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Creative Agency and Ethical Boundaries: A Documentary Analysis of AI in the Creative Industries

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Abstract

Background and Aims: This study aims to provide an overview of the creative potential of artificial intelligence (AI) within creative industries. Our scope encompasses the early demonstrations of AI's creative capabilities in the 90s, when prevailing thought maintained that AI could only explore creativity passively, rather than actively contributing to it. By "active contribution," we refer to an AI's capacity to generate its creative output. The technological evolution has led to an era where AI-generated multimedia creation has become both viable and valuable, exemplified by Runway's Gen-4, which allows users to edit short video sequences through text and image inputs alone. This technology offers valuable opportunities for creative professionals but also raises ethical and legal concerns, particularly regarding bias and its potential to limit human creativity, thus reinforcing the importance of preserving human agency in the creative process.

Methodology: This research employs a documentary and interdisciplinary methodology, integrating literature, human sciences, computer science, and evolving definitions of creativity to explore the creative potential of artificial intelligence (AI) within the creative industries. While acknowledging limitations due to reliance on publicly available materials, this approach provides a robust foundation for understanding generative AI's creative capabilities, considering factors such as data diversity, ethical oversight, and human collaboration.

Results: This documentary and interdisciplinary research observe and examine GAI (Generative artificial intelligence) creative potential in the arts. Even though this research is non-exhaustive due to the selection of research and academic papers, it emphasized significant details on bias, authorship, and ethics, advocating for human oversight and governance. While AI can enhance creativity, it cannot replicate the cultural and emotional essence of human artistry.

Conclusion: This research underscores the need to rethink creativity in the era of generative artificial intelligence, as traditional definitions overlook diverse and evolving forms of expression. Despite their coherence, AI models lack emotion, intuition, and genuine creative agency.

Keywords: Creativity; Artificial Intelligence; Impact

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Introduction

Creativity is commonly defined as the ability to generate original and meaningful ideas in response to diverse challenges (Chirico et al., 2018; Guilford, 1950; Torrance, 1969). Within the context of creative industries (fields like design, gaming, music, and film), a substantial share of the global economy (0.5%-0.7% of GPD per country). These sectors rely fundamentally on human creativity to produce cultural products. However, the rapid advancement of artificial intelligence (AI) has begun to disrupt this long-standing perspective. Through developments in deep learning, neural networks, and access to unprecedented volumes of data, AI systems are increasingly capable of producing outputs that were once thought to lie exclusively within the domain of human creativity. According to UNCTAD (2024), AI supports several tasks such as composing music, generating scripts, and creating visual effects. Intrinsically altering creative workflow. These technological advancements, partially enabled by progress in quantum computing, prompt a fundamental question: To what extent can machines be considered genuinely creative?

This inquiry has become central to contemporary debates surrounding AI's role in both society and the professional landscape. Scholars such as Runco (2023) and Edwards (2023) examine whether AI possesses a form of autonomy sufficient to generate creative outputs independently of human input, and what implications this might hold for industries that have historically relied on human artistic intuition. John McCarthy, one of the founding figures of AI, introduced this possibility as early as 1956. AI has a long history in technology, but its role in creativity has become visible only recently. As algorithmic systems increasingly rival and even exceed aspects of human cognition, the problem that prompted our research arises: How does AI alter creative processes and outputs in real-world industrial contexts? To evaluate the degree to which creative agency can be shared between humans and machines, and to what extent AI-generated content challenges traditional notions of authorship, innovation, and aesthetic value.

One of the fundamental concepts that must be clearly defined is the notion of artificial intelligence. The idea of an intelligent machine capable of performing a specific task despite the presence of uncertainty and variability in its environment marks the starting point of what we now understand as AI (Jarvis & John F., 2019). The use of methods within artificial intelligence systems that enable machines to imitate human abilities, such as perception, learning, reasoning, and understanding natural language, represents a significant shift in how we conceive of intelligence itself. For instance, tools like ChatGPT for text and Midjourney for images have entered mainstream use. These developments intersect with philosophical debates, as Adajian (2024) observes: "*the definition of art is controversial*", highlighting that it can be unclear when AI outputs qualify as art or creativity.

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We recognize the importance of clarifying the distinctions between different forms of artificial intelligence for a general audience. However, the scope of this study is centered on demonstrating how our documentary and interdisciplinary research offers meaningful insight into the creative potential of generative AI systems. Generative artificial intelligence (AI) constitutes a specialized subfield within artificial intelligence, distinguished by its capacity to synthesize novel content across diverse modalities, including textual, visual, auditory, and audiovisual formats (Goodfellow et al. 2014). In contrast to conventional AI systems, which predominantly analyze extant datasets to facilitate predictive or classificatory tasks, generative AI models are engineered to produce original outputs by inferring and replicating the latent patterns and structural frameworks inherent in their training data.

The theoretical and methodological foundations of generative AI are anchored in advanced machine learning paradigms, most notably generative adversarial networks (GANs), variational autoencoders (VAEs), and transformer-based architectures (Kingma & Welling. 2013; Vaswani et al., 2017). GANs employ a dual-network framework comprising a generator, which synthesizes synthetic data instances, and a discriminator, which evaluates their authenticity.

Through iterative adversarial training, this framework refines the generator's output, progressively enhancing its fidelity (Goodfellow et al. 2014). VAEs, conversely, operate via an encoder-decoder mechanism, compressing input data into a lower-dimensional latent space before reconstructing it to generate novel variations, thereby ensuring output diversity (Kingma & Welling, 2013). Transformer-based models, particularly those utilizing large language models (LLMs), leverage self-attention mechanisms to process sequential data, enabling the generation of contextually coherent and semantically meaningful content (Vaswani et al. 2017).

Within creative industries, generative AI functions as a disruptive yet augmentative force, redefining traditional content creation paradigms. AI's impact on the creative industries is therefore double-edged; by automating specific facets of the creative workflow, these technologies allow practitioners to improve production processes while simultaneously exploring innovative artistic trajectories (Boden, 2018). However, the assimilation of generative AI into creative practice necessitates a rigorous examination of its technical underpinnings, ethical implications, and socio-cultural impact. Such scrutiny ensures that its deployment serves to amplify, rather than supplant, the intrinsic value of human creativity (Marcus & Davis, 2019).

