of rights in the sense of copyright law. From the technical level, the AI learning process is invariably controlled and interfered by human beings, especially the deep learning technology that endows it with the ability to create, and it can be found that the AI has not been detached from the control and domination of human beings in the process of generating works. Although the process of generating works can be highly automated at this stage, the AI is not guided by its own independent thoughts, does not have the inherent autonomous needs of generating works, and is even more incapable of understanding the meaning behind the entire generation process. Accordingly, at least in the future for a long time, artificial intelligence is difficult to obtain the status of the subject of the technical level, and will not pose a substantial threat to the existing system of copyright rights. From the perspective of legal norms and theories, the current Copyright Law of China provides that "author" broadly includes natural persons, legal persons and unincorporated organizations. At the same time, according to the analysis of the basic theory of civil subject at the level of private law, AI neither belongs to the natural person, nor has the attribute of group personality that can be fictionalized as a legal person. Compared with the natural person, AI is just a functional combination of software system and hardware facilities, and there is no real existence of individual life and independent consciousness, with the subject status of natural person. Compared with the legal person, AI does not exist like a legal person after legal procedures to produce independent of the natural person's will process, did not obtain as a civil subject of independent will. Therefore, from the perspective of civil law, the artificial intelligence will be proposed as a civil subject also lacks sufficient rationality.

In summary, traditional copyright protection is not directly compatible with AIGC, which will inevitably require a set of adaptable and operable rules in the future era of strong artificial intelligence. In view of the fact that the generative behavior of artificial intelligence simulates the creative behavior of human beings, the rights attribution structure under the existing copyright paradigm can, to a certain extent, provide a systematic reference for the rights attribution analysis of AI-

generated works. Some scholars have pointed out that the sanctity of private rights and the balance of interests are two basic legal concepts that should be established in the modern intellectual property system. The court's decision in the Dreamwriter Case confirms that the automatically generated content of the AI software developed by Tencent constitutes a legal person's work at the judicial level. Artificial intelligence generated content should be subject to the private ownership model, the property rules, to rationally allocate the interests of each subject and to conceptualize its ownership rules. Specifically, the following directions can be considered: first, AI generating behavior is jointly accomplished by the participation of different subjects, and there are category differences in the subjects of generating behavior, and the behavioral characteristics and degree of participation of each category of subjects are very different from the traditional copyright creation behavior. The construction of ownership firstly needs to examine the interests of different subjects in the generation behavior, and at the same time take into account the balance of interests between the subjects. Secondly, the source of AIGC is no longer determined by the behavior of specific types of subjects, and the value of the generated material directly affects the subject's claim to the rights and interests related to the generated material, it is obvious that the idea of incentivizing the creation of AI does not work here. AI generation requires a considerable degree of input, and the process of generation requires the participation of different subjects, and the development of the value of the generated material requires the cooperation of the subject to ensure the same. Taking movie works and TV drama works in audiovisual works as an example, Copyright Law of China, Article 17 stipulates that the copyright of a cinematographic work or a television play work, which are audiovisual works, shall be enjoyed by the producer, but the scriptwriter, director, cameraman, lyricist, composer and other authors shall enjoy the right of authorship and shall be entitled to remuneration in accordance with the contracts concluded with the producer. There are many subjects involved in the creation of this type of work, which is essentially an act of intellectual labor with the cooperation of many people, and the value of this particular type of work is attributed to a single subject of rights through the provisions in order to improve the efficiency of the use, licensing and protection of audiovisual works. Therefore, the path of AIGC ownership construction should consider adjusting the behavior of the subjects involved in the generation around the rules of property rights, fully utilizing the rules of property rights to distribute the benefits generated by the behavior of the subjects, and improving the efficiency of the utilization of AI generated works.

