

# The Current State and Controversies of Copyright Protection Research for Robot Journalism: Postprint

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## Abstract

Robot journalism plays an important role in the artificial intelligence era. Consequently, copyright protection for robot journalism has garnered significant attention from academic circles. [Purpose] To ensure that robots exercise limited judicial authority, accelerate the process of granting copyright law protection to robot-generated news, and stimulate academic discussion regarding protection pathways. [Method] This paper employs literature research and comparative research methods to conduct a comparative analysis of the current status and controversies in research on robot journalism protection. [Results] The current focal point of research controversy centers on whether news robots possess legal personality and whether robot journalism possesses originality. [Conclusion] This paper contends that news robots possess limited legal personality, that robot journalism possesses originality, and that it should be protected under copyright law.

## Full Text

### Preamble

Current Status and Controversies in Research on Copyright Protection of Robot Journalism (Hubei University, Wuhan, Hubei 430000)

### Abstract

Robot journalism plays a significant role in the artificial intelligence era, attracting considerable scholarly attention to its copyright protection. [Purpose] This study aims to ensure that robots exercise limited judicial authority, accelerate the process of granting copyright protection to robot-generated news under copyright law, and stimulate academic discussion on protection pathways. [Methods] This paper employs literature review and comparative analysis to examine

the current state and controversies in robot journalism protection research. [**Results**] The current research controversies focus on whether news robots possess legal personality and whether robot-generated news exhibits originality. [**Conclusion**] This paper argues that news robots should be granted limited legal personality and that robot journalism possesses originality, thus deserving protection under copyright law.

**Keywords:** copyright protection; copyright controversy; human-machine collaboration

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## 1.1 Controversy Over the Legal Personality of News Robots

Robot journalism refers to “news reports automatically generated in ‘finished’ form through algorithmic programs” [1]. Its primary characteristic is the automatic transformation of data into news text using pre-set algorithms. On October 26, 2017, Saudi Arabia made the unprecedented move of granting citizenship to Sophia, an intelligent robot, becoming the first country in the world to confer identity certification upon an intelligent robot [3]. Following this event, numerous scholars began advocating for legal status and personality for highly intelligent robots to promote development and progress in the field of artificial intelligence. For instance, in discussions of electronic personhood, the European Parliament’s Committee on Legal Affairs released a draft report recommending that robots be granted a specific legal personality and clarified electronic personhood, taking liability considerations into account. However, the report did not elaborate on how to implement the construction of electronic personhood or feasible measures [4]. Similarly, some scholars argue that artificial intelligence should be granted legal personality, but this personality would be special and not entirely consistent with the legal personality of natural persons—hence the term “limited legal personality.” Limited legal personality acknowledges that news robots can perform actions and bear consequences, but their capacity to assume consequences is limited [5].

Conversely, scholar Zheng Ge proposes the machine or tool theory, arguing that the ultimate bearer of responsibility for robots can only be humans. Even with the concept of “electronic persons,” legal personality for robots appears unnecessary regardless of how they might hold rights, obligations, or assume responsibilities [6]. Hao Tiechuan contends that robots cannot possess legal personality because humans can both create and destroy machines. Robots are labor tools, manufactured and used by humans, and cannot replace humans. Thus, the question of whether news robots have legal personality remains con-

troversial, with discussions primarily aimed at clarifying their corresponding responsibilities and obligations.

## 1.2 The Rationality of Limited Legal Personality for News Robots

As intelligent technology continues to develop and advance, humans have gradually endowed robots with deeper subject status and value judgment capabilities, enabling robots to demonstrate more subjective characteristics. However, if we remain confined to a traditional binary perspective when examining the behavior of news robots, we cannot fully understand the increasing complexity of their communication behaviors and the human-machine relationships they participate in. Therefore, it is necessary to re-evaluate the transformation of news robots' media roles in the field of journalism and communication.

Limited legal personality refers to the granting of certain rights to news robots under the law, affording them limited legal subject status. Due to inherent technological limitations, robots cannot independently assume responsibilities and obligations. Accordingly, their rights, obligations, and liabilities are given limited scope, with legal responsibility ultimately belonging to the robot' s investors, developers, users, or the corporate legal person of the news organization to which the robot belongs [8]. As news robot technology continues to progress, robots have already developed preliminary capabilities in data integration, deep learning, information collection and editing, news generation, and precise distribution. Based on this technological reality, consideration should be given to granting news robots certain rights and legal status. For example, institutions such as Tencent and Toutiao will note at the end of automatically generated news articles that they were written by robots, with the robot' s name listed as the author to clarify the creative subject of the article. From a legal perspective, recognizing news robots as having limited legal personality neither departs from the existing legal framework nor addresses potential infringement risks by granting certain rights and status. This may be a more appropriate strategy for resolving rights disputes concerning robot journalism under current conditions.

