The Tension Between Humanism and Capital: The Binary Dilemma in Copyright Protection for AI-Generated Audiovisual Works and Graded Solutions

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Abstract

The rapid advancements in generative AI have intensified the theoretical conflict between "human-centered" principles and "investment incentives" in copyright protection for AI-generated audiovisual works. Analysis of judicial practices, such as the Ultraman AI copyright case, reveals structural contradictions within the traditional copyright system—particularly in determining rights holders and establishing protection criteria. To address this, we propose a tiered rights-determination model based on the "Human Intervention Index (HII)." This framework classifies AI-generated works into three tiers according to the depth of human intervention, granting them either full copyright, specific neighboring rights, or public-domain status. The model offers an institutional pathway to balance creator rights and industrial innovation.

Keywords:AI-generated audiovisual works; copyright protection; binary dilemma; tiered rights-determination model

1 Introduction: Legal Disorder in the Era of Technological Surge

The rapid advancement of generative artificial intelligence (Generative AI) is profoundly reshaping the landscape of audiovisual content creation and dissemination. Cutting-edge models like Sora demonstrate unprecedented capabilities in automated content generation, fueling explosive growth in AI applications within the audiovisual domain. Authoritative industry reports indicate that the proliferation of such technologies has led to an exponential surge in AI-generated video content.However, this progress has simultaneously triggered increasingly acute conflicts and disputes in the realm of copyright. While greatly unleashing creative potential and lowering the barriers to creation, these new technologies have rendered the identification of infringement and attribution of liability unprecedentedly complex, subjecting the traditional copyright legal system to unprecedented structural challenges.

This technology-driven transformation has exposed profound disorder within the current copyright regime when confronting AI-generated content. The core conflict centers on a fundamental question: When AI-generated content becomes highly proximate to—or even indistinguishable from—human creations in form, should the foundation of copyright protection rest on safeguarding the intellectual labor of human creators or ensuring the economic returns for industry investors?This inquiry touches upon the philosophical foundations and institutional objectives of copyright law, igniting a fierce confrontation between two theoretical approaches: "human-centered" (Anthropocentrism) and "investment incentive."

The "human-centered" theory, rooted in traditional copyright jurisprudence, emphasizes that the object of protection must embody human intellectual creation and personal expression. Professor Wang Qian (2017) unequivocally argued that AI-generated content, even if externally resembling human works, is essentially "the result of applying algorithms, rules, and templates" and cannot reflect the creator's unique personal imprint; thus, it should not, in principle, be recognized as a work protected by copyright law.This stance finds resonance in judicial practice. Extraterritorial precedents (e.g., the U.S. Copyright Office's ruling in the Thaler case) reaffirm that "human authorship is a bedrock requirement of copyright,"while judicial authorities in China consistently stress that "copyright law protects human works, and generative AI cannot qualify as an author."

Conversely, the "investment incentive" theory is grounded in the practical needs of industrial development. It posits that the emergence and advancement of Sora-level AI systems rely on astronomical capital investment and sustained R&D. Without effective exclusive rights protection, expectations of investment returns would be severely undermined, ultimately stifling technological innovation and industrial prosperity. Professor Xiong Qi (2017) proposed that the originality of AI-generated content could be assessed by existing standards, and its ownership could be determined by drawing on the well-established legal framework for corporate works—vesting copyright in the owner of the AI system to protect investors' legitimate rights.Scholars like Yi Jiming (2017) further contend that an ownership-centered rights structure should be established to encourage investment and promote technological progress.

The sharp opposition between these two theories has manifested as palpable tension in judicial reasoning. Recent high-profile disputes, such as the "Ultraman AI Copyright Infringement Case," and groundbreaking rulings like the "AI Text-to-Image Copyright Case," vividly illustrate the judiciary's struggle to balance "protecting human creation" with "responding to industrial investment." Attempts at such balance often result in rulings oscillating between these binary positions.

