

RESEARCH ARTICLE



The Legal Status of Artificial Intelligence: The Need to Form a Legal Personality and Regulate Copyright

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Abstract: The article addresses the issues of legal regulation of artificial intelligence (AI) in the context of its rapid development and penetration into various spheres of life. The introduction raises the problem of uncertainty in the legal environment regarding content created using AI, with a particular focus on copyright issues and the possibility of legislative recognition of AI as a subject of law. Market statistics analysis shows the growth of the global AI market and underscores the importance of developing legislation governing authorship and intellectual rights to prevent potential legal disputes and protect personal data. Special attention is given to the differences in approaches to the legal status of AI worldwide, including the USA, the UK, the European Union, China, and Russia, as well as initiatives by international organizations such as UNESCO and the World Intellectual Property Organization. The research methodology is based on comparative legal analysis, examination of regulatory acts, and expert evaluation, which allowed for identifying common features and significant differences in AI regulation across various jurisdictions. The article also explores key ethical issues related to the use of AI, including personal data protection and preventing data leaks. The research aims to propose possible solutions and adaptations of legislation considering the rapid development of AI technologies. It will be useful not only for lawyers and intellectual property specialists but also for a wide range of readers interested in modern technologies and their legal aspects.

Keywords: AI, intellectual property rights, ethical issues, global AI regulation, AI-related legal disputes

1. Introduction

With the accelerated development and penetration of artificial intelligence (AI) into various spheres of life worldwide, the issue of its legal regulation becomes particularly relevant. According to UNESCO, despite the fact that generative AI fosters the growth of certain social opportunities, it simultaneously has the potential to exacerbate social risks associated with the creation and dissemination of misinformation, leakage of confidential data, reliability issues of information sources, and copyright infringements [1].

At this stage, the legal environment related to AI-generated content and copyright is in a state of evolution and remains uncertain worldwide. Uncertainties arise in the legal field, which requires the development of new legislative initiatives at the international and national levels. Special attention is paid to the differences in approaches to the legal status of AI in such jurisdictions as the United States, the United Kingdom, the European Union, China, and Russia.

- 1) Can copyright-protected data be used for training AI? (AI training on copyright-protected data);
- 2) Can copyright be registered for an AI-generated product? (copyright status of AI-generated content).

Market forecasts indicate that the AI industry is poised for rapid growth in the coming years. According to a report by Grand View Research, the global AI market was valued at \$62.35 billion in 2020, and it is expected to grow at a compound annual growth rate (CAGR) of 40.2% from 2021 to 2028. This growth is driven by various factors, including technological advancements, increased investments, and the penetration of AI into various industries. By the end of 2023, the volume of the global market of embedded solutions with support for AI reached \$9.54 billion. For comparison, a year earlier the costs in this area were estimated at \$8.3 billion. Thus, the growth of approximately 15% was recorded. Such data are reflected in the Market Research Future study, the results of which are published in mid-June 2024.

The revenues of the generative AI market may increase to \$1.3 trillion by 2032, according to a report by analysts at Bloomberg Intelligence. This is 32 times more than this market brought in 2022, when the profit amounted to \$40 billion. Analysts believe that the generative AI sector will experience explosive growth over the next 10 years, which could fundamentally change the way the technology sector operates. Bloomberg calculates that this

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sector could grow at a CAGR of 42% over 10 years, which explains the demand for infrastructure for training neural networks, as well as devices with AI models, advertising, and other services. The market for AI training infrastructure could be worth approximately \$247 billion by 2032, Bloomberg predicts. Revenue from digital advertising could reach \$192 billion by then, and revenue from AI servers could reach \$134 billion, according to the report. The main beneficiaries could be Amazon's cloud division, Alphabet (Google's parent company), microchip maker Nvidia and Microsoft, Bloomberg said.

The article applies a comparative analysis of different legal systems and establishes a research methodology involving the study of regulations and expert opinions. Key ethical issues related to the use of AI, such as protection of personal data and prevention of information leaks, are discussed. The aim of the study is to propose possible ways of adapting legislation to the rapid evolution of AI technologies, ensuring the protection of interests of both right holders and users.

The key issues addressed in the article include the following:

- 1) Who owns the works created by AI?
- 2) How to determine copyright on AI-generated content?
- 3) What are the risks and opportunities associated with the use of AI in various fields?
- 4) What are the international approaches to regulating AI and copyright?

The presented analysis will be useful both for lawyers and intellectual property specialists, as well as for a general audience interested in modern technologies and their legal aspects.

Lawyers and scholars highlight several key risks associated with the use of AI [2–4]: possible copyright disputes (77.1%), reputational risks due to the insufficient quality of services provided (50.8%), leakage of confidential information (40.3%), and dependence on technology, which may lead to a decline in professionals' skills and competencies (40.3%). The foremost necessity is enacting laws that regulate authorship issues and the scope of rights for copyright holders regarding AI objects.

The European Parliament and various countries, including the USA, the UK, and China, are already working on creating a legal framework for regulating AI. In each of these jurisdictions, the approaches to authorship and rights to works created by AI differ, which creates additional complexities in this matter. Global discussions about rights to AI work results and protection from these results are becoming increasingly relevant in light of the rapid development and implementation of AI in daily life.

Thus, this article aims for a deeper and more comprehensive examination of the legal status of AI and its place in the realm of legal standing.

2. Literature Review

The development of technology and its penetration into various spheres of life give rise to new challenges and questions regarding the legal status and regulation of AI. In this paper, a systematic search of academic literature was conducted to highlight various aspects of AI legal regulation, including copyright, liability, and ethical issues.

