

Operationalizing Copyright for AI Visuals in Clinical Legal Education

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Abstract

The rapid expansion of generative artificial intelligence in visual content production has intensified legal debates on authorship, originality, and the permissible boundaries of stylistic imitation under copyright law, as large-scale automated generation increasingly blurs the distinction between protected expression and unprotected style. This article examines the doctrinal ambiguity surrounding AI-generated visual works, particularly with regard to stylistic emulation, market substitution, and the potential erosion of creators' economic and moral interests. Employing a doctrinal-normative legal method complemented by comparative and policy-oriented analysis, the study formulates operational criteria to distinguish lawful stylistic inspiration from infringing expressive replication by translating core copyright

principles, including the idea–expression dichotomy, originality, and substantial similarity, into practical analytical tools. The findings indicate that, while existing copyright doctrine remains normatively relevant, it requires methodological operationalization to address the scale, speed, and distributive impacts of generative technologies on creative labor markets. The article further proposes integrating these doctrinal and policy considerations into clinical legal education through problem-based learning models to strengthen students’ doctrinal competence, technological literacy, and normative sensitivity. It argues that effective governance of AI-generated visual works demands a holistic framework combining doctrinal clarification, impact-oriented policy evaluation, and educational reform in order to foster a more adaptive and socially responsive copyright regime in the age of generative artificial intelligence.

Keywords

Generative Artificial Intelligence; Copyright Law; Stylistic Imitation; AI-Generated Visuals; Clinical Legal Education.

I. Introduction

The rapid expansion of generative artificial intelligence has significantly transformed the ways in which visual content is created, distributed, and consumed. Image-generation technologies are no longer confined to experimental or research contexts; they have become embedded in everyday creative practices across digital platforms, commercial design services, and informal artistic communities. Through simple textual prompts, users can now generate images that evoke particular artistic styles, moods, and visual traditions. While these developments have broadened opportunities for creativity and accessibility in visual production, they also raise complex legal and ethical questions concerning authorship, originality, and the boundaries of copyright protection.¹

The growing prevalence of AI-generated visual works that resemble well-known artistic aesthetics has intensified debates over whether such outputs undermine the legal and moral interests of human creators. From a copyright law perspective, the central concern is not the mere use of technology to produce images, but the legal status of outputs that replicate the visual language of established creative traditions. While artists have historically learned by observing, emulating, and reinterpreting the styles of their predecessors, the scale and speed enabled by artificial intelligence introduce a qualitatively different dimension. The automation of stylistic production facilitates the rapid generation of vast quantities of images with recognizable visual features, which can be deployed in commercial contexts at minimal cost and with minimal human labor. These developments raise concerns about the displacement of creative labor and the potential dilution of the economic value associated with distinctive artistic practices.²

¹ Adil S. Al-Busaidi et al., “Redefining Boundaries in Innovation and Knowledge Domains: Investigating the Impact of Generative Artificial Intelligence on Copyright and Intellectual Property Rights,” *Journal of Innovation and Knowledge* 9, no. 4 (2024), <https://doi.org/10.1016/j.jik.2024.100630>.

² Juniper Lovato et al., “Foregrounding Artist Opinions: A Survey Study on Transparency, Ownership, and Fairness in AI Generative Art,” *Proceedings of the*

Copyright law has traditionally sought to strike a careful balance between protecting creative labor and preserving an open cultural domain. The protection afforded by copyright is limited to concrete expressions of ideas, while ideas, concepts, methods, and artistic styles remain within the public domain. This doctrinal distinction is intended to prevent the monopolization of general creative languages and to ensure that artistic innovation can continue through processes of reinterpretation and transformation. In this sense, the imitation of a visual style, without reproducing specific protected elements, has generally been regarded as permissible under copyright law. However, the application of this principle becomes more complex when imitation is produced by generative systems that operate through large-scale, data-driven processes and are capable of generating outputs that closely approximate the aesthetic qualities of particular creative traditions.³

The ambiguity surrounding AI-generated stylistic imitation exposes a tension between formal legal doctrine and the lived realities of creative markets. At the doctrinal level, the absence of direct copying of protected expressions may suggest that no infringement has occurred. At the practical level, however, the cumulative effects of mass-produced, stylistically similar works can produce tangible economic consequences for creators whose livelihoods depend on the commercial value of their distinctive visual repertoires. This tension reflects a broader challenge in contemporary intellectual property law: the difficulty of addressing systemic market impacts arising from technological change through doctrines originally designed to evaluate discrete acts of copying or reproduction.⁴

The transnational and platform-based nature of AI-mediated content production further compounds the limitations of existing legal

AAAI/ACM Conference on AI, Ethics, and Society 7 (2024), <https://doi.org/10.1609/aies.v7i1.31691>.

³ Tim W. Dornis and Nicola Lucchi, “Generative AI and the Scope of EU Copyright Law: A Doctrinal Analysis in Light of the Referral in *Like Company v. Google*,” *IIC International Review of Intellectual Property and Competition Law* 56, no. 10 (2025), <https://doi.org/10.1007/s40319-025-01649-7>.

⁴ David Salas Espasa and Mar Camacho, “From Aura to Semi-Aura: Reframing Authenticity in AI-Generated Art—a Systematic Literature Review,” *AI and Society*, 2025, <https://doi.org/10.1007/s00146-025-02361-3>.

frameworks. Visual works generated by artificial intelligence circulate across borders through online platforms operating within complex and overlapping regulatory environments. The enforcement of copyright norms in such contexts is often fragmented, relying on platform policies, contractual arrangements, and private governance mechanisms that do not always align with national legal standards. As a result, creators may find themselves navigating a diffuse regulatory landscape in which formal legal remedies are uncertain, and where the design choices and enforcement priorities of technology providers significantly shape the practical governance of AI-generated content. In this evolving context, legal education faces the challenge of preparing future practitioners to engage with issues that existing doctrine does not fully resolve. Traditional approaches to teaching copyright law often emphasize doctrinal analysis and the interpretation of statutory provisions and judicial decisions. While such foundations remain essential, they may be insufficient to equip students with the competencies required to address the complex interactions among law, technology, market structures, and ethical considerations that characterize disputes involving AI-generated content. There is, therefore, a growing need to integrate contemporary technological developments into legal education in ways that foster both doctrinal mastery and practical problem-solving capacities.⁵

