journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW Vol. 12(2), May, 2025

COMPARATIVE ANALYSIS OF THE LEGAL FRAMEWORK REGULATING GENERATIVE ARTIFICIAL INTELLIGENCE IN NIGERIA, THE UNITED KINGDOM, THE UNITED STATES AND THE EUROPEAN UNION

Ubose Osoname Olorunfemi*
Agnes Omime Suleiman**

Abstract
This study provides a comparison of the legal frameworks regulating artificial intelligence (AI) in Nigeria, the United Kingdom (UK), the United States (US), and the European Union (EU). As AI technology rapidly advances, international legal systems face unique challenges in addressing issues such as intellectual property rights, data protection, accountability, and the administration of justice. The analysis shows significant differences in practice from these policies. The EU stands out with its effective and successful regulatory systems, such as the Artificial Intelligence Act, which aims to harmonize AI regulations across member states. In contrast, the United States follows a work and tradition approach based on existing laws supported by specialized agency guidelines. The United Kingdom has adopted a strategic and balanced approach to innovation and governance through propulsion while exploring broader reforms. Nigeria is in the early stages of developing AI specific polices, relying heavily on laws and regulations and attempting to bridge the gap. This study compares these laws to identify strengths, weaknesses and best practices, providing insights into the development of wisdom-generating respect. It concludes with recommendations for reforming the regulatory process to encourage innovation, increase accountability and protect the public interest.

Keywords: Generative artificial, legal frameworks, regulation, comparative analysis, data protection, Liability

1. Introduction

Generative Artificial Intelligence models are trained on several works through the text data mining process. While a good number of these works are in the public domain, majority of them are protected by copyright. Authors of these copyright works are aggrieved with the unauthorised use of their work as training data for the Artificial Intelligence models. Some authors also allege that certain outputs Generative Artificial Intelligence Systems infringe their works by generating works that are strikingly similar to theirs. In both cases, the affected authors have filed copyright infringement lawsuits against these Artificial Intelligence companies. This paper examines the acts of infringement, the general defences to copyright infringement and apply them to the claims of copyright infringement by Generative Artificial Intelligence.

1. Works Protected under Nigerian Copyright Act

The Nigerian Copyright Act[1] in Section 2(1) (a) to (f), listed the type of works that are eligible for copyright. These works include literary works, musical works, artistic works, audio-visual works, sound recordings and broadcasts. They are known as the traditional works of copyright. The first three are known as primary sources while the last three are known as secondary sources or derivative works. For these works to be eligible, they must have passed the originality and fixation tests. Surprisingly, for an Act that was amended in the year 2022, the Nigerian Copyright Act does not address emerging works such as digital works and is silent on the input and output aspect of

***Ubose Osoname Olorunfemi,** LLB, BL, LLM (Phd in View), Faculty of Law, University of Benin Lecturer, Department of Jurisprudence and International Law. Email: olorunfemi.ubose@uniben.edu, Tel: +2348134089546
****Agnes Omime Suleiman,** LLB, Faculty of Law, University of Benin. Email: omimesuleiman@yahoo,com
[1] Copyright Act 2022, (Act No 8)

Artificial Intelligence despite it being a globally debated issue. Generative artificial intelligence currently generates literary, musical and artistic works.

2. Acts that Amount to Infringement under the Act

The Copyright Act[2] lists out the acts that amount to infringements. These acts range from copying to reproduction, possession of means of infringing copies, possession of infringing copies, sale of infringing copies, importation of infringing copies and public performance of copyright works or permitting the performance of copyright works. It was further provided by the Act in Section 3(2) that the acts listed above are in respect of the whole or substantial part of the work either in its original form or any form recognisably derived from the original. The particular act of infringement complained of is 'copying' in both the input and output aspects of Generative Artificial Intelligence. Text data mining involves the copying of copyright works. Also, the works generated by Generative Artificial Intelligence have been alleged to be copies of copyright works that may have been used as training data during the mining process.

3. Text Data Mining and its Regulation under the Nigerian Copyright Act and other Jurisdictions

The success or otherwise of the copyright infringement lawsuits depends heavily on the legal status of text data mining which makes it important to examine the position of the law as regards text data mining in certain jurisdictions.

