

Copyright Laws in GCC Countries in the Age of Generative AI: A Legal Analysis Using ChatGPT as a Case Study

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Abstract

ChatGPT is one of the most popular generative AIs because it can independently create content, such as drafting articles and writing books or poetry, without human intervention. This content can be original and may be considered copyrightable work. Consequently, generative AI intersects with copyright law, raising numerous legal concerns, including ownership and authorship. This paper examines ChatGPT's policy from an intellectual property (IP) perspective, with a particular focus on copyright law. While ChatGPT poses challenges to copyright law globally, this research explicitly addresses the Copyright laws of the Gulf Cooperation Council (GCC) countries.

This study examines whether the copyright laws of the GCC countries, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates, are adequate to address the legal implications of generative AI, namely ChatGPT. If not, how could they be amended to address the legal implications and keep pace with cutting-edge technology? It is necessary to regulate generative AI in the IP rights domain, specifically in the copyright laws of the GCC countries. Therefore, this paper proposes critical recommendations for reforming these laws.

Keywords: Copyright Law; GCC countries; ChatGPT; Legal challenges; Generative AI.

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قانون حق المؤلف في دول مجلس التعاون الخليجي في عصر الذكاء الاصطناعي التوليدي: تحليل قانوني لشات جي بي تي كدراسة حالة

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ملخص

يُعد شات جي بي تي (ChatGPT) أحد أشهر أنظمة الذكاء الاصطناعي التوليدي، إذ يُمكنه إنشاء محتوى مستقل، مثل صياغة المقالات وكتابة الكتب أو الشعر، دون تدخل بشري. يُمكن أن يكون هذا المحتوى أصلياً، ويمكن اعتباره عملاً خاضعاً للحماية وفقاً لقانون حقوق المؤلف. من هنا، يتقاطع الذكاء الاصطناعي التوليدي مع قانون حقوق المؤلف، فيثير العديد من التساؤلات القانونية، بما فيها إمكانية حماية ذلك العمل ومن له حق الملكية. يتناول هذا البحث سياسة شات جي بي تي من منظور حقوق الملكية الفكرية، مع التركيز على قانون حقوق المؤلف. وبينما يُشكل شات جي بي تي تحديات لقانون حقوق المؤلف عالمياً، يتناول هذا البحث صراحةً قوانين حقوق المؤلف في دول مجلس التعاون الخليجي.

يناقش البحث مدى كفاية قوانين حقوق المؤلف في دول مجلس التعاون الخليجي (الكويت، والسعودية، وعمان، والبحرين، وقطر، والإمارات) لمعالجة الآثار القانونية للذكاء الاصطناعي التوليدي. وإذا لم تكن كذلك، فكيف يُمكن تعديلها لمعالجة الآثار القانونية، ومواكبة أحدث التقنيات؟ من الضروري تنظيم الذكاء الاصطناعي التوليدي في مجال الملكية الفكرية، وتحديدًا في قوانين حقوق المؤلف في دول مجلس التعاون الخليجي. لذلك، يهدف البحث إلى اقتراح توصيات جوهرية لإصلاح هذه القوانين. وسيتناول بداية قوانين حقوق المؤلف في دول المجلس لتحديد أسباب قصورها في معالجة التحديات القانونية التي يطرحها الذكاء الاصطناعي التوليدي.

الكلمات المفتاحية: قانون حماية حق المؤلف، دول مجلس التعاون الخليجي، شات جي بي تي، التحديات القانونية، الذكاء الاصطناعي التوليدي

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Introduction

Artificial intelligence (AI) lacks a universal definition.¹ AI is defined by one author as ‘the ability of a computer or a robot controlled by a computer to perform what humans usually do because they require intelligence and discernment.’² It is also defined by another as ‘a system capable of rationally solving complex problems or taking appropriate action to achieve its goals in real-world circumstances.’³ Common to these definitions is the idea that AI can perform complex tasks that humans require, such as creating copyrightable content.

OpenAI, an American artificial intelligence company, launched ChatGPT on 30 November 2022.⁴ ChatGPT is a sophisticated chatbot,⁵ that employs natural language processing (NLP) and machine learning algorithms to understand and interpret user input and react with appropriate pre-programmed messages or actions to simulate human-to-human conversation.⁶ ChatGPT was initially designed to assist with online customer service, but the underlying AI has surpassed expectations and has become immensely popular for a variety of applications.⁷

ChatGPT generates copyrightable literary and artistic works, including books, articles, poetry, movie scripts, stories, song lyrics, and writing code for computer programming.⁸ This research therefore

- 1 Ana Ramalho, ‘Patentability of AI-Generated Inventions: Is a Reform of the Patent System Needed?’ (2018) 3 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3168703 accessed 7 March 2024; Sofia Samoilis and others, *AI Watch. Defining Artificial Intelligence. Towards an Operational Definition and Taxonomy of Artificial Intelligence*, EUR 30117 EN (Publications office of the European Union 2020) 7 available at: <https://eprints.ugd.edu.mk/id/eprint/28047> accessed 7 March 2024; Haroon Sheikh, Corien Prins and Erik Schrijvers, ‘Artificial Intelligence: Definition and Background’ in Haroon Sheikh, Corien Prins and Erik Schrijvers (eds), *Mission AI: The New System Technology* (Springer International Publishing 2023) 15; Enrico Bonadio, Luke McDonagh and Plamen Dinev, ‘Artificial Intelligence as Inventor: Exploring the Consequences for Patent Law’ (2021) 1 *Intellectual Property Quarterly* 1.
- 2 BJ Copeland, ‘Artificial Intelligence’ (*Encyclopaedia Britannica*, 18 March 2022) www.britannica.com/technology/artificial-intelligence accessed 7 March 2024.
- 3 Kay Firth-Butterfield and others, ‘Artificial Intelligence Collides with Patent Law’ (World Economic Forum, 2018) 5 available at: <https://www.weforum.org/publications/artificial-intelligence-collides-with-patent-law/> accessed 28 March 2024.
- 4 Bernard Marr, ‘A Short History of ChatGPT: How We Got to Where We Are Today’ (*Forbes*, 19 May 2023) www.forbes.com/sites/bernardmarr/2023/05/19/a-short-history-of-chatgpt-how-we-got-to-where-we-are-today/ accessed 19 February 2024; Konstantinos I Roumeliotis and Nikolaos D Tselikas, ‘ChatGPT and Open-AI Models: A Preliminary Review’ (2023) 15 *Future Internet* 2.
- 5 Nicola Lucchi, ‘ChatGPT: A Case Study on Copyright Challenges for Generative Artificial Intelligence Systems’ (2023) *European Journal of Risk Regulation* 5; Intellectual Property Help Desk, ‘Intellectual Property in ChatGPT’ (*European Commission*, 20 February 2023) https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/intellectual-property-chatgpt-2023-02-20_en accessed 19 February 2024.
- 6 Intellectual Property Help Desk (n 5); Lucchi (n 5) 5.
- 7 Lucchi (n 5) 4.
- 8 Lucchi (n 5) 6; Intellectual Property Help Desk (n 5); Shawn Helms and Jason Krieser, ‘Copyright Chaos: Legal Implications of Generative AI’ (*McDermott Will & Emery*, 14 March 2023) www.mwe.com/media/copyright-chaos-legal-implications-of-generative-ai/ accessed 19 March 2024.