A systematic approach was used to find relevant publications. Libraries and databases such as Google Scholar, JSTOR, IEEE Xplore, and ResearchGate were the primary resources for identifying relevant information. Keywords used included "artificial intelligence and copyright", "legal status of AI", "AI

licensing", "AI ethics", and "global AI regulation". These terms were chosen in accordance with the main themes of the research and the real challenges that legal systems face due to rapidly evolving technologies. Over 60 articles were read in the process, of which 30 most significant ones were selected for deeper analysis. The selection was based on relevance, citation, and impact on existing research in the field of legal regulation of AI.

Currently, there is a significant body of research devoted to various aspects of the legal regulation of AI, including issues of copyright, liability, and ethics [5–9]. Especially relevant is the issue of copyrights for works created by AI [10–14].

Numerous studies focus on the possibility of granting copyright to AI-created products and determining the subjects of these rights. Lee and Woo [15] examine the legal aspects of using copyright-protected data for AI training, pointing out the lack of consensus among lawyers and developers. Empirical studies [16, 17] including the analysis of precedents such as the sale of "Portrait of Edmond de Belamy" at Christie's auction highlight the complexity of authorship and rights issues for AI-created works [18].

Comparative analysis of legislative initiatives in various jurisdictions shows diverse approaches to AI regulation. Rádi [19] conducted analysis of the legislation in the EU, US, and China, identifying both common features and significant differences. UNESCO and the World Intellectual Property Organization (WIPO) are actively developing recommendations and regulatory documents aimed at harmonizing legal standards in the field of AI [20, 21]. In Russia, work is also underway on the legislative consolidation of the legal status of AI [22–24].

Ethical issues play an important role in discussions about the legal status of AI [25–27]. Researchers such as Liu et al. [28] note the necessity of developing ethical codes and standards regulating the use of AI in various fields. Special attention is paid to issues of personal data protection and preventing potential abuses related to information leakage and confidentiality violations [29]. Studies conducted by Lockey et al. [30] demonstrate the importance of considering reputational risks and challenges associated with technological dependence and the reduction of specialist competencies.

Predicting the future legal regulation of AI is based on current trends and identified problems. Research by Cihon [31] indicates the necessity of introducing international standards and harmonizing national laws to account for the global nature of AI technologies. These works emphasize the importance of procedures for dispute resolution and ensuring legal protection for AI-created works [32, 33].

The problem of the legal status of AI is increasingly becoming a subject of discussion [8, 34, 35]. For example, the idea of granting AI the status of a legal entity is criticized, as it raises questions about self-awareness and the possibility of independent decision-making. Numerous studies point to the need for international harmonization of standards and legislation to take into account the global nature of AI technologies [36–41].

It is important to note that the existing literature demonstrates a wide range of approaches and opinions on the legal status of AI, its relationship with copyright, and the ethical aspects of its application. The regulation of AI is in its formative stages, and the need to develop a flexible and adapted legislative framework is becoming increasingly important.

3. Research Methodology

The methodology of the study of the legal status of AI includes five key stages. First, a comparative legal analysis was conducted, in

which various approaches to the legal status of AI in such jurisdictions as the United States, Great Britain, the EU, China, and Russia were investigated. The results of the analysis showed common features and significant differences in legislative approaches to copyright and liability for AI actions. For example, in the USA it is claimed that the author of a work can only be a human, while in some other countries the possibility of granting rights to works created by AI to software developers is being discussed. Secondly, a documentary analysis was carried out, during which normative acts, materials of judicial practice, and expert opinions were studied. This made it possible to identify gaps in the current legislation and differences in the approaches of the courts to issues of authorship and rights to works created by AI. Of particular interest is the case of the “Portrait of Edmond de Belami”, which clearly demonstrated the need to adapt legislation to new conditions. Thirdly, a statistical analysis was carried out, during which quantitative data from market research and legal documents were analyzed. Such data revealed the growth trends of the AI market and their impact on legal aspects, and the use of descriptive and inference statistics demonstrated how the development of AI technologies affects existing legal norms. The fourth stage includes an empirical study, which resulted in an analysis of specific precedents and cases related to the use of AI in various fields. This made it possible to identify the impact of regulatory approaches on legal practice and business. Practical examples pointed to the risks of legal disputes and the need to create a clear legal framework. Finally, at the fifth stage, recommendations based on the analysis were formulated. They include ways to adapt legislation, such as the creation of new copyright categories for works created by AI, the development of specialized licenses, and the introduction of international regulatory standards. The importance of ethical standards for the use of AI in various industries was also emphasized. Thus, each of the stages of the methodology forms a logical structure of the study, allowing us to understand how the legal status of AI can influence the modern legal landscape and the relevant ethical and social aspects of this rapidly developing field.

4. The Development of the AI: Market Growth

In 2024, the value of the AI market will reach \$298 billion [29]. Currently, the market is valued at \$207 billion. In 2030, the AI market is projected to grow sixfold to nearly two trillion dollars. The AI market is growing by 20% every year as it is shown in Figure 1. By 2025, the chatbot market size will reach approximately \$1.25 billion. For comparison, the market size in 2016 was \$190.8 million. Thus, the growth of the chatbot market will be more than six times in nine years.

