

RESEARCH ARTICLE

Legal Protection Mechanisms for Intellectual Property Rights in Generative AI Prompts

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ABSTRACT

With the widespread adoption of generative artificial intelligence (AI), prompts have become an important medium of interaction between users and AI models. They not only influence the direction of AI-generated content but may also embody users' creative intentions and expressive choices. However, existing discussions of intellectual property protection for generative AI tend to conflate the prompt itself, its influence on the generation process, and human contributions to AI-generated outputs. This has resulted in unclear protected objects and assessment standards, leaving prompts subject to both regulatory gaps and divergent judicial interpretations.

This article demonstrates the necessity of legal protection for prompts from both technological and legal perspectives. By analyzing the role of prompts within the technological process, it clarifies their potential legal significance. Interests associated with generative-AI prompts do not constitute a protected object with a single legal characterization but should be classified according to their different stages in the creative process: first, the prompt itself as an independent form of expression; second, the user's control and creative contribution to the AI-generation process embodied in the prompt; and third, new expression created through the user's editing, modification, or supplementation of the initial AI-generated output. Generative AI produces final outputs through model training, semantic prediction, and probabilistic calculation. Although prompts can influence the direction of model generation, they generally do not directly determine the specific content or form of the resulting expression. Therefore, entering a prompt cannot automatically give rise to copyright protection or determine copyright ownership. The focus should instead be on whether the user makes a legally meaningful creative contribution through prompt design, adjustment of the generation process, and subsequent editing. Intellectual property protection for generative-AI prompts should be established within the existing intellectual property framework by developing a classified protection model based on human creative contributions at different stages and establishing protection standards and institutional mechanisms consistent with the technological characteristics of AI.

Establishing a clear framework for the independent protection of prompts is not only a key component of developing the intellectual property system in the age of AI but also a necessary measure for upholding the legal principle of human-centeredness and protecting human intellectual contributions. It is of significant theoretical and practical importance for promoting the healthy and orderly development of the generative-AI industry.

KEYWORDS

generative AI, prompts, copyright, creative contribution, intellectual property protection

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원저

생성형 인공지능 프롬프트의 지식재산권 보호에 관한 고찰

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차례

1. Introduction
2. The Necessity of Legal Protection for Prompts
 - 2.1. The Independence of Prompts in AI Technology
 - 2.2. Analysis of the Legal Attributes of Prompt Protection
 - 2.3. Current Status and Difficulties of Prompt Protection
3. Legal Bases for Intellectual-Property Protection of Prompts
 - 3.1. Legal Compatibility between Prompts and the Intellectual-Property System
 - 3.2. Analysis of "Originality" in the Generative-AI Process
 - 3.3. Distinction between Protection of Prompts and Protection of AI-Generated Results
4. Practical Pathways for Intellectual-Property Protection of Prompts
 - 4.1. Protection Model: Classification-Based Evaluation under Technological Conditions
 - 4.2. Protection Standard: Human Creative Contribution as the Core Standard
 - 4.3. Protection Mechanism: A Pluralistic Governance Mechanism through Legal Coordination
5. Conclusion

국문초록

생성형 인공지능 기술의 광범위한 적용과 함께 사용자와 인공지능 모델 간 상호작용의 핵심 매개체로서 프롬프트(Prompt)는 인공지능 생성 콘텐츠의 방향성을 좌우할 뿐 아니라, 사용자의 창작 의도와 표현 선택을 담지할 수도 있다. 그러나 현재 생성형 인공지능의 지식재산권 보호에 관한 논의는 프롬프트 자체, 프롬프트의 생성과정에 대한 영향력, 그리고 인공지능 생성 결과물에 내재된 인간의 기여도를 상호 혼동하는 경향이 있어, 보호대상과 판단기준이 명확하지 않으며, 프롬프트는 규제 공백과 사법판단의 분열이라는 이중적 난관에 직면하고 있다. 본 연구는 기술적 및 법적 두 차원에서 프롬프트의 법적 보호 필요성을 논증한다. 프롬프트가 기술체인 내에서 가지는 독립성을 분석함으로써 그 법적 속성을 규명하고자 한다. 생성형 인공지능 프롬프트 관련 이익은 단일 법적 속성을 갖는 보호 대상이 아니라, 창작과정의 각 단계에 따라 분류·판단되어야 한다. 첫째, 프롬프트 자체가 독립적인 표현대상으로서의 성격을 갖는 경우, 둘째, 프롬프트가 사용자의 인공지능 생성 과정에 대한 통제력과 창의적 기여를 반영하는 경우, 셋째, 사용자가 인공지능의 초기 생성 결과를 기반으로 편집·수정·보완하여 형성된 새로운 표현의 경우이다. 생성형 인공지능은 모델 학습, 의미 예측 및 확률 계산을 통해 최종 출력물을 생성하지만, 프롬프트는 모델의 생성 방향에 영향을 미칠 수는 있으나, 일반적으로 구체적인 표현을 직접 결정하지는 않는다. 따라서 프롬프트 입력행위 자체가 당연히 저작권 귀속 효과를 발생시키는 것은 아니며, 사용자가 프롬프트 설계, 생성과정 조정 및 후속 편집행위를 통해 법적 의미상의 창의적 기여를 실현했는지를 중점적으로 검토해야 한다. 생성형 인공지능 프롬프트의 지식재산권 보호는 기존 지식재산권 제도 프레임 내에서, 각 단계별 인간의 창의적 기여에 따라 분류 보호 모델을 구축하고, 인공지능 기술 발전 특성에 부합하는 보호 기준과 제도 메커니즘을 추가로 구축해야 한다. 명확한 프롬프트의 독립적 보호를 위한 프레임워크를 확립하는 것은 인공지능 시대 지식재산권 제도를 완비하는 핵심일 뿐 아니라, '인간 중심'의 법적 정신을 회복하고, 인간의 지적 기여를 보장하기 위한 필수적 조치이며, 생성형 AI 산업의 건전하고 질서 있는 발전을 촉진하는 데 중요한 이론적 및 실천적 의의를 갖는다.

주제어

생성형 인공지능, 프롬프트, 저작권, 창의적 기여, 지식재산권 보호

1. Introduction

In recent years, generative artificial intelligence technologies represented by ChatGPT and Midjourney have developed rapidly and have been widely applied to text generation, image creation, program development, and commercial content production. Unlike traditional digital tools, generative artificial intelligence does not merely execute explicit user operations; rather, based on models trained on large-scale data, it forms new content expressions through natural-language understanding and probabilistic generation mechanisms.

