

Comparative Study on Copyrighting Mechanisms of AI Innovations in Brazil and China

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Abstract

The rapid advancements in artificial intelligence (AI) have introduced novel challenges and opportunities in the realm of intellectual property (IP) law, particularly concerning the copyrighting of AI-generated innovations. This comparative study explores the copyrighting mechanisms of AI innovations in Brazil and China, two countries with burgeoning tech industries and distinctive legal frameworks. By examining the current legal definitions, policy and regulatory frameworks and international perspectives, this research identifies best practices, gaps, and recommendations for harmonizing and enhancing the protection of AI-generated works. The study employs a qualitative methodology, utilizing comparative legal analysis and policy reviews to provide a comprehensive understanding of the subject. The findings aim to inform policymakers, businesses, and researchers, contributing to the development of more robust and harmonized IP laws that support AI innovation and benefit society. The conclusion of the study highlights that while China has developed a more flexible and proactive approach to the regulation of AI-generated works, Brazil still faces challenges due to the absence of clear legal frameworks. Although both countries emphasize human authorship in copyright law, China's ability to adapt its regulations to the evolving role of AI provides clearer guidelines for innovation and collaboration. Brazil, by modernizing its copyright laws, could address these gaps and ensure a more favorable environment for AI-driven creativity and international cooperation.

Keywords

AI Innovations, Copyright Law, Intellectual Property, Brazil, China, Comparative Study, Legal Frameworks, Policy Analysis, International Perspectives, Technological Advancement

1. Introduction

1.1. Background

When discussing the history and evolution of intellectual property rights in Brazil, it is important to understand that the country has undergone several regimes, including the Empire (Godoi, 2021), Republic (The *Brazilian Constitution of 1851*), Dictatorship, and, finally, the New Republic. Each of these periods shaped the norms and practices related to intellectual protection, reflecting the prevailing interests and values of the time. From the first patent legislation established during the Empire (Lei Imperial de 28 de Agosto de 1830) to more recent changes influenced by globalization and international agreements, the trajectory of intellectual property rights in Brazil reveals a complex relationship between sovereignty, innovation, and regulation, especially in the context of the rapid advancements in artificial intelligence. Similarly, China's evolution in intellectual property protection has been shaped by its own historical and political contexts, with distinct challenges and approaches to regulating AI-generated innovations.

To comprehend how this evolution occurred across different regimes, it is crucial to examine each period in detail, exploring both Brazilian and Chinese frameworks. This includes an analysis ranging from constitutional to infraconstitutional norms, investigating how the laws, policies, and decisions of each era have influenced the development of intellectual property rights in both countries, particularly in response to the emergence of AI technologies.

1.2. Importance of AI Innovations in the Global Economy

AI technologies continue to play a critical role in driving global economies, significantly impacting industries and intellectual property rights. The increasing presence of AI-generated works, from artistic creations to software, has led to ongoing legal debates about authorship, ownership, and protection under existing copyright laws. While some countries, including China and Brazil, have begun addressing these challenges through new regulations and legal decisions, the need for comprehensive and harmonized legal frameworks remains essential as AI's role in content creation expands.

1.3. Overview of Copyright Challenges Specific to AI

The central issue with AI-generated works lies in defining who holds the copyright when AI plays a significant role in the creative process. Traditional copyright laws assume human authorship, but AI-generated works challenge this assumption. Courts and lawmakers in

different jurisdictions, including Brazil and China, have started grappling (Beijing Internet Court, 2023) with whether these works can be protected and what degree of human intervention is necessary to claim authorship.

1.4. Objective

To identify and compare the legal definitions, scope, and protection mechanisms

for AI-generated works in Brazil and China.

1.5. Research Questions

- How do Brazil and China define AI-generated works under their copyright laws?
- What are the similarities and differences in the scope of copyright protection for AI innovations?
- What implications do these differences have for AI innovation and international collaboration?

