

Jordana Sanft
416-596-1083
jsanft@litigate.com

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Let’s Chat(GPT)

The use of generative artificial intelligence (AI) is on the rise and is receiving significant attention across disciplines and industries. The impact of generative AI spans various fields such as healthcare, gaming, education, marketing, visual arts, literature, music, banking and fashion, to name few. In the context of intellectual property law, where the focus is on innovation and creativity, generative AI raises countless complex questions. This blog post focuses on ChatGPT and copyright.

Background

Over the last few weeks, I have been thinking a lot about the emerging issues of generative AI and IP. More recently, I started to focus on ChatGPT and copyright. I decided to experiment with ChatGPT. I took my inquiry right to the source.

By way of observation, ChatGPT can generate text for a legal blog post. Although the initial generated text may produce adequate results, refining the question posed to ChatGPT is likely to produce a reasonable work product. After several refinements to questions and answers in my experiment, the ultimate question posed for this blog post was: In 800 words discuss copyright law and generative artificial intelligence in Canada. The Discussion section below represents the answer as drafted by ChatGPT.

Discussion

Generative artificial intelligence (AI) is a technology that can create new works of art, music, and literature. It has the potential to revolutionize the creative industry, but it also raises serious legal questions about copyright ownership and infringement. In Canada, the legal issues surrounding generative AI and copyright are complex and require careful consideration.

Copyright law in Canada protects original works of authorship, such as books, music, and films, from unauthorized use by others. Copyright protects the expression of an idea, rather than the idea itself, and gives the owner exclusive rights to reproduce, distribute, and publicly perform or display their work. The law also provides exceptions and limitations, such as fair dealing, which allows for the use of copyrighted material for specific purposes, such as research or education, without permission or payment.

When it comes to generative AI, copyright ownership can be challenging to determine. Unlike traditional works of authorship, generative AI works are created through a machine learning process that involves inputting data and algorithms, which the AI uses to generate new content. This means that the original authorship and ownership of the work are not always clear-cut.

Under Canadian copyright law, the author of a work is generally the person who creates it. However, when it comes to generative AI, determining the author can be complicated because the work is created by an algorithm rather than a human. The law has not yet caught up to this technology, and there is currently no clear legal precedent on how to assign authorship and ownership to generative AI works.

There is also the issue of infringement. If a generative AI creates a work that is substantially similar to an existing copyrighted work, it may be considered an infringement. This is because copyright law protects original works from unauthorized copying, and a generative AI may have copied the existing work without permission.

In Canada, there is no specific law that addresses generative AI and copyright infringement. However, the *Copyright Act* does provide remedies for copyright infringement, such as injunctions , damages, and account of profits. If a generative AI creates a work that infringes on another's copyright, the owner of the copyrighted work can seek legal recourse.

Another issue that arises with generative AI is the question of fair dealing. As mentioned earlier, fair dealing is a limitation to copyright that allows for the use of copyrighted material for specific purposes, such as research or education. However, it is unclear how fair dealing applies to generative AI works. If a generative AI uses copyrighted material as part of its input data, it may be considered fair dealing, but this is not always clear-cut.

In conclusion, the legal issues surrounding generative AI and copyright in Canada are complex and require careful consideration. The law has not yet caught up to this rapidly evolving technology, and there are currently no clear precedents or guidelines on how to assign authorship and ownership to generative AI works. Copyright infringement and fair dealing are also issues that need to be carefully evaluated in the context of generative AI. As this technology continues to advance, it is important for lawmakers and legal professionals to address these issues and develop clear and fair guidelines for the use of generative AI in the creative industry.

Takeaways

The result from the experiment illustrates that a reasonably good text was written discussing some of the important issues pertaining to copyright law and generative AI. It captured not merely the concerns of authorship and infringement but also exceptions like fair dealing.

The intellectual property issues surrounding generative AI are complex and will undoubtedly lead to new ways of protecting and asserting legal rights. These are exciting times.

The irony of using generative AI to draft this blog, which attracts some of the very issues addressed, seems not to have come to light in the generated text. However, that was certainly part of the intrigue for the experiment and this post. Let’s Chat.