

Recalibrating Intellectual Property Protection in the Age of Generative Artificial Intelligence: A Case Study of the Novara–Aurelis Dispute

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Abstract

The rapid development of generative artificial intelligence has created significant uncertainty regarding the appropriate boundaries of intellectual property protection. Conventional copyright and patent frameworks were largely designed around human creators, identifiable inventors, relatively stable production processes, and distinguishable relationships between authorship and ownership. Generative artificial intelligence systems challenge each of these assumptions. This article examines these challenges through a fictional case study concerning the dispute between Novara Labs, an artificial intelligence company, and Aurelis Media Group, a multinational digital content enterprise. The dispute concerns the alleged unauthorized use of copyrighted training materials, ownership of machine-generated creative outputs, and the attribution of intellectual property rights to technological systems that operate with varying degrees of human intervention.

The study adopts a qualitative case-study methodology based on documentary analysis. The hypothetical dispute is reconstructed through contracts, licensing records, internal governance documents, correspondence, technical reports, and judicial submissions. The analysis identifies three principal dimensions of contemporary intellectual property uncertainty: the legality of training artificial intelligence models on protected works, the allocation of rights in outputs generated through artificial intelligence systems, and the evidentiary difficulties associated with establishing substantial similarity and causal relationships between protected works and generated outputs. The case further demonstrates that conventional distinctions between input and output infringement may be insufficient when artificial intelligence systems operate through complex and partially opaque computational processes.

The article argues that intellectual property law should not respond to generative artificial intelligence through a single, technology-specific rule. Instead, a layered regulatory approach is required, combining stronger transparency obligations, contractual licensing mechanisms, human-centred authorship standards, collective licensing structures, and evidentiary reforms. The case study contributes to the emerging literature by illustrating how these issues interact within a single

commercial dispute and by identifying practical governance mechanisms that could reduce uncertainty for both rights holders and technology developers.

Keywords: artificial intelligence; copyright; patents; generative AI; intellectual property; authorship; licensing; technological innovation; case study; digital creativity

1. Introduction

The relationship between technological innovation and intellectual property law has historically been characterised by adaptation. New technologies have repeatedly challenged existing legal assumptions, while intellectual property regimes have responded by extending, modifying, or reinterpreting established principles. Photography, sound recording, cinema, software, digital communication, and online distribution each generated disputes concerning authorship, ownership, infringement, and commercial exploitation. Generative artificial intelligence represents a further and potentially more fundamental challenge because the technology does not merely provide a new mechanism for distributing or reproducing existing works. It can generate new text, images, music, software code, designs, and other expressive outputs.

The legal complexity arises from the fact that generative artificial intelligence systems are dependent upon enormous quantities of data during their development. Many contemporary systems are trained using combinations of publicly available information, licensed datasets, commercially acquired material, synthetic data, and information obtained from the internet. Some of the material incorporated into training datasets may itself be protected by copyright or other intellectual property rights. Consequently, disputes increasingly concern not only what an artificial intelligence system produces but also how the system was developed.

At the same time, the outputs generated by artificial intelligence create a separate legal question. If an artificial intelligence system produces a commercially valuable image, musical composition, written work, technical design, or software program, who owns the resulting intellectual property? Possible answers include the system developer, system operator, user, commissioning party, or nobody. Different legal systems approach these questions differently, and the boundaries of existing doctrines remain unsettled.

The present article explores these issues through a fictional case study involving Novara Labs and Aurelis Media Group. The dispute was selected because it incorporates several questions that are increasingly relevant to intellectual property scholarship: the use of copyrighted works for artificial intelligence training, the contractual allocation of rights, authorship of machine-generated outputs, technological transparency, and the evidentiary difficulties associated with proving infringement.

The central research question is:

How should intellectual property law respond when copyrighted works are used in the development of generative artificial intelligence systems and those systems subsequently produce commercially significant outputs?

Three subsidiary questions are examined. First, under what circumstances can the use of copyrighted works for artificial intelligence training constitute infringement? Second, how should ownership be determined where an artificial intelligence system contributes substantially to the creation of an output? Third, what governance mechanisms can reconcile technological innovation with the legitimate interests of copyright holders?

