

GUIDE

AI writing and copyright

What the US Copyright Office says about copyright in AI-generated text: human authorship is required, prompts alone are not enough, and your edits and arrangement can be protected.

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Copyright in AI-written text is unsettled law, but the US Copyright Office has published its analysis. Part 2 of its Copyright and Artificial Intelligence report, released January 29, 2025, addresses whether AI outputs can be copyrighted. The short version: the human has to author something.

What the report concludes

The Office reviewed over 10,000 public comments and concluded that existing law is adequate, with no legislative change needed. Its findings, in its own words:

- Purely AI-generated material, or material where a human has insufficient control over the expressive elements, is not copyrightable.
- Copyright does not extend to AI output just because a person typed a prompt. Based on current technology, prompts alone do not provide sufficient control.
- Human authors are entitled to copyright in their own expressive work inside an AI output, and in the creative selection, coordination, arrangement or modification of AI-generated material.
- Using AI as a tool to assist human creativity does not affect copyright protection for the output.

What this means for you

If you use an AI writing tool for client work or your own publishing:

1. Keep your edits. The copyrightable part of an AI-assisted draft is what you added: your structure, your facts, your sentences. Save your drafts and revisions; they document your contribution.
2. Do not assume the raw output is yours to license exclusively. It may not be protected at all in the US. Contract terms with the vendor can still matter; read them.
3. Disclose where it counts. For registration, the Office's March 2023 guidance asks applicants to disclose AI-generated content and disclaim it where the human did not author it. For clients, honest disclosure beats a later dispute.
4. This is US analysis. Other countries reach different answers. If you publish outside the US, check local law or ask a lawyer.

Practical habit

Treat the AI as a drafting tool you supervise, like a contractor. You direct, you edit, you stand behind the result. That is both the ethical posture and, under the Office's analysis, where your protectable authorship lives.

Sources

All sources below were fetched and checked on 2026-11-13. That is the access date, not a claim about publication date.

- U.S. Copyright Office: Copyright and Artificial Intelligence, Part 2 published January 29, 2025, accessed 2026-11-13.
- U.S. Copyright Office: Copyright and Artificial Intelligence, Part 2: Copyrightability (report PDF, January 2025), accessed 2026-11-13.

Frequently asked questions

Can I copyright an article an AI wrote for me?

In the US, copyright needs human authorship. The Copyright Office's January 2025 report says prompts alone do not give enough control, but your creative edits, selection and arrangement of AI output can be protected.

Who owns AI-generated text?

The Copyright Office's report addresses US law. It concludes purely AI-generated material is not copyrightable, while human-authored parts of a mixed work can be. Terms of service can add contract rights; read the vendor's terms.

Sources

copyright.gov — https://www.copyright.gov/ai/

copyright.gov — https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf