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COPYRIGHT AND COMMERCIALIZATION CHALLENGES IN ARTIFICIAL INTELLIGENCE–GENERATED WORKS

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Abstract

The rapid development of Artificial Intelligence (AI) technologies and the proliferation of AI-generated works pose novel challenges to the traditional copyright system. This article examines the legal status of texts, images, music, and other intellectual products created through generative AI, assesses to whom copyright may be attributed, and analyzes the issues arising in their commercialization. Drawing upon international experience, normative-legal frameworks, and Uzbek legislation, the paper identifies problems, regulatory gaps, and offers practical recommendations.

Keywords

artificial intelligence; generative content; copyright; intellectual property; commercialization; original work; licensing; legislation.

Introduction

In the contemporary digital era, generative AI (e.g., models creating texts, images, music) has revolutionized creative industries. These tools enable the generation of works either independently or with minimal human input. However, traditional copyright law presumes a human author[1].

International practices, such as the U.S. Copyright Office, currently do not recognize works autonomously created by AI as eligible for copyright. The growing use of generative AI for commercial purposes and the increasing number of AI-created works necessitate a reassessment of their legal status and mechanisms for commercialization. This article aims to analyze copyright attribution for AI-generated works, identify commercialization challenges, and develop recommendations within the Uzbek and international legal frameworks.

Main Analysis

1. AI-Generated Content and Copyright: Theoretical-Legal Foundations

[1] Springer, 2024

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Conventional copyright law defines a work as the product of a human author[2]. In contrast, generative AI produces works algorithmically, often without direct human creativity or subjective input[3].

Consequently, many jurisdictions, including the United States, do not grant copyright to AI-generated works. This raises questions about the applicability of the "original authorship" standard in copyright law. On one hand, AI-generated content may lack traditional creative effort; on the other hand, these works possess commercial value and can generate cross-border revenues.

This situation calls for new approaches, including expanded legal protection, licensing models, and commercialization frameworks.

2. International Approaches

Current research suggests several strategies for handling AI-generated works. For instance, "An Economic Solution to Copyright Challenges of Generative AI" proposes a revenue-sharing model between training data owners and AI developers[4].

Another approach, discussed in "Prompting the E-Brushes: Users as Authors in Generative AI," argues that users issuing prompts could be recognized as authors because they exercise creative control over the resulting outputs. However, these approaches are not widely recognized legally; the U.S. Copyright Office, for example, continues to reject registration for AI-only works.

Therefore, a comprehensive protection model should consider multiple stakeholders: training data owners, AI developers, prompt users, and platform operators.

3. Uzbek Legislation and Generative Content

In Uzbekistan, digital content and internet copyright issues have been addressed in comparative studies[5]. Recent discussions have highlighted the challenges of AI-generated content in intellectual property law.

However, the current legal framework does not explicitly address the status, licensing, ownership, or commercialization mechanisms for generative AI outputs. This gap underscores the need for legislative reform, licensing frameworks, and royalty mechanisms tailored to AI-generated content.

Artificial intelligence systems capable of autonomously producing literary, artistic, musical, and digital outputs have disrupted the foundational assumptions of copyright law. The traditional framework is built upon the premise that authorship is inseparable from human creativity, intentionality, and intellectual

[2] Zenodo, 2024
[3] UZA, 2025
[4] https://arxiv.org/abs/2404.13964?utm_source=chatgpt.com
[5] https://irshadjournals.com/index.php/ujldp/article/view/317?utm_source

labor. AI-generated works, however, emerge from algorithmic processes that lack human consciousness and subjective decision-making, creating uncertainty as to whether such outputs can satisfy the requirement of "original authorship." Jurisdictions diverge significantly: some adopt a strict anthropocentric approach barring protection for AI-created content, while others consider hybrid models that attribute rights to the natural person who inputs, designs, or supervises the generative system.

Commercialization issues further complicate the debate. Without a clearly defined rights holder, licensing, distribution, and enforcement mechanisms become legally fragile, increasing transactional risks for investors and companies seeking to monetize AI-generated products. Additionally, disputes arise regarding the training data used by AI models: rights holders claim that outputs derived from copyrighted materials may constitute unauthorized derivatives, while AI developers argue for broader exceptions grounded in transformative use and technological progress. The absence of harmonized international standards leads to regulatory fragmentation, making cross-border commercialization increasingly complex. Establishing a balanced regime—one that protects legitimate creators, encourages technological innovation, and ensures economic value for AI-generated works—remains a central challenge for modern copyright policy.

4. Commercialization and Practical Challenges

Commercializing generative content raises multiple challenges:

- **Ownership ambiguity:** Should copyright belong to the AI developer, the prompt user, or the training data owner?
- **Originality standard:** Copyright law requires "original creative expression," which AI-generated works may not satisfy.
- **Training data rights:** If AI models are trained on copyrighted works, derivative AI outputs must respect original authors' rights.
- **Licensing and royalty allocation:** Revenue-sharing schemes are proposed for commercialized AI outputs.
- **Legal voids:** Many jurisdictions, including Uzbekistan, lack specific legal provisions for AI-generated works.

Conclusion

Generative AI content presents a profound challenge to the intellectual property system in the digital era. Conventional copyright, based on the "human author" principle, fails to adequately protect AI-generated works. Internationally, solutions such as revenue-sharing or recognizing prompt users as authors are being explored.

In Uzbekistan, legislative gaps remain. Developing specific legal frameworks, licensing mechanisms, and royalty distribution models is crucial to ensuring protection and commercialization of AI-generated works. With appropriate regulation, generative AI outputs can become legally recognized intellectual property with clearly defined rights and commercial potential.

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