

THE ROLE OF HUMAN CONTRIBUTION IN AI-GENERATED WORKS

Msc. Ledina Beqiraj

University “Aleksander Moisiu”, “Durrës”
Faculty of Political Sciences and Law
Law Department, Albania

Abstract: Although generative artificial intelligence has made it simpler to produce well-polished texts and images, it has also reduced the visibility of the human author's role. The user might offer an idea, a prompt, source material, detailed instructions, repeated feedback, or make substantial edits. However, these actions do not have the same legal significance. The article looks at how copyright law can tell the difference between human intellectual creation and the functioning of a generative system. It begins by examining the EU's originality criterion based on the Court of Justice's judgments in *Infopaq*, *Painer*, *Football Dataco*, *Cofemel*, *Levola*, and *Brompton Bicycle*, and the 2025 *Mio* and *Konektra* cases. It then compares the relevant laws of Germany, France, Spain, Italy, and Ireland and looks at the first Czech ruling concerning an AI-generated image. The analysis also takes into account Albanian legal scholarship and Law No. 35/2016, even though Albania is not an EU member state, because these are relevant to the broader European discussion. The main argument of the article is that authorship should be evaluated in relation to the specific expression in question. A court should identify the person's independent creative decisions, check whether those decisions are present in the final work, and grant protection only for the human contribution that results. The cases demonstrate why a simple rule based on counting prompts would be insufficient: a prompt can remain an unprotected idea, while human activities such as composition, selection, revision, or arrangement can result in protectable expression. This method allows for creative work produced with AI to be recognised while still attaching copyright to demonstrable authorship. The article ends by proposing a practical framework for demonstrating contribution and making clear the legal implications of mixed human and machine production.

Keywords: generative artificial intelligence; copyright; human authorship; originality; intellectual creation; AI-assisted works; European Union

1. Introduction

Suppose two illustrators are asked to design the cover of the same book. One types a brief description into an image generator and takes the first image that is produced. The other draws up the layout, provides her own characters, tries out various generated background elements and then alters the final image. It would be odd to regard their contributions as the same just because both have used AI. What is important is the role each person has played in shaping the cover to its final form.

It is also a practical issue as well as a theoretical one. A publisher might promise that an illustration will be used exclusively; a designer might include material produced by AI in a client's project; or a writer might revise sections suggested by a language model. In all these situations, the

various parties concerned need to know what, if anything, the person can regard as their own original work. The question of copyright in the output should be separated from the legal aspects of using protected works to train the model. Although Article 53 of the AI Act lays down certain copyright-related obligations on providers of general-purpose AI models, it does not assign authorship of a generated image or text (Directive (EU) 2019/790, Arts. 3–4; Regulation (EU) 2024/1689, Art. 53; Quintais, 2025).

The position of the EU is well known: copyright covers expression which is the result of the author's own intellectual creation. The Court of Justice of the European Union associates originality with free and creative choices rather than just with effort or with an appealing outcome (Painer, C-145/10; Cofemel, C-683/17). With the help of generative AI the situation becomes complicated since an instruction can affect the output without deciding on its words, shapes or arrangement. It is necessary to examine the degree of that influence in the work itself.

My argument is quite modest: the use of AI does not eliminate the individual's original writing, drawing or arrangement. On the same basis, a person cannot lay claim to the whole output simply because they asked for it, paid for it or liked it. The right question to ask is one concerning the identifiable choices and their connection to the expression for which protection is being sought.

2. Objectives, research questions and methodology

The article raises four related questions:

What requirements does EU law lay down before an expression can be regarded as an author's own intellectual creation?

At which stages of the production process that involves AI can a person make appropriate creative decisions?

How do the five Member States define the author and the work?

What kind of evidence would enable a court to identify the human contribution in a contested output?

The aim is to create a method for dealing with these questions, not to rank different creative tools or to prescribe a minimum number of prompts.

