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OWNERSHIP AND COPYRIGHT CHALLENGES OF AI-GENERATED CONTENT

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ABSTRACT

Artificial intelligence (AI) is fundamentally changing how creative works are conceived, created, and shared. What till recently required the best of human thinking and artistic skill is today possible in a matter of seconds through sophisticated algorithms. Although this technological advancement has created enormous opportunities for artists, companies, and society as a whole, it has also raised concerns about India's copyright laws, which are premised on the idea that every creative work has a human author. As AI gets increasingly capable of producing art, music, literature, and even software on its own, long-accepted concepts of originality, authorship, and ownership are being called into question in ways that law has never seen.

The Copyright Act, 1957 has its foundation in human creativity and fails to provide for works which may be created with little or no human intervention. The most fundamental concern pertains to who, if anyone, is to be regarded as an "*author*" of the works generated by AI: the person who wrote the program, the user of the program, or the AI itself. As Indian laws do not grant legal personality to AI, none of these questions have straightforward or consistent answers. The same ambiguity extends to a number of ancillary matters like moral rights, infringement liability, and the requisite degree of human creativity for copyright protection.

While analyzing how the rest of the world, including the United States (US), the European Union (EU), and the United Kingdom (UK), respond to the same challenge, it is seen that the world is in search of a balance between safeguarding human creativity and moving along with technological progress. Whereas the US and EU continue to require human authorship, UK's approach to computer-generated works offers a more flexible, though imperfect, alternative. These differences underline the need for us to develop our own clear, future-oriented approach.

India needs to move beyond conventional assumptions and introduce reforms that recognize the realities of AI-driven creation. Better rules on authorship, new licensing models, and

mechanisms of ethical oversight will be necessary in order to reconcile innovation with fairness. As AI increasingly blurs the line between human and machine creativity, copyright law is bound to evolve in a way to protect human creators while embracing possibilities in a rapidly changing technological world.

CHAPTER 1: INTRODUCTION

Fei-Fei Li aptly noted, “*The canvas of copyright is expanding as AI paints new masterpieces, inviting us to redefine ownership and access.*” The rapid development of AI has ushered in a new era of innovation, changing how information is created and consumed. From software development to the visual arts, music, and literature, the line between human and machine creativity is increasingly blurred¹. With these technological advances comes remarkable opportunities, but also a number of complex legal and ethical questions, in particular regarding copyright. The increasing creativity of AI forces us to rethink whether it is possible for works created by machines to fall within the ambit of traditional copyright, and if so, how.²

1.1 Overview

The Copyright Act of 1957 governs copyright in India which is based on the concept of human authorship. The Act grants protection to “original” works, a standard traditionally tied to human creativity. This creates significant uncertainty when it comes to AI-generated content. If AI itself cannot be recognized as an author, then who should hold the copyright- the person who designed the system, the organization that owns it, or the user who provides the prompts? As AI models become increasingly capable of producing content with little or no human involvement, long-standing notions of originality and authorship are being pushed to their limits.³

1.2 Research Questions

The purpose of this paper is to explore the following legal issues pertaining to AI-generated

¹ Negar Bondari, *AI, Copyright, and the Law: The Ongoing Battle Over Intellectual Property Rights*, USC (MAR. 15, 2026 9:09 A.M), <https://sites.usc.edu/iprls/2025/02/04/ai-copyright-and-the-law-the-ongoing-battle-over-intellectual-property-rights/>.

² Annapurna Pardhi, *LEGAL RECOGNITION OF AI GENERATED COPYRIGHTED WORK IN INDIA - PROBLEMS & PERSPECTIVES*, 6 IJLR (2025), <https://www.ijlr.com/post/legal-recognition-of-ai-generated-copyrighted-work-in-india-problems-perspectives>

³ Shubham Palve, *Artificial Intelligence and Copyright Ownership in India: Legal Challenges and Future Direction*, LEGAL SERVICE INDIA (MAR. 15, 2026 9:09 A.M), https://www.legalserviceindia.com/legal/article-18157-artificial-intelligence-and-copyright-ownership-in-india-legal-challenges-and-future-directions.html#google_vignette.5

works under the Indian copyright regime:

1. Is copyright protection available in India for works produced by AI?
2. What are the legal challenges pertaining to AI-generated works' copyright?
3. How can copyright laws in India be changed to create a balance between innovation and the rights of human creators?

