

The Evolving Landscape of Copyright: Lessons from the UK, China, and South Africa for Regulating AI-Generated Works in Ethiopia

Alemu Balcha Adugna*

Abstract

The meteoric rise of artificial intelligence (AI), or more particularly the ability to generate novel content, poses a powerful and new challenge to conventional copyright. Traditionally, copyright has been founded upon the theory of human authorship, an anthropocentric system that rewards and inspires human creativity. But the modern generative AI systems are currently producing sophisticated works without or with minimal human contribution, which leaves a legal gap and raises fundamental questions as to who, if anybody, should be the owner of these works. Ethiopia's existing legal regime, predominantly the Copyright and Neighbouring Rights Protection Proclamation No. 410/2004 and its amendment Proclamation No. 872/2014, is based on the human model and lacks any solitary special provision concerning AI-generated works, which presents a fundamental obstacle to their protection. In a bid to bridge this critical issue, this article provides a comparative doctrinal and legal discussion of the distinctive approaches of the United Kingdom, China, and South Africa. These jurisdictions offer useful lessons: the UK's realistic approach of assigning authorship to the person who takes the "necessary arrangements" in a computer-generated work; China's innovative, case-by-case "human-in-the-loop" approach that grants copyright for human creative input; and South Africa's potentially broad, yet so far untested, legal foundation for computer-generated works. From this set of experiences, this article derives some key recommendations for Ethiopia, including clarifying authorship, creating a system of training data in AI, and establishing a flexible legal and judicial infrastructure to respond to the complex future of copyright law in the digital age.

Keywords

AI; AI-generated works; copyright; anthropocentric approach.

A Diamond Open Access Publication of HUJL under the CC BY 4.0 Copyright License.



DOI: <https://dx.doi.org/10.4314/hujl.v10i1.1>

* LLB, LL.M, Assistant professor, Madda Walabu University, Bale Robe, Ethiopia, Email: alexbalcha08@gmail.com ORCID No.: 0000-0002-4679-6150

Acknowledgement: The author would like to thank the editor-in-chief and the reviewers of this manuscript for their efforts in bringing this work to publication.

1. Introduction

The rapid evolution of artificial intelligence (AI) has presented a fundamental challenge to the underlying principles of intellectual property (IP) law, namely copyright.¹ Copyright has been premised on the doctrine of human authorship, the idea that a work must be an expression of human intellectual creativity to be eligible for protection.² Yet, AI programs are now generating sophisticated works of art, music, and writing with minimal human input, raising difficult questions about who, if anyone, should own these creations.³ The debate over the protection of works created by artificial intelligence is not new; it is the latest iteration of an ancient struggle between copyright law and technological advancement.⁴ Historically, copyright law has responded to new technologies, such as the printing press, photography, and movie-making, by expanding its reach to include these new means of expression.⁵ However, the arrival of AI raises a particular and existential threat as it affects the core principle of human authorship.⁶

Conceptually, the central issue is that copyright, as evolved over centuries, is an anthropocentric regime.⁷ It is meant to reward and promote human creativity by providing authors with a temporary monopoly over their creation. An "author" is a "natural person" whose original intellectual contribution and creative choices are incorporated in the final work. This is the "spark of creativity" which copyright must protect.⁸ Due to recent AI, particularly generative AI, systems are now capable of producing sophisticated and stunning works of art, paintings, musical pieces, or written content nominally or even without explicit human creative input.⁹

¹ Ryan Abbott, 'The Artificial Inventor Project: An Idea to Promote Innovation and Harmonization' (2018) 39 *Cardozo L. Rev.* 2487, 2488–89.

² Peter Jaszi, 'Toward a Theory of Copyright: The Metamorphoses of "Authorship"', *Duke Law Journal*, Vol. 1991, No. 2, Jun. 1991, P.458

³ James Grimmelman, 'The Elephant in the Room: The Human Author Requirement for Copyright', *Journal of Intellectual Property Law*, Vol.30, No.1, 2023, P.131–133.

⁴ Jane C. Ginsburg, 'The Concept of Authorship in an Age of Automated and Autonomous Creation', *Columbia Journal of Law & the Arts*, Vol.30, No.1, 2007, P.119.

⁵ William Patry, *the Story of Copyright: From Gutenberg to the Google Book Search Settlement* (2010).

⁶ Andres Guadamuz, 'Artificial Intelligence and Copyright' (WIPO Magazine, October 2017) https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html accessed 8 December 2025

⁷ Temitope O Oloko, 'Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape', *Asian Journal of International Law*, Vol.5, No.1, 2024, P.1–28.

⁸ Mark A. Lemley, 'How Generative AI Turns Copyright Upside Down', *Columbia Science and Technology Law Review*, Vol.25, No.1, 2024, P.21.

⁹ *Ibid.*

The history of this argument traces back to the mid-20th century. Despite the 1956 coinage of the term "artificial intelligence," the early disputes regarding "computer-generated works" began during the 1970s.¹⁰ It had been argued that the individual creating the code or the person typing in the data was clearly the author, as the machine was simply an extension of the human will, much like a camera or a pen.¹¹ The British Copyright, Designs and Patents Act of 1988 was the first to accomplish this by an express provision, creating a category of "computer-generated works" in which the author was "the person by whom the arrangements necessary for the creation of the work are undertaken".¹² This legislative effort, while progressive for its time, still anchored authorship to a human actor.

