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AI-GENERATED WORKS AND COPYRIGHT OWNERSHIP: A COMPARATIVE ANALYSIS OF GLOBAL LEGAL FRAMEWORKS

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I. ABSTRACT

The fast development of artificial intelligence (AI) systems that can generate text, images, music and other creative works has posed a large challenge to the traditional copyright law, which has always been based on the human authorship and intellectuality. This study analyzes the legal context of ownership rights, as applied to AI-generated creations, in India, European Union, and China on the basis of a comparative study. The research will attempt to assess the relevance of the present copyright principles concerning the AI-based creation and determine the regulatory practice that can potentially reconcile both technological innovation and the safeguarding of the rights of creators. The study follows a doctrinal and comparative research approach, in which the statutory requirements, regulatory trends, and judiciary interpretations are examined in the three jurisdictions. Indian system is associated with the high level of human authorship and traditional requirements of originality, which created ambiguity when it comes to ownership and protection of AI-created work. The European Union takes an approach of regulatory governance that emphasizes on issues of transparency, compliance with copyright, and safeguarding of training data and text-and-data mining, instead of redefining authorship itself. Conversely, China is more flexible and open to evolving interpretation with a copyright protection where there is reasonable human intellectual input or creative control of AI systems. The paper concludes that although there exists no jurisdiction that has conclusively answered the authorship question, all of them exhibit different policy priorities with regard to innovation, market regulation, as well as creative labour protection. The paper concludes based on the idea that a balanced approach connecting the principles of human-authorship and transparency instruments and the acknowledgement of AI-assisted creativity offers the most sustainable regulatory model. It recommends the harmonisation of more national frameworks through multilateral intellectual property efforts, clearer criteria on

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how to evaluate human input and that AI training should be ethically governed to keep the copyright law as relevant as it was previously in a more automated creative world.

II. KEYWORDS

Artificial Intelligence, Copyright Law, AI-Generated Works, Intellectual Property, Comparative Legal Analysis.

III. INTRODUCTION

The intersection of Artificial Intelligence and Intellectual Property Law exists as a dynamic and ever evolving field. *"The rapid advancement of artificial intelligence (AI) technology has generated sustained scholarly debate regarding the legal status, authorship, and protection of AI-generated works.*[2]*"* The copyright framework faces difficulties when dealing with works produced through Artificial Intelligence since these algorithms make artistic content such as music and literature and visual art with minimal human involvement. The capability of AI to generate original creative content triggers fundamental legal and policy debates about copyright ownership since the AI developer, user, and even the AI system each claim possible rights to the works they produce.

A. Statement of Problem

The rise of AI-generated content into the copyright law causes major legal hurdles in copyright law because the customary human author requirements cannot validate artificial creations. The absence of human authorship in AI-generated content creates problems for determining both copyright rights and ownership consequences during creative processes. Artificial intelligence innovation suffers from legal ambiguity due to unspecified rules which complicates the use of artificial intelligence-generated content by creators and businesses.

The research examines copyright rules regarding AI-produced works through the legal framework of India, the European Union, and China to resolve present issues

[2] Andres Guadamuz, "Artificial Intelligence and Copyright," *WIPO Magazine* (2017); Annemarie Bridy, "The Evolution of Authorship: Work Made by Code," (2016) 39 *Columbia Journal of Law & the Arts* 395.

and further reveals their weaknesses and contradictions within their existing legal system. The study seeks to establish recommendations which will unify copyright laws to preserve creator's rights, developer's rights and user's rights and promote AI creativity and innovation. The research conclusion aims to establish a fair and modern legal system which serves the interests of everyone participating in the process.

B. Objectives of the Study

1. To analyze the concept of AI-generated works and to examine the applicability of principles of traditional copyright law to such works and outline the significant challenges in determining copyright ownership of AI-generated works.
2. To examine the legal system related to copyright ownership laws for AI generated work in India, the European Union and China.
3. To propose solutions that will harmonize copyright laws to properly address the concerns arising from AI-generated works.

C. Research Hypothesis

1. The principles of traditional copyright law are insufficient in addressing the unique characteristics of AI-generated content which leads to challenges in protecting and determining the copyright ownership of such works.
2. The copyright regulations concerning AI-generated works between India, the European Union and China show distinct variations because each jurisdiction maintains different historical legal systems in addition to different economic targets plus socio-cultural influences.
3. In order to achieve a balanced approach which protects human creativity while encouraging innovation and technological progress, copyright laws have to be harmonized to address AI generated works.

D. Research Questions

1. How do traditional copyright law principles apply to AI-generated works and what are the major challenges in establishing copyright ownership of such works?
2. What are the key similarities and dissimilarities that exists in the legal frameworks of India, the European Union (EU), and China regarding authorship and originality in the context of AI-generated works?
3. What possible solutions exists to maintain a balance between copyright laws from different jurisdictions for resolving the challenges posed by AI-generated works?

E. Research Methodology

The research adopts a qualitative doctrinal method combined with a structured comparative legal analysis. Primary sources have been examined jurisdiction-wise. In the Indian context, reliance is placed upon the Copyright Act, 1957, relevant amendments, and judicial precedents including *Eastern Book Company v. D.B. Modak* and *R.G. Anand v. Deluxe Films*, along with ongoing proceedings such as *ANI v. OpenAI* before the Delhi High Court. In the European Union, the study analyses harmonising instruments such as the InfoSoc Directive (2001/29/EC), the Digital Single Market Directive (2019/790), the Database Directive (96/9/EC), and the EU Artificial Intelligence Act (2024), together with jurisprudence of the Court of Justice of the European Union including *Infopaq International A/S v. Danske Dagblades Forening*.

In the Chinese context, the Copyright Law of the People's Republic of China (2020 Amendment), the Interim Measures for the Management of Generative Artificial Intelligence Services, and judicial decisions such as *Li v. Liu*, *Feilin v. Baidu*, and *Shenzhen Tencent v. Shanghai Yingxun* have been examined.

Secondary sources include peer-reviewed journal articles, WIPO publications, policy reports, and comparative academic commentary on AI and copyright law.

The comparative methodology is employed to identify convergences and divergences in authorship, originality, and ownership standards. However, the study recognises

the inherent limitations of comparison across distinct legal traditions—India's common law framework grounded in judicial precedent, the European Union's supranational civil law harmonisation model, and China's evolving socialist-market legal system influenced by policy-driven judicial interpretation. Differences in institutional structure, interpretative traditions, and regulatory objectives may affect doctrinal equivalence, thereby requiring cautious analytical alignment rather than strict normative comparison.

F. Scope and Limitations

The research investigates the copyright ownership rules for AI-generated works through legal system analysis of India, the EU and China's distinct judicial systems since they operate with different IP regulatory methods. The EU stands out because it develops rules that combine forward-thinking principles with human values which are recognized as excellent models for copyright laws. India should adopt the EU's systematic approach to legal frameworks when establishing new laws about copyright pertaining to AI. The analysis also includes China together with India because both nations recognize their objective to use AI technologies for bettering their economic development and social progress with the aim of becoming worldwide leaders in AI[3].

The comparison examines the copyright regulations which defines the principles of ownership, originality and authorship in these jurisdictions with special focus on how these laws resolve copyright legal issues pertaining to Artificial Intelligence. The study also proposes recommendations for copyright laws harmonization to support future innovations and creativity.

However, the research has specific drawbacks. The research area remains within the legal boundaries of India, the EU and China along with no coverage of additional jurisdictions. Additionally, the research depends on using publicly accessible legal documents such as statutes along with case laws and policy documents but does not incorporate unpublished or confidential materials. The investigation solely considers

[3] In the latest Government AI Readiness Index 2024, China is ranked 23rd while India ranks 46th (Oxford Insights and IDRC, 2024). https://oxfordinsights.com/ai-readiness/ai-readiness-index/

copyright law within its scope thus omitting examination of parallel intellectual property rights affected by AI technologies such as patents or trademarks.

The research relies on existing AI technology levels without considering future technological developments which could possibly increase the challenges in legal regulations. The study delivers significant understanding about the developing connection between AI systems and copyright legal regulations despite its disadvantages.

IV. UNDERSTANDING AI-GENERATED WORKS AND COPYRIGHT LAW

Copyright law traditionally safeguards original literary, artistic, musical, and dramatic works produced through human intellectual effort. The rapid development of artificial intelligence systems capable of autonomously generating text, images, music, and other creative outputs has introduced significant doctrinal challenges to this human-centric framework. These systems, operating through machine learning models trained on large datasets, are capable of producing outputs with minimal or no direct human intervention.

The emergence of such AI-generated works raises complex legal questions concerning authorship, originality, and ownership within existing copyright regimes. In particular, the absence of explicit statutory recognition of non-human authors under most national copyright frameworks has generated uncertainty regarding the protection and allocation of rights in AI-generated content. This doctrinal tension forms the foundation of the present analysis.

A. Intersection of AI and Copyright Law

Modern artificial intelligence technology has formed a complicated regulatory interface between technology and copyright laws which tests fundamental elements of existing intellectual property laws. Copyright law relies on principles established for human creators because it requires authors to be human to receive protection. The boundaries between human creators and artificial intelligence creation become

indistinct because AI-based content is made through algorithms and machine learning models which may have no human interference in their production processes.

The fundamental elements of copyright law including authorship, originality along with ownership become subjects of uncertainty because of this development. For example, litigation initiated by Stephen Thaler, founder of Imagination Engines Inc., challenged the refusal of copyright registration for an artwork titled *A Recent Entrance to Paradise*, which he asserted was autonomously generated by his AI system known as the "Creativity Machine." Thaler sought recognition of the AI system as the author of the work. The United States District Court for the District of Columbia rejected this claim, and the decision was affirmed by the United States Court of Appeals for the District of Columbia Circuit on 18 March 2025 in *Thaler v. Perlmutter*, No. 23-5233 (D.C. Cir. 2025), holding that human authorship remains a foundational requirement under the Copyright Act of 1976. According to his argument AI systems should receive "author" status that allows them to claim copyright protection when they meet authorship requirements.

B. Definition of AI-Generated Works

"According to Britannica, AI is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings.[4]*" "As per Merriam Webster, Artificial Intelligence is (i) a branch of computer science dealing with the simulation of intelligent behaviour in computers; (ii) the capability of a machine to imitate intelligent human behaviour.*[5]*"*

"Artificial Intelligence (AI) can be defined as the simulation of human intelligence processes by computer systems. These processes include learning (the acquisition of information and rules for using the information), reasoning (using rules to reach approximate or definite conclusions), and self-correction.[6]*"* Artificial intelligence systems use different levels of human direction in their creation of works labelled as AI-generated works. The

[4] Nivedita Gajjar & Ravi Thakur, "AI: Artificial Intelligence or Accidentally Intrusive" GLS Law Journal, Vol. 1, No. 1, 2019, pp. 9-26.
[5] Artificial Intelligence, Merriam-Webstre.com (2025), https://www.merriam-webster.com/dictionary/artificial%20intelligence.
[6] Ecem Çebi, Pınar Reisoğlu and Esra Goktas, "The Influence of Artificial Intelligence on Copyright Law" Interdisciplinary Studies in Society, Law, and Politics, Vol. 2, No. 2, 2023, pp. 33-41.

diverse spectrum of creative content under AI-generated works consists of text, music and visual art together with program code and additional creative materials.

The process behind traditional human-made creations differs from AI-generated works because machines utilize their algorithmic and machine learning models to process data patterns for new content output. Works created by AI define themselves apart from texts generated with AI through human operator involvement. AI software enhances graphic designer work while the designer remains the author of the final version that they generate. The AI system stands as the principal creator of machine-generated works while humans only perform start or corrective steps on these outputs. Understanding the definition of AI-generated works forms a fundamental basis for addressing their judicial and ethical problems mainly through copyright law frameworks. Computer-generated artworks cause questions about authorship and originality to surface which leads to debates on reviewing current legal guidelines regarding AI-generated works.

C. Overview of Copyright Law Principles

"Copyright is a right given by the law to creators of literary, dramatic, musical, and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation, and translation of the work. There could be slight variations in the composition of the rights depending on the work.[7]" Through copyright law the owner obtains complete legal authority over how their work can be used along with distribution rights. It also establishes specific regulations about who can use created works and which methods for copying are acceptable along with permissible times for usage. Mere ideas cannot be protected under the copyright law, only the expression of ideas fixed in a tangible form can be protected under the law. A work automatically receives copyright protection immediately after its creation when it exists in any form including printed or recorded materials in CD or DVD or computer hard drive and other storage options.

[7] Government of India Department for Promotion of Industry and Internal Trade Ministry of Commerce and Industry. Handbook of Copyright Law.

By providing the owners with legal and economic benefits, the copyright law encourages creativity and innovation. The authors obtain exclusive right to protect their work from unlawful exploitation by others. These exclusive rights ensures that the creators benefit financially from their works, which eventually motivates them in producing more new and original works. At the same time, copyright law also seeks to balance the interests of public at large. The exclusive rights granted to the owners are not absolute as it includes exceptions and limitations such as fair use or fair dealing which allows the public to use copyrighted materials for purposes such as education, research works, criticism without infringing the rights of the creator. This balance between creators' rights and interests of public ensures that while the authors are rewarded for their contribution to society at the same time it promotes distribution of knowledge and culture contributing to societal progress.