1.3 Research Objectives

1. To evaluate Copyright protection to AI in relation to Indian copyright laws.
2. To examine international legal precedents and how they relate to India.
3. To make policy or legal proposals for copyright laws governing AI-generated content.

1.4 Review of Literature

The relationship between copyright law and AI has quickly emerged as one of the most debated subjects in modern legal and academic groups. As AI systems begin to produce artistic, literary, and musical works with increasing sophistication, scholars and policymakers grapple with difficult questions regarding ownership, originality, and legal recognition.

The appearance of AI as a "creator" has challenged long-standing assumptions that have shaped copyright law for centuries. Copyright has always been built on the belief that creativity is a uniquely human trait. Scholars like Samuelson and Ginsburg point out that the core purpose of copyright is to protect human intellectual effort—a principle that becomes highly complicated when machines start producing works independently of human intention.

Despite growing academic and legal interest in this area, there are still noticeable gaps in the existing literature. A number of open questions are observed by scholars, particularly relating to how much human contribution is sufficient to justify copyright protection, as well as how such contribution can be reliably measured or documented. As AI becomes increasingly embedded in creative workflows, it is becoming even harder to distinguish between a human author using a tool and an AI system generating content on the basis of limited human direction. This underlines the urgent need for new legal and technological standards that will ensure the created works are transparent and traceable.

In India, US and EU many scholars agree that current copyright systems are anchored in the assumption that the creator must be human. Indian scholars like Annapurna Pardhi have noted that the Copyright Act, 1957, sheds little light on how works wholly created by machines ought

to be classified. International trends reflect similar caution: US authorities continue to deny copyright protection to fully AI-generated works, and legislative proposals such as the Generative AI Copyright Disclosure Act and the No AI Fraud Act primarily focus on transparency and accountability rather than expanding authorship to AI systems.

Editorial policies from major academic publishers like Elsevier and Cambridge University Press reinforce this global stance by explicitly prohibiting AI tools from being listed as authors. Scholars also highlight practical challenges, such as the difficulty of determining how much creative input came from a human and how much from an algorithm—particularly as those become more advanced and autonomous. Although the UK offers a more flexible model, recognizing in that regard the person who initiates the creation process as the “author” of computer-generated works, such alternative approaches remain the exception and not the rule, and comprehensive comparative studies are still limited.

Taken together, this literature suggests that the legal environment, while evolving, is nevertheless cautious. Most courts, policymakers, and academics hold that copyright is, and should remain for the time being at least, rooted in human creativity. At the same time, many would equally concede that as technology changes, so too will the underpinnings of copyright law. The emerging consensus favors a balanced approach: one that protects human expression, supports technological development, and preserves the public domain.

Looking to the future, copyright in the age of AI cannot be left to legal analysis alone. Any meaningful progress will require collaboration across disciplines; legal scholarship combined with technological expertise, ethical reflection, and policy innovation to build a framework that reflects the realities of a rapidly changing creative landscape.

1.5 Scope or Limitation of Study

The study focuses on the relationship between AI-generated content and Indian copyright law. Beyond copyright concerns, it skips over patents, trademarks, and AI ethics. As AI-related legal issues in India are still developing, the research mainly looks at statutory provisions and court interpretations.

1.6 Research Methodology

This study examines statutes, case laws, and academic publications using a doctrinal legal

research technique. Recommended policies will be enumerated by a comparative study with foreign jurisdictions including the US, EU and UK.

