
Copyright Ownership of Intelligent News from the Perspective of Production Process

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Abstract: Intelligent news, also referred to as “robot journalism” or “automated journalism”, denotes a news production form where computer programs automatically generate and distribute news content via artificial intelligence software based on algorithmic designs. Its extensive application has triggered critical copyright controversies: Can artificial intelligence, as a non-natural person, be deemed an author? Does intelligent news satisfy the originality requirement of copyright law? Can it be categorized as a “work” under copyright law? If entitled to copyright protection, who should be the copyright owner of intelligent news? This paper probes into these issues from the perspective of production process, analyzing the generating subject of intelligent news, its eligibility as a copyright-protected work, as well as the rational copyright ownership and protection models for such content.

Keywords: AIGC; Originality; Copyright

Online publication: February 26, 2026

1. Introduction

Intelligent news is widely known as “robot journalism” or “automated journalism” in academic and industrial circles. Some scholars define it as a news production pattern in which computers rely on artificial intelligence software to automatically generate and release news content in accordance with algorithmic frameworks. Other researchers interpret automated journalism as a procedural practice that transforms structured data into narrative news texts through algorithmic operations. At present, intelligent news is predominantly applied in financial, weather, and sports news reporting, where content is automatically compiled based on standardized formats and pre-existing data sets.

The popularization of intelligent news has given rise to a series of thorny copyright dilemmas. First, a prevailing view holds that artificial intelligence, lacking the identity of a natural person, cannot be recognized as an author^[1], thus failing to comply with the copyright law’s stipulation that the creator of a work must be a natural person^[2]. The validity of this argument remains debatable, and the question of whether intelligent news meets the originality threshold of copyright law also awaits clarification^[3]. Second, it is necessary to verify whether intelligent news constitutes a “work” as defined by copyright law^[4]. The rapid proliferation of intelligent news, coupled with legislative ambiguities regarding the ownership of AI-generated content, has created a legal vacuum, leading to disordered protection and frequent copyright disputes

over such content. In response to these challenges, this paper conducts an in-depth discussion from the production process perspective, focusing on three core issues: the identification of the generating subject of intelligent news, the construction of a sound copyright protection model, and the confirmation of copyright ownership for intelligent news^[5].

2. The Generating Subject of Intelligent News is a Natural Person

In recent years, academic discussions on the copyright eligibility of intelligent news have often reached a one-sided conclusion: since the generating subject of intelligent news is not a natural person, such content should be denied copyright protection. However, this reasoning ignores the essential attribute of AI as a tool and the pervasive participation of natural persons in the entire production process. To accurately determine the copyright ownership of intelligent news, the primary task is to clarify the legal identity of its generating subject and confirm the dominant role of natural persons in the creation process^[6].

2.1. AI Itself Lacks the Qualification of a Legal Subject

Artificial intelligence, as a technological product, does not possess the qualification of a legal subject, so it cannot be regarded as the generating subject of intelligent news. The legal philosophical definition of a subject hinges on two core elements: free will and self-awareness, both of which are absent in current artificial intelligence systems. On the one hand, AI has no capacity for independent will: it cannot disobey the instructions of its developers to create content on unrelated topics, cannot freely choose to fulfill or abandon design tasks, and cannot independently assume legal liabilities corresponding to its generated content. All its operations are confined to the scope set by programmers, without any autonomous decision-making space. On the other hand, AI is essentially a set of code programs, and its entire operation process—from executing instructions to outputting final text—strictly follows the pre-designed algorithms and templates of developers. It is devoid of self-awareness, subjective desires, emotional perceptions, and rational thinking abilities comparable to natural persons, making it impossible to form self-identification or recognize other subjects. Only when AI evolves into strong artificial intelligence that can operate beyond preset programs, with independent free will and self-awareness, can it potentially obtain legal subject qualification. Under the existing weak AI environment, AI can only act as a tool and has no subject capacity at all.