The article is structured as follows. Section 2 reviews the conceptual relationship between artificial intelligence and intellectual property protection. Section 3 explains the research methodology and case-study design. Section 4 introduces the fictional Novara–Aurelis dispute. Section 5 analyses the principal legal issues. Section 6 examines the economic and institutional consequences of the dispute. Section 7 develops a comparative framework for resolving similar disputes. Section 8 discusses policy implications. Finally, Section 9 presents conclusions and recommendations.

2. Intellectual Property in the Generative AI Environment

2.1 The changing architecture of intellectual property

Traditional intellectual property systems generally presume that creative and inventive activity can be connected to identifiable human actors. Copyright law typically conceptualises an author as a person who creates an original expression, while patent law traditionally identifies inventors as individuals who contribute to the conception of an invention.

Generative artificial intelligence complicates this architecture because creative production can involve several distinct participants. A typical workflow may include a dataset provider, software developer, model trainer, infrastructure provider, system operator, prompt designer, editor, and final distributor. The output may therefore be the product of a chain of contributions rather than a single creative act.

This fragmentation creates uncertainty about ownership. A person may formulate a detailed prompt, select a particular model, generate hundreds of candidate outputs, select one, modify it manually, and publish it commercially. Another person may develop the underlying model. A third organisation may have supplied the training data. Each participant contributes to the production process, but the legal significance of those contributions may differ substantially.

2.2 Training data and copyright

The use of copyrighted material during model training is among the most contested aspects of generative artificial intelligence. From a technical perspective, training

involves exposing a model to large datasets and adjusting computational parameters based on patterns identified within those datasets. From a legal perspective, however, the process may involve copying, storing, transforming, extracting, or otherwise processing protected material.

The crucial question is whether such technical acts fall within an applicable copyright exception or limitation, whether they are authorised through licensing arrangements, or whether they constitute infringement.

The problem is intensified by the scale of modern training datasets. A conventional licensing transaction may concern hundreds or thousands of works, whereas a large artificial intelligence model may be trained using millions or billions of individual data elements. Individual negotiation may therefore be commercially impractical.

This has encouraged discussion of collective licensing, extended licensing arrangements, statutory exceptions, opt-out systems, technical provenance mechanisms, and contractual data governance.

2.3 Authorship and machine-generated content

The second major issue concerns outputs. Copyright protection is generally connected to originality and authorship. Where an artificial intelligence system independently generates an output without meaningful human creative control, the legal status of that output becomes uncertain.

A simple distinction between "human-created" and "machine-created" material may nevertheless be inadequate. Artificial intelligence-assisted creativity exists along a continuum.

At one end, a user may request a general image and accept the first output without modification. At the other end, a professional designer may use an artificial intelligence system as one component within a sophisticated workflow involving conceptual planning, selection, editing, compositional decisions, colour correction, and manual reconstruction.

The legal question should therefore focus not merely on whether artificial intelligence was involved, but on the nature and extent of human creative contribution.

3. Methodology

3.1 Research design

This study adopts a qualitative case-study methodology. Case studies are particularly appropriate where a legal or regulatory problem involves multiple interacting factors and where the objective is to understand the relationship between legal principles, commercial practices, technological processes, and institutional decision-making.

The case presented in this article is entirely fictional and was constructed for analytical purposes. It does not describe an actual dispute, company, court proceeding, university, or judicial decision. The fictional structure enables the article to integrate

several contemporary intellectual property questions within a coherent factual setting without attributing unverified allegations to real organisations or individuals.

3.2 Documentary materials

The hypothetical case was reconstructed through six categories of documentary material:

1. software development agreements;
2. artificial intelligence dataset licensing records;
3. internal corporate policies;
4. technical audit reports;
5. correspondence between the parties; and
6. fictional pleadings and expert submissions.

These documents were treated as secondary case-study materials rather than primary evidence of an actual dispute.

3.3 Analytical framework

The dispute was analysed through four dimensions: legal ownership, infringement, evidentiary transparency, and commercial governance. Each dimension was examined in relation to both rights holders and technology developers.

