



The Journal of Robotics, Artificial Intelligence & Law

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China GenAI Litigation Update: Implications for Service Providers

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This article examines recent judicial developments in China concerning generative artificial intelligence (GenAI), with a particular emphasis on copyright-related litigation. It surveys emerging judicial decisions and academic commentary on leading legal issues arising from GenAI use and development. Drawing on this analysis, the article offers practical observations that may assist GenAI service providers in identifying and managing potential legal risks associated with the development, deployment, and commercialization of GenAI technologies in China.

With the rapid advancement and widespread commercial adoption of generative artificial intelligence (GenAI, including large language model) technologies in recent years, legal disputes involving GenAI have come to the forefront. Among the various legal domains implicated—including, but not limited to, copyright, privacy, and data security—copyright-related issues have attracted much attention. In particular, three leading legal issues have emerged in China:

1. Whether AI-generated content (AIGC) qualifies as a protectable subject matter under the copyright law;
2. Whether the training of GenAI models can infringe third-party copyrights; and
3. Whether GenAI service providers can be held liable for copyright infringement resulting from AI-generated outputs.

As one of the fastest-growing markets for GenAI technology, China shares many commonalities with other jurisdictions in addressing the associated legal challenges, yet also presents several distinctive characteristics.

Executive Summary

First, recent decisions of Chinese courts suggest that AIGC may be protected under the copyright law and deemed the work of the GenAI user if, in the process of generating the content, user inputs reflect sufficient original and individualized expression.

Second, with respect to the use of copyrighted works to feed the training process of AI models, there remains a lack of representative judicial decisions directly addressing this issue. In the meantime, various scholarly legal theories in China would favor the position that such use does not constitute copyright infringement, with many of them converging on this conclusion.

Last but not least, as for the potential legal liability of AI service providers when AIGC infringes third-party copyrights, existing cases—noting that China is not a case law country and precedents do not have *stare decisis* status but only informational—may reflect two approaches. One approach adopted an objective (i.e., strict liability) standard, holding the service provider liable for infringement without regard to the reasons behind the infringing content or the service provider's ability to control the AI output (with these additional factors considered only at the stage of assessing damages). The other approach examined both direct and indirect liability and conducted a more fault-based inquiry, requiring a showing of active involvement or fault to establish liability. Under this view, the court considered the service provider's involvement in the activity and degree of control over user inputs and the resulting output when deciding whether the provider had committed direct or indirect copyright infringement.

In light of these developments, steps like the following could be taken into account by GenAI service providers operating in China when considering potential copyright considerations:

1. Entering into appropriate agreements with users regarding rights in AIGC;
2. Implementing technical measures—such as algorithmic optimization—to reduce the likelihood of infringing outputs; and
3. Taking steps to minimize the risk of infringing AIGC.

Judicial Responses and Academic Views on Leading Copyright Issues

Chinese courts have begun to address three of the most closely watched copyright-related issues involving GenAI, as discussed above, in several recent cases. However, as GenAI remains a rapidly evolving and still-emerging field, judicial perspectives are far from being settled. Therefore, controversy surrounding certain rulings, as well as related academic commentary, merits continued close attention.

Whether AIGC Constitutes Copyrightable Subject Matter

Unlike earlier generations of AI, GenAI can autonomously produce content such as text, images, audio, and video. This process raises a fundamental legal question: Given that the appearance of AIGC resembles traditional works protectable under copyright law, can such content become copyrightable subject matter?

International Perspectives: Copyrightability of AIGC Depends on Human Contribution

Copyright is a legal construct. Countries may adopt divergent approaches to the issue of copyrightability of AIGC, as their national laws differ. Although no definitive international consensus has emerged, a consistent human-centric traditional approach is reflected in major international treaties—such as the Berne Convention for the Protection of Literary and Artistic Works, the TRIPS Agreement, and the WIPO Copyright Treaty—all of which recognize only natural persons as authors.¹ Consequently, whether and to what extent AIGC is eligible for copyright protection generally depends on the extent of human involvement in its creation.² Content generated entirely by machines, without any human intervention, generally is not considered a protectable work.