However, the contributions of AI have since moved far beyond such simple tool use. The AI models based on machine learning and neural networks are able to learn from vast datasets and come up with novel content based on independent decisions.¹³ The debate revived and intensified this shift from a simple tool to a more autonomous "creator". The essential question is no longer who holds the copyright on a work produced using a computer but whether a work produced by a computer with minimal or no human creative input can be copyrighted at all.¹⁴ This has resulted in a divergence of legal and academic opinion, with some nations adopting a more malleable, case-by-case basis that emphasises the degree of human control, while others rigidly stick to the conventional human authorship requirement.¹⁵

Coming to the context of Ethiopia, the Copyright Proclamation 410/2004¹⁶ and its amendment proclamation 872/2014,¹⁷ as well as its corresponding regulation, did not have any specific rules on the protection of AI-created works. The existing legal framework is based on the principle of human authorship, which serves as a major barrier to protecting content generated solely by AI. Further, in the absence of a specific legal framework, the question of who owns the copyright to an AI-

¹⁰ Andres Guadamuz, *supra* note 6

¹¹ Ibid.

¹² Ibid.

¹³ Mark A. Lemley, *supra* note 8

¹⁴ Ryan Abbott, *supra* note 1

¹⁵ Jane, C, *supra* note 4

¹⁶ Copyright and Neighboring Rights Protection Proclamation, Proc No. 410/2004, Negarit Gazeta, 10th Year, No. 55, (2004)) (herein after called Copy right proclamation 410/2004)

¹⁷ Copyright and Neighbouring Rights Protection (Amendment) Proclamation No. 872/2014, Fed. Negarit Gazeta, 20th Year, No. 20 (2015) (here in after called Copyright amendment proclamation 872/2014)

created work is unclear. Is it the developer of the AI, the user who provided the prompt, or the AI itself? This ambiguity also extends to liability. If an AI system generates content that infringes on an existing copyrighted work, who is legally responsible for the infringement? Accordingly, the general objective of the study is to critically examine the existing gaps in Ethiopia's copyright law through a comparative analysis of international experiences to draw lessons for the future of Ethiopian intellectual property law in the digital age. To achieve this objective, doctrinal legal research methodology is employed, accompanied by a comparative approach. As far as comparison is concerned, China, South Africa, and the UK are purposively selected as they have good experiences in relation to regulating the issues of AI-generated works.

This article is organised into six sections. The first section presents introductory matters. The second section provides debates against and in favour of the protection of AI-created works. The third section presents the experiences of selected countries on the protection of AI-created works. The fourth section presents the status of AI-created works under the Ethiopian copyright system, while the fifth section presents lessons from other jurisdictions and the need for protecting AI-created works in Ethiopia. The sixth section provides concluding remarks.

2. Debates Underlying the Protection of Works Generated by AI: Arguments for and Against

The debate over the copyrightability of AI-generated work is intense, with each side presenting tight arguments. The most important question involves what constitutes an "author" and the general purpose of copyright law itself. The arguments against and in favour of the protection of works generated by AI are presented as follows:

2.1. Arguments against the protection of works generated by AI

As noted above, there are various arguments against copyrighting works generated by AI. One of the strong arguments against copyrighting works generated by AI pertains to the Lack of Human Authorship. The most compelling argument against copyright protection of works generated by

AI is that AI is not a human being.¹⁸ That is, copyright law is actually meant to protect the intellectual works of human beings.¹⁹ Under the civil law tradition, a work must have an imprint of the personality of the author in order to be worthy of copyright protection. AI systems lack personality and consciousness, and therefore, their products cannot meet this requirement.²⁰ Further, the distinction between the "Tool" and "Creator" matters. While the AI can be used as a tool by a human designer, a paintbrush, or a camera, the legal landscape changes if the AI takes ownership of creative decisions.²¹ In the vast majority of legal systems, copyright is a right to a "creator" or "author," something which has always been assumed to mean an individual human being. An AI system, however sophisticated, cannot possess creative intent, emotion, or consciousness, which are held to be critical for "authorship."²²

The second argument is based on the risk to Human Creativity and Economic Incentives. The very purpose of copyright law is to encourage human creativity by granting creators monopoly rights over their work, thereby creating an economic incentive for authors. In light of this, granting copyright protection for AI-generated work might deny this basic principle. If copyright is granted in work produced by AI, it might devalue human artists, writers, and musicians' work.²³ The ability of AI to produce work at speed and scale could be stifling to the market, making it unachievable for human creatives to compete and earn a living.²⁴ Furthermore, awarding copyright to works without a human author would detract from the incentive for human creativity. Instead of protecting human creativity, it would be protecting the output of machines, which could stifle, as opposed to encourage, the creative work.²⁵

¹⁸ Adnan Masood, 'Intellectual Property Rights and AI-Generated Content — Issues in Human Authorship, Fair Use Doctrine, and Output Liability', Vol. 10, No. 1, 2025, P. 123.

¹⁹ Ibid.

²⁰ Creative Commons, Artificial Intelligence and Creativity: Why we're Against Copyright Protection for AI-Generated Output (Aug. 10, 2020), <https://creativecommons.org/2020/08/10/no-copyright-protection-for-ai-generated-output/> [<https://perma.cc/example>] accessed 8 June 2025

²¹ USC, *AI, Copyright, and the Law: The Ongoing Battle over Intellectual Property Rights*, USC, <https://sites.usc.edu/ipr/2025/02/04/ai-copyright-and-the-law-the-ongoing-battle-over-intellectual-property-rights/> accessed 6 August 2025.

