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AI-GENERATED MUSIC AND COPYRIGHT LAW IN INDIA: A STUDY OF THE LEGAL ISSUES

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Abstract

AI can write melodies, orchestrate ensembles, write lyrics, record sounds and create voice impressions at a pace and scale that defies traditional copyright classifications. Although copyright law in India recognizes musical works, lyrics and performances, it does not clearly define how authorship, ownership and liability will apply to situations where a model produces music, albeit with some human involvement. It is a doctrinal research paper which explores the Copyright Act, 1957, important judicial decisions in India and the recent policy consultation of the Government of India regarding generative AI. It examines the limit of originality, the scope of the 'person who causes' a computer-generated work to be created, and the protected music used in training sets, among other issues, as well as substantial similarity in outputs, the replication of singers' voices and the economic status of composers and performers. The paper calls for distinguishing between protection of truly human creative works and protection of works that are solely the product of machines, for more transparency and viable licensing of uses for training, and for remedies that are compatible with musical creativity and technological innovation.

Keywords: Artificial intelligence; musical works; sound recordings; authorship; copyright infringement; voice cloning; royalties; India.

1. Introduction

The music generated by generative artificial intelligence (AI) has come a long way from computer-aided editing. It is now possible for a user to type a short description of a genre, mood and instrumentation, and then receive a song-like recording, with melody, lyrics and a synthetic singer.² An involved creator can utilize AI to create a preliminary sketch and then

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² Andrea Agostinelli et al., "Music LM: Generating Music From Text" (2023), available at: <https://arxiv.org/abs/2301.11325>; Prafulla Dhariwal et al., "Jukebox: A Generative Model for Music" (2020), available at: <https://arxiv.org/abs/2005.00341>.

choose, rewrite, rearrange and play the material. The law needs to differentiate these: a tool that helps a composer is not the same as a system that produces almost everything but adds nothing in the way of a composer's creative input.³

The main law of India is the Copyright Act, 1957. The categories and licensing restrictions were created with the assumption of an identifiable author, composer, producer and performer. They can speak to a lot of the uses of AI music, but the Act doesn't really create a comprehensive regime for modern generative models. It is not just about copyrightability of 'AI music'. Herewith comes whose expression is protected (including authorized uses of existing works in the production of the model), whether a specific output infringes on protected expression, and who should exercise rights over a digitally distributed track.⁴

The paper adopts a doctrinal approach to legal research, examining statutory provisions, reported judgments and official policy documents up to September 2026. It poses three interrelated questions: What kind of human contribution is needed to enable AI-assisted song writing? When training and output creation involve the use of existing music rights? And when does copyright and performer/personality rights deal with synthetic voices?⁵ It posits that authorship, input licensing and output liability should not be viewed and addressed as a single issue and promptly denied or granted rights on every AI-generated music.

The question is particularly topical for India's film and independent-music sectors, where a song could be commissioned via several contracts and streamed, performed live, or be used in short-form video and advertising. When a dispute arises over an AI-generated track, it's not just the individual that typed the prompt who is impacted, it can also impact lyricists, composers, labels, singers, and distributors. The same music file can be legally created, but not legally sold as an endorsement, or lack voice imitation but can legally be used to copy out a protected melody.⁶ When a cure is prescribed for one harm, it is wise to classify and avoid indiscriminately applying it to other harms.

2. Copyright Protection of Music under Indian Law

A commercial track isn't a one undifferentiated object. The term 'musical work' means music (including its graphical notation) but not the words to be set to music. (Section 2(p)). Possible protection as a literary work (lyrics) and as a 'sound recording' under section 2(xx) of the Act.

³ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1

⁴ The Copyright Act, 1957, ss. 13(4), 14, 17, 18, 19, 51 and 52.

⁵ The Copyright Act, 1957, ss. 38A and 38B; *Anil Kapoor v. Simply Life India*, 2023 SCC OnLine Del 6914.