However, jurisdictions differ in how they evaluate human contribution. For example, under English law, for works generated by a computer, the author is deemed to be the person who makes the “necessary arrangements” for the creation of the work.³ Although this provision predates the emergence of GenAI, it remains in force today. By contrast, the U.S. Copyright Office requires that creative

expression be under human control. If all the traditional elements of creativity in a work are generated by a machine, then the work lacks human authorship and is therefore ineligible for copyright registration.⁴

Chinese Courts' Approach: Assessing the Presence of the User's Personalized Expression in the Generative Process

China's Copyright Law does not expressly address copyrightability of AIGC. Instead, the determination has hinged on the general definition of a "work"—an original intellectual creation that can be expressed in a certain form.⁵ Under this framework, the key inquiries considered by Chinese courts have been whether the AIGC demonstrates originality and whether it reflects the user's individualized expression during the generative process.

In *Li Yunkai v. Liu Yuanchun*,⁶ described as China's first major case involving text-to-image AIGC, the plaintiff used Stable Diffusion and claimed copyright in the generated images. The court found that the plaintiff had "repeatedly inputted prompts, adjusted parameters, and curated the results—acts that demonstrated the plaintiff's aesthetic choices, individual judgment, and personalized expression." The court concluded that the image satisfied the requirement of originality and may qualify as a copyrightable artistic work.

A similar conclusion was reached in *Lin Chen v. Hangzhou Gaosi Airdome Tech. Co.*,⁷ in which the court found that the plaintiff had made "personalized modifications and choices through prompt refinement, iterative generation, and specific expression" when using Midjourney, and ruled in the plaintiff's favor.

Compared with the relevant provisions under English law and the approach taken in the United States, the position currently adopted by Chinese courts represents a relatively "middle ground" stance, as shown in Table 1. On the one hand, it requires human involvement that reflects personalized and original expression such as through prompts selection, parameters adjustment, and iterative editing. On the other hand, it does not require that the user of GenAI exert complete control over all expressive elements of the AIGC. A one-to-one, deterministic correspondence between human input and the AI-generated expression is not necessary.

Table 1. Positions of Key Jurisdictions on the Copyrightability of AIGC	
Jurisdiction	Position
United Kingdom	Under current law, in the context of computer-generated works, the copyright owner is the person who made the necessary “arrangements” for the creation of the work.
United States	AIGC is not copyrightable to the extent that a natural person did not exercise sufficient control over original elements of the AI-generated output.
China	AIGC is copyrightable if the user’s actions—such as inputting prompts, setting parameters, and selecting outputs—reflect original and individualized expression. Copyright belongs to the user.

Controversy: AIGC Is Not Under the User’s Full Control

Due to the nature of GenAI, AIGC is often probabilistic. Upon receiving user inputs—such as prompts and parameters—an AI model can process the inputs through algorithms and other processes to generate the result or set of results. However, from the user’s perspective, while the output may generally correspond to the input, the specific form of expression is not necessarily dictated solely by that input.

Moreover, GenAI models can evolve over time through self-learning and passive training, which means that the probabilities the model assigns to various outputs may continuously change. As a result, even when identical prompts and parameters are entered repeatedly, the model may generate different outputs on each occasion.⁸

Even after multiple iterations, the output ultimately selected by the user remains just one of many possible results and often cannot be precisely predicted or controlled. Therefore, while the user may accept the output, in many instances, they cannot be said to have exercised full control over its specific expression. This stands in contrast to the concept of “creation” under Chinese copyright law, which requires a human author to be “directly” responsible for producing the literary, artistic, or scientific work.⁹

This lack of human control is a key reason the U.S. Copyright Office continues to reject registration of certain AIGC—even in circumstances where, under Chinese standards, a user’s involvement might be viewed as sufficiently individualized.¹⁰ Consequently, while Chinese courts have emphasized the importance of individualized prompts and iterative user engagement, this approach has drawn academic criticism. Scholars argue that the courts have overlooked indeterminate and uncontrollable aspects of AI output processes.¹¹

Whether Training GenAI Models Infringes Copyright

GenAI service providers may be more acutely focused on practical legal risks from development and operation of GenAI models and tools. Among them, one predominant risk is whether the use of third-party copyrighted works for training purposes constitutes infringement.

