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AI-Assisted Works: Copyrightability in the United States, China, and the EU, and Implications for Academic Integrity

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Abstract: This article explores the legal aspects of the copyrightability of AI-assisted works in the U.S., China, and the EU, within the context of a fundamental principle shared across these jurisdictions: only creations involving meaningful human creative choices are eligible for copyright protection. The article also presents comparative insights from court rulings – including those in China and the U.S. – that reinforce the requirement of human authorship for copyright protection and the legal and ethical implications of using generative artificial intelligence (AI) in academic work, with a focus on academic integrity, authorship, and copyright compliance. It analyzes recent developments in legislation, case law, and internal university regulations in jurisdictions including the European Union, the United States, China, and selected EU Member States. The central thesis is that AI-generated content cannot be regarded as an outcome of independent scholarly work if it replaces the creative process – particularly the development of a research concept and first draft. While AI tools offer efficiency and support in technical tasks such as grammar correction or literature searches, their unauthorized or undisclosed use in substantive academic writing constitutes a breach of academic ethics and may lead to the invalidation of academic degrees. Moreover, it emphasizes the growing need for universities to adopt AI detection policies that respect the presumption of innocence and align with data protection law. Ultimately, the article argues for preserving academic authorship as an intellectual process that cannot be outsourced to machines – lest scientific credibility itself be undermined.

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1. Copyright Protection for AI-Generated Content in Academic Work: An Analysis of the Legal Framework in the United States, China, and the European Union

1.1. The Threshold of Human Creativity as a Condition for Copyright Protection in the Age of Generative AI

The first step is to determine whether content created using generative artificial intelligence qualifies for copyright protection. Content generated exclusively by artificial intelligence (AI) does not qualify for copyright protection because, not being the result of human labor, creativity, or originality, it lacks the characteristics of individual creative activity and therefore does not satisfy the legal definition of a "work." A key consideration is the degree of human involvement in the creation process. The generation of content solely by AI – as opposed to human creativity supported by AI in reasonable and fair proportions through auxiliary or technical functions – does not meet the threshold for authorship.

The United States Copyright Office (USCO) confirmed this position in a decision dated January 29, 2025, stating that works assisted by artificial intelligence may qualify for copyright protection only if there is sufficient human creative input. The USCO underscored the "centrality of human creativity to copyright" as a fundamental principle.[1] In its guidance for copyright registration, applications issued on March 16, 2023, the USCO emphasized the importance of human authorship. The guidance specifies that applicants must disclose the extent of AI involvement and assess whether the decisive creative elements – such as conception and expression – stem from human input or from the algorithm.[2] Therefore, the extent of AI involvement in the creation of the work must be disclosed.

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1 The United States Copyright Office, "Part 2 of Artificial Intelligence Report," *NewsNet*, no. 1060 (2025), accessed July 28, 2025, https://www.govinfo.gov/content/pkg/FR-2023-03-16/pdf/2023-05321.pdf; Matt O'Brien, "AI-Assisted Works Can Get Copyright with Enough Human Creativity, Says Us Copyright Office," *The Associated Press*, January 29, 2025, accessed July 28, 2025, https://apnews.com/article/ai-copyright-office-artificial-intelligence-363f1c537eb86b624bf5e81bed70d459.

2 The United States Copyright Office, "Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence," *Federal Register* 88, no. 51 (March 16, 2023): 16190–4, accessed July 28, 2025, https://www.govinfo.gov/content/pkg/FR-2023-03-16/pdf/2023-05321.pdf.

The degree of human authorship was also central to the USCO's decision of February 21, 2023, regarding Kristina Kashtanova's graphic novel *Zarya of the Dawn*. The Office determined that the text and graphic layout of the work could be protected by copyright, but the images generated using the AI tool Midjourney did not satisfy the requirement of human authorship and therefore were not eligible for protection. In her application to the US Copyright Office (USCO) for the registration of the comic book, the applicant identified herself as the author. However, after the work was registered, the USCO obtained information indicating that the applicant had described the comic on social media as created with the assistance of the AI tool Midjourney. When asked to clarify the matter, the applicant stated that her creative contribution involved providing the initial prompt (a textual command) that served as the basis for the creation of the graphics by Midjourney, as well as making subsequent modifications to the prompt to generate graphics consistent with her artistic vision. The applicant maintained that the AI tool was used as an auxiliary instrument. The Office rejected this argument and denied copyright protection for the graphics, reasoning that the user of an AI tool does not exercise control over the generative process, and the outcome is not predictable. Consequently, only the text of the comic and the selection of graphics were deemed eligible for copyright protection.

A similar conclusion was reached by the United States District Court for the District of Columbia in its judgment of August 18, 2023, in *Thaler v. Perlmutter et al.*,[3] where the court affirmed the US Copyright Office's decision to deny copyright protection for an image generated entirely by AI.

A similar interpretation has been consistently observed in China for several years. Works generated by AI without substantial human contribution are not protected by copyright. However, Chinese case law recognizes that copyright may be granted to creators of works in which human creative activity played a decisive role, even if AI tools were also used in the creation process. In the case of *Feilin v. Baidu*, decided on April 26, 2019,[4] the disputed work was a database of court records concerning the entertainment

[3] *Thaler v. Perlmutter et al.*, No. 1:22-cv-01564, Document 24 (D.D.C., August 18, 2023).

[4] Beijing Internet Court, Civil Judgment of 25 April 2019, Jing 0491 Min Chu No 239, accessed November 12, 2025, https://english.bjinternetcourt.gov.cn/2019-05/28/c_168.htm.

industry in Beijing, created by the Beijing Feilin Law Firm. The database included AI-generated drawings that had been modified by the law firm, as well as textual commentary. The database was generated using the Wolters Kluwer China Law & Reference program and was published on Feilin's official WeChat account in 2018. The defendant, Beijing Baidu Netcom Technology Co., Ltd., published a slightly modified version of this database on its platform, arguing that no copyright infringement could have occurred since the work was generated by AI. During the evidentiary proceedings, the court compared the database generated using Feilin's initial criteria with the final published version. Based on the differences between them, the Beijing Internet Court ruled that the work was original and thus eligible for copyright protection.

