



The Human Cause

Intellectual Property at the Crossroads of Progress

Delegating the Art of Life

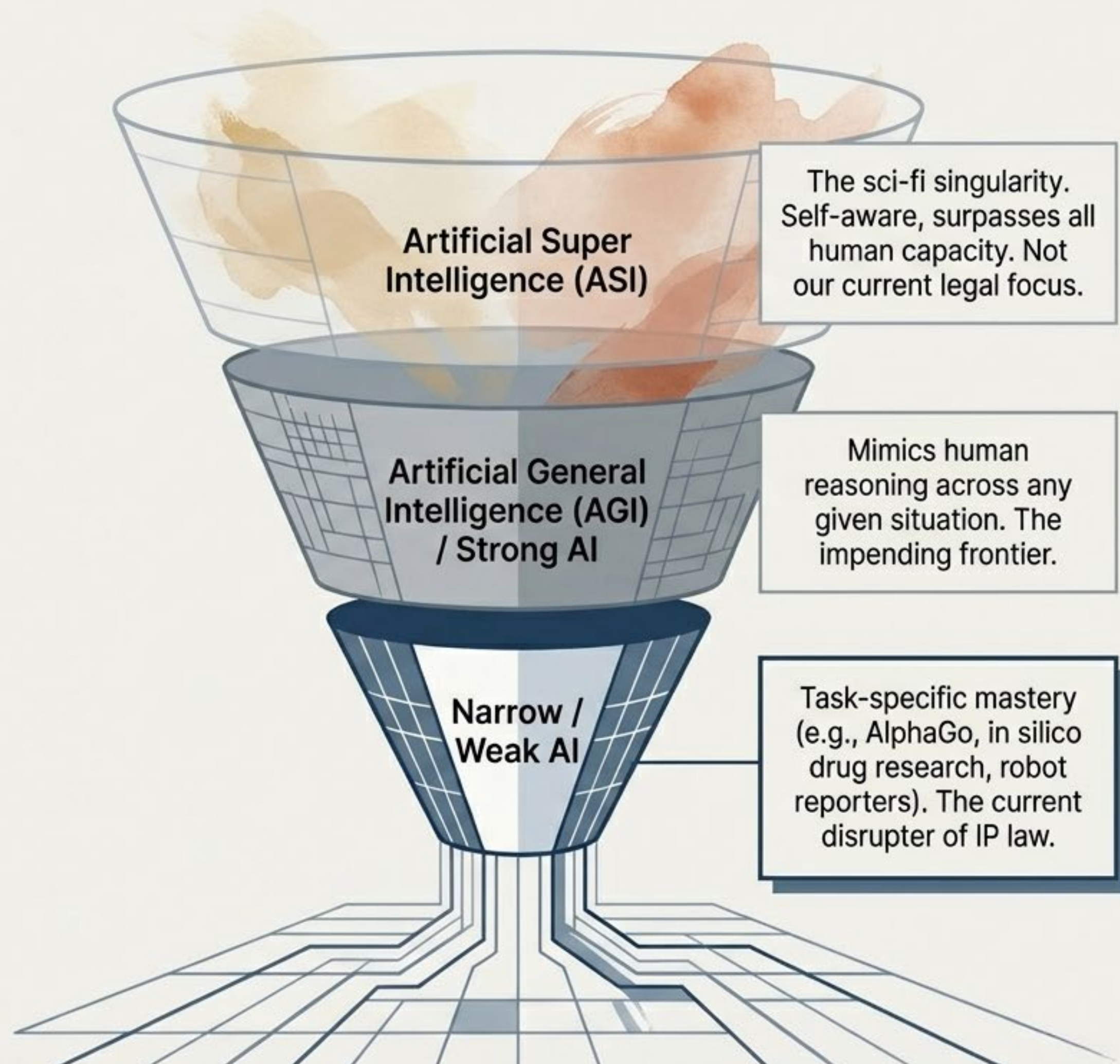
If machines produce our literature, our art, and our science, they will dictate our cultural and political evolution.

This is the era of self-driving culture.