This issue has attracted widespread global attention, with several high-profile lawsuits in jurisdictions including the United States,¹² the United Kingdom,¹³ and China,¹⁴ many of which remain pending. Because reported judicial decisions that squarely address this question are still limited, the case law remains unsettled as to whether training GenAI models on copyrighted works constitutes infringement.¹⁵

Contested Approach in China: Fair Use?

China has not enacted specific rules governing the copyright implications of AI model training. Nor have Chinese courts issued decisions that directly address this issue.

In *Shanghai Xinchuanhua Culture Dev. Co. v. Hangzhou Shuimu Intelligent Tech. Co.*,¹⁶ the trial court briefly referenced the concept of “fair use.” However, the discussion was not directed at the service provider’s alleged use of the plaintiff’s protected Ultraman images to train its own base AI model. In fact, no evidence was presented indicating that the provider had engaged in such conduct. In this case, it was the users—not the defendant—who uploaded Ultraman images and used them to train LoRA models capable of generating infringing content. The court referenced “fair use” only in the context of rejecting the plaintiff’s request to require the platform to delete all Ultraman-related content from the platform, reasoning

that there were other ways that users could potentially engage with images on the platform (i.e., “study, research, appreciate, or otherwise make fair use of images they have stored on the platform without publicly disseminating them—or where such images are used by rights holders or their licensees”), and an order requiring deletion of all Ultraman-related images “exceeds the defendant’s legal obligations.”

Although no court decision in China has squarely held that training by developers constitutes fair use, some commentators have advocated for this approach as possible solution to copyright disputes involving AI model training.¹⁷ However, this view faces challenges under China’s current copyright regime, which adopts a relatively closed-list approach to fair use. The law explicitly enumerates specific circumstances in which copyrighted works may be used without prior authorization or compensation¹⁸—and a commercial AI model is not expressly among them.¹⁹

While the statute includes a catchall clause referring to “[o]ther circumstances provided by laws and administrative regulations,”²⁰ the legal bases for extending it to cover AI model training are contested. Given this legal uncertainty, scholars in support of fair use for AI model training have called for legislative reform to explicitly incorporate such uses within the scope of statutory fair use.²¹

Some Other Legal Theories

In contrast to the controversial approach of expansive statutory interpretation or the more arduous path of legislative amendment, some scholars contend that the issue can be resolved within the bounds of the existing legal framework by invoking alternative interpretive theories. The following are two exemplary viewpoints that have emerged in Chinese academic discourse:

“Non-Expressive Use” Theory

Copyright protection traditionally centers on the specific expression of a work. Even when two works convey the same idea, their distinct forms of expression provide unique value and experiences to audiences. Accordingly, the acts regulated under copyright law involve the use of a particular work as the object of that use. Copyright holders exercise their rights—and derive incentives—by controlling the use of their work’s specific expression.²²

Some Chinese scholars argue that in the training of large language models, works are tokenized and fragmented into data that lose their original expressive form, and the model treats the inputs as part of a vast corpus of linguistic samples for statistical analysis rather than expressive content.²³ As such, advocates propose that the use of copyrighted works in training is devoid of the expression-specific features necessary for copyright protection, and that such “non-expressive use” should fall outside the scope of copyright protection entirely,²⁴ which might eliminate the need for statutory amendment to legalize AI model training of this type.

“Temporary Reproduction” Exception

Some Chinese scholars have drawn attention to the different types of copying involved in model training. Under current Chinese copyright law, the reproduction right protects against creation of stable, tangible copies of a work.²⁵ If developers construct a training dataset by downloading and permanently storing works on hard drives or databases, such an act is likely to constitute *prima facie* reproduction under the Chinese copyright law.

However, some of these scholars argue that if the training process can be designed to involve only temporarily loading works into temporary memory or cache—without permanent storage—then this may qualify as “temporary reproduction.” For example, once the training process ends and the system is shut down, data in memory or cache may be automatically cleared and rendered irretrievable.

According to this theory, temporary reproduction does not fall within the scope of the protection right under Chinese law. As such, in the absence of other applicable exclusive rights—particularly given that Chinese copyright law does not recognize a standalone “right to learn”—the ephemeral use of copyrighted works during AI model training may not constitute copyright infringement at all.

Whether GenAI Service Providers Are Liable for Infringement by AIGC Outputs

Besides potential liabilities arising from the training process, GenAI service providers may also face risk when users generate infringing outputs using their platforms. Chinese courts have addressed this issue in two similar cases, but adopted seemingly

different approaches to find whether the service provider could be liable for infringement.