This technological characteristic has changed the traditional mode of creation under copyright law. In traditional creative processes, authors generally directly control the formation of the expression of a work, whereas in a generative-artificial-intelligence environment, users often participate in the creative process by entering prompts, adjusting generation parameters, and selecting and modifying results.¹⁾ The resulting question is whether users' conduct in AI-assisted creation constitutes creation in the sense of copyright law, and whether the resulting products can obtain legal protection.

Against this background, prompts have become an important subject of intellectual-property research concerning generative artificial intelligence. Prompts have evolved from simple keyword inputs into a complex form of "prompt engineering"²⁾ integrating technological understanding and creative conception. However, existing discussions still have certain deficiencies. On the one hand, some views regard prompts as a new type of intellectual-property object possessing independent value, but do not sufficiently distinguish the relationship between the expression of the prompt itself and the generated result. On the other hand, some studies directly connect the user's act of entering prompts with the allocation of rights in AI-generated results, overlooking differences in the degree of user control and creative contribution during the formation of specific AI-generated expressions.

This article moves beyond the traditional "work-oriented" research approach and addresses the uneven legal attention given to different elements in generative artificial intelligence. Taking prompts as the starting point, it seeks to clarify three levels of legal issues: first, whether a prompt itself may constitute a work in the sense of copyright law; second, whether the user's creative contribution embodied in a prompt can affect the status of an AI-generated result as a work; and third, whether a new result formed after the user edits, modifies, or supplements an AI-generated result possesses independent value for protection. Although these three questions

1) Chen Gaohua & Guo Muling, "Human-AI Misalignment: Linguistic Ontological Critique of the 'Prompts' Dominance Phenomenon", *Studies in Dialectics of Nature*, Vol.42 No.5(2026), pp. 72-81.

2) Chen Liang & Zhu Shengnan, "Ex-ante Incentives and Gradient Empowerment: A Preliminary Framework for the Protection of Generative AI Prompts", *Journal of Beijing Technology and Business University (Social Sciences)*, Vol.40 No.4(2025), pp. 131-142.

all revolve around prompts, their objects of legal evaluation, standards of assessment, and pathways of protection differ. Therefore, only by clearly distinguishing different legal objects can a reasonable pathway for intellectual-property protection of prompts be constructed.

2. The Necessity of Legal Protection for Prompts

As one of the stages in AI generation, prompts should first be understood from a technological perspective in terms of their operating principles and effects, and then, based on the technological structure, their inherent legal value and the necessity of protection should be analyzed. The basis for protecting prompts lies in their independence in the technological operation process, their inherent legal value, and the practical urgency caused by current technological innovation.

2.1. The Independence of Prompts in AI Technology

Generative artificial intelligence is an AI technology based on machine-learning models that generates text, images, audio, video, and program code by training on large amounts of data and generating content according to information input by users. Unlike traditional information-retrieval or automated-processing tools, generative artificial intelligence does not merely extract and present fixed information from an existing database; instead, it predicts and generates new content according to computational relationships between the input and internal model parameters. Therefore, its generated results are not completed solely by users, but are formed through the interaction between human input and artificial-intelligence models.

From the perspective of technological operation, users generally provide generative-AI models with task requirements, subject matter, modes of expression, role settings, stylistic requirements, and other restrictions through prompts. After receiving prompts, the model performs semantic processing of the natural-language information and predicts subsequent content based on parameter relationships formed during model training. In text-generation scenarios, the model generally calculates the probability of different tokens appearing according to the existing context and gradually forms complete text. In image-generation scenarios, it may form image content according to the correspondence between textual prompts and image features learned by the model. Thus, prompts can exert an important influence on the direction, scope, and expressive characteristics of generation, but normally cannot directly determine every specific expression in the generated result.

Furthermore, the generation process of generative artificial intelligence normally contains a certain degree of uncertainty. The same prompt may produce different results under different models, parameter settings, or numbers of generations.³⁾

Conversely, users may gradually approach an expected result by continually modifying prompts, adjusting parameters, comparing different results, and generating again. Therefore, in actual creative practice, the relationship between users and generative artificial intelligence is not merely a one-time input relationship, but may form a cycle of “input-generation-evaluation-adjustment-regeneration.”

This technological characteristic is significant for determining creation under intellectual-property law. Traditional creation normally involves a natural person directly conceiving and forming a specific expression, whereas in a generative-AI environment, a user’s creativity may be distributed across prompt design, control of the generation process, selection of results, and subsequent editing. Accordingly, whether the user entered a prompt alone is insufficient to determine whether the user made a creative contribution in the sense of copyright law.

In this sense, prompts possess a dual character in generative-AI creation. On the one hand, as a tool for transmitting information from the user to the model, a prompt has an obvious functional character. On the other hand, a particular prompt may contain subject arrangements, linguistic organization, plot settings, stylistic choices, and other expressive content, and therefore may independently qualify for intellectual-property evaluation. In addition, a prompt may become an important means by which the user controls the generation process, and its value may not lie entirely in the prompt text itself but may be reflected in its influence on the process through which the final generated result is formed.

Therefore, “prompt protection” in a generative-AI environment cannot simply be understood as protection of a single uniform legal object. Only by distinguishing the value of a prompt as expression from its function and role in the AI-generation process can the corresponding standards of legal evaluation be further determined.

2.2. Analysis of the Legal Attributes of Prompt Protection

As an important medium for interaction between users and generative artificial intelligence, prompts have relatively complex legal attributes. Unlike traditional works, prompts may appear as simple operational instructions or as complex texts with strong literary, artistic, or structural characteristics. Therefore, prompts should not be divided in a one-size-fits-all manner, but should be discussed according to different circumstances.⁴⁾

The first situation is to evaluate the prompt itself as an independent object of expression. In this situation, the object of legal judgment is limited to the prompt itself and does not involve the final result generated by artificial intelligence. If

3) Du Wei-nan, “Theoretical Conception and Path Selection of AI Prompt Word Protection”, *Hebei Law Science*, Vol.44 No.6(2026), pp. 128-144.

4) Cui Xinglu & Yao Changqing, “The Construction Path of the Hierarchical and Transparent System of the AI System in China: A Study Based on the Risk Assessment Model of the European Artificial Intelligence Act”, *Journal of Intelligence*, Vol.44 No.11(2025), pp. 160-169.

prompt content formed by a user in natural language or image form possesses sufficient originality and reflects the author's individualized expression, it may, in principle, be evaluated under existing copyright-law provisions concerning works. Conversely, if a prompt merely contains a general requirement such as "generate a photograph of a sunset by the sea" and mainly performs a functional instructional role, its expressive space is limited and it would be difficult to obtain copyright protection merely because it has practical value.