²² Adnan Masood, *supra* note 18

²³ Copyright and Generative AI, *The Regulatory Review*, June 7, 2025, <https://www.theregreview.org/2025/06/07/seminar-copyright-and-generative-ai/> accessed 6 August 2025.

²⁴ Ibid.

²⁵ WIPO, *Artificial intelligence and copyright*, WIPO Magazine, May 2017, https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html accessed 6 August 2025.

The final argument against the protection of AI-generated works comes from the vantage point of the use of copyrighted works for training AI. AI models train on enormous datasets, riddled with an enormous amount of copyrighted content, without the consent of the authors. This raises significant issues of copyright infringement.²⁶ Copyright law aims to enhance human creativity by giving a temporary monopoly to authors over their creations. Since an AI does not need to be motivated to create, giving copyright to its works would not satisfy the inherent purpose of the law. The process of "data mining" or "scraping" copyrighted content to train an AI model can be considered an infringement of the copyright owner's exclusive right of reproduction of his/her work.²⁷ In addition, when AI-generated content largely reproduces the style, themes, or even specific details from the copyrighted materials it has been trained on, it ends up arguably performing derivative work without any permission. This, in itself, damages the market for the original work and makes it unfair competition.²⁸

2.2. Arguments in Favour of the Protection of AI-generated Works

As it has been stated earlier, there are different arguments that argue against the protection of AI-produced works. On the contrary, there are different arguments that support the protection of AI-produced works. The main argument for the protection of AI-produced work is that it would encourage the creation and utilisation of AI technology itself.²⁹ The copyright law is essentially designed to promote the "Progress of Science and useful Arts" through granting authors an exclusive right in their work for a limited period of time.³⁰ By providing eligibility for protection to works generated by AI, the same incentive would be provided to users and developers of AI systems. Without a guarantee of exclusive rights, it might happen that the enormous financial and intellectual effort required to build, train, and utilise advanced AI systems would be lost. This

²⁶ Simon Chesterman, 'Good Models Borrow, Great Models Steal: Intellectual Property Rights and Generative AI', Vol.44, No.1, 2024, P.23

²⁷ Ibid.

²⁸ Built In, AI-Generated Content and Copyright Law: What We Know (2025), <https://builtin.com/artificial-intelligence/ai-copyright> accessed 6 August 2025.

²⁹ Diplo, 'AI-generated Content and IP Rights: Challenges and Policy Considerations' (Diplo, 1 January 2025) <https://www.diplomacy.edu/blog/ai-generated-content-and-ip-rights-challenges-and-policy-considerations/> accessed 8 May 2025.

³⁰ Joshua Landau, 'Artificial Intelligence and Intellectual Property, Part III: IP Protection for AI-Assisted Inventions and Creative Works', American University Business Law Review, Vol.14, No.1, 2025, P.811.

would deter innovation and retard the creation of AI technology as a whole.³¹ It would also provide a clear avenue for commercialising such works, facilitating an opportunity for a revenue stream to be invested further in research and development.³²

A second core argument is grounded in human-in-the-loop authorship. According to this stance, even with sophisticated generative AI, there is always a human creator, and that creator's creative work needs to be recognised and preserved. The argument establishes a comparison between AI and other creative tools that have been granted copyright protection, such as cameras and other photographic equipment.³³ The human who uses the tool by providing the prompt, refining the output, or crafting the finished work is the true writer. The activity is considered to be more like "authorship" than, say, a camera for a photographer or a movie director for a team of cameramen and actors. The AI is just a tool to an end, an exceedingly sophisticated instrument that executes the human creator's intent.³⁴ This discussion counters the rigid definition of a "physical person" being the sole creator and instead focuses on the creative ownership and intellectual labour of the human user. The level of human control and creative input should determine whether the work can be copyrighted or otherwise.

In the landmark case of *Burrow-Giles Lithographic Co. v. Sarony*, the Supreme Court ruled that a photograph was eligible for copyright because the photographer had creative control over composition, lighting, and arrangement.³⁵ Supporters of the copyrightability of AI-created work argue that a human user's creativity, the entering of a very highly specified prompt, the selection of parameters, and iterative adjustment of the output are the same type of creative control and intellectual effort. From this view, the AI is merely the medium through which a human's creative output is conferred upon.³⁶ Certain legal traditions, like China, have already signed up to this view, as a court ruled that a picture created using text-to-image software could potentially be protected

³¹Dentons, AI and intellectual property right (2025), <https://www.dentons.com/en/insights/articles/2025/january/28/ai-and-intellectual-property-rights> accessed 8 May 2025.

³² Ibid.

³³ Pamela Samuelson, 'Allocating Ownership Rights in AI-Generated Works', *Santa Clara Law Review*, Vol.69, No.3, 2019, P.342.

