The Role of Artificial Intelligence on the Promotion of Cultural Diversity and Intellectual Property Rights

Nowadays, Artificial intelligence (AI) is not only integrated with the science and technology fields but also with a variety of subjects and segments of society, which includes diversity in the digital culture. Although the debate about AI is not a recent one, the combination of growing computing power with the huge availability of data and almost unlimited storage capacity has led to exponential and unprecedented advances.

Large databases are used for training algorithms that make up AI systems, thus allowing these systems to infer patterns and decide on actions that are required for achieving specific goals. AI applications include a wide range of areas, from health to public safety, education and culture. This represents a huge potential of assistance to humanity in its most diverse and complex challenges.

The debate on digital culture is paramount for ensuring that AI solutions are fair and representative as well. Diversity not only enriches the development of technologies, but it also ensures that a variety of social groups can be heard and taken into account. This is essential to avoid bias and to ensure that AI applications meet the needs of a society grounded on plurality. Therefore, the intersection between AI, diversity and digital culture turns into a vital field that builds a more inclusive and equitable future.

Although the debate on AI is going through a process of growth and it involves multiple actors, a lack of more intense participation of culture in AI benchmarks can be noted. The discussion about the impacts of AI on culture and its incorporation into ethical dimensions, as recommended by UNESCO, is still limited, with only a few specific sectoral documents addressing the topic.

Within this context, it is essential to stress the importance of the debate in the field of intellectual property law as a fundamental instrument for the promotion of creativity and cultural diversity in the digital realm. The new AI technologies have gained an increasing relevance in the cultural sector, mainly as a result of the proliferation of digital platforms that make it viable for the dissemination of cultural content.

The Convention on the Protection of Cultural Diversity Expressions, which have been adopted by UNESCO Member States since 2005, has set an international framework on cultural diversity that approaches crucial issues related to intellectual copyright. Such a framework recognizes the relevance of cultural diversity as common heritage of humankind and it emphasizes the need for protecting and promoting cultural expressions in a world that is increasingly globalized and interconnected.

Cultural diversity is paramount for innovation and creativity, as it enriches the dialogue between a variety of cultures and it promotes the exchange of ideas. Nevertheless, globalization and the advance of digital technologies, especially Artificial Intelligence, bring about considerable challenges on the protection of cultural expressions and the rights of creators. In this context, UNESCO's framework serves as a guide for formulating policies that ensure the promotion and respect for cultural diversity, in parallel with the protection of intellectual property right.

The relation between cultural diversity and intellectual rights is a complex one. On one hand, the intellectual property rights are essential for protecting the cultural and artistic creations, thus ensuring that creators be recognized and rewarded for their work. On the other hand, it is

essential that these rights do not become barriers to the access and dissemination of various cultures. The challenge lies in finding a point of balance that can help protect creators of rights and at the same time promote an environment that favors diversity and cultural inclusion.

The importance of the debate on copyright and intellectual property at an international level and as to the legislation of nations is undeniable, especially considering the fundamental role that those rights perform in the cultural and economic development of different societies. World Intellectual Property Organization (WIPO) recognizes that "copyright and related rights are concepts and legal instruments that respect and protect the rights of creators over their works, thus contributing to the cultural and economic development of peoples." This statement highlights the need for a broad and ongoing dialogue on how these rights may be better implemented and respected in a variety of contexts.

Copyright not only protects the interests of creators, but it also plays a pivotal role in articulating the contributions and rights of various groups involved in the cultural industry, besides regulating the relation of such groups with the public. Therefore, it is essential that the legislation of different nations be aligned with the guidelines and aims set by WIPO, which include the promotion of an intellectual property culture, the integration of such property in the national development policies and the development of international protection standards.

