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Intellectual Property Protection for Artificial Intelligence Innovation

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General Comment

1. Should a work produced by an AI algorithm or process, without the involvement of a natural person contributing expression to the resulting work, qualify as a work of authorship protectable under U.S. copyright law? Why or why not?

I want to begin by framing my answer with the reality of current AI technologies. The portrayal of AI in Popular Culture and the general public's lack of technical knowledge may create the impression that AI as it exists now, and will exist for the foreseeable future, is more advanced than it truly is. Modern implementations of AI are impossible to compare to the exaggerated depictions of humanoid AI which inundates society

The artificial intelligence of today, despite its name, is not so intelligent. Modern AIs are human-created instrumentalities only serving to automate traditional machine processes (e.g. Image editing) and are incapable of true thought. As such, it is simply impossible for modern AIs (and those of the foreseeable future) to exercise the "minimal creativity" to effect an original work of authorship, as laid out in 102 of the Copyright Act of 1976. Any supposed works of authorship made by an AI should, therefore, vest in its creator.

Barring completely unforeseen developments in technology, Artificial Intelligences should be unable to qualify as a work of authorship protectable under U.S. copyright law.