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Generation and Confirmation: AIGC's Copyright Attribution Dilemma and Path to Breakthrough in New Media Content Production

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Abstract: ***In the era of booming new media, the deep integration of AIGC into content production has greatly changed the creative landscape, but it also brings complicated copyright attribution challenges. This paper focuses on the copyright attribution of AIGC in new media content production, analyzes the characteristics of AIGC in new media creation, such as algorithm-driven, data-dependent, and autonomy of the creation process, etc., and reveals its contradictions with the traditional copyright system. AIGC creation blurs the boundaries of the subject of creation, which leads to difficulties in the attribution of the right, and raises the ethical risks of the dissemination of false information, data infringement, etc., and deconstructs the traditional copyright system. It also leads to ethical risks such as false information dissemination and data infringement, and deconstructs the traditional copyright system. In order to break through the dilemma, the article proposes a path to break through the dilemma from the aspects of improving legislation, optimizing judicial practice, strengthening industry governance and leveraging technological empowerment, etc., and is committed to clarifying the attribution of the copyright of the AIGC generated materials in the production of new media content, balancing the interests of all parties, promoting the sustainable innovation and development of the AIGC technology in the field of new media, and providing theoretical and practical references to the construction of a copyright protection mechanism that is adapted to the digital era.***

Keywords: AIGC; Copyright attribution; New media content production.

1. INTRODUCTION

In recent years, AIGC, or Artificial Intelligence Generated Content technology, has shown explosive growth. In the field of text generation, ChatGPT developed by OpenAI has attracted global attention since its launch, and it has been widely used in news writing, copywriting, customer service Q& A and other scenarios by virtue of its powerful language understanding and generation capabilities. According to statistics, by the end of 2023, ChatGPT's monthly active users have exceeded 100 million, significantly improving content production efficiency for many enterprises [1]. In terms of image generation, tools such as Midjourney and Stable Diffusion can quickly generate artwork and product design drawings of professional standard based on text descriptions entered by users. For example, with Stable Diffusion, designers can get a lot of creative inspiration in a short period of time, significantly shortening the design cycle. In the field of video generation, Runway ML, Pika Labs and other platforms have realized the intelligent generation and editing of video content, showing great potential in film and television production, advertising and publicity and other industries, and the playback volume of AI-generated special effects videos on some short video platforms has repeatedly reached record highs.

The wide application of AIGC technology has not only profoundly changed the production mode of the cultural industry, but also played an important role in other fields. In the field of media communication, automated news writing makes news reporting more timely and efficient, and can quickly respond to emergencies; in the field of education, intelligent tutoring systems provide personalized learning solutions for students with the help of AIGC technology; in the field of healthcare, AIGC assists doctors in medical image diagnosis, medical record analysis and other work, improving the accuracy and efficiency of medical diagnosis. In addition, AIGC technology has lowered the threshold of creation, allowing more non-professionals to participate in content creation and stimulating the creative vitality of society.

Although AIGC technology brings a lot of convenience, it also raises a series of legal issues, among which the issue of copyright ownership is particularly prominent. The creation process of AIGC-generated content is significantly different from that of traditional human creations, which involves multiple subjects such as the

algorithm developer, data provider, and the person who inputs the instructions, etc. The ambiguity of the subject of creation makes the current copyright system focus on the "human" as the main subject. The ambiguity of the creative subject makes it difficult to apply the rules of identifying the creative subject centered on "human being" in the current copyright system, and it is difficult to be clearly defined under the current legal framework.

In addition, the determination of originality of AIGC-generated content is also controversial. The determination of originality of works under traditional copyright law is mainly based on the intellectual labor of human creators, while the creation logic of AIGC-generated content is based on algorithms and data, and the source and degree of its originality is difficult to be measured by traditional standards. If it is impossible to clarify the copyright attribution of AIGC-generated content, it will lead to unclear right subjects, easily lead to infringement disputes, damage the legitimate rights and interests of creators and users, and impede the healthy and orderly development of the AIGC industry. Therefore, in-depth study of copyright attribution in AIGC era and exploration of reasonable solutions are of great theoretical and practical significance to improve the copyright legal system and promote AIGC technological innovation and industrial development.

