



Thinking about the Originality of Artificial Intelligence Works in the Perspective of Legal Philosophy

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Abstract

The protection of intellectual property objects such as “works” is based on “originality” as the core. The understanding of originality determines the intellectual property legal protection framework and system represented by “works”. At present, with the rise of computer science such as artificial intelligence and big data, the definition of “originality” of artificial intelligence works has caused new debates. This paper aims to introduce the value review method from the perspective of legal philosophy, judge the originality of artificial intelligence works, and conclude that the subject status of artificial intelligence should not be recognized, but the protection of artificial intelligence works and derivative products needs to be based on social applications. judgement on the value level. In order to protect the freedom of creation and avoid the tragedy of the commons, creations obtained by mechanical calculation or replacement of prior works should not be fictitiously protected.

Keywords: Artificial Intelligence Works; Originality; Legal philosophy; Value review

Driverless cars, Siri voice recognition interactive software, smart home systems, news writing robots, etc. These new things that have risen in recent years are inseparable from one word - artificial intelligence (AI, Artificial Intelligence). The concept of artificial intelligence was formally proposed at the Dartmouth Conference in the United States in 1956, and it has been more than 60 years of development. With the rapid development of information technologies such as big data, cloud computing, and neural networks, deep learning and human-like brain research have begun to be used in the field of artificial intelligence. Students, many achievements have begun to be applied to all aspects of social and economic life.

The “Xiaobing (ice)” artificial intelligence robot launched by Microsoft has completed the first poem collection “Sunshine Lost the Glass Window” that is 100% “created” by artificial intelligence in human history, and was officially published in May 2017. In this case, people are completely

unaware that it was created by non-human beings. The AI music production software Amper can choose the instrument and build the chord structure by itself. The programmer behind it only needs to insert different variables such as mood, style, and tempo to complete the automatic composition. The complete album “I AM AI” produced by Amper is the main feature. The single “Break Free” was a huge hit and a huge hit. At the national strategic level, policy documents such as the “New Generation Artificial Intelligence Development Plan”, “Internet + Artificial Intelligence Three-Year Action Implementation Plan”, and “Intelligent Manufacturing 2025” have demonstrated the great significance of artificial intelligence to economic and social development.

These real changes have refreshed people’s understanding and understanding of the term “intelligence” of artificial intelligence, and have brought unprecedented challenges to the current legal system. In particular, the emergence of artificial intelligence works has caused a great

impact on intellectual property laws, especially copyright laws, which are only used to regulate human creative activities. Works referred to in the Copyright Law refer to intellectual achievements that are original in the fields of literature, art and science and can be reproduced in some tangible form; artificial intelligence works refer to artificial intelligence systems that use existing data and algorithms in accordance with their design purposes. The result of logical output is an emerging product under the background of the continuous maturity of computer science and technology. From the analysis of the core features of the work, the controversial point of whether the artificial intelligence-generated result is called a “work” is whether it is original or not.

This article attempts to define the extensibility of originality through the understanding of the originality of the work and the interpretation of the perspective of legal philosophy, and based on the value review method, to discuss the protection method of artificial intelligence generated objects.

Scalable “Originality of Work”

Science and technology are the first driving force for social development. As the superstructure of the material world, law should reflect reality and be used for reality while guiding reality. Of course, the development of technology does not necessarily lead to the adjustment and application of the legal system, but when technology develops to the extent that it has an impact on human social relations, the relevant legal system must respond, reflecting the timely response of the legal system to solving social problems. This is an inevitable requirement for the intellectual property legal system to conform to social development, and it is also the basic premise for the law to achieve social information sharing, full circulation and rational use through system design.

Disputes Over the Determination of the Originality of AI-generated Objects

There is a lot of controversy in the academic circles as to whether artificial intelligence-generated objects have works in the sense of copyright law. In my country, the subject of copyright must be a human being, because artificial intelligence is not a human being and cannot be called the subject of copyright, so the resulting object cannot be called a work regardless of whether it has the existing attributes of a work or not. In this way, the relevant discussion has to end here. . But the reality is that the AI industry is developing rapidly, and whether AI products should be protected has become a key issue affecting the development of the industry. In order to avoid logical loops and allow problem solving to

proceed normally, most scholars discuss this issue, did not include the main factor, but directly focused on the product itself, and only used objective criteria to judge whether the process and result of the production had the characteristics of originality and reproducibility that the work should have.

