INTELLECTUAL PROPERTY IN THE AGE OF AI: CAN PROMPTS BE COPYRIGHT PROTECTED?

IGOR SALGADO

Keywords: Intellectual Property. Artificial Intelligence. Prompts. Copyright. Originality.

I. INTRODUCTION

Artificial Intelligence (AI) has taken the spotlight in recent years, especially with the exponential growth of Generative AI (GenAI) and its ability to generate text, images, music and various other content in seconds from simple user instructions.

Due to the growth of Generative AI tools, discussions and questions surrounding Artificial Intelligence and Intellectual Property have arisen.

With respect to copyright, the main debates currently focus on the input and output stages. Whether AI companies can use copyrighted works to train their systems and whether AI-generated works deserve copyright protection are at the heart of that debate.

There is, however, an "intruder" that also deserves attention: the prompt.

Defined by the Stable Diffusion Prompt Book as "*the process of structuring words than can be interpreted and understood by a text-to-image model,*" the prompt is a topic that has gained prominence in the AI and copyright discourse.

Prompts are the set of instructions provided to AI systems in natural language to generate a result (output), such as images, music, articles, or poetry. As they are an input or query provided to a model to generate a response or perform an action, prompts work as a bridge between the user's plan and the intended result (output).

Prompts can vary considerably in their complexity and format. While one could simply ask ChatGPT to "*generate a poem about sunsets*" or ask "*what is the largest ocean in the world?*", it is also possible to create much more elaborate prompts, with hundreds of instructions. To illustrate, Midjourney exemplifies that the users can provide the following instructions to the AI tool:

Prompt	**Output**
A highly detailed full-body portrait of a woman with Nordic features walking confidently down a runway during a high-fashion show. The setting is a pavilion enveloped in vibrant pink mist, creating a striking and ethereal atmosphere. She is dressed in an oversized, luxurious fur coat in a bold lime green shade, with a voluminous texture that exudes boldness and sophistication. On her legs are glossy, oversized thigh-high puffer boots in the same vibrant lime green shade, adding a	

cohesive and powerful element to her look. Her bright fiery red hair flows dramatically, adding a vibrant contrast to her outfit and enhancing the dynamic energy of the scene. Her light blue eyes gaze forward with a serene and confident expression, embodying elegance and poise. The photograph is styled as a high-gloss fashion editorial, reminiscent of a Vogue cover shoot, with impeccable lighting and attention to every detail. Captured in ultra-high definition using a Hasselblad H6D-400c MS camera paired with a Canon EF 50mm f/1.2L USM lens, the vibrant pink mist and the bold lime green tones of her outfit create a glamorous and visually arresting composition, perfectly encapsulating the energy of a couture runway --ar 9:16 --style raw --stylize 250 --v 6.1	

As this example illustrates, well-crafted prompts can include numbers, words and parameters that allow the user to better control the output. The more instructions a user provides, the more control he or she will have on the outcome. In some cases, complex prompts can involve "specific syntax, parameters, and even logical operators to refine the AI's output."

In the legal context, prompts serve as valuable tools for drafting petitions, analyzing case law, and generating legal opinions. In the IP field in particular, professionals

can use structured and creative prompts to enhance their daily tasks. This may include formulating a prompt to evaluate trademark availability search reports or drafting a demand letter to address potential trademark or patent infringement.

As any IP professional knows, there is a lot of discussion on whether AI-generated works are copyrightable subject matter. Many authors have been writing about this, and some countries have reached a degree of consensus that "*if content is entirely generated by AI, it cannot be protected by copyright"* due to the lack of human authorship.

However, instead of addressing the copyrightability of AI-generated works (the output), the purpose of this article is to contribute to the debate regarding the protection of prompts alone regardless of a possible protection for the outcome.

II. THE COMMERCIAL VALUE OF THE PROMPTS

Prompts have been assuming significant commercial value.

Because prompts can vary widely in complexity and format, they can be valuable assets. This has led to an emerging commercial market in this area.

There are already prompt marketplaces that allow users to buy and sell prompts (PromptBase), platforms that offer courses that teach how to create well-crafted prompts (PromptStacks), repositories of AI-generated works and their corresponding prompts (PromptHero), and many other platforms that are transforming the landscape of content creation.

Through PromptBase platform, for example, developers, content creators and designers can sell their pre-made prompts tailored for different tasks, like generating blog posts, articles or logos. Further, users who

seek to optimize their use of AI tools and save time can purchase prompts that suit their needs.

