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A New Generation of Legal Issues Part 1: The Latest Chapter in Copyrightability of AI-Generated Works

Uncertainty continues as to whether and to what extent artificial intelligence-generated works can be protected by copyright under U.S. law. The U.S. Copyright Office recently raised the hopes of artists who use generative AI by agreeing to register the copyright in a graphic novel titled *Zarya of the Dawn*, whose author used the AI tool Midjourney to generate its images. However, the Copyright Office quickly reversed course and notified the applicant that it may cancel the registration because it was not aware that the images were computer-generated. The Copyright Office asked the artist to provide details of her creative process to show "substantial human involvement" in the process of creating the graphic novel.

This Update discusses the situation and other recent developments relating to the copyrightability of AI-created works, including potential efforts to consider changing the U.S. approach of requiring human authorship.

This is the first Update in a three-part series about generative AI.

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