

Assault (Infringement) of intellectual property rights on Creative People Using Artificial intelligence (AI): A Descriptive Study

Dr. Saeed Ahmed Saleh Farag¹, Dr. Ahmed Mohamed Azzab Moussa¹, Dr.
Monir Abdalmageed Mohamed Ali²

¹Associate Professor of Principles of Islamic Jurisprudence at King Khalid University,
Kingdom of Saudi Arabia (KSA).

²Assistant Professor of Principles of Islamic Jurisprudence at King Khalid University,
Kingdom of Saudi Arabia (KSA).
Email: Saeed_frg@yahoo.com

Abstract

This research aims to study the phenomenon of infringement on the moral intellectual rights of creators using artificial intelligence through a descriptive study in which the researcher explains what is meant by artificial intelligence and intellectual rights, then shows the forms of infringement on moral intellectual rights using artificial intelligence with the aim of promoting the idea of protecting these rights and not stealing them. The researcher followed the descriptive methodology, so he sought to clarify the scientific terms in the research, then tracked the cases of theft of the moral rights of creators and documented some forms of these cases, then came out with results including the importance of protecting the intellectual rights of creators in the law and activating the ethical aspect of protecting rights. He also concluded that working to protect the rights of creators should be collective, not individual, by institutions and governments.

Keywords: Intellectual property, artificial intelligence, creators.

1. Introduction

Systems and laws have protected all intellectual rights, both moral and material, of authors for centuries, and violating these rights exposes its owner to legal and moral accountability. Violations have taken many forms, and with the development of the ages, the forms of violations have increased, until the era of artificial intelligence came, and instead of using it in what benefits and does not harm, and what serves and does not destroy, some users have made artificial intelligence a means of violating intellectual property rights. Because these practices need to be stopped, researchers must shed light on them, and institutions and legislative bodies must legislate what guarantees the rights of creative people, and regulatory institutions must cooperate with everyone to stop these violations that will lead us to a new era in which the least of which is the unjust usurpation of the creator's right.

Importance:

The importance of the research is evident from several points, the most prominent of which are:

- ☐ Statement of what artificial intelligence is.
- ☐ Statement of what intellectual property rights of creators is.
- ☐ Attempt to reduce violations against creators.
- ☐ Draw attention to new forms of assault on the intellectual property rights of creators.

Objectives:

This research aims to achieve several objectives, the most prominent of which are:

- Explaining what artificial intelligence is.
- Explaining what intellectual property rights are for creators.
- Shedding light on stopping attacks on intellectual property rights.
- Showing some examples of attacks on intellectual property rights by artificial intelligence.

The research problem in this study lies in the main question: What are the forms of violations to which the moral intellectual rights of creators are exposed by artificial intelligence?

Several questions arise from the research problem:

- 1- What is meant by artificial intelligence?
- 2- What is meant by moral intellectual rights?
- 3- What are the forms of attacks on the moral intellectual rights of creators?

2. Methodology:

In this research, the researcher followed the descriptive analytical approach. He studied the phenomenon by clarifying the meaning of the terms included in the research, then described the situation in the research by clarifying the most prominent forms of attacks on the moral intellectual property rights of creators.

Structure:

This research consists of an introduction, three chapters, and a conclusion.

Introduction: It includes the importance of the research, its objectives, its problem, its questions, its methodology, and its structure.

Section One: Definition of Artificial Intelligence.

Section Two: Definition of Intellectual Property Rights.

Section Three: Forms of Infringement on Intellectual Property Rights Using Artificial Intelligence.

Conclusion: It includes the results and recommendations.

2. Definition of Artificial Intelligence.

Intelligence in language is quick wit and sharpness of heart. The intelligent person is quick and complete in wit (Al-Ain, 5/399, and Al-Sahah Taj Al-Lughah, 6/2346).

Some of them defined it and said: It is “the speed of finding results, and it was said: persistence in the matter, and the speed of deciding the truth” (Mu’jam Mqaleed Al-Ulum, 1/200). It was also said: “The strength of the soul prepared to acquire opinions according to the language” (Al-Kulliyat, 1/456, and Dustur Al-Ulama, 2/89).