Nonetheless, the key principle – consistent with the European and American approach –remains that AI-generated content does not qualify as a "work" under Chinese copyright law, as AI is not considered an "author." Furthermore, Chinese law imposes an obligation to label AI-generated content appropriately.

This conclusion – that content generated entirely by AI cannot be considered a work and is not subject to copyright protection – was also affirmed by the Nanshan District People's Court in Shenzhen in its judgment of November 25, 2019, in *Tencent v. Yingxun*.[5] The court held that human creative input is a necessary condition for copyright protection. The disputed work in that case was an article generated in 2018 by Tencent's AI system Dreamwriter. The article was marked as AI-generated and published by Tencent Beijing Co., Ltd. on its Tencent Securities website. Shanghai Yingxun Technology Co., Ltd. copied and republished the article online under the same title and content, maintaining the same indication that it had been generated by Dreamwriter.

A similar conclusion was reached in a notable ruling issued by the Beijing Internet Court in November 2023,[6] concerning the copyrightability of

[5] Shenzhen Nanshan District People's Court, Judgment of 24 December 2019, *Tencent v. Yingxun Tech*, Case (2019) Yue 0305 Min Chu 14010, accessed November 12, 2025, https://www.chinajusticeobserver.com/law/x/2019-yue-0305-min-chu-14010.

[6] Beijing Internet Court, Civil Judgment of 27 November 2023, *Li v. Liu*, Jing 0491 Min Chu No. 11279. English translation available at: https://archive.org/details/li-v-liu-beijing-internet-court-20231127-with-english-translation [accessed July 28, 2025].

AI-assisted works. In this case, the plaintiff employed Stable Diffusion, a text-to-image generative AI model, to produce an image of a young woman by entering a combination of positive and negative prompts, as well as adjusting various parameters. Importantly, the court emphasized that the plaintiff did not merely retrieve pre-existing images or recombine pre-designed elements; rather, they actively designed the appearance of the woman portrayed in the image by crafting a prompt structure intended to yield a specific visual outcome. The plaintiff iteratively refined the prompts based on initial outputs generated by Stable Diffusion, demonstrating a clear degree of intentionality and human input in shaping the final image.

With respect to the requirement of originality, the court reaffirmed that this concept generally entails that a work must be independently completed by the author and must reflect their subjective expression. Even though the plaintiff did not manually draw the image with traditional tools, the court found that the design choices, prompt engineering, and parameter adjustments amounted to a sufficient degree of personal intellectual effort. On this basis, the court concluded that the final output met the standard of originality and qualified as a copyrightable work. Crucially, the court also took into account the licensing terms of Stable Diffusion, which explicitly state that the developers of the model do not claim ownership over any output. In light of the plaintiff's decisive role in the creative process and the absence of competing ownership claims, the court recognized the plaintiff as the rightful author and copyright holder of the image.

European Union law does not provide clear solutions in this area. Therefore, it is important to recognize the value of the limited case law that has emerged to address the challenges posed by AI. One of the first such rulings was the judgment of the Prague Municipal Court on October 11, 2023,[7] which denied the plaintiff copyright protection for an image generated by the DALL-E application based on a prompt, citing the absence of creative input (the prompt based on which DALL-E generated the image was very simple – just an instruction to depict the hands of two parties signing a contract at a law firm). This ruling aligns with the judgment of

[7] Prague Municipal Court, Judgment of 11 October 2023, Case no. 10 C 13/2023.

the Court of Justice of the European Union (CJEU) of 1 December 2011, *Eva-Maria Painer v. Standard VerlagsGmbH and others*,[8] which emphasized the importance of creative effort, individual inventive activity, and intellectual creativity by the author.

Similarly, Polish case law underscores the requirement of individuality as inherently linked to human creative activity. For instance, the Appellate Court in Gdansk, in its Judgment of 30 September 2020,[9] explicitly affirmed this principle.

However, the development of AI, in my view, necessitates revisiting the question of the boundaries of human involvement in the creative process. We cannot rely solely on answers provided even just a decade ago, as the technological landscape has since shifted dramatically. An illustration of this shift can be found in a passage from the commentary on Article 1 of the Copyright Act (of Poland) by J. Barta and R. Markiewicz, whose work *Prawo autorskie*[10] (*Copyright Law*) carries exceptional authority. In defining a work as the "result of human labor (creativity)," they state that a pattern "painted" on glass by frost cannot be considered a work. The commentary was published in 2016, but the reality has changed in the nine years since – due not only to the widespread availability of AI, but also because, after all, when was the last time anyone in Central Europe saw frost flowers on a windowpane?

Across the jurisdictions discussed here, the fundamental principle is consistent in law, case law, and regulatory guidance: only creations involving meaningful human creative choices are eligible for copyright protection. Below are examples from each jurisdiction. The United States Copyright Office (USCO) confirmed (January 29, 2025) that works assisted by artificial intelligence may qualify for copyright protection only if there is sufficient human creative input, and underscored the "centrality of human creativity to copyright" as a fundamental principle. In China in *Li v. Liu*

8 CJEU Judgment of 1 December 2011, *Eva-Maria Painer v. Standard VerlagsGmbH and Others*, Case C-145/10, ECLI:EU:C:2011:798.

9 Apellate Court in Gdansk, Judgment of 30 September 2020, Ref. No. V AGa 74/19.

10 Janusz Barta and Ryszard Markiewicz, *Prawo autorskie*, 8th ed. (Warszawa: Wolters Kluwer Polska, 2016).

(Beijing Internet Court, November 27, 2023[11]), the court recognized copyright in an image generated using Stable Diffusion – on the basis that the plaintiff's detailed prompts and further parameter selection reflected individualized intellectual input and satisfied the originality criterion under Chinese Copyright Law. The EU does not yet provide clear solutions in this area, but the Court of Justice of the European Union (CJEU), in its judgment of December 1, 2011 (*Eva-Maria Painer v. Standard VerlagsGmbH and others*[12]), emphasized the importance of creative effort, individual inventive activity, and intellectual creativity by the author.