In addition, there is an increasing demand for the skills of prompt engineers, who are responsible for creating well-structured, optimized and complex prompts for use with AI platforms to generate a desired output. The role of the prompt engineer is particularly important because "the design and selection of prompts often require expertise and resources . . . beyond the capabilities of general users."

The ability to communicate effectively with AI systems brings other economic benefits to businesses and users.

First, a tailor-made prompt can produce more accurate and valuable results, generating useful content for companies, professionals and consumers. Also, companies that use AI to optimize their internal processes can reduce costs by using well-structured prompts, leading to more accurate outputs. Prompts can then differentiate companies from their competitors.

The rise of this new market for prompts, which can be sold or licensed between companies and individuals, creates many opportunities, both for those who trade prompts or for companies looking to improve their results using AI.

Legal operators cannot ignore that booming market. Determining the best way to protect prompts provides legal certainty for companies and individuals in different fields.

III. ORIGINALITY AS A STARTING POINT

The question turns to whether a prompt deserves legal protection.

Of course, a company that believes it has a well-structured prompt with commercial value can keep that prompt as a trade secret, provided that it is not disclosed to

the public and the company complies with local rules and standards.

Within the Intellectual Property umbrella, it is worth analyzing whether there is an IP right that fits the particulars of the prompts. Because prompts are usually texts, copyright seems to be the most appropriate right for a possible protection. Are prompts copyrightable subject matter?

As widely known, copyright protects original literary, artistic and scientific works, as well as computer programs and databases, created by humans.

Because originality is the *sine qua non* for copyright, determining whether a prompt complies with the originality threshold is the most contentious and key point for the recognition of copyright protection for text prompts.

For example, if someone asks the DALL-E AI system to create "a black and white illustration of a couple sitting on a bench in the park in spring," it is difficult to support that this set of instructions exceeds the minimum threshold to meet the originality requirement. On the other hand, sophisticated and well-designed prompts can transcend this limitation and incorporate sufficient originality beyond mere functionality.

The crafting of these prompts involves the use of specific syntax, parameters, words and/or numbers, as well as an understanding of the architecture and nuances of each AI platform. In this case, a prompt can inevitably contain a degree of creativity from its creator, with artistic direction for the AI system to generate a result.

Although each jurisdiction may have its own standards for assessing the originality requirement, there is a growing convergence towards a standard based on "creative choices." Moreover, the creativity required for a work to be copyrightable is generally low.

In any event, since text prompts are commonly regarded as sets of instructions given to an AI system to

generate an output, the line between the utilitarian nature of text prompts and their originality is very thin. Analyzing this tension case-by-case is key to determine whether a prompt meets the originality standard to deserve copyright protection.

A decision issued by the United States Copyright Office can shed light on whether well-structured prompts meet the originality requirement and are therefore copyrightable. In 2022, an individual named Jason M. Allen applied to the U.S. Copyright Office to register the image entitled Théâtre D'opéra Spatial, which he created using the AI platform Midjourney:

Mr. Allen informed the Office that he "input numerous revisions and text prompts at least 624 times to arrive at the initial version of the image." Importantly, he also argued that his creative input into Midjourney included "a series of prompts" to "adjust the scene, select portions to focus on, and dictate the tone of the image."

Although the Copyright Office denied copyright protection for the AI-generated image because it lacked

human authorship, it issued an enlightening note about potential copyright protection for prompts that involve creative choices:

> The Board acknowledges that the process of prompting can involve creativity—after all, "some prompts may be sufficiently creative to be protected by copyright" as literary works.

Interestingly, a decision denying copyright protection for the image could be the seed for the protection of prompts. The decision, therefore, has left the door open to recognizing complex and well-crafted prompts as works of authorship.

The question, as always, would be where to draw the line of originality. How to define whether a certain prompt has enough creativity to be considered original? Would that answer lie in the number of words typed? In the arrangement of the commands? This is just one of the issues that will soon be faced.

IV. REASONS AGAINST COPYRIGHT PROTECTION FOR PROMPTS

In spite of the Copyright Office's note, four arguments could be used against possible copyright protection for prompts.

A. Are the prompts functional?

The Berne Convention, the main international treaty and cornerstone of international copyright law, aims to protect "the rights of authors in their literary and artistic works." Since Article 2 of the Convention states that "the expression 'literary and artistic works shall include every production in the literary, scientific and artistic domain," to be copyright protected, the expression of an idea must be

endowed with aesthetic nature. This concept plays a crucial role in fulfilling the goals of copyright.

