Intellectual Property, Generative Ai, and you.

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Intellectual Property, Generative Ai, and you

- Sections covered in this lecture are:
  - What is Intellectual Property (IP) and its subcategories?
  - What causes Copyright Infringement?
  - Exceptions to Copyright Law.
  - Types of Licensing and permissions to use copyrighted material.
  - How does Ai work with Copyright Law?
  - How does Copyright Law affect you as a student?

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Intellectual Property (IP).

- Having the right type of intellectual property protection helps you to stop people stealing or copying your work:
  - The names of your products or brands.
  - Your inventions.
  - The design or look of your products.
  - Things you write, make or produce.

(Source: www.gov.uk)

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Intellectual Property (IP).

- You own intellectual property if you:
  - created it (and it meets the requirements for **copyright**, a **patent** or a **design**).
  - bought intellectual property rights from the creator or a previous owner.
  - have a brand that could be a trademark, for example, a well-known product name.

(Source: www.gov.uk)

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Intellectual Property (IP).

- Intellectual property can:
  - have more than one owner.
  - belong to people or businesses.
  - be sold or transferred.

(Source: www.gov.uk)

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Copyright ©.

- Copyright protects your work and stops others from using it without your permission.
- You get copyright protection automatically - you do not have to apply or pay a fee. There is not a register of copyright works in the UK.
- You can mark your work with the copyright symbol ©, your name and the year of creation. Whether you mark the work or not does not affect the level of protection you have.
- © (option+G on the keyboard)

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Copyright ©.

- You automatically get copyright protection when you create:
  - original literary, dramatic, musical and artistic work, including illustration and photography.
  - original non-literary written work, such as software, web content and databases.
  - sound and music recordings.
  - film and television recordings.
  - Broadcasts.
  - the layout of published editions of written, dramatic and musical works.

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Copyright ©.

- Copyright prevents people from:
  - copying your work.
  - distributing copies of it, whether free of charge or for sale.
  - renting or lending copies of your work.
  - performing, showing or playing your work in public.
  - making an adaptation of your work.
  - putting it on the internet.

Who Owns the Copyright?
The Author (you) hold the copyright on any **original** work you create. Unless you are an employee of a company, and it is your job to create the original work.

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Patent, and Design.

- **Patent.**
- A UK patent may help if you want to take legal action against someone who uses your invention without your permission. For example, if they sell or manufacture your product in the UK. Patents need to be applied for.

- **Design.**
- A design registration helps protect the appearance of a product, such as its shape or pattern. Designs need to be applied for.

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Trade Mark ®.

- You can register your trade mark to protect your brand, for example the name of your product or service. A Trade mark needs to be applied for.
- When you register your trade mark, you'll be able to:
  - take legal action against anyone who uses your brand without your permission, including counterfeiters.
  - put the ® symbol next to your brand - to show that it's yours and warn others against using it.
  - sell and license your brand.

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Trade Mark ®.

- Your trade mark can include:
  - words
  - sounds
  - logos
  - colours
  - a combination of any of these

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What Causes Copyright Infringement?

Simply put, Copyright is infringed when someone uses a substantial part of a copyright work without the copyright owner's permission.

Copies made inside a human brain do not infringe copyright. For example, a person may remember a song and sing it in their head, without infringing copyright in it. (Gav note: This is because there is no tangible file, document, or recording for the song being stored in the brain).

But they would infringe copyright if they wrote down the song or performed it in public without permission or the appropriate licences.

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What Causes Copyright Infringement with Ai?

In contrast, copies made within an AI "brain" may infringe copyright. For example, an Ai may store a copy of a song within its memory.
(Gav note: This is because there **is** a tangible data file for the song being stored in the Ai brain and it has the ability to perfectly replicate the original song).

Like a human, an AI may also infringe copyright by generating copies of the song externally, performing it, distributing it, or communicating it to the public.

…more on this in a moment.

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Exceptions to Copyright Law (gov.uk)

As well as owning copyright works yourself, you may wish to make use of someone else's copyright protected works. There are certain very specific situations where you may be permitted to do so without seeking permission from the owner.

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Exceptions to Copyright Law (gov.uk)

- Non-Commercial research and Private Study.
- Text and Data Mining for Non-Commercial Research.
- Criticism, Review, and Reporting Current Events.
- Teaching.
- Helping Disabled People.
- Time-shifting.
- Parody, Caricature, and Pastiche.
- Sufficient Acknowledgement.
- Fair Dealing.

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Non-Commercial Research and Private Study

The purpose of this exception is to allow students and researchers to make limited copies of all types of copyright works for **non-commercial research or private study**.

In understanding whether your use of the work is permitted or not you must assess if there is any financial impact on the copyright owner because of your use. Where the impact is not significant, the use may be acceptable.

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Types of Permission to use Copyrighted Material.

Licensing: Get written permission from the copyright holder.

- Dictates what you can/cannot do with the copyrighted work.
- Permission may come with a fee (eg. Stock photos).

Public Domain: A work usually becomes Public Domain and free for use 50 to 100 years after an author's death.

- Terms of this depend upon the type of work involved.

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Types of Permission to use Copyrighted Material.

Creative Commons: A type of license which gives others permission to share, use, or add to a created work.

Types of Creative Commons Licenses.

- BY **Attribution**: Credit the original Author for the work you are using.
- NC **Non-Commercial**: Can use the work as long as you do not charge for it or make profit from it.
- ND **No Derivatives**: The work can be used but cannot be altered.
- SA **Share Alike**: Share it with the same license as what is applied to the original work. (Re-selling).

