

**Divergence or Convergence of Market Interests:
Re-Thinking the Authorship of AI-Aided Audiovisual Works in Betwixt European
Union Copyright Norms and Global Industry Guidelines**

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Abstract:

Technology has historically been a catalyst in the genesis and evolution of modern European copyright discourse. Dating back to the advent of the printing press in the 15th century, technology's waltz with copyright laid the foundations of modern copyright law and paved the way for an author-centric European copyright regime. Since then, two major technological leaps, with several centuries apart, have had a profound impact on this author-centric legal system grounded in the realities of the publishing industry. First and foremost, the invention of the kaleidoscope in the 17th century and the proliferation of cinema as an industry in the mid-1890s confronted the compatibility of a copyright regime centred around literary works and their authors, which eventually led to the introduction of new categories of works and authors—cinematographic works and the principal directors of films—into the modern copyright discourse. Secondly, and more recently, the emergence of rapidly evolving artificial intelligence (AI) technology has not only put the key principles and norms of copyright under scrutiny but also shaken modern copyright discourse to its core by questioning a taken-for-granted tenet of this normative regime: *human-centric* creativity, hence *human* authorship.

This paper aims to investigate the interplay between these two phenomena: the inevitable impact of AI on 'authorship' in the contemporary European film and animation industry, with the purpose of evaluating how the use of generative AI tools might shape the legal conceptualisation of 'authorship' in audiovisual works within the European legal framework. In so doing, that paper pays equal attention to the ostensibly competing interests of the human authors, on the one hand, and the industry stakeholders—such as providers of AI-powered audiovisual generators, global online content-sharing and streaming platforms, and organisers of international festivals and awards dedicated to AI-aided or AI-generated films, on the other.

The paper initially revisits the theoretical justifications of the taken-for-granted human-centric authorship in the European jurisprudence. Then, it reviews EU copyright norms and the landmark decisions of the Court of Justice of the European Union (CJEU) in order to analyse the construction of human-centric authorship by deconstructing the notion of 'originality'.

Subsequently, it engages in an empirical research by investigating indicators of 'authorship' drawn from the regulatory sources (e.g. user agreements, license agreements, terms and conditions, entry requirements) of a carefully curated list of three major categories of global market actors: providers of AI-powered audiovisual media generators, global online content-sharing and streaming platforms, and organisers of international festivals and awards dedicated to AI-aided films. Systematically reviewing the instruments developed by these market actors,

the paper reveals the current market precedents and trends, which subtly impact the authorship discourse whilst securing the legitimacy of the exploitation of AI-aided creative content.

In sum, this paper aims to construe the ostensibly separate paths of the legislation and industry in shaping the future trajectories of the ‘authorship’ discourse to predict how the law- and technology-oriented market interests do (or would) diverge or converge in the (re)construction of ‘authorship’ in the age of AI.

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