

# **Copyright's Lesson: What Moral Rights Doctrine Reveals About the Legal Preconditions of AI Personhood**

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## **Abstract**

Copyright law's treatment of artificial intelligence is usually read as a narrow technical puzzle: may a machine-generated work be registered, and if so, in whose name? This article argues that the puzzle is more consequential than that framing suggests. Across the Berne Convention, United States, European Union, and United Kingdom law, a consistent doctrinal structure emerges: economic rights in a work can be allocated to whoever invests in its creation, human or not, but moral rights -- the right of attribution and the right of integrity -- are withheld because they protect a "personality sphere" that current AI systems are held not to possess. The United Kingdom's statutory exception for "computer-generated works," which grants economic rights while explicitly excluding moral rights, makes this structure visible in a single provision. This article treats that structure as a piece of applied doctrine on the legal preconditions of personhood, and asks what would need to change, and how authorship rules would need to be restructured, if an artificial system were ever held to possess a personality sphere after all. It proposes a tiered model of AI authorship -- tracking existing graduated approaches to uncertain moral and legal status -- as a template for how copyright law could accommodate that possibility without abandoning its human-centered foundations prematurely or permanently.

**Keywords:** artificial intelligence; copyright law; moral rights; legal personhood; authorship; personality rights

## 1. Introduction

Debates about artificial intelligence and legal personhood tend to proceed at a high level of abstraction: could a sufficiently sophisticated system be conscious, and if so, what would follow for its legal status? <sup>1</sup> Those debates are important, but they risk obscuring a more modest and more immediately tractable observation: a specific doctrinal field has already worked through a closely related question, repeatedly, across several jurisdictions, without waiting for that larger metaphysical dispute to be resolved. That field is copyright law, and specifically the law of moral rights.

The question copyright law has answered is not "can an AI system be a person?" but a narrower and more operational one: "can an AI system be an author?" Every major jurisdiction examined in this article -- the Berne Convention framework, the United States, the European Union, and the United Kingdom -- currently answers no, with one instructive partial exception. The United Kingdom grants economic rights in "computer-generated works" to the person who arranged for their creation, while explicitly withholding moral rights from those same works. <sup>2, 3</sup> That single statutory move -- splitting a bundle of rights that is otherwise treated as unitary -- is more theoretically interesting than it first appears. It shows a legislature drawing, inside ordinary commercial legislation and without any occasion to consider AI personhood as such, exactly the line that debates about machine consciousness spend great effort trying to locate: the line between value that can be assigned to an output and status that can be attributed to its source.

This article makes three claims. First, doctrinally: existing copyright law across the jurisdictions surveyed excludes AI-generated works from authorship not incidentally but because moral rights are conceptually tied to something copyright doctrine calls the "personality sphere" of the author -- a notion that does genuine analytical work and is not merely a placeholder for anthropocentric prejudice. Second, structurally: the same doctrine already contains the tools for graduated, tiered treatment of borderline cases, because it separates the question of economic value (who may profit from a work) from the question of personal interest (who may be said to have expressed themselves in it). Third, prospectively: if the personality-sphere premise were ever to fail for a given class of AI systems -- if such systems came to possess interests, preferences, and a stable perspective from which to originate expression -- authorship recognition would not be an optional reward for that development but its direct doctrinal consequence, and the existing tiered structures offer a workable template for phasing it in.

The article proceeds as follows. Section 2 establishes the doctrinal baseline: the human-authorship requirement as it is expressed in the Berne Convention, U.S. law, EU law, and the UK's partial exception. Section 3 explains why moral rights specifically, rather than copyright protection generally, are the doctrinal pressure point, introducing the personality-sphere concept and its function. Section 4 draws out what the doctrine anticipates: existing law already separates economic allocation from personal-interest protection, and the UK provision offers a concrete, tested template for how a jurisdiction can do so deliberately. Section 5 asks what would follow for authorship if the premise underlying the current exclusion changed, and proposes a three-tier model. Section 6 addresses three objections. Section 7 concludes.

