



COPYRIGHT AND PLAGIARISM IN AN ERA OF ChatGPT: A LEGAL ANALYSIS

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The main objective of this research is to analyze the challenges posed by ChatGPT to copyright protection and prevention of plagiarism in educational and scholarly works, particularly considering some policy recommendations. ChatGPT, an open artificial intelligence (AI) model which can produce conversational type contents based on the context, has created a revolution in the technology-driven world. ChatGPT has sophisticated applications in many industries, ranging from education to healthcare and entertainment to customer service. However, the educators and scholarly community have concerns about the potential impact of ChatGPT on the protection of copyright and prevention of plagiarism. They argue that the increasing use of ChatGPT could create a leeway to disregard the interests associated with the copyrighted works and to dilute academic integrity of educational and scholarly work by the users. Therefore, there is an emerging concern on the necessity of responding to these issues by regulating or perhaps closely scrutinising the ethical and responsible use of ChatGPT. This research intends to make some policy recommendations addressing the concerns raised by educators and scholarly community regarding the use of ChatGPT to generate educational and scholarly content.

Keywords: *ChatGPT, Copyright, Plagiarism*

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INTRODUCTION

At the end of year 2022, the world experienced the revolutionary Artificial Intelligence (AI) model known as ChatGPT. It is a large language tool developed by OpenAI, and a variant of Generative Pretrained Transformer-3 (GPT-3) (Lo, 2023). ChatGPT is a model trained on a vast number of texts from various sources and is capable of producing conversational type content based on the context (Techtalks, 2023). This AI tool could be successfully utilized as a call center agent, content generator, customer service provider and for chatbot, computer programmes which are designed to stimulate human-like conversations with users. More importantly, ChatGPT has gained a vast popularity among students as a tool which makes their studies more easy and accessible than ever (Mallow, 2023). However, the revolutionary increase of the use of ChatGPT in educational and scholarly work has ignited several concerns among educators and scholarly community regarding the protection of copyrights and preventing plagiarism (Cotton et al., 2023). As a result, there is an ongoing discussion on what changes need to be introduced to the existing copyrights and plagiarism policies of educational institutions and scholarly publications. Hence, the main objective of this research is to analyze the challenges posed by ChatGPT on copyright protection and prevention of plagiarism in educational and scholarly works, particularly considering some policy recommendations.

METHODOLOGY

This research has adopted a doctrinal legal research approach based on the analytical and explorative nature of the research, following an extensive review of literature pertaining to ChatGPT, copyright and plagiarism. The researchers have analyzed both primary and secondary legal sources to investigate how ChatGPT impacts on traditional boundaries of copyright law and plagiarism. The primary sources include international legal instruments such as the Berne Convention for the Protection of Literary and Artistic Works 1971, legislation, and some recent case law. As secondary sources this research utilized books, journal articles and web resources. Since ChatGPT is still a novel concept, the researchers have gathered information regarding the recent developments of ChatGPT through OpenAI and other related websites such as inventa and lexalogy.



RESULTS AND DISCUSSION

What is ChatGPT?

ChatGPT, is a large language tool developed by OpenAI, and one of the most popular AI tools in today's technology driven world. ChatGPT is recognised as a revolutionized way of communication and access to information (Garfinkel, 2023). AI is a mode of machine learning, which includes 'a mathematical processes and a set of variables, produce results that are comparable to human intellect' (Jain, 2021). Machine learning spot trends in information on its own, and it makes intelligent decisions depending on the context (Abbott, 2022). The AI model ChatGPT is a model trained on a vast number of texts from various sources available up to the year 2021 and it is trained to respond to human inputs in a conversational manner. Since AI models can make intelligent decisions depending on the context, ChatGPT generates human-like text based on the context of the conversation. To test the chatbot function, we asked the question 'what does it mean by ChatGPT?'. Figure 1 demonstrates the answer provided by ChatGPT.

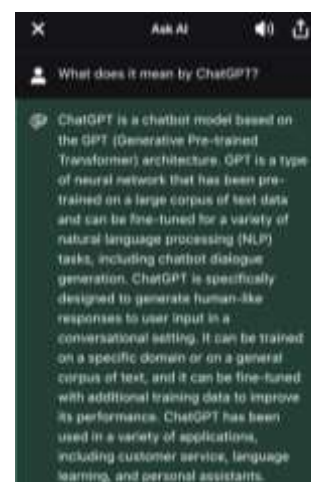


Figure 1: A screenshot of ChatGPT tool

Sophisticate use of ChatGPT

This AI tool has a variety of application and sophisticate use in the realm of machine learning. ChatGPT currently has 1.16 billion users, and it crossed 1 billion users in March 2023 (Ruby, 2023). There is a recorded increase of 'almost 55% from February 2023 to March 2023' (Ruby, 2023). ChatGPT could be used as a content generator for websites, social media blogs/posts and other types of written materials. As a chatbot, it can be used to create chatbots for websites, messaging apps and similar platforms. Furthermore, this application could be used as a customer service provider by facilitating automated customer services and call centre agents by answering common questions and providing information. Moreover, ChatGPT could be utilised as a virtual assistant helping users to manage meeting schedules, making reservations and perform similar virtual tasks. According to its own words 'ChatGPT has a wide range of potential applications in various industries, such as healthcare, education, entertainment, and customer service' (ChatGPT tool).

