

Intellectual Property Rights In The Age Of Digital Platforms And Generative Artificial Intelligence: A Comparative Case Study Of Ownership, Enforcement, And Creative Control

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ABSTRACT

The rapid development of digital platforms and generative artificial intelligence has fundamentally altered the environment in which intellectual property is created, distributed, commercialised, and enforced. Traditional intellectual property frameworks were developed around comparatively identifiable relationships between creators, intermediaries, and consumers. Digital platforms have disrupted these relationships by enabling instantaneous global distribution, algorithmic recommendation, collaborative creation, automated reproduction, and machine-assisted generation of creative works. These developments have created significant opportunities for innovation while simultaneously generating difficult questions concerning ownership, authorship, infringement, licensing, contractual control, and access.

This article examines these challenges through a fictional comparative case-study framework involving three digital enterprises operating in the fields of online publishing, collaborative software development, and generative artificial intelligence. The first case examines alleged unauthorised reproduction of copyrighted publications by a digital content platform. The second considers ownership and licensing disputes arising from software developed through an international digital marketplace. The third examines authorship and commercial rights in AI-assisted visual design. In addition to the qualitative case analysis, the study presents fictional comparative data illustrating patterns of intellectual property disputes, platform responses, resolution mechanisms, and stakeholder perceptions.

The findings indicate that digital intellectual property disputes increasingly involve overlapping legal and commercial interests rather than isolated claims of infringement. Platform architecture, contractual design, technological safeguards, and algorithmic decision-making can materially influence the allocation of intellectual property rights. The study further suggests that conventional ownership-based approaches may be insufficient where creative production involves multiple human and technological contributors. A platform-sensitive governance framework based on

transparent ownership, provenance, proportional enforcement, procedural fairness, and public-interest safeguards is consequently proposed.

Keywords: intellectual property; copyright; digital platforms; artificial intelligence; generative AI; software ownership; digital copyright; trade secrets; authorship; platform governance.

1. INTRODUCTION

Intellectual property law occupies a central position in modern knowledge-based economies. Copyright, patents, trademarks, trade secrets, industrial designs, and related rights provide legal mechanisms through which individuals and organisations can protect investments in creative and innovative activity. At the same time, intellectual property rights are not absolute. They are generally justified by their contribution to broader social objectives, including innovation, cultural production, technological development, dissemination of knowledge, and economic growth.

The digital transformation of economic activity has substantially complicated this traditional balance. Digital technologies allow creative and technical material to be reproduced at extremely low marginal cost. A literary work can be copied and distributed globally within seconds. Software can be replicated and modified by developers operating in multiple jurisdictions. Images can be generated, altered, and redistributed through automated systems. Artificial intelligence systems can further transform the relationship between human creators and technological tools.

The emergence of digital platforms is particularly significant. Platforms increasingly serve as intermediaries between creators, consumers, businesses, developers, and technology providers. They may host content without creating it, facilitate transactions without owning the underlying intellectual property, or provide technological tools through which users generate new material.

This creates a fundamental legal question: where should intellectual property responsibility lie within a platform ecosystem?

The answer is rarely straightforward. A platform may argue that it is merely an intermediary, while rights holders may contend that the platform's algorithms, recommendation systems, advertising structures, and commercial incentives make it an active participant in exploitation.

Artificial intelligence creates an additional layer of complexity. Generative AI systems can produce sophisticated text, images, music, software code, and other forms of content. The involvement of a machine raises questions concerning authorship, originality, ownership, licensing, and infringement. These questions become particularly difficult when a human user provides extensive creative instructions, selects outputs, performs substantial editing, and combines AI-generated material with independently created work.

This article examines these challenges through three fictional case studies.

The first case, Varga Publishing Collective v. ReadSphere Technologies, concerns copyright infringement and the responsibility of a digital publishing platform.

The second case, NordCode Solutions v. GlobalCode Marketplace, examines software ownership, pre-existing code, contractual rights, and trade secrets.

The third case, Solberg Design Studio v. Artifex AI Systems, focuses on AI-assisted creativity, authorship, and commercial exploitation.

The article additionally presents fictional survey data concerning stakeholder perceptions of intellectual property protection in digital platforms.

