

Copyright Protection of AI-Generated Works in India: Legal Vacuum and Policy Challenges

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Abstract

In the creative industries, artificial intelligence (AI) has become a disruptive force, allowing computers to produce software-based, artistic, musical, and literary works on their own. Although computer-generated works are now recognized by Indian copyright law, human authorship is still at its core. Because works produced independently by AI systems are not specifically covered by the Copyright Act of 1957, there is a great deal of ambiguity surrounding authorship, ownership, originality, and enforcement. In order to determine if AI-generated works can be protected by copyright in India, this study looks at the current legal framework under the Copyright Act, 1957. It pinpoints the Act's doctrinal deficiencies, examines the policy and constitutional issues raised by these gaps, and suggests reform-focused fixes to bring technological advancement and the fundamental tenets of copyright law into harmony.

Keywords: Artificial Intelligence, Copyright Act 1957, Computer-Generated Works, Authorship, Originality, Intellectual Property, Policy Reform

1. Introduction

The protection of human innovation, intellectual labor, and individual expression has always been the cornerstone of copyright law. The concept of authorship has always been associated with a natural person whose talent, discernment, and artistic decisions result in a work that is protected. Since originality is typically viewed as the result of human intellectual endeavor, this anthropocentric attitude is reflected in both national and international copyright systems¹. As a result, the author plays a crucial and essential role in the copyright system.

However, this fundamental premise has been seriously challenged by recent developments in artificial intelligence (AI). AI systems may now produce literary texts, musical compositions, creative images, software code, and audiovisual content with little to no direct human participation. They are no longer limited to mechanical or assisting tasks.² By including non-human agents into the creative process, these advancements challenge conventional notions of creativity, originality, and authorship. The ability of AI to produce content on its own poses important legal problems about whether such outputs may be classified as "works," who, if anybody, can be deemed their creator, and if current copyright rules are theoretically acceptable in the face of machine creativity.³

The Copyright Act, 1957, which was passed in a pre-digital era when creative production was mostly human-centric, governs copyright protection in India. The Act does not specifically address works created

¹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

² David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 334–36 (2020).

³ Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1188–90 (1986).

autonomously by AI systems, even though it has undergone multiple changes to meet technological improvements, most notably by recognizing computer programs as literary works and computer-generated works⁴. AI-generated works are left in a condition of legal uncertainty since the legislative framework still assumes the existence of a human author who has creative control over the work.

Authorship, ownership, originality, moral rights, and enforcement methods are just a few of the complicated and unsolved issues that have arisen as a result of this legislative silence⁵. For authors, software developers, investors, and courts alike, the lack of explicit legislative direction presents serious obstacles. From a business standpoint, the exploitation and monetization of AI-generated works are hampered by ambiguity surrounding ownership and enforcement. From a doctrinal perspective, it highlights the shortcomings of current copyright theories, which are unsuited to address autonomous machine creativity.⁶

Moreover, the question involves broader policy and constitutional concerns. Granting copyright protection to AI-generated works without proper protections may result in the consolidation of rights in the hands of corporations managing AI technologies, thereby restricting access to knowledge and freedom of expression. Denying complete protection, on the other hand, would deter investment and innovation in AI-driven creative industries⁷. The challenge, therefore, comes in striking a balance between incentivising technical innovation and protecting the core principles of copyright law anchored in human ingenuity and public interest.

Against this backdrop, this paper critically explores the situation of AI-generated works under Indian copyright law. It evaluates the adequacy of the existing statutory framework in addressing emerging technological realities, identifies doctrinal and practical gaps, and explores the need for reform-oriented solutions that reconcile innovation with legal certainty and constitutional values⁸.

2. Conceptual Understanding of AI-Generated Works

The 1957 Copyright Act does not define "AI-generated works." In order to ascertain if such works are compatible with current copyright theories, it becomes necessary to have a conceptual grasp of them. Depending on the level of human engagement in the creative process, AI-related creative outputs can be broadly categorized as either AI-generated or AI-assisted⁹. AI-assisted works are those in which a human author uses artificial intelligence as a sophisticated tool. In these situations, the AI system just helps or improves human creativity by automating specific tasks like pattern identification, editing, or optimization. The final creative decisions, including arrangement, selection, alteration, and final approval, are still made by humans¹⁰. AI-based software can be used, for instance, to improve photos, master music, translate languages, or help with legal research. Such compositions easily fit within current copyright standards pertaining to authorship and originality because human intellectual effort remains fundamental¹¹.