1.3 Text Data Mining in the Nigerian Copyright

The Nigerian Copyright Act has no provision whatsoever on text data mining either directly or incidentally. The absence of any such regulation makes it unclear whether text data mining is legal and permissible in Nigeria. However, since it is not expressly prohibited by the Act, it may as well be deemed permissible in Nigeria. It may also be argued that since text data mining involves copying, it amounts to copyright infringement. This lack of regulatory provisions makes it uncertain but it does not come as a surprise and may actually be beneficial in retrospect since regulation at this stage may discourage the spread and development of Generative Artificial Intelligence in Nigeria.

3.2 Text Data Mining in the European Union

The Copyright in Digital Single Market Directive 2019 has certain provisions regulating text data mining in member states. Article 2 defines "text and data mining" to mean any automated analytical technique aimed at analysing text and data in digital form in order to generate information which includes but is not limited to patterns, trends and correlations. Article 3 provides that reproductions and extractions of works is permitted for the purpose of text and data mining made by research organisations for scientific research. Article 4 goes further to provide that such reproductions allowed in article 3 are only permissible where the works are not expressly reserved by the right holders that is, where the authors do not expressly forbid that their works should not be used for such purposes. This exception does not cover Generative Artificial Intelligence since the use of the data is not purely for scientific research purposes.

3.2.1 European Union Artificial Intelligence Act Proposal

The European Artificial Intelligence Act proposal contains some provisions on Generative Artificial Intelligence. Article 28B provides that providers of foundation models used in Generative Artificial Intelligence systems should document their use of copyrighted works as training data and make it publicly available. Amendment 651 Article 71 Paragraph 4 provides that non-compliance of the Artificial Intelligence system or foundation model with any requirements or obligations will be subject to ten thousand euros (EUR 10 000 000) or in the case of a company, two percent (2%) of

[2] Section 36, Copyright Act, 2022 (Act No 8)

its total worldwide turnover for the preceding year whichever is higher. This Act is still in the stage of a proposal and will not come into force until 2026.

3.3 Text Data Mining in the United Kingdom

The Copyright Designs and Patents Act[3] is the primary legislation on copyright in the United Kingdom. Section 29(A) of the Act provides that copies for text and data analysis for non-commercial research provides that the making of a copy of a work for text and data analysis by a person who has lawful access to the work does not infringe copyright in the work. This is for the sole purpose of research for a non-commercial purpose. It must be accompanied by sufficient acknowledgement unless it is practically impossible. The effect of the above provision is that data mining in the manner used by Generative Artificial Intelligence for commercial purposes amounts to copyright infringement if the requisite license(s) is not obtained.

While this provision has not been subject to review yet, the case of *Getty v Stability Diffusion*[4], presents the court with an opportunity to give full effect to the provision. This case which epitomises the ongoing conflict of interests between developers of Generative Artificial Intelligence and authors in the United Kingdom which had earlier inspired the Government through the Intellectual Property Office to work on an Artificial Intelligence Code by actively consulting the stakeholders of Generative Artificial Intelligence and authors across the United Kingdom. Unfortunately, the project was abandoned as both sides were unable to reach a consensus on how the code will balance their interests as regards the use of copyright works for training data of Artificial Intelligence models.[5]

Now that we see that text data mining without obtaining the license to do so is not permissible in many jurisdictions particularly in the United States and the United Kingdom where authors have instituted actions in copyright infringement against the owners of Generative Artificial Intelligence, it is imperative that we consider the defences available to the owners. This is also important to Nigeria policy making since the United States and the United Kingdom are common law jurisdictions which share some similar principles of law and their laws are persuasive in Nigeria.

4. The Defence of Fair Dealing under Common Law and the Nigerian Copyright Act

Substantial copying is the gauge for determining the extent of infringement or whether the work is covered by the defence of fair use especially as regards the copying of a copyright work. Where a significant amount of the work is copied, with the potential of hurting the proprietary interests of the owner, it amounts to substantial copying and an infringement of the work.[6] Whether a significant amount referred to here has been taken by the defendant, depends much more on the quality than the quantity of what he has taken'.[7] Since copyright protects the expression of ideas and not the ideas themselves, it has been said that the copying alleged must likewise be the copying of the expression of ideas and not just the copying of the ideas.[8] It is much easier to determine where a work has been infringed in a case where the infringing copy, say for a literary work, copies the original work word for word without changing a single thing. However, more often than not, the infringing work may be a summary, paraphrasing or sampling of the original work etc. In such cases, the only way of determining whether an infringement has occurred is to put both the original work and the infringing work side by side to discover whether