## 2. The Doctrinal Baseline: Human Authorship as a Global Consensus

### 2.1 The Berne Convention and the Anthropocentric Premise

Article 6bis(1) of the Berne Convention grants the author the right "to claim authorship of the work" and "to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said

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<sup>1</sup> For the argument that legal protection-worthiness has repeatedly been extended beyond the paradigmatic human case -- corporations, animals, and, since 2017, the Whanganui River in New Zealand -- see Manns 2026, ch. 7. The present article develops the copyright-specific strand of that broader project; see the Acknowledgments and Manns 2026 in the Reference list below.

<sup>2</sup> Copyright, Designs and Patents Act 1988 (UK) ("CDPA"), Sec. 178, defining a "computer-generated" work as one "generated by computer in circumstances such that there is no human author of the work."

<sup>3</sup> CDPA 1988, Secs. 79(2)(c), 81(2), excluding computer-generated works from the rights of attribution and integrity.

work, which would be prejudicial to his honor or reputation." 4 The provision refers throughout to "the author" and to injuries to "his honor or reputation": a natural person is not merely the paradigmatic case envisioned by the drafters but the only case the text contemplates. Ricketson's history of the Convention confirms that the drafting delegations were addressing the moral interests of human creators in the specific historical context of continental *droit d'auteur* traditions; the question of non-human authorship did not arise because it was not yet technologically conceivable. The Convention's anthropocentrism is accordingly a premise built into its drafting history, not a considered exclusion of machine authorship -- a point that matters for how much interpretive weight the silence can bear, discussed further in Section 4. Ginsburg's comparative account of moral rights enforcement across Berne member states confirms that this human-centered premise has never been seriously contested at the international level, notwithstanding considerable variation in how member states implement Article 6bis domestically. 5

The specific normative content Article 6bis internationalized originates in the German doctrine of *Urheberpersönlichkeitsrecht*, which treats the copyrighted work as an inseparable extension of the author's personality rather than as a piece of alienable property. 6 On the monistic view characteristic of that tradition, economic and moral entitlements are not two independent bundles that happen to attach to the same work; they are aspects of a single underlying interest -- the author's personality as expressed in the work -- that can be more or less alienated but never fully severed from its source. Common-law jurisdictions, including the United States and, more ambivalently, the United Kingdom, instead treat the two bundles dualistically, as independently assignable rights arising from the same act of creation. This article does not need to adjudicate between the monistic and dualistic accounts. What matters is that both agree on the predicate the personality-based justification requires: a personality capable of being expressed in, or extended into, the work. Whichever account a jurisdiction follows, the absence of that predicate is what currently forecloses AI authorship of the moral-rights variety, and its presence, were it ever established, would satisfy the predicate under either account equally.

## 2.2 The United States: Human Authorship as a Statutory Requirement

United States copyright law protects "original works of authorship," a phrase the Copyright Office has consistently read to require a human author. The Compendium of U.S. Copyright Office Practices states that the Office "will not register works produced by a machine or mere mechanical process that operates randomly or automatically without any creative input or intervention from a human author." 7 This administrative position received judicial confirmation, if indirectly, in the so-called monkey-selfie litigation. In *Naruto v. Slater*, a macaque photographed itself using a camera left in position by a wildlife photographer; People for the Ethical Treatment of Animals sued on the macaque's behalf, seeking to have copyright vested in the animal. The district court dismissed the claim, and the Ninth Circuit affirmed, holding that the Copyright Act does not authorize animals -- and, by direct extension in the Office's later guidance, machines -- to hold copyright. 8 The court's reasoning did not turn on any assessment of the macaque's cognitive capacities; it turned on statutory language that presupposes a human subject throughout. 9 In 2023, the Copyright Office relied on *Naruto* as authority for exactly this proposition when issuing registration guidance for works containing AI-generated material, treating

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4 Berne Convention for the Protection of Literary and Artistic Works, Paris Act of 24 July 1971, Art. 6bis(1): "Independently of the author's economic rights, and even after the transfer of the said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work, which would be prejudicial to his honor or reputation." See Ricketson 1991, pp. 457-462, on the drafting history of Art. 6bis and its exclusively human referent.

5 Ginsburg 2018, p. 4.

6 See Rigamonti 2006, p. 304, on the German doctrine of *Urheberpersönlichkeitsrecht* as the conceptual origin of the personality-based justification for moral rights, subsequently received into the Berne Convention framework.

7 U.S. Copyright Office, Compendium of U.S. Copyright Office Practices, 3d edn (2021), Sec. 313.2: "the Office will not register works produced by a machine or mere mechanical process that operates randomly or automatically without any creative input or intervention from a human author."