2. THE CREATIVE CHARACTERISTICS OF AIGC AND COPYRIGHT ATTRIBUTION DILEMMA

2.1 Technical Characteristics of AIGC Creation

The core of AIGC creation lies in the combination of complex algorithmic models and massive data. Taking the Transformer model in deep learning as an example, through the self-attention mechanism, it can deeply analyze and learn from the input data, so as to generate content with coherence and logic. In the field of image generation, the generative adversarial network consists of a generator and a discriminator, which play games with each other, so that the generator continuously optimizes the quality of the generated image until it achieves the effect of faking the real.

The AIGC creation process is highly autonomous. After a large amount of data training, the algorithm is able to complete the content generation task independently without real-time human intervention. At the same time, the creation logic of AIGC is often difficult to be fully explained by humans, and the process of generating content is similar to a "black box" [2], which also brings difficulties in the subsequent determination of copyright attribution. In addition, AIGC is able to generate diversified results quickly. According to different commands and data input, AIGC can produce new media works with different styles and themes. In image generation, users only need to adjust keywords and parameter settings to obtain images of different styles such as realistic, cartoon, abstract, etc., and the efficiency of creation far exceeds that of human creators.

2.2 Difficulties in the Application of the Existing Copyright System

The existing copyright system is based on human creativity, with "human" as the only creative subject. The Copyright Law of the People's Republic of China stipulates that copyright belongs to authors, and the works referred to in this law refer to intellectual achievements in the fields of literature, art and science that are original and can be expressed in certain forms [3]. However, in the AIGC creation scenario, the algorithm developer writes the program code to provide the creation framework for the AIGC; the data provider collects and organizes massive data as the material for the AIGC to learn; and the instruction inputter guides the AIGC to generate specific content by inputting instructions, so multiple subjects are involved in the creation process, and it is difficult to determine who the real "author" is. It is difficult to determine who is the real "author" [4].

In the determination of originality, the traditional copyright law emphasizes that the work should reflect the personalized expression and intellectual work of the author. However, the originality of AIGC-generated content comes from algorithms and data, and although some of the content has a certain degree of innovation and uniqueness, its creation process is not based on direct human intellectual creation, which makes it difficult to accurately apply the traditional standard of "originality" to works produced by AIGC in the production of new media content, and it is difficult to judge whether the works reflect the intellectual work of human creators. It is difficult to judge whether the works reflect the unique ideas of human creators, which also leads to the difficulty of the current copyright system in the field of AIGC and the difficulty in determining the attribution of copyright.

3. ETHICAL RISKS OF AIGC CREATION AND DECONSTRUCTION OF TRADITIONAL COPYRIGHT

3.1 Ethical Risks of AIGC

3.1.1 Data Ethics Risks of AIGC Creation

Behind the booming development of AIGC, the data ethics issue in the creation process has gradually come to the fore, which has far-reaching impacts on the protection of copyright and the ecology of cultural creation. In the data collection stage, AIGC developers are faced with a huge demand for data to train stronger and smarter models. In the pursuit of data richness and diversity, some developers may adopt inappropriate means to obtain data. Some data collection practices may follow only a superficial formal authorization without deeply exploring the data owner's true wishes and the scope of authorization. When personal data are involved, the data subjects may not be fully informed of the purpose, manner and potential risks of data use, which violates the principle of transparency and the principle of informed consent of users that data collection should follow. From the perspective of copyright, if the data contains fragments of copyrighted works, even if the developer claims that it is “fair use” for the purpose of training the model, in practice, the use of the data without explicit authorization may violate the original author's rights of reproduction, information network dissemination, and many other rights. Data collection also involves improper access to the data of vulnerable groups, which not only violates the rights of individuals, but also raises issues of social fairness.