This article argues that while generative AI systems exhibit emergent forms of creativity, they ultimately operate within constraints of data, logic, and human-engineered limits, making them co-creators at best, not originators.

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Objectives

Building on the question raised above, this research seeks to investigate three main points:

- To what extent can GAI be considered a creative agent within creative industries?
- How do technical mechanisms such as generative adversarial networks and transformer-based shape creative outputs?
- In what ways do issues of data diversity, ethical oversight, and authorship influence the integration of AI into creative workflows?

These research questions aim to establish a clear connection between the creative potential of AI and the risk associated with biased training data and automation.

Through a documentary and interdisciplinary methodology, the study proposes a structured conceptual framework to examine how generative AI technologies contribute to innovation while reinforcing the need for human-centered governance.

Literature Review

This review provides a thorough analysis of these developments through five key lenses: evolving definitions of art and AI, theories of creativity, practical applications of generative AI, bias and accessibility through the lens of crip technoscience, and the complex legal and ethical debates surrounding machine-generated art.

Definitions of art and AI: What constitutes "art" when machines produce aesthetically compelling works?

Art is normatively valued, capable of moral and political impact, and is constantly evolving through creative experimentation, shifting tastes, and cultural change. Some societies have institutions dedicated to non-functional aesthetic objects, though these institutions sometimes classify even non-aesthetic items as art. Additionally, aesthetic properties extend beyond art to nature, ideas, and other domains. Taking this constant evolution into consideration, it is not surprising that definitions of art vary; some prioritize cultural and historical context, others universality, while some attempt a balanced approach. In any case, definitions should avoid mere lists, favor unified criteria over disjunctive ones, and acknowledge borderline cases, as Art's boundaries are inherently fluid. The central challenge is whether any definition can fully accommodate these complexities while remaining philosophically robust.

Art has existed across all human cultures for millennia, often displaying high aesthetic intent while remaining partially intelligible to outsiders. While it can serve inherently human functions such as ceremonial, religious, or purely aesthetic, it could theoretically be produced by non-human beings. About the topic of AI-created art, Dr. Thomas Adajian once said: "Such entities

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might conceivably be produced by non-human species, terrestrial or otherwise; and it seems at least in principle possible that they be extra specifically recognizable as such."

The study highlights how generative AI (GAI) tools such as text-to-image (T2I) systems and large language models (LLMs) are being integrated into artistic practices, enabling users to generate visual, textual, and musical outputs through natural language prompts. If we can consider radical and divergent pieces like Duchamp's urinal and Tracey Emin's bed to be art in their own right, how can we reject something created by a generative algorithm? After all, both works were controversial at the time and contain objects that were not technically created by the hand of an 'artist'. This allows us to highlight the legitimacy of considering artistic works created by AIs as art.

Practical Applications of AI: How are tools like T2I and LLMs integrated into creative workflows?

As generative AI (GAI) systems demonstrate increasing sophistication in producing visual art, music, and literature, fundamental questions arise about the nature of creativity, authorship, and aesthetic value. The proliferation of sophisticated text-to-image generative models, exemplified by systems such as Dall-E and Midjourney, has demonstrated a remarkable capacity to generate outputs of high aesthetic fidelity, some even achieving recognition within established artistic evaluation frameworks. Yet, the creative agency of such systems remains tethered to the statistical regularities extracted from extensive human-generated datasets. In contrast, the artistic methodology employed by Ai-Da (a robotic artist) introduces a salient divergence. Beyond the inherent biases and patterns embedded within her training corpus, Ai-Da incorporates real-time visual input through her integrated camera system. This influx of novel sensory data dynamically informs her algorithmic processes, enabling the generation of original artworks, including self-portraiture, that transcend the limitations of her foundational training. This unique operational modality compels a critical re-evaluation of conventional definitions of creativity within the context of artificial intelligence. Specifically, it necessitates a nuanced inquiry into the locus of authorship: does it reside within the AI entity itself, attributable to its capacity for generative novelty, or is it ultimately vested in the human artists whose oeuvres informed her initial training and the engineers responsible for the underlying algorithmic architecture?

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Figure 1 Meet the world's first artist robot (Image Credit: Estudio Santa Rita)

A compelling illustration of GAI's transformative potential emerges from disabled artists who leverage AI not merely as an assistive tool but as a *co-creative agent*. Qualitative interviews with ten disabled creatives, spanning painting, sculpture, film, music, and digital art, reveal diverse applications. Some use AI to generate reference images or tactile graphics, while others train custom models to support memory and communication, transforming access needs into innovative artistic outputs. Rather than reducing creativity to technical execution, these artists employ AI to expand expressive possibilities often excluded from mainstream recognition.

This is particularly provocative in fields like music composition, painting, literature, and choreography, where generative algorithms now produce sophisticated, aesthetically engaging content. Nevertheless, as AI's role in art deepens, so must our engagement with its ethical, legal, and philosophical implications, ensuring that the future of creativity remains as inclusive as it is technologically advanced.

Theories of creativity: How do generative systems challenge traditional notions of artistic originality?

This academic exploration references studies like *Painting with Cameras and Drawing with Text: AI Use in Accessible Creativity* (Bennett et al., 2024), which highlight AI's role not just as a tool but as a co-creative agent in artistic processes. The discussion draws upon interdisciplinary

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perspectives, from philosophical inquiries (Adajian, Helliwell) to empirical research on AI in artistic practice (Bennett et al.), to examine how artificial intelligence redefines creativity.

Central to this discourse is Marcus Du Sautoy's *The Creativity Code: Art and Innovation in the Age of AI* (2019), which interrogates whether machines can truly be creative or merely replicate human processes. As a mathematician, Du Sautoy reframes creativity beyond emotional or intuitive impulses, arguing it is equally governed by patterns, logic, and structural rules, qualities that computational systems can simulate and extend. His *Lovelace Test* proposes a benchmark for machine creativity: an AI must produce outputs that are not only novel and surprising but also inexplicable in their generative process by the programmer.