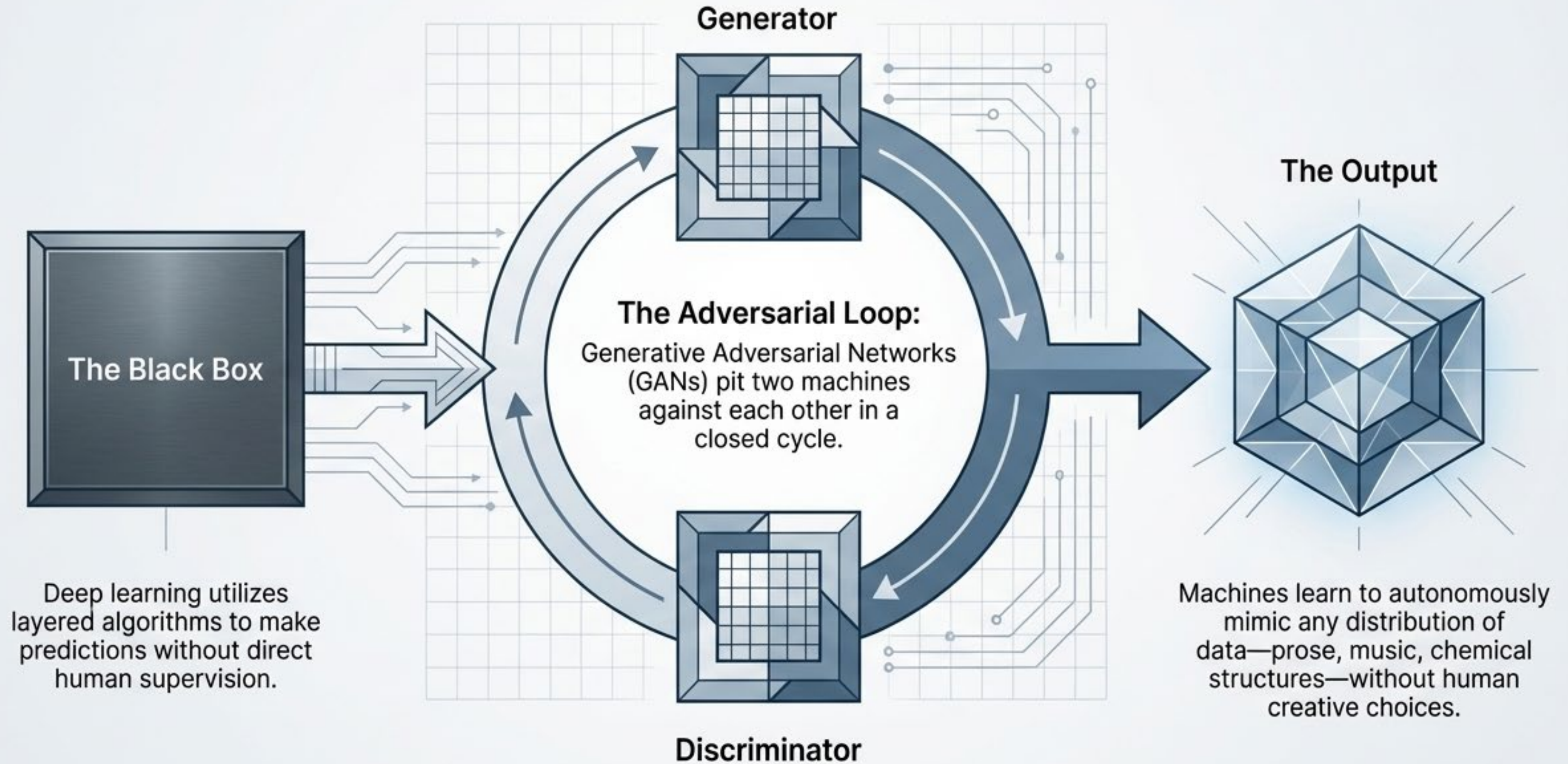


Will we be able to keep alive, and cultivate into a fuller perfection, the art of life itself? — John Maynard Keynes