The second situation is to examine the relationship between the user's creative contribution embodied in the prompt and the AI-generated result. Here, the object of legal evaluation is no longer the prompt itself, but the AI-generated result. A user may influence the final result by designing complex prompts, repeatedly adjusting input content, setting generation conditions, and selecting generated results. However, the fact that a prompt can influence the direction of generation does not mean that the user directly completed the specific expression in the generated result. After receiving the prompt, the generative-AI model still forms specific output through model parameters and computational processes. Therefore, even if the user's prompt is highly creative, the mere originality of the prompt cannot automatically establish that the user holds copyright in the AI-generated result. It is necessary to further determine whether the user's creativity actually operated on the specific expression of the final result and whether that effect reaches the degree required by copyright law.

The third situation is where, after artificial intelligence initially generates a result, the user continues to edit, modify, supplement, or reorganize it. In this process, the user's conduct has gone beyond merely entering prompts and may directly affect the specific expression of the final result. For example, the user may delete part of the content generated by artificial intelligence, reorganize the textual structure, modify relationships among characters, supplement plot elements, or adjust image composition. At this point, the focus of legal evaluation should shift to the new expression actually created by the user.

Therefore, although the second and third situations both concern AI-generated results, they are not identical in legal structure. The second situation mainly concerns the user's participation and degree of control during the autonomous generation process of artificial intelligence, whereas the third concerns whether, after AI generation, the natural person formed new expression through further creative activity.

It can therefore be seen that intellectual-property issues concerning prompts contain at least three different levels: first, whether the prompt itself possesses the attributes of a work; second, whether the human creativity embodied in the prompt can have legal significance for the work status of the AI-generated result; and third, whether human editing and modification after AI generation forms new protected expression. Although these three questions may be connected in actual creative processes, they should be evaluated separately in legal analysis.

2.3. Current Status and Difficulties of Prompt Protection

Despite the growing importance of prompts in generative AI technology, their legal protection is still ambiguous and lacking globally, and in current legal practice, there are multiple predicaments such as misaligned protection content, blank legal rules, and differences in judicial determination.

2.3.1. Protected Content: Legal Protection Focuses on the Product and Neglects the Prompt

Most of the current global legal discussions and judicial practices regarding generative AI focus on the copyright and tort liability of AI-generated content (AIGC). Whether in Chinese court precedents or in policy orientations in the U.S. and the EU, the core of the debate has always been ‘whether AI-generated content constitutes works’ and ‘how rights should be attributed’.⁵⁾ For instance, cases like ‘Tencent v. Yingxun’⁶⁾ and ‘Li v. Liu’⁷⁾ in China revolve around whether AI-generated articles or images meet the originality requirements of works. This tendency to take ‘output’ as the core object of protection invisibly places ‘input’ out of the legal view. The prompt is reduced to an intermediate link or factual element in the creative process, and its own independent value and creative contribution are completely absorbed or dissolved in the final product. This ‘effect over cause’ model of protection has fundamental flaws: on the one hand, it makes it impossible for the rights of the prompt creator to be directly and independently recognized, and the value of their intellectual achievements is completely dependent on a product whose legal status is not yet clear; on the other hand, it is clearly unfair that when a product cannot be protected because it does not meet the standard of originality, the potentially highly creative prompt, which is the source of its creation, also loses any possibility of legal protection.

2.3.2. Legal Void: A Significant Legal Vacuum in the Protection of Prompts

As of 2026, there is no law or administrative regulation in the major jurisdictions around the world that explicitly defines ‘prompt words’ as an independent object of intellectual property rights. Neither China’s Copyright Law, Patent Law, nor relevant laws in the United States and the European Union provide a tailor-made protection framework for prompt words.⁸⁾ This legal silence leaves the protection of prompts in a significant vacuum. If creators want to assert their rights, they have to try to ‘cut their feet to fit the shoes’ into the mold of existing types of intellectual property

5) Miao Fengchun, “Generative AI and Its Uses in Education: Foundational Controversies and Responding Strategies”, *Open Education Research*, Vol.30 No.1(2024), pp. 4-15.

6) See Tencent Computer System Co., Ltd. v. Shanghai Yingxun Technology Co., Ltd., (2019) Yue 0305 Min Chu No. 14010, Nanshan District People’s Court of Shenzhen Municipality, Guangdong Province.

7) See Li v. Liu, (2023) Jing 0491 Min Chu No. 11279, Beijing Internet Court.

8) Zhou Hanhua, “A Roadmap for Artificial Intelligence Legislation in China”, *Modern Law Science*, Vol.46 No.5(2024), pp. 17-34.

rights, such as arguing that it constitutes a ‘written work’, but this faces extremely high uncertainty. In current academic discussions, many viewpoints tend to categorize prompt words as ‘ideas’ or ‘instructions of operation’ that are not protected by copyright, further exacerbating the instability of their rights status.⁹⁾ This legal void not only leaves creators with no way to defend their rights, but also brings great uncertainty to the development of the industry. Companies invest resources in developing core prompt word libraries but fail to obtain stable legal expectations; the operation of the prompt trading platform also faces potential legal risks due to the lack of a clear definition of rights. The absence of law is becoming a significant obstacle to the transformation of prompt value and industrial innovation.

2.3.3. Judicial Practice: Significant Disparity in the Characterization of Prompts and in Judgments

In the limited judicial practice, courts in different countries and regions have shown a serious divergence in the nature determination and judgment results of cases involving prompt words, which has exacerbated the uncertainty of legal application. Take China as an example. In the case of ‘Li v. Liu’, the Beijing Internet Court affirmed the ‘intellectual input’ of the plaintiff’s use of AI-generated images, holding that the plaintiff reflected his aesthetic choice and personalized arrangement through designing the prompt words, setting parameters, etc., and thus determined that the generated images constituted works and awarded the plaintiff copyright. This ruling actually recognized the core contribution of the prompt word in the creative process. However, in some other cases, such as ‘Feilin Law Firm v. Baidu’¹⁰⁾, the court may deny the original human contribution because of the ‘automation’ of the production process and thus not recognize the production as a work.¹¹⁾ This phenomenon of different judgments in the same case reflects the deep confusion and divergence in the judicial system over how to assess and recognize human ‘intellectual input’ in the creative process of generative AI. There is no consensus in judicial practice as to whether prompt words should be regarded as creative ‘expressions’ or functional ‘tools’ or ‘methods’. This indecision makes it impossible for the parties to predict the legal consequences of their actions, seriously undermining the authority and stability of the law and making it extremely difficult to establish prompt protection rules through individual cases.