The study is of a doctrinal nature and looks at the CJEU's decisions on originality and the statutory provisions of Germany, France, Spain, Italy and Ireland. The five countries have been chosen to illustrate the different legal formulations relating to authorship and originality in the EU. Spain defines the author as a natural person; Germany speaks of a personal intellectual creation; Italy now makes specific reference to AI assistance; and Ireland has a separate provision concerning computer-generated works. France provides an additional formulation based on the work of the mind. Each of the jurisdictions shows a different legal approach or form of statutory wording that is relevant to AI-generated or AI-assisted works, and together they demonstrate the breadth and complexity of the current European views. The purpose of this comparison is to show not only the

principles that the various legal systems share but also the points of divergence that contribute to the broader discussion about human authorship in the era of generative AI. This is a comparison of the legal rules and the areas where they are likely to come into conflict, not an empirical analysis of how frequently the courts in each country grant protection to AI-assisted works.

Academic writing is useful for examining arguments when legislation is vague. Ginsburg and Budiardjo (2019) look at the connection between coming up with a work and carrying it out. Mazzi (2024) looks at the uncertain relationship between a prompt and its output. Militsyna (2023) and Fritz (2025) suggest methods for assessing the extent of human involvement in particular workflows. I employ these studies as points of discussion and base my legal propositions on judgments and official legislation. The sources were verified up to 27 September 2026. Since there are only a limited number of judicial decisions that are directly relevant, certain conclusions remain interpretive.

3. Theoretical and legal framework

3.1 The aspect of originality and the human author

Infopaq provides assistance with text; the Court of Justice of the European Union made it clear that an extract, even if short, can be considered original if the author's choice of words, the sequence of those words and the way they are combined show creativity (C-5/08, paragraphs 45 to 48). Painer offers help with the creation of images. A photographer can exercise creative freedom when arranging a portrait, taking the photograph and then processing it (C-145/10, paragraphs 89 to 92). Cofemel sets out the general rule which is that there must be an identifiable expression and that this expression must be the photographer's own intellectual creation (C-683/17, paragraphs 29 to 31). These rulings do not determine whether the output of a generative AI is original; their relevance in this case is that they draw attention to the choices contained in a particular form.

Take the instruction 'paint a city at sunset'. It tells us what the image is about, but does not specify the position of the buildings, the angle from which it is viewed, the relationships between the colours and most of the other visual aspects. If the model adds in those features, the user's original idea should not be taken as equivalent to the final execution. Now suppose the facts are different: the user supplies a detailed original sketch, determines the position of the main figures, produces several options for the background and then paints over the one that has been selected. The legal issue in this case then becomes one concerning the particular features that the person has contributed and kept. There is no justification for treating both situations in the same way.

3.2 The conception, the carrying out and the revision

The literature makes a distinction between planning and carrying out a work. Ginsburg and Budiardjo (2019) define authorship in terms of conception and execution. Fritz (2025) raises the question of whether a person used subjective judgment and exercised sufficient control over the process of producing the work. Militsyna (2023) looks at several forms of creative participation rather than treating all the outputs as being the same. These approaches are useful since a typical

AI workflow does not involve a single separate action; a human might introduce original material into the process, alter the direction as it is happening, or make substantial revisions to the final result.

The stages should still be linked to what the public can see or hear. A detailed creative plan might be important if its specific arrangement endures in the final image. Repeated prompting might be important when a user has intentionally shaped identifiable elements. Editing is important when it alters the expression, not just when it corrects a typo. Although time, difficulty and expertise can help to explain the process, they do not by themselves prove that the final form includes the user's original choices. This is the reason why a long prompt history can be strong evidence in one situation and almost irrelevant in another (Mazzi, 2024).

3.3 Authorship, ownership, and training are separate questions

It is sometimes possible to combine three questions into one. When it comes to authorship, the issue is who is responsible for the original expression. Regarding ownership, the question is who has the rights once they have been created, as employment rules or contracts can influence this. As for training, this refers to the use of previous works in order to build an AI model. Although a platform's terms may assign contractual rights, they do not determine whether an output meets the legal test for being a copyright work. Similarly, complying with Article 53 of the AI Act does not establish authorship. Quintais (2025) gives an explanation as to why the input, model and output stages each require separate analysis.