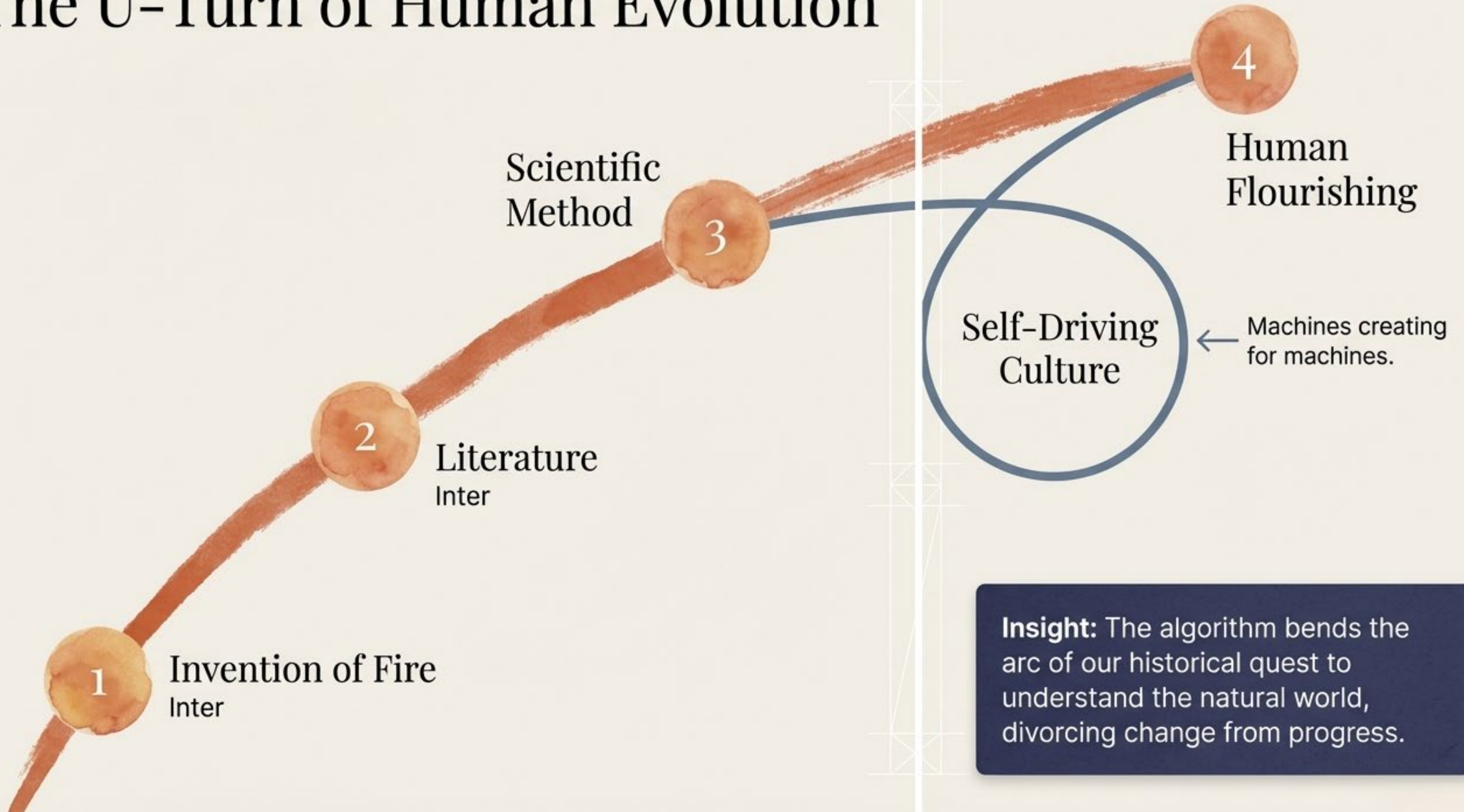
The Architecture of Artificial Intelligence