Judicial practices also corroborate this conclusion. Courts have consistently ruled that the operation of AI software is driven by its technical attributes rather than self-awareness, and the content it generates essentially reflects the choices and intentions of human users. Treating the automatic operation of software as a creative act and AI as the creative subject is not only inconsistent with objective technological facts but also leads to unfair legal consequences. This judicial consensus further excludes the possibility of AI becoming the generating subject of intelligent news from a practical perspective.

2.2. Natural Persons Control and Participate in the Entire Generation Process of Intelligent News

Article 2 of China's Copyright Law stipulates that natural persons and legal persons are the copyright owners of works. Notably, legal persons are essentially organizational entities composed of natural persons, and human intelligence and will are the core driving forces behind all legal person acts. Some views mechanically claim that intelligent news has no human participation in its generation process, thus failing to constitute a work and being ineligible for copyright protection^[7]. This argument is untenable, as natural persons' participation runs through every link of intelligent news production, which can be clearly demonstrated by analyzing the production processes of templated and extracted intelligent news (the two main categories of intelligent news in practice).

The generation of templated intelligent news relies on pre-designed templates by human engineers, who reserve data-filling blanks for subsequent AI operations. In practical application, AI only needs to capture targeted data to fill these templates and quickly generate news articles within seconds. The core creative work—template design, which determines the structure, style and expression logic of news—is entirely completed by natural persons, and AI merely undertakes

mechanical data filling tasks.

The production of extracted intelligent news involves seven standardized steps: database establishment, template library construction, rule base formulation, information input and candidate template retrieval, final template confirmation, and news text generation^[8]. Among these, database construction is a fundamental prerequisite, requiring natural persons to sort out, refine and classify massive data to ensure its availability for machine extraction. Developers also need to complete algorithm design and machine learning model training, enabling machines to understand and process data efficiently. After machine learning, human editors input keywords, and the system retrieves, integrates and reorganizes massive information to generate news content. Throughout this process, human subjects conduct repeated data screening and model optimization to achieve optimal matching, and all key creative decisions are made by natural persons.

The template, as the core carrier of originality in intelligent news, is entirely the intellectual achievement of natural persons. Taking sports news templates as an example, engineers need to collect a large number of historical reports and live broadcast data, train algorithms by quantifying and scoring sentence expressions, extract high-quality expressions, and combine sports event rules to form a complete template system. These templates, which determine the quality and expression form of intelligent news, are infused with human intellectual labor and cannot be separated from the participation of natural persons. Moreover, the automatic generation of intelligent news by AI is not a spontaneous act but a result driven by the choices of natural persons or legal persons, and the final content form is determined by human personalized arrangements and decisions.

Judicial cases also support this view. In relevant trials, even if intelligent news articles do not explicitly indicate a human author, courts have held that the AI byline at the end of the article, combined with the publishing platform, should be interpreted as representing the human user or platform operator. In theory and practice, it is clear that the actual generating subject of intelligent news is a natural person, and AI is only a auxiliary tool in the creation process.

3. Eligibility of Intelligent News as a “Work” Under Copyright Law

Article 2 of the Implementing Regulations of the Copyright Law of the People’s Republic of China defines a “work” as an intellectual creation in the literary, artistic and scientific fields that is original and can be reproduced in a tangible form. Based on this legal standard, large models, templated and extracted intelligent news all meet the constitutive requirements of a copyright-protected work, which can be demonstrated from the perspectives of originality and work eligibility.

3.1. Confirmation of the Originality of Intelligent News

3.1.1. Theoretical Connotation of Work Originality

There is no unified legal definition of originality in global copyright systems, and China’s copyright legislation also does not specify its constituent elements. Academic circles generally agree that originality includes two core dimensions: independence and creativity.

For the independence of works, legal norms and judicial precedents have formed a consistent standard: a work must originate from the author and not be a copy of existing works. British judicial precedents clearly require that original works must be independently created by authors, and the U.S. Supreme Court ruled in the 1903 *Bleistein* case that independent completion by the author is sufficient to constitute independence. Chinese scholars further elaborate that independence refers to the completion of works without plagiarism, including original creation from scratch and innovative creation based on existing works, with objectively identifiable non-trivial differences from the original works.

