RETHINKING AUTHORSHIP: THE INTERSECTION OF ARTIFICIAL INTELLIGENCE AND INTELLECTUAL PROPERTY LAW IN UGANDA

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DECLARATION

I, **ATUHAIRE JOEL**, declare that this dissertation is my own original work and that it has not been presented and will not be presented to any other university for a similar or any other degree award.

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I have read this dissertation and, to the best of my knowledge, it is the student's original work and meets the academic standards required for the award of a degree in Bachelor of Laws.

Name of Supervisor: _____

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DEDICATION

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Keep dreaming.

Abstract

Artificial Intelligence is no longer a distant concept; it is actively reshaping how we create, communicate, and express ideas. As machines begin to generate music, art, literature, and code, the question at the heart of this dissertation is both simple and complex: Who is the author when the creator is not human? This study critically examines how Uganda's intellectual property law responds to the evolving reality of AI-generated content and whether our current legal frameworks are prepared for this shift.

Drawing on Uganda's Copyright and Neighbouring Rights Act, regional instruments, and international treaties like the Berne Convention, the research reveals a persistent reliance on human agency and intentionality, principles that are increasingly strained in an era of machine creativity. Through a comparative and doctrinal approach, the dissertation explores emerging legal models such as hybrid authorship, sui generis protections, and developer attribution, assessing their relevance and adaptability within Uganda's unique socio-legal context.

The argument is not for abandoning tradition but for reimagining it. If Uganda is to meaningfully participate in the digital and creative economies of the future, it must rethink how it defines and protects authorship. This work, therefore, offers a grounded yet forward-looking contribution to ongoing conversations about intellectual property, technological change, and legal reform not only in Uganda but across the Globe. It invites scholars, lawmakers, and creators to consider a legal future that is both imaginative and inclusive

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CHAPTER ONE

INTRODUCTION AND BACKGROUND TO THE STUDY

1.1 General Introduction

For as long as we have had laws protecting creativity, we have assumed one thing to be true, that behind every book, painting, song, or invention is a human being, a thinker, a maker, someone with intention and vision. Authorship has always meant more than just putting words or ideas together. It has been about identity, effort, and the value society places on original thought. But now, that foundation is being shaken.

We live in a time where machines can write poetry, compose music, generate art, and even code software sometimes with little to no human involvement. Artificial Intelligence is no longer a futuristic idea; it is here, participating in acts of creation that we once believed only the human mind was capable of. This shift raises a fundamental question for the law that, if the "creator" is a machine, who owns the work?

In Uganda, like in many parts of the world, our intellectual property laws have not caught up with this reality. They still reflect a world where only people can be authors. And while that made perfect sense for a long time, we now need to ask whether that view still holds in a digital age where algorithms can create and innovate. This is not just a theoretical or academic puzzle it's a real legal and policy challenge with implications for creatives, businesses, and the future of innovation in Uganda.

This dissertation is my attempt to think through these issues, honestly, critically, and contextually. I am not here to dismiss tradition. I am here to ask whether our laws can be both principled and progressive; whether we can protect human creativity while acknowledging the tools that now shape it. More importantly, I am asking what kind of future we want to build, and whether our laws are ready to support it.

1.2 Background to the Study

Authorship has long been looked at as a foundational concept within intellectual property (IP) law, rooted in Enlightenment ideals that emphasize individual creativity, moral agency, and human labor. Legal frameworks such as the Statute of Anne of 1710 and the French Droit d'Auteur system reflect an underlying assumption: that creative works are inherently human endeavors deserving of recognition and protection. However, the emergence of artificial intelligence (AI) has begun to disrupt this long-standing model. AI technologies, particularly generative models capable of autonomously producing literature, art, music, and even inventions, have introduced significant conceptual and legal challenges to existing IP systems. These disruptions necessitate a reassessment of traditional notions of authorship, originality, and ownership in light of machine-generated creativity.

Philosophically, authorship has been historically tied to human intentionality, labor, and moral rights. Thinkers such as John Locke and Immanuel Kant contributed foundational theories that continue to inform modern IP law. Locke's labor theory emphasized that individuals have a natural right to the products of their intellectual and physical efforts, while Kant conceptualized authorship as an extension of one's personal identity and moral autonomy.[1] This human-centered view is reflected in instruments such as the Berne Convention, which recognizes the moral rights of authors, and in the U.S. Copyright Office's position that human authorship is a prerequisite for copyright protection.[2] Nevertheless, AI-generated works challenge these philosophical assumptions. Scholars like Floridi and Sanders have argued that AI systems, in exhibiting autonomous behavior, begin to blur the distinction between mere tools and independent agents. This raises profound questions about whether creativity and authorship must remain exclusively human or whether they might also be attributable to intelligent machines.[3]

The technological context further complicates matters. While earlier algorithmic systems required significant human oversight, recent developments in machine learning have led to AI models like GPT-4, DALL-E, and Music LM, which can generate high-quality, seemingly original content with minimal human intervention.

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[1] John Locke, Two Treatises of Government (1690).
[2] Berne Convention for the Protection of Literary and Artistic Works (1886).
[3] Luciano Floridi and J.W. Sanders, 'Artificial Agents and Their Moral Responsibility' (2004) 7 Ethics and Information Technology 349.

This evolution has given rise to new models of authorship, including hybrid models in which humans and AI systems collaborate. These models complicate attribution and responsibility, especially when distinguishing between co-authorship. In some instances, AI systems function independently, producing content without any conscious human direction, hence challenging traditional legal definitions that insist on the presence of human intent.[4] Furthermore, the mixing of original and derivative works in remix culture and algorithmic creation has raised new enforcement and definition issues under copyright law.[5]

Legally, jurisdictions have responded in varying ways. In the United States, the courts and the Copyright Office have insisted on a human-centric approach. In Thaler v. Copyright Office (2022), the court reaffirmed that AI-generated works lacking human effort do not qualify for copyright protection.[6] The European Union, on the other hand, has acknowledged the complexity of the issue and taken a more flexible stance, permitting protection for AI-assisted works where substantial human input is demonstrable.[7] Meanwhile, countries such as Uganda and other developing economies face the challenge of catching up with technological advancements. Scholars have called attention to the absence of straightforward policy guidance on AI authorship in such contexts, highlighting an urgent need for legal reform.[8] At the international level, organizations like the World Intellectual Property Organization (WIPO) have advocated for coordinated global responses, warning that unresolved legal ambiguities could hinder innovation.[9]

Beyond the legal and technological sphere, the intersection of AI and authorship raises pressing ethical and cultural concerns. The increase of AI-generated content could potentially devalue human effort and could shift market dynamics in ways that disadvantage traditional creators. Questions of accountability become especially necessary when AI systems without intention produce harmful content leaving it

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[4] Pamela Samuelson, 'Allocating Ownership Rights in Computer-Generated Works' (1986) 47 University of Pittsburgh Law Review 1175.
[5] Lawrence Lessig, Remix: Making Art and Commerce Thrive in the Hybrid Economy (Penguin Press 2008).
[6] Thaler v. Copyright Office, No. 21-1840 (D.D.C. 2022).
[7] European Parliament, 'Report on Intellectual Property Rights for the Development of Artificial Intelligence Technologies' (2020).
[8] Mwenda and Tumwine, 'Uganda's IP Regime: Challenges and Opportunities in the Age of AI' (2020).
[9] World Intellectual Property Organization (WIPO), 'Conversation on Intellectual Property and Artificial Intelligence' (2020).

unclear whether liability should fall on the developer, the user, or the entity funding the AI.[10] Also, local cultural attributes have to be respected especially when dealing with indigenous knowledge systems. The unchecked copying of cultural content by AI in the absence of permission, much less royalty payments, could contribute to the distortion of these traditions, and make the already vulnerable even more invisible and powerless.[11]

In light of these disruptions, gaps in the existing research landscape are becoming increasingly evident. Legal scholarship has yet to fully address how hybrid authorship models should be regulated or how liability and credit should be allocated in human and AI collaborations. Similarly, the ethical and cultural implications of AI-generated creativity remain under explored, particularly in the context of marginalized communities and global power imbalances. And, most existing literature tends to adopt either a strictly legal or a philosophical approach, often overlooking crucial insights from technology, sociology, and economics.[12]

This study seeks to navigate these conceptual, legal, and ethical issues, laying the groundwork for a more inclusive and adaptive understanding of authorship in the age of artificial intelligence.

1.3 Problem Statement

The fast development of artificial intelligence has changed the landscape of authorship and creative content, shifting our understating of traditional intellectual property law. AI technologies are now capable of independently generating music, artwork, literature, and other creative outputs, most times displaying originality, complexity similar to human-created works.

An example of AI-driven content was witnessed in 2012 when the legendary rapper Tupac Shakur, who passed away in 1996, appeared as a hologram at the Coachella Music Festival. This virtual performance alongside Snoop Dogg stunned audiences, blurring the line between technological innovation and artistic authenticity. Then in April 2023, an AI-generated song titled "Heart on My Sleeve" was released, featuring AI-cloned voices of artists Drake and The Weekend. Neither musician was involved

[10] Margaret Boden, 'Creativity and Artificial Intelligence' (1998) 12 Artificial Intelligence 347.
[11] Hennessy & Foster, 'Indigenous Knowledge Systems and AI Appropriation' (2021).
[12] Mark A. Lemley, 'IP in a World Without Scarcity' (2015) 90 New York University Law Review 460.

in its creation, yet the song's AI-driven lyrics and vocals raised debates around intellectual property rights and authorship in the digital age[13].

Unfortunately, despite such advancements, Uganda's existing IP framework remains centered on human authorship and intent offering little clarity on the ownership and protection of AI-generated works. For example, Section 4[14] of Uganda's Copyright and Neighbouring Rights Act, CAP 222(CNRA) states that an author of an original work is entitled to copyright protection, provided the work is reduced into material form, regardless of its quality or purpose. If we are to use this provision it would suggest that 'Heart on My Sleeve", as an original composition materialized in a fixed medium, could qualify for protection. However, the problem there is an addition requirement, both within Uganda's legal framework and international agreements like the Berne Convention and TRIPS Agreement that require that authorship be assigned to a natural person.

This insistency on human effort to copyright leaves a huge legal gap when it comes to AI-generated works, particularly those created with little or no direct human involvement.

