

Committee: World Intellectual Property Organization (WIPO)

Topic: Addressing copyright issues due to generative AI in creative and innovative industries

Student Officer: Konstantinos Grafopoulos

Position: Deputy President

Personal Introduction

Salutations delegates,

My name is Konstantinos Grafopoulos, and I will be serving as one of this year's Deputy Presidents of the World Intellectual Property Organization (WIPO) in the Campion School Model United Nations (CSMUN) Conference 2025. I am a 10th-grade student at George Zois School, and I am honoured to be a member of the Student Officer team which will accompany the first ever edition of the WIPO committee in CSMUN! I believe that WIPO combines the nature of almost all the other committees, challenging us to think outside the box, and find solutions that could be very feasible for the real world.

Through this study guide, I hope to provide you with a clear and spherical approach towards the topic regarding copyright and generative AI, and help you in understanding its impact and vital elements that will be necessary in debate. I highly urge you to read it thoroughly. You are encouraged, nevertheless, to investigate other resources and not solely rely your preparation on the content of the study guide. Should you have any questions, do not hesitate to contact me through my email below.

Without further ado, I hope you receive all the help you need from the study guide, and I hope to meet you all in October.

Best regards,

Konstantinos Grafopoulos

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Topic Introduction

Original creations and publications have always been threatened by mechanisms meant to copy, exploit and use them to their advantage. Specifically, groundbreaking technologies, like Generative AI (Gen AI), offer cohesive ideas and results, gathering information from a myriad of sources, some violating copyright guidelines. Copyright violations include the replication of pre-existing works, in the form of text, visual and audio replication or even ideas produced. Due to Gen AI offering ideas to multiple users at the same time, it is not possible to guarantee authenticity or exclusivity in the provided ideas.

Countless lawsuits are currently pending, focusing on the application of copyright and the fair use doctrine. Global stakeholders in Artificial Intelligence (AI) have set restrictions and enacted laws on the just use of published material, thoroughly examining their origin and outlining consequences, but only in existential terms. Additionally, criteria have been set to determine when a piece of work can be named: “Derivative”, meaning that it derives from copyrighted work. It is neither a copy nor an authentic original piece.

Gen AI has greatly contributed to this issue. Within its many models, it presents the author with a variety of processed material, which can sometimes be proven untrue, misinformative, disinformative and perhaps pre-existing. Innovative industries suffer from altered material, and the concept of authenticity fades as Gen AI affects them.

When Generative AI breaks the barrier between authenticity and imagination, innovative industries are greatly affected, and free will becomes a shadow of the era of Artificial Intelligence. How can there really be Free Will when freedom of ideas is limited and controlled? The flow of critical thinking is in danger due to the increased use of Gen AI. In the end, utilising Gen AI to our advantage and preventing security breaches is the ultimate goal.



Definition of key concepts

Copyright

“Copyright is a type of intellectual property that protects original works of authorship as soon as an author fixes the work in a tangible form of expression; be it paintings, photographs, illustrations, musical compositions, sound recordings, computer programs, books, poems, blog posts, movies, architectural works and plays”.¹

Fair Use Doctrine

“Fair use is a doctrine in U.S. copyright law that allows limited use of copyrighted material without permission from the rights holders, such as for commentary, criticism, news reporting, research, teaching, or scholarship.” Fair Use Doctrine is simply a mechanism meant to prevent backlash or external interest when registering or establishing copyright material.²

Ownership of AI-Generated Content

Ownership of AI-Generated Content constitutes the concept that in no way can Artificial Intelligence act on its own without human intervention or limitations. AI is not a form of art but simply a result of the actions of the human constant.³

Generative Artificial Intelligence (Gen AI)

“Generative AI can be understood as a form of AI model specifically intended to produce new digital material as an output (including text, images, audio, video, software code)”.⁴

Derivative Works

¹ U.S. Copyright Office. “What Is Copyright?” www.copyright.gov, U.S. Copyright Office, www.copyright.gov/what-is-copyright/.

² Wikipedia contributors. “Copyright Act of 1976.” Wikipedia, 26 May 2025, en.wikipedia.org/wiki/Copyright_Act_of_1976.