Clinical legal education offers a particularly apt pedagogical framework for addressing these challenges. By situating learning within real or simulated legal problems, clinical programs enable students to apply legal principles to concrete scenarios, engage with affected stakeholders, and critically reflect on the broader social implications of legal practice. The integration of AI-related copyright issues into clinical curricula can expose students to emerging legal uncertainties and foster the development of adaptive legal reasoning skills. Through activities such as advising creators on the legal risks associated with AI-generated content, analyzing the terms of service of AI platforms, and formulating

⁵ Maria Kalyvaki, Kyle Nash, and Heather McIntosh, "AI, Copyright, and Business: Navigating Global Legal Challenges in the Era of Generative Content and Digital Replicas," *International Review of Law, Computers and Technology*, 2025, <https://doi.org/10.1080/13600869.2025.2590795>.

policy recommendations for institutional clients, students can gain practical insights into the multifaceted nature of intellectual property governance in the digital age.⁶

Despite the pedagogical potential of clinical approaches, the integration of AI-mediated creative practices into clinical legal education remains underdeveloped. Many clinical programs continue to concentrate on conventional intellectual property disputes involving direct copying, licensing arrangements, and infringement claims within traditional media contexts. The rapid evolution of generative technologies has outpaced the adaptation of clinical curricula, creating a disconnect between the legal challenges confronting contemporary creative industries and the experiential learning opportunities available to law students. Addressing this gap requires a conceptual framework that bridges doctrinal analysis and applied clinical methodologies, thereby enabling students to engage critically with the legal and normative dimensions of AI-generated content.⁷

The novelty of this study lies in its integrated analytical and pedagogical orientation, which moves beyond prevailing doctrinal debates on copyright and artificial intelligence by situating legal analysis within an applied educational framework. First, this study develops operational doctrinal criteria for assessing the legality of stylistic imitation in AI-generated visual works by translating abstract copyright principles into practical analytical tools. Rather than reiterating the conventional idea–expression dichotomy in purely theoretical terms, the proposed criteria are intended to guide concrete determinations of when stylistic emulation remains within lawful boundaries and when it

⁶ Aranya Nath, Gautami Chakravarty, and Srishti Roy Barman, “Transforming Legal Education Through Experiential Learning: Integrating Intellectual Property Simulations and Digital Copyright Case Studies into the Law School Curriculum,” *Asian Journal of Legal Education* 12, no. 2 (2025), <https://doi.org/10.1177/23220058251334749>.

⁷ Aswathy G. Prakash and Vishnu Nair, “Integrating Generative AI into Legal Education: From Casebooks to Code, Opportunities and Challenges,” *Law, Technology and Humans* 6, no. 3 (2024), <https://doi.org/10.5204/lthj.3640>; Shai Farber, “Back to the Roots: Rethinking Legal Education in the Age of Artificial Intelligence,” *Law Teacher*, 2025, <https://doi.org/10.1080/03069400.2025.2549645>.

risks encroaching upon protected expressions. This operationalization addresses a gap in the existing scholarship, which often advances doctrinal positions without offering sufficiently practicable indicators for legal assessment in real-world disputes involving AI-generated content.⁸

Second, this study advances an impact-oriented analytical perspective that foregrounds the cumulative economic and distributive consequences of large-scale automated production for creative labor markets. While much of the current literature concentrates on the formal legality of AI-generated outputs, comparatively limited attention has been devoted to the systemic effects of mass production on the livelihoods of human creators and the broader ecology of creative industries. By incorporating considerations of market substitution, competitive asymmetries between individual creators and platform-based AI providers, and the long-term implications for the valuation of creative labor, this study broadens the normative evaluation of stylistic imitation beyond the confines of infringement analysis. In doing so, it responds to growing concerns that copyright law, as presently construed, may be ill-equipped to address structural inequalities generated by technological scalability rather than by discrete acts of copying.⁹

Third, the study proposes a pedagogically grounded model for integrating these doctrinal and policy considerations into clinical legal education through structured learning modules that emphasize case-based analysis, ethical reflection, and policy engagement. This pedagogical contribution departs from conventional approaches to teaching intellectual property law that prioritize doctrinal mastery in isolation from technological practice. By embedding AI-related

⁸ Wei Li et al., “AI Creativity and Legal Protection for AI-Generated Works in Posthuman Societal Scenarios,” *Sustainable Futures* 9 (2025), <https://doi.org/10.1016/j.sftr.2025.100749>.

⁹ Mitja Bervar, Tine Bertonec, and Mirjana Pejić Bach, “Generative Artificial Intelligence and the Creative Industries: A Bibliometric Review and Research Agenda,” *Systems* 14, no. 2 (2026), <https://doi.org/10.3390/systems14020138>; Kristofer Erickson, “AI and Work in the Creative Industries: Digital Continuity or Discontinuity?,” *Creative Industries Journal*, 2024, <https://doi.org/10.1080/17510694.2024.2421135>.

copyright issues within clinical learning environments, the proposed model seeks to cultivate students' capacities to navigate legal uncertainty, engage with affected stakeholders, and formulate context-sensitive legal strategies. In this sense, the study does not merely treat clinical legal education as a site for disseminating established knowledge; rather, it positions it as an active laboratory for developing future-oriented legal competencies to address emerging technological challenges.¹⁰

Through this integrated approach, the article demonstrates that the challenges posed by AI-generated stylistic imitation cannot be adequately addressed through doctrinal analysis alone. The legal status of stylistic emulation by AI is shaped not only by the internal coherence of copyright doctrine but also by broader normative considerations concerning distributive justice, cultural sustainability, and the governance of technological infrastructures. A holistic engagement is therefore required, one that encompasses legal interpretation, normative evaluation, and educational reform as interrelated dimensions of regulatory responsiveness. By situating the discussion within the context of clinical legal education, this study underscores the role of legal pedagogy as a strategic site for cultivating the analytical, ethical, and practical capacities needed to navigate the evolving landscape of intellectual property law in technologically mediated creative environments, while simultaneously contributing to the development of more adaptive and socially responsive frameworks of copyright governance in the age of generative artificial intelligence.¹¹

In response to the issues outlined above, this article is structured around two central research questions that reflect its analytical and

¹⁰ Václav Janeček, Rebecca Williams, and Ewart Keep, "Education for the Provision of Technologically Enhanced Legal Services," *Computer Law and Security Review* 40 (2021), <https://doi.org/10.1016/j.clsr.2020.105519>; Nath, Chakravarty, and Barman, "Transforming Legal Education Through Experiential Learning: Integrating Intellectual Property Simulations and Digital Copyright Case Studies into the Law School Curriculum."

