

ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW: RETHINKING AUTHORSHIP, OWNERSHIP AND ORIGINALITY IN THE DIGITAL ERA

by

Jaya Somvanshi ¹

&

Dr. Sagar²

ABSTRACT

The rapid advancement of Artificial Intelligence (AI), particularly generative AI, has transformed the manner in which creative works are conceived, produced and disseminated. Contemporary AI systems are increasingly capable of generating literary works, visual art, music, photographs, software code and audiovisual content with limited or, in some cases, minimal human intervention. This technological development has created significant challenges for conventional copyright law, which has historically been premised upon human creativity, authorship and intellectual contribution. The emergence of AI-generated works therefore raises fundamental questions concerning who should be recognised as the author, who should own copyright, and whether works produced substantially through autonomous computational processes can satisfy the legal requirement of originality.

In India, the Copyright Act, 1957 provides a comprehensive framework for protecting original literary, dramatic, musical and artistic works; however, it does not expressly address the legal status of works generated independently by Artificial Intelligence. The statutory concepts of “author” and “first owner” under Sections 2(d) and 17 respectively are substantially structured around human or legally recognised entities, creating uncertainty in cases involving AI-generated outputs. Further, the originality standard developed through judicial decisions, particularly the requirement of sufficient intellectual effort and creativity, becomes difficult to apply where the creative process involves autonomous machine generation. Questions also arise concerning the use of copyrighted works for training generative AI models and the potential infringement of existing copyright.

¹ Research Scholar, Department of Law, Amity University, Noida, Uttar Pradesh.

² Assistant Professor, Gautam Buddha University, Greater Noida, Uttar Pradesh.

This paper critically examines the challenges posed by generative AI to the principles of authorship, ownership and originality under Indian copyright law. The paper proposes statutory clarification, transparency regarding AI involvement, appropriate licensing mechanisms for AI training datasets, and specialised regulatory guidelines to reconcile technological innovation with the protection of creators' rights.

Keywords: Artificial Intelligence, Copyright, Authorship, Ownership, Originality, Human Creativity.

1. INTRODUCTION

The swift advancement of the Artificial Intelligence (AI) and, specifically, generative AI, has dramatically changed the creation, distribution and consumption of creative works. Generative AI systems now can generate literary texts, photographs, paintings, music, computer programs, videos and other creative expressions, in response to human requests or instructions. In contrast to traditional technological equipment, which only support human designers, high-level AI tools can produce results with different levels of human oversight. This evolution is a challenge to the conventional perception of creativity, which in the past was linked to the intellectual effort of humans, their skill, judgment and imagination.³

The commercial stakes of this debate are considerable within India itself. The Indian generative AI market was valued at approximately INR 85.34 billion in 2024 and is projected to grow at a compound annual growth rate of around 42 per cent through 2030, with content creation, media and entertainment identified as leading areas of adoption.⁴ This rapid uptake means that the absence of settled rules on authorship and ownership is not a merely theoretical concern, but one that carries immediate consequences for Indian businesses and creators who increasingly rely on generative tools in their daily work.

The introduction of AI-generated content has thus raised a number of tricky copyright issues. To illustrate, a notable issue is whether the use of the copyrighted books, photographs, music, artworks and other materials in training the AI models constitutes infringement of copyright.⁵ The basic issue is that copyright laws were largely conceived towards the human creator. The growing independence of AI thus reveals the shortcomings of human-centric copyright principles and leaves the question of whether machine-generated creativity is legally

³ P. Narayanan, *Intellectual Property Law* 1–12 (Eastern Law House, 3rd ed., 2017).

⁴ 'India Generative AI Market Research Report 2025-2030' (GlobeNewswire, 5 September 2025) <<https://www.globenewswire.com/news-release/2025/09/05/3145284/28124/en/India-Generative-AI-Market-Research-Report-2025-2030-Ad-Copy-and-Social-Media-to-Scriptwriting-Dubbing-and-Music-Generation-AI-Transforms-Efficiency-and-Engagement-Across-Platforms.html>> accessed 15 August 2026.

⁵ V.K. Ahuja, *Law Relating to Intellectual Property Rights* 195–230 (LexisNexis, 3rd ed., 2017).

recognized ambiguous. The Copyright Act, 1957 in India lacks explicit enumeration of the framework of AI-generated work, thus necessitating a review of the principles of authorship, ownership and originality.

