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Research on Copyright Identification and Rights Allocation Mechanisms for Generative AI Content: A Case Study of Prompt-Based AIGC

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Abstract

The current determination of copyright for Prompt-Based AIGC (Artificial Intelligence-Generated Content) based on prompts faces two major challenges: first, the standard for "originality" remains ambiguous; second, the application of neighboring rights is still uncharted. Centered on the core perspective of "educational contribution," this paper proposes a comprehensive framework for assessing originality across three dimensions: the specificity of instructions, the depth of parameter tuning, and the difficulty of result selection. Regarding rights allocation, the paper argues that users should hold copyright, while AI platforms are granted neighboring rights, with developers earning revenue through algorithm licensing. This framework not only helps unify judicial standards but also strikes a balance between technological innovation and intellectual property protection, thereby providing new theoretical foundations for improving China's copyright system.

Keywords

Generative Artificial Intelligence; Prompt-Based AIGC; Copyright Determination; Rights Allocation; Neighboring Rights.

1. Introduction

1.1. Background

According to the *China Generative AI Industry Development Report (2025)*, approximately 80% of commercial AIGC applications still rely on human involvement, requiring specific instructions, parameter adjustments, or the selection of generated outputs to create customized content. While this technology has significantly improved content production efficiency, it also poses substantial challenges to existing copyright systems, as traditional copyright law is fundamentally based on protecting human intellectual creations.

1.2. Research Problem

Prompt-Based AIGC technology relies on both human input instructions and the involvement of artificial intelligence algorithms, making the criteria for determining "originality" unclear. In judicial practice, this ambiguity has led to controversial rulings. For instance, there is a notable discrepancy between the Beijing Internet Court's decision in the "AI-generated pattern case" and the Guangzhou Internet Court's handling of the "AI-generated novel case." Ultimately, the core issue lies in how to effectively quantify the degree of human contribution within the creative process. Moreover, specific rules regarding the allocation of rights for AIGC content during the dissemination stage remain undefined.

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1.3. Research Significance and Methodology

In order to better solve these problems, this paper focuses on the field of Prompt-Based AIGC, and deeply studies how to develop a set of practical "originality" criteria. At the same time, the rights distribution among users, developers and platforms is analyzed in detail, and a set of rights distribution framework in line with the characteristics of China 's legal system is further proposed.

2. Literature Review and Theoretical Framework

2.1. Disputes in Copyright Determination

When discussing whether AIGC can meet the definition of " work " in copyright law, the academic community usually regards " the degree of human intervention " as the core criterion for judging.Studies in China suggest that the level of detail in users' input instructions and their modifications to the generated content are critical factors in determining whether the content meets the statutory criteria for a "work" (i.e., copyrightability under Chinese law). Conversely, if users only provide vague instructions, the generated content cannot be considered a "work." [1] In 2025, more refined standards have gradually emerged: some scholars have proposed a layered determination framework based on the "degree of contribution of instructions," arguing that the contribution level of instructions is a decisive factor in determining rights ownership [2]. Meanwhile, foreign studies tend to adopt a more resolute "human-centric" stance. The U.S. Copyright Office upholds the "control standard" [3], while UK legislation leans more toward protecting users; EU judicial practice emphasizes "creative freedom" as a basis for originality [4]. Recently, the theory of creative acts has been re-examined, advocating a standard of "substantial control" rather than "complete control," and extending the causal chain recognized in photographic works to Prompt-Based AIGC [5]. This evolution reflects a shift from abstract intervention tests to more detailed and quantifiable assessments.

2.2. Theoretical Exploration of the Neighboring Rights Protection Model

Introducing neighboring rights into the protection of AIGC represents a critical approach to addressing the challenges of rights allocation. Artificial Intelligence creations arise from the "non-creative input" of investors, and incorporating them under the framework of neighboring rights can both clarify their boundaries with human-created works and resolve practical protection dilemmas [6]. Subsequent studies further expanded this view: in foreign research, scholars have highlighted the profound impact AI poses to traditional copyright law—as AI's ability to create original works continues to grow, the question of copyright ownership becomes increasingly complex, potentially driving a fundamental transformation of the basic concept of "human creativity" [7]. By 2025, scholars have argued that, in the context of theoretical challenges and functional imbalances faced by traditional copyright regulation, the neighboring rights framework, with its flexible rights allocation, holds promise for constructing a system that balances industrial development and innovation [8].