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Other Types of Permission to consider.

- **Location Release**: Permission may be needed to be gained from the owner of a location in order to use footage of that location in a project.
- **Model Release**: A signed document allowing the use of a person's likeness and/or image in a project.

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Everyday Ai vs Generative Ai.

- Everyday Ai:
  - You will encounter 'everyday Ai' in many of your digital interactions throughout any give day.
  - Auto Spell check in MS Word or the Adobe Applications.
  - Auto focus on a camera or smart phone.
  - Social Media algorithms that show you content that leans towards your preferences.

It is up for discussion if 'everyday Ai' is a good thing. Generally, it is. However, it is handy to know when Ai is helping and when it is not.

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Everyday Ai vs Generative Ai.

- Generative Ai:
  - Creating images, illustrations, logos, written texts, music and photographs in response to prompts.

This is where the big discussion is taking place within creative industry circles

Where are the boundaries?
How does it impact on copyright?
What is the impact for creatives and the industry in general?

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Generative Ai and UK Copyright Law.

Unlike most other countries, the UK protects computer-generated works which do not have a human creator. The law designates the author of such a work as "the person by whom the arrangements necessary for the creation of the work are undertaken". Protection lasts for 50 years from the date the work is made.

Copyright is infringed when someone uses a substantial part of a copyright work without the copyright owner's permission. This applies to Ai as well as human creative practices.

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Understanding how Generative Ai works.

- **Input:**
  - **Text Data Mining (TDM)**. How the Ai learns.
- **Output:**
  - **Protectability**. Can the Ai generated work be protected under copyright law.
  - **Liability**. Should an infringement occur, who is liable?

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Understanding how Generative Ai works.

- **Input:**
  - **Text Data Mining (TDM)**. How the Ai learns.

  Text Data Mining / Image Scraping. Ai tools are trained by being given access to internet-based images with relative impunity. Much of this content will be protected IP and be Copyrighted works.

  This is where any Copyright infringement is most likely to occur. The responsibility is on the user to ensure that any input information is not breaching copyright. This can be extremely difficult to do.

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Understanding how Generative Ai works.

- **Input:**
  - **Text Data Mining (TDM)**. How the Ai learns.

  Example: Getty Images vs Stable Diffusion 1&2. Stable Fusion is accessing 12 million visual assets from Getty Images through its Text and Data Mining training processes. 7.3 million of which are Copyrighted Works.

  Adobe on the other hand, only access images it already has copyright access to so is a safer option but more limited.

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Understanding how Generative Ai works.

- **Output:**
  - **Protectability**. Can the Ai generated work be protected under copyright law.

  As mentioned before, Ai generated works can be protected by UK Copyright Law. As long as it adheres to the the same rules and regulations we do as human creatives.

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Understanding how Generative Ai works.

- **Output:**
  - **Liability**. Should an infringement occur, who is liable?

  You the User, the Ai model developer, and the Ai model provider can all be held liable depending on the type of infringement and its severity.

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What happens when Copyright is Infringed?

Infringement is where someone uses the whole or a substantial part of copyrighted work without your permission and none of the exceptions to copyright can be applied.

In reality, complaints will only really be pursued if the infringement is for commercial purposes and is granting you financial gain.

Rule of Thumb: Ask your self this, if I use this copyrighted material am I going to directly make money from it, and impact on the creator's earnings?

- If yes: Don't do it.
- If no: You will most likely be protected by one of the exceptions.

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What happens when Copyright is Infringed?

If a complaint is made for a breach in Copyright the first stage is to go through a process of Mediation. This is where both parties try to resolve the issue outside of court. It usually involves some form of compensation and creative adjustment so that the infringement is resolved.

If it cannot be resolved by Mediation, then it will go to court and be presented before a judge.

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What is a "Substantial Part"?

A "substantial part" is not defined in copyright law but has been interpreted by the courts to mean a qualitatively significant part of a work even where this is not a large part of the work. Therefore, it is quite likely that even a small portion of the whole work will still be a substantial part.

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Ai for Personal Use.

If you are using Ai for purely personal use, in terms of exploration, development of ideas, stylistic enquiry then you will be fine as these are covered under the Exceptions to Copyright.

If you are then looking to display your findings in a public space you will need to use clear referencing and giving credit to the original artists / designers / creatives when ever possible.

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Ai for Commercial Use.

If you are using Ai as a tool to create work that is for monetary gain or for commercial purposes and is public facing, then you need to fully understand the Terms of Service of the Ai generator. Keep in mind that Terms of Service are generally there to protect the company not the user, so any liability will most likely be directed towards the user.

Using Ai to help visualise a commercial concept as part of an internal design process is fine. The final public facing design will need to adhere to normal Copyright regulations.

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Recap.

Infringement is where someone uses the whole or a substantial part of copyrighted work without your permission and none of the exceptions to copyright can be applied.

In reality, complaints will only really be pursued if the infringement is for commercial and financial gain.

Rule of Thumb: Ask your self this, if I use this copyrighted material am I going to directly make money from it, thus impacting on the creator's earnings?

- If yes: Don't do it.
- If no: You will most likely be protected by one of the exceptions.

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Recap.

Most of what you do in University will be covered by the Exceptions to Copyright Law.

This is also why we strongly encourage you to look at creating original works, especially in the 3rd year. As it is most likely this work that will be public facing.

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Thanks for staying awake ☺

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