

IP in Review

Shedding light on the complex relationship between AI, art and copyright law

25 Things You Should Know About Artificial Intelligence Art and Copyright (2nd edn) Pablo Fernández Carballo-Calero Navarra, Pamplona, Spain: Editorial Aranzadi, S.A.U. [Thomson Reuters], 2023 ISBN: 978-84-1163-484-7, Soft cover, pp. 153 Price: €22.00

In the rapidly evolving landscape, where technology and creativity intersect, *25 Things You Should Know About Artificial Intelligence Art and Copyright* by Pablo Fernández Carballo-Calero emerges as a concise and informative guide that sheds light on the complex relationship between Artificial Intelligence (AI), art and copyright law. Carballo-Calero, an expert in commercial law and IP law, presents this second edition as a valuable resource for artists, legal professionals and anyone intrigued by the intersection of AI and creativity. The book is structured into 25 succinct chapters, each addressing a specific aspect of the multifaceted connection between AI-generated art and copyright considerations.

Originating from its Spanish predecessor, *La Propiedad Intelectual de las Obras creadas por Inteligencia Artificial*, published in March 2021 by the same publishing house, the author expands here the reach of his scholarship, fostering cross-cultural dialogue and facilitating a broader understanding of the complexities inherent to this burgeoning field. While it is not uncommon for a reviewer to have read various editions of an academic book, this reviewer also had the opportunity to interview the author on his radio show at CNN Radio Argentina back in June 2023. On that occasion, Carballo-Calero expanded upon the difference between AI-generated works and AI-assisted works. This difference currently stands as one of the pivotal points of debate because of the difficulty in establishing the threshold that separates one from the other.

One of the notable strengths of the book is its accessibility. The author has successfully distilled intricate legal concepts into clear and comprehensible language, making the content approachable for readers with varying levels of expertise. This is particularly beneficial for artists who may not have an extensive legal background but seek to understand the implications of AI on their creative endeavours, although the current legal landscape provides no definitive answers. However, the choice of structuring the book into 25 concise chapters may initially prompt readers to question the significance of this specific number, if there is any. Upon closer examination, it becomes evident that this deliberate decision serves a purpose: it offers a manageable framework for exploring the intricate nuances of AI-generated art and its

intersection with copyright law, each chapter functioning as a bite-sized exploration of a distinct aspect, thus facilitating easier comprehension and digestion of complex legal concepts. The fact that it also serves as the inspiration for a catchy title just happens to be another advantage.

The author delves into the historical context of copyright, providing a foundation for readers unfamiliar with its evolution. This exploration raises pertinent questions: Are there new rules in place? Are we encountering new conundrums? Are traditional theories, such as Locke's Labor Theory, the Personality approach and the Utilitarian approach, sufficient to address the complexities posed by AI? As the narrative progresses, Carballo-Calero seamlessly navigates through the challenges presented by AI-generated art, delving into issues such as authorship, ownership and the potential impact on the traditional creative process. The inclusion of relevant case studies and real-world examples enhances the book's practicality, grounding theoretical discussions within concrete scenarios. Throughout the book, the author presents five potential approaches for addressing the intersection of AI and copyright law: (i) protection of computer-generated works similar to the solution provided by the UK CDPA 1988; (ii) adaptation of the works made for hire theory, exemplified by comic book companies and the use of this legal fiction; (iii) consideration of AI-generated works as neighbouring rights; (iv) creation of a new *sui generis* right; and (v) exploration of the implications of the said works entering the public domain.


Carballo-Calero ultimately chooses the fifth approach to address the AI conundrum, advocating for the exploration of the implications of AI-generated works entering the public domain. This decision reflects his nuanced understanding of the evolving landscape of IP rights in the digital age. Unlike the other options presented, which focus on adapting existing legal frameworks or creating new rights specific to AI-generated works, this approach recognizes the significance of the public domain as a foundational concept in copyright law. It aligns with a broader vision that promotes the free flow of information and ensures that AI technology contributes to the enrichment of society as a whole. Moreover, it addresses concerns about the potential

monopolization of AI-generated works and encourages a more equitable distribution of creative expression. Through this strategic choice, the author emphasizes the need for forward-thinking policies that balance the interests of creators, users and the public while embracing the transformative potential of AI in the creative process.

The book's brevity (153 pages) is both a strength and a limitation. On the one hand, it makes the content accessible and avoids overwhelming the reader with excessive legal jargon. On the other hand, the depth of exploration on certain topics may leave readers craving for more in-depth analysis, especially those seeking a comprehensive understanding of the legal intricacies surrounding AI-generated art. While navigating through the pages of this book, readers may notice the absence of footnotes, a customary feature in scholarly works. This omission, however, does not detract from the book's credibility or scholarly rigor. It is worth noting that all of these citations were indeed available in the original Spanish manuscript, as confirmed by this reviewer. In lieu of

footnotes, Carballo-Calero employs a meticulous approach in citing sources and references within the text, ensuring transparency and verifiability while maintaining a seamless reading experience. Additionally, he provides a thorough bibliography at the end of the book.

Despite its concise nature, *25 Things You Should Know About Artificial Intelligence Art and Copyright* is a commendable effort to demystify a complex subject. The author manages to balance legal precision with reader-friendly language, making this book a valuable addition to the personal libraries of artists, legal professionals and enthusiasts alike. As AI continues to reshape the creative landscape, this book serves as a timely and insightful guide for navigating the evolving terrain of art and copyright in the digital age.

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