³ Glover, Ellen. “AI-Generated Content and Copyright Law: What We Know.” Built In, 20 May 2025, builtin.com/artificial-intelligence/ai-copyright.

⁴ Stryker, Cole, and Mark Scapicchio. “Generative AI.” European AI Act, 4 June 2025, www.ibm.com/think/topics/generative-ai.



“A ‘derivative work’ is a work based upon one or more preexisting works, such as a translation, musical arrangement, dramatisation, fictionalisation, motion picture version, sound recording, art reproduction, abridgement, condensation, or any other form in which a work may be recast, transformed, or adapted. A work consisting of editorial revisions, annotations, elaborations, or other modifications which, as a whole, represent an original work of authorship, is a derivative work.” Shortly, “derivative work” is seen as a work/publication composed of past creations, therefore begging the question between copyright violations or originality status.⁵

Licensing Agreement

“A licensing agreement is a legal contract by which the owner of intellectual property grants permission to another party to use that property, under specified terms and conditions, such as territory, duration, exclusivity, fees, and rights.” A situation where a licensee earns profit from the artwork/creation of the licensor in a legally binding agreement. Such beneficiary terms may entail royalties for artistic pieces, rather than simply limited use.⁶

Copyright Notice

“A copyright notice is an indicator that informs others that a work which bears the notice is protected by copyright and identifies the owner of the work”.⁷

Limitation of Claim

‘A "Limitation of Claim" in a copyright registration is used to define the specific parts of a work being registered that are subject to copyright protection, especially when the work includes material that is not eligible for copyright, like previously published content or material in the public domain’.⁸

⁵ “Derivative Work.” LII / Legal Information Institute, www.law.cornell.edu/wex/derivative_work.

⁶ Harvard Office of Technology Development. “Sample Licensing Agreements.” Harvard Office of Technology Development, 29 Dec. 2023, otd.harvard.edu/industry-investors/sample-agreements/licensing.

⁷ “What Is a Copyright Notice.” Copyright Alliance, 25 Nov. 2024, copyrightalliance.org/faqs/what-is-copyright-notice/.

⁸ “What Is a “Limitation of Claim” and Why Is It Important?” Easy Song Help Center, Sept. 2021, support.easysong.com/hc/en-us/articles/4406264723859-What-is-a-Limitation-of-Claim-and-why-is-it-important



Background Information

Historical Background

It was not until 1790 that the United States established the Copyright Act⁹, expanding to music, mechanical and digital inventions and all software. The focus on inventions was centred after Cyrus McCormick's Invention¹⁰ of the agricultural reaper tool. However, its assumption of human authorship leaves loopholes for today's standards, which do not always fall under the category of human creation or human acts. The Digital Millennium Copyright Act (DMCA, 1998)¹¹ was enacted to address digital rights management and online infringement, seeing that such technological concepts were beginning to emerge.

The rise of AI in the past few years has been revolutionary to creative fields. Pursuant to the Register of Copyrights' statutory responsibility to conduct studies and advise Congress on national and international issues relating to copyright, the office published a Notice of Inquiry (NOI) in August 2023¹² posing a series of questions about copyright and AI. These regard factual questions, recognition of "stolen" intellectual property and further resources which could facilitate Artificial Intelligence training, including Gen AI, by large-scale corporations.

Over the last few years, models like GPT, DALL·E, Midjourney, Stable Diffusion, and Suno have exploded in capability, generating text, images, music, and video at human-like quality. These models are often trained on massive datasets of copyrighted material, raising concerns about unlicensed data scraping, derivative works and loss of attribution and compensation for original creators.

Copyright Law - Risks of Emerging Technologies

The Office of Technology Development at Harvard, in cooperation with the Harvard Law School, has taken on the role of securing designated guidelines in the prevention of future legal problems, affected by past legal occurrences. Brought to light by the *Apple v. Samsung (2011): The Smartphone*

⁹ "Copyright Timeline: A History of Copyright in the United States - Association of Research Libraries." Association of Research Libraries, ARL, 2019, www.arl.org/copyright-timeline/.

¹⁰ PBS. "Who Made America? | Innovators | Cyrus McCormick." *Pbs.org*, 2020, www.pbs.org/wgbh/theymadeamerica/whomade/mccormick_hi.html.

