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Blueprints of Thought: Reimagining Creativity and Ownership in the Machine Age

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ABSTRACT

Algorithms now create music, pictures along with stories, impacting the concepts of authorship plus intellectual property rights. "Blueprints of Thought: Reimagining Creativity and Ownership in the Machine Age," the section, considers the philosophical besides legal changes to creativity when machines create. It studies how artificial intelligence copies what people do and questions established ideas about ownership, originality as well as worth. The section offers a different way to understand authorship, one that does not focus on people. It combines legal ideas, the study of thinking next to digital rules into a plan for future intellectual property matters. Because machines are capable of thought, the question arises: who owns an idea from code?

Keywords: *Neurocreative Authorship, Algorithmic Originality, Post-Human Ownership, Sentient Code, Intellectual Alchemy*

I. GENESIS OF CREATION: FROM HUMAN IMAGINATION TO MACHINE COGNITION

From the start of settled society, people regarded making something as something only humans did. It showed thought emotion along with will. Early laws like the Statute of Anne from 1710[2], wrote this idea into law. They believed that a writer's work came from their inner self and deserved protection. Shown by a person's own way of thinking, became a central part of intellectual property law.

But now machines that can think change this picture. Artificial Intelligence, like deep learning models, does not think or feel as people do. They take in large sets of data, see patterns as well as make things that look like human work. What they produce - a song, a picture, or a legal opinion - can appear almost the same as work done by humans. A question arises: can something without awareness truly make something?

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[2] Statute of Anne, 8 Ann. c. 19 (1710) (Gr. Brit.).

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Existing legal rules, like the "modicum of creativity" test in Feist Publications, Inc. v. Rural Telephone Service Co., 499 U.S. 340 (1991)[3], thought there had to be a person who made it. The Berne Convention from 1886[4] says that "authors" are people. AI works question these ideas. They show no clear sign of a human creator. It becomes hard to say who owns them: the person who made the AI, the person who uses it, the person who trained the AI with data, or nobody.

The idea of "authorship" begins to break down. Inside jurisdictions like the United States, the U.S. Copyright Office's 2022 Guidance on AI[5] says that works must come “from a person who wrote them.” Yet, in other places, conversations suggest there could be sui generis rights - new types of laws to cover creation by machines.

In thought the rise of machines forces a new look at what making something means. If making something new just means putting things together in a way not seen before - something AI does well - then people are not so special in making things. If making something requires awareness, will next to personal experience, machines remain just very good at copying. They are not true creators.

For that reason we stand at a turning point. To make something once only done by humans, now extends into new territory. As machine thinking grows, the legal system must face a hard choice: to explain what creativity means, to rethink who owns something in addition to maybe, to change the limits of what it means to make something.

II. THE MYTH OF THE LONE GENIUS: COLLABORATION, ALGORITHMS, AND COLLECTIVE CREATION

For a long time intellectual property law has been oriented around the notion of the individual creator. This idea born from Enlightenment thought, influenced the laws concerning authorship and ownership. Individual creation became the basis for intellectual property protection. But now with neural networks and data-based creativity, this idea is becoming outdated.

"Originality" changed with social and technological changes. Renaissance studios, where workers jointly made works attributed to one "master," showed problems with the single author idea. As the industrial revolution progressed, group invention became common, but legal systems continued with individual stories. Copyright agreements, such as the Berne Convention

[3] Feist Publ’ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).
[4] Berne Convention for the Protection of Literary and Artistic Works art. 2(6), Sept. 9, 1886, as revised at Paris on July 24, 1971, 828 U.N.T.S. 221.
[5] U.S. Copyright Office, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, 87 Fed. Reg. 16,476 (Mar. 16, 2022).

(1886)[6] along with patent systems around the globe, still assumed a distinct person created something. AI now challenges this.

AI systems, from generative adversarial networks (GANs) to transformer models like GPT, are powered by large amounts of shared human data, not individual thought. They rearrange millions of creative works into new products. It makes unclear the division between tribute, adaptation as well as actual creativity. At this time creation is not a divine moment but a result of collaboration between algorithms, data collections next to designers.

Training AI models involves a lot of human effort, like from dataset curators to prompt engineers, which makes the "author" idea even less clear. Even the algorithm developers depend on years of open-source and academic work. Once a division between creator and product, is now a complicated network of contributions from both humans and machines.