This means that a work must have a literary or artistic form to be copyrightable, while utilitarian creations might be protected through other IP rights.

Thus, one can argue that prompts lack literary, artistic or scientific form because they only serve as instructions or parameters to guide AI systems such as ChatGPT, Midjourney and Suno to generate an output. That is, despite their relevance for generating an output, prompts would have neither originality nor aesthetic nature.

Because the primary function of a prompt is instructing a system to generate an expected result, the nature of prompts would not be consistent with the purposes of copyright law, which is to promote the development of art, entertainment and culture.

Nevertheless, as anticipated in Section 3 above, there are prompts that involve creative choices and go beyond the threshold of mere instructions/commands.

In this respect, a parallel can be drawn between prompts and cooking recipes. Although a simple list of ingredients does not deserve copyright protection, if the recipe consists of detailed directions and creatively describes the cooking or baking process, this written expression may be copyrightable:

> A recipe is a statement of the ingredients and procedure required for making a dish of food. A mere listing of ingredients or contents, or a simple set of directions, is uncopyrightable. As a result, the Office cannot register recipes consisting of a set of ingredients and a process for preparing a dish. In contrast, a recipe that creatively explains or depicts how or why to perform a particular activity may be copyrightable.

Therefore, functionality is not an insurmountable barrier to protecting prompts as copyright. While common

instructions or short sentences are likely to be considered functional or too minimal to satisfy the originality requirement, that might not be the case for complex prompts.

Again, the particulars and sophistication of the specific prompt are key elements in determining whether it deserves copyright protection.

B. The idea-expression dichotomy

Copyright law can give exclusive rights over the authors' expression of their ideas – that is, the unique way their ideas are fixed in a tangible form – but never over the ideas as such. The protection is conferred on the form of expression, not on the idea that the work conveys.

For example, a plot about a young boy who discovers that he is a wizard and goes to a wizarding school to develop his skills and ends up facing a series of challenges is an idea and cannot be copyrighted. Any writer or filmmaker can write a book or make a movie with a similar plot. Nonetheless, a specific story about a young orphan wizard going to a wizarding school, including the details, characters and dialogue, would be considered an expression and, thus, eligible for copyright protection.

Based on this idea-expression dichotomy, some scholars argue that "any prompt is far from being the expression and instead comes fatally close to being the idea prior to its expression." Even if a prompt is specific and complex, it would still be a set of instructions that an AI system will use to materialize an idea.

To be clear, the prompt would not be an expression of the idea, but rather the idea to be materialized in the output generated by the AI platform.

In this regard, the U.S. Copyright Office also published the second part of its report on copyright and AI,

which addresses the copyrightability of AI-generated outputs.

Although this report focuses on whether prompts provide sufficient human control to make the user of an AI system the author of the output (and not the protection of the prompt alone), the Copyright Office points out that "prompts essentially function as instructions that convey unprotectible ideas" and that "prompts may reflect a user's mental conception or idea, but they do not control the way that idea is expressed."

However, the fact that the prompt is a step in generating the output does not make it an idea and therefore not eligible for copyright protection.

For instance, a given architectural plan that is an original design of a building can be copyrighted as an architectural work. There is no doubt that this architectural plan is a step in the final work (building) and yet there are no idea-expression concerns regarding its copyrightability.

Similarly, the analysis regarding the protection of a prompt and the protection of the output generated by the use of that prompt are unrelated issues.

Therefore, although the line between expression and idea is not always clear, this argument seems to ignore the particularities surrounding the development of prompts and the dissociation between the protection of the prompt itself and the protection of the AI-generated work (output).

Although the general idea or concept behind a text prompt is not copyrightable, a prompt written or arranged in a creative manner may be. The protection would fall on the text of the prompt and the creative combination of words, numbers and parameters.

C. The "sweat of the brow" doctrine

To create the two-dimensional artwork Théâtre D'opéra Spatial cited in Section 3, Mr. Jason M. Allen used

more than 600 prompts. His work involved extensive selection and adjustment to achieve the desired output. There is no doubt that he spent significant time and effort working on a complex and detailed prompt.

But does copyright law serve to reward his efforts? This is the question raised by those who may rely on the "sweat of the brow" doctrine to argue a prompt text cannot be copyrightable.