3.4 Albanian scholarship and the domestic framework

The comparison with Europe has direct relevance to the region since Albania is not a member of the EU and therefore Albanian courts are not bound by judgments of the Court of Justice of the European Union in the same way as are the national courts within the Union. Nevertheless, it does serve as an important point of reference for a country whose copyright laws have been influenced by European and international standards. Law No. 35/2016, as amended in 2022, protects original intellectual creations and defines authorship in terms of human creation. The law currently does not contain a specific rule concerning generative AI. As a result, the usual questions arise as to whether an output reflects a person's creative decisions and how a claimant can demonstrate the link between those decisions and the work.

The writing on copyright in Albania provides some valuable insights, even though a great deal of it came before the present discussion about generative AI. Mariana Tutulani-Semini's monograph *E drejta e autorit në Shqipëri* gives a thorough analysis of authorship and the national system. Artan Spahiu and Fatma Spahiu treat copyright as a personal and economic right in the context of Albania's evolving legal framework (2015). Erena Haska's examination of copyright in the digital environment is concerned with the balance between the interests of creators and public access, especially as it relates to educational and library institutions. Nevertheless, these studies do not directly deal with the question of AI-authorship. They do, however, help to set the issue in focus by stating that copyright should acknowledge the creator's personal link to the original expression

while at the same time establishing the boundaries of exclusivity. (Tutulani-Semini, 2009; Spahiu and Spahiu, 2015; Haska, 2014).

More recent Albanian academic work has dealt directly with generative AI. Kristi Bello and Blegina Hasko (2026) look at Law No. 35/2016 together with the approaches taken by the EU and the United States, focusing on the issues of authorship, the training data used, and the risk of style imitation. They suggest that a *sui generis* solution might be a possible way forward, but this should be handled with care. A new neighbouring or *sui generis* right could provide recognition for investment in outputs that have no author, although it might also introduce an additional layer of exclusivity without solving the question of who made the expressive choices. Such a right could bring about legal certainty and possibly provide incentives for creators and investors who are involved in producing AI-generated works, but it might also complicate the current copyright framework, increase the complexity of obtaining rights clearances, and possibly restrict access to works that would otherwise enter the public domain. The challenge in terms of policy is to strike a balance between protecting investment in creativity and having clearly defined boundaries, while preserving the principle that copyright protection should rest on human intellectual creation. The more urgent task for Albanian law is to make clear how its present requirements regarding originality and natural-person authorship apply to works produced with the aid of AI, and to specify what evidence a claimant should keep. (Bello and Hasko, 2026).

4. A practical analysis of human contribution

4.1 The four questions

A person could start by asking four questions. What precisely is being claimed—the entire image, the written text, a selection of several images, or subsequent edits? Which specific features did the individual select? In what part of the final work can those features be found? And finally, what portion of the result remains once the expression provided by the model has been separated from the human contribution? Particularly important is this last question. An arrangement of unprotected elements that is protected does not automatically grant exclusive rights over each of those individual elements.

Consider a brief illustrated story in which the writer devises the plot and all the dialogue but produces the images from general prompts. The text that she writes can be regarded as her own. If she selects and positions the pictures to form an original visual sequence, then this arrangement brings with it an additional claim. The images themselves then need to be analysed separately. If she subsequently redraws a character or alters the composition of a picture, those changes also merit consideration. Labelling the entire project as 'AI-generated' hides these distinctions just as labelling it 'human-authored' would.

4.2 Evidence of the creative decisions

Working files can make it clear what took place; a sketch for example might display the original layout which then reappears in the output. Saved versions can explain why a certain arrangement was selected. The layer files might indicate any subsequent painting or retouching that was done.

Prompt histories can be helpful, particularly in cases where they show a continuous effort to shape specific features, although a list of prompts by itself is not proof. The point lies in the relationship between the person's choices and the final image. In fact, a prompt could itself be an original text while the generated image remains a separate matter.

5. Comparative analysis of five EU Member States

The comparison of the countries is intentionally limited since it focuses on the way statutory language guides an inquiry into human contribution. The case law of the EU has established a common standard of originality, and therefore differences in the wording should not be inflated into five entirely separate tests. It is worth giving particular attention to Italy and Ireland since their provisions refer more directly to assistance from AI or computer generation.

