

Copyright, Designs and Patents Act 1988 Report

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The **Copyright, Designs and Patents Act 1988** is a law that grants the owner of a work the right to decide how it is used by other people. It arises automatically, meaning that anyone who creates a work already has a copyright. The purpose of this law is to promote art and culture as well as to protect those who rely on their original work for an income from threats such as piracy and unlicensed reproduction.

Under UK law, creations eligible for copyright are split into two categories. The first comprises original works, (literary, dramatic, musical and artistic) which must be fixed in a tangible form to be eligible for copyright. Original means they must involve some level of skill, labour and judgement to create. The other category is made of other works such as films, sound recordings, broadcasts and typographical arrangements of published materials, which may not require the same level of creativity as the first category but still involve investment and effort to create.

The increased use of AI presents challenges to copyright legislation as it complicates ownership and blurs ethical lines. AI can create original content without any human labour or skill, giving rise to the question of whether AI generated work is copyrightable. Furthermore, AI can generate content that closely resembles existing works, without necessarily copying them, making it more difficult to assess ethicality.

The CDPA does not explicitly account for AI-generated works, leaving a lot of ambiguity and uncertainty about responsibility and ownership. In addition, recent developments such as deepfakes pose ethical risks by harming reputations and spreading misinformation. Copyright law must therefore be reassessed to adequately address AI content generation.

A first step could be imposing transparency requirements on the organisations responsible for producing the AI model. Requiring AI developers to disclose the training data sources of their model could help prevent the exploitation of copyrighted works. In addition, stricter regulation on deepfake technology, especially when used for harmful purposes, would also mitigate some of the ethical concerns associated with AI use.

Ultimately, copyright law must balance ethical responsibility with innovation; allowing technological progress to flourish while protecting creators. Updating legislation to reflect these emerging challenges would help to provide the clarity and accountability to bring this about.