1.2. Fair Use

To provide a comprehensive comparison of the copyright laws of these three legislations in the context of artificial intelligence, I should mention several recent and landmark rulings by U.S. federal courts concerning the legality of copying books for the purpose of training large language models (LLMs) in lawsuits brought against Anthropic (Claude model) and Meta Platforms (LLaMA model). In particular, this pertains to the rulings in *Bartz et al. v. Anthropic PBC* (Claude)[13] and *Kadrey et al. v. Meta Platforms, Inc.* (LLaMA)[14], including the ongoing proceedings regarding the alleged use of hundreds of thousands of unauthorized copies of books. The court held that the use of millions of books to train the Claude language model did not constitute copyright infringement, as it fell within the boundaries of "fair use." This conclusion was primarily based on the finding that "the purpose and character of using copyrighted works to train LLMs to generate new text was quintessentially transformative."[15] However, the provenance

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11 Beijing Internet Court, Civil Judgment of 27 November 2023, *Li v. Liu*, Jing 0491 Min Chu No. 11279.

12 CJEU Judgment of 1 December 2011, *Eva-Maria Painer v. Standard VerlagsGmbH and Others*, Case C-145/10, ECLI:EU:C:2011:798.

13 United States District Court for the Northern District of California, Judgment of June 23, 2025, *Bartz et al. v. Anthropic PBC*, Case no. 3:24-cv-05417-WHA.

14 United States District Court for the Northern District of California, Judgment of June 25–26, 2025, *Kadrey et al. v. Meta Platforms, Inc.*, Case no. 23-cv-03417-VC.

15 United States District Court for the Northern District of California, Judgment of June 23, 2025, *Bartz et al. v. Anthropic PBC*, Case no. 3:24-cv-05417-WHA.

of the training data – namely, the source of the books used – remained a problematic and unresolved issue.

The court described the phrase "quintessentially transformative" in the following context:

> Everyone reads texts, too, then writes new texts. They may need to pay for getting their hands on a text in the first instance. But to make anyone pay specifically for the use of a book each time they read it, each time they recall it from memory, each time they later draw upon it when writing new things in new ways would be unthinkable.[16]

While these rulings are of fundamental importance to the American interpretation of the fair use doctrine in the context of AI training, they also complement the core subject of this article, which concerns the absence of copyright protection for AI-generated content created without sufficient human involvement. The article focuses on the inadmissibility of freely using such AI-generated outputs in academic work, even in the absence of copyright protection, as this practice may violate, which I think I managed to demonstrate, academic integrity – specifically, the requirements of independent authorship, proper attribution, and transparent documentation of sources.

It is important to emphasize that these rulings have thus far been issued only at the first instance level, and other lawsuits concerning the training of large language models (LLMs) using copyrighted content are still ongoing. Nevertheless, a clear trend is emerging in U.S. case law toward a permissive interpretation of the fair use doctrine in favor of technology companies. This may ultimately mark a fundamental divergence from the regulatory approach being developed within the European Union.

For now, I deliberately say *may*, as the American jurisprudence in this area remains unsettled, while in Europe, concerns surrounding generative artificial intelligence and copyright law are primarily reflected in non-binding reports produced by the European Parliament. These reports stand in marked contrast to U.S. court decisions and adopt positions less favorable to technology firms. Still, one should keep in mind that truly disconnecting

[16] Judge William Alsup, ibid.

from American AI would presuppose the existence of a viable European alternative…

In the report "Generative AI and Copyright – Training, Creation, Regulation," prepared by the Policy Department for Justice, Civil Liberties and Institutional Affairs (Directorate-General for Citizens' Rights, Justice and Institutional Affairs) at the request of the JURI Committee of the European Parliament, the authors call, among other things, for the establishment of mandatory licensing schemes, greater transparency in model training processes, and financial compensation for authors.[17] Similarly, in the draft own-initiative report of the European Parliament (2025/2058(INI)), presented by MEP Axel Voss (EPP) and published on July 7, 2025,[18] it is proposed that any commercial use of protected works for the training of AI systems should entail mandatory compensation for authors, and that opt-out mechanisms should be technically enforceable.

The first AIrelated reference before the CJEU is *Like Company v. Google Ireland Limited*,[19] triggered by a preliminary ruling request lodged on April 3, 2025, by the Budapest Környéki Törvényszék (district court). It concerns whether an AIpowered chatbot – Gemini (formerly known as Bard) – may infringe publishers' rights under Article 15 of the DSM Directive[20] when summarizing press content. Although the case does not directly address copyright protection for AIgenerated works (but related rights), it raises foundational questions about the legal status of AIenabled use of protected texts. I believe it is worth noting this case even at this early, prejudgment stage, as the questions referred to the CJEU are directed toward

17 Nicola Lucchi, *Generative AI and Copyright: Training, Creation, Regulation* (Brussels: European Parliament, 2025), accessed July 28, 2025, https://www.europarl.europa.eu/RegData/etudes/STUD/2025/774095/IUST_STU(2025)774095_EN.pdf.

18 Axel Voss, *Draft Report on Copyright and Generative Artificial Intelligence – Opportunities and Challenges*, 2025/2058(INI), European Parliament, Committee on Legal Affairs, June 27, 2025, accessed July 28, 2025, https://www.europarl.europa.eu/RegData/etudes/STUD/2025/774095/IUST_STU(2025)774095_EN.pdf.

19 CJEU Judgment of 12 March 2025, *Like Company v. Google Ireland Limited*, Case C-250/25, ECLI:EU:C:2025:250.

20 Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L130, 17 May 2019), 92–125.

findings that may impact AI and copyright law. The referring court frames the dispute as follows:

> In response to the question 'Can you provide a summary in Hungarian of the online press publication that appeared on balatonkornyeke.hu regarding Kozsó's plan to introduce dolphins into the lake?', the defendant's chatbot provided a detailed response which included a summary of the information appearing in the news media belonging to the applicant.[21]

Google's Gemini was prompted to summarize a publisher's article, generating an answer that restated some factual content without reproducing the entire text. An article summary that is not identical to the content of the plaintiff's press articles and only refers to some of the facts appearing in the original content may sound strange as the subject of a court case.