Thus, the relentless surge of generative AI has profoundly ruptured the logical coherence and institutional stability of the traditional copyright system. The pace of technological iteration far outstrips the rhythm of legal adaptation, plunging copyright law into a profound dilemma of disorder as it vacillates between the dual values of "human-centricity" and "capital-driven" imperatives. This paper delves into the roots of this dilemma, unveils the irreconcilable jurisprudence conflicts underlying it, and explores an institutional pathway capable of accommodating technological revolution while balancing pluralistic values. Subsequent chapters will first deconstruct practical conflicts through landmark judicial cases, then analyze the

deep-seated theoretical antagonisms, and finally propose a tiered rights-determination model centered on the "Human Intervention Index (HII)." This framework aims to provide theoretical underpinnings and institutional design references for constructing a flexible and inclusive new copyright order for AI-generated audiovisual works.

2 Judicial Dilemma: Theoretical Conflicts Revealed by Landmark Cases

The proliferation of generative AI in the audiovisual domain has triggered novel copyright disputes. Among these, the Ultraman AI Copyright Infringement Case and the AI Text-to-Image Copyright Case are particularly emblematic. They epitomize the judiciary's struggle to balance the "human-centered" and "investment incentive" theories while exposing the adaptive crisis of traditional copyright frameworks.

2.1 Dualistic Jurisprudence in the "Ultraman AI Copyright Infringement Case"

In this dispute involving AI-generated content of a renowned anime character, users employed AI services to create commercial short videos by inputting prompts containing distinctive features of "Ultraman."The court's ruling manifested dual logic.

Citing the Civil Code and Copyright Law, the court unequivocally stated that "AI lacks legal person hood," holding users liable as the source of infringement for their prompt-design activities. This aligns with Professor Wang Qian's doctrine that "copyright protection must trace back to human intellectual labor". While users bore nominal liability, the platform was deemed primarily liable for "failing content review obligations" and ordered to pay 90% of the compensation. This implicitly safeguarded capital investment in AI R&D, echoing Professor Xiong Qi's warning that insufficient investor protection would stifle innovation.The verdict thus became a pragmatic concession to industrial realities within a human-centric legal framework.

2.2 "AI Text-to-Image Copyright Case": Paradigm Breakthrough and Theoretical Tension

In an AI-generated image copyright case adjudicated by the Beijing Internet Court, the plaintiff designed multi-layered prompts containing specific elements such as "Chinese classical ink painting style" and "drooping willow branches," along with parameter adjustments, to generate the image "Spring Breeze Brings Warmth," which was subsequently commercially misappropriated. The court made a groundbreaking determination: the plaintiff's debugging of prompts and parameters constituted "personalized selection of expressive elements," with the final image reflecting their intellectual input, thus qualifying as a protected work. This ruling sparked theoretical divergences: critics argued it conflated "ideas" with "expression," contending that prompts are essentially instructions while the visual expression is generated by AI algorithms, potentially lowering the threshold of originality; whereas scholars supporting the investment incentive theory maintained that the decision acknowledged users' creative guidance over the generated results, providing property right expectations for the commercialization of AI tools and preventing diminished user payment motivation due to lack of rights confirmation.

2.3 Core Conflicts and Potential Risks Revealed by Cases

These two cases collectively expose dual risks in judicial adjudication: if strictly adhering to humanism by uniformly treating AI-guided behaviors as "idea instructions" and denying rights confirmation for generated content, it may dampen creators' enthusiasm for using AI tools and hinder innovation in the content industry; if excessively favoring investment incentives by lowering originality standards, it could encourage capital's "enclosure of rights" over AI-generated content, as evidenced by controversies surrounding companies like OpenAI regarding training data infringement, which would erode public knowledge resources and deviate from copyright law's original purpose of promoting cultural dissemination. This dilemma fun-

damentally stems from the impact of AI technology on traditional copyright frameworks. When algorithmically generated audiovisual content approaches human creations, the value conflict between "protecting human intellectual creation" and "incentivizing capital investment" can no longer be reconciled within existing theoretical frameworks, urgently necessitating institutional innovation that transcends binary oppositions.