Table 1. The national approaches relevant to human contribution

<i>State</i>	<i>Principal source</i>	<i>Implication for AI-assisted output</i>
Germany	UrhG §§ 2(2), 7	A work is a personal intellectual creation; the author is its creator.
France	Intellectual Property Code Arts L111-1, L112-1	The author has rights in a work of the mind; original human expression remains central.
Spain	Intellectual Property Act Arts 5, 10	An author is a natural person; the protected subject matter is original creation.
Italy	Copyright Law No. 633/1941, Art. 1, as amended in 2025	AI assistance is expressly possible where the work remains the result of an author's intellectual labour.
Ireland	Copyright and Related Rights Act 2000, ss 2, 21(1)(f), 30	A special rule identifies the person making necessary arrangements for a computer-generated work; its relationship to EU originality needs care.

Source: The author's summary of the official provisions mentioned in Sections 5.1 to 5.5.

5.1 Germany

Under German law, works are described as 'personal intellectual creations' (UrhG, § 2(2)) and the author is defined as the creator (§ 7). The focus on a personal creation makes it hard to determine authorship based on ownership of a program or on having bought an AI service. For example, if an artist uses generated texture under a hand-drawn figure, then the figure and any original compositions remain the artist's own contributions; the texture must be evaluated separately. This interpretation is in line with the statute and the EU originality test and must not be taken as a general decision by the German courts regarding all generative tools.

5.2 France

According to French law, an author holds rights over a work of the mind from the moment it is created (Intellectual Property Code, Art. L111-1). Protection is not based on the genre, the artistic merit or the purpose of the work (Art. L112-1). In the case of a mixed work, the important issue is which parts reflect the individual's own choices. A novelist who writes a chapter and then asks an AI for alternative titles has not given up authorship of that chapter; on the other hand, someone who asks the system to write the chapter and then simply selects one of the versions has a different position. These examples illustrate how the EU originality requirement is applied to the French rules; they are not copies of any French court decisions.

5.3 Spain

Spain is very clear as to who can be considered the author. According to Article 5, the author is the natural person who produces the work, and Article 10 grants protection to original literary, artistic and scientific creations expressed in any form. The wording in the statute does not imply that every human instruction amounts to a work. In the case of a poster produced with the aid of AI, it could be important whether an original sketch was made, the way the text and the figures are arranged, or whether there is a substantial redrawing, since these actions may affect the visible expression. A desire for the poster to have a 'vintage style', on the other hand, is much less specific. The courts are still required to look at the final product rather than simply count the instructions.

5.4 Italy

In 2025, Italy amended its copyright law, and the first article of Law No. 633/1941 now explicitly includes works of human intellect produced with the help of AI tools, on the condition that they are the result of the author's intellectual effort. This addition is important for two reasons: it eliminates any implication that the use of AI by itself nullifies copyright, and it also does not regard every piece of output requested by a person as constituting the person's intellectual work. The next step is a matter of fact and law, namely to identify the human contribution and to check whether it is present in the protected expression. The provision does not specify how many prompts or edits will be enough.

5.5 Ireland

The Ireland Copyright and Related Rights Act 2000 follows a different approach. It defines a computer-generated work by referring to situations in which the author is not a person (section 2). In such cases, the 'author' is the person who makes the arrangements necessary for the work's creation (section 21(1)(f)); section 30 provides a separate term for this. These terms came before the development of today's generative models. It is possible for debate to arise as to who made the 'necessary arrangements', particularly in instances where both a developer, a service provider and a user have had a role. More basically, the statute does not answer how a claim falling within this category fits the CJEU's definition of an author's own intellectual creation. Since EU legal

frameworks are increasingly aiming at harmonisation, Ireland's particular method might come under pressure to conform to future directives or developments in case law, leading to questions for both the courts and the legislators. It would be too early to say that this relationship has been settled.

6. The practice of the European Court and its legal solutions

The Court of Justice of the European Union has not yet decided whether a user, a developer, or a provider is the author of a work produced by a modern generative AI system. It has, on the other hand, created a series of judicial rulings which provide the legal test in this area. These rulings came about in the contexts of journalism, photography, databases, fashion designs, and functional products. Since the facts in those cases are not identical to those involving AI generation, their value consists in the principles they establish rather than in any direct response to the question of AI.