Strict (Objective) Liability

In *Shanghai Xinchuanhua Culture Dev. Co. v. Guangzhou Nian-guang Network Tech. Co.*,²⁶ the defendant operated a website that offered GenAI capabilities, including text-based dialogue and image generation. The plaintiff discovered that when users entered prompts related to “Ultraman,” the platform produced images that were substantially similar to the copyrighted characters.

The court found that the generated images either copied or adapted protected elements of the Ultraman character. On that basis, it held that the defendant had infringed the plaintiff’s rights of reproduction and communication through information networks. The judgment did not consider any additional factors in reaching this conclusion, suggesting the potential application of an objective or strict liability standard—that is, the mere generation of infringing images by the platform was deemed sufficient to establish the platform’s infringement, regardless of the defendant’s control, intent, knowledge, capability to prevent infringement, or the role played by of the GenAI user in producing the infringing output.

Notably, while the court did not consider the service provider’s subjective fault in determining the occurrence of infringement or the appropriateness of injunctive relief, it did take such factors into account when assessing the defendant’s liability for damages.

Fault-Based (Subjective) Liability

In contrast, in *Hangzhou Shuimu Intelligent*, the court adopted a different approach. The court began by noting that, although the platform facilitated image generation, “the users issued commands determining the content generated and its intended audience.” The defendant “neither participated in uploading reference images nor in publishing or sharing the infringing content.” Furthermore, there was “no evidence that the defendant conspired with users to infringe copyrights.” Accordingly, the court found no direct liability.

Turning to contributory (indirect) liability, the court emphasized that service providers “cannot fully control or monitor the content generated by their models or the data input by users” and “do not have a general obligation to pre-screen all contents.” A

provider “may only be held liable if it is found to be at fault for specific infringing acts.”

The court laid out factors for assessing whether a provider is at fault for infringing acts, including:

- The nature of the services provided;
- The fame of the copyrighted work at issue and obviousness of the alleged infringement;
- The potential for widespread infringement via GenAI;
- The platform’s business model and profit incentives; and
- Whether the provider proactively took reasonable preventative measures.

Applying these factors, the court found that the defendant failed to exercise reasonable care in preventing infringement of the plaintiff’s network dissemination right and held it liable for contributory infringement.

Observations for GenAI Service Providers

Overall, China’s legal framework for GenAI remains in a state of flux. While a comprehensive legal regime has yet to take shape, recent court decisions and academic commentary illustrate considerations that service providers may consider when seeking to navigate the evolving legal landscape. The following observations may be of interest to GenAI service providers in China.

Clearly Defining Ownership of Intellectual Property Rights

Current opinion of Chinese courts suggests that AIGC may be protected by copyright under certain conditions, and that such rights may vest in the user. Regardless of how the law evolves, some providers take proactive steps to potentially mitigate risks by clearly allocating rights through contractual terms.

For example, user agreements—prominently displayed on provider websites—may specify whether (1) the provider retains intellectual property rights in AIGC, or (2) such rights are granted to the user, subject to a broad license retained by the provider.

Employing Technical Measures to Minimize Substantial Similarity with Copyrighted Works

Under current judicial practice, AIGC that is substantially similar to third-party works may be deemed to constitute copyright infringement. Some service providers consider technical safeguards—such as optimizing model architecture or diversifying training datasets—that may help to reduce the probability of generating infringing outputs.²⁷

These measures may offer two primary benefits:

1. By preventing the generation of substantially similar content, providers may reduce the risk of potential copyright claims.
2. If infringing content is generated despite reasonable safeguards, courts have considered whether the provider can demonstrate that the model was trained and engineered to minimize such occurrences.

