AI, PIRACY, AND THE DEATH OF OWNERSHIP

Wandering in a world where machines generate endless works,
piracy is not theft — it's a form of survival

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Abstract

The rise of artificial intelligence is forcing a reckoning with the very foundations of intellectual property law. For centuries, copyright and patent regimes have relied on the premise of scarcity: that works are original, finite, and owned by identifiable creators. Yet AI systems undermine these assumptions by generating infinite outputs at negligible cost, blurring authorship, and accelerating global access to culture. This article situates the debate historically, showing how piracy—from 19th-century American publishers pirating Dickens to cassette tape sharing in the 1980s—has often been a driver of cultural dissemination rather than mere criminality. Today, in places like Uzbekistan, the reliance on "pirated" knowledge is not deviance but necessity, enabling students, entrepreneurs, and creators to participate in global knowledge economies. By analyzing contemporary legal disputes around AI training data, the EU AI Act, and U.S. copyright litigation, the paper argues that ownership is being outpaced by technological reality. Three futures are explored: subscription-based access models, reputation economies built on trust and attention, and open-source commons as global infrastructure. Ultimately, the Global South may transition into this post-ownership world more rapidly than the West, where legal and corporate systems remain anchored to outdated notions of exclusivity.

Keywords: Artificial Intelligence (AI); Copyright; Piracy; Intellectual Property; Digital Law; Global South; Uzbekistan

Introduction

In 2025, piracy no longer means slipping a bootleg CD into your pocket. It means asking an AI to conjure up a novel, a song, or a painting in seconds — works that never existed until you demanded them. Can you really "steal" something that didn't exist yesterday? Is that theft or creation? Or simply noise generated by code? Our old answers—copyrights, patents, licensing fees — sound suddenly medieval.

Intellectual Property law was built for a world where creation meant scarcity. A book existed because an author wrote it. A symphony existed because a composer heard it in their head. An invention existed because an engineer sketched it first. Law

stepped in to give these works fences and walls. Copying without permission was theft because copies required effort.

AI annihilates that logic. Generative models can produce infinite works in every style, at zero marginal cost. A million symphonies, a billion images, endless streams of text. What is theft in a world where duplication is the default and originality itself is blurred beyond recognition?

Piracy has always fuelled progress

Piracy has always been the shadow twin of progress. The history of intellectual property is not a straight line of protection, but a messy cycle of copying, stealing, and then legitimizing. The irony is that some of the world's most powerful economies were built on what today would be called piracy.

Take nineteenth-century America. For decades, the United States refused to recognize foreign copyrights. Charles Dickens, one of the most popular authors of the age, toured the U.S. in the 1840s and was horrified to see pirated editions of his novels sold on every corner.[1] American publishers reprinted European authors freely, without paying a cent. This "piracy" wasn't fringe — it was state policy, designed to let the young republic flood itself with literature. Only once America had built its own literary giants did it begin to respect foreign copyrights — finally joining the Berne Convention in 1989.[2]

The same pattern appeared in music and technology. In the 1970s and 1980s, cassette tapes and VHS players were branded as piracy machines by the recording industry.[3] Yet those same technologies helped globalize music and film. In many parts of the world, the only way to hear new bands or watch new movies was through pirated tapes. The industry eventually adjusted, monetizing mass distribution instead of trying to suppress it.

In the developing world, piracy has never been about rebellion — it has been about survival. Software piracy rates in countries like Uzbekistan, Nigeria, or India have historically hovered above 80%, not because people reject the law, but because the "legal" prices were calibrated for Silicon Valley, not Samarkand.[4] Academic publishing offers the starkest example: when Elsevier charges hundreds of dollars for a single journal article, piracy becomes the only bridge between young researchers and the knowledge they need. Alexandra Elbakyan, a Kazakhstani graduate student, founded Sci-Hub in 2011 to break open these paywalls.[5] Today it provides free access to millions of articles — and is either hailed as the Robin Hood of science or condemned as a criminal.

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[1] Dickens's complaints about piracy in America: *The Guardian*, "Charles Dickens and the American Pirates" (2012)
[2] U.S. joining Berne Convention in 1989: WIPO – *Berne Convention for the Protection of Literary and Artistic Works*
[3] Cassette tapes as "piracy machines": *RIAA v. Sony Corp. of America* (the "Betamax case," 1984)
[4] Software piracy rates: Business Software Alliance, *Global Software Piracy Study* (2011)
[5] Sci-Hub and Elbakyan: *Nature* (2016), "Sci-Hub: Who's downloading pirated papers?"

The pattern is clear: piracy spreads culture, education, and innovation faster than law ever allows. What was once condemned as theft often becomes the backbone of the next system. The United States itself proved it. The music industry proved it. Sci-Hub proves it.

Which brings us back to AI. Generative models are not inventing piracy. They are normalizing it — making it default. When every user can generate their own copy of something in seconds, the line between legal and illegal dissolves. Piracy isn't a side effect anymore. It's the operating system.

