

GOVERNING THE ALGORITHM: THE REGULATORY FRAMEWORK FOR AI, COPYRIGHTS & CULTURAL CREATIVE INDUSTRIES FROM THE PERSPECTIVE OF INTERNATIONAL ORGANISATIONS

*ALGORİTMAYI YÖNETMEK: ULUSLARARASI KURULUŞLAR PERSPEKTİFİNDEN YAPAY ZEKÂ,
FİKRİ HAKLAR VE KÜLTÜREL YARATICI ENDÜSTRİLER İÇİN HUKUKİ ÇERÇEVE*

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ABSTRACT

Cultural and creative industries—encompassing fields such as film, television, music, publishing, fashion, design, gaming, and digital arts—are knowledge-intensive sectors based on individual creativity and intellectual property production. While these industries serve as cornerstones of both economic growth and cultural identity, they also contribute significantly to national Gross Domestic Product (GDP) and foster societal exchange. However, the rapid rise of Generative Artificial Intelligence (GAI) technologies has initiated a major transformation that shakes the fundamental principles of intellectual property protection. As the most powerful determinant of digital transformation, AI is reshaping both the global economy and cultural production processes, generating technological, legal, socio-cultural, and economic consequences. In this process, humanity has begun to question whether artificial intelligence is a true opportunity or a threat to creativity. Given the borderless nature of digital production and AI technology, it has become mandatory to provide a harmonious and balanced reaction at the global level—in other words, within the international community.

The functioning of AI systems begins with the collection of massive amounts of material consisting of works and data during the training phase; these contents are then processed through machine learning cycles, transferred into models, and ultimately transformed into digital outputs. While this cycle nourishes and accelerates human creativity on one hand, it carries risks of homogenization, loss of originality, and

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the narrowing of cultural diversity on the other, depending on the quality of the datasets used. Today, the most controversial areas involve the legal consequences of the unauthorized use of copyrighted content in AI training and the necessity of obtaining permission from rightsholders for machine learning. Since copyright protection in current international legal systems is directly tied to human creativity, purely autonomous AI outputs remain outside the scope of protection; as AI lacks legal personality, a work can only be protected when human intervention or selection is involved. Furthermore, because AI models are generally trained on Western-centric and English-heavy datasets, there is a risk of ignoring local cultures and reinforcing cultural biases through global content standardization.

In the face of this complex picture, international organizations emerge as key actors in filling the gap between technological innovation and existing legal frameworks. The World Intellectual Property Organization (WIPO), as the primary global body setting intellectual property standards, conducts open consultations and dialogues examining the intersection between AI and IP. With a member-state-oriented structure, WIPO shapes global approaches through “soft-law” instruments, guidelines, and best practice models rather than imposing binding rules, focusing particularly on the inclusion of developing countries in this process. The organization attempts to manage the disruptive effects of AI on patents, copyrights, and trade secrets through reports and technical support programs.

The European Union, on the other hand, implemented the first comprehensive and binding regulation in this field with the EU AI Act, which entered into force in 2024. Adopting a risk-based approach, this regulation prohibits systems carrying certain “unacceptable” risks while imposing transparency obligations on General Purpose Artificial Intelligence (GPAI) models. In this context, providers of models such as ChatGPT, Gemini, or DeepSeek are required to prepare and publish a detailed summary of the copyrighted content used in their training processes. This transparency move aims to facilitate rightsholders in claiming their rights, strengthen collective licensing models, and contribute to the preservation of cultural diversity.

Furthermore, the Council of Europe opened the “Framework Convention on Artificial Intelligence” for signature in 2024, which is the first legally binding international treaty in its field focusing on protecting human rights, democracy, and the rule of law. This convention aims to ensure respect for human dignity and democratic stability at every stage of the AI lifecycle while encouraging innovation. UNESCO focused on the ethical dimension of AI and its impact on cultural diversity, adopting the “Recommendation on the Ethics of Artificial Intelligence” in 2021. To protect the copyrights of artists and the sustainability of their professions, it aims to eliminate the negative effects of AI by preparing an additional protocol to the 2005 Convention on Cultural Diversity.

The OECD and the United Nations also provide strategic contributions to the process. The OECD guides governments on trustworthy AI through its AI Principles, updated in 2024, which aim to protect market integrity while promoting innovation. In line with a resolution adopted in 2025, the United Nations has established a multi-stakeholder governance foundation by creating an independent scientific panel and a global dialogue mechanism to analyze AI risks and opportunities based on scientific evidence.

In conclusion, implementing international regulations that keep pace with the speed of artificial intelligence remains the greatest challenge. The sustainability of cultural industries and the protection of the information ecosystem depend on defining the transparency of training data, strengthening copyright mechanisms, labeling AI outputs, and providing ethical safeguards through a human-centered legal framework. Implementing international standards for transparency and copyright is essential to protect cultural heritage, though most international organizations currently favor non-binding guidance over strict regulation. The EU AI Act represents the most decisive regional framework to date, while a potential binding protocol from UNESCO could become a landmark step for protecting fair remuneration and human creativity. In the final analysis, the sustainability of creative industries depends on shifting from soft and non-binding law instruments to balanced and partially binding international regulations that safeguard cultural& intellectual diversity against the risks of automation.