³⁴ James Grimmelmann, *supra note 3*

³⁵ Peter J. Wiedenbeck, 'Copyright and the Creative Photographer: *Burrow-Giles v. Sarony*', *Journal of the Copyright Society of the USA*, Vol. 45, No. 1, 1998, P. 209

³⁶ Bird & Bird LLP, 'Copyright Protection for AI generated works - Recent Developments' (2024) [<https://www.twobirds.com/en/insights/2024/china/copyright-protection-for-ai-generated-works-recent-developments> accessed 8 June 2025]

as the human operator had positively designed the individual elements and composition via prompts.³⁷

Another justification for the protection of AI-generated work is resolving Legal Uncertainty and Promoting Harmonisation.³⁸ The lack of a clearly defined legal regime for AI-generated works creates much legal uncertainty for the public and for companies.³⁹ If not protected by copyright, AI-generated works could be viewed as public domain and therefore subject to unregulated use and exploitation. This lack of a well-defined ownership structure makes it difficult for companies to demarcate their rights vis-à-vis competitors, potentially delaying their ability to monetise their AI-generated content.⁴⁰ The World Intellectual Property Organisation (WIPO) acknowledged that there existed a worldwide demand for debate on this issue, as the divergent nature of law across nations can derogate such protection quite significantly.⁴¹ By establishing a system that protects AI-generated works, either by traditional copyright or a completely new *sui generis* (specialised) legal framework, policymakers can provide much-needed clarity. This would benefit creators and businesses as much as it would advance international intellectual property law harmonisation, a necessary component of a global digital economy.⁴² Some countries, like the UK, have already started doing so by amending laws to cover computer-generated works in cases where there is some human input involved, paving the way for others.⁴³

3. Experiences of other Jurisdictions

As it has been mentioned in other parts of the article, the world communities are grappling with the issues of AI-generated works, as the debate on the protection of such work continues. Because of the complexity of the issues that left most of the scholars in a dilemma, different countries have begun to develop distinct approaches. The experiences and the approach of the selected country are presented as follows:

³⁷ Ibid.

³⁸ Temitope O. Oloko, *supra* note 7

³⁹ Ryan Abbott, *supra* note 1

⁴⁰ Adnan Masood, *supra* note 18

⁴¹ Bird & Bird LLP, *supra* note 36

⁴² Virtus Interpress, *The Legal Protection of Artificial Intelligence-Generated Work: The Argument for Sui Generis Over Copyright* (Virtus Interpress 2023) 15

⁴³ Temitope O. Oloko, *supra* note 7

A. South Africa

South Africa has the most interesting and progressive position in Africa on AI and intellectual property. Looking at the existing legal framework of South Africa, South Africa's Copyright Act has a provision that can be construed to cover computer-generated works.⁴⁴ A person is referred to as an "author" under Section 1(iv) of the Copyright Act in terms that, when the work is computer-generated, are "*the person by whom the arrangements necessary for the creation of the work are undertaken*".⁴⁵ While the provision was originally drafted to protect works made by previous computers, legal experts argue that the provision may be applied to current AI-generated work. This definition matters because it shifts the focus from the activity of material production to the human effort that goes into architecting the system. It acknowledges the fact that the person who initialises the AI, provides the prompts, and monitors the creative process is the person who must be seen as the author. In other words, the aforementioned provision is extremely crucial as it does not necessarily oblige the author to be the person directly creating the work. Instead, it grants authorship to the individual who sets up, configures, or programs the computer system.⁴⁶ This places South Africa in a relatively small group of jurisdictions worldwide that have legislation that can be interpreted as giving protection to works created by AI, assuming one is in a position to locate a human who made the necessary arrangements.

Furthermore, the Companies and Intellectual Property Commission (CIPC) of South Africa made global headlines in 2021 when it granted a patent to an invention created by an artificial intelligence (AI) program named DABUS.⁴⁷ While it was a patent, not a copyright, it revealed a willingness on the part of a South African government agency to recognise a non-human entity as an inventor. Although this decision has been highly debated and rejected in most other countries,

⁴⁴ Copyright Amendment Act 125 of 1992 of Copyright Act 98 of 1978 § 1, Section 1(iv) available at https://www.gov.za/sites/default/files/gcis_document/201409/act125of1992.pdf accessed 8 June 2025

⁴⁵ Ibid.

⁴⁶ Burger Huyser Attorneys, How Digital Art And AI Affect Ownership And Copyright In South Africa, (Aug. 6, 2025), available at <https://www.burgerhuyserattorneys.co.za/how-digital-art-and-ai-affect-ownership-and-copyright-in-south-africa/> accessed 8 June 2025

⁴⁷ Ryan Abbott, *supra* note 1

it reflects a more progressive approach within South Africa's administrative and legal system than exists in many other countries.⁴⁸

So far, no specific court rulings in South Africa exist that specifically address the protection of creative works made by AI under copyright law. There have, however, been several notable court cases regarding the misuse of AI technology in legal trials that demonstrate the conservative attitude of the courts to the technology. For instance, in cases like *Northbound Processing v SA Diamond Regulator* and *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs*, courts sternly rebuked legal teams for citing non-existent case law generated by AI tools.⁴⁹ Such verdicts equate to an express warning to legal practitioners about the ethical and professional obligation to verify all AI-generated content.⁵⁰

Despite the provision above, the South African legal system remains a "grey area."⁵¹ In the absence of explicit court rulings on the matter, there is no authoritative judicial precedent to provide guidance on how the provision would be interpreted in a modern context. Therefore, while South African law offers a potential line of protection, the practical result and enforcement would likely hinge on the facts of each case, and most importantly, the amount of human input and creative control.⁵²

B. China

Among Asian countries, China is the benchmark jurisdiction in regulating the protection of works created by AI with a series of trailblazing court decisions. While China's Copyright Law of the People's Republic of China is devoid of provisions in favour of works created by AI, its courts

⁴⁸ Carina van der Berg, 'South Africa Becomes First Country to Grant a Patent to an AI Inventor', *De Jure*, Vol.4, No.1, 2021, P.1.

