IJCRT.ORG ISSN : 2320-2882

INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

From Human Imagination To Machine Generation: A Critical Inquiry Into The Shifting Boundaries Of Authorship, Creativity, And Intellectual Ownership In The Digital Era.

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Abstract: This paper examines how generative artificial intelligence (AI) challenges traditional conceptions of authorship, creativity, and intellectual property. Using a theoretical framework drawn from literary theory (Barthes, Foucault), cognitive accounts of creativity (Boden), and contemporary legal and policy responses, the study interrogates whether machine-generated artifacts can be integrated into existing frameworks of ownership and moral attribution. The paper traces technological developments in generative models, analyzes landmark legal decisions and policy guidance, and proposes conceptual and normative responses that balance innovation, fair reward, and protection of human creative labour.

I.Introduction

The advent of powerful generative AI systems—capable of producing text, images, music, and synthetic media—has reignited debates about what it means to create and who qualifies as an author. Historically, authorship has been framed as a human-centered activity: an expression of individual intention, creativity, and moral agency. However, contemporary generative systems complicate this picture by producing artifacts that can rival or exceed human outputs in particular domains. This paper asks: how should we understand authorship and creativity in an era where machines can generate artefacts previously considered the exclusive province of human minds? What are the implications for intellectual property law and for cultural valuation of creative labour?

II.Theoretical Foundations: Rethinking the Author and Creativity

Two formative theoretical interventions help reframe the question. Roland Barthes's essay *"The Death of the Author"* argued that meaning resides not in authorial intent but in the interplay of texts and readers. If authorship is decentered as Barthes suggests, the emergence of non-human producers forces us to reconsider the locus of meaning: can a machine's output be read meaningfully regardless of authorial biography? Michel Foucault's *"What Is an Author?"* treats the author as a functional principle that organizes discourse, as a name that limits and classifies texts within cultural practices. Both perspectives shift attention away from a naive biographical model of authorship toward social functions and interpretive practices—useful moves

when considering machine-produced works whose 'origin story' sits in datasets and algorithms rather than a single intentioned person.

Margaret A. Boden's work on creativity offers an account suited for comparison with computational systems. Boden distinguishes between combinational, exploratory, and transformational creativity—categories that can be applied to computational generative processes. Generative models often engage in combinational and exploratory processes by recombining learned patterns; whether they achieve transformational creativity similar to human breakthroughs is debated but increasingly plausible as models scale and incorporate objective-driven search.

III. Technological Landscape: Generative Models and the Illusion of Intent

Generative AI systems (e.g., large language models, diffusion-based image generators, music synthesis systems) operate by learning statistical regularities from vast datasets and producing outputs conditioned on prompts. Their outputs often display stylistic consistency, novelty, and coherence. Yet crucial differences remain: current models lack phenomenological consciousness and first-person intentionality. The 'intent' observed in outputs is emergent and attributed by observers rather than intrinsically held by the model.

This descriptive claim—machines lack subjective mental states—matters for traditional accounts of authorship that tie moral responsibility, originality, and rights to intentional agents. At the same time, the increasingly autonomous and unpredictable behaviors of these systems strain purely human-centered frameworks for assignment of credit and liability.

IV. Intellectual Property and Policy Responses

Legal institutions have already grappled with these tensions. In the United States, the U.S. Copyright Office issued guidance in 2023 clarifying that works containing AI-generated material require applicants to identify human authorship for protectable elements; purely machine-generated works lacking meaningful human creative contribution are not registrable. Courts have similarly upheld the human-authorship requirement. A notable example involves Dr. Stephen Thaler's applications concerning works produced by a system called DABUS: courts and the Copyright Office have repeatedly denied registration where human authorship was absent, and appellate decisions through 2025 have reaffirmed the human-authorship prerequisite.

