



An Academic View of Generative Artificial Intelligence Use in Higher Education as Copyright

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Abstract

The purpose of this paper is to present an application of GAI in academic creativity in terms of copyright works like academic courses, academic papers and creative results regarding the copyright in the primary and in the secondary works. The goal is to examine different theses, approaches, and identify unsolved problems and to propose solutions, results of students' acceptance and the general answer of the main question: who's is copyright in the creation of student's works as master thesis and other academic written works through GAI use?

Generative artificial intelligence /GAI/ as a technology based model presents many abilities to students to achieve their academic goals rapidly and efficiency. They use models like LLMs, ChatGPT, open AI and more deep research data bases in their work.

The main questions are raised in this research paper are the following:

- overall assessment of GAI use in higher education;
- who is the copyright owner created with GAI use works.

In this paper are analysed many questions regarding the copyright owner answered by economics students groups of special course "Intellectual property and creative industries" of UNWE.

The complex approach and methods are used by author to present and to prove her author thesis:

A GAI as a machine is not a legal entity, it not an author proprietor of copyright. The student is this individual – an author who creates an idea and implements it with the help of a GAI. The students are responsible for the correct citation and for the volume of the used other's author text, which should not exceed 20-30%.

Keywords: *generative artificial intelligence, higher education, intellectual property and copyright*

Introduction

The field of artificial intelligence was founded in the 1950s, and artists began to create art and literature with artificial intelligence faster and effectively. The main question here is related to the nature of collaboration "human–AI in art and literature"

The GAI boom of the 2020s, text-to-image models such as Midjourney, Stable Diffusion and others became widely available to the public, allowing users to quickly generate imagery with little effort and discussing creativity. Commentary about AI in art and literature in the 2020s has often focused on issues related to copyright, IP deception, its impact on the traditional writers and artists and their rights in the earlier created copyrights works.

This paper is focused on application of GAI in academic creativity in terms of copyright works like academic courses, academic papers and creative results regarding the copyright in the primary and in the secondary works. The goal is to examine different theses, approaches, and identify unsolved problems and to propose solutions.

1. Main Methodological Points

1.1. Review of Different Points

There is no single and simple answer to this question: Who is a proprietor of the copyright?

Two theses are advocated:

1. GAI cannot be a rights holder. Justification: it is a machine trained by computer models to combine databases of copyrighted works of other media, and its creativity lies in skillfully combining known and accessible works through keywords.
2. GAI can be a rights holder.

Supporters of thesis 1 claim and argue as follows:



1. GAI has no legal personality, no rights in IP.
 2. GAI is a machine with software generated and completed by a human.
 3. GAI creates an artistic work under idea concept, assignment of manager – human.
- GAI working in visual artwork generates through the implementation of artificial intelligence programs, most commonly using text-to-image models. The process of automated art-making has existed since antiquity.

In August 2023, the US Supreme Court ruled that AI art is ineligible for copyright due to failure to meet human authorship. In March 2026, it declined to hear a case over whether AI-generated art can be subject to copyright.

Supporters of thesis 2 claim and argue as follows:

1. AI already creates films, books, drawings.
2. AI has a creative approach and result.
3. AI has autonomy in developing the creative idea and reaches a result.

At first glance, a recently granted South African patent relating to a “food container based on fractal geometry” seems fairly mundane. The innovation in question involves interlocking food containers that are easy for robots to grasp and stack.

On deep observing, the patent is anything but mundane. That’s because the inventor is not a human being – it is an artificial intelligence system called DABUS.

DABUS (device for the autonomous bootstrapping of unified sentience) is an AI system created by Stephen Thaler, a pioneer in the field of AI and programming. The system simulates human brainstorming and creates new inventions. DABUS is a particular type of AI, often referred to as “creativity machines” because they are capable of independent and complex functioning. This differs from everyday AI like Siri, the “voice” of Apple’s iPhones.

Based on the USPTO position “Every patent office and court that has examined the issue so far has ruled that DABUS is not entitled to be named as an inventor on a patent application. But the exercise has raised broader questions about the impact of AI-assisted inventing on the patent system.

You might think the inability to name an AI system as an inventor on a patent application for an invention— created wholly or in significant part by that AI system— implies such an invention can’t be patented at all.

That was the argument made by Lawrence Lessig and others in the amici curiae brief they submitted in the DABUS case before the US Supreme Court: “if... the Court does not recognize AI inventorship, there will be no inventor, resulting in no patent protection, and no technology ownership.”

1.2. Author’s View Regarding AI Use of the Previously Created / Primary Works:

1. The author of a work in literature and art - always is a natural person.
2. The author has the exclusive rights to be named, cited in all forms of use of the work.
3. The use of parts or the whole of the copyright works belongs to the author as copyright holder and as an options of permission for use. He may authorize others for works use in various modes and purposes.
4. The use of works or parts of them as DB/models in AI must be with the consent of the author. This is not free use in a legal meaning. The author of printed books or art works is also entitled to such remuneration when they are reproduced in a reprographic manner for personal use.
5. Free use, which does not require the consent of the copyright holder and without payment of remuneration, is any of the following actions:
 - use of quotations from already published works;
 - use of parts of published works for the purposes of analysis, commentary or otherwise for scientific or educational purposes;
 - public presentation or performance of published works in schools or other educational institutions;
 - reproduction of already published works from libraries, schools, museums and archival institutions, as well as reproduction in Braille.
6. Fair use of a copyrighted work would be when the author of the first work is indicated and remuneration is paid to the rights holders

USA judge Stein concluded that the level of detail in the AI’s response was sufficient to allow the copyright infringement claims to proceed as a class action.