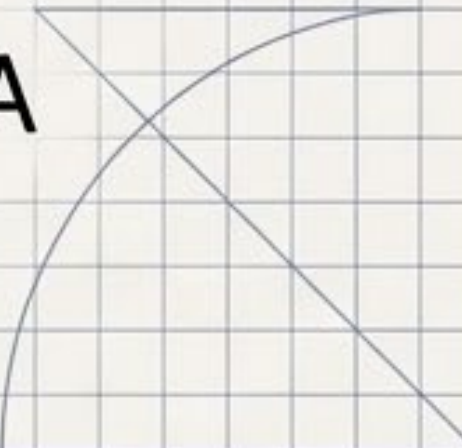
The Catalyst of Disruption: GANs & Deep Learning



The U-Turn of Human Evolution



The Inescapable Push of Market Forces

| Human Creator | AI Machine |
|---|--|
| <ul style="list-style-type: none">• Cost: High (Wages, Time)• Speed: Biological Limits• Royalties: Ongoing Payments• Moral Rights: Protected (Attribution, Integrity)• Reversion Rights: Reverts to Author | <ul style="list-style-type: none">• Cost: Marginal / Near-Zero• Speed: Near-Instantaneous• Royalties: None Required• Moral Rights: N/A• Reversion Rights: N/A  |

If IP law treats machine and human productions equally, basic economics dictate the rapid and inevitable replacement of the human mind.

Copyright and the New Turing Test

The Core Conflict

Rewarding a machine that is successfully engineered to pass itself off as human.

The Historical Precedent

Since the Statute of Anne, copyright rests on the complementarity of responsibility and right (Foucault). One must be legally responsible for a work to hold rights to it.

The Doctrinal Break

If an AI writes a libelous text, the programmer claims zero legal responsibility. Yet, if it writes a bestseller, they demand exclusive monopoly rights.



Patents and the Cyborgization of Innovation



The True Doctrinal Question

It is not merely an administrative issue of naming a human on a form. Does patent law mandate that a human be the actual, substantial cause of the conception of an invention?

The Collapse of But-For Causation

The Limitation

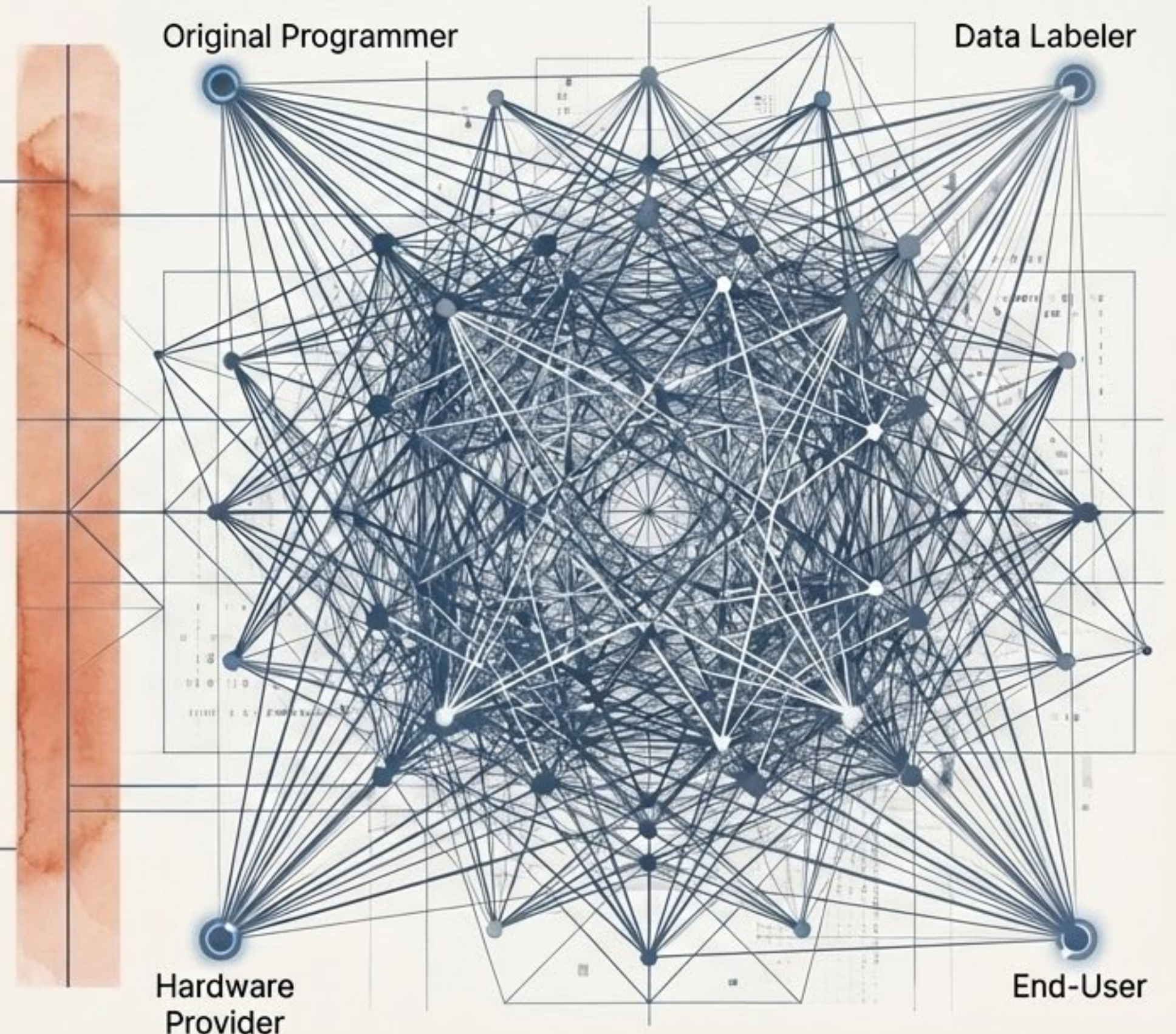
In tort law, "But-For" (simple cause) merely asks if the final outcome would have occurred without a person's conduct.