¹¹ Nath, Chakravarty, and Barman, "Transforming Legal Education Through Experiential Learning: Integrating Intellectual Property Simulations and Digital Copyright Case Studies into the Law School Curriculum"; Farber, "Back to the Roots: Rethinking Legal Education in the Age of Artificial Intelligence."

pedagogical contributions. First, how can doctrinal criteria be operationalized to distinguish lawful stylistic imitation by generative artificial intelligence from practices that encroach upon protected expressions within the existing copyright framework? Second, how can these doctrinal clarifications and impact-oriented considerations be effectively integrated into clinical legal education to enhance students' capacities to address emerging disputes involving artificial intelligence and creative production?

II. Method

This study employs a normative legal research design to examine the governance of AI-generated visual works within the framework of copyright law and to derive implications for clinical legal education. The analysis is grounded in doctrinal interpretation of binding legal norms and authoritative international principles regulating copyright protection and the ethical deployment of artificial intelligence. The primary legal materials examined include Law No. 28 of 2014 on Copyright, the Berne Convention for the Protection of Literary and Artistic Works, and Circular Letter of the Minister of Communication and Informatics of the Republic of Indonesia No. 9 of 2023, complemented by peer-reviewed scholarly literature and selected comparative regulatory materials.

The study applies conceptual and systematic interpretation of core copyright doctrines, including the idea-expression dichotomy, originality, and substantial similarity, combined with qualitative legal reasoning and prescriptive normative analysis. These methods are used to formulate operational criteria for distinguishing lawful stylistic imitation from infringing expressive replication in AI-generated visuals, while also constructing a pedagogically grounded framework for integrating AI-related copyright issues into clinical legal education to enhance doctrinal competence, technological literacy, and normative sensitivity.

III. Operationalizing Copyright Doctrine in Governing AI-Generated Visual Works

Lawful stylistic imitation by generative artificial intelligence (AI) must be clearly distinguished from practices that infringe protected copyright expression, particularly in light of the widespread circulation of Ghibli-style visuals across digital spaces and jurisdictions. This phenomenon illustrates how rapid developments in digital technologies have transformed visual production at scale, while simultaneously blurring the boundary between legitimate stylistic inspiration and the replication of protected expressive elements. Grounded in the idea-expression dichotomy, the principle of originality, and the substantial similarity standard, this discussion delineates the normative boundary between protected expression and unprotected aesthetic elements, such as visual mood, color palettes, or narrative atmospheres commonly associated with Ghibli, which remain within the public domain. It further proposes more measurable operational criteria to avoid two regulatory extremes, namely overprotection, which risks monopolizing artistic styles and chilling creative freedom, and underprotection, which enables the expressive appropriation of protected works and iconic characters.¹²

Empirical Context and Urgency in the Digital Proliferation of AI Visuals

The urgency of operationalizing copyright criteria for AI-generated visual works has shifted from an abstract doctrinal debate to a concrete regulatory necessity. In Indonesia, the rapid diffusion of generative AI tools, including text-to-image models embedded in widely accessible platforms, has facilitated the mass circulation of AI-generated illustrations across social media, online marketplaces, and commercial branding ecosystems. These visuals are frequently promoted as “style-

¹² Al-Busaidi et al., “Redefining Boundaries in Innovation and Knowledge Domains: Investigating the Impact of Generative Artificial Intelligence on Copyright and Intellectual Property Rights.”

inspired” or “in the style of” particular illustrators, comic artists, and animation studios, thereby blurring the boundary between lawful stylistic influence and unlawful appropriation of protected expression. Although Indonesian courts have not yet produced landmark jurisprudence on disputes involving AI-generated visuals, empirical indicators of normative tension are increasingly evident within professional associations of illustrators, digital artists’ unions, and creative economy forums. In these spaces, concerns regarding market substitution, unfair competition, erosion of authorship recognition, and attribution confusion are consistently articulated. This gap between rapid technological adoption and the slower pace of judicial clarification generates legal uncertainty that disproportionately disadvantages individual creators and small studios within Indonesia’s creative economy, notwithstanding the existing normative framework under Law No. 28 of 2014 on Copyright, which remains the primary source of positive law.¹³

At the international level, a growing number of lawsuits brought by visual artists and stock image companies against generative AI developers, concerning the alleged unauthorized scraping of copyrighted works for training datasets and the production of derivative outputs that mimic distinctive artistic signatures, demonstrate that the risks to creators’ economic and moral interests are no longer merely speculative.¹⁴ These disputes foreground unresolved doctrinal questions concerning the legality of dataset compilation, the threshold of substantial similarity in AI-generated outputs, and the attribution of liability within complex AI value chains involving developers, platform

¹³ Meilin Wen, “On the Copyright Analysis of Artificial Intelligence Products,” *Lecture Notes in Education Psychology and Public Media* 53, no. 1 (2024), <https://doi.org/10.54254/2753-7048/53/20240017>; Rafly Nauval Fadillah, “Perlindungan Hak Atas Kekayaan Intelektual Artificial Intelligence (AI) Dari Perspektif Hak Cipta Dan Paten,” *Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 2, no. 2 (2023).

¹⁴ Considering this trend, the question arises whether it is advisable to take measures to compensate human authors for the reduction in their market share and income. Copyright law could serve as a tool to introduce an AI levy and ensure equitable remuneration. Read on Martin Senftleben, “Generative AI and Author Remuneration,” *IIC International Review of Intellectual Property and Competition Law* 54, no. 10 (2023), <https://doi.org/10.1007/s40319-023-01399-4>.

operators, and end users. The transnational character of AI development and deployment further complicates regulatory responses in jurisdictions such as Indonesia, whose domestic copyright enforcement mechanisms must increasingly contend with cross-border platforms and decentralized modes of content dissemination. This regulatory challenge underscores the continued relevance of the Berne Convention for the Protection of Literary and Artistic Works as the foundational international instrument anchoring minimum standards of protection, including the protection of authors' moral and economic rights in the digital environment.