This change presents difficulties for the basis of intellectual property law. If originality is a networked item, how do we assign ownership? If machines co-produce creativity, what rights should be acknowledged? As we progress into the AI age, the legal arrangement must change from focusing on individual genius to accepting a more shared idea of creation. It must recognize the collective, mixed nature of creativity in the digital place.

III. GHOST IN THE CODE: CAN A MACHINE BE AN ARTIST?

Inside the shadowy areas connecting silicon and syntax, a strange thing happens - a machine creates things. Can we call something an "artist" when it lacks awareness, feelings, or aims? When artificial intelligence systems make paintings, music along with stories that are equal to or better than human work, the common ideas about who made something are unstable.

In the past people saw creativity as the best thing humans do, a combination of feeling, knowledge as well as what they sense. The idea of a creative person has a great effect on legal and thought-based ideas about who owns creations. Artificial intelligence, without experience, develops new forms by using math-based pattern recognition and probability. Is this imitation or is it deeper?

One philosopher Margaret Boden, tells the difference between "historical creativity," which is the making of something new next to "psychological creativity," or personal understanding.[7]

[6] Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris, July 24, 1971, 1161 U.N.T.S. 30.
[7] Margaret A. Boden, Creativity and Artificial Intelligence, 103 ARTIFICIAL INTELLIGENCE 347, 347–56 (1998).

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Artificial intelligence often does the first without the second, which makes people wonder, if a work affects people, does it matter if a thinking mind did not make it?

Legal practice based on human traditions, needs a human author. Like the U.S. Copyright Act, assume a "person" is the maker in addition to court cases[8], like Naruto v. Slater (2018)[9], show this need by confirming that a monkey's selfie cannot have copyright. But as art from artificial intelligence fills galleries, shops along with online places, the rules are less clear. Is the real artist the coder, the person who finds the data, the math tool itself, or the relationship between them?

Artificial intelligence-based creativity questions the idea of intent. In Feist Publications v. Rural Telephone Service (1991)[10], originality, instead of novelty, was the legal need for copyright. But what does originality mean when a machine, not a mind, puts together pixels or musical notes?

Some say artificial intelligence just adds to human creativity, it is a tool like a paintbrush. Others see artificial intelligence as the start of a new kind of "semi-author," neither human nor machine. If machines come from our thinking, should people treat their work differently from ours?

A strange thing within the code makes legal practice and thinking face a new idea. Maybe creativity is no longer only for living people. It makes us ask - does authorship live in the maker's heart, or in the creation's ability to affect, drive as well as move people?

IV. Owning the Intangible: Intellectual Property's Historical Anchors and AI's Drift

Intellectual property law began from the belief that creativity comes solely from people. It is a result of thinking, effort along with personal feeling. Patents as well as trademarks developed as legal supports to guard this nonphysical output. They let creators writers next to performers get rewards from their cleverness. With origins in documents such as the Statute of Anne (1710) and the U.S. Patent Act of 1790[11], initial IP rules established an uncomplicated idea: a person's mind was behind each product.

Copyright law defined authorship by originality and creativity. People thought these qualities were only human. Patent systems asked for newness and non-obviousness. They gave importance to creative actions a skilled person could notice but not copy easily. Trademark

[8] 17 U.S.C. § 102(a) (2018).
[9] Naruto v. Slater, 888 F.3d 418 (9th Cir. 2018).
[10] Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).
[11] Act of Apr. 10, 1790, ch. 7, 1 Stat. 109.

protections grew to keep the identity and good name linked to businesses run by people. Across all the supports, people made the structure stay together.

The structure begins to move in the time of AI. Algorithms produce music, pictures, inventions in addition to even brand names by themselves. The historic supports of IP start to break down. If a machine "creates" without a person helping, who owns the copyright? Can a neural network be called an "inventor" under patent law? Does branding from an AI get trademark protection if no person creates it?

Present legal systems struggle with these questions. Cases like Thaler v. Commissioner of Patents [2021] FCA 879 (Australia)[12] show the increasing difference. Here the court had problems with allowing an AI called "DABUS" as an inventor. In the U.S., the Copyright Office turned down registration of AI-made products lacking human authorship. This strengthened old ideas during fast change.