Crucially, Du Sautoy does not attribute consciousness to AI but expands the definition of creativity itself, suggesting it may reside in *"unexpected recombination, experimentation, and rule-breaking within complex systems."* This perspective challenges traditional notions of authorship and artistic value, particularly in creative industries where AI now augments human imagination rather than replacing it. Du Sautoy offers a wide range of examples like: AI writing sonnets, painting in the style of Rembrandt, or generating new jazz improvisations, that blur the line between human originality and machine-generated innovation. The resulting collaborative paradigm, where human and machine creativity intersect forces a reevaluation of agency, originality, and the future of artistic professions. He argues that it can be simulated and extended by computational systems. This is a particularly provocative notion when applied to fields such as music composition, painting, literature, and even choreography, where generative algorithms are now capable of producing sophisticated and aesthetically engaging content. In doing so, he does not claim that AI has consciousness or emotional depth, but he does suggest that creativity itself might be broader than previously assumed; it might be less about emotion or self-awareness and more about unexpected recombination, experimentation, and rule-breaking within complex systems.

Bias, Disability, and Crip Technoscience: How does AI both enable and constrain marginalized creators?

Generative AI is often celebrated for its ability to produce art, music, and text. Yet its creative agency remains constrained by the biases and statistical regularities of its training data. These limitations raise critical ethical concerns, particularly regarding representation, accessibility, and whose creative labor is valued. However, disabled artists are redefining AI's role, transforming it from a mere assistive tool into a *co-creative agent* that expands artistic expression beyond conventional norms.

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Through qualitative interviews with the ten disabled artists, researchers illustrate how AI enables innovative adaptations that challenge traditional notions of artistic process and authorship. Some artists use AI to generate reference images or tactile graphics, while others train custom machine learning models to support memory and communication. These practices do more than assist; they reconfigure access needs into creative outputs, demonstrating that AI's potential lies not just in generation but in fostering new modes of participation.

This approach is framed through crip technoscience, a lens that centers disabled artists' adaptive practices as sites of technological and artistic innovation. Rather than reducing creativity to technical execution, these artists leverage AI to expand expressive possibilities often excluded from mainstream recognition. For example, while most generative AI systems (like DALL-E or Midjourney) reproduce biases embedded in their datasets, disabled creators often subvert these constraints by retraining models or integrating real-time sensory inputs; much like Ai-Da, the robotic artist, whose camera system allows her to dynamically respond to her environment rather than relying solely on pre-existing data. This corroborates the assertion that, despite advances in style emulation and novelty detection, the lack of autonomous intention and cultural depth places GAI in a supportive rather than generative role.

Legal and ethical debates: Who owns the machine, and are they accountable?

This creative reappropriation also surfaces pressing ethical questions around authorship, originality, and the responsible use of AI. Participants emphasized the need for ethical data sourcing, transparency about AI's role in the creative process, and inclusive tool design. Overall, this research reveals that AI's creative potential lies not only in its generative capacities but also in how it enables new forms of expression, accessibility, and artistic participation. Yet, it also raises the matter of accountability in addressing AI's tendency to perpetuate cultural appropriation or devalue human labor. These concerns align with broader debates on biased training data and the ethical use of AI in creative industries.

By foregrounding the experiences of disabled creatives, Bennett et al. (2024) demonstrate how AI can broaden the definition of creativity in the industry and foster more inclusive and innovative creative futures. However, realizing this potential requires confronting systemic biases both in datasets and in the cultural frameworks that dictate what is recognized as "art." In doing so, crip technoscience not only challenges AI's limitations but also reimagines its possibilities, centering disability innovation as a vital force in shaping ethical and equitable creative technologies.

In his research, Du Sautoy demystifies how neural networks, deep learning, and pattern recognition algorithms function, not to celebrate technology uncritically, but to argue that

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understanding these systems is essential if we are to use them responsibly in artistic contexts. Nonetheless, he warns against both dystopian fears and utopian hype, instead proposing a balanced approach that recognizes the creative potential of AI while also considering its societal implications. This aligns closely with current academic and industry discussions on ethical AI, especially considering concerns around biased training data, cultural appropriation, and the devaluation of human labor. It serves as both a philosophical inquiry and a practical guide to navigating the intersection of technology and the arts.

Conceptual Framework

In framing our conceptual model, we draw upon established theories of creativity and contemporary understandings of artificial intelligence to chart the relationships between generative AI technologies and creative practice.