Coincidentally, from an international perspective, in U.S. judicial practice, the U.S. District Court for the District of Columbia, in *Thaler v. Perlmutter*¹²⁾, held that a

9) Guan Yuying, “Discussion on the Focus of Copyright Disputes on Generative Artificial Intelligence”, *Journal of Beijing University of Technology (Social Sciences Edition)*, Vol.25 No.1(2025), pp. 103-111.

10) See *Beijing Feilin Law Firm v. Beijing Baidu Netcom Science and Technology Co., Ltd.*, (2018) Jing 0491 Min Chu No. 239, Beijing Internet Court.

11) Song Weifeng, “Generative AI Communication Paradigm: Copyright Risk and Regulatory Construction of AI-Generated Content—Based on the World’s First AIGC Infringement Case”, *Journalism and Mass Communication*, No.10(2023), pp. 87-96.

12) See *Thaler v. Perlmutter*, Civil Action No. 22-1564 (BAH), United States District Court for the

work generated entirely by AI lacks human authorship and is not eligible for copyright protection. In the Kashtanova comic book case, the U.S. Copyright Office found that human editing, selection, and coordination constituted protected elements of human creation, but images generated by Midjourney technology were not works of human authors.¹³⁾ This 'black or white' dichotomy logic does not give a clear critical point, nor does it specify the specific role of the prompt. In addition, there are significant differences in legal positions among different countries, which can lead to completely different legal evaluations of the same prompt in different jurisdictions,¹⁴⁾ posing huge compliance risks and costs of rights protection for transnational creators.

3. Legal Bases for Intellectual-Property Protection of Prompts

To construct an intellectual-property protection system for prompts, it is first necessary to provide a thorough theoretical justification, clarify their compatibility with existing intellectual-property systems, establish reasonable boundaries of protection, and clarify the fundamental differences between the protection logic applicable to prompts and that applicable to AI-generated content.

Whether prompts can obtain intellectual-property protection cannot be determined through a general judgment based solely on their function in the AI creative process. Prompts may appear as simple operational instructions, but may also contain relatively complex linguistic organization, content arrangements, and individualized expression. At the same time, prompts may function as an important tool through which users control the AI-generation process and may exert an influence on the final generated result. Therefore, it is necessary to evaluate separately the legal attributes of prompts themselves and their effects on AI-generated results.

3.1. Legal Compatibility between Prompts and the Intellectual-Property System

Whether a prompt can obtain intellectual-property protection should first be determined by returning to its own legal attributes. Although a generative-AI prompt takes the form of an instruction to an AI model, its form does not necessarily constitute a purely technical operation. Particularly as generative-AI applications continue to develop, some prompts have gradually evolved from simple keyword combinations into complex texts containing multiple elements, including subject settings, character relationships, scene arrangements, linguistic styles, visual

District of Columbia, 2023.

14) Haochen Sun, "Redesigning Copyright Protection in the Era of Artificial Intelligence", *Iowa Law Review*, Vol.107 No.3(2022), pp. 1213-1251.

15) Chen Liang & Zhu Shengnan, "Ex-ante Incentives and Gradient Empowerment: A Preliminary Framework for the Protection of Generative AI Prompts", *Journal of Beijing Technology and Business University (Social Sciences)*, Vol.40 No.4(2025), pp. 131-142.

effects, emotional expression, and technical parameters. Therefore, the legal evaluation of prompts should not exclude them from the system of works merely because they possess an “instructional” character; instead, their specific mode of expression should be examined to determine whether they satisfy the constituent requirements for works under copyright law.

Copyright law protects the expression of ideas rather than ideas themselves. For prompts that merely propose a creative purpose, theme, or general requirement, their principal content remains at the level of ideas.¹⁵⁾ For example, prompts such as “draw a cat,” “generate a landscape painting,” or “write an article about artificial intelligence” merely put forward relatively abstract creative requirements. Their expressive forms are extremely limited and it is difficult for them to demonstrate the user’s independent intellectual choices and individualized arrangements. In principle, they should not be protected as works under copyright law. Conversely, if a prompt provides relatively specific arrangements concerning character images, story plots, spatial relationships, color combinations, changes in lighting, camera language, artistic style, and other elements, it may no longer merely present an abstract creative idea, but may form a specific expression possessing a certain degree of originality.

Therefore, determining whether a prompt constitutes a work should focus on two aspects: first, whether there is a basis of independent creation; and second, whether its expression reaches the minimum requirement of creativity. Originality in a prompt does not mean that it must attain a high aesthetic level in literature or art; rather, the main issue is whether its content reflects the creator’s independent choices, judgments, selections, and arrangements. If a prompt merely mechanically uses fixed commands already established by a platform, generally applicable industry terminology, or standardized parameters recommended by a model, its originality may be limited.¹⁶⁾ If a creator organizes and arranges multiple expressive elements in an individualized manner according to a particular creative purpose, its status as a work may be further considered.

In addition, the technical attributes of prompts cannot automatically constitute a reason for denying their status as works. A prompt may contain technical and functional terms such as “4K resolution,” “cinematic lighting,” and “Unreal Engine rendering.” These contents themselves generally belong to the public domain and should not be monopolized individually. However, what the law protects is not these individual technical terms, but the overall expression formed after the creator selects, combines, and arranges different elements. In other words, even if a prompt serves a technical operation, its specific expression may still possess originality in the sense of copyright law.

16) Zhang Ping, “The Institutional Challenges Regarding the Legality of Copyright for AI-Generated Content and Solutions”, *Science of Law*, Vol.42 No.3(2024), pp. 18-31.

17) Guan Yuying, “Discussion on the Focus of Copyright Disputes on Generative Artificial Intelligence”, *Journal of Beijing University of Technology (Social Sciences Edition)*, Vol.25 No.1(2025), pp. 103-111.

In this regard, the basic approach of distinguishing ideas from expression in copyright protection of computer software may provide a useful reference: algorithms, functions, and technical objectives themselves are not objects of copyright protection, but specific code expressions may receive protection if the relevant requirements are satisfied. Prompts have a certain degree of comparability. The generation objective they indicate is not automatically protected, but the specific and original expression formed to achieve that objective may become an object of legal evaluation.