## 2. Does Robot Journalism Possess Originality?

Only robot journalism that meets the criteria for originality can be called a work and receive copyright protection. Countries around the world have different standards for determining the originality of works, and the determination process is relatively complex [9]. To determine whether robot journalism possesses originality, we must first identify the most applicable originality determination standard for robot journalism in our country.

In 1988, the United Kingdom clearly defined the criteria for judging originality of works through legislation, and subsequent judicial practice has reflected that UK law adopts a relatively lenient attitude in originality judgments. The key to determining originality lies in whether the work was independently completed

by the author and contains sufficient intellectual input. The evolution of originality standards in the United States demonstrates a shift from simple to more complex and refined criteria. Initially, according to the *Bleistein* case ruling, originality was considered to require only independent completion by the author—a simple and clear standard. However, with the 1991 *Feist* case, the U.S. originality standard underwent an important transformation, with the court explicitly stating that mere “independent completion” was no longer sufficient to meet originality requirements and that “a minimal amount of intellectual labor” must be added as a supplementary condition to ensure the work possesses a certain degree of creativity [10]. France places greater emphasis on the personality attributes of copyright in its originality requirements, holding that originality should reflect the author’s unique personality. This perspective highlights the close connection between the work and its creator, emphasizing that the work should reflect the author’s personality and intellectual contribution. In contrast, Germany sets a higher threshold for originality. German copyright law stipulates that protected works must be creations produced by individuals through intellectual activity, meaning that works must reach a certain creative level and not merely be simple integration of textual information or the result of simple intellectual activities, but rather products created through the creator’s unique intellectual activities. However, in actual judicial practice, Germany does not apply this high standard for originality determination but instead adopts different recognition standards according to different types of works [11].

Article 2 of China’s Copyright Law Implementing Regulations clearly defines the concept of works, including provisions on originality. Regarding the criteria for determining originality, domestic scholars hold diverse views. Scholars such as Sun Haoliang argue that according to the Copyright Law, works must demonstrate the author’s creative intellectual activity, meaning the author must ensure the originality determination through creative contributions [12]. Another perspective divides originality into two elements: “independence” and “creativity,” with the former emphasizing the author’s independent creative ability and the latter pointing to the author’s unique intellectual activity and personality. Zhang Yumin and others further propose that the creator’s personality characteristics and value judgments should also be incorporated into the criteria for determining work originality [13]. In judicial practice, Chinese courts avoid adopting rigid originality determination standards and instead advocate for detailed analysis based on the specific circumstances of each case. In the *LEGO* infringement case, for example, the Supreme People’s Court explicitly stated that “independent completion does not constitute a decisive factor for obtaining copyright protection.” The ruling held that *LEGO*’s building block products failed to reflect the author’s unique personality and therefore did not meet the basic requirements of originality under China’s copyright law [14]. In the copyright infringement dispute case between Sun Minghui and the People’s Government of Zoucheng City, Shandong Province, the Supreme People’s Court also emphasized that copyright law aims to protect expressions that are independently created and can reflect the author’s thoughts and personality

[15]. Overall, Chinese courts generally adopt the criterion of independent creation that can reflect the author's personality when determining the originality of robot journalism.

## 2.2 The Rationality of Originality in Robot Journalism

After clarifying the originality determination standards for robot journalism, we can address the question of whether robot journalism possesses originality. Scholars represented by Wu Handong believe that robot journalism is protected by copyright law because human creative labor outcomes are embodied in the robots' language models. However, scholars represented by Wang Qian disagree, arguing that the process of artificial intelligence learning is essentially an algorithmic generation and determination process that does not possess personality attributes, and therefore robot journalism should not be protected by copyright law.

This paper argues that these different perspectives mainly arise because the law has not clearly defined the legal status of artificial intelligence. From another perspective, if we do not use the creative subject as the criterion when determining the originality of robot journalism but instead directly judge its creativity, this problem can be readily solved. Additionally, there is legal controversy over stipulating independent creation as a constituent element of works. Because according to current copyright law, the copyright holder still enjoys copyright over the work, and the content indicated by the creative act is one of ownership—so how can it serve as a constituent element of a work? Therefore, when analyzing the originality of robot journalism, we can treat independent creation and whether something constitutes a work as two different concepts. Temporarily setting aside the issue of independent creation and directly adopting a creativity standard may better address the copyright issues of robot journalism. Regarding the generation principle of artificial intelligence, it is the result of human-machine interaction. Its production cannot be separated from humans' series of logical assumptions for machine learning, nor from robots' autonomous learning based on preset content. Therefore, when judging the creativity of robot journalism, we should reasonably consider the human-machine integration as the basis for creativity judgment. In the process of generating robot journalism, robots already make selections and judgments about human-inputted data. The news produced by robots is already labeled with the robot's identity. This can also be understood as: when humans create works, they typically complete the process by analyzing and screening materials, while artificial intelligence re-encodes materials and uses deep learning technology to analyze data, thereby discovering hidden patterns in the data. These patterns themselves are creative and can help us better understand and create more diverse and rich works. Therefore, whether from the perspective of external manifestation or connotation, robot journalism meets the requirements of creativity and can achieve independent creation. Moreover, the generation process of robot journalism must also involve intellectual labor outcomes. That is to say, robot journalism should in-