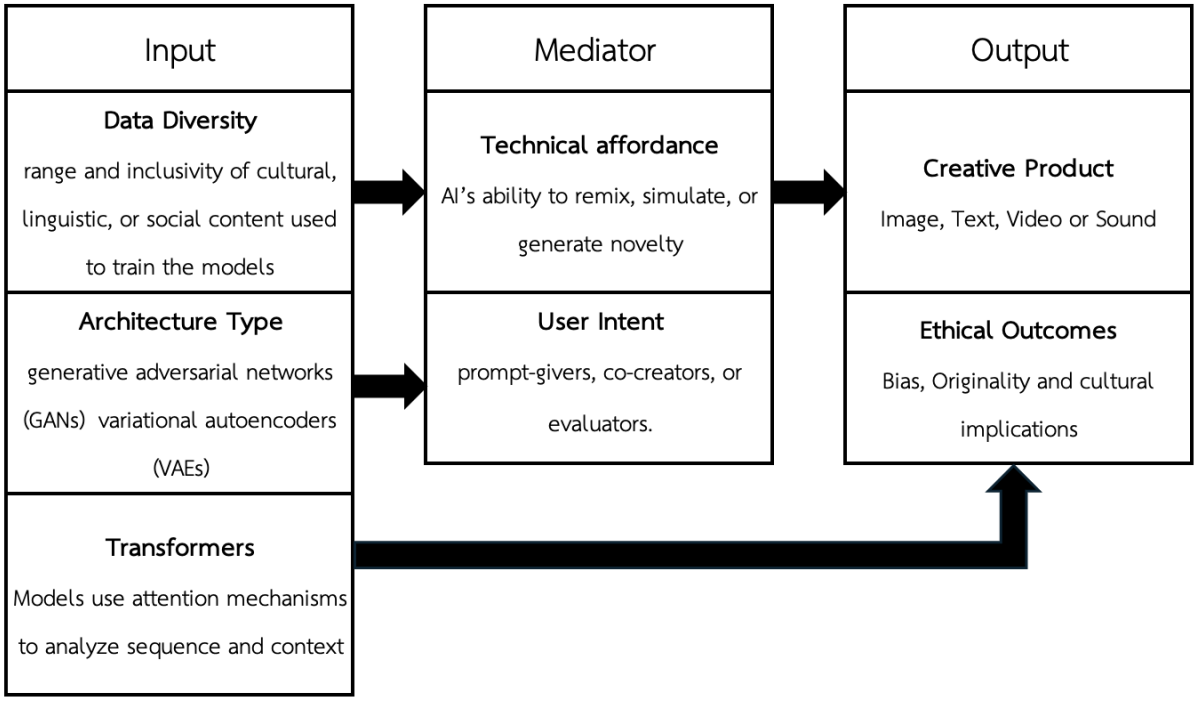


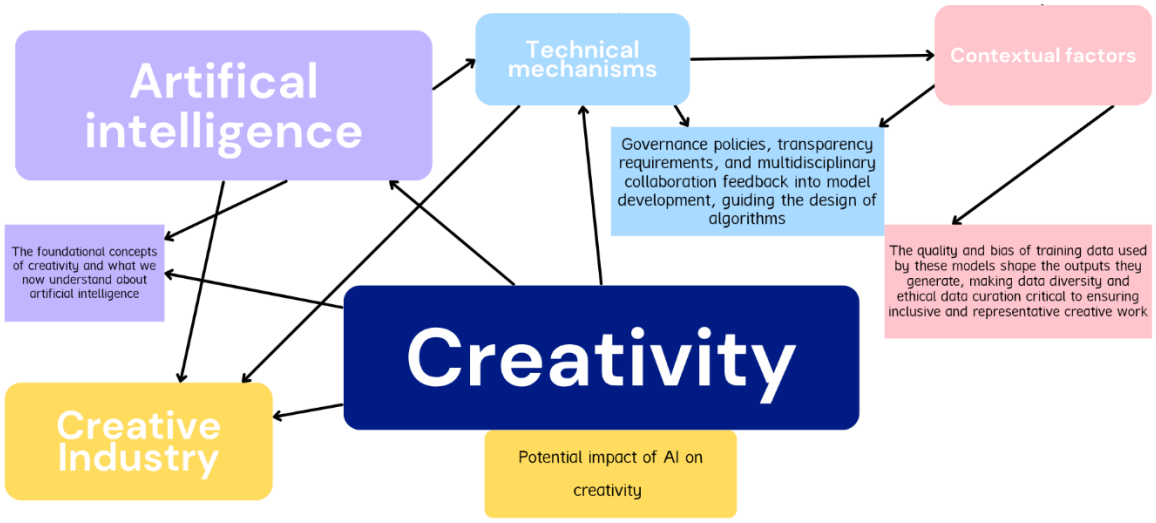
Figure 2 Conceptual Framework

This framework is structured around three key elements: the technical mechanisms of generative AI, the creative affordances they enable, and the contextual factors that shape their application. Generative AI refers to systems that create novel content by learning from large datasets using models like GANs and transformers, while creativity is defined as producing work that is both original and meaningful within context. This multi-layered framework serves to guide

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our investigation into how generative AI can augment, transform, and at times constrain creative workflows across media forms.



Methodology

This research adopts a documentary and interdisciplinary methodology for its suitability in addressing the evolving and transdisciplinary nature of artificial intelligence (AI) within the creative industries. Given the conceptual complexity and the rapid technological advancements associated with generative AI, primary data collection would be insufficient to capture the breadth of developments occurring across multiple disciplines. The documentary approach allows for the synthesis of academic and industry knowledge, enabling a critical examination of the creative potential of generative AI from multiple theoretical and applied perspectives.

A thematic analysis method was used to examine and interpret the collected literature. Sources were coded based on recurring concepts such as creative agency, data diversity, bias in AI, authorship, and human–machine collaboration. These themes were then synthesized to develop an integrative framework that connects the technical architecture of generative AI to its expressive and ethical functions in the creative industries. Where appropriate, visual models were used to illustrate dynamic relationships between inputs, mediators, and outputs in AI-assisted creative processes.

The selection criteria for source material included:

- peer-reviewed journal articles, conference proceedings, and scholarly books published between 2012 and 2024

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- Industry papers and technical documentation produced by recognized institutions or platforms
- Materials written in English to ensure consistency and accessibility.

Key disciplines consulted include computer science, media studies, cognitive science, design theory, and philosophy. Priority was given to sources that specifically addressed creativity, generative models (such as GANs and VAEs), algorithmic design, and ethical implications in creative contexts.

We acknowledge several methodological limitations. One notable constraint concerns the availability and accessibility of published materials, which excludes proprietary technologies and undocumented practices currently employed in commercial settings. A further limitation lies in the linguistic and regional orientation of the study, which privileges Anglophone and Western sources and may inadvertently overlook contributions from non-English-speaking or underrepresented contexts. Additionally, the absence of primary data collection, such as interviews or case studies, means that the findings presented are interpretative rather than based on empirical observation.

Nonetheless, due to the non-exhaustive nature of our research, this remains merely an interpretation of the selected texts, and we only aim to reference the potential impact of AI's creativity within the creative industries.

Results

While artificial intelligence has shown promise in enhancing creative processes, its limitations, particularly in storytelling and artistic generation, raise profound concerns about the authenticity, consistency, and ethical risks associated with AI-driven creativity.

Narrative Failure and Coherence Gaps

Two research studies offer striking examples of these shortcomings, revealing a key fragility: even the most statistically advanced AI still struggles with the nuanced logic of narrative construction. Ammanabrolu et al. (2020) studied AI agents navigating the text-based adventure game *Zork* and found them repeatedly unable to retain warnings or anticipate dangers, akin to travelers stumbling in the dark, doomed to fall prey to invisible traps. While solutions such as graph-based memory and human-inspired rules helped the AI avoid these pitfalls, they resulted in a mechanistic creativity that simply followed predetermined paths rather than inventing new ones. Similarly, Gangal et al. (2021) observed that AI-generated stories frequently collapse into incoherent chaos: characters reappear after dying, plotlines digress without purpose, and narratives lose all thematic unity. Studies by See et al. (2019) and Tambwekar (2019) have aimed to enhance AI storytelling by incorporating complex evaluation criteria and user-defined

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emotional arcs. See et al. (2019) introduced a multidimensional reward system guiding GPT2 to optimize coherence, structure, and originality, resulting in a 35 percent improvement in thematic consistency. Tambwekar developed a two-tier model where the story structure (three-act format) is layered with an emotional tone, allowing AI to generate psychological thrillers with well-calibrated tension. These systems enable user control at an unprecedented level; one could, for example, request a Victorian tragedy with melancholic characters, and the AI would comply with high accuracy.

However, beneath these promising surface results, major weaknesses persist. AI-generated narratives often introduce ghost characters, forget plot elements, and produce emotionally flat dialogues. The moment the story exceeds a certain complexity, the system falters and finds itself unable to maintain consistency across narrative threads. Even in these failures, there is a glimmer of possibility. Some researchers believe that combining symbolic logic with neural fluidity may help AI retain narrative memory and structure without losing coherence. However, external memory systems and reward-based reinforcement can improve surface performance, but they do not solve the deeper issue: Artificial intelligence appears to operate without intentionality. Efforts to improve the narrative quality of AI-generated content have produced technically impressive, though creatively limited, results.

Bias and Cultural Reproduction

As mentioned above, Gangal et al. (2021) discern that AI-generated stories tend to replicate stereotypical tropes, male doctors, female nurses, and mistake repetition for innovation. Equally concerning are the ethical and social risks associated with bias in generative AI systems, which increasingly permeate content creation in media, marketing, entertainment, and beyond. Three landmark studies provide a comprehensive depiction of these risks. Bender et al. (2021) established the term “stochastic parrots” to describe large language models (LLMs) that uncritically reproduce the biased racial and gender-based patterns embedded in their training data. Training GPT3 alone produced over 500 tons of CO_2, while also producing harmful associations, such as equating Muslim identities with terrorism or reinforcing gender stereotypes by depicting women predominantly in subordinate professional roles. Previous research by Bolukbasi et al. (2016) systematically analyzed the vector structure of such biases, demonstrating that in word embedding models, associations between terms such as 'nurse' and 'woman' are disproportionately close, reflecting embedded gender stereotypes.

Abid et al. (2021) extended this analysis by demonstrating that GPT3 is 23 percent more likely to associate Islam with violence compared to other religions, mirroring entrenched media stereotypes. These forms of bias are not abstract; they manifest in practical applications such as job recruitment algorithms, content moderation tools, and translation systems, thereby reinforcing

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structural forms of discrimination. Collectively, these findings underscore a critical insight: despite their technical sophistication, generative AI systems often function as potent amplifiers of social inequities.

Authorship and Legal Ambiguity

Generative AI also faces creative constraints. Although such models are capable of producing images, text, and music, they do not innovate in the human sense. They recombine existing patterns found in their training data rather than developing new ideas. As Marcus and Davis (2019) point out, "*AI can mimic styles, but it cannot understand cultural metaphors or create original meaning*". Unlike humans, who rely on abstract reasoning and lived experience, AI lacks the capacity for contextual interpretation and metaphorical thinking (Yao, 2023). The legal action initiated by The New York Times against OpenAI and Microsoft brings to light critical ethical and legal dilemmas surrounding the use of artificial intelligence within the creative industries. Central to the case is the allegation that AI models have been trained on copyrighted content without authorization, raising complex questions about intellectual property, creative ownership, and fair use. This controversy reflects a growing concern among content creators that generative AI tools may exploit human creativity without appropriate consent or compensation. The implications of this lawsuit are far-reaching: its outcome could establish pivotal legal precedents that shape the future development and regulation of AI technologies in artistic and media contexts. It also reinforces the urgent need for transparent frameworks and ethical standards to ensure that AI deployment does not undermine the rights, labor, or legitimacy of human creators.

The integration of artificial intelligence into television production offers a compelling example of its expanding creative potential within the broader creative industries. Leading production companies such as RTL Group and Banijay are actively experimenting with AI, not simply as a technical aid but as a creative collaborator. These companies are exploring AI-driven methods to develop new television formats, particularly in the realm of reality programming, where AI is being used to generate original content ideas and assist with script editing. Notably, some producers have reported that AI-enhanced scripts are, in certain cases, more refined than those edited by human professionals, suggesting that AI may contribute meaningfully to narrative development. Beyond fiction, AI is also proving valuable in factual programming, where it supports tasks such as real-time analysis of live footage for wildlife documentaries, enhancing efficiency and streamlining production workflows. However, the incorporation of AI in television is not without caution. Industry professionals underscore the limits of AI-generated creativity, particularly its inability to replicate human intuition, emotional insight, and cultural awareness, qualities essential for understanding what will truly resonate with audiences. This tension reinforces a critical perspective on AI's role: it is not a replacement for human creativity but a tool that, when

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thoughtfully applied, can extend the imaginative boundaries of creative practice. As such, television serves as a powerful case study in how AI may reshape creative industries, not by automating artistry, but by enriching and expanding the processes through which creative ideas are conceived, refined, and realized**.**

The question of authorship in AI-generated works hinges on the degree of human creative contribution, with prevailing legal interpretations favoring the user who provides substantial input through detailed prompts and refinements, thereby shaping the AI's output to reflect their original vision. While creators of pre-existing copyrighted material may assert claims if their works inform AI-generated content, platform restrictions complicate such assertions, and AI developers are generally excluded from authorship due to their lack of direct creative control. Legal enforcement faces significant challenges, particularly in proving human authorship, as evident in jurisdictions like Belgium, where statutory presumptions of ownership may conflict with the difficulty of distinguishing AI-assisted works from purely human creations. Furthermore, AI platforms' terms of use often prohibit misrepresenting AI output as human-generated, while simultaneously disclaiming responsibility for output uniqueness, creating ambiguities in copyright claims. The potential reuse of user-submitted content in AI training datasets further complicates ownership disputes, underscoring the need for clearer legal frameworks to address authorship, infringement, and enforcement in the context of generative AI, specifically related to creative industry.