So, the lack of a straight forward IP framework for AI-generated content may lead to ambiguous judicial interpretations, discourage investment in AI-driven creativity, because they require huge investment. Additionally, as AI-generated works increasingly compete with human created content, concerns over ethical authorship, fair compensation, and economic sustainability arise.

This study seeks to examine the legal, philosophical, and practical challenges surrounding the authorship of AI-generated works within Uganda's intellectual property (IP) framework.

1.4 General Objective

The primary goal of this study is to critically examine the legal, philosophical, and practical challenges surrounding the authorship of AI-generated works within Uganda's intellectual property (IP) framework and suggest a much straight forward framework.

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[13] Kenneth Muhangi https://www.alliottglobal.com/insights/artificial-intelligence-ai-and-sui-generis-protection-for-image-rights/ (accessed on 9th February 2025).
[14] Uganda's Copyright and Neighbouring Rights Act, cap 222.

Specific Objectives

1. To investigate how Uganda's current copyright and authorship laws interpret and regulate works generated by artificial intelligence.
2. To propose legal and policy recommendations for reforming Uganda's IP regime, drawing from comparative jurisdictions, that will be able to keep up with emerging models of AI authorship.

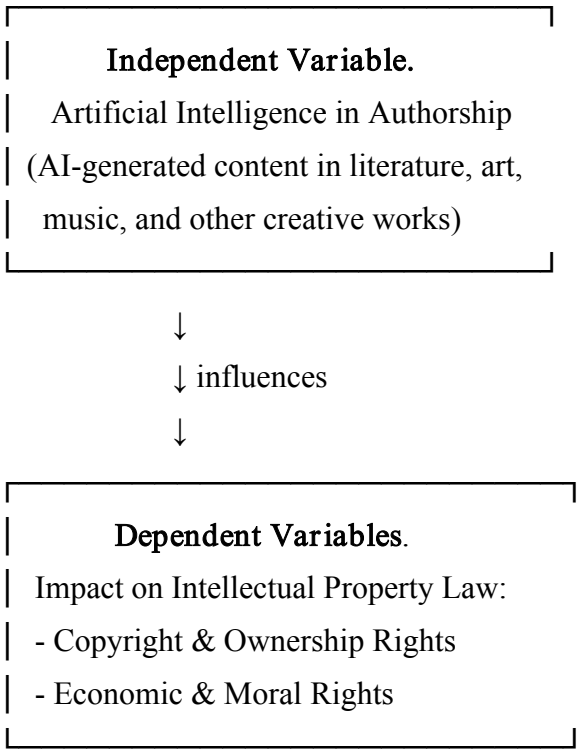
1.5 Primary Research Question

Can artificial intelligence systems be legally recognized as authors under Uganda's intellectual property laws, and if not, how should authorship and ownership of AI-generated works be structured to ensure legal clarity and fairness?

Secondary Research Questions

1. How do Uganda's intellectual property laws define authorship, and can they accommodate AI-generated works?
2. What lessons can Uganda learn from how jurisdictions like the U.S., EU, and Japan regulate AI-generated works?
3. Should Uganda establish a new legal framework for AI-generated works, and what key factors should guide this reform?

1.6 Conceptual Model of the Study.



This conceptual framework shows the key concepts, their relationships, and how they interact with each other.

Authorship is a foundational concept in intellectual property law, For purposes of this study, authorship is examined to determine whether AI can and if not be recognized as an author under Uganda's intellectual property (IP) law.

Closely related to authorship are Intellectual Property Rights (IPR), which encompass legal protections granted to creators, including copyrights, patents, and trademarks. These rights ensure exclusive ownership, financial benefits. In this study, the focus is on analyzing the applicability of existing IP laws to AI-generated content in Uganda, particularly whether current frameworks sufficiently accommodate non-human creators.

Furthermore, the study also seeks to explore Artificial Intelligence (AI) in creativity, which refers to AI systems' ability to generate creative works such as music, literature, and art without direct human input. The growing sophistication of AI raises legal questions regarding whether AI-generated content meets the originality and creativity requirements for protection under Ugandan IP law. This issue is actually important in

determining whether AI-generated works can receive the same legal protections as human created works or if a new legal category is needed.

Another key concept is Legal Personhood and Agency, which pertains to an entity's ability to hold rights and responsibilities under the law. Currently, only human authors and legal entities such as corporations have been granted legal personhood. This study assesses whether AI can or should be granted such status in the area of authorship.

1.7 Significance of the study;

This research is of critical importance both academically and practically, as it addresses the evolving challenges AI poses to authorship and intellectual property (IP) rights, particularly within Uganda's legal framework. By re-examining traditional notions of authorship and exploring the intersection of AI and IP law, this study contributes to shaping a legal environment that is both adaptive and forward-thinking.

Academic Significance

This study contributes meaningfully to intellectual property (IP) scholarship within Uganda and beyond by critically examining the inadequacies of Uganda's current legal framework in addressing the complexities of AI-generated works.

Practical Significance

It provides concrete policy and legislative recommendations for Ugandan lawmakers and regulatory authorities tasked with developing an IP regime responsive to emerging technologies.

1.8 JUSTIFICATION OF THE STUDY

The increasing integration of AI into creative and innovative processes presents a compelling need for the re-evaluating of traditional IP frameworks. While scholarly discussion has explored the theoretical implications of AI-generated content, a disconnect persists between these conceptual explorations and actionable legal reform. This study is justified by the urgent need to bridge that divide, offering context sensitive, and forward looking research that can inform national and international legal and policy development.

First, the legal uncertainty surrounding the authorship and ownership of AI-generated works poses a significant threat to innovation processes. As AI systems such as GPT-

4, DALL·E, and MusicLM are increasingly being used in many fields ranging from software design to music composition and composing literature, the absence of clear legal guidance ruins both the incentive structures and legal protections essential for fostering creativity and commercialization. The lack of straight forward recognition mechanisms within existing IP frameworks risks slowing down innovation and generating conflict over ownership[15]. This study seeks to provide a structured framework for interpreting authorship in the age of AI, thereby supporting greater legal certainty and predictability for developers, investors, and users.

Second, there is a big gap in studies that are specific in jurisdiction, most especially within developing economies. Much of the existing legal discourse on AI and IP is centered on jurisdictions in the Global North, often overlooking the unique institutional and infrastructural challenges that exist in African legal contexts such as Uganda[16]. This study addresses that gap by providing a comparative analysis that looks at international norms alongside the specific legal and policy landscape in Uganda.

Third, this research is of doctrinal and normative significance. By interrogating the foundational principles of IP law most especially the human authorship requirement, it engages directly with broader jurisprudence questions concerning legal personhood, moral entitlement, and the evolving nature of creativity. The normative tension between human intentionality and machine autonomy is more than a theoretical problem, it is a practical challenge that requires legal frameworks to reconsider the laws of authorship to keep up with technological advancements[17]. The study contributes to this emerging debate by evaluating the extent to which current legal doctrines can accommodate new forms of non-human creativity without undermining the moral and economic rights of human creators.

Finally, this study is justified by the pressing need for informed, interdisciplinary legal scholarship at a time when both national governments and international regulatory bodies such as the World Intellectual Property Organization (WIPO) are grappling with the disruptive implications of artificial intelligence for intellectual

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[15] Samuelson, P. (2020). Allocating Ownership Rights in AI-Generated Works. *University of California Law Review*, 68(2), 371–404.

[16] Mwenda, W., & Tumwine, A. (2020). Artificial Intelligence and the Future of Copyright Law in Uganda: Legal and Policy Implications. *Makerere Law Journal*, 23(2), 102–118.

[17] Burk, D. L. (2019). *Algorithmic authorship: The limits of copyright in the digital age*. Vanderbilt Journal of Entertainment & Technology Law, 21(3), 581–608.

property law. Despite growing concern, current policy responses are largely speculative, often lacking the analytical depth and legal grounding needed to guide meaningful reform (WIPO, 2021). In this context, the study seeks to respond to a clear normative and practical gap by offering rigorous, doctrinally rooted, and theoretically informed recommendations that can help shape credible and context-sensitive legal reforms.

This study is both timely and necessary. It contributes to scholarly understanding, supports legal and policy reform, and addresses a global challenge that mingles with law, technology, economics, and ethics. By rethinking authorship in light of AI's expanding role, the research ensures that intellectual property regimes remain relevant in the digital age.

1.10 Literature Review

The intersection of artificial intelligence (AI) and intellectual property (IP) law represents one of the most complex challenges in modern legal scholarship. As AI systems increasingly generate creative works independently, traditional notions of authorship, rooted in human effort, intent, and originality are being challenged. This literature review critically examines existing studies and literature on AI and IP law, organizing the discussion thematically to highlight key debates, gaps, and interdisciplinary insights.

Traditional copyright law associates originality with human intellectual effort, often requiring a minimum level of creativity and independent expression, as seen in Feist *Publications v. Rural Telephone Service*.[18] but as AI continues to evolve from a mere tool to an independent creator, the question remains whether IP laws should adapt to include non-human authorship. This debate centers on whether authorship should remain exclusively human or whether legal frameworks should acknowledge and regulate AI's growing role in creative production.

Intentionality

The concept of intentionality has long been central to traditional understandings of authorship in intellectual property (IP) law. Intentionality is typically defined as the capacity of an agent to act with purpose, design, or conscious intent. In copyright law, authorship has been closely tied to the idea that creators deliberately craft works with

[18] Feist Publications, Inc. v. Rural Telephone Service Co. (1991) 499 US 340

expressive intent, originality, or meaning. This view has shaped both legal and philosophical interpretations of creativity, reinforcing the need of human effort in the authorship process.[19] However, the coming of artificial intelligence (AI) as a creative tool challenges this assumption, raising key questions about whether intentionality should remain a prerequisite for authorship and how it should be defined in the digital age.

However, proponents of AI authorship challenge this interpretation of intentionality. Margaret Boden argues that while AI may lack subjective consciousness, its creative outputs can still exhibit forms of combinational, exploratory, and transformational creativity.[20] From this perspective, intentionality need not be strictly tied to human cognition but can be seen as an emergent property of complex systems, including AI. Alan Turing proposed that machines could mimic intelligent behavior convincingly enough that their lack of consciousness becomes irrelevant.[21] David Gunkel adds that creative agency might be attributed indirectly to the developers and users who program and prompt the AI systems.[22]

Gaps in Existing Scholarship.