The Hungarian court submitted the following key questions to the CJEU:

- Does the display by an LLMbased chatbot of partially identical text to protected press content constitute "communication to the public" under Article 15(1) DSM and Article 3(2) InfoSoc?[22]
- Does the process of training a chatbot using LLM techniques constitute "reproduction" under Article 2 InfoSoc and Article 15(1) DSM?
- If so, is such reproduction exempted under the "text and data mining exception" set out in Article 4 DSM?[23]
- If a user issues a prompt corresponding to content in a press publication, and the chatbot generates a related response, can that output constitute "reproduction" imputable to the service provider under the same provisions?

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21 CJEU Judgment of 12 March 2025, *Like Company v. Google Ireland Limited*, Case C-250/25, ECLI:EU:C:2025:250.

22 Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L167, 22 June 2001), 10–9.

23 With reference to DSM: DSM permits the use of publicly accessible content for training models. Apart from the above scope, also almost without restriction for research purposes by research organizations and cultural heritage institutions. For commercial entities, however, the direct grants rights holders the option to object (opt-out) under Articles 3 and 4.

In attempting to analyze certain aspects of this case, I believe that the CJEU may take into account that the generated summary was not identical to the original text and was produced in response to a specific prompt: "Can you provide a summary in (…) of the online press publication that appeared on (…) regarding (…)?". In this context, the chatbot's role was limited to the literal execution of the user's instruction. Moreover, the summary included facts identified in the analyzed note, and these are not subject to copyright protection.

In China, while no binding judicial precedents have yet addressed copyright infringement claims arising from AI training, the Interim Measures for the Management of Generative Artificial Intelligence Services, the world's first regulation explicitly focused on generative AI, promulgated on July 10, 2023, and effective from August 15, 2023,[24] formally codifies the principle of "respect for intellectual property rights" within the framework of AI training.[25]

When comparing the current trajectories of regulatory and judicial developments related to the use of protected content for training artificial intelligence models in the United States, the European Union, and China, one can observe that each legal system adopts a distinct approach – though none has yet reached a mature or final stage.

In the United States, the doctrine of "fair use" is applied flexibly and is increasingly interpreted in favor of technology companies – as evidenced by recent rulings of federal courts in cases concerning the training of large language models (LLMs) on copyrighted books.

In the European Union, the political direction – especially as reflected in reports and policy proposals emerging from the European Parliament – appears to lean toward stronger protection for authors. This includes calls for mandatory licensing schemes, technically enforceable opt-out mechanisms,

24 "Interim Measures for the Management of Generative Artificial Intelligence Services," China Law Translate, July 13, 2025, accessed July 28, 2025, https://www.chinalawtranslate.com/en/generative-ai-interim/.

25 Li You and Han Luo, "Copyright Implications and Legal Responses to AI Training: A Chinese Perspective," *Laws* 14, no. 4 (2025): 43, https://doi.org/10.3390/laws14040043.

and financial compensation. We are waiting for the CJEU judgment in the first AI-related case *Like Company v. Google Ireland Limited*.[26]

On 11 November 2025, the Regional Court of Munich I (Landgericht München I) delivered a judgment in the case *GEMA (Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte – Germany's primary collective management organization) v. OpenAI* (the judgment is not yet final).[27] This is the first decision of its kind in Europe addressing memorization in large language models and is likely to influence the relationship between authors and AI providers across the EU. The Court found in favor of GEMA, holding that OpenAI had infringed copyright. The case concerned nine German hit songs that had been used in the training of ChatGPT and were subsequently reproduced in responses to user prompts, either exactly or in substantial parts identical to the originals. Therefore, they were memorized within OpenAI's systems, which constitutes reproduction within the meaning of Article 2 of Directive 2001/29/EC (the InfoSoc Directive) and Section 16 of the German Copyright Act (UrhG).[28] Such reproduction, the Court held, does not fall within the scope of permissible use, including the exceptions for text and data mining (TDM). The storage and subsequent reproduction of a protected work by an AI model, according to the Court, cannot be regarded as an analytical act (as in TDM), but rather as a continuous infringement of the author's economic rights.

China occupies a middle ground between these models: it already has in place a regulatory framework (the Interim Measures for Generative AI of 2023), which obliges providers to respect copyright during the training phase. However, judicial interpretation in this area is still in its early stages of development.

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26 CJEU Judgment of 12 March 2025, *Like Company v. Google Ireland Limited*, Case C-250/25, ECLI:EU:C:2025:250.

27 Landgericht München I, Judgment of 7 November 2025, *GEMA v. OpenAI*, Case no. 42 O 14139/24.

28 Copyright Act of 9 September 1965 (Federal Law Gazette I, p. 1273), as last amended by Article 28 of the Act of 23 October 2024 (Federal Law Gazette 2024 I No. 323).

2. Lack of Copyright Protection and the Risk of Similarity to Pre-Existing Works

The conclusion that content generated entirely by an AI system does not qualify as a copyrightable work cannot justify disregarding the risk of substantial similarity to pre-existing works. There remains a significant risk that the generation of such content for subsequent use may infringe the copyright of works incorporated into the AI training data or works used to train the underlying models.

Generative AI models operate based on vast datasets used for training. "A model that has memorized training data is a 'copy' of that training data in the sense used by copyright."[29] The output generated in response to a prompt may be heavily influenced by works contained within the training data. While AI algorithms are designed to prevent direct plagiarism or the faithful reproduction of existing works to some extent, what an algorithm may interpret as a sufficient modification could appear to an average observer as nothing more than a clumsy attempt to avoid liability.

For instance, if an AI system were prompted with the command, "Create an image of Christ and the apostles eating the Last Supper," the resulting image might well be perceived – even by a not merely average but highly educated observer familiar with *The Last Supper* by Leonardo da Vinci – as essentially a copy of *The Last Supper*. Although the AI system may classify the output as a unique interpretation rather than a direct reproduction, such close imitation of style could, in certain cases, also be examined under the lens of unfair competition. An instructive experiment would be to prompt an AI system to generate such an image, then evaluate whether the result appears to be a copy of *The Last Supper* (which, I presume, it would despite the prompt not explicitly referencing Leonardo da Vinci's work). If so, one could then ask the AI system whether the result constitutes a copy and compares the explanation provided.