The requirement of human authorship remains a fundamental principle in copyright protection across jurisdictions, though its application to AI-generated content reveals significant divergence. In the United States and European Union, AI-created works are denied copyright protection absent substantial human creative input, such as editing or arranging outputs, as affirmed in *Thaler v. Perlmutter* (2023) and reinforced by the U.S. Copyright Office's selective registration of only human-curated AI-assisted works. By contrast, the UK's *Copyright, Designs and Patents Act 1988 (Section 9.3)* uniquely attributes authorship to individuals making "*arrangements necessary*" for AI-generated content, even with minimal direct involvement. Meanwhile, China adopts a more flexible standard, granting protection where human "intellectual achievement" is evident, as demonstrated in a 2023 Beijing case recognizing copyright for an AI image produced through 150+ detailed prompts. Determining sufficient human contribution remains contentious: while basic instructions (e.g., "write a love song") are inadequate, iterative refinement may satisfy authorship criteria if it embodies original creative vision. Legal uncertainties persist regarding liability, particularly when AI outputs inadvertently infringe copyrighted training data, as seen in Andersen v. Stability AI Ltd. (2023), with risks extending to both users who create infringing content and developers who employ unlicensed datasets. Regulatory approaches further vary, from the EU's *AI Act* (2024), emphasizing transparency while upholding human authorship, to China's

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pragmatic balance of these principles. Economically, the proliferation of AI-generated content risks devaluing human labor, fueling debates over fair compensation and licensing, exemplified by *The New York Times Co. v. OpenAI* (2023), while tools like Nightshade emerge to resist unauthorized data scraping. We must navigate these complexities by documenting human input, assessing jurisdictional nuances, and advocating for coherent policies on training data use and output liability to reconcile innovation with creator rights.

Human AI Collaboration Models

A central question persists within scholarly debates: Can machines genuinely demonstrate creativity, or are they merely enacting programmed simulations of creative behavior? This inquiry is addressed from distinct perspectives by researchers Colton and Jordanous. Colton's explorations with systems such as *The Painting Fool* (Colton, 2012) and *Emily Howell* (Cope, 2009) demonstrate that artificial intelligence can produce digital artworks and musical compositions that convincingly emulate human-created content. Nevertheless, he emphasizes that despite their technical sophistication, these systems lack desire and intentionality; they operate without intrinsic motivation, functioning solely through execution. Jordanous contributes to this discourse with a comprehensive 14-point evaluation framework for creativity. Her findings indicate that while AI performs moderately well in terms of technical originality (2.4 out of 3), it demonstrates limited capacity in dimensions such as intention and self-awareness (1.2 out of 3), underscoring a fundamental gap between mimicry and true emergence. Both scholars converge on the potential of hybrid systems: AI models capable of self-evaluation when guided by human-developed taxonomies.

Neural networks mimic biological brain structures to process data through interconnected layers, enabling tasks like image recognition and language translation. The frame below illustrates the structure of a representation of an artificial neural network, a crucial foundational model related to the field of deep learning. Neural networks are computational systems inspired by the biological structure of the human brain. They are designed to recognize patterns, model complex relationships, and perform tasks such as classification, prediction, and content generation. It's a key function in both traditional and generative artificial intelligence.

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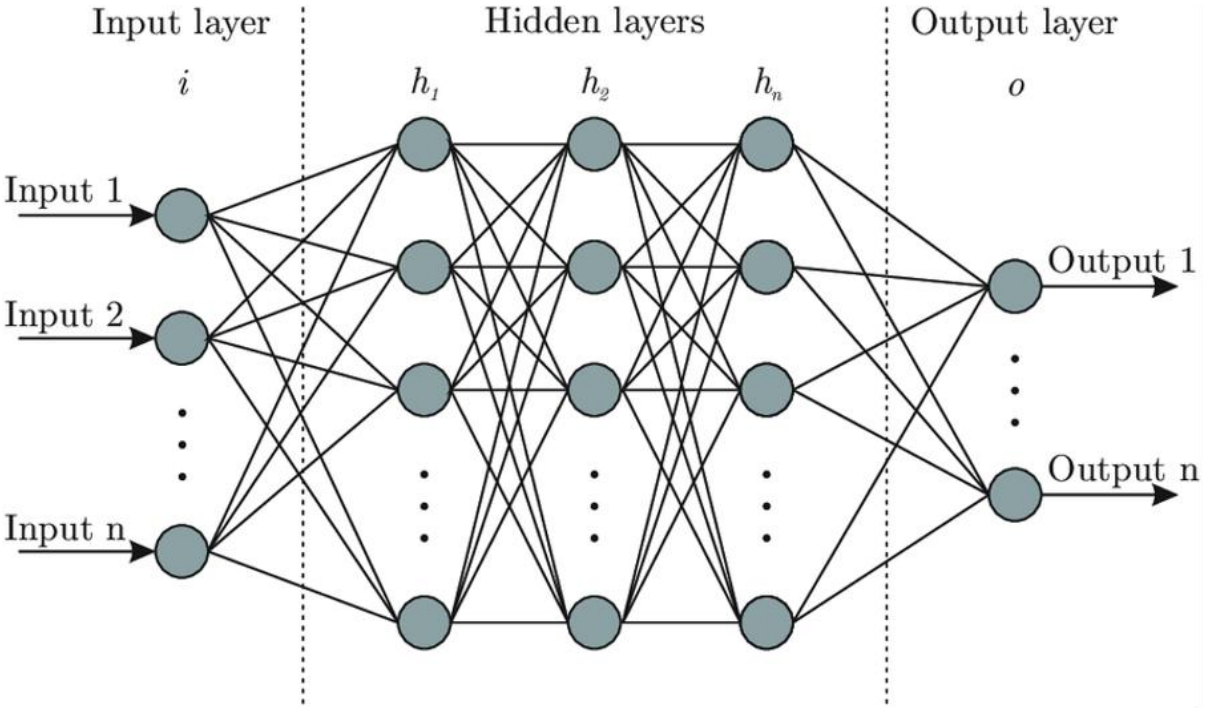


Figure 3 Structure of an artificial neural network showing input, hidden, and output layers.Adapted from "Deep learning for geometric and semantic tasks in photogrammetry and remote sensing," by Heipke & Rottensteiner, 2020, ResearchGate. Licensed under CC BY 4.0.

