Ownership of Copyright in AIGC Text-to-Image Works-A Case Study of the "Spring Breeze Case"

Zixi Chen
School of Law and Politics, Guangdong Ocean University,Zhanjiang, Guangdong, China

Abstract: With the in-depth application of Generative Artificial Intelligence (AIGC) technology in the field of image creation, disputes over the ownership of copyright in text-to-image generated works have become a cutting-edge issue in intellectual property rights. Combining China's first copyright dispute case involving AIGC text-to-image works (the "Spring Breeze Case") and the adjudication rules of similar cases, this paper explores the core legal principles and practical issues of copyright protection for AIGC text-to-image works from four dimensions: the determination of work attributes, the analysis of copyright ownership subjects, the definition of infringement acts, and the construction of protection paths. The determination of copyright ownership for AIGC text-to-image works should return to the statutory core elements of originality and intellectual achievement. Natural person users, as technical practitioners, should be identified as copyright holders on the premise that the constituent elements of a work are satisfied. Meanwhile, a full-chain protection system for the copyright of AIGC text-to-image works should be constructed through multiple paths including legislative improvement, strengthened supervision, judicial unification, and enhanced burden of proof capacity of right holders.

Keywords: AIGC Text-To-Image Works; Copyright Ownership; Originality; Intellectual Achievement

1. Case Facts

In February 2023, the plaintiff Mr. Li generated an ancient-style portrait of a woman entitled *Spring Breeze Brings Tenderness* through the Stable Diffusion artificial intelligence model, and published it on his personal social media platform with the label "AI Painting". Without permission, the defendant Ms. Liu erased the signature watermark of the image and used it as an illustration for her original poems and essays, claiming that her use was non-commercial and did not constitute infringement. The plaintiff filed a lawsuit against the defendant with the Beijing Internet Court on the grounds of infringement of the right of authorship and the right of information network dissemination.

The court found after trial that the generation process of the involved image reflected the plaintiff's independent intellectual input: he set dozens of positive and negative prompt words respectively, adjusted parameters such as iteration steps, image height, prompt word guidance coefficient, random seed and model weight, and finally generated the involved work after four iterative optimizations. The court held that the involved image, with lines and colors as its expressive forms and aesthetic value, conformed to the definition of "work" under the *Copyright Law of the People's Republic of China* (hereinafter referred to as the *Copyright Law*), and met the elements of "intellectual achievement" and "originality". At the same time, it was clearly stated that the artificial intelligence model is not an "author" in the legal sense, and the plaintiff, as a technical practitioner, should enjoy the copyright; the defendant's use constituted an infringement [1].

This paper will focus on the first case of AI-generated images (hereinafter referred to as the "Spring Breeze Case") and conduct research and discussion on three key aspects: First, whether AI-generated images (AIGC) possess "work attributes" under copyright law; Second, which entities involved in AI technology (providers, operators, and practitioners) should be responsible for copyright ownership; Third, the criteria for identifying AIGC image infringement and the mechanisms for liability determination.

2. The Protection Boundary of AIGC Text-to-Image Works under the Copyright Law

2.1 Core Constituent Elements of Copyright

Law Protection

The AI-generated works involved in this paper refer to the intellectual achievements that meet the statutory constituent elements of works under the *Copyright Law*, generated by the model through substantive intellectual intervention by natural persons such as inputting precise instructions to the artificial intelligence model and adjusting core creation parameters. Its core feature is "human-machine collaboration" and reflecting the leading role of human intelligence. AI-generated content is a broad concept, covering all visual content generated by AI models without substantive human intellectual intervention, which may not meet the protection elements of the *Copyright Law* and is only a mechanical output of technical algorithms. Intellectual achievement is a statutory concept under the *Copyright Law*, referring to the original achievements with certain expressive forms created by natural persons through conscious intellectual labor in the fields of literature, art and science, which is the statutory characterization of AI-generated works [2]. The definition of the above core terms lays a conceptual foundation for the development of subsequent research and avoids semantic confusion and understanding deviation.

Article 11 of the *Copyright Law* clearly stipulates: "Copyright shall belong to the author, except as otherwise provided in this Law. A natural person who creates a work shall be the author. Where a work is created under the auspices of a legal person or an unincorporated organization, representing the will of the legal person or unincorporated organization and for which the legal person or unincorporated organization shall bear responsibility, the legal person or unincorporated organization shall be deemed as the author." Article 10 enumerates the personal rights and property rights included in copyright, including core rights such as the right of authorship and the right of information network dissemination [2].

