

Using Generative AI in Cases and Related Materials licensed to the William Davidson Institute at the University of Michigan

Updated June 19, 2026

Generative AI refers to artificial intelligence tools (e.g., ChatGPT, Claude, Gemini, etc.) that can produce content in response to user prompts, using patterns learned from large datasets ("Generative AI"). Use of Generative AI has become pervasive in business and academia. However, using Generative AI tools to create content in copyrighted-protected cases and related materials raises issues of copyrightability, reliability, and publication ethics. Under current laws and standard practice, content produced in reliance on these tools could be ineligible for citation or copyright protection.

Copyright

According to the United States Copyright Office, providing original prompts to an AI tool is insufficient to ensure copyrightability of the output.¹ Generative AI output can be protected by copyright only when a human author makes creative arrangements of or modifications to it.² However, even where a human author does so and creates copyright in the overall work, that copyright does not extend to any AI-generated elements (for example, AI-generated images or unmodified AI-generated text). As a result, such unmodified AI elements could be freely excerpted without infringing the overall copyrighted work.

Citations

Citation gives credit for work done by others, adds authority, and connects the reader to underlying sources for further exploration. Because current Generative AI tools can produce false information and cannot consistently reproduce a factual response to a prompt, they are not reliable sources for factual information in citations or attributions.

Publication Ethics

The Committee on Publication Ethics (COPE), a UK-based nonprofit organization that provides advice and guidance on best practices in the ethics of scholarly publishing, wrote, "AI tools cannot meet the requirements for authorship, as they cannot take responsibility for the submitted work.... Authors are fully responsible for the content of their manuscript, even those parts produced by an AI tool, and are thus liable for any breach of publication ethics."³

On the basis of these principles, the William Davidson Institute at the University of Michigan has adopted the following policy applicable to all authors of works licensed to or published by WDI.

¹ US Copyright Office, "Copyright and Artificial Intelligence: Part 2: Copyrightability," January 2025, <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>.

² US Copyright Office, "Copyright Office Releases Part 2 of Artificial Intelligence Report," NewsNet Issue 1060, January 29, 2025, <https://www.copyright.gov/newsnet/2025/1060.html>.

³ "Authorship and AI Tools," COPE: Committee on Publication Ethics, February 13, 2023, <https://publicationethics.org/guidance/cope-position/authorship-and-ai-tools>.

POLICY

Faculty and other authors of copyright-protected cases and related materials developed with and/or published by the William Davidson Institute at the University of Michigan are responsible for ensuring the originality, accuracy, and integrity of their content.

- If authors use Generative AI to create content, they must make creative arrangements or modifications of the AI output to ensure it is copyrightable.
- Authors may not use Generative AI output as a cited or attributed source for factual information.
- Authors must disclose the ways in which they used generative AI tools to create their materials. The William Davidson Institute at the University of Michigan will share this information with other publishers that require disclosure of Generative AI use.