2. ARTIFICIAL INTELLIGENCE AND AI-GENERATED WORKS

2.1 Meaning and Evolution of Artificial Intelligence

AI is the ability of computer systems to carry out functions traditionally undertaken by human intelligence such as learning, reasoning, problem-solving, decision-making and language processing. Advances in AI have been made in the form of progression towards rule-based systems to advanced machine-learning frameworks, which are able to recognize patterns in large datasets and generate more and more complex results. Machine learning allows systems to enhance their functions using data and algorithms without necessarily developing all decisions to be coded. Generative AI is an even more advanced technology in this area because it provides machines with the capability to generate new information, instead of analysing or categorising the information that is already present.⁶

2.2 Generative AI

Generative AI systems are created to generate original looking content based on human instructions or prompts. Large Language Models (LLMs) have the capability to produce essays, articles, summaries, computer code and other texts. Likewise, AI image generators are able to create photographs, illustrations and artistic works, whereas AI music and video systems can create soundtracks, songs, animations and audiovisual pieces. The software development tools that are AI-assisted are also able to create large amounts of computer programs guided by natural-language instructions.⁷

2.3 AI-Assisted and AI-Generated Works

A meaningful distinction, however, lies between AI-assisted works, where a human author uses generative tools to support an otherwise human-directed creative process, and AI-generated works, where the expressive output originates substantially from the system with minimal human direction. The United States Copyright Office drew on precisely this distinction in 2023 when it permitted registration for the human-authored text and arrangement of the graphic novel *Zarya of the Dawn* while expressly excluding the individual

⁶ S. K. Bhatia, *Artificial Intelligence and Law: Emerging Legal Issues* 15–32 (Universal Law Publishing, 2020).

⁷ V.K. Ahuja, *Law Relating to Intellectual Property Rights* 350–365 (LexisNexis, 3rd ed., 2017).

images generated by the Midjourney tool from protection.⁸ Although Indian authorities have not issued comparable formal guidance, the distinction is instructive for Indian courts and the Copyright Office, since it shifts the enquiry away from whether AI was used at all and towards the degree and nature of human creative control actually exercised over the final expression.

3. AUTHORSHIP UNDER COPYRIGHT LAW

3.1 Concept of Authorship

The protection of copyright is traditionally based on authorship. The copyright law usually presupposes that a work that is safeguarded is the result of the intellectual and creative work of a recognizable human being. An author is thus not just a person who makes a work come into being, but he is the person who brings intellectual ability, judgment, creativity and expression of the person to create it. This anthropocentric interpretation is further complicated when Artificial Intelligence is able to create literary, artistic, musical or audiovisual works on its own. The main issue is whether the individual who executes or creates an AI system could be considered the author of the work as the expressive components of the final work are produced by the machine to a significant extent.⁹

3.2 Authorship under the Indian Copyright Act, 1957

The Copyright Act, 1957 fails to clearly create a regime of AI-generated works. Section 2(d) provides the definition of the term author in connection with various types of the works which are under protection. With literary works or dramatic works, the one who creates the work is the author; with musical works, the composer; and with works of art, the artist. It also provides definitions of authors with reference to cinematograph films and sound recordings and has particular provisions with regard to computer-generated literary, dramatic, musical or artistic works. It is worth noting that in connection with a computer-generated literary, dramatic, musical or artistic work, Section 2(d)(vi) states that the author is the person who causes the creation of the work. This is a especially important provision within the framework of AI, but the statutory interpretation of the term of computer-generated and its applicability to the current state of generative AI is still at an interpretative stage.¹⁰

⁸ Blake Brittain, 'AI-created images lose U.S. copyrights in test for new technology' (Reuters, 23 February 2023) <<https://www.reuters.com/legal/ai-created-images-lose-us-copyrights-test-new-technology-2023-02-22/>> accessed 15 August 2026.

⁹ P. Narayanan, *Intellectual Property Law* 55–72 (Eastern Law House, 3rd ed., 2017).

¹⁰ The Copyright Act, 1957, Section 2(d), No. 14, Acts of Parliament, 1957 (India); V.K. Ahuja, *Law Relating to Intellectual Property Rights* 65–75 (LexisNexis, 3rd ed., 2017).