The movement involves not only legal items, but thought as well. The Enlightenment ideals of individual talent and ownership gave birth to IP law. They disagree with the new truth of working together, development along with sometimes unclear machine creativity. The usual supports now sit uncertainly. These include originality, inventorship as well as distinctiveness.

For dealing with this, lawmakers have a main option: change present doctrines to fit AI or deeply rethink intellectual property's goal. As machines make unclear the differences between tool and creator, owning the nonphysical turns into more than a legal problem. It becomes a new definition of creativity.

V. Mind vs. Machine: comparative international perspectives on AI-generated works

As artificial intelligence moves from a tool to a creator, global legal structures consider a difficult question: can machines possess what they develop? Answers vary in different legal systems, showing different philosophies and legal frameworks.

In the U.S., the accepted position is apparent: authorship by people is most important. In Naruto v. The courts stated that creativity requires a human mind. This idea repeated when copyright claims for art made by AI were denied, as machines, regardless of their abilities, have no legal standing as authors.

Then again the European Union takes a more nuanced approach. Though the InfoSoc Directive and the Berne Convention focus on human authorship, discussions around the Artificial

[12] Thaler v. Commissioner of Patents, [2021] FCA 879 (Austl.).

Intelligence Act suggest a possible change. A few policymakers suggest specific rights designed for AI-made results, recognizing their rising socio-economic effect without weakening norms that center on human creation.

Under the Copyright Act, requires a human author for protection currently. The Delhi High Court's comments in Rameshwari Photocopy Services v. Oxford University Press pointed to a court willingness to change IP rules because of advancing technologies. Scholarly talks investigate if Indian law can see AI as a "joint author" with human creators, mainly where human direction shapes machine output.

Japan takes a new course. The nation's IP changes, including the AI and Data Policy, accept that some AI-created works may not fit within normal copyright rules. Japan stresses enabling AI innovation instead of holding to strict ideas of authorship, suggesting adaptable licensing for AI outputs to encourage economic gain.

This global split shows a philosophical disagreement: is creativity only a human trait, or can it come from neural nets and algorithms? As AI systems change from assistants to autonomous inventors, national IP systems face increasing stress to align tradition with current technology.

The Mind vs. Machine argument is now a legal test affecting the future of innovation, possession along with the definition of creativity in the digital period.

VI. Between innovation and infringement: when machines remix the world

In the machine age, creation and violations are close to each other. Artificial intelligence systems rework huge amounts of human expression into items thought as original. Traditional intellectual property laws face many questions they were not prepared to answer.

Central to the problem is the concept of transformative use. Under U.S. law, altered items that include expression or meaning often get protection under the fair use doctrine (17 U.S.C. § 107)[13]. Authors Guild v. Inc., 804 F.3d 202 (2d Cir. 2015)[14] showed problems in using this rule to technology. In that case Google's digitization of many books was judged altered because it served a new, helpful function. Artificial intelligence systems like Stable Diffusion, Midjourney along with OpenAI's models make calculations hard to do. When an artificial intelligence learns from works with copyright, does it just index them as Google Books did, or does it take them unlawfully?

[13] 17 U.S.C. § 107 (2021).
[14] Authors Guild v. Google, Inc., 804 F.3d 202 (2d Cir. 2015).

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Legal rules reflect this disagreement. The Copyright Act, 1976 (India)[15] and the Copyright, Designs and Patents Act, 1988 (UK)[16] assume a human author. This assumption faces a challenge when algorithms make related outputs. In the U.S., Feist Publications, Inc. v. Rural Telephone Service Co., 499 U.S. 340 (1991)[17] said originality needs some creativity. But AI systems now make outputs so linked to previous material that courts could question if machine outputs pass that creativity point or simply rework current content.

The European Union's Directive on Copyright that was in the Digital Single Market (Directive (EU) 2019/790) tries to solve such issues. Articles 3 and 4 introduce text as well as data mining (TDM) exceptions.[18] These exceptions accept that the data used for creating new things requires space, but have limits when are used for large artificial intelligence training.

Adding to the difficulty, Andersen v. Stability AI Ltd., Case No. 3:23-cv-00201 (N.D. Cal. 2023)[19] involves artists claiming their copyrighted works saw unauthorized use in AI training datasets. This spotlights the fragile line between inspiration and violations.

