

AI, IP, Copyright, and human knowledge and traditions

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Abstract

While AI at this stage of development mainly encompasses a world of promises it has the potential for preparing a new world of opportunity and mutual advancement. Many 'AI' offerings at the moment however can be defined as hyped up search engines, useful software tools, and even malicious programs that facilitate, for example, child abuse, cybercrime, mental health disorders in children and which could and do steal personal identity, IP and Copyrighted material.

While several of the main players started out altruistically the main entities are competing commercially for users and profit. Several are also demanding access to our personal communications and our data storage.

Others are deliberately exploiting human endeavour and putting our (human) systems and personal data at great risk.

We are also told AI might steal jobs. We need to decide if and where AI is indeed preferable to human contact and do we have a moral obligation to keep humans employed in a world where one must earn one's keep to survive. Humans also need stimulating work for good mental health.

One of the arguments against mental health disorders in children brought about by insidious social media is the sidelining of human childhood traditions of play and socialisation with friends. Social media prefers to keep children in plain sight and keep feeding them

with warped messaging. Social media is not good for child mental health and the acquiring of people skills that interaction with other children facilitates. Most countries have now brought in legislation to protect children. Are we applying the same cautions to AI?

While AI can provide exceptional benefits to human life it can be a hugely destructive force if not regulated and applied morally and carefully.

Some AI is also claiming ownership of all knowledge built to date; knowledge which has been the result of millennia of human endeavour. Add to that, currently the world's knowledge is housed and judiciously taught by our respected global academic institutions where it is subject to copyright and is acknowledged intellectual property. Are the commercial AI purveyors safeguarding our human tradition or using it for commercial advantage?

This paper looks at these issues and at what safeguards are being applied to AI development and use globally to protect Intellectual Property and Copyrighted material.

Keywords: artificial intelligence, intellectual property, copyright, human knowledge, human tradition.

The World View

AI policies are currently being devised globally in reaction to this enormous change in policy, legality and particularly to protect human endeavour and knowledge and prevent it being 'owned' by those who did not author it and who are quickly building their AI storage units and disguising it as new work. It is not new work. It is human knowledge, repackaged. As such its human authorship needs to be acknowledged legally and where applicable, financially. Most countries are doing this.

The policies of most countries currently protect Intellectual Property, Copyright and human rights. Most countries of the world are designing new AI policies along the lines of only human knowledge and endeavour can be copyright. In the Middle East for example, IP and copyright laws typically require a natural human author, meaning fully autonomous AI-generated content falls into a legal grey zone. However, AI-assisted works can be protected if they reflect sufficient human contribution, and authorities are actively enforcing unauthorized AI use.

Middle East

Navigating AI and intellectual property in the Middle East requires attention to distinct regional developments:

Human Authorship Requirement: Copyright laws in key jurisdictions like the UAE and Saudi Arabia only recognize natural or legal persons as authors. Outputs generated purely by AI without meaningful human intervention are often considered to be in the public domain.

AI-Assisted Protections: AI works lack copyright protection, works that feature significant human input, such as iterative prompts, detailed editing, and modifications can be copyrighted.

Copyright Infringement: Regulators are actively policing unauthorized AI usage.

Patent and Trademark Rules: Patent systems in countries like the UAE require a human inventor. AI can be used to ideate and create new trademarks, but the resulting marks must still satisfy traditional IP and brand registration requirements.

Data Privacy and Scraping: Businesses must navigate regional data privacy laws. In both the UAE and Saudi Arabia, strict Personal Data Protection Laws (PDPL) apply to data scraping, making the sourcing of AI training datasets a major compliance focus.

Australia

In Australia Copyright and AI interact in three ways:

1. No AI training exception
The Australian Government has rejected a 'text and data mining exception for AI'
2. No Copyright for AI Output
Copyright only protects original works with human intellectual effort
3. Active policy updates
4. No copyright for AI generated content.

- The law requires that an original work must have a human author. AI generated material 'does not belong to anyone'

- If uploading copyrighted material to AI the copyright remains with the original author or creator.

- If a human uses AI to assist in developing material the resulting work may be eligible for copyright protection.

United States

US copyright law includes a broad fair use doctrine, meaning a greater variety of reproductions can be classified as non-infringing. Despite a broader definition of fair use, both jurisdictions assess fairness in relation to similar factors, including the purpose and character of the use, the nature of the work, the amount used and the market impact of the use.

The US Copyright Office Report considered the key question of whether training or use of generative AI models involves reproduction of copyright works so as to potentially give rise to a cause of action for copyright infringement. It identifies several ways reproduction of copyright works may occur, including:

- through the downloading, copying, and modification of copyright works for training datasets; and
- through the process of an AI system memorising copyrighted works and making temporary copies during model optimisation; and
- when an AI system produces "material that replicates or closely resembles copyrighted works".

European Union

The EU has adopted a comprehensive and binding framework for regulating the intersection of AI and copyright. This dual regime includes:

The AI Act, which imposes obligations on developers of general-purpose and high-risk AI systems to document training data, label AI-generated content, and implement safeguards against the use of copyrighted material in certain circumstances. These obligations are enforceable by EU national regulators with penalties of up to 7% of global turnover for serious non-compliance.

Developers training AI on EU-based content must verify whether a valid opt-out applies and secure licences where required. Failure to do so may result in copyright infringement.

China

In China, the legal framework surrounding AI-generated content is also developing. A ruling by the Beijing Internet Court in November 2023 recognized copyright protection for an AI-generated image, provided that the work demonstrates originality and reflects a human's intellectual effort. This decision signifies a progressive stance toward acknowledging AI-assisted creations under Chinese copyright law. Furthermore, China's regulatory approach mandates that AI-generated content must be clearly labeled, and AI companies are held liable for any misinformation or unlawful content produced by their models.

AI and Academia

Most Universities have their own AI policies as do Academic journals. That said, they usually follow already accepted conventions.

National schools and universities already house the world's knowledge which is made available to students. Along with knowledge acquisition, comes reasoning and invention and research. It has got us to where we are now. This knowledge and reasoning built AI systems in the first place.

Knowledge belongs to all humanity and all humanity authored it. If AI is to be used for profit then proceeds should go to everyone on the planet. The 'AI providers' are just providing the vehicle to distribute the knowledge, they don't own the knowledge. They only own the interface.

It is up to students and staff to decide if AI is doing the job it claims to do.

Conclusion

We have seen inventions and systems born and developed since humans first walked the earth approximately 300,000 years ago. Making tools is what we are good at. Inventions and knowledge have improved our collective lives and were born of our collective minds and endeavour.

We need to ensure that the age of 'artificial intelligence' is not monopolised by those who have just 'added the last knob to our collective knowledge machine' and that it serves the true purpose of humankind where the dream and endeavour for most of us has always been a world of sharing and mutual growth.

We must also be vigilant and curb the commercial aspirations of 'AI suppliers' to ensure they do not charge us for what we already own.

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