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RESEARCH ARTICLE

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Protecting the civil rights of the author from the risks of artificial intelligence

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ABSTRACT

This research explores the adequacy of legal protection of authors' civil rights amid the growing influence of artificial intelligence (AI) and technological advancement in content creation. It raises concerns over intellectual property (IP) protection laws and their ability to address the new challenges imposed by artificial intelligence technologies in the field of copyright as society transitions to a digital era, considering intellectual property as the product of human thought, including inventions and artistic creations with the ability of AI to generate works autonomously in respect to traditional copyright laws which safeguarded authors' rights in conventional formats, the rise of AI necessitates new measures to prevent infringement on electronic works. The study employs a descriptive-analytical approach, assessing international legal frameworks and national regulations to determine their effectiveness in addressing AI-related copyright risks. Findings indicate that existing laws lack clear provisions for AI-generated works, leaving legal uncertainties regarding ownership, liability, and protection. The study highlights the urgent need to reform copyright laws to accommodate AI's role in creative industries by evaluating key legal texts. It proposes regulatory updates to ensure authors' rights remain protected while addressing the challenges posed by AI-generated content.

KEYWORDS: artificial intelligence, copyright, information revolution, legal protection

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1. Introduction

The world is currently experiencing a rapid technological and communications revolution that is ongoing and continually evolving. Among the most significant outcomes of this revolution are computers and the Internet, which have impacted nearly every aspect of life. Alongside the information revolution and technological advancements seen across all areas of life, the increasing use of these technologies has made intellectual property, especially copyright, vulnerable to infringement. Various technologies have facilitated the copying, transfer, and dissemination of intellectual works via the network quickly and at minimal cost. This infringement represents a fundamental legal gap related to artificial intelligence, as these systems can be used to create content such as articles, music, and videos that may violate copyright laws. This necessitates greater efforts to protect intellectual property both nationally and internationally by enacting laws and regulations to achieve the required protection

Moreover, the world today faces numerous challenges in the race for excellence and competition, particularly between human intelligence and artificial intelligence. One of the most prominent modern applications of information systems is the emergence of artificial intelligence technologies, which are new developments on the legal landscape and pose many legal and practical issues. Artificial intelligence aims to reach systems that possess intelligence and act in ways similar to humans in terms of learning and understanding, providing users with various services such as education, guidance, and interaction. The philosophical inquiry into artificial intelligence began alongside the emergence of a major scientific revolution in this field.

Therefore, this research paper aims to investigate the legal protection of authors' rights as part of intellectual property in the face of the risks posed by artificial intelligence. It will explore whether current laws and regulations adequately protect these rights, especially authors' rights, and whether recent advancements in artificial intelligence necessitate amendments or the addition of new texts or laws.

2. Importance of the Research

1. The importance of this research lies in its focus on a crucial topic related to the protection of intellectual property rights, including copyright.
2. The significance of the topic is emphasized by the role of artificial intelligence, which is a contemporary and important subject in the context of current technological advancements.
3. The research aims to assess the adequacy of current intellectual property protection laws in light of the presence of artificial intelligence.

3. Research Objectives

1. To clarify the concept of artificial intelligence programs.
2. To highlight the legal protection available for authors in light of recent developments in the current era of artificial intelligence.
3. To explain the legal protection of copyright, given the importance and vitality of intellectual production, and to assess the applicability of the author designation to artificial intelligence programs.

4. Research Problem

This research aims to assess the ability of international agreements and legislations governing copyright to address the risks posed by artificial intelligence. The key question is whether there is a need to introduce, amend, or add new texts or laws due to the changes brought about by this technology in the application of artificial intelligence. Additionally, the research aims to evaluate the responsiveness of current intellectual property laws concerning copyright in light of the changes introduced by artificial intelligence applications.

5. Research Methodology

The researcher employed a descriptive-analytical approach by analysing relevant legal texts concerning the legal protection of copyright and identifying the problems and difficulties faced by authors in the context of the modern revolution brought about by the integration of artificial intelligence into various aspects of life. The researcher relied on a range of sources and legislation that have addressed this topic.

1: The Nature of Artificial Intelligence

1.1: The Concept of Artificial Intelligence and Its Characteristics

Through our research and in-depth study, we have not found a specific and clear definition of artificial intelligence. Efforts to provide a comprehensive definition of artificial intelligence have led to various interpretations. For instance, some have defined it as the science concerned with creating machines that perform actions considered intelligent by humans (**Fridman, N.P., & others.** (2006).