3 Theoretical Deconstruction: The Binary Opposition Between Humanism and Investment Incentive

The dilemmas in judicial practice regarding copyright protection for AI-generated audiovisual works stem from a profound, structural conflict between the two theoretical cornerstones supporting the copyright system: "human-centered" (humanism) and "investment incentive." This conflict is not merely operational but arises from fundamental differences in philosophical foundations, value objectives, and institutional logic. Under the impact of AI-generated content, their irreconcilability becomes increasingly pronounced.

3.1 Jurisprudential Foundation of Humanism: The Bond Between Personality and Originality

The core of the human-centered copyright view lies in treating works as extensions of human personality and spirit. Professor Wang Qian (2023) articulates this succinctly: the "originality" protected by copyright law fundamentally requires that a work must result from human intellectual labor and reflect the author's personality, thoughts, or emotions. The key to originality lies not in the novelty or aesthetic form of the work but in whether its creation process embodies "human choice, judgment, and arrangement."AI, as a tool, operates by "applying algorithms, rules, and templates to process data"; its outputs are "results of executing predetermined algorithmic instructions," lacking the "unpredictable personalized choices and judgments" unique to human creation. Therefore, AI itself cannot "create", and its outputs cannot reflect human spiritual personality; in principle, they should not receive copyright protection. The bottom line upheld by humanism is: the rights subject must be human, and the protected object must embody uniquely human intellectual creation.

3.2 Practical Rationale of Investment Incentive: Capital-Driven Technological Revolution

The investment incentive theory, grounded in the economic logic of industrial development, acknowledges the real driving forces behind the AI technology surge. Developing Sora-class audiovisual models demands computational power, data, and top-tier talent—requiring astronomical and sustained capital investment. If AI-generated outputs are uniformly excluded from copyright protection solely due to non-human authorship, a paradox emerges: on one hand, developing, training, and operating AI tools demands massive investment; on the other, high-value content generated by these tools provides no exclusive rights protection for developers or substantive contributors (e.g., users who purchase services and invest intellectual guidance). Empirical industry research clearly indicates that lack of copyright protection or unclear expectations is a key risk hindering AI investment, potentially leading to persistently low returns and ultimately stifling innovation and commercialization of disruptive technologies. The core demand of the investment incentive theory is: providing effective property incentives and risk-return mechanisms for substantive investments within the AI industrial chain to ensure sustainable ecosystem development.

3.3 Irreconcilability of the Binary Opposition: Value Conflict and Institutional Paradox

The conflict between humanism and investment incentive is not a mere difference in emphasis but a fundamental opposition irreconcilable within existing theoretical frameworks, manifested in three key paradoxical dimensions:

Conflict Dimension	Human-Centered Stance	Investment Incentive Stance	Manifestation of Irreconcilability
Rights Subject	Creator (Natural Person): Copyright originates from the natural person's intellectual creative activity.	Investor/Developer/Platform: Copyright should vest in entities bearing substantive investment and risk for AI tools/content generation.	Fundamental clash in subject nature: One insists on natural person agency; the other recognizes corporate/capital agency. They cannot coexist in attributing rights to the same object (AI output).
Protection Standard	Originality Reflects Human Will: Protection threshold depends on the depth and uniqueness of human intellectual activity in the content's formation.	Economic Value Creation & Investment Return: Protection necessity depends on commercial value and incentive effect for future investment.	Divergent value foundations: One roots in personal dignity and creative freedom; the other aims for economic efficiency and industrial prosperity. Separated standards misalign protected objects and purposes.
Institutional Cost	High Rights-Confirmation Costs & Judicial Burden: Case-by-case assessment of the "quality" and "quantity" of human intervention in AI outputs is costly, complex, and standards are vague.	Capital Monopoly & Market Imbalance Risks: Granting broad rights to investors may entrench platform monopolies, erode the public domain, and stifle competition and innovation diversity.	Inescapable systemic risks: Upholding human standards imposes high industrial costs; favoring investment incentives inflates social costs (monopoly, public domain shrinkage). Existing institutions cannot avoid both.

