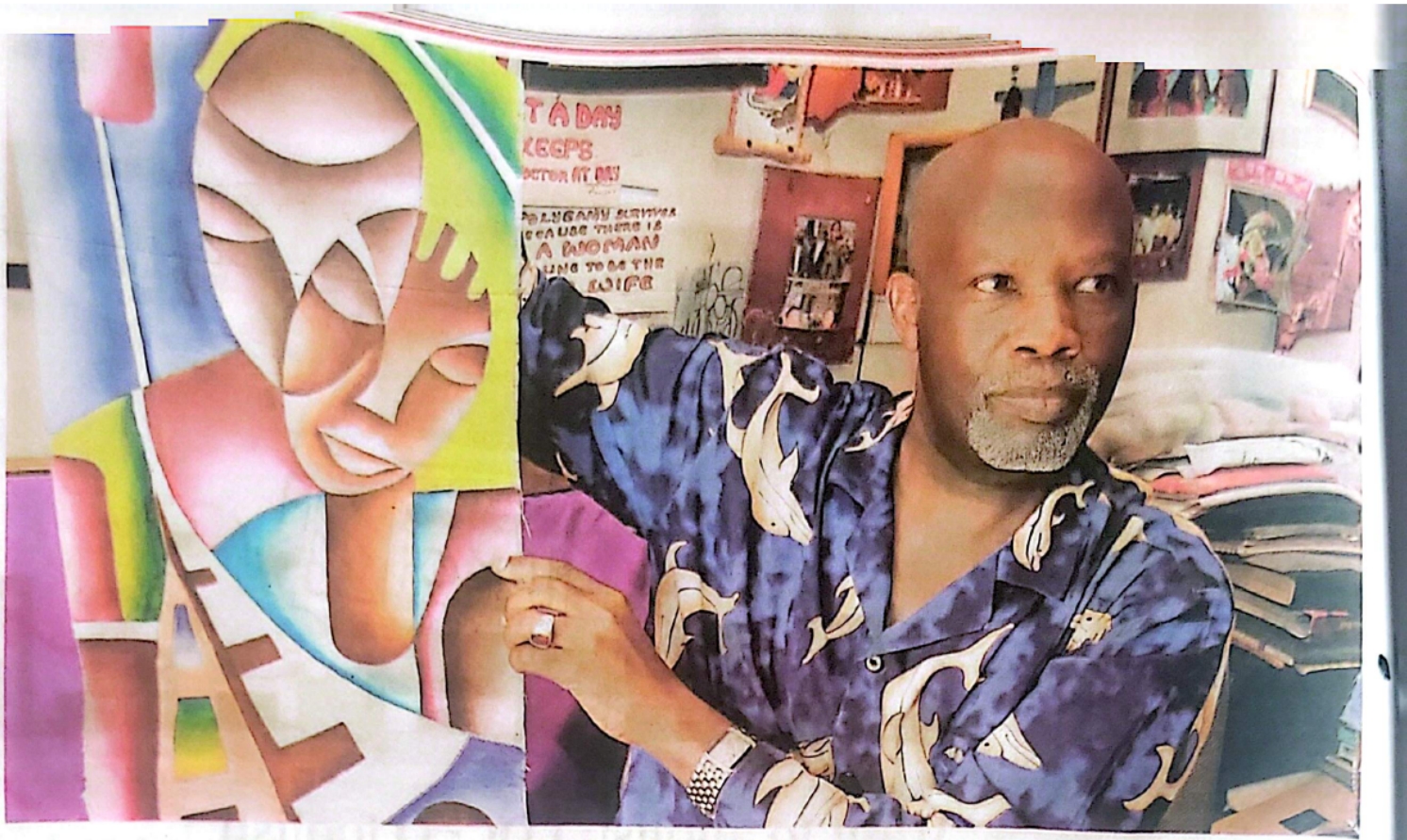


Nuwa Wamala Nnyanzi displays one of his batik artworks at his Nnyanzi Art Studio in Kampala. PHOTO/ FILE

Is the local art industry ready for AI's impact?

The creative economy has been disrupted the most since generative Artificial Intelligence (AI) took the world by storm nearly three years ago. In a six-part series, Case Files dives into the impact in Uganda, with **Bamuturaki Musinguzi** using the first instalment to look at the readiness of the art industry where claims of theft abound.

The question posed to the generative AI I'm using is simple: Does AI aid theft in the arts and culture?

"Yes, generative AI is widely considered to facilitate the theft of intellectual property, labour, and style within the arts and culture sectors," comes the response. "The core issue arises from AI models being trained on massive datasets of artwork, music, and writing scraped from the internet without the consent, credit, or compensation of the original creators."