Others have defined it as a specialization in computer science aimed at developing machines and systems capable of performing tasks that require human intelligence. In general, artificial intelligence is often equated with narrow artificial intelligence, which refers to technologies and applications programmed to perform specific tasks (**WIPO-2020).** Additionally, some have defined it as intelligence created by humans and given to machines or computers (**Yassin Saad Al-Ghaleb. 2012**). This indicates that there is no unified definition of artificial intelligence. However, these definitions, and others, converge on a common idea: that artificial intelligence is human-made and mimics human mental capabilities and patterns of functioning. Thus, artificial intelligence fundamentally relies on integrating computer science with human intelligence.

Characteristics of Artificial Intelligence

1. **Application of AI to Devices:** AI can be applied to devices enabling them to plan and analyze problems using logic.
2. **Voice and Speech Recognition:** AI systems can recognize voices and speech, and have the capability to manipulate objects.
3. **Input Understanding and Analysis:** AI devices can understand and analyze inputs accurately to provide outputs that meet user needs.
4. **Autonomous Learning:** AI systems can learn automatically and independently without the need for continuous monitoring and supervision.
5. **Processing Large Amounts of Information:** AI can process large quantities of information that it encounters.
6. **Pattern Recognition:** AI can analyze data based on patterns more effectively than the human brain.
7. **Problem-Solving:** AI can find solutions to unfamiliar problems using its cognitive abilities.
8. **Application in Various Fields:** AI can be used in multiple applications, including industry, medicine, finance, gaming, and education (**Abdullah Moussa, Ahmad Habib Bilal. (2019)*; Ali Kabel Fakiri. 2023); Tariq Ibrahim Ahmed & Sandy Talal Al-Rashid -2022).**

1.11: Advantages and Disadvantages of Artificial Intelligence

Advantages of Artificial Intelligence

1. **Increased Efficiency and Productivity:** AI enhances productivity across various fields, including industry, and can be integrated with scalable computer systems.
2. **Improved Decision Accuracy:** AI can analyse data and information quickly and accurately, leading to evidence-based decision-making. This is applicable in commercial and storage fields; for example, companies like Amazon and Walmart have started using coordinated teams of robots for sorting, replenishing, and selecting inventory.
3. **Continuous Learning:** AI enables remote learning and the preparation of scientific research, allowing for ongoing education and research activities.

Disadvantages of Artificial Intelligence

1. **Job Displacement:** AI performs various mechanical and technical tasks that could otherwise be handled by human workers, particularly in industries, medical fields, and laboratories.
2. **High Costs:** AI systems require ongoing maintenance, monitoring, and precision, which entails significant expenses for their upkeep and operation around the clock.

3. Lack of Creativity and Out-of-the-Box Thinking: AI cannot create or think innovatively on its own. It relies on human input for information, algorithms, and logic, and cannot generate ideas or solutions without human intervention (**Christian Youssef. 2022; Frey, C. B., & Osborne, M. A.; Barocas, S., Hardt, M., & Narayanan, A., 2019**).

2: Legal Protection of Copyright in the Context of Artificial Intelligence

The information and communications revolution and technological advancements have cast a shadow, prompting the adoption of intellectual property protection for digital works to prevent them from being vulnerable to infringement. As a result, copyright is no longer solely tied to traditional aspects. In this section, we will focus on the nature of legal protection for copyright and the major difficulties faced in the context of this significant revolution brought by artificial intelligence and explore possible solutions. This section will be divided into two subsections.

2.1: The Nature of Legal Protection for Copyright

Efforts to protect human intellectual output date back to the first attempt to protect inventions under Italian law in 1474. Subsequently, the copyright system was introduced by the inventor of movable type printing (**Arab Cooperation in the Field of Intellectual Property;** https://www.amf.org.ae/sites/default/files/econ/joint%20reports).

As is well known, intellectual property rights emerged during the Industrial Revolution. Thinkers such as Socrates and others had written several works during that time (**Salami Essaidani. 2015**). Therefore, several legislations have been issued to protect intellectual property, in addition to safeguarding works and innovations introduced by societies at both national and international levels. Previously, there were no programs related to artificial intelligence, but many such programs have emerged in recent times.

The global interest in intellectual property (copyright) has increased due to global economic activity and the development of international trade at all levels. The strength of any country is often determined by the amount of intellectual property it possesses, making the protection of intellectual property rights, including copyright, essential on all fronts.

The question arises whether there is a definition of an "author" in the context of artificial intelligence similar to the definition of a natural person as an author?.