⁶ The Copyright Act, 1957, ss. 13(4), 14(a), 14(e) and 51; *Anil Kapoor v. Simply Life India*, 2023 SCC OnLine Del 6914.

The Act also provides definitions of ‘composer’, ‘producer’ and ‘performer’ which allocate different interests to the people that are responsible for making different contributions.⁷ All of these layers may be affected by a generative system, but no use of a generative system will extinguish the various legal treatment of these layers.

Section 13(1) acknowledges that copyright exists in original literary works and original musical works, in cinematograph films and in sound recordings, as separate types of works. Section 13(4) preserves the copyright in an underlying composition or lyrics. Section 13(3)(b) also provides that any sound recording being made in violation of a sound recording that is a derivative of a literary, dramatic or musical work is not eligible for copyright protection. Therefore, a new audio file doesn't automatically lose its commercial potential simply because its waveform was newly synthesized.

There are other exclusive rights designated in Section 14. A musical work includes the rights to reproduction, issuing copies, public performance and communication, adaptation and making a recording or film in respect of the musical work, a sound recording owner has designated rights to make further sound recordings embodying it, supply copies and to communicate it to the public. There can be multiple licences used in online distribution. The duty to obtain a licence to sample a master recording does not automatically include a licence to sample the composition, nor will a licence to use the composition automatically include a licence to copy a particular master.

The general rule, with statutory exceptions and agreements, is in Section 17. Assignments are governed by sections 18 and 19, and the rights assigned, territory, duration and consideration must be paid attention to. The changes of 2012 safeguard certain rights of authors and composers of literary works and musical compositions used in films and sound recordings under the statutory requirements.⁸ Labels, composers and rights owners of platforms and AI vendors, so contracts should therefore specify what rights are covered, as well as the permitted uses for machine learning, not blanket ‘all media’ clauses which may have assumed that all issues have been addressed.

3. Authorship, Originality and Ownership of AI-Generated Music

The composer is identified in section 2(d)(ii) as the author of a musical work and the producer is identified in section 2(d)(v) as the author of a sound recording. Most importantly, section

⁷ The Copyright Act, 1957 (Act 14 of 1957), ss. 2(d), 2(p), 2(qq), 2(uu), 2(xx) and 13(1).

⁸ The Copyright (Amendment) Act, 2012 (Act 27 of 2012); The Copyright Act, 1957, ss. 17, 18 and 19.

2(d)(vi) calls the 'person who causes the work to be created' the author of a computer-generated literary, dramatic, musical or artistic work. The latter phrase makes Indian law unique but it doesn't explicitly say an AI model is a legal author or that anyone hitting 'generate' owns all the resulting melodies. It is context sensitive who is exactly the person that causes creation, even within the scope of a legal framework.

Consider three situations. The first is the basic human melody and lyrics, with AI orchestration; the original human composition might be recognizable. Secondly, the producer provides precise musical guidance and repeatedly alternates between outputs, make significant changes to the expressive elements, the issue is what parts of the expressive elements have been changed based upon the producer's original direction. Thirdly, a user asks for 'a happy pop song', and the first unedited response is posted. If they were all considered equally created by the user, it would be difficult to distinguish differences in the contribution to the creation and would allow for broad monopolies on material generated mostly through automation.

This is where the originality requirement comes into play. The Supreme Court in the case of *Eastern Book Company v. D.B. Modak*⁹ held that protection under the Copyright Act could not be granted on the basis of labour alone and a certain creative effort in the writing of the work was required. Although the judgment did not address the question of AI authorship of music, it does provide some guidance on how to think about originality, and its reasoning indicates that the act of choosing to use AI tools – even if a subscription fee was paid – is insufficient to afford a protectable human musical expression. On the other hand, the lyrics written by a human, melodies transformed in some way, new arrangements, and/or composition or selection of new music can receive their own evaluation.