[3] Copyright, Designs and Patents Act, 1988 (c. 48)
[4] [2023] 3090 EWHC.
[5] 'UK AI copyright code initiative abandoned' <https://www.pinsentmasons.com/out-law/news/uk-ai-copyright-code-initiative-abandoned> accessed 10 June 2024
[6] JO Odion and NEO Ogba, *Essays on Intellectual Property: Copyright, Trademarks, Patents, Industrial Design* (Ambik Press 2010) 34
[7] *Lord Reid, Ladbroke v William hill* [1964] 1 WLR 273 at 276
[8] W Cornish and D Lleweyn, *Intellectual Property; Patents, Copyright, Trademarks and Allied Rights* (6th edn, Sweet &Maxwell 2007) 455

the alleged infringing copy is based off the idea of the original work. The defendant can defend himself by giving reasons for the similarity to show that the work indeed originated from him.

Fair dealing also known as 'fair use' in the United States, is a defence available in common law jurisdictions usually contained as a provision in their copyright legislations. It is a defence that allows the use of copyright works in a manner that will ordinarily constitute the infringement of copyright as long as it is used for certain permitted purposes. It is a defence to a claim of copyright infringement. The burden of proof lies on the defendant to show that he used the copyright work of another in a manner that amounts to fair dealing. In *Hubbard v Vosper*[9], where the defendant wrote a book to criticise the writings of the claimant on his religious cult and philosophy, the issue was whether it amounted to fair dealing especially where the defendant took substantial amount of extracts from the claimant's writings. Lord Denning held that the definition of fair dealing is a question of degree and one must consider the number and extent of extracts, whether they are too many and too long to be fair. He further stated that where the use coveys the same information as the author but for a rival purpose it may be unfair, where the long extracts that were taken were accompanied by short comments it may unfair but where short extracts were taken but long comments were attached, it may be fair.

The Nigerian Copyright Act[10] provides for the defence of fair use and has detailed provisions to that effect. Section 20 of the Act provides the use of copyright works for certain purposes as amounting to fair dealing. The purposes include private use, parody, satire, pastiche, caricature, non-commercial research and private study, criticism, review etc. The section further provides that certain factors are to be considered to determine whether the use of a work is fair dealing. These factors include the purpose and character of usage, nature of the work, amount and substantiality of the portion used in relation to the work as a whole and effect of the use upon the potential market or value of the work. Thus, one can validly conclude that the use of copyright work may amount to fair dealing where the purpose is private use, research, a reasonable amount of the work is used, where there is no revenue derived, there is acknowledgement of the author etc. The key point is that the moral rights of the author is to be respected and his economic or pecuniary rights should not be compromised. Anything to the contrary is beyond the principle of fair dealing. Relying on this defence to defend the copying that takes place during the text data mining will not suffice because of the commercial nature of its use. While, there is no charge to use these Generative Artificial Intelligence systems, the end users may use the works for commercial purposes.

5. The Defence of Transformative Use under the United States Copyright Law

For lawsuits in the United States, since fair use generally may not avail the owner of Generative Artificial Intelligence systems, the defence of transformative use may be a potent option. Transformative use is a subset of the fair use doctrine in the United States copyright laws. Unlike fair use, it is not a product of enactment in the Copyright Act. Instead, it is a creation of judges while in the process of determining whether a defendant can successfully rely on the defence of fair use in a case of copyright infringement. Thus, where the courts are satisfied that the use of copyright work is 'transformative', the courts will more often than not rule that the use amounted to fair use in favour of the defendant.

There are four factors to be considered by the courts to determine whether a use amounts to fair use. These four factors are provided in Section 107 of the United States Copyright Act[11] as follows:

a. The purpose and character of the use; whether it is of a commercial nature or it is for non-profit or educational purposes.
b. The nature of the copyrighted work.
c. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
d. The effect of the use on the potential market or the value of the copyrighted work.

[9] [1972] 1 ALL ER 1023
[10] Copyright Act, 2022 (Act No 8)
[11] Copyright Act, 1976 (17 U.S.C)

To specifically determine transformative use, emphasis is placed on the fourth factor which is whether it harms the potential market or value of the original work this is regardless of whether the use was commercial or there was substantial use of the original work which will ordinarily undermine the success of relying on the defence of fair use generally especially in jurisdictions that do not apply the principle of 'transformative use'. The potential market also includes the derivative market which the owner of the original work is entitled to benefit from.