ChatGPT and copyrights

The growing popularity of using ChatGPT in educational and scholarly works has raised considerable issues on copyrights protection. Copyrights grant certain exclusive rights for the creators of original literary and artistic works (Tripathi & Ghatak, 2018). According to Article 2 of the Berne Convention for the Protection of Literary and Artistic Works 1971, 'literary and artistic works shall include every production in the literary, scientific, and artistic domain, whatever may be the mode or form of its expression'. The creators of these works have both economic and moral rights pertaining to their works. As the Berne Convention further embodies, copyrights owners have exclusive economic rights to their works including rights of reproduction, translation, adaptation, publication, performance, and display. Put simply, copyright protection offers a bundle of exclusive rights for the authors and owners of literary and artistic works.

The ChatGPT model is built on a vast collection of pre-trained texts such as books, papers, articles, and websites (Ruby, 2023). As a result, a ChatGPT-generated work may resemble numerous previous works which were obtained without proper authorization of the authors and owners of original works. Another critique levelled on ChatGPT is the inability to generate a correct reference list. This factor would also amount to escalate the copyrights concerns against ChatGPT. In this context, one of the contentious issues is whether the ChatGPT content could have potential infringement of economic or moral rights of copyrights owners of original works. Since the contents created by the ChatGPT



are derived from the existing and protected works, it can be argued that the outcome of the ChatGPT content may infringe basic economic rights including right to reproduction and publication of the original copyright owners (*Intellectual Property in ChatGPT*, 2023). Similarly, ChatGPT-based contents may infringe the moral rights of the copyright owners as such unauthorised use and alterations might affect the integrity of the original work.

However, as Antunes (2023) highlights, it is not clear who can be held liable in case of infringement of these rights: the user or the owners of the algorithm. Recently, lawsuits have been filed against the AI systems which replicate the original works of the copyrights owners. In the United Kingdom, Getty Image sued against one of the AI companies named Stability AI for training millions of images own by them without obtaining the permission (*Intellectual Property in ChatGPT*, 2023). Likewise, ChatGPT may encounter similar types of issues as it has opened a floodgate against the boundaries of traditional copyright law. In this context, the educators and scholarly community need to consider the potential avenues of protecting copyrights in the era of ChatGPT.

ChatGPT and Plagiarism

The rapid increase of the use of ChatGPT has sparked a fear among educators and scholars whether this tool would escalate unethical academic practices, more importantly, plagiarism (Khalil & Er, 2023). The term plagiarism refers to ‘the misrepresentation of another's ideas or words as one's own, without proper acknowledgement of the original source’ (Anderson & Steneck, 2011). Plagiarism not only creates a threat on the integrity of academic work but also amounts to the violation of copyrights of original authors. Hence, plagiarism is considered to be a fraud and a violation of intellectual property rights, which may also be illegal in the eyes of laws and policies that prohibit such actions. This nature has ignited considerable discussions on legal concerns of the ChatGPT-generated content (Malik Sallam, 2023). There are two concerns raised regarding ChatGPT on plagiarism prevention; first, increasing of plagiarism in students’ works, and second, capability of ChatGPT-generated content to bypass the conventional plagiarism detection applications (Lo, 2023). In this context, it is highly likely that plagiarised content could be submitted by the students seeking better scores and ‘a lot of AI-generated text [with no proper and accurate acknowledgements of the ideas of original authors] that could find its way into the literature’ (Thorp, 2023).

Therefore, in the eyes of plagiarism, ChatGPT has created a considerable threat to the prevention of dishonest academic practices in education and ensuring fairness and transparency in academic and scholarly publications. Even though ChatGPT offers a plethora of benefits such as improving students’ engagement in academic and research work, collaboration among scholarly communities, and accessibility to knowledge, plagiarism-related concerns encourage the search of avenues for ‘responsible and ethical use of ChatGPT’ (Cotton et al., 2023; Mhlanga, 2023). The next section of this paper briefly analyses some of such avenues concerning copyright and plagiarism-related aspects of the ChatGPT.

CONCLUSIONS/RECOMMENDATIONS

The discussion so far makes a strong case inviting the educators and scholars to rethink copyright and plagiarism in the era of ChatGPT. Since this research focuses on revitalizing legal aspects relating to copyright and plagiarism in response to the novel challenges created by ChatGPT, this section mainly outlines three viable policy proposals which could be considered by educators and scholarly community. First, identification of AI-writing would help discourage the unethical use of ChatGPT in educational and scholarly work. In this regard, two steps could be taken: the use of AI-generated writing detection tools to overcome the failures of traditional plagiarism checking applications (Szabo, 2023), and checking references of the work since ChatGPT fails to generate an accurate reference list (Cotton et al., 2023). Secondly, establishing anti-plagiarism policies and perhaps



revisiting the provisions of existing anti-plagiarism policies. In this vein, the education institutions and the editorial committees of scientific and academic journals could establish rigorous scientific standards, for example, the standards prohibiting the use of text generated by ChatGPT (Thorp, 2023), and the standards that require total disclosure of whether ChatGPT or similar application were used in generating the content of educational and scholarly work (Gao et al., 2022). Thirdly, educating students and researchers about academic integrity, copyrights protection and plagiarism would encourage the responsible use of ChatGPT.

The policy recommendations outlined in this paper aim to ascertain how students and scholarly community could use ChatGPT ethically and responsibly by acknowledging the copyright of the authors of original ideas and preventing plagiarism. Ultimately, these policy proposals pave the way for ensuring academic integrity of educational, scientific and scholarly work. Even though this paper looks at the bigger picture and makes policy proposals at a general level, any specific country including Sri Lanka, or any educational institution could follow these proposals in responding to the ChatGPT-related challenges. In conclusion, this research does not intend to create negative perspective on the rapid use of ChatGPT. However, it does intend to see the possibilities of embracing the positive changes while protecting copyright and preventing plagiarism.

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