

ARTIFICIAL INTELLIGENCE – AUTHOR OR TOOL IN HUMAN HANDS?

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Among lawyers and scientists around the world, there is a dispute about the possibility of recognizing the AI system as the creator of the copyright object and granting the latter personal non-property and property rights. In general, opinions were divided and two main approaches to this issue were formulated:

1) anthropocentric – where only a person can be recognized as the creator of copyright objects, and the AI system acts only as a tool during creation, such as a brush, piano, pencil;

2) robotocentric (technocentric) - where the AI system can be recognized as the creator. A person acts as an assistant who helps to achieve the required result.

According to the current legislation of Ukraine [1], the author can be a natural person who created a work with his creative work. That is, only a natural person is granted non-property rights to be an author. The Civil Code of Ukraine assigns the rights and obligations of the relevant legal relationship to an individual, a legal entity, territorial communities, and the state. None of them can currently be attributed to the AI system. In 2017, in the European Parliament, deputies considered the issue of determining the legal status of robots [2], enshrining the concept of "electronic" personality in law, and endowing AI systems with rights, duties, and responsibilities. However, this is a complex decision and requires a systematic approach and coordination, both at the national and international levels.

There is a precedent for recognition of authorship by the AI system in court. At the beginning of 2020, the court of the city of Shenzhen issued a decision in which it recognized the authorship of the materials of the article by the AI company Tencent, and the article itself meets the conditions for granting copyright protection [3]. The court ordered Shanghai Yingxun Technology Company to pay compensation of 1500 yuan to Tencent for the misuse of the article.

Thus, scientists of both legal and technical fields face the urgent question of improving legislation in all areas that arise in connection with the development and use of AI systems. In particular, to establish the status of an electronic personality at the legislative level in order to give AI systems legal capacity, i.e. to grant rights and obligations and, accordingly, bear legal responsibility for their actions.

References:

1. Law of Ukraine "On Copyright and Related Rights" No. 3792-XII of December 23, 1993 - [Electronic resource] - Access mode: <https://zakon.rada.gov.ua/laws/show/3792-12#Text> Application date 09/18/2022.
2. Jane Wakefield. MEPs vote for the legal status of robots - and if you need a murder switch - [Electronic resource] - Access mode: <https://www.bbc.com/news/technology-38583360> Date of application 09/18/2022.
3. In China, the article on artificial intelligence was recognized as an object of copyright - [Electronic resource] - Regime to the stupa: <https://pravo.ua/v-kitae-statju-iskusstvennogo-intellekta-priznali-obektom-avtorskogo-prava/> Application date 15.09 .2022.