examines ChatGPT, a widely used generative AI, in the Gulf Cooperation Council (GCC) countries.⁹ However, some GCC countries, such as Saudi Arabia, have announced ‘Mulhem’ as a bilingual Arabic-English large language model (LLM),¹⁰ while the United Arab Emirates (UAE) has recently developed ‘NOOR’ as the large Arabic natural language processing (NLP) model.¹¹ This research, therefore, examines the Copyright Laws in all GCC countries: Kuwait, Saudi Arabia, Oman, Bahrain, Qatar and the United Arab Emirates.¹² This assessment evaluates whether the GCC countries’ copyright laws are adequate to keep pace with generative AI and whether urgent legislative interventions are needed to regulate and address its legal implications.

This paper is divided into five sections. Section One primarily explains what ChatGPT is and highlights the legal implications of using it. Section Two presents an overview of the legal framework for Copyright Laws in GCC countries, particularly in the era of generative AI (ChatGPT). Section Three uses this overview to analyse these laws and identify legal gaps. Section Four emphasises the importance of regulating generative AI within the Copyright laws of GCC countries, proposing how it should be regulated and reformed to achieve the main aim of this paper: to keep pace with generative AI and address its legal challenges to copyright law. Section Five summarises the key findings and outlines future research.

1. Generative AI and Its Legal Implications: ChatGPT as a Case Study

First, it is essential to clarify what ChatGPT is and how it generates content. Answering these questions is necessary to clarify the legal implications posed by ChatGPT. This section is divided into two subsections. Subsection One defines ChatGPT and explains how it operates. Subsection Two explores the related legal issues.

9 Mahmoud Sayed Mohamed Ali, Khaled Zaki AbuElkhair Wasel and Amr Mohamed Mahmoud Abdelhamid, ‘Generative AI and Media Content Creation: Investigating the Factors Shaping User Acceptance in the Arab Gulf States’ (2025) 5 *Journalism and Media*, 1634.

10 See Carrington Malin, ‘First LLM Trained Exclusively on Saudi Data Sets’ (*Middle East AI News*, 6 March 2024) www.middleeastainews.com/p/first-llm-trained-saudi-data-sets accessed 20 September 2024.

11 Andrew Warner, ‘NOOR, the New Largest NLP Model for the Arabic Language’ (*Multilingual*, 20 April 2022) <https://multilingual.com/noor-the-new-largest-nlp-model-for-the-arabic-language/> accessed 20 September 2024; ‘Technology Innovation Institute Announces Launch of NOOR, the World’s Largest Arabic NLP Model’ (*Technology Innovation Institute*, 13 April 2022) <https://www.tii.ae/news/technology-innovation-institute-announces-launch-noor-worlds-largest-arabic-nlp-model> accessed 20 September 2024.

12 Saudi Arabia Copyright Law (issued by Royal Decree No. M/41 of 2 Rajab 1424H (30 August 2003), and amended by Decision of the Council of Ministers No. 536 of 19 Shawwal 1439H (3 July 2018); Bahrain Law No. 22 of 2006 on the Protection of Copyright and Neighbouring Rights (as amended up to Law No. 5 of 2014); Oman Law on Copyright and Neighboring Rights (promulgated by Royal Decree No. 65/2008); Qatar Law No. 7 of 2002 on the Protection of Copyright and Neighbouring Rights; Kuwait Law No. 75 of 2019 on Copyright and Related Rights the United Arab Emirates Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights. For more information about the development of Copyright law in the UAE, see Rami Olwan, ‘The UAE Copyright law in light of modern technological developments’ (2016) 2 *International Review of Law*, PP 8-9 <https://journals.qu.edu.qa/index.php/IRL/article/view/1220> accessed 27 July 2025.

1.1 What is ChatGPT?

OpenAI¹³ released ChatGPT.¹⁴ When directly asked about its meaning, the chatbot answers, that differently each time, as follows:

“ChatGPT, an AI language model developed by OpenAI. My main function is to generate human-like text in response to various inputs, making me a useful tool for a variety of applications, including customer service, chatbots, and virtual assistants. I have been trained on a massive amount of text data, allowing me to generate responses that are not only grammatically correct but also contextually appropriate. I am constantly learning and improving, and I am a cutting-edge example of the advancements being made in the field of artificial intelligence.”¹⁵

“ChatGPT is a large language model (LLM) that utilises NLP to process vast amounts of data and respond to human queries in language that closely resembles human language.¹⁶ ChatGPT, as an LLM, requires a substantial amount of training data.¹⁷ The extensive data is extracted from various platforms, including websites, social media posts, and books, etc.¹⁸ ChatGPT then processes this data using NLP to make it comprehensible and close to human language, enabling it to generate coherent output.”¹⁹

“ChatGPT is based on a huge training dataset that may include one or more pre-existing copyrighted materials.²⁰ In this context, who would be liable for copyright infringement? As an AI language model, ChatGPT cannot be held liable for copyright infringement. ChatGPT lacks legal personality,²¹ which is a prerequisite for owning rights and holding responsibilities, as will be discussed in the following subsection. In this case, would the AI developer be liable for copyright infringement? This question highlights one of the legal challenges posed by ChatGPT. The following subsection will examine these legal issues in detail.”

1.2 The Legal Implications of ChatGPT

OpenAI, the company that developed ChatGPT, must take all necessary measures to ensure that no copyrighted content is included in the training data (input).²² Otherwise, OpenAI could be held liable; however, it is essential to note that in its terms and conditions, OpenAI disclaims any liability for damages resulting from the use of the model.²³

13 OpenAI is an American-based AI research and deployment company founded in December 2015 by Elon Musk, Sam Altman, Greg Brockman, Ilya Sutskever, Wojciech Zaremba and John Schulman. See Marr (n 4).