Keywords: Generative Artificial Intelligence (GAI), Copyright, Cultural and Creative Industries, International Regulatory Framework, Cultural Diversity

ÖZ

Kültürel ve yaratıcı endüstriler; film, televizyon, müzik, yayıncılık, moda, tasarım, oyun ve dijital sanatlar gibi alanları kapsayan, bireysel yaratıcılığa ve fikri mülkiyet üretimine dayalı bilgi yoğun sektörlerdir. Bu endüstriler hem ekonomik büyümenin hem de kültürel kimliğin temel taşları olarak hizmet ederken, ulusal gayrisafi yurt içi hasılaya (GSYİH) önemli katkılarda bulunmakta ve toplumsal değişimi teşvik etmektedir. Ancak Üretken Yapay Zekâ (Generative Artificial Intelligence) teknolojilerinin hızla yükselişi, fikri hak korumasının temel ilkelerini sarsan büyük bir dönüşüm başlatmıştır. Yapay zekâ, dijital dönüşümün en güçlü belirleyicisi olarak hem küresel ekonomiyi hem de kültürel üretim süreçlerini yeniden şekillendirirken; teknolojik, hukuki, sosyo-kültürel ve ekonomik sonuçlar doğurmaktadır. Bu süreçte insanoğlu, yapay zekânın yaratıcılık için gerçek bir fırsat mı yoksa bir tehdit mi olduğunu sorgulamaya başlamıştır. Dijital üretimin ve yapay zekâ teknolojisinin sınır tanımaz doğası göz önüne alındığında, bu değişime karşı küresel düzeyde diğer bir ifadeyle uluslararası toplum nezdinde uyumlu ve dengeli bir reaksiyon verilmesi zorunlu hale gelmiştir.

Yapay zekâ sistemlerinin işleyişi, eğitim aşamasında eserlerden ve verilerden oluşan devasa materyallerin toplanmasıyla başlamakta ve bu içerikler makine öğrenimi süreçlerinden geçirilerek modele aktarılır ve nihayetinde dijital üretilere dönüştürülmektedir. Bu döngü bir yandan insan yaratıcılığını besleyip hızlandırırken, diğer yandan kullanılan veri setlerinin niteliğine bağlı olarak tek tipleşme, orijinallik kaybı ve kültürel çeşitliliğin daralması riskini taşımaktadır. Bugün en tartışmalı alanlar, telifli içeriklerin yapay zekâ eğitiminde izinsiz kullanılmasının hukuki sonuçları ve makine öğrenimi için hak sahiplerinden izin alınması gerekliliğidir. Mevcut uluslararası hukuk sistemlerinde telif hakkı koruması doğrudan insan yaratıcılığına bağlı olduğu için, tamamen otonom yapay zekâ çıktıları koruma kapsamı dışında kalmakta;

yapay zekânın hukuki kişiliği bulunmadığı için eser ancak insan müdahalesi veya seçimi söz konusu olduğunda korunabilmektedir. Ayrıca yapay zekâ modelleri genellikle Batı merkezli ve İngilizce ağırlıklı veri setleriyle eğitildiği için, yerel kültürlerin göz ardı edilmesi ve küresel bir içerik standardizasyonu ile kültürel önyargıların pekişmesi riski bulunmaktadır.

Bu karmaşık tablo karşısında uluslararası kuruluşlar, teknolojik inovasyon ile mevcut yasal çerçeveler arasındaki boşluğu doldurmada kilit aktörler olarak öne çıkmaktadır. Dünya Fikri Mülkiyet Örgütü (WIPO), fikri mülkiyet standartlarını belirleyen temel küresel organ olarak, yapay zekâ ve fikri mülkiyet arasındaki kesişimi inceleyen açık istişareler ve diyaloglar yürütmektedir. Üye devlet odaklı bir yapıya sahip olan WIPO, bağlayıcı kurallar dayatmak yerine “yumuşak hukuk” (soft-law) araçları, rehberler ve en iyi uygulama modelleri aracılığıyla küresel yaklaşımları şekillendirmekte; özellikle gelişmekte olan ülkelerin bu sürece dâhil edilmesine odaklanmaktadır. Örgüt, yapay zekânın patentler, telif hakları ve ticari sırlar üzerindeki bozucu etkilerini raporlar ve teknik destek programlarıyla yönetmeye çalışmaktadır.

Avrupa Birliği ise 2024 yılında yürürlüğe giren AB Yapay Zekâ Tüzüğü/Yasası (AI Act) ile bu alandaki ilk kapsamlı ve bağlayıcı düzenlemeyi hayata geçirmiştir. Risk temelli bir yaklaşım benimseyen bu düzenleme, belirli “kabul edilemez” riskler taşıyan sistemleri yasaklarken, genel amaçlı yapay zekâ (GPAI- General Purpose Artificial Intelligence) modellerine şeffaflık yükümlülükleri getirmektedir. Bu kapsamda, ChatGPT, Gemini veya DeepSeek gibi modelleri sunan sağlayıcıların, eğitim süreçlerinde kullanılan telifli içeriklerin ayrıntılı bir özetini hazırlayıp kamuoyuna sunmaları zorunlu kılınmıştır. Bu şeffaflık hamlesi, hak sahiplerinin haklarını talep etmelerini kolaylaştırmayı, toplu lisanslama modellerini güçlendirmeyi ve kültürel çeşitliliğin korunmasına katkıda bulunmayı amaçlamaktadır.

Diğer taraftan Avrupa Konseyi, insan haklarını, demokrasiyi ve hukukun üstünlüğünü korumaya odaklanan, alanındaki ilk uluslararası bağlayıcı anlaşma olan “Yapay Zekâ Çerçeve Sözleşmesi”ni 2024 yılında imzaya açmıştır. Bu sözleşme, yapay zekâ sistemlerinin yaşam döngüsünün her aşamasında insan onuruna ve demokratik istikrara saygı gösterilmesini sağlarken inovasyonu da teşvik etmeyi hedeflemektedir. UNESCO ise yapay zekânın etik boyutuna ve kültürel çeşitlilik üzerindeki etkilerine odaklanarak 2021’de “Yapay Zeka Etiği Tavsiye Kararı”nı kabul etmiştir. Sanatçıların telif haklarını ve mesleklerinin sürdürülebilirliğini korumak amacıyla 2005 Kültürel Çeşitlilik Sözleşmesi’ne ek bir protokol hazırlayarak yapay zekânın negatif etkilerini bertaraf etmeyi hedeflemektedir.

OECD ve Birleşmiş Milletler de sürece stratejik katkılar sunmaktadır. OECD, inovasyonu teşvik ederken pazar bütünlüğünü korumayı amaçlayan ve 2024’te güncellenen Yapay Zeka İlkeleri ile hükümetlere güvenilir yapay zeka konusunda rehberlik etmektedir. Birleşmiş Milletler ise 2025 yılında kabul edilen karar doğrultusunda, yapay zekâ risklerini ve fırsatlarını bilimsel kanıta dayalı olarak analiz etmek için bağımsız bir bilimsel panel ve küresel diyalog mekanizması kurarak çok paydaşlı bir yönetim zemini oluşturmuştur.

