
THE GHIBLI EFFECT: AI GENERATED WORKS DESTROYING THE SOUL OF CREATIVITY

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ABSTRACT

The advent of AI generated art and images has made it possible to create anything and everything transforming the creative capabilities by technological tools. This has even enabled the users to create replication of exiting creative works. While the copyrights of these are protected by the Berne Convention¹, the Indian Copyright Act², Copyright laws of Japan etc., there are existing loopholes in them which are often misused by AI companies to raise profits without giving deserved credits to the owner of these contents. This is not only the violation of rights but also unethical. Their use till some extent is allowed as per the fair use doctrine. But there is no watertight compartment to decide what is fair or unfair regarding the mimicking of these by AI companies. This Article provides an understanding as to how these AI models work and create. It focuses on the legal and ethical challenges because of such creations and the measures taken by the nations across the world offering plausible approach for the future.

¹ WIPO, 'Berne Convention for the Protection of Literary and Artistic Works' (WIPO) <https://www.wipo.int/treaties/en/ip/berne/> .

² Government of India, *The Copyright Act, 1957* (Government of India, 1957) https://www.indiacode.nic.in/handle/123456789/1367?sam_handle=123456789/1362 .

INTRODUCTION

With the emergence of AI, new trends have started to unfold including the globally popular trend 'Ghibli'. The trend has delighted the users by creating the AI-generated images mimicking the iconic styles from Studio Ghibli. The social media platforms including Facebook and Instagram are flooded with these images generated by AI. The most popular trend amongst all, from celebrities to a common man. While the prevailing trend clearly depicts how much it excites the people and how easier it becomes to create art using Artificial Intelligence, but the images generated in seconds anticipate a future where creativity and rights over Intellectual Property are vulnerable. The first known records of Intellectual Property were of Copyright and the Ancient Greek and Roman scholars were concerned about being recognized as the authors of their work³. With the changing developments much has changed, and technological evolution has created demands for more stringent measures for regulating Intellectual Property Rights. It is yet to be seen with the AI systems becoming more advanced how the rights are dealt with.

DECODING: HOW AI CREATES

The AI functions mainly on the textual inputs and can generate images on the scratch based on these inputs. The system recognizes the prompt provided by the user resulting in algorithms for creating highly realistic images. The system uses technologies like Generative Adversarial Networks (GANs), Variational Autoencoders (VAEs), Transfer Learning, Convolutional Neural Networks (CNNs) and Reinforced learning⁴. Earlier the systems were much more specified which performed limited tasks, the new AI powered systems are much more sophisticated with a broader expertise in performing the tasks. This is because they have evolved to behave human like. The GAN has two datasets for generating images the Generator and the Discriminator: The Generator creates the images based on its training datasets, and the Discriminator identifies it, either as authentic or fake⁵. Both works simultaneously to generate unique content, while the generator creates images which the discriminator could not identify, the discriminator classifies the image into real image, or a generator-created image.

³ The Institute of Chartered Accountants of India, *A Handbook on Laws Relating to Intellectual Property Rights in India* (ICAI 2007) <https://kb.icai.org/pdfs/PDFFile5b28ba1dd4f905.29543765.pdf>.

⁴ CLRN, 'How Does AI Create Images?' (CLRN, n.d.) <https://www.clrn.org/how-does-ai-create-images/>

⁵ PlusAI, 'How Does AI Make Images?' (PlusAI Blog, n.d.) <https://plusai.com/blog/how-does-ai-make-images>.

Understanding the training and fundamental mechanisms of working of these models is important as this helps us identify the problem underlying these models. Since these are trained, they can work only on the limited datasets on which they have been trained. The AI-models extract the relevant information from sources like pre-existing models, images on internet and user created content etc. These also include the image production using social media. The AI-model would filter the part of the content it finds relevant to the prompt entered and would process it. It would collect all the data from various sources to generate the output which best matches the user's demand.

AI AND THE LOSS OF HUMAN CREATIVITY

1. Missing human emotions: While it could be predicted that the AI would soon be able to create films, cartoon movies and other content on its own, but it can't depict the in-depth of human emotions and originality as better as humans. The AI can process and stimulate the existing data, but its power to create something new and unique like human beings is limited. Therefore, it would hamper further innovation and cannot replicate what it cannot feel including the emotions of courage, gleam etc.
2. Overreliance dissuading creativity: AI models should be used for empowering human creativity and not for replacing or hindering it. While the idea behind the creation of AIs was to create the human work faster and efficient, in a study it was discovered that around 58% human are dependent on AI, for decision making⁶. This depicts how dependent humans have become even for insignificant deeds. This is not just threatening but can affect the human cognitive skills negatively. There is a need to re-discover the optimum use of human intellect and reduce our dependency on AI. These systems may generate ideas for inspiration, but they lack the ability to generate original and unique works that are an outcome of human creativity and emotional depth.
3. Neglecting effort and endurance: The Ghibli trend has sparked controversies, and many users have expressed their disapproval towards it. Why? It is because this would mean an insult to the hard work of the creator. It is neglecting the pains behind the creation of that work. Recently, Miyazaki, the founder of studio Ghibli has criticized the trend

⁶ Psychreg News Team, 'AI Dependency Threatens Cognitive Skills, Experts Warn' (*Psychreg*, 10 January 2025)

going viral calling it as ‘an insult to life itself’⁷. Such expressions need a substantial amount of time, effort, emotional depth, and creative thinking—all of which the AI disregards in its quick and automated production process.