From the perspective of legal norm logic, the premise for AIGC text-to-image works to obtain copyright protection is to meet the statutory definition of "work". Article 3 of the *Copyright Law* defines a "work" as "an original intellectual achievement with certain expressive forms in the fields of literature, art and science" [2]. Accordingly, the composition of a work needs to meet four core elements: field element (belonging to the fields of literature, art and science), originality element (with personal characteristics, not naturally formed), expressibility element (presented in an objective form), intellectual achievement element (with conscious intellectual input) [3].

AIGC text-to-image works are images automatically generated by natural persons by inputting instructions to AI, generally presented in the form of painted images or simulated photos, which belong to the categories of Item (4) (art works) and Item (5) (photographic works) of the first paragraph of Article 3 of the *Copyright Law* respectively [2]. Therefore, AIGC text-to-image works should belong to works in the artistic field. The definition of the above four elements provides the fundamental legal basis for the determination of the work attributes of AIGC text-to-image works, but due to the "human-machine collaboration" characteristic of AIGC technology, the application of traditional work constituent elements faces challenges of interpretation and adaptation.

2.2 Determination of Work Attributes and Originality of AIGC Text-to-Image Works

The theory of copyright law generally defines a "work" as the creative achievement of a natural person author. Since AIGC works such as text-to-image works involve the intervention of artificial intelligence algorithms in the creation process, researchers generally refer to AI-generated content from the perspective of the *Copyright Law* as AI "generated works", "generated content", "creative works" or even "intellectual achievements" to distinguish them from "works" under the *Copyright Law*. Among them, those who advocate protecting AI-generated content as "works" under the Copyright Law directly call them AI-generated works or AI works, but this does not necessarily negate their work attributes [4]. There are theoretical differences in the academic circle on the determination of the work attributes of AIGC text-to-image works. The core of the dispute is whether the use of AI tools in the creation process directly negates their work attributes, or whether the work attributes should be judged by taking the core standard of whether the creation process reflects human intellectual input and whether the creative achievements have originality, regardless of the tool attributes. Professor Wang Qian put forward a key point that it is necessary to judge whether AIGC-generated content reflects human intellectual

input and has originality [5].

The determination of the originality of AIGC text-to-image works should strictly apply the dual identification standard of subjective intellectual input and objective substantive difference, both of which are indispensable [5]. At the same time, combined with the "three-step test" gradually established in judicial practice and clearly incorporated by the *Copyright Law*, the personalized choices of creators are distinguished from the default results of AI algorithms, making the originality determination standard have both legal basis and operability [2].

At the subjective level, the core determination element is whether the creator has implemented conscious intellectual intervention on the core expression in the work generation process, which is specifically reflected in the precise design of prompt words, targeted adjustment of core parameters, aesthetic screening and optimization of generated results and other acts. Moreover, such intervention is not based on a single quantitative standard of the number of parameter adjustments and iteration times. The key is whether the intervention acts reflect the creator's personalized choices and independent judgments on the core expression elements such as work style, composition, color and element combination.

Judicial practice has clearly negated that the act of "simple tool operation" constitutes original intellectual input. For example, in the case of *Feng v. Dongshan Company on Copyright of AI Text-to-Image Works*, the court held that although the plaintiff used AI text-to-image tools, he did not have substantive control over the generated results because the plaintiff failed to provide key evidence such as the screen recording of the initial creation. The relevant generated results were not original achievements reflecting his intellectual input, and thus negated the plaintiff's copyright in the involved works [6].

In practice, the identification of parameter adjustment shall be distinguished according to the parameter types:

If the adjusted are basic technical parameters (e.g., resolution, canvas ratio) that do not touch the core expression elements of the work, the act still belongs to the basic use category of AI tools and cannot meet the minimum requirements of intellectual intervention.

If the adjusted are creative parameters (e.g., model weight, prompt word guidance coefficient, random seed) that directly affect the core expression of the work, even if the number of adjustments is small, as long as the act is a personalized choice made by the creator based on specific aesthetic needs, it can be determined that the subjective intellectual input element is satisfied.

The determination of prompt words takes the threshold of entering the category of personalized expression as the core, and strictly follows the basic principle of the dichotomy between idea and expression of the *Copyright Law*:

If only a single general word (e.g., "ancient-style woman", "landscape scenery") is input, it is essentially a simple description of the creative "idea", and the generated results are dominated by AI algorithms, which cannot reflect human intellectual contribution.

If the prompt words embody a set of sufficiently concrete and personalized choices concerning the subject, style, color scheme, scene atmosphere, composition, or other expressive elements, and such choices can provide relatively definite and individualized guidance for the direction of AI generation, they may constitute personalized choices in the expressive form of the work and meet the specificity requirement of prompt words.