14 Lucchi (n 5) 2; Intellectual Property Help Desk (n 5).

15 Intellectual Property Help Desk (n 5). For the other definition of ChatGPT, see Lucchi (n 5) 5.

16 Ibid and 5; Intellectual Property Help Desk (n 5).

17 Lucchi (n 5) 3.

18 Intellectual Property Help Desk (n 5); Lucchi (n 5) 15; Helms and Krieser (n 8).

19 Ibid; Intellectual Property Help Desk (n 5).

20 Helms and Krieser (n 8); Intellectual Property Help Desk (n 5).

21 Lucchi (n 5) 8.

22 Lucchi (n 5) 16.

23 OpenAI, ‘Terms of Use’ <https://openai.com/policies/terms-of-use/> accessed 26 February 2024.

ChatGPT's users may be liable for copyright infringement due to the prompts it provides to the chatbot. They must ensure that the material generated by ChatGPT includes proper references to avoid plagiarism.²⁴ However, the issues become more complex when AI uses generative AI and infringes the copyright rights of others. To illustrate this complexity within the context of the GCC countries, consider the case of Sophia, the first robot to gain citizenship in Saudi Arabia in February 2017.²⁵

If Sophia used ChatGPT to create content, that content might be identical to copyrighted works without attribution to the authors or creators, which constitutes copyright infringement. However, in this scenario, the copyright holders cannot file a case against Sophia because Sophia is an AI. AI lacks legal personality.²⁶ While Sophia does have citizenship, which is a characteristic of legal personality, Sophia has not been granted full legal personality, as this would necessitate changes to the legal system in Saudi Arabia. Furthermore, the liability for copyright infringement cannot be attributed to Sophia's developer if there is no fault in the programming or manufacturing process.

Even if the fault lies with ChatGPT's neutral user or the AI developer, it can be challenging to pursue legal action against either party in certain circumstances, such as when the copyright holder publishes their work anonymously or under a pseudonym.²⁷ In such cases, the copyright holder might choose not to file a lawsuit against the ChatGPT user or AI developer to protect their identity. However, the Copyright Laws of Kuwait, Saudi Arabia, Bahrain, and the United Arab Emirates address this problem, as the publisher will act on behalf of the author until their identity is disclosed.²⁸

ChatGPT can generate novel ideas.²⁹ So, does content generated by ChatGPT fall under copyright protection under the GCC countries' laws? The complexity becomes apparent when we consider that work may be covered and protected under the umbrella of the GCC countries' copyright laws. Who would rightfully claim ownership and authorship of that output? ³⁰ Is the author ChatGPT, the AI

24 Ibid.

25 Reem Almarzoqi and Mohamad Albakjaji 'The Patentability of AI Invention: The Case of the Kingdom of Saudi Arabia Law' (2022) 13 International Journal of Service Science, Management, Engineering, and Technology 16; Kazem Hamdan Sadkhan Albazouni, *The Effect of Artificial Intelligence on the Theory of Right* (Modern Book Foundation 2013) 197.

26 See Simon Chesterman, 'Artificial Intelligence and the Limits of Legal Personality' (2020) 69 International & Comparative Law Quarterly 819; World Economic Forum (n 3) 11; Bonadio, McDonagh and Dinev (n 1) 25.

27 Using pseudonyms or anonymous names for work is allowed in GCC countries. See Qatar Copyright Law chapter III; Copyrights First: Literary Rights chapter 3; Omani Copyright Law Article 5; Bahrain Copyright Law Article 5; Kuwaiti Copyright Law Article 16; United Arab Emirates Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights Article 5; Saudi Arabia Copyright Law Article 8.

28 See Kuwaiti Copyright Law Article 28; Saudi Arabia Copyright Law Article 5; Bahrain Copyright Law Article 31; United Arab Emirates Copyrights and Neighbouring Rights Law Article 30.

29 Nick Bogaert, 'Using ChatGPT for Innovators: Enhancing Creativity and Innovation' (*Board of Innovation*) <https://www.boardofinnovation.com/blog/using-chat-gpt-for-innovators-enhancing-creativity-and-innovation/> accessed 9 February 2025.

30 This authorship question is not just a legal matter but also a topic of significant academic interest: who or what can be considered an author? See Darin Glasser, 'Copyrights in Computer-Generated Works: Whom, If Anyone, Do We Reward?' (2001) Duke Law & Technology Review 1; William Ralston, 'Copyright in Computer-Composed Music: HAL

developer, or the user? As mentioned above, ChatGPT is an AI language model and therefore does not possess legal personality in GCC countries, which is a prerequisite for owning (intangible) assets.³¹

2. The Copyright Laws of GCC Countries in the Age of ChatGPT

The GCC was founded in 1981,³² where the leaders of the United Arab Emirates, the Kingdom of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar and the State of Kuwait established a cooperative framework. This framework aimed to unite the six countries through coordination, integration and interconnection in various areas.³³

The countries formulated similar regulations across various fields, including economic and financial affairs, commerce, customs and communications, education and culture, to accomplish these goals.³⁴ For example, the GCC countries issued a unified trademark Law.³⁵ However, there is no unified copyright law among the GCC countries. Although there is no unified copyright law among the GCC countries, their copyright laws are derived from the French *droit d'auteur*, which emphasises the rights of the author.³⁶ Additionally, all GCC countries have ratified international treaties related to copyright, such as the Berne Convention for the Protection of Literary and Artistic Works.³⁷ Therefore, the copyright laws of GCC countries are significantly similar.³⁸ In the following subsection, I will examine the GCC countries' copyright laws. It is essential to analyse the GCC countries' copyright laws to reveal and assert that the copyright laws are insufficient to keep up with generative AI and cannot tackle its legal implications; therefore, legislative interventions are needed.

2.1 Examination of the Copyright Laws of GCC Countries in the Age of ChatGPT

The copyright laws in GCC countries protect a wide range of literary and artistic works, such as

Meets Handel' (2005) 52 Journal of the Copyright Society of the USA 281; Mark Perry and Thomas Margoni, 'From Music Tracks to Google Maps: Who Owns Computer-Generated Works?' (2010) 26 Computer Law & Security Review 621; Victor M Palace, 'What If Artificial Intelligence Wrote This: Artificial Intelligence and Copyright Law' (2019) 71 Florida Law Review 217; Emily Dorotheou, 'Reap the Benefits and Avoid the Legal Uncertainty: Who Owns the Creations of Artificial Intelligence?' (2015) 21 Computer and Telecommunications Law Review 85; Tim Dornis, 'Artificial Creativity: Emergent Works and the Void in Current IP Doctrine' (2020) 22 Yale Journal of Law & Technology 1.