Professor William Fischer, in exploring the four perspectives that dominate theoretical writing about intellectual property, explains that according to the Labor Theory, authors or inventors deserve the "fruits of their labor." In other words, they should be entitled to the rewards of their creative efforts because of their skills, time and investment in the creation process.

However, courts and copyright laws have given greater weight to originality than to the effort and investment put into a work, thus rejecting the "sweat of the brow" doctrine as a basis for copyright protection. In addition, the U.S. Copyright Office states in its Compendium of Practices that time, effort, or expense required to create a work should not be considered in determining copyrightability.

Applying this reasoning to prompts, one could argue that granting copyright protection to prompts based on authors' possible efforts would subvert the rationale that copyright requires originality, not effort, to create the work.

Even prompts with hundreds or thousands of commands will not qualify for copyright protection if they do not meet the *minimum* degree of creativity to deserve copyright protection, despite the author's effort, time and investment. Again, originality is the key to copyright protection.

This understanding, however, is not at odds with the one supported in this article, although the conclusions are different.

To be clear, an author's possible hard work to create a prompt is not enough to meet copyright requirements. It is not the number of words or parameters of a prompt that should be examined, but rather the amount of creativity invested by its author. A large prompt that involves the use of multiple instructions or commands is not necessarily protectable, while it is likely to meet the requirements.

Like any other work, if a prompt has creative choices and artistic directions that allows it to have a minimum creative spark, then it should be considered a work eligible for copyright protection.

D. A possible detrimental effect on the development of AI systems

Another argument that could be raised is that copyright protection to prompts might have anticompetitive effects and stifle innovation, thereby hindering the development and use of AI systems. Granting exclusive rights to a prompt would represent a barrier to new creators, limiting the use of similar prompts by third parties and restricting access to essential inputs for AI-generated works.

This would clearly contradict the main benefits of AI platforms, which is to provide greater access to innovation, knowledge and the development of new ideas, technologies and art forms.

While overly broad copyright protection for prompts could be an obstacle to the development of AI – because it could discourage creators from using similar structures or create a trend of seeking copyright protection for even minor prompts – the potential protection of prompts would not be the rule, especially considering that AI tools are mostly used on a daily basis through short phrases and common questions.

Protection would be granted only in cases where the prompt transcends mere instructions and contains clear creative choices.

There is no ready-made formula for determining whether the originality requirement for prompt is met. This will be conducted on a case-by-case basis, considering both originality and a fair balance between protection and access to AI tools.

While the foregoing reasons against copyright protection for prompts are relevant to the debate, none completely preclude their potential protection. Instead, they might serve as a starting point to avoid overprotection of purely functional questions or instructions, as well as of complex prompts that lack creativity.

Because a prompt may, under certain circumstances, meet the requirements for protection, it is worth examining where prompts would fall under copyright law.

V. WHERE DO PROMPTS FIT INTO COPYRIGHT LAW?

As discussed, prompts that are mere instructions or simple inputs to an AI system are unlikely to meet the originality threshold. On the other hand, there are prompts that contain sufficient artistic direction and a minimum degree of creativity.

Nevertheless, there is an uncertain point: would prompts receive protection similar to that granted to computer programs, or would they be protected as "traditional" copyright? This distinction is important because different types of copyrighted works differ in scope and term of protection, as well as to their exceptions and limitations. In the following section, this paper will address which type of protection would be the most applicable to prompts.

A. Protection as Computer Programs

The first option is to protect prompts as computer programs.

There was much debate about what protection should be granted to computer programs, and a consensus was only reached in the 1990s. According to scholars and copyright laws, a computer program is defined as a set of instructions intended to make the computer perform specific functions.

Upon including computer programs within the scope of copyright, it was recognized that works that are not characterized by their artistic value, but rather by their functionality, could exceptionally be protected as works of authorship.

As can be seen, there is a clear parallel between a complex set of prompts and a computer code. The reason for this is that advanced prompts, besides being subject to functional concerns, are essentially instructions designed to make the machine perform a task, and these instructions often involve specific syntax and parameters whose structures mirror "the logic and organization found in traditional programming languages." Thus, some scholars propose that the same conclusion adopted for computer programs could be applied to prompts:

> However, is there any obstacle to considering these prompts as a programming language? After all, recital 7 of the EU Directive states that "computer programs shall include programs *in any form*, including those which are incorporated into hardware." The choice not to define computer programs was intended precisely to futureproof the law.

It is also argued that the "protection must be similar to that provided for computer programs, which have as

their object the outward form of the work and not the ideas and technical solutions that determine its operation."