Artificial in the language: attributed to artificiality, from the verb “to make,” which is what was made unnaturally. It is said: an artificial rose, and an artificial heart (see Dictionary of Contemporary Arabic Language, 2/1323).

As for the definition of artificial intelligence in terminology: “It is one of the fields of science and technology that has developed during the last thirty years, and its development has relied on many fields of knowledge, the most important of which are electronic engineering, computers, cybernetics, and psychology, especially what is related to perception and mental operation of information, in addition to specialized knowledge related to the fields of application” (Artificial Intelligence Methods in Accounting, Ahmed Hani Bahri, 3.).

Some of them defined it as “the technology of building machines that have the ability to simulate humans in the processes of thinking, forming opinions, issuing judgments, and the ability to develop and learn. These methods are not limited to building machines and devices, but rather extend to designing and developing electronic systems and programs that give these machines the characteristic of human simulation. Without linking these machines to computer systems and programs, they cannot perform operations characterized by intelligence” (Artificial Intelligence Methods in Accounting, Bahri, 3.).

The American scientist John McCarthy, who is considered the originator of the term artificial intelligence in 1956, defined it as: “The science and engineering of making intelligent machines, especially intelligent computer programs, or: it is the branch of computer science that aims to create intelligent machines” (Translated chapters on artificial intelligence, translated by Fahd Al-Qasim 3.).

Some of them define artificial intelligence as: “The study of mental abilities through the use of computational models” (Translated chapters on artificial intelligence, translated by Fahd Al-Qasim 3.).

Some define it as: “The study of how to make computers do things that humans currently do better (Translated chapters on artificial intelligence, translated by Fahd Al-Qasim 3.)

Some of them say that it is: “The study and design of intelligent agents, as the intelligent agent is a system that understands its environment and performs actions that increase its chances of success in achieving its goals” (the same source).

Some of them defined it as: “A group of efforts made to develop computerized information systems in a way that enables them to act and think in a manner similar to humans. These systems can learn natural languages, accomplish actual tasks in integrated coordination, or use images and cognitive forms to rationalize physical behavior. At the same time, they can store accumulated human experiences and knowledge and use them in the decision-making process” (A collective book entitled: Artificial Intelligence Applications as a Modern Trend to Enhance the Competitiveness of Business Organizations, 13.).

In simple terms: Artificial Intelligence is the study of intelligent behavior in humans, animals, and machines, and it is also an attempt to find ways by which such behavior can be introduced into artificial machines (Artificial Intelligence, by Bly and Whitby, 15.).

Despite the differences between academics, philosophers and scholars in defining and specifying the concept of intelligence itself, there has been consensus on the concept of artificial intelligence since the emergence of the first research in the early 1950s. Artificial intelligence is the scientific and technical trend that includes methods, theories and techniques that aim to create machines capable of simulating intelligence (Artificial Intelligence between Reality and Hope: A Technical Field Study, 6, with modifications).

It can be said that the previous definitions revolve around a meaning, which is the ability of a device or machine to think or act like humans; however, recent applications have tried to go beyond human intelligence, so artificial intelligence can be defined as: simulating optimal behavior (in terms of intelligence) in computers.

It can also be said that artificial intelligence applications aim to have:

Apps that think like humans.

Apps that think rationally.

Apps that work like humans.

Applications that work rationally (translated chapters on artificial intelligence, translated by Fahd Al-Qasim, 6, with modifications).

In other words: think like a human, think, act like a human, act.

Artificial intelligence is either general or limited. General intelligence is an attempt to make a machine perform human mental, physical, or emotional tasks successfully. Many scientists believe that the idea of general intelligence does not exist at all.

Narrow AI: It is a group of specialized systems that can handle a limited set of tasks.

For example, some applications can master a certain game, making it difficult for a person to beat it, but they cannot defeat him in another game.