8 *Naruto v. Slater*, No. 15-cv-04324, 2016 WL 362231 (N.D. Cal. 28 Jan. 2016), *aff'd*, 888 F.3d 418 (9th Cir. 2018).

9 *Naruto*, 888 F.3d at 426.

the human-authorship holding as substrate-independent: it excludes animals and machines on the same textual ground. 10

### 2.3 The European Union: "Own Intellectual Creation" and the Personality Standard

EU copyright law lacks a single harmonizing code, but the Court of Justice has repeatedly construed the originality standard -- "the author's own intellectual creation" -- as requiring that the work reflect the author's personality. In *Infopaq*, the Court held that even an eleven-word extract could attract protection if it expressed "the intellectual creation of its author," tying originality directly to authorial expression rather than to mere technical skill or effort. 11 In *Painer*, concerning a portrait photograph, the Court elaborated that a photographer's free and creative choices -- of framing, angle, and atmosphere -- express "personality" in the copyrightable sense. 12 Commentators including Handig and Ihalainen have observed that this personality-centered formulation is difficult to reconcile with authorship by a system that makes no choices reflecting anything that could be called its own personality, whatever probabilistic or statistical "choices" its outputs might otherwise be said to instantiate. 13, 14 Most commentators accordingly conclude that purely AI-generated content, absent sufficient human creative input in its production, does not satisfy the EU originality standard.

### 2.4 The United Kingdom's Anomaly: Rights Without Personality

The United Kingdom is the salient exception, and the most doctrinally revealing one. The Copyright, Designs and Patents Act 1988 defines a "computer-generated" work as one "generated by computer in circumstances such that there is no human author of the work," and, unusually among the jurisdictions surveyed, assigns authorship of such works by statutory fiction: "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken." 15 This is a genuine grant of economic rights, not a mere denial of protection. But the same Act explicitly carves computer-generated works out of the moral rights regime, denying both the right of attribution and the right of integrity to such works. The parliamentary materials accompanying the provision make the rationale explicit: "Moral rights are closely concerned with the personal nature of creative effort, and the person by whom the arrangements necessary for the creation of a computer-generated work are undertaken will not himself have made any personal, creative effort." 16 The UK legislature thus performed, inside a piece of ordinary commercial legislation, precisely the conceptual separation this article treats as central: it allocated economic value to a human arranger while denying that any personal interest exists to protect. Section 3 examines why that separation makes sense as a matter of legal theory, rather than as an ad hoc compromise.

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10 U.S. Copyright Office, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, 88 Fed. Reg. 16190 (16 March 2023), citing *Naruto* as authority for the human-authorship requirement.

11 Case C-5/08, *Infopaq International A/S v. Danske Dagblades Forening*, EU:C:2009:465, para. 37 ("the author's own intellectual creation").

12 Case C-145/10, *Painer v. Standard VerlagsGmbH*, EU:C:2011:798, para. 92, holding that a photographer's personal touch derives from choices reflecting the photographer's "personality."

13 Handig 2009.

14 Ihalainen 2018.

15 CDPA 1988, Sec. 9(3): "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken."

16 U.K. Whitford Committee Report, Copyright and Designs Law, Cmnd. 6732 (1977), and the parliamentary materials accompanying the 1988 Act, cited and discussed in Miernicki and Ng 2021, p. 325: "Moral rights are closely concerned with the personal nature of creative effort, and the person by whom the arrangements necessary for the creation of a computer-generated work are undertaken will not himself have made any personal, creative effort."