However, while they may seem like a puzzle that fits together perfectly, there are caveats about applying the same rules for computer programs to prompt.

While a source or object code of a computer program will always produce the same result, the use of a certain prompt in the same AI system might produce different results. This means that, unlike computer programs, the content generated by AI in response to a given prompt text has some unpredictability.

In addition, the codes of computer programs are written in a programming language, with specific rules and structures, while the prompts used with AI tools are typically in natural language, with flexibility in terms of structure.

Although computer programs and written prompts share some similarities in their definitions, they are fundamentally different. Arguing for the protection of prompts using the same logic as computer programs may seem like an attempt to justify the utilitarian nature of the prompt and its eligibility for protection.

B. Protection as a "traditional" copyright

Protecting the prompt as a conventional work of authorship, rather than as software, would be a better alternative.

First, a prompt that is a well-crafted text with a unique and creative way of phrasing and structured with a significant artistic direction can be considered a literary work. In other words, prompts that go beyond simple questions or instructions and have a creative spark from the author may meet the originality threshold and qualify for copyright protection as a literary work.

However, copyright does not protect only literary, artistic or scientific works. Because prompts can be created in many ways and forms, a complex prompt can also be an intellectual creation through the selection, organization, or arrangement of its unprotectable elements.

The copyright protection based on the selection and arrangement of these elements may therefore be an effective solution for prompts that are endowed with an organized selection of words, numbers, short phrases and parameters.

For this purpose, the author of the prompt must demonstrate that his/her work is indeed the result of an arranged selection of various elements that, due to their organization and creative choices, are considered instructions that meet the creativity requirement for copyright protection.

Of course, this potential protection for arrangement or selection granted to a prompt is thin and limited, since the slightest alteration of its structure, as long as it does not reproduce the essential core of the prompt text, may be sufficient to preclude any infringement. Also, any modification of the elements of the prompt may lead to very different outputs.

In any event, there is no way to deny copyright protection to human-written sophisticated prompts that contain sufficient creative choices. Further, as existing legal doctrines and copyright principles are well suited to address the copyrightability of prompts, there is no need to provide a new or additional *sui generis* protection.

VI. CONCLUSION

Although the discussion surrounding AI and copyright has grown exponentially in recent years, the question of whether prompts alone can be copyrighted remains relatively unexplored. However, as prompts

become real commercial assets and gain significant economic value, this issue tends to come to the forefront of the debate.

This paper has highlighted that copyright is the most suitable Intellectual Property area for protecting prompts. Since human-created prompts serve as commands to AI systems, they can meet the originality threshold depending on their design and structure.

However, potential copyright protection for prompts is not without controversy. Critics may argue that prompts are purely functional, lack expressive content, reward only the creator's effort and that granting them exclusive rights could be anticompetitive. Despite these concerns, prompts vary widely in format, complexity, and structure, and some may possess sufficient originality to transcend their functional nature and qualify for copyright protection.

To deserve copyright protection, a prompt must be written, structured or organized in a way that demonstrates a distinct level of creativity and originality – this determination must be made on a case-by-case basis.

In other words, copyright protection for prompts should not be dismissed outright, but rather, each case should be carefully assessed to ensure a fair balance of interests.

It is important to emphasize that protecting a well-crafted prompt is separate from protecting the AI-generated output. After all, asking a good question or organizing elements in a creative way may have artistic value, but the result (outcome) is another story.

Thus, the scenario of prompts illustrates that AI is not replacing human creativity but serving as a tool to enhance it. Prompting may be an art, and those skilled in it will have a competitive edge. As the role of prompts continues to grow, legal experts, courts, and copyright offices will undoubtedly explore their protection in greater depth in the coming years.

VII. REFERENCES

Barbosa, D. B. (2013). Direito de Autor – Questões Fundamentais de Direito de Autor. *Lumen Juris*, 299.