The Beijing Internet Court has further clarified in judicial practice that if the user's instructions are too simple and do not make a substantive contribution to the expressive elements such as image layout, proportion and perspective, the generated content cannot be identified as a work in the sense of the *Copyright Law*. In addition, there is no absolute correlation between the number of iterations and originality. The core value of the plaintiff's four iterations in the "Spring Breeze Case" is not the number itself, but the continuous aesthetic screening and targeted optimization reflected in the iteration process [1]. The number of iterations is not decisive; what matters is whether the creator has exercised targeted human selection and control over the core expressive elements of the work. Even a limited number of iterations may support the finding of subjective intellectual intervention if the creator can show that the process involved aesthetic screening, parameter refinement, or prompt optimization directed at the work's expression.

At the objective level, the core determination element is that the final generated results must have identifiable differences from existing works

derived from the creator's personalized choices, and such differences must meet the standard of substantive difference to conform to the objective element of originality. This standard forms a reverse confirmation with the infringement determination standard of "substantial similarity" in the *Copyright Law*, that is, if the generated content is not substantially similar to existing works and such differences are formed by the creator through personalized intellectual intervention, it can be determined that it has an objective basis for originality.

The judicial practice's identification of "substantive difference" has always focused on the core expression elements of the work, including the uniqueness of artistic expression such as composition layout, color matching, style positioning and element combination, rather than minor modifications of local details. For example, in the *Companion Heart Case*, the court held that the difference between the involved text-to-image work and existing urban night scene works was not a simple element replacement, but reflected in the core expression such as the visual design of love heart reflection and the personalized matching of light and shadow levels, so it was legally determined that the two constituted a substantive difference; On the contrary, if only local color adjustment, element deletion and other operations are carried out on existing works without changing the core expression of the work, such differences are only minor differences and cannot meet the objective requirements of originality [7].

In the application of the dual standard, distinguishing the creator's personalized choices from the default results of AI algorithms is a key link in determining originality, and the core judgment criterion is the dominance and predictability of human behavior on the final expression of the work, which can be judged through three stages:

1) Examine whether the creative instructions exceed the default scope of the algorithm: if the user accurately guides the AI generation direction through sufficiently concrete and personalized prompt choices and the adjustment of core creation parameters, it should be identified as the creator's personalized choice.

2) Examine whether humans exercise "substantive control" over the generation process: The algorithm default results are highly random, and the creator cannot predict and control the final expression of the work; in the case of personalized choices, the creator can effectively control the core expression of the work through iterative optimization, parameter adjustment, result screening and other acts (e.g., the "Spring Breeze Case").

3) Examine whether the generated results are consistent with the creator's aesthetic choices: The algorithm default results are mechanical outputs of the AI model based on training data, which have no direct connection with the creator's subjective aesthetics; the generated results under personalized choices are the external embodiment of the creator's aesthetic judgment and intellectual choices.

In addition, Judge Zhu Ge pointed out that the key evidence to distinguish the two is the creation process records, including prompt word iteration logs, parameter adjustment records, generated version comparisons, etc. If the creator can provide such evidence to prove that he has implemented targeted intellectual intervention in the work generation process, it can be determined that the relevant expression is the creator's personalized choice, not the AI algorithm's default result [1].

To sum up, if the creator only inputs general keywords to generate images, the ambiguity of keyword description leads to a high probability of work "collision", which neither meets the subjective intellectual input element nor is it difficult to form a substantive difference from existing works, so it cannot be determined to have originality; if the creator implements personalized intellectual intervention on the basis of AI generation through precise design of prompt words, adjustment of core creation parameters, iterative screening and optimization, the achievements not only reflect the creator's independent aesthetic judgment and intellectual input, but also form a substantive difference from existing works, and should be legally determined to have originality in the sense of the *Copyright Law*.

In the "Spring Breeze Case", the plaintiff submitted evidence of the process of generating the involved work through four iterations of selecting and modifying key elements such as prompt words, model weight and random seed, reflecting independent aesthetic judgment and intellectual input, in line with the dual standard of originality, which is also the core basis for the court to determine its work attributes [1].

2.3 Difficulty Breakthrough and Judicial Enlightenment of Copyright Determination in This Case

The core challenge in adjudicating this case lies in balancing the instrumental nature of AIGC technology with creators' intellectual contributions, while addressing the legal debate over whether artificial intelligence can qualify as an author. The court's reasoning offers three key judicial insights: First, clarifying the legal status of AI models as creative tools that inherently lack legal personhood and thus cannot be recognized as "authors" under the *Copyright Law*. Second, redefining copyright attribution based on the source of intellectual output—those who spearheaded the creative process and contributed core intellectual efforts should rightfully hold copyright rights. Third, emphasizing the importance of "process evidence" in originality assessment, where creators' intervention traces during generation (e.g., parameter adjustment records and version comparison documentation) serve as critical proof of originality.