Theoretical and Philosophical Gaps

A central issue in AI and IP research is the philosophical question of authorship and creativity. The majority of existing literature, including the works of Goldman and Ramirez, remains rooted in a human-centric perspective of authorship, which prioritises human creativity, originality, and intent as the basis for IP protection.[23]

However, the increasing sophistication of AI systems challenges these traditional notions, raising important philosophical questions about the nature of creativity and whether non-human entities can truly be considered authors.[24]

As AI continues to evolve, its ability to generate highly original and complex works with minimal human intervention increasingly calls into question whether creativity should be defined solely by human intent. While scholars such as Goldman and

[19] Ronald Dworkin, Law's Empire (Harvard University Press 1986).
[20] Margaret A Boden, The Creative Mind: Myths and Mechanisms (Routledge 2004).
[21] Alan Turing, 'Computing Machinery and Intelligence' (1950) 59 Mind 433.
[22] David J Gunkel, Robot Rights (MIT Press 2018).
[23] Ariel I Goldman, 'Ownership in the Age of Machines' (2011) 20(2) Journal of Intellectual Property Law 1
[24] Javier Ramirez, 'Generative AI and Copyright: A Legal Perspective on AI-Generated Works' (2020) 31(1) Copyright Law Review 65

Ramirez have made meaningful contributions to the legal dimensions of this issue, further research is needed to explore the deeper philosophical implications. Some have argued for a shift in our understanding of 'intentionality' in AI-generated works, particularly in relation to the autonomy and agency of AI systems.[25]

Jurisdictional and Comparative Gaps

A significant gap in existing scholarship is the lack of comparative jurisdictional analysis on the treatment of AI-generated works in different legal systems. While Goldman highlights the issues faced in Western systems, particularly the US and Europe, there is little research on how emerging economies, such as Uganda and others in the Global South, are addressing these legal challenges.[26]

In jurisdictions like the United States, the traditional human-centric view remains dominant, as exemplified in the decision of *Thaler v Hirshfeld,* where AI was denied recognition as an inventor[27]. The European Union is exploring policy adaptations, such as proposed amendments in the European Parliament's AI framework.[28] Yet, little is known about the regulatory approaches in developing economies, where legal infrastructure may be limited but the innovation potential is high. Comparative legal research could offer valuable insights into how international best practices are being adopted or resisted globally.

Economic and Ethical Dimensions

Another under explored area in the literature is the economic and ethical implications of AI-generated works. While Goldman touches on legal dimensions, he does not deeply engage with how AI authorship might affect labour markets, content ownership, and industry structures.

AI's role in content creation could displace human creators, especially in sectors such as music, writing, and design.[29] There are fears that extending IP protections to AI could consolidate market power in the hands of a few tech companies, undermining

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[25] Ryan Abbott, 'The Reasonable Robot: Artificial Intelligence and the Law' (CUP 2020)
[26] Ariel I Goldman, 'Ownership in the Age of Machines' (2011) 20(2) Journal of Intellectual Property Law 1
[27] Thaler v Hirshfeld, 558 F Supp 3d 238 (ED Va 2021)
[28] European Parliament, 'Artificial Intelligence Act Proposal' COM(2021) 206.
[29] Andres Guadamuz, 'Do Androids Dream of Electric Copyright? Comparative Analysis of Originality in AI Works' (2017) 2 IP Theory 1.

equitable economic participation.[30] On the other hand, excluding AI-generated works from IP protection might hinder technological innovation and discourage investment in AI development.[31]

Ethically, the question remains whether AI-generated works deserve the same level of legal protection as human-generated works, and whether AI systems (or their developers) should bear responsibility for harmful content. These considerations have barely been touched in existing literature, and deeper philosophical inquiry is warranted.[32]

Policy and Legal Solutions

Although Goldman and others have highlighted the limitations of current IP frameworks, few have proposed concrete legal reforms. Existing proposals include hybrid authorship models which entail recognising both AI and human input, sui generis rights which looks at unique protections for AI-generated works, and adaptive copyright rules. However, these models are still in theoretical stages and require empirical evaluation.[33]

Hybrid authorship, for instance, may protect human input while incentivising innovation by AI developers. Sui generis protection might avoid disrupting existing copyright frameworks, but would require nuanced policymaking to remain enforceable and equitable.[34] Policy driven adaptations, such as time-limited protection or compulsory licensing schemes, also merit scholarly attention.[35]

Conclusion and Future Research Directions

The existing scholarship on AI and IP law has highlighted key challenges, but many critical questions remain. As AI technologies evolve, there is an urgent need for

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[30]Elizabeth Edenberg and Emma R Morris, 'Artificial Intelligence and the Ethics of Automation in the Creative Industries' (2021) 35 AI & Society 499.
[31] Ben Green, The Smart Enough City: Putting Technology in Its Place to Reclaim Our Urban Future (MIT Press 2019).
[32] Thomas W Simpson and Vincent Müller, 'Justifying the Rights of Artificial Entities' (2016) 29(2) Ethics and Information Technology 165.
[33] Pamela Samuelson, 'Allocating Ownership Rights in Computer-Generated Works' (1985) 47 University of Pittsburgh Law Review 1185.
[34] WIPO, 'Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence' (WIPO, 2020) https://www.wipo.int/edocs/pubdocs/en/wipo_pub_450_2020.pdf accessed 20 April 2025.
[35] Eleonora Rosati, 'Originality in EU Copyright Law: Full Harmonization through Case Law' (Oxford University Press 2013).

interdisciplinary research incorporating legal, philosophical, economic, and ethical perspectives.

1.11 Methodology

For this dissertation, I have chosen to use doctrinal legal research operating within an interpretivist paradigm. When you are dealing with a concept as firmly rooted in legal tradition as "authorship," and then trying to push it into something as contemporary (and frankly unpredictable) as artificial intelligence, you want to begin by understanding the existing legal foundations. That means statutes, case law, treaties etc[36]

Now, doctrinal research is not always flashy. It is not empirical, and it does not claim to uncover social trends or gather public opinion. But what it does offer and why it matters here it is because it is a deep dive into what the law actually says, what it arguably means, and what gaps or inconsistencies begin to surface once you interrogate it. In this case, I am looking mainly at Uganda's Copyright and Neighbouring Rights Act CAP 222[37] to see how it defines authorship, and whether there is even a crack in the door through which AI-generated works could walk.

It probably goes without saying, but there is no Ugandan case (at least none I could find) that directly answers the AI-authorship question. So part of this method also involves leaning on international instruments Uganda is party to things like the Berne Convention[38], the TRIPS Agreement[39], and the WIPO Copyright Treaty[40]. These global agreements do not spell out a position on AI either not really but they frame the expectations, and sometimes that is just as important as the content.

But then there is also a bit of borrowing. Since Uganda does not yet have a live conversation on this issue in courtrooms or legislative halls, I have had to look outward mainly to the UK, the US, and Australia. Not because they have it all figured

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[36] Terry Hutchinson, Researching and Writing in Law (3rd edn, Thomson Reuters 2010) 7.
[37] Copyright and Neighbouring Rights Act CAP 222 (Uganda).
[38] Berne Convention for the Protection of Literary and Artistic Works (as amended on 28 September 1979).
[39] Agreement on Trade-Related Aspects of Intellectual Property Rights (adopted 15 April 1994, entered into force 1 January 1995) 1869 UNTS 299.
[40] WIPO Copyright Treaty (adopted 20 December 1996, entered into force 6 March 2002) S Treaty Doc No 105-17 (1997).

out (they do not), but because they have at least started making noise about it[41]. Sometimes the comparison feels instructive; other times, it is just different legal systems doing their own thing. Still, it gives me a basis to think about how Uganda might shape its own response.

And maybe this is where things get a bit theoretical. I found myself returning to those old copyright justifications, Locke's labour theory, Hegel's personality theory, and the utilitarian incentive approach[42]. They are not perfect, and honestly, when applied to machines, they start to feel slightly absurd. Can a machine labour? Express its "personality"? Desire economic incentive? Probably not. But these theories still shape how we think about creative ownership, so I could not just ignore them.

So, to summarise this research does not test a hypothesis or predict trends. It sits with the law. It reads it, questions it, compares it, and maybe even argues with it a little. That's the spirit of doctrinal legal research here. It is slow, careful work but when the legal concept of authorship is wobbling under the pressure of machines that can "create," I think that kind of carefulness is not just helpful, but necessary.

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[41] See, for example, Copyright, Designs and Patents Act 1988 (UK), s 9(3); and the US Copyright Office, 'Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence' (2023).

[42] Justin Hughes, 'The Philosophy of Intellectual Property' (1988) 77 Geo LJ 287, 296–97; Margaret Radin, 'Property and Personhood' (1982) 34 Stan L Rev 957; William M Landes and Richard A Posner, The Economic Structure of Intellectual Property Law (Harvard University Press 2003).

CHAPTER TWO

UNDERSTANDING AUTHORSHIP, ORIGINALITY AND INTENTIONALITY IN RELATION TO ARTIFICIAL INTELLIGENCE

2.1 Introductory remarks

It is easy, maybe even tempting to treat law as a self-contained system. A set of rules, precedents, and doctrines that, if applied carefully, can resolve almost any dispute. But once you bring Artificial Intelligence into the picture, that illusion dies rather quickly. The legal questions about authorship, ownership, liability do not emerge in a vacuum. They are deeply entangled with social behaviours, economic shifts, technological structures, and cultural attitudes about what it means to create. In many ways, the law arrives late to the scene. So before diving deep into the legal framework and what it can or cannot do it feels important to pause here. To step back and ask: what exactly is this phenomenon we are calling "AI-generated creativity"? And how does it disrupt, or perhaps mirror, how we already think about authorship, innovation, and ownership?

2.2 Foundations of Human Authorship

Early philosophical discussions on authorship positioned it as a human activity, deeply rooted in labour, effort and moral expression. John Locke's Labor Theory of Property (1689)[43] says that individuals acquire property rights by joining their labour with resources, a view that supports the granting of exclusive ownership rights to authors. This perspective was also echoed in Immanuel Kant's view of authorship as an extension of the author's personality and moral agency. Kant's moral theory contributed to the European concept of droit d'auteur, reinforcing the notion that the author's connection to their work is beyond just economic interest and includes moral considerations such as attribution and integrity.[44] These theories set a foundation for authorship that legal systems later adopted, one rooted in economic rights and the other in moral rights.