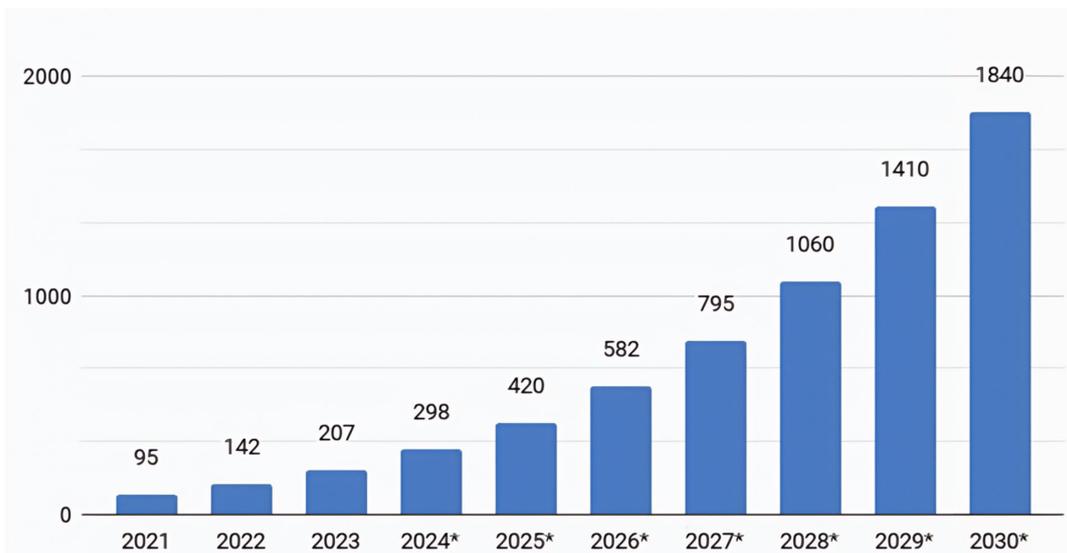
As of the end of 2023, 839 grants for the development of AI technologies have been awarded in Russia as part of the Digital Economy national project. At the same time, 857 AI startups received state support. This became known in mid-June 2024.

According to the estimates of the Digital Economy project office, the volume of the Russian AI market in 2023 reached 650 billion rubles, increasing by 18% year-on-year [42]. About 71% of projects in the relevant sphere are concentrated in Moscow. St. Petersburg is in second place with a 10% share, and the Moscow Region rounds out the top three. Between 2019 and 2023, 19.4 billion rubles will be allocated for the development of AI in Russia. As of 2023, 12 research centers are conducting advanced developments in the areas of “strong”, ethical, trusted, and industry-specific AI. About 17.6 thousand students are being trained in AI competencies.

It is said that 35% of Russian companies have developed and implemented strategies for the development and use of AI [43]. 45% of small businesses claim to use such technologies in their activities. In the financial sector, 95% of organizations use AI tools in one form or another – this is the highest indicator among industries. More than 16% of companies in the manufacturing industry are implementing AI systems. Approximately 16% of medical institutions in Russia use AI, and 34% plan to use it in the future.

AI has significant potential to contribute to the global economy. By 2030, its contribution is expected to exceed the combined GDP of India and China today.

Figure 1
International AI market size (2021–2030), in billions of USD



By 2030, AI is expected to add \$15.7 trillion to the global economy, exceeding the combined GDP of China and India [44]. The most significant economic benefits from AI will come from China, which is expected to see a 26% increase in GDP by 2030, followed by North America (with a 14.5% increase), totaling \$10.7 trillion and resulting in nearly 70% of the global economic impact.

5. Legal Status and Rights of Artificial Intelligence

Until recently, AI was spoken of exclusively as an object of law. But today the question of the possibility of granting legal personality and personal rights to what yesterday was perceived only as a computer program is being discussed in doctrine and practice.

In the legislation of the Russian Federation the legal status of AI is not defined at the moment, but the doctrine has formulated alternative approaches to this issue [45]:

- 1) AI is an object of law (property);
- 2) AI is a subject of law: according to the model of a legal entity, special legal status of an “electronic person”, according to the model of a physical (!) person;

Calls to endow AI with personal rights are increasingly heard. For example, the report of the Legal Affairs Committee of the European Parliament raises the question of giving the most advanced robots and AI a special status of “electronic person” with a set of certain rights and obligations [46].

As is known, legal personality is an integral element of the legal status of a person. Dogma has always associated two concepts with the concept of the subject of law (persona): will and interest. In the absence of will and interest, it is impossible to speak about any subjectivity of the AI. According to the continental dogma of law, legal personality consists of three main components: legal capacity, legal capacity, and delictual capacity [47]. Similar provisions are present in the main international documents on human rights: the Universal Declaration of Human Rights (of December 10, 1948, Article 6); the International Covenant on Civil and Political Rights (of December 16, 1966, Article 16). Only a “person” can have personal rights [48]. And this is not a tautology, but an immutable truth. Can we assert that AI is similar to a human being and possesses an appropriate set of practical skills and stereotypes of behavior in society inherent to the state of subjectivity in the sphere of law, formed by a human being within the whole range of his social interaction? The negative answer to the question posed is obvious. The logic of the defense of constitutional identity – and its core is the identity of man as a biological species (anthropoid entity) – in any foreseeable future must proceed from the exclusion of the possibility of any classes of AI possessing legal personality on the model of a physical person. Pragmatically speaking, it is reasonable to discuss the status of AI in the context of liability for damage caused as a result of its functioning. In order to guarantee the legitimate interests of all subjects of law involved in the creation and use of artificial intelligence, it is essential to address the unique legal and ethical challenges posed by its development and application. Especially since the use of artificial intelligence can be confidently attributed to activities related to sources of increased danger, it becomes evident that such activities require a heightened level of public oversight and regulation to mitigate potential risks and ensure safety [49]. Hence the need for a higher standard of public control arises, including the mandatory certification of AI activities in various fields, to ensure accountability and mitigate potential risks associated with its use.

There are no grounds for bringing AI to responsibility for the reason of absence of subjective side – guilt as an internal mental attitude to the committed act, emotions as a state of mind at the time of unlawful encroachment. Characteristically, the “National Strategy for the Development of AI until 2030”, approved on October 10, 2019 by the decree of the President of the Russian Federation [50], does not put forward the goal of endowing AI with subjective rights and obligations.