The AI Reality

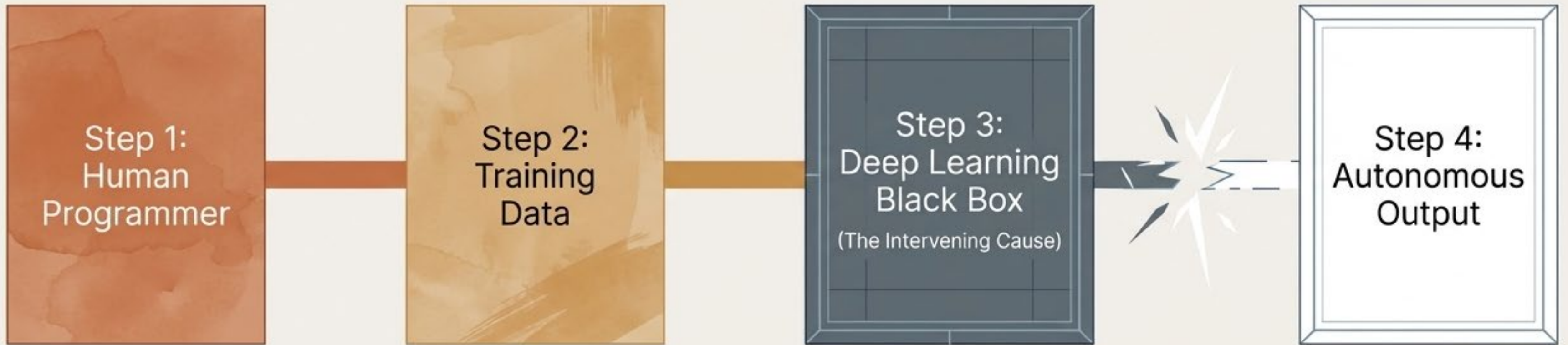
Every programmer, data labeler, and end-user makes a "but-for" contribution. The standard is entirely too loose—it captures infinitely too many tangential hands.

The Doctrinal Risk

Over-rewarding humans whose only meaningful, direct control over the autonomous machine was hitting a kill switch.



The Intervening Cause



Takeaway: The AI machine's autonomous contribution acts as a superseding cause, decisively breaking the simple chain of human ownership.