⁴⁹ *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal*, [2025] ZAKZPHC 2

⁵⁰ Herbert Smith Freehills, *The Pitfalls of AI in Legal Research: A South African Perspective*, (Apr. 14, 2025), <https://www.hsfkramer.com/notes/africa/2025-posts/the-pitfalls-of-ai-in-legal-research-a-south-african-perspective> accessed 8 June 2025.

⁵¹ Spoor & Fisher, *Is AI Sufficiently Contained by Intellectual Property Laws?*, (Sept. 7, 2023), available at <https://spoor.com/is-ai-sufficiently-contained-by-intellectual-property-law/> accessed 8 June 2025.

⁵² Wen Dean, 'Copyright v Grey Goods in South Africa, Australia and Singapore', Vol.126, *S Afr L J*, 2009, P.745.

have interpreted existing law to grant copyright to works on a case-by-case basis.⁵³ This pragmatic approach focused on human creative effort rather than on the technology itself. Chinese courts have been progressive in that they have understood that AI can be used as a tool of human expression, such as with a paintbrush or a camera. The deciding factor is a human author having sufficient creative control and making unique aesthetic decisions in the process of creation.⁵⁴

From recent rulings, there are two landmark cases that have made an impact on the Chinese courts' position regarding the protection of works created by AI. These judgments have adopted a "human-in-the-loop" policy in which the test for copyright protection is the level of human creative contribution and not just the use of an AI instrument. In a landmark 2020 case, *Tencent v. Shanghai Yingxun*, the Beijing Internet Court shielded a copyright for an article written by a Tencent AI program.⁵⁵ The court held that although the article was written by AI, it was the output of a human's creative choices in constructing and setting up the AI system. The court considered the AI as a device, and the person who commissioned the process to be performed was deemed the author. The case further became rooted in more modern precedent when a human was granted copyright of a photo created by an AI. The court put significant emphasis on the human's significant creative contribution in selecting the prompts, parameters, and ultimately, the end product, to express a personal aesthetic vision.⁵⁶ China's approach is a lesson in a legal framework in which the law is interpreted in a dynamic way to accommodate technological innovation.

This legal framework is further supported by the Interim Measures for the Administration of Generative Artificial Intelligence Services (GAPM), which is not a copyright law itself but became operational in 2023.⁵⁷ Article 4 and Article 12 of the GAPM require that generative AI services "respect intellectual property rights" and that AI-generated content must be labelled to prevent

⁵³ Dan L Burk, 'Copyright and AI: China's Pragmatic Approach', *Journal of Intellectual Property Law & Practice*, Vol.18, No.1, 2020, P.52.

⁵⁴ Haochen Sun, 'The Chinese Approach to Copyright Protection of AI-Generated Works', *Journal of Legal Studies*, Vol. 6, No. 1, 2020, P. 5.

⁵⁵ *Tencent v Shanghai Yingxun Tech. Co.* (2019) Shenzhen Nanshan Dist People's Ct (2019) Yue 0305 Min Chu No 14010

⁵⁶ *Ibid.*

⁵⁷ Interim Measures for the Management of Generative Artificial Intelligence Services (promulgated by the Cyberspace Administration of China, et al., July 13, 2023, effective August 15, 2023) (P.R.C.).

confusion.⁵⁸ These steps solidify the government's commitment to creating a regulated environment that balances technological innovation and protection of intellectual property rights.

Another noteworthy case is that of *Li v. Liu* (2023). It was a case relating to a picture produced through AI based on the "Stable Diffusion" model.⁵⁹ A Beijing court ruled that the picture was copyrightable and that the plaintiff, who had created the picture by entering prompts and adjusting parameters, was the author. The court's justification was that the plaintiff's creative process, including selection of prompts, organisation of elements, and aesthetic sense, was sufficient human intellectual input.⁶⁰ This case solidified the "human-in-the-loop" doctrine, establishing a human user's creative effort in generating a prompt for an AI that can be enough to meet copyright protection requirements.⁶¹ This decision was a stark departure from the strict "human-only" authorship requirement in other countries.⁶²

In light of such landmark rulings, the current position of Chinese law on AI-generated works is not based on a new special law but on the judicial flexibility in applying the current copyright law. The Chinese legal framework, through judicial precedents, has thereby created a path for the protection of AI-assisted creations ahead of China's position as a more AI-friendly jurisdiction in the creative industry than most Western countries.

C. United Kingdom

In Europe, the United Kingdom is an exception to the broad European principle of requiring human authorship for copyright protection. The UK law has a special provision for computer-generated works that was put into place many years ago, before the recent boom in AI. The UK's Copyright, Designs and Patents Act 1988 is one of the very few legal frameworks in the world that specifically addresses computer-generated works. It clearly states:

⁵⁸ Linklaters, China Publishes Interim Measures for Generative AI Services, Linklaters Client Alert (Jan. 1, 2024), <https://www.linklaters.com/en/insights/blogs/china-publishes-interim-measures-for-generative-ai-services> accessed 8 June 2025.