The principal research objectives are:

1. To examine how digital platforms affect the allocation of intellectual property rights.
2. To identify recurring ownership and enforcement challenges.
3. To evaluate the role of contractual and technological mechanisms.
4. To examine emerging issues associated with AI-assisted creation.
5. To propose a platform-sensitive framework for intellectual property governance.

2. CONCEPTUAL FRAMEWORK

Digital intellectual property disputes can be understood through five interconnected dimensions: ownership, control, contractual allocation, technological infrastructure, and public interest.

Table 1. Dimensions of Digital Intellectual Property Governance

Dimension	Central Question	Principal Risk
Ownership	Who legally owns the intellectual property?	Unclear or fragmented ownership
Control	Who controls access and distribution?	Practical control differing from legal ownership
Contract	What rights have parties agreed to?	Broad or ambiguous platform terms
Technology	How does technology affect creation and enforcement?	Automated infringement and false positives
Public Interest	What legitimate interests exist beyond the rights holder?	Excessive enforcement restricting access

The framework recognises that legal ownership and practical control may diverge. A photographer may own copyright in an image but have limited control once the image is uploaded to a platform. Conversely, a platform may not own the content but may possess substantial control over visibility, ranking, distribution, and monetisation.

This distinction is increasingly relevant because platforms do not merely transmit information. They frequently determine which content is displayed, promoted, recommended, monetised, or removed.

3. LITERATURE AND LEGAL CONTEXT

The traditional justification for intellectual property protection rests partly upon incentive theory. Exclusive rights can encourage individuals and businesses to invest resources in creative and innovative activity. However, intellectual property also creates temporary restrictions on the use of information.

Digital technologies have intensified this tension because the cost of copying information has fallen dramatically. Copyright holders may therefore face widespread unauthorised reproduction even where legal protection remains strong.

Digital environments also produce significant contractual complexity. Online platforms commonly use standardised terms of service that grant broad licences over user-generated material. Such terms may include worldwide, transferable, sublicensable, or perpetual rights.

Although contractual freedom is important, the practical bargaining power between a global platform and an individual creator may be substantially unequal.

Artificial intelligence introduces further uncertainty. Generative systems depend upon large datasets, computational infrastructure, and sophisticated statistical models. The relationship between training materials and generated outputs raises questions concerning copyright, licensing, and transformative use.

The legal treatment of AI-generated works varies according to jurisdiction and continues to evolve. Consequently, a comparative analysis should avoid assuming that one national approach necessarily represents a universal rule.

4. RESEARCH METHODOLOGY

The study employs a fictional multiple-case-study methodology.

Three cases were developed to represent different categories of digital intellectual property disputes.

Table 2. Case Selection Framework

Case	Sector	Primary IP Issue	Secondary Issue
Case I	Digital publishing	Copyright	Platform responsibility
Case II	Software development	Copyright and trade secrets	Contractual ownership
Case III	Generative AI	Authorship	Licensing and commercial exploitation

The cases were selected because they represent different forms of digital creation. Case I concerns the reproduction and distribution of pre-existing works. Case II concerns collaborative creation in which multiple developers contribute to a common product. Case III concerns machine-assisted creation in which human and computational contributions interact. For additional illustration, a fictional survey of 420 participants was incorporated into the analysis. Participants were divided into four categories: independent creators, software professionals, technology businesses, and legal professionals.

Table 3. Fictional Participant Profile

Participant Category	Number	Percentage
Independent creators	120	28.6%
Software professionals	105	25.0%
Technology businesses	95	22.6%
Legal professionals	100	23.8%
Total	420	100.0%

The survey figures are entirely fictional and are included solely to demonstrate how quantitative tables could be incorporated into a sample journal article.

5. CASE STUDY I: VARGA PUBLISHING COLLECTIVE v. READSPHERE TECHNOLOGIES

5.1 Background

Varga Publishing Collective was established in Rotterdam as a fictional association representing independent writers. Its members produced academic manuscripts, professional guides, essays, and creative literature.

ReadSphere Technologies operated a fictional subscription-based digital reading platform. Users could upload documents and make them available to other subscribers.

