

Mapping Copyright's Application to Generative Artificial Intelligence

Friday, September 29

Modern copyright law arose when existing modes of regulation for information technology proved inadequate to meet that challenge of a transformative information technology. Over the last 200 years, by contrast, the copyright system has met other such challenges – from the rise of electronic mass media to the digital turn in expression, more or less successfully – often by adapting or even fictionalizing existing doctrine. Now we are asked to consider what adjustments may be required to accommodate Generative Artificial Intelligence, the next new technology to challenge the doctrinal paradigm of copyright.

9:00 Registration and Breakfast

9:30 Opening - **Michael Carroll**, Professor, American University Washington College of Law

9:30-10:30 **A Copyright-Relevant Primer on Generative AI**

Michael Carroll

Charles Duan, Assistant Professor, American University Washington College of Law

10:30-10:45 - Coffee

10:45-11:15 **Locating AI in the Copyright History and Doctrine** Core copyright concepts implicated in thinking about AI and how copyright has dealt with past technological challenges.

Peter Jaszi, Professor Emeritus, American University Washington College of Law

Meredith Jacob, Director, Project on Copyright and Open Licensing, Program on Information Justice and Intellectual Property, American University Washington College of Law

11:15-11:45 **US Copyright Office AI initiative**

Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice, US Copyright Office

12:00-1:00 Lunch

1:00 - 1:45 **Doctrinal Mapping of AI - Ingestion** - how the scope of copyright protection, the idea/expression distinction, fair use, and other copyright doctrines relate to machine learning and generative AI development

Lead: **Michael Carroll**

Discussant: **Bernt Hugenholtz**, Professor Emeritus, University of Amsterdam Faculty of Law

Discussant: **Brandon Butler**, Director Intellectual Property and Licensing, University of Virginia Library

1:45-2:30 **Doctrinal Mapping of AI - Authorship** - how existing understandings of authorship, with its underlying model of human creativity, extend to the output of human/AI interactions

Lead: **Carys Craig**, Associate Professor, Osgoode Hall Law School, York University

Discussant: **Seth Greenstein**, Partner, Constantine Cannon

*Discussant: **Christophe Geiger**, Professor of Law, Luiss Guido Carli University, Rome*

*2:30-3:15 **Doctrinal Mapping of AI - Infringement** - How the laws and norms about infringement, substantial similarity, independent creation, and fair use will be and should be applied to the products of generative AI tools*

*Lead: **Sy Damle**, Partner, Latham & Watkins*

*Discussant: **Kristelia Garcia**, Professor, The Georgetown University Law Center*

*Discussant: **Will Cross**, Director, Open Knowledge Center & Head of Information Policy, NC State University Libraries*

*3:30--4:30 **Going forward – law, policy, ethics and norms***

*Moderator: **Meredith Jacob***

*Panelist: **Michael Madison**, Professor, University of Pittsburgh, School of Law*

*Panelist: **Matthew Sag**, Professor, Emory University Law School*

4:30-6:30 Reception and Informal Discussion

Conference Attribution

This meeting and the Jaszi Distinguished Lecture are funded by the Washington College of Law, PIJIP Alumni, Microsoft and other supporters of the PIJIP Impact Projects.