31 See Kuwaiti Civil Law No. 67 of 1980 Articles 9, 18 and 19; Bahrain Civil Law No. 19 of 2001 Articles 9 and 18; Qatar Civil Law No. 22 of 2004 Articles 39, 53 and 54; Omani Civil Transactions Law, Royal Decree (RD 29/2013) Articles 29, 48 and 49; Civil Transactions Law of Saudi Arabia, pursuant to Royal Decree M/191 dated 29/11/1444H (corresponding to 19 June 2023G) chapter 2, Articles 3, 17 and 18; Intellectual Property Help Desk (n 5).

32 Amr Daoud Marar, 'The Cooperation Council for the Arab States of the Gulf' (2004) 10 Law and Business Review of the Americas 475.

33 Article 4 of the GCC Primary Law available at: Gulf Cooperation Council official website, 'About GCC' <https://www.gcc-sg.org/en/AboutUs/Pages/PrimaryLaw.aspx> accessed 22 February 2024.

34 See Article 4 of the GCC Countries Primary Law.

35 Souheir Ibrahim Nadde, *Study of the Intellectual Property Protection Regulatory Frameworks of the GCC* (GFA Consulting Group, April 2021) 22 available at: <https://www.eeas.europa.eu/sites/default/files/documents/IPR%20regulatory%20frameworks%20in%20the%20GCC%20Report%2020212004%.pdf> accessed 1 October 2024.

36 Hanan Almawla, 'Parody in Copyright Laws of GCC States: Where Does It Fit?' (2018) 32 Arab Law Quarterly, 302.

37 Nadde (n 35)11.

38 Ibid.

poems, plays, reference works, newspaper articles, computer programs, databases, and works in various forms of art such as films, musical compositions, choreography, and graphic works such as paintings, drawings, photographs, sculptures, architecture work.³⁹ These literary and artistic works, under the copyright laws of these countries, must exist in a tangible physical form of expression to qualify for protection,⁴⁰ and then the copyright protection is conferred immediately upon their creation. Copyright protection, therefore, does not require registration or formal procedures under the GCC countries' copyright laws. In other words, the GCC countries' copyright laws stipulate that registration of the work is optional.⁴¹

The rationale for making registration optional for these works aligns with international agreements, specifically the Berne Convention for the Protection of Literary and Artistic Works.⁴² In contrast to industrial property rights such as patents, the patent office receiving a patent application must conduct formal and substantive examinations,⁴³ to ensure that the invention meets the requirements, for example, novelty,⁴⁴ and then grants a patent. Also, trademarks must be registered to be owned and protected in the GCC countries.⁴⁵

The optional registration or lack of formal procedures to examine literary and artistic works does not mean that these works are not required to be creative to obtain copyright protection under the GCC

39 Saudi Copyright Law defines the works under Article 1 without giving examples. Still, it names different examples of works under Article 2, where it stipulates that 'This Law shall protect works created in the fields of literature, arts, and sciences, irrespective of their type, means of expression, importance, or purpose of authorship, such as: 1. Written materials like books, booklets, and the like. 2. Works that are verbally delivered, such as lectures, speeches, poetry, songs, etc. 3. Works that are verbally delivered, such as lectures, speeches, poetry, songs, etc. 4. Dramatic works, plays, shows, and similar presentations involve motion, sound, or both. 5. Works which are prepared for broadcasting purposes or are presented through broadcasting. 6. Drawings, works of visual art, architecture, decorative art, artistic embroidery, etc. 7. Audio and audio-visual works. 8. Applied artworks, whether handcrafted or manufactured. 9. Photographic works and the like.' Kuwaiti, Omani, Qatari, Bahraini and United Arab Emirates Federal Copyright Laws have the exact definition as Saudi Copyright Law. They mention the same examples given under Saudi Copyright Law.

40 Kuwaiti Copyright Law Article 3; Omani Copyright Law Article 2; UAE Federal Copyrights and Neighbouring Rights Article 1; Saudi Arabia Copyright Law Article 2; Qatar Copyright Law Article 2; Bahrain Copyright Law Article 2. See Sayid Eabdallah Muhamad Khalil, 'Legal and Legitimate Protection of the Right to Translation: A Comparative Study in Egyptian Law and the Saudi System' 33 (2018) (Journal of the Faculty of Sharia and Law, Tanta 1893).

41 Khaled Al-Hindani, 'Some Notes on Copyright Law and Related Rights' (2022) 1 Journal of Law 55.

42 Article 5 of the Berne Convention: '(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.' See Al-Hindani (n 41) 53. 'Copyright Registration and Procedures in the GCC' (*Mondaq*, 15 September 2020) www.mondaq.com/copyright/984642/copyright-registration-and-procedures-in-the-gcc accessed 1 October 2024.

43 Article 5 and Article 9 of the Patent Regulation of the Cooperation Council for the Arab States of the Gulf and its Implementing Bylaws.

44 Article 2/1 of the Patent Regulation of the Cooperation Council for the Arab States of the Gulf and its Implementing Bylaws.

45 Articles 7 and 8 of the Gulf Cooperation Council (GCC) Trademark Law.

countries' copyright laws. The creativity of literary and artistic works is one of the requirements for protection under the GCC countries' copyright laws. The creativity of literary and artistic works must not always be entirely original, which means that the work is not like previous works in terms of form, expression, style, etc.⁴⁶ The works can be creative when they may contain an element of creativity, whenever the author adds their thought to the works.⁴⁷

Under the copyright laws of the GCC countries, authors who invest time in creating original insights or adding their own insights to works retain financial rights over their literary and artistic works. These rights include exclusive, monopolistic rights for authors and their successors to use or exploit their works in any manner. Examples of these rights include reproducing the work by any means, such as painting, imaging, or translating the author's work into another language, as well as distributing the work through sale or any other act of ownership transfer without the copyright owner's permission.⁴⁸ The financial rights are not absolute, as they have a time limit under the GCC countries' copyright laws: the author's lifetime plus fifty years after their death,⁴⁹ except in Oman and Bahrain, where it is seventy years after the author's death.⁵⁰

Additionally, the authors' financial rights have limitations, allowing some work, such as non-commercial copying, to be done without the author's permission and compensation.⁵¹ The GCC countries' copyright laws regulate the limitations for non-commercial purposes, including teaching, research and educational purposes, preserving freedom of expression by allowing criticism and commentary, and copying for news reporting.⁵² These limitations on financial rights encourage the dissemination of knowledge by balancing the rights of authors and creators to regulate how their works are used with society's rights to benefit from and use the copyrighted works without their permission through limitations on the author's financial rights.⁵³ As such, the GCC countries' copyright laws

46 Sabry Hamad Khate, *Intellectual Property: A Comparative Study in Bahraini Law* (1st University of Bahrain, 2007).

47 Ibid 57 and 58.

48 Chapter III covers the author's economic and moral rights under the Qatar Copyright Law, Omani Copyright Law Article 6; Bahrain Copyright Law Article 6; Kuwaiti Copyright Law Article 9 and Saudi Arabia Copyright Law Article 9. See also Helms and Krieser (n 8).

