

AI-Generated Works and the Human Authorship Requirement: Key Takeaways from the Munich District Court Decision (AG München, 142 C 9786/25) and a Global Comparative Perspective

A landmark German ruling reinforces the principle that AI-generated outputs lacking sufficient human creative contribution fall outside the scope of copyright protection- a position now finding broad consensus across European and international jurisdictions.

The Decision in Comment: Facts and Ruling

On 13 February 2026, the Munich District Court (*Amtsgericht München*) issued a decision dismissing a copyright infringement claim concerning three logos created using a generative AI system. The plaintiff had generated these logos, depicting a handshake between two persons of different skin tones with a bell, an envelope before a columned building, and a laptop with a floating book bearing a paragraph symbol, through a process of iterative prompting.

The plaintiff argued that the iterative refinement of AI outputs, likened to a sculptor chiselling a statue, constituted sufficient creative involvement to warrant copyright protection. The defendant countered that the creative design of the logos was entirely carried out by the AI, with the plaintiff merely “triggering a technical process”.

The Court ruled that none of the three logos constituted a copyrightable work under Section 2 of the German Copyright Act (*Urhebergesetz*). Drawing upon established CJEU jurisprudence, the Court emphasised that a work must reflect the author’s personality through the exercise of “free creative decisions”. In cases of AI-generated outputs, copyright protection is conceivable only where human creative influence sufficiently shapes the resulting output in an “objectively and clearly identifiable manner”.

Critically, the Court found that the plaintiff’s prompts, whether simple two-line descriptions or complex 1,700-character instructions, did not meet this threshold. General, open-ended instructions leaving creative decisions to the AI (e.g., “make the bell look more artistic”) were held insufficient to establish human authorship. The Court clarified that copyright law “does not reward and protect investment, time expenditure or diligence, but solely the result of a creative activity”.

I The Broader Framework: AI and the Human Authorship Requirement

The decision in comment is neither isolated nor surprising; it reflects a consistent interpretive approach emerging across Europe. Under EU copyright law, originality—defined as the “author’s own intellectual creation”—remains the sine qua non of copyright protection. The Court of Justice of the European Union (CJEU), from *Infopaq* (C-5/08) through *Painer* (C-145/10) and *Levola Hengelo* (C-310/17), has consistently held that copyright subsists only in works that reflect the personal creative choices of a human author.

This “human-centric” paradigm has profound implications for generative AI: outputs produced autonomously by AI systems, without substantial human intervention, are excluded from copyright protection. As underscored in *Football Association Premier League Ltd* (C-403/08 and joint case C-429/08), “only human creations are protected”.

This principle was also applied directly to generative AI in *S. Š. v. TAUBEL LEGAL* (Municipal Court in Prague, 2023), which held that a human operator’s contribution in writing a prompt did not amount to authorship. Since the operator had not made any creative choices regarding the expressive form of the AI-generated image (such as composition, colour, or shading) and the AI system had assembled the output based on its training data and internal rules, the work was not eligible for copyright protection.

II The Italian Perspective: Legislative and Judicial Developments

In September 2025, Italy enacted Law No. 132/2025, amending the Italian Copyright Act (Law No. 633/1941) to explicitly state that copyright protects “opere dell’ingegno **umano**” (works of **human** intellect). AI-assisted works may qualify for protection only where they constitute “the result of the author’s intellectual work”. This codifies what was already implicit: AI is a tool, not an author.

Even before this legislative intervention, the Italian Court of Cassation had articulated principles readily applicable to the AI context. In *RAI v. A.A.* (Cass. civ., Sez. I, 16 January 2023, n. 1107 - a case concerning a digitally generated graphic work created using fractal software) the Court reaffirmed that copyright “postulates the requisite of originality and creativity” and that the creative contribution must reflect “the personality of its author, manifesting his free choices”. Although the decision did not address generative AI directly, its emphasis on human creative choices as the touchstone of originality provides a fitting doctrinal foundation for assessing AI-assisted works.

III The US Copyright Office Approach: A Transatlantic Consensus

The US Copyright Office has adopted a consistent position mirroring these European developments. In *Thaler v. Perlmutter* (D.D.C. 2023, affirmed D.C. Cir. 2025), US courts upheld the Copyright Office's refusal to register a work created autonomously by AI, describing human authorship as a "bedrock requirement of copyright". The Office has similarly refused registration for other AI-generated works (including *Zarya of the Dawn* and *Théâtre D'opéra Spatial*) finding that prompts alone do not provide "sufficient human control to make users of an AI system the authors of the output".

These principles were reinforced in the US Copyright Office's January 2025 report, *Copyright and Artificial Intelligence: Part 2: Copyrightability*, which provides comprehensive guidance on works containing AI-generated material. The report emphasises "creative control" as the central criterion: where AI "determines the expressive elements of its output, the generated material is not the product of human authorship". Nevertheless, where human creative contribution is present, registration remains available: the Office has registered "hundreds of works that incorporate AI-generated material" where copyright covers the human author's contribution.

IV Key Takeaways and Implications

The Munich District Court decision confirms a growing international consensus. In Germany, the ruling establishes that AI-generated outputs require human creative influence to qualify for protection, and that prompts leaving creative decisions to the AI are insufficient. Italy's 2025 legislative reform codifies the principle that copyright protects works of human intellect, requiring the author's intellectual contribution for AI-assisted works. This aligns with the Italian Court of Cassation's earlier emphasis on originality as the personal expression of free creative choices, and the Czech decision ruling out copyright protection for an AI-generated image. Across the Atlantic, US courts have affirmed that human authorship is a constitutional prerequisite, and that AI autonomy precludes protection.

For creators, developers, and businesses, these developments underscore a practical reality: copyright protection attaches to the *human* contribution, not to AI-generated material as such. Users of generative AI tools should carefully document their creative inputs, iterative refinements, and post-generation modifications to substantiate any authorship claims.

V Conclusion: A Human-Centred Future?

The decision in comment represents a significant judicial contribution to the emerging framework governing AI and copyright. Together with the recent Italian legislative reform and the consistent stance of the US Copyright Office, it confirms that copyright law's human-centric foundations remain robust. Whether viewed as a safeguard against the monopolisation of machine-generated content or as a reaffirmation of the philosophical link between authorship and human creativity, this consensus provides welcome clarity in a rapidly evolving technological landscape.

While the boundaries between AI-assisted and fully AI-generated works will inevitably be tested in future litigation, the guiding principle is now well established: the machine may be a powerful tool, but authorship, and the protection it confers, belongs to the human creator.

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