D. Challenges in Copyright Ownership for AI-Generated Works

The core issue faced by copyright law today involves establishing author credentials since current laws require human creators for copyright protection. AI systems rather than human beings serve as primary creators of works thus making it unclear whether anyone should be recognized as their author. Does the AI system have the capability to serve as author for copyright purposes? The status of authorship for AI-generated works remains unresolved since they cannot claim authorship rights which leaves ownership of copyrights uncertain amongst software developers and users. Stakeholders encounter substantial confusion due to this vagueness because it prevents them from identifying rightful holders of these works.

Evaluating originality also presents a significant obstacle since it forms an essential condition for obtaining copyright protection. AI technologies create content using algorithms that learn from extensive human-made database collections which raises doubts about the originality of generated works because they contain built-in pre-existing material. AI systems obtain their content production inputs from data, but human creators find inspiration from existing works leading to a distinction that becomes unclear between original creations and copied works.

AI-generated works have ownership problems that create both technical and moral problems. Granting copyright to AI developers might discourage users from using creative AI tools because they would hold no ownership rights to the generated works. When users receive ownership over the creations their rights may threaten the original investment made by developers to create their AI systems. The ambiguity regarding project ownership creates disputes particularly when distinct parties collaborate during the creative process.

Furthermore, the advent of the AI-generated work poses a challenge to traditional creators because their works may be outweighed or dominated by AI-generated materials. For example, a painting or song generated by AI can be considered as a competitor to a painting or song created by human hands which may eventually reduce opportunity and income for human artists. This raises concerns regarding the ethics and morals of the role of human creativity in a world that is increasingly dominated by AI generated works. Therefore, to ensure fair compensation and recognition to AI developers, users, and traditional creators, copyright law must balance their rights equally.

V. LEGAL FRAMEWORK FOR COPYRIGHT OWNERSHIP OF AI-GENERATED WORKS IN INDIA

The rapid expansion of AI has changed the creative landscape, which allows machines to generate content, literature, art, music and software without any human interference. This advancement of technology offers immense potential for innovation but at the same time it creates challenges for traditional copyright systems which deals with the concept of human authorship. In India, the Copyright Act of 1957 grants copyright protection to the owners of copyrighted works and provides them with certain exclusive rights to protect their works. However, the act does not talk about AI-generated works which leaves a legal gap raising questions regarding the authorship, ownership and originality.

A. Overview of Copyright Law in India

"It has been observed in academic commentary that recognition of AI as an "author" under Indian copyright law encounters statutory difficulty due to Section 2(d) of the Copyright Act,

1957, which defines "author" in relation to specific categories of works and, in the case of computer-generated works, refers to "the person who causes the work to be created.[8]*"* According to the section "*author means, –*

1. *in relation to a literary or dramatic work, the author of the work.*
2. *in relation to a musical work, the composer.*
3. *in relation to an artistic work other than a photograph, the artist.*
4. *in relation to a photograph, the person taking the photograph.*
5. *in relation to a cinematograph film or sound recording, the producer; and*
6. *in relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created;]*[9]*"*

The Copyright Act of 1957 primarily governs the Indian copyright law which protects the rights of creators over their original works. To address the new challenges posed by technology and to align the laws with India's international obligations, the act has been amended and modified over the years. The Copyright Act seeks to protect the interests of creators by allowing them to control the use and distribution of their work in order to benefit financially from it. While doing this, the law seeks to foster a culture of creativity and innovation; at the same time, it tries to strike a balance between the creators' rights and the public interest in accessing and using such works.

For a work to be copyrightable, it must be the result of original thought i.e., thought which originated from the author and shows some minimal degree of creativity. Originality is not a strict condition in India; the work does not need to possess novelty or originality but must show at least some input of human skill and judgment on the part of the author. The work must be fixed at least in some tangible medium of expression i.e., it must be reduced to writing, audio or video recording, or a computer file. The copyright protection extends only to the human authors of the work as it is

[8] V.K. Ahuja, 'Artificial Intelligence and Copyright: Issues and Challenges' (2020) *Indian Law Institute Law Review* 270; see also Copyright Act 1957, s 2(d).
[9] Section 2(d) of 9The Copyright Act, 1957.

one of the basic principles of copyright law, which recognizes creativity as a uniquely human characteristic.

Under Section 22 of the Copyright Act, 1957, copyright in literary, dramatic, musical, and artistic works (other than photographs) subsists for the lifetime of the author and for sixty years thereafter, such period being calculated from the beginning of the calendar year next following the year in which the author dies.[10] After this period, the work will be in the public domain, where it can be used freely by anybody without infringing the rights of the copyright holder.

B. Applicability of Copyright Law to AI-Generated Works

The Indian Copyright law does not explicitly state about AI-generated works and does not address the challenges posed by AI-generated content, thus making the applicability of Copyright Act, 1957 complex. This lack of clarity makes it difficult to deal with such works under the Copyright law, particularly in terms of ownership, originality and authorship. The Copyright law aims to incentivize the authors for their creativity; however, it is subject to the originality of the work wherein it is decided whether a work should be copyrighted or not based on its degree of originality. The scope of section 13 of Copyright Act says that Copyright can be awarded to 'original literary, dramatic, musical and artistic works' but there is no objective basis for such determination of the originality of the work, it is only left to the discretion of the court to establish whether a work is an original one or not.

The doctrine traditionally associated with originality in common law jurisdictions often described as the "sweat of the brow" principle was articulated in *University of London Press Ltd v University Tutorial Press Ltd* [1916] 2 Ch 601 (UK), where originality was linked to the exercise of skill, labour, and judgment rather than novelty. Indian courts initially drew upon this formulation. However, the Supreme Court of India in *Eastern Book Company v D.B. Modak* (2008) 1 SCC 1 recalibrated the standard, holding that mere labour or industrious collection is insufficient and that a "modicum of

[10] Copyright Act 1957, s 22

creativity" is required. The Court thus departed from a purely quantitative labour-based test and aligned Indian law with a qualitative threshold of minimal creativity.

This doctrinal evolution is particularly significant in the context of AI-generated works, where the question arises whether algorithmic generation can satisfy the requirement of human creativity envisaged in *Eastern Book Company*.