⁴ Copyright Act, 1957, §§ 2(d), 2(o), 13 (India).

⁵ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 19–22 (2019).

⁶ Gervais, *supra* note 2, at 349–52.

⁷ WIPO, *supra* note 5, at 27–29.

⁸ Copyright Act, 1957 (India).

⁹ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 12–14 (2019).

¹⁰ Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1189 (1986).

¹¹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

AI-generated works, on the other hand, are those in which an AI system generates the creative product on its own without any significant human creative involvement. In these situations, the human contribution may be restricted to creating the algorithm, supplying training data, or starting the system; the AI determines the expressive content on its own¹². Because the human involvement may be too distant or indirect to satisfy conventional ideas of authorship and originality under copyright law, these works create essentially distinct legal issues¹³.

Because copyright law is predicated on a causal relationship between human intellectual labor and creative expression, this distinction is important from a legal standpoint. The application of human talent, judgment, and imagination is necessary to meet the originality requirement under Indian copyright law¹⁴. While AI-assisted works keep this human nexus, fully autonomous AI-generated works break it entirely. The anthropocentric underpinnings of copyright law, which acknowledge only natural or juristic humans as writers and rights-holders, are called into question by the lack of human creative control¹⁵.

Furthermore, there is a chance of doctrinal conflict if AI-generated and AI-assisted works are confused. Treating autonomous AI outputs as similar to human-created works may compromise the originality threshold and undercut the incentive structure of copyright law. However, completely barring such works from protection could deter investment and innovation in AI-driven creative technologies¹⁶. The lack of the Copyright Act, 1957 to specifically distinguish between these categories has so resulted in interpretation confusion and varied policy effects.

Therefore, any meaningful legal analysis requires a clear conceptual separation between AI-generated and AI-assisted works. The basis for deciding authorship, ownership, length of protection, and the extent of rights in AI-related creative works is this distinction¹⁷.

3. Statutory Framework under the Copyright Act, 1957

The main piece of legislation controlling copyright protection in India is the Copyright Act of 1957. The Act's fundamental framework is still based on human creativity and authorship, despite the fact that it has undergone numerous amendments to reflect technological advancements. The extent to which the Act can accept AI-generated works and the constraints imposed by its anthropocentric design are both revealed by a review of the main statutory clauses.

3.1 Meaning of "Work"

The term "work" is defined in Section 2(y) of the Copyright Act to encompass sound recordings, cinematograph films, and literary, dramatic, musical, and artistic works¹⁸. The definition emphasizes the mode of expression above the process of creation, and it is inclusive rather than exhaustive.

Formally speaking, AI-generated outputs like software code, paintings, poetry, and music may fit under these established categories. Nonetheless, it is evident from Indian copyright doctrine that being classified as a "work" under Section 2(y) is merely a prerequisite. Additional legal requirements, especially those pertaining to originality and authorship, must be met in order for copyright protection to be granted¹⁹.

¹² David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 337–39 (2020).

¹³ Id. at 345.

¹⁴ Copyright Act, 1957, § 13 (India).

¹⁵ Copyright Act, 1957, §§ 2(d), 17 (India).

¹⁶ WIPO, *supra* note 1, at 27–29.

¹⁷ Gervais, *supra* note 4, at 371.

¹⁸ Copyright Act, 1957, § 2(y) (India).

¹⁹ *R.G. Anand v. Delux Films*, (1978) 4 SCC 118 (India).

The Supreme Court has repeatedly ruled that original expressions are the only things that are protected by copyright, not concepts, practices, or processes²⁰. Therefore, even if an AI-generated product meets the formal standards for being a "work," it might not be protected if it doesn't meet the Act's substantive requirements.