49 Qatar Copyright Law chap IV Duration of Protection; Saudi Arabia Copyright Law Article 19; Kuwaiti Copyright Law Article 23; UAE Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights Article 20.

50 Chapter Seven Term of Protection of the Financial Rights and Neighbouring Rights First: Term of protection of the financial rights under Article 26 of Oman Copyright Law: 'The term of protection for the financial copyrights, stipulated under this Law, shall be the life of the author and seventy years starting from the beginning of the Gregorian calendar year following the year of his death.' Article 37 of Bahrain Copyright Law stipulates 'an author's economic rights are protected throughout his lifetime and for seventy years beginning on the first day of the calendar year following the year of his death, except where other provision is made in this subsection.'

51 Al-Hindani (n 41) 66.

52 Chapter V Restrictions on Copyright and Neighbouring Rights of Qatar Copyright Law. Chapter Five Free Uses of Works Article (20) of Omani Copyright Law. See Articles 19 to 22 of the Bahrain Copyright Law. Article 31 of the Kuwaiti Copyright Law. Article 15 of the Saudi Arabia Copyright Law. Article 22 of the UAE Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights. Article 8 of the Saudi Arabia Copyright Law.

53 Riyadh Al Balushi, Noora Al Lawati and Muluk Mohsin, 'The Term of Protection of Economic Rights under the

balance between the authors' or creators' rights and the public interest, so they regulate how society benefits from the works and the use of these works without their permission for non-commercial uses.⁵⁴

Under the GCC countries' copyright laws, the author also has moral rights which are inherently personal, so the author cannot be transferred or sold to another person during the author's lifetime or after their death.⁵⁵ For example, the right of the author to be identified as the creator of the work (attribution), whether an individual or a joint work, and therefore, it is not permissible to prevent or deny a third party the attribution of a work to its original author.⁵⁶

Also, the author and his heirs have the right to decide whether to publish the work for the first time.⁵⁷ The author is the one who decides when and how to publish the work, whether it will be in the form of a book, a play, or a movie, and after that, the work must not be published in a manner contrary to what the author decided.⁵⁸ Indeed, the author has the right to protect the integrity of the work, prevent any infringement or modification of the work that would distort it or lead to damage to the author's honour and reputation, and the right to withdraw their work from circulation.⁵⁹ However, the decision to withdraw the work from the market may conflict with the interests of other persons with whom the author has contracted.⁶⁰ These moral rights are absolute under the GCC countries' copyright

Copyright Laws of the GCC' in David Price and Alhanoof Aldebasi (eds), *Intellectual Property Rights: Development and Enforcement in the Arab States of the Gulf* (Gerlach Press 2017) 5.

54 Al Balushi, Al Lawati and Mohsin (n 53) 3.

55 Kuwaiti Copyright Law Article 6; UAE Federal Copyrights and Neighbouring Rights Article 5; Saudi Arabia Copyright Law Article 8; Bahrain Copyright Law Article 5; Omani Copyright Law Article 5; Qatar Copyright Law chap III, s 1, Article 10. See also Al-Hindani (n 41) 61. Moreover, moral rights are long-lasting protections even after the author's death. See also Qatar Copyright Law Chapter IV Duration of Protection; Omani Copyright Law Chapter 3, Article 5; Bahrain Copyright Law Article 5; Saudi Arabia Copyright Law Article 8; UAE Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights Article 16. Under Kuwaiti Copyright Law, moral rights are temporary and expire with the expiration of financial rights fifty years after the death of the creator, except for the right to be identified as the creator of the work (attribution) and the right to protect the integrity of the work, prevent any infringement or modification of the work that would distort it or lead to damage to the author's honour and reputation.

56 Khaled Al-Hindani and Muhammad Sami Abdul-Sadiq, *Copyright in Kuwaiti Law* (Kuwait 2019) 147.

57 See Kuwaiti Copyright Law Article 6; UAE Federal Copyrights and Neighbouring Rights Article 5; Bahrain Copyright Law Article 5; Omani Copyright Law Article 5.

58 Al-Hindani and Sadiq (n 56) 139-140.

59 Chapter III Author's Economic and Moral Rights' Section One Economic Rights of Qatar Copyright Law Article 10. Chapter Three Copyrights First: Literary rights Article (5) of Omani Copyright Law. Article 5 of the Bahrain Copyright Law. Articles 6 and 16 under the Kuwaiti Copyright Law. Article 5 of Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights. Article 8 of the Saudi Arabia Copyright Law. Notably, the GCC countries' Copyright Laws grant authors the right to withdraw their work from circulation, but with fair compensation to the prejudiced party. See Chapter III, Author's Economic and Moral Rights, Section One, Economic Rights of Qatar Copyright Law Article 10. "The author may withdraw his work from circulation or introduce any modification through omission or addition to it. In the event of disagreement, the author shall be obliged to pay fair compensation to the prejudiced party." Article 5/E of Bahrain Copyright Law stipulates that "The right to prohibit his work being put into circulation, or to withdraw it from circulation, even if he has already surrendered his economic rights, if serious reasons arise which justify such an action. In this case, the author must request the competent court to issue a judgement to prevent his work being put into circulation, or to withdraw it therefrom. If the court accepts the author's application, it shall require him to pay adequate advance compensation to the party to whom the rights have devolved, within a deadline established by the court. If he fails to do so, the court's judgement shall be null."

60 Al-Hindani and Sadiq (n 56) 159.

laws,⁶¹ except the Kuwait Copyright Law.⁶² Kuwait Copyright Law stipulates that moral rights have a prescription period, like financial rights, except the right of the author to be identified as the creator of the work (attribution) and prevent any infringement or modification of the work that would distort it or lead to damage to the author's honour.⁶³

3. ChatGPT: A Lingering Issue in the Copyright Laws of GCC Countries

As mentioned above, ChatGPT can generate literary and artistic works, including books, articles, poetry, movie scripts, stories, song lyrics, and writing code for computer programming.⁶⁴ These works may meet the above-mentioned requirements for protection under the GCC countries' copyright law, namely, the work is innovative and in a tangible physical form. However, under most GCC countries' copyright laws, the literary and artistic works generated by ChatGPT cannot be protected because the GCC countries' copyright laws define the author as 'the natural person who produces or creates the work'.⁶⁵

Based on the author's definition under most GCC countries' copyright laws, the legal protection for literary and artistic works is for a natural person who creates the work. In this context, when someone uses ChatGPT to create a work without their substantial contribution, the work is not protected because ChatGPT, as mentioned above, is an AI language model, and also OpenAI, as 'an AI research and deployment company',⁶⁶ is not considered to be the author under the GCC countries' copyright laws, except under the Kuwait copyright law, Saudi Arabia copyright law and the UAE Federal Copyright Law. Under Article 1 of the Kuwait copyright Law, Saudi Arabia copyright law and the UAE Federal Copyright Law define the author as 'the person who innovates or creates the work',⁶⁷ which includes natural and legal persons. As such, OpenAI, as a company, can be considered the author under Kuwait, Saudi Arabia and the UAE copyright law, and therefore, authorship may be granted to both natural and legal persons in Kuwait, Saudi Arabia and the UAE.

