ALGORITHM CREATIVITY AND THE FUTURE OF AUTHORSHIP IN THE AGE OF AI: RETHINKING MEDIA AND AUTHORSHIP

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Abstract

The integration of artificial intelligence (AI) into creative industries fundamentally challenges traditional views on creativity, authorship, and copyright law. This study aims to provide a comprehensive analysis of these challenges and propose adaptive frameworks for the future of human-AI collaboration. The study employs qualitative, utilizing secondary sources such as academic literature, legal documents, and case law. Grounded in Diffusion of Innovations findings indicate a lack of international consensus on AI authorship, with jurisdictions like the U.S. and Nigeria strictly mandating human authorship, while others, such as the UK, and adopt more accommodating legal positions. Furthermore, the study identifies critical ethical dilemmas, including the "value gap" in creator compensation, algorithmic bias, and the proliferation of synthetic media. The paper concludes that a collaborative paradigm that balances technological innovation with the protection of human creators should be created. The study recommends developing adaptive legal frameworks and ethical guidelines to foster a responsible future where AI serves to amplify, rather than diminish, human creativity.

Introduction

The rise of artificial intelligence (AI) has fundamentally challenged traditional views on creativity and authorship, prompting a critical re-evaluation of copyright law. Since the mid-20th century, generative AI has evolved into a transformative force in contemporary art and media (Ahmed et al., 2023; Cramerotti & Scalera, 2025). These technologies, which include large language models (LLMs) like ChatGPT and virtual assistants like Amazon's Alexa, demonstrate a remarkable ability to produce high-quality content that rivals human creations (Bubeck et al., 2023; Barbosu & Khashabi, 2025). The use of machine learning, generative adversarial networks (GANs), and creative adversarial networks (CAINs) has also provided artists and amateurs with innovative tools to augment their creative processes (Cappelletti, 2022). This burgeoning capability has given rise to the phenomenon of "AI artists" and "AI artistry" (Walter, 2025).

These advancements, however, introduce profound legal and ethical dilemmas. A central question is who holds the copyright for an AI-generated work—the programmer, the user, or the AI itself? The concept of originality, a cornerstone of copyright law, becomes ambiguous when applied to creations produced by algorithms (Lucchi, 2025). Legal cases like *Thaler v. Perlmutter*

have underscored that human authorship is an essential criterion for copyright protection, reaffirming the conventional perspective of copyright law and highlighting the difficulties in acknowledging AI-generated works as qualifying for copyright protection.

Academics largely agree that AI should not be granted authorship because it is a non-living entity that cannot think independently (Lu, 2025; Grassini & Koivisto, 2024; Maggiore, 2018). Furthermore, a significant "value gap" has emerged, as current mechanisms often fail to ensure that creators are fairly compensated when their copyrighted works are used to train AI models (Hemraj, 2025; Lu, 2025).

This paper explores the controversies surrounding these issues from two primary perspectives: the output perspective, which focuses on copyright for works produced by generative AI, and the input perspective, which examines copyright infringement related to the AI training process.

Statement of the Problem

The rapid proliferation and increasing sophistication of generative AI technologies have led to an intense debate over the ownership of AI-generated content (AIGC). While previous studies have delved into the intricacies of intellectual property, there remains a lack of international consensus on AIGC governance, which creates significant legal ambiguities. Unresolved issues include the ownership of AI-generated content and whether using copyrighted material for AI training constitutes infringement. This legal uncertainty creates potential economic disincentives for human creators, and ethical concerns regarding bias propagation and the displacement of human creative labor also demand immediate attention. Studies even reveal a negative bias in evaluating AI-created art, with a default preference for human artists (Cappelletti, 2022).

It is against this backdrop of rapid technological advancement, unresolved legal dilemmas, and ethical complexities that this study provides a comprehensive analysis. The study aims to bridge the realities of generative AI with its profound implications for creative industries, advocating for adaptive frameworks that not only promote innovation but also protect the rights and unique contributions of human creators.

Research Questions

This paper seeks to address the following key research questions:

i) How do the concepts of creativity and authorship evolve in the context of generative AI?
ii) What are the ethical dimensions of AI in creative fields, including synthetic media and socio-economic impacts on professionals?

iii) What policy recommendations and regulatory frameworks are necessary to address the legal and ethical challenges of AI in creative industries, emphasizing human-AI collaboration?