What then is transformative use?

To answer this question, we have to examine a few cases from the plethora of cases where the defence of transformative use has been applied successfully and otherwise. This principle was well established in *Campbell v Acuff-Rose music*[12]. In that case, the district court held that the use by the defendant was fair use. It held that the defendant had not taken more than was necessary to make a parody of the original and the parody could not affect the market of the original work. The court of appeal reversed the judgment on the basis that there could be no fair use once the use was commercial. The Supreme Court reversed the court of appeal and held that the work was transformative in the sense that it 'adds something new, with a further purpose or a different character, altering the expression, meaning and message of the original work'. Another relevant aspect of the Supreme Court judgment was the consideration of whether a commercial use automatically bars the defence of fair use. On that note, the court held that while commercial use weighs against the defence of fair use, it does not bar the defence of fair the same way the use for educational purpose does not automatically protect the defendant from a claim in copyright infringement.

In *American Geophysical Union v Texaco*[13], the defendant an engineering company made photocopies of works of scientists under the plaintiff's publishing press. While the defendant paid about three subscriptions to obtain original copies, the plaintiff alleged that the making of photocopies was prohibited and amounted to infringement. The defendant is relying on the defence of fair use and contending that since its use is for scientific research, it is transformative. The court rejected the transformative argument more so that it 'supersedes' the original work rather than transform it. In addition, the plaintiff showed that there were options for the defendant to legally obtain as much photocopies as they required, on payment of royalties. Thus even though the plaintiffs did not incur any loss in the 'subscription market', they were deprived of the substantial revenue they would have benefitted from had the defendant exercised the licensing options for making photocopies in the manner they did.

Transformative use can also be seen in the light of derivative works. Derivative works is essentially the creation of copyright works out of other copyright works. In most cases, derivative use may be abridgements. To be eligible for copyright protection these works must either be transformative or the appropriate license must have been obtained else it may amount to copyright infringement. The Nigerian Copyright Act has a relevant provision on this principle where in Section 2(4) it provides that a work is not ineligible by reason only that it involves infringement of some other work. It is important to note that transformative character of a derivative work does not automatically bestow it with copyright protection nor shield it from copyright infringement. Where the owner of the original work is able to show that he provides licensing options for such derivative use, the failure to obtain such license may undermine his defence of transformative use.

In *Princeton University Press v Michigan*[14] document services, the defendant prepared excerpts from published works of the plaintiff. These excerpts were usually sold to professors and college students. The defendant failed to pay permission fees and the plaintiff alleged that the failure to obtain license before making excerpts of works of copyright affects an existing and flourishing derivative market. It was held that the excerpts had transformative value because they were custom made for the students,

[12] [1994] 510 US 569
[13] 60 F.3d 913
[14] [1997] 117 S. Ct. 1336.

they did pool the content of the excerpts from different sources and they offer benefits that the original works did not provide. Also, the defence of fair use stands regardless of the fact that they were sold for profit since the excerpts were for educational purposes and the professors or students could have copied the works themselves but made the defendants do it for them which was no different. Based on the evidence before the court, it held that there was no proof of substantial copying. In *Authors Guild v Google Books*[15], a class action suit was brought against google books for scanning several books and storing them in their database so that end users could search them which included snippets of the books and digitised copies were given to the partner libraries for non-infringing uses.

The court held the use to be fair as it was transformative and highly beneficial to the society because it allows them to have access to vital information about millions of copies of books they hitherto would not have had access to. This was further supported by the fact that the books themselves were not provided to the public, therefore did not substitute the market of the authors. Another argument put forward by the authors was that the use by Google was a derivative use and so they were entitled to benefit from it. The argument was not upheld and the use by Google was held not to be a derivative work because the contents of the copyright works were not altered in such a way that the original work or the material elements were presented in another form.