In 2025, the Collective discovered that several hundred works appeared on ReadSphere without the authors' permission.

ReadSphere argued that the material had been uploaded by users and that the platform was merely providing technical infrastructure.

The authors disagreed.

They claimed that ReadSphere's involvement extended considerably beyond passive hosting because the platform indexed documents, categorised them, recommended them to subscribers, and generated advertising revenue from user engagement.

5.2 Nature of the Dispute

The principal dispute concerned copyright ownership and unauthorised reproduction.

The authors claimed that they retained exclusive rights over reproduction and distribution. ReadSphere argued that its user agreement provided a licence necessary to host and process uploaded content.

The contractual language became a central component of the dispute.

Table 4. Principal Positions of the Parties

Issue	Authors' Position	Platform's Position
Copyright	Authors retained copyright	Users granted platform licence
Reproduction	Unauthorised copying	Technically necessary hosting
Distribution	Commercial exploitation	User-driven sharing
Recommendation	Active platform participation	Automated functionality
Removal	Immediate removal requested	Verification required
Liability	Platform should intervene	Users responsible for uploads

The case demonstrates how a seemingly straightforward copyright dispute can become a question concerning platform architecture.

5.3 Platform Algorithm

ReadSphere used an automated recommendation system that ranked documents according to user engagement.

The authors argued that this transformed the platform from a passive repository into an active commercial distributor.

This argument was important because the platform's algorithm influenced which works became commercially visible.

The case therefore raised a broader question: **should algorithmic amplification increase the intellectual property responsibilities of digital platforms?**

5.4 Fictional Resolution

The dispute was resolved through mediation.

ReadSphere agreed to introduce a rights-management system through which copyright holders could register their works and submit infringement claims.

A three-stage procedure was established:

1. automated identification;
2. human verification; and
3. appeal and review.

Table 5. ReadSphere Resolution Mechanism

Stage	Action	Maximum Response Period
Stage 1	Automated identification	24 hours
Stage 2	Human verification	72 hours
Stage 3	User appeal	7 days
Stage 4	Final platform decision	10 days

The mechanism attempted to balance enforcement with procedural fairness.

6. CASE STUDY II: NORDCODE SOLUTIONS v. GLOBALCODE MARKETPLACE

6.1 Background

NordCode Solutions was a fictional Finnish cybersecurity company. The company contracted GlobalCode Marketplace to develop a network monitoring application. Twelve programmers participated in the project through the platform. The agreement stated that newly developed software would belong to the client after payment. However, developers retained rights in pre-existing tools and reusable code. After completion, NordCode discovered that several components appeared similar to code from an existing developer library.

6.2 Ownership Problem

The primary question was whether the disputed components constituted newly created work or pre-existing intellectual property.

Table 6. Software Ownership Categories

Category	Example	Proposed Ownership
Newly written client-specific code	Monitoring module	Client
Pre-existing library	Developer toolkit	Developer
Modified pre-existing component	Adapted library	Contract-dependent
General programming knowledge	Coding technique	Developer
Client confidential algorithm	Detection methodology	Client

The dispute demonstrated that ownership cannot always be determined merely by identifying who paid for development.

6.3 Trade Secrets

NordCode also claimed that its network-detection methodology constituted confidential commercial information.

The developer argued that certain techniques represented general professional knowledge.

This distinction was critical.

Trade-secret protection should not prevent professionals from applying general knowledge and skills. At the same time, genuinely confidential commercial information requires protection if disclosure could cause competitive harm.

6.4 Contractual Weakness

The parties' contract contained extensive intellectual property provisions but did not define several critical terms.

Table 7. Contractual Ambiguities Identified

Contractual Term	Problem
Pre-existing material	No definition
Reusable code	No technical threshold
Derivative work	Not explained
Confidential information	Excessively broad
Ownership transfer	Timing unclear
Platform licence	Scope uncertain

This finding demonstrates an important principle: **contractual length does not necessarily create contractual certainty.**

6.5 Resolution

The fictional settlement divided the intellectual property into three categories.

NordCode received ownership of newly created application-specific code.

The developer retained ownership of pre-existing libraries.

NordCode received a perpetual commercial licence for those libraries insofar as they were incorporated into the final product.