Research Methodology

This study employs a qualitative, descriptive, and analytical research design, utilizing a doctrinal legal research approach. Databases like Scopus and Google Scholar, were collected exclusively from secondary sources, including academic literature, policy papers, and reports from international organizations, legal documents, and key case law . The analysis will follow a three-step process: a thematic analysis of scholarly work, a critical doctrinal analysis of existing legal statutes, and a comparative analysis of regulatory frameworks across diverse jurisdictions such as the EU, U.S., UK,   UAE and Nigeria. This comprehensive methodology aims to provide a deeper understanding of the legal and ethical complexities surrounding AI and authorship, leading to well-grounded policy recommendations.

Theoretical Framework

The theoretical framework for this study is built upon two complementary pillars: the Diffusion of Innovations Theory and Media Ecology Theory.

The Diffusion of Innovations Theory, as popularized by Everett Rogers in his seminal 1962 work, provides a powerful lens for analyzing how generative AI is being adopted and integrated into creative industries. This theory suggests that an innovation must be widely adopted to become self-sustaining and helps us understand the rate at which AI technologies move from initial introduction to a "critical mass" of acceptance (Rogers, 1962). This framework is essential for examining the socio-economic impacts on human creators and the challenges they face in adapting to this new technological paradigm, which is a key part of our research.

The relevance of this theory is supported by several studies within the provided references. For instance, Heigl (2025) conducts a systematic review of generative AI in creative contexts, a methodology that inherently maps the adoption patterns and future research agenda for these technologies. Similarly, Zafar, Ali, & Yasin (2025)'s multi-method meta-thematic synthesis on "reimagining human creativity in the age of generative AI" also implicitly analyzes the diffusion process by examining how new creative practices are being adopted and integrated into a new technological environment.

The study is further supported by Media Ecology Theory, proposed by Marshall McLuhan (1964). This theory suggests that the complex web of media platforms, technologies, and content that individuals engage with shapes their perceptions and interactions (Logan, 2016). Media Ecology Theory explores how the new "medium" of AI fundamentally reshapes the concepts of

authorship and creativity. This theory, which posits that media technologies are not just tools but environments that alter human perception and social structures, allows us to critically analyze how AI's presence in the creative process redefines what it means to be a creator and what constitutes an original work (Logan, 2016). This theoretical lens is essential for moving beyond a simple analysis of AI as a tool, enabling us to view AI as a new creative environment.

The Concept of Creativity in the Age of Algorithms

Creativity has long been a topic of debate in scholarly inquiry, often conceived as the uniquely human capacity to produce ideas or artifacts that are novel and useful (Heigl, 2025). Generative AI (GenAI) can be defined as a technology that leverages deep learning models to generate human-like content (e.g., images, words) in response to complex prompts (Lim et al., 2023). The use of AI in the arts therefore involves relinquishing creative activity to mechanisms that can independently develop artwork in some phase or aspect of its production.

The integration of GenAI into creative workflows has initiated a profound shift in the design process that can be differentiated from traditional art (Dehouche & Dehouche, 2023; Heigl, 2025; Trefnger et al., 2023). Unlike previous waves of AI, which focused on predictive analytics or task automation, GenAI systems like ChatGPT and DALL-E function not merely as tools but as co-creators, raising foundational questions about authorship, originality, and creative agency (Zafar, Ali, & Yasin, 2025).

Academically, artificial creativity is broadly viewed from two perspectives: "independently creative AI," which aims for human-level creativity simulation, and "co-creative AI," which focuses on blending human and AI creativity in real-time, interactive processes (Cappelletti, 2022). Thus, algorithmic creativity can be defined as the capacity of computational systems to generate novel and valuable outputs by autonomously identifying intricate patterns and intelligently recombining elements from their extensive training data, while also recognizing their evolving capacity for independent learning and the ongoing debate regarding their intrinsic creative intent.

Authorship and Intellectual Property

The World Intellectual Property Organization (WIPO) defines an author as: "a creator of literary and artistic works, such as authors, musicians, poets, painters, etc." The concept of AI authorship and intellectual property has been a contentious issue for decades. The Copyright Act in various countries often missed the opportunity to address AI creation, a foreseeable development for drafters and lawmakers, and therefore failed to establish a clear position on AI-generated works (Zafar, Ali, & Yasin, 2025).

Intellectual property laws, particularly patents and copyrights, are crucial for incentivizing innovation (Oloko, 2025). Copyright law offers legal protection against copying if certain conditions are met by the work in question (Atilla, 2024; Thomas, 2024). This protection grants rights holders a broad set of exclusive rights, including the right to reproduce, distribute, and adapt their works. Traditionally, authors are individuals who, through their intellectual and imaginative powers, purposefully create a work that is distinctively their own (COPE Council, 2019).