This adjudication approach not only respects the legislative spirit of the Copyright Law, but also adapts to the practical needs of AIGC technology development.

3. Analysis of Copyright Ownership Subjects of AIGC Text-to-Image Works

The creation of AIGC text-to-image works involves three core subjects: technical providers (AI model developers), technical operators (AI platform operators), and technical practitioners (natural person users). The three parties play different roles in the creation process, and whether they enjoy copyright needs to be analyzed one by one combined with the principles of the *Copyright Law* and practical logic. At the same time, it responds to the core controversial issues in the academic circle such as the infringement of training data by technical providers and the intellectual contribution of templates by operators, and clarifies the right boundaries and liability scope of different subjects.

3.1 Technical Providers

Technical providers, i.e., developers of AI text-to-image models, whose core contribution is to build the technical foundation of text-to-image through algorithm research and development and model training, providing instrumental support for work generation. From a legal perspective, the AI text-to-image model is homogeneous with traditional creative tools such as paintbrushes and cameras, all of which are material means to assist natural persons in creation. The essential civil legal relationship between technical providers and practitioners is tool development and use, rather than joint creation [8]. The *Copyright Law* protects the intellectual achievements created by natural persons through tools, not the tools themselves. Therefore, even if technical providers invest a lot of intellectual labor in model development, they have no right to directly enjoy the copyright of text-to-image works generated by users using the model.

The core controversy in the academic and judicial practice circles about technical providers focuses on whether the use of others' works in AI model training data constitutes infringement. At present, the academic circle mainly has three attitudes towards the inclusion of unauthorized works in training data:

1) Considering it as direct infringement [9]

2) Considering it as non-infringement [10]

3) Considering it as infringement but exemptible [11][12][13]

Due to the wide application scope of AI data training and the fragmented and diversified characteristics of the adopted data, the probability that the generated results are substantially similar to others' works is low [14]. Niu Binbin also discussed this in *Research on the Fair Use Rule of Copyright in Generative AI Data Training*, holding that AI data training behavior should be included in the scope of fair use of copyright [14]. It can be seen that the inclusion of unauthorized works in AI model training data does not necessarily constitute copyright infringement.

From the core logic of originality determination, the originality of generated works points to the intellectual intervention behavior of technical practitioners, focusing on the creator's personalized choices and iterative optimization of prompt words and parameters, which is essentially the external embodiment of natural persons' aesthetic judgment and intellectual choices; the infringement problem of AI model training data belongs to the source defect of creative tools, which are in different legal categories. The legality of training data does not affect the originality determination of generated works [15]. The author holds that as long as the generated content is not "substantially similar"

to the works in the infringing training data and reflects the independent intellectual choices and aesthetic judgment of practitioners, it will not affect its originality determination in the sense of the *Copyright Law*. This is because the determination of originality focuses on the intellectual input in the creation process and the expressive uniqueness of the achievements, rather than the source legality of the creative tools. Even if the tools have right defects, as long as the user's creative behavior is independent, the achievements should be protected by the *Copyright Law*.

3.2 Technical Operators

Technical operators, i.e., operators of AI text-to-image platforms, whose core functions are to provide users with model use interfaces, technical maintenance, material support and other intermediary services. Their role is similar to sellers and service providers of traditional creative tools. Under normal circumstances, they do not participate in the specific creation process of text-to-image, neither make personalized choices on the core expression of the work nor invest original intellectual labor. Therefore, they do not meet the statutory elements of "author" under the *Copyright Law* and have no right to directly enjoy the copyright of generated works.

In practice, some platforms stipulate in user agreements that "the platform enjoys the copyright of user-generated content". Such standard terms, if they do not reflect the platform's intellectual contribution and only claim copyright on the grounds of service provision, essentially occupy the legitimate rights and interests of users by virtue of technical advantages, violate the principle of fairness and the mandatory provisions of the *Copyright Law*, and should be deemed invalid.

Before applying derivative-work analysis to platform templates, it is necessary to clarify the legal nature of the template itself. A platform template is not automatically a protected work merely because it is provided by the operator. Where the template only functions as a technical or service feature, such as a general interface setting, canvas ratio, resolution preset, style label, or reusable generation workflow, it should be treated as an unprotected tool or method rather than protectable expression. Only where the template itself embodies original expressive choices, and the user's final output retains identifiable expressive inheritance from that template, should derivative-work analysis follow. Accordingly, the platform's copyright claim must be confined to protectable expression in the template or material itself, rather than extending automatically to the generated output as a whole.