In the early days of AI applications, chess was an exciting challenge and a good example of intelligent human behavior. In one of the 1997 games, a computer called Deep Blue defeated the world chess champion Garry Kasparov. Today, intelligent machines and intelligent applications can play chess and other games better than ever before (Artificial Intelligence, by Blay Whitby, 2010, edited).

Examples of current AI applications include email spam classification applications, Google Translate, Apple's Siri application, Amazon's Alexa application, Microsoft's Cortana application, speech recognition applications, untargeted advertising classification, and prediction applications such as smart writing, which suggests to the user texts that he can write in his messages.

Today, artificial intelligence is entering the fields of healthcare, aviation, transportation, media, energy, security, education, and entertainment.

3. Definition of intellectual property rights.

Intellectual property refers to the creativity produced by humans that is unique to them and attributed to them. It has been defined in several ways, including:

- Definition of the World Intellectual Property Organization: “Rights in literary, artistic and scientific works, such as artistic performances, chromograms, creative works, inventions in all fields, scientific discoveries, industrial designs, trademarks, service marks, trade names, protection against unfair competition and any other rights secured by intellectual activities in the industrial, scientific, literary and artistic fields” (Intellectual Property Rights, Curtis Cook, Learn about Intellectual Property and its Impact on the Global Economy, translated by: Dar Al Farouk Translation Department, Dar Al Farouk, Cairo, Egypt 2006, p. 105.)
- The World Trade Organization defined it as: “the rights granted to human beings over the products of their mental creativity, which includes industrial property rights as well as literary property rights” (Protection of Intellectual Property and Technology Transfer in the World Trade Agreement, a symposium entitled The Future of the Intellectual Property Rights Agreement in Light of Some Trends of Opposition at the Global Level, Center for Foreign Trade Research and Studies, Helwan University, Egypt, April 9-10, 2001, p. 10).
- It is also known as: “moral rights that give their owners the exclusive right to exploit a new objective innovation such as a patent, or a new innovation in form and design such as industrial drawings and models, or to exploit certain marks or signs to distinguish the establishment such as a trade name, or to distinguish its products such as a trademark” (Intellectual Property Rights, Curtis Cook, Learn about Intellectual Property and its Impact on the Global Economy, p. 107).

There are other definitions, but through the above and others we can say that intellectual rights are special creative rights that include literary, artistic, and scientific works. These rights have been granted to their owners for the mental, intellectual, literary, scientific, and creative effort they have made to reach them.

This is a definition of intellectual property rights in general. These rights are divided into moral intellectual rights and material rights. We are talking here about the former, not the latter. By moral, we mean the moral exploitation of intellectual rights, whether directly from intellectual and creative production or indirectly.

4. Forms of infringement on moral intellectual property rights using artificial intelligence.

We have presented that intellectual rights are caused by the creativity and effort made by its owner, whether this creativity is literary, artistic, scientific or mental to obtain it. However, with contemporary developments, it has become easy to attack these rights by various means. Here, we will talk about moral rights and the method of stealing them using artificial intelligence. Among the forms of attack on moral intellectual property rights using artificial intelligence are:

Theft and assault on the creator's right to attribute his production: The creator has the right to attribute his creativity to him and not to steal it and attribute it to others. For example, through artificial intelligence in research fields, some works are stolen and quoted from them without attributing them to their owner, whether it is a quotation of the text or with minor modifications so that they are not revealed using special quotation programs, so that what does not affect the text is changed and then attributed to someone other than its owner, or an artistic work is stolen and not attributed to its owner. All Arab laws have stipulated the protection of the creator's right. The Berne Convention stipulated in Article 6 that the financial rights belong to the author, and even after these rights are transferred, the author retains the right to demand attribution of his work to him (Modern Legal Stakes for Protecting Copyright on the Internet, a Study in Light of Comparative Jurisprudence, Ben Azza Muhammad Hamza, Voice of Law Magazine, Algeria, Volume 5, Issue 2, October 2018, p. 338).