These empirical developments highlight the need for doctrinal clarity that is both precise and proportionate within the framework of Indonesian copyright law, as harmonized with international standards. On the one hand, the operationalization of copyright norms under Law No. 28 of 2014 must be capable of preventing systematic expressive appropriation facilitated by scalable generative technologies, particularly where AI outputs function as market substitutes for commissioned illustration, concept art, or animation design. On the other hand, the over-criminalization of stylistic imitation risks chilling legitimate creative practices protected under copyright limitations and exceptions, including parody, transformative use, and the long-standing tradition of artistic influence. In this respect, the principle of regulatory neutrality toward technology implies that copyright norms should be articulated in a manner that targets harmful conduct, such as the reproduction of protectable expression and the exploitation of creators' reputational capital, without unduly constraining lawful experimentation and stylistic evolution in visual culture.¹⁵

At the same time, the productive dimension of AI within creative industries warrants serious consideration. Generative AI tools have lowered entry barriers for novice creators by enabling rapid prototyping, ideation, and visualization within design, animation, advertising, and digital storytelling workflows. For micro, small, and medium enterprises in Indonesia's creative economy, AI-assisted visuals can reduce

¹⁵ P. B. Hugenholtz and Martin Senftleben, "Fair Use in Europe: In Search of Flexibilities," *SSRN Electronic Journal*, 2012, <https://doi.org/10.2139/ssrn.2013239>.

production costs and expand access to branding and promotional materials. In educational contexts, including clinical legal education, AI-generated visuals may serve as pedagogical tools for legal visualization, simulated evidence in moot court exercises, and rights-awareness campaigns aimed at improving public legal literacy. These practices are consistent with the policy orientation articulated in the Circular Letter of the Minister of Communication and Informatics of the Republic of Indonesia No. 9 of 2023, which emphasizes the ethical, responsible, and human-centered deployment of artificial intelligence technologies.¹⁶

Accordingly, a balanced regulatory framework should avoid framing generative AI solely as a threat to authorship and originality. Copyright governance in the age of AI should instead be situated within an innovation-friendly ecosystem that integrates the protection of creators' rights under Law No. 28 of 2014, compliance with international obligations under the Berne Convention, and adherence to national ethical AI guidelines as articulated in the 2023 Ministerial Circular. This integrated approach entails articulating clearer standards for the legitimacy of training data, developing attribution and opt-out mechanisms for creators, and promoting transparency obligations for AI platforms regarding dataset composition and output generation processes. Within this framework, clinical legal education and technology-oriented legal pedagogy can play a strategic role in cultivating future legal professionals who are capable of navigating the intersection of copyright doctrine, technological neutrality, and the socio-economic realities of digital creative industries.

Nuancing Style Imitation: Protected Expression versus Unprotected Aesthetics

The normative consequence of the expression–style distinction is to constrain copyright infringement claims grounded merely in similarities of visual mood, atmosphere, or aesthetic nuance. Copyright protection

¹⁶ Vendy Yhulia Susanto, “Indonesia Regulates the Use of Artificial Intelligence (AI) for the Digital Industry,” *Kontan*, December 23, 2023, <https://english.kontan.co.id/news/indonesia-regulates-the-use-of-artificial-intelligence-ai-for-the-digital-industry>.

is directed at concrete forms of expression, rather than abstract ideas, methods, genres, or general stylistic vocabularies. Accordingly, general aesthetic languages such as watercolor textures, pastel color palettes, anime-inspired facial proportions, cel-shaded rendering techniques, or a Ghibli-like sense of atmospheric warmth and pastoral nostalgia remain part of the cultural commons and cannot be appropriated as exclusive proprietary domains. This doctrinal boundary is consistent with Law No. 28 of 2014 on Copyright, which protects works as original expressions of creativity while leaving ideas, methods, and general styles outside the scope of exclusive rights, as well as with the Berne Convention for the Protection of Literary and Artistic Works,¹⁷ which anchors international copyright protection in the originality of expression rather than in abstract aesthetic concepts. Treating stylistic conventions as monopolizable would risk transforming copyright into an instrument of aesthetic enclosure, thereby inhibiting artistic evolution, intertextual dialogue, and the creative learning processes that have historically driven the development of visual culture.

However, the boundary between unprotected aesthetics and protected expression becomes normatively salient in the context of generative artificial intelligence, where outputs can be produced at scale and with high visual fidelity. The risk of infringement arises not from stylistic resemblance per se, but from the replication of specific expressive elements that are sufficiently concrete and traceable to identifiable copyrighted works. These include, inter alia, uniquely designed characters with distinctive visual features, particularized scene compositions, recurring narrative visual configurations, and idiosyncratic combinations of elements that reflect the author's creative choices.¹⁸ Where AI-generated visuals closely track such protected

¹⁷ "Module 3: The Scope of Copyright Law," Berkman Klein Center, accessed February 11, 2026, https://cyber.harvard.edu/copyrightforlibrarians/Module_3:_The_Scope_of_Copyright_Law.

¹⁸ David Lane Nielsen, "The Protection of 'Style' Under Copyright and Its Application to Generative Artificial Intelligence," *Emory Law Journal* 74, no. 4 (January 1, 2025), <https://scholarlycommons.law.emory.edu/elj/vol74/iss4/4>; Steve Vondran, "Proving 'Substantial Similarity' in Copyright Infringement Actions," *Vondran Legal*, September 27, 2024,

expressive elements, whether through near-identical character design, the replication of iconic compositions, or the reconstitution of distinctive narrative tableaux, the outputs may satisfy the threshold of substantial similarity under copyright law and thereby infringe the exclusive rights of authors as protected under Law No. 28 of 2014 and the Berne Convention, notwithstanding the absence of literal copying.

