

Copyright & Generative AI

James Lewandowski-Cox, UQ Copyright Officer

Acknowledgement of Country

The University of Queensland (UQ) acknowledges the Traditional Owners and their custodianship of the lands on which we meet.

We pay our respects to their Ancestors and their descendants, who continue cultural and spiritual connections to Country.

We recognise their valuable contributions to Australian and global society.



Diversity and inclusion

The University of Queensland Library expresses our firm and proactive commitment to supporting efforts for greater diversity and inclusion within our University.

We celebrate and are enriched by the differences in all that we do and together with you, are building a Library that is underpinned by respect, inclusion and equality.



Copyright and Gen AI

Copyright is the legal protection of the expression of ideas.

Copyright is automatic – you don't need to register for it to apply.

Copyright doesn't apply to everything.

What can't be copyrighted?

- There are some things that might not meet the requirements to receive copyright protection.
- These include:
 - Data;
 - Screenshots;
 - Photographs of existing works;
 - Single words (even if they are invented – these might be able to be trademarked);
 - Names;
 - Titles;
 - Slogans;
 - Headlines;
 - Outputs from generative AI.

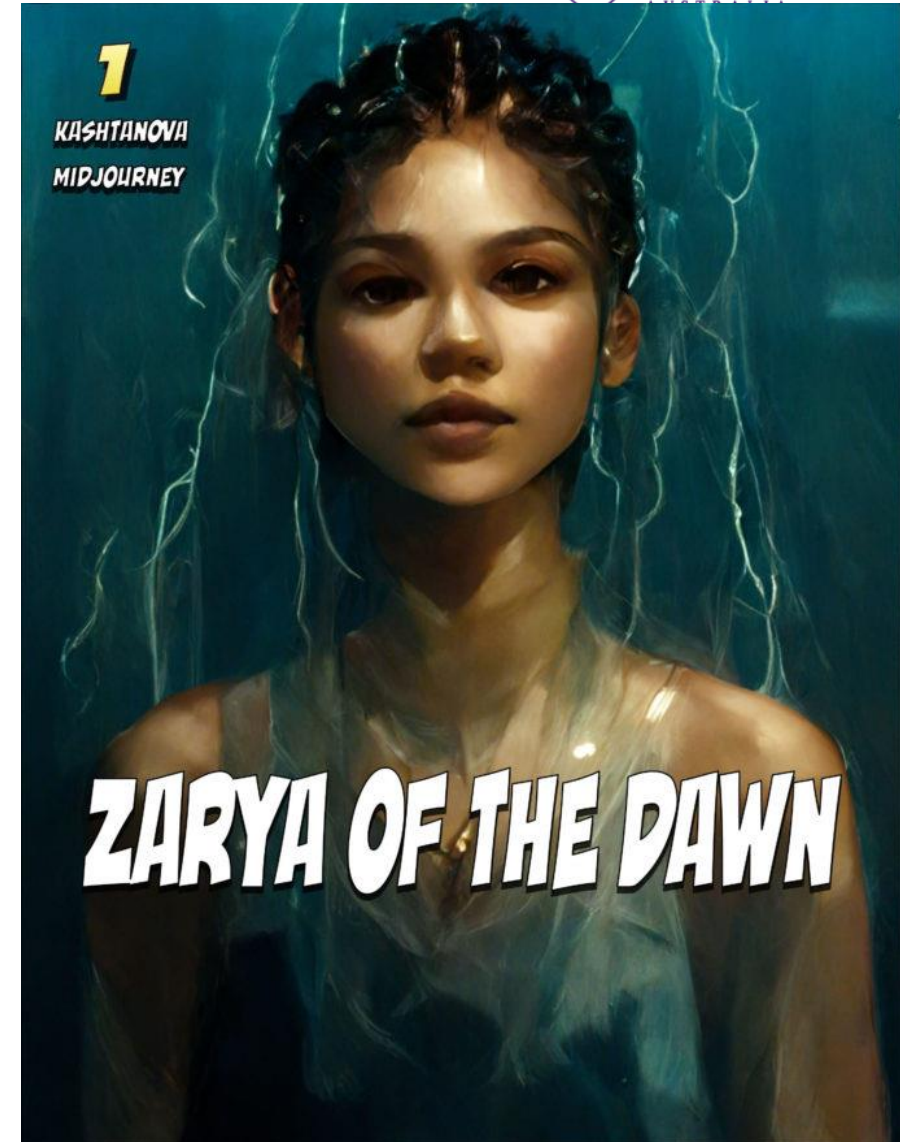
What can't be copyrighted – Generative AI

