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Subjects of intellectual property rights, created by artificial intelligence

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Abstract. The emergence of artificial intelligence (AI) has raised complex questions regarding the attribution of authorship and ownership of AI-generated content within the framework of intellectual property rights. This article explores the challenges, implications, and potential solutions related to the subject of intellectual property rights created by artificial intelligence. It delves into the legal, policy, and ethical considerations surrounding AI-generated works, addressing issues such as authorship determination, copyright eligibility, and the development of specialized legal frameworks.

In order to traverse this issue's complexity and create innovative solutions that are in line with the rapidly changing technological world, the abstract also highlights the importance of multidisciplinary cooperation and inclusive discourse. In the end, the abstract emphasizes how critical it is to promote a sophisticated comprehension of authorship, ownership, and protection in the context of artificial intelligence in order to preserve the values of justice, responsibility, and innovation in intellectual property rights.

Key words: Artificial Intelligence; authorship; ownership; Intellectual property rights; AI-generated content; copyright; Legal frameworks; policy implications; ethical considerations; Interdisciplinary collaboration.

Жасанды интеллект арқылы жасалған зияткерлік меншікке зияткерлік құқықтардың субъектілері

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Түйіндеме. Жасанды интеллекттің (ЖИ) пайда болуы зияткерлік меншік құқығы аясында AI-генерацияланған мазмұнға авторлық және меншік құқығын беруге қатысты күрделі сұрақтарды туындатты. Бұл мақала жасанды интеллект арқылы жасалған зияткерлік меншік құқығы тақырыбына қатысты қиындықтарды, салдарды және ықтимал шешімдерді зерттейді. Ол авторлықты анықтау, авторлық құқықтың жарамдылығы және мамандандырылған заң негіздерін дамыту сияқты мәселелерді қарастырып, ЖИ арқылы жасалған жұмыстарға қатысты құқықтық, саяси және этикалық ойларды зерттейді.

Бұл мәселенің күрделілігін еңсеру және тез өзгеретін технологиялық әлемге сәйкес инновациялық шешімдерді жасау үшін реферат сонымен қатар көп салалы ынтымақтастық пен инклюзивті дискурстың маңыздылығын көрсетеді. Соңында, реферат зияткерлік меншік құқықтарындағы әділеттілік, жауапкершілік және инновация құндылықтарын сақтау үшін жасанды интеллект контекстінде авторлық, иелік және қорғауды терең түсінуге ықпал ету қаншалықты маңызды екенін атап көрсетеді.

Негізгі сөздер: Жасанды интеллект; авторлық; меншік; Зияткерлік меншік құқықтары; AI жасалған мазмұн; авторлық құқық; Құқықтық базалар; саясаттың салдары; этикалық көзқарастар; Пәнаралық ынтымақтастық.

Субъекты интеллектуальных прав на интеллектуальную собственность, созданную искусственным интеллектом

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Аннотация. Появление искусственного интеллекта подняло сложные вопросы, касающиеся установления авторства и владения контентом, созданным искусственным интеллектом, в рамках прав интеллектуальной собственности. В

этой статье исследуются проблемы, последствия и потенциальные решения, связанные с правами интеллектуальной собственности, созданными искусственным интеллектом. В нем рассматриваются правовые, политические и этические аспекты, связанные с произведениями, созданными искусственным интеллектом, и рассматриваются такие вопросы, как определение авторства, право на авторские права и разработка специализированных правовых рамок.

Чтобы преодолеть сложность этой проблемы и создать инновационные решения, соответствующие быстро меняющемуся технологическому миру, в аннотации также подчеркивается важность междисциплинарного сотрудничества и инклюзивного дискурса. В конце концов, в аннотации подчеркивается, насколько важно способствовать более глубокому пониманию авторства, собственности и защиты в контексте искусственного интеллекта, чтобы сохранить ценности справедливости, ответственности и инноваций в правах интеллектуальной собственности.

Ключевые слова: искусственный интеллект; авторство; владение; Права интеллектуальной собственности; контент, созданный искусственным интеллектом; Авторские права; Правовые рамки; политические последствия; этические соображения; Междисциплинарное сотрудничество.