Potential Steps to Prevent Infringement

As discussed above, whether the provider took reasonable steps to avoid infringement has been a consideration in court determinations. Among other things, courts and regulators have considered whether providers:

- *Warn Users of Potential Infringement Risks.* For example, prominent notices or pop-ups alerting users that “the GenAI service should not be used to infringe others’ copyrights.”²⁸
- *Respond Appropriately to User Misconduct.* For example, Interim Measures for the Administration of Generative Artificial Intelligence Services jointly issued by the Cyberspace Administration of China and other relevant authorities provide that, “[i]f a provider discovers that a user is engaging in illegal activities through use of GenAI services, it shall, in accordance with applicable laws and contractual agreements, take appropriate measures, which may include issuing warnings, restricting functionality, suspending services, or terminating service provision. The

provider shall also retain relevant records and promptly report the matter to the competent authorities.”²⁹

- *Establish a Complaint and Reporting Mechanism.* For example, according to the Interim Measures, “[p]roviders should implement a sound mechanism for complaints and reporting, including setting up accessible and user-friendly channels, publicly disclosing the procedures and timelines for handling complaints, promptly accepting and addressing public complaints, and providing timely feedback on the outcomes.”³⁰
- *Adopt Technical Measures to Prevent Similar Further Infringements.* For example, the Interim Measures provide that, “[u]pon discovering that GenAI has output unlawful contents, the service provider shall promptly take measures to halt its generation, cease its transmission, and remove the content. Additionally, the provider should implement model optimization and retraining to address the issue, and report the matter to the relevant regulatory authorities.”³¹
- *Label AI-Generated Contents.* The Interim Measures require providers to label AIGC outputs in some circumstances.³² For example, there are certain minimum requirements that such contents be marked as AI-generated and include information about the model or platform used to create it, as well as any identification assigned to the content by the provider.³³

Conclusion

As China continues to refine its legal approach to GenAI, service providers must stay abreast of evolving case law and regulatory trends. Providers might consider factors raised by courts and regulators so far when considering whether and how to address legal uncertainties related to copyright, and to support the responsible development of GenAI.

Notes

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1. See Qi Xiong (熊琦) & Wen Yao Zhang (张文窈), *Rengong Zhineng Shengcheng Neirong Zhuzuoquan Guizhi de Quanguo Quxiang yu Bentu Lujing* (人工智能生成内容著作权规制的全球趋向与本土路径) [Global Trends and Domestic Approaches to the Copyright Regulation of AI-Generated Content], *Zhishi Chanquan* (知识产权) [Intellectual Property], No. 11, 2024, at 60 (China).

2. See *id.* at 62.

3. Copyright, Designs and Patents Act 1988, c. 48, §§ 9(3), 178 (UK).

4. See U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence*, 88 FR 16190-01, 16191, 16192.

5. See *Zhonghua Renmin Gongheguo Zhuzuoquan Fa* (中华人民共和国著作权法) [Copyright Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Sept. 7, 1990, rev'd Nov. 11, 2020, effective June 1, 2021) 2021 Standing Comm. Nat'l People's Cong. Gaz. 1 [hereinafter Copyright Law of the PRC].

6. *Li Yunkai yu Liu Yuanchun Qinhai Zuopin Shumingquan Xinxì Wangluo Chuanboquan Jiufen An* (李昀铠与刘元春侵害作品署名权、信息网络传播权纠纷案) [*Li Yunkai v. Liu Yuanchun*, Disp. Concerning Infringement of the Right of Authorship & the Right of Commc'n Through an Info. Network], (2023) Jing 0491 Min Chu No. 11279, Beijing Internet Ct. (2023) (China).

7. *Lin Chen yu Hangzhou Gaosi Qimo Jishu Youxian Gongsi Changshu Shi Qinhong Fangdichan Kaifa Youxian Gongsi Qinhai Zhuzuoquan Jiufen An* (林晨与杭州高斯气膜技术有限公司侵害著作权纠纷案) [*Lin Chen v. Hangzhou Gaosi Airdome Tech. Co.*, Disp. Concerning Copyright Infringement], (2024) Su 0581 Min Chu No. 6697, Changshu People's Ct. (2024) (China).

8. See *Feng Runjuan yu Zhangjiagang Dongshan Wenhua Chuanbo Youxian Gongsi Qinhai Zhuzuoquan he Buzhengdang Jingzheng Jiufen An* (丰润娟与张家港东山文化传播有限公司侵害著作权和不正当竞争纠纷案) [*Feng Runjuan v. Zhangjiagang Dongshan Cultural Commc'n Co.*, Disp. Concerning Copyright Infringement & Unfair Competition], (2024) Su 0582 Min Chu No. 9015, Zhangjiagang People's Ct. (2025) (China).