6. What to Do When It Comes to AI Creativity

On the one hand, some people compare neural networks to a brush in the hands of an artist. Others believe that the neural network is the artist, with the human being acting as a customer. This creates an interesting dilemma. In one Case – “Portrait of Edmond de Belamy”, in 2018, Paris-based art collective Obvious created a piece called “Portrait of Edmond de Belamy” using machine learning. Sold at Christie’s auction for \$432,500, the painting sparked debate and raised questions about the work’s authorship [27]. Although no legal action has been taken, the case has become one of the striking precedents in the context of the relationship between AI art and copyright.

Therefore, at this point in time, there is no answer to the question of copyright in AI creativity, as it exists in a legal gray area and falls outside the bounds of law and ethics [28].

In short – there are several reasons for this:

- 1) A uniform approach in recognizing authorship has not yet been established;
- 2) Jurisdictions have different views on intellectual property issues.

Some countries recognize the owner of AI as a full owner of copyright [29]. Others believe that subject matter authorship is possible provided that significant creative effort was involved in the creation of the work.

As AI continues to blur the lines between content created by humans and machines, this diversity of approaches adds complexity to an already confusing system. So, what are some potential solutions? There could be several: from creating new categories of copyright to developing specialized licensing models for AI content, to introducing common international standards. However, let’s not deny that with the current gap in legislation and the speed of development of AI, the complexity of determining ownership will only increase.

7. Litigation and Legislation: The Dual Role of AI in the Judicial System

The number of court proceedings in the field of AI in Russia has increased by approximately 60% over the year. About 50% of such cases are administrative offenses, for which the fine is usually about 100 thousand rubles. Then comes civil law disputes with a share of 40% [51]. Such figures are given in a study by RTM Group, the results of which are published at the end of March 2024.

The report says that from the beginning of March 2022 to March 2023, 165 court acts were issued in Russia the subject of which is related to the use of AI. In 53% of the cases, the claims were satisfied in full or in part, in 34% of the cases a denial was issued, and in the remaining cases, the outcome was not determined. A year later, from March 2023 to March 2024, the number of such judicial acts reached 406. Of these, in 31% of cases the claims were fully or partially satisfied, in 55.5% – denied, and in the remaining cases the outcome was not determined.

The study identifies four key categories of proceedings relating to AI technologies [52]. These are disputes over grants for the development of IT products using AI; disputes over software contracts with AI tools; administrative offenses (violations within the framework of mailings/calls using AI); and disputes over copyright infringement of works created using AI. The least number of disputes – about 5% – were related to copyrights, but as attention to AI is growing, experts expect litigation to increase by at least 80% over the course of the year. This is related to the fact that there is no full-fledged legal regulation of AI and stable approaches in judicial practice in Russia yet. Therefore, judges have nothing to base their decisions on. However, the existing disputes can prepare the foundation for changes in the regulatory environment.

It is noted that in the Russian Federation, one of the most frequent violations is the use of AI technologies for the purposes of credit debt collection – making calls using robotic systems. Courts unambiguously recognize this method of communication with the debtor as improper and prohibit its use. At the same time, against the backdrop of the government’s active policy on AI development, disputes related to the provision of grants are common: in such proceedings, courts usually side with the grantors if it is found that the set of documentation does not correspond to what is stated in the contract for receiving the funds.

China started using AI in court proceedings back in 2016, requiring all courts in the country to unify their digital systems and connect databases to a single center [53]. This practice has reduced the average judge’s workload by more than a third and saved citizens more than 300 billion yuan (\$45 billion) from 2019 to 2021, which is equal to about half of all attorneys’ fees in the PRC. In 2022, consultation with AI in decision-making for Chinese judges will become mandatory. The neural network automatically checks cases for references and recommends laws and regulations that are most relevant to the substance of the dispute. According to the new rules, if judges do not listen to AI recommendations, they must justify their decision in writing [54].

Neural networks are also actively used in judicial systems in other countries [55]. For example, the Recidivism models algorithm, which, based on statistical data about convicts, creates a forecast of recidivism by a particular person, is used by judges when making a decision in more than 20 states in the United States.

Meanwhile, Germany is implementing the Smart Sentencing project, the main idea of which is to unify the amount of punishment applied by different courts [56]. The neural network should offer the judge an average value, which was taken as a basis by his colleagues when passing a verdict on a person with similar characteristics for a similar crime.

Thus, the use of neural networks by courts at the moment can be assumed only as an auxiliary tool in the evaluation of evidence, for example, in the form of obtaining by the judge the information necessary for the case [57]. This may be a search for similar images on the Internet to resolve a copyright dispute, or the verification of a large amount of data, for example, in the hardware processing of accounting or tax reports to identify contradictions and circumstances that require attention. But the results of neural network work are in any case not obligatory for the court and will be accepted only if, considering the circumstances of the case and other available evidence, the judge comes to a conclusion about their reliability.

8. Who Owns Works Created by AI

Currently, there is no general practice of regulating copyright for works generated by AI. The WIPO distinguishes between

works created by a neural network without human intervention and with substantial human intervention. In both cases, the granting of copyright to AI is not envisaged. But in the first case, the rights to the work may either not exist at all or belong to the developer of the program. In the second case, AI is an instrument of human creativity like, for example, a brush or a guitar. Therefore, the rights belong to the person who used the neural network to create the work.

The issues of rights to the results of AI work and rights to protection against them are now being discussed all over the world due to the rapid development and implementation of this technology.

8.1. European Union

The European Parliament Resolution on intellectual property rights in relation to the development of AI technologies (2020/2015(INI)) already distinguishes between objects created by humans with the help of AI and objects created autonomously by AI [58]:

- 1) Objects created by humans with the help of AI: The European Parliament recognizes that works created with the help of AI, but with significant human involvement, should be considered as human-created. That is, in this case, the copyright of the works will belong to the human.
- 2) Objects created autonomously by AI: in the case where AI creates a work without significant human intervention, the question arises as to who owns the rights to such works. The European Parliament is talking about introducing a new category of intellectual property for such objects to ensure their protection and identify the owner of the rights.