CHAPTER 2: LEGAL FRAMEWORK FOR COPYRIGHT IN INDIA

In India, the Copyright Act of 1957 governs copyright protection for sound recordings, cinematographic films, plays, music, and other artistic creations and identifies the author or creator of a work according to its kind.⁴ For instance, in literary or theatrical works, the author is the person who writes the work.⁵ In computer-generated works, the creator is referred to as the author.⁶ According to this interpretation, anyone who gives data or commands to an AI system may be regarded as author for works produced by AI.⁷

Authors are given exclusive rights over their original works under the Act.⁸ These works are protected from unauthorized duplication, distribution, adaption and public performances⁹. Copyright protection usually lasts for the author's lifetime plus 60 years after their death. However, the length may differ for some works, such as those that are anonymous or pseudonymous.¹⁰ Historically, Copyright law has safeguarded the creations of human intellect and creativity on the grounds of authorship and originality. However, robots that are capable of producing content on their own have already been called into question of these fundamental ideas.¹¹

2.1 Criteria for Copyrightability:

The foundation of copyright protection is based on:

2.1.1. Originality

The work must be original. It must be the result of the creator's expertise, experience, or inventiveness. It must show some level of talent, discernment, or inventiveness in order to be eligible for copyright.¹²

⁴ Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).

⁵ Copyright Act, 1957, § 2(d)(i), No. 14, Acts of Parliament, 1957 (India).

⁶ Copyright Act, 1957, § 2(d)(vi), No. 14, Acts of Parliament, 1957 (India).

⁷ Copyright Act, 1957, § 14, No. 14, Acts of Parliament, 1957 (India).

⁸ Dr. Santosh Kumar Tiwari, *AI-Generated Content and Copyright Law: Challenges and Adaptations in India*, 3 IJAMSR, https://www.ijamsr.com/issues/6_Volume%203_Issue%2012/20240629_110951_3957.pdf.

⁹ *Id.*

¹⁰ Copyright Act, 1957, § 23, No. 14, Acts of Parliament, 1957 (India).

¹¹ Annapurna Pardhi, *supra* note 2.

¹² *Id.*

2.1.2 Human Authorship

Copyright protection is centered on human creativity and mandates that all works protected by copyright should be the result of a human intellect.¹³

2.1.3 Fixation

The creative work needs to be tangible in some way, whether it is written down, documented on paper, or even kept digitally.

2.2 Can AI be entitled to Copyright Protection?

The Act states only individuals have the right to be authors.¹⁴ The Indian Copyright Act of 1957 declares that the human being shall always hold the original copyright to the product, unless a contract to the contrary exists.¹⁵ Although the term “persons” is usually limited to individuals but they may, under an agreement, grant copyright to entities like corporations for a defined time. It is evident that the act's plan is human-centric.¹⁶

2.2.1 Requirement of Originality

The cornerstone of copyright law is human creativity and the same is absent from works produced by AI thus leaving a legal void for copyright protection.¹⁷ AI is devoid of qualities that are commonly linked to authorship, including human-style creativity, intention, and consciousness. The Copyright Office may refuse to register works produced by AI because they lack human authorship and creative input necessary to substantiate a copyright claim. Thus, there are two problems in granting copyright protection to works created by AI - The first is whether AI can be recognized as an author; the second is whether the information provided by AI contains enough originality to qualify as a product of human labor.¹⁸

The question of whether AI could function freely under Indian law is still up for debate. The foundation of copyright law has always been human creativity and intention in the creation of a work. Giving AI author status would go against the fundamental principles upheld by the existing copyright legislation.¹⁹ Machines lack free will or independent thought as they are programmed to recognize patterns and provide results based on data that has already been

¹³ *Id.*

¹⁴ Copyright Act, 1957, § 17, No. 14, Acts of Parliament, 1957 (India).

¹⁵ *Id.*

¹⁶ Copyright Act, 1957, § 18, No. 14, Acts of Parliament, 1957 (India).

¹⁷ Shubham Palve, *supra* note 3.

¹⁸ Shradha Prakash, *Copyright Ownership of AI Generated Content in India*, MONDAQ, <https://www.mondaq.com/india/copyright/1295978/copyright-ownership-of-ai-generated-content-in-india>.