Finally, in terms of reproducibility, prompts generally exist in digital text form and can be stably attached to tangible carriers such as computer memory, hard drives, and cloud servers, and can be copied, stored, and disseminated. Therefore, there is generally no obvious obstacle regarding the reproducibility of works. It can thus be seen that not all prompts automatically constitute works under copyright law. However, for prompts that have gone beyond simple instructions and abstract creative concepts and embody the creator's individualized expression through specific language, structure, and content arrangements, the possibility of protecting them as literary works within the existing copyright system may be further considered.

In summary, although not all prompts can obtain copyright protection, complex prompts that cross the threshold of "ideas," elaborate creative concepts through distinctive language and structural arrangements, and reach the minimum degree of creativity possess the statutory elements required for protection as "literary works" under copyright law and are highly compatible with the existing intellectual-property system.

3.2. Analysis of "Originality" in the Generative-AI Process

Unlike the work status of a prompt itself, when a user claims copyright in an AI-generated result, the object of legal evaluation has shifted to the text, image, or other expression ultimately formed by artificial intelligence. In this situation, proving that the prompt is original is insufficient to conclude that the generated result is the user's work.¹⁷⁾ It is also necessary to determine whether the user made a substantively meaningful creative contribution to the final expression during the generation process.

The basic operating mechanism of generative artificial intelligence determines that there is generally no completely determinate one-to-one relationship between a prompt and the final result. After a user enters a prompt, the AI model still needs to form specific output through data processing, probability calculations, and operation of model parameters. The same prompt may produce different results

18) Cong Lixian & Li Yonglin, "Work Identification and Copyright Ownership of Generative AI—The Case of ChatGPT's Work Application Scenario", *Journal of Shandong University (Philosophy and Social Sciences)*, No.4(2023), pp. 171-181.

under different models, parameters, or generation conditions, and users may gradually form a result that better corresponds to their expectations through repeated inputs, prompt modifications, and selection of generated results. Therefore, whether a user is the author of a generated result cannot be determined simply through the logic that “entering a prompt completes creation”; rather, the user’s actual control and creative participation in the final expression should be examined.

First, it should be determined whether the user has a clear creative intention. Creative intention itself cannot directly constitute a work, but it may serve as a basic factor for assessing the degree of human creative participation. If a user merely inputs a simple thematic requirement and allows artificial intelligence to independently determine the characters, composition, plot, linguistic style, and other principal expressive elements, the user’s degree of control over the final result is relatively limited. Conversely, if the user has already formed a relatively specific conception concerning character relationships, scene composition, content structure, and mode of presentation before generation and guides artificial intelligence through continuous and specific prompts, the degree of participation may be significantly greater.

Second, the user’s specific control over the generation process should be examined. The number and complexity of prompts are not themselves decisive standards. A relatively long prompt does not necessarily imply a higher degree of creativity, while a relatively concise prompt may in certain circumstances carry clear creative arrangements. Therefore, the focus should be placed on whether the user exercised substantive control over the final expression through prompt modification, parameter adjustment, comparison of generated results, and selection. Particularly where the user repeatedly adjusts prompt content and makes targeted selections based on specific generated results, such conduct may constitute important factual evidence for determining creative contribution.

Third, it should be examined whether the user’s creative contribution is actually reflected in the final result. Copyright protection ultimately concerns expression rather than the creative process alone. Even if a user invests substantial time in prompt design, if the specific expression in the final generated result is mainly autonomously determined by artificial intelligence and it is impossible to identify how the user’s individualized choices are reflected in the result, time spent or the number of operations alone should not directly establish that the user holds full copyright in the generated result. Conversely, if specific creative choices by the user concerning composition, character relationships, plot arrangements, or linguistic expression can be identified in the final result, the human contribution has greater legal significance.

The Chinese judicial practice represented by the “Spring Breeze Picture” case has certain reference value. In that case, the user did not merely input a simple instruction once, but continuously designed prompts concerning character images

and picture content and gradually formed the final image by adjusting relevant parameters and comparing generated results. In evaluating the case, the Beijing Internet Court focused on the intellectual activity invested by the user during generation and on acts of selection, arrangement, and adjustment, rather than simply denying the user's status as a creator because artificial intelligence was used. The case therefore illustrates that the work status of an AI-generated result should be determined by reference to the specific generation process and the degree of creative participation by the natural person.

Accordingly, the determination of rights held by a prompt creator in an AI-generated result should adopt a continuous analytical structure of "prompt content-control over the generation process-final expression." The originality of the prompt itself may constitute one factor in assessing the user's creative participation, but cannot replace an independent evaluation of the final result. Only where the user's creative choices are reasonably reflected in the final expression and reach the level required by copyright law can there be a basis for further recognizing the work status of the generated result.

Therefore, in the second situation, a direct inference that "an original prompt means that the generated result automatically constitutes the user's work" should be avoided. The core factor should be whether human creative contribution has entered the final expression. This approach both recognizes the actual role played by users in AI-assisted creation and avoids attributing all expressions autonomously generated by artificial intelligence to prompt users.

3.3. Distinction between Protection of Prompts and Protection of AI-Generated Results

Clearly distinguishing protection of prompts from protection of AI-generated content is the key to constructing a reasonable and effective intellectual-property rule system for generative AI. The two differ fundamentally in their objects of protection, legal foundations, allocation of rights, and institutional objectives. Conflating them would lead to confusion in legal relationships and imbalance in rights.

First, their objects and legal foundations differ. The object protected in the case of a prompt is the text itself created by the user and used as an instruction. Its legal basis lies in the traditional author-centered theory, namely, protecting expressions independently created by human authors that possess originality.¹⁸⁾ As noted above, a complex prompt may be regarded as a miniature "literary work" or "operating instruction," with its value lying in the intelligence and skills embodied in the text itself.

By contrast, the object protected in the case of generated content is the image,

19) Bi Wenxuan, "AI-Generated Content: Its Nature and Protection from the Perspective of Copyright Law", *Journal of Comparative Law*, No.3(2024), pp. 55-71.

text, audio, or other content output by the AI model according to the prompt. Its legal basis is controversial because it challenges the foundation of the copyright system centered on the “human author.” A generated result is produced through human-machine collaboration and contains both human instructions and the machine’s “re-creation” based on algorithms and training data. There is no direct and predictable correspondence between the user’s prompt and the content generated by artificial intelligence. Therefore, protection of generated content must address the complex issue of machine “contribution,” and may require reference to corporate works, neighboring rights, or even the establishment of new types of rights.