At the stage of data use, the boundaries of secondary utilization of data are blurred. The traceability and legitimacy of data sources are difficult to guarantee for the new content generated by AIGC models based on these data after the training is completed. With the development of AIGC technology, data sharing and model reuse have become a trend, but in this process, it is difficult to ensure that each link strictly follows the specifications and copyright requirements for data use. The flow of data between different models and applications may lead to overuse and misuse of data. Some developers may use the training data for other commercial purposes or new research projects without further authorization from the original data owner, which not only infringes on the rights and interests of the original data owner, but also undermines the fairness of the creation ecology. This kind of data misuse behavior can lead to unfair market competition, and some AIGC applications that obtain and use data through improper means may gain competitive advantages, squeezing the survival space of legitimate creators and developers.

3.1.2 Ethical Risks of False Creation of AIGC

It is difficult to guarantee the authenticity of AIGC-generated content, which brings the risk of false creation and misleading the public, and creates a potential threat to the dissemination of information and social cognition [5]. AIGC lacks real creative intent and emotional experience, and its generated content is based on algorithmic learning of a large amount of data and pattern recognition, which makes the generated content may seem reasonable but is in fact seriously inconsistent with the facts [6]. Serious inconsistency. In the field of information dissemination, especially in the news industry, AI-generated fake news may be widely disseminated through social media and online platforms in an instant. Since AIGC-generated content is often able to mimic human language styles and expressions, it is difficult for the general public to recognize its authenticity in the first instance. Fake news may mislead public perception, interfere with the direction of social opinion, and trigger public panic and social instability. On social media, an AI-generated fake news about a sudden major disaster in a certain region may trigger the attention and forwarding of a large number of users in a short period of time, leading to the spreading of panic among local residents and even affecting normal social order and economic activities.

In the academic field, the application of AIGC also brings potential risks. If the false academic results generated by AIGC are not effectively screened, it may affect the rigor and credibility of academic research. Academic research is based on authentic and reliable data and in-depth analysis, while AIGC-generated false research results will mislead other scholars' research direction, waste academic resources and hinder academic progress. False creations will also lead to a decrease in the public's trust in information, which in the long run will damage the ecological environment of information dissemination. The public will have more and more difficulties in recognizing the truth and falsehood in the face of massive information, which will not only affect individual decision-making judgment, but also negatively affect the information exchange and development of the whole society.

3.1.3 The impact of AIGC on the rights and interests of “natural persons”

The widespread application of AIGC has a direct impact on the rights and interests of creators, seriously affecting the creativity of creators, and thus posing a threat to the sustainable development of the cultural industry. From the perspective of economic gain, the content generated by AIGC may be highly similar to the works of human creators, which may seize the market competition and lead to a reduction in the economic gain of human creators. In the field of art creation, some AI paintings are used in e-commerce platforms for product promotion, which may replace works originally created by human painters. With the continuous development of AIGC technology, the quality and stylistic diversity of AI paintings continue to improve, and their production costs are relatively low, which makes some merchants more inclined to use AI paintings, thus causing human painters to lose their job opportunities and sources of income. In the field of literary creation, AI-generated novels and stories have also begun to appear on online platforms, and although their quality and depth may not be comparable to human-created works at the moment, with the advancement of the technology, the potential threat it poses to the economic interests of human creators cannot be ignored.

The unclear copyright attribution of AIGC-generated content makes it difficult to protect the moral rights of human creators. Under the traditional creation mode, creators enjoy moral rights such as the right of attribution and the right of integrity of works, which are not only the recognition of creators' labor fruits, but also the embodiment of creators' personality and reputation. However, in the AIGC creation environment, when AI-generated content is disseminated and used, it is difficult for real creators to obtain the due right of authorship and the right to integrity of the work and other moral rights. If a painting created by a human artist with the assistance of AI is not clearly labeled with the identity of the human artist during the dissemination process, or if the work is arbitrarily modified and distorted without the human artist being able to claim his or her rights, this will seriously dampen the creativity of the creator. This neglect of creators' moral rights will inhibit the vitality of cultural innovation and artistic creation, and negatively affect the sustainable development of the cultural industry.

