PROBLEMS WITH THE REGISTRATION OF WORKS CREATED BY ARTIFICIAL INTELLIGENCE SYSTEMS
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Starting from the (well-argued) premise that there may be original works (and, therefore, susceptible to copyright protection) created using generative AI systems, such as Open AI's ChatGPT, Microsoft Bing, Google Bart, etc., I will explain the main difficulties faced by the Intellectual Property Registry when the author files an application for the registration of a work of this kind.

The table of contents would be approximately as follows:

1. AI-created works that can meet the requirement of originality protection.
2. Main problems of Intellectual Property Registration in Spain.
3. Consequences of the lack of registration of works in the PR.

FULL SPEECH

**The aim of my contribution is to briefly share the main problems that arise in the Spanish IP registries when an application is submitted to them to register a work in whose creation the author declares to have used a generative AI tool.**

**First of all, I will point out that in Spain the registration of a work in the Intellectual Property Register is optional and merely declaratory. Nor is it necessary in order to initiate legal proceedings. It only places the registered author in a position of a probative advantage. In doing so, I would like to emphasise that, despite the refusal of registration by the Register, the work can behave in the market as an original work and, in case of conflict, the question of its originality can still be discussed before the courts.**

**Having said that, I must say that, so far, two applications have been refused. One, for a "literary work" whose text has been partially generated by ChatGPT. The second was for a series of images of various themes generated by these systems.**

**In both cases, the registrar examines the contribution of the applicant in the generation of the images and texts to see if, according to the legal and jurisprudential criteria in force, this participation may or may not imply intellectual authorship of the images and texts.**

**In the case of the images, as they were obtained by the applicant using an AI tool and core prompts for their generation, it is concluded that there is no relevant human involvement.**

**The case of the text is more interesting because the register notes that despite ChatGPT has not been used as a "mere tool", as part of the final result has been generated randomly and unpredictably by that system, some of the applicant's contributions may give rise to copyright in the final result. For this reason, the decision goes a step further, to check whether it is possible to reach some kind of registration.**

**But one of the principles governing the functioning of the register, the principle of speciality blocks the inscription (art. 26.2 RRGPI), since the specific participation of the applicant in the final result as a whole cannot be adequately identified. So, consequently, it refused its inscription.**