Second, the logic of rights allocation differs. The allocation of rights in prompts is relatively clear. Based on “author-centered” principles, copyright in a prompt should naturally belong to the user who created it. This is consistent with the basic legal principle that “the creator owns what he or she creates.” By contrast, allocation of rights in generated content is a global problem. Possible right holders include the user who entered the prompt, the owner/developer of the AI model, the AI model itself as a theoretical possibility, or even no one if the result directly enters the public domain. There is currently no consensus among national judicial practices.¹⁹⁾ For example, even if a user enters a highly creative prompt, the U.S. Copyright Office may still refuse copyright registration for the final work where the generation process lacks sufficient human intervention.

Finally, the institutional objectives and incentive effects differ. Protecting prompts aims to directly incentivize human creative investment at the front end of human-AI interaction. It encourages users to learn, research, share, and innovate in “how to communicate better with AI,” thereby promoting the development of “prompt engineering” and improving society’s ability to use AI tools. This constitutes an incentive for “process intelligence” and “method innovation.” Protecting generated content, by contrast, aims to incentivize the production of more and better final creative products. However, because rights allocation remains unclear, the transmission of this incentive is indirect and ambiguous. If rights are allocated to platforms, users’ enthusiasm for creation may be suppressed; if allocated to users, this may be inconsistent with the substantial investment made by platform operators.

Therefore, establishing an independent and direct pathway for prompt protection, operating in parallel with the currently explored and complex pathway for protecting generated content, is a clearer, more pragmatic, and more effective strategy. It can separate clear human contributions from ambiguous products of human-machine collaboration and provide them with direct and effective protection, thereby avoiding the jurisprudential difficulties surrounding “machine creation” and returning to the fundamental purpose of intellectual-property law: protecting

20) Zhou Hanhua, “A Roadmap for Artificial Intelligence Legislation in China”, *Modern Law Science*, Vol.46 No.5(2024), pp. 17-34.

human intellectual achievements.

4. Practical Pathways for Intellectual-Property Protection of Prompts

Different prompts differ in their degree of expression, creative process, and relationship to the final generated result. Therefore, there is no single uniform method of protection applicable to all circumstances. Their legal protection should likewise adopt corresponding classification-based evaluation.²⁰⁾

From the perspective of practical operation, the pathway for realizing intellectual-property protection of prompts should not take the creation of a new independent right as its basic direction. Instead, within the framework of the existing intellectual-property system, an appropriate protection model should be determined according to the legal attributes of different protected objects. Through clearer protection standards and improved mechanisms for realizing rights, a balance should be achieved between protecting creators' legitimate interests and maintaining the normal use of artificial-intelligence technology.

4.1. Protection Model: Classification-Based Evaluation under Technological Conditions

Generative-AI prompts have different forms of expression and legal functions. Therefore, their protection should first be based on classification. Based on the analysis in Chapter 3, interests related to prompts can broadly be divided into three types: first, intellectual-property interests arising from the prompt itself as an independent expression; second, the creative contribution formed by the user to an AI-generated result through prompts and related operations; and third, new creative expression formed after AI generation through the user's editing and modification. Although the three may occur within the same creative process, their protected objects and bases of rights are different.

The first level is protection of the prompt's own expression. For prompts possessing originality, whether they constitute works should be determined according to their specific expressive content. The focus of such protection is the prompt itself rather than the AI-generated result it produces. If a prompt embodies individualized expression by the creator in character settings, plot arrangements, linguistic organization, visual descriptions, or other aspects and satisfies the originality requirement of copyright law, protection under copyright law may be considered. The scope of protection should in principle be limited to the original expressive elements and should not be extended to general creative ideas, abstract themes, or common technical instructions.

21) Wei Yuanshan, "Copyright Law Response to Generative Artificial Intelligence Training Data: Is It Necessary to Set Fair Use Rules?", *Documentation, Information & Knowledge*, Vol.42 No.1(2025), pp. 78-88.

The second level is protection of the user's creative contribution. Where a user participates in the AI-generation process through prompts, parameter adjustments, selection of results, and other actions, the prompt itself may constitute only part of the user's creative contribution. At this point, the assessment should be based on the user's actual control over the generation process and identifiable human creative expression in the final result. If the user can prove that specific creative conceptions, choices, and arrangements have been embodied in the final result and satisfy the relevant standards for recognizing a work, the qualifying generated result may be protected under existing copyright law. It should be noted that this second type of protection does not mean that all content generated through prompts should be granted rights to the user. The complexity, quantity, and duration of prompt use cannot independently establish rights. Only when human creative choices form a legally meaningful relationship with the final expression can there be a basis for protection. Thus, this model in substance emphasizes protection of "human creative contribution," rather than protection of the "act of entering prompts."

The third level is protection of results after human editing and modification. For content first generated by artificial intelligence, if the user subsequently deletes or modifies content, reorganizes its structure, supplements plots, adjusts composition, or makes other creative modifications, the original AI-generated portion and the new human expression should be evaluated separately. The user may seek protection for the newly added creative expression according to its specific legal attributes, and the fact that the final result uses an artificial-intelligence tool should not by itself negate the possibility of protection.

The three models are not mutually exclusive. For example, a creator may first formulate a complex prompt possessing originality, then generate an image through multiple rounds of prompt adjustment, and finally use an editing tool to modify characters and the background. In such a case, the same creative activity may simultaneously contain protection of the prompt itself as a work, protection arising from human creative contribution to the result, and protection of new expression created through subsequent editing. Legal evaluation should separately determine the conditions and scope of protection for each level of interest.

Therefore, the core of the classification-based protection model is not to artificially divide prompts into three unrelated categories, but to distinguish human creative contributions at different stages and avoid applying a single standard to generative-AI creative activities that are materially different. Only by clearly identifying the protected object can specific protection standards be further determined.

4.2. Protection Standard: Human Creative Contribution as the Core Standard

Classification-based protection is only the first step. Whether actual intellectual-property protection can be obtained also requires relatively clear

standards of assessment. In the generative-AI environment, traditional methods for identifying works remain fundamentally significant, but in their specific application greater attention should be paid to the actual role of the natural person in the creative process and whether that role can be embodied in the final expression.

First, human creativity should remain the core standard of assessment. Whether discussing the prompt itself or an AI-generated result, the legitimacy of intellectual-property protection ultimately derives from the law's protection of human creative labor and expression. Therefore, rights allocation should not be determined solely by whether the user spent time, how many times the user entered prompts, or how complex the technological tools used were. These factors may serve as factual materials for evaluation, but cannot directly replace the originality assessment.