AI made creation fits poorly into existing property boxes. It requests legal changes. Such changes should find a middle ground between the machine's ability to rework items and the author's right to control their imaginative inheritance. On this new digital ground, law must decide: stop change or risk lowering protection.

VII. The legal personhood paradox: should AI have rights or merely serve rights-holders?

In the expanded digital space, a legal question surfaces: Is artificial intelligence a tool for people, or could it own intellectual property at some point? The present IP system depends on human creation. Organizations generate art, music, creations along with writing without help.

The legal problem is personhood. Structures like the Copyright Act, 1976 (India)[20] and the U.S. Copyright Act, 1976,[21] state that a natural person created it. The Patents Act, 1970 (India)[22] and the U.S. Patent Act[23] want people to be the source. AI does things without direct human action or thought. It questions rules.

[15] The Copyright Act, 1976 (India), No. 14 of 1977, Acts of Parliament, 1977.
[16] Copyright, Designs and Patents Act, 1988, c. 48, 1988, UK.
[17] Feist Publications, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).
[18] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on Copyright in the Digital Single Market, 2019 O.J. (L 130) 92, arts. 3–4.
[19] Andersen v. Stability AI Ltd., No. 3:23-cv-00201, 2023 WL 7132064 (N.D. Cal. Oct. 30, 2023).
[20] Copyright Act, No. 14 of 1976, India Code (India).
[21] 17 U.S.C. §§ 101–1332 (1976).
[22] Patents Act, No. 39 of 1970, India Code (India).
[23] 35 U.S.C. §§ 1–376 (2012).

A case happened in Thaler v. Commissioner of Patents [2022] FCAFC 62 (Australia)[24]. Stephen Thaler's "Device for the Autonomous Bootstrapping of Unified Sentience" (DABUS) made creations without people. Thaler wanted DABUS to get patent status as the creator. But the court said the current law states an "inventor" must be a person. It accepted that that idea could stop creation. Similar results came in Thaler v. 43 F.4th 1207 (Fed. Cir. 2022, U.S.)[25] and UKIPO Decision BL O/741/19.[26]

Article 17 of the Universal Declaration of Human Rights gives people the right to property, not machines.[27] Corporations, once "artificial persons," now have rights for people. If a corporation can own IP, why not an AI? Some say allowing AI rights could cause problems. Companies could avoid duty by claiming "non-human" creators did it.

WIPO[28] and the EU Parliament Resolution 2020/2012(INL)[29] have discussions. They offer structures for "electronic personality" for autonomous AI. The European Union is not giving AI direct IP rights. But these talks suggest AI could hold limited rights linked to its managers.

Most systems prefer the "rights-holder" idea. AI creations go to human developers, data providers, or those who use them. The question gets bigger. When machines create alone, should legal systems change, or stay the same?

The legal personhood problem is real. It is the next battle of creation, ownership as well as the meaning of "create."

VIII. Ethical Architectures: Rethinking Ownership Beyond Capital

Artificial intelligence changes creativity. It is a never-before-seen challenge to how we handle ownership. Current times ask for a new understanding of intellectual property, one that is more than money-focused. As worry increases about too much control by a few plus turning progress into a product, other ideas appear. Those ideas include commons-based, public-benefit along with open-source models. They could become ethical ways to handle AI creativity.

For example the commons-based model takes inspiration from open-source. It supports managing AI and digital products as a group. Richard Stallman supported the GNU General

[24] Thaler v. Commissioner of Patents, [2021] FCA 879 (Austl.).
[25] *Thaler v. 43 F.4th 1207* (Fed. Cir. 2022, U.S.).
[26] UKIPO Decision BL O/741/19.
[27] Universal Declaration of Human Rights, art. 17, G.A. Res. 217 A(III), U.N. Doc. A/810 (1948).
[28] WIPO, *WIPO Overview of IP and AI* (2022), available at https://www.wipo.int/about-ip/en/artificial_intelligence/.
[29] European Parliament Resolution, 2020/2012(INL), P9_TA(2021)0105 (2021).

Public License (GPL).[30] The GPL contains the idea that software (and AI models) should be available for changes and shared again. Such ideas permit progress to grow within a group instead of within a business alone. The Oracle v. Google case (886 F.3d 1179, 2018) explained how closely guarded models can stop progress.[31] The open-source belief states that knowledge should be open to everyone. Knowledge should grow through shared work.