Through our study, we find that several legislations define the author (natural person), including Article (1) of the UAE Federal Decree, which defines the author as " The person who creates the work, or the person whose name is mentioned thereon or if, upon Publication, the Work is attributed to him as being the author thereof unless otherwise proven. Shall also be considered author, whoever publishes anonymous or pseudonymous work, or in any other manner, provided that there is no doubt as to the true identity of the Author; otherwise, the publisher or producer of the work, whether a physical or juristic person, shall be deemed as representing the Author in the exercise of his rights until the true identity of the Author is recognised" (**Federal Decree-Law No. (38) of 2021 on Copyright and Neighbouring Rights.**). Jordanian law defines the author in Article (3) as "the person who created or invented the work". (**Jordanian Law No. 23 of 2014 amending the Copyright Protection Law**) . Also Egyptian law defines the author as "the person who creates a work and is considered the author of the work if their name is mentioned on it or attributed to them when published as the author, unless proven otherwise. A person who publishes the work without their name or under a pseudonym is also considered the author, provided there is no doubt about their true identity... etc" (**Article 138/3 of the Egyptian Intellectual Property Law No. 82 of 2002**).

The World Intellectual Property Organization (WIPO) defines the author as "the person who creates a work" (**WIPO**).

No specific definition of authorship in artificial intelligence has been provided by any organization or international body. In my opinion, AI programs cannot be considered authors. Instead, they are intelligent systems executed by natural persons. The AI program itself is developed and fed by the actual author (the

human creator), who provides the necessary input for the AI to produce the desired outputs. Hence, the real author in the context of AI is the human behind the creation and programming of the AI system.

Therefore, it is difficult to consider an artificial intelligence program as a natural or legal person, as such a program would not function without being programmed by a natural person, such as the author. This applies to AI programs related to various types of technology, whether artistic, industrial, computational, or media-related.

In our view, artificial intelligence can be defined according to literary and artistic classifications as "a program designed by a natural person and fed with the necessary information by the author according to each type of literary or artistic work. This program is programmed according to a specific mechanism to provide users with the required information upon their use of the program".

This is similar to programs like Google, ChatGPT, Chatkit, and others commonly used on social media, although each differs in its use, artistic and technical design, and informational content. Therefore, artificial intelligence itself cannot be considered an author. Instead, the author designation is given to the natural person, whether the owner or the programmer who brought the work to its final form. In this case, the legal responsibility lies with the natural person, not the AI itself.

On the other hand, the programmer or owner retains all financial and moral rights, as these rights are exclusive to the author and prevent others from using the work in ways that could harm their interests. The outputs of these programs are considered intellectual creations subject to legal protection as creative works are presented to the public in their final form. This is supported by the Berne Convention (**Berne 1886; WIPO 1998**.), which explicitly permits in Article 15/2 that the author may be a natural or legal person.

Here, we ask whether current intellectual property laws need amendments to align with the changes brought about by artificial intelligence applications, ensuring that the author remains fully protected against any actions by others involving artificial intelligence.

As previously mentioned, artificial intelligence has a significant role in our current era, bringing substantial changes across various fields. In response to the question of whether current intellectual property laws need amendments to address these changes and ensure full protection for authors, our answer is affirmative. New provisions and regulations should be established to address intellectual property protection, particularly concerning the author's rights, and incorporated into existing laws. This would provide necessary solutions to safeguard authors, as current legal texts do not adequately address this issue. The new legal texts should also address civil liability if AI is granted legal personhood in the event of harm to the author, alongside holding natural persons accountable for civil and criminal liabilities.

Therefore, the author remains a natural person who holds and controls literary ownership and associated rights, requiring protection due to their significant intellectual effort and time invested in creating and publishing their works. AI, as a technological tool, processes and delivers information based on what it receives from the natural person. In other words, AI serves as a medium to electronically transmit information that is organized and programmed by the natural person. AI does not create or author independently of human intervention, making the natural person an integral part of AI operations. This underscores the need to reassess intellectual property legislation, including authors' rights, and make necessary amendments or additions in light of current artificial intelligence technology developments.

2.2: Difficulties Faced by Authors in the Context of Artificial Intelligence and the Possibility of Protecting Their Rights.

Artificial intelligence faces numerous challenges and risks due to its global spread. Among these risks, and not limited to, is the issue of biases in decision-making algorithms. For example, some data fed into the system may lead to assumptions and biases, resulting in incorrect decisions within the artificial intelligence system (**Nagesh Chauhan, 2019**).