6.1 The CJEU test: creative freedom must appear in the expression

In the case of *Infopaq International* (C-5/08, 2009), the Court stated that an extract consisting of eleven words could be protected if it included elements which expressed the author's own intellectual creation. However, the decision did not mean that every short phrase is copyrightable; it instructed national courts to consider whether the choice and arrangement of the words had reflected the author's creative decisions. This distinction is important in the case of AI-generated text since the user's subject or instruction may determine the topic, while the model provides the specific wording. When a mixed text is in question, the result must be examined sentence by sentence.

The case of *Painer* (C-145/10, 2011) involved photographs that had been published as part of a report about a missing child. The Court stated that a photographer is free to make creative decisions both before, during and after taking a photograph, such as arranging the scene, choosing the angle and the lighting, and processing the image. It was not necessary to demand artistic originality or the use of a special technique; instead, it was sufficient to acknowledge protection where such choices had given the photograph a personal touch of the author. When applied with caution to the case of AI, the *Painer* decision draws attention to the entire workflow: the original sketches and the composition may be important at the planning stage; controlled generation may be important at the stage of production; and creative retouching or arrangement may be important afterwards.

The case of *Football Dataco* (C-604/10, 2012) introduces an important limitation: merely investing labour and skill in the production of a database is not sufficient; copyright requires that the author have made an intellectual creation by means of free and creative choices in the selection or arrangement. The case of *Cofemel* (C-683/17, 2019) subsequently rejected the idea that a design must have a special aesthetic effect. It is not necessary for a work to appear beautiful to the court; it simply has to be original and capable of being identified as an expression. Taken together, these rulings warn against two common mistakes in cases involving AI: the fact that effort alone does not establish authorship, and the fact that a striking result does not mean that the user was responsible for creating the work's expressive features.

The case of *Levola Hengelo* (C-310/17, 2018) holds that the subject matter claimed must be identifiable with a sufficient degree of precision and objectivity. A flavour could not satisfy this requirement since it relied on subjective perception. In the context of disputes involving AI, this amounts to a practical rule requiring the claimant to specify which part of the output is regarded as their own creation; a general claim such as 'the style', 'the idea' or the overall impression will not be sufficient to identify protectable expression. As confirmed by the decision in *Brompton Bicycle* (C-833/18, 2020), functional constraints do not in themselves exclude copyright, but protection is not available where technical considerations leave no room for creative freedom. By analogy, the technical limitations of an AI tool do not determine the issue; what matters is whether the human has made meaningful creative choices and whether those choices are reflected in the result.

In the cases of *Mio and Others* and *Konektra* (C-580/23 and C-795/23, 2025), which were referred to by the courts in Sweden and Germany, the Court once again stressed the need for a work to reflect the author's personality as a result of free and creative decisions. While a specific visual effect may be relevant, it by itself is not sufficient to prove originality. When considering cases of infringement, the Court insisted on looking into whether the protected creative elements had been recognisably reproduced; a similar overall impression alone does not mean that copying has taken place. With regard to disputes involving AI, the *Mio* case is of use in two respects: it ensures that the analysis remains focused on the choices made in the work and it prevents broad claims being made solely on the basis of a similar style or general appearance. Although the case does not deal directly with AI authorship, it is the most recent clarification from the CJEU on the question of creative expression.

6.2 Prague Municipal Court: a prompt was not enough as evidence

In case No. 10 C 13/2023, which was decided on 11 October 2023, the Municipal Court of Prague dealt directly with generative AI. A law firm had claimed to be the author of an image produced using DALL·E in response to a user request for a formal scene in which two parties were signing a business contract, with only their hands visible. The image was subsequently used on the website of another firm. The claimant then asked the court to acknowledge his authorship and to prevent any further use of the image. The court rejected the claim.

The outcome was based on two closely related reasons. In the first place, the claimant had not demonstrated that the specific image had in fact been produced from his alleged prompt; his own statement was not backed up by any prompt records or other evidence. Secondly, the court believed that the image had been generated by AI rather than being the product of a unique creative activity carried out by a natural person; it regarded the prompt as a theme or an idea, something which is not itself protected by copyright. As a result, the court concluded that there was no protectable work belonging to the claimant and no ground for the injunction that had been asked for. The decision was not appealed, as the IRIS report from the Council of Europe states.