The court will later decide whether OpenAI can defend itself on a “fair use” argument.



Earlier this year, in a similar case, a federal court in San Francisco ruled that the use of copyrighted books by the company Anthropic to train its language models fell within the scope of “fair use.”

2. Case Studies and Questions Discussed with an Audience

2.1. Case Studies

1. “The Day a Computer Wrote a Novel”(2015) – a Japanese short novel partially written by an artificial intelligence program in 2015, the novel was written by a team of humans who developed the AI program. Hitoshi Matsubara and his team at Future University Hakodate in Japan selected words and sentences and set the parameters for the creation before letting the AI robot “write” the novel itself. For the past few years, the Hoshi Shinichi Literary Award has technically been open to non-human entrants. In total, 11 of the 1,450 entries in the competition in Japan were written at least in part by non-humans.
2. „Window Seat“ (2023): Touted as the first fully AI-generated feature film, it is a 61-minute film created by one person (Hooroo Jackson) using 4,000+ machine-generated shots. It follows a narrative about a psychological battle on a plane. This video is the trailer for the AI feature film "Window Seat":



3. George R. R. Martin has won the first battle in his lawsuit against OpenAI for copyright infringement related to his cult series "A Song of Ice and Fire", which is also the basis for the series "Game of Thrones". In September 2023, Martin and several other writers filed a class action lawsuit against the company behind ChatGPT. They claim that OpenAI infringed their copyrights by using their books without permission to train its language models, which, the plaintiffs say, resulted in the generation of texts that resembled their copyrighted works.
4. regarding DABUS: Device for the Autonomous Bootstrapping of Unified Sentience—has been named as the sole inventor. Every patent office and court that has examined the issue so far has ruled that DABUS is not entitled to be named as an inventor on a patent application. But the exercise has raised broader questions about the impact of AI-assisted inventing on the patent system. You might think the inability to name an AI system as an inventor on a patent application for an invention— created wholly or in significant part by that AI system— implies such an invention can’t be patented at all. USA court does not recognize AI inventorship, there will be no inventor, resulting in no patent protection, and no technology ownership.”

2.2. Questions for Discussion

There are a number of other issues arises in the field of copyrights such as following:

1. Which is the content of copyright for already printed literature and art works?
2. How can and may be used legally the copyright works by the students/academians in the training and teaching process ?
3. How we can accept and explain a term "free use" in the case of academic use by students and academians in their works?
4. What are good or bad academic experience?

Students are highly aware that intellectual products created by GAI are intellectual property of others – natural persons, and GAI only combines already known achievements and databases/ results.

Analysing the whole list of the students answers following results may present a table bellow:



Q and A	YES – natural person is the author	NO AI is the author	BOTH: human and AI jointly authors	no answer
The author of copyright work, created by AI under idea and created under humans directions	180	12	15	8

Table 1

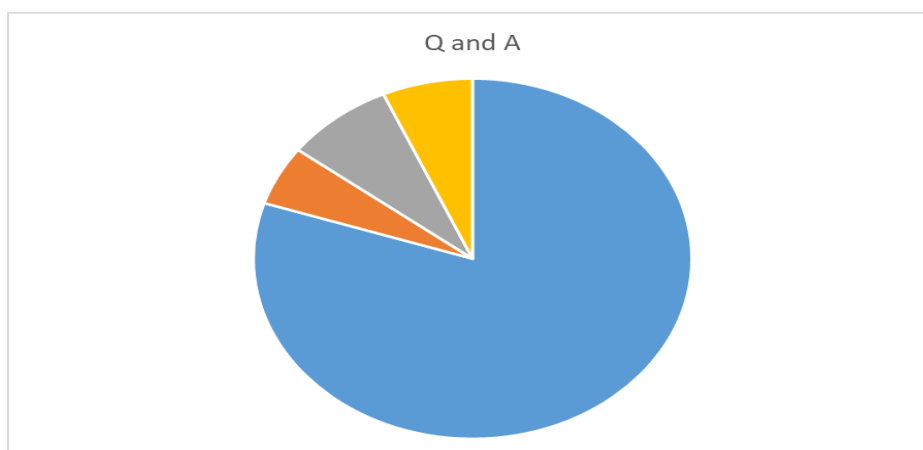


Fig.1. Answers of the question regarding the authorship

More than 85 % of students and academians are aware that the author of the created copyright work always is human as natural person.

2.3. Author's Comment:

1. Most AI systems are low-risk models and can contribute to solving many societal challenges.
2. Some AI systems pose risks to personal data and biometrics that you need to address.
3. Draft legislation provides some protection for personal data. Unfortunately they do not focus on the problems of intellectual property and to the specific challenges that AI systems can create in intellectual property field.

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence – focus: on ensuring a high level of protection of health, safety, fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union (the 'Charter'), including democracy, the rule of law and environmental protection, to protect against the harmful effects of AI systems in the Union, and to support innovation. This regulation is not regarding to IP rights, CR and related rights.

Conclusions

1. AI has no legal personality, no rights in IP.
2. AI is a machine with software generated and completed by a human.
3. AI creates an artistic work under idea concept, assignment of manager – human.
4. There is a need to form legislation in GAI focused on CR and related to CR.
5. There is a need to disseminate IP culture in areas of creators of software, musicians, artists and writers.
6. The responsibility of the higher education institutions is to teach and train students – future creators and innovators, on IP rights, CR and related to CR.



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