clude not only patterned data information but also information from intellectual activities. Some scholars propose that such intellectual activities can only be performed by humans, which in fact limits the author of works to being human, but this also indirectly demonstrates the human-like intelligent characteristics of robot journalism. The current stage of artificial intelligence development is still in its infancy, far from reaching the level of independent thinking. Therefore, machine-generated content cannot be separated from the restrictions of human users and operators on its operating principles and generation mechanisms. After the completion of robot journalism, human judgment and gatekeeping are still required. The entire news creation process can be considered as reflecting the author's personality and thoughts, thus possessing originality.

### 3. Achievements and Shortcomings of Existing Research

Since 2015, when Tencent Finance developed the first intelligent writing robot, pioneering AI creation in China, robot journalism has truly begun to flourish. Reviewing the development of copyright protection for robot journalism in China in recent years, we can see that significant progress has been made in both theoretical research and practical exploration. However, it is worth noting that initially, research using “robot journalism” as a keyword was extremely scarce. Most scholars analyzed the reasonableness of copyright protection from the perspective of “AI-generated content” or “AI creations,” such as Cao Yuan's “The Reasonableness of Granting Copyright Protection to AI Creations” and Shi Guanbin's “On Copyright Protection of Intelligent Robot Creations—From the Perspective of Intelligent Robot Subject Qualification.” Although these articles' research focus slightly deviates from this paper, the early research by legal scholars helped clarify basic concepts of copyright law and proposed that AI-generated content should be protected by copyright, clearing obstacles from a macro perspective and laying a solid foundation for later interdisciplinary research, which has led to current studies on copyright law protection for robot journalism or news robots.

Currently, research on copyright protection for robot journalism has achieved some results. For example, Huo Feng and Guo Xiao'an's “Subjectivity Definition and Copyright Protection Strategies for News Robots” analyzes the difficulties in China's first winning case of robot journalism copyright infringement, distinguishes the connections and differences between communication subjects and legal subjects, and proposes that granting limited legal personality to current news robots is more appropriate [17]. Zhou Yong's master's thesis “Research on Copyright Protection of Robot Journalism” re-examines protection issues with reference to the “Feilin Case” and “Tencent Case,” proposing three protection pathways conducive to constructing a copyright protection system for robot journalism [18]. However, as a newly emerging research field, many shortcomings remain.

First, the total volume of research is relatively small. As of March 11, 2025, searching CNKI with the keyword “artificial intelligence” yields 303,388 results;

searching with “AI-generated content” yields 714 results. However, searching with “robot journalism” or “news robot” yields only 399 and 414 results respectively; searching with “robot journalism copyright” or “news robot copyright” yields merely 17 and 22 results respectively. Therefore, although numerous scholars pay close attention to the topic of artificial intelligence, research volume becomes extremely small when “news” and “copyright” are involved.

Second, controversies persist. Since the research on “whether robot journalism should be protected by copyright” began, problems have emerged continuously. Setting aside the two opposing views on copyright protection, even scholars who oppose copyright protection for robot journalism have argued from different perspectives that robots should not be protected by copyright law.

Third, research methods are monotonous. Based on existing research findings, qualitative research remains the primary method for studying copyright protection of robot journalism in China. The basic paradigm of general qualitative research is “read some relevant Chinese and foreign articles, propose a viewpoint previously studied by scholars, add some of one’s own arguments and conclusions, and thus form an article.” This has resulted in some viewpoints being more subjective speculation than objective judgment, with literature studies outweighing investigation and evidence collection.

This paper only analyzes and reviews the current status and controversies of copyright law protection for robot journalism. However, the specific pathways for protecting robot journalism are not addressed, which is also a shortcoming of this paper. It is hoped that future scholars will supplement research on specific protection pathways for robot journalism, explore these protection routes, and only in this way can we incentivize the creation of more high-quality robot journalism works and foster a healthy news environment.

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*Note: Figure translations are in progress. See original paper for figures.*

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