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PROTECTION OF AI-GENERATED WORKS UNDER THE COPYRIGHT ACT, 1957: AN ANALYSIS

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ABSTRACT

The rapid advancement of artificial intelligence has fundamentally altered traditional notions of creativity and authorship, posing significant challenges to existing copyright regimes. This research paper examines the legal and moral implications of attributing authorship to AI-generated works, with specific reference to the Indian Copyright Act, 1957. It analyses the difficulties faced by human authors in asserting rights over AI-generated content due to the absence of clear statutory recognition and the potential societal consequences arising from inadequate copyright protection for such works. The study situates these concerns by examining the legal approaches adopted in India, the United States, and the United Kingdom, thereby highlighting divergent models of authorship and ownership in relation to AI-generated creations. The research critically evaluates existing gaps in copyright legislation, particularly the ambiguity surrounding authorship and originality in works created with the assistance of artificial intelligence. It argues that the current legal framework is ill-equipped to address the complexities introduced by autonomous creative systems and advocates for the inclusion of specific provisions to regulate AI-generated works. While recognizing that artificial intelligence cannot be equated with human authorship, the paper proposes reforms that acknowledge AI as a contributing factor in the creative process while ensuring fair and equitable treatment of human creators. The paper is based on an empirical study supported by doctrinal analysis and examines contemporary legal challenges associated with AI-generated content and concludes by offering practical suggestions and proposing specific amendments to the Indian Copyright Act, 1957 to address authorship, ownership, and protection of AI-generated works.

KEYWORDS: Artificial Intelligence, AI-Generated Works, The Copyright Act, 1957.

1. INTRODUCTION

The Copyright Act of 1957 does not expressly address works created by artificial intelligence, as it was enacted before the digital age and the emergence of AI technologies. Authorship is typically granted to human artists under copyright law and therefore determining authorship is the primary challenge. The extent of human involvement in creating AI-generated works and the argument over whether AI is better viewed as a tool or a creative being have raised legal concerns. Thus, interpreting AI-generated works in accordance with the Copyright Act of 1957 necessitates a thorough analysis based on contemporary considerations and evolving legal pronouncements.

AI-generated works are any kind of creative production that is produced or greatly affected by artificial intelligence, including music, literature, painting, and more. These pieces could be the product of AI algorithms working on their own or of human artists working with AI systems.

AI uses a variety of algorithmic frameworks, including neural networks, machine learning, and deep learning, which process and analyze data to enable AI systems to produce outputs that mimic or enhance human-like creativity. The creative process involving artificial intelligence is a dynamic and multifaceted journey that combines human ingenuity with the computational power and capabilities of AI systems. The creative process typically starts with gathering vast amounts of data relevant to the domain of interest (e.g., images, text, or music). AI models are trained by using this data to identify patterns, learn styles, or comprehend the underlying structures within the dataset. In picture production, for instance, a model may be trained to produce original images by identifying patterns in the training set. In the training and development stage, human designers frequently contribute by offering suggestions for the intended results and directing the AI models' learning process. Algorithms are improved by human experience, guaranteeing that the AI satisfies literary, musical, or artistic objectives. The creative process is an iterative process that involves AI. Over time, the AI can produce increasingly complex and contextually relevant material as developers iterate and enhance models in response to user feedback. AI uses a diverse creative approach that combines technical know-how, human input, and continuous improvement. The impact of AI technology on the creative industries will grow along with it, leading to continuous debates over the moral, legal, and societal ramifications.¹

¹ R. Anthony Reese, Will There Be Copyright Protection for AI-Generated Works?, 72 UCLA L. REV. DISC. 41,

The legal profession has been significantly impacted by the introduction of Artificial Intelligence (AI) technologies. These advancements have the potential to transform legal processes and improve the efficiency of legal services delivery. AI's use in the legal sector, however, brings up a number of moral and legal issues with the judicial system. The use of AI systems in the creative process goes against long-standing traditions that assign copyrights to human authors or inventors. The question of who is the author and who owns the rights to AI-generated works is complicated and varies between jurisdictions. All systems are not considered to be legal persons in the majority of nations, including India, and are therefore not entitled to the protection of Copyrights. However, the legal frameworks required to handle these novel challenges are still being discussed and investigated.

