### Basic concepts of Japan’s Copyright Act

AI and copyrights: **“AI development or learning stage” or the “generation or utilization stage”** should be considered separately.

#### AI development/learning stage

- Creating a data set for learning by collecting and reproducing copyrighted works as learning data
- Developing AI (learning model) by using data set for learning

#### Generation/utilization stage

- Generating images etc. using AI
- Uploading and making public AI-generated images, selling reproductions of generated images (illustrations, etc.)

To determine copyright infringement in the case of uploading and making public of images generated by using AI or the selling of reproductions is considered equivalent to regular copyright infringement, excluding* utilization of such images recognized by the Copyright Act.

*Personally generating images for one’s own appreciation (reproductions for private use)

If AI-generated images have similarity with (same or similar creative expression) and dependence on (created based on existing work) existing images (copyrighted works), such acts are subject to criminal penalties, allowing copyright holders to claim damages and injunctions as copyright infringements.

### Future measures

- Prompt dissemination of these concepts through the seminars
- Together with IP law scholars, attorneys, creators and related industries, JCO is holding multiple discussions. Based on these discussions, JCO will further address and clarify the concerns of stakeholders