Public-benefit models add a new aspect. They put focus on AI technology's ethical use for the good of society. AI ownership is not just about legal rights but also responsibility. EU's Directive 2009/24/EC[32] is an example. It put in place adjustable protections for software, backing ethical use plus progress. This directive found a middle ground between intellectual property rights and the public good. It permitted limited decompilation of software for interoperability. Such action supports the ethical need for more inclusive progress during fast-moving times.

In addition AI ethics frameworks like the OECD AI Principles (2019) say that AI should be fair, open as well as responsible. They argue AI technologies must help all people and must be controlled to avoid too much business power.[33] This idea is also in line with Article 27(2) of the Universal Declaration of Human Rights. This article states that people have a right to share in progress plus its benefits.[34] Public-benefit and open-source models act as real responses to these demands. AI is used for society's welfare rather than just as a tool for money.

At this moment AI goes faster than control methods. Looking at these different ownership models is important. The difficulty is not in turning away from ownership. It is in changing its meaning. The public good not private profit, should lead AI creativity's direction.

IX. FUTURE FRONTIERS: BLUEPRINTING A NEW IP ORDER FOR THE MACHINE AGE

AI technology changes creativity, ownership along with innovation. Traditional intellectual property law struggles to keep up. The future for intellectual property during the machine age requires change. A legal system that addresses difficulties from AI is needed. It needs to balance the rights of creators, corporations as well as the population in a quickly evolving digital system.

[30] Richard Stallman supported the GNU General Public License (GPL): Stallman, Richard. *The GNU General Public License*. Free Software Foundation, 1989, https://www.gnu.org/licenses/old-licenses/gpl-2.0.html.
[31] Oracle v. Google case (886 F.3d 1179, 2018): Oracle America, Inc. v. Google Inc., 886 F.3d 1179 (Fed. Cir. 2018).
[32] EU's Directive 2009/24/EC: Council Directive 2009/24/EC, of 23 April 2009, on the legal protection of computer programs, 2009 O.J. (L 111) 16.
[33] OECD, *OECD Principles on Artificial Intelligence* (2019) https://www.oecd.org/going-digital/ai/principles/.
[34] Universal Declaration of Human Rights, art 27(2), GA Res 217 A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (1948).

In the AI age, the idea of "creativity" is changing. AI systems make content that resembles human creativity, but the content does not have a human source. One problem comes up: who has intellectual property rights to works machines create? Usual intellectual property regulations rely on the concept of human authorship and inventorship. The Copyright Act and the Patent Act are in this category. They do not apply when algorithms are the creators. In one case the court stated that AI is unable to become an inventor. It reaffirmed human-centered patent regulations. AI continues to innovate by itself. Intellectual property systems must change to give rights to the creators behind the AI systems. A new model for machine-made intellectual property should be made.

The idea of "fair use," from the U.S. Copyright Act, is tested in the AI age. In one court case the court considered whether Google's use of Java in Android was fair use. It showed how usual intellectual property ideas have trouble applying to digital systems. AI learns from collections of data. These collections often hold copyrighted works. This complicates using fair use doctrines. A licensing method is possibly needed to oversee how AI uses copyrighted things. An example is the GNU General Public License. Future intellectual property regulations could adopt systems that promote data sharing. At the same time they protect the rights of original creators.

To accommodate machine-made works, a change to authorship and inventorship is important. The concept of joint authorship, where AI and human creators share credit, is one option. Some have proposed a "non-human creator" category. It could be inside copyright and patent regulations. It could offer a solution to protect AI inventions and creations. It should address public interests. This concept could also get ideas from international systems like the Berne Convention. That agreement protects authors' rights, but it needs to account for non-human creators with AI.

AI technologies spread across borders. Global intellectual property agreement is important. The Agreement on Trade-Related Aspects of Intellectual Property Rights should include machine-created works. As the EU deals with the Digital Single Market next to the U.S. discusses changes to the Copyright Act, future intellectual property systems should promote cross-border cooperation. This protects AI-driven innovations fairly.

An intellectual property system must balance motivating AI innovation and protecting the public's things. By changing the meaning of authorship, rethinking licensing methods in addition to changing international intellectual property agreements, the digital area can change. It needs to be a fair and active place where both human and machine creativity grow. Only then

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will the rights of creators, whether human or machine, be kept for the machine age.

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