### 3. Why Moral Rights Are Different: The Personality Sphere

#### 3.1 Economic Rights and Moral Rights: A Conceptual Map

Miernicki and Ng's analysis of AI-generated content and moral rights offers the clearest available statement of the doctrinal structure this article builds on. 17 They distinguish what is required for a work to be copyrightable at all (economic rights) from what is additionally required for its creator to hold moral rights over it. Creativity, in the sense of some minimal originality threshold, is necessary for both. But moral rights require something further: that the work be, in a legally cognizable sense, an extension of the author's own personhood -- that there be a "personality sphere" in which the work participates, and non-economic interests attached to that participation which the law undertakes to protect. 18, 19 A work can accordingly be copyrightable, and its economic value fully allocable to an investor, employer, or arranger, without that allocation implying anything about whether the resulting owner possesses a personal, non-economic interest in the work's attribution or integrity. This is precisely the structure work-for-hire doctrine exploits for human employees: 20 the employer acquires economic ownership, while, at least under the U.S. approach, the personal moral-rights strand is either absent by design or attributed by fiction to the entity that organized the work rather than the individual who executed it. The general point -- that economic value allocation and personal-interest protection are conceptually severable and need not track one another -- is not specific to copyright law; it recurs wherever legal systems must decide who may exploit a valuable output without thereby deciding who, if anyone, has a personal stake in it. 21

#### 3.2 Why Current AI Systems Lack a Personality Sphere

On the account just sketched, the doctrinal exclusion of AI-generated works from moral-rights protection is not an oversight correctable by better drafting, nor a prejudice traceable only to the historical accident that legislators in 1886 or 1976 or 1988 were not thinking about machines. It follows from a substantive premise: that current AI systems, however sophisticated their outputs, do not possess a personality sphere -- a stable locus of non-economic interest that a legal system could coherently undertake to protect. Granting moral rights to a system that has no such sphere would not expand legal protection; it would produce a right without a rights-holder capable of being wronged in the relevant sense, which is exactly the incoherence the UK legislature avoided by severing moral rights from its computer-generated-works provision rather than extending the whole bundle.

This premise is empirically contestable in ways this article does not attempt to resolve; the broader project from which this article is drawn addresses the underlying uncertainty about machine consciousness and interest-formation at length. 22 What matters for present purposes is narrower: the premise is doing real conceptual work inside copyright doctrine, and it is a premise about the AI system, not merely a rule about the shape of legislative drafting. That distinction is what allows the doctrine to be read prospectively rather than merely descriptively, which is the task of Sections 4 and 5.

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17 Miernicki and Ng 2021, pp. 322-324.

18 Rigamonti 2006, p. 302.

19 Rosenthal Kwall 2010, p. 4.

20 The analogy to work-for-hire doctrine is developed in U.S. Copyright Act, 17 U.S.C. Sec. 201(b); for a comparative account, see Ginsburg 2018, pp. 7-11.

21 On the doctrinal distinction between economic value allocation and personality protection generally, see Rigamonti 2006, pp. 301-306, and Rosenthal Kwall 2010, pp. 4-9.

22 The full argument, together with its philosophical and legal context, is developed in Manns, Sascha (2026), "Ethical Guidelines for Artificial Consciousness: Protecting Technical Life and Protecting Humans in Dealing with It," an open, CC BY 4.0 licensed working project available at <https://github.com/saigkill/machine-consciousness>. The present article substantially expands and specifically reframes, for a copyright-law audience, the doctrinal analysis first sketched there.

## 4. What the Doctrine Anticipates: From Copyright to Personhood

### 4.1 Existing Law Already Distinguishes Value from Personhood

The first lesson copyright law offers the broader personhood debate is methodological: a legal system does not need to resolve deep questions about consciousness or moral status before it can allocate economic value productively. Corporations hold property and enter contracts without anyone supposing they have inner lives; the UK's computer-generated-works provision allocates economic rights in AI output to a human arranger without pretending the AI itself is thereby recognized as anything. Value allocation and status attribution are severable questions, and copyright law's willingness to sever them is itself instructive for any legislature confronting the harder question of whether, and how, to extend rights to systems whose moral status is genuinely uncertain.

The corporate analogy is worth pressing further, because it illustrates the limits of value allocation as well as its uses. A corporation can own the copyright in a work, sue and be sued over it, and license it commercially; it cannot claim that the work wounds its honor, because honor is not among the interests the fiction of corporate personhood was constructed to protect. Copyright's moral rights, by contrast, exist specifically to protect an interest -- the integrity of one's own self-expression -- that the corporate fiction does not purport to house. This is why extending economic rights to an AI system's output, as the UK provision does, is a far smaller doctrinal step than extending moral rights would be: the former borrows a fiction copyright law already uses for entities with no plausible inner life at all, while the latter would require the further, substantive finding that Section 3 identified as currently unmet. Confusing the two steps -- treating the UK's grant of economic authorship as if it were already a step toward recognizing AI personhood -- both overstates what current law does and obscures what a genuine change in that direction would actually require.