4. **AI and Intellectual Property:** As the AI systems generate work from the original works of users without license, infringing upon the creator’s rights. This legal battle between Generative AI and Intellectual Property, implies the problem with these works. For an instance, Getty, an image licensing service, has filed lawsuit the creators of an AI image generator platform, claiming they improperly used its copyrighted and trademarked photos⁸. This significantly contributes to the improper use of works without giving the deserved credit to the makers of that art, music, literary work etc. This is just the beginning, the prospects of violation of rights by AI could be vast than what has come to light.
5. **Homogenization of Art:** Since these systems work on predefined sets and protocols, there is a high chance of similarity in their works. As the AI is used for expanding the horizons of human creativity with the use of technological intelligence, it has resulted in the homogenization of cultural expression in the AI- generated works⁹. This is because the datasets which have been used for training these systems are limited and identical. This could result in loss of uniqueness and antiquity found in works of art, design, poetry etc. Also, since the pre-existing model could be more trained in a particular model, making it biased towards that hindering the growth of less popular ideas.

LEGAL NORMS: NAVIGATING THE GREY ZONE

Fair use of the Ghibli has sparked various ethical and legal debates, especially in the fields of Copyrights and Intellectual Property. The Copyright is one of the branches of Intellectual Property which doesn’t protect the original ideas but only protects the original expression of

⁷ G Evans, 'Hayao Miyazaki's "disgusted" thoughts on AI resurface following Studio Ghibli trend' The Independent (28 March 2025) <https://www.independent.co.uk/arts-entertainment/films/news/hayao-miyazaki-studio-ghibli-ai-trend-b2723358.html>

⁸ G Appel, J Neelbauer, and D A Schweidel, ‘Generative AI Has an Intellectual Property Problem’ (2023) Harvard Business Review Digital Article, <https://hbsp.harvard.edu/product/H07K15-PDF-ENG>.

⁹ A Dutta, 'Harmony or Homogenization? Exploring AI's Cultural and Creative Impact on Art, Music, and More' Medium (9 August 2023) <https://medium.com/@duttaanubrata12/harmony-or-homogenization-exploring-ai-cultural-and-creative-impact-on-art-music-and-4099a343c27c>

thought¹⁰. Copyrights are typically granted to ensure that creators have the sole right to benefit from their creations. This ensures that fair credit is given to the user. The existing loopholes in the legislations like fair use and dealing could be taken advantage of by AI companies for boosting their profits. The craze for generating Ghibli-style AI trend using ChatGPT's image-generation tool resulted in a record-breaking surge of users for OpenAI's chatbot last week as reported by the CEO, with one million users joining in just an hour, straining its servers and temporarily restricting access to the feature¹¹. This was just an example of how the gaps in the legislation might result in the ignorance to the labor and emotional meaningfulness involved in the creation of such creative works.

International Conventions like the Berne Convention, governing all the signatories including India and the Copyright laws of Japan have given exclusive rights to the Studio to reproduce, distribute and display the images¹². This gives rise to the controversy whether the mimicking and replication of these by AI models is justifiable. In India, Section 65A of the copyright amendment Act provides protection of technological measures to prevent unauthorized copying by digital medium¹³.

As these works are created without providing deserved credit to the original owner and without obtaining their consent for replication, without which their use or even reproduction could prompt copyright infringement of the content. AI companies are permitted to use copyrighted material provided it qualifies as fair use, which is determined by factors such as the purpose and character of the use, the nature of the work, the portion used, and its impact on the market¹⁴. AI companies often use this doctrine to justify their use of the content. Moreover, AI models emphasize that the content they produce is not the original Ghibli artwork but rather a resemblance to its style, inspired by the visual elements associated with Studio Ghibli. This could be used to justify it to a potential extent, but extreme similarity still poses a threat.

¹⁰ Jayant Lahiri, Lectures on Intellectual Property Rights (Chambray & Co Private Limited, 1st edn, 2009).

¹¹ CTV News, 'Ghibli Effect: ChatGPT Usage Hits Record After Rollout of Viral Feature' <https://www.ctvnews.ca/business/article/ghibli-effect-chatgpt-usage-hits-record-after-rollout-of-viral-feature/>.

¹² Legal Maestros, 'Who Owns the Copyright of Ghibli Images and What Indian Laws Say About Foreign Works' <https://legalmaestros.com/current-legal-update/who-owns-the-copyright-of-ghibli-images-and-what-indian-laws-say-about-foreign-works/>.

¹³ Copyright Act 1957, s 65A.

¹⁴ The IP Press, 'Ghibli AI Art and Copyright: The Copyright Dilemma of Ghibli Style Creations and the Looming Legal Battles Ahead' https://www.theippress.com/2025/03/31/ghibli-ai-art-and-copyright-the-copyright-dilemma-of-ghibli-style-creations-and-the-looming-legal-battles-ahead/#_ftn2.