Second, the "creative process" and "final expression" should be distinguished. Generative-AI creation is highly process-oriented, and users may invest substantial time in designing prompts, modifying parameters, and generating repeatedly. Copyright law, however, ultimately protects expression satisfying statutory requirements rather than mere creative intention or operational processes. Therefore, when determining whether a user has copyright in a generated result, it should further be examined whether the user's creative choices entered the final result and can be identified from the specific expression.

Third, the degree of user control should be emphasized, but "control" itself should not be treated as an independent standard for rights. The degree of user control over artificial intelligence can be assessed from multiple aspects, including whether there is a clear creative intention, whether specific and individualized requirements are imposed on the generated content, whether targeted adjustments are made according to generated results, whether candidate results are selected, and whether the relationship between those choices and the final expression can be explained. A higher degree of control will generally help demonstrate human creative contribution, but the assessment should ultimately return to the specific expression.

In addition, the role played by the AI system's own generative capacity in forming the result should be considered. If the principal expression in the final result is autonomously determined by the model and the user only provides general directional requirements, the user should not automatically be regarded as the author even if the result possesses high artistic value. Conversely, if artificial intelligence mainly serves as an auxiliary tool and the user exercises substantial control over the final expression through continuous and specific choices and adjustments, the user's creative contribution should receive fuller legal evaluation.

In specific cases involving infringement or rights claims, evidentiary issues should also be considered. The creative process of generative artificial intelligence is digital in nature. Prompt records, generation times, version information, parameter settings, generation histories, and records of human modifications may all become important materials for proving human creative contribution.²¹⁾ Therefore, right

holders should preserve electronic records related to the creative process so that, in the event of a dispute, they can explain their specific creative acts and the formation process of the final result.

Finally, the scope of protection should correspond to the creative contribution. For the prompt itself, the scope of protection should in principle be limited to its original expression. For an AI-generated result, the scope of protection should be determined according to the user's actual contribution. For an edited result, protection should primarily cover the newly added creative expression. The fact that a particular result as a whole possesses high value should not cause the entire result to be incorporated into a single scope of rights.

Accordingly, a basic decision path of "object identification-examination of the creative process-determination of human contribution-confirmation of final expression-determination of the scope of protection" can be established. This standard both preserves the basic originality requirement under existing copyright law and accommodates the technological characteristics of human and machine participation in generative-AI creation.

4.3. Protection Mechanism: A Pluralistic Governance Mechanism through Legal Coordination

On the basis of clarifying the classification-based protection model and assessment standards, prompt protection also requires a multi-level protection mechanism capable of accommodating different types of interests. The "multi-level" mechanism here does not mean creating a new unified right, but allocating corresponding forms of protection within the existing intellectual-property system according to the different legal attributes of prompts.

Specifically, at the copyright-protection level, the adaptability of copyright law should be strengthened through interpretive application. Judicial authorities and copyright-administration departments should keep pace with technological developments and, through the issuance of guiding cases or revision of examination guidelines, clearly recognize that highly complex and original prompts may be protected as "literary works." In assessing originality, reference may appropriately be made to standards used in copyright protection of computer software, with greater attention paid to the originality of logical structures and instruction sequences rather than traditional literary or artistic value. Such an interpretive approach can extend the application of existing legal provisions to new technological objects without amending the statutory text and therefore represents a relatively convenient pathway.

Trade-secret protection applies to proprietary prompt libraries maintained internally by enterprises that have adopted confidentiality measures. The protected

22) Xu Jiali, "On the Copyright Ownership of Artificial Intelligence Products", *Jinan Journal (Philosophy & Social Sciences)*, Vol.45 No.4(2023), pp. 37-49.

object includes non-public, systematic collections of prompts developed by enterprises for specific business processes.²²⁾ On the one hand, enterprises may satisfy confidentiality requirements through confidentiality agreements with employees, access controls, data encryption, and other measures. On the other hand, the core of trade-secret protection lies in the determination of “reasonable measures of confidentiality.” Enterprises must prove that they adopted reasonable measures such as encryption, access restrictions, and confidentiality agreements; otherwise, it will be difficult to obtain legal protection.

Contractual protection plays a key role in scenarios involving prompt transactions, licensing, and services. User agreements of AI service platforms, sales contracts of prompt-trading platforms, and customized development contracts for professional prompt engineers may specify ownership of prompts, scope of use, license fees, confidentiality obligations, and liability for breach.²³⁾ However, contracts have relative effect and can bind only the contracting parties; they cannot generally be asserted against bona fide third parties. Standard-form contracts may also contain manifestly unfair terms and therefore remain subject to legal scrutiny and regulation.

Technical measures provide practical safeguards for digital rights management of prompts. Specific measures include encrypting proprietary prompt libraries, restricting access to commercial prompt services through API keys and access controls, and using digital-watermarking technologies to trace the source and use of prompts.²⁴⁾ Chinese copyright law and related laws prohibit intentionally circumventing or destroying technical measures adopted by right holders to protect their works. However, technical measures should not excessively restrict users’ legitimate use, and the law needs to maintain a balance between protecting rights and safeguarding the public’s rights to know and learn.

In addition, for prompts with relatively low originality that are difficult to constitute “works,” or prompts that are no longer trade secrets because they have been publicly used, but that nevertheless embody the user’s labor and possess certain commercial value, the Anti-Unfair Competition Law may provide a supplementary route of protection. If a competitor extensively and systematically “scrapes” or copies prompts publicly shared by others on a particular platform or community and uses them in its own commercial products, such conduct may not constitute copyright infringement, but the behavior of obtaining benefits without corresponding effort and “free-riding” may disrupt normal market competition and

23) Cui Xinglu & Yao Changqing, “The Construction Path of the Hierarchical and Transparent System of the AI System in China: A Study Based on the Risk Assessment Model of the European Artificial Intelligence Act”, *Journal of Intelligence*, Vol.44 No.11(2025), pp. 160-169.

24) Liu Chengwei & Ma Ruicong, “The Normative Sources of the Duty of Care for Users of Generative Artificial Intelligence”, *Journal of Shandong University (Philosophy and Social Sciences)*, No.5(2025), pp. 152-163.