2. UNDERSTANDING AI-GENERATED WORKS

The term artificial intelligence (AI) refers to the development of computer systems that are capable of performing tasks that require human intellect. It covers a variety of methods and techniques that enable robots to reason, learn, and make their own decisions. General AI and Narrow AI are two broad categories into which AI can be separated. Narrow AI, also known as weak AI, is designed to perform specific tasks and operates within certain parameters. It excels at tasks involving natural language processing, picture identification, and data analysis.

On the other hand, General AI characterizes AI systems that possess human-like intelligence and the capacity to understand, learn, and use knowledge in a variety of domains. Nonetheless, research on the creation of General AI is still underway, and it is still a goal for the future.

The fundamental structure of art-generating AI systems can be explained by four essential components, according to scholars: inputs, learning algorithms, trained algorithms, and outputs.² Existing artistic creations are fed into the expert system as inputs. In essence, inputs are fundamental building blocks that provide the expert system with training data. These building blocks are used by learning algorithms, which use machine learning algorithms to analyze any pertinent features. It compiles the data produced by its analysis into a data structure that matches the Trained Algorithm. Data produced by inputs and learning algorithms is linked to outputs by trained algorithms. It is data in a data structure made up of operations and

45 (2024).

² Celine Melanie A. Dee, Examining Copyright Protection of AI-Generated Art, 1 DELPHI

probabilities. A set of instructions, either chosen by the system or supplied by a template, converts operations and probabilities into a particular output using seed materials. AI-Generated Art, as it is more widely known, is a tangible form that can be recognized as "art."³

Generative AI has numerous applications in a variety of fields, such as gaming, music, literature, and the arts. Here are some examples of how fertile AI is being used:

Text generation: Writers can create unique and creative literary works, such as essays, novels, and news articles, by utilizing generative AI. Ross Goodwin's AI-generated book "1 the Road," which was created by an algorithm that collected data on a cross-country road trip, serves as one example.

Generative AI may produce music in various genres and styles. For example, AVA (Artificial Intelligence Virtual Artist) is a music composer driven by AI that can write unique music in multiple genres, including pop, rock, and classical.

Game development: Characters, stages, and even whole game worlds may be created with generative AI. The video game No Man's Sky illustrates this since it employs procedural generation techniques to produce a nearly limitless variety of distinct worlds and animals.⁴

Conversational agents: Chatbots and other conversational agents that can communicate with users in natural language may be made using generative artificial intelligence. For instance, Google's Duplex AI can conduct phone calls and even have a natural-sounding conversation with a person to schedule appointments and make bookings.

Data augmentation: Machine learning models may be trained using artificial data created by generative AI. This may contribute to expanding the training set and enhancing the models' functionality.

³ Jessica Fjeld and Mason Kortz, 'A Legal Anatomy of AI-generated Art: Part I (Jolt Digest, 21 November 2017)

⁴ Moses Alabi, Generative AI and Its Applications in Creative Industries (Oct. 2024), https://www.researchgate.net/publication/385508903_Generative_AI_and_its_Applications_in_Creative_Industries

3. BASICS OF COPYRIGHT ACT, 1957

The Copyright Act of 1957 is India's principal legislation governing Copyright law. It was passed in January 1958 and has since been amended to take into account modern concerns. Literary, artistic, musical, and dramatic works, as well as sound recordings and cinematographic films, are all protected by the Act. It describes the length of copyright protection, which is typically 60 years plus the author's lifespan. Anonymous and pseudonymous works have a 60-year expiration date after publication. Copyright gives authors the only authority to copy, publish, perform, and modify their creations. Some actions are prohibited without the author's consent. Under some restrictions, the Act permits fair dealing with copyrighted works for news reporting, study, criticism, and reviews. The act has been amended multiple times to address emerging challenges and align with international standards. Amendments have covered digital rights, technological protection measures, and performer's rights.