¹⁹ Annapurna Pardhi, *supra* note 2.

collected.²⁰ These elements imply that AI is more of a tool than a creator, which makes it challenging to defend giving a machine copyright ownership.²¹

2.2.2 Legal Implications

There may be legal and practical issues if AI is given copyright. For example, who would enforce copyright if an AI system possessed it? Since machines lack legal personality, giving them ownership rights would necessitate a thorough revision of legal doctrine. In these situations, the human operator, programmer, or organization that owns or creates the AI system could be held accountable for the copyright.²²

The current state of the legislation addressing the ownership of AI content is a subject of dispute among governments around the world, and lawmakers have not reached a consensus on the matter. AI cannot own its content since it has not yet been granted the status of a legal entity. This also holds true for any consequences resulting from AI providing inaccurate information. It's still unclear who has jurisdiction over the same. The US Supreme Court ruled²³ that AI-generated content will not be granted copyrights in an effort to shed light on the matter.²⁴

2.3 Judicial precedents on AI and copyright

There have been numerous judgements stating AI cannot be granted Copyright.

2.3.1 The Raghav Case

Ankit Sahani, the owner of the AI-based painting software Raghav, submitted two copyright applications for Suryast, an AI-generated piece of art. Raghav's name appeared on the first copyright registration application, which the copyright registrar categorically denied. Raghav co-authored the other registration application, which was submitted under Mr. Sahani's name.²⁵

The Copyright Office later objected to the second Suryast application's registration and attempted to have it revoked. The Copyright Office's objections and the response to those objections are confidential since the work is a part of a parallel action in the United States. Such arguments were probably brought up since Indian copyright law only recognizes humans

²⁰ Russell and Norvig, *Artificial Intelligence a Modern Approach*, PEARSON, https://api.pageplace.de/preview/DT0400.9781292401171_A41586057/preview-9781292401171_A41586057.pdf.

²¹ *Id.*

²² Shradha Prakash, *supra note 18*.

²³ Thaler V. Perlmutter (2023) No. 22-CV-384-1564- BAH.

²⁴ Astha Srivastava, *Ownership of AI-Generated Content: Who Holds the Rights*, *LAWFUL LEGAL* (MAR. 15, 2026 9:50 A.M), <https://lawfullegal.in/ownership-of-ai-generated-content-who-holds-the-rights/>.

²⁵ *Id.*

as being able to write works.²⁶

2.3.2 The OpenAI Case

The Complainant Asian News International (ANI), is one of the largest news agencies in India and alleged that Open AI had scraped and utilized its proprietary news content without its permission to train its ChatGPT model. The Delhi High Court has framed four important issues to be decided in this case:

1. Whether storage of data by Open AI for training ChatGPT constitutes infringement?
2. Whether utilization of data by ChatGPT to provide responses to users constitutes infringement?
3. Whether Open AI's utilization of copyrighted content provided by ANI constitutes 'Fair Use' under Section 52 of the Indian Copyright Act of 1957?
4. Whether Indian courts have jurisdiction to hear this case?

The Open AI model claims that its model merely transforms text into math tokens that are not protected under Indian Copyright Act, 1957. The Digital News Publishers Association, Indian Music Industry and Federation of Indian Publishers are interveners in this case, which demonstrates its impact on the content industry as a whole. Currently, there is no verdict. This case is significant as it is the first case that will test the boundaries of Indian copyright law with regard to generative AI.²⁷

CHAPTER 3: COMPARATIVE ANALYSIS

Can AI-generated content be protected under copyright law? This is a critical subject facing the legal community in the current era of technological innovation. Despite the quick development of generative AI technologies that can create art, music, and literature, many jurisdictions still follow the old legal structure that acknowledges only human authorship. The distinction between human and machine-made creations is becoming increasingly blur due to AI. A number of recent court decisions in the US and the UK have reignited international discussion, therefore it is critical to evaluate how other countries are managing the complexities of AI and copyright law.²⁸

²⁶ Astha Srivastava, *supra* note 23.

²⁷ ANI Media Pvt Ltd v. RSY News & Anr., CS(COMM) 1018/2024.

²⁸ Soumya Kataria, *AI and Copyright Law: A Comparative Study of the US, UK, and Beyond*, J.P. ASSOCIATES (MAR. 15, 2026 9:25 A.M.), <https://jpassociates.co.in/ai-and-copyright-law/>.