Table 1. Analytical Dimensions of the Case Study

Dimension	Principal Question	Relevant Stakeholders	Core Problem
Training data	Was protected material used lawfully?	Rights holders, AI developers	Consent and licensing uncertainty
Model development	Does model training reproduce protected expression?	AI developers, copyright owners	Technical process versus legal reproduction
AI outputs	Who owns generated material?	Users, developers, clients	Uncertain authorship
Similarity	Does generated material infringe existing works?	Rights holders, AI operators	Causation and substantial similarity
Governance	How can future disputes be prevented?	Industry, regulators, courts	Lack of common standards

4. The Novara–Aurelis Case Study

4.1 Background

Novara Labs was established in 2028 as a fictional technology company specialising in generative artificial intelligence for commercial visual communication. The

company developed a multimodal artificial intelligence model named **NOVA-X**, designed primarily for advertising agencies, publishing companies, and corporate communications departments.

Aurelis Media Group was a fictional European media organisation operating several digital publishing platforms. Its commercial activities included magazine publishing, stock photography, advertising production, and licensing of visual content.

In 2031, Aurelis entered into a three-year enterprise agreement with Novara. The agreement allowed Aurelis employees to use NOVA-X to generate advertising concepts, illustrations, campaign materials, and preliminary editorial designs.

The contract contained a provision stating that users retained commercial rights in outputs "to the maximum extent permitted by applicable law." It also required Aurelis not to use the system to reproduce third-party works intentionally.

During the first year of the agreement, Aurelis used NOVA-X extensively. According to the fictional internal records, more than 84,000 images were generated, of which approximately 1,900 were incorporated into commercial campaigns.

4.2 Discovery of similarities

Aurelis subsequently received a complaint from an independent photographer alleging that an image generated through NOVA-X was substantially similar to a photograph previously published in a professional photography database.

The disputed image depicted a solitary cyclist travelling through a fog-covered mountain road at dawn. The photographer's original work had been published five years earlier and had been commercially licensed to several publishers.

Aurelis conducted an internal review and discovered that several other generated images appeared visually similar to works contained within its own historical archive and external image databases.

The company therefore suspended selected NOVA-X workflows and requested that Novara provide information concerning the training data used to develop the model. Novara initially refused to disclose the complete dataset, arguing that disclosure would reveal commercially sensitive information and proprietary technology. Instead, the company provided a summary stating that the training corpus included publicly accessible images, licensed material, synthetic images, and datasets obtained from third-party providers.

4.3 Escalation of the dispute

The disagreement intensified when Aurelis discovered that certain photographs in its historical archive had allegedly been included in an external dataset purchased by Novara from a data intermediary.

Aurelis argued that its photographs had been reproduced without authorisation and that the use of those photographs had contributed to the creation of commercially exploitable outputs.

Novara disputed this interpretation. It argued that training did not result in the distribution of copies of the photographs and that the model learned statistical relationships rather than storing conventional reproductions for later publication.

The parties therefore disagreed about the legal significance of the technical training process.

Table 2. Chronology of the Fictional Dispute

Year	Event
2028	Novara Labs established
2029	Development of NOVA-X begins
2030	Initial model training completed
2031	Aurelis enters enterprise agreement
2031–2032	Extensive commercial use of NOVA-X
2032	Photographer raises similarity complaint
2032	Aurelis conducts internal audit
2032	Training-data disclosure requested
2033	Dispute escalates into formal proceedings
2034	Fictional court orders limited technical disclosure

5. Legal Analysis

5.1 Was the use of copyrighted material lawful?

The first legal question concerns the use of protected works during training. Three possible approaches can be identified.

The first approach treats training as a form of copying that requires authorisation unless an exception applies. Under this approach, developers would need either licences or a valid statutory basis for processing protected works.

The second approach distinguishes between temporary or technical copying and commercially meaningful reproduction. Under this model, the legal consequences would depend upon the nature of the copying, the purpose of the use, and the extent to which the original expression remains accessible.

The third approach focuses on transformative technological use. It asks whether training changes the functional character of the protected material sufficiently to justify an exception or limitation.

The Novara–Aurelis dispute demonstrates the difficulty of relying exclusively upon any one approach. The technical process may involve copies of protected works, yet

the ultimate function of those copies is not necessarily to reproduce or distribute the original works.

A legal framework that treats every computational reproduction as equivalent to commercial publication could potentially create substantial barriers to machine-learning research. Conversely, a framework that treats all training as legally neutral could undermine the economic interests of creators.