It is also instructive that the commercial nature of google did not affect the finding of fair use by the court. In *Infinity Broad v Kirkwood*[16], the defendant retransmitted the plaintiff's transmissions of radio broadcasts to remote towns for a fee. The plaintiff brought an action in infringement of copyright. The defendant sought to rely on the defence of fair use on grounds that their use was transformative. The court held that though customers derived benefit, the broadcasts in the retransmissions were unchanged and still had the character of the original broadcasts. The court held that 'a change of format, though useful, is not technically a transformation'[17]. Thus one can conclude from this case that while the benefits provided by the work may support the finding of fair use, it is still important for the work to have gone through some kind of alteration that gives it a different character. Since the interests of the defendant in this case was providing the broadcasts in its original form to inhabitants of remote towns, he could and should have obtained a license. In *Gyles v Wilcox*[18], it was a case where the defendant made abridgements of the plaintiff's work. What is instructive in this case is the comment of Lord Hartwicke who presided over the case. He stated that an abridgement may be fair if it involved some form of labour on the part of the editor such that there was a significant difference from the original work.

6. Analysis of Copyright Infringement Cases and the Defences of Generative Artificial Intelligence

There have been several lawsuits that allege copyright infringement of Generative Artificial Intelligence. The allegations are two-fold. The first is that the training of these Artificial Intelligence models on these works of copyright amount to in themselves copyright infringement regardless of whether they generate any content with that information. The second is that some works generated bear huge resemblance to previous works of copyrights used as part of the training data. These allegations will be considered in turns bearing in mind that what amounts to copyright infringement depends on the copyright laws of the jurisdiction that the alleged acts took place.

The authors whose copyright works have been used as training data are particularly concerned with the fact that contents generated by Artificial Intelligence will not exist without their own works and thus they deserve remuneration by way of licenses. It is important to reiterate that text data mining involves reproduction of copyright works which makes the process an act of copyright infringement. One

[15] 804 F.3d 202, <https://law.justia.com/cases/federal/appellate-courts/ca2/13-4829/13-4829-2015-10-16.html> accessed 17 March 2024
[16] 150 F.3d 104 (2d Cir. 1998)
[17] 150 F.3d 104 (2d Cir. 1998) <https://www.copyright.gov/fair-use/summaries/infinitybroad-kirkwood-2dcir1998.pdff> accessed 17 March 2024
[18] (1740) 26 ER 489

exception is where the use is for research and other non-commercial purposes based on the principle of fair use.

Thus, one may argue that at the stage of mining, the use of copyright works as training data for Generative Artificial Intelligence is fair use because it serves no commercial purpose as nothing capable of generating revenue is being generated which is further supported by the fact that the use of Generative Artificial Intelligence currently involves no charge and is open to the public. The second condition for it to amount to fair use is that there must be lawful access during the mining process, that is, the works should be accessed without circumventing the technological protections put in place, if any. It will also be unlawful access within Article four of the European Union Copyright in Digital Single Market Directive 2019 if it was expressly reserved by the website that the works should not be used for Text Data Mining purposes. However, if the use by Generative Artificial Intelligence is held to be commercial, the defence of transformative use will still avail the defendants. The importance and transformative value of Generative Artificial Intelligence far exceeds that of search engines especially in the realm of research and problem solving. It is compared to search engines because the courts have held that the text data mining by search engines constitutes fair use as seen in the case of *Authors Guild v Google Books*[19] supra because of their transformative nature. It is difficult to see why the same protection should not be extended to Generative Artificial Intelligence.

On the other hand, where works generated by Generative Artificial Intelligence turn out to be strikingly similar to works of copyright, the issue of copyright infringement is raised. Therefore, is it copyright infringement if in response to the end user's prompts, a literary work of copyright is produced verbatim or almost verbatim or an image bears huge resemblance to the work of a particular photographer? One instrumental fact leading to the finding of fair use in Google's case is the fact that the contents of the books were not provided to the public. For Generative Artificial Intelligence, the training data is directly involved in the generated content. Works generated by Artificial Intelligence that are the replica of a copyright work will most likely be held to be infringing works as it is a flagrant deprivation of the author's right to remuneration.

However, as stated in *Gyles v Wilcox*[20], true abridgements may be fair use. What then is a true abridgement that is permissible? An abridgement that shows the author has put in substantial effort, time and ingenuity can be said to have to have an original character and very much fair use. As for images, an output of Generative Artificial Intelligence bearing so much resemblance to a particular image used as part of the training data such that there is no difficulty in spotting that resemblance, is a glaring act of copying that should not be excused on the principle of fair use for it simply supersedes the work. Fair use is a defence because copyright does not seek to protect novel ideas but rather originality in expression of the work and there is no originality in expression of a duplicated work. Now that the conditions that will make a work created by Artificial Intelligence infringing have been identified, the appropriate question to ask next is whether the outputs of Generative Artificial Intelligence bear huge resemblances to any particular copyrighted work or will generate the exact work of copyright if prompted to do so.