3.2 Deconstruction of Traditional Copyright by AIGC Generations

3.2.1 Dilemma of Identifying the Subject of Creation

Traditional copyright law limits the subject of creation to human beings, emphasizing that creation is the fruit of human intellectual and spiritual activities. Under this framework, creation is regarded as the process by which creators incorporate their personal thoughts and emotions into their works through unique thinking, imagination and expression. However, the emergence of AIGC breaks this traditional perception and puts the identification of the creative subject in a difficult situation. In AIGC creation, algorithms, data and command inputters are all involved, forming a complex creation system, making it difficult to identify a single creative subject.

Algorithms play a key role in AIGC creation, which is the technical basis for AIGC to be able to generate content. Algorithm developers give AIGC the ability to “create” by writing program codes. However, algorithm developers are usually not directly involved in the specific conception and expression of the work, they only provide a creative tool and framework. For an image generation algorithm, the developer sets the parameters and operation logic of the algorithm, but the developer is often unable to pre-determine and control the specific content of each image that is finally generated. From this perspective, it is not appropriate to regard the algorithm developer as a creative subject in the traditional sense.

Data providers provide material for AIGC creation, and rich data is the basis for AIGC to be able to learn and generate content. Data can be in various forms such as text, image, audio, etc., and they contain the knowledge, experience and creative achievements of previous generations. Data providers are usually not directly involved in the creation process of the work when they collect, organize and provide these data. The data provider simply provides a large number of images to an AI model for training, but for the final work generated by the model, the data provider does not engage in specific creative conceptualization and expression. Therefore, simply identifying the data provider as the creative subject is also inconsistent with the traditional definition of creative subject.

Instruction inputters play the role of guiding the direction of creation in AIGC creation. They tell AIGC what kind of content needs to be generated by inputting instructions. However, although the instruction inputter guides the direction of creation, the execution of the creation process is done by the machine. The instruction inputter may just provide a simple hint, and the content generated by AIGC according to this hint may be far beyond the expectation of the instruction inputter. In this case, it is difficult to fully equate the instruction inputter with the traditional authoring subject.

The complexity of AIGC creation makes it difficult to apply the traditional human-centered creative subject identification standard, blurs the boundary between “human” and “machine” in creation, and shakes the subject foundation of traditional copyright law. This not only brings difficulties to the determination of copyright ownership, but also challenges the traditional concept of creation and legal framework.

3.2.2 Challenges to the rules of attribution

The multi-participant nature of AIGC creations makes the rules of attribution a great challenge, and the current copyright law is not adequate in dealing with AIGC creations. In the traditional mode of creation, the copyright is usually attributed to the creator, which is clear and explicit, and is convenient for the exercise and protection of rights. However, in the case of AIGC creation, it is difficult to determine who the real “creator” is due to the fact that multiple subjects are involved, such as algorithm developers, data providers, and command inputters, and the attribution of rights becomes extremely complicated.

If the copyright is granted to the algorithm developers, although they provide the technical basis for AIGC creation, they often have no control over the specific content of creation during the process of work generation. From this perspective, the contribution of algorithm developers to the works is mainly reflected in the technical level rather than the specific creative content. If copyright is granted exclusively to algorithm developers, the contributions of data providers and instruction inputters may be ignored and their rights and interests cannot be protected.

Data providers provide training data for AIGC creation, which are important material for algorithms to learn and generate content. The quality and diversity of data collected, organized and provided by data providers directly affect the quality and innovation of AIGC-generated content. However, data providers are usually not involved in the specific creation process; they merely provide the raw material for creation. It is also problematic if copyright is granted to data providers, as they do not perform direct creative labor on the final formation of the work.

