

## [CZ] Artificial intelligence cannot create an author's work, the court stated

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*Jan Fučík*  
Česká televize

For the first time in history, the Czech courts have directly dealt with the issue of copyright protection for content created with the help of generative AI.

The decision was made available by Prague's municipal court. According to the data in the judicial database, no appeal was filed against it and it is therefore final.

The dispute was sparked by a Prague law firm's publication of an image created by artificial intelligence. According to the law firm (the plaintiff), the image was created based on a prompt/assignment: "create a visual representation of two parties signing a business contract in a formal environment, for example in a conference room or in the office of a law firm in Prague. Show only the hands." The law firm used the resulting image in its web presentation, where the defendant obtained it and also placed it on its website. However, the plaintiff did not prove this fact in the proceedings.

The image was attacked by the plaintiff, claiming that he was the author. He also demanded a delay and removal claim, i.e. the image should disappear from the website and that it should not be used in any way. The city court rejected the lawsuit in its entirety.

First, the court stated that "artificial intelligence by itself cannot be the author (...) when only a natural person can be the author, which artificial intelligence certainly is not."

According to the court, the image created by the AI tool does not even represent a work of authorship according to Section 2 of the Copyright Act, as it does not meet the conceptual features of a work of authorship. "This is not a unique result of the creative activity of a physical person - the author. The plaintiff himself did not personally create the work, it was created with the help of artificial intelligence, and it was proven in the proceedings based on the assignment" the judgment's reasoning states.

The court then commented on the nature of the assignment itself, which was the basis for the subsequent image generated by AI. "It is possible to talk about the theme of the work or an eventual idea, which, however, is not a work of authorship in itself," the court concluded.

***Rozsudek Městského soudu v Praze z 11.října sp. zn. 10 C 13/2023***

[https://justice.cz/documents/14569/1865919/10C\\_13\\_2023\\_10/108cad3e-d9e8-454f-bfac-d58e1253c83a](https://justice.cz/documents/14569/1865919/10C_13_2023_10/108cad3e-d9e8-454f-bfac-d58e1253c83a)

*Decision of the Municipal Court Prague from 11. October, no 10 C 13/2023*