Theft of the creator's right to decide whether or not to publish the work: The creator has the right to publish his creation or not, in addition to his right to publish it in the way he wants and in the form he wants. Examples of theft of this right include, for example: including texts of his words in books that the author does not want, or making his creative artistic work in forms that he does not approve of, such as making his voice in another tune, or his tune in another voice, or his words in a voice he does not want, or his picture with someone he does not want to be with in his pictures, or including his picture in a cinematic work with someone else or in a scenario he does not want... etc. The laws stipulate the author's exclusive right to decide whether to publish his work and determine the time and method of publication without coercion or interference from anyone. These are all the author's private property, and he has no authority over the product of his mind, thinking, and creativity (The author's right to decide whether to publish his work, Mansour Bakhta, Journal of Human Rights and Public Liberties, University of Mostaganem, Algeria, Issue 5, 2018, pp. 153-154).

Stealing the copyright in modifying his work: The creator has the right to modify his work in the way he sees fit, even after it is shown to people. There are many forms of stealing this right using artificial intelligence. He may install the voice of one person on another, install strange words on someone who did not say them, install the words of a poet on the voice of a singer, and modify intellectual works such as books and research in a way that does not change the content... etc. It is self-evident that since the author has the right to attribute his creativity, the method of

publishing it, and the time of its publication, he has the right to modify his work as he sees fit and this right is not taken away, as the follower is a follower, as the jurists say, so the modification is a follower of the original, which is the production, so it has the ruling of the original.

The right to keep the product without distortion: The creator has the right to keep his product without distortion, distortion or modification, whether it goes beyond his intention or not, even if it is for the better from the point of view of the modifier. The scope of creativity is wide for whoever wants it, but without stealing the rights of others. The product is the fingerprint of its owner and his product is his personality, whatever it may be. The creator likes to produce his product in the way he produced it, and he has the right to repel the distorted and distorted aggression against his production. Examples of stealing this right include installing some images on bodies and with people and in clips that the owner does not approve of, as well as installing some sentences in the creator's native language or otherwise or inserting some voices for some characters...etc. The law protects moral intellectual rights and prevents tampering with them, distorting them, distorting them or tampering with them (Protection of Intellectual Property for Copyright of Digital Works - A Reading of the Meaning and Ways of Protection, Hisham Masoudi, Journal of Legal Studies, Yahya Fares University in Medea, Algeria, p. 853).

The infringement of the creator's right to withdraw his work and prevent it from being circulated: The creator has the right to withdraw his product from circulation for any reason. One of the forms of infringement on this right is that after it has been distorted, altered, modified, or stolen in any way, it is not attributed to the creator but to the one who modified it. Therefore, the owner of the original product cannot withdraw it, as he does not own his intellectual rights. The law gives the creator the right to withdraw his product for any reason he sees. He may see in it a mistake that he has retracted, or that it has become inappropriate for modern developments, or that he has retracted from adopting a doctrine, or for fear of reactions, whether public, legal, or political, or for fear of something in the future, or for any other reason. Since the right to publish the product was his, he established the right to withdraw it. The right to withdraw is subject to the right to publish. The laws have stipulated the prohibition of this. For example, Article 24, paragraph 1 of the Algerian law states: "The author who believes that his work no longer conforms to his convictions may stop making it, or inform the public of the work to exercise his right to repent, or withdraw it." The work that was previously published by the public notification authority by exercising its right to withdraw it (Protection of Intellectual Property Rights for Digital Works - Reading the Meaning and Methods of Protection, Hisham Masoudi, Journal of Legal Studies, Yahya Fares University in Medea, Algeria, p. 853).

3. Results:

- Artificial intelligence is the ability of a device or machine to think or act like humans; however, recent applications have attempted to surpass human intelligence. Artificial intelligence can be defined as: simulating optimal behavior (in terms of intelligence) in computers.
- AI applications aim to think like a human, think, act like a human, and act.

- Intellectual rights are special creative rights that include literary, artistic, and scientific works. These rights are granted to their owners for the mental, intellectual, literary, scientific, and creative effort they have made to obtain them.
- By moral intellectual rights we mean the moral exploitation of intellectual rights, whether directly from intellectual and creative production or indirectly.
- The most prominent forms of infringement on moral intellectual rights by artificial intelligence are the following: theft and infringement of the creator's right to attribute his production, theft of the creator's right to decide whether or not to publish the work, theft of the author's right to modify his work, theft of the creator's right to withdraw his work and prevent it from being circulated, and the infringement of the right to keep the product without distortion.