The parties also agreed to maintain a software component inventory.

7. CASE STUDY III: SOLBERG DESIGN STUDIO v. ARTIFEX AI SYSTEMS

7.1 Background

Solberg Design Studio was a fictional Scandinavian creative agency specialising in architectural visualisation.

The company used Artifex AI Systems, a fictional generative AI platform, to develop conceptual images for a cultural centre.

Approximately 800 preliminary outputs were generated.

The designers selected 25 outputs, manually modified 14, and incorporated elements from several outputs into six final compositions.

A subsequent dispute arose concerning ownership.

Artifex argued that its platform terms granted users commercial rights subject to a broad licence retained by the company.

Solberg argued that the final designs reflected substantial human creativity and should be treated as human-authored works.

7.2 The Authorship Spectrum

AI-assisted creation should not necessarily be treated as a binary distinction between "human" and "machine."

Table 8. Levels of Human Involvement in AI-Assisted Creation

Level Human Contribution Illustrative Scenario		
1	Minimal	Simple prompt and automatic output
2	Moderate	Detailed prompting and output selection
3	Significant	Selection, editing, composition
4	Extensive	AI-assisted drafting followed by substantial human creation
5	Predominantly human	AI used as a supporting tool

The table suggests that legal analysis may benefit from considering the degree of human creative control.

7.3 Platform Terms

Artifex's terms permitted users to commercially exploit generated outputs but also reserved certain rights for system improvement.

This created uncertainty concerning whether the company could use client-generated images for future AI training.

The dispute therefore extended beyond copyright ownership to contractual data governance.

7.4 Resolution

The parties adopted a contribution-based arrangement.

Solberg retained rights in independently created elements and substantial human modifications.

The client received commercial rights to the final designs.

Artifex retained rights in the underlying software and model architecture.

The parties also agreed that client-specific final designs would not be incorporated into future training datasets without additional consent.

8. COMPARATIVE CASE ANALYSIS

The three cases reveal several common characteristics.

Table 9. Comparative Analysis of Cases

Variable	Case I	Case II	Case III
Main IP	Copyright	Copyright/trade secrets	Copyright/authorship
Main actor	Publisher	Software developer	AI platform
Key conflict	Reproduction	Ownership	Human contribution
Platform role	Distributor	Marketplace	Creative tool
Contract significance	High	Very high	Very high
Technology significance	High	High	Extremely high
Primary remedy	Removal system	Licence allocation	Contribution-based rights

The first common theme is fragmented ownership.

In each case, multiple parties possessed legitimate interests.

The second theme is contractual uncertainty.

Digital platforms increasingly rely on standardised contracts, but such contracts may not adequately address complex technological relationships.

The third theme is provenance.

A reliable record of how a work was created can significantly reduce disputes.

The fourth theme is proportional enforcement.

Not every allegation of infringement warrants complete removal or termination of a user's account.

9. FICTIONAL SURVEY FINDINGS

To supplement the case studies, the fictional study examined stakeholder perceptions of digital intellectual property governance.

Participants were asked whether existing intellectual property mechanisms adequately protected creators in digital environments.

Table 10. Perceived Adequacy of Existing IP Protection

Response	Frequency	Percentage
Strongly agree	29	6.9%
Agree	84	20.0%
Neutral	93	22.1%
Disagree	139	33.1%
Strongly disagree	75	17.9%

Response	Frequency	Percentage
Total	420	100.0%

The fictional results suggest that 51.0% of participants disagreed or strongly disagreed that existing mechanisms adequately protected creators.

The strongest concerns were reported in relation to unauthorised digital copying, AI-generated content, and platform contractual terms.

Table 11. Major Intellectual Property Concerns

Concern	Percentage of Participants Identifying Concern
Unauthorised digital reproduction	78.3%
Unclear AI ownership	74.5%
Broad platform licences	69.8%
Software ownership disputes	61.4%
Trade-secret leakage	58.6%
Trademark misuse	44.3%
Database rights	39.8%

Because participants could select multiple concerns, percentages exceed 100%.

10. PLATFORM CONTRACTS AND INTELLECTUAL PROPERTY

One of the most significant findings across the fictional cases is the importance of contractual design.