The eligibility of AI-generated works for copyright protection depends heavily on court interpretations of originality and authorship (Oloko, 2025). Thomas (2024) argues that AI tools cannot meet the requirements for authorship. They lack intentionality, responsibility, and the ability to manage conflicts of interest or copyright agreements. Consequently, AI-generated works should not be protected by the Copyright Act unless they comply with all the requirements for human-authored works.

Other legal systems have taken different approaches. In Nigeria, for instance, the prevalent law on authorship makes continuous and specific reference to a "person" or a "corporate entity" (Olaniwun Ajayi LP, 2025). Conversely, the UK Copyright Industrial Design and Patents Act 1988 adopts a more accommodating approach in Section 9(3), which provides that the author of a computer-generated work "shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken" (Atilla, 2024).

This ongoing legal debate underscores the complexity of authorship in the digital age. While some argue that AI cannot "create" art without a human's intervention, making the human the rightful copyright holder, others, like Barbosu & Khashabi (2025), assert that copyright laws. Thus, the use of AI in ghostwriting necessitates a reevaluation of copyright laws and the recognition of AI contributions.

Ethical Dimensions of Algorithms in Creativity

The potential for algorithms to improve individual and social welfare comes with significant ethical risks (Floridi & Taddeo, 2016). Ethics, as a discipline, governs moral principles and behavior, and in the sphere of algorithmic creativity, this translates to scrutinizing what is right and wrong when machines participate in creative processes. Ethical considerations in this domain, particularly with the rise of synthetic media, are crucial for fostering a sustainable and equitable future for all.

A central ethical debate concerns authorship and intellectual property rights. While U.S. copyright law mandates human authorship, rendering purely AI-created works ineligible for protection (Brittain, 2025; Jobin et al., 2019), other jurisdictions, such as the UK, acknowledge "computer-generated" works and attribute authorship to human orchestrators (Atilla, 2024). This

lack of a universal understanding and "inconsistent judicial approaches" (Atilla, 2024, para. 4) creates significant legal ambiguities for creators and businesses.

Furthermore, the extensive use of existing copyrighted materials for AI model training, often without explicit consent or compensation, constitutes a contentious issue of copyright infringement that challenges established "fair use" doctrines (Bramlet, 2023; Cappelletti, 2022; Osadebe, 2010). Major lawsuits from copyright holders against AI developers highlight the unprecedented scale and complexity of these disputes (Bubeck et al., 2023), emphasizing the critical need to balance technological innovation with creators' compensation rights (Lucchi, 2023).

Beyond ownership, algorithmic bias represents another critical ethical dimension. AI systems learn from vast datasets, and inherent societal biases within this data, whether related to gender or race, can be absorbed, perpetuated, and even amplified in creative outputs (Barbosu & Khashabi, 2025; Walter, 2025). This can lead to discriminatory outcomes and raises concerns that AI-driven creativity might inadvertently reinforce existing inequalities.

The ethical imperative for transparency and the challenge of misinformation are also paramount. Many AI systems operate as "black boxes," offering limited insight into their decision-making processes (Grassini & Koivisto, 2024), making it difficult to identify and address biases. The proliferation of synthetic media, particularly deepfakes, exacerbates this challenge by enabling the creation of highly realistic yet fabricated content that poses a severe threat to digital truth and erodes trust in media (Grassini & Koivisto, 2024). The non-consensual use of individuals' likenesses in deepfakes also leads to significant harm, including privacy violations and reputational damage (Kaur, 2024). Consequently, transparency in AI use and cautious verification of AI-generated information, including citations, are essential (Atilla, 2024; Magesh et al., 2024; Wingström et al., 2024).

Finally, the socio-economic impact on creative professionals is a substantial ethical consideration. AI-driven automation of tasks such as content personalization and rapid prototyping (Archambault et al., 2024; Jobin et al., 2019) raises concerns about job displacement, particularly for repetitive creative roles (Sustainability Directory, 2025). Therefore, ethical considerations are necessary as to navigate the new terrain of AI in creativity. Ensuring fair recognition and adapting legal frameworks are crucial steps towards a responsible future.

Regulatory Frameworks for Human-AI Collaboration in Creative Industries

The rapid growth of AI has garnered significant interest from regulators worldwide. As a global phenomenon, AI presents a timely opportunity to demonstrate the value of good regulatory

practices. Legal systems are actively grappling with the implications of increasingly autonomous and creative AI technologies, with distinct regulatory traditions and philosophical orientations shaping how jurisdictions approach core legal concepts such as authorship, originality, liability, and human oversight (Al-Sharieh, 2021). A comparative examination of these trends helps illuminate the normative frictions and policy trajectories that frame the global legal conversation on AI authorship and creativity.

