UDC 347.78

CO-CREATION IN THE AGE OF AI: BALANCING INNOVATION AND IP PROTECTION IN USER-GENERATED CONTENT

Dolgov A.V. (ITMO University)
Scientific supervisor – Associate Professor Rodionova E.M. (ITMO University)

Introduction. Existing intellectual property (IP) laws classify user-generated content (UGC) under copyright, trademark, and licensing frameworks. However, Games-as-a-Service (GaaS) platforms complicate authorship, as content can be created dynamically by players and artificial intelligence (AI) systems. Publishers retain ownership through Terms of Service, but co-created assets raise legal ambiguities. Key challenges include defining originality, derivative works, and user rights when AI systems assist in creation [1].

Main part. AI tools—procedural generators, chatbots, algorithmic design assistants, and similar technologies—enable collaborative content creation but blur the line between user and AI authorship. These tools can automate world-building, narrative development, and asset generation. However, legal uncertainties persist: does AI-generated content qualify as player-owned, developer-owned, or a shared authorship model? Existing IP laws struggle to address works co-created by human and non-human agents. This raises questions about IP ownership: do AI-generated assets belong to the player, the platform, or the AI system's creators? Courts have yet to define legal authorship in mixed human-AI works, leaving publishers to set policies that often favor corporate ownership [2]. This case study examines publisher approaches, user rights, and potential legal precedents in defining AI-assisted authorship. The integration of AI into UGC creation introduces new legal and operational complexities, particularly in defining authorship and ownership. While existing IP laws provide a foundation for addressing user-generated works, they are ill-equipped to handle AI-assisted content, leading to unresolved ambiguities in GaaS environments.

Conclusions. As AI continues to shape digital content creation, legal frameworks must evolve to balance innovation with fair attribution. Potential solutions include updated copyright policies recognizing AI-assisted contributions, standardized licensing agreements for co-created assets, and clearer legal definitions of authorship in mixed human-AI works. Future legal and industry developments will determine whether AI-driven UGC remains an extension of corporate control or shifts toward a more equitable model of collaborative ownership.

References:

1. Chau D. The legal risks surrounding user-created content in video games // IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property. 2023. Vol. 64, no. 1. P. 178–213.
2. AI-generated video games are coming: How do game developers protect rights in their IP? // Harvard Journal of Sports and Entertainment Law. 2023. Vol. 14, no. 1. P. 1–25.