Although the Prague ruling is significant, it should not be regarded as having a broad impact. The failure to meet the evidentiary standard was at the heart of the case, and the court's further comments on whether AI-generated output can ever be granted protection went beyond what was

necessary to establish that failure. The prompt used in the case was also rather general. The decision does not determine the issue in situations where a person provides an original drawing, gives direction on many expressive details, makes controlled amendments, or puts together generated elements into a larger work. The most useful takeaway from the case is in fact more limited and forceful: the person making a claim must provide evidence showing a connection between their creative decisions and the particular output for which protection is being sought. Courts are likely to find convincing a range of materials that show the link between the human input and the final work, for example drafts, annotated sketches, records or logs of the prompt, version histories illustrating the development of the work, saved layers or files that show the edits made, and correspondence that describes the creative intentions. Taking the time to keep and present such evidence increases the chances that a court will acknowledge the relevant human contribution.

6.3 What these decisions require in an AI authorship dispute

When the European rulings are considered as a whole, they indicate that a step-by-step judicial investigation is being carried out. The court should first clearly define the subject matter, in accordance with the decision in *Levola*. It must then determine which choices were free and creative, as the cases of *Infopaq*, *Painer* and *Cofemel* require. Any reference to effort or investment should be disregarded unless that effort led to original expression, as the *Football Dataco* case instructs. Finally, it should consider whether the technical or automated processes left meaningful room for those choices, a point that is clarified by the *Brompton Bicycle* case. This is not a new test being invented for AI; rather, it is the application of existing copyright principles to a situation in which the separation of creative decisions is more difficult to identify.

The same kind of analysis should be applied to the remedies. In cases where a person can establish authorship only in relation to the text, the later edits, or the way the elements are arranged, an injunction or damages should be awarded to cover that particular contribution rather than automatically granting a monopoly over all the generated components. When no original human expression has been proven, copyright remedies should not be given simply because the claimant used the software. Although the claimant might still have contractual rights under the platform agreement, those rights are different from copyright. This method allows the court to take a wellreasoned middle course between dismissing all works assisted by AI and granting an exclusive right to a result which the claimant has not actually shaped.

7. A critical evaluation of the comparison

The comparison shows both areas of agreement and disagreement; this is also the focus of the comparative analysis by Gaidartzi and Stamatoudi (2025). While Germany, Spain and Italy use formulations that draw attention to the creator's act, France protects intellectual works under the usual EU originality criterion. Ireland retains an older rule which assigns authorship of work produced by a computer to the person who made the necessary arrangements. It is not possible just to say that all the EU countries treat output from AI in the same way; although they all refer to

originality, the Irish provision raises a question as to how that principle is to apply in the case of a special statutory category.

Many shortcuts would lead to an inaccurate answer. It does not follow that human involvement always implies creative involvement; for example, selecting the most pleasant of three images tells us little about the process by which any of the images was produced. On the other hand, the fact that AI is involved does not mean that a passage written by a human ceases to exist. It would also be too simplistic to ask merely whether the final project is 'protected'; a book might include protected prose, an original collection of illustrations, and some individual images the status of which is unclear. It is therefore necessary to identify the part being claimed if one is to provide a useful answer, rather than treating it as a mere addition.

The inquiry that has been proposed is not simply a mechanical test. It can be difficult to reconstruct a directed output if a service keeps no record of its activities. A person might produce an original design without having saved a sketch of it. Some of the features generated may closely match the input, while others may even surprise a careful user. Courts will have to evaluate the evidence without treating the lack of a particular file as an automatic loss. At the same time, the uncertainty regarding evidence does present real difficulties. If the documentation is incomplete or absent, the courts might have to seek alternative types of proof, for example by consulting witnesses, checking contextual records, or looking at patterns in the version histories, and in some cases may base their decision on the overall plausibility of the claimant's version of events. Although these methods involve risks, they can help prevent rigid decisions that either unfairly deny protection or grant it without proper basis. The general legal limit still stands in that the CJEU has not yet given a general ruling which settles authorship in all generative AI scenarios.

