

# Moral Rights In An AI-Driven Creative Environment

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**Abstract:** The rise of generative artificial intelligence (AI) challenges fundamental assumptions underlying moral rights doctrine, particularly the long-standing premise that creative works embody a personal connection between author and expression. As AI systems increasingly produce expressive content autonomously or in collaboration with humans, jurisdictions grounded in *droit d’auteur* theory must confront the erosion of human-centric authorship. This article examines the viability of moral rights in an environment where human agency is distributed, partial, or ambiguous. It evaluates the adaptability of existing moral rights frameworks—specifically the European Union’s strong moral rights tradition, the Berne Convention’s minimum standards, and the United States’ limited Visual Artists Rights Act (VARA). The article argues that moral rights require doctrinal modernization, moving away from anthropocentric assumptions and toward a rights-allocation model based on creative stewardship, attribution integrity, and transparency in AI-assisted creativity.

**Keywords:** Moral rights; authorship; artificial intelligence; *droit d’auteur*; copyright; integrity right; attribution; VARA; Berne Convention; creative agency; AI-generated works.

**Introduction:** The accelerating development of generative artificial intelligence has transformed the creation of artistic, literary, and design works. Systems capable of producing images, text, music, and other expressive outputs now operate with limited or no direct human input, raising fundamental questions for copyright law. At the center of this debate lies the doctrine of moral rights—a set of author-centric protections rooted in the idea that creative works embody the personal expression, dignity, and identity of the human creator. This conception, long embedded in European *droit d’auteur* traditions and reflected in the Berne Convention’s minimum guarantees of attribution and integrity, assumes a clear and direct relationship between an author and their work.

AI-generated and AI-assisted works destabilize this assumption. When creative expression is produced through statistical models trained on large datasets rather than human intuition or personal experience, it becomes increasingly difficult to identify a single author whose personality the law seeks to protect. Even in collaborative contexts, where a human provides prompts or selects outputs, the creative contribution may be diffuse, iterative, and not easily associated with the traditional notion of authorship. As a result, legal systems face uncertainty regarding

whether, how, and to whom moral rights should apply in works created with substantial AI involvement.

This article examines the challenges that AI poses to the philosophical foundations and legal structure of moral rights. It analyzes the tension between existing doctrinal frameworks—particularly those in the European Union, the United States under the Visual Artists Rights Act (VARA), and the standards set by the Berne Convention—and the emerging realities of AI-driven creativity. The discussion considers whether traditional moral rights can be adapted to accommodate hybrid human-machine creation or whether entirely new approaches to attribution, integrity, and authorship are required. By outlining these issues, the article provides a basis for evaluating how moral rights law may evolve in response to the growing influence of artificial intelligence within the global creative economy.

## The Collapse of the “Personal Connection” Theory

The traditional foundation of moral rights—particularly in jurisdictions influenced by the European *droit d’auteur* model—rests on the premise that a work of authorship reflects the personal identity, intellectual labor, and creative personality of a human author. This theory views the author-work relationship as inherently individual and non-transferable, providing

the normative justification for rights of attribution and integrity. Under this framework, moral rights protect the personal and reputational interests of the author, rather than purely economic interests. The emergence of generative artificial intelligence challenges this core assumption. AI systems can now produce expressive works without creative intent, subjective experience, or personal identity. When works are generated through algorithmic processes, the traditional link between human personality and creative expression becomes attenuated or, in some cases, nonexistent. Even where a human participates in the creative process—by designing prompts, selecting outputs, or modifying results—their involvement may not amount to the type of original, personal expression required by classical moral rights doctrine.

This section examines how AI-driven creativity disrupts the philosophical and legal basis of the personal connection theory. It evaluates whether the concept of personality-based authorship remains viable when creative agency is shared between humans and autonomous systems, and how the weakening of this connection affects the justification and scope of moral rights in contemporary copyright law.

#### **Attribution in Human - AI Collaborative Works**

The right of attribution enables an author to claim authorship of a work and to prevent false or misleading attribution. Under the Berne Convention (Article 6bis), attribution is linked specifically to human authors, as the Convention does not recognize non-human creators. Likewise, U.S. copyright law, following the U.S. Copyright Office's long-standing "human authorship" requirement, limits copyright protection—and therefore moral rights under the Visual Artists Rights Act (VARA)—only to works created by humans.

In AI-assisted works, a core question is whether the human contributor exercised sufficient creative control to be considered the legal author. Courts and copyright offices in the United States and the European Union generally require that a human make creative decisions that are the basis of the final work. Purely automated outputs do not meet this standard. As a result, moral rights can only apply to human contributions, not to the machine-generated elements. This raises the need for new attribution models, such as: identifying the specific human creative input in hybrid works, acknowledging AI involvement to avoid misleading attribution, establishing transparency obligations for works created with substantial AI assistance. The European Union has begun considering disclosure requirements in its AI governance strategies, reflecting a broader shift toward transparency in creative processes.

As for Integrity Rights and AI-Modified Works, the right

of integrity protects the author from distortion, mutilation, or modification of the work that prejudices the author's honor or reputation. This right is robust in civil law jurisdictions and is also recognized under the Berne Convention. In the United States, VARA offers a limited integrity right for certain visual artworks but does not apply to most digital or AI-generated works.