3.2 Authorship and Computer-Generated Works

The foundation of copyright protection is authorship. The term "author" is defined in Section 2(d) of the Act with respect to various types of works. Section 2(d)(vi), which states that the author of a computer-generated literary, dramatic, musical, or artistic work is "the person who causes the work to be created," is especially pertinent²¹.

This clause, which is frequently touted as the statutory foundation for recognizing computer-generated works, represents a modest legislative response to non-traditional means of creation. Nonetheless, the wording of the clause assumes that a human "person" who has causative influence over the work's creation exists. The expression "causes the work to be created" suggests more than just technical facilitation; it also suggests a component of deliberate human involvement²².

It becomes difficult to recognize such a person in the setting of autonomous AI systems. The user only needs to start the system; the programmer creates the algorithm and the data source provides the training data. The ultimate expressive output may not be creatively controlled by any of these actors²³. There is a great deal of uncertainty surrounding the scope and applicability of Section 2(d)(vi) because Indian courts have not yet interpreted it in relation to AI-generated works.

3.3 Originality Requirement

The Copyright Act's Section 13 stipulates that only "original" literary, dramatic, musical, and artistic works are protected by copyright²⁴. Indian courts have construed the notion of originality as requiring a minimum level of innovation. The Supreme Court adopted the "modicum of creativity" criterion in *Eastern Book Company v. D.B. Modak*, rejecting the "sweat of the brow" notion and concluding that originality necessitates the use of expertise, judgment, and creative choice²⁵. Similarly, the Court emphasized in *R.G. Anand v. Delux Films* that copyright protects an idea's original expression rather than the concept itself²⁶.

This need is fundamentally challenged by AI-generated works. According to Indian law, originality is fundamentally related to human intelligence. It becomes challenging to credit any human author with the necessary talent, discernment, or inventiveness when a work is produced automatically by an AI system without human creative input²⁷. Therefore, regardless of their novelty or complexity, such works might not meet the originality requirement.

3.4 Ownership of Copyright

Subject to specific statutory exceptions, Section 17 of the Act states that the author of a work is the initial owner of the copyright therein²⁸. Thus, ownership is derived from authorship.

²⁰ Id.

²¹ Copyright Act, 1957, § 2(d)(vi) (India).

²² Pamela Samuelson, Allocating Ownership Rights in Computer-Generated Works, 47 U. Pitt. L. Rev. 1185, 1190 (1986).

²³ David J. Gervais, Artificial Intelligence and Copyright, 53 U.C. Davis L. Rev. 331, 345–47 (2020).

²⁴ Copyright Act, 1957, § 13 (India).

²⁵ *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

²⁶ *R.G. Anand v. Delux Films*, (1978) 4 SCC 118 (India).

²⁷ Gervais, *supra* note 20, at 349.

²⁸ Copyright Act, 1957, § 17 (India).

AI systems cannot possess copyright since they are not considered writers under Indian law and lack legal personality. Ownership of AI-generated works becomes ambiguous when there is no legally identified human author²⁹. This ambiguity presents significant real-world challenges, especially when it comes to rights enforcement, assignment, and licensing.

Indian courts have emphasized over and over again that in order for rights to be enforced, copyright ownership must be easily determined³⁰. Therefore, the lack of clarity regarding ownership of AI-generated works jeopardizes both legal certainty and commercial exploitation.

3.5 Moral Rights

Authors are granted moral rights under Section 57 of the Act, which include the right to assert authorship and the right to prevent or demand compensation for any alteration, mutilation, or distortion of their work that would be detrimental to their honor or reputation³¹. These rights, which are personal in character, persist long after economic rights have been assigned.

The human-centered character of moral rights has been reaffirmed by judicial interpretation. The Delhi High Court acknowledged moral rights as an extension of the author's individuality and dignity in the case of *Amarnath Sehgal v. Union of India*³². Similar to this, the Court emphasized that moral rights safeguard the intimate connection between the author and the work in *Manu Bhandari v. Kala Vikas Pictures Pvt. Ltd.*³³.

It defies logic for AI-generated art to have honor, repute, or human decency. Thus, autonomous machine creativity and the idea of moral rights are irreconcilable, underscoring the current copyright framework's incapacity to support AI-generated works in a logical way³⁴.