A new recording may be made by the producer of the newly recorded production and the owner of those rights may assert the rights that apply to the sound-recording layer with respect to that layer. This is not the end of the discussion of ownership of an underlying composition created by AI. Nor does the wording of a platform's terms of service definitively establish whether there is a right in the first place in the Indian statute: a contract can award rights or grant rights to use a right that is present or has been promised; it cannot create a right out of thin air. The real solution is to record human contributions, prompts, successive versions, performance credits and contractual chains of title.

A practical distinction is between a claimant's contribution to a specific contribution, and ownership of the completed release. The bridge of a song can be written by a collaborator who

⁹ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

does not write the chorus, or the song can be recorded by a collaborator without being the owner of the words. When AI is a part of a collaborative process, the credits must clarify which elements of the collaboration are being claimed as AI-generated and agreements should include a discussion of whether rights are being licensed for the final recording. This is a more defensible approach than claiming an undifferentiated ownership of a whole AI-assisted track prior to locating the legally protected contributions.

4. Training on Copyrighted Music: Licensing and Exceptions

The statistical relationships that are learnt in generative music systems are usually established from a large set of recordings, compositions, lyrics and related metadata. In addition to any specific song produced by training, there are input-side questions arising from training which cannot be answered without examining the song: has a protected work been copied or used in other ways that would involve the exclusive rights of the copyright holder; and, if so, is it licensed or protected by a statutory exception? Also, the different datasets have various layers of legal protection, such as underlying compositions and master recordings. The use of a public stream or the acquisition of a song is not sufficient to create a licence for model development. Section 51 covers infringement if someone does something which is normally protected by copyright that they don't have permission to do and not under an exception. There are purpose exceptions in Section 52(1)(a) such as private or personal use (including research), criticism or review and reporting current events. It isn't a waiver of all commercial training just because training can be called 'research'. Section 52 also covers specific transient or incidental electronic use in specific situations, which may or may not be met by the use of a particular AI-training pipeline, depending on the nature of its use and the conditions set out in the statute.¹⁰

When copyrighted sounds are downloaded, normalised, segmented and/or stored in order to be used repeatedly for training, arguments about temporary technical copying should be taken seriously rather than taken for granted. Transparency is also important: If there are no records of where a composer got the work and the model cannot be identified, the composer may not be able to tell; if there are no records of where a developer got the work, the developer may have a difficult time showing licensing or relying on an exception. Copyright compliance is thus also an evidence and data-governance challenge and not just an abstract question about whether a trained model contains a literal copy.

¹⁰ The Copyright Act, 1957 (Act 14 of 1957), ss. 51 and 52(1)(a), (b) and (c).

The Department for Promotion of Industry and Internal Trade (DPIIT) released a working paper on generative AI and copyright for stakeholders' consultation in December 2025, which is Part I of the working paper. It discussed various models such as exemptions and opt-outs, voluntary and collective licensing as well as a 'One Nation, One License, One Payment' approach for training uses. That is a proposal for a policy, not a statute. The publication of the document represents an official acknowledgment of the creator-remuneration and innovation clash, but should not be referred to as if it has amended sections 14, 51 or 52.¹¹

In the case of music, licensing design needs to consider the fact that compositions, lyrics, and recordings are subject to several different types of ownership interests. In the case of music, licensing design must recognize the fact that there are several different types of ownership interests for compositions, lyrics, and recordings. This could circumvent composers or other statutory beneficiaries as the model would be conveniently administered based on the ownership of masters. Frequently, however, a bespoke negotiation for each track can be costly for smaller domestic developers. All future systems should provide use reporting, include explicit distribution mechanisms, and have realistic use and dispute resolution procedures without equating all works with all uses.

Consent should also differentiate between model training and sampling and generating a close imitation. The artist may agree to a model being analysed in a more general sense to make it better, but reject the use of the model to produce a commercial product featuring a promotion of the artist's ability to replicate their voice. On the other hand, a label might be able to license a recording it owns but not be able to license an underlying piece of music or a singer's voice. There is a need for clarity in granularity because if everything is lumped together as 'AI use', it becomes challenging to contract and audit the use of AI in the future.