¹¹ Cornell Law School. "Digital Millennium Copyright Act." *LII / Legal Information Institute*, Feb. 2022, www.law.cornell.edu/wex/digital_millennium_copyright_act.

¹² U.S. Copyright Office. *Copyright and Artificial Intelligence: Part 2 - Copyrightability*. 2025, copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf.



*Design War Escalates Case*¹³, it was drawn as a statistic in which individuals or managerial assets copyright violations usually occur.

Foreign patent offices	2
Bar associations	9
Trade associations/Advocacy groups	13
Companies	13
Academia	13
Law firms (submitted as firm)	2
Practitioners (other than firm or academia submissions)	14
Individuals (not in other categories)	33
Total	99

*Figure 1: Analytics regarding the origin of copyright concerns*¹⁴

Independent cases and individual practitioners are at the top of the list. While targeting copyright violations via a larger corporation may seem an easy task, when not supported by a dedicated office, it is also impossible. Unfair representation remains a problem when facing perpetrators in digital acts. Specifically affecting our topic, these references indicate how Generative AI, based on its functioning algorithm, utilises sources and implements them into its answers, and ergo, could lead to copyright breaches not necessarily on a level of a large corporation, but individualised as well.

Generative AI - Impact on Industries

In Art, inspiration, patterns, and settings are often a “copy” of other related material. Original arts cannot be controlled, but on the other hand, aesthetic choices play a key role as seen in *Rogers v. Koons* (1992)¹⁵. Art photographer Rogers sued pop artist Jeff Koons for creating a sculpture (String of Puppies) that closely replicated Rogers’ photograph, Puppies. The Second Circuit (United States Appellate Court) ruled against Koons, rejecting his parody defence and affirming that his sculpture didn’t qualify as fair use. So, it is up to the court’s discretion to deem it resembling or copying, convict copyright perpetrators or “praise” simply inspired artists.

¹³ *The Apple Patent Fight between Apple and Samsung: Interviews with Korean and Korean-American Attorneys.*

¹⁴ USPTO Office of Public Affairs (OPA). United States Patent and Trademark Office. 9 June 2025, www.uspto.gov.

¹⁵ Rosenblum, Andrew. “Is There a ‘Right’ Way to Use AI in Art?” *The Verge*, 8 Apr. 2025, www.theverge.com/ai-artificial-intelligence/642599/is-there-a-right-way-to-use-ai-in-art?





Figure 2: A picture showing the two separate pieces of art involved in the case¹⁶

“Derivative Works” Criteria

To be copyrightable, a derivative work must incorporate some or all of a pre-existing “work” and add new original copyrightable authorship to that work. The derivative work right is often referred to as the adaptation right.

Notice of Copyright

Before March 1, 1989, the use of copyright notice was mandatory on all published works, and any work first published before that date should have carried a notice. For works published on or after March 1, 1989, use of the copyright notice is optional.

Although not required by law, it is perfectly acceptable (and often helpful) for a work to contain a notice for the original material as well as for the new material. For example, if a previously registered book contains only a new introduction, the notice might be “© 1941 John Doe; introduction © 2008 Mary Smith”.¹⁷

Limitation of claim

For the work to be registered as a copyright violation, it must contain an appreciable amount of material that:

- was previously published,

¹⁶ “Koons, Appropriation, and Plagiarism (Again!)” *Art & Crit* by Eric Wayne, 4 Jan. 2015, artofericwayne.com/2015/01/04/koons-appropriation-and-plagiarism-again/.

¹⁷ *Copyright Notice, Copyright in Derivative Works. Circular 14. 22 June 2022.*

- was previously registered in the National Copyright Office,
- is in the public domain, or
- is owned by a third party.¹⁸

Legal Precedent: Getty Images v. Stability AI

In 2023, the *Getty Images v. Stability AI* case gathered worldwide attention, proving how a commonly used mechanism, “Stable Diffusion” may constitute a breach of copyright. Stable diffusion is a characteristic of Stability AI. To be able to effectively produce images from dust, it reacts to text commands and image prompts entered by users and in response use them to generate detailed synthetic images. Stable Diffusion was trained on around 12.3 visual assets¹⁹ taken from the internet, together with their associated captions, from the Getty Images websites, as well as publicly accessible third-party websites. The claim brought on by Getty Images was regarding copyright infringement, in violation of United Kingdom trademarks and database rights.