4. Legal Vacuum and Enforcement Challenges

Significant enforcement issues arise from the Copyright Act of 1957's lack of statutory clarity regarding AI-generated works. Copyright protection serves as a tool for enforcing proprietary interests through both civil and criminal remedies, in addition to acknowledging creative rights. However, the existence of a legally recognized author or copyright owner is an essential precondition for the enforcement mechanism under the Act. This fundamental condition is broken by the rise of autonomous AI-generated works, leaving a significant legal void.

4.1 Infringement and the Requirement of Identifiable Ownership

Infringement is defined as the unauthorized use of the exclusive rights granted to the copyright owner in Section 51 of the Copyright Act³⁵. The existence of an identified owner with the ability to defend their rights against infringers is a necessary condition for the enforcement of this clause.

When it comes to AI-generated works, the lack of a legally recognized author causes ownership to be unclear. Since authorship is the basis for copyright ownership under Section 17, it is difficult to prove infringement claims when authorship cannot be attributed to a real or legal entity³⁶. In the absence of a clearly identifiable rights-holder, enforcement actions may be unsuccessful at the threshold level.

²⁹ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 21–22 (2019).

³⁰ *Indian Performing Right Society Ltd. v. Eastern India Motion Pictures Ass'n*, (1977) 2 SCC 820 (India).

³¹ Copyright Act, 1957, § 57 (India).

³² *Amarnath Sehgal v. Union of India*, 2005 (30) PTC 253 (Del).

³³ *Manu Bhandari v. Kala Vikas Pictures Pvt. Ltd.*, AIR 1987 Del 13.

³⁴ Gervais, *supra* note 20, at 362.

³⁵ Copyright Act, 1957, § 51 (India).

³⁶ *Id.* § 17.

Indian courts have repeatedly emphasized that in order to pursue infringement claims, there must be clear ownership. The Supreme Court emphasized in *Indian Performing Right Society Ltd. v. Eastern India Motion Pictures Association* that a legally determinable owner with enforceable rights is necessary for copyright enforcement³⁷. In AI-generated works, the lack of such ownership poses significant substantive and administrative obstacles to infringement claims.

4.2 Civil Remedies and Procedural Difficulties

Injunctions, damages, and accounts of profits are among the civil remedies for copyright infringement provided by Section 55 of the Act³⁸. The plaintiff must demonstrate legitimate copyright ownership in order to receive these remedies.

Uncertainty about authorship and ownership of AI-generated works makes it more difficult for the plaintiff to meet this burden of proof. The claimant's locus standi to initiate infringement proceedings may not be determinable by the courts. Furthermore, while title is still legally unclear, it becomes difficult to determine damages or loss³⁹.

The significance of well-defined proprietary rights in copyright cases is emphasized by judicial precedent. The Supreme Court emphasized in *R.G. Anand v. Delux Films* that copyright protection is only enforceable in cases where ownership and originality may be proven⁴⁰. This evidential criterion is made more difficult by the lack of unambiguous authorship in AI-generated works, which can lead to the denial of remedies even in cases when infringement seems obvious.

4.3 Assignment and Licensing Challenges

The Copyright Act's Sections 18 and 19 govern copyright transfer and licensing. By permitting rights-holders to transfer or license their economic rights, these clauses permit the commercial use of works protected by copyright⁴¹. However, only when carried out by a recognized copyright owner are such transactions legally valid.

Because ownership is unclear in cases involving AI-generated works, assignment agreements are susceptible to legal dispute. There may be doubts about the legality and enforcement of agreements made by parties to license or assignment agreements. The economic value of copyright protection is compromised by this lack of financial certainty, which deters investment in AI-driven creative businesses⁴².

In *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, the Supreme Court emphasized that copyright is an economic privilege meant to encourage innovation and ease commercial exploitation, in addition to being a legislative monopoly⁴³. This goal is directly at odds with the uncertainty surrounding AI-generated works, which leads to ambiguity in licensing and contracting systems.

4.4 Criminal Enforcement and Regulatory Gaps

Sections 63 and 65 of the Copyright Act include criminal penalties for infringement in addition to civil remedies. The purpose of these clauses is to prevent unauthorized use and piracy of copyrighted content.