Section 13 states the types of works in which copyright exists, such as original literary, dramatic, musical and artistic works, cinematograph films and sound recordings. Section 17 will set the general principle that the copyright holder will be the first owner, with certain statutory exceptions. The authorship, therefore, has a direct impact on ownership and distribution of copyright interests.¹¹

3.3 Can AI Be an Author?

The fact that AI is not only recognized as an author but also creates significant legal challenges. AI systems are not currently considered as natural or juristic persons under the Indian copyright legislation. They lack independent legal personality, consciousness or rights and obligations that are legally binding. As a result, direct copyrighting of an AI system would cause confusion on copyright ownership, transfer, licensing, liability and enforcement of copyright infringement. In deeper sense, the copyright law has always been a protection offered as an inducement of human intellectual and creative effort. To accept a machine as a surrogate author would entail, in other words, a substantial conceptual shift in the prevailing principles of copyright.¹²

India's own experience illustrates this uncertainty in practice. In November 2020, the Copyright Office granted registration for the painting 'Suryast', listing the AI application RAGHAV as co-author alongside its owner, Ankit Sahni, only to issue a withdrawal notice roughly a year later asking Sahni to clarify RAGHAV's legal status as an 'author' under Sections 2(d)(iii) and 2(d)(vi) of the Act.¹³ The registration reportedly remains on record notwithstanding the withdrawal notice, and no court has yet resolved the underlying question, leaving India's own position on AI co-authorship genuinely unsettled rather than merely theoretical.

3.4 Who Could Be the Author?

In the case of a creative work that AI creates, it is possible that multiple people can be credited to it. The AI developer/programmer might claim that the design and programming of the system allowed the creation of the output but overall development of an AI system might not always be a creative authorship of all further outputs. The owner or operator of the AI

¹¹ The Copyright Act, 1957, Sections 13, 17, No. 14, Acts of Parliament, 1957 (India); P. Narayanan, *Intellectual Property Law* 80–95 (Eastern Law House, 3rd ed., 2017).

¹² P. Narayanan, *Intellectual Property Law* 55–72 (Eastern Law House, 3rd ed., 2017).

¹³ 'Exclusive: Indian Copyright Office issues withdrawal notice to AI co-author' (Managing Intellectual Property, 14 June 2022) <<https://www.managingip.com/article/2a5bqtj8ume32iwlao5y/exclusive-indian-copyright-office-issues-withdrawal-notice-to-ai-co-author>> accessed 15 August 2026.

system can also assert rights on the basis of control over the technology, however, ownership of the tool does not necessarily give rise to authorship of the outputs of the tool.

The user gives a better claim when the individual gives specific instructions, choosing specific outputs and uses creativity in control over the final work. Equally, an employer or commissioning party can obtain ownership in the cases where the statutory provisions that concern employment or commissioned works have been met. Most importantly, a human that makes a substantial editing, arranging or transforming an output of an AI might assert copyright in the human-created parts where a demonstration of a significant original creative input is possible.¹⁴

International policy discussions reflect a similar search for workable proxies for human creative control. In its ongoing Conversation on Intellectual Property and Frontier Technologies, the World Intellectual Property Organization has repeatedly returned to the question of how rights management and attribution infrastructure can be adapted so that meaningful human contribution to an AI-assisted work can be identified and verified.¹⁵ Such infrastructure-based thinking supports the view taken in this paper that authorship claims should be assessed by reference to the identifiable human choices embedded in a given output, rather than by reference to who merely owns or operates the underlying AI system.

3.5 Human Authorship Principle

Human authorship is a principle that is at the heart of addressing these uncertainties. It is not merely who owns or uses the AI system that will determine whether the specific expression will count as a decisive consideration, but who made substantial intellectual and creative effort in the expression. An identifiable relationship between the human input and the creative parts of the final work would thus be needed in the case of a legally sustainable approach. Where AI is used as a mere tool to help humans in their creativity, copyright protection is easier to prove. On the other hand, in the case where a work is created independently and human creativity can be applied insignificantly, it can be much harder to acknowledge the traditional copyright protection. Future reformulation of the Indian copyright law should therefore provide a clear line of when human input is material enough to be considered authorship in the era of generative AI.¹⁶

¹⁴ V.K. Ahuja, *Law Relating to Intellectual Property Rights* 100–115 (LexisNexis, 3rd ed., 2017).