Many scholars believe that the embodiment of “originality” lies in the fact that the work originates from the author’s independent and individual creation, bears the unique brand of his ingenuity, and is the product of the author’s spirit and consciousness. The “learning” ability of artificial intelligence only means that programs with artificial intelligence can find out more specific and detailed laws in things by analyzing a large amount of data, and find unique or extremely limited ones from countless possibilities. Correct path.¹ Legal Science (Journal of Northwest University of Political Science and Law), 2017, 35(05): 148-155.]] Although the artificial intelligence created only in terms of form, these works can already reach the degree of originality required by the copyright law, but these works are not essentially the expression of thoughts or emotions, and are not the product of intellectual labor. They only constitute a kind of analysis and selection through algorithms. The completed mechanical output is still a kind of machinery.²

Some scholars have the exact opposite view, arguing that despite the limited expressive skills of robotic manuscripts, they can still be regarded as works within the meaning of copyright law. As long as the content generated by artificial intelligence is independently completed by a robot, it constitutes a work protected by copyright, regardless of its use, value and social evaluation.³ Some scholars pointed out that the reference object of copyright law The transition from the author’s right law system to the copyright law system means the transition from author-centrism to work-centrism. Whether an artificial intelligence creation constitutes a work mainly depends on whether the creation result meets the requirements of originality, rather than whether the creation embodies a relatively abstract human will or personality. This can weaken the requirement that the originality of the creation must come from the human author, thereby alleviating the conceptual barrier formed by the personality theory for the copyrightability of the creation.⁴

1 Wang Q. On the qualitative nature of the content generated by artificial intelligence in copyright law.

2 Cao Y (2016) The rationality of copyright protection for artificial intelligence creations. Science and Technology and Law 3: 488-508.

3 Wu H (2017) Institutional Arrangement and Legal Regulation in the Age of Artificial Intelligence [J]. Legal Science Journal of Northwest University of Political Science and Law 35(5): 128-136.

4 Liu Q (2019) The theoretical challenge and response of artificial intelligence to the intellectual property system. Law Forum 34(06): 95-106.

Expansion of the Subject Scope of “Original”

Today, we are in the information revolution period with the rapid development of computer science and technology. With the support of big data and artificial intelligence technology, computer systems can analyze the characteristics and laws of existing works according to their established programs and algorithms, and generate works that are almost the same as human works, in the broad sense of “work”. my country’s Copyright Law stipulates that the subject of copyright refers to a natural person, legal person or other organization that enjoys copyright in literary, artistic and scientific works according to law. Under this definition, the subject of copyright is limited to the category of human beings. However, at a practical level, computer artificial intelligence has undeniably become the direct creator of works, the subject of copyright rights has become a vacuum, and the scope of legal protection also naturally excludes works generated by artificial intelligence, resulting in artificial intelligence works being infringed. It has happened: For example, Tencent has developed computer software called Dreamwriter, which can automatically generate articles through the four links of data service, trigger writing, intelligent verification and intelligent distribution. On August 20, 2018, Tencent Securities website published it for the first time. He published a financial report article titled “Afternoon Review: The Shanghai Stock Exchange Index Slightly Up 0.11% to 2671.93 Points, with Communication Operations, Oil Exploration and Other Sectors Leading the Gains”, and noted at the end that “This article was automatically written by Tencent Robot Dreamwriter”. On the same day, a website called “Internet Loan Home” also published a financial report article with the exact same title and content as the article, which was brought to court by Tencent on the grounds of infringement.

“Prohibition of abuse of rights” is a basic civil norm, and it is the basic principle of civil and commercial activities not to infringe on the rights of others. However, rights violations have occurred in cases like the above. Obviously, this is contrary to the basic principles of civil law, and artificial intelligence works are also therefore, a legal response is required, and it cannot become a place outside the law. However, the infringed “other” is not a natural or legal person as stipulated in my country’s civil law, but a computer software or an artificial intelligence program. Can artificial intelligence become the subject of the work?