9. See *Zhonghua Renmin Gongheguo Zhuzuoquan Fa Shishi Tiaoli* (中华人民共和国著作权法实施条例) [Regulations for the Implementation of the Copyright Law of the People's Republic of China] (promulgated by the State Council, Aug. 2, 2002, rev'd Jan. 30, 2013, effective Mar. 1, 2013), art. 3 para. 1, 2013 State Council Gaz. 6.

10. In *Zarya of the Dawn*, although the author Kristina Kashtanova had input and adjusted prompts and parameters, the Copyright Office concluded that her actions did not demonstrate "sufficient control" over the output of

Midjourney. Accordingly, it found that she did not qualify as the author (or co-author) of the AI-generated images and denied registration. See U.S. Copyright Review Bd., Second Request for Reconsideration for Refusal to Register Zarya of the Dawn (Feb. 21, 2023), <https://copyright.gov/rulings-filings/review-board/docs/zarya-of-the-dawn.pdf>.

11. See, e.g., Bu Shou (寿步), Weishenme Zhongguo Shouli Rengong Zhineng Wenshengtu An Yingdang Zaishen (为什么中国首例人工智能文生图案应当再审) [Why China's First AI-Generated Text-to-Image Copyright Case Should Be Retried] (Nov. 1, 2024), https://mp.weixin.qq.com/mp/wappoc_appmsgcaptcha?poc_token=HG5N5WijgovfFsg3qZFjqZFg_McXQmaclDkV26Pv&target_url=https%3A%2F%2Fmp.weixin.qq.com%2Fs%3F__biz%3DMzU3MDc5NzQ0MQ%3D%3D%26mid%3D2247668913%26idx%3D1%26sn%3D168129f702d0e4c464fc464eed1a3b8a%26scene%3D21#wechat_redirect (China).

12. E.g., *The New York Times Co. v. Microsoft Corp.*, No. 1:23-cv-11195 (S.D.N.Y. Dec. 27, 2023), *In re OpenAI ChatGPT Litig.*, No. 3:23-cv-03223-AMO (N.D. Cal. Feb. 16, 2024), and *Andersen v. Stability AI Ltd.*, No. 3:23-cv-00201-WHO (N.D. Cal. Jan. 13, 2023).

13. E.g., *Getty Images (US) Inc. & Ors v. Stability AI Ltd.*, pending before the High Court of Justice (Ch. Div.) (Eng.).

14. For example, in January 2025, Beijing iQIYI Technology Co., Ltd. filed a lawsuit in the Xuhui District People's Court in Shanghai, alleging that AI start-up MiniMax infringed its copyrights in the course of training and generating content with its AI models. iQIYI sought injunctive relief and approximately RMB 100,000 in damages.

15. A U.S. federal court recently issued summary judgment decisions in two cases that, among other things, found certain uses in training the respective GenAI models was fair use. See *Bartz v. Anthropic PBC*, No. 3:24-cv-05417-WHA, slip op. (N.D. Cal. June 23, 2025) and *Kadrey v. Meta Platforms, Inc.*, No. 3:23-cv-03417-VC, slip op. (N.D. Cal. June 25, 2025).

16. Shanghai Xinchuanghua Wenhua Fazhan Youxian Gongsi yu Hangzhou Shuimu Zhineng Keji Youxian Gongsi Qinhai Zhuzuoquan ji Buzhengdang Jingzheng Jiufen An (上海新创华文化发展有限公司与杭州水母智能科技有限公司侵害著作权及不正当竞争纠纷案) [Shanghai Xinchuanghua Culture Dev. Co. v. Hangzhou Shuimu Intelligent Tech. Co., Disp. Concerning Copyright Infringement & Unfair Competition], (2024) Zhe 0192 Min Chu No. 1587, Hangzhou Internet Ct. (2024) (China).

17. Jianjun Zhu (祝建军), Shengchengshi Rengong Zhineng Zhuzuoquan Qinquan Wenti Yanjiu (生成式人工智能著作权侵权问题研究) [A Study on Copyright Infringement Issues Arising from Generative Artificial Intelligence], *Zhishi Chanquan* (知识产权) [Intellectual Property], No. 2, 2025, at 51 (China).