¹⁵ World Intellectual Property Organization, 'The WIPO Conversation on Intellectual Property and Frontier Technologies' (WIPO) <https://www.wipo.int/en/web/frontier-technologies/frontier_conversation> accessed 15 August 2026.

¹⁶ *Id.* at p. 65–100.

4. OWNERSHIP OF COPYRIGHT IN AI-GENERATED WORKS

4.1 Traditional Principle of Copyright Ownership

The ownership of copyright is usually linked with authorship. Section 17 of the Copyright Act, 1957 provides that the first owner of a work is usually the author of the work, which is subject to a number of statutory exceptions concerning employment, some commissioned works and government-created works. In this framework the assumption is that there is a recognizable individual who has made the expression of the protection. Copyright ownership, therefore, grants an economic right to the copyright holder, which entails reproduction, communication to the public, adaptation and distribution. Nevertheless, the advent of generative AI undermines this traditional relationship since the individual who runs an AI system does not always have to be the one who creates the expressive components of the finished work.¹⁷

4.2 Ownership Problems in AI-Generated Works

Works generated by AI cause ambiguity in terms of copyright rules between multiple possible stakeholders. The user who provides prompts can assert some ownership on the basis that the prompt is a creative decision and it defines the nature of the product. However, a basic or generic command might not be enough intellectual input to prove authorship. Equally, the providers of AI platforms might assert ownership over the output as a contractual right or even set conditions on its use, but the statutory copyright rights are not necessarily established by contractual ownership.¹⁸

The role of an AI programmer or developer is also to be differentiated. The underlying system programming requires a significant amount of intellectual labor, yet does not imply that the programmer is the author of all works which are produced by that system. Section 17 and contractual provisions may be relied upon to establish ownership in an employer-employee relationship. Similarly, commissioned works need to be reviewed on the statutory provisions and the contractual terms on ownership. Thus, the problem of the ownership cannot be solved by the identification of the individual who paid, operated or developed the AI system.¹⁹

4.3 AI-Assisted Works

There is a more sufficient foundation of copyright ownership whereby the creative process is controlled significantly by a human. Provided that an individual chooses the right outputs,

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

¹⁸ P. Narayanan, *Intellectual Property Law* 55–72 (Eastern Law House, 3rd ed., 2017).

¹⁹ The Copyright Act, 1957, Section 17, No. 14, Acts of Parliament, 1957 (India); P. Narayanan, *Intellectual Property Law* 55–75 (Eastern Law House, 3rd ed., 2017).

changes them, reorganizes their components, mixes them with the original work or otherwise applies significant creative judgment, copyright can exist in the expression created by the human. The appropriate question, therefore, ought to be on the quality and level of human creative input, instead of simply having been utilized in production with AI.²⁰

4.4 Fully AI-Generated Works

In situations whereby a work is created independently and human creative input is insignificant, it might be legally reasonable to refuse the customary copyright protection. These might even be in the public domain where they may be accessed and utilized by the masses. Nevertheless, this practice can bring business ambiguity to the companies that invest in AI-generated content and might decrease the motivation to create some creative applications. Meanwhile, the unnecessary expansion of machine-generated content monopoly rights by granting copyright in the absence of any meaningful human authorship is a possibility.²¹

4.5 Moral Rights

The works produced by AI also pose challenges in the area of moral rights, especially attribution and integrity. Traditionally, moral rights are associated with personality and reputation of a human creator. In the case of no human author known, it is hard to say to whom the right of attribution is due, or against whom is the right of distortion or mutilation of the work. To this effect therefore, the lack of human authorship does not just pose an issue of ownership, but it also poses a challenge of root to the individual and moral basis of the copyright protection.²²

The challenge is compounded by the wider rise of synthetic media, where AI tools can alter or generate content in a manner that implicates a creator's reputation without any clear human wrongdoer being identifiable. A recent session of the WIPO Conversation on Intellectual Property and Frontier Technologies specifically examined how existing rights management infrastructure struggles to keep pace with questions of attribution, consent and compensation raised by such synthetic outputs.²³ This suggests that any Indian reform addressing moral rights in the AI context will need to look beyond copyright law alone and

²⁰ *Ibid.*

²¹ *Ibid.*

²² V.K. Ahuja, *Law Relating to Intellectual Property Rights* 150–165 (LexisNexis, 3rd ed., 2017).