In an interview with *Weekend Monitor*, Ronex Ahimbisibwe, a multi-media visual artist, is less abstract. Ronex, as he is fondly known in the cultural and creative industries (CCIs), owns the Ronex-art Studios in Kampala.

"AI lacks the human touch. It depends on other people's experiences. Human touch and experiences like emotions are unique to artists, which AI does not have," he observes.

Philip Balimunsi, the curator at the Uganda National Cultural Centre/Nommo Gallery in Kampala, is not under any illusions either.

"While Artificial Intelligence plays a significant role in the evolution of visual arts, it also poses profound and potentially unforeseen threats to the sector. The rise of AI in art creation is likely to intensify both legal and ethical challenges surrounding authorship. AI systems often rely on large datasets composed of existing creative works, frequently using these without crediting the original artists," he notes.

"This practice raises serious concerns about appropriation, blurs the lines of authorship, and increases the risk of copyright infringement disputes. As AI-generated art becomes more prevalent, the need for clear legal frameworks and ethical standards will be

For traditional fine art, known to be highly labour-intensive, "with handcrafted works reflecting the unique craftsmanship and personal narratives of individual artists, which significantly contributes to their value", AI threatens to put a cat among the pigeons.

"AI is likely to accelerate the devaluation of artworks. The rapid emergence of various AI tools is flooding the art market with an abundance of aesthetically refined works, which could significantly reduce demand and market value for art created by humans," Balimunsi observes.

US court decision

On August 18, 2023, US district judge Beryl Howell denied inventor Stephen Thaler's request to copyright a piece of digital artwork that had been generated "autonomously"—according to court documents—by AI. In a series of applications to the US Copyright Office beginning in 2018, Thaler claimed that the artwork in question, a trippy creation titled A Recent Entrance to Paradise, should be legally entitled to copyright protection because it had been created entirely by a device of his own making, which he had dubbed the Device for the Autonomous Bootstrapping of Unified Sentience.

er's multiple applications on the grounds that the artwork had been created without human input – a prerequisite for copyright protection in the US – prompting him to sue the government agency and its director, The Drum reported on August 25, 2023.

In her ruling, Howell determined "that the Copyright Office acted properly in denying copyright registration for a work created absent any human involvement." She cited several copyright cases from US legal history to support her decision, including a case in which a selfie taken by a macaque monkey was denied copyright protection (since the photographer was not a human being) and another in which a judge ruled that a holy text, which was claimed to be of divine origin, was ultimately eligible for copyright protection because it was "at least partially the product of human creativity".

On August 24, 2023, the US Supreme Court declined to consider a challenge from Thaler against the Copyright Office's decision, according to *Reuters*.

Wake up, Uganda

In Kampala, Nuwa Wamala Nnyanzi, a multi-media visual artist, who owns Nnyanzi Art Studio, singled out theft and undermining intellectual property rights of originators of content with meagre means to access tools for copyright protection. He also noted that Uganda has an inadequate, if outdated, copyright law to deal with most of the threats AI poses to the art industry in the country.

Nnyanzi is not in doubt that the owner of the copyright "should be the one who created the original content that was fed into the facility that enabled the AI to access it". Yet in Uganda, there is a lacuna. "As of now, there is

tives from intellectual property thieves, abusers and manipulators."

The situation is, however, salvageable. At least in Balimunsi's book. The curator says the Ugandan government's prioritisation of Science, Technology, and Innovation (STI) in the National Development Plan IV (NDP IV) signals a promising opportunity for future investment in public sensitisation and the development of capacity in this emerging field.

"There are mechanisms in place to protect the Intellectual property rights of the artists; however, they remain limited in scope and effectiveness when it comes to AI-generated content. The current legal framework is largely built around the concept of human authorship, which makes it inherently partial and increasingly inadequate in addressing the complexities introduced by AI. As AI continues to evolve at an exponential pace, the law struggles to keep up," the curator observed.

"Despite these challenges, artists are actively engaging in collective advocacy and leveraging existing legal tools, such as copyright law, contractual protections, and data protection regulations, to defend their rights. However, these mechanisms were not designed with AI in mind, leading to significant legal grey areas," he adds.

While legal experts argue that copyright only protects human creations, Ugandans, like many people globally, have not been systematically prepared to distinguish between human-made and AI-generated artwork.

Inside a dark tunnel

Ronex is, however, not losing any sleep. He says, "When it comes to music, AI will not play live music. Live performers are very popular. People still

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