The understanding of creativity is more complex. Common law countries once adopted the “sweat of the brow” doctrine, which protected labor fruits but hindered subsequent innovation and has been gradually abandoned. The UK Copyright Law defines creativity as “independent intellectual input”, while U.S. courts require a minimal degree of distinguishable creativity. Civil law countries emphasize the personal attribute of creativity: the French Supreme Court regards it as the imprint of the author’s personality, and Germany imposes a higher standard requiring a certain intellectual

creation height.

China's copyright law adheres to civil law traditions, encouraging innovation over mechanical repetition. Judicial practices summarized by the Supreme People's Court clarify the originality judgment criteria: first, the work must be independently created; second, its external expression has a certain degree of difference from public domain works; third, the expression form reflects the author's personality, and simple combination or omission of public domain content does not constitute originality. This standard balances the protection of intellectual achievements and the promotion of information dissemination, forming a practical basis for originality judgment.

3.1.2. Originality Judgment of Intelligent News

The originality of intelligent news should be judged based on independent creation and external expression differences, combined with the minimal creativity requirement. The 2019 Tencent Dreamwriter copyright case established a landmark judicial precedent: Shanghai Yingxun Technology Co., Ltd. unauthorizedly reproduced a stock market review article generated by Tencent's AI writing tool, and the court held that the article reflected human selection, analysis and judgment of market data, with reasonable structure and logical expression, thus possessing originality and falling within copyright protection scope. This case officially affirmed the originality of intelligent news in judicial practice.

Academically, scholars also support the originality of intelligent news: its generation process integrates 5W+H news elements, personalized content design and formal innovation, and can output customized content for different users. The news expression formed by human-designed templates and algorithms is significantly different from objective facts, satisfying the originality requirement of copyright law. Both judiciary and academia have reached a consensus on the originality of intelligent news, laying a foundation for its copyright protection.

3.2. Intelligent News Meets the Characteristics of a Copyright-Protected Work

3.2.1. Intelligent News Templates Constitute Copyright Works

The large models and templates for intelligent news are designed by engineers based on journalists' writing habits, narrative styles and news structure rules, and are fixed in the generation program as core creative carriers. From the legal constitutive elements: first, the template designers are natural persons, complying with the subject requirement of copyright law; second, templates are presented in programming language symbols, which can be perceived, read and reproduced by the public, meeting the tangible reproduction requirement; third, templates belong to scientific and literary intellectual creations, conveying news expression rules and information; fourth, different engineers design templates with personalized characteristics, forming independent creative expressions with originality. Therefore, intelligent news templates fully meet the definition of copyright works.

3.2.2. Templated and Extracted Intelligent News Constitute Copyright Works

Taking Tencent's templated news article August CPI Rises 2.0% Year-on-Year, a 12-Month High as an example, the article is an external perceptible literary expression, and its generation process includes data collection, rule triggering, writing, verification and distribution, all reflecting the personalized choices and skills of template designers, thus satisfying the originality requirement. For extracted intelligent news, Tencent Sports' AI-generated Premier League match report has obvious expression differences from manually written reports of the same event, and its core templates and operation rules are created by natural persons, belonging to human intellectual achievements with originality. Both types of intelligent news meet the legal requirements of literary creation, originality and tangible reproduction, and thus constitute copyright-protected works.

4. Copyright Ownership and Protection Models of Intelligent News

4.1. Copyright Ownership of Intelligent News

4.1.1. Primary Copyright Subject: Large Model Designer/Manufacturer

The manufacturer plays a core role in the generation of intelligent news: for templated news, it completes database construction, template design and AI training; for extracted news, it develops algorithm formulas and applies natural language processing technologies. AI only acts as a tool to execute preset instructions, reflecting the manufacturer's will and creative concepts without independent subjectivity. Intellectual property scholars propose referring to the legal person work system, designating the template designer/manufacturer as the copyright owner when the manufacturer and user are the same entity, which conforms to the principle of "creator benefits" in copyright law.