The appropriate balance therefore requires attention to purpose, scale, market effects, licensing availability, technological necessity, and the degree of human accessibility to the training materials.

5.2 The importance of contractual licensing

The case demonstrates that contractual arrangements can reduce uncertainty even where statutory law remains unsettled.

Novara's contract with Aurelis addressed ownership of outputs but did not clearly allocate responsibility for the legality of training data. This was a significant contractual omission.

A stronger agreement could have specified:

- the categories of datasets used;
- whether training data were licensed;
- representations concerning third-party rights;
- indemnification arrangements;
- audit rights;
- disclosure obligations;
- procedures for responding to infringement claims;
- mechanisms for removing problematic material; and
- allocation of liability for generated outputs.

This suggests that intellectual property governance should not rely solely on statutory rules. Private ordering can provide an important complementary mechanism.

5.3 Who owns the AI-generated output?

The second central issue concerns the ownership of generated images.

Novara argued that its software infrastructure made the output possible and that the company should therefore receive ownership rights. Aurelis disagreed, arguing that it was the commercial user and that its employees selected prompts, rejected outputs, modified compositions, and incorporated the final materials into campaigns.

The fictional expert evidence demonstrated that individual images were generated through different workflows.

Some images were produced through simple prompts and used without modification. Others underwent substantial manual editing. A third category involved multiple rounds of generation and human selection.

Table 3. Hypothetical AI-Assisted Creative Workflows

Category	Human Contribution	AI Contribution	Indicative Question	Ownership
A	Minimal prompt	Substantial generation	Is there sufficient human authorship?	
B	Prompt + selection	Substantial generation	Does selection constitute creative contribution?	
C	Prompt + editing	Generation modification	+ Human contribution may support protection	
D	Concept + generation + extensive editing	+ Generative assistance	Stronger basis for human authorship	
E	AI output incorporated into human-created work	Partial generation	Protection may attach to human-authored elements	

A rigid rule treating all AI-generated material identically would fail to recognise these differences.

The case therefore supports a contribution-based approach. Under such an approach, the legal inquiry would focus on the creative decisions made by the human participant rather than simply asking whether an artificial intelligence system was used.

5.4 Substantial similarity and the problem of causation

The photographer's complaint raises a third question: when does similarity between an AI-generated output and an existing work establish infringement?

Similarity alone is not necessarily sufficient. In conventional copyright disputes, courts generally consider whether protected expression has been copied and whether the defendant had an opportunity to access the relevant work.

Generative AI complicates the access question.

A model may have processed millions of images. Establishing whether a particular photograph influenced a particular output may therefore be difficult.

The fictional technical report prepared for Aurelis concluded that the disputed image shared several distinctive compositional characteristics with the photographer's work, including:

1. camera perspective;
2. placement of the cyclist;
3. distribution of fog;
4. relative positioning of mountains;
5. lighting direction; and
6. colour relationships.

Novara's expert, however, argued that each characteristic was individually common in landscape photography and that the combined similarity could result from statistical generation rather than direct copying.

The dispute illustrates an emerging evidentiary problem: how can a claimant demonstrate causal connection between a protected work in a training dataset and a particular generated output?

5.5 Transparency as an evidentiary mechanism

One of the most significant consequences of the dispute was the court's fictional decision to order limited disclosure of information concerning the model's training process.

The court did not require Novara to reveal its entire proprietary dataset. Instead, it required disclosure of:

- categories of training sources;
- licensing status;
- provenance information concerning disputed works;
- relevant dataset versions;
- retention periods; and
- technical information sufficient to evaluate the claimant's allegations.

This approach illustrates a possible compromise between transparency and trade-secret protection.

Complete disclosure may threaten legitimate commercial interests. Complete secrecy, however, may prevent rights holders from proving infringement.

A tiered disclosure model could therefore be preferable.

Table 4. Proposed Tiered AI Transparency Framework

Tier	Information	Disclosure Recipient	Purpose
Tier 1	General dataset categories	Public	Basic transparency
Tier 2	Licensing and provenance information	Rights holders	Verification
Tier 3	Specific disputed works	Court/expert	Infringement analysis
Tier 4	Sensitive technical information	Confidential review	expert Causation assessment
Tier 5	Complete proprietary dataset	Exceptional order	judicial High-level disputes

Such a framework could preserve commercial confidentiality while providing sufficient evidence for legitimate claims.