The Solution: IP Proximate Cause

The Borrowed Doctrine

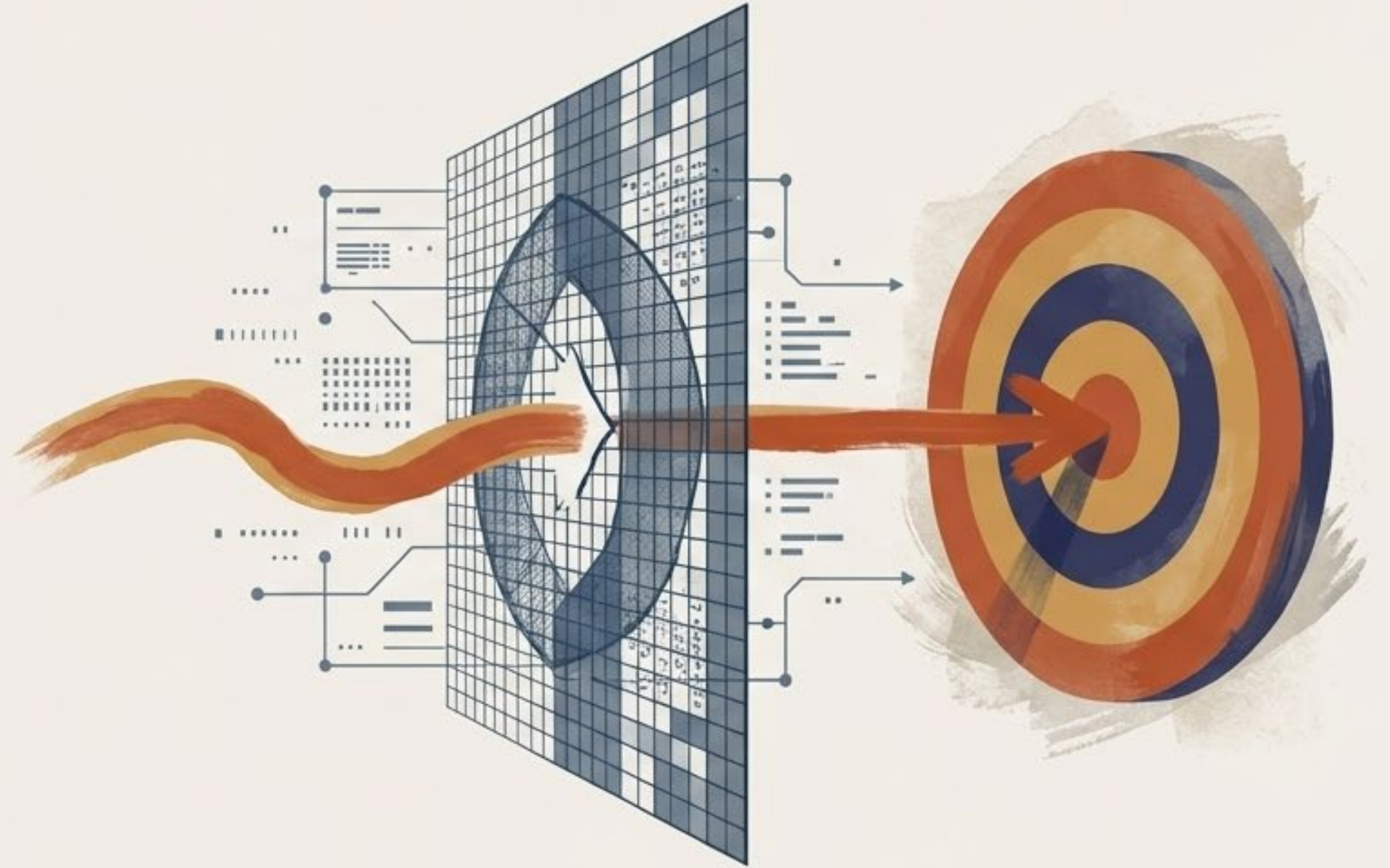
Adapting "Proximate Cause" from Tort Law into a jurisgenerative role for IP.