According to this doctrine it can be said that copyright protection applies to AI-generated works on the theory that mere referencing does not amount to duplicating. In that light, there is hardly any chance that AI could be said to duplicate, as the very essence of algorithms is to generate new creations. Probably the only challenge that can be laid against establishing copyright would be on the lack of 'skill, labour, and judgment,' since AI is arguably capable of generating responses within seconds, putting the whole concept of skill or labour into question. For AI, the most difficult challenge of all is that without earlier works one cannot help it to generate and produce new works. Thus, to humans, the creation of an original work may not necessarily need pre-existing data, while AI is trained to generate responses after analyzing and studying a lot of pre-existing copyrighted works, unauthorisedly using this to train itself.

In *Andy Warhol Foundation for the Visual Arts, Inc. v Goldsmith* 598 US 508 (2023), the United States Supreme Court examined the "purpose and character of the use" (Factor 1) under the fair use doctrine. The Court held that Warhol's licensing of a silkscreen image based on Goldsmith's photograph for a substantially similar commercial purpose did not qualify as fair use, notwithstanding stylistic differences. The ruling was narrowly confined to the commercial licensing context and did not establish a blanket prohibition on derivative works claiming fair use. Rather, it emphasised that transformative character must be assessed in relation to the specific use at issue.

Accordingly, any analogy with Section 52 of the Copyright Act, 1957 must be approached cautiously, as the Indian fair dealing framework differs structurally from the open-ended four-factor fair use doctrine under US law.

On that principle, if we interpret Section 52 of the Copyright Act, which rules out using original work for research purposes from any copyright infringement claim,

then it can be said that the AI tools would be exempt from any infringement claim based on fair use if they relied completely on previously existing databases in order to train their algorithms while yielding no output that derives value from the existing work.

C. Case Studies and Judicial Interpretations

The Indian Copyright Office had a newsworthy case including 'RAGHAV'[11], an artificial intelligence system, and its attempt for copyright registration for an artwork called 'Suryast.' Originally, the application was dismissed on account of absence of a human author, but the painting was protected once a natural person was named as a co-author of 'RAGHAV.' Following this, a notice of withdrawal was served seeking expression of what 'RAGHAV' legally is, again shining a spotlight over the uncertain question if an AI could qualify to be an artist under the Copyright Act.

The case filed by Asian News international (ANI) against OpenAI[12] in the Delhi High Court is one of the most significant judicial examinations of AI and copyright law in India. The suit was formally instituted in November 2024, challenging the alleged unauthorised use of copyrighted news material of ANI to train large language models, such as ChatGPT. During the course of proceedings, the Delhi High Court has outgrown its initial scrutiny and has posed four questions of the law which are subsequently substantive and *inter alia* includes: cross-border AI training dispute jurisdiction in both territorial and subject matters; the relevance and extent of the fair dealing under Section 52 of the Copyright Act, 1957 when applied to text and data mining; whether the storage, indexing and ingestion of copyrighted content in order to train AI constitutes infringement; and the legal consequences of AIs generated output which can be similar to a protected expression.

The Court also realised the wider policy implications of the case and two amici curiae, Advocate Adarsh Ramanujan and Dr. Arul George Scaria, were appointed to assist the Court on issues of complexity concerning the copyright doctrine, technology and

[11] Rohin Dubey, "Rise of the machines: AI and Copyright," https://www.barandbench.com/columns/rise-of-the-machines-ai-and-copyright.
[12] ANI Media Pvt Ltd v. OpenAI Inc & Anr., CS(COMM) 1028/2024 (Delhi High Court).

comparative jurisdiction. The case has also witnessed an unprecedented involvement of the industry with the Federation of Indian Publishers and the Digital News Publishers Association joining in January 2025 and big entertainment and media stakeholders, including T-Series, Saregama and Sony joining in February 2025. These interventions highlight the systemic effect of the litigation in the news media, publishing, and the creative industries.

Another noteworthy factual development prior to the filing of the suit is that OpenAI block-listed ANI's domain in October 2024, which has been cited many times in hearings as evidence of intent, mitigation and post-complaint actions. The Court has been active in the course of proceedings with regards to comparative global debates, especially whether AI training should be viewed as a non-expressive, intermediate use or something requiring licensing as an act of exploitation.

Although the case is still underway, the ANI lawsuit is already influencing the new jurisprudence of AI and copyright in India, affecting both content creators and AI developers across the globe.

Existing judicial interpretations such as R.G. Anand v. Deluxe Films[13] and Eastern Book Company v. D.B. Modak,[14] present a foundation for an analysis of disputes concerning AI-generated works. These cases emphasize the attributes of originality, creativity and human authorship, which lie at the heart of copyright law but are difficult for application toward AI. As AI-generated works continue to make their way into our lives, it would seem that the Indian courts would have to apply these principles in an evolving manner to deal with respective issues of authorship, ownership, and infringement situations around AI-generated works, thus adding clarity so that copyright can survive in the era of AI.

[13] R.G. Anand v. Deluxe Films AIR 1978 SC 1613.
[14] Eastern Book Company v. D.B. Modak AIR 2008 SC 809.

VI. LEGAL FRAMEWORK FOR COPYRIGHT OWNERSHIP OF AI-GENERATED WORKS IN THE EUROPEAN UNION

The EU has adopted a harmonized legal framework for protection of original works of authors in order to promote innovation and creativity and cultural diversity among all the member states of EU. The international copyright protection minimum standards are set by directives with regulations combined with national laws in each EU member state allowing flexibility in implementation. *"Since no EU-wide unitary copyright exists, the same copyrighted work receives protection according to the different national laws of each EU Member State.*[15]*"* However, the rise of AI technology has created unique challenges in the existing framework. AI systems operate independently to generate creative content such as text, music, art and other outcomes which raises doubts about the suitability of AI creations for copyright protection under authorship and originality requirements.

A. Overview of Copyright Law in the EU

The EU copyright law comprises of 13 directives with two regulations that establish uniform standards for author, performer, producer and broadcaster rights. EU copyright law establishes unified regulations to decrease differentiations between member states while providing sufficient copyright protection that supports creativity along with investments in creative activities. Standards defined by EU policies work towards preserving cultural variety and delivering better customer and business access to digital media across the entire European market.

AI content that originates from algorithms combined with data inputs fails to determine clear authorship rights because data sources remain unclear regarding ownership. AI system training with copyrighted materials creates a debate regarding fair use principles and data usage ethics as well as infringement questions. EU authorities are working on framework updates because of emerging challenges that include the proposed EU Artificial Intelligence Act [16] to govern AI technologies and

[15] Annette Kur et al., European Intellectual Property Law: Text, Cases and Materials, 2nd ed., Edward Elgar Publishing, 2019.
[16] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L 2024/1689.

their implementations. The adoption of the EU AI Act is a paradigm shift in the EU regarding artificial intelligence regulation and has far-reaching consequences on the copyright law, especially concerning AI training practices and AI-generated products. The EU Artificial Intelligence Act (Regulation (EU) 2024/1689) was formally adopted on 13 June 2024 and published in the Official Journal on 12 July 2024.