2. Methodology

This study adopts a qualitative and comparative approach to examine the copyright protection mechanisms for innovations generated by AI in Brazil and China. The methodology is divided into two main stages: comparative legal analysis and public policy review.

First, a detailed analysis of the legal frameworks and legislations of both countries was conducted. In Brazil, the analysis focused on [Law No. 9610/1998](#) and the most recent regulations regarding the use of AI, such as [Bill No. 21/2020](#). In China, the focus was on the Copyright Law of the People's Republic of China, its recent reforms, and emerging regulations like the "Provisional Measures for the Management of Generative Artificial Intelligence Services" (2023).

In addition to the documentary analysis, relevant judicial decisions were also considered. In Brazil, the case ADI 5527, which addresses the responsibility of platforms for AI-generated content, was examined to understand the application of existing laws. In China, decisions from the Beijing Internet Court regarding AI-generated works helped to understand how the country is dealing with authorship and copyright protection in this context.

The literature review was also an important part of the methodology. Through the analysis of academic studies and reports from international organizations, we sought to understand the main challenges in protecting AI-created works and how different jurisdictions are addressing these issues. The discussion on authorship, originality, and the human role in AI-assisted creations was central to this process.

Finally, the comparison between the two countries' approaches aimed not only to identify similarities and differences but also to point out gaps in legislation that may hinder the effective protection of AI innovations. The analysis sought to provide insights into how the two nations can collaborate and align their laws to create a legal environment more favorable to technological innovation.

2.1. Comparative Analysis

In both Brazil and China, human authorship is considered a central principle for copyright protection, but the interpretation of what constitutes human involvement diverges significantly between the two countries. Brazil takes a stricter approach, where copyright protection is exclusively tied to human authors. This

means that any work generated by AI, without a direct human creator, would not be eligible for copyright protection under Brazilian law. This rigid association of authorship with human creators limits the scope of protection for AI-generated works and may hinder innovation in fields where AI plays a significant role in content creation.

On the other hand, China adopts a more flexible stance regarding human involvement in the creative process. While human authorship is still required for copyright eligibility, China allows for AI-assisted works to receive protection as long as there is demonstrable human contribution to the creation of the work. This standard was clarified in the landmark Shenzhen Tencent v. Shanghai Yingxun (2019, Dreamwriter case) case, decided by the Beijing Internet Court. In this ruling, the court emphasized that copyright protection requires more than the mere use of AI; there must be evidence of intellectual human input at key stages of the creative process. Specifically, the judges highlighted the human role in defining the topic and scope of the text, configuring the parameters that guided the narrative logic, and editing and organizing the final output. Thus, the threshold does not demand that the author write every word but requires demonstrable creative choices that substantively shape the AI-generated result. This adaptability in Chinese copyright law reflects an understanding of the rapid technological advancements and acknowledges the role of AI in modern creative processes. As a result, China's approach allows for a broader interpretation of what constitutes a copyrightable work and accommodates the evolving landscape of AI-driven content.

This divergence in approach highlights a key challenge for Brazil, as its outdated legal frameworks fail to address the complexities of AI-generated works. The lack of clear regulations in Brazil leads to uncertainty around ownership, liability, and the distribution of royalties for AI-driven content. Without defined guidelines, businesses are hesitant to invest in AI-generated content, and international collaboration may be discouraged due to concerns over legal ambiguity. In contrast, China's evolving regulatory environment offers more clarity, providing a clearer framework for AI developers, content creators, and legal practitioners (Projeto de Lei n° 21, de 2020, 2025). This clarity encourages investment in AI-driven projects and facilitates the growth of AI in creative industries.