61 Article 5 of Federal Decree-Law No. 38 of 2021 on Copyrights and Neighbouring Rights. Chapter III Author's Economic and Moral Rights' Section One, Economic Rights of Qatar Copyright Law, Article 17. Article 8 of Saudi Arabia Copyright Law. Article 5 of Bahrain Copyright Law. See Article 5 of Omani Copyright Law.

62 See Article 22 of Kuwait Copyright Law.

63 Article 22 of Kuwait Copyright Law.

64 Lucchi (n 5) 6; Intellectual Property Help Desk (n 5); Helms and Krieser (n 8).

65 See Qatar Copyright Law Article 1 "Author" means any natural person who conceived and originated the work', Bahrain Copyright Law Article 1 is a 'natural person who has produced the work'; Oman Copyright Law Article 1 defines the author as 'the natural person who creates the work'. For more information about the author's definition, see Muhammad Fawaz Muhammad Al-Mutalaqah and Bassam Muhammad Bani Yassin, 'The Nature of the Author Right' (2013) 33 Journal Cybrarians 138, 146; Al-Hindani and Abdul-Sadiq (n 56) 112 -113.

66 See OpenAI, 'About' <https://openai.com/about> accessed 20 February 2024.

67 See the definition of author under Article 1 of the Kuwaiti Copyright Law. UAE Federal Copyright Law Article 1. 'Person: A natural or legal person' under UAE Federal Copyright Law Article 1. Saudi Arabia copyright Law article 1.

Even if all the GCC countries' copyright laws define the author to include the legal person, their provisions are designed to protect works that result from human effort, and this approach aligns with the personality theory of copyright protection, which values the time and effort humans invest in producing the work.⁶⁸ For example, as discussed above, the regulation of protecting the author's work grants the creator moral rights to protect their work from a modification that would distort it or damage the author's honour and reputation, which cannot apply to ChatGPT as an AI large language model since it does not have either honour or reputation. On the other hand, ChatGPT, as a large language model, cannot have a financial right over the creative work since, as mentioned previously, AI does not have legal personality in the GCC countries, which is a prerequisite for owning rights and holding responsibilities in these countries.

Also, as mentioned above, the GCC countries' copyright laws grant the author's financial rights, which have a time limitation under their provisions, being the author's lifetime plus fifty years after their death,⁶⁹ except in Oman and Bahrain, where it is seventy years after the author's death.⁷⁰ These time limitations have significant implications for AI-generated works because AI does not have a lifespan like a human author. Death is the destiny of human beings and other creatures, not legal persons like AI developers, such as OpenAI or an AI tool like ChatGPT. That is why, for example, the Kuwait Copyright Law stipulates fifty years starting from the creation of the work when created by a legal person.⁷¹

Even if Kuwaiti, Saudi Arabian, and the UAE Copyright Laws have a broad author's definition, OpenAI does not retain ownership of the generated content because, according to its policy assign to the users. When it states that: 'Ownership of Content. As between you and OpenAI, and to the extent permitted by applicable law, you (a) retain your ownership rights in Input and (b) own the output. We hereby assign to you all our rights, title, and interest, if any, in and to output.'⁷² Therefore, OpenAI policy raises significant illegal and unethical issues in attributing the content to the users when they have not written or made substantial contributions to the writing or conducted intellectual labour on the generated content.

4. The Necessity of Regulating AI in the GCC Countries' Copyright Laws

The GCC countries are eager to prepare for adopting and regulating AI technologies,⁷³ to enable them

68 See Bonadio, McDonagh and Dinev (n 1) 4; Khalil (n 40) 1878; Fatima Ali Ibrahim Ahmed, Ammar Yasser Mohammed Al-Adl and Maha Ahmed Ibrahim Mohammed, 'Copyright and Scientific Integrity' (2020) 54 *Journal of the Faculty of Articles* 59, 79; Murad Awlad Al-Nawi, 'Legal Protection of Copyright on the Internet' (2021) 13 *Journal of Judicial Reasoning* 323.

69 Qatar Copyright Law Chapter IV Duration of Protection. Saudi Arabia Copyright Law Article 19; Kuwaiti Copyright Law Article 23; UAE Federal Decree-Law No 38 of 2021 on Copyrights and Neighbouring Rights Article 20.

70 Article 26 of the Oman Copyright Law; Article 37 of the Bahrain Copyright Law.

71 Article 23 of the Kuwaiti Copyright Law.

72 OpenAI, 'Terms of Use' (n 23).

73 Abdullah Abdul Hamid Al-Barakati, 'Establishing a Case for Developing a Governance Framework for AI Regulations in the Gulf Cooperation Council Countries' (2021) 10 *JKAU Computing and Information Technology Sciences*, 23.

to reach their visions of diversifying their economies by relying on cutting-edge digital technologies, like AI, to drive growth rather than depending on oil as their only economic source.⁷⁴ Therefore, the GCC countries are not far from the race to regulate AI generally. However, the GCC countries have different levels of maturity of AI governance.⁷⁵ For instance, the government of Oman recognises AI as one of the enablers of its strategic national development initiative.⁷⁶ Although Oman does not issue AI regulations,⁷⁷ it issued a General Policy for the Safe and Ethical Use of Artificial Intelligence Systems.⁷⁸ Also, the Kuwait Communication and Information Technology Regulatory Authority (CITRA) issued AI Ethics Principles & Guidelines.⁷⁹

On the other hand, the United Arab Emirates issued several AI regulations: UAE National Strategy for Artificial Intelligence²⁰³¹,⁸⁰ the Smart Dubai AI Ethics Principles & Guidelines published in March 2019,⁸¹ and the Generative AI Guide in April 2023.⁸² The Generative AI Guide explains AI and generative AI technologies, as well as some of the significant issues related to them, and offers case study analyses of crucial situations where the technologies have been used thus far.⁸³ Qatar issued the National Artificial Intelligence Strategy for Qatar, a set of six pillars to promote AI growth in the nation.⁸⁴

74 The Economist Intelligence Unit, *Innovating through Tech in the GCC* (2020) 5 available at: <https://www.bahrainedb.com/app/uploads/2020/10/EIU-Bahrain-EDB-Innovating-through-tech-in-the-GCC-24th-August-2020.pdf> accessed 18 May 2024. See, 'Saudi Arabia and Artificial Intelligence' (*Middle East Political and Economic Institute*, November 2, 2020) <https://mepei.com/saudi-arabia-and-artificial-intelligence/> accessed 18 May 2024; Andrea Benito, 'Saudi Arabia launches \$100 Billion AI initiative to lead in global tech' (*CIO*, 11 Nov 2024). <https://www.cio.com/article/3602900/saudi-arabia-launches-100-billion-ai-initiative-to-lead-in-global-tech.html> accessed 18 May 2024. Al-Barakati (n 73) 26.