In Europe, two new proposals were adopted in September 2022 to adapt liability rules to the digital age. A proposal was made to modernize existing strict liability rules for manufacturers for defective products (from smart technologies to pharmaceuticals) to give businesses legal certainty to invest in innovative products, while ensuring that victims are fairly compensated when defective products, including digital products, cause harm. The second proposal was a targeted harmonization of national AI liability rules, which should make it easier for victims of AI-related harm to receive compensation. Ideally, the new rules should provide victims with the same standard of protection when harm is caused by AI actions as when harm is caused in any other circumstances. These initiatives are an evolution of the EU’s “AI Law”, a draft of which was first published by the European Commission on April 21, 2021, and is now in the final stages of the adoption procedure.

With respect to the legal liability of AI, the AI Law places particular importance on the fulfillment of obligations by the party that places the AI system on the market (or makes substantial modifications to it), or the “supplier”. The supplier may be a third-party vendor or the company that developed the AI. For example, verification obligations prior to placing an AI system on the market would be the responsibility of the distributors or importers of the AI system, rather than the original supplier of the AI system. At the same time, users of the AI system should be subject to responsible design, development, deployment, and monitoring requirements. Users’ responsibilities under the draft AI Act also include ensuring data quality, monitoring and logging the system, complying with audit procedures, meeting applicable transparency requirements, and maintaining a system that manages AI risks.

8.2. U.S.

In the United States, copyright legislation is based on the fact that only a human being can be the author of a work and copyright can belong only to a human being [59]. As for content that is created by AI with a significant involvement of human creativity, US law determines that the copyright for such content will belong to the person who used the AI [60].

In 2020, the National AI Initiative Act of 2020 appeared in the United States [61]. The responsibility of AI has become one of the main principles of legal regulation of the technological sphere. Equally important are impartiality, sustainability, and control. Along with the desire to maintain its global competitive advantage, American lawmaking in the field of AI prioritizes its national security.

The United States also attaches great importance to ethical issues in the application of modern technologies. For example, there are examples when companies refuse to use programs if the consequence may be prejudice against certain groups of people. There is a well-known case of IBM refusing to use biometrics and image analysis, for example, to monitor citizens. This approach helps to prevent potential harm to civil rights and is therefore a prophylactic way of addressing the issue of the legal liability of AI.

8.3. UK

The UK also adheres to the position that only a person can be the author of a work [62]. And in case a work is created using a computer and without human participation, the copyright belongs to the person who initiated the creation of the work, for example, the developer or the owner of the program.

8.4. China

In China, content created by AI can be protected by copyright if a human has made a significant creative contribution to the process of its creation [63]. Thus, for the first time, a work generated by AI was recognized as an object of copyright in China in 2020. On 20 August 2018, the automated text generation software Dreamwriter wrote an article about the change in the Shanghai stock index [64]. The text was posted on the website of neural network developer Tencent Securities with a note that the material was generated automatically by Tencent Robot Dreamwriter. Shanghai Yingxun Technology later copied the article and posted it on its website. Tencent felt that this was an infringement of intellectual property rights and filed a lawsuit against Shanghai Yingxun Technology. After hearing the case in 2020, the court found that Shanghai Yingxun Technology had infringed Tencent's rights, and ordered the defendant to pay a fine of ¥1,500. The court reasoned that the selection of the creative team of developers, the choice of style and template, as well as setting the parameters of the software are the intellectual activity of Tencent's employees.

8.5. Russia

Russia has not legally determined who owns the rights to works generated by a neural network [65]. A bill regulating intellectual property rights to works created with the use of AI is being approved in the State Duma. Disputes about who should profit from their use are still ongoing. In October 2020, a bill was introduced in the State Duma, according to which the rights to the results of intellectual activity of AI should belong to the owner of the program. However, this law has not yet been passed. In March 2023, the media again reported that the preparation of a legislative initiative to define copyright in matters related to AI had begun

[66]. The reason was the beginning of filming of a TV series written by a neural network. The approach that the result of AI creativity should belong to the owner of the program can lead to a number of problems. Firstly, it does not incentivize authors to create new products of intellectual labor.

The Presidential Decree "On the Development of AI in the Russian Federation" (No. 490 of 10.10.2019) defined the basic terms and also established such principles for the use of AI as security and technological sovereignty. Transparency and protection of civil rights and freedoms are not left out. Also worth mentioning is the order of the Government of the Russian Federation "On Approval of the Concept of Development of Regulation of Relations in the Sphere of AI and Robotics Technologies for the Period until 2024". (No. 2129-r of 19.08.2020). The document is devoted to the regulation of data circulation, as well as legal liability in case of application of AI. The issues of information security of AI and the possibility of its application in various spheres of life (transportation, space activities, medicine, etc.) are touched upon.

8.6. India

The Indian government is set to draft a law regulating the use of AI to protect the interests of news publishers and content creators and minimize harm to users [67]. Legislative measures on the use of AI could form part of the Digital India Act, which is being drafted to replace the outdated Information Technology Act passed in 2000.

9. How It Works in Practice

As we can see, one of the main legal problems of the legal liability of AI and related technologies is the issue of distribution of responsibility for the actions of AI between the involved subjects – the developer, the owner, the direct user, etc. At the same time, when solving this problem, it is necessary to strive to balance the interests of citizens, business, and the state.

Even though the laws of different countries prescribe the rules of copyright ownership for AI-created works, the final decision is not always obvious. Disputable cases are usually dealt with separately.

Let us examine one such case. The case was heard in Shenzhen, China in 2019 [64]. The copyright issue arose after Shanghai Yingxun Technology used "Dreamwriter" software to write an article, which was then published on their own website [68].