Sonuç olarak, yapay zekânın hızıyla uyumlu uluslararası düzenlemelerin hayata geçirilmesi en büyük zorluk olarak varlığını sürdürmektedir. Kültürel endüstrilerin sürdürülebilirliği ve bilgi ekosisteminin korunması; eğitim verilerinin şeffaflığının tanımlanması, telif hakkı mekanizmalarının güçlendirilmesi, yapay zekâ çıktılarının etiketlenmesi ve insan merkezli bir yasal çerçeve ile etik güvencelerin sağlanmasına bağlıdır. Eğitim verilerinde şeffaflık ve telif haklarının korunması için uluslararası standartların belirlenmesi hayati önem taşırken, çoğu uluslararası kuruluşun bağlayıcı kurallar yerine rehber ilkelere odaklanması dikkat çekicidir. Bu süreçte AB Yapay Zekâ Tüzüğü/Yasası en kararlı bölgesel düzenleme olarak öne çıkmakta, UNESCO'nun hazırlayabileceği olası bağlayıcı protokolün ise insan yaratıcılığını koruma yolunda önemli bir adım olacağı öngörülmektedir. Nihai analizde, yaratıcı endüstrilerin sürdürülebilirliği; kültürel ve fikri çeşitliliği, otomasyonun risklerinden korumak adına, esnek hukuk yaklaşımlarından ziyade dengeli ve nispeten bağlayıcı olabilecek uluslararası düzenlemelere geçişi gerekli kılmaktadır.

Anahtar Kelimeler: Üretken Yapay Zeka (GAI), Telif Hakları, Kültürel ve Yaratıcı Endüstriler, Uluslararası Düzenleyici Çerçeve, Kültürel Çeşitlilik

INTRODUCTION

The Cultural Creative Industries; commonly encompassing fields/sectors like film, television, music, publishing, fashion, design, gaming, architecture, and digital arts – are knowledge-intensive sectors based on individual creativity, skill, and intellectual property creation. These industries are cornerstones of both economic growth and cultural identity, and they also contribute significantly to national GDPs while fostering societal exchange.¹ However, the rapid rise of Generative Artificial Intelligence (GAI) has introduced major challenges², effectively disrupting the foundational principles of copyright law. Key issues include the legality of data mining copyrighted works for training large language models (LLMs) and the question of ownership, authorship and copyrightability of AI-generated outputs.³

¹ E. Farzaliyeva ve A. Abdullayev, "Cultural Industries and National Economic Competitiveness: A Global Perspective," *Portuni* 1, no. 3 (2025): p. 323, <https://doi.org/10.69760/portuni.010326>.

² International Centre of Expertise in Montreal on Artificial Intelligence (CEIMIA), *A Comparative Framework For AI Regulatory Policy: Copyright and AI* (2025), p. 10, <https://doi.org/10.5281/zenodo.17148206>.

³ Alexander Cuntz, Carsten Fink, ve Hansueli Stamm, *Artificial Intelligence and Intellectual Property: An Economic Perspective*, WIPO Economic Research Working Paper No. 77/2024 (WIPO, 2024), p. 7.

Artificial Intelligence as the most powerful determinant of digital transformation, is reshaping both the global economy and cultural/creative production processes. This transformation generates consequences that are not only technological but also legal, socio-cultural, and economic.⁴ As a natural result of this process, humankind involuntarily finds itself asking whether artificial intelligence is truly an opportunity or a threat.⁵ Although states, regional blocs, and international organizations are attempting to establish a set of principles, regulations, and standards to respond to the ethical, legal, and economic implications of AI, no single organization or state has yet fully decided how it should position itself on this issue.

Given the borderless nature of digital creation and AI technology, a harmonized, global response is imperative.⁶ This article argues that international organizations are key actors in attempting to bridge the gap between technological innovation and existing legal frameworks. It analyzes the diverse and sometimes conflicting regulatory and policy approaches undertaken by these bodies. The subsequent sections will examine the specific mandates, regulations and policy tools of the World Intellectual Property Organization (WIPO), the European Union (EU), the Council of Europe, UNESCO, UN and the OECD, highlighting how these institutions collectively shape the emerging global AI governance framework for creative content.

I. THE EVOLVING REGULATORY DILEMMA: AI, UNIFORMITY, AND THE FUTURE OF COPYRIGHT IN CREATIVE PRODUCTION

There is a growing trend toward uniformity in AI production, coupled with ongoing legal disputes regarding AI authorship and inventorship. It is more important

⁴ UNCTAD, *Creative Economy Outlook 2024 - Chapter III: Digitalization and Artificial Intelligence in the Creative Economy* (2024), p. 53, https://unctad.org/system/files/official-document/ditctsce2024d2_en.pdf.

⁵ Jieqiong Cao vd., “Not All Forms of Artificial Intelligence Are Perceived Equal: AI Functions and Work Outcomes,” *Journal of Open Innovation: Technology, Market, and Complexity* (2025): p. 2-3, <https://doi.org/10.1016/j.joitmc.2025.100521>.