Instruction inputters participate to some extent in the creation of the work by inputting instructions that direct AIGC to generate specific content. However, the extent of the contribution of the instruction inputters is also difficult to measure accurately. A simple instruction may trigger AIGC to generate complex and rich content over which the instruction inputter has limited control and influence. In the case of collaborative human-computer creation, the problem is even more complex. In the case of works created by a natural person in collaboration with an AI, the rights of both parties are even more difficult to clearly define, and it is difficult to determine the proportion of the rights of each of the human creator and the AI in accordance with the traditional rules of rights attribution.

The lack of clarity in the attribution of rights is not only prone to disputes, but also affects the efficiency of the dissemination and utilization of the work. In the process of dissemination of works, due to the disputes between the parties on the attribution of rights, it may lead to the works not being authorized and used normally, hindering the healthy development of the cultural industry. Therefore, it is urgent to establish a set of rules on attribution of rights adapted to the creation of AIGC.

3.2.3 The Blurring of Work Originality and Scope of Protection

AIGC The judgment of originality of generated content is another difficult problem faced by traditional copyright, which also leads to the blurring of the scope of protection of works. The originality of traditional works stems from the author's unique intellectual labor and individual expression, and this originality is the core element for works to obtain copyright protection [7]. While the source of originality of AIGC-generated content is more complex, some AIGC-generated content may have a certain degree of innovation, but this innovation is based on algorithms and data, and it is difficult to determine whether it embodies the unique conception of human beings.

In the case of AI-generated works, for example, although the images are unique, it is difficult to determine how many elements of human creativity have been incorporated into them. The AI learns from a large number of pre-existing works, and then generates new works based on the input instructions. These works may be innovative in terms of color matching, composition, etc., but this innovation is just the combination and deformation of existing data by the algorithm, and does not originate from the unique creative inspiration of human beings. From the traditional criteria for determining originality, it is difficult to determine whether AI works are sufficiently original to obtain copyright protection. A blanket exclusion of AI works from copyright protection may inhibit the development of AIGC technology in the field of artistic creation; however, granting them copyright protection

may conflict with the traditional theory of originality.

AIGC has also given rise to many new forms of works, such as dynamic interactive art works, real-time generated virtual scenes, etc., which are difficult to be categorized into the existing scope of copyright protection. Dynamic interactive works of art integrate a variety of art forms and technical means, the audience can interact with the work to influence the presentation effect, the creation and presentation of such works is very different from traditional works of art. The real-time generated virtual scene is a virtual space generated in real time according to the user's behavior and environment, and its content and form are constantly changing, which makes it difficult to be defined by traditional types of works. The emergence of these new forms of works makes the law face a dilemma in protecting these works and fails to provide adequate protection for the creators. In the absence of a clear scope and standard of protection, creators may face greater risks in creating these new types of works, which may also affect innovation and development in related fields

4. THE BREAKING PATH TO THE DILEMMA OF COPYRIGHT ATTRIBUTION OF AIGC GENERATED WORKS

4.1 Legislative Improvement

Improving AIGC-related legislation is the key to solving the problem of copyright attribution. First of all, the legal status of AIGC works should be clarified in the law and included in the scope of protection of copyright law. It is possible to draw on international legislative experience to provide a special definition of AIGC works and distinguish between different types of AIGC works, such as works generated entirely by AI, works generated by human-machine collaboration, etc. Secondly, it is necessary to formulate legislation based on the principle of "human-machine collaboration" and the principle of "human-machine collaboration". Secondly, the criteria for determining the attribution of rights should be formulated with "human-computer collaboration" and "substantial contribution" as the core. For works generated entirely by AI, it can be considered to grant copyright to algorithm developers or data providers, which provide the basic conditions for AIGC creation; for works generated by human-computer collaboration, the rights should be allocated according to the degree of substantial contribution of each subject to the creation of the work. At the same time, a mechanism for the exercise and protection of the rights of AIGC works should be established, and the scope and limitations of the rights of the right subjects should be clarified, so as to guarantee the healthy development of the AIGC industry [8].