3.1 The United States

According to the Copyright Office, a work that incorporates significant amount of creativity may be eligible for copyright protection. The Office highlights that one of the most important factors in deciding whether AI-assisted works are copyrightable is the degree of human involvement. It is still unclear, nevertheless, how computer output differs from human writing.²⁹

The US Copyright Office's Copyright Review Board declined to register copyright in the work "*A Recent Entrance to Paradise*"³⁰ under the name of Stephen Thaler's AI system, DABUS. DABUS filed the aforementioned copyright application in 2018 as an author asserting that the AI independently authored the work. However, the application was denied by the copyright office because "*it lacks the human authorship necessary to support a copyright claim*".³¹

The US Copyright Office had revoked the copyright protection granted to a book called *Zarya of the Dawn* that included AI-generated artwork stating Copyright protection would primarily rely on human input in the AI-generated work.³² The US Copyright Office proceeded to cancel the registration with the goal of issuing a new certificate that would only cover the expressive materials because the artworks were not the product of human authorship.³³

Thus, recent court rulings have reinforced the US Copyright Office's long-standing assertion that human authorship is a requirement for copyright protection.³⁴ However, this decision fails to completely address the complicated problems of human-AI cooperation.

Legislators have started drafting laws to handle copyright and AI issues. One such is the Generative AI Copyright Disclosure Act of 2024, which was presented to the US Congress on April 9, 2024. This regulation would improve transparency and potentially give copyright holders more control over their works by requiring companies developing generative AI models to disclose the datasets they use to train their models.³⁵ The No AI Fraud Act is another piece of legislation that was introduced in 2024 with the objective of preventing the use of AI to impersonate individuals without their consent. This could have an impact on deepfake technology, particularly in the entertainment industry where AI-generated performances are

²⁹ Astha Srivastava, *supra* note 23.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *What Does Copyright Protect?*, Copyright.gov, (MAR. 15, 2026 9:09 A.M.), <https://www.copyright.gov/help/faq/faq-protect.html?>

³⁵ Ewerton Barroso, *New Generative AI Copyright Disclosure Act of 2024 Introduced*, BYU (MAR. 15, 2026 9:20 A.M.), <https://copyright.byu.edu/new-generative-ai-copyright-disclosure-act-of-2024-introduced>.

growing in popularity.³⁶

3.2 The European Union

Human creativity is highly valued in the EU under copyright law. In order to assert copyright, human participation in creative processes is necessary, according to EU Directive 2019/790 on Copyright and Related Rights in the Digital Single Market.³⁷ The rule has not yet adequately addressed the role of AI-generated works and solely concentrates on protecting creators, especially in the context of digital platforms. However, the emphasis on human creativity suggests that AI-generated content without human involvement would not be eligible for EU copyright protection³⁸.

India is a signatory to the Berne Convention for the Protection of Literary and Artistic Works, which resonates with the EU's emphasis on human authorship.³⁹ This international agreement emphasizes the protection of human-authored works and serves as the foundation for copyright legislation in many places. Since EU legal principles accord with India's international commitments under the Berne Convention, India may take a similar stance and reject the extension of copyright to AI-generated works without human participation.⁴⁰

3.3 The United Kingdom

The UK has one of the most flexible legal frameworks for AI-generated content. "Computer-generated works," which are defined as works created by a machine in situations where a human author is not present, are covered by the Copyright, Designs and Patents Act of 1988. The individual who undertakes the required preparations to produce the work is considered the author under this system.⁴¹ By granting copyright to the individual or organization in charge of making the necessary arrangements for the AI-generated work, such as the programmers or developers behind the AI system, this approach offers a way to acknowledge the contributions of people or organizations that use AI to create artistic works, even if they do not create the content themselves.

Without having to grant copyright to the AI itself, this method would acknowledge the value

³⁶ Salazar Introduces the No AI Fraud Act (Ewerton Barroso, *New Generative AI Copyright Disclosure Act of 2024 Introduced*, BYU (MAR. 15, 2026 9:20 A.M.), <https://salazar.house.gov/media/press-releases/salazar-introduces-no-ai-fraud-act>.

³⁷ European Parliament and Council Directive 2019/790/EU, on Copyright and Related Rights in the Digital Single Market, art. 2.

³⁸ Shubham Palve, *supra* note 3.