³⁷ *Indian Performing Right Society Ltd. v. Eastern India Motion Pictures Ass 'n*, (1977) 2 SCC 820 (India).

³⁸ Copyright Act, 1957, § 55 (India)

³⁹ David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 350–52 (2020).

⁴⁰ *R.G. Anand v. Delux Films*, (1978) 4 SCC 118 (India).

⁴¹ Copyright Act, 1957, §§ 18–19 (India).

⁴² Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1200–02 (1986).

⁴³ *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, (2008) 13 SCC 30 (India).

However, the presence of identified ownership and legitimate copyright sustenance are also necessary for criminal enforcement⁴⁴.

Since the prosecution must prove ownership and copyright subsistence beyond a reasonable doubt, prosecuting infringement in the context of AI-generated works becomes legally complicated. Therefore, the deterrent effect of copyright law may be diminished and criminal enforcement procedures may be weakened in the absence of statutory certainty about AI authorship.

4.5 Broader Commercial and Policy Consequences

The compliance issues brought on by AI-generated content go beyond simple procedural issues and have wider business ramifications. Investment in AI-based creative technology is discouraged by uncertainty about ownership and enforceability, which can also result in conflicts between data sources, developers, and consumers⁴⁵. Furthermore, the absence of legally binding protection can promote the unauthorized duplication and dissemination of AI-generated content, so weakening incentives for innovation.

The World Intellectual Property Organization has emphasized that regulatory ambiguity resulting from unresolved issues regarding AI authorship and ownership has the potential to destabilize intellectual property systems around the world⁴⁶. Legislative and policy changes are required since the Indian copyright system is still ill-equipped to handle these issues in its current state.

5. Policy and Constitutional Implications

In addition to being a system of private property rights, copyright law is a regulatory tool intended to strike a balance between the interests of society at large in terms of knowledge availability and cultural advancement and the incentives that individuals have for being creative. This equilibrium is called into question by the rise of AI-generated works, which raise intricate constitutional and policy issues. Extending copyright protection to AI-generated works runs the risk of eroding fundamental constitutional values like distributive justice, freedom of expression, and information access, even though it may spur technical advancement and economic expansion.

5.1 Balancing Private Rights and Public Interest

A delicate balance between private ownership and the public interest is reflected in the Indian copyright framework. Authors are granted exclusive rights under copyright to encourage creation, but these rights are subject to statutory restrictions and exceptions intended to encourage information sharing and cultural growth⁴⁷. By posing the question of whether copyright protection should be extended to works that lack human intellectual effort, the arrival of AI-generated works upsets this equilibrium.

The concentration of ownership in the hands of companies that control AI technologies, data infrastructures, and computational resources could occur if AI-generated works are given complete copyright protection. Such concentration may limit the range of creative expression by erecting obstacles to entrance for independent artists and smaller businesses⁴⁸. The economic power of technology companies could enable large-scale monopolisation of cultural and informational resources, potentially distorting the competitive landscape of creative industries.

⁴⁴ Copyright Act, 1957, §§ 63, 65 (India)

⁴⁵ Gervais, *supra* note 36, at 365.

⁴⁶ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 24–26 (2019).

⁴⁷ Copyright Act, 1957, §§ 52–53 (India).

⁴⁸ Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1205–07 (1986).

5.2 Freedom of Expression under Article 19(1)(a)

The right to receive and distribute information and creative content is covered under Article 19(1)(a) of the Indian Constitution, which guarantees freedom of speech and expression⁴⁹. While protecting artistic creations, copyright laws must respect the constitution and cannot unnecessarily restrict the right to free speech.

The Supreme Court has continuously acknowledged the connection between freedom of expression and copyright protection. The Court emphasized in *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.* that copyright law must balance the public's interest in information access with the rights of creators⁵⁰. Public access to cultural and educational resources may be hampered by an overabundance of copyright protection, especially in favor of corporately owned AI-generated works.

Similarly, in *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, the Supreme Court recognised that the right to receive information is an integral component of freedom of expression⁵¹. Public access to creative and informative content may be severely restricted if AI-generated works are subject to broad copyright monopolies, which would raise constitutional issues.