[43] John Locke, Two Treatises of Government (1690).
[44] ibid

On top of the philosophies, laws were made to seal these author rights and the first significant legal formalization of authorship was the Statute of Anne (1710)[45], which established that authors had exclusive rights to their works for a limited time. This English statute laid the groundwork for modern copyright laws by recognising the author as the primary rights holder. In contrast, continental Europe developed the droit d'auteur system, which emphasized the moral and exclusive rights of authors, such as the right to transfer such as assignment and licensing and the right to for an author to invoke their moral right and refuse use of their work for things they do not allow probably because they are immoral or because they are defamatory. It is important to note these laws were being influenced by the philosophical underpinning of Kant and Locke so like the philosophical theories, the statutes also treasured human effort and they were the only protectable works and continues to shape discussions about the nature of authorship and the kinds of rights that should be attached to creative work. As noted by Ginsburg, the endurance of moral rights suggests an ongoing legal recognition of the personal, ethical relationship between creator and creation.[46]

Then, in the 19th century, an author was very treasured and considered unique which led to the term 'romanticism' of the author, as they were looked at as geniuses and hence this strengthened the protection of works that were created by humans and humans alone. This idealized view, made popular in both literature and legal theory, framed authorship as a binary act, hence reinforcing the link between creativity and individuality. As Woodmansee explains, the Romantic author was imagined as an autonomous originator of meaning, a conception that profoundly influenced copyright law.[47]

However, this framework became increasingly affected with the rise of industrial and collaborative modes of production, particularly in fields like publishing, music, and theatre then Legal systems adjusted and responded by recognising joint authorship

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[45] Statute of Anne (1710)

[46] Jane C Ginsburg, 'Moral Rights in the United States and the World' (2002) 1 The Columbia Journal of Law & the Arts 1.

[47] Martha Woodmansee, The Author, Art, and the Market: Rereading the History of Aesthetics (Columbia University Press 1994).

and derivative works, but continued to prioritise human input as the basis for legal recognition.

2.3 Collective Authorship and the Work-for-Hire Doctrine

Then as time moved on, in the 20th century, further legal adjustments to accommodate non-individual modes of authorship arose. In the United States, the work-for-hire doctrine under 17 U.S.C. §101 permited employers to be deemed the legal authors of works created by employees within the scope of their employment. This model changed or modified the attribution of authorship from individual creators to corporate entities, marking a departure from the Romantic ideal we talked about in the 19th century.[48]

Similar to this was the recognition of collective authorship, where in circumstances that multiple individuals contribute to a work, for example in film, scientific research, or software development. As Litman observes, these developments exposed the inadequacy of traditional authorship models to accommodate modern creative practices.[49] Although the law adapted to these complexities, it maintained the assumption that authors are human actors and all actors in this grand play had to be humans and all was going well because i guess they hadn't anticipated the age of machines but let's tackle this below.

2.4 Coming of AI and its disrupting of the existing foundations of Authorship

Historically, artificial intelligence has been perceived as a tool that aids human creativity, similar to a camera assisting a photographer or a musical instrument helping a composer. Under this traditional view, human creators remain central to the creative process, utilizing AI to enhance efficiency, refine output, or explore new artistic possibilities. However, recent advancements in machine learning and neural networks have significantly altered this normal way of using AI as a tool.

Modern AI models such as Open-AI's GPT series, DALL-E, and DeepArt show an unprecedented ability to independently generate text, images, music, and even complex narratives with minimal human input. Unlike earlier demonstrations of AI

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[48] 17 U.S.C. § 101, Copyright Act of 1976.

[49] Jessica Litman, The Public Domain (Duke University Press 1990)

that required substantial human guidance, these models can analyze vast datasets, recognize intricate patterns, and produce original works that rival human creations in both complexity and coherence. This shift prompts critical questions about the nature of authorship, for example in the states reportedly used an AI news reporter to cover an Olympic event so then this raises the question that, if an AI independently generates a poem, a painting, or a musical composition, who is considered the author? Should intellectual property rights be attributed to the AI, the developer, the user, or perhaps no one at all?

2.5 Originality and Creativity in AI-Generated Works

The concept of originality is deeply embedded in IP law, traditionally defined as the independent creation of a work that reflects a genius of creativity.[50] Copyright law has long emphasized human intellectual effort as the foundation of originality when you go through the CNRA.[51] However, the role of AI in generating creative works raises questions about whether this definition needs rethinking which i think that it probably does.

Courts have emphasized that originality involves conscious thought, intentional innovation, and novelty. Critics argue AI lacks originality since it reorganizes pre-existing data rather than innovating independently.[52] This concern surfaces with generative models like DALL·E or GPT, where outputs are seen as derivative.[53] but this also goes back to explain the biology of humans, that humans are nothing but a combination of the people they have met, books they have met, songs they have listened to and movies they have watched etc so in a way humans even though with consciousness, a major thing that differentiates them from AI, they are in a way also generative beings just like AI.

Boden's framework classifies AI creativity into combinational, exploratory, and transformational types.[54]Some scholars call for a sui generis legal framework to accommodate such AI-generated outputs.[55]Others, like Ginsburg, argue AI authorship

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[50] Pamela Samuelson, 'The Author as a Construct: A Theory of Copyright and Creativity' (1989) 45 Stanford Law Review 118.
[51] CAP 222
[52] Jane C Ginsburg
[53] US Copyright Office, 'Zarya of the Dawn: Copyright Rejection for AI-Generated Works' (2023) https://www.copyright.gov (accessed 25 April 2025).
[54] Boden
[55] Davies

challenges copyright's moral foundations.[56]Yet as AI becomes more embedded in creative industries, the need to reevaluate originality, authorship, and legal protections grows urgent.[57]

So with the coming of artificial intelligence capable of producing text, images, music, and even legal documents, the human centric notion of authorship was under attack. AI-generated works challenged the requirement of human originality, labour, and intent that traditionally had founded and is what IP protections were relying on, for example, The advent of digital tools democratized content creation, allowing individuals to produce, modify, and distribute works with so much ease that was never witnessed before. This accessibility and ease has led to the rise of remix culture, where existing creative works are sampled, transformed, or repurposed to create new expressions[58].Remix culture challenges traditional notions of originality and authorship by emphasizing collaboration, adaptation, and reinterpretation rather than singular, independent creation.

The digital revolution has fundamentally altered the nature of authorship, introducing new paradigms that challenge traditional legal and philosophical conceptions. Remix culture has blurred the boundaries between original and derivative works, complicating copyright enforcement in collaborative digital spaces. Simultaneously, algorithmic creativity raises important questions about whether human authorship remains a necessary issue for intellectual property protection. As AI-generated content becomes increasingly prevalent, legal frameworks must evolve to address these challenges while maintaining the balance between innovation and creators' rights.

The increasing role of algorithms in creative processes has introduced significant challenges to traditional authorship models. Procedural content generation, a technique where software autonomously creates music, literature, or visual art, raises questions about the extent of human involvement required for a work to be legally protected. Early examples, such as algorithmic music composition and automated graphic design, still required human oversight. However, as AI systems grow more

[56] Ginsburg (n 9).
[57] European Commission, 'The European Parliament's Debate on AI-Generated Works and Copyright' (2020) https://www.europeancommission.eu accessed 25 April 2025.
[58] Lessig, Remix: Making Art and Commerce Thrive in the Hybrid Economy, 2008

autonomous, the debate intensifies over whether such outputs should be attributed to the programmer, the user, or the AI itself.[59]

2.6 Intentionality in AI-Generated Works

Intentionality has always been a vital concept in human authorship, Intentionality is typically defined as the capacity of a person to act with purpose, design, or conscious intent. In copyright law, authorship has been closely tied to the idea that creators deliberately craft works with expressive intent, originality, or meaning[60]. A major point of contention in the AI authorship debate is whether AI systems possess intentionality. Critics argue that AI-generated outputs lack the purposive, conscious thought that human authors bring to their work. John Searle, in his Chinese Room Argument, contended that systems do not genuinely "understand" the information they process but merely manipulate symbols according to pre-defined rules.[61] This argument supports the view that AI, despite its sophistication, does not "intend" to create art or literature in the same way humans do. Instead, AI outputs are the result of statistical pattern recognition and data-driven recombination, not independent creative intent. The Berne Convention assumes authorship is inherently tied to personal expression by humans.[62] This notion was reinforced in Burrow-Giles Lithographic Co. v. Sarony, where the U.S. Supreme Court acknowledged authorship as a result of intellectual and creative human effort.[63]

Should Intentionality Be a Prerequisite for Authorship?

A critical legal and philosophical question arises of that should intentionality remain a necessary requirement for authorship in copyright law, or should it be redefined to include non-human entities? Historically, copyright law has emphasized that an author’s intent plays a key role in determining ownership and originality. However, if intentionality is removed as a prerequisite for authorship, AI-generated works could be afforded the same legal protections as human-created content. Such a shift could lead to new legal categories, such as a sui generis framework for AI-generated

[59] Samuelson, Allocating Ownership Rights in Computer-Generated Works, 1986
[60] CNRA CAP 222
[61] John Searle, 'Minds, Brains, and Programs' (1980) 3 Behavioral and Brain Sciences 417.
[62] Berne Convention for the Protection of Literary and Artistic Works (1886) WIPO.
[63] Burrow-Giles Lithographic Co. v. Sarony (1884) 111 US 53.

works.[64] Opponents of this view argue that it would undermine the human values that were considered in enacting copyright law, reducing authorship to a mechanical process rather than an act of personal and cultural significance.[65]

Does the Absence of Intentionality Diminish AI Works' Value or Originality?

A related issue is whether the absence of intentionality in AI-generated works diminishes their creative value or originality. If AI-generated content is deemed original without intentionality, it challenges the assumption that originality must stem from human ingenuity.