³⁹ Berne Convention for the Protection of Literary and Artistic Works, 1886.

⁴⁰ Shubham Palve, *supra* note 3.

⁴¹ Copyright, Designs and Patents Act 1988, c. 48, sec 9(3) (UK).

of human participation in the development of AI.⁴² However, assigning authorship to a human associated with the AI software or its designers does not fully resolve the legal ambiguity. An inventive solution would likely be a hybrid one, where the AI developer shares rights or gives users restricted permissions for particular applications.⁴³

3.4 The Indian Approach

When it comes to authorship, India's intellectual property system is fairly sound but still very traditional. The Indian Copyright Act of 1957 does not treat works created by AI as having an "author" separate from a human, so it is likely that rights in art created by AI may belong to the owner of an AI system or the person who interacted with it. The Indian legal system is at odds over whether such a system is ready for reform, and as the law develops, lawmakers may make exceptions or changes to copyright regulations in response to the growing prevalence of AI technology.⁴⁴

This topic has caused discussions worldwide, with some nations enacting legislation to deal with AI-produced content. For example, computer-generated works are covered by UK copyright law, which confers authorship to the individual who performed the essential preparations for the work's creation.⁴⁵

However, India may be encouraged to align with the human-centric approach of the U.S. and EU copyright laws by its membership in international treaties such as the Berne Convention.⁴⁶

A balanced approach has been advocated by academics like as Dr. Arul George Scaria, who has suggested that India should think about granting AI-generated works limited copyright protection while maintaining the importance of human creators in copyright law.⁴⁷

CHAPTER 4: CHALLENGES FACED BY INDIAN LAWS

Due to AI's lack of legal personality and the fact that the work it creates cannot be regarded as original, Indian courts have a tough time establishing authorship and copyright protection.

4.1 Distinguishing AI-Generated and Human-Created Content

The increasing sophistication of AI-generated content may make it harder to differentiate

⁴² Shubham Palve, *supra* note 3.

⁴³ Astha Srivastava, *supra* note 23.

⁴⁴ *Id.*

⁴⁵ Copyright, Designs, and Patents Act 1988, c. 48, § 9(3) (UK).

⁴⁶ Shubham Palve, *supra* note 3.

⁴⁷ *Id.*

between works created by humans and machines, which could have an effect on copyright ownership and authorship.⁴⁸ Further the growing commercial use of AI-generated content may lead to additional research and potential amendments to copyright laws to safeguard copyright holders' rights.⁴⁹

4.2 Legal Implications of AI Authorship

Granting AI authorship rights is more difficult than it first appears and may have far-reaching consequences. If AI is given authorship rights in an AI-generated work, it cannot enforce its copyrighted work against potential infringement or be sued for possibly violating an already-existing copyrighted work. This is due to the fact that AI cannot be sued as it is neither a natural person nor a juristic entity. Therefore, the legislation must determine the legal position of AI before addressing the question of granting rights to AI.⁵⁰

4.3 Impact on Existing Copyright Laws

Additionally original works of literature, theater, music, and art are protected by Indian law for 60 years from the year following the author's death. If AI is given authorship the fundamental rationale for the copyright law's time period of protection would be nullified since AI exists forever.⁵¹

4.4 Human Authorship Requirement

Principles based on human authorship could serve as one of the primary obstacles to the copyrightability of AI-generated works under Indian law. Under current legal rules, AI-generated works that don't require a lot of human participation are not eligible for copyright protection.⁵²

4.5 Lack of Originality

One of the fundamental principles of Indian copyright law is originality. The Act states that original works are protected by copyright, which has been construed to mean that the work

⁴⁸ Copyright Act, 1957, § 23, No. 14, Acts of Parliament, 1957 (India).

⁴⁹ Policies from Elsevier and Cambridge University Press** on the non-recognition of AI tools as authors or co-authors in academic publications.

⁵⁰ Kumari Bhargav, Rethinking Authorship: Legal Dilemmas in Copyright for Ai-Generated Content, CSIPR (MAR. 15, 2026 9:20 A.M), <https://csipr.nliu.ac.in/miscellaneous/rethinking-authorship-legal-dilemmas-in-copyright-for-ai-generated-content/>.