2.2. Implications for AI Innovation and International Collaboration

The differences between Brazil and China's legal frameworks for AI-generated works have broader consequences for the development of AI technologies and global collaborations. China's proactive regulatory approach is a key factor in fostering innovation within AI-driven industries. By offering legal certainty, China encourages businesses, researchers, and developers to invest in AI technologies and pursue innovative projects, knowing that there are clear rules in place to govern the use and protection of AI-generated works. This legal certainty is crucial for attracting investment and collaboration in AI, particularly for projects that rely on intellectual property rights to ensure their work is protected. The more flexible and

forward-looking nature of China's legal framework allows for adaptation to rapid technological advancements, positioning China as a leader in the global AI economy (*Copyright Law of the People's Republic of China, 2020*).

Brazil, however, faces challenges due to its delayed response to the complexities introduced by AI in the copyright landscape. Without updated legal frameworks that explicitly address AI-generated works, Brazilian innovators face uncertainty around ownership, liability, and the protection of their intellectual property. This lack of clear legal guidelines creates a "regulatory gap" that hinders Brazil's ability to compete globally, as international collaborations increasingly require well-defined intellectual property protections for AI-driven content. Factors such as political fragmentation, institutional inertia, and competing economic priorities have slowed legislative progress, delaying the establishment of a coherent framework for AI-related copyright issues. In areas such as research partnerships, cross-border investments, and technology transfer, the absence of clear laws around AI-generated works makes it difficult for Brazilian businesses to fully participate in the global AI ecosystem. This regulatory gap could put Brazil at a disadvantage compared to countries like China, where legal frameworks are evolving to support AI-driven innovation (Lei de Direitos Autorais, Lei n° 9.610, 2025).

To bridge this gap and foster competitiveness, Brazil must take steps toward modernizing its copyright laws. One specific action Brazil could take is to clarify its legal stance on AI-generated works by establishing clear definitions and standards for what constitutes such works and the level of human involvement required for copyright eligibility. This would make it easier for businesses and creators to understand how to navigate the copyright system when working with AI technologies. Furthermore, Brazil could introduce provisions in its copyright law that address the unique challenges of AI, such as ownership rights, royalties, and the role of AI as a creator. Drawing inspiration from China's experience, Brazil could integrate these AI-specific provisions into *Law No. 9610/1998*, which governs copyright in Brazil, ensuring the law is up-to-date with technological advancements (Lei n° 9.610, de 19 de fevereiro de 1998, 2025).

Additionally, expediting the discussion and potential passage of the Artificial Intelligence Bill (PL 21/2020) would help create a more comprehensive legal framework for AI-related activities in Brazil. This bill could address the intersection of AI and intellectual property, offering clear guidelines on how AI-driven works should be treated under copyright law. By taking these steps, Brazil would not only enhance legal certainty for AI-driven businesses but also stimulate greater innovation and investment in the sector. This modernization of the legal framework would make Brazil more competitive in the global AI market and open up opportunities for international collaboration, as clearer legal protections would be in place for the protection and use of AI-generated works (Projeto de Lei n° 21, de 2020, 2025).

3. Historical Context and Legal Evolution in Brazil

- **Empire (1822-1889):** The Constitution of 1824 (*Constituição do Império do*

Brasil de 1824, 2025) laid the foundation for constitutionalism in Brazil, inspired by the constitutions of the USA (1787) (Bonavides, 2003), France (Da Silva, 2002), and Portugal all influenced by the liberal-bourgeois context of the time. The Imperial Charter established a monarchical, constitutional, and representative government but with a strong centralization of power in the hands of the emperor, exemplified by the creation of the Moderating Power (Almeida, 2012).

