Using Generative AI in Kellogg-Copyrighted Cases and Related Materials

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Using generative AI tools to create content in Kellogg-copyrighted cases and related materials raises issues of copyrightability, citability, and publication ethics. Current policies and standards mean that content produced by these tools might not always qualify for copyright protection or be citable.

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

Citations give credit for work done by others, add authority, and connect 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]

Policy

Faculty and other authors of Kellogg-copyrighted cases and related materials developed with and published by Kellogg Case Publishing 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. Kellogg Case Publishing will share this information with Harvard Business Publishing and other publishers that require disclosure of generative AI use.

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[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.