Introduction. The development of artificial intelligence (AI) and intellectual property are particularly important in the digital age because they affect not only the destiny of individual states but also that of the global community as a whole. The legal perspective on the importance of intellectual property to national economies is only growing annually. Furthermore, as AI continues to advance as a universal technology with numerous applications in business and society, it poses a number of fundamental issues that have an impact on the foundations of the IP systems that are now in place. The topic's relevance stems from the fact that, every year, more and more areas of public life become digitalized, algorithmization broadens our understanding of human potential, and an increasing number of innovations are made in the field of property, where the effects of the digital revolution most directly impact a diverse range of people involved.

Artificial intelligence as a scientific direction within which problems of hardware or software modeling of those types of human activity that are traditionally considered intellectual are posed and solved. AI technologies are beginning to penetrate creative and innovative activities, which until recently were considered the exclusive domain of humans. The current intellectual property (IP) system was designed to stimulate human creativity and innovation. As AI operates more autonomously, this raises fundamental questions for the IP system across all IP rights. Artificial intelligence is also increasingly being used for patent administration in patent offices to assist examiners in registered application searches, translations, classifications and prequalifications.

Professor V.V. Blazheev states that "A global process of digitalization and social and economic relations characterize modern society." This is a technical revolution

rather than a social one; therefore, it stands to reason that the information society's developments and the degree to which contemporary legislation can effectively govern them will have a significant impact on the future.

Materials and methods. While writing the article, international documents in the field of legal personality of artificial intelligence, scientific research of Kazakhstani, Russian and foreign scientists on the topic of research are used.

The methodological basis of the study involves a combination of general scientific (dialectical, historical, inductive, deductive, analytical, synthetic) and private scientific methods (formal legal, comparative legal, interpretative, statistical, procedural and dynamic).

Discussion. Artificial intelligence is, in fact, a broad field with many applications in the technological sciences, computer science, cybernetics, mathematics, biology, medicine, etc. The legal side of artificial intelligence, which is shockingly the least researched now, is particularly crucial for all fields.

We may consider the 2018 London auction house Christie's sale of the painting "Portrait of Edmond Belamy," which is a part of the Parisian art group Obvious's resonant art series featuring portraits of the fictitious Bellamy family, as an example of a noteworthy art transaction. This painting is unique because it was made by using a machine algorithm, whose working principle is to analyze a certain number of artistic works in the same style and produce a unique interpretation of its own; in other words, it promotes the independence and self-improvement of the machines themselves.

The aforementioned example provides justification for the belief that the introduction and advancement of technologies in the fields of culture and art has the potential to alter not only people's perceptions of the works in progress but also the rules and concepts surrounding art in general, thereby influencing the direction of the art form going forward.

Artificial intelligence refers to information processing technology such as models and algorithms that enable learning and cognitive task performance for the creation of intellectual property. This invention simultaneously raises several legal questions. First, is the author a programmer who created the algorithm and contributed to the construct some creations, or the second, can an "intelligent machine," also known as "artificial intelligence (AI)," be acknowledged as the author with all the consequences that follow (legally speaking)?

As such, issues pertaining to ownership of a piece of art, author liability, material issues with its usage, inheritance, the right to a name, and similar ones come up.

Russia just made a significant move in this regard. According to the Decree of the President of the Russian Federation of October 10, 2019, No. 490, which approved the National Strategy for the Development of Artificial Intelligence for the period until 2030, AI is precisely defined as "a set of technological solutions that allows you to imitate human cognitive functions (including self-learning and searching for solutions without a predetermined algorithm) and obtain results when performing specific tasks that are at least comparable to the results of human intellectual activity."

Additionally, the European Union believes that the draft Artificial Intelligence Act, which was released by the European Parliament in April 2021, will guarantee the ethical, safe, and ecologically responsible use of AI in Europe by defining guidelines and defining the actions of AI model developers. The unified regulatory framework that the EU is working to create for its member states is solely focused on regulating AI.

Drawing from the perspectives put forth, we can conclude that artificial intelligence is a unique computer algorithm that, given tasks or previously acquired knowledge, can both improve its operations and create something entirely new, unlike anything that has ever been done before. In other words, AI functions much like a human - a thought. Regarding intellectual property rights, namely the copyright of human and artificial intelligence on intellectual property developed by artificial intelligence, this is the most urgent problem.