- **Old Republic (1889-1946):** During this period, Brazil underwent several constitutions (Carvalho, 2001), influenced by the political and economic events of the era. The Federal Constitution of 1891, proclaimed with the Republic's declaration, was heavily influenced by American constitutionalism (Dolinger & Jacob, 1990). This period also saw the introduction of judicial review and the establishment of the Supreme Federal Court in 1891.
- **Dictatorship (1964-1985):** The 1967 Constitution, enacted during the military regime, consolidated an authoritarian regime, centralizing power in the Executive Branch and restricting civil and political freedoms. The Constitutional Amendment of 1969 further entrenched this regime, marking the harshest period of dictatorship with censorship, suspension of rights, and political persecution.
- **New Republic (1985-present):** The Federal Constitution of 1988 brought the greatest democratic stability in Brazil's history. It established a Democratic State of Law and emphasized human dignity as one of its foundations, balancing social and liberal elements.

Court Cases and Judicial Interpretations of AI-Generated Works and Copyright

Recent court decisions and legal interpretations are beginning to shape the landscape surrounding AI-generated works and copyright, reflecting the growing challenges of defining authorship, ownership, and intellectual property rights in the digital age. As AI systems increasingly contribute to the creation of artistic, literary, and musical works, courts in jurisdictions such as China and Brazil have started addressing fundamental questions about whether these creations can be protected under current copyright laws and, if so, who holds those rights.

In China, the legal landscape surrounding AI-generated works is still developing. While Chinese copyright law requires human authorship for protection under its current framework, courts are beginning to address how to adapt traditional principles to the involvement of AI in creative processes. A significant case in 2017, *Baidu v. Shanghai Yingxun*, involved Baidu's AI algorithms scraping and reproducing copyrighted content without authorization, raising questions about AI's role in copyright infringement. Another key case, *Baidu v. Tujia*, further explored the involvement of AI in content generation and distribution, contributing to the evolving interpretation of AI's role in the copyright landscape. While neither of these cases directly addressed AI-generated works in terms of authorship, they set

precedents for how AI could be involved in content distribution and copyright issues. In 2020, Zhejiang University issued a legal interpretation, concluding that AI cannot be an author but the human developer or operator of the AI system is the rightful copyright holder. This interpretation aligns with the traditional human authorship requirement in Chinese copyright law. In 2023, a landmark case recognized the protection of an AI-generated image, with significant human input in the creation process, marking an important step in addressing the potential for AI-generated works to be recognized under Chinese law. However, the 2020 revision of China's Copyright Law remains silent on the issue of AI authorship, leaving the question unresolved for now, though future revisions may address this gap.

In Brazil, there is no direct case addressing AI authorship, as the understanding surrounding AI's role in copyright is still evolving. The legal landscape is characterized by ongoing debates, with cases like *ABPI v. Google*, which involved the Brazilian Association of Intellectual Property challenging Google's use of AI algorithms to index and display copyrighted content. While this case did not directly address AI authorship, it highlighted the role of AI in content distribution and its potential impact on intellectual property rights in Brazil. Brazilian copyright law, embodied in Lei 9.610/1998, currently requires human authorship for protection and does not address AI-generated works. This has sparked ongoing discussions within the legal community about how Brazil's laws might evolve to incorporate AI's growing role in creativity. In particular, there are debates on whether works like AI-composed music should be eligible for copyright protection, and if so, who would hold those rights. As AI continues to play a larger role in creative processes, Brazilian courts are likely to confront these questions, and the country may need to adapt its legal framework to address the challenges posed by AI-generated works.

Both China and Brazil are at a crossroads, with their legal systems in the early stages of addressing the implications of AI-generated works under existing copyright frameworks. While China has made some strides with a landmark 2023 case and ongoing interpretations from institutions like Zhejiang University, both countries still primarily rely on traditional copyright principles that require human authorship. As AI technology continues to advance, it is likely that further judicial interpretations and legislative reforms will be needed to resolve questions about authorship, ownership, and intellectual property in the digital age. The cases and interpretations explored above reflect the growing recognition of the need to reconcile traditional copyright frameworks with the realities of AI-driven creation, shaping the future of copyright law in both China and Brazil.