On this basis, if the platform provides users with preset creative templates and exclusive material libraries, the determination of copyright ownership should adopt the standard of degree of intellectual contribution, and define the platform's right boundaries according to whether the templates and materials provided by the platform have originality and whether the generated output carries identifiable expressive inheritance from them. If the templates provided by the platform are only basic technical frameworks (e.g., general canvas ratio, color gamut, resolution settings) that do not involve the core expression elements such as work style, composition and element combination, the act belongs to the basic service category of the platform, does not constitute original intellectual input, and the platform has no right to claim any rights to the generated works. If the templates provided by the platform include personalized style design, composition layout and element combination schemes (e.g., exclusive Chinese style meticulous painting templates, cyberpunk visual templates) and the templates or materials themselves meet the originality elements of the *Copyright Law* and have independent aesthetic value, the platform enjoys certain copyright on the templates or materials themselves.

Regarding text-to-image content generated by users based on the platform's original templates, copyright ownership should be determined through two distinct scenarios. First, if users make targeted personalized modifications to the template by precisely designing prompt words, adjusting core creation parameters, or optimizing element combinations, and the final output forms substantial differences in core expression compared with the template, their actions constitute independent creation. In such circumstances, users may enjoy copyright in the independently created expression of the generated content, without prejudice to any rights the platform may retain in the protectable elements of the template itself. Second, if users merely apply templates with minor adjustments, without demonstrating independent aesthetic judgment or intellectual choices, and the output substantially retains identifiable expressive inheritance from the template's core expression,

such content should be analyzed as a derivative work. In that case, the platform may claim rights only over the protectable pre-existing expression embodied in the template, and unauthorized use may be restricted to that extent.

This framework protects the platform's legitimate intellectual achievements while preventing exploitation of template advantages to infringe user creative rights, achieving balanced rights protection between both parties. Additionally, when platforms provide personalized creative guidance during user production—such as offering original suggestions for prompt design or parameter adjustments that substantially influence core expression—the platform and user establish co-creation relationships, with copyright distribution based on respective intellectual contributions.

3.3 Technical Practitioners

Technical practitioners, i.e., natural person users who use AI models to generate text-to-image works, are the core leaders in the creation of AIGC text-to-image works. Their intellectual input in the creation process is the fundamental reason for the production of works and the core foundation for the works to obtain copyright protection.

As mentioned above, when users exercise conscious intellectual intervention in the creation process through precise design of prompt words, adjustment of core creation parameters, screening and optimization of generated results, iterative improvement of work expression, etc., making the final results reflect personal aesthetic judgment, personalized choices and independent ideological expression, the work meets the statutory elements of "originality" and "intellectual achievement", and the user, as a technical practitioner, should be identified as the copyright holder, enjoying the personal rights and property rights stipulated by the *Copyright Law*.

This rule for determining copyright ownership is not only in line with the legislative purpose of the *Copyright Law* of "encouraging creation and protecting intellectual achievements", but also adapts to the creative characteristics of AIGC's "human-machine collaboration". If users are clearly demarcated as copyright holders with clear standards, it can clarify the core standards of copyright ownership, better protect the rights and interests of copyright holders, resolve judicial problems related to the copyright of AIGC text-to-image works, and also encourage users to create high-quality text-to-image works, improve creation efficiency by using AI characteristics and promote artistic prosperity. In the "Spring Breeze Case", the court identified the plaintiff as the copyright holder based on the plaintiff's personalized choices and intellectual intervention of prompt words, parameters and generated results in the four iterations, and the adjudication result is a typical judicial practice embodiment of this rule [1].

There are also commissioned creation situations in practice, such as users entrusting others to design prompt words and adjust parameters to generate text-to-image works. The ownership of copyright should follow the core rules of the *Copyright Law* on commissioned creation [2]:

1) If the commissioned parties have a clear agreement on the ownership of copyright, it shall be followed.

2) If there is no clear agreement, the copyright shall belong to the client who puts forward the creative ideas, makes the final aesthetic judgment and exercises substantive control over the generated results, and the trustee may only claim the corresponding right to remuneration according to the commission contract.

Even if the trustee implements specific acts such as prompt word design and parameter adjustment, these acts are all based on the client's creative ideas and aesthetic requirements, without forming a leading control over the work creation, which is essentially auxiliary labor rather than core creative acts, and therefore should not be the subject of copyright ownership. This conclusion is not only in line with the legislative purpose of the *Copyright Law* of "encouraging creation", but also can balance the relationship between technological development and right protection: negating the user's copyright will lead to an unfair situation where "the creator invests intellectual labor but has no right protection", thus inhibiting the benign application of AIGC technology; identifying the user as the copyright holder can encourage users to create high-quality text-to-image works and promote the innovative development of the art field. The court's identification of the plaintiff as the copyright holder in the "Spring Breeze Case" is exactly the judicial practice embodiment of this logic.