Ultimately, the *Getty Images v Stability AI* case stands as a defining moment in how generative AI is influencing creative industries, forcing a fundamental reevaluation of longstanding intellectual property frameworks. With Getty alleging that Stability AI misused millions of copyrighted images to train its Stable Diffusion model, this case raises issues of copyright, database rights, trademark infringement, and jurisdictional reach. The UK High Court’s judgment, expected in 2025, could fundamentally reshape the legal boundaries for AI training methodologies.

Impact on Innovative Industries

Generative AI / Political Reform

In a legal precedent where Generative AI is blamed for copyright breach, some conclusions are reached. In regard to the topic at hand, it proves a point as to what extent Generative AI is responsible for the ongoing copyright violations in innovative industries. If AI models are really programmed with unpassable restrictions, then it all comes down to their programming origin. In

¹⁸ “What Is a Copyright Notice.” *Copyright Alliance*, 25 Nov. 2024, copyrightalliance.org/faqs/what-is-copyright-notice/.

¹⁹ “Introducing Stable Diffusion — Stability AI.” *Stability AI*, 9 Nov. 2024, stability.ai/news/introducing-stable-diffusion-3-5.



addition to that, the mentioned case showcased the United Kingdom as a nation that needed to enhance its copyright legislation, which struggles to ensure liability for perpetrators. This shift in public image brought on stricter controls in distribution to UK markets.

Art

Creative industries focused on using AI models more ethically, and indefinitely strengthened Intellectual Property Law (IPL). In recent months, Getty Images published its own generative AI tool offering indemnified usage. Adobe made a statement that shocked the world of art: “Stock photos are used because they're cheap, AI-generated art is cheaper”.²⁰ Such statements promote the obsolescence of art, worrying artists and content creators. Other than the clear, unobstructed legal criteria that determine Gen AI as harmful, the obscure consequences that set art in danger need to be taken into consideration. By offering a replacement for traditional art, both faster and cost-effective, demand for art diminishes, and this specific employment sector would be eclipsed.

Date	Description of the event
1 March 1989	The United States joins the Berne Convention
28 October 1998	Digital Millennium Copyright Act (DMCA)
22 December 2014	U.S. Copyright Office rejects copyright for monkey selfie & AI-authored works
15 March 2020	OpenAI releases GPT-3
31 March 2023	Italy temporarily bans ChatGPT, citing GDPR and privacy violations.

²⁰ “Stock Photos vs AI-Generated Images: A Cost Comparison Guide.” *Vidpros*, 11 Oct. 2024, vidpros.com/stock-photos-vs-ai-generated-images-a-cost-comparison-guide/.



15 July 2023	Getty Images V. Stability AI
13 March 2024	The European Parliament passes the EU AI Act, the world's first comprehensive AI regulation.
2 December 2024	U.S. courts begin hearing artists' lawsuits against Midjourney, Stability AI, and DeviantArt

Major countries, organisations and alliances

United States of America (USA)²¹

The United States leads the world in copyright-driven industries such as film, music, software, literature, and digital media, with the Hollywood Silicon Valley Software Center (HSVS) being a prime example. Its legislative approaches are centred around the Digital Millennium Copyright Act (DMCA), which has set precedents for safe rules for platforms. Modern uses of Gen AI in inventive industries have affected its legislative measures. The U.S. is home to major organisations like the Recording Industry Association of America (RIAA) and the Motion Picture Association (MPA), establishing the nation as an innovative key player in the copyright industry. Additionally, in its most-prevalent technological exhibitions, hosting Sony, Apple and Huawei, it has faced backlash for its unregulated use of Gen AI in advertising, art creation and even music choices, specifically seen by Warner Corporation in 2024.

France²²

France is known for its author-centred copyright model known as droit d'auteur (author's rights), which includes strong moral rights protecting the creator's personal connection to their work.

²¹ U.S. COPYRIGHT OFFICE. "U.S. Copyright Office." Copyright.gov, 2019, www.copyright.gov/.

²² Copyright Law, French Institute. "La Sacem - Société Des Auteurs, Compositeurs et Éditeurs de Musique." Sacem.fr, 2019, www.sacem.fr/.