- The Copyright Act 1968 (Cth) outlines the requirements for a work to receive copyright protection:
 1. “Subject to this Act, copyright subsists in an original ... work (where) the author:
 - a) was a qualified person at the time when the work was made; or
 - b) If the making of the work over a period – was a qualified person for a substantial part of that period.
 4. In this section, **qualified person** means an Australian citizen or a person resident in Australia.



What can't be copyrighted – Generative AI

- A recent US Copyright Office decision, and subsequent guidance, has clarified the current position of copyright and AI generated works.
 - [Zarya of the Dawn](#) is a graphic novel by Kris Kashtanova.
 - Kashtanova used the generative AI tool MidJourney to create the images for the work.
 - Kashtanova applied to the USCO to register © in Zarya.
 - USCO initially granted © to the entire work, but subsequently revised its decision to only © the human generated storyline, not the images.
 - [USCO issued guidance](#) in March 2023 clarifying this position

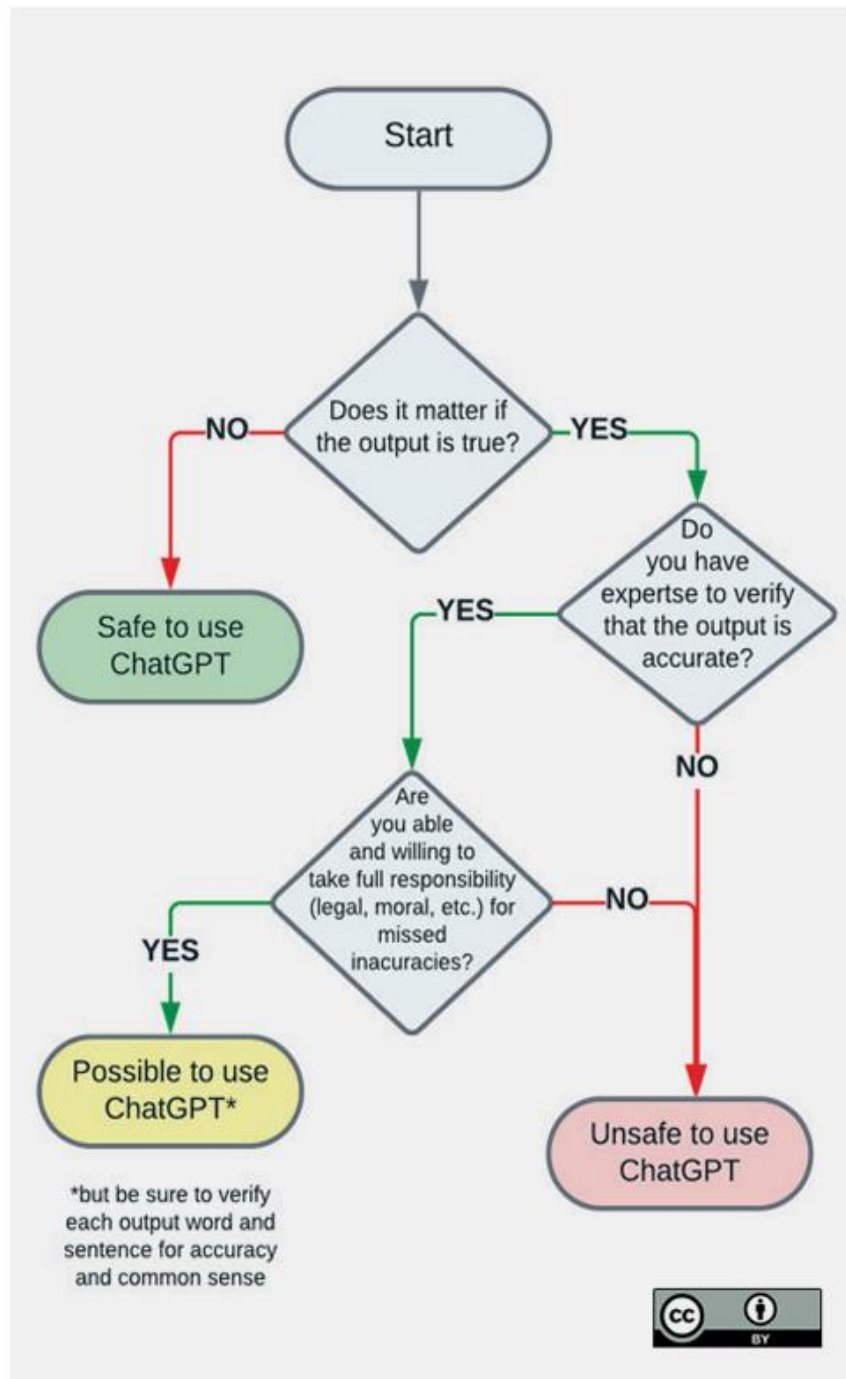


Outputs from generative AI are not copyrightable.

We are talking about Gen AI here, there's a difference if you are using AI tools.

Generative AI outputs might infringe copyright.





Flowchart devised by Aleksandr Tiulkanov, AI and Data Policy Lawyer, January 2023