⁶ E. Zaidan ve I. A. Ibrahim, “AI Governance in a Complex and Rapidly Changing Regulatory Landscape: A Global Perspective,” *Humanities and Social Sciences Communications* 11, no. 1121 (2024): p. 2-3, <https://doi.org/10.1057/s41599-024-03560-x>.

than ever to examine how these factors affect cultural diversity and creative originality.⁷ The most controversial areas today concern whether the content and materials used to train AI systems are covered by copyright protection, the legal consequences of their unauthorized use, and the necessity of obtaining permission from rights holders for machine learning purposes.⁸ Linked to this, the question of whether AI outputs should be protected by copyright generates new topics for discussion for both the creative industries and the legal system, while the risk of digital erosion of the collective cultural memory becomes an increasingly visible issue with the acceleration of digitalization.⁹

Due to its high impact and rapid development, AI is positioned as an area that must be regulated by many legal systems. However, because this area is widely seen as an opportunity for humanity, concerns are raised that very strict regulations could stifle development.¹⁰ Conversely, soft regulation carries the risk that the threatening aspects of AI could become uncontrollable for humankind. The fundamental reasons necessitating regulation include the protection of human rights, data security, intellectual property violations, the threat of economic monopolization, and the potential negative effects on cultural diversity.¹¹

The operation of AI systems begins at the input stage with the collection of training materials consisting of works and data. Subsequently, this content is processed through machine learning procedures and transferred to the model, ultimately being transformed into digital productions and outputs by the AI. Where creativity and AI intersect, two core processes emerge: on one hand, a production cycle that feeds, diversifies, and accelerates human creativity; on the other, a mechanism that carries the

⁷ R. D. Furfaro, "Artificial Intelligence and Its Impact on Copyright: A Legal Perspective," *European Scientific Journal*, ESJ 21, no. 32 (2025): p. 18, <https://doi.org/10.19044/esj.2025.v21n32p18>.

⁸ João Pedro Quintais, "Generative AI, Copyright and the AI Act," *Computer Law & Security Review* 56 (2025): 106107, p. 3-5, <https://doi.org/10.1016/j.clsr.2025.106107>.

⁹ J. Hutson, "The Evolving Role of Copyright Law in the Age of AI-Generated Works," *Journal of Digital Technologies and Law* 2, no. 4 (2024): pp. 886–914, <https://doi.org/10.21202/jdtl.2024.43>.

¹⁰ S. Matthew Liao vd., "Navigating the Complexities of AI and Digital Governance: The 5W1H Framework," *Journal of Responsible Technology* 23 (2025): 100127, p. 4-5, <https://doi.org/10.1016/j.jrt.2025.100127>.

¹¹ H. Akin Ünver, *Policy Department for External Relations Directorate General for External Policies of the Union*, PE 754.450 (European Parliament, Mayıs 2024), p. 99-100.

risk of uniformity, loss of originality¹², and the narrowing of cultural diversity depending on the nature of the datasets used.¹³

Various academic studies warn that if AI is not regulated, both individual rights violations will increase and the information ecosystem will become overly centralized or monopolised.¹⁴ Specifically, Generative AI models, thanks to large-scale data use, are causing a transformation in the perception of originality and creativity. The unauthorized inclusion of copyrighted content in machine learning is leading to serious legal disputes. In this context, although many countries have begun to intervene in the field of AI through partial regulations, many issues are expected to be resolved through case law.¹⁵

II. THE ROLE OF KEY INTERNATIONAL ORGANIZATIONS

A. World Intellectual Property Organisation (WIPO)

As the sole global standardization and regulation body for intellectual property (IP), WIPO holds a central position in the debate. Its role is to administer international treaties and facilitate the adaptation of IP law to new technologies. WIPO, a UN agency created in 1967 but rooted in BIRPI (1893), works to strengthen global intellectual property protection. Since joining the UN system in 1974, it has overseen major treaties like the Paris and Berne Conventions, the Patent Cooperation Treaty, the Madrid System, and the Hague System. Its mission is to build a fair and accessible international IP framework by offering registration and dispute-resolution services, supporting developing countries, and guiding policy on new challenges such as artificial intelligence.

¹² N. Wang vd., “Exploring Creativity in Human–AI Co-Creation: A Comparative Study Across Design Experience,” *Frontiers in Computer Science* 7 (2025): 1672735, <https://doi.org/10.3389/fcomp.2025.1672735>.

¹³ Umair Afzal, “AI-Driven Comic Generation: Exploring the Creative Potential of Generative AI in Digital Storytelling” (Yüksek lisans tezi, Rhine-Waal University of Applied Sciences, 2025), p. 26, <https://d-nb.info/1377286053/34>.

¹⁴ Daron Acemoglu, *The Simple Macroeconomics of AI* (MIT Shaping the Future of Work Initiative, Mayıs 2024), p. 30. https://shapingwork.mit.edu/wp-content/uploads/2024/05/Acemoglu_Macroeconomics-of-AI_May-2024.pdf

¹⁵ Peter Henderson vd., “Foundation Models and Fair Use,” Stanford University, 29 March 2023, <https://arxiv.org/abs/2303.15715>.

By harmonizing laws and promoting cooperation, WIPO ensures consistent standards for patents, trademarks, copyrights, and designs worldwide.¹⁶

WIPO's Standing Committee on Copyright and Related Rights (SCCR) is the main forum for discussing how AI affects IP Rights. Discussions center on the copyrightability of AI-generated works and the potential need for exceptions and limitations for text and data mining (TDM)¹⁷, particularly for training purposes. As a member-state-driven entity, WIPO cannot impose binding rules without sovereign consent. Consequently, it relies on slow diplomatic negotiations influenced by diverse political and economic interests. This reliance on consensus makes it difficult for the organization to address fast-moving challenges like AI with speed or global uniformity.¹⁸ Therefore, WIPO tends to prioritize mechanisms such as dialogue, guidance, and capacity-building rather than imposing rigid regulatory frameworks.¹⁹

WIPO organizes open consultations to explore how artificial intelligence intersects with intellectual property (WIPO Conversation on IP and AI). These sessions allow countries to exchange views, align policies, and address challenges such as inventorship, ownership of AI-created works, and definitions of AI. By gathering input from hundreds of stakeholders, WIPO helps bridge gaps between technology and policy, ensuring both developed and developing nations are included.²⁰

WIPO also produces issue papers, reports, and guidelines that highlight how AI disrupts traditional IP concepts in areas like patents, copyright, trademarks, and trade secrets. Rather than imposing rules, these documents provide comparative insights and frameworks to help governments craft their own solutions, fostering a shared

¹⁶ Onyinye Odit, "The Role of WIPO in Regulating AI and IP at the Global Level," *GSC Advanced Research and Reviews* 21, no. 3 (2024): p. 471, <https://doi.org/10.30574/gscarr.2024.21.3.0504>.