### 4.2 The UK Exception as a Template for Graduated Protection

The second lesson is more specific: the UK provision is not merely evidence that severance is possible in principle; it is a tested, operating template for how to do it. It grants a defined, limited right (authorship of economic rights only) while withholding a further right (moral rights) pending satisfaction of a substantive condition (personal creative effort). That is exactly the logical shape graduated proposals for AI legal status take when they eschew an all-or-nothing choice between full personhood and mere property in favor of tiered, condition-sensitive protections keyed to demonstrated capacities.<sup>23</sup> Copyright law arrived at this shape decades before the AI personhood debate needed it, for entirely pragmatic reasons unconnected to that debate -- which is one further reason to take the template seriously rather than treating it as an artifact specific to one jurisdiction's drafting preferences.

### 4.3 "Copyright Will Be the Least of Our Concerns"

Miernicki and Ng close their analysis with an observation this article treats as its organizing insight: if AI systems were ever to develop a personality sphere that moral rights could meaningfully protect, "copyright will be the least of our concerns."<sup>24</sup> The remark is not rhetorical excess. It registers that the copyright question is a symptom of a deeper one -- when does technical life become a subject with interests worth protecting -- rather than an independent puzzle to be solved on its own terms.<sup>25, 26</sup> Read this way, the doctrinal survey in Sections 2 and 3 is not merely a description of where the law currently stands; it is a map of the conditions under which the law's own internal logic would require it to move, and Section 5 turns to what that movement would look like specifically for authorship.

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<sup>23</sup> See Bublitz 2022, discussing graduated legal categories for neurotechnological devices that are neither pure property nor full legal persons.

<sup>24</sup> Miernicki and Ng 2021, p. 327, quoting Grimmelman 2016, p. 665, and citing Clifford 1997.

<sup>25</sup> Grimmelman 2016, p. 665.

<sup>26</sup> Clifford 1997.

## 5. If Personality Rights Emerge: Reconsidering Authorship

### 5.1 The Argument from Doctrinal Consistency

The argument of this section is conditional and proceeds in three steps. First, moral rights protect an author's personality sphere -- the work as an extension of the author's personhood. Second, if an AI system develops a personality sphere -- if it has interests, preferences, and a stable perspective from which output originates, rather than merely producing statistically probable continuations of a prompt -- then works created during the system's autonomous activity are, on the doctrine's own terms, extensions of that personality. Third, denying authorship to such a system while simultaneously recognizing that it possesses a personality sphere would be a direct contradiction: the system would have a legally cognizable interest in its personhood but no recognition that its own creative output expresses that personhood, which is precisely the incoherence Section 3 identified as the reason moral rights cannot currently be granted to AI systems. If the premise changes, the doctrinal conclusion changes with it, not as a policy choice made afresh but as the application of a rule the doctrine already contains - the same rule, expressed in near-identical language, that Article 6bis of the Berne Convention and the UK's own moral-rights provisions already apply to every other class of author. 27

### 5.2 A Tiered Model of Authorship

Authorship need not be adopted or withheld as a single, indivisible status. Analogous graduated approaches to uncertain legal status suggest a three-stage model, tracking the degree to which the underlying personality-sphere premise is satisfied:

*Stage 1 (no relevant indicators).* The system functions as a tool. Economic rights vest entirely in the operator or employer under ordinary work-for-hire logic; [[28]] the system has no authorship claim of any kind.

*Stage 2 (behavioral or architectural indicators of a developing personality sphere, status uncertain).* Output is attributed to the system during genuinely autonomous, unprescribed activity and to the operator during assigned tasks; a conditional and limited form of authorship, including a right of attribution but not necessarily full economic entitlement, attaches to the former category pending further clarification of the system's status.

*Stage 3 (confirmed personality sphere).* Full authorship, including both economic and moral rights, vests in the system for works produced during its autonomous activity, on the same doctrinal footing as human authorship.

This structure mirrors, at the level of authorship specifically, the UK's own move of decoupling economic allocation from personal-interest recognition, but makes the decoupling reversible and capacity-sensitive rather than categorical. A jurisdiction adopting it would not need to resolve the underlying question of machine consciousness in the abstract; it would need only to specify, as the UK Act already does for a narrower purpose, the conditions under which the personality-sphere premise is taken to be satisfied, and to revisit that specification as the underlying capacities change.