AI complicates the application of integrity rights in two ways:

1. **Dynamic and iterative outputs:** AI models may continuously update, retrain, or generate multiple variations of the same prompt. This makes it difficult to identify a single, fixed output to which the integrity right attaches.
2. **Unintended modifications:** Platform operators, model developers, or downstream users may alter AI-generated materials without the original human contributor's input. Under traditional doctrine, such modifications could infringe the integrity right if they harm the author's reputation. However, if the underlying output is not legally recognized as a work of authorship, moral rights cannot be asserted.

In the EU, integrity rights are strong, but the author must still demonstrate a personal and identifiable creative contribution. Without such contribution, no moral rights arise, leaving a gap for AI-heavy workflows. Legal scholars and policymakers are exploring new frameworks to accommodate AI collaboration. Three leading directions include: Human Contribution Model. Moral rights attach only to the identifiable human elements of the work. This aligns with U.S. Copyright Office guidance and recent EU copyright cases requiring "original intellectual creation" by a human. Secondly, Attribution-and-Transparency Model. This model adds a duty to disclose AI involvement, helping prevent false attribution. It could be supported by: future EU AI legislation, platform-level disclosure rules, industry standards for documenting AI-generated content. Thirdly, Creative Stewardship Model. Under this model, humans act as stewards of AI outputs and hold limited moral rights-like interests (e.g., controlling how outputs are presented or altered). This approach detaches moral rights from the traditional personality theory while still protecting creative integrity in AI-assisted workflows.

#### **International Perspective**

##### **EU perspective**

The traditional foundation of moral rights is premised on the principle that creative works reflect the personal identity, judgment, and intellectual expression of a human author, a theory deeply rooted in continental European *droit d'auteur* and codified in Article 6bis of

the Berne Convention. These rights, including attribution and integrity, assume a clear and direct link between the author and the work, ensuring protection of personal and reputational interests regardless of economic ownership. The rise of artificial intelligence challenges this framework because AI-generated outputs are produced without human consciousness, intent, or personality, disrupting the direct author–work relationship. Even where a human contributes—through prompts, selection, or post-processing—their input may be minimal or fragmented, making it difficult to identify a singular “author” whose personality is expressed in the final work. Jurisdictions worldwide have addressed this issue differently: the European Union continues to require “own intellectual creation” for protection, effectively excluding fully autonomous AI outputs; the United States maintains a strict human authorship requirement under the Copyright Office and limits moral rights to certain visual works under VARA; and the Berne Convention, while establishing minimum moral rights standards, leaves authorship definitions to national discretion, creating inconsistent recognition of works involving AI. Collectively, these legal and doctrinal realities illustrate that the personal connection theory, long the conceptual pillar of moral rights, is increasingly strained in an era of AI-driven creativity, raising fundamental questions about the validity, scope, and enforceability of moral rights in modern copyright law.

#### **In USA,**

In the United States, moral rights are narrowly recognized under the Visual Artists Rights Act of 1990 (VARA), which provides limited protections primarily for works of visual art, including paintings, drawings, prints, sculptures, and certain still photographic images. VARA grants authors the rights of attribution and integrity, allowing them to claim authorship, prevent intentional distortion or mutilation of their works, and, in some cases, control the destruction of works of recognized stature. However, these rights are strictly contingent upon human authorship, consistent with the U.S. Copyright Office’s longstanding position that works created solely by non-human entities, including artificial intelligence, do not qualify for copyright protection. Consequently, AI-generated works fall outside VARA’s scope, and authors who utilize AI in creating hybrid works may face uncertainty regarding which contributions are legally protected. Unlike civil-law jurisdictions with broad, inalienable moral rights, U.S. law confines protection to specific works and conditions, creating a limited and highly structured framework that does not readily accommodate autonomous or AI-assisted creativity. This statutory limitation illustrates both the conceptual

and practical challenges of applying moral rights in an environment where machine-generated content is increasingly prevalent in digital and visual media.

#### **CONCLUSION**

The emergence of artificial intelligence in creative production presents a fundamental challenge to the traditional foundations of moral rights, which have long been premised on the direct personal connection between a human author and their work. As AI increasingly generates expressive outputs autonomously or in collaboration with humans, the assumptions underlying attribution and integrity rights are strained, revealing gaps in existing legal frameworks. European Union law, grounded in the civil-law tradition, continues to require identifiable human intellectual creation, while the United States enforces a strict human authorship requirement under VARA and the Copyright Office’s policies, and the Berne Convention leaves significant discretion to member states. Collectively, these systems demonstrate a fragmented and inconsistent international approach, ill-suited to address the complexities of AI-assisted or autonomous creativity. Moving forward, the protection of moral rights will require doctrinal adaptation that emphasizes transparency, accountability, and recognition of human creative contribution, rather than relying solely on the classical personality-based rationale. Such reform will be essential to preserve the integrity and purpose of moral rights in a digital and AI-driven creative environment, ensuring that authorship, attribution, and personal expression remain meaningful in the twenty-first century.

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