

AI for Illustrations - Copyright

- [AI \(https://uia.instructure.com/courses/14570/pages/home-ai-short-version\)](https://uia.instructure.com/courses/14570/pages/home-ai-short-version) - Copyright - [Next \(https://uia.instructure.com/courses/14570/pages/ai-for-illustrations-ethical-aspects\)](https://uia.instructure.com/courses/14570/pages/ai-for-illustrations-ethical-aspects)

Copyright

Images created with Bing's Image Creator are not intended for commercial use. According to the terms of the "Use of Creations" section of Bing's Image Creator [1], you can use creations outside the online services for any legal personal, non-commercial purpose [1]

[\[https://answers.microsoft.com/en-us/bing/forum/all/use-of-images-generated-via-bing-create-for/8f3ad8e2-6680-4b74-84af-38e440c5527\]](https://answers.microsoft.com/en-us/bing/forum/all/use-of-images-generated-via-bing-create-for/8f3ad8e2-6680-4b74-84af-38e440c5527). Microsoft Bing claims to limit access to artists' work if they receive a complaint, but there is no clear mechanism for protecting the original creators' rights.

On the other hand, images created with Midjourney and according to their [terms of service \[https://docs.midjourney.com/docs/terms-of-service\]](https://docs.midjourney.com/docs/terms-of-service) [4] are royalty-free for paid users, meaning that no additional fees or royalties are due once the artwork is used. Non-paid users are granted a Creative Commons Noncommercial 4.0 license and must give visible attribution when using the artwork [3] [\[https://tokenizedhq.com/midjourney-copyright-commercial-use/\]](https://tokenizedhq.com/midjourney-copyright-commercial-use/).

The US Copyright Office has ruled that images produced by Midjourney cannot be copyrighted, as they are not the product of human authorship [5] [\[https://www.reuters.com/legal/ai-created-images-lose-us-copyrights-test-new-technology-2023-02-22/\]](https://www.reuters.com/legal/ai-created-images-lose-us-copyrights-test-new-technology-2023-02-22/), [6]

[\[https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf\]](https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf).

However "the Office finds that the compilation of these images and text throughout the Work contains sufficient creativity under Feist to be protected by copyright. [6]

[\[https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf\]](https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf)"

[Kristina Kashtanova \[https://www.kris.art/\]](https://www.kris.art/) [7] created a comic book using MidJourney and tried to register copyright to these images. She could not register and copyright the images themselves. The US Copyright Office issued a copyright registration "covering the original authorship that Ms. Kashtanova contributed to this work, namely, the "text" and the "selection, coordination, and arrangement of text created by the author and artwork generated by artificial intelligence." Because these contributions predominantly contain textual material, they will be reregistered as an unpublished literary work. The new registration will explicitly exclude "artwork generated by artificial intelligence."



Comicbook by Kristina Kashtanova. The images are not copyright protected according to [6 [↗](https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf) (<https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf>)]

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References


[1] Microsoft. (n.d.). ***Bing Terms of Use*** [↗](https://www.bing.com/new/termsfuse?toWww=1&redig=1438B3BAFAD4469699A7159E0B8BC452) (<https://www.bing.com/new/termsfuse?toWww=1&redig=1438B3BAFAD4469699A7159E0B8BC452>). [Online]. Available: <https://www.bing.com/new/termsfuse?toWww=1&redig=1438B3BAFAD4469699A7159E0B8BC452>


[2] B. Samir. (2023, April 6). ***Use of images generated via bing create for commercial use*** [↗](https://answers.microsoft.com/en-us/bing/forum/all/use-of-images-generated-via-bing-create-for/8f3ad8e2-6680-4b74-84af-38e440c5527) (<https://answers.microsoft.com/en-us/bing/forum/all/use-of-images-generated-via-bing-create-for/8f3ad8e2-6680-4b74-84af-38e440c5527>). [Online forum post]. Microsoft Community. <https://answers.microsoft.com/en-us/bing/forum/all/use-of-images-generated-via-bing-create-for/8f3ad8e2-6680-4b74-84af-38e440c5527>.

[3] C. Heidorn. (n.d.). ***In a Nutshell: Midjourney Copyright & Commercial Use*** [↗](https://tokenizedhq.com/midjourney-copyright-commercial-use/) (<https://tokenizedhq.com/midjourney-copyright-commercial-use/>). TokenizedHQ.

<https://tokenizedhq.com/midjourney-copyright-commercial-use/>

[4] Midjourney. (n.d.). [***Midjourney Terms of Service***](https://docs.midjourney.com/docs/terms-of-service) . [Online]. Available: <https://docs.midjourney.com/docs/terms-of-service>

[5] B. Brittain. (2023, February 22). [***AI-created images lose U.S. copyrights in test for new technology***](https://www.reuters.com/legal/ai-created-images-lose-us-copyrights-test-new-technology-2023-02-22/) . Reuters. <https://www.reuters.com/legal/ai-created-images-lose-us-copyrights-test-new-technology-2023-02-22/>

[6] U.S. Copyright Office. (2023, February 22). [***Decision on Registration of Claim to Copyright in Zarya of the Dawn***](https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf) . [Online]. Available: <https://fingfx.thomsonreuters.com/gfx/legaldocs/klpygnkyrpg/AI%20COPYRIGHT%20decision.pdf>

[7] K. Kashtanova. (n.d.). [***Kris Kashtanova***](https://www.kris.art/) . [Online]. Available: <https://www.kris.art/>