5.3 Innovation, Economic Growth, and Technological Development

Excessive copyright protection might jeopardize freedom of expression, but denying AI-generated works any protection at all might have negative economic effects. Copyright legislation encourages investment in R&D and creative production by acting as an incentive mechanism⁵². If competitors are able to freely utilize the outputs produced by AI systems without any protection, developers and companies that have invested significant resources in these technologies may be unwilling to innovate.

Lack of legal clarity surrounding AI-generated works may deter technical growth and lessen incentives for innovation in nascent digital businesses, according to the World Intellectual Property Organization⁵³. An overly stringent approach to AI copyright protection may impede technological competitiveness and economic progress, especially in light of India's rapidly growing digital economy and increasing investments in AI.

5.4 Social Justice and Distributional Concerns

Social justice and fair resource allocation are also important to India's constitutional ideal. The concentration of copyright ownership in AI-generated works may marginalize smaller creative businesses and individual producers while disproportionately benefitting technologically sophisticated corporations⁵⁴. This brings up more general policy issues about fair access to artistic opportunity and cultural engagement.

Furthermore, large datasets of human-created content are frequently used to train AI systems. Fairness and ethical issues may arise if AI-generated outputs are given exclusive copyright protection without acknowledging the contributions of underlying human data sources⁵⁵. The ethical and financial interests of original authors whose work indirectly influences AI-generated products may be jeopardized by such methods.

⁴⁹ INDIA CONST. art. 19, cl. 1.

⁵⁰ *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, (2008) 13 SCC 30 (India).

⁵¹ *Secretary, Ministry of Information & Broadcasting v. Cricket Ass'n of Bengal*, (1995) 2 SCC 161 (India).

⁵² *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).

⁵³ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 27–29 (2019).

⁵⁴ David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 368–70 (2020).

⁵⁵ *Id.*

5.5 Need for a Balanced Regulatory Approach

It is crucial to adopt a sophisticated and balanced policy approach in light of these conflicting factors. AI-generated works must be accommodated by copyright laws that uphold the public interest and constitutional principles. Legislators must make sure that new laws don't hinder technological advancement or jeopardize free speech or equal access to information⁵⁶.

Limited-duration protection for AI-generated works, required disclosure of AI involvement, and protections against excessive ownership concentration are all possible components of a well-crafted legal framework. While preserving the constitutional balance between private rights and the general benefit, such policies can foster innovation.

6. Comparative Perspectives

Divergent strategies for protecting AI-generated works are shown by a comparative study of international copyright regimes. There are many theories of authorship, ownership, and originality as a result of different jurisdictions' attempts to balance conventional copyright concepts with technological innovation. Analyzing these methods reveals possible avenues for legislative reform and offers insightful information for assessing the suitability of Indian copyright law.

6.1 United Kingdom: Attribution to the Person Making Necessary Arrangements

When it comes to computer-generated works, the UK has one of the clearest legal frameworks. The author of a computer-generated literary, dramatic, musical, or artistic work is defined as "the person by whom the arrangements necessary for the creation of the work are undertaken" in Section 9(3) of the Copyright, Designs and Patents Act, 1988⁵⁷.

This clause, which gives authorship to the person or organization in charge of organizational or technological control over the creative process, is a practical legislative answer. UK law aims to maintain copyright protection while avoiding acknowledging robots as legitimate creators by identifying the individual who started or assisted in the creation of the work⁵⁸.

The UK strategy, however, has come under fire for perhaps providing copyright protection even in cases where there is a lack of significant human innovation. Critics contend that assigning authorship based just on organizational structures could weaken the demand for originality and give firms in charge of AI technologies broad proprietary rights over content produced by machines⁵⁹. Notwithstanding these reservations, the UK approach is among the most advanced statutory frameworks for computer-generated works since it provides both legislative clarity and commercial certainty.

6.2 United States: Rejection of Non-Human Authorship

The United States takes a purely human-centric approach to copyright protection, in contrast to the United Kingdom. Although AI-generated works are not specifically covered by the U.S. Copyright Act, human authorship is constantly emphasized as a requirement for copyright protection in court and administrative interpretations⁶⁰.

