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March 31, 2023

Whose Copyright Is It Anyway? Copyright Office Stakes Out Position on Registration of AI-Generated Works



There have been two important developments in recent weeks regarding the U.S. Copyright Office's position on registering works created by the use of artificial intelligence technology. First, on February 21, the Copyright Office issued its much-anticipated decision regarding the registration of a graphic novel by artist Kristina Kashtanova that included images generated using the AI tool Midjourney. Then, on March 15, the Copyright Office issued a policy statement providing its first guidance on the subject of copyright registration for works generated by AI.

This Update will discuss in detail the Copyright Office's rejection of Kashtanova's registration and its subsequent guidance on registration of AI-generated work and will provide important takeaways for creators who are using generative AI tools.

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