A Shenzhen court recognized the copyright of the article to the owners of the "Dreamwriter" software, Shenzhen Tencent Computer System. All because the software created by Tencent did most of the creative work in writing the article.

Another case study is the neural network-generated illustrations for the comic book "Zarya of the Dawn" by Kristina Kashtanova [69]. The US Copyright Office refused to register the copyright for the AI-generated images under Christina's authorship. The refusal was justified by the fact that copyright can only be granted to works created by human. Since the images were created by AI, they cannot be considered the result of human creative work, and therefore cannot be registered in Kashtanova's name.

The question of who owns the copyright to content created by AI remains a hot and complex topic at the intersection of technology, law, and ethics. At the moment, legislation in different countries has different approaches to this issue, but in general all countries agree that AI cannot be recognized as an author in the legal sense [70]. Copyright in content created using AI most often belongs to the people or organizations that are directly involved in the process of creating and using that AI. However, the more technology becomes integrated into creative and productive processes, there is

growing global talk about the need to revise existing legal rules and create new legal categories.

10. New Challenges

Along with the opportunities that AI presents, there are challenges. One of the main concerns is the potential infringement of intellectual property rights. In the case of a comedy special featuring George Carlin, the creator was accused of illegally using his identity to train an AI for the purpose of impersonation [71]. This raises questions about the ownership and protection of an artist's legacy and the potential misuse of AI technology for unauthorized purposes. To address these issues, it is crucial to establish clear guidelines and rules regarding the use of AI in the entertainment industry. This includes obtaining explicit approval from rights holders before using their likeness, voice, or image. Such measures can help prevent unauthorized use of an artist's work and protect their intellectual property rights.

- 1) In today's evolving entertainment industry, the growing popularity of AI has raised concerns about its potential impact on the creative process and the protection of intellectual property [72]. The recent agreement reached in the George Carlin AI impersonation case highlights some of these issues and the need to establish protections in the industry.

The agreement reached in the George Carlin case sets an important precedent in this regard by permanently prohibiting the distribution of an AI-generated comedy special and requiring approval from the comedian's legacy for any future use of his image. This not only protects Carlin's legacy but also draws attention to the potential threats posed by emerging AI technologies in terms of reputational and intellectual property infringement.

- 2) Another lawsuit has been filed against OpenAI and Microsoft [73], which allegedly used thousands of works of popular science literature without proper permission in AI training programs for their services, including chatbot ChatGPT. The lawsuit was filed in federal court in the Southern District of New York by writer and journalist Julian Sancton, currently with the New York Times and Hollywood Reporter, and several of his colleagues. The number of plaintiffs is expected to grow and the lawsuit is expected to achieve class action status. Meanwhile, this is far from the first appeal to a US court in connection with the infringement of intellectual property rights in the training of AI models.

As for Julian Sancton's claims, it is noteworthy that, in addition to OpenAI, they are also directed at Microsoft Corporation, which has invested billions of dollars in a startup that develops AI systems and integrates them into its products. It is alleged that the corporation was actively involved in the training and development of the AI systems and is therefore also liable for intellectual property infringement. Both companies declined to comment, while Justin Nelson, Sancton's lawyer, argues that with the fabulous cost of the AI platform, OpenAI and Microsoft refuse to pay the authors of the works. At its core, OpenAI is nothing short of rampant theft of copyrighted works. The amount of damages allegedly suffered is not specified in Sancton's statement of claim, the plaintiffs are demanding an end to the claimed infringement of their legal rights.

- 3) Additionally, it is worth considering another case in which American writers George R. R. Martin and John Grisham have sued OpenAI,

the company behind the ChatGPT chatbot [74]. They allege that their copyrights were infringed upon during the development and testing of AI. Martin is the author of the fantasy novel series "A Song of Ice and Fire", which HBO adapted into one of the most popular TV series of all time, "Game of Thrones". Grisham is the author of Hollywood-adapted bestsellers like "The Firm", "The Pelican Brief", "The Client", and many others.

The lawsuit claims that in creating the ChatGPT algorithm, which involves processing large datasets of texts, the developers used a vast amount of material available on the internet, including the texts of their books protected by copyright. They accuse OpenAI of "systematic and large-scale theft [of content]". The lawsuit also mentions writers Jonathan Franzen, Jodi Picoult, and George Saunders. OpenAI has stated that they respect authors' rights and believes that AI technologies can also be beneficial to writers. The case has been brought before the Federal Court of Manhattan. The writers' interests in court will be represented by the Authors Guild of America. This is not the first lawsuit of its kind. In July, actress-comedian Sarah Silverman filed a similar claim, and this summer writers Margaret Atwood and Philip Pullman signed an open letter calling on AI companies to compensate them for the use of their works.

- 4) The judicial precedent of using ChatGPT chatbot in Colombia makes us think about new risks for justice. Of course, it is impossible to stop the development of technology, but it is important to formulate the conditions, directions, and boundaries of the use of AI in legal proceedings. Popular chatbot ChatGPT has been used for the first time in a court ruling. In late January 2023, a judge in the Colombian city of Cartagena turned to AI when ruling on insurance reimbursement payments [75]. The family of an autistic child asked the court to recognize that health insurance covered their medical expenses for the boy's treatment. The chatbot formulated a decision for the judge, with references to the practice and explanations of the local Supreme Court. The family's lawsuit was granted. Popular chatbot ChatGPT has been used for the first time in a court ruling. In late January 2023, a judge in the Colombian city of Cartagena turned to AI when ruling on insurance reimbursement payments. The family of an autistic child asked the court to recognize that health insurance covered their medical expenses for the boy's treatment. The chatbot formulated a decision for the judge, with references to the practice and explanations of the local Supreme Court. The family's lawsuit was granted. Judge Juan Manuel Padilla Garcia said that in the end the decision was his own. But only the judge himself knows the exact answer to the question of who decided the case sooner, him or the AI. And the prospect that a judge's inner conviction could be shaped by a machine is not an enthusiastic one. It jeopardizes the basic principles of judicial procedure.