The US Copyright Office has made it clear time and time again that works without human authorship are not protected by copyright. This stance was strengthened in *Naruto v. Slater*, where the US Court of

⁵⁶ WIPO, *supra* note 50, at 31.

⁵⁷ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK).

⁵⁸ David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 356–58 (2020).

⁵⁹ Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1208–09 (1986).

⁶⁰ 17 U.S.C. § 102 (2018).

Appeals for the Ninth Circuit ruled that images taken by monkeys were not protected by copyright since non-human authorship is not recognized by copyright law⁶¹. The case set a significant precedent confirming that copyright only applies to works written by human writers, even though it did not use artificial intelligence.

More recently, the U.S. Copyright Office has refused registration for fully AI-generated works, reiterating that copyright protection requires human creative input⁶². This strict approach preserves the traditional philosophical foundation of copyright law but creates uncertainty for AI developers and investors seeking legal protection for machine-generated outputs.

6.3 European Union: Emphasis on Human Intellectual Creation

The idea of "author's own intellectual creation" serves as the focal point of the European Union's doctrinal approach. Originality results from the author's own creative decisions and intellectual work, according to EU copyright jurisprudence⁶³.

In a number of significant rulings, the Court of Justice of the European Union (CJEU) has expanded on this idea. The Court ruled in *Infopaq International A/S v. Danske Dagblades Forening* that only works that represent the author's original intellectual creativity are protected by copyright⁶⁴. Similar to this, the Court emphasized in *Painer v. Standard Verlags GmbH* that the author's creative and unrestricted decisions during the development process are necessary for originality⁶⁵.

Although AI-generated works are not specifically addressed by the EU framework, the focus on human intellectual creation raises the possibility that fully autonomous AI-generated outputs might not be protected by copyright. The conceptual integrity of copyright law is maintained by this method, but it offers no regulatory certainty on AI-driven invention.

6.4 Lessons for India

Section 2(d)(vi) of the Copyright Act, which gives authorship of computer-generated works to the person who developed them, is one way that India's copyright system somewhat approaches the UK model. Nevertheless, in contrast to the UK statute, the Indian provision does not specifically address autonomous AI-generated works and does not provide comprehensive guidance regarding the extent of causal control⁶⁶. There is a great deal of legal uncertainty as a result of the lack of legislative explanation and judicial interpretation. India has not enacted an explicit human authorship criterion, in contrast to the US. The idea of intellectual invention as a doctrinal test for originality in the context of AI-generated works is also not expressly stated in Indian law, in contrast to that of the European Union.

The lack of a clear legal stance underscores the pressing need for legislative reform in view of India's quickly developing digital economy and growing reliance on AI technologies. According to a comparative analysis, India has to create a well-rounded strategy that maintains the core ideas of copyright law and constitutional values while offering regulatory clarity⁶⁷.

⁶¹ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

⁶² U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (2023).

⁶³ Directive 2001/29/EC of the European Parliament and of the Council, 2001 O.J. (L 167) 10.

⁶⁴ Case C-5/08, *Infopaq Int'l A/S v. Danske Dagblades Forening*, 2009 E.C.R. I-6569.

⁶⁵ Case C-145/10, *Painer v. Standard Verlags GmbH*, 2011 E.C.R. I-12533.

⁶⁶ Copyright Act, 1957, § 2(d)(vi) (India).

⁶⁷ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 31–33 (2019).

7. Recommendations and Law Reform Proposals

Artificial intelligence's explosive rise in the creative sectors emphasizes how urgently the 1957 Copyright Act needs to be changed. The complexity coming from AI-generated works is not sufficiently addressed by the current framework, which is primarily focused on human authorship. Therefore, to maintain legal clarity while striking a balance between innovation and the public interest, legislative and regulatory measures are required.

7.1 Statutory Distinction Between AI-Assisted and AI-Generated Works

The distinction between AI-generated and AI-assisted works should be made explicit in the Copyright Act. Existing copyright laws may still apply to AI-assisted works in which human creativity still predominates. However, because there is no discernible human authorship, completely autonomous AI-generated works need their own legal legitimacy⁶⁸. Such statutory clarification would bring Indian law into line with new international regulatory talks and lessen interpretative ambiguity.