5. Generated Outputs: Substantial Similarity, Sampling and Synthetic Voices

The question that is raised at the output is whether a track is protected expression of an earlier one. In *R.G. Anand v. Deluxe Films*¹², the Supreme Court clarified the distinction between ideas and themes and protectable expression, and noted that substantial copying and material

¹¹ Department for Promotion of Industry and Internal Trade, Government of India, Working Paper on Generative AI and Copyright, Part I: One Nation One License One Payment—Balancing AI Innovation and Copyright (Dec. 2025), available at: [\[https://www.dpiit.gov.in/static/uploads/2025/12/ff266bbeed10c48e3479c941484f3525.pdf\]](https://www.dpiit.gov.in/static/uploads/2025/12/ff266bbeed10c48e3479c941484f3525.pdf) (<https://www.dpiit.gov.in/static/uploads/2025/12/ff266bbeed10c48e3479c941484f3525.pdf>).

¹² *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.

copying are distinct ideas. The music and AI cases were useful, but not this one: The use of a wide genre, a familiar chord progression or overall mood is not necessarily the same as the copying of a substantial and original melody or a memorable lyric section. Similarity is to be judged in reference to the actual work protected and the nature of the taking.

Direct audio sampling needs to be given special consideration. An AI-assisted track may include a recognizable portion of a master track, in which case there is a sound-recording right that can be exercised without regard to an underlying tune being original enough. A system can also duplicate a signature, or a particular phrase with a melody, without copying the original master's sound. Not all resemblance is infringement and an allegation must be carefully compared and compared with evidence of provenance and assessment of the substantial protected features, not just a numerical similarity score provided by software.

Under section 31C of Indian law, cover versions are treated separately, provided that the version is transmitted on a non-exclusive basis, and under section 38, 38A and 38B of the law, a number of rights of performers are recognised. A track that is labelled as a 'cover' and/or has a vocalist with an AI does not automatically mean that no composition licence, recording rights, performance rights or statutory regime apply. Royalties also vary according to exploitation; contractual chain and statutory principles, not a general rule, govern who is entitled to receive the revenue. Royalties also are dependent upon the type of exploitation; not a universal rule that an AI user must receive all revenues, but a contractual chain and statutory principles are considered.¹³

Voice cloning poses another challenge. A synthetic voice can sound like a familiar popular singer, but not be the same as any of the segments of the sound recording. Training and outputs also might engage copyright individually, but copyright may not be an adequate solution. In *Arijit Singh v. Codible Ventures LLP*¹⁴, the Bombay High Court in July 2024 issued interim directions in relation to the unauthorised use of a singer's voice and other personality features in an AI-generated video. It is an important decision because the "evidential facts" presented give some commercial and reputational weight to synthetic performance, but it is an interim ruling, not a blanket prohibition against all stylistic parallels. This is a noteworthy decision on its merits because it gives some commercial and reputational weight to the fact of synthetic performance on the presented facts, but it is an interim decision, not a general prohibition on all stylistic parallels.

¹³ The Copyright Act, 1957 (Act 14 of 1957), ss. 18, 19, 31C, 38, 38A and 38B.

¹⁴ *Arijit Singh v. Codible Ventures LLP*, 2024 SCC OnLine Bom 2445.

In the case of *Anil Kapoor v. Simply Life India*¹⁵, the Delhi High Court has shown itself ready to enjoin some forms of unauthorised commercial use of a person's identifiable voice and persona using technological solutions. Where their individual statutory conditions are met, an author's special rights under section 57, and performer moral rights under section 38B, may also be applicable. The doctrinal categories are not supposed to be combined: Mimicking a voice, copying a protected recording, passing off an endorsement and distorting an actual performance can be different causes of action and evidentiary requirements.