⁵¹ *Id.*

⁵² Annapurna Pardhi, *supra* note 2.

must be the author's creation and demonstrate a certain degree of originality.⁵³ This approach, which is backed by Indian court rulings, makes it more difficult to assign copyright to AI-generated works because robots don't have the same level of creativity or intention as humans.⁵⁴

Originality has typically been interpreted as a component of human labor, skill, judgment, or creativity. It raises the question of whether the great majority of AI-produced material is truly unique or fresh, even though it draws inspiration from extensive libraries of previously published works. Furthermore, even while AI is capable of producing content that seems innovative or creative, it does so by using pre-existing data and methods, which highlights the question of whether the output is "truly original or merely a derivative of the data it was trained on." A concern regarding the originality necessary to maintain copyright may arise because AI frequently duplicates the styles or components of previously published works.⁵⁵

4.6 Issues of Ownership

One of the primary challenges for granting Copyright Protection to AI is to determine who holds the ownership rights- AI developer, the user, or AI itself.⁵⁶ It is still unclear who will be regarded as the legitimate owner in cases when copyright protection may be applicable:

The creator: Because they created the system and wrote the code, the developer might be considered the owner of everything that comes from the AI.

The Individual: This might be said to have originated with the user if they gave precise instructions or prompts to an AI, since nothing at all would have been produced without their input influencing the outcome.⁵⁷

The AI itself: Although non-human entities are not recognized as copyright owners under current regulations, autonomous AI systems that generate content on their own are considered self-sustaining creators. However, because they are non-human entities, they are still excluded from the race.

However, section 2(d) circumstantially addresses this issue, stating that "*the person who causes the work to be created*" is the author. This identification, by implication, may favor the developer or user but allows plenty of scope for interpretation.⁵⁸

⁵³ Copyright Act, 1957, § 13, No. 14, Acts of Parliament, 1957 (India).

⁵⁴ Shubham Palve, *supra* note 3.

⁵⁵ Annapurna Pardhi, *supra* note 2.

⁵⁶ Negar Bondari, *supra* note 1.

⁵⁷ Annapurna Pardhi, *supra* note 2.

⁵⁸ *Id.*

4.7 Artificial Intelligence and Moral Rights

This complicates matters further. The "right of attribution" and the "right to object to any distortion or modification of the work likely to prejudice the name and reputation of the creator" are the two rights that are typically included in the concept of moral rights: the Right of Paternity and the Right of Integrity. However, AI cannot be directly linked to its creations, as moral rights are meant to do, because it lacks consciousness, emotions, and reputation.⁵⁹ The idea of moral rights would be problematic if AI were seen as an author as granting rights to a non-sentiment entity would eliminate the prior commitment to human integrity and dignity.⁶⁰

CHAPTER 5: RECOMMENDATIONS AND SUGGESTIONS

The Copyright Act of 1957 finds it difficult to handle ownership, authorship, and accountability issues when AI-generated content proliferates. Therefore, policy proposals and future directions must concentrate on developing precise, well-balanced regulations that promote innovation while defending the public interest and intellectual rights.

5.1 Adopting a Copyright Framework Similar to the UK

Following the UK's example and granting copyright to the individual or organization in charge of setting up the conditions required for the AI to produce the work is one potential remedy in the Indian situation. This might entail defining "*computer-generated works*" in a manner akin to that of the UK, where the individual who made the arrangements required for the creation of the work is granted copyright.⁶¹

5.2 Establishing a New Licensing Framework for AI-Generated Content

As an alternative, India might create a new licensing structure for AI-generated content that takes into account the special characteristics of machine-generated content while allowing creators to keep certain rights. This will guarantee that, within the parameters of copyright law, both human and AI innovation are suitably safeguarded.⁶² This might include a system for registering AI-generated content and developing terms of use that consider the input from both the AI and its human handlers. A structure like this might encourage creativity and

⁵⁹ Annapurna Pardhi, *supra* note 2.

⁶⁰ *Id.*

⁶¹ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK).