7.2 Attribution of Authorship Based on Creative Control

The person who effectively exercises creative control over the expressive features of an AI-assisted production should be credited as the author. This strategy is in line with the originality requirement accepted by Indian courts and guarantees that copyright protection stays connected to human creative labor⁶⁹. In AI-driven creative businesses, clear authorship norms would help boost financial certainty and lessen ownership issues.

7.3 Introduction of a Sui Generis Protection Regime

India may implement a restricted sui generis protection framework for completely autonomous AI-generated works, which would exclude moral rights but allow economic rights for a shorter period of time⁷⁰. Without equating machine innovation with human authorship, such a paradigm would acknowledge the economic worth of outputs produced by artificial intelligence. Additionally, it would encourage investment in AI technologies while preventing undue monopolization.

7.4 Mandatory Disclosure of AI Involvement

When AI significantly contributes to the creation of a work, legislation should mandate required disclosure. Disclosure would resolve ethical concerns about the use of training datasets, encourage transparency, and help courts determine authorship⁷¹. Additionally, it would raise consumer awareness and accountability for AI-generated creative material.

8. Conclusion

Traditional copyright concepts, which are firmly anchored in human authorship and intellectual labor, have been called into question by the rise of artificial intelligence, which has drastically changed the nature of creative output. Despite being a step forward in acknowledging computer-generated works, the Copyright Act of 1957 is still fundamentally anthropocentric and fails to sufficiently handle the complexity of autonomous AI-generated works. There is now a great deal of ambiguity surrounding authorship, ownership, originality, enforcement, and moral rights because there are no clear legal laws governing such works. Key elements of the Act, such as those pertaining to authorship, originality, and

⁶⁸ World Intellectual Property Organization, *Artificial Intelligence and Intellectual Property Policy Issues* 31–33 (2019).

⁶⁹ *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India); David J. Gervais, *Artificial Intelligence and Copyright*, 53 U.C. Davis L. Rev. 331, 371 (2020).

⁷⁰ Pamela Samuelson, *Allocating Ownership Rights in Computer-Generated Works*, 47 U. Pitt. L. Rev. 1185, 1203–05 (1986).

⁷¹ U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (2023).

ownership, are predicated on the existence of human intellectual contribution, as may be seen from an examination of the statutory framework. The requirement of human innovation as the cornerstone of copyright protection has been repeatedly reaffirmed by Indian judicial judgments. Fully autonomous AI-generated works are therefore not clearly covered by current copyright protection, leaving a legal void that jeopardizes both financial certainty and doctrinal clarity.

Divergent approaches to AI-generated works have been implemented by different jurisdictions, according to comparative international analysis. The United States and the European Union emphasize human authorship and intellectual invention as crucial conditions for copyright protection, but the United Kingdom offers legislative recognition through attribution to the person making the necessary arrangements. These comparison models show that India lacks a clear regulatory stance and emphasize the pressing need for legislative reform that is suited to the nation's economic and technological environment. From a policy standpoint, giving AI-generated works unfettered copyright protection runs the risk of monopolizing creative outputs by tech-driven companies, which might limit access to information and freedom of expression. Denying any kind of protection, on the other hand, would deter investment in AI-driven sectors and technological progress. Therefore, creating a balanced legal framework that fosters innovation while upholding the public interest and constitutional principles is the task.

In this study, a reform-oriented strategy has been offered that includes a limited sui generis protection regime, mandatory disclosure of AI involvement, attribution of authorship based on effective creative control, and legislative difference between AI-assisted and AI-generated works. These changes would increase legal clarity, encourage creativity, and guarantee that copyright laws continue to be in line with both technical advancements and constitutional ideals. In conclusion, India's copyright law faces both opportunities and challenges as a result of the development of artificial intelligence. Proactive legislative and policy action is needed to address these issues. In addition to fortifying India's intellectual property laws, a progressive and well-balanced regulatory framework will guarantee that technology advancements align with human ingenuity, constitutional principles, and the well-being of society.

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