In [ChatGPT and Artificial Intelligence in higher education: Quick start guide](#), 2023. UNESCO IESALC. Licenced under a [CC BY 4.0](#)

Avoid uploading data to generative AI for analysis

- Be careful when uploading datasets or other sensitive information for analysis by generative AI.
 - The terms of use of these services state that anything uploaded will form the corpus by which the AI is trained, and any sensitive data could be reused in a different AI output.
 - This could violate ethics permissions.

People keep feeding company secrets to ChatGPT

It's causing serious privacy and governance headaches.

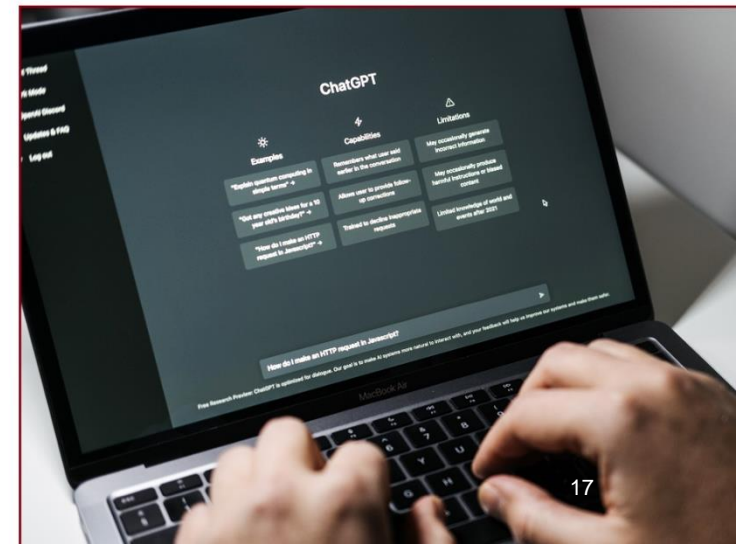
By David Braue on Feb 01 2024 09:46 AM

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Privacy budgets are being cut even as workers feed generative AI (genAI) systems sensitive data about employees, customers, internal processes and non-public business details – with new data highlighting the risks that have seen the technology banned by a quarter of ANZ businesses.

By 53 per cent of respondents to the *2024 Data Privacy Benchmark Study* surveyed over 2,600 security professionals in Australia and 11 other countries, 25 per cent of them have used internal data to train generative AI. They are using queries to



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 - This violates the terms of our agreements with the publishers.

Questions?

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