Regarding the recent advancements in Gen AI, Important associations within France include the Société des Auteurs, Compositeurs et Éditeurs de Musique (SACEM) for music and the Société des Auteurs et Compositeurs Dramatiques (SACD) for dramatic and artistic works. These societies ensure creators are paid for the use of their content across media. Additionally, being a member of the Security Council and the EU, France has contributed heavily to the European Union Digital Act and other United Nations initiatives. To regulate and maintain the authenticity of its advertised art forms, France has acted as an ally of the European Institute of Technology and has passed a myriad of laws regarding the audience during an art performance. Pictures, videos, and even paintings have been subject to copyright violations, based on claims of replication from live performances.

Japan²³

Japan has a highly developed copyright environment focused on protecting its globally popular industries such as anime, manga, video games, and pop music. Local giants like Nintendo, Sony, and various anime studios have encouraged Japan's legal system to recognise both economic and moral rights of users and actively pursue anti-piracy measures domestically and internationally. The Japan Copyright Office and the Agency for Cultural Affairs coordinate IP policy, with increasing digital enforcement mechanisms for online platforms and streaming services to secure royalties for creators. The technological advancements within the region have reinforced several measures like these. In-depth, due to its own national corporations, Japan has experienced copyright violations first-hand. Sony, a prevailing game-creator and technological manufacturer, has been copied and replicated in every digital aspect. In 2014, Japan orchestrated the mass removal of replica-selling after countless interventions from Sony about the street markets²⁴, which were advertising high-quality replicas of the original products.

European Union (EU)²⁵

The European Union (EU) coordinates copyright policy across its member states through directives such as the Copyright in the Digital Single Market Directive (CDSMD). This ensures consistency in moral and economic rights, licensing and most importantly, platform responsibility while using Gen AI functions. It also supports cross-border, unanimous content use and collective management,

²³ "Directory of Intellectual Property Offices." *Www.wipo.int*, www.wipo.int/directory/en/urls.jsp.

²⁴ Japan Customs. 2014 Seizure Statistics of IPR Border Enforcement. Japan Customs, 2014, www.customs.go.jp/mizugiwa/chiteki/pages/statistics/statistics2014.pdf.

²⁵ European Commission. "Copyright [Made in Japan Organization](https://madeinjapan.org/) Legislation | Shaping Europe's Digital Future." *Digital-Strategy.ec.europa.eu*, 7 Feb. 2023, digital-strategy.ec.europa.eu/en/policies/copyright-legislation.



impacting not just creators in Europe but also global platforms distributing content within the alliance.

India

Until 2013, the only steps taken by the Indian government in the copyright sector were the 1957 Copyright Act²⁶ and the Rome Convention²⁷ of 1961. The history of copyright law in India can be traced back to its colonial era under the British Empire. The Copyright Act (1957) was the first post-independence copyright legislation in India, and the law has been amended six times since 1957. The most recent amendment was in 2012, through the Copyright (Amendment) Act. Multiple sections within the Act, refer to depictions of architecture, sculptures, and works of artistic craftsmanship through drawing, painting, engraving, and photography as forms which apply to the inclusion of all types of artistic works in films. These provisions are applicable if the work is "permanently situated in a public place or any premises to which the public has access."

The World Intellectual Property Organization (WIPO)²⁸

As in this conference, the World Intellectual Property Organization (WIPO) is a specialised UN agency that administers copyright treaties like the Berne Convention and the WIPO Copyright Treaty (WCT), which have been repeatedly altered to fit legal precedents where Gen AI is involved. It offers a legal and diplomatic forum for countries to negotiate copyright standards and law harmonisation. Additionally, WIPO acts as an IPL manager for the global registry. When an additional copyright request is made on an international level, the WIPO authorises its confirmation and can hold individuals accountable on a statutory level.

Previous attempts to solve the issue

U.S. Generative AI Copyright Disclosure Act (2024)

Introduced in April 2024, U.S. Rep. Adam Schiff proposed the Generative AI Copyright Disclosure Act, requiring AI developers to submit lists of copyrighted works used in model training to the U.S. Copyright Office at least 30 days before a public model release. In this way, each application is given

²⁶ Government, Indian. *Copyright Act 1957*. 1957.