Global controversies surrounding Ghibli-style AI images illustrate this doctrinal boundary with particular clarity. While it is legally permissible to generate images that evoke the general aesthetic sensibility associated with Studio Ghibli, such as soft lighting, pastoral landscapes, and whimsical character design, outputs that closely reproduce specific characters, replicate iconic visual compositions, or reconstruct distinctive narrative scenes risk encroaching upon protected expressive territory. This distinction is critical to avoid collapsing the idea-expression dichotomy into an overbroad prohibition on stylistic influence, which would undermine both freedom of artistic expression and the foundational principle of copyright law that protects only concrete manifestations of creativity, rather than creative style itself.¹⁹

From a comparative doctrinal perspective, this nuanced boundary is reinforced by jurisprudence across multiple jurisdictions, which consistently affirms that copyright does not extend to style as such, but may protect distinctive characters, particularized arrangements of visual elements, and original combinations reflecting personal intellectual creation. In the context of artificial intelligence, this implies that

<https://www.vondranlegal.com/proving-substantial-similarity-in-copyright-infringement-actions>.

¹⁹ While copyright law does not extend protection to artistic style as such, the large-scale appropriation of an artist's recognizable creative identity by generative AI raises concerns analogous to those addressed under the right of publicity and unfair competition doctrines. Therefore conceptualizes a form of "anti-impersonation identity right" as a normative safeguard against the misappropriation of creative persona, without collapsing into a monopoly over aesthetic style. Read on Divya Agarwal, "A Legal Analysis of the Ghibli-Style Image Debate," IIPRD, June 19, 2025, <https://www.iiprd.com/artificial-intelligence-and-artistic-imitation-a-legal-analysis-of-the-ghibli-style-image-debate/>; Nikkei Asia, "Ghibli-Style AI Images Ignite Debate over Art Copyright Protections," KR Asia, April 24, 2025, <https://kr-asia.com/ghibli-style-ai-images-ignite-debate-over-art-copyright-protections>.

infringement analysis under Indonesian copyright law, as informed by international standards under the Berne Convention, should focus on the presence of protectable expressive features in the output, rather than on the algorithmic emulation of an artist's general visual language. Such an approach aligns with the principle of regulatory neutrality toward technology, ensuring that generative AI is assessed under existing copyright doctrines without granting de facto monopolies over aesthetic vocabularies.²⁰

Normatively, maintaining this distinction serves a dual regulatory function. First, it prevents the privatization of general aesthetics, thereby preserving a robust public domain that enables creative borrowing, learning, and stylistic experimentation. Second, it safeguards creators from systematic expressive appropriation, particularly where generative artificial intelligence systems are deployed to mass-produce outputs that function as market substitutes for distinctive artistic works. The challenge for copyright governance under Law No. 28 of 2014 therefore lies in operationalizing analytical criteria, such as substantial similarity tests adapted to AI-generated outputs and context-sensitive assessments of market substitution, in order to distinguish lawful stylistic inspiration from unlawful expressive replication in practice.

Finally, this doctrinal distinction carries important pedagogical and regulatory implications within Indonesia's evolving AI governance framework. In clinical legal education and technology-oriented legal training, the expression–style boundary can be translated into practical assessment frameworks for evaluating AI-generated visuals, thereby equipping future legal practitioners with the analytical tools necessary to resolve disputes involving generative technologies. More broadly, embedding this distinction within regulatory guidance and platform governance policies is consistent with the ethical principles articulated in the Circular Letter of the Minister of Communication and Informatics of the Republic of Indonesia No. 9 of 2023, which emphasizes responsible, transparent, and human-centered deployment of artificial intelligence. Such integration fosters a normatively balanced ecosystem that protects the legitimate economic and moral interests of

²⁰ Benjamin Sobel, "Elements of Style: Copyright, Similarity, and Generative AI," *SSRN Electronic Journal*, 2024, <https://doi.org/10.2139/ssrn.4832872>.

creators while preserving the creative freedom necessary for innovation in the age of generative artificial intelligence.²¹

Operational Tests and Methodological Rigor

To ensure legal certainty in disputes involving AI-generated visuals, abstract doctrinal principles must be translated into operational criteria that are methodologically robust, replicable, and transparent. The translation of the idea–expression dichotomy into workable adjudicative tools is particularly urgent in the context of artificial intelligence, where the volume, speed, and technical opacity of outputs increase the risk of impressionistic or intuition-based judgments. Within the Indonesian legal system, this operationalization must be anchored in Law No. 28 of 2014 on Copyright as the primary source of positive law, while remaining consistent with Indonesia’s international obligations under the Berne Convention for the Protection of Literary and Artistic Works. A layered framework of operational tests can therefore function as an analytical scaffold to guide courts, regulators, and dispute resolution bodies in distinguishing lawful stylistic inspiration, including Ghibli-style aesthetics, from unlawful expressive replication.

First, the concrete expression test directs the analysis toward determining whether AI-generated outputs reproduce specific and individually distinctive visual elements derived from protected works. This includes scrutiny of unique character traits, idiosyncratic visual motifs, signature compositional arrangements, and other identifiable features that embody the author’s personal creative choices, as protected under Law No. 28 of 2014. In the context of Ghibli-style visuals, this test assists in distinguishing between the permissible evocation of general aesthetic features, such as soft lighting or pastoral scenery, and the impermissible replication of concrete expressive elements, such as the near-identical reproduction of iconic characters or distinctive scene compositions. The focus on concrete expression guards against

²¹ Tor Constantino, “The Studio Ghibli Dilemma – Copyright In The Age Of Generative AI,” *Forbes*, May 6, 2025, <https://www.forbes.com/sites/torconstantino/2025/05/06/the-studio-ghibli-dilemma--copyright-in-the-age-of-generative-ai/>.

regulatory overreach by excluding from infringement claims mere similarities in abstract themes, genres, or general artistic techniques, which remain outside the scope of copyright protection under both domestic law and the Berne Convention.

Second, the substantial similarity test evaluates whether the overall configuration of visual elements, when assessed holistically from the perspective of a reasonable observer or intended audience, evokes a particular source work rather than merely a broader genre, school, or stylistic tradition. This audience-oriented lens is normatively significant because copyright harm is typically realized through market substitution and attribution confusion within the perceptual frame of ordinary viewers. In the context of artificial intelligence, and particularly in relation to Ghibli-style outputs that may visually resonate strongly with widely recognized works, substantial similarity analysis should be calibrated to account for the heightened capacity of generative systems to replicate composite expressive patterns, even where no single element is identical in isolation. Such calibration is necessary to ensure that the substantial similarity threshold under Law No. 28 of 2014 is applied consistently with international standards under the Berne Convention.