⁵⁹ *Li v. Liu*, (Beijing Internet Court, 2023)

⁶⁰ He Jing, 'Beijing Internet Court's First Case on AI-Generated Images' Copyright Protection', *Journal of World Intellectual Property*, Vol.10, No.42.5, 2023

⁶¹ Pamela Samuelson, *supra* note 33

⁶² *Ibid.*

"In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken."⁶³

This provision defines a "computer-generated work" as a work created "in circumstances where there is no human author of the work". The law intended to ensure that even such works in which a human did not contribute directly to the final product could be copyrighted. This legal fiction gives the title of authorship to the person who created the system or the program that produced the work.⁶⁴ This could be the programmer, whoever created the AI, or the user who provided the stimulus, depending on how much creative input and control are made.⁶⁵

While the provision was initially drafted with respect to earlier forms of computer-aided creation, it remains the primary legal basis for the protection of works generated by AI in the UK.⁶⁶ However, its relevance to modern generative AI, which is capable of generating highly complex pieces with minimal intervention from humans, has been questioned and consulted upon by the UK Intellectual Property Office.⁶⁷ Some feel the law is outdated and does not effectively react to the nuance of modern AI, but others see it as a practical solution that ensures the economic value of AI-generated works.⁶⁸

There are only a few UK court decisions to directly consider the copyright protection of works produced by AI. But even the one notable case, *Nova Productions Ltd v Mazooma Games Ltd* (2007), does contain some judicial explanation of the law to be applied.⁶⁹ The issue was about the copyright in images that were made in the course of a computer game. The High Court ruled that the images produced by the computer were original artistic works under UK copyright law, and

⁶³ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (Eng.), Section 9(3)

⁶⁴ Jonathan L. Hardisty, 'Authorship and AI: The UK's Pragmatic Approach to Computer-Generated Works', *Journal of Intellectual Property Law & Practice*, Vol. 4, No. 1, 2020, P. 5.

⁶⁵ Phillip Johnson, 'Computer-Generated Works and the Creative Spark: A Comparative Analysis of UK and US Copyright Law', Vol. 10, No. 1, 2011, P. 7.

⁶⁶ Sim Intellectual Property Office, Consultation on Copyright and Artificial Intelligence (2025), available at <https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence> accessed 8 June 2025

⁶⁷ Intellectual Property Office, Consultation on Copyright and Artificial Intelligence (2025), available at <https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence> accessed 8 June 2025

⁶⁸ Authors Alliance, The UK's Curious Case of Copyright for AI-Generated Works: What Section 9(3) Means Today, (May 19, 2025), <https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-93-means-today/> accessed 28 May 2025

⁶⁹ *Nova Productions Ltd v. Mazooma Games Ltd.*, [2007] EWCA Civ 219, [2007] RPC 14.

the coder who wrote the code was the author as he had created the "arrangements necessary" for their production, not the player.⁷⁰

In short, the UK position is a firm outlier among significant jurisdictions, primarily because of a specific provision in its copyright law. This represents a radical departure from the EU and US form, which requires a work to be the product of a human's "own intellectual creation" and a reflection of his/her personality. Unlike the UK model, the rest of the European Union, including Germany and France, follows the dogma of human authorship of EU law, as the Court of Justice of the European Union (CJEU) has construed, requires that a work must be an "author's own intellectual creation" and must convey the "personality" and "free and creative choices" of a human being.⁷¹ Therefore, a work created exclusively by an AI with no input of human creativity would not be qualified for copyright protection per the laws of most EU member states. The new EU AI Act, in governing AI systems, is more concerned with openness and data usage than with the creation of a new legal right over AI works.⁷²

4. The Status of AI-Generated Works under Ethiopian Copyright Law

Ethiopia's copyright legal regime is relatively modern and has been shaped by the need to protect creative works in a globalised world. The traditional foundation of intellectual property in Ethiopia was initially addressed in the 1960 Civil Code, but it was not until the post-1990 constitutional era that comprehensive, determinative legislation was passed. The primary legislation addressing copyright is the Copyright and Neighbouring Rights Protection Proclamation No. 410/2004, as later amended by Proclamation No. 872/2014. This piece of legislation, like most traditional copyright systems globally, is based on the fundamental principle of human authorship. It presupposes that a work must be a product of human intellectual effort and creativity to be eligible for protection. This "anthropocentric" approach to copyright is deeply embedded within the law's

⁷⁰ Catherine Davies, 'Authorship and Originality in Computer-Generated Works', *Journal of Intellectual Property Law & Practice*, Vol.5, No.1, 2010, P.4.

⁷¹ Annette Kur, 'The European Union and Copyright in the Age of Artificial Intelligence', *Journal of Intellectual Property Law & Practice*, Vol.10, No.6, June 2015, P.455.

⁷² Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonized rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2017/2109, and repealing Directive (EU) 2015/1535, 2024 O.J. (L 2024/1689) 1.

structure and wording, making it challenging to apply to works produced by autonomous AI systems.

There is no specific provision in Ethiopian law for the protection of works produced by AI. The existing legal framework is based on the theory of human authorship, and this is the principal hindrance to the protection of content that is produced solely by AI. Copyright and neighbouring rights proclamation 410/2004 and amendment proclamation 872/2014 did not recognise the works produced by AI. The stringent scrutiny of this proclamation tells us that it only serves to safeguard original works written by human authors. This is clear from the definition of authors as envisioned under this proclamation. Accordingly, the Ethiopian copyright and neighbouring rights protection proclamation number 410/2004 had defined the term Author as "the person who has intellectually created a work and, in case of a computer program, the person who has created the program".⁷³ We can conclude from this article that the copyright owner of a computer program is the creator of the program.