²⁷ "Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations." *Www.wipo.int*, www.wipo.int/treaties/en/ip/rome/.

²⁸ WIPO. "Copyright." *Copyright, 2024*, www.wipo.int/en/web/copyright.



time to be evaluated and inspected before they are made accessible to the public. Large corporations have attempted to amend it on grounds of privacy and non-disclosure pre-made agreements.²⁹

OpenAI's Opt-Out & Licensing Deals

OpenAI provides opt-out tools and refers to several methods by which individuals can avoid receiving unsolicited product or service information, including privacy options so each user opts for the data utilised in each use (via GPTBot and crawler). It has published training data transparently, and has entered licensing agreements with publishers such as *The Guardian* and *Condé Nast*. By doing so, it protects user agreements and maintains security for all files of mass audiences, while still engaging in agreements with production giants, as mentioned before. Such deals, trigger both production evolution and keep a safe stance from the perspective of legal precedents³⁰

Possible solutions

Cooperative Legislative Framework

As seen in the European Union Digital Services Act (DSA) countries can come together and unilaterally decide on solutions against mutual threats or issues. When it comes to major copyright breaches and their impact on developing industries, each nation should be deeply involved in every measure meant to tackle them. They are threatened economically, strategically and from a humanitarian scope. In compliance with the Court of Justice of the European Union (CJEU)'s decision to develop a substantive body of case law interpreting the provisions of the Directives, a legal framework could target multiple breached facets independently, be it art, digital products or methods and practices. In the age of generative AI, this framework becomes essential. AI models are often trained on copyrighted works without authorisation, which creates uncertainty. To address this, it could require dataset transparency so companies disclose whether and to what extent copyrighted works are included in training material. A compulsory licensing scheme similar to the rules in the music industry could ensure creators are compensated. Legal categories for AI outputs, such as direct replication, style emulation or transformative creation, would allow courts to assess breaches more

²⁹ "Addressing Copyright, Compensation Issues in Generative AI." *News*, 28 Sept. 2023, news.pantheon.cmu.edu/stories/archives/2023/September/addressing-copyright-compensation

³⁰ Wiggers, Kyle. "Exclusive: OpenAI Failed to Deliver the Opt-out Tool It Promised by 2025." *TechCrunch*, 2025, techcrunch.com/2025/01/01/openai-failed-to-deliver-the-opt-out-tool-it-promised-by-2025/.



consistently. Including stakeholders, innovative industries can benefit from conclusions of past precedents while also developing new AI-specific jurisprudence that balances innovation with protection.

Creation of a designated “copyright” stamp

To verify a copyright-stamped product, we check for the indication “©”. However, this has been criticised for vagueness and misinformation. Other than the fact that it can be simply added via any program, it leaves unanswered questions about the country or alliance of origin or most of all, the copyrighted piece on which it is used. A new designated copyright stamp could resolve these shortcomings. Beyond confirming authorship and jurisdiction, the stamp would indicate whether a work was created by a human, AI-assisted or AI-generated. This allows courts and users to understand the origins of a work and whether it may be derivative of existing materials. By categorising them, judicial courts can be more focused and representatives can centre their work around the specific nature of the product. For AI-generated works, such transparency would improve trust, prevent fraudulent claims and guide future AI training by making it easier to separate licensed from unlicensed content. Gen AI would be able to comprehend designated guidelines that will now be independent and not just fall under the general idea of copyright.

Pillar Three: Preventive AI Mechanisms

The third pillar places responsibility directly inside the technology itself. Generative AI systems could be designed with embedded comparison mechanisms that detect when an output is overly similar to an existing copyrighted work. If flagged, the system could either block the result or notify the user, preventing infringement before it enters circulation. This would act as a safety net, ensuring that originality is preserved at the point of creation rather than only in the courtroom. By internalising responsibility, AI companies could protect creators, reduce legal risk and show a commitment to ethical innovation. Over time, these mechanisms could become as standard in AI systems as plagiarism checks are in academic writing, creating a culture where technology and copyright coexist productively.



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Beijing Treaty on Audiovisual Performances. www.wipo.int/treaties/en/ip/beijing.

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