The diagram allows us to consists of three main components: input layers, hidden layers, and output layers. On the left side, the input layer is here to receive raw data. Each circle represents a neuron or node, which is a specific input feature (eg, in image generation, these inputs may represent pixel values). In the middle of this architecture are hidden layers, which are the core computations. In the center, each node in a hidden layer is connected to every node in the previous and next layers, allowing them to completely connect, forming a dense network. By using the activation function to transform and extract features, and the input values at different layers of abstraction. One of the crucial keys to understanding is the fact that the more hidden layers are present, the deeper the network is, which is also a reference for deep learning. Deep learning, a subset of machine learning, uses hierarchical neural networks to extract patterns from vast datasets. Pattern recognition algorithms identify regularities in data, often relying on statistical or syntactic methods to classify inputs (e.g., facial recognition, fraud detection).

Thus, on the right of the diagram, we found the output layer delivering all generated outputs or final predictions. We can understand connections between neurons, each carrying a weight, which allows us to determine the influence of each node on the others. To minimize errors and improve accuracy over time, these weights need to be adjusted during the training process. We

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can witness the importance of neural networks, related to generative adversarial networks (GANs), offering us a powerful model for GANs by training on vast datasets. These dataset models can learn how to produce original content by replicating and identifying all the underlying data structures.

It is essential to highlight some of the key limitations associated with the training and functionality of generative adversarial networks (GANs) and other deep learning models. First, the effectiveness of deep learning depends on access to large, labeled datasets that are often biased by the societal contexts in which they were created. As Yao (2023) explains, “deep learning systems trained on biased data risk encoding and amplifying those same biases” (p. 2). A prominent example is the performance of facial recognition systems, which have been shown to misclassify individuals from marginalized communities due to non-diverse training data (Marcus & Davis, 2019).

Another pressing concern is the opacity and brittleness of neural networks. These systems function as "black boxes," making it difficult for researchers or users to understand or audit the decision-making process (Wired, 2023). As Marcus and Davis (2019) note, “opacity is a fundamental flaw in many modern AI systems,” particularly because errors cannot be easily diagnosed or corrected. Furthermore, these models often fail when faced with unexpected scenarios. For instance, self-driving cars relying on deep learning struggle with unpredictable road conditions, highlighting their lack of real-world robustness (Yao, 2023).

Sociocultural Impacts of GAI, from a crip-technoscience perspective, these limitations become even more problematic. This framework critiques how AI development often privileges normative bodies, abilities, and languages, reinforcing exclusion rather than inclusion. For example, datasets frequently omit disabled and non-Western users, resulting in systems that fail to recognize sign language or regional dialects. This marginalized data erasure reveals how design choices can systematically silence certain communities.

Similarly, algorithmic surveillance technologies, such as gait recognition, can pathologize disabled bodies, casting them as anomalies rather than valid variations of human movement. In addition, the labor-intensive process of labeling data for AI training often depends on precarious and underpaid labor from marginalized workers, such as those on Amazon’s Mechanical Turk (Yao, 2023). This creates an ethical dilemma around labor exploitation, calling into question the sustainability and fairness of generative AI development. To address bias in generative AI for the creative industries, we can draw on mitigation strategies outlined by Legros and Balagué (2023) in their analysis of AI in the recruitment process. They recommend diversifying training data by intentionally including underrepresented groups to prevent systemic skew (Legros & Balagué., 2023). In creative contexts, this means curating images, text, or audio corpora that reflect a broad

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spectrum of cultural, gender, and ability backgrounds so that GANs and other generative models produce content that is inclusive and representative.

Legros and Balagué also emphasize the importance of transparency and explainability, suggesting organizations publish clear documentation of model inputs, training processes, and known limitations (2023). Applied to creative AI, this calls for model cards or datasheets accompanying generative tools, enabling artists and audiences to understand how a model was trained and what biases remain. Finally, they advocate for human-in-the-loop oversight, whereby domain experts continuously review AI outputs and guide corrective iterations. In the creative industry, this translates to collaboration between technologists and artists to evaluate generated works for unintended stereotypes or misrepresentations, and to refine model behavior accordingly. By adapting these recruitment-rooted bias mitigation practices to diversified datasets, transparent reporting, and human oversight, creative technologists can enhance the reliability and equity of generative AI, ensuring it expands rather than constrains artistic expression.

Ultimately, the creative limitations of artificial intelligence remain substantial. Even the most advanced generative systems are unable to reproduce the depth and complexity of human creativity, which is deeply rooted in social, emotional, and cultural contexts. As Yao (2023) asserts, "*generative models like GANs can produce images or music, but they cannot comprehend metaphor or cultural nuance*". This inherent constraint highlights a critical distinction between the replication of patterns and the manifestation of genuine creative agency.

Discussion

This documentary and interdisciplinary research aimed to examine the implications of generative artificial intelligence on creativity within the creative industries, with a focus on its cascading effects across several key dimensions: the definition of art, authenticity, authorship, and legal ambiguity, human and AI collaboration, and the broader sociocultural impacts of generative systems.

Based on what Dr. Thomas has said about the very definition of what we mean by art, conventional definitions of art deal effectively with modern and institutional art, but fail to explain the universality of art, non-western, non-human or institutionally detached art, as well as the common aesthetic language applied to works of art, nature and abstract concepts. The combination of these approaches only postpones the central question of whether art possesses a unified essence.

A core challenge remains: How can we teach machines something that in humans is as much emotional intuition as rational construction? It does not desire, reflect, or understand; it imitates. Accordingly, current research delineates the outer boundaries of artificial intelligence

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within creative industries: it can avoid fictional threats, yet it cannot conceive them; it may arrange words, but it cannot imbue them with the vitality that renders a story unforgettable. These experiments reveal a paradox: the more we codify the rules of good storytelling, the better AI becomes at simulating its form, but the further it seems from capturing its soul. The stories may be grammatically flawless, structurally sound, and even genre-appropriate, but they often lack depth, spontaneity, and emotional resonance. AI does not understand fear, surprise, or irony. It calculates them. It does not feel the rhythm of a story; it traces its statistical shape. The danger is that such technical mastery may lead us to mistake narrative polish for true creativity. Our findings tend to explain that AI is not able to replace human creativity; thus, it serves as a collaborative tool, one that requires thoughtful ethical consideration, cross-disciplinary governance, and implementation. We are able to point out and observe a rise of AI in creative practice within the creative industry, but it shows us that we need to reassess our foundation regarding originality, innovation, and authorship. As humans, we can still feel and have feelings, a state of emotion that, right now, GAI do not experience.