Chinese “Civil Code”, which came into effect on January 1, 2021, does not recognize natural persons, legal persons and other civil subjects other than unincorporated organizations. Based on the current law-making principles, it is difficult for computers or artificial intelligence programs to become new subjects of civil rights. . Referring to the legal person system

for non-natural life forms in the Civil Code of our country, it stipulates the capacity for civil rights and capacity for civil conduct of a legal person, which arises from the establishment of a legal person and disappears when the legal person terminates. So at the specific computer application level, it is difficult to prove when the computer is “established” and “terminated” and whether the computer has civil capacity. In addition, my country’s Civil Code also stipulates that a legal person shall independently bear civil liability with all its property, while computer artificial intelligence has no other property other than its own to bear responsibility. In other words, the significance of determining the civil subject is that the subject can bear certain legal responsibility for its own infringement and violations, and can punish the infringer itself under the assumption of a rational person, while artificial intelligence is just a large number of unconscious programs and codes, not Under rational assumptions, it cannot bear punishment, and its punishment does not have any real pain and effect at all. Therefore, the current subject investigation of the originality of works should still focus on traditional civil subjects, and only discuss the originality protection of works without considering artificial intelligence as a civil subject for the time being.

Expansion of the Definition Standard of “Original”

The so-called originality refers to the attribute of the work independently conceived. my country’s Copyright Law stipulates that as long as the work is independently created by the author, in other words, as long as it is not plagiarism, plagiarism or tampering with other people’s works, or simply copying and pasting numbers, words, etc., even if the creativity and novelty of the work are low, its originality is still. should be acknowledged. Generally speaking, the protection of originality in civil law countries is usually higher than that in common law countries. my country, which attaches great importance to private rights, has relatively adequate protection of copyright, but it seems that there is still a lack of courage in the protection of artificial intelligence generated objects. The world’s leading theoretical courage and practical ability.

The essence of copyright is the subjective expression of the copyright owner himself to the objective world. It is undeniable that due to the limitations of time, industry, experience, ideas, etc., each person’s understanding of things will be different, which is accompanied by the way the works are presented. They are not the same, but it is these personalized expressions that make the world more colorful and create a more diverse and inclusive creative environment. Creation is the result of the combined effect of logical thinking and intuitive thinking, and AI creation is no exception. As far as the current technical level is concerned,

most of the works generated by artificial intelligence are generated by computer programmers who input, analyze, and imitate the works created by humans according to specific needs and purposes. Each has its own characteristics, which can be understood to a certain extent as a computer program maker expressing a subjective understanding of the world by leading the running process of the computer program. That is to say, the computer itself does not generate any content, and the content behind the generated content must be grasped and manipulated by humans, which not only requires human intellectual labor in programming and algorithm operation, but also reflects human thought and consciousness. . For example, for a case with a clear and simple legal relationship and no other disputes, a judge can input the main facts of the case and the application of the law, and a computer program can generate a judgment; a reporter can input the time, place, relationship between the main characters and events, and the artificial intelligence can quickly Generate a news release network; poets can formulate keywords and styles, and artificial intelligence creates poetry collections; composers only determine the main theme of the music, and artificial intelligence creates music works with different rhythms, different styles, and even different instruments. Therefore, as an extension of human thought and labor, all artificial intelligence works that can expand human knowledge and transform the world should also be protected. Of course, it is necessary to exclude the works generated by computers according to the unconscious and mechanized arrangement and combination of the required elements. In this way, on the one hand, it saves human time and energy and improves the efficiency of work or creation; on the other hand, it further proves that the works generated by artificial intelligence contain the subjective consciousness of human beings, and their works have certain originality.

Legal and Philosophical Interpretation of the Originality of Artificial Intelligence Works

The above is an interpretation of the originality of artificial intelligence works from the perspective of law-making principles and practice. From the perspective of legal philosophy, can artificial intelligence be used as a civil subject? Should artificial intelligence works be protected by law? This article believes that the essence of human evolution is to learn to make and use tools. The existence of a society built by human beings is based on the premise of "human beings", and human cognition, whether rational or perceptual, is beyond the reach of computers and artificial intelligence. What they imitate or possess can only be a tool for people in the process of understanding and transforming the world, and the subjectivity of people in society is unshakable.