4. The Rights Protection System for

Copyright Holders of AIGC Text-to-Image Works

4.1 Legal Definition of the Content of Rights and Interests

Under the current legal framework, the copyright holders' rights regarding AIGC-generated images shall be fully governed by Article 10 of the *Copyright Law*, encompassing two major categories: personal rights and property rights. Personal rights include the right of publication (to decide whether a work is made public), the right of attribution (to indicate authorship and sign the work), the right to modify (to alter or authorize others to modify the work), and the right to protect the integrity of the work (to prevent distortion or tampering). Property rights include core rights such as reproduction, distribution, online dissemination, and adaptation, as well as the right to license others for use and receive remuneration.

It should be noted that the protection of personal rights of AIGC text-to-image works has particularities: due to the involvement of AI tools in the work generation process, the exercise of the right of authorship should reflect the characteristics of "human-machine collaboration", such as the form of marking "AI-generated + user's signature", which not only respects the creator's intellectual contribution, but also protects the public's right to know. The plaintiff's act of adding the label "AI Painting" in the "Spring Breeze Case" is a reasonable way to exercise the right of authorship, while the defendant's act of erasing the watermark directly infringed his right of authorship.

4.2 Constituent Elements and Identification Standards of Infringement Acts

The determination of copyright infringement of AIGC text-to-image works does not apply to the four-element rule of general civil infringement. As a special type of infringement in the field of intellectual property rights, it should follow the core determination standard of "access + substantial similarity" formed in judicial practic. Subjective fault is not a necessary element for the establishment of infringement, and only affects the scope and method of bearing compensation liability. This standard is a generally accepted rule for copyright infringement determination, created by American judicial precedents, and has also been widely applied in relevant judicial practice in China. It is not only in line with the protection logic of copyright as an absolute right, but also adapts to the industry characteristics of AIGC text-to-image works such as convenient network dissemination and special creation technology.

Regarding the meaning of "access", we borrow the viewpoint of the Beijing No.2 Intermediate People's Court in the case of *Li Peng v. Shi Zhongshan*: the so-called "access" means that the prior work is available to the public, or for some special reasons, the subsequent creator has the opportunity to obtain the work [16].

The identification of the access element means that the infringer has the objective possibility of accessing the right holder's involved text-to-image work. Judicial practice generally makes a comprehensive presumption combined with facts such as the public status, dissemination scope and access channels of the work [17]. If the AIGC-generated artwork in question has been publicly released by the rights holder on social platforms, image-sharing websites, self-media accounts, or other public channels, or has been legally disseminated by third parties, it can be directly presumed that the infringer had access to the work without requiring additional evidence from the rights holder. If the artwork remains unpublished, the rights holder must provide evidence demonstrating specific acts of infringement such as theft, illegal acquisition, or commissioned creation. The online dissemination nature of AIGC-generated artworks allows for relatively lenient determination of access requirements. For instance, in the "Chunfeng Case," the plaintiff's posting of the artwork on personal social media platforms with tags constituted public dissemination, leading the court to presume the defendant's potential exposure to the work [1]. For example, in the case of *Feng v. Dongshan Company on Copyright of AI Text-to-Image Works*, the court also presumed the defendant's access act on the grounds that the subject and style of the allegedly infringing work were highly consistent with the plaintiff's publicly published works [6].

From the perspective of the burden of proof in civil litigation, after the right holder completes the preliminary proof of the possibility of access and the preliminary proof of the infringement claim combined with the proof of substantial similarity, only the dynamic transfer of the burden of producing evidence (act liability) occurs, rather than the statutory transfer of the

burden of proof (result liability):

• The burden of proof (result liability), as the bottom-line liability for the risk of losing a lawsuit, is always borne by the right holder who claims infringement. If the core facts of the involved infringement are ultimately unclear, the adverse legal consequences are still borne by the right holder.

• The infringer only bears the obligation of rebuttal evidence, and needs to provide evidence to prove that he has no possibility of accessing the involved work, the allegedly infringing work is not substantially similar to the original work, or his use act has legal authorization and constitutes statutory fair use and other defense reasons.

Only when the right holder's preliminary proof has reached the high probability standard of civil proof, and the infringer fails to provide evidence or the evidence provided is insufficient to refute the right holder's claim, the court may adopt the right holder's evidentiary claim, and the infringer never bears the result liability for the unclear facts of the infringement.

The substantial similarity element is the core and key of the determination of AIGC text-to-image copyright infringement, which means that the infringing work and the right holder's work are highly consistent in the "core artistic expression elements", and such consistency is not derived from the reference of public domain materials or the convergence of ideas and concepts [17].