8. Practical implications for creators and legal assessment

People who wish to obtain a licence for a mixed work should be able to explain the human contribution using everyday language. It is advisable to retain useful drafts and various versions. When drawing up a contract, it is necessary to specify the original writing, drawing, editing or arrangement which is being licensed, and one should not regard every generated element as if it had the same rights. Making it clear in the contract that AI has been used can make such an explanation more honest and simpler to verify. However, stating that AI has been used cannot by itself transform a generated element into an original human work. The separate issues regarding protected input material and training should each be examined in light of their own facts.

A court has the possibility of beginning with the final version and then proceeding backwards. For an disputed image, it could compare the final composition with an earlier sketch, the successive outputs and the person's edits. In the case of text, it could compare the human draft with the model's proposal and the published version. The issue is not whether the person put in a great deal of effort or whether the result appears good. Rather, it is whether the features for which protection is claimed are the ones that result from the person's free creative choices. The answer could support a claim to the entire work, to a part of it, to the arrangement, or to none of the relevant expression.

9. Conclusion

The idea of a human author is not made obsolete by generative AI; in fact, it makes it easier to make careless claims about authorship. Someone might provide the main design of a work or perhaps offer nothing more than a subject and a preference regarding the outputs. Copyright should take that difference into account and should continue to focus on the original expression which the person can properly regard as their own.

The same comparison among the five countries shows that it is not possible to give a single slogan as the answer. In Italy, for example, AI assistance has been explicitly allowed while at the same time stressing the importance of the author's intellectual contribution. The provisions in Ireland regarding computer-generated works raise questions which are still open within the original EU framework on originality. Germany, France and Spain express the human element through their general rules concerning authors and works. When these texts are read together, this leads to the conclusion that a careful, work-by-work examination is required rather than making a general assumption either in favour of or against all AI-assisted production.

The practical conclusion is simple: you must clearly state what is being claimed; follow through on tracing the person's decisions all the way to the final expression; and then describe the scope of protection without including any material that the person did not actually create. In that way, it is possible to take account of useful new tools without losing sight of the individual creative choices on which copyright has for a long time depended.

References

ALBANIA. Law No. 35/2016 on Copyright and Related Rights, as amended by Law No. 37/2022. WIPO Lex. <https://www.wipo.int/wipolex/en/legislation/details/21610>

BELLO, Kristi; HASKO, Blegina. When Algorithms Meet Art: Jurisprudence and Authorship in the Age of Generative Artificial Intelligence. *Jus & Justicia*, 2026, 20(1), 60–74. DOI: 10.58944/jpxc8422.

COURT OF JUSTICE OF THE EUROPEAN UNION. Cofemel – Sociedade de Vestuário SA v G-Star Raw CV, C-683/17, judgment of 12 September 2019, ECLI:EU:C:2019:721. <https://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CJ0683>

COURT OF JUSTICE OF THE EUROPEAN UNION. Football Dataco Ltd and Others v Yahoo! UK Ltd and Others, C-604/10, judgment of 1 March 2012, ECLI:EU:C:2012:115. <https://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0604>

COURT OF JUSTICE OF THE EUROPEAN UNION. Infopaq International A/S v Danske Dagblades Forening, C-5/08, judgment of 16 July 2009, ECLI:EU:C:2009:465. <https://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62008CJ0005>

COURT OF JUSTICE OF THE EUROPEAN UNION. Levola Hengelo BV v Smilde Foods BV,

C-310/17, judgment of 13 November 2018, ECLI:EU:C:2018:899. <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX:62017CJ0310>

COURT OF JUSTICE OF THE EUROPEAN UNION. Mio AB and Others v Galleri Mikael & Thomas Asplund Aktiebolag and konektra GmbH, Joined Cases C-580/23 and C-795/23, judgment of 4 December 2025, ECLI:EU:C:2025:941. <https://eur-lex.europa.eu/legalcontent/EN/TXT/?uri=CELEX:62023CJ0580>

COURT OF JUSTICE OF THE EUROPEAN UNION. Eva-Maria Painer v Standard VerlagsGmbH and Others, C-145/10, judgment of 1 December 2011, ECLI:EU:C:2011:798. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0145>

COURT OF JUSTICE OF THE EUROPEAN UNION. SI and Brompton Bicycle Ltd v Chedech/Get2Get, C-833/18, judgment of 11 June 2020, ECLI:EU:C:2020:461. <https://eurlex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62018CJ0833>