However, societal biases are still perpetuated, the problem of authorship is raised in the lens of traditional concepts, and it is crucial to focus on ethical and legal dilemmas. These models, often trained on unfiltered, uncoated data, become engines of misinformation, capable of crafting fake news that is both persuasive and dangerously plausible. Their partial solution, debiasing, neutralizing, and equalizing terms, offered a technical fix but could not resolve deeper dilemmas: How can we remove bias without erasing cultural context? And what happens when gender or race matters in meaning? Technical debiasing will not be enough without radical ecosystem reform, transparent data practices, independent audits, and a departure from energy-intensive AI arms races. The central issue is not solely the extent of AI's creative potential, but whether it will perpetuate existing societal biases or contribute to envisioning more equitable and inclusive futures. Structured memory, reward models, and debiasing techniques improve coherence and output quality, but they do not bridge the gap between simulation and genuine creation. The question may not be whether we can build a creative AI, but whether we can accept that it will never be more than a dazzling mirror reflecting both the strengths and shadows of our human imagination.

Bellini et al. (2024) provide critical insights that support the development of responsible AI strategies in creative industries, particularly through their emphasis on cultural sensitivity, interdisciplinary collaboration, and transparency. The authors argue that AI applications in cultural heritage must be developed with careful attention to authenticity and contextual accuracy, which aligns with broader concerns about representation and originality in generative AI. Their call for robust documentation of data provenance and model design complements existing proposals for

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model cards and explainable AI tools in creative workflows. Moreover, the article underscores the importance of cross-sectoral cooperation between AI developers, cultural professionals, and policymakers, reinforcing the need for human oversight and governance frameworks in creative contexts. Integrating these principles into recommendation frameworks can help ensure that AI serves as a tool for cultural enrichment rather than homogenization or misrepresentation (Bellini et al., 2024).

It is particularly important to reflect on how society might perceive products generated by AI compared to those made through human craftsmanship. Will AI-generated art and design be appreciated as innovative and valuable, or will it diminish the perceived worth of handmade, original work? This question is especially relevant in creative industries, where identity and cultural expression are central to the work produced. AI's growing role in these fields could significantly alter how creative professionals are defined and valued. Perhaps even leading to the emergence of new creative roles, or, conversely, making some traditional ones obsolete.

Recent scholarship emphasizes that the integration of artificial intelligence into creative domains should prioritize complementarity between humans and machines rather than replacement (Haruna et al., 2023). In light of this perspective, we recommend adopting a collaborative framework in which generative artificial intelligence functions as an assistive agent in creative workflows. This model respects the complexity of human authorship while allowing artificial intelligence to contribute to ideation, structure, or stylistic development. Furthermore, the study highlights the importance of robust evaluation mechanisms to assess the originality, cultural relevance, and narrative coherence of outputs produced by artificial intelligence. This approach aligns with a future in which artificial intelligence enhances rather than displaces human creativity. In the long term, it is crucial to study the evolving relationship between AI, creativity, and society through longitudinal research that captures both its opportunities and unintended consequences. This leads us to a deeper epistemological challenge in the study of creative AI. When a machine generates a perfect haiku or a convincing fugue, are we witnessing a new form of intelligence or merely a distorted reflection of our creative instincts? As Colton provocatively states, real creativity may begin the moment the machine disobeys us.

We acknowledge that the predominance of Western sources within our cross-disciplinary selection of academic literature may have shaped the scope of our findings and reflections, particularly about the global and culturally situated dimensions of generative artificial intelligence in creative industries.

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Recommendation

Drawing on interdisciplinary research from the humanities, computer science, and cultural studies, our analysis reveals that Generative AI (GAI) offers both groundbreaking possibilities and significant challenges:

- For policymakers and regulators: regulators should promote equity by enforcing inclusive data standards and funding independent audits of generative AI systems to detect cultural, gender, and linguistic biases. The use of generative artificial intelligence must emphasize datasets that reflect diverse identities, cultures, and abilities, to avoid the reproduction of harmful biases (Legros & Balagué., 2023). Policymakers should focus on the development of adaptive legal frameworks that reflect the evolving nature of authorship and ownership in human and AI-assisted creative works. Given the ambiguity surrounding intellectual property rights in AI-generated content. This regulation must require transparent disclosure of training data

- For AI developers and other technology companies: developers and organizations must integrate bias mitigation mechanisms into the training pipeline and promote transparency in AI development. We need to be aware that the future of AI-driven creativity hinges not just on technological advancement but on the values and decisions of those who design and employ AI.

- For creative industry and production studios: Studios should implement intern protocols that create guidelines governing AI-assisted authorship credit. Creative institutions must treat GAI as a co-creative tool, not a replacement. Maintaining human oversight remains essential for monitoring AI-generated outputs. Creative industries should therefore consider forming interdisciplinary review committees composed of artists, computer scientists, and ethicists to evaluate generated content for potential bias and artistic integrity.

- For educators and cultural institutions: Educational institutions have a pivotal role in preparing the next generation of creatives to critically engage with AI. Curriculum should include interdisciplinary courses on AI ethics, computational creativity, and data justice.

- For creators and independent artists: By engaging in prompt engineering, critical reflection, and creative experimentation, artists can shape AI outputs that align with their aesthetic vision while questioning the assumptions embedded in the tools they use. It is also essential to provide training that fosters both creative and technological literacy, enabling practitioners to apply artificial intelligence tools in a manner that is ethically responsible and contextually sensitive.

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We advocate for increased interdisciplinary collaboration among artists, ethicists, technologists, and policymakers. As generative AI reshapes authorship and production, the imperative lies in developing ethical standards that honor diversity, creativity, and human dignity.

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