75 Ibid 20.

76 For more information about Oman's Vision 2040, see 'Oman Vision 2040' www.oman2040.om/?lang=en accessed 19 May 2024; 'Maximising Artificial Intelligence opportunities in Oman' (*Oman Observer*, 17 September 2019) www.omanobserver.om/maximising-artificial-intelligence-opportunities-in-oman/ss accessed 19 May 2024.

77 Al-Barakati (n 73) 23–24.

78 For more information General Policy for the Safe and Ethical Use of Artificial Intelligence Systems, see the official website of the Oman Ministry of Transport, Communication and Information Technology.

79 For more information about AI Ethics Principles & Guidelines, see CITRA's official website.

80 See United Arab Emirates Minister of State for Artificial Intelligence, Digital Economy, and Remote Work Applications Office, *UAE National Strategy for Artificial Intelligence* (2019) 2031) available at <https://staticcdn.mbzuai.ac.ae/mbzuaiwpprd01/2022/07/UAE-National-Strategy-for-Artificial-Intelligence-2031.pdf> accessed 19 May 2024.

81 See Smart Dubai, *AI Ethics Principles & Guidelines* available at: www.digitaldubai.ae/pdfviewer/web/viewer.html?file=https://www.digitaldubai.ae/docs/default-source/ai-principles-resources/ai-ethics.pdf?sfvrsn=d4184f8d_6, accessed 19 May 2024.

82 See United Arab Emirates Minister of State for Artificial Intelligence, Digital Economy, and Remote Work Applications Office, *100 Practical Applications and Use Cases of Generative AI* (2023) available at: <https://u.ae/en/about-the-uae/digital-uae/digital-technology/artificial-intelligence/ai-resources> accessed 19 May 2024.

83 Jamie Ryder and Alexander S Mackay, 'GCC AI Regulation- Snapshot' (*Lexology*, 31 January 2024) www.lexology.com/library/detail.aspx?g=3b189eba-439e-41bf-a62a-2d0e65b76b05 accessed 24 May 2024.

84 See Ministry of Communications and Information Technology, *National Artificial Intelligence Strategy for Qatar* 2019 available at: https://www.mcit.gov.qa/-/media/mcit/documents/strategies/national_artificial_intelligence_strategy_for_qatar_2019_ar.pdf accessed 19 May 2024; Ben Dickson, 'How Qatar Plans to Become a Global Leader in Artificial Intelligence' (*TechTalks*, 24 July 2019) <https://bdtechtalks.com/2019/07/24/qatar-artificial-intelligence-strategy/> accessed 24 May 2024.

The Saudi Data and AI Authority (SDAIA) released a set of seven AI Ethics Principles,⁸⁵ and it issued a Generative AI Guideline.⁸⁶ Lastly, the Kingdom of Bahrain issued a general policy for the use of AI.⁸⁷ Therefore, most GCC countries offer excellent AI governance models that can be developed while other discussions are still in their early phases.⁸⁸ However, reviewing the state of AI governance in the GCC countries reveals no specific regulation of AI in IP, particularly copyright law. Nonetheless, Saudi Arabia issued a draft of the Intellectual Property Law project, which addresses emerging IP issues, such as AI technology.⁸⁹

Saudi Arabia's Intellectual Property Law project devotes a chapter to 'Intellectual Property associated with Artificial Intelligence and Emerging Technologies and Supporting its Promotion.' This chapter contains four articles to address the fundamentals of AI and IP.⁹⁰ That chapter of Saudi Arabia's IP Law project notably addresses one of the most contentious IP domains: the ownership and protection of AI-generated work.⁹¹

The chapter on 'Intellectual Property associated with Artificial Intelligence and Emerging Technologies and Supporting its Promotion' emphasises under Article 17 that any copyrighted work developed with AI technology will be protected only if the natural person's contribution to its creation is prominent.⁹² And, under Article 18, that AI-generated work will belong to the person who contributed to its creation.⁹³ Therefore, no natural person possesses the work if no contribution is prominent in it or if artificial intelligence arrives independently.⁹⁴ In this case, under Article 19, AI-generated work falls into the public domain.⁹⁵ The question of what constitutes 'prominent' as a criterion for copyright protection, and how to measure it, should be interpreted under the draft.⁹⁶

85 See Saudi Data & AI Authority, *AI Ethics Principles* available at: <https://sdaia.gov.sa/en/SDAIA/about/Documents/ai-principles.pdf>, accessed 24 May 2024.

86 See Saudi Data & AI Authority, *Generative Artificial Intelligence Guidelines for Public* available at: <https://sdaia.gov.sa/en/SDAIA/about/Files/GenerativeAIPublicEN.pdf>, accessed 24 May 2024.

87 See Information and eGovernment Authority, Kingdom of Bahrain, General Policy for the Use of AI (20 May 2025).

88 Al-Barakati (n 73) 23.

89 See Saudi Arabia's IP Law project available at <https://riyadh.om/wp-content/uploads/2023/04/2023-04-KSA-IP-Law.pdf>, accessed 2 October 2024.

90 Saudi Arabia's IP Law project chapter 'Intellectual Property Associated with Artificial Intelligence and Emerging Technologies and Supporting Its Promotion' available at <https://riyadh.om/wp-content/uploads/2023/04/2023-04-KSA-IP-Law.pdf> accessed 2 October 2024.

91 Ahmad Saleh, 'The Saudi Authority for Intellectual Property (SAIP) issued a Draft Intellectual Property Legislation' (*Tamimi*, 10 April 2023) www.tamimi.com/news/the-saudi-authority-for-intellectual-property-saip-issued-a-draft-intellectual-property-legislation/ accessed 2 October 2024.

92 Article 17 under Saudi Arabia IP Law project.

93 Article 18 under Saudi Arabia IP Law project.

94 Melissa Murray, Richard Gaugeler and Sarah Batarfi, 'Saudi Arabia Pioneers Regulation of Artificial Intelligence in the Gulf Region with Proposed New Intellectual Property Law' (*Two Birds*, 6 July 2023) www.twobirds.com/en/insights/2023/global/saudi-arabia-pioneers-regulation-of-artificial-intelligence accessed 9 May 2024.