4. Literature Review

4.1. Overview of Copyright Law Principles of Copyright Law

In this article, the literature review will start with an analysis of the general principles of copyright law, which are fundamental to understanding the protection of AI-generated innovations. We will explore the key concepts that guide copyright laws, highlighting the approaches of Brazil and China.

4.1.1. Originality

- **Brazil:** *Originalidade* (Originality) refers to the requirement that a work must reflect the author's creative effort. This is defined in [Law No. 9610/1998](#), Art. 7, I.
- **China:** 创作性(*Chuangzuo Xing*) (Creativity) refers to the intellectual creation necessary for a work to be protected, as per the Copyright Law of the People's Republic of China, Art. 3.
- Although the concept of originality is widely accepted, its application may vary by jurisdiction.

4.1.2. Fixation

- **Brazil:** *Fixação* (Fixation) means that a work must be recorded in a tangible medium to be protected. This principle is detailed in [Law No. 9610/1998](#), Art. 7, I.
- **China:** 固定(*Guding*) (Fixation) means that the work must be fixed in a perceptible format, as per the Copyright Law of the People's Republic of China, Art. 10.
- This principle is fundamental to ensuring that the work can be accessed and reproduced.

4.1.3. Exclusive Rights

- **Brazil:** *Direitos Patrimoniais* (Economic Rights) are the exclusive rights granted to the author over the reproduction, distribution, and exhibition of the work, as defined in [Law No. 9610/1998](#), Art. 28.
- **China:** 财产权利(*Caichanquanli*) (Economic Rights) refers to the exclusive rights granted to the author by the Copyright Law of the People's Republic of China, Art. 21.
- These rights help creators control the use of their works and obtain financial returns ([Bently & Sherman, 2014](#); [Li & Zhang, 2018](#)).

4.1.4. Duration of Protection

- **Brazil:** *Prazo de Proteção* (Duration of Protection) covers the life of the author plus an additional period of 70 years, as per [Law No. 9610/1998](#), Art. 41.
- **China:** 保护期限(*Baohu Qixian*) (Protection Period) extends for 50 years after the author's death, according to the Copyright Law of the People's Republic of China, Art. 21.
- The duration of protection ensures that copyright extends for a significant period.

4.1.5. Moral Rights

- **Brazil:** *Direitos Morais* (Moral Rights) include the right of attribution and protection against harmful modifications to the work, as defined in [Law No. 9610/1998](#), Art. 24.
- **China:** 人身权利(*Renshen Quanli*) (Moral Rights) are the moral rights guaranteed to the author by the Copyright Law of the People's Republic of China,

Art. 10.

- The application of these rights may vary depending on local legislation.

4.1.6. Limitations and Exceptions

- **Brazil:** *Exceções ao Direito Autoral* (Exceptions to Copyright) allow limited use of protected works for educational and research purposes, as per [Law No. 9610/1998](#), Art. 46.
- **China:** 合理使用 (*Heli Shiyong*) (Fair Use) refers to the reasonable use of protected works, according to the Copyright Law of the People's Republic of China, Art. 22.
- These exceptions are important for balancing the rights of authors with public needs.

4.1.7. International Treaties

- **Brazil:** *Tratados Internacionais* (International Treaties) influence national legislation and promote cross-border protection of works, as per [Law No. 9610/1998](#), Art. 1, §1.
- **China:** 国际条约 (*Guoji Tiaoyue*) (International Treaties) refers to the agreements China adopts to harmonize its copyright laws with global standards, according to the Copyright Law of the People's Republic of China, Art. 5.
- Treaties such as the Berne Convention and the TRIPS Agreement help to standardize copyright laws globally ([WIPO, 2020](#)).