It entered into force on 1 August 2024. However, its substantive provisions apply in phases, with the majority of obligations becoming applicable from 2 August 2026, subject to earlier application of specific provisions concerning prohibited practices and governance mechanisms.[17] The AI Act, unlike previous copyright directives, does not directly assign or withhold copyright rights with respect to AI-generated works, but indirectly alters the copyright compliance requirements by transparency, governance and accountability requirements placed on providers of AI models. However, the EU still needs to modify its copyright laws to handle present-day problems in the AI field by maintaining creator rights alongside AI developer needs and user requirements for an equitable and sustainable innovation and creative environment.

B. EU AI Act and Directives Governing AI-Generated Works

EU copyright regulation exists through directives together with regulations which establish common copyright practices and resolve digital and technological issues across EU member states. The instruments provide foundational framework for EU copyright law since they protect creators and support creative work access and innovation. Some of the key directives and provisions particularly relevant to AI-generated works, are as follows-

1. **Obligations for GPAI Models -** One of the key innovations of the AI Act is that it regulates the General-Purpose AI (GPAI) models, which can accomplish a vast variety of tasks, such as text, image, music and audiovisual content generation. Article 53 (1)(c) and (d) require model providers of GPAI to undertake two critical copyright obligations i.e.,

[17] Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence [2024] OJ L 1689/1.

Article 53(1)(c) presents an obligation on the provider to adopt a policy to guarantee that it complies with the Union copyright law, especially where the models have undergone training on massive datasets that could contain works that are under protection whereas Article 53(1)(d) requires the providers to publish a satisfactorily detailed overview of the training data they have used, so that the rights holders can determine whether their works were used. These provisions are a regulatory recognition that AI training is a legally meaningful act under the copyright law, even whereby outputs are not substantively similar to protected works.

2. **Extraterritorial Reach and Recital 106** - Recital 106 is one of the most disputable sections of the AI Act because it explains that the regulation has extraterritorial effect on GPAI models located or impacting the EU market, irrespective of the place of training. This is an important provision in terms of copyright, as it exposes non-EU AI developers, such as those in the US and Asian model providers, to EU copyright-related transparency and compliance requirements in the event that their models are available or used in the Union. In terms of public international law, this creates issues of regulatory overreach and conflict of laws. Nevertheless, considering the EU copyright perspective, Recital 106 is a deliberate policy choice to avoid the regulatory arbitrage, where the right of the rightholders is not affected by the offshore training activities. Such extraterritorial use evidently makes EU copyright standards *de facto* international standards of AI regulation.

3. **Code of Practice for General-Purpose AI Models -** In order to operationalise Articles 53 and 55, in July 2025, the European Commission published a Code of Practice for General-Purpose AI Models intended to operationalise Articles 53 and 55 of the AI Act. This manuscript reflects the legal position as of July 2025 and incorporates regulatory developments available up to that date. The Code, though not legally binding, has a significant normative force because adhering to it will result in a presumption of compliance with the AI Act. In the copyright context, the

Code elaborates on: Copyright-compliant dataset curation best practices, such as strategies to enable the use of a dataset and filtering of it; Mitigation procedures related to prevention of memorisation and regurgitation of copyrighted information; and Copyright compliance policy documentation standards that connect copyright compliance policy to model governance structures. The Code therefore acts as a quasi-regulatory bridge between the abstract statutory responsibilities and operational AI development practices and goes a long way in alleviating the uncertainty surrounding both the developers and the right holders.

4. **Template for the Public Summary of Training Content -** Alongside the Code of Practice, the Commission unveiled a Template on Public Summary of Training Content, which is meant to standardize the disclosures as Article 53(1)(d). The template must be disclosed at a category level e.g. the types of sources (e.g., books, news articles, audiovisual works) and not the identification of specific copyrighted works. Although this will strike a balance between protection of trade secrets and transparency, its disadvantages are that critics believe that it may be insufficient for effective rights enforcement. It is, however, the first attempt at regulation of its kind by trying to ensure that AI training data is auditable, which indirectly enhances the mechanism of copyright protection without requiring the publication of datasets.

5. **Copyright Directive (2001/29/EC) -** The Copyright Directive known as InfoSoc Directive brings EU copyright laws into harmonization while developing solutions to overcome digital environment obstacles. This legislation requires works to show human authorship as the foundation for copyright protection. Through this directive, creators receive exclusive rights to make reproductions, distributions and adaptations of their works yet exceptions apply to temporary copies and personal usage. AI-generated works faces immense challenge for copyright protection under this directive

because it explicitly mentions that the works in order to get copyright protection have to be authored by human.

6. **Digital Single Market Directive (2019/790) -** EU copyright law receives a modernization that meets requirements of digital era through the Digital Single Market Directive. This Directive consists of two critical provisions; Article 15 enables press publishing companies to earn compensation for online content utilization and Article 17 mandates platforms to either acquire licenses or implement content filters to stop copyright infringements. Moreover, the AI Act should be interpreted together with the Digital Single Market Directive, especially Article 3 and 4, that introduce text and data mining (TDM) exceptions. Article 4 allows commercial use of TDM as long as the rights holders have not specifically safeguarded their rights, which is often in the form of machine-readable opt-out mechanisms. The AI Act expressly reinforces this framework by obligating GPAI providers to respect opt-out reservations that are made under the DSM Directive. As a result, AI training that does not take into account rightsholder reservations can impose a dual regulatory liability on providers: under the copyright law and the enforcement provisions of the AI Act. This alignment effectively elevates the DSM opt-out system from a copyright exception to a mandatory compliance checkpoint in AI governance, thereby strengthening rightholders control over the use of their works in AI training datasets.

7. **Database Directive (96/9/EC) -** The Database Directive safeguards databases that show creative expression of an author particularly through database content organization and selection choices. The directive establishes a sui generis right which protects major investments made during database formation regardless of originality levels in the database content. The directive holds direct significance for AI development because databases function as training information for AI systems. Database creators obtain compensation for their work through this directive which

creates challenges regarding the accessibility of data for developing AI systems.