4.1.2. Qualified Copyright Subject: Authorized User

When the AI manufacturer and user are separate entities, granting copyright to users is a more rational choice to avoid the manufacturer's double profit and balance the interests of all parties. First, from the perspective of will embodiment, intelligent news content reflects the user's operational choices (such as keyword setting and final review), and the user's signature on the content conforms to the presumption rule of authorship in Copyright Law Article 11 Paragraph 4. Second, from an economic interest perspective, users are the direct disseminators and efficient users of intelligent news, and some are also investors in AI technology; granting copyright to users helps maximize resource benefits and protect investment returns. Third, from the legislative purpose of copyright law, copyright ownership for users stimulates content dissemination, forms market demand to promote manufacturers' technological innovation, and builds a virtuous cycle of creation, application and dissemination. This model balances the interests of manufacturers, users and consumers, and is consistent with the basic value orientation of copyright law.

4.1.3. Moral Rights Issues Under the User Ownership Model

Copyright includes moral rights (authorship, publication, modification, integrity rights) and economic rights. Traditional copyright law holds that moral rights are perpetual and inalienable, but this rule is inapplicable to intelligent news. In practical operation, news organizations purchase AI systems and conduct editorial review and modification of generated content; the inalienability of moral rights will put users in a passive legal position and hinder content dissemination. Common law countries such as the UK have begun to grant authorship rights to AI system operators to encourage content creation and operation. In China, news agencies (such as Xinhua News Agency's "KuaiBi XiaoXin" and Tencent's "Dreamwriter") label AI tools and attach platform signatures, which constitutes a de facto transfer of moral rights in practice. To adapt to the development of intelligent news, it is necessary to allow the contractual transfer of moral rights related to intelligent news, so as to adapt to practical needs and promote the healthy development of the industry.

4.2. Copyright Protection Models for Intelligent News

4.2.1 Protection Model for Originality-Compliant Intelligent News

Intelligent news that meets the originality requirement constitutes a copyright work, and its ownership is divided into two scenarios: when the manufacturer and user are the same, the copyright belongs to the manufacturer; when they are separate, the copyright belongs to the user based on contractual transfer. This model clarifies the ownership boundary, encourages both manufacturers' technological R&D and users' content dissemination, and realizes the dual value of copyright protection and industrial development.

4.2.2. Protection Model for Non-Original Intelligent News

For simple intelligent news that only releases objective data or information (such as earthquake magnitude announcements) and fails to meet the originality threshold, neighboring rights (rights related to copyright) can be applied for protection. Neighboring rights protect the property interests of disseminators and investors for non-work content with industrial value,

which matches the attribute of such intelligent news. Following the ownership logic of copyright, the neighboring rights of non-original intelligent news should also be vested in users, forming a full-coverage protection system for both original and non-original intelligent news.

5. Conclusion

Intelligent news, as an emerging form of news production driven by AI technology, has a surface generation process that seems to lack human participation, but natural persons are actually the core subjects throughout every production link, and AI is only a auxiliary creative tool. Although AI itself cannot become a copyright subject, intelligent news that meets the originality requirement constitutes a copyright-protected work. For copyright ownership, when the template designer/manufacturer and user are integrated, the manufacturer holds the copyright; when they are separate, the user should be the qualified copyright owner to avoid improper benefits and stimulate content dissemination, and the transfer of moral rights should be permitted through contracts. For non-original intelligent news that cannot be protected by copyright, neighboring rights can be applied to build a comprehensive protection mechanism. This ownership and protection model not only abides by the basic framework and legislative purpose of copyright law, but also adapts to the development needs of AI news technology, balances the interests of all stakeholders, and promotes the standardized and healthy development of the intelligent news industry.

Disclosure statement

The author declares no conflict of interest.

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