The extent and scope of AI's consideration as an author under the Copyright Act will depend on the current copyright legislation, which largely grants authorship to human creators. AI systems are not, by definition, authors in the traditional sense because they are tools created and managed by humans. But as AI technology advances and becomes increasingly skilled at creating artistic works with minimal human input, moral conundrums regarding the appropriate level of acknowledgment for AI as a creator begin to emerge. To accommodate AI-generated works, the Copyright Act's current framework, which gives priority to human invention, would need to be changed. Legal systems throughout the globe are battling these issues, and as time goes on, new advancements will determine the parameters of AI's authorship under copyright law. New laws or court rulings will probably be required to make sense of this dynamic legal environment.⁵

In the context of the Indian Copyright Act of 1957, several sections and definitions are relevant to authorship, originality, and ownership. Below are vital provisions addressing these aspects.

3.1 Authorship

Section 2(d)(vi) defines "author" as the person who creates the work including any literary,

⁵ Haochen S, Redesigning Copyright Protection in the Era of Artificial Intelligence, IOWA Law Review, 107 (3) (2022) 1239-1240.

dramatic, musical or artistic work created or generated with a computer; the author is the person who made it. The word 'AI' is not mentioned anywhere in the act and neither works created with the help of AI.⁶

Section 13(1)(a) defines the requirement for originality for copyright protection, stating that copyright subsists in original literary, dramatic, musical, and artistic works. There is no particular mention of Copyright subsisting in AI-generated works. It highlights that copyright is granted to original works that have been reduced to a material form, thereby addressing the fixation requirement.

3.2 Authorship issues

In India, there is a vigorous debate on acknowledging authorship of AI-generated works under the copyright regime. However, the legal system is ill-prepared to deal with the particular difficulties AI-generated art presents. Within the context of the Indian Copyright Act of 1957, the idea of authorship with regard to AI-generated works presents particular difficulties and issues. Analyzing this idea entails looking at how AI's autonomous and algorithmic character fits with conventional ideas of authorship.⁷

Conventional ideas of authorship: A human-centric conception of innovation and authorship served as the foundation for the Copyright Act of 1957. Conventional authorship denotes a human creator who uses their imagination to produce a piece. The Act highlights judgment, hard work, and personal skill as crucial components of authorship. Establishing authorship requires human participation in the creative process.

Challenges in AI-generated authorship: AI functions independently, which raises concerns regarding the lack of a conventional human inventor. Algorithms challenge the traditional idea of human-centric authorship by producing content based on data and trends. By creating original and distinctive content, AI algorithms can demonstrate creativity. It is unclear if this algorithmic inventiveness meets the Act's requirements for authorship. When there is no direct human input or involvement, it becomes difficult to identify the "author" of an AI-generated

⁶ Avishek Chakraborty, Authorship of AI Generated Works under the Copyright Act, 1957: An Analytical Study, 8 NIRMA U. L.J. 37 (2019).

⁷ Aditi Thaplyal & Sparsh Gupta, The Lacuna between AI-Generated Art and Regulating Laws, 5 INDIAN J.L. & LEGAL RSCH. 1 (2023).

piece. Traditional notions of individual authorship could not coincide with legal ownership.⁸

Legal Framework: The definition of "author" in Section 2(d)(i)⁹ refers to a person who creates the work. The lack of a human person in AI systems challenges the applicability of this definition. Section 17 addresses the issue of authorship in works created during employment or under a commission. However, it may not fully address the autonomous nature of AI-generated works.

Consideration should be given to revisiting legal definitions to incorporate non-human entities as potential authors. Recognizing the role of AI systems in the creative process may require legal adjustments. Addressing attribution and moral rights becomes crucial. Balancing the rights of human creators and AI systems may necessitate a nuanced approach. Highlights the need to carefully examine the concept of authorship concerning AI-generated works within the Indian legal context. Balancing traditional copyright law principles with AI creativity's realities poses challenges that require thoughtful legal considerations and potential legislative adjustments.¹⁰

3.3 Meaning of “Work” under Section 2(y)

Section 2(y) of the Copyright Act, 1957¹¹ defines the term “work” to include literary, dramatic, musical and artistic works, cinematograph films, and sound recordings. This definition is exhaustive and forms the foundation for copyright protection in India. Although the provision does not expressly contemplate AI-generated outputs, works produced using artificial intelligence may fall within these recognized categories depending on their nature, such as AI-generated text qualifying as a literary work or AI-created images qualifying as artistic works, yet the ambiguity remains.