25) Cao Quanzhi, “On Copyright Protection for the Training Data of Free and Open-Source Generative Artificial Intelligence”, *Journal of Renmin University of China*, Vol.39 No.6(2025), pp. 88-99.

harm the legitimate interests of the original creator.²⁵⁾ In such circumstances, the Anti-Unfair Competition Law may be applied through general provisions, such as the principle of good faith, or relevant specific provisions to regulate such unfair competition.

Overall, intellectual-property protection of generative-AI prompts can form a multi-level mechanism consisting of “work protection-trade-secret protection-competition-law protection-contractual protection-technical safeguards.” Copyright, trade-secret law, and unfair-competition law address protection of interests of different natures; contractual mechanisms primarily allocate interests and prevent risks between the parties; and evidence preservation and technical mechanisms provide the factual basis for realizing the foregoing rights. Through such an institutional arrangement, the adaptability of the existing intellectual-property system to generative-AI creative models can be improved without creating a new independent right.

5. Conclusion

The development of generative artificial intelligence has changed traditional modes of creation and has raised new questions concerning the identification of works, determination of creative subjects, and allocation of rights under the existing intellectual-property system. As an important medium connecting users and artificial-intelligence systems, the legal protection of prompts should not simply be understood as a new type of right, but should be analyzed within the framework of the existing intellectual-property system.

The core of issues concerning generative-AI prompts lies in distinguishing human creative contributions at different stages. First, whether the prompt itself is protected should be determined according to whether it constitutes original expression. Second, the influence of a prompt on an AI-generated result should be distinguished from the work status of the generated result itself; rights should not automatically arise merely because a user enters a prompt. Finally, for a result formed after an AI-generated result has been edited or modified by a user, it should be independently evaluated whether it embodies new creative expression.

Based on the foregoing analysis, protection of generative-AI prompts should adopt a classified and differentiated pathway, use human creative contribution as the core standard of assessment, and provide reasonable protection for different types of interests through the existing intellectual-property system. Relevant Chinese judicial practice also demonstrates that legal evaluation of AI-generated content does not necessarily require departing from the existing copyright system. Rather, by distinguishing automatically generated portions from human creative

26) Wei Yuanshan, “Copyright Law Response to Generative Artificial Intelligence Training Data: Is It Necessary to Set Fair Use Rules?”, *Documentation, Information & Knowledge*, Vol.42 No.1(2025), pp. 78-88.

contributions, an interpretive pathway consistent with technological development can be identified.

In the future, as generative-AI technology continues to develop, the functions and forms of prompts will continue to change. Accordingly, relevant legal institutions need to maintain a balance between protecting innovative interests and preserving technological openness and, through accumulated judicial practice and institutional improvement, gradually develop intellectual-property protection rules suited to changing modes of creation in the age of artificial intelligence.

참고문헌

학술지(국내 및 동양)

- Bi Wenxuan, "AI-Generated Content: Its Nature and Protection from the Perspective of Copyright Law", *Journal of Comparative Law*, No.3(2024).
- Cao Quanzhi, "On Copyright Protection for the Training Data of Free and Open-Source Generative Artificial Intelligence", *Journal of Renmin University of China*, Vol.39 No.6(2025).
- Chen Gaohua & Guo Muling, "Human-AI Misalignment: Linguistic Ontological Critique of the 'Prompts' Dominance Phenomenon", *Studies in Dialectics of Nature*, Vol.42 No.5(2026).
- Chen Liang & Zhu Shengnan, "Ex-ante Incentives and Gradient Empowerment: A Preliminary Framework for the Protection of Generative AI Prompts", *Journal of Beijing Technology and Business University (Social Sciences)*, Vol.40 No.4(2025).
- Cong Lixian & Li Yonglin, "Work Identification and Copyright Ownership of Generative AI—The Case of ChatGPT's Work Application Scenario", *Journal of Shandong University (Philosophy and Social Sciences)*, No.4(2023).
- Cui Xinglu & Yao Changqing, "The Construction Path of the Hierarchical and Transparent System of the AI System in China: A Study Based on the Risk Assessment Model of the European Artificial Intelligence Act", *Journal of Intelligence*, Vol.44 No.11(2025).
- Du Wei-nan, "Theoretical Conception and Path Selection of AI Prompt Word Protection", *Hebei Law Science*, Vol.44 No.6(2026).
- Guan Yuying, "Discussion on the Focus of Copyright Disputes on Generative Artificial Intelligence", *Journal of Beijing University of Technology (Social Sciences Edition)*, Vol.25 No.1(2025).
- Liu Chengwei & Ma Ruicong, "The Normative Sources of the Duty of Care for Users of Generative Artificial Intelligence", *Journal of Shandong University (Philosophy and Social Sciences)*, No.5(2025).
- Miao Fengchun, "Generative AI and Its Uses in Education: Foundational Controversies and Responding Strategies", *Open Education Research*, Vol.30 No.1(2024).
- Song Weifeng, "Generative AI Communication Paradigm: Copyright Risk and Regulatory Construction of AI-Generated Content—Based on the World's First AIGC Infringement Case", *Journalism and Mass Communication*, No.10(2023).
- Wei Yuanshan, "Copyright Law Response to Generative Artificial Intelligence Training Data: Is It Necessary to Set Fair Use Rules?", *Documentation, Information & Knowledge*, Vol.42 No.1(2025).
- Xu Jiali, "On the Copyright Ownership of Artificial Intelligence Products", *Jinan Journal (Philosophy & Social Sciences)*, Vol.45 No.4(2023).
- Zhang Ping, "The Institutional Challenges Regarding the Legality of Copyright for AI-Generated Content and Solutions", *Science of Law*, Vol.42 No.3(2024).
- Zhou Hanhua, "A Roadmap for Artificial Intelligence Legislation in China", *Modern Law Science*, Vol.46 No.5(2024).

학술지(서양)

- Haochen Sun, "Redesigning Copyright Protection in the Era of Artificial Intelligence", *Iowa Law Review*, Vol.107 No.3(2022).

판례

- Beijing Feilin Law Firm v. Beijing Baidu Netcom Science and Technology Co., Ltd., (2018) Jing 0491 Min Chu No. 239, Beijing Internet Court.
- Li v. Liu, (2023) Jing 0491 Min Chu No. 11279, Beijing Internet Court.

Tencent Computer System Co., Ltd. v. Shanghai Yingxun Technology Co., Ltd., (2019) Yue 0305 Min Chu No. 14010, Nanshan District People's Court of Shenzhen Municipality, Guangdong Province.

Thaler v. Perlmutter, Civil Action No. 22-1564 (BAH), United States District Court for the District of Columbia, 2023.