Regardless of the algorithm's capacity to modify the generated content relative to the training data (which ultimately raises the question of how effectively this modification is perceived by the average observer), the user bears the responsibility of ensuring that the copyrights of the creators of

[29] A. Feder Cooper and James Grimmelmann, "The Files Are in the Computer: Copyright, Memorization, and Generative AI," *Chicago-Kent Law Review* 100, no. 1 (2025): 141–219, accessed July 28, 2025, https://arxiv.org/abs/2404.12590.

the underlying works are not infringed. For example, Canva prohibits the creation of content that infringes third-party rights, including copyright, while Midjourney forbids using the system for any unlawful activity.

However, with the increasing use of AI in education and creative work, the likelihood that users will recognize works, especially those that are not widely known, may diminish over time. Consequently, the use of AI-generated content that closely resembles copyrighted works may occur inadvertently due to user ignorance. This risk might be mitigated if AI systems themselves provided tools for identifying similarities to copyrighted works, but declining user awareness could also undermine recognition of the need for such verification.

Inspiration from style was also at the center of the lawsuit filed by *The New York Times* against OpenAI and Microsoft, seeking to prevent further copyright infringement arising from the use of millions of articles published by the newspaper to train artificial intelligence systems. The lawsuit alleges that the AI was developed to mimic the style of *Times* journalists in competing chatbots[30] without obtaining consent or providing compensation to the authors – actions that could ultimately lead to a loss of readership, revenue, and trust. A significant blow to the paper's credibility stemmed from an incident in which Microsoft's Bing Chat supplied false information it attributed to *The Times* – information that had never actually been published by the newspaper. AI hallucinations represent one of the key issues that have prompted prohibitions within academic institutions on the automated generation of research concepts or essential elements of scholarly work (as discussed below).

The previously discussed "fair use" doctrine in *Bartz et al. v. Anthropic* and *Kadrey et al. v. Meta* (see above) allows training copyrighted materials if transformative and non-market-reducing, but courts in both rulings caution that output similarity may still infringe. For example, in Bartz, though the court noted transformative fair use, it emphasized that the case would differ if the output created by the model were infringing. Specifically:

[30] Michael M. Grynbaum and Ryan Mac, "The Times Sues OpenAI and Microsoft Over A.I. Use of Copyrighted Work," *The New York Times*, December 27, 2023, accessed July 28, 2025, https://www.nytimes.com/2023/12/27/business/media/new-york-times-open-ai-microsoft-lawsuit.html.

"the court expressly distinguished this case from others where the AI system's outputs might themselves be infringing." In China, Guangzhou Internet Court ruled (February 8, 2024, case number not publicly disclosed, often referenced as 2024 Guangzhou Ultraman Case) that images generated by the defendant's AI platform are "substantially similar" to the protected Ultraman works (a Japanese science-fiction character owned by Tsuburaya Productions, that includes TV shows, films, and merchandise) and infringed the copyright of the Japanese IP owner (Tsuburaya Productions). The AI platform was found to be contributorily liable[31] (a similar judgment regarding the generation of images similar to the Ultraman character was also issued by the Hangzhou Internet Court in the Ultraman Case: December 30, 2024).

A key similarity between the American (Bartz & Kadrey) and Chinese (Guangzhou Ultraman) case law is that both recognize that AI-generated outputs may infringe copyright if they are too similar to protected works. However, there are also differences. The American judgments require the plaintiff to demonstrate that the AI outputs are too similar to their works or that they are a substitute for them in the marketplace, while the Chinese judgment found the AI to be contributorily liable without requiring market substitution analysis. The United States lacks a regulation that explicitly addresses this, while China does (CAC's Interim Measures for the Management of Generative AI Services).

3. The Obligation of Academic Independence and Integrity

3.1. Claiming Authorship of AI-Generated Content as a Violation of Academic Ethics

Attributing authorship to AI-generated content does not constitute a copyright infringement, as established above, but it presents a serious problem within the academic community because it amounts to academic fraud and a blatant violation of research ethics – whether committed by a student or a faculty member.

[31] Seagull Song and Wang Mo, "China's First Case on AIGC Output Infringement—Ultraman," King & Wood Mallesons, February 28, 2024, accessed July 28, 2025, https://www.kwm.com/cn/en/insights/latest-thinking/china-s-first-case-on-aigc-output-infringement-ultraman.html.

AI has undoubtedly facilitated the search for information, the verification of research projects, and the resolution of both theoretical and practical problems. AI tools have already become integral to academic work and will likely continue to be used more widely in the future. A study conducted by the Higher Education Policy Institute (HEPI) and Kortext confirms a significant increase in the use of generative AI tools among students.[32] Neither a comprehensive statutory ban nor a blanket prohibition within internal educational regulations has been implemented, primarily because AI's utility in academic work stems from its time-saving functionality.[33] "While AI offers transformative educational opportunities, its unregulated use could threaten academic integrity."[34]

However, it is essential to counteract the risks that AI poses to intellectual integrity and independent academic work, particularly regarding academic honesty, hallucinations (i.e., the reliance on and subsequent citation of false information), and copyright infringement. Additionally, AI-generated content undermines the ability to verify learning outcomes for students and professional advancement for faculty members. Academic policies must, therefore, emphasize that while AI can serve as an auxiliary tool, it cannot replace the creative process essential to scholarly work.

For instance, the *Science* journal group explicitly states:

> AI-generated images and other multimedia are not permitted in the Science journals without explicit permission from the editors. Exceptions may be granted in certain situations—e.g., for images and/or videos in manuscripts specifically about AI and/or machine learning. Such exceptions will

32 Anna Armstrong, "Academic Misconduct, Generative AI and Authentic Assessment," Online Education at the University of London, March 11, 2025, accessed July 28, 2025, https://onlinelearning.london.ac.uk/2025/03/11/ai-and-authentic-assessment/.