Digital platforms frequently operate through standardised agreements. These contracts can allocate substantial intellectual property rights without requiring individual negotiation.

A platform may request a licence that is worldwide, perpetual, transferable, sublicensable, and royalty-free. Although such provisions may be operationally convenient, users may not understand their implications.

The problem becomes particularly serious where the platform has significantly greater bargaining power.

A more balanced contractual framework should identify:

1. ownership of original material;
2. ownership of derivative material;
3. permitted platform uses;
4. licensing duration;
5. sublicensing rights;
6. data-training rights;
7. post-termination rights; and
8. dispute-resolution procedures.

Table 12. Recommended Contractual Disclosure Framework

Provision	Recommended Disclosure
Ownership	Identify owner explicitly
Licence	State exact scope
Duration	Specify commencement and termination
Territory	Identify geographical scope
AI training	State whether permitted
Commercial use	Clearly identify permitted uses
Third-party material	Establish responsibility
Termination	Explain post-termination consequences
Dispute resolution	Provide accessible mechanism

11. TECHNOLOGY AS BOTH PROBLEM AND SOLUTION

Technology contributes to intellectual property infringement but can also provide mechanisms for enforcement.

Digital watermarking, metadata, blockchain-based provenance systems, content fingerprinting, source-code repositories, and automated monitoring tools can assist rights holders.

However, technological enforcement systems are not infallible.

False positives may result in lawful material being removed. Automated systems may fail to recognise exceptions or transformative uses.

Therefore, technology should generally support rather than entirely replace human judgment.

Table 13. Technological IP Management Tools

Technology	Potential Benefit	Principal Limitation
Digital watermarking	Identifies ownership	Can be removed
Content fingerprinting	Detects copies	False positives
Metadata	Establishes provenance	Can be altered
Blockchain records	Creates timestamped records	Does not prove legal ownership
AI detection	Automated monitoring	Accuracy concerns
Source-code repositories	Tracks development	Requires disciplined use

The table illustrates that technological tools should be regarded as evidentiary and managerial mechanisms rather than automatic substitutes for legal analysis.

12. PROPORTIONALITY IN DIGITAL IP ENFORCEMENT

A central policy issue is determining how aggressively platforms should respond to infringement.

An excessively weak system allows infringement to continue.

An excessively aggressive system may suppress legitimate expression.

A proportional enforcement model should therefore distinguish among different levels of alleged infringement.

Table 14. Proposed Graduated Enforcement Model

Risk Level Suggested Response	
Low	Warning and clarification
Moderate	Temporary restriction
High	Removal following verification
Repeated	Account-level restrictions
Severe	Referral for legal proceedings

Such an approach would reduce the likelihood that minor or uncertain disputes produce disproportionate consequences.

13. ARTIFICIAL INTELLIGENCE AND HUMAN CREATIVITY

Generative AI creates a particularly important challenge for intellectual property law because the technology can perform functions previously associated with human creativity.

However, AI-assisted creativity should be conceptualised as a spectrum.

At one end, the user may provide a minimal instruction and receive an unpredictable result.

At the other end, the user may develop an extensive concept, generate multiple alternatives, select particular outputs, modify them extensively, arrange elements creatively, and produce a final work that reflects substantial human judgment.

Treating these two scenarios identically may produce unsatisfactory outcomes.

A contribution-based approach could therefore consider several factors.

Table 15. Factors Relevant to AI-Assisted Authorship

Factor	Question
Conceptual contribution	Who developed the underlying concept?
Prompt specificity	How detailed were the instructions?
Selection	Who selected the final output?
Editing	How extensively was the output modified?

Factor	Question
Arrangement	Who determined the final composition?
Creative judgment	What human choices shaped the final work?
Original elements	What components were independently created?

This framework does not automatically determine legal ownership. Instead, it provides a structured method for examining the factual circumstances surrounding AI-assisted creation.

14. TRADE SECRETS AND DIGITAL COLLABORATION

Digital collaboration creates significant trade-secret risks.

Companies may share confidential information with freelancers, cloud providers, developers, consultants, and platform operators.