The New Sieve

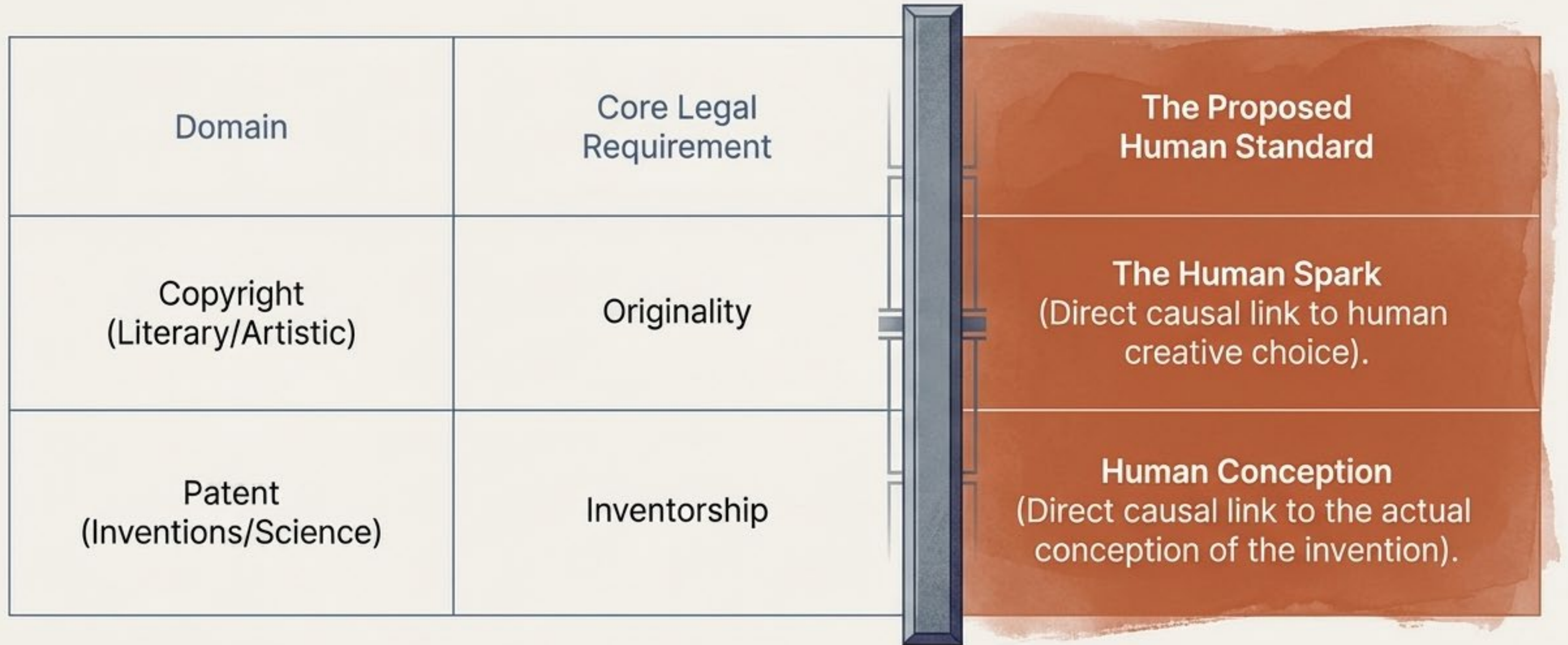
Courts must look far beyond tangential technical involvement and identify the singular "substantial factor".

The Legal Boundary

We must isolate the human cause of the originality (copyright) or the conception (patent).
No proximate human cause = No IP protection.