¹⁷ EU Directive (EU) 2019/790, *Directive on Copyright and Related Rights in the Digital Single Market*, m. 3-4. Directive - 2019/790 - EN - dsm - EUR-Lex

¹⁸ Odit, "The Role of WIPO," p.471-472.; White & Case LLP, "AI Watch: Global Regulatory Tracker" (2025).; WIPO Primer on artificial intelligence and intellectual property policy. https://www.wipo.int/edocs/pub/en/wipo_pub_1067.pdf

¹⁹ Odit, "The Role of WIPO," p. 472- 473

²⁰ "Frontier Technologies: WIPO Conversation," WIPO, https://www.wipo.int/en/web/frontier-technologies/frontier_conversation.

understanding of global trends.²¹ Besides, WIPO develops AI-powered systems to support IP offices worldwide. Examples include image recognition tools for trademark examination, automated text classification for patents, and enhanced databases like PATENTSCOPE and WIPO CASE. These innovations improve efficiency, accuracy, and transparency in IP administration.²²

In addition to all these, WIPO helps countries—especially developing ones—cope with the challenges AI brings to intellectual property by offering training, technical support, and platforms for cooperation. Through the WIPO Academy and specialized programs, policymakers, IP officials, and creators gain skills in areas like AI-driven patent searches, authorship of AI-generated works, and data governance. Beyond training, WIPO fosters global dialogue among governments, experts, and industry to tackle cross-border issues such as inventorship, authorship, and the use of copyrighted data, promoting shared standards and transparency worldwide.²³

Through agenda-setting, coordination, and the use of soft-law tools like guidelines, best practices, and model frameworks, it shapes global approaches to AI and IP.²⁴ WIPO plays a key role in guiding global norms on AI and intellectual property by balancing innovation with ethics and fairness. As AI reshapes creativity and invention, the challenge is to foster progress while safeguarding human rights, equity, cultural diversity, and the inclusion of developing nations.

WIPO, despite its central role in global IP governance, faces limits in regulating AI-related issues. It cannot impose binding rules independently, relying instead on consensus among member states with differing priorities—developed nations often push for stronger protections, while developing countries emphasize access and flexibility. Most of WIPO's outputs, such as guidelines and issue papers, are soft-law instruments, influential but not enforceable, leading to varied national approaches. Moreover, WIPO

²¹ <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2024-2-en-wipo-conversation-generative-ai.pdf>

²² <https://www.wipo.int/en/web/ai-tools-services>, Odita, “The Role of WIPO,” p. 473.

²³ Odita, “The Role of WIPO,” p. 473..

²⁴ WIPO Publication, *Generative AI: Navigating intellectual property*, Author: World Intellectual Property Organization, 2024, <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2024-8-en-generative-ai-navigating-intellectual-property.pdf>, Odita, “The Role of WIPO,” p. 473

must balance competing interests like equity, creators' rights, data use, and innovation incentives, which makes agreement difficult. WIPO's future role in AI and IP governance centers on three priorities: strengthening soft-law tools like guidelines and standards to provide clearer direction on issues such as inventorship, ownership, and data transparency; developing global norms for disclosure and accountability in AI training data to reduce legal uncertainty and protect creators.²⁵

B. European Union

1. The EU AI Act: Regulation of AI and Transparency Obligations for Generative Models

The EU Artificial Intelligence Act (EU AI Act), which was adopted by the European Parliament on March 13, 2024, signed by the Council of the EU in April, and published and entered into force on July 12, 2024, after the completion of the final official procedure, is the first comprehensive regulation in this field.²⁶ The AI Act aims to foster the development of an ecosystem of trust by addressing risks associated with specific uses of the technology. The general objective of this regulation is to ensure the proper functioning of the single market by creating the conditions for the development and use of trustworthy AI systems within the EU. The Regulation focused on the specific use of AI systems and related risks, and sought to create a technology-neutral definition for AI systems and establish a classification based on a "risk-based approach" for AI systems with different requirements and obligations. The Regulation prohibits certain AI systems that present "unacceptable" risks, while AI systems presenting "limited risk" are subjected to transparency obligations.²⁷

²⁵ Odit, "The Role of WIPO," p. 475

²⁶ European Union. (2024). *Artificial Intelligence Act (AI Act)*. Regulation - EU - 2024/1689 - EN - EUR-Lex.

²⁷ MADIEGA, EU Legislation in Progress, Artificial Intelligence Act, PE 698.792, 2023, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI\(2021\)698792_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698792/EPRS_BRI(2021)698792_EN.pdf)

The Regulation preferred the concept of an “Artificial Intelligence System” (AI System), aiming to create a technology-neutral definition for AI systems. According to the final provision included in the Act, an “AI System” is defined as:

- A machine-based system designed to operate with varying levels of autonomy;
- Capable of self-learning or adaptation after being deployed;
- That, based on input received, generates outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments toward explicit or implicit objectives.

The Act employs a risk-based approach to regulating AI systems. Crucially for the creative sector, the Act imposes a Transparency Obligation on General Purpose AI (GPAI) models ²⁸—such as ChatGPT and Dall-E. GPAI models, especially large generative AI models regulated by the Act, can produce text, images, and other content, offering unique innovation opportunities for artists, writers, and other creators, but also bringing conflicts regarding how creative content is created, distributed, used, and consumed. GPAI technologies, also referred to as Artificial General Intelligence (AGI), are systems designed to perform a wide variety of intelligent tasks, think abstractly, and adapt to new situations.²⁹

Within the scope of the Act, to increase the transparency of data used in the training of GPAI models, a provision was made requiring providers of such models to prepare and make publicly available a detailed summary of the content used in the training

²⁸ Article 53: Obligations for Providers of General-Purpose AI Models | EU Artificial Intelligence Act