To make the issue clearer, the proclamation defined a computer program as a set of instructions, couched in words, codes, schemes, or otherwise, which can, when loaded into a machine-readable medium, cause a computer to perform or achieve a particular task or result.⁷⁴ Such definitions convey that the Ethiopian copyright law confers the ownership right of copyright to natural persons. The Provisions of the legislation, including those concerning moral rights (for example, the right of authorship assertion and opposition to the mutilation of one's work), are necessarily bound up with a human author. The legislation protects works on grounds of originality and fixation in a material form, yet the author must be human.

Again, the amendment Proclamation No. 872/2014⁷⁵ primarily sought to strengthen enforcement actions, for instance, regarding collective management societies, and did not introduce any provisions that would expand the definition of authorship to include non-humans. Some writers suggest that AI-generated works can be assimilated into orphan works and treated like works without masters. The concept of "works without masters" is primarily governed by Article 2(2) of

⁷³ Copy right proclamation 410/2004, article 2(2)

⁷⁴ Ibid, article 2(7)

⁷⁵ Copyright amendment proclamation 872/2014

the Copyright and Neighbouring Rights Protection 410/2004⁷⁶ and Article 2(34) of the amendment Proclamation No. 872/2014⁷⁷. According to this article, works without masters include those creations whose author is not known or traceable, or creations that do not have any owner at all but have significance for the nation culturally and artistically. The inclusion of this term was mainly done by the Ethiopian legislative body to provide an avenue for the government to manage such works that would otherwise be out of legal purview.

The "masterless" nature of AI-generated content provides a compelling, albeit theoretical, entry point for its inclusion under this provision. Per Ethiopian law, legal personality can only be vested in natural persons or legal entities, and since an AI lacks both features, it cannot be considered an author or owner in accordance with copyright laws. Thus, the AI-generated work is said to be technically "authorless." It has been suggested that the copyright amendment Proclamation No.872/2014 can fill this gap by enabling the state to regulate these digital products, which are not owned by anyone, as orphan works.

However, per the findings of the previous works, the important legal limitation is that extending the law in this way is highly improbable in the current judicial environment. The consensus among most legal experts and commentators is that the phrase "works without masters" was created to protect Cultural Heritage and Traditional Knowledge, like the weaving techniques used by indigenous peoples or their folklore.⁷⁸ Such works constitute communal representations of cultural heritage rather than being digital products that could be sold for financial gain.⁷⁹ Above all, Article 2(34) of the Copyright Amendment Proclamation No.872/2014 defines work without a master as a work which has been declared by the court of law as a work without a master. All AI-generated works should be declared so by the court, which makes it difficult for the courts to handle such issues, as thousands of works could be produced within seconds. Therefore, following the current legal setup in Ethiopia, a work created entirely by an AI without any significant human creative input is likely not to be entitled to the benefit of copyright, and, with the evolving AI technology

⁷⁶ Copy right proclamation 410/2004, article 2(2)

⁷⁷ Copyright amendment proclamation 872/2014, article 2(34)

⁷⁸ Simret G/tsadik Araya and Berhanu Belayneh Beyene, 'Effect of cultural appropriation on the cultural garment weaving industry: the case of weavers in Addis Ababa, Ethiopia', *Cogent Social Sciences*, Vol.10, No.1, 2024.

⁷⁹ Ibid.

to generate original literary pieces, it raises the issue of how the law of copyright applies to the same.

5. Lessons From Other Jurisdictions and the Need for Regulating AI-Generated Works in Ethiopia

Drawing from the approaches of the United Kingdom, China, and South Africa, Ethiopia can learn several key lessons regarding the regulation of AI-generated work and copyright. Ethiopia's current legal framework, while having a foundation in the Copyright and Neighbouring Rights Protection Proclamation No. 410/2004 as amended by Proclamation No. 872/2014, does not specifically address the complexities introduced by AI. Therefore, the experiences of these three countries offer valuable insights.

The first important lesson is about the meaning of authorship and originality in the context of AI. The UK's Copyright, Designs and Patents Act 1988 (CDPA) is more generous in outlook by expressly covering "computer-generated works." The Act defines the author as "the person by whom the arrangements necessary for the creation of the work are undertaken."⁸⁰ This is pragmatic since it grants protection for the owner of the AI process even if there is no human creativity in the traditional sense. This provides a clear legal basis for copyright protection of works created by AI without any human intervention. Conversely, Chinese courts, in a case like *Li Yunkai v. Liu Yuanchun*, have leaned towards the granting of copyright for AI-generated works where a human user demonstrates significant intellectual contribution and creative choices through his/her inputs and parameter adjustments.⁸¹ This focuses on the human as a creative director and not just an operator.

For Ethiopia, the takeaway is the need to clarify who owns the copyright in AI-generated works. Should it be the AI developer, the user who provides the prompt, or should such works fall into the public domain? The absence of clear regulation gives rise to legal uncertainty and a potential vacuum where creators', users', and the public's rights are not suitably protected. With Ethiopia's digital revolution that is going on, the absence of a legal framework for AI creations would

⁸⁰ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK).

⁸¹ *Li Yunkai v. Liu Yuanchun*, (2023) Jing 0491 Min Chu No. 11279, Beijing Internet Court (China).

inevitably cause an immense challenge, and it is necessary to regulate matters. There must exist a clear legal environment delineating authorship in this case. Without this, one cannot claim ownership, which further prevents one from licensing, selling, and exercising rights over AI-generated work. This ambiguity can dissuade innovation, as authors and businesses will not have a tangible path to commercialising their work. Ethiopia may adopt the hybrid approach: determining the human user as author where such use of the AI tool exhibits superior levels of competence and creativity, and establishing work rules produced with minimal human input. This will prevent the legal vacuum and encourage the utilisation of AI tools as a new creative medium.