Diab, M., Herrera, J., Sleep, M., Chernow, B., & Mao, C. (2022). Stable Diffusion Prompt Book. *OpenArt*. https://openart.ai/promptbook [https://perma.cc/3JJY-RNH6]

Dragotti, G. (2023). Generative AI and prompt protection under intellectual property law. *DLA PIPER*. Generative AI and prompt protection under intellectual property law | DLA Piper [https://perma.cc/AHD7-9ADW]

Chong, J. (2024). The Power of Words. How Prompt Engineering is Reshaping Business. *LinkedIn*. https://www.linkedin.com/pulse/power-words-how-prompt-engineering-reshaping-business-chong-zui8c/ [https://perma.cc/5REV-4M9J]

Fajardo, E. M. F. (2023). The incompatibility between authorship and artificial intelligence generated works. *ABPI Journal, 184*, https://abpi.org.br/revistas/edicao-184-mes-maio-junho-ano-2023/ [https://perma.cc/F4VC-VX5Z]

Fischer, W. (2001). Theories of Intellectual Property. https://cyber.harvard.edu/people/tfisher/iptheory.pdf

Gervais, D. (2023). Humans as Prompt Engineers. *Kluwer Copyright Blog*. https://copyrightblog.kluweriplaw.com/2023/06/14/humans-as-prompt-engineers/ [https://perma.cc/8QNH-M37C]

Koessler, J. (2012). Something for nothing? The Standard of 'Originality' in Copyright Law. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2194343

Levin, S. (2024). Are Recipes and Cookbooks Protected by Copyright?. *Copyright Alliance*. https://

copyrightalliance.org/are-recipes-cookbooks-protected-by-copyright/ [https://perma.cc/ZHH3-Q2KH]

Lee, E. (2023). Prompting Progress: Authorship in the Age of AI. *FLORIDA LAW REVIEW, 76*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4609687

Martens, B. (2024). Why the scope of EU copyright protection should be reduced to realize the innovation benefits of Generative AI. *TILEC Discussion Paper*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4968285

Martín, L. (2023). Can a prompt be protected by Copyright?. *Pen Paint Prompt*. ¿Puede un prompt protegerse por derecho de autor? - Pen Paint Prompt [https://perma.cc/9EKV-MVP8]

Mazzi, F. (2024). Authorship in artificial intelligence-generated works: Exploring originality in text prompts and artificial intelligence outputs through philosophical foundations of copyright and collage protection. *The Journal of World Intellectual Property, 27(3)*. https://onlinelibrary.wiley.com/doi/epdf/10.1111/jwip.12310

Medina, V. A. (2024). Intellectual property and prompts: how to protect people who ask machines questions?. *PONS IP*. https://ponsip.com/en/ip-news/news/intellectual-property-and-prompts-how-to-protect-people-who-ask-machines-questions/ [https://perma.cc/7K42-EYBK]

Ministry of Culture, Sports and Tourism & Korea Copyright Commision. (2023). A Guide on Generative AI and Copyright. https://www.copyright.or.kr/eng/doc/etc_pdf/Guide_on_Generative_AI_and_Copyright.pdf

Myers, G. (2023). The Future is Now: Copyright Protection for Works Created by Artificial Intelligence. *Texas Law Review Online, 102*. https://texaslawreview

.org/wp-content/uploads/2023/10/Myers.10.2.23.FINAL_-2.pdf

Pereira dos Santos, M. J. (2008). A Proteção Autoral de Programas de Computador. *Lumen Juris*.

Pina, C. (2023). Copyright and AI-generated works: Zarya of the Dawn. *Garrigues*. https://www.garrigues.com/en_GB/garrigues-digital/copyright-and-ai-generated-works-zarya-dawn

Ščerba, T., Fořt, J. (2024). The first Czech case on generative AI. *Technology's Legal Edge: A Global Technology Sector Blog (DLA Piper)*. https://www.technologyslegaledge.com/2024/04/the-first-czech-case-on-generative-ai/

Schirru, L., Rocha de Souza, A., Valente, M.G., & Perdigão Lana, A. (2024). Text and Data Mining Exceptions in Latin America. *IIC – International Revier of Intellectual Property and Competition Law, 55*, 1624–1653. https://doi.org/10.1007/s40319-024-01511-2

See, S. (2024). Exploring the Rise of AI Prompt Marketplaces: Revolutionizing Content Creation. *Medium*. https://medium.com/@faizanjatt717/exploring-the-rise-of-ai-prompt-marketplaces-revolutionizing-content-creation-048d5df818ee

Sousa e Silva, N. (2024). Prompts as code?. *Kluwer Copyright Blog*. https://copyrightblog.kluweriplaw.com/2024/11/05/prompts-as-code/

Surden, H. (2024). ChatGPT, AI Large Language Models, and Law. *Fordham Law Review, 92*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4779694

Yao, H., Lou, J., Qin, Z., & Ren, K. (2023). PromptCARE: Prompt Copyright Protection by Watermark Injection and Verification. https://arxiv.org/pdf/2308.02816