LEGAL KITTY™ CHEAT SHEET

Copyright in the Age of AI

What you own when AI helps, and what you can stop.

KEY PRINCIPLES

1 **A person has to be the author.**
The Copyright Act "requires all eligible work to be authored in the first instance by a human being" (D.C. Cir. 2025). Pure AI output gets no copyright.

2 **Prompts aren't authorship. Your hand is.**
The Copyright Office says "prompts do not alone provide sufficient control." Your visible work, your arrangement and real edits can count.

3 **Disclose the AI, and register early.**
Exclude AI material that's more than de minimis, or risk losing the registration's benefits. For a U.S. work, no suit until it's registered or refused (§411).

4 **Remix rules don't bend for AI.**
Only the owner may make a derivative (§106(2)). Style is free; copied expression isn't. After Warhol, a new look alone won't win factor one of fair use.

KEY EXAMPLES

Real decisions and deals, from the full guide

Zarya of the Dawn
Copyright Office, 2023

The Office kept Kris Kashtanova's text and arrangement, but not the Midjourney images.

FOR YOU **You can own the book, not each AI image in it.**

Théâtre D'opéra Spatial
Review Board, 2023

Jason Allen prompted "at least 624 times," wouldn't disclaim the AI part, and was refused. His suit is pending.

FOR YOU **Effort isn't authorship. Disclaim the AI; claim your edits.**

A Single Piece of American Cheese
Effective 2024

Registered for the arrangement of AI-generated regions, the AI parts excluded. One registration, not a ruling.

FOR YOU **Controlling placement can count. The pieces still don't.**

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KEY CLAUSES

Red flag, green flag

Push back on the red. Ask for the green.

	RED FLAG · PUSH BACK	GREEN FLAG · ASK FOR
OWNERSHIP	You're "sole author and owner of all copyright"	You own your human parts; AI parts listed
USING AI	No AI "in any manner"	Listed tools allowed; AI parts flagged
TOOLKIT	You assign your prompts, workflows and models	Assign the final deliverables only
TRAINING	Deliverables usable to train AI models	No training without separate consent and pay
REFERENCES	You make derivatives of their images	They warrant the rights and indemnify you
INDEMNITY	You cover AI training claims	Only your human work, capped at fees

Condensed from the guide's clause cards. Teaching examples, not forms.

WATCH Training: two trial judges said fair use on their records (Bartz, Kadrey). The one appeals ruling, Ross (2026), said no, for a non-generative AI.

GO DEEPER

COPYRIGHT IN THE AGE OF AI, the full 36-page guide.
Free at legalkitty.com/guides

Full guide: DM **COPYRIGHT**
This sheet: DM **AUTHOR**

Don't sign it till you read it.

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