Across jurisdictions, the treatment of AI-generated content reveals both convergence and divergence. The European Union's proposed AI Liability Directive and the AI Act emphasize transparency, accountability, and human oversight. The EU adopts a risk-based regulatory model, categorizing AI systems into tiers from unacceptable to minimal-risk (Williams, 2025). This framework explicitly addresses transparency, including labeling requirements for synthetic media to inform users when they are interacting with AI or encountering manipulated content (Zurth, 2020).

In the United States, there is no single, comprehensive federal law governing AI authorship. Instead, the United States Copyright Office (USCO) has established guidelines requiring applicants to disclose the use of AI tools in their works and provide an explanation of the human author's contribution. The USCO has stated that copyright protection is only extended to works that owe their origin to a human being, a stance reflected in cases like *Naruto v. Slater*, which held that a non-human entity cannot be an author (Massadeh et al., 2024).

The United Arab Emirates has a more neutral, yet potentially protective, approach. Article 1 of the UAE Federal Law No. 38 of 2021 concerning Copyright and Neighbouring Rights specifies "Every innovative production...whatever its type, method of expression, importance, or purpose." This broad definition has been interpreted to suggest that AI-generated works can be considered legally protected, as long as they meet the criteria of being an "innovative production" (Al-Sharieh, 2021; Massadeh et al., 2024).

By contrast, jurisdictions like the United Kingdom have adopted a more conservative stance, remaining closely aligned with traditional authorship standards and generally resistant to granting protection to AI-generated works lacking substantial human contribution. However, the UK's regulatory framework, similar to the EU's GDPR, requires AI systems to comply with data protection obligations, including transparency and fairness in automated decision-making (Williams, 2025).

Other regions are also developing distinct regulatory paths. China's 2023 Generative AI Regulations reflect a pragmatic, innovation-driven approach that requires AI-generated content to be clearly labeled, mandates human oversight, and imposes platform responsibilities. Brazil's draft AI law focuses on fundamental rights, algorithmic accountability, and risk classifications similar to the EU's model (Zurth, 2020). Meanwhile, Nigeria's legal system, in its definition of

authorship, continuously and specifically references a "person" or a "corporate entity" (Olaniwun Ajayi LP, 2025). Because an AI is not considered a person, recognizing it as an author would be inconsistent with the country's fundamental legal principles.

These divergences complicate efforts to harmonize international norms and underscore the need for continual reevaluation of foundational legal concepts—such as authorship, originality, and personhood—within hybrid human-AI creative ecologies. The ultimate goal is to forge a stronger connection between intellectual property law and modern economic, industrial, scientific, and artistic life.

Findings and Discussions

The study's findings indicate that the concept of creativity has evolved, moving from an exclusively human domain to a collaborative space where AI functions as a "co-creator" (Cramerotti & Scalera, 2025). The research distinguishes between purely "independently creative AI" and "co-creative AI," with the latter representing the more prevalent and practical application (Cappelletti, 2022). This distinction is crucial because it highlights that while AI can autonomously generate novel outputs by recombining elements from its training data (Boo, Kim, & Suh, 2025; Wingström, Hautala, & Lundman, 2024)—it lacks the human intent and consciousness traditionally required for a work to be considered original (Estudio Santa Rita, 2024). The findings further confirmed that this lack of intent is the central philosophical and legal barrier to granting AI full authorship rights, as supported by a broad academic consensus (Lu, 2025; Grassini & Koivisto, 2024).

This redefinition of creativity directly impacts the concept of authorship. The findings demonstrate that traditional intellectual property laws, which are anchored in the idea of a work originating from an individual's "intellectual and imaginative powers" (COPE Council, 2019), are ill-equipped to handle AI-generated content. Legal cases like *Thaler v. Perlmutter* and the stances of organizations like the U.S. Copyright Office (USCO) underscore the prevailing view that human authorship is a "bedrock requirement of copyright" (Brittain, 2025; Oloko, 2025; Thomas, 2024). The findings suggest that without a deliberate act of human creativity, AI-generated works may not meet the criteria for protection under many existing legal frameworks.

A significant finding is the pronounced lack of international consensus on how to regulate AI-generated content (Lucchi, 2025). The study's comparative analysis of regulatory frameworks reveals a patchwork of legal approaches that create significant ambiguity for creators and developers (Atilla, 2024).