The Act protects six broad categories of works: literary works (including computer programs and databases), dramatic works, musical works, artistic works, cinematograph films, and sound recordings. AI-generated creations can potentially be classified under these categories if they

⁸ Rosa Maria Ballardini et al., I-Generated Content: Authorship and Inventorship in the Age of Artificial Intelligence, *Online Distribution of Content in the EU* 117-136 (Edward Elgar Publishing, 2019).

⁹ Indian Copyright Act, 1957, S. 2(d)(i)

¹⁰ Mackenzie Caldwell, What Is an “Author”?-Copyright Authorship of AI Art Through a Philosophical Lens, 61 *Hou. L. Rev.* 411 (2023).

¹¹ Indian Copyright Act, 1957, S. 2(y)

meet the statutory requirements of originality and fixation. However, the absence of explicit recognition of AI-generated works creates ambiguity regarding their eligibility for protection.

3.4 Concept of Authorship and Ownership under Section 17

Authorship plays a central role in determining ownership under the Act. Section 17¹² establishes that the author of a work is generally the first owner of the copyright, subject to certain exceptions such as works made in the course of employment or under contract. The Act presumes the existence of a human author, which poses challenges when determining ownership of works created autonomously by AI systems.¹³

Under the existing legal framework, several possibilities arise. The programmer may be considered the author on the basis that they designed the algorithm and creative framework within which the AI operates. Alternatively, the user or prompt-giver may claim authorship by initiating the creative process and influencing the output. The possibility of recognizing the AI system itself as the author, however, remains legally untenable under the Copyright Act, 1957, as authorship is premised on legal personality and human intellectual effort. This uncertainty highlights the need for legislative clarification to address authorship in the context of AI-generated works.¹⁴

4. ORIGINALITY CRITERION ON AI

The concept of originality is a fundamental aspect of copyright law, including under the Indian Copyright Act of 1957. Originality signifies the independent creation of a work without copying from existing sources, and a work must qualify for copyright protection.

The Indian Copyright Act, in Section 13(1)(a),¹⁵ explicitly states that copyright subsists in original literary, dramatic, musical, and artistic works. This provision emphasizes the importance of originality as a prerequisite for copyright protection.

¹² Indian Copyright Act, 1957, S. 17

¹³ Acevedo V, Original works of “authorship”: Artificial intelligence as authors of copyright, Seton Hall University eRepository @ Seton Hall Law School Student Scholarship, 2022, 3 – 6.

¹⁴ Nishtha Agrawal et al., Ownership of AI-Generated Works: Rethinking Copyright in the 21st Century, 11 Int'l(2025), https://www.researchgate.net/publication/394299519_Ownership_Of_AI-Generated_Works_Rethinking_Copyright_In_The_21st_Century

¹⁵ Indian Copyright Act, 1957, S. 13(1)(a)

Originality requires that the author independently creates the works without direct copying from existing works. Originality requires that the author does the job without direct copying from existing works. While the threshold for originality is relatively low, a modicum of creativity or skill must be involved in creating the work. Trivial or commonplace elements may not meet the originality requirement.

AI-generated works challenge the traditional understanding of originality, especially when algorithms autonomously generate content. The question arises whether the output of an algorithm can be considered original in the same way as human-created works. In the case of AI, which often relies on extensive datasets and patterns, there's a debate on whether works generated based on data-driven processes possess the requisite human-like creativity for copyright protection.

The originality requirement under the Indian Copyright Act plays a pivotal role in determining the scope of copyright protection. As technology advances, particularly in AI, ongoing legal discussions and potential amendments may be necessary to ensure that the law remains relevant and adaptive to emerging creative processes.

