



TECH

Diminished rewards and liabilities for artificial creations

June 7, 2023, 5:16 PM IST / Raj Shekhar in Voices, Tech, TOI



Raj Shekhar

Responsible AI Lead at NASSCOM

Michelangelo, one of the best-known artists of the 16th century, had once famously said – “Only God creates. The rest of us just copy.” But he said it too late. The temptation of owning and enjoying something exclusively had smit humanity by then. Man became God as he scribed his own rules to feed this temptation and nurture it. These rules defined and legitimised all forms of private property that humanity boasts of today – physical (land, buildings, and parks) and intellectual (poetry, music, and Edison’s light bulb).

Private property is perhaps the only creation for which God would shy away from taking the credit. But, more importantly, it’s a fiction that has truly withstood the test of time – something that has been shaping the human condition for ages and is almost non-negotiable now.

So, let’s give Michelangelo some benefit of doubt (for our convenience) and presume that by “God” he meant: inspiration. Builders, artists, and inventors get inspired to create all the time. This inspiration could be literally anything: Trump built half of today’s Manhattan (well not literally of course) inspired by his father’s legacy, Vinci painted

Mona Lisa inspired by his lover, and the Wright brothers invented the motorised plane inspired by a German glider pioneer who crashed to his death in 1896 – Otto Lilienthal.

The creative pursuit throughout history has come to define in many ways what makes us human and different from other species. However, for some time now, a new “species” has been steadily encroaching the domain of creativity to contest the long-standing monopoly of humans over it. It creates objects of art and innovation that would give many artists and innovators a run for their money. It’s called generative artificial intelligence (or GenAI). Its small, yet powerful and fast-expanding family includes OpenAI’s ChatGPT and Google’s Bard, among several others. And it makes one wonder if the members of this family could be or should be treated at par with human creators.

But is Michelangelo’s inspiration anything like the data on which GenAI systems are trained? Not quite, right? In fact, there are astronomical differences between the two. For one thing, the latter can be collected, stored, analysed, and even breached – not sure if one could do any of these things with the former, except perhaps at a metaphysical level. Only God knows who’s been there, done that.

Though, one could definitely argue that the whole enterprise of GenAI systems is led by Michelangelo’s inspiration. After all, what else could explain the ridiculous amounts of human ingenuity and corporate funding that go into building and deploying these systems at scale? Indeed, it would be a bit of a stretch to think of GenAI systems as “autonomous” entities. There are living, breathing humans doing some phenomenal engineering at the backend that make these systems function as they do. And let’s not forget the trailblazing artists and innovators whose creations continue to inspire all what GenAI apparently creates.

Yet, it’s hard to deny what GenAI systems end up producing is often unpredictable and even quite creative. Take for instance: the cross-bristled design of Oral-B’s CrossAction Toothbrush which was created by DABUS (Device for the Autonomous Bootstrapping of Unified Sentience) – a “Creativity Machine” that in turn was invented by Dr. Stephen Thaler, President and CEO of Imagination Engines Inc; or ChatGPT’s perfect recipe for a meal tailored to your specific dietary requirements.

Even so, Michelangelo’s inspiration does not quite seem to directly influence the character and composition of what comes out of a GenAI system – no matter how utterly astonishing or distinctly valuable it might be. Therefore, the nature and quantum

of rewards and liabilities for GenAI creations must not be at par with what are doled out to creations that do carry Michelangelo's inspiration with them through and through – like Taylor Swift's latest single.

On the contrary: the rewards and liabilities for GenAI creations must diminish relative to those allocated for human creations.

Let's unpack this further.

Proportionate rewards distribution. Everyone likes to be rewarded for good work. If that work happens to be an artwork, its creator enjoys the right to be credited for it as an author. If it happens to be an invention, its creator enjoys the right to be credited for it as an inventor. Both artists and inventors also get awarded the exclusive right to use and exploit their creative works commercially (e.g., through rent collection or sale) for a limited period of time – a time-specific monopoly. In legal parlance, this set of rewards for creative works is called intellectual property. The stated goals of intellectual property have been to incentivise creativity to enrich human culture and advance human development.

It is this set of rewards that must diminish when afforded to GenAI creations. The moral right of authorship or inventorship over a GenAI creation should diminish to something that denotes a lesser moral claim to either of the titles by the creator(s) of the GenAI system. Similarly, the time-specific monopoly granted over a GenAI creation should diminish to a length of time that denotes a rather fainting influence of Michelangelo's inspiration in the creative process. One could call this diminished set of rewards afforded to GenAI creations as diminished intellectual property.

If the current intellectual property regimes do not implement this differential treatment for GenAI creations, then they would cease to safeguard and promote the direct use of Michelangelo's inspiration in creativity. It's because GenAI systems demonstrate gobsmacking potential to create at a pace no human can match. So, it would simply not make rational sense for any person (corporate or human) to directly use Michelangelo's inspiration to create something new, without the aid of a GenAI system. GenAI creativity will then reign supreme – at the cost of human creativity – the source of it all.

We as a society will need to decide if that's what we want.

Fair liability apportionment. Artefacts of creativity, whether produced by humans or GenAI systems, might not always be beneficial for society. Sometimes, by their very nature they could end up wreaking havoc on society; while at other times, their misuse

could compromise public safety. And when they do, who should be held responsible for it? The person or entity who created it, right? History is replete with gripping stories of artists and inventors getting sued or penalised for their creations. Sometimes, it may have been perversely political while at other times plain justified.

But could one justifiably sue or penalise a member of the GenAI family for writing socially disharminising prose that ends up causing street riots or for inventing bioweapons that kill and cripple millions of people? No, right? After all, none of the members of this family are anything like humans whose actions are motivated by social and legal rewards and sanctions.

Yet, if one argues for it, they would also defend, either maliciously or unwittingly, any perverse use of human ingenuity or corporate muscle to incubate the GenAI family with zero accountability. That would be an extremely worrying state of affairs. Nonetheless, the human or corporate incubators of the GenAI family must not be expected to atone the sins of the family or any of its members in entirety but only in justifiable proportions that factor in the fainting influence of Michelangelo's inspiration in GenAI creations.

If the incubators did all they could have done to prevent harm, they should not be held liable for it. What all they could have done remains a fertile ground for heated debates over novel and complex questions of ethics and responsibility. All that aside: if the GenAI incubators end up getting disproportionately penalised for the misdeeds of their incubates, it will likely have a chilling effect on GenAI creativity; and humanity would risk losing out on the immense economic and humanitarian benefits that GenAI promises.

DISCLAIMER

Views expressed above are the author's own.

SHARE THIS BLOG