8. **Orphan Works Directive (2012/28/EU) -** Under the Orphan Works Directive, institutions can utilize copyrighted materials provided that the owners of copyrighted works cannot be found or identified. Under this regulation libraries and museums can digitize orphaned works and make them accessible to the public after thoroughly searching for the owner of the work. Copyright holders have the right to obtain compensation when they are eventually found. The directive serves AI needs because orphan works represent valuable training data, yet their application needs to fulfill all directive obligations.
9. **The Satellite and Cable Directive (93/83/EEC)** - primarily regulate cross-border satellite broadcasting and cable retransmission rights within the internal market. While it contributes to broader copyright harmonisation in the digital environment, its direct relevance to AI-generated works is limited. Accordingly, its doctrinal significance to the AI-copyright debate lies only in illustrating the EU's incremental harmonisation approach rather than in addressing authorship or AI-generated expression specifically.

C. Case Laws and Interpretations

The Court of Justice of the European Union in the case of Infopaq International A/S v. Danske Dagblades Forening[18] discussed the issue of whether the reproduction of short extracts of newspaper articles may be a copyright violation through the Information Society Directive (2001/29/EC). Infopaq ran a media monitoring service that digitalised newspaper materials and produced summaries by copying eleven-word segments around the chosen keywords. The issue of the law was whether this level of reproduction was enough to meet the minimum standards of copyright protection.

[18] Infopaq International A/S v. Danske Dagblades Forening Case C-5/08, 2009.

It was determined by the Court that copyright exists where the reproduced work is the intellectual creation of the author of the work and therefore provided a harmonised EU standard of originality that would be applicable to all types of work. This ruling made it clear that protection is not granted based on the number of copied materials but rather on whether the extract was made or not in the form of creative decisions that reflect the personality of the author. This ruling has become a cornerstone of modern copyright law in the EU since it firmly grounds the protection on human intellectual creativity.

The Infopaq standard, when applied to AI-generated works, suggests that autonomously generated outputs of artificial intelligence will not be able to attract protection as long as the human creative contribution can be determined, which is in line with the humanistic tradition of the EU copyright doctrine.

In *S. Š. v Taubel Legal advokátní kancelář s.r.o.*, Municipal Court in Prague, Case No 10 C 13/2023 (decision of 2023), the court addressed whether an AI-generated image created using DALL·E could qualify for copyright protection under Czech and EU law. "*The prompt used by the claimant in this case had been: Create a visual representation of two parties signing a business contract in a formal setting, such as a conference room or a law firm office in Prague. Show only hands*[19]." The defendant copied the image illegally which made the claimant institute a copyright infringement lawsuit. The court refused the claim and ruled that copyright protection by both the Czech and EU law presupposes that a work must be the product of the creative intellectual work of a natural person. It held that the claimant did not satisfy the burden of proving that it exerted adequate creative control over the output produced by the AI since what is referred to as the prompt was simply a command and not expression worthy of protection. Using the originality principles based on the CJEU jurisprudence, especially, the principle of intellectual creation, the court concluded that an AI system cannot be considered an author and that a work created by automated processes is not eligible to receive copyright protection because it lacks human authorship. This decision is also

[19] DALL-E Copyright Infringement Case (Czech Republic) https://ipkitten.blogspot.com/2024/04/czech-court-finds-that-ai-tool-dall-e.html.

important as it applies the EU doctrine of originality to the generative AI environment, suggesting that the outputs of AI will, as a rule, remain beyond the protection of copyright, except in cases where significant human creative input can be established.

Before the EU regulatory framework on artificial intelligence was adopted, European copyright law did not explicitly address AI-generated works by having any statutory regulation to address AI-generated works but instead left courts to decide on such cases by having to interpret the existing principles of originality and authorship jurisprudentially.

One of the most often discussed reference points in this context is the position taken by the United Kingdom regarding computer-generated works in the Copyright, Designs and Patents Act of 1988, especially in Section 9(3), which states that in the event that a computer-generated work has no human author, the author shall be taken to be the individual by whom have been made the arrangements necessary to the creation of that work. Based on this rationale, copyright rights do not belong to the artificial intelligence system but rather to the individuals, who design, configure, or even control the algorithmic process. This is somewhat indicative of a wider European tradition of maintaining human authorship and updating traditional copyright principles to technologically mediated creativity, making AI an instrument and not a creator.

VII. LEGAL FRAMEWORK FOR COPYRIGHT OWNERSHIP OF AI-GENERATED WORKS IN CHINA

The rapid evolution of artificial intelligence systems has reshaped creative practices while creating difficult problems regarding copyrights on works produced by AI. China understands the necessity to transform its legal framework in order to manage both the possibilities along with the difficulties emerging from AI technology. The Copyright Law of the People's Republic of China serves as a fundamental legislation to protect rights of copyright holders in China. *"While it does not specifically mention AI-generated works, the law provides a basis for their protection within the existing legal*

framework.[20]" The legal system of China bases its assessment of copyright ownership on agreements signed by parties. The courts support ownership agreements established between parties regarding AI-generated outputs. "*However, in the absence of prior agreement, the rights and interests in AI-generated works are generally granted to the user of the AI software rather than the developer of the software.*[21]"

A. Overview of Copyright Law in China

The copyright system of China operates under the Copyright Law of the People's Republic of China that originally went into effect in 1990 and has received multiple revisions until its most recent version from 2020. The law safeguards author rights, encourages creativity and promotes dissemination of works throughout society for the development of both intellectual and cultural matters. The law creates an extensive system for copyright protection which manages the relationship between creators and users and respects public rights.

The essential requirement for copyright protection is for a work to demonstrate originality. An original written material requires both uniqueness and the author's distinctive intellectual thought process. For copyright protection to apply a tangible expression of the work must be stored in a permanent form including written material or recorded media or computer files. Copyright protection operates exclusively for authors who are humans because creators possess this ability only through human intellect. A copyrighted work obtains public domain status after author lifetime protection ends and lasts for 50 additional years. At this point the work becomes accessible for free usage by any individual.

B. Provisions for AI-Generated Works

"*The copyright issue of AI-generated contents seems straightforward: according to Article 2 of the CLC, only natural and legal person can be deemed as copyright owners.*[22]" "*If the content*

[20] Copyright Law of the People's Republic of China (2010). Retrieved March 09, 2025, from https://en.ncac.gov.cn/copyright/contents/10365/329083.shtml.
[21] Yong Wan and Hongxuyang Lu, "Copyright protection for AI-generated outputs: the experience from China" Computer Law & Security Review, Vol. 42, 2021.
[22] Copyright Law of the People's Republic of China, 2010, Article 2: 'Chinese citizens, legal entities or other organizations shall, in accordance with this Law, enjoy the copyright in their works, whether published or not'.