Combined with the artistic attributes and creative characteristics of text-to-image works, the core expression elements should focus on the expressive levels with independent aesthetic value such as composition layout, color matching, style positioning, element combination, visual artistic conception and character demeanor, rather than basic technical parameters (e.g., resolution, canvas ratio, pixel size) nor abstract ideas or creative themes (e.g., "ancient-style woman", "landscape scenery"). This definition strictly follows the basic principle of the "dichotomy between idea and expression" of the *Copyright Law*. In judicial practice, the determination of substantial similarity generally employs a comprehensive evaluation method combining "overall perception + partial comparison." This approach not only considers the general visual impression of ordinary rational observers regarding two artworks but also conducts detailed comparisons of core elements that constitute the uniqueness of each work. For example, in the *Companion Heart Case*, the court held that the allegedly infringing work and the original work were highly consistent in the core expression such as the visual design of love heart reflection, the matching of light and shadow levels and the selection of color saturation, and thus determined that the two constituted substantial similarity [7]; if only local color adjustment, single element deletion and minor proportion modification are carried out on existing works without changing the core expression of the work, such differences are only formal minor differences and cannot exclude the identification of substantial similarity.

It must be clarified that subjective fault serves solely as a constitutive element for copyright infringement damages, rather than a prerequisite for exercising absolute intellectual property rights such as cessation of infringement or elimination of adverse effects. According to the *Copyright Law* and relevant judicial interpretations, regardless of whether the infringer acted with subjective fault, rights holders may claim non-monetary civil liabilities including cessation of infringement and elimination of adverse effects when the infringing act meets the "access + substantial similarity" criteria and falls within copyright protection scope. Such liabilities do not require subjective fault as a precondition. In contrast, liability for damages must be based on the infringer's subjective fault (whether intentional or negligent). If the infringer has fulfilled reasonable diligence obligations and objectively could not have known about copyright infringement in the generated content, they shall not be held liable for damages but must still assume non-monetary responsibilities like discontinuing use and mitigating impacts—this does not absolve them from full legal liability. This principle proves particularly crucial in AIGC-generated image infringement determinations. With the widespread adoption of AI technology, some entities may inadvertently use infringing content due to negligence in content review. In such cases, compensation liability should be assessed based on fault severity and infringement circumstances alongside mandatory cessation of use requirements. This rule is particularly crucial in determining copyright infringement of AIGC-generated images. With the widespread adoption of AI technology, some entities may

inadvertently use infringing content due to negligence in content review. In such cases, the use should be discontinued, while compensation liability should be assessed based on the degree of fault and the circumstances of infringement. In the "Spring Breeze Case," the defendant not only used the plaintiff's work without authorization but also deliberately removed the watermark and claimed the work was adapted for their own use, demonstrating clear intentional misconduct. The court accordingly ordered them to cease infringement, compensate for losses, and issue a public apology, holding them fully liable for civil damages [1].

Furthermore, regarding new infringement scenarios arising from AIGC technology characteristics—including generating text-to-image works substantially similar to copyrighted works through AI model fine-tuning or inputting highly matching prompts, altering core expressions of others' text-to-image works via AI tools for redistribution, or using such works as training data to produce derivative creations—judicial practice must adhere to the core "access + substantial similarity" determination criteria. Simultaneously, considering the process-oriented nature of AI creation, courts should examine whether infringers replicate core expressive elements of copyrighted works or leverage AI models to generate and disseminate infringing content, thereby preventing defendants from evading copyright liability by claiming "AI-generated content" or "technological creation without subjective intent.".

4.3 Practical Paths for Right Protection

At the legislative level, the Interim Measures for the Administration of Generative Artificial Intelligence Services, which came into effect on September 1, 2023, established foundational regulations for AIGC technology oversight [18]. However, copyright provisions specifically addressing generated content such as text-to-image outputs remain incomplete. It is recommended that subsequent revisions to the *Copyright Law* or specialized judicial interpretations issued by the Supreme People's Court clarify key aspects including: criteria for determining the creative nature of AIGC-generated works, copyright ownership rules, liability allocation mechanisms, and burden of proof distribution. Specific provisions should address: "Technical practitioners retaining full copyright rights when meeting originality and intellectual contribution requirements," "AI models lacking legal authorship status," and "boundaries and assessment standards for fair use of AI training data." These measures would reduce judicial uncertainties and ensure alignment between legal frameworks and technological advancements. Additionally, regulatory frameworks should incorporate standardized copyright identification clauses for AIGC-generated content, encouraging creators to adopt standardized AI creation identifiers. This approach would not only safeguard public access rights but also facilitate ownership verification and infringement detection processes.

