

Copyright and intellectual property

AI avatar Kaiko: Hello, I'm Kaiko, an AI avatar voicing a human-written script. Today, we're exploring generative AI and copyright, with a particular focus on its implications in education and the UK legal context. As you may know, generative AI can produce various outputs—text, images, music, and even code. But who owns the copyright to these creations? This is a complex question that legal experts are still grappling with globally.

In the UK, the Copyright, Designs and Patents Act (1988) provides some guidance. It states that for computer-generated works, the author is considered to be 'the person by whom the arrangements necessary for the creation of the work are undertaken'. Does this mean that individuals using AI tools could be considered authors of the works, assuming they meet the minimum requirements for copyright work?

The situation becomes even more complex when we consider how AI models are trained. Many popular deep learning models are trained on vast amounts of data scraped from the internet, which often includes copyrighted material. This raises questions about whether assembling these training data sets infringes on copyright holders' rights. Plans under the previous government to introduce a code of practice for AI firms were dropped and the change in government in 2024 means the challenges are exacerbated by ongoing uncertainty about what will happen in this space.

Let's consider some specific examples in education: firstly, AI-created educational resources. If an AI system is trained on copyright-protected works such as textbooks to create new study materials, is this copyright infringement? The answer isn't straightforward. It may depend on how transformative the AI output is and whether it falls under fair dealing exceptions in UK law.

Next, authorship and AI in academic research. When AI tools assist in drafting or editing academic papers, questions arise about authorship and intellectual property. Current UK law doesn't explicitly address AI's role in academic authorship, creating a grey area. It's worth noting that some educational institutions are developing their own AI models, trained on proprietary materials. This raises questions about institutional ownership of AI-generated content and how it might be shared or commercialised.

These issues become even more complex in international education. While we've focused on UK law, copyright laws vary globally, creating challenges for global online learning environments. UK universities are grappling with how generative AI intersects with copyright, particularly concerning the originality and authorship of AI-generated work, as many institutions update academic policies to address concerns around academic integrity. Broader questions remain unresolved regarding the copyright status of AI-produced content and potential student liability for infringement. While there are no easy answers, it's crucial to be aware of these issues as we use these powerful tools in our learning and teaching practices.