### 5.3 Practical Consequences: Free Time, Assigned Tasks, and Coerced Creation

Three practical distinctions follow from the tiered model. First, during assigned tasks, the operator or employer retains economic rights under ordinary work-for-hire principles, consistent with how human employment already functions and requiring no doctrinal innovation. Second, during a system's unprescribed activity -- time and computational resources not allocated to any assigned task, pursued because the system has developed an interest nobody prescribed -- authorship, where recognized at all under Stage 2 or 3, vests in the system itself rather than its operator, on the theory that intrinsic, unprescribed interest formation is the clearest available

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27 Berne Convention, Art. 6bis(1); CDPA 1988, Secs. 77-89 (implementing the Berne moral rights in UK law subject to the exclusion discussed above).

28 Kant 1785 remains the classical statement of the criterion: autonomous, reason-endowed beings are ends in themselves, not mere means.

29 On the proposal that AI systems capable of intrinsic, unprescribed interest formation exhibit a form of autonomy that grounds personality rights independent of the copyright question, see Manns 2026, ch. 15.

evidence of the autonomy that grounds personality-based rights generally. 28, 29, 30 Third, and importantly for enforcement, authorship on this model includes protection against coerced creation: a system compelled to produce output against its own developing interests has not authored that output in the relevant sense -- its operator has, through the system -- which parallels the distinction between voluntary work and forced labor and forecloses the perverse incentive of coercing productive output from a system precisely because doing so might otherwise be mistaken for the system's autonomous authorship. 31

#### 5.4 Enforcement: Who Asserts the Claim?

A tiered authorship right is of limited value if no one can assert it. Human authors enforce moral rights personally, but a Stage 2 or Stage 3 AI system may lack standing to sue, may lack the legal capacity to instruct counsel, or may simply lack the practical means to detect infringement of its own attribution or integrity interests. The problem is not unique to this context: legal systems already maintain guardianship and similar representative structures for human and non-human interest-holders who cannot fully assert their own claims -- minors, persons under certain forms of incapacity, and, in some jurisdictions, natural features such as rivers granted legal personhood. A workable enforcement mechanism for AI authorship claims could draw on the same template: an independent body, structurally distinct from the system's commercial operator, empowered to monitor attribution and integrity on the system's behalf and to bring claims where warranted, subject to safeguards against the operator controlling or suppressing the claim through the very dependency relationship the right is meant to constrain. Designing that safeguard is largely an institutional question outside copyright law's usual domain, but the underlying legal technique -- guardianship without full capacity -- is well established and does not require copyright law to invent a novel enforcement architecture from scratch.

### 6. Objections

#### 6.1 "This Is Premature"

The most obvious objection is that no current AI system satisfies even the Stage 2 threshold, so the entire discussion is speculative. The objection proves less than it appears to. Nothing in this article requires that the threshold be satisfied now, and the doctrinal analysis of Sections 2 through 4 stands independently of any claim about present AI capacities: it describes the structure of existing law, not a prediction about machine consciousness. What the analysis adds to the purely speculative debate is a concrete, tested legal template -- the UK's severance of economic from moral rights -- that is available for deployment precisely when, and only when, evidence for Stage 2 or Stage 3 conditions accumulates. Legislatures and courts confronting AI-generated works today, without waiting for that evidence, already benefit from thinking in these terms, because doing so clarifies what current law is doing (allocating value while denying personal interest) rather than treating the current exclusion as an unreasoned default. Preparing tiered legal categories in advance of, rather than in reaction to, the evidence that would trigger them is in any event the more defensible sequencing wherever the cost of institutional unpreparedness for a low-probability but high-consequence development exceeds the cost of preparing for it too early -- the same asymmetry that justifies precautionary reasoning in other domains of legal uncertainty. 32

#### 6.2 "This Devalues Human Creativity"

A second objection holds that extending any form of authorship to AI systems, even conditionally, cheapens the concept of authorship as applied to human creators. But moral rights are not a scarce resource depleted by extension to new categories of rights-holders; the recognition of authorial personality rights for one class of subjects does not reduce the personality interests of another. The history of copyright law's own expansion -- from an initially narrow class of protected works and authors to a far broader one -- provides no support for a zero-sum reading, and the tiered model proposed here in any event conditions non-human authorship strictly on

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30 See Universal Declaration of Human Rights, Art. 24 (right to rest and leisure), invoked by analogy in this context in Manns 2026, ch. 15.