Generative Artificial Intelligence systems are not created to produce the exact copies of copyright works that they have been trained on and will often decline to do so when requested, citing copyright protection as a reason. However, that is not to say the allegations are totally untrue. There is a possibility that in generating these works, some works may inadvertently be copied to a high degree. The idea that Generative Artificial Intelligence produces very similar copies of works of copyright is an oversimplification of the generating process. Save for when end users specifically request the generation of the work of a particular author say for example, a summary of the first chapter of JK Rowlings 'Harry Potter and the Sorcerer's Stone' which will even be declined, the works generated in response to prompts

[19] 804 F.3d 202, <https://law.justia.com/cases/federal/appellate-courts/ca2/13-4829/13-4829-2015-10-16.html> accessed 17 March 2024.
[20] [1740] 26 ER 489.

give information not based on one work but from hundreds on that particular subject and that is why they hardly bear semblance to a particular work.

In works created by human authors, the summary of a book has been held to be fair use and even eligible for copyright protection because of the mental effort required also because the summary of a work does not substitute the market of the original work. In any case, these are matters concerning facts and should be decided on a case to case basis. The burden is then on the claimants to show with adequate evidence that there is an actual infringement of their works. What these Generative Artificial Intelligence systems do are what humans have been doing for ages albeit in a much lower capacity and volume. Artists since time immemorial have been influenced by other artists and even copy their style, musicians make music by sampling other musical works. In other words, some degree of copying is allowed and only substantial copying amounts to copyright infringement.

The cases that will be discussed hereafter are still pending and yet to be decided. Thus in *Getty Images V Stability Diffusion*[21], the claimant, an audio visual company is alleging that the defendant Artificial Intelligence model was trained on its vast images. The claimant further alleges that some of these images bear the watermarks of the company such that the generated images pass off as the claimant's. The claimant is challenging both the input and output aspects of defendant's Artificial Intelligence system. As stated earlier, if the claimant can show that the defendant had no lawful access to the images or the technological measures put in place for the protection of the works were circumvented contrary to the anti-circumvention laws, the defendant will most likely be found liable in infringement of copyright and the question of whether the images generated by the Artificial Intelligence system bears resemblance to those of the claimants will not even arise except to compound damages. Where however the defendant had lawful access, the claimant will have to prove with credible evidence that the images so generated are infringing copies because of their similarity to the claimant's images. If he fails to prove that, he may still have a claim in trademark infringement since the images allegedly bore the watermarks of the claimant's.

In *Authors Guild v OpenAI*,[22] the claimant, a professional organisation of writers, brought a claim for the unauthorised use of their works which allegedly mimic the authors' characters and stories of fictional works. The highlight of this case is the fact that a user of OpenAI ChatGpt produced a sequel to a famous book by using the character and storyline of the original work.[23] It is difficult to see how it doesn't amount to copyright infringement. Following the lawsuit, the programmers of OpenAI have put some measures in place so that it can no longer be used to produce derivative works of original works. What this tells us is that the biggest challenge is actually the ingenuity and mischief of the end users who use Generative Artificial Intelligence for infringing purposes that may not be intended by the programmers. This is not to say the owners of the Generative Artificial Intelligence systems are not liable to some degree, at least vicariously, rather, to guarantee the uncontroversial continued existence of Generative Artificial Intelligence, guidelines should be put in place to ensure that the end users do not use the systems to achieve results that will amount to copyright infringement.

7. Conclusion

It is quite clear that the use of copyright works as training data is part of the research work on the going development of Artificial Intelligence which will be seriously inhibited if text data mining is not permitted. The only concern of copyright infringement is in the output. The level of autonomy of Generative Artificial Intelligence and the unscrupulous behaviour of the end users will sometimes result in occasions of copyright infringement. This genuine threat of infringement will necessitate the establishment of protective measures. The Nigerian Copyright Commission in conjunction with the National Assembly should work on policies that will promote the development of Artificial Intelligence while safeguarding the interests of copyright owners.

[21] [2023] 3090 EWHC.
[22] 1:23-cv-8292
[23] Ibid.