

“ChatGPT, please draft the introductory paragraph to my legal blog”



*“In recent years, the evolution of artificial intelligence (AI) has given rise to groundbreaking innovations, with generative AI leading the charge. Among the most impressive examples is ChatGPT, an AI language model that can produce human-like text, engage in conversations, and address a vast array of queries. This sophisticated AI marvel operates through a process that relies on vast datasets obtained through web scraping, enabling it to acquire an immense corpus of human knowledge and language patterns. While this technology opens up new frontiers in communication and creativity, it also raises complex legal challenges, particularly concerning copyright and intellectual property (IP) rights.”*

This introductory paragraph was written by ChatGPT, and it raises many questions: Who owns the content ChatGPT generates? Can the use of this AI model potentially infringe on existing IP rights? Are there confidentiality issues? This article explores these crucial questions.

## **Copyright Concerns and Ownership**

Copyright is an IP right over literary, music or artistic works and exists to protect the rights of creators of original works. As a general rule, the person who creates the original copyright work is the owner of the copyright.

OpenAI, the developer of ChatGPT, Terms of Use grants the user the IP rights over the output and the responses ChatGPT produces.

However, ChatGPT’s extensive “web scraping” approach carries the risk that the content produced could inadvertently infringe on others’ IP rights. It is unclear to what extent pre-existing material may have been used



and as a result the output generated by ChatGPT might be similar or even identical to works already in existence, thereby raising the potential for copyright infringement.

If the output from generative AI includes substantial parts or is identical to third-party pre-existing works, users could potentially face liability for copyright infringement, depending on how they use the output. The Terms of Use state that any such liability will fall on the user, and not on OpenAI.

To avoid copyright infringement, users should be cautious about circulating or republishing ChatGPT responses. Instead, it is advisable to view the AI-generated responses as sources of inspiration or starting points for further research, always ensuring proper citation and attribution of any sources used.

## Privacy and Confidentiality

When using a language model such as ChatGPT, it is essential to consider whether the information the user discloses to it is protected. When users input personal information the AI system uses this data to enhance its contextual understanding and language processing, thereby improving its responses. However, utilising third party personal data without explicit consent poses a significant risk, as it could inadvertently be processed and included in future responses.

Users should exercise caution when sharing sensitive information with ChatGPT and businesses should implement robust data protection measures.

## Conclusion

The field of generative AI is evolving rapidly, which will likely lead to changes in contractual terms of use and eventually, relevant laws. Therefore, it is important for businesses to be prepared for these exciting developments, and to not underestimate the associated risks.



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