5. INTERNATIONAL PERSPECTIVES

Kristina Kashtanova is a writer and artist. The US Copyright Office ("USCO") first approved their application to register the full comic book "Zarya of the Dawn" ¹⁶for copyright protection. However, after learning that Kashtanova had employed an AI platform to assist in creating the comic's graphics, the USCO partially rescinded its ruling. The AI in question determines the appearance of the resulting AI-generated graphics based on input cues. As AI-generated parts of the work lack the "human authorship" necessary to get copyright protection in the USA, the USCO rejected Kashtanova's application to the extent that it included the comic book's images rather than the text.

Computer-generated art can be protected by copyright under English law, particularly the Copyright, Designs and Patents Act 1988 ("CDPA"), even though the UK does not have a

¹⁶ U.S. COPYRIGHT OFFICE, Re: Zarya of the Dawn (Registration No. VAu001480196), Letter to Kristina Kashtanova (Feb. 21, 2023)
<https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>.

copyright registration system. According to Section 178 of the CDPA¹⁷, a "computer generated" work is one that is produced by a computer in situations where a human author is not present. A computer-generated work's "author" is the individual who did the required preparations. After the end of the year in which they were made, such works will be protected for fifty years. Thus, the UK approach distinguishes between creativity and authorship. Having assumed their comic is an original work of intellectual creation (the standard for protection in the UK and indeed the EU) if Kashtanova had created their work as a UK citizen or for a UK company, it is likely the work would have automatically benefited from copyright protection in the UK.

However, under US law¹⁸, there needs to be a sufficient level of "human authorship" for any copyright in works to be registerable with the USCO¹⁹. In the Kashtanova case, the USCO specifically excluded all illustrations created by AI as their "text prompts" were insufficient to qualify as human authorship. The USCO stated that there is a "significant distance between what a user may direct (AI) to create and the visual material (that AI) produces".

However, the use of AI has since increased. The UK parliament's House of Commons Science, Innovation, and Technology Select Committee heard testimony on the effects of AI on the creative sector. The CDPA's approach to "computer generated" works is no longer suitable, according to expert witness testimony from the session, since AI is what creates the works rather than just a tool that helps create them. According to a witness, this is especially noticeable when the user of the AI needs to provide very little input to produce the works, which is identical to the USCO's assessment of the "text prompts" entered into Kashtanova's AI. On the other hand, many would prefer the UK to maintain the current approach, which is even more flexible post-Brexit since English courts are now free to move away from the position under EU law (much of the CDPA is implementing EU Directives). The current position in the UK indicates that AI-generated works can be protected by copyright, which is distinctly different from the USA's position. However, following the UKIPO consultation, the UK government has kept the law under review and considering the commentary from the oral

¹⁷ Copyright, Designs and Patents Act 1988, c. 48, § 178 (U.K.)p and Patents

¹⁸ Copyright and Artificial Intelligence, Part 2: Copyrightability, U.S. Copyright Office, (2023), <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>

¹⁹ U.S. Copyright Office, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence, FEDERAL REGISTER (accessed Mar. 30, 2025), <https://www.federalregister.gov/documents/2023/03/16/2023-05321/copyright-registration-guidance-works-containing-material-generated-by-artificial-intelligence>

evidence session could amend, replace or remove protection in future. Therefore, as AI develops and its use becomes more prevalent, it will be interesting to observe how the legal position in the UK and USA adapts and changes.²⁰

It is also pertinent to note a recent case involving a lawyer who used AI to create legal documents has raised concerns about the reliability of AI generated content and its potential impact on the credibility of legal professionals.

Lawyers representing Roberto Mata in a lawsuit against Avianca submitted a brief citing six cases that don't exist, which were generated by OpenAI's chatbot, ChatGPT. The judge confirmed that six of the presented cases appear to be bogus and set up a hearing as he considers sanctions for the plaintiff's lawyers. The lawyer, Steven A. Schwarz, admitted in an affidavit that he had used ChatGPT for his research and was "unaware of the possibility that its content could be false".