6. Liability, Remedies and the Emerging Policy Framework

The ownership of an AI song can be shared by the creators of the AI model, the creators of the dataset used to train the model, the creators of reference songs, the users who interacted with the AI, and the producers and platforms that generated the AI song. The current copyright principles demand determination of what is protected, which restricted act and what specific actions of a party. Reliance on any single developer to be responsible for any similarity created by any user is too much to ask, as is expecting any user to be protected because an audio model is created. The enquiry into the evidence should follow the facts of the copying, the design of the system, the giving of notice, the authorisation for the copying and the control of it, where these issues are relevant to the pleaded legal claim.

Section 55 of the Copyright Act gives civil remedies for copyright infringement to include injunctions, damages, accounts and of course, separate enforcement of divisible rights under section 56 of the Copyright Act. In addition, section 57 covers an author's specified moral interests, while section 38B does a similar job with respect to the performers. In practice, those wishing to seek urgent relief against the use of a synthetic song would need to state what song, composition, lyric, actual performance or persona is being misused and what specific acts are complained of. Orders must be specific enough to remedy actual infringement, rather than stifle legitimate non-infringing musical expression.¹⁶

Conflict could be minimised with collective licensing and improved metadata. A viable system could separate training from output exploitation, indicate to the relevant owners of the data and to the statutory beneficiaries of the datasets what is involved, but not reveal all of the "edens," and enable a dispute over the attribution of the datasets. Developers might maintain records of provenance, provide useful reporting and never promote characteristics that deceptively

¹⁵ *Anil Kapoor v. Simply Life India & Ors.*, 2023 SCC OnLine Del 6914.

¹⁶ The Copyright Act, 1957 (Act 14 of 1957), ss. 38B, 55, 56 and 57.

suggest a singer's consent. Labels and musicians would be able to discuss the use of artificial voices and training agreements that would be explicit, rather than leaving it all up to the old recording contracts.

The DPIIT working paper should be used as a basis for discussion and dialogue and is not intended to replace legislation or binding judicial interpretation. Due to the border-crossing nature of AI-generated music, reform must also be given attention to the enforcement and different approaches to national authorship. India can't import a foreign model wholesale: its definition of computer-generated-work, layered music rights, protections for performers and provisions for royalties require a coherent response at home. Any new regime should be explicit as to whether it is about works being ingested or rights being outputted, or about both.

Provenance information is accessible and can be used for enforcement. Knowing who has made a model and what version of it is being used, from where the reference audio was uploaded, and successive human revisions do not necessarily have to be disclosed to the public, nor do the weights have to be all made public, to be proprietary. With such a supervised process there is a possibility to allow a court to review relevant evidence without compromising truly confidential evidence. Platforms should also include notices that differentiate between claims of master-recording copying, melodic similarity and impersonation, where the proof and legal grounds for each complaint are different.

7. Conclusion and Suggestions

AI-generated music poses several legal questions, not one. A song can contain protectable human lyrics, a contested AI-generated melody, a newly produced recording and an imitation of a recognised performer's voice. Each attracts a different statutory enquiry. Section 2(d)(vi) provides a possible route to identifying the person behind a computer-generated work, but it does not conclusively allocate authorship of every autonomous output. Originality and actual human creative contribution remain important, as do the independent rights in source material used for training and in any expression reproduced in the final track.

A balanced Indian response should adopt four principles. First, protect identifiable human composition, selection, arrangement and performance without granting automatic monopolies over all material produced by a prompt. Secondly, require clear, workable authorisation or a carefully legislated alternative for protected training uses, with remuneration that reaches the appropriate music right-holders. Thirdly, provide effective, tailored procedures against substantial copying, misleading impersonation and unauthorised exploitation of distinctive

voices. Fourthly, improve evidence preservation, model transparency and contractual clarity so that disputes can be resolved on facts rather than speculation.

The distinction between innovation and appropriation should guide reform. Human musicians should not lose their legal interests merely because their work becomes useful training material; equally, copyright should not be extended so broadly that it captures genres, techniques or ordinary musical ideas. The Copyright Act's existing framework offers substantial guidance, but legislative clarity on training, attribution and the status of largely autonomous outputs would better protect both creative labour and responsible development of Indian music technology.

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