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Copyright Protection for AI-Generated Work — From the Discussion of Painting Robots

Wu-Yun Mao *

Abstract

Starting with newly-invented painting robots, this article hopes to inspire readers' awareness of current issue: how to modify copyright framework, when the robot is perceptive and capable of generating unpredictable artwork? This article tries to respond this issue from two perspectives of law and policy. Firstly in legal perspective, this article refers to UK's similar mechanism, claiming that protection needs to be built in the copyright related laws. As for the protection method, based on the principle of legal stability, analogizing AI-generated work to the existing work under copyright law may be a feasibly way. After reviewing each type of the works, the author considers work-made-for-hire theory has the highest similarity with AI-generated work. Secondly in policy perspective, this article refers to European Union and Japan's policy consideration to introduce the advanced mechanism for Taiwan's reference. The initial suggestion is proposed that an inter-

* Assitant Research Fellow of Dept. of Marketing and Licensing in National Palace Museum, National Chengchi University Graduate Institute of Intellectual Property (MBA).

departmental sector shall be established for the long-term development of the AI-generated work. In conclusion, the author emphasizes that legal protection should be applied to this new type of work and attribute right to human, so that the incentive for innovation will be created and eventually benefit to Taiwan's AI industry. Also, the policy on AI-generated work should be formulated, so that the Taiwan's AI development blueprint will be more complete.

Keywords: Artificial Intelligence (AI), AI-Generated Work, Painting Robot, Copyright Protection, Work-Made-for-Hire, Work-Made-for-Position