18. See Copyright Law of the PRC, art. 24.

19. See Xiong, *supra* note 1, at 73.

20. Copyright Law of the PRC, art. 24 para. 1 item 13.
21. See Zhu, *supra* note 17.
22. Xiaochun Liu (刘晓春), Shengchengshi Rengong Zhineng Shuju Xunlian zhong de Fei Zuopinxing Shiyong Jiqi Hefaxing Zhengcheng (生成式人工智能数据训练中的“非作品性使用”及其合法性证成) [“Non-Work Use” Nature of Generative Artificial Intelligence Data Training and Its Legitimization], Faxue Luntan (法学论坛) [Legal Forum], No. 3, 2024, at 70 (China).
23. See *id.*
24. *Id.* at 71.
25. Qian Wang (王迁) & Chu Chu (褚楚), Rengong Zhineng yu Zhu-zuoquan Bianjie Chutan: Jishu Jinbu Xia de Falü Tiaozhan yu Sikao (人工智能与著作权边界初探: 技术进步下的法律挑战与思考) [Preliminary Exploration of the Boundary Between AI and Copyright: Legal Challenges and Reflections Amid Technological Advancements], Zhongguo Bianji (中国编辑) [China Editor], No. 8, 2024, at 60 (China).
26. Shanghai Xinchuanghua Wenhua Fazhan Youxian Gongsì yu Guangzhou Nianguang Wangluo Keji Youxian Gongsì Qin hai Zhuzuoquan Jiufen An (上海新创华文化发展有限公司与广州年光网络科技有限公司侵害著作权纠纷案) [Shanghai Xinchuanghua Culture Dev. Co. v. Guangzhou Nianguang Network Tech. Co., Disp. Concerning Copyright Infringement], (2024) Yue 0192 Min Chu No. 113, Guangzhou Internet Ct. (2024) (China).
27. See Wang, *supra* note 25, at 57.
28. Shanghai Xinchuanghua Culture Dev. Co. v. Guangzhou Nianguang Network Tech. Co., *supra* note 26.
29. See Shengchengshi Rengong Zhineng Fuwu Guanli Zanxing Banfa (生成式人工智能服务管理暂行办法) [Interim Measures for the Administration of Generative Artificial Intelligence Services] (promulgated by the Cyberspace Admin. of China et al., July 10, 2023, effective Aug. 15, 2023), art. 14 para. 2, https://www.gov.cn/zhengce/zhengceku/202307/content_6891752.htm.
30. See *id.* art. 15.
31. See *id.* art. 14 para. 1.
32. See *id.* art. 12.
33. Rengong Zhineng Shengcheng Hecheng Neirong Biaozhi Banfa (人工智能生成合成内容标识办法) [Measures for the Identification of AI-Generated Synthetic Content] (promulgated by the Cyberspace Admin. of China et al., Mar. 7, 2025, effective Sept. 1, 2025), art. 5 para. 1, https://www.cac.gov.cn/2025-03/14/c_1743654684782215.htm.

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THE JOURNAL OF ROBOTICS, ARTIFICIAL INTELLIGENCE & LAW (ISSN 2575-5633 (print) /ISSN 2575-5617 (online) at \$495.00 annually is published six times per year by Full Court Press, a Fastcase, Inc., imprint. Copyright 2026 Fastcase, Inc. No part of this journal may be reproduced in any form—by microfilm, xerography, or otherwise—or incorporated into any information retrieval system without the written permission of the copyright owner. For customer support, please contact Fastcase, Inc., 729 15th Street, NW, Suite 500, Washington, D.C. 20005, 202.999.4777 (phone), or email customer service at support@fastcase.com.

Publishing Staff

Publisher: David Nayer

Production Editor: Sharon D. Ray

Cover Art Design: Juan Bustamante

Cite this publication as:

The Journal of Robotics, Artificial Intelligence & Law (Fastcase)

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A Full Court Press, Fastcase, Inc., Publication

Editorial Office

729 15th Street, NW, Suite 500, Washington, D.C. 20005

<https://www.fastcase.com/>

POSTMASTER: Send address changes to THE JOURNAL OF ROBOTICS, ARTIFICIAL INTELLIGENCE & LAW, 729 15th Street, NW, Suite 500, Washington, D.C. 20005.

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ISSN 2575-5633 (print)
ISSN 2575-5617 (online)