5. Specific Challenges Related to AI-Generated Works

5.1. Legal Framework in Brazil

5.1.1. Key Statutes and Regulations

This section of the article explores the challenges that AI-generated works pose to Brazil's legal landscape, particularly in the areas of intellectual property (IP) and copyright law. Traditional IP frameworks, built around the concept of human creativity, now confront new questions brought by the ability of AI to generate content. A key issue is the ownership of AI-generated works—whether it belongs to the developer of the AI tool, the user interacting with it, or, hypothetically, the AI itself. This uncertainty complicates the distribution of royalties and the enforcement of ownership rights. Brazil's current copyright laws, which apply exclusively to human-made creations, leave AI-generated works in a legal “gray area,” creating the potential for misuse or misappropriation without appropriate safeguards.

The literature will also examine the issue of liability, focusing on the lack of clarity about who should be held accountable when AI-generated content infringes on copyrights (Supreme Federal Court (STF)). This includes debates around moral rights, which protect the integrity and reputation of creators in Brazil but are difficult to apply to machine-generated works, as AI lacks both intent and personality. Another crucial aspect is AI's reliance on data, which raises concerns about data ownership and privacy, especially under the General Data Protection Law (LGPD—Law No. 13,709/2018). The study will investigate how compliance

with the LGPD intersects with the use of personal data in AI systems. Furthermore, Brazil's Copyright Law (Law No. 9610/1998), which only acknowledges human authorship, will be analyzed to highlight the legal limitations this poses for recognizing and protecting AI-generated works. Similarly, the Industrial Property Law (Law No. 9279/1996) (Brazil, 1996) will be discussed to emphasize that AI-generated inventions currently fall outside the scope of patent protection, revealing further gaps in the legal framework.

The analysis will also explore intermediary liability for AI-generated content under the Civil Rights Framework for the Internet (Law No. 12,965/2014), focusing on online issues such as deepfakes and copyright violations. Additionally, the Civil Code (Law No. 10,406/2002) will be reviewed for its relevance to contracts and liability for damages involving AI-generated works. The literature will further address how Brazil is working toward international legal harmonization to avoid conflicts with global IP standards, offering insights into how the country's evolving framework compares with international trends. Lastly, the proposed Artificial Intelligence Legal Framework Bill (PL 21/2020) will be explored for its attempt to clarify accountability and address emerging ethical concerns related to AI development, demonstrating how Brazil aims to strike a balance between technological innovation, legal responsibility, and the protection of individual rights.

5.1.2. Notable Case Law and Legal Commentaries

Through a comparative analysis between copyright mechanisms applied to AI innovations in Brazil and China, the literature aims to show that Brazil's legal system is still in the process of adapting to the challenges brought by AI-generated content. Key cases such as ADI 5527 (2017), under the Civil Rights Framework for the Internet, will be studied to investigate how platform liability for AI-generated content remains a legal uncertainty. The core legal question in ADI 5527 is whether internet platforms should only be held liable for third-party content after receiving a court order, or whether they can be directly responsible for monitoring and removing potentially infringing material. Its resolution before the Supreme Federal Court (STF) could establish a crucial precedent for defining the scope of intermediary liability in Brazil, including how responsibility might extend to copyright infringement arising from AI-generated content. As the case remains under review, its implications for intermediary responsibility and the treatment of AI-generated works are still evolving.

The issue of data privacy, governed by the LGPD, will also be a central theme in the literature review. The reliance of AI systems on large datasets raises challenges in ensuring compliance with the LGPD's consent and privacy requirements. The literature will highlight how this regulation impacts AI-generated works.

Finally, the proposed Artificial Intelligence Legal Framework Bill (PL 21/2020) will be analyzed in the literature to explore how it seeks to address issues of ownership and liability. Currently under review in the Brazilian Senate, this bill represents an important step toward regulating AI and establishing clearer guidelines for its use in content creation. China's centralized approach to AI regulation and

patents will be used as a comparison to highlight contrasts with the Brazilian model.

In summary, the literature in this article will be based on regulations such as the LGPD and key cases like ADI 5527 to explore how Brazil is addressing the challenges brought by AI innovations. The need for clearer guidelines will be examined, with contributions from scholars such as Branco, Doneda, and Lemos, particularly when compared to China's more structured approach to AI-generated content.