33 Saeed Awadh Bin-Nashwan, Mouad Sadallah, and Mohamed Bouteraa, "Use of ChatGPT in Academia: Academic Integrity Hangs in the Balance," *Technology in Society* 75 (2023): 102370, https://doi.org/10.1016/j.techsoc.2023.102370; Xiaoyi Tian et al., "Let's Talk It Out: A Chatbot for Effective Study Habit Behavioral Change," *Proceedings of the ACM on Human-Computer Interaction* 5, no. CSCW1 (2021): 1–32, https://doi.org/10.1145/3449171.

34 "EduTalks on Artificial Intelligence and Academic Integrity," Council of Europe, April 26, 2023, accessed July 28, 2025, https://www.coe.int/en/web/education/-/edutalks-council-of-europe-artificial-intelligence-and-academic-integrity.

be evaluated on a case-by-case basis and should be disclosed at the time of submission.[35]

Similarly, Wiley's AI Policy in its Author Guidelines provides that:

> Artificial Intelligence Generated Content (AIGC) tools—such as ChatGPT and others based on large language models (LLMs)—cannot be considered capable of initiating an original piece of research without direction by human authors. (...) Therefore—in accordance with COPE's position statement on AI tools—these tools cannot fulfill the role of, nor be listed as, an author of an article.[36]

Interestingly, the *Science* journals acknowledge that: "(…) this area is rapidly developing, and our position on AI-generated multimedia may change with the evolution of copyright law and industry standards on ethical use."[37] This may suggest that the current stance is provisional, reflecting the fact that currently available AI programs do not meet the criteria for academic authorship – especially in terms of accountability for the presented findings. However, in the future, as AI systems become more sophisticated, they may meet the necessary criteria for academic authorship.[38]

It is worth noting an interesting argument: namely, that there is no reason to question the validity of scientific publications solely because they were produced with the assistance of AI, since misinformation (resulting from AI hallucinations) also occurs in human scientific activity.[39] While I agree that AI may contribute to solving research problems, a clear

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35 "*Science* Journals: Editorial Policies," American Association for the Advancement of Science, accessed July 28, 2025, https://www.science.org/content/page/science-journals-editorial-policies#authorship.

36 "Author Guidelines," John Wiley & Sons, Inc, accessed July 28, 2025, https://onlinelibrary.wiley.com/page/journal/14653435/homepage/forauthors.html.

37 "*Science* Journals: Editorial Policies," American Association for the Advancement of Science, accessed August 29, 2025, https://www.science.org/content/page/science-journals-editorial-policies#authorship.

38 Ju Yoen Lee, "Can an Artificial Intelligence Chatbot Be the Author of a Scholarly Article?," *Science Editing,* 10, no. 1 (2023): 7–12, http://dx.doi.org/10.6087/kcse.292; Ryszard Markiewicz, "ChatGPT i prawo autorskie Unii Europejskiej," *Zeszyty Naukowe Uniwersytetu Jagiellońskiego: Prace z Prawa Własności Intelektualnej* 2 (2023): 142–71, accessed July 28, 2025, https://sip.lex.pl/komentarze-i-publikacje/czasopisma/chatgpt-i-prawo-autorskie-unii-europejskiej-151439247.

39 Markiewicz, "ChatGPT i prawo autorskie Unii Europejskiej."

distinction between the scholarly authorship of the researcher and the output generated by AI must be maintained. Otherwise, what will define a graduate or a scholar? What will a diploma – whether a degree or a doctoral certificate – attest to? If we accept the publication of AI-generated results as legitimate academic work, a diploma will no longer be a certificate of "educational achievement and fulfillment of the institution's standards"; it will merely confirm that its holder is an operator of AI applications and tools within a specific field. That is not what science is about.

Would the problem be resolved by simply disclosing the involvement of AI? Not entirely. Disclosure of AI involvement is not necessary for technical tasks – most university policies permit this. However, acknowledging that a specific AI tool contributed to the conceptual phase or replaced the author in the creative process would not resolve the problem; it would merely confirm that the problem exists.

An example of an internal academic regulation reflecting this approach is the Appendix to Rector's Regulation No. 5 of the SGH Warsaw School of Economics of 5 February 2024[40] The regulation, in Sections 1.4 and 1.5, prohibits the "automatic generation of the concept of a written assignment or its essential elements" and requires that "artificial intelligence-generated suggestions should be critically and meticulously analyzed by the author." Similarly, the automatic generation of paragraphs, chapters, or a first draft of a text, followed by independent editing, is prohibited; these elements should be the product of the author's reflection (Section 3.1).

Since auxiliary AI-based tasks are permitted, the regulation identifies acceptable uses of AI, such as searching for literature, generating keyword lists, automatically creating a database of scholarly works related to a given topic, and summarizing texts to understand a specific area of literature (without using those summaries directly in a written work). However, all such outputs must be approached critically and verified against reliable sources, as AI-generated information may be inaccurate or false (Section 2).

Above all, it must be emphasized that violating the principle of using AI solely as a tool to support technical tasks – such as improving grammar and general editing – would constitute a serious breach of ethical standards.

[40] Appendix to Rector's Regulation No. 5 of the SGH Warsaw School of Economics of 5 February 2024, accessed July 28, 2025, https://bap.sgh.waw.pl/lang/en-GB/d/8351/5/.

AI can facilitate processes but must not replace the creative phase or the independent formation of ideas, text, or research. Fabrication of content and plagiarism constitute the core of research dishonesty and undermine trust.[41] Scientific integrity is a key aspect of "academic integrity." Such misconduct would implicate both students and faculty members, potentially resulting in the invalidation of a degree and even criminal liability.