Some scholars argue that since AI can produce works indistinguishable from those created by humans, originality should be assessed based on the uniqueness of the final product rather than the mental and cognitive processes behind its creation.[66] Others say that removing intentionality could dilute essential copyright principles, particularly moral rights and the personal connection between creator and work.[67]

2.7 Cultural Shifts: Creativity, Ownership, and the Myth of the Lone Genius

In many cultures, especially in the West but also seen here in Uganda through modern educational and creative systems, authorship is linked to individuality. We tend to praise the "creative genius" who brings something new into the world through personal brilliance as we saw in the literature review in the 19th century the period of 'romanticism' of the author. But that idea has always been something of a myth. Even human authors borrow consciously or not from others. As discussed earlier, we are shaped by the books we read, the art we absorb, the language we speak. So maybe AI doesn't so much shatter the myth and it just holds a mirror to it.[68]

There's also a generational element to this. Young creators, the Gen-z, especially in digital spaces, often care more about collaboration, remixing, and access than they do about strict ownership. This is visible on platforms like TikTok and YouTube, where AI-generated tools are used playfully, experimentally. For them, authorship might not

[64] Sarah Davies, 'The Legal Implications of AI in Creativity: A Sui Generis Approach' (2021) 41 Oxford Journal of Legal Studies 123.
[65] Jane C Ginsburg, 'The Internationalization of Copyright Law and the Challenge of Artificial Intelligence' (2018) 58 Columbia Journal of Transnational Law 1.
[66] Annemarie Bridy, 'The Impact of AI on Copyright Law' (2012) 59 UCLA Law Review 187.
[67] Berys Gaut, 'Creativity and Intention in Art' (2010) 53 Journal of Aesthetic Theory 49.
[68] Kate Darling, The New Breed: What Our History with Animals Reveals about Our Future with Robots (Henry Holt and Co 2021).

need to be singular, or even human. In that sense, our legal framework may already be out of sync with the cultural moment.[69]

And yet, there's still something unsettling about an AI tool producing a painting or an essay and the original artists or thinkers who fed the algorithm never being acknowledged. It feels like something's missing some link between labour and reward, between creation and credit. That discomfort is real, and it's one reason why legal questions are bubbling up so urgently.[70]

2.8 Economic Incentives and Innovation Pressures

The economics of creativity are also being radically reshaped by AI. Companies can now use generative tools to replace or supplement human labour in advertising, design, writing, and even customer service. In some cases, this lowers costs and increases productivity. But in others, it devalues human input or pushes it to the margins. There's a quiet but growing anxiety among professionals who worry they're training the very tools that will make them obsolete.[71]

At the same time, we have to acknowledge the some of existing advantages. AI can ease access to creative tools, enabling people who lack formal training to produce impressive content. A teenager in Kampala can now use free or low cost AI software to compose beats, design fashion, or even launch a podcast brand perhaps something close to what I'm trying to do myself. The potential for inclusion is there. But it is not all positive, its double-edged, Because the tools themselves are owned by a handful of tech giants, and their outputs though often personal remain legally ambiguous.

So, innovation isn't just about ideas. It's about control. Who owns the tools? Who sets the terms of use? Who benefits from the outputs? These are economic and political questions as much as they are legal ones, and they shape how the conversation about authorship unfolds.[72]

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[69] James Boyle, The Public Domain: Enclosing the Commons of the Mind (Yale University Press 2008).
[70] Andres Guadamuz, 'Artificial Intelligence and Copyright' (2017) 39(2) European Intellectual Property Review 112.
[71] Nick Srnicek, Platform Capitalism (Polity Press 2017).
[72] World Economic Forum, The Future of Jobs Report (2023) https://www.weforum.org/reports/the-future-of-jobs-report-2023 accessed 15 May 2025.

2.9 Can a Machine "Create"?

This is where things get a little confusing maybe even uncomfortable. When we say that AI creates something be it a song or a legal argument what do we mean? Are we projecting our own frameworks of creativity onto a tool that, in truth, is only predicting patterns based on prior data? Or are we witnessing the birth of a new kind of authorship one that does not fit our existing boxes?

There is no clear answer. Some argue that AI, no matter how sophisticated, is just a mirror reflecting human ingenuity back at us in algorithmic form. Others believe we are entering a phase where the line between tool and co-creator is blurring beyond recognition. Perhaps both views are true. Or maybe we just do not yet have the language or the courage to describe what is happening and we are just confused, but that should not stop us from taking action.

What is certain is that intellectual property law, especially in Uganda, hasn't caught up to this confusion. Our doctrines depend heavily on the archaic considerations of intent, originality, and human agency. But these are exactly the things that AI disrupts or at least complicates. And before the law can respond appropriately, we first need to wrestle with these deeper, messier questions about what it means to create in the first place.

In conclusion, the non-legal aspects of AI and intellectual property open a space for re-examining our assumptions about authorship. Culture, economics, technology, and even philosophy all converge here. If anything, this chapter suggests that the law cannot operate in isolation. Any attempt to regulate AI-generated creativity must be grounded in an understanding of the broader social fabric it touches.

CHAPTER THREE

LEGAL SYSTEMS AND THE QUESTION OF MACHINE-MADE AUTHORSHIP

3.1 Introduction

The legal framework governing authorship and IP protection in the age of artificial intelligence AI is rapidly evolving. Countries have found it hard to regulate AI and the only sufficient regulating as per now is the European's Union(EU) act because the technological capability of AI to independently generate creative works has triggered a shift in the understanding of authorship, originality, and ownership concepts that have long been rooted in human centric legal doctrine. This chapter critically examines the international, regional particularly African, and Ugandan domestic legal frameworks to evaluate the readiness, adaptability of IP law in responding to the challenges posed by AI-generated content.

It is no doubt that legal frameworks have struggled to adapt to these shifts, particularly in cases involving fan fiction, mashups, and algorithmically altered content. Courts have debated whether such derivative works qualify as original under copyright law or constitute unauthorized reproductions of preexisting material[73]. Notably, the U.S. Supreme Court's ruling in *Campbell v. Acuff-Rose Music, Inc. (1994)*[74] affirmed that transformative works can be protected under fair use, acknowledging that creativity often builds upon prior works. However, the rise of collaborative digital platforms, such as Wikipedia and YouTube, further complicates the delineation of individual authorship in collective creations.

The legal frameworks surrounding IP traditionally assume that creativity arises from human cognition, intent, and originality. For example, in Uganda, the Copyright and Neighbouring Rights Act, CAP 222 (CNRA)[75], under Section 5(1), grants copyright protection only to "original literary, artistic, and musical works," provided they result from human intellectual effort. The Act does not look at AI as a creator, hence reinforcing a human centric model of authorship. However, as AI-generated works challenge these assumptions, the degree of human involvement in the creative process,

[73] Ginsburg, The Concept of Authorship in Comparative Copyright Law, 2003
[74] Campbell v. Acuff-Rose Music, Inc. (1994)
[75] Cap 222

ranging from direct prompts and modifications to complete autonomy, complicates the legal determination of authorship.

And it is not just Uganda, but internationally, The Copyright Act of 1976[76] and the Berne Convention (1886)[77] emphasize human creativity as the foundation of copyright protection, implicitly excluding non-human entities from authorship recognition. Courts have reinforced this principle, as seen in the case of *Naruto v. Slater* (2018),[78] where a monkey's selfie was deemed ineligible for copyright since non-human entities cannot hold legal rights. The same logic has been applied to AI-generated works, with jurisdictions such as the United States affirming that copyright protection requires human authorship.[79]

Despite these rulings, jurisdictions such as the United Kingdom and the European Union have begun exploring legislative adaptations to address AI-generated content. The UK's Copyright, Designs and Patents Act 1988[80] includes provisions granting copyright to the individual who arranges the AI's creative process, reflecting an evolving approach to machine-generated works. Additionally, the UK Copyright, Designs and Patents Act 1988[81] allows copyright to subsist in computer-generated works with no human author, attributing authorship to the person making the necessary arrangements. However, such provisions are exceptional and remain controversial in current legal regimes.

3.2 Global Approaches to Authorship and AI

The legal treatment of AI-generated works varies significantly across jurisdictions. Some countries maintain strict human authorship requirements, while others have explored more flexible approaches that recognize AI's role in creative processes, yet still insist on human oversight.

United States: Strict Human Authorship Requirement

The United States has consistently adhered to the principle that only humans can be recognized as authors in intellectual property law. This stance is evident in the refusal of the U.S. Copyright Office to grant copyright protection to AI-generated works.

[76] Copyright Act of 1976
[77] Berne Convention (1886)
[78] Naruto v. Slater (2018)
[79] U.S. Copyright Office, Compendium of U.S. Copyright Office Practices, 2021
[80] UK's Copyright, Designs and Patents Act 1988
[81] UK Copyright, Designs and Patents Act 1988

This is based on the idea that authorship requires human creativity, intellectual effort, and intent. The U.S. courts have also ruled that AI cannot be an inventor in patent law, reinforcing the traditional framework of IP rights tied to human creativity.[82] The U.S. Patent and Trademark Office has similarly maintained that AI cannot be credited as an inventor in patent filings, reinforcing the notion of human-centered intellectual property.[83]

European Union: AI as a Creative Tool with Human Oversight

The European Union has adopted a more nuanced approach, acknowledging the role of AI as a tool that assists in the creative process. However, human oversight remains a requisite for legal recognition. Under the EU Copyright Directive,[84] copyright protection is still tied to human creativity, even if AI contributes significantly to the creation of a work. Some EU member states, including the UK (prior to Brexit), have explored regulatory models that provide limited protection for AI-generated works, but these are always contingent on human involvement.

Japan: Progressive Recognition of AI's Role

Japan has taken a more progressive stance by recognizing AI's role in the creative process while ensuring that human control remains central. Japanese law allows AI-assisted creations to be eligible for copyright protection, as long as a human is involved in the creative process.[85] This model reflects an effort to adapt to technological advancements while maintaining the traditional concept of human authorship. Japan's proactive stance reflects an understanding of AI as an evolving tool that can augment, rather than replace, human creativity.[86]

Unclear or Nonexistent Regulations in Uganda

In Uganda, the legal landscape surrounding AI-generated works remains underdeveloped or absent altogether. There are no clear legislative provisions addressing AI authorship, which leaves creators, developers, and policymakers in a state of uncertainty. The absence of regulation raises concerns about equitable access

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[82] US Copyright Office, 'Copyright Registration of Works Created with Artificial Intelligence' (2019) https://www.copyright.gov accessed 25 April 2025.
[83] Thaler v Hirshfeld (US District Court, ED Va, 2021).
[84] European Commission, 'Proposal for a Directive on Copyright in the Digital Single Market' (2020) OJ EU.
[85] Japan Patent Office, 'AI and Copyright Protection in Japan' (2021) https://www.jpo.go.jp accessed 25 April 2025.
[86] A Takahashi, 'Japan's Approach to AI and Intellectual Property' (2020) 15(2) Intellectual Property Journal 56.

to AI technologies, especially as multinational corporations dominate AI development.[87] Without proactive legal reform, developing nations risk being marginalized in the evolving global AI landscape, potentially exacerbating inequities in creative industries.[88]

As AI continues to challenge traditional notions of authorship, these global approaches highlight the need for Uganda to establish a coherent legal framework. The issue is no longer whether AI will influence creative industries, AI has already made significant strides in this area. The real question is whether Uganda's legal system will evolve to accommodate these advancements in a way that ensures fairness, fosters innovation, and protects human creators.