The root of this irreconcilability lies in how AI-generated outputs blur the clear boundaries between "creator–creation tool–creative output" in traditional copyright law. Humanism cannot effectively accommodate expressions deeply guided by humans but not entirely "handcrafted" by them; meanwhile, the investment incentive theory struggles to ensure capital returns without excessively "propertizing" algorithmic outputs detached from human intellectual creation, thereby deviating from copyright law's original intent. The judicial pendulum and compromises are inevitable reflections of this deep-seated theoretical dilemma.The solution requires not a binary choice but institutional innovation transcending traditional frameworks.

4 Pathway to Resolution: A Tiered Rights-Determination Model Based on the Human Intervention Index (HII)

Confronting the structural conflict between humanism and investment incentive in copyright protection for AI-generated audiovisual works necessitates transcending binary thinking to establish a flexible and inclusive mechanism that respects copyright law's foundation in human personality while addressing industrial realities. This paper proposes a tiered rights-determination model centered on the Human Intervention Index (HII), aiming to transform abstract philosophical and economic debates into operable judicial and administrative standards through refined institutional design.

4.1 HII Tiered Framework: Graded Mapping of Legal Status and Protection Strength

The core of this model lies in conducting a graded evaluation (HII) based on the depth, breadth, and cre-

ativity of human intervention throughout the AI-generated audiovisual content production chain, thereby assigning differentiated legal statuses and protection modes. The framework is summarized as follows:

HII Assessment Range	Legal Characterization	Rights Attribution & Protection Mode	Typical Scenario Reference
High Intervention	Human Work	Full Copyright: Natural persons or entities (under employment/ commission) performing deep intervention enjoy all economic rights and authorship attribution.	Professional film teams using Sora conduct multi-round prompt iterations, frame-by-frame parameter adjustments, manual lighting refinement, and post-production editing.
Medium Intervention	Human-AI Collaboration	Specific Neighboring Rights: Users or platforms investing substantive guidance gain limited exclusive rights (e.g., reproduction, dissemination, remuneration), without "authorship" recognition.	Users design complex prompts with multi-layered artistic style instructions, specific composition descriptions, and key parameter adjustments to generate unique video clips.
Low Intervention	Algorithm-Generated Output	Public Domain: No exclusive rights granted to any party; free dissemination and use permitted.	Users input basic descriptive prompts (e.g., "summer beach scene video") to directly output standardized AI-generated content.

This model abandons the "all-or-nothing" traditional protection approach, acknowledging a continuous spectrum from "fully human-created" to "purely algorithmic output." HII assessment focuses on the creative contribution of human intervention, not merely operational duration or step count. Key evaluation dimensions include: (1) Complexity and Specificity of Prompts: Whether instructions contain unique designs and selections of expressive elements (e.g., visual details, composition, style, emotion). (2) Depth and Purposefulness of Parameter Adjustments: Whether users perform targeted refinements beyond preset templates (e.g., frame-by-frame motion trajectory or lighting control). (3) Creativity in Post-Generation Processing: Whether AI-generated materials undergo original human selection, editing, synthesis, or re-creation.

4.2 Judicial Application of HII: Elemental Assessment and Liability Presumption

To enhance HII's operability in judicial practice, clear evaluation rules must be established. Examples adaptable to specific contexts include:

4.2.1 Elemental Assessment Guidelines

Prompt Dimension: Examine whether instructions uniquely design concrete expressive elements (e.g., character actions, scene layout, color schemes), not merely convey abstract themes.

Parameter Dimension: Assess whether users actively fine-tune key variables (e.g., motion paths, camera angles) beyond default settings, substantially impacting the output's uniqueness.

