

ARTIFICIAL INTELLIGENCE OUTPUT AND COPYRIGHT INFRINGEMENT IN SINGAPORE

HOW DOES SINGAPORE LAW TREAT AI-GENERATED CONTENT THAT MAY INFRINGE COPYRIGHT?

AI tools can create stories, images, songs and more. But what happens if such output looks too much like someone else’s original work? As a user, developer or deployer of AI systems, you could be liable for copyright infringement by using AI irresponsibly. While the Singapore courts have yet to decide on an AI output infringement case, the Copyright Act 2021 (Act) and past court rulings on non-AI works already provide valuable guidance. This explainer elaborates on when AI output might infringe copyright, what exceptions apply, and how to reduce your risks.

WHEN AM I LIABLE FOR AI OUTPUT INFRINGEMENT?



As a User, If:

- You prompt AI for content and it reproduces an existing copyright work.
- You use such output by sharing or disseminating it online.

Courts will compare the AI output with the original work and ask:

- Does the AI output reproduce a substantial part of the original work?
- Is there a “causal connection” with the original work? This can be inferred if the AI output looks substantially similar, and the user or system had access to it.

If yes, the AI output is infringing.



As a Developer or Deployer, If:

- You authorise infringement by another party (e.g. a user).

Courts will assess this by looking at the following factors in totality:

- Could you control and prevent the infringement?
- What is your relationship with the party?
- Did you take reasonable steps to prevent or avoid infringement?
- Did you know of the infringement or that it was likely to happen?

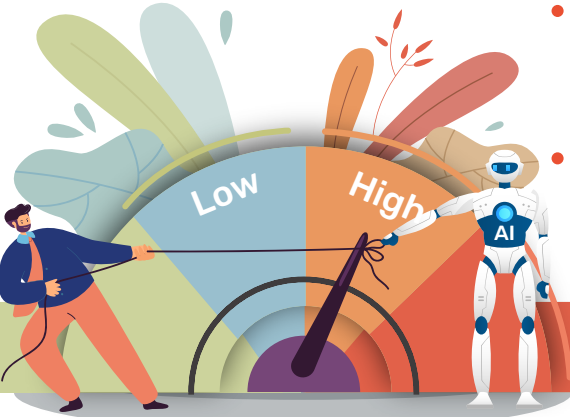
If these point to responsibility, then you are liable.

WHAT IS MY RISK OF INFRINGEMENT?

The amount of risk depends heavily on the factual details of the case, and specific actions of developer/deployer and user:

Lower Infringement Risk

- **User** asks AI to create output in a generic tone or style (e.g. pop art) rather than to replicate specific works.
- **AI developer** takes all reasonable steps to prevent its foundational model from reproducing existing copyright works.



Higher Infringement Risk

- **User** intentionally asks AI to create output that replicates existing works (e.g. cartoon characters or book passages).
- **AI deployer** uses retrieval-augmented generation (RAG) to create an AI bot that replicates existing works without safeguards.

ARE THERE EXCEPTIONS?

- Yes, some exceptions under the Act may apply depending on the specific facts of each case. E.g. If you have made **fair use** of the original work. Courts decide this by applying the factors in the Act to the facts of each case (*see page 18 of our Copyright Infopack for more details*).
- However, the **computational data analysis exception** generally does not apply here as it relates to using works during the AI training process, not output generation.



5 TIPS TO REDUCE YOUR RISKS

1 Be careful with prompts.



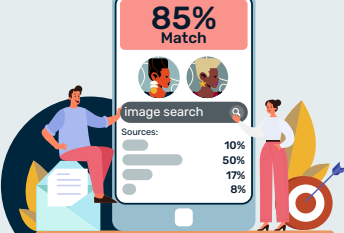
Don’t ask AI to copy existing works, such as “write a poem using Taylor Swift’s lyrics”.

2 Keep records.



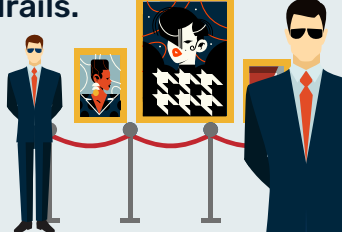
Save your prompts, the original AI output and any edits you made to show your contribution. In a dispute, these can help prove that you had created your content independently without referencing specific works.

3 Run a similarity check.



Use plagiarism detection tools (like Turnitin or Grammarly) for written content, or a reverse image search (like Google Lens or TinEye) for visual content.

4 Add guardrails.



Developers/deployers should build in infringement prevention measures within the system such as prompt filters, content moderation, similarity detection, or training data checks to reduce high-risk material.

5 Know the rules of your tools or platforms.



Users:

Read the terms of use. Check what uses are allowed and if you are protected (or indemnified) against infringement and under what conditions. Some providers like Microsoft and Adobe offer such indemnities.



Developers/deployers:

Provide clear terms that forbid users from generating infringing content and highlight these before use.



WHAT IF SOMEONE COPIES MY AI-GENERATED CONTENT?

Before you take any action, make sure your AI output first qualifies for copyright protection. If yes, then the usual infringement rules apply. See our explainer *“How does Singapore law treat AI-generated content?”* for more details.

NEED MORE ADVICE?

Speak to an IP lawyer at our complimentary IP Legal Clinic to get preliminary advice, including on copyright infringement.



Get in Touch