Hybrid Authorship and Sui Generis Protection

As global legal systems respond to AI's role in creativity, two key proposals have emerged for accommodating AI-generated works. The first is a hybrid authorship model, which suggests that both human creators and AI systems should share authorship rights. This model acknowledges the collaborative nature of AI-driven creativity, where human input and AI functionality work together. However, hybrid authorship raises practical and legal questions about how to measure human involvement and which parties (e.g., AI developers, users, or institutions) should share authorship.[89]

An alternative approach is the creation of a sui generis protection, a separate form of intellectual property recognition that grants limited rights to AI-generated works without equating AI to human creators. This model could provide commercial protection for AI-generated content while avoiding the full legal recognition of AI as a creator. However, concerns about monopolization by large tech firms and the potential undermining of human creators' rights make this model a contentious issue.[90] Critics argue that granting AI any form of IP rights could disrupt traditional

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[87] World Economic Forum, 'AI and Intellectual Property: The Global Divide' (2021) https://www.weforum.orgaccessed 25 April 2025.
[88]UNESCO, 'Artificial Intelligence and the Global South' (2020) https://www.unesco.org accessed 25 April 2025.
[89] J Ginsburg, 'Reforming Copyright for the Digital Age: A Hybrid Approach to AI' (2020) 133(4) Harvard Law Review 843.
[90] H Davies, 'Sui Generis Protection for AI-Generated Works: A New Paradigm' (2021) 30(2) Intellectual Property Law Review 101.

incentives for human creators and shift creative ownership towards corporations that control AI systems.[91]

The evolution of authorship in the age of AI presents deep philosophical, legal, and technological questions. As jurisdictions consider how to adapt existing frameworks or create new protections for AI-generated works, the central issue remains how to balance the rights of human creators with the growing capabilities of AI. The future of authorship law will likely be shaped by interdisciplinary collaboration among legal experts, technologists, and ethicists, ensuring that new models of IP protection foster innovation while protecting human creativity.[92]

3.3 International Legal Frameworks

The international legal framework concerning authorship and intellectual property (IP) is constructed around the Berne Convention for the Protection of Literary and Artistic Works of 1886, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), and emerging soft law instruments promoted by the World Intellectual Property Organization (WIPO). These instruments collectively shape the global framework of IP regulation and enforcement. However, they were all conceived in a time when the concept of authorship was impossibly tied to human effort. The emergence of artificial intelligence (AI) as an independent agent capable of generating creative works reveals significant limitations in these legal instruments.

The Berne Convention is widely acknowledged as the cornerstone of international copyright law. Administered by WIPO, it rests on the foundational principle that protection is automatically conferred upon "authors" of "literary and artistic works," provided that such works meet the threshold of originality.[93] Notably, the Convention does not define the term "author," leaving its interpretation to domestic jurisdictions. The implicit assumption throughout the Convention is that an author is a natural person, capable of possessing moral and economic rights.[94] Article 2 of the Berne Convention lists an expansive array of protected works, from books and music to

[91]M Rosenblatt, 'The Impact of AI on Creative Ownership' (2021) 14(3) Journal of Technology Law and Policy 45.
[92]A Kapczynski, 'Rethinking IP in the Age of AI' (2021) 32(1) Stanford Technology Law Review 5.
[93] Berne Convention for the Protection of Literary and Artistic Works (adopted 9 September 1886, as revised at Paris on 24 July 1971, and amended in 1979) 1161 UNTS 30.
[94] Sam Ricketson and Jane Ginsburg, International Copyright and Neighbouring Rights: The Berne Convention and Beyond(2nd edn, OUP 2006) 425.

drawings and cinematographic creations.[95] Yet, it omits any reference to machine-generated content or algorithmic authorship, despite the recent increase of such works. The absence of a clear provision addressing AI-generated content highlights the human-centric assumptions underpinning the Convention, and its lack of flexibility to accommodate non-human forms of creativity renders it ill-equipped to handle the practical challenges introduced by AI.[96]

The TRIPS Agreement, enacted under the wing of the World Trade Organization in 1994, reaffirms many of the core tenets of the Berne Convention while introducing mechanisms for dispute resolution and state accountability[97].Article 9(1) of TRIPS explicitly incorporates Articles 1 through 21 of the Berne Convention, thereby subjecting WTO member states to its standards.[98] Although TRIPS significantly advances the enforceability of copyright laws through multilateral trade law, it too fails to engage with the notion of non-human authorship. Its silence on whether machines can be considered creators or rights holders is clearly visible, especially considering the Agreement's otherwise detailed stipulations concerning enforcement, fair use, and national treatment.[99]

Furthermore, TRIPS is structurally dependent on national implementation, resulting in subjective interpretations and enforcement standards across jurisdictions.[100] This fragmented landscape increases the legal uncertainty surrounding AI-generated works, as each state may adopt different positions on authorship, ownership, and originality.

Recognising the growing disconnect between traditional IP frameworks and technological advancements, WIPO has embarked on several exploratory initiatives aimed at harmonising global discourse on AI and intellectual property. In 2019, WIPO released its landmark report, "WIPO Technology Trends: Artificial Intelligence," which mapped patent and innovation activity in the AI

[95] Berne Convention (n 1) art 2.
[96] Lionel Bently, Brad Sherman,Intellectual Property Law (5th edn, OUP 2022) 99.
[97] Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (15 April 1994) Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 UNTS 299.
[98] TRIPS (n 5) art 9(1).
[99] Peter K Yu, 'TRIPS and Its Achilles' Heel' (2011) 18 J Intell Prop L 479.
[100]Graeme B Dinwoodie and Rochelle Cooper Dreyfuss, *A Neofederalist Vision of TRIPS: The Resilience of the International Intellectual Property Regime* (OUP 2012) 143.

sector.[101]Building upon this, WIPO published the "Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence" in 2020, a non-binding but influential document that catalogued emerging issues and solicited stakeholder input on possible legal reforms.[102] These soft law instruments do not possess formal legal authority but serve as normative guides for domestic legislators and international policymakers. They propose a range of possible solutions, including the establishment of sui generis rights for AI-generated content, attribution of authorship to developers or users of AI systems, and the limitation of such rights in duration and scope to avoid monopolistic outcomes.[103] While these proposals reflect an increasing sensitivity to the challenges posed by AI, they remain speculative and require concrete domestic or treaty-level incorporation to acquire binding force.

3.4 Regional Legal Frameworks: The African Context

The African continent has increasingly sought to develop a unified and staright forward IP regime through regional frameworks that reflect both international obligations and local socio-economic realities. Two key instruments shaping this trajectory are the African Union Model Law on Copyright and Related Rights (2017) and the African Continental Free Trade Area (AfCFTA) Agreement and its proposed IP Protocol . These instruments offer both constraints and opportunities for addressing emerging issues such as the authorship and ownership of AI-generated works.

Adopted by the African Union (AU), the Model Law on Copyright and Related Rights (2017) serves as a template for harmonizing copyright legislation across AU member states.[104] While drawing heavily from international treaties such as the Berne Convention for the Protection of Literary and Artistic Works (1886)[105] and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

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[101] World Intellectual Property Organization, 'WIPO Technology Trends 2019: Artificial Intelligence' (2019) https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1055.pdf accessed 12 May 2025.

[102] World Intellectual Property Organization, 'Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence' (2020)

[103] ibid 12–13.

[104] African Union, Model Law on Copyright and Related Rights (2017) (https://au.int/en/documents/201706/model-law-copyright-and-related-rights)accessed 5 April 2025.

[105] Berne Convention for the Protection of Literary and Artistic Works (Paris Act 1971) 828 UNTS 221.

(1994)[106] ,the Model Law also aims to incorporate elements of African legal traditions and development priorities.

One notable feature of the model law is its definition of an "author," which is limited to a natural person who creates a work[107].This formulation explicitly excludes works generated independently by artificial intelligence systems, as they lack direct human authorship. Consequently, under the current framework, AI-generated content would not qualify for copyright protection unless attributed to a human creator or otherwise recognized through statutory innovation.

However, the model Law is not binding, it functions as a recommendation for domestic legislative reform. Article 2(2) provides that member states may adapt the provisions in accordance with their national circumstances.[108] This flexibility offers a potential pathway for future legal reforms that could extend copyright protection to AI-assisted or AI-generated works, particularly if technological developments necessitate broader interpretations of creativity and authorship.

To date, few African countries have fully implemented the Model Law into domestic law, and even fewer have addressed AI-related copyright questions directly.[109] This gap reflects a broader trend within the African intellectual property landscape, while there is growing interest in digital technologies and AI, the legal discourse remains growing and largely reactive rather than anticipatory.

Nonetheless, this presents a significant opportunity for legal innovation. By proactively engaging with evolving theories of authorship such as the instrumentalist view, where the human who controls the AI system is deemed the author, African jurisdictions can craft IP laws tailored to their developmental goals and technological trajectories[110], Such reforms could align with the AU's Agenda 2063, which emphasizes science, technology, and innovation as drivers of continental progress.[111]

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[106] Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) 33 ILM 1197.
[107] African Union (n 1) art 2(1).
[108] ibid art 2(2).
[109] Ncube C, 'Copyright and Artificial Intelligence in Africa' (2022) 2 WIPO Journal 143–158.
[110] UK Copyright, Designs and Patents Act 1988 s 9(3) (works generated by computer); Landes WA & Posner RA, The Economic Structure of Intellectual Property Law (Harvard University Press 2003) 19–23.
[111] African Union, Agenda 2063: The Africa We Want (2015) (https://agenda2063.au.int/) accessed 5 April 2025.