²³ World Intellectual Property Organization, 'Artificial Intelligence and Intellectual Property' (WIPO) <<https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/index>> accessed 15 August 2026.

consider how attribution and integrity can be safeguarded across the wider digital content ecosystem.

5. ORIGINALITY AND AI-GENERATED CONTENT

5.1 Meaning of Originality

One of the basic conditions in protection of copyright is originality. This is not always an indication that a piece of work should be completely new or unheard of. Instead, copyright typically necessitates that the work be created by a person independent of their author and possesses a minimum level of intellectual effort, skill, judgment or creativity. The idea thus safeguards the original expression of the author and not ideas, facts or information that are independent of the author.²⁴

When it comes to Artificial Intelligence, though, the task of defining originality is more complicated since the resulting expression might be created by an algorithm that has been trained on a large amount of existing content. The issue then arises as to whether the output of an AI can be considered as an independent act of creativity or a computational combination of patterns based on already existing work.²⁵

5.2 Indian Judicial Approach

The Supreme Court of India in *Eastern Book Company v. D.B. Modak*,²⁶ clarified the Indian approach to originality by moving beyond a purely “sweat of the brow” standard. The Court recognised that copyright protection requires a modicum of creativity, together with the exercise of skill and judgment. Labour or effort without enough originality is not enough to be copyrighted. This is especially applicable to works created using AI since the mere presence of a significant amount of computational effort will not necessarily constitute originality under copyright.

Similarly, in *R.G. Anand v. Delux Films*,²⁷ the Supreme Court emphasised the distinction between an idea and its expression. Copyright does not protect ideas, but protects original expression of an idea. This difference is significant in the world of AI when the prompts or concepts are similar and yield similar answers.

5.3 Application to AI-Generated Works

²⁴ *Id.* at p. 120–135.

²⁵ *Id.* at p. 120–130.

²⁶ (2008) 1 SCC 1.

²⁷ (1978) 4 SCC 118.

The use of these principles begs the question whether originality requirement can be met by an AI system on its own. Though AI may produce results that are new at least in apparent sense, computational novelty need not be similar to legally recognised originality. A mere prompt could include inadequate creative input, but a complex prompt, whereby creative decisions are made with a careful choice, followed by long-term selection, organization and editing, can showcase meaningful human creativity.

The degree to which the human user picks, organises, alters, edits or remakes AI created content must therefore be considered when assessing copyrightability. The end product should be evaluated and not the process in which it was created.²⁸

6. COPYRIGHT INFRINGEMENT AND AI TRAINING

6.1 Training AI Models on Copyrighted Works

The development of generative AI depends heavily upon large datasets containing vast quantities of text, images, photographs, music, software code and other creative works. Copyrighted materials can be gathered, duplicated, manipulated and integrated into datasets during the training process, so that AI systems can recognize patterns and create new outputs. This poses a basic copyright inquiry: does the reproduction and processing of safeguarded works to train AI amount to infringement? Although the original work might not always be reproduced in the final output of the training process, the initial copying and computation process might by itself implicate the exclusive rights of the copyright owners. The legal status is especially unclear in India as the Copyright Act, 1957 lacks an exception related to AI specifically to machine-learning datasets.²⁹

This uncertainty is no longer merely hypothetical in India. In November 2024, the news agency Asian News International filed India's first lawsuit of this kind against OpenAI before the Delhi High Court, alleging that ChatGPT had been trained on its copyrighted news reports without authorisation and had, on occasion, misattributed fabricated content to the agency.³⁰ The dispute, in which the Court appointed amici curiae given the novelty of the issues raised, illustrates precisely the kind of training-data infringement question that Indian copyright law was not designed to answer.

6.2 Fair Dealing/Fair Use

²⁸ P. Narayanan, *Intellectual Property Law* 95–110 (Eastern Law House, 3rd ed., 2017).

²⁹ V.K. Ahuja, *Law Relating to Intellectual Property Rights* 135–150 (LexisNexis, 3rd ed., 2017).

³⁰ 'India's news website ANI sues OpenAI alleging copyright infringement' (IP Helpdesk, European Innovation Council and SMEs Executive Agency, 4 December 2024) <https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/indias-news-website-ani-sues-openai-alleging-copyright-infringement-2024-12-04_en> accessed 15 August 2026.