²⁹ GÖZET, Melisa/FİLİZ, Ulaş/ YILMAZ, Asım E.: “Generative Artificial Intelligence”, *International Journal of Multidisciplinary Studies and Innovative Technologies*, 7(1), 2023, s. 32.; SALEHI, Pegah/CHALECHALE, Abdolah/TAGHÍZADEH, Maryam: “Generative Adversarial Networks (GANs): An Overview of Theoretical Model, Evaluation Metrics, and Recent Developments”, *Image Processing Research Lab, Department of Computer Engineering & Information Technology*, 2005, s. 3. ; NGUYEN, Hanh: “A Creative Machine’s Rocky Road: Towards Artificial Intelligence Authorship”, *Tilburg Institute for Law, Technology and Society* LI.M. Law and Technology, 2021. s.16.; DONAL, Khosrowi/FINN, Finola/CLARK, Elinor: *Diffusing the Creator: Attributing Credit for Generative AI Outputs*, Institut für Philosophie, Leibniz Universität Hannover, 2023, s. 3.; YANISKY-RAVID, Shlomit/VELEZ-HERNANDEZ, Luis A.: “Copyrightability of Artworks Produced by Creative Robots and Originality: The Formality-Objective Model”, *19 MINN. J.L. SCI. & TECH.* 1, 2018, s. 26. <<https://scholarship.law.umn.edu/mjlst/vol19/iss1/1>

of the GPAI model, including texts and data protected under intellectual property rights.³⁰ This summary is required to include information about the works, performances, productions, or broadcasts used in the training, rather than containing technical details. This aims to facilitate rights holders' claims related to their legitimate interests. Under Article 53, "Obligations for Providers of General-Purpose AI Models," the AI Act deems it sufficient for GPAI model providers to act in line with the template provided by the AI Office when preparing and submitting the detailed summary of the training content to the public. The transparency obligation of the AI Act is expected to reduce the unauthorized use of content protected by intellectual property rights, strengthen collective licensing models, have positive impacts on the preservation of cultural diversity, and contribute to the economic sustainability of cultural industries.

C. The Council of Europe

Distinct from the EU, the Council of Europe focuses on promoting human rights, democracy, and the rule of law across its 46 member states. It is currently drafting the first legally binding international treaty on AI.

The rapid proliferation of artificial intelligence technologies has necessitated a robust legal structure to manage emerging ethical and systemic risks. In response, the Council of Europe developed "*The Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*." Opened for signature on September 5, 2024, this agreement holds the distinction of being the first-ever internationally legally binding treaty in the field of AI. Its primary mission is to ensure that every stage of an AI system's lifecycle remains strictly consistent with human rights, democratic stability, and the rule of law, while simultaneously fostering an environment conducive to technological innovation.³¹

³⁰ Nordemann, J. B., & Rasouli, A. (2024). *The provisions of the AI Act relating to copyright – possibility of private enforcement? Example Germany*. German Journal of Copyright and Media Law (Zeitschrift für Urheber- und Medienrecht – ZUM), 2024, 780–789. (Original German version: "Die Regelungen der KI-Verordnung mit Urheberrechtsbezug – Möglichkeit der privaten Rechtsdurchsetzung?"). 2024, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5054519

³¹ <https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence>.

The core objective of the Convention is to bridge the legal gaps created by rapid digital transformation without stifling progress. By adopting a “technology-neutral” philosophy, the instrument focuses on fundamental principles rather than specific technical specifications, ensuring it remains effective as technology evolves. It mandates that states uphold human dignity, prevent discrimination, and ensure transparency. Crucially, the treaty extends its reach to both public authorities and private sector entities, requiring that individuals are notified of AI interactions and provided with the legal means to challenge automated decisions that significantly impact their rights.³²

D. United Nations Education, Science and Culture Organisation (UNESCO)

UNESCO is leading global governance efforts by focusing on the ethical challenges posed by Artificial Intelligence and, specifically, its impact on cultural and creative industries. The foundation of these efforts is the “Recommendation on the Ethics of Artificial Intelligence”, adopted in 2021, which provides an international framework for the ethical use of AI. This UNESCO Recommendation is the first globally accepted standard of a non-binding nature aimed at safeguarding human rights and fundamental freedoms, and promoting ethical principles and values in the design, development, and deployment of AI systems. Framed by principles such as human-centeredness, transparency, fairness and non-discrimination, responsibility, and accountability, this recommendation guides the establishment of minimum legal and regulatory standards at the national level for the ethical governance of AI.

A second significant area of work is the effective implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005 Convention) in the digital environment. The rapid rise of digital technologies, and particularly Generative AI, is having both transformative and negative effects on the cultural and creative industries. Generative AI automates content production, which poses

³² Council Of Europe Framework Convention On Artificial Intelligence And Human Rights, Democracy And The Rule Of Law, <https://rm.coe.int/ai-convention-brochure/1680afaeba>, Council of Europe. (2024). *Draft Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law*.

serious risks regarding the preservation of cultural diversity, the sustainability of artistic professions, and the safeguarding of artists' copyrights.³³

To counteract these risks and strengthen the 2005 Convention's power in the contemporary digital context, the option of an Additional Protocol is currently being evaluated.³⁴ The aim is to create a new, legally binding instrument that includes new tools and mechanisms to protect cultural diversity. The planned protocol seeks to establish clear and enforceable rules regarding copyright ownership and fair remuneration for AI-generated content. Furthermore, it aims to ensure the transparency of AI algorithms, especially recommendation systems and data usage, and to guarantee the discoverability of cultural content representing diverse cultures.

UNESCO serves as the global body for setting ethical norms in culture, education, and science. Its focus is less on legal enforcement and more on shaping values and policy guidelines.³⁵ Furthermore, the incorporation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions through its Open-Ended Working Group on the Digital Environment shows its commitment to ensuring AI respects global

³³ 1 - Normative action - Recommendation 1: Adopt an Additional Protocol to the Convention in the digital environment; 2 - Exchange of information and good practices - Recommendation 2: Optimise the collection and sharing of information - Recommendation 3: Revise the framework for quadrennial periodic reports; 3 - Awareness raising and advocacy - Recommendation 4: Create a consultation and dialogue framework - Recommendation 5: Support advocacy actions - Recommendation 6: Raise public awareness on culturally responsible practices and behaviours in the digital environment through cultural education initiatives; 4 - Capacity building - Recommendation 7: Creation of national digital culture capacity plans - Recommendation 8: Update arts education curricula and methodologies - Recommendation 9: Support the creation of new UNESCO Chairs in digital culture - Recommendation 10: Creation of a global network of experts in digital culture and AI Recommendation 11: Reinforce UNESCO's action on AI and culture.