Thus, it can be said that with the rapid development of AI and its introduction into various fields of activity, a number of legal issues that require attention are being updated. Key among them are intellectual property, ethics, data protection, and rights to content created using AI technologies. One of the main problems is the risk of infringement of intellectual property rights. Recent legal proceedings, such as a lawsuit against OpenAI and Microsoft for using copyrighted works without permission, show that the rights of creators and their legacy need clearer legal enforcement. This highlights the need to establish clear standards and principles that will define acceptable ways of using AI in creativity.

11. Can AI Be Trained on Copyrighted Objects?

For most experts, the biggest question concerns the data on which the models are trained. Most systems study huge amounts of information automatically collected from the internet, whether it be text, code, or visual objects [76]. For example, the neural network Stable Diffusion, one of the largest and most influential, contains billions of images retrieved from hundreds of domains, ranging from personal blogs to artist platforms like DeviantArt and stock photo sites like Shutterstock and Getty Images. AI researchers, startups, and companies justify this approach by claiming that in the United States, at least, the images fall under the doctrine of fair use.

To determine fair use, two key questions must be answered [77]: what is the nature of the use, and what impact does it have on the market? In other words, is the object being transformed, and does it pose a threat to the original author’s earnings by competing with their work? Training neural networks on copyrighted objects is “more likely than not” to be deemed fair use. But this doesn’t necessarily apply to the output generated by the AI. In other words, you can train a neural network, but the results it produces might constitute an infringement.

If an AI model is trained on countless millions of illustrations and generates pictures based on text, it is very unlikely to infringe anyone’s rights. But if AI is trained on a hundred works by a specific artist and generates files that copy their style, a disgruntled artist would have more legal arguments for a lawsuit. However, between these two extremes, there are countless scenarios where the input, output of information, and purpose can vary and combine in different ways, swaying the court’s decision in one direction or another.

Another aspect that allows for determining fair use is whether the neural network and training materials were created by researchers or non-commercial organizations. This strengthens the position of fair use advocates, and startups are aware of this. For instance, Stability AI, the company that distributes the Stable Diffusion neural network (which creates images from textual descriptions), did not collect training data itself and did not train the neural network. Instead, it funded and coordinated the work of scientists who did [78]. The Stable Diffusion model itself is licensed by a German university. This allows Stability AI to turn the model into a commercial service while legally distancing itself from its creation.

12. Discussion

In recent years, AI has taken a significant place in modern society, transitioning from science fiction into real life and influencing various areas of human activity, including medicine, transport, art, and legal systems. At the same time, issues of legal regulation of AI, including its legal personality and copyright on objects created by it, are becoming more relevant and require comprehensive consideration.

Recent advances in the field of AI have prompted considerations regarding granting it legal personality. However, to date, most legislative bodies, including Russia, the USA, the European Union, and China, adhere to the position that AI is not an independent subject of law. This is explained by several reasons:

1) Lack of Self-awareness and Autonomy: For legal personality to be recognized, the object must have self-awareness and the ability to make independent decisions. AI, even its most advanced

versions, does not possess these characteristics since all its actions are conditioned by algorithms and data training.

2) Responsibility and Control: Recognizing AI as a subject of law would inevitably require defining responsibility for its actions. Since AI cannot independently comply with legal norms and bear responsibility, in practice, this responsibility falls on the creators, owners, or users of AI.

Nevertheless, active discussions about the future capabilities of AI continue. In the context of this research, it is important to note that granting AI legal personality will remain a subject of long-term theoretical and legislative analysis.

One of the most pressing topics is the issue of copyright on works created using AI. Two key aspects of this issue include:

1) Use of Copyright-Protected Data for AI Training: This has raised many ethical and legal questions. Using such data without explicit permission from the rights holders is a violation of copyright. Many jurisdictions have begun developing special rules and exceptions for data use in AI training, but unified standards and practices have not yet been formed.

2) Copyright on AI-created Works: Is a work created by AI subject to copyright, and if so, who is the author? Most legislative acts assume that the author is the person who created the AI or issued the commands to create a specific work. Practice has not yet been settled, and each case may require individual consideration.

An example is the “Portrait of Edmond de Belamy”, created using AI and sold at Christie’s auction, which became a significant case demonstrating the necessity for further legal regulation. Judicial and scientific debates on this issue continue, shaping the legal practice for similar cases in the future.

13. Results

The study of the legal status of AI has revealed many aspects that require attention and legislative regulation. During the research, the application of AI in various jurisdictions, including the USA, the UK, the European Union, China, and Russia, was analyzed. This allowed for the identification of similarities and differences in approaches to issues of copyright, legal personality, and the responsibility of AI for its actions.

One of the main issues remains the determination of copyright for works created using AI. Based on a comparative analysis, the legislative acts of the USA, the UK, the EU, China, and Russia, as well as regulatory documents of international organizations such as UNESCO and the WIPO, were reviewed.

The comparative analysis revealed significant differences in approaches to AI regulation across jurisdictions are presented in Table 1:

Table 1
Global regulatory approaches to AI development and legal issues

No.	Country	Description
1	USA	The U.S. has adopted a flexible regulatory approach, emphasizing innovation and technological development. However, this approach has led to ambiguities in copyright issues related to AI-generated works.
2	UK	The UK has been proactive in addressing AI-related legal issues, with comprehensive guidelines and a focus on ethical considerations.

(Continued)

Table 1
(Continued)

No.	Country	Description
3	EU	The EU has established a robust regulatory framework, including the proposed AI Act, which aims to harmonize AI regulations across member states.
4	China	China has adopted a centralized approach, with strict regulatory measures to control the development and application of AI technologies.
5	Russia	Russia is in the process of developing legislative measures to address the legal status of AI, with a focus on data protection and ethical issues.