(in the form of a 'work' in the copyright sense) was generated by a machine without human intervention, then regardless of its ostensible 'artistic quality', it is not copyright protected as no human copyright owner can be found. But the problem gets more complicated when the mass-produced AI-generated contents can actually out compete human-created works in the market.[23]"

Article 2 of the Copyright Law of the People's Republic of China (2020 Amendment) provides that works protected under the Law must constitute intellectual achievements in the literary, artistic, or scientific domain that are original and expressed in a certain form. Article 9 defines copyright owners as natural persons, legal persons, or unincorporated organisations enjoying rights in accordance with the Law. While the statute does not expressly exclude artificial intelligence systems from authorship, a combined reading of Articles 2 and 9 implies that only legally recognised persons natural or juridical may hold copyright. Since AI systems do not possess legal personality under Chinese law, they cannot independently qualify as copyright owners.

The legislation therefore leaves the status of purely autonomous AI-generated output doctrinally unresolved, requiring courts to assess the presence or absence of human intellectual contribution.

Article 22 of the Copyright Law contains provisions that potentially apply to AI system training methods even though the law does not explicitly discuss works created by AI.

The Chinese authorities work to establish rules for generative AI while they push forward technological development and innovative breakthroughs. "*On May 23, 2024, the National Information Security Standardization Technical Committee (NISSTC) released new draft regulations titled Cybersecurity Technology – Basic Security Requirements for Generative Artificial Intelligence (AI) Service.*[24]" The document presents various security standards for generative AI platform services. The system addresses critical areas

[23] Tianxiang He, "The sentimental fools and the fictitious authors: rethinking the copyright issues of AI-generated contents in China" Asia Pacific Law Review, Vol. 27, No. 2, 2019, pp. 218-238.
[24] Giulia Interesse, "China Releases New Draft Regulations on Generative AI" China Briefing, 2024. https://www.china-briefing.com/news/china-releases-new-draft-regulations-on-generative-ai/.

including data security for training purposes and AI model protection and general security standards implementation. The document includes requirements for security assessment procedures.

China implemented the *Interim Measures for the Management of Generative Artificial Intelligence Services*, which came into effect on 15 August 2023, establishing a regulatory framework governing the development, deployment, and public provision of generative AI services, including obligations relating to data security, intellectual property protection, and content governance.[25]

These measures focus on responsible AI application and ethical handling through solutions for data security concerns combined with intellectual property protection and user rights management. China establishes its AI copyright strategies because it values the need for protecting and incentivizing AI-created work innovations. The courts take a leading position together with originality assessments and human involvement and agreements which form a legal structure responding to AI technology opportunities along with its challenges.

C. Case Studies and Enforcement Mechanisms

In LI v. LIU[26], which was decided on 27 November 2023, the Beijing Internet Court determined whether an image generated by an AI could have a copyright under the laws of China. The plaintiff filed an infringement claim because the defendant copied a picture created with the help of a generative AI system. The court reasoned that the work was copyrightable since it involved an adequate amount of human creative work and influence. It was established that the plaintiff made over 150 prompts, which included negative ones and technical parameter manipulations, which reflected the repetitious creative process and not the automatic machine generation.

The court also observed that the plaintiff was capable of re-creating the same image by re-entering the same prompts, thus a direct causal connection was made between the human choices and the resulting output, which met the requirement of originality.

[25] Cyberspace Administration of China, *Interim Measures for the Management of Generative Artificial Intelligence Services* (promulgated 13 July 2023, effective 15 August 2023).
[26] Li v. Liu, (2023) Jing 0491 Min Chu No. 11279 (Beijing Internet Court, Nov. 27, 2023).

Notably, the court also highlighted that creators need to reveal AI involvement as a good faith and publicity issue to encourage transparency in the digital production.

The argument made by the Beijing Internet Court is opposite to the one made by the United States Copyright Office, especially in cases like Zarya of the Dawn, where any AI-generated image was not provided with copyright protection on the premise that non-human authorship did not qualify as human creativity according to the U.S. copyright doctrine. Where the U.S. model is based more on the principle of non-eligibility of machine-generated expression to be covered by protection, Chinese court took a more practical approach to focus on the level of human creative input and control of the AI system. This ruling serves as an example of a relatively permissive and practical attitude of China that AI is an advanced creative means, not an autonomous writer, and also that there is an anticipation of greater openness in the production of AI means.

In *Tencent Technology (Shenzhen) Co Ltd v Shanghai Yingxun Technology Co Ltd*, Nanshan District People's Court of Shenzhen (2019), the court recognised copyright protection in a financial analysis report generated through an AI system operated by Tencent. The court held that the developer's intellectual input in designing the algorithm, selecting data sources, and structuring analytical parameters satisfied the originality requirement. The case involved an automatically generated financial analysis report generated by an AI system at Tencent and later replicated by the defendant without permission. The court held that despite the algorithmic generation of the output, the developer had made a reasonable intellectual effort, in the form of the design of the algorithm, the choice of data sources, and the development of analytical rules and parameters under which the AI operated. These preparatory options were claimed to be manifestations of human expertise and judgment that had a tangible impact on the organization and the content of the final work. In terms of comparative law, what is interesting is that the decision prioritizes originality to be not vested in the direct human activity in making the expressive output but instead in the precedent creative arrangements made by the developer of the AI system itself. The court thus found

novelty in the choice and order of data and analysis criteria, which the AI subsequently used independently.

In *Beijing Feilin Law Firm v Beijing Baidu Netcom Science and Technology Co Ltd*, Beijing Internet Court (2019), the court examined whether an automatically generated legal report qualified for copyright protection. The court denied protection on the ground that the work lacked sufficient human intellectual input, emphasising that originality under Chinese law requires demonstrable human creative contribution. The case was about a legal report that was generated with automated software and republished subsequently by Baidu without permission.

The main question was whether the report was a copyrightable work under the Chinese copyright law. This was denied by the court because the work had no essence of originality and human intellectual input, which are crucial conditions of subsistence of copyright. The court held that the process of creativity in effect commenced with the working of the software and continued in an automated manner to the end output though the human user only fed in data and instructions before generation. Since there was no significant input of human involvement in the expressive process of creating, the work could not be regarded as a product of human intellectual work and as such, did not satisfy the criteria of originality.

This ruling is a contrast of the subsequent decision in Li v. Liu, in which copyright in an AI-generated image was acknowledged by the same court because of the involvement of a great number of people with the use of prompting and technical manipulation. The comparison shows that there was a great evolution in Chinese jurisprudence: when Feilin v. Baidu considered the AI output to be more machine-generated and thus uncopyrightable, Li v. Liu was slightly more subtle by acknowledging copyright where human creative decisions are involved in a final expression in an apparently demonstrable way. Collectively, these cases indicate a change in the doctrines of the strict exclusion of the AI generated works to a human control-based standard of determining originality in AI assisted creation.

