

Dams in the Infinite River: Next-Generation Copyright In Next-Generation Interactive Media

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Courts worldwide have sought to deny copyright to works developed with generative AI (GenAI), hoping to enforce a dichotomy of rights in otherwise identical works without any reliable means of auditing or enforcement - instead trusting AI disclosure and non-functional techno-solutions. Yet, the implications of this policy will change the forms of the works themselves in ways wholly unanticipated.

What is the impact of denying copyright to GenAI works once everything can be turned into everything else at the direction of the consumer in real-time?

In this paper, the author synthesizes research undertaken for Berlin's Weizenbaum Institute and the Amsterdam Law and Technology Institute, with support from the Copyright Society, in discussion with the contemporary pioneers of GenAI creative tools to assess the impact and utility of copyright in contemporary digital economies over next-generation interactive artistic works, such as bespoke fluid artworks, movies and songs. As we enter the age of "change this Dylan number to a funk version with a gospel singer", this ability for bi-directional creativity - wherein each artwork becomes its own canvas, each song its own instrument- will foundationally reorient our relationship with creation and consumption, blurring the line between artist and audience.

This article elucidates how copyright struggles to achieve any of its foundational objectives when applied to emerging interactive media, whose forms and functionalities (as well as their markets) radically differ from those that copyright frameworks were developed to regulate. Inherently, prosumer platforms may be the only spaces that can legally support the mass of copyrights necessary for widespread media regeneration. If works can be easily regenerated into similar works without attribution on the platforms, copyright may incentivise public domain regeneration, and in turn place even greater pressure on rightsholders to license their works out to these platforms. This means that if instant creative regeneration becomes widely accessible, rather than protecting rightsholders, copyright may embolden a market dynamic that undermines its own value in contemporary digital creative economies.