The African Continental Free Trade Area (AfCFTA) Agreement , adopted in 2018, also represents a landmark effort to promote economic integration across Africa.[112] Although the Agreement itself does not contain detailed provisions on intellectual property, it mandates the negotiation of a dedicated IP Protocol to establish a harmonized framework for IP protection among member states.[113]

As of the latest updates, the AfCFTA IP Protocol remains under negotiation, with ongoing discussions concerning its scope, enforcement mechanisms, and compatibility with existing regional and international norms.Given the increasing importance of digital trade and emerging technologies including AI, the Protocol offers a strategic platform for addressing gaps in the treatment of AI-generated works within African IP regimes.

In particular, the Protocol could potentially integrate provisions related to digital trade, including rules on data flows, online content creation, and ownership of outputs from automated systems.[114] Such integration would be crucial for ensuring legal certainty in cross-border transactions involving AI-generated works and for fostering innovation-driven economic growth across the continent.

However, until the Protocol is ratified by member states, its utility in regulating AI-generated content remains speculative. Moreover, harmonization efforts face challenges stemming from the diversity of national IP systems, varying levels of technological development, and differing political priorities among African states.[115]

Nevertheless, the AfCFTA process underscores a growing recognition of the need for a coordinated approach to IP governance in Africa. If the IP Protocol addresses AI-related issues thoughtfully, it could serve as a catalyst for modernizing African copyright frameworks and positioning the continent as a participant in global debates on the future of IP in the age of artificial intelligence.[116]

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[112] African Continental Free Trade Area Agreement (2018) (https://au.int/en/treaties/african-continental-free-trade-area-agreement) accessed 5 April 2025.
[113] ibid art 23.
[114] See generally World Trade Organization, E-Commerce and the WTO (2021) (https://www.wto.org/) accessed 5 April 2025.
[115] Charnovitz S, 'The Global Regime for Transnational Economic Regulation' (2021) 54 Vanderbilt Journal of Transnational Law 717–744.
[116] Okediji RL, The International Copyright System: Limitations Periods and the Public Domain (Cambridge University Press 2020) 211–230.

3.5 Domestic Legal Framework: The Ugandan Perspective

Uganda, like many developing countries, is currently grappling with the legal, ethical, and economic consequence of integrating artificial intelligence (AI) into its socio-economic and legal systems. The country's legislative framework for intellectual property, particularly in the areas of copyright and industrial property, remains largely bent on traditional understandings of authorship and inventorship. These assumptions are grounded in the centrality of human input, creativity, and intentionality as we discussed in the subsequent chapters. Consequently, the existing legal regime does not sufficiently accommodate or regulate the domain of AI-generated works. The inadequacy of the current framework in addressing the legal status of AI creations calls for urgent and critical reflection on how Uganda can improve its intellectual property laws in response to technological innovation.

Uganda's copyright regime is the Copyright and Neighbouring Rights Act, CAP 222[117], which was enacted to give effect to Uganda's obligations under international treaties such as the Berne Convention and the TRIPS Agreement. The Act explicitly defines an "author" under Section 5 as "the natural person who creates a work."[118] This definition clearly presumes a human originator and thereby excludes machines, software, or AI systems from being recognized as authors under Ugandan copyright law. The emphasis on natural personality reflects the backward and archaic insistence on human effort as also seen in most copyright systems.

Furthermore, Section 6 of the Act enumerates the types of protected works, including literary, artistic, musical, and audio-visual works, so long as they are original and fixed in a material form.[119] While AI-generated content may satisfy the criteria of fixation and even originality in a technical sense, the absence of a human author negates its protection under the current legal structure. This legal vacuum creates complications in terms of who should be accorded the economic and moral rights that typically go to authors and makes it easy to attach accountability and responsibility. For example, if an AI system independently generates a piece of music or a digital painting, current Ugandan law provides no clear guidance on who owns the rights to

[117] cap 222
[118] Copyright and Neighbouring Rights Act CAP 222, s 5.
[119] ibid, s 6.

that work, how infringement should be dealt with, or whether such work can be assigned or licensed.

Additionally, the Act focuses heavily on moral rights, such as the right to claim authorship and the right to object to treatment of a work that an author doesn't approve of.[120] These rights presuppose an author with consciousness, emotions, and personal dignity, all traits which AI systems do not possess. This reinforces the Act's embedded assumptions and raises complex questions about authorship in a technological era as we saw in the literature review.

In the absence of legislative reform, Ugandan courts are likely to follow the statutory language strictly, excluding AI from legal recognition as an author. This could have chilling effects on the incentive structures for creators, developers, and investors seeking to engage with AI-driven creative industries in Uganda.

Similar to the copyright framework, Uganda's patent law is governed by the Industrial Property Act of 2014. Section 2 of the Act defines an "inventor" as "the person who actually devised the invention."[121] This definition reiterate the need of human involvement and does not look at AI as a possible inventor or holder of patent rights. This position mirrors trends in global jurisprudence, most commonly looked at in the the case of Thaler v Hirshfeld in the United States, where the court held that only a natural person can qualify as an inventor under the Patent Act.[122] Similar reasoning has been seen in other jurisdictions such as the United Kingdom and the European Union, which have refused to grant patents for inventions created by the AI system known as DABUS.[123]

Ugandan courts, while not yet confronted with such cases, are highly likely to align with this precedent, given their tendency to look to foreign jurisdictions with common law traditions for persuasive authority. This doctrinal rigidity may hinder Uganda's ability to benefit from innovations emerging from machine learning and AI systems, particularly in sectors like agriculture, medicine, and finance, where AI-generated inventions may become increasingly relevant.

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[120] ibid, s 10.
[121] Industrial Property Act 2014, s 2.
[122] Thaler v Hirshfeld (2021) 558 F Supp 3d 238 (ED Va).
[123] Thaler v Comptroller General of Patents [2021] EWCA Civ 1374; European Patent Office, 'Legal Questions concerning the Inventorship of Inventions made by Artificial Intelligence' (2020) OJ EPO.

Additionally, Uganda has made some progress in coming up with a national vision for digital transformation. The Ministry of ICT and National Guidance has spearheaded several initiatives, such as the Digital Uganda Vision and the National Fourth Industrial Revolution Strategy (4IR). These policy documents underscore the transformative potential of emerging technologies, including AI, blockchain, and robotics, for national development.[124] However, these strategies are primarily aspirational and lack corresponding legal reforms or institutional mechanisms that address the implications of AI for intellectual property law.

The Digital Uganda Vision recognizes AI as a "disruptive technology" that must be harnessed for socio-economic growth.[125] But either way, it does not offer concrete proposals on how the existing IP framework should be adjusted to accommodate AI-generated works or inventions. Similarly, while the 4IR Strategy calls for legal preparedness in light of technological disruption, there is no provision for the development of sui generis legislation or regulatory sandboxes to experiment with new legal models for AI authorship and inventorship.

3.6 Conclusion

The emergence of Artificial Intelligence as a generative force in the creative industries has exposed critical limitations within existing intellectual property frameworks at the international, regional, and domestic levels. Despite aligning with foundational treaties, Uganda's legal regime remains largely tethered to a human-centric paradigm that struggles to accommodate the increasingly autonomous and algorithmic nature of AI-generated works. The capacity of AI to produce outputs absent of traditional human intentionality challenges long-held assumptions about originality, authorship, and creative agency.

In light of these challenges, a range of legal models has been proposed including hybrid authorship, sui generis rights, developer attribution, and even AI legal personhood which, although varying in feasibility and normative assumptions, offer essential insights into how Uganda might reform its intellectual property laws. Any such reform must strike a delicate balance between fostering technological innovation

[124] Ministry of ICT and National Guidance, National Fourth Industrial Revolution Strategy (2020)
[125] Ministry of ICT and National Guidance, Digital Uganda Vision (2019)

and preserving the fundamental values that underpin copyright law namely, human creativity, agency, and moral accountability.

Uganda must therefore pursue a forward-thinking legal reform agenda that is context-sensitive and informed by comparative best practices. This endeavour will require interdisciplinary collaboration among legal scholars, technologists, policymakers, and civil society actors.

CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS.

4.1 Introduction

This dissertation set out to interrogate the legal recognition of authorship in the context of artificial intelligence-generated works within Uganda's intellectual property framework. At its core, this work is both a reflection of and response to a rapidly changing creative and technological landscape, one in which machines are no longer mere tools but are now co-creators, capable of generating art, music, literature, and code.

4.2 Summary of Findings

The research established that Uganda's current intellectual property framework, particularly under the Copyright and Neighbouring Rights Act, CAP 222[126], remains silent and ill-equipped to handle independent AI-generated works. The statutory definition of "author" is implicitly and explicitly human-centric, assigning authorship solely to natural persons or, in certain cases, legal persons such as corporate entities acting through human agents. Nowhere does the law show or accomodate the possibility of a non-human creator possessing intellectual property protection.[127]

Additionally, it was found that even in cases where AI is used as a tool by human creators such as in generative text software or graphic design algorithms the existing legal system struggles to assign authorship clearly, especially where human contribution is minimal or indirect. As such, the confusion regarding where human creativity ends and machine "creativity" begins has introduced legal uncertainty, particularly concerning ownership, enforcement of rights, and allocation of royalties.[128]

Comparative legal analysis revealed a variety of approaches across jurisdictions. The United States, for instance, has maintained a strict position that only works created by humans are eligible for copyright protection[129],as seen in Thaler v. Perlmutter, where

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[126] Ibid
[127] Copyright and Neighbouring Rights Act 2006 (Uganda), s 5.
[128] T Kasule, 'Copyright and the Digital Divide in Uganda' (2019) 17 East African J of IP Law 203, 207.
[129] US Copyright Office, Compendium of US Copyright Office Practices, § 306 (3d edn, 2021).

the court affirmed that works lacking human authorship are not registrable under copyright law.[130] The European Union, although more open to harmonizing AI within its digital strategy, has also maintained the requirement of human authorship for copyright to subsist[131] Japan, by contrast, has adopted a more subtle regulatory model that provides certain protections for data-driven creations, even though without granting AI independent authorship status.[132]

The research identified that Uganda risks falling behind in this global legal discourse due to the absence of any structured policy or reform initiative addressing AI and authorship. Yet, Uganda is not immune to the digital revolution. AI applications are slowly integrating into sectors like music production, advertising, journalism, and legal services, and soon, courts may be asked to adjudicate disputes over works created by or with AI without a**ny guiding statutory or judicial framework.**

4.3 Conclusion

The findings confirm that Uganda's intellectual property regime is not only out of step with the technological changes of the 21st century, but it is also vulnerable to interpretive inconsistency and legal uncertainty when applied to AI-generated works.