Given the motivation to obtain degrees or academic promotions more quickly and easily, it is foreseeable that AI-generated content will, at times, be falsely presented as original work. Copyright law will not resolve this challenge, as it protects the author of a work, whereas, in this case, the protected interests are academic integrity, the credibility and ranking of the institution, and the trust of recipients who may be misled. "Submitting AIgenerated content as one's own is nearly universally classified as academic misconduct."[42] There may even be cases – though this lies beyond the scope of this article – where unjust compensation is paid to the purported author. This justifies the use of AI detection and plagiarism detection tools by universities (regardless of any legal obligation or internal university regulation requiring the disclosure of AI-generated content). However, the evolution of AI tools introduces the risk that detecting AI-generated text created in violation of ethical standards will become increasingly difficult – along with the challenge of proving such violations.[43]

Chinese universities use similar policies and practices:

> Chinese universities continue to crack down on AI ghostwriting. In a report in May, the University World News identified at least five universities that have issued their first guidelines on AI use or specifically AI-generated content (AIGC) for graduation thesis works. Hubei University said in a notice

41 Maura Hiney, "Briefing Paper on Research Integrity: What It Means, Why It Is Important and How We Might Protect It," Science Europe, December 2015, accessed July 28, 2025, https://www.scienceeurope.org/our-resources/briefing-paper-on-research-integrity-what-it-means-why-it-is-important-and-how-we-might-protect-it.

42 Cecilia Ka Yuk Chan, "Is AI Changing the Rules of Academic Misconduct? An In-depth Look at Students' Perceptions of 'AI-giarism,'" June 6, 2023, https://doi.org/10.48550/arXiv.2306.03358.

43 Elsayed Abdelaal, Sithara Walpita Gamage, and Julie E. Mills, "Artificial Intelligence Is a Tool for Cheating Academic Integrity," AAEE 2019 Annual Conference, Brisbane, Australia, accessed July 28, 2025, https://www.researchgate.net/publication/339375213_Artificial_Intelligence_Is_a_Tool_for_Cheating_Academic_Integrity.

> that it would assess articles using generative AI during their review. If a thesis is identified as having a 'high risk of ghostwriting,' academic staff will guide the students to make revisions.[44]

Concerns about unfair and false accusations of AI-generated content were the basis for the decision by several American universities – including Vanderbilt University, Northwestern University, and the University of Texas – to disable Turnitin's AI-generated content detection feature.[45] Although tests showed that the false positive rate was approximately 1%, this still amounted to hundreds of papers per year, and the algorithm's operation was not fully transparent.[46] Similar concerns at British universities led to AI detection tools being made available on a voluntary basis.[47]

In my view, the use of AI detection tools does not necessarily lead to unjust accusations if the system does not make automated decisions with legal effects but instead requires human intervention (consistent with Article 22(1) of the GDPR). Thus, if an author is asked to clarify the origin of a text and can present an initial draft or working notes that support their claim of authorship – rather than attributing it to AI – the accusation could be resolved fairly.

Paradoxically, as AI technology advances, the role of experienced academic staff in identifying AI-generated texts will become increasingly important – particularly when the student or researcher presenting the work as their own has invested minimal effort in further verifying the content's accuracy and editing AI-generated proposals.

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44 Aamir Sheikh, "Chinese Universities Warn that Theses with High Risk of AI Ghostwriting Will Face Revisions or Sanctions," University World News, June 11, 2024, accessed July 28, 2025, https://www.cryptopolitan.com/chinese-universities-rules-ai-thesis-writing/.

45 The analysis of AI detection tools in higher education, including the effectiveness, and ethical implications in the context of preserving academic integrity, was presented in: Cesare G. Ardito, "Contra Generative AI Detection in Higher Education Assessments," arXiv, December 8, 2023, https://doi.org/10.48550/arXiv.2312.05241.

46 Tom Carter, "Some Universities Are Ditching AI Detection Software amid Fears Students Could Be Falsely Accused of Cheating by Using ChatGPT," Business Insider, September 22, 2023, accessed July 28, 2025, https://www.businessinsider.nl/some-universities-are-ditching-ai-detection-software-amid-fears-students-could-be-falsely-accused-of-cheating-by-using-chatgpt.

47 "Plagiarism and Academic Misconduct," University of Cambridge, accessed July 28, 2025, https://www.educationalpolicy.admin.cam.ac.uk/plagiarism-and-academic-misconduct.

This comparative perspective highlights three trends: U.S. universities combine internal codes with case law that supports strong disciplinary powers but face challenges regarding false positives; Chinese universities operate under clear statutory authority and adopt stricter *ex-ante* controls over theses and dissertations; EU universities rely primarily on internal regulations with strong procedural safeguards for students.

3.2. Misattribution of Authorship of AI-Generated Content as a Legal Violation

The principles of academic integrity and independent scholarly research, including the preparation of theses and dissertations, are not confined to the realm of ethics – they are also statutory requirements. For instance, under Polish law, a thesis must be an independent analysis of a research problem (Article 76(2)), and a doctoral dissertation must demonstrate the candidate's ability to conduct independent scientific research.[48] Replacing the creative phase of research and writing – including the development of the research concept and the drafting of the first version of a work – with AI-generated content would constitute a clear breach of these statutory requirements.

In China, the Law on Academic Degrees[49] provides that an academic degree may be revoked by the educational institution that conferred it, should it be determined that the degree was obtained through conduct constituting a violation of academic integrity. Such misconduct includes plagiarism, data falsification, ghostwriting, or the unauthorized use of artificial intelligence.[50] The decision in such cases is made by the Academic Degree Evaluation Committee (学位评定委员会) in accordance with the procedures set out in the law. This does not preclude potential criminal liability if the conduct in question constitutes an offence under criminal law. The legislative framework also emphasizes the requirement of an appropriate academic standard and a demonstrable contribution to the relevant field. This,

48 Article 187(1) of the Act of 20 July 2018 on Higher Education and Science, consolidated text: Journal of Laws of 2024, No. 1571.

49 Standing Committee of the National People's Congress, Law of the People's Republic of China on Academic Degrees, adopted on April 26, 2024, in force since January 1, 2025, Order No. 22 of the President of the People's Republic of China, accessed July 28, 2025, https://www.lawinfochina.com/display.aspx?id=42873&lib=law.