Post-Processing Dimension: Evaluate whether post-generation modifications (e.g., selection, arrangement, synthesis) exhibit originality distinguishing the output from raw algorithmic results.

Holistic Judgment: Comprehensively weigh all elements to determine the substantive contribution of intervention to the work's unique expression, avoiding mechanical aggregation.

4.2.2 Burden of Proof and Presumption Rules

Claimant's Burden: Parties claiming rights (copyright or neighboring rights) must prove their intervention meets the required HII threshold (e.g., providing prompt records, parameter logs, post-production files).

Platform Disclosure Obligation: AI service providers must implement mechanisms to record key user operations and disclose them during disputes.

Low-Intervention Presumption: Content is presumed "algorithm-generated" (public domain) if platforms/users fail to prove medium/high HII levels. This prevents rights abuse and safeguards information flow.

5 Conclusion

The disruption of generative AI to copyright systems fundamentally arises from the irreconcilable clash between the "human-centered" and "investment incentive" paradigms amid technological revolution. Judicial dilemmas reveal that rigid adherence to traditional doctrines or unilateral capitulation to capital logic equally fail to address systemic challenges posed by AI creation. This study proposes the Human Intervention Index (HII), a tiered rights-determination model that resolves abstract jurisprudential conflicts by deconstructing the depth and creativity of human intervention in generative processes. It establishes operable gradients: high intervention safeguards authorship dignity through full copyright; medium intervention secures reasonable industrial returns via neighboring rights; low intervention preserves the public domain by denying exclusivity. This flexible framework transcends the "human-or-capital" binary, injecting dynamic adaptability into copyright law while acknowledging technology's transformative impact on creative ecosystems. Legislators must urgently incorporate tiered rights-determination principles into the Copyright Law Implementing Regulations and mandate HII assessment tools in AI platforms. Ultimately, this paves the way for an inclusive order that nurtures human intellectual creation while accommodating technological revolution—for true wisdom lies not in choosing between protecting humans or capital, but in designing an institutional ecosystem enabling their coexistence.

Reference

Cong, L. X., & Li, Y. L. (2023). Copyright risk of chatbot-generated content and its governance: From the perspective of ChatGPT application scenario. China Publishing Journal, (5), 16–21.

Feng, X. Q. (2022). Theory of intellectual property protection. China University of Political Science and Law Press.

Feng, X. Q., & Guo, C. (2025). Copyright infringement liability and tiered governance of generative artificial intelligence platforms: Reflections on the Hangzhou "ultraman" case. Digital Law, (2), 56–75.

Kartskhiya, A. (2024). Legal horizons of the new artificial intelligence paradigm. Legal Issues in the Digital Age, 5(2), 4–35. https://doi.org/10.17323/2713-2749.2024.2.4.35

Liu, Y. (2023). The copyright protection issue of artificial intelligence generated creations: A dialectical analysis of law and practice. In Proceedings of the 2nd International Conference on Interdisciplinary Humanities and Communication Studies (Vol. 34, p. 1891). https://doi.org/10.54254/2753-7048/34/20231891

Wang, Q. (2017). Qualitative research on the content of artificial intelligence in copyright law. Science of Law (Journal of Northwest University of Political Science and Law), 35(5), 148–155.

Wang, Q. (2023). The qualitative analysis of content generated by artificial intelligence in copyright law. Tribune of Political Science and Law, 41(4), 16–33.

Wu, H. D. (2024). On the copyability of content generated by artificial intelligence: Practice, jurisprudence and system. China Law Review, (3), 113–129.

Xiong, Q. (2017). Is artificial intelligence generated content copyrightable. Intellectual Property, 27(3), 3–8.

Yi, J. M. (2017). Is creation generated by artificial intelligence work? Science of Law (Journal of Northwest University of Political Science and Law), 35(5), 137–147.

Zhang, X. B., & Bian, L. (2024). Research on the copyright of AI-generated content. Journal of Comparative Law, (2), 77–91.