2.3. Theoretical Breakthroughs

Although the existing research provides a theoretical basis for this paper, it also exposes some significant deficiencies. First of all, the current evaluation criteria are often too abstract, lack of specific practical and quantifiable evaluation indicators. Secondly, in terms of rights distribution, the framework of existing research is generally too simple. It only focuses on the initial issue of " who owns the copyright ownership, " but fails to construct a systematic rights distribution framework covering the whole process of " creation-distribution-utilization." In view of these shortcomings, this paper attempts to achieve breakthroughs in the following three core aspects : First, a set of three dimensional contribution evaluation system has been established, which transforms a more abstract concept of " originality" into a specific dimension

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that can be quantified ; the second is to clarify the legal status of the user as a copyright holder based on the actual contribution of the user to the instruction input ; the third is to propose a complementary mechanism that combines "platform adjacency" and "algorithm licensing rights enjoyed by developers" to achieve a balance between stimulating creativity, ensuring sustainable development of operations, and rewarding technological innovation.

3. Theoretical Challenges and Practical Divergences in the Determination of "Originality"

3.1. Challenges in Applying the "Originality" Standard to Prompt-Based AIGC

In copyright law, "originality" comprises two aspects: "independent creation" and "a minimal level of creativity." Traditional copyright law requires that a work reflect the author's personalized expression [5].

The generation process of AIGC follows the basic flow of "inputting instructions → algorithm processing → output generation". It adopts a two-layer mechanism, where human intellectual input (such as prompt design, parameter adjustment, and refinement of the results) is combined with the operation process of the algorithm (through data-driven pattern recognition and probabilistic content generation). This interactive relationship means that the determination of authorship attribution depends on the relative weights of each level in the generation process. Under this AIGC framework, the core issue focuses on whether the user's subjective intention can be fully reflected through the input instructions, and whether the degree of this reflection meets the requirements of "originality".

3.2. The Phenomenon of “Different Judgments in Similar Cases” in Judicial Practice and Its Technological Roots

The Beijing Internet Court recognized the "AI-generated pattern" case as involving user instructions that constituted a "substantial contribution," thereby affirming the work's status as protected under copyright law and emphasizing the user's application of "selection and arrangement" with respect to elements that are not independently protectable [5]. However, in the "AI-generated novel case," the Guangzhou Internet Court ruled that the work lacked originality, arguing that the user's instructions did not directly shape the specific content of the work.

Samuelson has illuminated the deeper technical reasons behind such divergences: generative AI systems rely on complex statistical computations to assemble outputs, with the system predicting that these outputs align with user prompts, while it is unlikely that the outputs are substantially similar to specific images used as training data [9]. This shows that there is a "black box" link between the user 's input instructions and the final generated AIGC output, which is difficult to be fully transparent, and this is also an important technical source that leads to differences in the results of judicial decisions. The court has different attitudes in judging whether the user really ' controls ' the generated results. The core reason is that the parties have different understandings and understandings of the operating mechanism of the artificial intelligence black box.

3.3. Debates on "Control" and Theoretical Reflections

The U.S. Copyright Office proposed the " control standard " in a report released in 2025. The report points out that humans cannot exert sufficient control over the content generated by artificial intelligence by using prompts alone. Therefore, users of generative AI should not be considered as authors of output content [5]. In contrast, the legal determination of photographic works further clarifies the causal relationship between the creative behavior and the final work. Similarly, in the case of Prompt-Based AIGC, the user’s selection and

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arrangement of prompts and parameters satisfy the objective elements of the act of creation [5].