6. Commercial and Economic Implications

The Novara–Aurelis dispute demonstrates that intellectual property uncertainty has consequences extending beyond litigation.

6.1 Costs for technology developers

AI developers face several categories of risk.

First, licensing costs may increase substantially if training datasets must be individually cleared. Second, developers may face litigation costs arising from claims concerning both training materials and outputs. Third, uncertainty may reduce investment in smaller firms that lack the resources to defend complex intellectual property disputes.

At the same time, stronger licensing frameworks could create new markets for high-quality training datasets.

6.2 Opportunities for rights holders

From the perspective of creators, artificial intelligence may create both competitive threats and commercial opportunities.

Photographers, illustrators, writers, musicians, and designers may fear that AI-generated substitutes will reduce demand for their services. However, creators can also license their works for training and participate in emerging data markets.

This creates an important policy distinction between **unauthorised extraction** and **commercial licensing**.

Rather than treating creators and AI companies as inherently opposing groups, legal systems can encourage structured licensing relationships.

6.3 Transaction costs

The primary challenge is transaction cost.

Suppose a training dataset contains 50 million protected works. Individual licensing would be extremely difficult. Even if the average licensing transaction required only a few minutes of administrative work, the aggregate burden could become substantial.

Collective licensing may therefore become increasingly important.

Table 5. Stakeholder Interests in the Fictional Dispute

Stakeholder	Primary Interest	Principal Risk	Preferred Mechanism
Photographers	Compensation control	and Unauthorised training	Licensing and provenance
Publishers	Commercial exploitation	Output uncertainty	Contractual safeguards

Stakeholder	Primary Interest	Principal Risk	Preferred Mechanism
AI developers	Innovation scalability	and Litigation	Clear statutory rules
AI users	Access to productive tools	Liability for outputs	Indemnification
Regulators	Balanced innovation	Regulatory fragmentation	Harmonised standards
Courts	Accurate dispute resolution	Evidentiary opacity	Expert disclosure

7. Discussion

7.1 Beyond the binary of protection versus innovation

The Novara–Aurelis dispute demonstrates why intellectual property debates surrounding artificial intelligence should not be framed simply as a conflict between technological innovation and creator protection.

Both interests are legitimate.

AI developers require access to sufficiently large datasets to build competitive systems. Creators require meaningful protection against uncompensated commercial exploitation. Users need predictable rights in outputs. Courts require sufficient evidence to resolve disputes.

A successful regulatory framework must therefore coordinate these interests rather than privileging one category completely.

7.2 The case for provenance systems

One potential solution is the development of machine-readable provenance systems.

A provenance record could identify:

- the source of training material;
- licensing conditions;
- creator information;
- permitted uses;
- restrictions;
- dataset version;
- date of incorporation; and
- relevant consent or opt-out status.

Such systems could become part of standard AI infrastructure.

However, provenance systems must be designed carefully. A technical metadata field alone does not establish legal ownership. Nor can metadata guarantee that all training data have been lawfully obtained.

Nevertheless, provenance could substantially improve transparency.

7.3 Opt-out mechanisms

Another possibility is an opt-out mechanism through which creators communicate that their works should not be included in AI training datasets.

An opt-out system could reduce transaction costs, but it presents several difficulties. First, creators may not know which systems have used their work. Second, enforcement across jurisdictions may be difficult. Third, historical datasets may have already incorporated material before an opt-out request is received.

Consequently, opt-out mechanisms should be complemented by registration, provenance, and effective notice procedures.

7.4 Collective licensing

Collective licensing offers another potential solution.

Under a collective model, rights holders could authorise an organisation to negotiate licences with AI developers on behalf of participating creators. Developers would obtain broader access to datasets while creators would receive compensation.

Such a system could reduce individual transaction costs.

However, collective licensing must include safeguards concerning representation, distribution of royalties, transparency, and the treatment of creators who do not participate.

7.5 Human authorship as a continuing principle

The case also supports the continued importance of human creative contribution.