LEGAL DEVELOPMENTS

The technological changes have pressed the Nations to come up with new Legislations to deal with the emerging problems in the Age of Generative AI. European Union recognizing the risks, has proposed for the EU AI Act to regulate AI¹⁵. The AI Bill of Rights which was introduced by the former President of White house, seeks to promote ethical and responsible use of AI in USA¹⁶. The Japanese laws do not explicitly deal with the AI, but several measures are being taken by the government for creating legislations for the same. Currently, AI Guidelines for Business Ver1.0 are the non-binding framework of guidelines for developing and using AI¹⁷. The South Korean government aims to unify the country's AI framework and has passed the AI Basic Law, also known as the South Korean AI Act (SKAIA), which would take effect from January 2026¹⁸.

India is witnessing a significant growth in the use of AI across various sectors. India has also got its first Legal Chatbot Nyaya Guru, developed by BrainWare Technologies¹⁹. While the government is taking measures to incorporate the AI models in various economic sectors the Laws governing the Intellectual Property are obsolete and much of alterations are required. The IT Minister Ashwini Vaishnav have expressed his concerns about the risks posed by AI including ethical concerns, piracy, bias etc. and recognized the absence of legal framework to regulate these²⁰. NITI Aayog in its Approach, has published Responsible AI: AI For All, proposing measures to be taken by the government and the private entities. Through this, it has urged the government to create effective policy and regulatory measures highlighting the need to raise awareness, increase accessibility, develop capacity, apply correct procurement approaches, and promote private sector compliance with AI standards²¹. Even after much of

¹⁵ ArentFox Schiff, 'AI v IP: Potential Fiasco Looming – New Wave Litigation Against AI Platforms' <https://www.afslaw.com/perspectives/ai-law-blog/ai-v-ip-potential-fiasco-looming-new-wave-litigation-against-ai-platforms#:~:text=With%20this%20techno-revolution%2C%20novel%20questions%20concerning%20intellectual%20property,within%20the%20past%20few%20months%20against%20AI%20platforms> .

¹⁶ IBM, 'What is the AI Bill of Rights?' <https://www.ibm.com/think/topics/ai-bill-of-rights> .

¹⁷ DLA Piper, 'Understanding AI Regulations in Japan: Current Status and Future Prospects' <https://www.dlapiper.com/en-jp/insights/publications/2024/10/understanding-ai-regulations-in-japan-current-status-and-future-prospects> .

¹⁸ Artificial Intelligence Act, 'South Korean AI Basic Law' (Artificial Intelligence Act) <https://artificialintelligenceact.com/south-korean-ai-basic-law/> .

¹⁹ Brainwave Technologies, 'NyayaGuru- Legal AI Chatbot' (Brainwave Technologies) <https://brainwavetech.org/portfolio/nyayaguru-legal-ai-chatbot/> .

²⁰ YourStory, 'Indian Government: No AI Regulation, Ethical Focus' (YourStory, 2023) <https://yourstory.com/2023/04/indian-govt-no-ai-regulation-ethical-focus> .

²¹ NITI Aayog, *Responsible AI: Operationalizing Principles for Responsible AI* (NITI Aayog, 2021) <https://www.niti.gov.in/sites/default/files/2021-08/Part2-Responsible-AI-12082021.pdf> .

this there seems to be no development on the part of the government to regulate and promote the responsible use of AI. International Agreements can have a potential impact in the ethical use and regulation of AI. However, individual governments are ultimately responsible for addressing gaps in existing legislations and enacting stricter national regulations.

WAY FORWARD: THE DIGITAL AGE

AI could make our work easier and faster. These models can make our imagination come true, but the presence of emotions and the deep cognitive thinking involved behind these ideas would be missing. AI can give use replications of many models and can even combine various models, but it could never create something unique, new and true.

A human involves his cognitive abilities with labor and hard work to create something new. The human brain notably remains the best and the most sophisticated creation of nature, thus it is less likely that humans could be replaced by AI. Humans could just use AI to work more efficiently. As suggested by the Professor of Harvard Business School- 'AI won't replace Humans, but Humans with AI would replace Humans without AI'²². Years ago, it was apprehended that machines would replace humans, but it created more opportunities in the IT sector and can't function without human commands. Similarly, these AI systems are supporting systems for humans, their ethical and fair use won't do any harm. As a human being, one needs to become familiar with these while promoting their fair use.

What to define as a fair use and what the digital Age brings for us is ambiguous, but the most embraced artworks with deep creativity in it should be protected and used by their rightful owners. Technology should never be used to hinder or dispirit the soul of creativity. The society needs to grapple with the legal and ethical implications of the use of such works. The owners' rights should be respected and prioritized. AI itself is a human creation, and it must not disregard the effort of a human behind the creation of any other work.

²² Harvard Business Review, 'AI Won't Replace Humans — But Humans With AI Will Replace Humans Without AI' (Harvard Business Review, 2023) <https://hbr.org/2023/08/ai-wont-replace-humans-but-humans-with-ai-will-replace-humans-without-a>