From the perspective of comparative law, the European Union, in determining the originality of AI-generated works, focuses more on whether the work reflects "the author's own intellectual creation" rather than whether there exists complete control over the expression [4]. In the case of Cofemel v. G-Star, the court explicitly stated that if the realization of a work is entirely dictated by technical considerations, rules, or other constraints that leave no room for creative freedom, the work cannot be considered sufficiently original [4]. This paper argues that the standard for recognition should be based on "substantial control" rather than "complete control." When users exert significant influence over the direction, style, and themes of the generated content through refined instructions, they can meet the requirements of "originality." [10]

4. Developing a Three-Dimensional Evaluation Framework for Prompt Contribution

To address the core challenge of "how to quantify human prompt contribution," this study proposes a "Three-Dimensional Evaluation Framework for Prompt Contribution," which transforms the abstract concept of "originality" into actionable evaluation metrics.

4.1. The Dimension of Prompt Specificity

The specificity of an instruction refers to the precision and level of detail of the user's input prompt. A vague instruction (e.g., "write a poem") only provides a thematic direction, making it difficult to reflect the user's personalized choices and arrangements; by contrast, a highly specific instruction (e.g., "write a 14-line lyric poem on the theme of autumn, with an ABAB rhyme scheme and using personification as a rhetorical device") imposes specific requirements on the form, style, rhetorical devices, and other elements of the generated content.

The act of creation is objectively manifested in the "selection and arrangement" of the individually unprotected minimal units within a work [5]; the specificity of the instruction is precisely the manifestation of such selection and arrangement by the user. When the specificity of the instruction reaches a sufficiently high level, the user's selection and arrangement have made a material contribution to the generated content, and it should be recognized that the requirement of originality is satisfied.

4.2. The Depth Dimension of Parameter Adjustment

The depth of parameter adjustment refers to the extent to which a user adjusts the technical parameters of an AI model (e.g., number of iterations, style weight, randomness seed, etc.). In the field of copyright law, it should be clarified what level of intellectual input from a human user during the creative process is required to be recognized as an author. Specific provisions may be considered, such as the originality of the prompts and the degree of editing and modification of the generated results [11]. Where a user deeply engages in parameter debugging and repeatedly iterates to optimize the generated results, this demonstrates that the user has substantial control over the creative process and should be regarded as a positive factor in determining originality.

4.3. The Difficulty Dimension of Outcome Screening

The difficulty of outcome screening refers to the complexity of the user's process of identifying, comparing, and selecting among multiple candidate results generated by the AI. The user's act of identifying results with aesthetic or practical value from a vast number of generated outputs itself demonstrates the user's aesthetic judgment and intellectual input. The intellectual

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activities of Prompt-Based AIGC users during the outcome screening stage should be incorporated into the assessment of creative acts.

4.4. Comprehensive Assessment of the Three Dimensions

The above three dimensions are interrelated and complementary. The specificity of instruction assesses the quality of the user's front-end input, the depth of parameter adjustment assesses the extent of the user's mid-end technical participation, and the difficulty of outcome screening assesses the user's back-end value judgment ability. In specific cases, the three dimensions may trade off against one another: for example, even if the specificity of instruction is low, if the depth of parameter adjustment and the difficulty of outcome screening are both high, it may still be comprehensively determined that the user meets the requirement of originality.

This study proposes that the level of contribution be classified into three tiers: "high," "medium," and "low." If two of the three dimensions are rated as "high," or one "high" together with two "medium," then the contribution of the instruction shall be determined as "high" or "medium," and the corresponding content shall be deemed original and eligible for copyright protection under the law. If all three dimensions are rated as "low," such determination shall not be made. Additionally, scenarios such as "entirely generated automatically by an algorithm" or "obviously plagiarizing an existing work" shall be excluded.

5. Rights Allocation Mechanism: The Boundaries of Rights and Responsibilities Among Users, Platforms, and Developers

5.1. The Subject Status of Users' Copyright and Its Legitimacy

On the premise that Prompt-Based AIGC satisfies the requirement of originality, the user shall enjoy corresponding copyright rights as the copyright subject. The theoretical basis for this proposition is that the user, through specific instructions, parameter adjustments, and outcome screening, exercises "substantial control" over the generated content, and the user's intellectual input meets the basic requirements of a "creation" act under copyright law.

This study argues that in the context of Prompt-Based AIGC, the user, as the direct subject who triggers and guides the generation process, has its instruction input constituting the core link of the creative act. The developer provides the technical tool but does not exercise individualized control over the specific generated content, and therefore should not claim copyright.

