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SIMPLIFYING IAS EXAM PREPARATION

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INSIGHTS INTO EDITORIAL



# Editorial

ANALYSIS

# EDITORIAL ANALYSIS

## New York Times vs OpenAI: Is there a case for copyright?

- **Prelims:** Science and technology, Artificial intelligence(AI), Generative AI, Big Data, GANs, ChatGPT1 tool, DALL.E2, **copyright** etc
- **Mains GS Paper III and IV:** Significance of technology for India, AI, indigenisation of technology and development of new technology.

### ARTICLE HIGHLIGHTS

- The New York Times (NYT) in 2023 sued OpenAI and Microsoft for **copyright infringement**.

### INSIGHTS ON THE ISSUE

#### Context

#### Artificial intelligence(AI):

- It is a branch of computer science dealing with the simulation of intelligent behavior in computers.
- **It describes the action of machines** accomplishing tasks that have historically required human intelligence.
- **It includes technologies** like machine learning, pattern recognition, big data, neural networks, self algorithms etc.
- **E.g: Facebook's facial recognition software** which identifies faces in the photos we post, the voice recognition software that translates commands we give to **Alexa**, etc are some of the examples of AI already around us.

#### Generative AI:

- **It is a cutting-edge technological advancement** that utilizes machine learning and artificial intelligence to create new forms of media, such as text, audio, video, and animation.
- **With the advent of advanced machine**

**learning capabilities:** It is possible to generate new and creative short and long-form content, synthetic media, and even deep fakes with simple text, also known as prompts.

- **Generative Artificial Intelligence (GAI) will transform** into Artificial General Intelligence (AGI), which can mimic the capabilities of human beings.
- **It will dramatically improve the standard** of living of millions of human beings.
- **Negative impact: AI would undermine human values** and that advanced AI could pose 'existential risks'.

#### AI innovations:

- GANs (Generative Adversarial Networks)
- LLMs (Large Language Models)
- GPT (Generative Pre-trained Transformers)
- Image Generation to experiment
- **Create commercial offerings** like DALL-E for image generation
- **ChatGPT for text generation.**
  - It can write blogs, computer code, and marketing copies and even generate results for search queries.

#### Copyright:

- is a **legal right** that protects **original works of literature, art, music, films, and computer programs**, among others, in India.
- It **safeguards expressions of ideas rather than the ideas themselves.**
- **The owner of a copyright has exclusive rights** to adapt, reproduce, publish, translate, and communicate the work to the public.

#### Petition by NYT:

- It alleges that the "**defendants' generative artificial intelligence (GenAI) tools** rely on large-language models ('LLMs') that were built by copying
- **It used millions of Times copyrighted**

news articles, in depth investigations, opinion pieces, reviews, how-to-guides, and more.

- **The NYT argues that the Constitution and the Copyright Act** recognise the “critical importance of giving creators exclusive rights over their works”.
- **They argue that “powered by LLMs containing copies** of Times content,
- **Defendant’s Gen AI tools** can generate output that recites Times content verbatim, closely summarizes it, and mimics its expressive style.
- **Defendants use Microsoft’s Bing search index**, which copies and categorizes the Times articles that are significantly longer and more detailed than those returned by traditional search engines.”
- **The core argument of the NYT:** The outputs of “Defendants’ GenAI models compete with and closely mimic the inputs used to train them” copying NYT works and hence is not fair use.
- **The NYT’s petition includes extracts from searches** conducted on ChatGPT, and Bing Chat (Microsofts’ GenerativeAI) that are alleged to throw up NYT articles verbatim.

#### Reply of OpenAI:

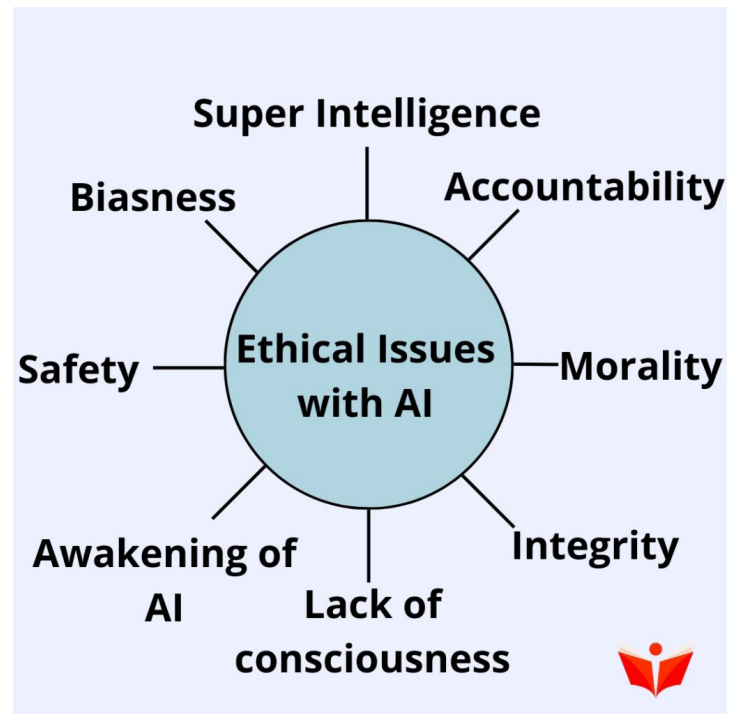
- **OpenAI responds** that “the Times paid someone to hack OpenAI’s products.
- **It took the newspaper ten of thousands of attempts** to generate the “highly anomalous results” that constitute the illustrations in the complaint.
- **NYT targeted and exploited a bug by** using deceptive prompts that blatantly violate OpenAI’s terms of use.

#### Reply by Microsoft:

- **It compared the New York Times lawsuit** to the one waged by the Motion Picture Association of America and Hollywood against the VCR (Video Cassette Recorder).

- **When the VCR was first introduced**, the entertainment industry claimed that it violated copyright.
- **The US Supreme Court rejected** the alarmism and voted for technological innovation and consumer choice (**Sony Corp of America vs Universal City Studios, Inc**)

#### Ethical Issues with AI:



#### Way Forward

- **News conglomerates have not all chosen to fight** the use of their work product to feed the insatiable appetite of AI. Some have joined hands with it.
  - **The large European news conglomerate Axel Springer** has announced a partnership with OpenAI to “strengthen independent journalism in the age of AI”.
- **As The New York Times Co v Microsoft Corp et al weaves** its way through the court system, more such challenges for the law will emerge as
  - **AI swiftly takes over how humans access, process and pay for news and creative work.**

- **The dangers associated with AI** pose a greater threat than harm arising from bias in design and development.
- **Elections apart, India being one of the most advanced countries in** the digital arena, again needs to treat AI as an unproven entity.
- **While AI brings benefits, the nation and its leaders should** be fully aware of its disruptive potential.

### **QUESTION FOR PRACTICE**

Q. What are the different elements of cyber security ? Keeping in view the challenges in cyber security, examine the extent to which India has successfully developed a comprehensive National Cyber Security Strategy.(UPSC 2022)

**(200 WORDS, 10 MARKS)**