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The Dilemma of the Copyrights of Artificial Intelligence:
The Case of Saudi Arabia Regulations

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ABSTRACT

Artificial intelligence (AI) and intellectual property (IP) share some key similarities, such as uncertainty in predictions, processing a massive amount of data, and machine learning. Yet, they also differ from each other. This paper provides background information on how these two domains have evolved over time. It also highlights how Saudi Arabia's IP system differs from those of other countries. Furthermore, this article explores the relationship between AI and IP and their application in copyright. This study is significant as it helps identify the challenges and opportunities that AI presents with respect to IP in terms of copyright. Finally, this article makes recommendations that will help protect both AI and IP.

KEYWORDS

Artificial Intelligence, Copyright, Legal Framework, Saudi Arabia

INTRODUCTION

The rapid advancement of technology has spurred a significant shift toward digitalization, impacting various aspects of our daily routines (Sivathanu & Pillai, 2019; Iyamu, 2020). Currently, there is a great focus on technology, which has generated many challenges (Ghazi & Alsamara, 2023; Khater, 2023). One of these challenges is AI, which is considered a new strategy of digital transformation (Azar et al., 2023). AI is involved in different areas, including copyright. Copyright is a type of intellectual property (IP) that gives the creator of an original work exclusive rights to use and distribute that work. Copyright law protects works of authorship, such as books, movies, music, and websites. It also protects inventions, such as software, business methods, and industrial designs (Almarzouqi & Albakjaji, 2022). For many years, copyright law has been an important tool for protecting the IP of creators. As technology evolves, new forms of IP are created. The recent development of AI presents new challenges and opportunities for copyright protection. The current copyright laws do not fully account for the unique properties of AI works.

IP can relate to artificial intelligence (AI) in protecting patents, trademarks, copyright, and industrial design. IP also extends to trade secrets and confidential information, showing the importance

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of data analytics. An example of this is that AI machines can build subject matter that can be protected by IP. AI machines can easily produce artwork, write a piece of literature, build an object (and maybe even print it in 3D), or establish a new brand name. It is also foreseeable that an advanced AI system could be responsible for creating new inventions or medicines that could attract copyright protection. Copyright will protect some of these works but not all of them. The question is: which ones? One of the hurdles is that copyright law requires a work to be original to be protected. This means that the work must not have been created by someone else previously. This is a difficult hurdle for AI because many things that are considered "original" in humans—like creativity and imagination—are often generated by AI.

Forms of IP and the ownership of matter generated by AI are hot topics. In general, the first owner of a copyrighted work is the author, the person who made the work. Furthermore, the first owner of such a design right is the designer, and the initial owner of a patent is the inventor. In all of these cases, ownership is related directly to the creation of the subject matter.

AI has become a challenge, not only at the national level but even at the international level (Albakjaji & Almarzouqi, 2023). This research discusses one of the contemporary AI challenges. The new technology makes the current law unable to keep updated with technological developments (Feltus, 2019; Tripathy & Mishra, 2017; Albakjaji & Adams, 2016; Meskic et al., 2021). The challenge is that current IP laws are not up to the task and must be amended to keep up with evolving technologies (Albakjaji et al., 2020; Almarzouqi & Albakjaji, 2022).

The objective of this paper is to focus on the issue of copyrighting creations by AI. It aims to provide a comprehensive understanding of the challenges and issues involved in copyrighting AI works. The Kingdom of Saudi Arabia is a key player in the development of AI and has been working to develop a comprehensive IP policy that will protect its IP rights. The study examines how KSA approaches the issue of copyrighting AI works, what policies are currently in place to protect these works, and how Saudi IP Laws are applied in copyrights when AI is involved.

This paper focuses on the regulations in KSA regarding copyright and AI and identifies any gaps in the current copyright laws. After reading the relevant research and looking at case law, a methodology will be developed to assess how Saudi copyright laws are applied when AI is involved. The researchers have used doctrinal research to assess the legal framework for governing and regulating the issue of AI and copyright in the Kingdom of Saudi Arabia. This approach provides that the study is based on an examination of the legal framework of Saudi Arabia. The researchers chose this analytical method to ensure that the work finds weaknesses, gaps, and opportunities for reforming the current policy.

To have a clear understanding of copyright law in Saudi Arabia, this study also explores primary and secondary sources of information. Secondary sources include academic books, scholarly articles, conference symposiums, legal texts, and websites that discuss copyright law in the context of Saudi Arabia. These sources will provide an overview of the current state of copyright law in the country, as well as suggest ways that it could be improved. Websites of organizations such as the World Intellectual Property Organization (WIPO), World Trade Organization (WTO), European Union (EU), Federal Trade Commission (FTC), and the *Financial Times* will form the basis of this study. Primary sources will include interviews with experts in the field, as well as court cases and rulings. These sources will provide a more in-depth understanding of how copyright law is currently applied in Saudi Arabia, as well as highlight any gaps or inconsistencies in the law. During the interview with experts and professionals, more emphasis will be put on copyrights on AI inventions. Their views will be used to build a more comprehensive and nuanced understanding of copyright laws and AI inventions in Saudi Arabia. Analysis of the information collected from primary and secondary sources will help to answer the research question.

Understanding the concept of copyright and AI inventions in KSA will help to create a better understanding of how to protect AI works in the future. The need for appropriate policies to address copyright challenges posed by AI will also be discussed in this study. The findings of this study will