Thinking of Humanistic Theory

Man in the modern sense, as a social animal evolved from natural man, is the result of development and evolution under the survival of the fittest and collective cooperation in nature. Xunzi believed that, as a natural person, "hungry desires food, cold desires warmth, labor desires rest, loves profit and hates harm—this is what people are born and have, and what happens without waiting, is what Yu Jie lived in. the same." As a social person, Xunzi believes that "the reason why people are people is not because they have two feet and no hair, but because they have arguments."⁵ Therefore, in Xunzi's view, the ability to think is a direct manifestation of human beings. Kant in the Western context also believes that "rationality is the most essential difference between human beings and objects. Things without reason only have a relative value and a means, and rational people are the goal."⁶ As far as creation is concerned, creation is conscious Activity, creation is intentional activity. Rabbinical proverbs have a very delicate exposition on the act of creation - Mind is like a volatile essence, flitting hither thither, an active, versatile agent, untiring in the principle of energy (It flies around; it is active and versatile; it does not tire under the energy principle). Edmund Burke once said, "Wisdom cannot create materials, materials are gifts of nature or chance, and the pride of wisdom is to use them."⁷ Therefore As an intellectual achievement, human works are the objectification of individual spiritual activities, the embodiment of the creator's free will in the field of literature, art and technology, and condense the creator's wisdom, thought, spirit and emotion.

Law belongs to the superstructure produced by the development of human society to a certain stage, it is the direct expression of human free will and active consciousness, and it is the basic principle to protect human and its surrounding related interests. As the smallest unit of a social organization, as the executor and promoter of social operations, human beings are the basis for legal protection, and intellectual property law is also the protection of creator's personal dignity, ideas and economic interests. Looking back at the use of modern computer technology and unconscious artificial intelligence, of course, it is not a natural person, without natural desire, and without the possibility of self-recognition. To protect it as the subject of legal protection is fundamentally contrary to the existence of human society.

5 Xun K (2018) "Xunzi-Neixiang Pian". Beijing, Zhonghua Book Company, 2018 edition, 83.

6 Li Y, Li Xi (2018) Discussion on the Copyright of Artificial Intelligence Generated Objects from the Perspective of Kant's Philosophy. Law Journal 39(09): 43-54.

7 Hayek (2009)"Harvard Family Teaching: I Life-changing Wisdom". Shaanxi Normal University Press Compilation Group, Xi'an, Shaanxi Normal University Press, 132.

The premise is that there are huge obstacles. As for the issue of how to protect artificial intelligence generated objects, if the same protection method as human works is adopted, it will inevitably fall into a logical misunderstanding that is difficult to self-consistent. Therefore, in the face of artificial intelligence as a new thing, human beings should hold a strict and prudent attitude, respect the basic principles of human society, maintain the relative stability of the legal system infrastructure, and cannot regard artificial intelligence as a legal subject with the same status as human beings. Otherwise, there would be what Hayek once said: "While we do our best to consciously create our future according to some lofty ideals, we are actually unknowingly creating something that is the exact opposite of what we have been striving for. Can people imagine a greater tragedy than this?"⁸

The Religion's Reflection of Humanistic Philosophy

In the Old Testament of the Bible, regarding the nature of wisdom, it is considered that wisdom is "the practical knowledge of the laws of life and the world based on experience", or "a series of thoughts or an attitude of life", or "innate intelligence", etc. Regarding the origin of wisdom, it is believed that wisdom comes from "seeking understanding of the self in terms of relationships", or from "trying to discover the order of human life".⁹ According to the Christian classic "Bible", "all knowledge and wisdom belong to God". So if you want to gain wisdom, you must first fear God. "Having wisdom has naturally become a process of communicating with God, asking for God, and God bestowing on human beings." Under piety, God will give wisdom to his followers and believers in the form of "spirit".¹⁰ The pursuit of knowledge is equally actively valued in Christianity. Throughout the Bible, whether in the Old Testament or the New Testament, the role and value of knowledge is affirmed. Regarding the role of knowledge, for individuals, knowledge makes manpower stronger, knowledge saves people from suffering and death; for countries and societies, knowledge makes a country prosperous and its fortune lasts for a long time.

To sum up, from the perspective of Western Christianity, all knowledge and wisdom come from God. As the carrier of wisdom, human beings can only explore as much as possible the wisdom that God has given or not given, but it

is impossible to exhaust them. As the Jewish saying goes: "When man thinks, God laughs". Regarding the attitude of knowledge and wisdom, the attitude that human beings uphold is and should be the spirit of "Nous", to promote the subjectivity of people¹¹, we cannot and should not allow machines to have the same status as humans, and avoid breaking through the bottom line of morality to materialize and degrade human beings.