The IP law was never built for infinity

Intellectual Property law was always a product of scarcity. A book existed because someone wrote it, a record because a musician recorded it, a patent because an engineer drafted the blueprints first. The law didn't protect ideas out of sentimentality — it protected markets. Without copyright, publishers could simply reprint Dickens without paying him. Without patents, rivals could copy Edison's lamp the day after he patented it. Ownership was designed as an artificial wall to create scarcity where none naturally existed.

AI detonates that logic. Generative models can conjure infinite "originals" in seconds: ten thousand paintings in Monet's style, a million fake Beatles tracks, a billion pages of instant legal commentary. Scarcity disappears. And with it, the very concept of originality grows unstable. Is an AI-written sonnet "new" when it is trained on centuries of Shakespearean echoes? Is an AI-generated portrait "yours" if the prompt was typed by you but the pixels come from the collective labour of millions of artists scraped from the web?

Courts and regulators are visibly scrambling. In the United States, judges have already ruled that works created without meaningful human involvement cannot be copyrighted. In one high-profile case, Stephen Thaler attempted to register a visual artwork generated by his AI system, only to be told that "human authorship" remains a constitutional requirement for copyright.[6] At the same time, creators are suing AI companies for training on their copyrighted works without permission. The New York Times has filed one of the most consequential cases, accusing OpenAI of building large language models off its journalism archives — a lawsuit that could reshape the economics of both AI and media.[7]

Europe, predictably, has gone for regulation first. The EU's AI Act, passed in 2024, requires developers to disclose whether copyrighted material was used in training

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[6] U.S. District Court for the District of Columbia, *Thaler v. Perlmutter*, 2023. See also NPR, "AI-generated art cannot be copyrighted, federal judge says," Aug. 21, 2023.

[7] New York Times v. OpenAI et al., U.S. District Court (S.D.N.Y.), filed Dec. 27, 2023. Coverage: The New York Times, "The Times Sues OpenAI and Microsoft Over Use of Copyrighted Work," Dec. 27, 2023.

data. On paper, that looks like transparency. In practice, it may be unenforceable — how do you track billions of tokens, images, and songs scraped from across the web?[8]

The deeper problem is speed. Intellectual property law assumes that innovation comes slowly, one patent, one book, one recording at a time. AI generates at the speed of infinity. The law is not collapsing by choice — it is being outpaced by the very tools it is meant to regulate.

Copyright and patent law are designed for identifiable creators and concrete works. They assume clear lines: original versus copy, inventor versus imitator. AI erases those lines.

Who owns the rights to a painting generated by Stable Diffusion, trained on millions of artworks scraped without permission? The original artist whose style is replicated? The company that trained the model? The person who typed the prompt? Or no one at all?

Courts are struggling. Lawsuits in the United States claim AI companies are "stealing" artists' work. The European Union's AI Act tries to impose transparency rules on training data. But these are patches, not solutions. They are attempts to preserve a model of ownership that no longer maps onto reality.

The hard truth is this: when creation is automated, ownership is no longer a natural fact. It is a political choice.

Piracy as cultural necessity in 2025

For much of the Global South, piracy was never a moral failure — it was a survival strategy. In places like Uzbekistan, students learned Photoshop through cracked versions, coders trained on pirated IDEs, and entrepreneurs bootstrapped businesses with unlicensed Windows copies. The state might have preached about "Intellectual Property," but the classroom reality was clear: without access, you fall behind.

The pattern is global. In India, the rise of the IT outsourcing industry in the 1990s was fuelled by widespread software piracy — Microsoft itself quietly acknowledged this when it shifted from aggressive crackdowns to offering discounted "starter" versions for developing economies.[9] In China, entire generations of engineers cut their teeth on pirated tools before the country became a technology powerhouse. Uzbekistan, like much of Central Asia, has lived the same paradox: piracy was condemned in the courts but celebrated in internet cafés where the next generation of digital workers came of age.

AI makes this necessity universal. The cost of training or subscribing to cutting-edge models is prohibitively high: a GPT-5 or Claude Pro subscription costs more than a monthly student stipend in Tashkent. Even in the West, paywalls on AI tools have

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[8] European Parliament, "AI Act: first regulation on artificial intelligence," adopted March 2024.
[9] Joe Karaganis (ed.), *Media Piracy in Emerging Economies*, Social Science Research Council, 2011. (Case studies on India, Brazil, Russia).

created a class divide between those who can afford premium access and those left behind. The response is predictable — torrent networks distributing AI datasets, unauthorized APIs, and "jailbroken" open-source clones spreading on GitHub and Telegram channels.

What looks like theft from the perspective of Silicon Valley is, from below, adaptation. Students pirating textbooks in PDF form were not criminals; they were ensuring their own education in systems stacked against them. In 2025, when AI models are becoming the backbone of writing, coding, research, and even art, denying access on the grounds of "copyright" isn't just enforcement — it's exclusion.

