

... So, I Guess Not. Here's Why I am Bummed About That.  
Tra'Vaysha Lanae' Green

On the last episode of [Tra'Vaysha's thoughts](#), I pondered why and why not AI-created works should receive Copyright protection. A LOT has happened since that article, and the answer to my admittedly philosophical question has been answered, and I have to say I am bummed about the answer. For detailed information, the article is [here](#). Still, the short version is that back in 2019, The United States Copyright Office denied registration of artwork created by Creativity Machine, an AI algorithm. Fast forward to February of this year, and The US Copyright Office Review Board affirmed that original decision.

When I first heard the verdict, I brushed it off as an inevitable answer to settle the worrisome minds of our current AI-obsessed society. However, when I sat down and thought about it, I realized I was bummed about the outcome. Law student or not, my imagination and curiosity know no bounds. I was starting to like the idea of AI getting Copyright protection and wanted it. I wanted whatever AI algorithm out there to create original works of creativity in a fixed tangible means and receive Copyright protection like humans would. There are many reasons why, but the main reason is that AI is technology, and technology, unlike humans, doesn't just formally die. It can be perpetual.

Why would the perpetual life of technology lead me to want Copyright protection for AI-created works? My answer is duration. Anyone who knows me knows that I love Copyright, which is why I am in law school. However, my biggest gripe with Copyright protection is that the duration of protection lasts too long, in my opinion. The Patent and Copyright Clause of the US Constitution states, "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." I don't know about you, but your life plus 70 years, or 95 years from publication, or 120 years from creation doesn't scream "limited time". However, the argument has been made, and won, that those numbers are, in fact, for a "limited time." The text is clear, those large numbers have an endpoint, eventually, so they are limited but, that could not have been the purpose of "limited time." However, this is the Constitution I am talking about, and both the original text and purpose were not created with Tra'Vaysha Green in mind, so there is that.

Nonetheless, with its potential perpetual life span, I wanted AI to get Copyright protection because that would mean that Congress would have to go back and potentially rethink and make duration align with what it was supposed to be, a feasible protection period. Not one that most of us won't see the end of most of the works we find relevant. They may also make it worse, but pessimism is not invited here. Of course, when reality sets in and I come down from the stars, I realize it does not matter because The Copyright Office said no, those perpetual machines don't

get Copyright protection for their creative works, and yeah, I am bummed about that. Let's see what my mind cooks up next.