The copyright law in India follows a fairly narrow framework of fair dealing in the form of Section 52 Copyright Act, 1957 which allows the right of using the works of others under some circumstances that are prescribed by the law. In contrast to the more general and more permissive doctrine of fair use in the United States law, the fair dealing in India is normally restricted to certain purposes and statutory requirements. The question of whether AI training is allowed to fit in these authorized applications is still unanswered. The motive of training, the type of works to be copied, the scope of duplication and impact on the market of the copyright holder might also be considered as important factors to be considered in determining whether a certain use is lawful.³¹

A first judicial signal on this question emerged in July 2026, when the Delhi High Court, while declining to grant Asian News International an interim injunction against OpenAI, observed on a prima facie basis that the storage of its news content for training purposes fell within the fair dealing exception under Section 52(1)(a) of the Copyright Act.³² Because this finding was made only at the interim stage and the main suit remains pending, it offers an initial indication of judicial thinking rather than a settled resolution of whether AI training amounts to fair dealing under Indian law.

6.3 Substantial Similarity and AI Outputs

Another infringement question is where an AI-generated work significantly copies a safe expression in an existing work. When the output is close enough to a copyrighted work, the user or AI developer can possibly be subject to infringement claims based on their participation and the relevant law. Law enforcement may be challenging to prove since AI systems are based on complicated training algorithms, and it is not always easy to pinpoint the exact origin of specific outputs and whether they were the result of intentional or accidental copying or were the result of a computation.³³

6.4 Rights of Copyright Owners

The AI ecosystem should offer meaningful solutions to the protection of copyrighted works to their owners. Licensing can be done on a consent basis whereby lawful access to copyrighted materials can be allowed to be used in training but at a suitable rate to the creators. The processes of attribution could reinforce the awareness of creators whose works are used to develop AI. Financial incentives might be offered by compensation models in

³¹ P. Narayanan, *Intellectual Property Law* 175–190 (Eastern Law House, 3rd ed., 2017).

³² 'OpenAI's Act Of Storing ANI's Works Does Not Amount To Copyright Infringement: Delhi High Court While Refusing Interim Injunction' (LiveLaw, 24 July 2026) <<https://www.livelaw.in/amp/high-court/delhi-high-court/delhi-high-court-openai-ani-copyright-infringement-interim-relief-chatgpt-542746>> accessed 15 August 2026.

³³ V.K. Ahuja, *Law Relating to Intellectual Property Rights* 190–205 (LexisNexis, 3rd ed., 2017).

which the use of copyrighted works is used in a systematized process in commercial AI training. Moreover, proper opt-out systems may enable the rights holders to express their intentions that their works are not to be used in some specific training sets. It should be ensured that copyright owners are therefore safeguarded by a fair framework that does not infringe upon technological innovation and legitimate AI research.³⁴

7. CHALLENGES AND NEED FOR LEGAL REFORM IN INDIA

7.1 Major Legal Challenges

The fast growth of generative Artificial Intelligence has highlighted the major loopholes in the Indian copyright system. Copyright Act, 1957 lacks a technology-specific approach to AI-generated and AI-assisted works. This leaves the authorship in doubt, especially when the ultimate expression is produced by an AI system to a significant degree. The lack of specific guidelines also poses a risk of ownership conflicts between AI developers, platform providers, users, employers and commissioning parties.³⁵

This legislative gap has not gone unnoticed at the policy level. The Department Related Parliamentary Standing Committee on Commerce, in its 161st Report on the Review of the Intellectual Property Rights Regime in India presented to the Rajya Sabha in July 2021, recommended that the Copyright Act, 1957 and the Patents Act, 1970 be reviewed to bring emerging technologies such as AI within their ambit.³⁶ Despite this recommendation, the government subsequently informed the Rajya Sabha that it had no immediate plans to amend the Copyright Act specifically to address AI-generated works, suggesting that meaningful reform is likely to depend on further judicial or legislative developments rather than administrative action alone.³⁷

Another issue is the issue of establishing originality. The conventional principles of copyright demand that the intellectual work be created independently and that it possesses a sufficient level of creativity, yet it is hard to identify whether the requirements have been met by the output generated under the influence of an algorithm being executed on a large set of existing material. Copyrighted books, photographs, music and artworks among others are also used in

³⁴ *Id.* at p. 205–220.

³⁵ *Id.* at p. 65-100.