³⁴ Pathways On Capacity Building For AI Supervisory Authorities Insights And Recommendations From The 1st Unesco Expert Roundtable On AI Supervision. <https://unesdoc.unesco.org/ark:/48223/pf0000396637?posInSet=3&queryId=7583027e-3c87-4181-a16c-af998380340b>; Recommendations of the Reflection Group on the diversity of cultural expressions in the digital environment https://unesdoc.unesco.org/ark:/48223/pf0000392215_eng

³⁵ UNESCO Recommendation on the ethics of artificial intelligence. <https://www.unesco.org/en/artificial-intelligence/recommendation-ethics>; UNESCO Global Forum on the Ethics of AI. <https://www.unesco.org/en/forum-ethics-ai>

UNESCO Open-ended intergovernmental working group (IGWG) on the implementation of the 2005 Convention in the digital environment. <https://www.unesco.org/en/articles/unesco-hosts-first-meeting-intergovernmental-working-group-implementation-2005-convention-digital>; UNESCO Report of the Independent Expert Group on 2025 Artificial Intelligence and Culture, https://www.unesco.org/sites/default/files/medias/fichiers/2025/09/CULTAI_Report

cultural safeguards. To this aim; Global AI Ethics and Governance Observatory was established by UNESCO and the Observatory serves as a worldwide hub designed to support policymakers, regulators, scholars, businesses, and civil society in addressing the most urgent challenges brought by Artificial Intelligence. It highlights how prepared different countries are to implement AI in an ethical and responsible manner. In addition, the Observatory hosts the AI Ethics and Governance Lab, a platform that collects valuable contributions, influential studies, practical tools, and best practices on diverse topics such as AI ethics, governance, responsible innovation, standards, institutional frameworks, generative AI, and emerging neurotechnologies.³⁶ In addition to these, The Readiness Assessment Methodology (RAM) functions as an essential instrument to assist Member States in putting into practice the UNESCO Recommendation on the Ethics of AI. By offering multidimensional evaluations of AI preparedness, it identifies institutional and regulatory shortcomings and allows UNESCO to provide targeted guidance to governments.³⁷

E. Organisation for Economic Co-operation and Development (OECD)³⁸

The Organisation for Economic Co-operation and Development (OECD) sets economic policy and governance standards primarily for high-income democracies. Its perspective is rooted in fostering innovation while ensuring market integrity.

Scoping The OECD AI Principles Deliberations Of The Expert Group On Artificial Intelligence At the OECD report outlines the initiatives taken by the OECD's Expert Group on Artificial Intelligence (AIGO) to define the standards necessary to strengthen public confidence and encourage AI integration. Specifically, the document establishes a universal definition of an AI system and provides a structured blueprint of the various phases within an AI system's existence. These efforts laid the groundwork for the formal Recommendation of the Council on Artificial Intelligence. On May 22, 2019, the OECD Council officially endorsed this Recommendation—frequently cited as the

³⁶ <https://www.unesco.org/ethics-ai/en?hub=99488>,
<https://unesdoc.unesco.org/ark:/48223/pf0000381137>

³⁷ <https://www.unesco.org/ethics-ai/en/ram?hub=32618>

³⁸ <https://oecd.ai/en/>

OECD AI Principles—at the ministerial level.³⁹ The OECD AI Principles were initially adopted in 2019 and updated in May 2024. Adherents updated them to consider new technological and policy developments, ensuring they remain robust and fit for purpose. OECD AI Principles⁴⁰ guide governments on promoting reliable and trustworthy AI. They emphasize fair competition and efficiency in creative sectors, advocating for governance that supports innovation while mitigating risks. Their recommendations focus on policy development that encourages responsible private sector investment in AI.⁴¹

OECD AI Policy Observatory is also established to shape AI policies that are both trustworthy and beneficial to all.⁴² OECD.AI was launched to facilitate the practical application of the OECD AI Principles, which represent the inaugural multinational benchmark for artificial intelligence, supported by more than 50 nations. The hub is designed to bolster openness, encourage cross-border partnerships, and provide critical data to help shape AI regulations that remain consistent with moral values and fundamental freedoms. In 2022, the OECD introduced a policy evaluation tool that analyzes AI across five pillars—People & Planet, Economic Context, Data & Input, AI Model, and Task & Output—to identify legal implications and foster trustworthy innovation.⁴³ Sectoral taxonomy of AI intensity publication, introduces a sector-specific classification of AI adoption, measuring how deeply artificial intelligence is embedded

³⁹ <https://oecd.ai/en/ai-publications/scoping-ai-principles>

⁴⁰ *OECD AI principles*

- *Inclusive growth, sustainable development and well-being*
- *Human rights and democratic values, including fairness and privacy*
- *Transparency and explainability*
- *Robustness, security and safety*
- *Accountability*

⁴¹ Scoping the OECD AI Principles Deliberations Of The Expert Group On Artificial Intelligence At the OECD, OECD Digital Economy Papers November 2019 No. 291, p. 8-11.

⁴² <https://oecd.ai/en/dashboards/policy-initiatives/oecd-ai-policy-observatory-oecdai-9635>.