5.2. The Introduction of Platform Neighboring Rights and Its Boundaries

Neighboring rights protect the investments and labor of disseminators in the process of disseminating works. The dissemination of Prompt-Based AIGC involves platform activities such as storing, displaying, and distributing the generated content. Platforms that invest technological resources and operational costs in this process should be entitled to corresponding neighboring rights protection.

However, a platform's neighboring rights should not encroach upon a user's copyright. The user holds the copyright to the Prompt-Based AIGC, while the AI platform holds the right of communication through information network (subject to the user's authorization). The platform shall not unilaterally deprive the user of its copyright through a user agreement. This design both ensures that the platform's dissemination investment is rewarded and prevents extreme scenarios such as "developer monopoly of rights" or "user rights being disregarded."

5.3. The Path to Realizing Developers' Rights and Interests

AI developers, through algorithmic research and development and model training, invest creative labor and material resources, and their rights and interests should be reasonably protected. Developers should not claim copyright over user-generated content, but in cases

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where statutory ownership is stipulated, developers are entitled to fair remuneration, the specific standards of which may be determined based on the market value and scope of use of the generated content [2]. This approach embodies the "benefit-sharing" principle: when users exercise their copyright, they may allocate a certain percentage of the proceeds to developers as consideration for the use of the algorithm.

Drawing on extra-territorial experience, Pasetti et al.'s research emphasizes the importance of transparency obligations in balancing the trade-off between developers and rights holders [12]. Drawing on the transparency requirements of the EU AI Act, it ensures that the realization of developers' rights and interests does not come at the expense of the interests of users and original rights holders.

5.4. Review of the Validity of User Agreement Terms

In practice, some AI platforms unilaterally claim copyright or a perpetual license to user-generated content through user agreements. The validity of such standard terms warrants careful scrutiny. "Natural intention" refers to the actor's internal will, thought, or expectation, emphasizing that the actor has performed a specific act under the direction of their own consciousness [5]. When a user employs an AI service, their "natural intention" is to use the tool to generate content, rather than to transfer copyright to the platform.

If the platform fails to fulfill its duty to give notice, or if the terms are otherwise unconscionable, the user may challenge the validity of such standard terms. It is recommended to clarify in the rights allocation that user agreements shall not deprive users of their copyright in AIGC content over which they have a "contribution of the instruction"; the platform may only claim neighboring rights based on its dissemination activities in accordance with the law.

6. Conclusion

The determination of copyright and the allocation of rights in Prompt-Based AIGC represent a major challenge for copyright law in the era of artificial intelligence. This study adopts the "contribution of the instruction" as its core analytical framework and reaches the following main conclusions:

First, the finding of "originality" should be comprehensively assessed based on three dimensions: "specificity of instruction," "depth of parameter adjustment," and "difficulty of outcome screening." Translating the abstract standard of originality into operational quantitative indicators helps resolve the problem of "different judgments in similar cases" in judicial practice.

Second, the allocation of rights should establish a tripartite structure of "user copyright + platform neighboring rights + developer's algorithm licensing right." The user, as the party who inputs instructions and whose intellectual investment constitutes a creative act, should enjoy copyright; the platform, as a disseminator of services and through its technological investment, should be protected by neighboring rights; the developer, through algorithm licensing, obtains reasonable remuneration but does not claim copyright over user-generated content.

Third, platform user agreements cannot automatically exclude user rights. If the platform fails to fulfill its duty to give notice or if the terms are otherwise unconscionable, the user may challenge the validity of such terms. It is recommended that relevant provisions on "AI platform neighboring rights" be added to the *Implementing Regulations of the Copyright Law of the People's Republic of China*, clarifying the scope of application and limitations of the right of communication through information networks.

The main limitation of this study is that, the rapid evolution of prompt-based AIGC technology requiring more judicial testing of the framework's thresholds; the analysis being confined to the Chinese legal context, which limits generalizability to other jurisdictions; and the lack of

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empirical validation for the weighting of the three dimensions. Furthermore, the specific scope of neighboring rights and revenue-sharing ratios require further refinement.

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