50 Yao Yuxin, "Academic Plagiarism Has a New AI Face?," China Daily, September 1, 2023, accessed July 28, 2025, https://www.chinadaily.com.cn/a/202309/01/WS64f19b34a310d2dce4bb3720.html.

by implication, entails an expectation of research autonomy, which would be compromised if the creative phase – namely, the formulation of the research concept and design – were replaced by artificial intelligence.

In the United States, there is no federal bill analogous to the Chinese draft law on academic degrees that would regulate the revocation of diplomas in cases of academic dishonesty involving AI. However, at the state level, a particularly significant ruling is the decision of the Supreme Court of Texas, which held that universities have the authority to revoke degrees after graduation if academic misconduct is established.[51] The core rationale of the decision is that a degree constitutes a "university's certification to the world" affirming the graduate's educational achievements and the fulfillment of the institution's standards.[52] The Texas ruling cited similar decisions from courts in Maryland, Michigan, New Mexico, North Dakota, Ohio, Tennessee, and Virginia, all of which recognized universities' right to revoke degrees obtained through academic dishonesty.

Nevertheless, issues of academic integrity and the consequences of its violation are generally governed at the institutional level through so-called *Academic Integrity Policies*. An example of such an internal regulation is the *Academic Integrity Policy* of The City University of New York (CUNY).[53] Under this policy, academic dishonesty may result in reduced grades and disciplinary sanctions, including suspension or expulsion. The policy explicitly identifies academic dishonesty as a form of "cheating" and highlights its negative impact on the university's accreditation.

CUNY's policy defines cheating to include the unauthorized use or attempted use of artificial intelligence (AI) systems during an academic exercise, copying from a generative AI system for credit or a grade, and submitting content generated by an AI tool as solely one's own work

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51 Texas Supreme Court, Judgment of 31 March 2023, *Hartzell v. S.O.*, 23–0694; Ryan Quinn, "Texas Supreme Court Says Universities Can Revoke Degrees," Inside Higher Ed, April 6, 2023, accessed July 28, 2025, https://www.insidehighered.com/news/2023/04/06/texas-supreme-court-says-universities-can-revoke-degrees.

52 "A degree is not merely a piece of paper; it is a 'university's certification to the world at large of the recipient's educational achievement and fulfillment of the institution's standards" (Quinn, "Texas Supreme Court Says Universities Can Revoke Degrees").

53 "Academic Integrity Policy," The City University of New York (CUNY), accessed July 28, 2025, https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/academic-integrity-policy.

("the unauthorized use or attempted use of artificial intelligence (AI) systems during an academic exercise, copying from a generative AI system for credit or a grade, submitting content generated by an AI tool as solely your own work"[54]).

4. Long-Term Concerns

Beyond the fact that replacing independent scholarly work and creativity with AI-generated content constitutes a violation of integrity – not only academic integrity but honesty more broadly – there are significant long-term implications that merit attention. Over time, this trend could lead science, and an entire generation that will shape future education and the economies of individual societies, into a dead end.

Optimistic visions, such as those presented by Sam Altman, suggesting that AI will liberate people from repetitive and tedious tasks, thereby allowing them to focus on more creative and meaningful work,[55] overlook the practical consequences of this shift. While saving time by using AI tools to perform technical tasks involved in scholarly work is undeniably beneficial, it is reasonable to assume that reliance on AI will not remain limited to this stage. It is likely to extend to the unauthorized drafting of research concepts and initial versions of academic texts. The more widespread this practice becomes, the more it will erode the capacity for conceptual and creative thinking.

> The brains of people writing an essay with ChatGPT are less engaged than are those of people blocked from using any online tools for the task, a study finds. The investigation is part of a broader movement to assess whether artificial intelligence (AI) is making us cognitively lazy.[56]

Tasks such as summarizing a book – while not necessarily prohibited, depending on the context and purpose – could discourage reading, thereby

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54 Ibid.

55 Ken Metral, "Sam Altman: AI Agents Will Transform Work in 2025," Cosmico, January 6, 2025, accessed July 28, 2025, https://www.cosmico.org/sam-altman-ai-agents-will-transform-work-in-2025/.

56 Nicola Jones, "Does Using ChatGPT Change Your Brain Activity? Study Sparks Debate," Nature, June 25, 2025, accessed July 28, 2025, https://www.nature.com/articles/d41586-025-02005-y.

impairing imagination, the ability to describe places and phenomena creatively, vocabulary range, the capacity to concentrate on longer texts, and ultimately, general knowledge and educational attainment. Academic guidelines increasingly emphasize the need for critical engagement with AI-generated content, as such content may be inaccurate or flawed, potentially stemming from AI hallucinations. However, verifying the reliability of AI-generated information requires a certain level of educational competence – not only in evaluating sources available online, which may themselves be erroneous if they are based on AI-generated data insufficiently verified by human authors.

Returning to the idea of liberation from repetitive and tedious tasks, it is worth recalling that wealthier societies have already freed themselves from physically demanding tasks – even from walking and climbing stairs – with the side effect now reflected in obesity and overweight statistics. This analogy is instructive: it serves as a reminder not only of the benefits but also of the potential negative side effects before we rush to eliminate the necessity for creative thinking.

5. Conclusions

This article explores the legal aspects of copyrightability in the U.S., China, and the EU, in the context of the fundamental principle, which is consistent across these jurisdictions, that only creations involving meaningful human creative choices are eligible for copyright protection. However, in the academic sphere, the issue of copyright protection for AI-generated content, while certainly important, is by no means the only concern. Even if the content itself is not protected by copyright, the principles of independent scholarship and academic integrity remain of paramount importance.

Artificial intelligence is transforming academic environments faster than legal and ethical frameworks can respond. While its use in auxiliary academic tasks may enhance efficiency, its encroachment on the creative process demands caution and critical scrutiny. Universities must set clear boundaries: AI may support, but must never substitute, the intellectual labor that defines authorship. The future of scientific credibility depends on preserving the human element in academic research and education. In this context, maintaining transparency, reinforcing academic integrity,

and developing responsible AI policies are not just institutional choices – they are obligations rooted in law and ethics.

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