The debate on the use of Generative Artificial Intelligence (Generative AI) within Digital Culture is extremely important, especially concerning the preservation of cultural diversity. Historically, the subjects related to copyright and cultural law were addressed in an isolated and simplistic manner. Copyright was seen as an individual right of the author over his/her creations, while cultural right was considered a collective asset, protected by the State. Nevertheless, such linear views do not reflect the complexity of the contemporary matters that involve the protection of intellectual goods and cultural richness of a society.

By creating new pieces of work from existing data, Generative AI raises pivotal questions about authorship, intellectual property and cultural diversity. It is essential to recognize that the cultural dimension of a society goes beyond the collection of intellectual goods. Cultural diversity is enriched by the variety of artistic and creative expressions that emerge from different social, historical and geographic contexts. Thus, the more diverse cultural goods are, the greater the cultural diversity and potentiality of creation of new intangible assets will be.

In this sense, the use of Generative AI must be approached with a perspective that can value and protect such diversity. It is important to promote a dialogue that integrates concerns about copyright and the need to preserve the collective cultural asset. AI can be a powerful tool for creating and disseminating new forms of cultural expression, but it can also represent a risk to diversity if it is not applied in a conscious and responsible manner.

Protection of cultural diversity must be a priority in the discussions about the application of AI in digital culture. This implies developing policies that can stimulate the creation of pieces of work that reflect the plurality of voices and experience, thus ensuring that the cultures of minorities and the less represented cultures have some room where they can express themselves. In addition, it is essential that legislation on copyright be adapted so that the specificity of AI-assisted creation can be considered, which can help prevent the excessive protection of individual rights from damaging the circulation and access to pieces of work that make part of the collective cultural asset.

In summary, the debate on Generative AI in the Digital Culture must be a place for reflection and brainstorming, where a balance is sought between the protection of creators' rights and the promotion of cultural diversity. Only by doing so may we ensure that the cultural richness of a society be preserved, thus allowing for new forms of expression to flourish in an environment that values plurality and creativity. Both the global report of UNESCO entitled "Reshaping Policies for Creativity" (2022b) and the UNESCO's "Recommendation on the Ethics of Artificial intelligence" (2022a) highlight the potential and challenges that AI brings for culture. It is clear that culture performs a meaningful role in the socioeconomic development and it ought to be considered as a strategic component for the design of policies, both in the national and international level, besides being fundamental in the international cooperation for progress.

AI has been incorporated into all stages of the cultural value chain, modifying and integrating the roles performed by cultural agents. This technology transforms the processes of cultural creation and production as it promotes innovation for making goods and services available, besides lowering the time creators spend on everyday tasks and their dependence on specialized professionals.

Innovations in cultural generation through AI have raised questions about copyright and authorship attribution, especially when algorithms use databases that contain pieces of work by other creators. Examples of deepfakes from deceased musicians performing songs by third parties, as in the case of Kurt Cobain, Jimi Hendrix and Amy Winehouse, make this discussion even more complicated. In response to that, countries such as the United States, China and Australia have revised their legislation in order to allow non-commercial use of digital data by startups and research organisms to train algorithms. Nevertheless, the ownership of major databases, which frequently include the work by other artists, raises the question on royalties and licensing for commercial uses, an issue that keeps generating intense debate.

The exclusion of culture in national AI policies may jeopardize the sustainability of development. Thus, it is paramount that the principles of the 2005 UNESCO Convention be incorporated in AI plans to involve the ministries of culture in the discussions on related strategies. In order to promote diversity and respect in fundamental rights, it is vital to foster a debate among governments, the private sector and the civil society on the impact of algorithms and data about equal opportunities, mainly concerning gender, race and religion. Besides that, it is fundamental that the ethic framework of AI consider the principles of the UNESCO Convention and the UN Sustainable Development Goals, which lead to developing a framework of public policies that can ensure auditing and liability of AI applications that affect people's social and cultural life. Technology is not a magical solution; it is the people who use it that promote changes. If the cultural sector does not act quickly, it risks losing space for major platforms, and therefore it will turn culture into a commodity that has no identity or meaning, which will affect the society as a whole.