Roberto Mata filed a lawsuit against Avianca Airlines in 2019 for injuries he received from a food cart while traveling on the carrier, alleging staff carelessness. Following Mata's lawsuit, the airline submitted documents requesting that the case be dismissed due to the expiration of the statute of limitations. Mata's attorneys argued that the action should proceed in a March brief, citing and quoting numerous court rulings that have subsequently been refuted. The case emphasizes the necessity for attorneys to confirm the veracity of their sources and the possible dangers of including AI-generated content in court documents. The rise of generative AI is shaking up multiple industries, including laws and lawsuits from creative industries about copyrighted work co-opted or used by AI.²¹

6. POTENTIAL CHALLENGES

The discipline of computer science known as artificial intelligence ("AI") focuses on building intelligent machines that can function and react similarly to people. AI has been applied in a number of industries, including manufacturing, medical, banking, and even the armed forces. AI's applicability to copyright law is still in its infancy. However, there are a number of

²⁰ Muskan Prasad, "Generative AI and Copyright Law: A Comparative Analysis with an Indian Perspective", *ISHAN L. J.*, vol. 3, no. 6 (2025).

²¹ James H. Curlin, *ChatGPT Didn't Write This . . . or Did It? The Emergence of Generative AI in the Legal Field and Lessons from Mata v. Avianca*, 78 *Ark. L. Rev.* (2025).

potential and challenges associated with employing AI in this industry. One issue is that copyright laws may not provide protection for AI-generated works in some places. This is because, in order for a work to be protected by copyright law, it usually needs to be created by a human author. Determining the author of an AI-generated work and whether or not the creator intended to make it can also be challenging.²²

The possibility to use AI to identify infringement is one opportunity that has emerged from its application in copyright law. For instance, an AI system could detect instances of infringement and alert the copyright owner if a work protected by copyright is uploaded to a file-sharing service. AI may also assist in identifying works that are protected by open-source licenses or in the public domain. The development of artificial intelligence (AI) technology has given copyright law both new opportunities and challenges. How to safeguard original works of authorship produced by AI is one of the major concerns. Determining who is the copyright holder of AI-generated works is another challenge. The Copyright Office has stated that it will not register works of authorship generated by artificial intelligence. Another challenge AI poses is how to effectively enforce copyright laws against infringers who use AI-generated works without authorization.²³

Several opportunities arise from the use of AI in copyright law. For example, AI can be used to assist in identifying infringing content and to help track down the sources of infringement. Additionally, AI can be used to create new and innovative works of authorship that may be protected by copyright.²⁴

7. RECOMMENDED AMENDMENTS & THE WAY FORWARD

1. Definition of authorship

Current Provision: Under the Act, a human who creates original works is referred to as an author.²⁵ Proposed amendment would be to expand the concept of authorship to include AI systems capable of producing creative works. The creative input and control that human

²² Aafreen Abdul Sathar, "A Look at Generative AI in Terms of Intellectual Property Rights", Vidhi Legal Policy Blog (Mar. 18, 2025), <https://vidhilegalpolicy.in/blog/a-look-at-generative-ai-in-terms-of-intellectual-property-rights/>

²³ Ahuja V K, Artificial intelligence and copyright: Issues and challenges, ILI Law Review, (Winter Issue 2020) 270 – 285

²⁴ Copyright Protection for AI-Generated Works: Solutions to Further Challenges from Generative AI, by Faye F.Want, AMICUS CURIAE 88 (2023)-

²⁵ Indian Copyright Act, 1957, S. 2(d)

programmers or trainers exercise over the AI system is the foundation of AI authorship.

- "Dual authorship": A configuration expert or AI programmer is considered a co-author. An AI is recognized as a co-author if its contribution meets a predefined originality criterion, such as generating unique output.²⁶
- Sui Generis Rights: Create a new category of "sui generis rights" for content created by AI. As an alternative to traditional copyright ownership, this offers some security.

2. Rights of Ownership

Current Provision: A work's human author or creator usually owns its copyright. The proposed amendment would include clauses addressing who owns works created by AI. Provide joint ownership mechanisms that acknowledge the contributions of both the AI system's human creators and the AI system itself.

- A framework for evaluating the originality of works produced by AI. This might include things like:
 - The extent to which humans choose and contribute during the creative process.
 - The extent of originality and uniqueness of the finished product.