Third, the independent creative contribution test examines whether the AI-generated output introduces new meaning, context, or function sufficient to establish an autonomous creative identity. This test resonates with transformative use doctrines in comparative copyright law and recognizes legitimate forms of creative recombination, parody, and contextual re-signification. For instance, an AI-generated visual that adopts a Ghibli-like aesthetic to convey a distinct socio-legal narrative or educational message may constitute a sufficient independent creative contribution to weaken the normative justification for infringement liability, provided that protected expressive elements, such as specific characters or iconic scenes, are not substantially appropriated. This approach is consistent with the principle of regulatory neutrality toward technology, ensuring that AI-assisted creativity is assessed under the same normative standards as human creativity.

Taken together, these layered tests mitigate the risk of subjective and impression-based assessments by anchoring infringement analysis in discernible and methodologically grounded criteria. They enhance

legal predictability for creators, AI developers, and platform operators by clarifying the parameters of lawful conduct within the framework of Indonesian copyright law and international copyright norms. Notably, the cumulative application of these tests avoids binary outcomes that either overprotect rights holders by effectively monopolizing stylistic vocabularies, such as the Ghibli aesthetic, or unduly privilege technological intermediaries by tolerating expressive appropriation at scale. Instead, this approach enables context-sensitive balancing between the protection of creators and the preservation of creative freedom.²²

Methodologically, comparative matrices of visual elements can operationalize these tests in practice. By systematically mapping similarities and differences across dimensions such as character design, composition, color schemes, and narrative framing, adjudicators can render their reasoning more transparent and evidentially grounded. Such matrices function as structured analytical tools that discipline judicial intuition, facilitate expert testimony, and enable more precise articulation of why particular AI-generated outputs, including those marketed as Ghibli-style, fall within or outside the scope of protected expression under Law No. 28 of 2014 and the Berne Convention.

Beyond adjudication, the adoption of these operational tests carries important regulatory and pedagogical implications. Regulatory agencies and platform governance frameworks may integrate these criteria into content moderation guidelines and dispute resolution mechanisms, thereby reducing uncertainty for users of generative AI tools. This approach aligns with the policy orientation articulated in the Circular Letter of the Minister of Communication and Informatics of the Republic of Indonesia No. 9 of 2023, which emphasizes the ethical, transparent, and responsible deployment of artificial intelligence. Within clinical legal education and technology-focused legal training, these tests can be embedded in case simulations and visual analysis exercises, equipping future legal practitioners with practical

²² Pattabiraman Vivek, “Reimagining Copyright: Analyzing Intellectual Property Rights in Generative AI,” *Journal of Information and Knowledge*, 2024, <https://doi.org/10.17821/srels/2024/v61i6/171646>; Mark Lemley, “How Generative AI Turns Copyright Law Upside Down,” *Science and Technology Law Review* 25, no. 2 (2024), <https://doi.org/10.52214/stlr.v25i2.12761>.

competencies to assess AI-related copyright disputes. Ultimately, methodological rigor in operationalizing doctrinal principles not only enhances legal certainty but also preserves the public's creative space to draw on shared aesthetic languages, including widely recognized styles such as those associated with Studio Ghibli, without fear of unwarranted liability. This balanced approach fosters a more innovation-compatible copyright ecosystem in the age of generative artificial intelligence.

An Integrated Framework for Governing AI-Generated Visuals: Accountability, Human Rights, Policy Design, and Clinical Legal Education

Accountability in copyright disputes involving AI-generated visuals requires a differentiated and context-sensitive allocation of responsibility among end users, developers, and platform operators, in line with the attribution of legal responsibility under Law No. 28 of 2014 on Copyright and the Berne Convention for the Protection of Literary and Artistic Works. Users who deliberately formulate prompts to reproduce identifiable protected expressions, such as requests for outputs that replicate specific characters, iconic scenes, or distinctive compositions from well-known works, including Ghibli films, may incur liability analogous to that of direct infringers under Indonesian copyright law. This is particularly salient where intent, foreseeability of harm, and market substitution effects can be established, given that the user's agency constitutes the proximate cause of the reproduction or adaptation of protected expression. In this respect, the liability of end users aligns with conventional doctrines of direct infringement under Law No. 28 of 2014, which safeguards authors' economic and moral rights against unauthorized reproduction, adaptation, and public communication of protected works.

However, Indonesian copyright law must also accommodate good-faith uses of generative artificial intelligence for lawful stylistic inspiration, ideation, or transformative creative purposes. Users who

employ AI tools to evoke general aesthetic features, such as a Ghibli-like visual atmosphere, without reproducing protected concrete expressions, including specific characters or iconic narrative scenes, should not be mechanically subjected to infringement liability. Such an approach is consistent with the idea–expression dichotomy embedded in copyright doctrine and reinforced by the Berne Convention, which excludes abstract ideas and general styles from protection. Normatively, this distinction preserves creative freedom and prevents the monopolization of aesthetic vocabularies, while maintaining robust protection for concrete expressions of creativity.²³

Developers and platform operators occupy a structurally distinct position within the AI value chain. They may incur responsibility under theories of contributory or secondary liability where system design, training data governance, interface architecture, or marketing practices systematically facilitate infringing outputs or misrepresent the legality of specific uses. Under Law No. 28 of 2014, liability may arise where platforms knowingly enable or fail to take reasonable steps to prevent infringing reproductions, particularly when they exercise substantial control over the technical affordances of content generation. Platform features that explicitly promote prompts such as “generate an image in the exact style of Studio Ghibli,” without implementing safeguards against expressive replication, exemplify heightened risk vectors. Such design choices increase the foreseeability of infringement and may trigger a duty of care to implement reasonable preventive measures, including prompt filtering, similarity-detection mechanisms, and more precise user guidance regarding permissible and impermissible uses. This calibrated accountability model aligns with the principle of regulatory neutrality toward technology, ensuring that liability is attributed to functional control and the facilitation of harm, rather than to the mere provision of AI tools.