At the regulatory level, it is essential to strengthen tiered infringement prevention responsibilities between AI-generated image platforms and online dissemination platforms, establishing a comprehensive regulatory framework. Internet regulators should require AI image generation platforms to implement creation process traceability mechanisms, automatically preserving user prompts, parameter adjustments, iterative versions, and other creative data to provide technical support for copyright ownership determination. Online dissemination platforms must establish copyright protection mechanisms featuring mandatory copyright declaration prompts, streamlined infringement complaint channels, and automated original watermarking functions, ensuring swift removal of verified infringing content while specifying clear complaint resolution timelines (recommended not exceeding 48 hours). Additionally, penalties for malicious infringement should be intensified. Entities repeatedly engaging in AI-generated content malicious infringement, large-scale watermark removal of others' works, or commercial exploitation of infringing images should be included in intellectual property credit violation lists to elevate infringement costs.

At the judicial level, it is essential to refine the evidentiary rules and adjudication standards for copyright infringement cases involving AIGC-generated images, while balancing the evidentiary capabilities of both parties. Given the technical complexity and procedural nature of AIGC image creation, the legal evidentiary value of electronic data—including creation process videos, parameter adjustment records, iterative version comparisons, and prompt

design logs—should be explicitly recognized as core evidence for determining originality and ownership. The burden of proof for rights holders should be reasonably reduced. Rights holders need only demonstrate three elements to establish infringement claims: ownership of the copyrighted work, likelihood of the accused infringer having access to the work, and substantial similarity between the infringing work and the original. This establishes a dynamic transfer of evidentiary responsibility (behavioral liability), requiring the infringer to prove legitimate authorization, statutory fair use, absence of substantial similarity, or lack of access to the work. Conversely, the burden of proof for adverse outcomes (consequential liability) remains with the rights holder, unaffected by evidentiary allocation. If core infringement facts remain unverified, the rights holder will still bear unfavorable legal consequences. Additionally, standardized criteria for assessing "substantial similarity," "access requirements," and "reasonable care obligations" should be established through guiding case precedents and key judicial interpretations to prevent inconsistent rulings in similar cases.

At the individual level, enhancing creators' awareness of rights protection and evidence-gathering capabilities for AIGC-generated content is crucial to establishing the first line of defense. Creators should adopt a practice of documenting the entire creative process by preserving data such as prompt instructions, parameter adjustments, and iterative optimization records through AI platforms. Blockchain-based evidence storage for final works, along with retention of publication screenshots and timestamps, provides comprehensive evidence chains for copyright ownership verification and infringement claims. To safeguard attribution rights and work integrity, creators should implement robust rights identification measures including unalterable digital watermarks, clear copyright notices, and explicit usage license terms. Proactive learning of Copyright Law provisions and understanding of infringement resolution procedures are essential. When encountering violations, creators should promptly seek legal remedies through platform complaints, administrative reports to copyright authorities, or civil litigation to protect their legitimate rights.

5. Conclusion

The development of AIGC technology has brought revolutionary changes to the field of image creation, and its creative characteristic of "human-machine collaboration" also poses new challenges to the application of the traditional copyright system. As China's first copyright dispute case involving AIGC text-to-image works, the "Spring Breeze Case" has provided an important judicial starting point for the copyright protection of such works. The judicial adjudication of this case returns to the essence of the copyright law to protect intellectual achievements, establishes a judgment criterion with "originality" and "intellectual achievement" as the core, clarifies the adjudication logic of technical practitioners as the subject of copyright ownership, and provides an important reference for the trial of subsequent similar cases.

This study systematically examines copyright protection issues of AIGC-generated images through four dimensions: work attribute identification, rights attribution analysis, infringement definition, and protection pathway construction. It establishes that AIGC-generated images qualify as copyright works under the dual criteria of "subjective intellectual investment + objective substantive differences." Technical providers and operators should be recognized as tool developers and service providers, while technical practitioners who implement targeted intellectual interventions and maintain substantive control over generated results must become core copyright holders. In infringement determination, the "access + substantial similarity" standard should apply, with subjective fault only influencing compensation liability rather than constituting an essential infringement element. These conclusions align with both the legislative intent of the *Copyright Law* and judicial practice norms, while accommodating the developmental characteristics of AIGC technology. The findings provide theoretical foundations and practical guidelines for resolving copyright disputes involving such works.

In the future, copyright protection for AIGC-generated images requires coordinated efforts from legislative bodies, judicial authorities, regulators, and individuals. Only through multi-stakeholder collaboration and synergy can we advance AIGC technological innovation while fully safeguarding creators' legitimate rights, thereby achieving mutual reinforcement and sustainable development between technological

progress and intellectual property protection.

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