This regulatory posture—human authorship as a gatekeeper for exclusive rights—attempts to preserve the normative link between creativity and human agency. However, it leaves open thorny questions: how should legal systems handle works that are co-created (human prompt + machine generation)? How should derivative training data issues be treated when models are trained on copyrighted works without explicit licensing? Several regulatory and commercial responses have emerged, including guidance that asks registrants to disclose AI assistance and for courts to focus on the extent and originality of human contribution when adjudicating protection.

V. Authorship as Function: Social Attribution and Economic Stakes

If we accept Foucault's idea that authorship functions to organize discourse, then authorship becomes partly a social and economic designation rather than strictly metaphysical. In commercial contexts, companies and intermediaries are already asserting ownership over AI outputs—through contractual assignments, terms of service, and licensing regimes. These pragmatic arrangements allocate economic value but do not resolve deeper normative concerns about moral credit and cultural valuation.

The labor displacement question is urgent: as generative systems automate tasks previously performed by artists, writers, and designers, the distribution of economic rewards and opportunities will shift. Some responses have included model licensing, attribution practices, and new forms of remuneration (e.g., platform revenue shares). Others have proposed statutory reforms—such as creating sui generis rights for machine-assisted works or expanding neighboring rights to cover certain AI-mediated uses—but these proposals carry risks of stifling innovation or entrenching incumbent platforms.

VI. Case Study: Thaler, the US Copyright Office, and the Boundaries of Protection

The litigation surrounding Dr. Stephen Thaler's AI-generated works (DABUS) crystallizes many of these issues. Courts have consistently held that the Copyright Act's protections attach only to human-authored works, a position the Copyright Office endorses in its registration guidance. These decisions rest on statutory interpretation, policy concerns about endless expansion of copyright to non-human actors, and the preservation of human-centric incentives for creative expression.

Yet the decision leaves room for nuanced outcomes: creative contributions that involve human selection, framing, editing, or curatorial choices in the use of AI tools can still attract protection. This caveat invites a focus on documenting human contributions and rethinking what counts as a sufficiently creative human act in the co-creative loop.

VII. Ethical and Cultural Considerations

Beyond legal ownership are ethical questions: should AI outputs be labeled to preserve transparency? How do audiences value works when they know a machine produced them? Studies in aesthetics and cultural reception suggest that knowledge about an artwork's origin can significantly shape appreciation, authenticity cues, and willingness to pay. Moreover, the provenance of training data—often scraped from the web without explicit consent—raises moral concerns about consent, attribution, and the commodification of human cultural labor.

There are also equity considerations: marginalized creators may be disproportionately harmed if models replicate or commodify their styles without compensation or recognition. Conversely, AI tools can lower barriers to creative expression for novices and under-resourced communities, complicating a straightforward 'job loss' narrative.

VIII. Toward a Normative Framework

Given the complexity, this paper proposes a three-part normative framework for handling machine-generated creative works:

1. **Transparency by Design**: Outputs generated with substantial machine involvement should carry provenance metadata indicating the role of humans and machines in creation. This enables informed reception and aids legal adjudication.

2. **Contextual Attribution**: Legal protection should attach where there is demonstrable, original, and non-trivial human contribution—whether via prompt engineering, selection, editing, or curation. A clear evidentiary standard should be developed to operationalize what constitutes sufficient human creativity in co-creative processes.

3. **Data and Labor Protections**: Policymakers should explore mechanisms to compensate and credit creators whose works were used to train models, including licensing frameworks, opt-out mechanisms, or collective remuneration schemes for sampled training corpora.

These principles aim to balance incentives for innovation with protections for human creators and cultural integrity.

Generative AI does not render human creativity obsolete, but it does redistribute and reframe creative processes. Theoretical shifts—from author-centered to function- and reception-centered accounts—help make sense of authorship in a digital ecology. Legally, human authorship remains a decisive threshold in many jurisdictions, but co-creation and commercial practices will push the boundaries of that threshold. Ethically, transparency, equitable compensation, and contextual attribution are essential to maintain cultural diversity and respect for human labor. Ultimately, the challenge is not simply technical or juridical but cultural: societies must negotiate new norms about what creativity means when machines participate in the act of making.

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