GenAI Tools – Terms and Conditions

Generative artificial intelligence (GenAI) has become widely used in recent years and has led to debates surrounding its impact on intellectual property (IP) rights. Whilst there is reason to be cautious about AI, it can also potentially assist in improving efficiency. This article explores various GenAI platforms' policies on IP ownership, usage rights, and user responsibilities. The aim is to improve user awareness of how their IP rights are affected so they can make better use of such AI platforms.

OpenAI services (ChatGPT, Dall-E, and so on)

OpenAI is perhaps the most well-known GenAI platform due to the popularity of its model ChatGPT. The platform works by allowing users to provide input into the system and receive output based on the input. The input and output are collectively known as 'Content'.

Who owns the right to content?

- OpenAI users retain ownership rights in Input and own the Output. OpenAI assigns the user all right, title and interest, if any, in an Output. The assignment of Output does not extend to other users' Output or any Third Party Output.
- The platform's terms note that the Output may not be unique.
- OpenAI may use Content to provide, maintain, develop and improve its Services, comply with applicable law, enforce OpenAI's terms and policies and keep its Services safe.
- If users do not want OpenAI to use their Content to train OpenAI's models, they can opt out by following the instructions in OpenAI's Help Centre article.

User responsibilities:

- Users are responsible for Content, including ensuring that it does not violate any applicable law or OpenAI's terms. Users represent and warrant that they have all rights, licenses, and permissions needed to provide Input to OpenAI's Services.
- Users can fill out this form if they believe their IP rights have been infringed. The Terms of Service set out the information that a claim of infringement must include.

Scribe

Scribe AI writes process documents, such as tool overviews, onboarding guides, and help centers. It can be used by organisations to improve efficiency when formulating documents and guides.

Who owns the right to content?

- Scribe or its affiliates exclusively owns or has a licence to use all rights, title and interest in the Services and the Content provided by Scribe.
- Content includes information, data, databases, images, sound recordings, audio and visual clips and other content, but does not include users' Confidential Information.

User responsibilities:

- Users shall not remove or modify any copyright or other notice placed on Scribe Content.

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Copilot

Copilot uses a model similar to ChatGPT to generate text, images and perform other functions. It is integrated into various Microsoft products such as Word, Excel, and Outlook to improve user productivity.

Who owns the right to content?

- Users own all IP rights over the materials they provide to Copilot.
- By uploading materials, users agree:
  - to allow other Internet users to view the materials a user posts publicly to their portal;
  - to allow Copilot to store, and in the case of materials posted publicly, display and use their materials; and
  - that Copilot can, at any time, review and delete all the materials submitted to its Service.
- Copilot shall have the non-exclusive right and licence to use the names, trade marks, service marks and logos associated with a user's Portal to promote the Service.

User responsibilities:

- Users are responsible for all activity and content such as photos, images, videos, graphics, written content, code, information, or data uploaded, collected, generated, stored, displayed, distributed, transmitted or exhibited on or in connection with their account.
- Users are responsible for compliance of these materials with any applicable laws or regulations.

Canva

Canva offers a range of AI tools such as OpenAI and Imagen to assist with AI image generation.

Who owns the right to content?

- Users own all right, title and interest in and to their User Content.
- Users grant Canva a royalty-free and sublicensable license to display, host, copy, store and use their User Content solely to the extent necessary to provide the Service to the user and to other users if the design is shared.
- Users can opt-in to allowing Canva, its affiliates and third-party service providers to use their content to develop, improve and provide AI products and services, including through use of machine learning technologies.

User responsibilities

- Users must own or have secured all necessary rights in their User Content as may be necessary to permit its access, use and distribution.
- Canva requests that users who use Output in their Canva designs let viewers know the content is AI-generated.

By equipping individuals with important information about GenAI, we can move towards using it inan informed and beneficial way. Due to the ever-changing AI landscape, users must stay aware of changes to their terms of use. In practical terms, users must be aware of the IP rights they own and the licenses they assign to these platforms.

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They must be aware of their responsibilities when sharing AI-generated content on such platforms. Where users find the policies of GenAI platforms to be inconsistent with their expectations, they must look into termination or suspension procedures which may assist in protecting IP rights or preventing further infringement of these rights.

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