⁴³ OECD Framework for The Classification of AI Systems, OECD Digital Economy Papers February 2022 No. 323, p.6-7.

within various industries. By analyzing factors like specialized talent, patent activity, and operational integration, the study highlights that AI's presence is far from uniformity.^{44,45}

F. United Nations (UN)⁴⁶

In July 2025, the United Nations (UN) announced the establishment of two critical new mechanisms aimed at coordinating and strengthening global efforts on AI governance: the “Independent International Scientific Panel on Artificial Intelligence” and the “Global AI Governance Dialogue” through Resolution A/RES/79/325.⁴⁷ These mechanisms are designed to provide an evidence-based, multi-stakeholder approach to managing potential risks and ethical challenges while maximizing the opportunities presented by AI.⁴⁸

“The Independent International Scientific Panel on Artificial Intelligence” is tasked with compiling, analyzing, and presenting scientific knowledge related to AI at⁴⁹an international level. The Panel consists of 40 independent scientists and experts appointed for a three-year term. Its primary duty is to produce annual reports containing

⁴⁴ A Sectoral Taxonomy Of AI Intensity, OECD Artificial Intelligence Papers December 2024 No. 30, p. 15-19.

⁴⁵ “Finally, to address the rapid evolution AI’s complex governance challenges, the Hiroshima AI Process (HAIP) Reporting Framework was introduced in early 2025 as the first global, voluntary mechanism for tracking how organizations align with the G7’s ethical standards, Launched in February 2025, this framework serves as a monitoring tool for the Hiroshima AI Process International Code of Conduct.” *How Are AI Developers Managing Risks? Insights From Responses To The Reporting Framework of the Hiroshima AI Process Code Of Conduct*, OECD Artificial Intelligence Papers September 2025 No. 45, p. 6-9.

⁴⁶ UN Secretary-General. (2023). Our Common Agenda: Policy briefs. <https://www.un.org/en/common-agenda/policy-briefs>

UN Secretary-General’s Envoy on Technology. (2025). High-Level Advisory Body on Artificial Intelligence – Final report. <https://www.un.org/sites/un2.un.org/files/hlai-final-report.pdf>

United Nations. (2024). The Global Digital Compact: Accelerating digital cooperation for the benefit of all.

⁴⁷ <https://docs.un.org/en/A/RES/79/325>

⁴⁸ Center for Strategic and International Studies. (2024). The UN’s AI advisory body: What it means and what comes next. <https://www.csis.org/analysis/uns-ai-advisory-body-what-it-means-and-what-comes-next>.

⁴⁹ <https://www.un.org/independent-international-scientific-panel-ai/en>.

evidence-based scientific assessments that analyze existing research on AI opportunities, risks, impacts, and global governance challenges.

“The Global Dialogue on AI Governance”⁵⁰, on the other hand, is designed as an inclusive platform to discuss strategies and practices for the responsible deployment of AI globally. Through the participation of governments, private sector representatives, civil society organizations, academia, and all relevant stakeholders, the Dialogue is expected to find global and balanced solutions to the complex effects of AI.

CONCLUSION⁵¹

The primary challenge remains the difficulty of international regulation to keep pace with the exponential speed of AI development. The consensus-driven nature of these organizations often results in non-binding recommendations. The rapid proliferation of Generative Artificial Intelligence (GAI) is creating serious ethical and legal challenges in creativity, copyright, and cultural diversity.

Fundamental issues arise, such as the erosion of creativity and problems regarding authorship and the copyright status of training data. International copyright law ties authorship to human creativity. AI lacks legal personality, so outputs receive protection only when human creation, selection, arrangement, or human intervention is involved. Since copyright protection in current international legal systems is directly tied to human creativity, purely autonomous AI outputs remain outside the scope of protection.

The spread of AI technologies transforms information and cultural ecosystems, bringing efficiency but also risks to reliable information, originality, and cultural sustainability. AI models, trained on massive datasets that are often Western-centric and English-dominant, risk centralizing knowledge and overlooking local cultures. This may lead to stylistic repetition, predictable content, and erosion of cultural diversity. Large

⁵⁰ <https://www.un.org/global-dialogue-ai-governance/en>.

⁵¹ Ashkinaze, J., Mendelsohn, J., Li, Q., Budak, C., & Gilbert, E. (2024). How AI ideas affect the creativity, diversity, and evolution of human ideas, *How AI Ideas Affect the Creativity, Diversity, and Evolution of Human Ideas: Evidence From a Large, Dynamic Experiment*, CI '25: Proceedings of the ACM Collective Intelligence Conference, Pages 198 – 213, <https://doi.org/10.1145/3715928.3737481>

language models risk standardizing content creation globally and reinforcing cultural biases, producing the “average” of existing works rather than originality.

Creative industries are most vulnerable, as their original works are used as raw material in AI training, infringing on rights and reinforcing dominant cultural biases. UNESCO highlights this risk and steps are being taken to strengthen the 2005 Convention on Cultural Diversity to protect creators and ensure sustainability.

A human-centered regulatory approach is inevitable, safeguarding cultural diversity while addressing risks and opportunities. International cooperation, transparency, and protection of intellectual property rights must form the core of AI regulations. The EU offers a model of risk-focused regulation with strict compliance requirements, transparency obligations, and protection of fundamental rights. In conclusion, the sustainability of cultural industries and the information ecosystem may be negatively affected unless an ethical framework and legal certainty are provided.

In conclusion, defining transparency and usage conditions of training data, strengthening copyright mechanisms, clarifying consent and fair use, implementing diversity-focused data policies, labeling AI-generated content, setting accountability standards, and increasing international cooperation are crucial to protect cultural heritage and support the healthy development of creative industries. International organizations have a major role to play in defining and determining these standards.

However, the preference of international organizations for “soft law” or guidance-based approaches seem as they actually choose to remain relatively silent in this field. This approach indicates a desire to leave a space where countries can determine their own regulatory preferences within the framework of their unique domestic dynamics. In this context, the EU AI Act stands out as the most decisive regulation, serving as a significant regional framework.

On the other hand, if UNESCO secures the adoption and entry into force of a binding Additional Protocol within the framework of the 2005 Convention, it will have taken a remarkable step among international organizations. Such an initiative would be highly significant for strengthening cultural and creative industries and ensuring the

protection of fair remuneration and copyrights as well as cultural diversity. Furthermore, it would serve as a vital measure in preventing the erosion or loss of human creativity.

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