⁶² Shubham Palve, *supra* note 3.

guarantee equitable remuneration for all stakeholders.⁶³

To clarify the ownership issue, guidelines that emphasize the roles of the AI system, developer, and user may be established for the licensing of AI-generated content. In order to safeguard authors and end users, such standards would clearly define expectations on the rights of AI-generated works with regard to sharing or licensing.⁶⁴

5.3 Adapting Legal Systems to Keep Pace with AI Advancements

Creating a regulatory organization to track technological advancements and routinely evaluating how AI affects copyright law. This body could offer suggestions for recurring revisions to the legislation, guaranteeing that Indian copyright law stays applicable despite the quick development of technology. India would be able to maintain its alignment with international standards and best practices with this proactive approach.⁶⁵ Legal systems will need to adapt as AI technology develops further.

5.4 Acknowledge Human Involvement

A provision providing copyright to the person or organization in charge of developing, overseeing, or commissioning the AI should be added in order to recognize the critical role that people play in the creative process. In the event that human authorship is absent, this approach satisfies the practical need for a distinct copyright holder while abiding by international regulations.⁶⁶ According to David McGowan and Dr. Arul George Scaria, recognizing the human operator or developer as the copyright holder will guarantee proper distribution of rights while preserving the integrity of human innovation.⁶⁷

5.5 Committees for Ethical Oversight

An oversight committee or advisory body that monitors and assesses the moral consequences of AI-generated works under the Indian government will be advantageous. This advisory council will direct policy changes to ensure that copyright law continues to advance in accordance with moral principles and public interest. AI companies must be required to appoint compliance officers who are solely focused on copyright protection.⁶⁸

⁶³ Shubham Palve, *supra* note 3.

⁶⁴ Annapurna Pardhi, *supra* note 2.

⁶⁵ J. H. Reichman "The Public Domain in a Digital Environment," 52 *Journal of the Copyright Society of the U.S.A.* 509 (2005).

⁶⁶ Shubham Palve, *supra* note 3.

⁶⁷ *Id.*

⁶⁸ Annapurna Pardhi, *supra* note 2.

The copyright law will have to undergo sensitive adjustments on problems of authorship, originality, ownership, and ethics while accommodating AI-generated work. In order to promote technological innovation and safeguard human creativity, the framework can establish a new category for AI works, improve copyright standards, and implement ethical oversight. This will enable copyright to serve as a significant motivator for human authors.⁶⁹

CHAPTER 6: CONCLUSION

Copyright law and AI present a complex situation that requires careful thought. As AI technology advances, India and other nations must modify their copyright laws to address the unique challenges posed by AI-generated works. Copyright ownership may become more difficult as AI technology advances and makes it harder to distinguish between human and machine-generated works. Furthermore, given the increasing commercial use of AI-generated content, copyright regulations may need to be amended in order to protect intellectual property rights. Maintaining the rights of creators while encouraging innovation will need to be balanced in order to meet these challenges.⁷⁰

Users usually contend that by impacting the AI's output-whether through specific prompts, style definitions, or carefully chosen instructions-they become co-contributors and share copyright with the AI. Nonetheless, the fundamental tenet of copyright laws around the world is that all authors must be human. As a result, an AI or any other non-human creature cannot legally claim authorship of a work. Whether the rights belong to the user, the AI developer, or remain unowned is still up for debate.⁷¹

In the digital age, the question is raised: who is the rightful owner of artistic creations when the creator is a sophisticated network of algorithms and code rather than a human? In the era of creative machines and rapidly advancing technology, AI-generated content force us to reevaluate copyright ownership and fair use norms.

The rapid growth of AI technology has made it possible to create works like literary texts, artworks, and music compositions using machine learning algorithms with little to no human involvement. However, how to manage such works is not currently covered by Indian

⁶⁹ *Id.*

⁷⁰ Dr. Santosh Kumar Tiwari, *supra* note 8.

⁷¹ Astha Srivastava, *supra* note 23.

copyright law. Works created solely by AI do not neatly fit under the purview of copyright protection since the Act's concept of an author depends on human creativity.

While India's current legal framework does not explicitly recognize AI-generated works, there is an increasing need for policy adaptation to accommodate this technological shift.⁷²

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⁷² Shubham Palve, *supra* note 3.

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