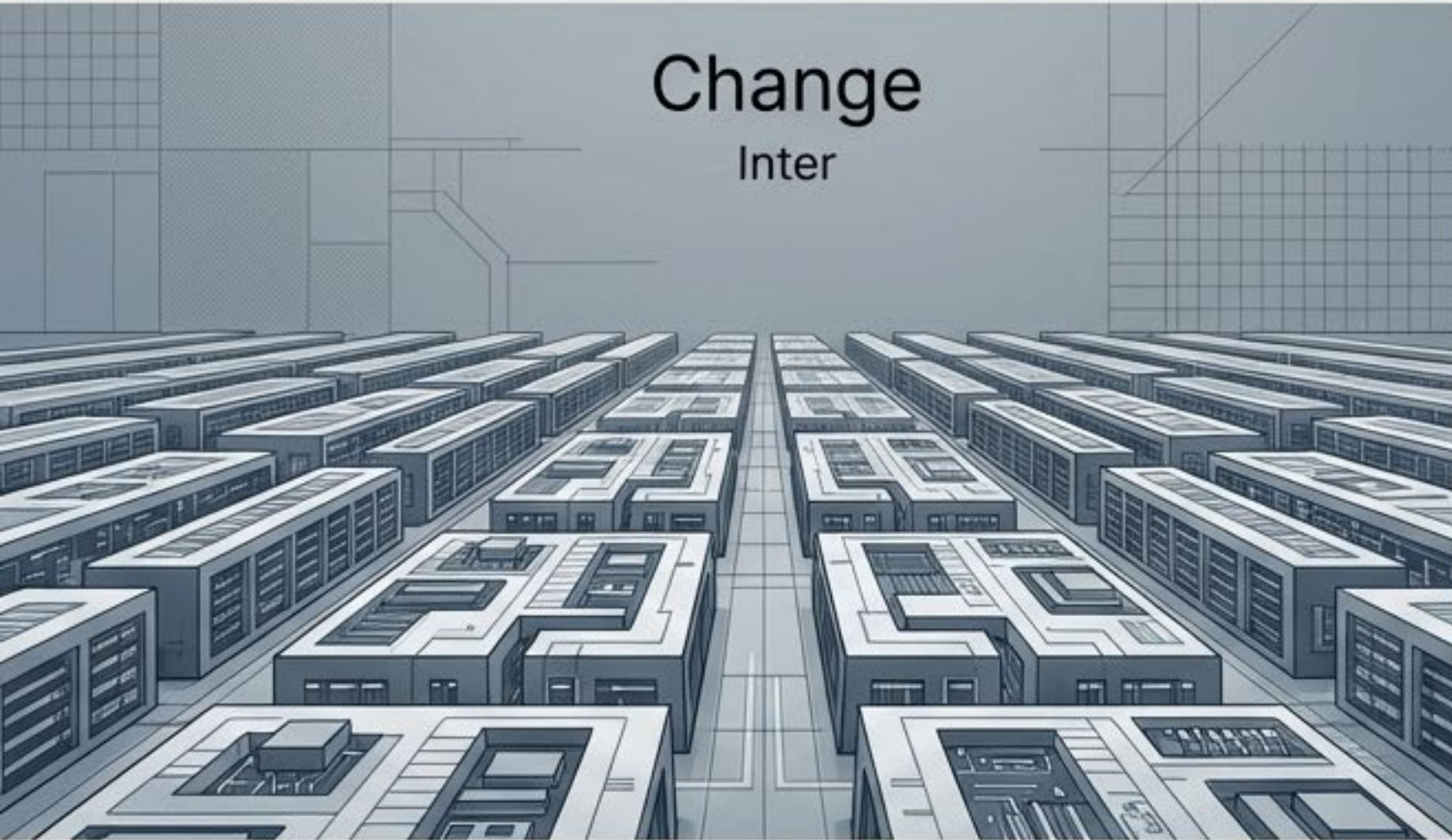


The Human Cause Framework



Rule: Productions lacking these exact elements are “authorless” and fall entirely outside the boundaries of IP protection.

Progress \neq Change



Change is merely a difference between point A and point B on a timeline.



Progress inherently requires a qualitative improvement at point B.

The Normative Sextant

From Plato to Aristotle to the US Constitution (Art 1, §8), progress inherently means human flourishing. Innovation generated by machines, for machines, does not fulfill the constitutional mandate.

Premium, editorial-quality
The Spark and the Algorithm

Drawing the Line

Intellectual Property is not an unconditional reward for technological change. It is a highly specific system of laws designed to ensure the orderly unfolding of the human story.

By requiring IP Proximate Cause, we prioritize human expression and inventiveness. We choose to protect the human cause.