4. Conceptualization of Protection of Rights Attribution

AI is capable of generating works with originality, but this does not mean that AI has ipso facto gained the qualification of a creative subject and become an author and a subject of rights in the sense of copyright law. From the technical level, the AI learning process is invariably controlled and interfered by human beings, especially the deep learning technology that endows it with the ability to create, and it can be found that the AI has not been detached from the control and domination of human beings in the process of generating works. Although the process of generating works can be highly automated at this stage, the AI is not guided by its own independent thoughts, does not have the inherent autonomous needs of generating works, and is even more incapable of understanding the meaning behind the entire generation process. Accordingly, at least in the future for a long time, artificial intelligence is difficult to obtain the status of the subject of the technical level, and will not pose a substantial threat to the existing system of copyright rights. From the perspective of legal norms and theories, the current Copyright Law of China provides that "author" broadly includes natural persons, legal persons and unincorporated organizations. At the same time, according to the analysis of the basic theory of civil subject at the level of private law, AI neither belongs to the natural person, nor has the attribute of group personality that can be fictionalized as a legal person. Compared with the natural person, AI is just a functional combination of software system and hardware facilities, and there is no real existence of individual life and independent consciousness, with the subject status of

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In summary, traditional copyright protection is not directly compatible with AIGC, which will inevitably require a set of adaptable and operable rules in the future era of strong artificial intelligence. In view of the fact that the generative behavior of artificial intelligence simulates the creative behavior of human beings, the rights attribution structure under the existing copyright paradigm can, to a certain extent, provide a systematic reference for the rights attribution analysis of AI-generated works. Some scholars have pointed out that the sanctity of private rights and the balance of interests are two basic legal concepts that should be established in the modern intellectual property system[11]. The court's decision in the Dreamwriter Case confirms that the automatically generated content of the AI software developed by Tencent constitutes a legal person's work at the judicial level. Artificial intelligence generated content should be subject to the private ownership model, the property rules, to rationally allocate the interests of each subject and to conceptualize its ownership rules. Specifically, the following directions can be considered: first, AI generating behavior is jointly accomplished by the participation of different subjects, and there are category differences in the subjects of generating behavior, and the behavioral characteristics and degree of participation of each category of subjects are very different from the traditional copyright creation behavior. The construction of ownership firstly needs to examine the interests of different subjects in the generation behavior, and at the same time take into account the balance of interests between the subjects. Secondly, the source of AIGC is no longer determined by the behavior of specific types of subjects[12], and the value of the generated material directly affects the subject's claim to the rights and interests related to the generated material, it is obvious that the idea of incentivizing the creation of AI does not work here. AI generation requires a considerable degree of input, and the process of generation requires the participation of different subjects, and the development of the value of the generated material requires the cooperation of the subject to ensure the same. Taking movie works and TV drama works in audiovisual works as an example, Copyright Law of China, Article 17 stipulates that the copyright of a cinematographic work or a television play work, which are audiovisual works, shall be enjoyed by the producer, but the scriptwriter, director, cameraman, lyricist, composer and other authors shall enjoy the right of authorship and shall be entitled to remuneration in accordance with the contracts concluded with the producer. There are many subjects involved in the creation of this type of work, which is essentially an act of intellectual labor with the cooperation of many people, and the value of this particular type of work is attributed to a single subject of rights through the provisions in order to improve the efficiency of the use, licensing and protection of audiovisual works. Therefore, the path of AIGC ownership construction should consider adjusting the behavior of the subjects involved in the generation around the rules of property rights, fully utilizing the rules of property rights to distribute the benefits generated by the behavior of the subjects, and improving the efficiency of the utilization of AI generated works.

5. Conclusion

AIGC has already possessed basic intelligence and is capable of generating original works, but at present it still requires human participation in its creation, because the aesthetic orientation and value definition of the generated objects come from humans. From the external point of view, AIGC is the expression of thoughts, emotions and cognition that can be understood by humans, and its expression form is highly consistent with the expression of the characteristics of human-created textual works, which can clearly convey the information and thoughts behind the words and symbols to the audience. From an internal point of view, the creative process of AI is not simply the application of algorithms, rules and templates, but is a purposeful calculation based on training such as "deep learning" and the application of relevant algorithms or rules, which, like human

intellectual activities, embodies the comprehensive ability of cognition, application of experience and problem solving, and has a certain sense of intellectual creativity. It has a certain sense of intellectual creativity. In the absence of specific legislation for AIGC, it is inappropriate to directly apply the protection of traditional copyright. This paper proposes a preliminary direction for the conceptualization of the attribution of rights in AIGC: it should be based on the attribution structure of the copyright paradigm, and refer to the idea of a single subject of rights established by the private ownership model. The construction of specific rules has not yet been further discussed, and it is possible to follow this direction to fully utilize the rules of property rights to distribute the benefits generated by the behavior of each subject and improve the efficiency of utilization, so as to dissolve the contradiction between the lagging law and the development of science and technology, to give full play to the real value of the AIGC, and to promote the high-quality development of the industry.

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