The governance of AI-generated visuals further implicates fundamental human rights, particularly the need to balance the

²³ P. Bernt Hugenholtz and João Pedro Quintais, “Copyright and Artificial Creation: Does EU Copyright Law Protect AI-Assisted Output?,” *IIC International Review of Intellectual Property and Competition Law* 52, no. 9 (2021), <https://doi.org/10.1007/s40319-021-01115-0>.

protection of creators' moral and material interests with the preservation of freedom of expression and the right to participate in cultural life. Law No. 28 of 2014 recognizes authors' moral rights, including rights of attribution and integrity, which are increasingly at risk in the context of AI-generated outputs that mimic distinctive artistic signatures without acknowledgment. At the same time, overly expansive copyright claims that seek to monopolize general styles, including widely recognizable aesthetics such as those associated with Studio Ghibli, risk chilling artistic freedom and enclosing the cultural commons. This tension reflects the broader normative equilibrium embedded in the Berne Convention, which seeks to protect authors while safeguarding the public domain as a reservoir for cultural development. A proportionality-based framework is therefore required, in which copyright protection is sufficiently robust to prevent market substitution, misattribution, and reputational harm, yet sufficiently restrained to preserve legitimate creative borrowing, parody, and transformative uses enabled by artificial intelligence technologies.

Beyond doctrinal analysis, effective governance requires a feasible and phased regulatory roadmap that aligns normative development with institutional capacity and the practical realities of technical enforcement in Indonesia. First, training data governance should be strengthened through transparency obligations and opt-out mechanisms for creators whose works are included in AI training datasets, in line with emerging global standards on ethical data governance. Second, attribution safeguards should require clear labeling of AI-generated visuals and prohibit misleading affiliations with specific artists or studios, including false associations with Studio Ghibli or individual illustrators. Third, institutional guidance by the Directorate General of Intellectual Property should proceed incrementally, beginning with soft law instruments and interpretive guidelines for assessing AI-generated content, followed by sector-specific technical guidance tailored to creative industries, education, and digital marketplaces. Fourth, enforcement strategies should prioritize platform-level compliance architectures and alternative dispute resolution mechanisms over purely punitive approaches, which are often ill-suited to the scale, speed, and cross-border nature of digital content dissemination. This pragmatic

approach enhances regulatory feasibility while preserving the deterrent function of copyright law.²⁴

These doctrinal, normative, and policy developments carry significant implications for clinical legal education and the formation of future legal professionals. The operational framework articulated in this study, encompassing concrete expression analysis, substantial similarity assessment, and independent creative contribution evaluation, can be translated into problem-based learning modules that simulate disputes over AI-generated visuals, including cases involving Ghibli-style outputs. Interdisciplinary collaboration with design, computer science, and information systems faculties can enhance students' factual literacy regarding generative technologies, datasets, and system affordances. At the same time, ethical and policy-oriented analysis cultivates sensitivity to the human rights dimensions of copyright governance. Participatory simulations and stakeholder mapping exercises enable students to engage with competing interests among creators, platforms, developers, and users, thereby preparing them to navigate the complex regulatory ecology of AI-driven creative production with doctrinal competence and socio-technical awareness.

Within this integrated framework, an AI-generated visual work may be considered lawful under Indonesian copyright law, as harmonized with the Berne Convention and informed by the ethical principles articulated in the Circular Letter of the Minister of Communication and Informatics No. 9 of 2023, insofar as it does not reproduce protected concrete expressions, does not exhibit substantial similarity traceable to a specific source work, and demonstrates a dominant independent creative contribution through meaningful transformation of meaning, context, or visual function. The legality of such outputs is further reinforced where systems and users avoid misattribution, misleading affiliations, and significant market substitution effects. Accordingly, the boundary between lawful stylistic imitation, including Ghibli-like aesthetics, and copyright infringement cannot be reduced to visual resemblance alone. Rather, it must rest on

²⁴ Xukang Wang and Ying Cheng Wu, "Balancing Innovation and Regulation in the Age of Generative Artificial Intelligence," *Journal of Information Policy* 14 (2024), <https://doi.org/10.5325/jinfopoli.14.2024.0012>.

a comprehensive, evidence-based evaluation of expressive content, similarity thresholds, transformative contribution, differentiated accountability across the AI value chain, human rights considerations, and the practical feasibility of regulatory enforcement.

IV. Integrating Doctrinal and Impact-Oriented Analysis into Clinical Legal Education for AI-Related Copyright Disputes

The current copyright framework remains grounded in a paradigm that presumes human-centered creative production and bilateral legal relations between authors and users. As a result, it has not fully anticipated the reconfiguration of creative processes mediated by automated systems and platform-based digital ecosystems. While this framework remains conceptually adequate for protecting concrete expressions of works, it reveals structural limitations when confronted with an AI-driven creative environment characterized by automation, scale, and platform intermediation. Positive law provides no explicit guidance on the legal status of AI-generated outputs, the permissible use of copyrighted works in model training processes, or the allocation of legal responsibility among technology developers, deployers, and platform operators.

This normative indeterminacy generates a widening gap between the protective objectives of copyright law and the realities of contemporary creative practices. That gap is increasingly filled by private platform governance through terms of service and content policies that often prioritize commercial interests over a balanced protection of authors' rights and the public interest. The resulting uncertainty directly affects law enforcement and, in turn, shapes the orientation of clinical legal education. In practice, disputes involving stylistic imitation, the use of copyrighted datasets for AI training, and the commercial exploitation of AI-generated outputs frequently lack clear normative anchors within existing doctrine. Judges and

practitioners are therefore compelled to rely on analogical reasoning drawn from classical copyright concepts, such as the idea expression dichotomy and substantial similarity tests. Although these doctrines remain conceptually relevant, they face operational limitations when applied to algorithmic mass production, creating risks of inconsistent outcomes and legal uncertainty that undermine the law's function as an instrument of social ordering. Without a critical engagement with these limitations, clinical legal education risks reproducing a narrow formalistic approach that fails to capture the structural complexity of AI-mediated creative disputes.²⁵

The problem is further compounded by cross-sectoral regulatory disharmony, particularly between intellectual property regimes and broader technology governance frameworks. Soft-law instruments on AI ethics introduce principles of responsibility and harm prevention. However, their limited normative force and weak institutional integration with copyright enforcement mechanisms marginalize ethical and socio-economic considerations in dispute resolution practices. This regulatory fragmentation impedes the development of a holistic legal response to AI-mediated creative production and reflects a broader failure to construct a coherent legal architecture amid technological convergence. As a result, the law continues to operate in a sectoral and reactive manner, rendering it ill-equipped to address the systemic transformations produced by platform-mediated automation in the creative industries.

