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PROBLEMS OF LEGAL PROTECTION OF OBJECTS CREATED BY ARTIFICIAL INTELLIGENCE

OKSANA STADNYK, student

MAKSYM O. SUKHANOV, PhD in Law, Scientific Adviser

NATALIYA O. HRYNYA, Associate Professor, PhD in Philology, Language Adviser

Ivan Franko National University of Lviv

Ukraine is one of the most digitized countries in the world. Young IT developers are working hard in various spheres. One of them is improvement of artificial intelligence (hereinafter – AI). In the future, the latter should contribute to such fields as education, science, economy, information security, defence, public administration, justice and others. No less important is the issue of creation of intellectual property objects by artificial intelligence systems, including various works (i.e. paintings, songs, artistic and journalistic texts). The problem of this aspect lies in the absence, sometimes ambiguity and heterogeneity of legal regulation of these objects in international and national law. The legislator's task is to determine and ensure non-property and property rights of IT developers as well as the rights of holders of intellectual property objects, whose works were used by AI to create new objects. The Ukrainian Parliament made an attempt to standardize this aspect in the field of copyright and neighbouring rights, but the question of the effectiveness of those rules remains open.

The purpose of the work is to study the features of artificial intelligence as a computer program and to analyze the legal regime of AI-generated artworks.

The concept of “artificial intelligence” is mainly used in two meanings: as a scientific direction and technology itself. We will focus our attention on the last of them. Androschuk H. considers artificial intelligence to be a system artificially created by a person, capable of processing the information that comes to it, connecting it with the knowledge it already possesses, and forming its idea about the objects of knowledge accordingly. In general, AI is a complex computer program built from algorithms, capable of analyzing large volumes of information, working with heterogeneous databases, solving complex tasks, learning, making decisions independently of the human user, and simulating other cognitive functions of the human brain.

There are three types of AI: narrow artificial intelligence, general artificial intelligence, and artificial superintelligence. The second of them is at the peak of development. This AI reaches and surpasses the level of ordinary human consciousness: it can solve mathematical and logical problems, think abstractly, learn quickly, and also create objects of intellectual property. To do this, it uses input data (databases with works of music, paintings, etc.), processes them using a learning algorithm, and then generates its object based on them, applying a unique in each case, so-called prepared algorithm.

Creating objects with the help of AI, three phases are distinguished: concept, execution (generation of versions) and finalization (editing, selection of the final version). The role of the human’s creative contribution is essential at the stage of the concept and in many cases during the finalization. Taking into account the creative choice made by a person, and if such a choice is embodied in an object, the final result should be defined as an object of copyright. However, if the AI is programmed to automatically create content in the finalization process without the participation of the person making the creative choice. The copyright for such objects should not be extended because the degree of human’s intervention in the final result is low.

Obviously, at this time, artificial intelligence technology cannot be considered as a subject of law (it is not capable of realizing non-property and property rights). Therefore, we do not think it is possible to extend copyright to objects created by artificial intelligence.

To be considered copyrightable, works must meet the originality criterion, which is defined in the updated Law of Ukraine “On Copyright and Neighbouring Rights”. The presumption of creative nature developed by judicial practice is also connected with this criterion. They suggest that only a person as a human being can create something new, expressing his individuality and inner world in the process of creative work. It should also be borne in mind that during the generation of an object by artificial intelligence (if the system is sufficiently autonomous), the involvement of a natural person in the final product is minimal. Such a work cannot be considered original. Therefore, it is not protected by the copyright.

Aspects related to objects created by artificial intelligence clearly require proper legal regulation, because it is necessary to ensure the rights and legitimate

interests of its developers and users, as well as authors of works and right holders of objects of neighbouring rights used by AI.

From the beginning of 2023 the updated Law of Ukraine “On Copyright and Neighbouring Rights” entered into force and defined the concept of “non-original objects generated by a computer program”. The special kind of right called *sui generis* will now apply to them as well as to non-original databases in the EU. This means that non-property rights to them do not arise, and property rights belong to the authors of such computer programs, their successors or legitimate users. The term of validity of the rights to this object expires after 25 years, calculated from January 1st of the year following the year in which the non-original object was generated.

We consider *sui generis* (in the EU it is applied to non-original databases) as optimal enough to determine the legal regime of objects created by AI, because we see some similarities between the specified databases and AI products. The first is the lack of originality that is the characteristic of works created by human, the second is that both kind of objects are essentially a set of other works or fragments of works arranged or processed in a certain way. In our opinion, the very appearance of legal regulation in this area is a positive moment. However, it is difficult to predict how AI-generated objects created in Ukraine will be protected outside its borders, in the states that have not chosen the *sui generis* model.

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PRINCIPLES OF MEDIA FREEDOM IN DEMOCRACIES

SOFIA STASIUK, student

IRYNA TABINSKA, Assistant, Scientific Adviser

OLENA IVASYUTA, Associate Professor, PhD in Philology, Language Adviser

Ivan Franko National University of Lviv

The main purpose of mass media is the exchange of information in society, however, it also forms public opinion. Freedom of speech is one of the most important values of the modern world as it is an integral part of democracy. Media freedom is a fundamental principle of democratic countries, and it is enshrined in