95 Article 19 under Saudi Arabia IP Law project.

96 Murray, Gaugeler and Batarfi (n 94).

4.1 What are the Next steps that should be Taken Regarding Copyright Laws in the GCC Countries?

After reviewing the current copyright laws of the GCC countries and the necessity to reform the copyright laws in the GCC countries to face advanced technology. This research therefore sought to bring together all stakeholders and decision-makers in the GCC countries to strengthen cooperation and collaboration amongst experts to keep pace with generative AI and provide a map for navigating the legal challenges brought to copyright law. Regulating generative AI will enable the GCC countries to reach their goal of diversifying their economies by relying on cutting-edge digital technologies, like AI, to drive growth rather than depending on oil as their only economic source.⁹⁷

Therefore, this research urges the decision-makers in the GCC countries to issue a unified copyright law. Issuing a unified copyright law for the GCC countries will address two main matters. Firstly, issuing a unified copyright law for the GCC countries will address the legal challenges posed by generative AI, such as ownership and authorship of the content. So, this paper, therefore, recommends likewise the Saudi Arabia chapter on 'Intellectual Property associated with Artificial Intelligence and Emerging Technologies and Supporting its Promotion', as mentioned above, protecting the copyrighted work developed with AI only if the natural person's contribution,⁹⁸ and as discussed above, the work will belong to the person who contributed to its creation.⁹⁹ By suggesting that the decision makers of the GCC countries protect the creative content generated by AI when a human has an intellectual contribution to it. Still, when there is no human contribution, the ownership remains with the AI developer company, since, as mentioned above, it is illegal and unethical to name a person as the author when there is no intellectual labour. This research therefore recommends that OpenAI, as the AI developer company, change its policy not to assign all rights to users, as mentioned above. Therefore, this research recommends unifying the definition of author under the new unified copyright regulation and including legal persons under their definition of author; likewise, Kuwait, the UAE and Saudi Arabia should retain authorship for the AI developer company.

Secondly, issuing a unified copyright law for the GCC countries will bridge the regulatory gaps of generative AI among the countries and harmonise the inconsistencies under their copyright laws. As mentioned previously, the definition of the author and length of the copyright term under the laws of the GCC members vary not only because different states have different terms, as mentioned previously, in Oman and Bahrain, the length of the copyright term is seventy years after the author's death.¹⁰⁰ Also,

97 See The Economist Intelligence Unit, *Innovating through Tech in the GCC* (2020) 5 available at: <https://www.bahrainedb.com/app/uploads/2020/10/EIU-Bahrain-EDB-Innovating-through-tech-in-the-GCC-24th-August-2020.pdf>, accessed 18 May 2024. 'Saudi Arabia and Artificial Intelligence' (*Middle East Political and Economic Institute*, November 2, 2020) <https://mepei.com/saudi-arabia-and-artificial-intelligence/> accessed 18 May 2024

98 See Article 17 under Saudi Arabia IP Law project.

99 See Article 18 under Saudi Arabia IP Law project.

100 Chapter Seven Term of Protection of the Financial Rights and Neighbouring Rights First: Term of protection of the financial rights under Article 26 of Oman Copyright Law: 'The term of protection for the financial copyrights, stipulated under this Law, shall be the life of the author and seventy years starting from the beginning of the Gregorian calendar year following the year of his death.' Article 37 of Bahrain Copyright Law stipulates that 'an author's economic rights are protected throughout his lifetime and for seventy years beginning on the first day of the calendar year following the year of his death, except where other provision is made in this subsection.'

because of the subject matter and how it is produced.¹⁰¹ For example, Copyright protection for computer software expires 50 years after the year of publication in Saudi Arabia¹⁰² and Kuwait.¹⁰³ Photographic protection in Kuwait ends 50 years after the year of publication,¹⁰⁴ whereas in Saudi Arabia, it ends 25 years after the year of publication.¹⁰⁵

The result of varying the duration of copyright protection for works across GCC countries is that the works enter the public domain at different times. The practical implication of this variety of protecting copyright works is that companies, artists, schools, and other members of society in some of these countries will have up to 50 years' advantage in using the vast collections of public domain works for a range of socially beneficial purposes before those in countries with longer copyright terms.¹⁰⁶

5. Conclusion

This paper examined its primary research question: whether the current GCC countries' copyright laws are adequate to address the legal challenges posed by generative AI, namely ChatGPT, and, if not, what can be done to reform them. The first section primarily provided background on ChatGPT as generative AI, how it works, and its legal implications. After introducing ChatGPT, the following sections reviewed and analysed the current copyright laws of the GCC countries and how they respond to the legal challenges posed by ChatGPT.

After reviewing the GCC countries' copyright laws, it can be asserted that generative AI must be regulated to address the legal challenges it poses. Regulating generative AI will also support the GCC countries' visions of diversifying their economies by relying on cutting-edge digital technologies, like AI, to drive growth rather than depending on oil as their only economic source. This paper therefore recommends that decision-makers in the GCC countries follow the Saudi Arabia chapter on 'Intellectual Property associated with Artificial Intelligence and Emerging Technologies and Supporting its Promotion' by protecting creative content generated by AI when a human makes an intellectual contribution. Still, when there is no human contribution, the authorship will remain with the AI developer, as it is illegal and unethical to name a person as the author when there is no intellectual labour. This research therefore recommended that OpenAI change its policy, so it does not assign all rights to users, but keeps them with the company. Therefore, this paper recommended unifying the definition of author under the new unified copyright regulation and including legal persons within that definition of author, as is also done in Kuwait, the UAE and Saudi Arabia.

This paper also showed that issuing a unified copyright law in the GCC countries will harmonise other inconsistencies under the GCC countries' copyright laws, such as the length of the copyright term,

101 Al Balushi, Al Lawati and Mohsin (n 53) 6.

102 Saudi Copyright Law Article 19.

103 Article 23 of the Kuwaiti Copyright Law.

104 Article 23 of the Kuwaiti Copyright Law.

105 Saudi Copyright Law Article 19(1)(6).

106 Al Balushi, Al Lawati and Mohsin (n 53) 14.

which varies because different states have different terms, as mentioned previously. As a result, the copyright term for a work differs by GCC member, and the work enters the public domain at different times. The practical implication of this variety of protecting copyright works is that companies, artists, schools, and other members of society in some of these countries will have up to 50 years' advantage in using the vast collections of public domain works for a range of socially beneficial purposes before those in countries with longer copyright terms.

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