Artificial intelligence - infused art can significantly influence the evolution and advancement of copyright legislation. The topic of who created artificial intelligence was moot prior to this, as these programs were only instruments in the creative process and were not protected by intellectual property laws. Computer programs are now an entity that can make judgments throughout the creative process without human interaction, rather than only a tool, thanks to the quick and ongoing development of artificial intelligence.

Researchers are thinking of many approaches to address the issue of the absence of legal control over relationships forming in conjunction with the production of potentially protected intellectual property objects by computer systems.

From a legal perspective, there are several alternatives for incorporating all the continuing advancements. Among the stances is the rejection of the idea that "intelligent machines" are autonomous entities capable of obtaining copyright via the production of any kind of art.

The following methods are recognized by P.M. Morhat as ways to ascertain artificial intelligence's standing under intellectual property law:

- The machine-centric approach views artificial intelligence as a fully fledged creator of the objects it produces;
- The anthropocentric approach views AI as a tool used by humans to generate the products of intellectual endeavor.
- The idea of hybrid authorship, in which artificial intelligence collaborates with humans to create objects,
- Artificial intelligence as a hired labor force that produces items acknowledged as official works (the notion of official work);
- The concept of "disappacing" (zero) authorship.

As such, there are a number of approaches to resolving the question of who wrote works produced by AI:

1. The first and simplest course of action is to leave everything as it is and as it is customary, not to make any changes to the legislation. For instance, the citizen who developed a work is its author, as per Article 1257 of the Russian Federation's Civil

Code. Due to the fact, that this standard demonstrates that only individuals are capable of engaging in creative endeavors, copyright is not applied to any other works that are not human-created in Russia. A work's author and creator may only be just a person, as stated in §7 of the German Copyright Law.

2. Giving the AI's creator exclusive rights to such creations is the second option. We questioned respondents from a variety of professions in a sociological study about this subject: "In your opinion, who owns the rights to intellectual property created by AI?" "To the one who created this AI - the developer," was how the majority of them responded. It turns out that, rather sensibly, a person owns the neural network's copyright and is entitled to the output of the network's activities. On the other hand, if this solution alternative is thoroughly examined, then challenges can later emerge as a result of the existence of rights fragmentation. This implies that various AI works may be owned by various copyright holders, and that ownership of the works will be contingent upon when they were created.

3. In actuality, the third approach is giving artificial intelligence legal personhood and giving it the sole rights to the quasi-works it produces, without affecting the exclusive rights to AI themselves. This idea is similar to the well-known institution of legal entities, i.e., AI should be compared to legal entities in order to create intellectual property. Without a person, a legal entity cannot act freely and cannot be considered independent. A legal entity gains legal identity and the potential to hold exclusive rights to literary, artistic, and scientific creations once it is registered in the Unified State Register of Legal Entities.

The creators of Microsoft, Bill Gates and Paul Allen, do not, however, have exclusive rights to the Windows operating system. Instead, Microsoft Corporation has exclusive rights to Apple's trademark, which is a bitten apple and does not belong to Steve Jobs directly.

The aforementioned issues won't occur if AI is granted the sole right to produce the works that it creates, greatly aiding in the hunt for the copyright proprietor of the invention.

Results and conclusion. Legal issues, technological issues, ethical issues, and creative issues all come together when it comes to artificial intelligence and intellectual property rights. Developing logical legal frameworks and policy guidelines that take into consideration the distinctive qualities of AI-generated works is essential as AI continues to change the landscape of innovation and content production. It is possible for society to fully utilize AI while maintaining the values of justice, responsibility, and innovation in the field of intellectual property rights by promoting a sophisticated understanding of authorship, ownership, and protection in the context of AI.

The aforementioned leads us to the conclusion that this matter warrants serious thought and investigation because it impacts not only philosophical, moral, and ethical elements but also legal. In the near future, an environment without clear regulations might harm the art industry's profitability and devalue various types of human creativity; thus, further research and development into the best answer to this issue is required. It is anticipated that artificial intelligence will soon become autonomous

enough to produce copyrighted goods without the need for human assistance (see, for instance, "Bots invented their own language: why was Facebook afraid of artificial intelligence?"). It appears that the best way to handle this issue is to create a unique legal framework that considers every aspect of the phenomena in question; this calls for the adoption of a unique legal act in the form of a law.

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