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CO-AUTHORSHIP AND SERVICE WORK PERSPECTIVES ON AI-GENERATED WORKS

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Abstract: This study examines the legal frameworks of co-authorship and service works in the context of artificial intelligence (AI)-generated creative outputs under Uzbekistan's copyright law. It explores whether AI, its programmers, and users can be recognized as co-authors, emphasizing the collaborative creative process required for co-authorship. The analysis highlights challenges in attributing authorship to AI, including the duration of copyright protection and the lack of AI's legal agency. An alternative perspective considers AI-generated works as service works, but this is deemed less viable due to the absence of an employment relationship with AI. The study proposes a co-authorship model supported by contractual agreements between developers and users to clarify rights distribution and ensure legal accountability. By integrating natural law and legal entity theories, the article advocates for a balanced approach to recognizing AI's creative contributions while grounding enforcement in human stakeholders.

Keywords: artificial intelligence, co-authorship, copyright law, service works, intellectual property, Uzbekistan, creative collaboration.

Introduction

Copyright law recognizes works created by a single individual or collaboratively by multiple individuals. When a work results from joint efforts, co-authorship may arise. Co-authorship is characterized by the collective creative labor of multiple individuals, distinguishing it from non-creative contributions such as contracted services, joint activity agreements, or other material outcomes involving multiple parties (Okulov, 2000). In co-authorship, copyright belongs jointly to all contributors, each entitled to the full spectrum of rights associated with authorship. For a work to qualify as co-authored, it must either form an indivisible whole—where division would render it meaningless—or consist of parts that retain independent meaning when separated. Contributions to a co-authored work may include writing specific sections, collaboratively developing ideas, or engaging in intellectual activities such as research or conceptualization (Uzbekistan Civil Code, 1995).

Main Body

Co-Authorship in Creative Works

Each co-author must contribute intellectually to the creation of the work. The extent, nature, or proportion of their contribution is secondary; the critical factor is their engagement in collective creative labor resulting in the work's creation (Okulov, 2000). It is essential to distinguish co-authors from other participants, such as typists, printers, technical staff, or translators, who do not contribute creatively or intellectually to the work's content (Uzbekistan Copyright Law, 2006). According to Article 12 of the Law on Copyright and Related Rights, copyright in a work created through the joint creative efforts of two or more individuals belongs collectively to the co-authors, regardless of whether the work is an indivisible whole or comprises independently meaningful parts (Uzbekistan Copyright Law, 2006).

The hallmark of co-authorship is collaborative creative activity. All co-authors enjoy equal rights unless otherwise stipulated in an agreement among them. They are equally responsible for protecting the work and benefiting from its use. The law specifies that, absent an agreement, co-authors may independently use any independently meaningful part they created, and copyright is exercised jointly, with royalties divided equally (Uzbekistan Copyright Law, 2006).

Applying this framework to artificial intelligence (AI), questions arise about the roles of the AI, its programmer, and the user. The Uzbekistan Criminal Code (1994) establishes penalties for misappropriating authorship or coercing co-authorship, highlighting the legal significance of accurate attribution (Uzbekistan Criminal Code, 1994). A challenge in recognizing AI as a co-author lies in determining the duration of copyright protection, typically set at 70 years after the last co-author's death. If AI is considered a non-living entity, tying protection to the lifespan of human co-authors (e.g., programmers or users) could provide a practical solution, avoiding complications from AI's potential deactivation or obsolescence (Abdusalomov et al., 2007).

Legally, contracting directly with AI is infeasible. A proposed solution is to implement a payment-based system for users accessing AI platforms, recognizing them as co-authors upon payment. This could be facilitated through a contract between the AI's developers and users, formalized via electronic agreement, enabling collaborative creation while clarifying rights distribution (Abdusalomov et al., 2007). Human co-authors would assume responsibility for protecting these rights, as AI lacks legal agency. This approach aligns with fairness and legal logic, acknowledging AI's role while grounding enforcement in human actors.

AI-Generated Works as Service Works

Alternatively, AI-generated works could be treated as service works, created under a contractual framework. Users might agree to terms before accessing an AI platform, granting them rights to the resulting work but not authorship. However, attributing authorship to AI poses challenges, as AI lacks the capacity to defend its rights. Furthermore, without user input, programmer development, or a knowledge base, AI would not produce original works. Per Article 1062 of the Uzbekistan Civil Code (1996), service works created in the course of employment retain personal non-property rights for the author, while exclusive usage rights belong to the employer unless otherwise agreed. Compensation and usage terms are determined contractually, and after ten years (or earlier with employer consent), the author regains full rights to use the work (Uzbekistan Civil Code, 1996).

However, classifying AI-generated works as service works is problematic. Service works require an employment relationship, formalized through a labor contract, which cannot apply to AI as it is not a legal employee (Uzbekistan Labor Code, 2022). AI's independent creative capacity further complicates this classification. Instead, a co-authorship model, supported by a pre-existing contract between developers and users, offers a more viable framework. This ensures clarity in rights allocation, protects contributors' interests, and accommodates AI's creative role without necessitating its recognition as an employee (Abdusalomov et al., 2007).

Conclusion

AI-generated works demonstrate creativity, producing unique outputs such as images, music, or texts that qualify for copyright protection. While natural law theory limits authorship to living persons, AI's creative capacity cannot be denied. Operating on a knowledge base and user prompts, AI generates original works, evidenced by their market success and absence of plagiarism (Okulov,

2000). A legal framework recognizing AI's role through a co-authorship model, grounded in contracts between developers and users, is proposed. This approach accounts for the user's creative input via prompts and ensures equitable rights distribution. Alternatively, a beneficiary-based model, drawing on legal entity theory, could assign limited authorship rights to AI, with enforcement handled by human stakeholders. Such frameworks require legislative support to balance AI's contributions with practical legal accountability (Abdusalomov et al., 2007).

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