Additionally, this type of technology poses challenges in protecting the author's privacy, potentially leading to violations and leaks of information in which the author has invested significant effort. Such breaches

could damage the author's reputation and that of their associated company, potentially causing clients and the public to distance themselves from their work.

As previously mentioned in our research, it is crucial to establish new legal texts, regulations, and rules to mitigate these violations and address how to prevent harm to authors, both personally and legally. These regulations should ensure that what users and the public obtain through artificial intelligence is protected accurately according to the established legal texts and rules. Another challenge facing copyright is the financial aspect and compensation for illegal publication. This difficulty arises when individuals exploit the internet to access publications and works without the publisher's or author's consent. Such unauthorized access constitutes an infringement and causes financial harm to the author, as it impedes the sale of their works and publications to others.

There are many ways in which copyright can be violated in the context of artificial intelligence, including:

1. **Unauthorized Actions by Electronic Publishers:** Some electronic publishers may exploit works without the author's or rights holder's permission.
2. **Copying and Pasting:** Copying and pasting content from copyrighted works without authorization.
3. **Modification and Redistribution:** Altering and redistributing copyrighted works without permission.
4. **Publishing on the Internet:** Publishing works online without the owner's license or consent (**Soumiya Boumaiza, 2016**).

There are two primary methods for protecting digital products:

1- **Legal Protection:** This relies on warnings and guidance, including penalties for unauthorized use, to protect the author's rights legally.

2- **Technical Protection:** This is widely adopted in many countries and involves implementing various technological methods to prevent misuse. This includes embedding or requiring secret letters or numbers that users must enter each time they access the digital content, as mandated by the author. These secret information elements are typically fed into the artificial intelligence system to restrict access to the protected works (**Mohamed Abdullah** 2009).

One of the methods for digital protection of works is encryption technology, which involves a set of techniques that convert information or signals into data or signals that are not visible to the eye. Encryption is done through special means to transform the information with the aim of hiding its content and preventing its alteration. The purpose of using encryption is to prevent unauthorized access to the protected digital work and copying it without the owner's consent. Additionally, the electronic watermarking system for copyright refers to the technology that allows the identification of all information related to the work by embedding a mark or symbol in the work that enables the identification of the work itself as well as the rights holders. Any modification made by the user can be detected. On the other hand, the electronic tracking system is a tool for continuous monitoring of access requests that are automatically recorded on the work published on the electronic network, which helps detect piracy attempts. (**Sha'ran Fatima, 2016**; **Linda Belash, 2013**).

7. Conclusion

Despite the significant role that technology, including artificial intelligence (AI), plays in our daily lives, there are legal challenges that require legislative intervention. Addressing these challenges involves creating or amending laws, regulations, or agreements to keep pace with continuous international developments. In this research, we have addressed one of the legal innovations requiring legislative and international attention to resolve difficulties and legal issues arising from the use of AI technology.

7.1. Results

Although there is no unified definition of artificial intelligence, different sources have defined it in various ways. However, all these definitions converge on a common idea that artificial intelligence is a creation of human beings.

Artificial intelligence has several characteristics, including the ability to recognize sounds and speech, automated and self-directed learning without supervision, and the potential for use in various applications such as medicine, industry, and education.

Despite the significant advantages of artificial intelligence, such as increased efficiency and productivity and improved decision-making accuracy, it also has some disadvantages, including high costs and a lack of creativity and out-of-the-box thinking.

In today's world, most countries have adopted artificial intelligence across various life sectors, including literary and artistic works and intellectual property rights, replacing traditional methods previously relied upon.

As the world's interest in intellectual property, including copyright, grows due to economic activities and the development of global trade, it necessitates the protection of intellectual property on all levels, including copyright. This protection is fully dependent on the human intellect, which creates and provides content to artificial intelligence programs. Consequently, human beings remain an integral part of the operation of artificial intelligence.

According to the World Intellectual Property Organization (WIPO), an author is "the person who creates a work." Therefore, an artificial intelligence program cannot be considered an author. Instead, it is an intelligent device operated through the input provided by a human being. Without the human, the program would not function.

7.2. Recommendations

Update current intellectual property laws to include legal provisions that define artificial intelligence and establish specific rules for protecting authors from infringements or unauthorized disclosures of information obtained through artificial intelligence without the author's consent.

It is essential to stipulate that the natural person who inputs and programs information into artificial intelligence should be held accountable for any errors or incorrect results produced by the AI.

We suggest defining artificial intelligence in the context of literary and artistic works as "a program designed by a natural person and fed with the required information by the author according to each type of literary and artistic work. It is programmed according to a specific mechanism that provides users with the needed information when they use this program".

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