This is why the old rhetoric of piracy as deviance rings hollow. Piracy in the AI era is cultural infrastructure. It is how knowledge, creativity, and opportunity circulate in societies that would otherwise be locked out. The paradox is sharp: the very same countries that preach intellectual property protections are also the ones whose citizens pirate the most. Not because they don't value ownership, but because ownership has been priced beyond reach.

What comes after ownership?

If the 20th century was about locking creativity inside fences — patents, copyrights, trademarks — then the 21st is already asking a different question: what replaces ownership when fences collapse? Three plausible futures are emerging, each already visible in 2025.

1. Access models: renting the machine, not the song

Spotify proved long ago that people don't want to own music — they want access to all music. AI works the same way. Very few will "own" a large language model; instead, they'll pay monthly fees to companies like OpenAI, Anthropic, or Google to use their systems. What's really being sold isn't the outputs (a story, an image) but the pipeline itself — the model, the servers, the constant upgrades. Scarcity here is artificial: content is infinite, but corporations keep control by owning the gates you pass through.[10]

2. Reputation economies: scarcity shifts from copies to trust

When duplication is infinite, the scarce resource becomes attention. Already, influencers, streamers, and newsletter writers monetize their reputations, not the words or videos themselves. In an AI-saturated market, where anyone can flood the web with endless books, songs, or fake personas, credibility itself becomes currency. People will pay not for access to "a novel" — there will be millions — but for access to the specific author's stamp of authenticity, their voice, their curated filter in the noise by which why the IP law exist in the first place. This is the oldest economy in disguise: reputation as trust capital.[11]

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[10] Jeremy Rifkin, *The Age of Access: The New Culture of Hypercapitalism*, Tarcher, 2000
[11] Shoshana Zuboff, *The Age of Surveillance Capitalism*, PublicAffairs, 2019

3. Open-Source commons: knowledge as infrastructure

A third path rejects the ownership model altogether. Open-source AI projects like Stable Diffusion or LLaMA clones suggest a future where generative systems are treated as public infrastructure. Just as Linux became the invisible operating system powering everything from servers to Android phones, open AI could become the backbone of global culture — free to use, free to remix. In this vision, monetization comes not from restricting access, but from building services, support, and ecosystems around the commons. The paradox: the more widely shared the base, the richer the opportunities layered on top.

These futures are not mutually exclusive. Subscription platforms, reputation economies, and commons-based models will coexist and collide, each shaping how societies negotiate creativity without scarcity. Ownership is not dying because people stopped valuing creativity — it is dying because the architecture of creation has changed. The fences built for a world of limited copies cannot contain an infinity of works. What comes next will not be defined by property, but by power: who controls access, who earns trust, and who builds the commons.

The view from Tashkent

At Tashkent State University of Law, students memorize the Berne Convention, the TRIPS Agreement, and endless clauses about intellectual property rights. On paper, Uzbekistan has ratified most of these treaties; in class, we recite them as if they shape our daily lives. But outside the lecture hall, reality is different: every laptop runs on cracked Windows, every design student edits in pirated Photoshop, every law student has torrented casebooks. In practice, piracy isn't an exception — it is the infrastructure.

From the perspective of Western lawyers, this looks like theft, a violation of sacred rights. From here, it looks like survival. A startup in Tashkent cannot afford a thousand-dollar Adobe license; a student cannot pay \$200 for a textbook. Piracy is not rebellion; it is adaptation to global inequality. In fact, it is often the only way young people here can enter the global knowledge economy.

This makes the Western obsession with ownership feel oddly provincial. While policymakers in Washington and Brussels debate how to "protect" content from AI duplication, much of the Global South is already living in a world where ownership never really took root. We may, ironically, leap into the post-ownership era faster — not because of high-minded theory, but because necessity has always forced us there. What the West calls "piracy," we call participation.

Conclusion

Copyright, patents, and "Intellectual Property" were always temporary scaffolding, built for a world of scarcity and originality. AI has torn through both assumptions, leaving us with an awkward truth: the legal walls are still standing, but the roof has already collapsed. Piracy is no longer a fringe activity; it is the cultural

baseline. Students in Tashkent, startups in Lagos, coders in São Paulo, even writers in New York — everyone is already living in a world where infinite copies make ownership obsolete.

The question is not whether piracy should exist. It already does. The real question is whether we recognize it as a crime or as a new cultural operating system. If history teaches us anything, it's that every age of technological abundance redefines what counts as theft and what counts as progress.

In that light, the death of ownership isn't a tragedy. It's an inflection point. We can cling to outdated notions of property and criminalize the majority of the world, or we can admit the obvious: access, reputation, and shared commons are already replacing ownership as the engines of culture. Piracy isn't the end of creativity. It is the bridge to whatever comes next.

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