However, this dissertation argues that the solution is not to replace human authorship with AI authorship in a binary fashion. Instead, it is to rethink and reimagine authorship as a legal gray area or construct, one that must now evolve to accommodate forms of creativity that are not entirely human, yet not entirely alien either. This calls for a radical shift, which im not sure that Uganda is willing to take but should.

If Uganda fails to address this legal blind spot, it risks undermining the legitimacy and enforceability of its IP system, especially in contexts involving international collaborations, AI-generated media, and the commercialisation of locally developed

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[130] Stephen Thaler v. Shira Perlmutter, 1:22-cv-01564 (D DC, 2023).

[131] European Parliament Resolution of 20 October 2020 on Intellectual Property Rights for the Development of Artificial Intelligence Technologies (2020/2015(INI)). https://digitalpolicyalert.org/change/117-european-parliament-resolution-of-20-october-2020-on-intellectual-property-rights-for-the-development-of-artificial-intelligence-technologies-20202015ini (accesed 15th May 2020.)

[132] Japanese Ministry of Economy, Trade and Industry, 'AI and IP: Policy Considerations' (2020) https://www.meti.go.jp accessed 13 May 2025.

AI models, innovators and content creators will be left in uncertainty of their rights, unprotected from exploitation, and discouraged from engaging with new technologies.

This dissertation, in its analytical wholeness and comparative richness, contributes a timely and necessary scholarly intervention to Uganda's intellectual property discourse. It breaks new ground by offering the first Uganda focused legal inquiry into AI authorship and copyright, combining doctrinal legal analysis with philosophical reflection and policy advocacy.

More importantly, it paves the way for legal reform by making actionable, context-specific recommendations that are grounded in legal tradition. Indeed, if law is to remain relevant, it must keep pace with the evolving nature of creativity itself. And if Uganda is to nurture innovation in the age of AI, its legal system must no longer look away from the machine in the studio.

4.4 Recommendations

In light of the legal tensions and regulatory gaps explored throughout this dissertation, it is evident that Uganda's intellectual property framework, particularly in the realm of copyright law, is not ready to accommodate the complexities introduced by artificial intelligence (AI). Traditional concepts of authorship, grounded in human intentionality, originality, and labour, are increasingly under strain as generative AI systems such as GPT-4, DALL·E, and Deep Composer produce creative outputs with minimal or no human intervention. The legal system must now work to accomodate these technological advancements with foundational principles of copyright in a way that is both doctrinally staright forward to get rid of the confusing stance we currently have and also be practically sustainable.

The dissertation proposes a set of reform oriented recommendations aimed at narrowing the conceptual and legal divide between traditional copyright doctrine and the emerging reality of AI-generated creativity. These recommendations are designed not only to enhance Uganda's legal capacity to regulate AI outputs but also to ensure that innovation is balanced with human-centred values, cultural integrity, and the public interest.

Foremost among the proposed reforms is the urgent need to revise the Copyright and Neighbouring Rights Act, CAP 222(CNRA).[133] As presently framed, the Act presupposes that authorship necessarily flows from human agency, encompassing skill, labour, and intent. This assumption can not be defended in the face of sophisticated generative technologies. To remain relevant, the CNRA must be amended to reflect modern creative realities by expressly recognizing and regulating works that are wholly or substantially produced by artificial intelligence. Such legislative reform should show three distinct categories of AI-related works.

The first category includes AI-assisted works, in which AI functions as a creative aid such as recommending chord progressions or drafting preliminary prose but human judgment and intervention remain central, thus still protecting traditional authorship.

The second category encompasses AI-generated works, wherein the AI system plays a dominant role, but human input, though limited, remains of determinative value. These works could potentially qualify for co-authorship or derivative authorship under an adapted model the same way there is co-authorship of authors where there are different efforts.

Finally, the third category involves AI-independent works, these are creations generated entirely by AI with little or no meaningful human input, such as algorithmically composed symphonies or autonomously written news reports.

For these AI-autonomous works, Uganda may draw guidance from the U.S. "work made for hire" doctrine, which allows for the attribution of copyright to the person or entity responsible for commissioning or deploying the generative tool, rather than the creator per se[134]. This approach aligns with the rationale of copyright, which seeks to incentivise creativity, encourage investment, and ensure legal clarity. Codifying such distinctions within Ugandan law would provide essential guidance for creators, investors, and the Uganda Registration Services Bureau (URSB), which would benefit from the development of registration mechanisms specifically tailored to AI-generated content. Yet, even with such legislative adjustments, the conceptual unsuitability of fitting AI-generated works into conventional copyright categories remains a problem.

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[133] CAP 222

[134] 17 USC § 101; Community for Creative Non-Violence v Reid 490 US 730 (1989).

Accordingly, this dissertation proposes the establishment of a 'sui generis legal regime' as we saw it in the literature review tailored specifically to works created by AI. Rather than forcibly stretching traditional copyright to accommodate non-human creators, a distinct legal framework could be introduced to grant limited proprietary rights to the human or legal entities responsible for deploying AI systems. These rights might include a fixed-term commercialization right, attribution privileges, or economic remuneration, without conferring full moral or perpetual rights typically associated with human authorship.

Precedents for this approach exist. For instance, Japan's Copyright Act provides limited protection under neighbouring rights to non-human-generated data compilations.[135] Similarly, the European Commission has proposed the introduction of "data producer rights" as a mechanism to balance innovation and intellectual property protection in the digital age[136] therefore i think Uganda could adopt a similar model, perhaps granting a ten-year commercial exploitation period during which the deploying entity holds rights to license or monetise the AI-generated work. This would preserve access to the public domain, prevent indefinite monopolisation, and maintain the controlling focus of intellectual property law on human development and knowledge circulation.

Also the question of AI authorship is not entirely a legal or technological issue; thought that is where we commonly see it but it implicates a broader combination of ethical, economic, and societal considerations. Consequently, there is a compelling need for Uganda to establish a multidisciplinary task force on AI and intellectual property. Such a body would play a critical advisory role, offering expert guidance to Parliament, the URSB, the Uganda Law Reform Commission, and the Ministry of ICT and National Guidance. It should include legal scholars, constitutional theorists, AI developers, economists, digital artists, representatives from Uganda's burgeoning creative sector, and members of the judiciary. This task force would be responsible for producing draft legislation, conducting regulatory impact assessments, convening public consultations, and ensuring that Uganda's policy responses are technologically informed, ethically grounded, and globally competitive.

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[135] Japanese Copyright Act 1970 (Act No. 48 of 1970), amended 2018, art 12-2.

[136] European Commission, 'Liability for Artificial Intelligence and Other Emerging Digital Technologies' SWD(2018) 137 final.

This proposal is consistent with international best practices. The United Kingdom, for instance, convened a copyright and AI consultation group under the UK Intellectual Property Office to assess AI's implications for existing legal frameworks.[137] South Africa has likewise initiated public consultations on emerging technologies and intellectual property reform under the Department of Trade, Industry and Competition.[138] By emulating such anticipatory governance structures, Uganda can enhance regulatory foresight and avoid reactionary legal responses.

An equally critical reform area lies in the transformation of legal education and public awareness. As AI systems become more deeply needed into the creative process, ignorance of their legal implications poses significant risks to creators, innovators, and institutions. Legal curricula in Uganda must be reimagined to incorporate specialized modules on AI and intellectual property. Institutions such as the Law Development Centre (LDC), the Uganda Law Society (ULS), and leading law faculties should introduce compulsory courses or elective seminars covering AI legal personality, digital authorship, algorithmic accountability, and comparative international responses to AI-generated content.

Similarly, judicial training programs should be developed to equip magistrates and judges with the requisite AI literacy to adjudicate cases involving generative models and algorithmic outputs. Civil society actors, including BarefootLaw and CIPESA, can play an instrumental role in simplifying these issues at the grassroots level, especially in rural and informal creative economies. This reflects UNESCO's recommendation that AI literacy be recognised not only as a technological skill but as a public good and an enabler of fundamental human rights.[139]

Finally, Uganda must take deliberate steps to engage with international developments in AI and intellectual property law. Luckily, The WIPO Conversation on Intellectual Property and Artificial Intelligence offers platform for policy dialogue and exchange.[140] Regionally, the African Regional Intellectual Property Organization

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[137] UK Intellectual Property Office, 'Consultation Outcome: Artificial Intelligence and IP' (2022) https://www.gov.uk/government/consultations/artificial-intelligence-and-ip accessed 13 May 2025.

[138] Government of South Africa, 'Draft IP Policy Phase II: Public Consultation on Emerging Technologies and IP' (2021) https://www.gov.za accessed 13 May 2025.

[139] UNESCO, 'Recommendation on the Ethics of Artificial Intelligence' (2021) https://unesdoc.unesco.org/ark:/48223/pf0000381137 accessed 13 May 2025.

[140] WIPO, 'Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence' (2020) WIPO/IP/AI/2/GE/20/1 https://www.wipo.int accessed 13 May 2025.

(ARIPO) has begun exploring the incorporation of AI concerns into its Model Laws and policy instruments. Uganda should not remain just a passive observer. Rather, it should ratify emerging treaties and protocols from WIPO and UNESCO on AI governance, and actively contribute to the African Union's continental AI strategy, and champion the inclusion of AI and IP issues within ARIPO's legal frameworks.

Such alignment with international standards would improve Uganda's capacity to enforce rights across borders, strengthen its attractiveness to foreign investors in the digital innovation space, and cement its leadership in shaping a Global South perspective on responsible AI governance.

Therefore, Uganda stands at a crossroads. By embracing legislative innovation, designing tailored legal regimes, instituting interdisciplinary advisory structures, investing in education, and asserting itself in international fora, the country can construct a robust, future-ready framework for governing the intersection of artificial intelligence and intellectual property one that is as dynamic as the technologies it seeks to regulate.

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