It is the Nature of People and Society to Seek Advantages and Avoid Disadvantages

The world is hilarious, all come for profit. Society operates under the mechanism of "energy as the gravitational force and human desire as the driving force". As a member of society, human beings have social attributes and must conform to the evolutionary theory and economics principle of "seeking benefits and avoiding disadvantages". And justifiably pursue profit. Benefit, originally refers to interest, "benefit" in a broad interpretation includes economic and social interests, and intellectual products represented by works also naturally contain potential economic and social values. The essence of the intellectual property legal system can be regarded as encouraging creators to continue to create on the basis of protecting the economic and social benefits of creators.

The world has developed to contemporary civilization, and the progress of production tools has brought about a great revolution in the form of human labor. Labor is no longer agricultural production of gathering and hunting in the narrow sense. From tangible industrial production to today's big data and virtual technology, the contribution of computers is increasing. come bigger. As one of the industries with the most development potential, artificial intelligence cannot be ignored. In the "China Artificial Intelligence Industry Research Report (2020)" released by the iResearch Institute, it is mentioned that the economic growth of the artificial intelligence industry in 2020 The scale has exceeded 150 billion yuan, and artificial intelligence has widely appeared in all aspects that determine the economic benefits of enterprises, promoting the efficiency change and kinetic energy conversion of traditional industries. Although economic interests are not necessarily all motivations for people to carry out creative activities and innovative behaviors, economic interests can indeed play a certain role in promoting and stimulating. To solve the dilemma faced by artificial intelligence in intellectual property law, and to protect artificial intelligence products to an appropriate degree, in the understanding of

8 Hayek (1997) "The Road to Serfdom". 2nd (Edn.), Wang Mingyi and Feng Xingyuan (Trans.), Beijing, China Social Sciences Press, 177.

9 Walton, Matthews, Chavaras (2013) "Annotation on the Background of the Old Testament". Li Yongming, Xu Chengde, Huang Fenghao, Beijing, Central Compilation and Translation Publishing House, pp: 35.

10 Feng X (2010) The Bible (New Chinese Version) The New Testament (Annotated Version). Chinese Taipei, International Chinese Bible Publishing House, pp: 373-375.

11 Long W (2018) Legal Philosophy Thinking on the Status of Artificial Intelligence Legal Subject. Law Science (Journal of Northwest University of Political Science and Law), 36(05): 24-31.

human nature, it is like “adding the oil of interest to the fire of genius”, which makes the relationship between relevant rights subjects. The distribution of interests tends to be clear and reasonable, which can not only stimulate the progress of artificial intelligence technology, but also encourage people to devote themselves to the large industrial chain of artificial intelligence, thereby providing legal support for improving the comprehensive strength of artificial intelligence in my country.

Exploration of Artificial Intelligence-Generated Biological Protection Methods Based on Value Review

Generally speaking, most of the initial protection methods for new things are regulated with reference to or by analogy with similar regulations, and the same is true for the protection of artificial intelligence-generated objects. For the protection of such works, the protection methods usually refer to: the protection mode of job-like works, the protection mode of legal person, the protection mode of anonymous (orphan) works, the protection mode of collective works, etc. The legislative intent of the above protection models is not to regulate artificial intelligence works. It is undeniable that the protection of such works has limitations. More importantly, these legal system designs do not even discuss whether the work itself constitutes a “work” be protected. So if the above system is used to protect artificial intelligence generated objects, it is quite suspicious of overstepping. With the rapid development of the AI industry, legal relationships and legal acts related to AI-generated objects tend to be frequent, and it is imperative to explore new protection models.

At the initial stage of artificial intelligence works, in line with the principle of promoting the development of new things, such works should not be restricted too much, and should be regulated in a relatively conservative, rigorous and prudent plan. If artificial intelligence is not recognized as a legal subject On the premise of the originality of artificial intelligence works, only the originality of artificial intelligence works will be judged, so as to protect the relevant rights of artificial intelligence works in the future dissemination process. In the copyright law system, the neighboring rights system aims to protect the exclusive rights enjoyed by copyrighted works in the process of dissemination. Therefore, the neighboring rights system can be referred to to protect works that do not constitute a work in the sense of human society, but still have originality and characteristics. AI works of property value. The protection of the object of neighboring rights is significantly lower than the protection level of the object of copyright in terms of content and duration of protection. This does not break through the principles of the existing copyright law, but also

encourages investment and stimulates the production and production of artificial intelligence works. Dissemination and commercial application to prevent institutional obstacles to the development of the AI industry due to lack of legal protection.

