AI, IP & YOUR BUSINESS: THE COPYRIGHT MYTHS AI USERS GET WRONG

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Artificial intelligence ("**AI**") is everywhere. Business owners are using it to draft website copy, design logos, brainstorm brand names, generate social media posts, and even create art and music.

And while AI can be an incredible *accelerator*, it has also created a wave of misunderstandings about ownership and protection of the AI created material—particularly when it comes to copyrights and trademarks.

Three assumptions come up over and over again:

- "I made AI create it, so it's mine."
- "AI created it, so AI owns it."
- "If it's online, it's free."

The choice of a lawyer is an important decision and should not be based solely upon advertisements.

Spoiler: All of these assumptions are false.

Before we layer in AI, though, let's start with the basics—because the rules governing AI-generated content are rooted in the same copyright and trademark principles that have existed for decades.

Copyrights: You Own the *Expression*, Not the Idea

Copyright law protects original works of authorship—things like written content, photographs, graphics, videos, music, and other creative works.

What copyright does ***not*** **protect is ideas themselves**. Instead, it protects the *expression* of an idea.

To use a classic example: you don't own the idea of a murder mystery novel, but you *do* own the copyright in the specific novel you wrote—your characters, your plot, your words.

The good news for creators and business owners is that copyright protection arises automatically. Once your idea moves from your head into a tangible form—written down, photographed, filmed, recorded—it is protected by copyright without you having to file anything. Registration doesn't create the copyright; it simply gives you additional enforcement tools, such as the ability to file a lawsuit if someone infringes your work.

And no, posting something online does not make it "free" to use. Accessibility is not the same thing as permission

Now that you understand what copyright actually protects, the next question is whether AI-generated content qualifies for copyright protection

Enter AI: Where Things Get Complicated

Copyright law requires ***substantial*** **human creativity** in order for a work of authorship to be subject to copyright protection. Under current U.S. law, AI cannot be an "author." That means content created entirely by AI—without meaningful human input—may not be copyrightable at all.

This surprises many business owners.

For example, if you use AI to generate website copy and publish it without editing or modification, you may not have enforceable copyright rights in that content. In other words, a competitor could copy it, and you might not be able to stop them.

The fix isn't to avoid AI altogether. The fix is **human involvement**. Editing, rewriting, selecting between multiple AI outputs, and making creative decisions all matter. Human input is what turns AI output into protectable intellectual property. In other words, a work of authorship, generated using AI *can be* protectable by copyright law so long as a human substantially contributes in meaningful ways to AI's output of the work of authorship.

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Copyright is only half the story—many lawsuits in the intellectual property space don't start over content, but over brand confusion. In the next installment of this series, I explain why AI-generated brand names and logos create serious trademark risk.

Read Part Two: Why AI Is a Trademark Minefield for Business Owners.

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