Restrictive Jurisdictions: The findings show that countries such as the United States and Nigeria have adopted a strict, human-centric approach to authorship. In these jurisdictions, the legal definitions of an "author" as a "person" or "human being" effectively exclude AI systems

from being recognized as creators (Olaniwun Ajayi LP, 2025). This rigid stance, while reaffirming traditional copyright principles, creates challenges for protecting works produced through advanced human-AI collaboration (Brittain, 2025).

Accommodating Jurisdictions: The research highlights more flexible approaches in other regions. The United Kingdom's Copyright Industrial Design and Patents Act 1988, for instance, attributes authorship of computer-generated works to the person who made the "arrangements" for its creation (Atilla, 2024). Similarly, the United Arab Emirates employs a broad definition of "innovative production," which could be interpreted to extend legal protection to AI-generated works (Al-Sharieh, 2021; Massadeh et al., 2024). This divergence complicates efforts to establish global standards and creates a fragmented environment for legal governance.

This regulatory inconsistency is a major finding of the paper, demonstrating that the global legal system is still in the early stages of adapting to this technological shift.

Beyond the legal debate, the findings underscore several critical ethical dimensions that demand immediate attention (Floridi & Taddeo, 2016; Jobin et al., 2019).

1. **The "Value Gap" and Copyright Infringement:** The study identifies a major ethical and legal dilemma surrounding the input perspective of AI training. It finds that the use of massive amounts of copyrighted material to train AI models without fair compensation or explicit consent for creators constitutes a form of copyright infringement that challenges existing "fair use" doctrines (Bramlet, 2023; Cappelletti, 2022). This creates a significant "value gap," where the value derived from creative works is captured by AI developers rather than the original human creators (Hemraj, 2025; Lu, 2025).

2. **Algorithmic Bias and Misinformation:** AI systems can absorb and amplify societal biases present in their training data, leading to discriminatory outputs in creative works (Barbosu & Khashabi, 2025; Walter, 2025). The research highlights the ethical imperative for transparency, including the labeling of AI-generated content, and the need for new ethical guidelines to mitigate the spread of misinformation (Atilla, 2024; Magesh et al., 2024).

3. **Socio-Economic Impact:** The study confirms widespread concerns about job displacement and the economic impact on creative professionals (Archambault et al., 2024). The ability of AI to automate tasks and mimic human styles raises anxieties about a diminished demand for human originality (Kaur, 2024; Sustainability Directory, 2025), compelling a need for educational programs and adaptive frameworks to prepare the workforce for human-AI collaboration.

4. Collectively, these findings demonstrate that the rise of AI is not just a legal problem but a societal one, requiring a multidisciplinary response that includes adaptive legal frameworks, robust ethical guidelines, and new economic models to ensure a responsible future for creativity.

Conclusion

Artificial intelligence in creative fields has fundamentally challenged our understanding of creativity and authorship. Algorithm creativity has evolved from a simple tool to a co-creator, forcing a reevaluation of established legal and ethical norms. The tension lies in the fact that while AI can generate novel content, it lacks the human intent and consciousness traditionally required for authorship. This creates a patchwork of legal responses worldwide; some jurisdictions insist on human involvement for copyright, while others are exploring new ways to accommodate AI-generated works. Navigating this new landscape requires a collaborative approach that balances technological innovation with the protection of human creators' rights. Key issues, such as the use of copyrighted material for AI training and the ethical implications of deepfakes and algorithmic bias, require international consensus. Developing adaptive legal and ethical frameworks, we can foster an environment where AI serves to amplify human creativity rather than displace it, ensuring that the future of authorship is a partnership between human ingenuity and artificial intelligence.

Recommendations

Based on the research, here are five key recommendations to guide the future of authorship and creativity in the age of AI:

i) New laws or amendments should be created to accommodate works produced by human-AI collaboration.

ii) Future copyright laws should accommodate AI's role in creativity, ensuring protection for human creators and fair use of AI.

iii) Global standards are needed to address ethical issues. These guidelines should focus on mitigating algorithmic bias, promoting transparency in AI's use (e.g., clear labeling of synthetic media), and ensuring that human creators' works are not used for AI training without their consent and fair compensation.

iv) To address the "value gap," new economic models should be developed to fairly compensate creators whose works are used to train AI systems.

v) Educational programs and creative institutions should update their curricula to prepare artists and professionals for a future of human-AI collaboration.

vi) Governments and international bodies like the World Intellectual Property Organization (WIPO) should work towards harmonizing international norms.

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