VIII. CONCLUSION

The comparative study of copyright ownership in AI-generated works in India, the European Union, and China illustrates that modern-day copyright regimes are reacting to artificial intelligence with radically different policy orientations to their legal cultures and policy priorities. Although all three jurisdictions acknowledge the disruptive nature of AI on conventional ideas of authorship and originality, their responses display significant differences in the interpretation of how innovation and protection of creators are to be harmonised.

India still follows a rather human-centric authorship model primarily based on the Copyright Act, 1957 and supported by court interpretations by focusing on human skill, labour, and judgment. However, there is no direct legislative direction on AI-generated works, which poses a legal risk, especially when it comes to the use of training data and the division of ownership. The strategy of India is thus more conservative on the continuation of doctrines and safeguarding of human creativity, but it may fall behind in regulation with new realities of AI.

Europe has in contrast followed a regulatory form of governance, most notably by the EU Artificial Intelligence Act and its engagement with the Digital Single Market Directive. Instead of directly redefining the authorship of copyrights, the EU is concerned with the regulation of the technological ecosystem of AI creation. EU approach is precautionary and rights-based approach in which accountability and market fairness are prioritized. Nevertheless, since it does not fully address the substantive issue of authorship of AI-generated works, there is legal ambiguity at the copyright eligibility level.

China, in contrast, has been more pragmatic and flexible in its judiciary, with Chinese courts slowly reconsidering the refusal to protect where AI output does not involve human intellectual involvement, to acknowledging copyright where meaningful human intervention is present either in the system design, or in the process of iterative prompting and creative control. This jurisprudence indicates one of the policy goals to stimulate the technological innovation and the development of the digital

industries without sacrificing the necessity of human intellectual input. By considering the measure of originality based on the extent of human engagement and not categorization in absolute terms of authorship, China offers an effective model that can be modified to keep pace with the evolving AI technologies.

Upon comparative evaluation, the Chinese model tempered by structured transparency obligations akin to those introduced under the EU AI Act emerges as the most persuasive regulatory approach. China's jurisprudence adopts a pragmatic standard that conditions protection on demonstrable human intellectual contribution, whether in system design or iterative prompting, thereby preserving the human-authorship principle while accommodating technological realities.

By contrast, the EU's regulatory governance model effectively addresses systemic risks associated with large-scale AI training through transparency and compliance mechanisms, yet it refrains from resolving the substantive authorship question. India's continued reliance on traditional doctrine provides conceptual clarity but lacks statutory specificity, resulting in uncertainty.

Accordingly, this paper advances the normative position that a calibrated human-control standard—recognising copyright where meaningful human creative input is evidenced—offers the most coherent path forward. Such a model preserves the anthropocentric foundation of copyright law while preventing doctrinal rigidity from inhibiting innovation.

Having a balanced international system would thus maintain human intellectual input as the source of copyright protection and would include regulatory processes that would be fair in AI training and implementation. Finally, the copyright law development in the era of artificial intelligence implies that the main legal issue is not whether AI can create, but how the law should appreciate human creativity working through intelligent machines. The harmonisation in the future must be oriented towards the creation of globally coherent standards to safeguard creators, to encourage innovation, and to guarantee transparency in AI development, which will allow the copyright law to remain relevant in an increasingly automated creative ecosystem.

IX. SUGGESTIONS

1. **Creation of Global Standards of AI-generated Works:** An international harmonization is needed to decrease the legal uncertainty of AI generated works. This can be enforced by having a multilateral framework based on the World Intellectual Property Organization (WIPO), and further its current deliberations of Artificial Intelligence and Intellectual Property. Current paradigms of treaties like the Berne Convention on the Protection of Literary and Artistic Works may be revised with the purpose of adding some interpretative clauses to explain the authorship and ownership of AI-assisted art. The biggest one would be to balance the national policy priorities, especially between the jurisdictions that focus on the protection of the creators and the ones that stimulate technological advancement.
2. **Human Contribution in AI-Assisted Creation:** Statutory provisions including the situations in which human interaction in AI-generated works is adequate to qualify as copyrightable should be presented by legislatures. It may be implemented through guidelines that stipulate quantifiable parameters like creative prompting, choice of parameters or editorial amendments as is the case with originality tests in European jurisprudence. The main difficulty is finding the right balance between standards that are too inflexible so as to disallow a valid creative input or providing protection to the lowest human-directed input.
3. **Ethics in the use of Copyrighted content in AI Training:** An equal licensing framework of AI training datasets needs to be created, which entails both mandatory licensing schemes with opt-out systems that would be comparable to those offered by the text-and-data mining provisions of the EU Digital Single Market Directive. Licensing schemes that are similar to music royalty systems could be administered by collective management organisations. The difficulties are in cross-jurisdictional enforcement and the need to balance between transparency requirements and trade secret protection.

4. **Compulsory Disclosure and Labelling of AI-Generated Content:** Rightsholders and consumers should be able to be transparent by regulators forcing disclosure of AI tools that make a substantial contribution to creative works. This can be implemented across the models of disclosure adopted in the regulations of platform governance and new AI transparency requirements in the EU AI Act. Such issues as defining limits of AI participation and avoiding over-compliance by creators are pragmatic challenges.
5. **Incentive Systems to help balance Developers, Users, and Creators:** The governments are also recommended to promote innovation by using revenue-sharing or remuneration in the context of using copyrighted materials to train AI. This may reflect on fair compensation principles that are acknowledged in the international copyright systems and collective licensing systems. The difficulty will be to come up with systems that can fairly reward creators without deterring technological research or forcing developers to bear unwarranted costs.

X. LEGISLATIVE REFORM IN INDIA: CLARIFYING AUTHORSHIP AND AI-GENERATED WORKS

Given the regulatory ambiguity identified in the Indian framework, it is recommended that Parliament consider a targeted legislative amendment to the Copyright Act, 1957 to expressly address AI-generated works. One approach could involve insertion of an explanatory clause under Section 2(d) clarifying that, in the case of AI-assisted works, authorship shall vest in the natural person who exercises substantial creative control over the generation of the work. Such clarification would align with the "modicum of creativity" standard articulated in *Eastern Book Company v D.B. Modak* while preventing attribution of authorship to fully autonomous systems lacking human intellectual input.

Alternatively, India may consider enacting a standalone Artificial Intelligence and Intellectual Property Regulation to govern issues of training data usage, transparency obligations, and allocation of rights in AI-assisted outputs. A sector-specific

framework could operate in tandem with the Copyright Act, 1957, thereby preserving doctrinal continuity while introducing regulatory clarity.

This reform would reduce uncertainty for developers, users, and creators, enhance investment predictability, and ensure that Indian copyright law remains technologically responsive without abandoning its human-centric foundation.

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