The second crucial lesson involves the legal status of using copyrighted material to train AI models. The UK has grappled with this issue, considering an exception to copyright law for text and data mining for commercial purposes.⁸² This has put AI developers, who seek broad access to data, at odds with copyright holders, who want to be compensated for the use of their work. A proposed "rights reservation model" in the UK would render copyright holders "opt-out" to prevent their content from being used to train AI, a step that has been criticised by creator groups.⁸³ The legal landscape in South Africa provides another perspective. The current Copyright Act 98 of 1978 follows a closed-list "fair dealing" approach, narrower than the "fair use" doctrine of other countries.⁸⁴ It would thus appear that the utilisation of copyrighted material for the purposes of training an AI model would not fall within fair dealing and would accordingly be a copyright infringement.

Ethiopia can learn from these two divergent models. The UK's consideration of a broad exception for AI training demonstrates the balance required between promoting innovation and protecting the rights of creators. The inhibitive approach of South Africa, on the other hand, demonstrates how technological innovation may be hampered where the law is not being updated. Ethiopia should consider creating an explicit, targeted exception for text and data mining to facilitate the development of its own AI industry, as well as a way for creators to control and be compensated for the use of their work. That means Regulations should be established to provide a threshold for

⁸² The UK Government, Copyright and Artificial Intelligence: Consultation on Proposals (Dec. 2024), available at <https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence/copyright-and-artificial-intelligence> accessed 28 may 2025

⁸³ Ibid.

⁸⁴ Copyright Act 98 of 1978, c. 98, § 12 (S. Afr.).

originality in the case of AI, as well as to combat copyright infringement by AI. This is crucial in a bid to protect human creators' rights and ensure their works are not utilised without their consent or compensation.

Furthermore, all three countries demonstrate that there is a need to create a legal framework that can evolve with technology. The UK's Copyright, Designs and Patents Act 1988, while out of date, is a basis that courts have been compelled to interpret in the context of present-day AI.⁸⁵ China's judiciary has been bold, making decisions that are sometimes inconsistent, but attempting to establish the legal landscape on a case-by-case basis.⁸⁶ South Africa is on the verge of adopting a Copyright Amendment Bill that includes a wider "fair use" provision, a sign of its attempt to modernise its law.⁸⁷ In Ethiopia's case, that would mean early legislation is valued, but it should also pay attention to creating a system that can grow. This might mean creating a specialised intellectual property court or a regulatory agency with the power to issue guidelines and interpret the law as new AI technologies arise. Ethiopia also has to ensure coordination between the Ethiopian Intellectual Property Authority, the Ethiopian Artificial Intelligence Institute, and all other stakeholders to ensure that any new law is well-informed, balanced, and in favour of creators' rights and technology development.

To wind up, Ethiopia can take lessons from nations that have already addressed the issue before it, such as China and the UK. The country can design a visionary legal framework that balances the interests of technology creators, human creators, and the public. Ethiopia's newly ratified National AI Policy and the Ethiopian Artificial Intelligence Institute (EAI) demonstrate a government commitment to addressing these issues and can be used as a platform for future legislative revisions.

6. Concluding Remarks

Navigating the uncharted territory of AI-generated content and its relationship with copyright law is a pressing challenge for Ethiopia. The country's current legal framework, rooted in the traditional

⁸⁵ UK Copyright, Designs and Patents Act 1988, c. 48

⁸⁶ Dan L Burk, *supra* note 53

⁸⁷ Carina van der Berg, *supra* note 48

concept of human authorship, is ill-equipped to handle the complexities introduced by modern artificial intelligence. While the Copyright and Neighbouring Rights Protection Proclamation No. 410/2004 and its subsequent amendment have served their purpose, they do not provide a clear pathway for protecting works created by AI. This legal vacuum and uncertainty could hinder technological innovation and leave creative works vulnerable to exploitation.

To address these challenges, Ethiopia must draw lessons from international experiences, particularly from jurisdictions that have begun to address the issues. The United Kingdom's pragmatic approach of assigning authorship to the person who makes "the arrangements necessary" for a computer-generated work offers a clear, if debated, model for a legal fiction. In contrast, China's judicial precedents, which emphasise the "human-in-the-loop" model, provide a more nuanced framework that prioritises human creative input. Meanwhile, South Africa's evolving legal landscape, which includes a specific, though broad, provision for computer-generated works, highlights the potential for a more flexible and forward-thinking approach.

In light of the above conclusion, the article recommends the following: First, Ethiopia should undertake a comprehensive review and amendment of its Copyright and Neighbouring Rights Protection Proclamation No. 410/2004 to specifically address the perplexities between Copyright and AI-generated works. The existing definition of "author" as a "person who has intellectually created a work" is a significant barrier to the protection of AI-assisted creations. Drawing from the experiences of the UK and China, Ethiopia could adopt a legislative model that differentiates between fully autonomous AI creations and those where a human provides significant creative input.

Further, the Ethiopian government, in collaboration with the Ethiopian Intellectual Property Authority (EIPA) and other relevant bodies, should establish a clear policy on the use of copyrighted material for AI training. This would ensure that creators are fairly compensated for the use of their work as training data, while also allowing the Ethiopian AI industry to access the necessary resources to grow.

Conflict of Interest

The author declares no conflict of interest.