To determine the originality of a work, from the perspective of textual interpretation, it is usually judged by the two elements of “independence” and “creation”, that is, the creative subject needs to have an active self-awareness, and the creative subject needs to be different from other real existences.¹² As far as artificial intelligence generation is concerned, there is no need to examine the independence of the subject, but for creativity, it can be combined with objectivism and subjectivism. Similarity, on the other hand, after determining that it does not involve plagiarism, duplication, etc., subjectivist value judgment is introduced, and professional institutions examine whether it conveys ideas, concepts, emotions, etc. similar to people’s works. Artificial intelligence deep learning can learn human language, characters, rhythm, and habitual techniques, etc., but its so-called “learning” is essentially a “calculation”, and it is difficult to learn human thinking, feelings, etc., even if it reaches the Turing test The level is only to “deceive” the cognition of 60% of the subjects. For the rich and secret spiritual world of human beings, computers have their natural flaws that are difficult to overcome. Therefore, the introduction of subjective value judgment is very necessary to overcome the mechanical judgment of pure objectivism.

At the specific operational level, regarding the property rights of artificial intelligence works, since the concept of “value” itself is relatively vague and subjective, it is difficult to calculate the value of artificial intelligence generated objects, and the details can be negotiated by the parties themselves. Various practices, such as the content of sexual buyout rights or the calculation of charging prices according to time and frequency, are not stipulated in detail by the law for the time being. At the same time, you can refer to the core protection points of the original patent law for works, and convert the protection period according to the mode of work generation. Works that contribute to key or core content are given a protection period of 6-10 years; for works created and generated entirely by humans, the author only uses the computer as a tool, which is confirmed and protected in accordance with the complete copyright, and the protection period is the current law. The author lives for life until 50 years after his death.

Regarding the personal rights of artificial intelligence

12 Huang S (2020) On the Impact and Countermeasures of Artificial Intelligence on Copyright System. Journal of Chongqing University (Social Science Edition) 26(01): 159-169.

works, it can be regulated by referring to the provisions of the Civil Code of my country for other civil subjects, and the full copyright and legal person copyright can be compared to the civil rights status of natural persons and legal persons, and artificial intelligence generated objects and computer-generated objects with human participation are compared. As a natural person partnership organization that has not yet obtained a business license, for the authorship right of the "personal rights" content of the work, it is necessary to indicate that the author is a natural person, a computer, or a natural person and a computer. You can claim rights and assume obligations against the other party in a common name. When it comes to the assignment, license and fair use of works and other situations, it shall be applied with reference to the relevant provisions of the Copyright Law.

Remarks: The Originality of Artificial Intelligence Works should be Judged on the Basis of Value Review

Modern society is an organic whole constructed and composed of human beings with self-awareness. Therefore, artificial intelligence generated objects that are embodied as works and protected by human social systems should have independent self-awareness of human or human-like. In the era of weak artificial intelligence, the protection of works is indispensable to the requirement that the works contain a fairly human independent consciousness, that is, the generation of works is excluded from the unconscious or superficial permutation and combination of computers. There is no doubt about the necessity of the existence of "equivalent" here, and the quantitative nature of the existence of "equivalent" can be another question.

From the perspective of social utility, AI-generated objects have become an objective existence in contemporary society, and the profitability of their works is undeniable. As one of the superstructures, the law should coordinate the interests of all parties in the construction and guidance of social existence. For funders, the significance of artificial intelligence as a tool is to work and generate new value. If it is separated from the practical purpose of production and pursuit of interests, it is not conducive to the progress and development of emerging things; The use of the technology is a realistic and objective demand. If the technology owner forms a monopoly of works through large-scale operations and generates a work pool similar to the patent pool, it will also be detrimental to social development. The contradiction between the two is inevitable. Therefore, the protection threshold, protection time and reasonable use of artificial intelligence works can be appropriately reduced to achieve the purpose of coordinating the interests of all parties, and then promote social development.

The progress of the times has provided more advanced tools for human work and life, and at the same time, it will inevitably have an impact on traditional concepts and the current system. The requirements for determining the originality of artificial intelligence generated objects are technical work carried out under the guidance of the Marxist world outlook. Since the generation of artificial intelligence works has low direct production costs, its protection should be appropriately shortened and the duration of protection increased. The criterion for determining originality works is the combination of value review and economic laws, so as to achieve a win-win situation of protecting the interests of all parties in the emerging intellectual property field and promoting social development.