The more participants involved, the more difficult confidentiality management becomes.

The NordCode case illustrates this problem.

A company may legitimately seek to protect an algorithm while still allowing developers sufficient access to perform their work.

The solution is not necessarily to prohibit access. Rather, organisations can adopt layered confidentiality mechanisms.

These may include:

- access controls;
- confidentiality agreements;
- technical segmentation;
- logging systems;
- limited disclosure;
- secure repositories; and
- post-project access termination.

Intellectual property protection therefore increasingly requires integration between legal and technological controls.

15. POLICY IMPLICATIONS

Several policy recommendations emerge.

First, intellectual property contracts used by digital platforms should be simplified and made more transparent.

Second, platforms should implement accessible intellectual property complaint mechanisms.

Third, provenance mechanisms should be encouraged in software, publishing, design, and AI-assisted creation.

Fourth, AI platforms should clearly disclose whether user material can be used for model training or system improvement.

Fifth, legal systems should consider the degree of human creative contribution when analysing AI-assisted works.

Sixth, enforcement mechanisms should incorporate procedural safeguards.

Seventh, competition authorities should remain attentive to the possibility that broad intellectual property licences may produce excessive concentration of control.

16. THEORETICAL CONTRIBUTION

The study contributes to the literature by proposing that digital intellectual property governance should be understood as an interaction between **rights, relationships, and infrastructure**.

Traditional rights-based analysis focuses primarily on the legal entitlement.

Relationship-based analysis examines contractual and commercial relationships among participants.

Infrastructure-based analysis considers the technological systems through which creation and distribution occur.

The combination of these approaches may provide a more accurate understanding of modern intellectual property disputes.

Table 17. Three-Level IP Governance Model

Level	Focus	Principal Question
Rights	Legal entitlement	Who owns the IP?
Relationships	Contractual allocation	Who has permission to use it?
Infrastructure	Platform architecture	Who controls its creation and distribution?

This three-level model may assist courts, policymakers, businesses, and researchers in analysing complex digital disputes.

17. LIMITATIONS

This study has several limitations.

First, the three cases are fictional and are intended solely for analytical and illustrative purposes.

Second, the quantitative findings are simulated rather than derived from real respondents.

Third, the article adopts a comparative perspective rather than focusing on one jurisdiction.

Fourth, rapidly evolving AI technologies may change the relevance of particular legal principles.

Fifth, the study does not attempt to provide jurisdiction-specific legal advice.

Future research could examine actual judicial decisions involving digital platforms, AI-assisted creativity, software ownership, and online copyright enforcement.

18. CONCLUSION

The transformation of intellectual property in the digital economy is not simply a consequence of new technologies. It is also a consequence of new relationships among creators, platforms, consumers, developers, businesses, and artificial intelligence systems.

The fictional cases examined in this study demonstrate three important dimensions of this transformation.

The ReadSphere dispute illustrates the difficulty of assigning responsibility when platforms facilitate the reproduction and distribution of copyrighted material.

The NordCode dispute demonstrates the complexity of intellectual property ownership when software is collaboratively developed across jurisdictions.

The Solberg dispute illustrates the emerging challenge of determining authorship and commercial control where human creativity is combined with generative artificial intelligence.

Across all three cases, ownership alone was insufficient to explain the dispute.

Control, contractual allocation, technological infrastructure, provenance, and procedural fairness were equally important.

The article therefore proposes a platform-sensitive governance model based on five principles: transparency, provenance, proportionality, procedural fairness, and public-interest protection.

The objective should not be to weaken intellectual property rights. Nor should it be to provide platforms with unlimited control over user-created material.

Instead, the objective should be to create an environment in which intellectual property rights continue to encourage creativity and investment while allowing technological innovation and legitimate access to flourish.

The future of intellectual property law will increasingly depend upon its ability to address not merely who owns a work, but how that work was created, how it is controlled, how it is distributed, and how competing interests can be balanced.

As digital platforms and artificial intelligence become increasingly embedded within creative and commercial processes, intellectual property governance must evolve accordingly. A system capable of recognising these complex relationships will be better positioned to preserve the fundamental objectives of intellectual property law while accommodating the technological realities of the twenty-first century.

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