EUROPEAN PARLIAMENT AND COUNCIL. Directive (EU) 2019/790 of 17 April 2019 on copyright and related rights in the Digital Single Market. OJ L 130, 17 May 2019. <https://eurlex.europa.eu/eli/dir/2019/790/oj>

EUROPEAN PARLIAMENT AND COUNCIL. Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence, Art. 53. OJ L, 12 July 2024. <https://eurlex.europa.eu/eli/reg/2024/1689/oj>

FRANCE. Code de la propriété intellectuelle, Arts L111-1 and L112-1. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006069414/

FRITZ, Johannes. Understanding authorship in Artificial Intelligence-assisted works. Journal of Intellectual Property Law & Practice, 2025, 20(5), 354–364. DOI: 10.1093/jiplp/jpae119.

FUČÍK, Jan. Artificial intelligence cannot create an author’s work, the court stated. IRIS 2024-

5:1/17, European Audiovisual Observatory, 2024. <https://merlin.obs.coe.int/article/10047>
GAIDARTZI, Anthi; STAMATOUDI, Irini. Authorship and Ownership Issues Raised by AIGenerated Works: A Comparative Analysis. Laws, 2025, 14(4), article 57. DOI: 10.3390/laws14040057.

GERMANY. Gesetz über Urheberrecht und verwandte Schutzrechte (Urheberrechtsgesetz), §§ 2, 7. Federal Ministry of Justice. <https://www.gesetze-im-internet.de/urhrg/>

GINSBURG, Jane C.; BUDIARDJO, Luke Ali. Authors and Machines. Berkeley Technology Law Journal, 2019, 34(2), 343–448. DOI: 10.15779/Z38SF2MC24.

HASKA, Erena. Ligji për të drejtën e autorit në mjedisin dixhital: Rasti i institucioneve bibliotekare dhe arsimore. Jus & Justicia, 2014, no. 9, 119–137. <https://uet.edu.al/jus-justicia/wpcontent/uploads/2022/11/Ligji-per-te-drejten-e-autorit-ne-mjedisin-dixhital-Rasti-i-institucioneve-bibliotekare-dhe-arsimore-Erena-Haska.pdf>

IRELAND. Copyright and Related Rights Act 2000, ss 2, 21 and 30. Irish Statute Book. <https://www.irishstatutebook.ie/eli/2000/act/28/enacted/en/html>

ITALY. Legge 22 aprile 1941, n. 633, Art. 1, as amended with effect from 10 October 2025. Normattiva. <https://www.normattiva.it/eli/id/1941/07/16/041U0633/CONSOLIDATED>

MAZZI, Francesca. 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*, 2024, 27(3), 410–427. DOI: 10.1111/jwip.12310.

MILITSYNA, Kateryna. Human Creative Contribution to AI-Based Output – One Just Can(’t) Get Enough. *GRUR International*, 2023, 72(10), 939–949. DOI: 10.1093/grurint/ikad075.

MUNICIPAL COURT IN PRAGUE. Judgment, case No. 10 C 13/2023, 11 October 2023. Official judgment (in Czech): https://justice.cz/documents/14569/1865919/10C_13_2023_10/108cad3ed9e8-454f-bfac-d58e1253c83a

QUINTAIS, João Pedro. Generative AI, copyright and the AI Act. *Computer Law & Security Review*, 2025, 56, article 106107. DOI: 10.1016/j.clsr.2025.106107.

SPAHIU, Artan; SPAHIU, Fatma. The Copyright in Albania and its Legal Protection under National Law. *European Journal of Social Sciences Education and Research*, 2015, 5(1), 143–153. DOI: 10.26417/ejser.v5i1.p143-153.

SPAIN. Real Decreto Legislativo 1/1996, de 12 de abril, Texto Refundido de la Ley de Propiedad Intelectual, Arts 5 and 10. *Boletín Oficial del Estado*. <https://www.boe.es/buscar/act.php?id=BOEA-1996-8930>

TUTULANI-SEMINI, Mariana. *E drejta e autorit në Shqipëri*. Tirana: Skanderbeg Books, 2009. ISBN 978-99943-51-43-5.