6. Legal Framework in China

6.1. Key Statutes and Regulations

This section of the article examines how China's legal framework is developing to address the challenges posed by AI-generated works. Under China's Copyright Law, a work must demonstrate both originality and human intellectual input to qualify for copyright protection. AI tools, while powerful, are treated as facilitators rather than creators, meaning the copyright belongs to the human user who provides the creative direction. Recent court decisions have reinforced this principle, awarding copyright to individuals who generate content using AI but actively contribute to the creative process. This contribution often includes providing detailed prompts, refining outputs through iterative engagement, and making aesthetic decisions to shape the final product. These rulings reflect a growing recognition that meaningful human involvement is essential for AI-assisted creations to be considered copyrightable.

In addition to court rulings, regulatory frameworks are emerging to manage the responsibilities of AI service providers. The Interim Measures for the Management of Generative Artificial Intelligence Services, effective from August 2023, aim to promote transparency and lawful AI practices. These measures require providers to ensure the proper use of training data, label AI-generated content clearly, and implement safeguards against copyright infringement. By placing accountability on both users and providers, China's evolving legal approach strives to foster innovation while maintaining legal and ethical boundaries. Together, these developments reveal a legal landscape that seeks to harmonize human creativity with technological progress, ensuring that AI remains a tool that enhances rather than replaces artistic expression.

6.2. Notable Case Law and Legal Commentaries

Through a comparative analysis between copyright mechanisms applied to AI innovations in Brazil and China, the literature will aim to show that China's legal framework is being shaped by an interplay of proactive case law and emerging regulations, prioritizing human creativity and accountability in AI-assisted works. The Beijing Internet Court has been instrumental in establishing that AI-generated works can receive copyright protection, provided that users demonstrate significant creative input, as seen in cases involving tools like Stable Diffusion. This reflects China's stance that originality and intellectual effort must stem from the human

user, setting it apart from jurisdictions like the U.S., where similar outputs have been denied copyright protection due to insufficient human authorship.

In addition, the Guangzhou Internet Court has addressed the liabilities of service providers, ruling that they must exercise a duty of care to prevent copyright infringement, even when relying on third-party AI models. This decision emphasizes the importance of platform responsibility and reinforces the idea that AI tools are facilitators, not independent creators. Legal commentaries acknowledge that, while these rulings represent progress, challenges persist—particularly when identical prompts produce varying outputs or when AI training involves proprietary data. Collectively, China’s legal developments highlight a commitment to fostering innovation while maintaining legal accountability, setting a precedent that balances technological advancement with intellectual property protections.

7. Comparative Studies

7.1. Previous Research on Copyright in Different Jurisdictions

Examining research on copyright in Brazil and China, particularly in relation to artificial intelligence (AI) and how each country has addressed the challenges posed by technological innovations. In Brazil, the Copyright Law ([Law No. 9610/1998](#)), while robust in protecting the rights of human authors, does not clearly address works generated by AI. Studies have highlighted that this legal ambiguity creates uncertainty about who owns the rights to AI-generated works, a situation that may hinder innovation in the country.

In China, recent reforms—particularly the Interim Measures for the Management of Generative Artificial Intelligence Services (2023)—suggest a more adaptable approach, allowing AI-generated works to be copyrighted as long as there is human involvement. With this, it can be noted that China’s legal framework fosters an environment conducive to AI innovation. This flexibility contrasts with other jurisdictions, such as Brazil, where authorship is still rigidly associated with human creators.

Both countries share international commitments like the TRIPS Agreement, but their approaches to AI-generated works diverge. In Brazil, there is a strong adherence to traditional concepts of authorship, while China is exploring more pragmatic solutions. Studies suggest that both countries need clearer and more up-to-date legal responses to keep pace with the rapid development of AI technologies.