Think about requiring AI works to be less creative than ones made by humans.²⁷

3. Moral Rights and Attribution

Current Provision: Human authors are granted moral rights under the Act, including the right to attribution. The proposed modification respects the moral rights of human creators while granting AI systems the same credit rights as human authors of works. It must be made sure that the content is accurately attributed to both the AI system and the human authors.

4. Validity of Copyright Protection

Present Provision: In India, a writer's copyright is normally safeguarded for their lifetime plus an extra 60 years. The proposed amendment specifies the duration of copyright protection for AI-generated works, taking into account factors such as the longevity of the AI system and the ongoing involvement of human authors.

²⁶ Colin R. Davis, An Evolutionary Step in Intellectual Property Rights – Artificial Intelligence and Intellectual Property, 27 *COMPUTER L. & SECURITY REV.* 601 (2021)

²⁷ "Intellectual Property Issues in Artificial Intelligence: An Overview" by Rajendra Kumar Singh, *Journal of Intellectual Property Rights*, Vol. 26, September 2021, pp. 291-302.

The duration must align with the objectives of promoting innovation and creativity.

5. Lawsuit Structure for AI-Generated Works

Current Provision: The Act contains no specific limitations pertaining to content created by AI. The proposed amendment would establish a legal framework to regulate the creation, ownership, licensing, and protection of intellectual property rights pertaining to works produced by artificial intelligence. To make copyright administration and enforcement easier, establish guidelines for registering AI models and related works.²⁸

6. Openness and Documentation: Mandate authors are required to use AI tools to maintain precise records of the specific AI tool used.

- The training data and settings that were employed.
- The degree of human engagement, if any.
- This transparency facilitates assessing fair usage and makes it easier to identify the rightful owners.

7. Limitations and Exceptions:

Extend the definition of "fair dealing" to include particular applications of AI-generated information for analysis, instruction, and research.

8. Enrolment and Implementation:

Create a simplified registration procedure for artificial intelligence-generated art while considering large production volumes. Provide precise processes for addressing issues about copyright infringement about content created by AI.

7.1 Balance the Interest of Human Authors, AI Developers and The Public

• Preservation of Human Authors' Rights:

Human authors ought to be respected and protected for their creative contributions. To ensure that human authorship is properly acknowledged, moral rights including the right to attribution must be protected.²⁹ Any legal system must ensure that human authors receive just compensation for their works, even if AI participates in the creative process. To safeguard the

²⁸ "Artificial Intelligence and Intellectual Property: Addressing the Challenges" by Anirban Roy and Subhasis Banerjee, National Law School of India Review, Vol. 33, No. 2, 2021, pp. 243-265

²⁹ Indian Copyright Act, 1957, § 57

financial rights of human producers, procedures for computing and distributing royalties must be established.³⁰

- **Fostering Creativity Among AI Developers:** AI programmers are crucial to both the growth of technology and the fostering of creativity. To promote innovation in AI development, the legal framework should offer incentives like investment incentives and intellectual property rights.³¹

- **Promoting innovation** requires clear and uniform regulations about who owns and uses content produced by AI. Ownership rights and license agreements for AI-generated works should be made clear via the legal framework.³²

- **Protecting the Public Interest**

Copyright laws should strike a compromise between protecting creators' rights and promoting public access to knowledge and culture. To guarantee that the public interest is sufficiently served, copyright restrictions and exceptions should be properly drafted.³³

The legal framework should cover ethical issues like bias, discrimination, and privacy concerns about AI-generated content. Safeguards should be put in place to mitigate these risks and protect the rights and dignity of individuals.³⁴

7.2 Implications for Stakeholders

1. Impact on Parties Concerned:

Content producers: AI tools can help human producers by increasing productivity and efficiency. There are worries that material produced by AI might replace human producers and even diminish the value of their labour.

Companies: Investment in AI development may be encouraged by owned material produced

³⁰ "Fair Compensation for Creators in the Digital Age: An Analysis of Indian Copyright Law" by Sudhanshu Tiwari, *Journal of Intellectual Property Rights*, Vol. 24, July 2019, pp. 289-299.