These limitations are especially evident in the inability of existing legal frameworks to address the structural market effects of large-scale

²⁵ The copyright framework, grounded in a human-centered paradigm, exhibits structural limitations in addressing AI-driven creative production characterized by mass scale and platform intermediation. The absence of explicit regulation concerning AI-generated outputs and the use of copyrighted training data generates normative uncertainty and enforcement ambiguity. As a point of reference, Pakistan has initiated reforms to harmonize its copyright and competition law frameworks to accommodate the development and use of AI-generated content in an innovative, fair, and responsible manner. Read on Shahzada Aamir Mushtaq et al., "Does Pakistan's Copyright and Antitrust Law Protect Creators of AI-Generated Content? A Comparative Study with European Union Jurisdictions," *Pakistan Journal of Criminal Justice* 4, no. 1 (2024), <https://doi.org/10.62585/pjcr.v4i1.51>.

AI deployment on creative labor. Traditional copyright norms emphasize the protection of individual rights but remain insufficiently attuned to patterns of market substitution arising from automated creative production. In practice, AI platforms internalize economies of scale and capture disproportionate economic value, while individual creators bear negative externalities, including diminished market demand and weakened bargaining power. This asymmetry exposes the shortcomings of a narrow utilitarian justification for copyright that assumes individual rights protection will automatically yield optimal social welfare. Empirical developments instead point to the need for structural policy interventions, such as collective licensing schemes for training datasets or compensatory mechanisms for creators, which remain largely absent from the current legal architecture.

These structural deficits underscore that the inadequacy of the copyright framework is not merely technical but inherent in its normative design, which rests on assumptions of human-centered creativity and pre-platform modes of distribution. The absence of explicit norms governing the legal status of AI-generated outputs, data governance in training processes, and platform accountability indicates that existing law lacks a comprehensive architecture to regulate rights and obligations within algorithmically mediated creative ecosystems. Consequently, dispute resolution remains dependent on fragmented doctrinal analogies, increasing the risk of inconsistent enforcement and diminishing the effectiveness of rights protection in contexts of large-scale AI production.

Attempts to remedy these deficiencies through progressive judicial interpretation of classical doctrines may offer ad hoc solutions in individual cases but encounter inherent limits. Interpretive creativity cannot substitute for explicit regulatory standards addressing structural issues such as transparency in training data, algorithmic accountability, and platform duties of care. From the perspective of legal certainty, excessive reliance on interpretive discretion risks eroding predictability and weakening the preventive function of law. Accordingly, regulatory responses to AI-related creative disputes cannot be confined to adjudication alone but require explicit legislative intervention tailored to the distinctive characteristics of technologically mediated creative production.

The urgency of regulatory reform becomes more apparent when understood as the need to construct cross-regime integration between intellectual property law and technology governance. The current fragmentation, in which AI ethics frameworks operate separately from enforceable copyright regimes, produces normative discontinuities that weaken rights protection and exacerbate power asymmetries between digital platforms and individual creators. A coherent legal framework should incorporate obligations of dataset transparency, mechanisms for collective licensing or remuneration, and enforceable standards of platform accountability. Without such cross-regime integration, the law will continue to lag behind technological innovation and fail to perform its corrective function in addressing structural inequalities within digital creative ecosystems.

Against this backdrop, clinical legal education occupies a strategic position as an experimental space for testing the limits of existing norms and formulating adaptive policy interventions. Clinical programs can translate empirical insights from AI-related disputes and simulations into evidence-based policy recommendations, thereby strengthening the clinic's role as a bridge between legal practice and public policy formation. This pedagogical orientation positions students as reflective and critical learners capable of diagnosing regulatory gaps and designing responsive legal solutions to technological disruption.

In the longer term, insights generated through clinical legal education should be institutionalized as systematic inputs into legislative reform processes. Strengthening feedback mechanisms among legal clinics, research institutions, and policymakers is essential to ensure that legal reform remains grounded in empirical realities. By leveraging knowledge produced in clinical settings, lawmakers can craft regulatory norms that are not only doctrinally coherent but also sensitive to the structural impacts of AI-driven creative production. Such an approach enables the law to reclaim its protective and socially constructive functions amid the profound transformations introduced by generative artificial intelligence.²⁶

²⁶ I Ketut Gede Adi Ramadika and I Ketut Kasta Arya Wijaya, "Legality of Copyright Protection on Artificial Intelligence Works," *Pemuliaan Keadilan* 2, no. 1 (2025), <https://doi.org/10.62383/pk.v2i1.460>; Yiheng Lu, "Reforming Copyright Law for

V. Conclusion

This study demonstrates that the rapid diffusion of generative artificial intelligence in visual content production challenges the conventional application of copyright doctrine, particularly in delineating the boundary between lawful stylistic imitation and infringing expressive replication. While the core principles of copyright law, including the idea-expression dichotomy, originality, and substantial similarity, remain normatively relevant, they are insufficient in their abstract form to address the scale, speed, and market-substitutive effects of AI-generated visuals. The operational criteria formulated in this study provide a practicable framework for assessing AI-generated outputs by translating doctrinal standards into concrete analytical tools that enhance legal certainty and proportionality in infringement analysis.

Beyond formal legality, the findings underscore the cumulative distributive impacts of automated image production on creative labor markets and the asymmetrical power relations between individual creators and platform-based AI providers. These dynamics indicate that copyright governance must account for structural economic effects rather than focusing solely on isolated acts of copying. The integration of these doctrinal and impact-oriented considerations into clinical legal education offers a strategic pathway for equipping future legal professionals with the analytical, technological, and normative competencies required to navigate emerging disputes involving AI-mediated creativity. Accordingly, the effective governance of AI-generated visual works requires an integrated regulatory approach that combines doctrinal clarification, impact-oriented policy responses, and pedagogical reform in order to foster a more adaptive, equitable, and socially responsive copyright framework in the age of generative artificial intelligence.

AI-Generated Content: Copyright Protection, Authorship and Ownership,” *Technology and Regulation* 2025 (2025), <https://doi.org/10.71265/chkr8w30>; Dibit Yuniar Ekawardani and Mochamad Cholil, “Pelindungan Hak Cipta Atas Karya Ilmiah Yang Dihasilkan Oleh Kecerdasan Buatan,” *Rewang Rencang: Jurnal Hukum Lex Generalis*. 6, no. 4 (2025).

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