4. Recommendations:

The most important recommendations of this research are as follows:

- The necessity of combating all forms of aggression against the moral intellectual rights of creators.
- The necessity of cooperation between individuals and entities to seek to paralyze the hands that seek to take the rights of creators.
- Enacting deterrent laws to stop those who violate moral intellectual rights through artificial intelligence.

Acknowledgement:

The authors extend their appreciation to the Deanship of Research and Graduate Studies at King Khalid University, KSA, for funding this work through Small Research Group under grant number. (RGP.1/287/45).

WORKS CITED

- Ahmed Hani Bahiri. (n.d.). Artificial Intelligence Techniques in Accounting. Faculty of Commerce, Zagazig University. Available online.
- Ismail bin Hammad Al-Jawhari. (1990). Taj al-Lughah wa Sahah al-Arabiyyah. Beirut: Dar al-Ilm LilMalayin.
- Abu Bakr Khawald (Coordinator). (n.d.). Applications of Artificial Intelligence as a Modern Trend to Enhance the Competitiveness of Business Organizations. Berlin: Arab Democratic Center for Strategic, Political, and Economic Studies.
- Mansour Bukhta. (2018). The Author's Right to Decide on Publishing His Work. Journal of Human Rights and Public Freedoms, University of Mostaganem, Algeria, Issue 5.
- Curtis Cook. (2006). Intellectual Property Rights: Understanding Intellectual Property and Its Impact on the Global Economy. Cairo: Dar Al-Farouk.
- Ayman Kamal Al-Sabaai. (n.d.). Author's Rights and the Legal Position of Translators and the Translation Profession. Available online.
- Hisham Masoudi. (n.d.). Intellectual Property Protection for Digital Works – Analysis of the Concept and Methods of Protection. Journal of Legal Studies, Yahia Fares University, Algeria.

- Foreign Trade Research and Studies Center, Helwan University. (n.d.). Intellectual Property Protection and Technology Transfer in the World Trade Agreement.
- Abd al-Nabi bin Abd al-Rasool al-Ahmad Nakri. (2000). Constitution of Scholars (Translated by Hasan Hani Fash). Beirut: Dar Al-Kutub Al-Ilmiyyah.
- Samia Shihy, Bai Mohammed, Hiziya Kroush. (2018). Artificial Intelligence: Between Reality and Aspiration – A Technical Field Study. Algeria: The International Conference on "Artificial Intelligence: A New Challenge for Law".
- Blay Whitby. (2008). Artificial Intelligence. Giza: Dar Al-Farouk for Cultural Investments.
- Ben Azzah Mohammed Hamza. (2018). Modern Legal Challenges to Protecting Copyrights on the Internet: A Comparative Legal Study. Journal of the Voice of Law, vol. 5, issue 2.
- Al-Khalil bin Ahmed Al-Farahidi Al-Basri. (n.d.). Al-'Ayn. Beirut: Dar wa Maktabat Al-Hilal.
- Fahd Al-Qassim (Translator). (n.d.). Translated Chapters on Artificial Intelligence. Original text from http://www.myreaders.info/html/artificial_intelligence.html.
- Ahmed Mukhtar Abdul-Hamid Omar. (2008). Dictionary of Contemporary Arabic Language. Cairo: Alam Al-Kutub.
- Ayoub bin Musa Al-Kafawi. (n.d.). A Dictionary of Terminology and Linguistic Differences. Beirut: Al-Risalah Foundation.
- Abd al-Rahman Al-Suyuti. (2004). Dictionary of the Keys of Sciences. Cairo: Al-Adab Library.
- Fatiha Hawas. (2017). Private Copy as a Restriction on the Author's Financial Rights. Journal of Political Rights, Abbas Laghrour University, Algeria, Issue 8, Part 2.