Artificial intelligence can be treated as an advanced creative instrument rather than necessarily as an independent legal author.

This approach resembles the way copyright law has historically accommodated technological tools. A camera does not become the legal author of a photograph merely because it mechanically records light. Similarly, a software system need not automatically become the legal author of every output it generates.

The more important question is whether a human exercised meaningful creative judgment.

This does not require human control over every pixel, word, note, or line of code. Rather, it requires a sufficiently substantial creative contribution to justify attribution.

8. Policy Recommendations

The case study produces seven principal recommendations.

8.1 Establish clearer statutory rules for AI training

Legislatures should clarify when computational use of copyrighted material constitutes infringement and when exceptions or limitations apply.

The rules should distinguish between non-commercial research, commercial model development, and activities that directly substitute for licensed markets.

8.2 Introduce minimum transparency obligations

AI developers should provide meaningful information concerning training-data provenance without necessarily disclosing commercially sensitive technical details.

Transparency should be proportionate to the nature of the claim.

8.3 Encourage collective licensing

Governments and industry bodies should explore collective licensing mechanisms capable of reducing transaction costs for large-scale AI training.

8.4 Develop standard contractual clauses

AI developers and enterprise users should adopt standard clauses dealing with intellectual property ownership, indemnification, training-data provenance, output warranties, audit rights, and infringement claims.

8.5 Recognise degrees of human contribution

Copyright analysis should examine the actual creative contribution of human users rather than automatically classifying all AI-assisted works as either protected or unprotected.

8.6 Establish specialised evidentiary procedures

Courts handling AI-related intellectual property disputes may require access to technical experts capable of evaluating model architecture, training datasets, similarity, provenance, and generation processes.

8.7 Promote interoperable provenance standards

International organisations and industry participants should develop interoperable technical standards for identifying the provenance and licensing status of data used in AI systems.

9. Limitations

The fictional nature of this case study constitutes its principal limitation. The case does not represent an actual judicial dispute and therefore cannot provide empirical evidence concerning how courts have resolved AI-related intellectual property conflicts.

The documentary materials described in the methodology are hypothetical and have been constructed to represent plausible commercial and legal records. Consequently, the findings should be understood as analytical propositions rather than observations derived from an actual litigation record.

A further limitation concerns technological development. Artificial intelligence systems evolve rapidly, and legal questions that appear uncertain today may become clearer through subsequent legislation, judicial decisions, and industry practices.

Future research should therefore examine actual litigation, regulatory interventions, licensing agreements, and empirical data concerning the economic effects of AI-related intellectual property disputes.

10. Conclusion

The Novara–Aurelis dispute illustrates the structural tension between generative artificial intelligence and traditional intellectual property frameworks. The central challenge is not simply that artificial intelligence creates new forms of content. Rather, the technology disrupts several assumptions upon which intellectual property systems have historically operated.

Training involves large-scale computational processing of potentially protected works. Outputs may involve varying degrees of human and machine contribution. Similarity between generated material and existing works does not necessarily reveal the mechanism through which the similarity arose. At the same time, the technical opacity of AI systems can make it difficult for rights holders to obtain evidence necessary to establish infringement.

The case study demonstrates that a binary approach is unlikely to produce satisfactory outcomes. A system that provides unrestricted access to copyrighted works may weaken creator incentives and existing licensing markets. Conversely, a system requiring individual permission for every work incorporated into large-scale training datasets may impose excessive transaction costs and inhibit technological development.

A more effective framework would combine legal, contractual, technical, and institutional mechanisms. Statutory rules should clarify the conditions under which training is permissible. Licensing systems should create commercially viable pathways for rights holders. Transparency mechanisms should allow legitimate claims to be investigated without unnecessarily exposing trade secrets. Courts should develop specialised evidentiary procedures. Finally, copyright protection should continue to focus on meaningful human creative contribution when determining authorship of AI-assisted outputs.

The broader lesson is that intellectual property law has historically survived technological transformation not by eliminating technology but by adjusting the allocation of rights, responsibilities, and incentives around it. Generative artificial intelligence should be approached in the same manner.

The objective should not be to determine whether intellectual property law belongs to creators or machines. The more useful question is how law can establish predictable relationships among creators, technology developers, users, and the public.

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