It is also worth noting that the study revealed that AI has become a key element of modern technology, having a significant impact on various sectors of the economy. In recent years, the AI market has been growing rapidly due to the increase in data volumes, development of computing power, and advances in machine learning. The legal status of AI and its regulation are becoming increasingly relevant issues, as new ethical and legal challenges arise with the growing use of AI. In this regard, it is important to analyze economic trends related to AI in order to understand the dynamics of its development and the needs for legal regulation. Table 2 below summarizes the key aspects of the conducted analysis.

Table 2
Ethical, legal, and risk-related aspects of AI implementation

Parameters	Details
State of the legal status of AI	Approaches vary from jurisdiction to jurisdiction (US, UK, EU, China, Russia); AI is not yet recognized as an independent subject of law
The main risks of using AI	Copyright disputes (77.1%), reputational risks due to poor service quality (50.8%), leakage of confidential information (40.3%)
Legislative initiatives needed	Development of new copyright categories for products created by AI; creation of specialized licenses; implementation of international standards for AI regulation
Problems with copyright rights	Unclear who owns the rights to AI-created works; different countries have different approaches to this issue
Ethical and legal aspects	Issues of confidential data protection, the need to develop ethical norms and standards for the use of AI in various industries.

As a result of a comparative analysis of the legal status of AI in various jurisdictions, including the United States, Great Britain, the EU, China, and Russia, the need to adapt legislation to the new challenges associated with the use of AI was formed. To achieve this goal, a specialized legal status for AI should be developed, considering its unique characteristics and the possibility of creating content, which will avoid legal gaps in issues of authorship and responsibility. It is also necessary to implement

clear licensing agreements for AI programs governing the rights to the created content in order to minimize disputes about the use of copyrighted materials for AI training. Setting requirements for the transparency of algorithms, including reporting forms on how decisions are made, will increase the trust of users and regulators, preventing possible abuse. It is important to create a fund to support authors working with AI, funded by user contributions, which will encourage the use of AI in the creative industries and protect the rights of authors. There is a need for deeper integration of intellectual property rights with AI activities, which will create a harmonious legal environment for innovation. Educational initiatives should also be organized to increase the legal awareness of users and developers about their rights.

14. Conclusion

In this article, we aimed to comprehensively examine the current issues regarding the legal status of AI in the context of its rapid development and penetration into various spheres of life. The conducted analysis showed that the legal regulation of AI and its products is in the early stages of formation, and there is no unified approach to this issue at the global level.

Special attention was paid to the regulation of copyright on objects created using AI, the protection of personal data, and the ethical issues of AI application. Legislative initiatives in Russia and abroad, judicial precedents, and expert opinions were reviewed, which allowed the identification of key trends and problems in this area.

Despite the differences in approaches to regulating AI in different countries, the study identified several key aspects that are changing the legal environment and determining the future of technology and legislation interaction.

First, countries are beginning to realize the need to create common international standards and norms for the consistent regulation of AI, which is confirmed by the initiatives of the European Union. Secondly, the emphasis on the ethical principles of AI development and use is becoming central, including the protection of human rights, the inadmissibility of bias, transparency, and responsibility of developers. The third aspect is data protection and privacy, where laws such as GDPR set strict requirements for the processing of personal information. The fourth point is the need to create mechanisms of responsibility for actions committed with the help of AI, which includes the definition of legal and financial liability for damage. The fifth aspect concerns the support of innovation and research, where governments seek to balance regulation and conditions for the development of new technologies, including tax incentives and grants. Finally, it becomes important to educate and train personnel and develop educational programs that cover law, ethics, and technology.

Thus, the reform of legislation in the field of AI requires an integrated approach that takes into account both modern challenges and prospects for technological development, which will have a significant impact on the formation of a new legal order in the digital economy.

In connection with the discussions on the legal status of AI and its impact on copyright and liability, it is necessary to propose a number of ideas for adapting legislation to new technologies. First, a specialized legal status should be created for AI, which will allow determining the level of responsibility for the works

created by it, considering AI as a potential co-author depending on autonomy. Secondly, it is important to implement licensing agreements for AI programs in order to clearly define the rights to the created content, including the terms of use of AI training data and the rights of the software developer. The third step should be to establish transparency requirements for AI, including the use of standardized forms of reporting on how algorithms make decisions, which will increase consumer and regulatory confidence. It is also possible to create a fund to financially support authors who use AI in their work, which could be funded through small contributions from users. Further, it is necessary to integrate intellectual property rights with AI-related activities, considering the specific conditions of use of the created works. Finally, the creation of educational initiatives will allow developers and users to better understand their rights and responsibilities, including online courses and seminars. Thus, legislative initiatives should take into account the unique aspects of technology, promoting innovation and protecting the rights of authors.

Also, within the framework of this study, in conclusion, it would be desirable to propose several new developments that will improve the system of legal regulation in this area. One such innovation is the creation of programs for automatic tracking of copyright infringements for works created by AI, which will help authors to protect their rights in the digital space. It is also advisable to introduce mandatory notification for organizations and individuals using AI to generate content, to increase transparency and rights management of created materials. Equally important is the development of clear dispute resolution mechanisms, which could include specialized arbitration committees or online platforms to facilitate conflict between AI creators and users. Introducing educational programs on the legal aspects of AI use will also help raise awareness of rights and responsibilities. In addition, funding research on the impact of AI on copyright will help to develop the theoretical basis and find effective solutions to regulate legal relations.

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Conflicts of Interest

The author declares that she has no conflicts of interest to this work.

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Data sharing is not applicable to this article as no new data were created or analyzed in this study.

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