³⁶ 'Parliamentary Committee suggests Review of IPR Regime in India' (Bar and Bench, 10 August 2021) <<https://www.barandbench.com/law-firms/view-point/parliamentary-committee-suggests-review-of-ipr-regime-in-india>> accessed 15 August 2026.

³⁷ 'The Indian government on the intersection of AI and IP rights: no new rules for the moment' (Lexology, 1 March 2024) <<https://www.lexology.com/library/detail.aspx?g=da34e703-06a7-4887-9051-55726e21ec54>> accessed 15 August 2026.

AI training which also poses questions on copyright infringement, fair dealing and licensing. Moreover, AI generated works pose a challenge in terms of attribution and moral rights especially when the human author cannot be identified. The international and decentralised character of AI platforms makes the enforcement issue across borders an even greater challenge of jurisdiction and ascertaining the law to apply to a specific case.

7.2 Proposed Legal Reforms

India should develop a balanced and technology-responsive copyright framework.³⁸

To start with, AI-assisted works are to be copyrightable as far as it is possible to prove and show significant and creative human input.

Second, there should be a human creativity criteria in legislation or Copyright Office guidelines that determine factors like creative selection, arrangement, editing, modification and transformation.³⁹

Third, there should be proper AI disclosure rules to enhance transparency in cases where AI has substantially contributed to a safeguarded work.

Fourth, a system of AI training licensing should be developed in India allowing legitimate usage of copyrighted content without infringement of the rights holders.

Fifth, compensation systems, such as collective licensing or remuneration systems, might guarantee that creators get suitable economic advantages when their works are utilized commercially to train AI.

Lastly, the Copyright Office must provide specific guidelines in AI-created and AI-assisted works, defining authorship, ownership, originality, registration and infringement. These reforms must not confer autonomous copyright personality to AI and at the same time acknowledge the justifiable use of AI as a creative medium. It should aim at setting a framework that safeguards creators, promotes the innovation of technology and uphold the basic ideas of Indian copyright legislation.⁴⁰

India's reform effort would not occur in isolation. The World Intellectual Property Organization's ongoing Conversation on Intellectual Property and Frontier Technologies has, over successive sessions since 2019, brought together member states to examine precisely the questions of authorship, training data and compensation addressed in this paper.⁴¹ Engaging with this wider international dialogue, while tailoring reform to the specific structure of the

³⁸ *Id.* at p. 220-235.

³⁹ P. Narayanan, *Intellectual Property Law* 80–110 (Eastern Law House, 3rd ed., 2017).

⁴⁰ *Ibid.*

⁴¹ World Intellectual Property Organization, 'The WIPO Conversation on Intellectual Property and Frontier Technologies' (WIPO) <https://www.wipo.int/en/web/frontier-technologies/frontier_conversation> accessed 15 August 2026.

Copyright Act, 1957, would allow India to develop a framework that is both globally informed and domestically workable.

8. CONCLUSION

With the introduction of Artificial Intelligence, especially generative AI, the underlying assumptions of the copyright law have been challenged. The capability of AI systems to generate literary, artistic, musical, audiovisual and software-related works has raised new questions about authorship, ownership and originality like never before. These ideas have traditionally been traditionally linked with human intellectual and creative input, but AI-generated artworks might include different levels of human assistance and machine autonomy.

It can be shown through the analysis that AI as such cannot be automatically recognised as an independent copyright author. Since AI is a non-human technological system that lacks independent legal personality, assigning rights to AI to own copyright would cause significant challenges in terms of rights, liability, enforcement, and commercial exploitation. Meanwhile, the current Indian copyright principles, especially the ones related to originality and authorship offer a valuable base, but these principles are not clear enough to contend with the realities of generative AI.

Works produced by AI should thus not be ineligible to receive copyright protection so long as a significant and provable human creative input can be determined through selection, arrangement, editing, modification or transformation. By comparison, works that are entirely autonomous AI generated work have a more compelling argument as to not being granted protection under conventional copyright law, especially where no human creativity can be identified.

The application of copyrighted content to AI training also demands a legal framework that is more balanced, to guard copyright owners without compulsive limitations on technological innovation and research. India ought to then work out a transparent, technology neutral and human-focused copyright framework that covers authorship, ownership, originality, AI training, transparency and compensation. This would keep the core goals of copyright intact and would help to modernize the legal framework to the realities of creativity in the digital age.