4.2 Optimization of Judicial Practice

In judicial practice, it is crucial to establish a specialized trial mechanism for AIGC copyright disputes [9]. Since AIGC copyright cases involve complex technical issues and legal disputes, ordinary trial personnel may lack professional knowledge and experience, making it difficult to accurately determine the facts of the case and apply the law. Therefore, a specialized intellectual property court can be set up or a professional trial team can be formed to strengthen the study and research on AIGC technology and copyright law, so as to improve the professionalism and accuracy of case adjudication.

Issue guiding cases to standardize the scale of judicial decisions. By analyzing and summarizing typical AIGC copyright dispute cases, it clarifies the adjudication ideas and standards, and provides references for lower courts to hear similar cases. At the same time, the integration of justice and technology was strengthened, and technical experts were introduced to assist in trials, helping judges understand the principles of AIGC technology and the creative process, accurately judging the originality of the work and the attribution of rights, and ensuring the fairness and authority of judicial decisions.

4.3 Strengthening Industry Governance

Promoting the formulation of industry standards and norms is an important measure to strengthen the governance of the AIGC industry. Industry associations, enterprise alliances and other organizations should play an active role in formulating standards and norms for the creation, use and trading of AIGC works, and clarifying the rights and obligations of all parties. Clarify the norms for the use of AIGC training data and ensure that the data sources are legal and compliant; establish quality evaluation standards for AIGC works and improve the overall level of the works.

Establish the registration and traceability mechanism of AIGC works. Through the registration of works, clarify

the attribution of the rights of the works, and provide a basis for subsequent rights defense and transactions. Utilize blockchain technology to realize the traceability of works to ensure that the creation process and circulation information of works can be traced to prevent infringement. At the same time, it strengthens communication and collaboration among platforms, enterprises, creators and users, and establishes a multi-party industry governance mechanism to jointly promote the healthy development of the AIGC industry.

4.4 Technology Empowerment

Dealing with problems in algorithm design can prevent and break the deconstruction of AI on intellectual property rights from the source [10], and the same can be done in the era of AIGC to break the dilemma through technology-enabled copyright [11]. The use of blockchain technology to realize the AIGC works of affirmative evidence. Blockchain has the characteristics of decentralization and tampering, etc. Recording the relevant information of AIGC works on the blockchain can effectively prove the creation time, authorship and right attribution of the works and provide reliable technical support for copyright protection. At the same time, with the help of smart contracts to automate the management of copyright use and transactions, it realizes the automation of the processes of authorization, payment, settlement, etc., improves the efficiency of transactions, and reduces transaction costs.

Utilize the role of artificial intelligence in infringement monitoring and rights defense. Develop an infringement monitoring system based on artificial intelligence to monitor the use of AIGC works on the network in real time and discover infringement behaviors in a timely manner. Utilize natural language processing, image recognition and other technologies to quickly compare and analyze infringing content and improve the accuracy and efficiency of infringement determination. At the same time, it provides intelligent rights protection services for right holders to help them safeguard their legitimate rights and interests, and builds an AIGC copyright protection system that combines technology and law.

5. CONCLUSION

The rapid development of AIGC technology has brought unprecedented challenges to the copyright system, and the issue of copyright attribution has become a key factor restricting the development of AIGC industry. This thesis analyzes the characteristics of AIGC creation, the applicable dilemmas of the current copyright system, discusses the deconstruction of traditional copyright by AIGC, and proposes a path to break the situation in terms of legislative improvement, optimization of judicial practice, strengthening of industry governance, and technological empowerment.

In the future, with the continuous innovation and development of AIGC technology, the copyright system also needs to be continuously adjusted and improved, so as to realize the dynamic balance between the legal system and technological development. At the same time, strengthening international cooperation and exchange and building a global synergistic AIGC copyright protection system will help promote the healthy and orderly development of the AIGC industry and facilitate the rational utilization and dissemination of innovative achievements. In the era of AIGC, only by properly solving the problem of copyright attribution can we fully stimulate the vitality of innovation and realize the benign interaction between technological progress and legal protection.

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