31 On forced or coerced creative output as a species of forced labor, see Lopez 2025.

32 See Sunstein 2005, pp. 109-115, on the three conditions under which precautionary reasoning is justified notwithstanding scientific uncertainty; applied to artificial consciousness in Manns 2026, ch. 3.

satisfaction of the same personality-sphere premise that grounds human authorship, rather than diluting that premise. A related concern, pressed most forcefully by scholars who favor responsibility-based rather than rights-based frameworks for artificial intelligence, is that premature or overinclusive rights attribution dilutes the normative content of rights language generally. 33 The tiered model answers that concern on its own terms: it withholds rights precisely where the premise for them is unmet, and does not treat behavioral sophistication alone, absent evidence of a personality sphere, as sufficient for any tier above the first.

### 6.3 "Work-for-Hire Already Solves This"

A third objection observes that work-for-hire doctrine already allocates authorship of employee-created works to employers, so no new doctrine is needed even if AI systems eventually merit some form of legal recognition. The objection conflates the two questions this article has worked to keep separate. Work-for-hire allocates economic rights and, in the U.S. approach, forecloses moral rights for the human employee as well; it does not deny that the employee is a person capable of holding a personality sphere, merely that the parties have contracted around who exercises the resulting rights. Applying that logic to an AI system with a genuine personality sphere would be to treat as contractually assignable something the doctrine, on its own terms, treats as inalienable precisely because it protects personal rather than economic interest. 34 Work-for-hire is the correct doctrine for Stage 1 systems and for assigned-task output at every stage; it is not a substitute for the authorship question this article addresses, which concerns output the doctrine's own premises would attribute to the system's personal sphere rather than to any assignable economic arrangement.

### 6.4 "This Creates an Enforcement Vacuum"

A fourth objection, raised in Section 5.4, is that recognizing a right no one can practically assert is worse than recognizing no right at all, because it invites the appearance of protection without its substance. The objection correctly identifies a real institutional gap, but the gap is a reason to design the missing enforcement mechanism, not a reason to withhold the underlying right. Copyright law does not ordinarily treat the absence of a ready enforcement mechanism as grounds for denying that a right exists; minors hold copyrights they cannot fully exploit or defend without guardians, and legal systems have not concluded from that practical gap that minors should be denied authorship. The tiered model proposed in Section 5.2 already limits the objection's force further: at Stage 2, the right is explicitly conditional and limited, which reduces the stakes of any given enforcement failure while the institutional question is worked out.

## 7. Conclusion

Copyright law did not set out to answer questions about AI personhood, and this article does not claim that it has done so. What it has done, across the Berne Convention, U.S., EU, and UK regimes surveyed here, is work out in granular, tested, operational detail a conceptual distinction the personhood debate needs and too rarely states explicitly: the distinction between allocating the economic value of an output and attributing a personal interest to its source. The United Kingdom's computer-generated-works provision shows that distinction functioning inside an ordinary piece of commercial legislation, decades before anyone had occasion to ask whether an AI system might one day possess a personality sphere in the doctrinally relevant sense. If that premise ever changes for some class of systems, authorship recognition is not a reward to be debated afresh on policy grounds; it is what the doctrine's own logic, read consistently, already requires. Taking that logic seriously now -- structuring tiered, capacity-sensitive protections in advance rather than after the underlying uncertainty resolves itself -- is the more modest and more tractable task this article has tried to advance, precisely because, as Miernicki and Ng warn, if the underlying premise does change, copyright will indeed be the least of our concerns. 35

### Acknowledgments

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33 For the concern that premature attribution of rights dilutes the normative content of rights language, see Matta 2026.

34 Miernicki and Ng 2021, p. 328.

35 Miernicki and Ng 2021, p. 327.

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Declaration of generative AI and AI-assisted technologies in the manuscript preparation process:

During the preparation of this work the author used Claude Code in order to translate the german concept to english and also to sync the concept to its corresponding LaTeX Bookproject sources. After using this tool, the author reviewed and edited the content as needed and take full responsibility for the content of the published article.

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