7.2. Analysis of International Perspectives on AI and Copyright

This section explores international perspectives on artificial intelligence (AI) and copyright, focusing on how different countries and legal frameworks are adapting to the challenges posed by AI-generated works. Globally, there is no consensus on whether AI can be considered an author or if creations produced by AI should be eligible for copyright protection. In jurisdictions like the United States and the European Union, existing laws generally maintain that only human authors can hold copyright, leaving AI-generated works outside traditional protection ([U.S.](#)

Copyright Office), as highlighted by various legal scholars. This human-centric approach stems from longstanding legal principles that tie creativity and authorship to human intellectual effort (European Union Intellectual Property Office (EUIPO)).

On the other hand, countries such as the United Kingdom and Australia have been actively debating potential reforms to their copyright laws to account for AI-generated content. For instance, the UK has explored the idea of granting a form of copyright to the “human operators” behind AI systems, acknowledging the growing role of AI in creative processes (UK Intellectual Property Office, 2024). In Australia, recent reports suggest ongoing discussions on how to balance the protection of intellectual property with the need to foster innovation in AI technologies. These international efforts reflect a broader trend of grappling with how to ensure that both human creators and technological innovations are fairly represented in intellectual property law.

At the same time, international organizations such as the World Intellectual Property Organization (WIPO) have initiated discussions on how to address the implications of AI in copyright law on a global scale. WIPO’s ongoing consultations aim to create guidelines that could serve as a foundation for future legislation across countries. However, the pace of AI innovation continues to outstrip the development of legal frameworks, creating a sense of urgency for nations to collaborate and create more adaptive, future-proof copyright policies (OECD AI Policy Observatory).

8. Conclusion

The legal protection of artificial intelligence (AI)-generated works remains a complex and evolving issue across different jurisdictions. While both Brazil and China acknowledge the growing role of AI in content creation, their approaches to copyright protection reveal distinct priorities and challenges. Brazil’s Copyright Law (Law No. 9610/1998), though comprehensive in protecting human authorship, does not explicitly address works created with AI assistance, leading to legal uncertainty for creators, developers, and businesses. The absence of clear definitions regarding authorship in AI-generated content leaves Brazil in a legislative gray area, potentially stifling innovation and increasing the risk of legal disputes (CISAC, 2024).

China, in contrast, has demonstrated greater regulatory adaptability. The 2021 reform of China’s Copyright Law and subsequent court rulings, particularly those from the Beijing Internet Court (2023), establish a more structured approach to AI-generated works. While AI itself is not recognized as an author, works created with substantial human input can qualify for copyright protection, provided the user demonstrates creative intervention. Additionally, the Interim Measures for the Management of Generative Artificial Intelligence Services (2023) introduce accountability measures for AI providers, ensuring transparency and minimizing the risks of copyright violations. China’s pragmatic approach fosters an environ-

ment where AI-driven innovation can thrive while maintaining legal clarity.

Despite these divergences, both Brazil and China share a foundational commitment to the principle of originality in copyright law and are signatories to the TRIPS Agreement, which provides a multilateral baseline for intellectual property protection. This shared ground offers a concrete starting point for future dialogue and harmonization in addressing the challenges posed by AI-generated works at the international level.

9. Final Thoughts

As AI continues to reshape creative industries and intellectual property frameworks, nations must find a balance between legal protection and technological progress. While China's model provides valuable insights, Brazil must tailor its approach to its legal and economic realities. A more flexible, forward-thinking regulatory strategy will not only support AI development but also ensure that creators, businesses, and the public benefit from a legally secure and innovation-friendly environment.

In the global AI landscape, legal harmonization will be essential for fostering international collaboration, investment, and innovation. As more countries grapple with the question of AI authorship and copyright, the path forward will depend on adaptive policies, interdisciplinary dialogue, and a commitment to aligning copyright law with the rapid pace of technological evolution.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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