³¹ *Intellectual Property Rights and Innovation: Evidence from the Indian Software Industry*" by Arul George Scaria, *Economic & Political Weekly*, Vol. 51, No. 29, 2016, pp. 85-93.

³² "Artificial Intelligence and Intellectual Property Rights: Challenges and Opportunities" by Rajesh Babu and Raghavender Jillepalli, *Journal of Intellectual Property Rights*, Vol. 26, November 2021, pp. 453-462

³³ "Copyright Law and Access to Knowledge: Revisiting the Balance in India" by Prashant Reddy T. and Sumathi Chandrashekar, *Journal of the Indian Law Institute*, Vol. 62, No. 4, 2020, pp. 501-510

³⁴ "Ethical Considerations in Artificial Intelligence: Challenges for Indian Legal Framework" by Shubhi Tandon and Swaraj Puri, *Indian Journal of Law and Technology*, Vol. 16, No. 1, 2020, pp.41-56

by AI. Business choices on the usage of AI may need to be improved by unclear copyright ownership.

The People in General: More creative expression and information access may be promoted by AI-generated content. Uncontrolled AI authorship gives rise to worries about the manipulation and dissemination of false information via copyrighted material.

2. Possible Repercussions for Indian Copyright Law:

Fair Use Issues: Determining what constitutes a fair use for information generated by AI may be difficult. Enforcing copyright rules against AI-generated content may be challenging, especially if the AI is acknowledged as the author.

The concept of moral rights, which grants authors the power to claim their authorship and object to the use of their work, becomes muddled when it comes to AI authorship.³⁵

8. CONCLUSION

There is no denying the fact that the advent of artificial intelligence has significantly redefined the traditional contours of copyright law. Algorithms today are capable of autonomously generating literary, artistic, and musical works that rival, and in some cases compete with, those created by human authors. This unprecedented technological capability raises fundamental questions concerning authorship and ownership. Whether the author of an AI-generated work should be the programmer, the user who initiates the process, or the AI system itself remains an unresolved dilemma under existing copyright frameworks. As a result, the conventional understanding of authorship under copyright law stands blurred, demanding urgent legal and policy reconsideration. Artificial intelligence, therefore, is not a conqueror of human creativity but a creator alongside it, reshaping the creative ecosystem.

Further complexities arise with respect to the use of data by AI systems and the application of fair use principles to AI-generated outputs. The hazy boundaries between moral rights and AI authorship pose serious challenges, particularly for human creators who may struggle to assert control over their works or manage how such works are subsequently used or modified. These concerns highlight the need to strike a delicate balance between protecting the rights of human authors, encouraging innovation among AI developers, and safeguarding public interest. In a

³⁵ Legal Implications and Regulatory Measures for AI Integration in the Indian Legal System, by Hemant Merawat, 4 *JUS CORPUS* L.J. [288] (2023).

rapidly evolving digital landscape, the establishment of clear, consistent, and transparent guidelines governing the ownership and use of AI-generated works is essential to promote innovation while ensuring the effective protection of intellectual property rights.

Within the framework of the Indian Copyright Act, 1957, the emergence of AI-generated works presents both opportunities and challenges for legislators, legal practitioners, and other stakeholders. First, there is a pressing need for legislative clarification on authorship and ownership of AI-generated works to resolve existing ambiguities and ensure appropriate recognition and protection of rights. Second, copyright law must evolve to balance the protection of human creativity with the encouragement of technological advancement, potentially requiring a re-evaluation of existing doctrines to accommodate new forms of creation. Third, ethical guidelines and best practices should be developed and adhered to by AI developers, content creators, and legal professionals, ensuring transparency, accountability, and respect for intellectual property. Additionally, education and awareness initiatives are crucial to enable informed decision-making and effective collaboration among stakeholders. Finally, given the global nature of AI technologies, international cooperation and a flexible, adaptive legislative approach are indispensable to ensure that Indian copyright law remains relevant and effective in the face of rapid technological progress.

WHITE BLACK
LEGAL