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AUTHORSHIP ISSUE IN INDIAN COPYRIGHT LAW FOR WORKS CREATED BY ARTIFICIAL INTELLIGENCE

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I. ABSTRACT

Artificial intelligence (AI) is increasingly participating in creative processes such as writing, music composition, and visual art production, raising complex questions for copyright law worldwide. In India, the Copyright Act, 1957 is premised on a human-centric understanding of authorship, reflecting the traditional assumption that creativity originates from natural persons. However, the growing capacity of AI systems to generate content with minimal or no human intervention challenges this foundational premise and creates uncertainty regarding authorship, ownership, liability, and the scope of legal protection for AI-generated works. This paper examines the widening gap between rapid technological development and India's existing copyright framework. Adopting a doctrinal and comparative research methodology, the study analyses statutory provisions and judicial interpretations under Indian copyright law while comparing regulatory approaches adopted in jurisdictions such as the United Kingdom, the United States, and the European Union. Through this analysis, the paper identifies significant doctrinal and practical limitations in the current Indian legal regime, particularly its inability to adequately address authorship questions arising from algorithmically generated creative outputs. The study argues that the present framework is insufficient to resolve emerging disputes in technologically driven creative industries. To address this lacuna, it proposes the exploration of policy alternatives such as a carefully designed sui generis protection regime or a limited rights model that recognizes economic interests in AI-generated works without undermining the central role of human creativity in copyright law. Such reforms would provide greater legal certainty, encourage innovation, and support investment in AI-driven creative sectors. Ultimately, the paper contends that timely legal reform is essential for aligning India's copyright system with contemporary technological realities while preserving the normative foundations of human intellectual authorship.

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II. KEYWORDS

Artificial Intelligence, Copyright Law, AI Authorship, Originality, Sui Generis Protection.

III. INTRODUCTION

Artificial Intelligence (AI) is increasingly altering the very nature of human creativity. No longer is it stuck in automation or data analysis, its operation mode has also changed. Now, everything from creating music and visual art to writing stories or even producing a film script can be done by AI systems. In terms of sheer output alone, some of these works rival or surpass those produced using traditional methods. At the same time this is transforming role and impact that AI will have on culture like never before. From Music Creating Programmers to Deep Writing the Arts Paper AI has the ability in both speed and scale to generate works of art that can seriously rival if not exceed human. This new AI role in the creative industries also embroiled long, heated discussions on ownership and protection of works.

Although technological progress is essential to the thriving of innovation, it also reveals the gaps between today's long-standing legal system which was designed around that and ness to come tomorrow's schedule do not help us see how anything is not but prejudiced against other people or ideas assumption that creativity is a uniquely human endeavor. The central challenge arises from the tension between the growing capacity of artificial intelligence systems to generate creative works autonomously and the traditional emphasis of copyright doctrine on human authorship. While the Copyright Act, 1957 does contain a provision addressing computer-generated works, Section 2(d)(vi) recognizes the author of such works as "the person who causes the work to be created," a clause introduced through the Copyright (Amendment) Act, 1994.

However, this provision was drafted at a time when computer programs were largely understood as tools operating under direct human control. Contemporary generative AI systems, which can produce complex outputs with minimal human intervention, challenge the adequacy of this framework. Consequently, the provision does not

clearly resolve questions of authorship, ownership, or liability where creative outputs emerge from highly autonomous algorithmic processes.

Copyright regimes around the globe rely upon the assumption that originality springs from the labor, judgement, and expertise of humans. When an AI system independently composes a piece of music or designs digital art without direct human involvement, fundamental questions arise Who is the author? Can such works even qualify for copyright protection? Should protection extend to the programmer, the user, or to no one at all? These questions expose the inadequacy of traditional legal principles when faced with the disruptive potential of AI generated creativity. For India, these issues carry particular weight. In India's growing technology sector, vibrant film and music industries, and expanding software and gaming markets are all increasingly experimenting with AI tools.

Startups are investing in generative AI for design, animation and content creation while established entertainment companies are using AI to streamline production. If the protection for works by AI comes into doubt, this would discourage investment lead to ownership conflicts and thwart India's aspirations for becoming a hub for international digital innovation. Thus, addressing authorship in the India legal context is not merely a theoretical concern but a pressing practical necessity. This paper argues that the India Copyright Act, 1957 is ill-equipped to deal with the complexities of AI generated works. Its dependence on the concept of the human author does little for acknowledging products created without significant human involvement. In this way, the Indian copyright law may find itself antiquated and wanting when it comes to taking the realities of a technology driven creative economy.

The discussion proceeds in five parts. The first section outlines the doctrinal foundations of authorship under the Indian Copyright Act, 1957. The second examines how Indian courts have interpreted originality and authorship in context of human creativity. The third section undertakes a comparative review of international approaches to AI- generated works, highlights models adopted in jurisdictions such as the United States, the United Kingdom, and the European Union. The fourth section critically evaluates the limitations of India's current framework in addressing

authorship issues raised by AI. Finally, the paper proposes potential reforms, including the adoption of a sui generis system or a limited rights model, to ensure that Indian copyright law remains relevant in an era of algorithmic creativity.

A. Research Objectives

1. To examine how the Copyright Act, 1957, particularly Section 2(d), defines and interprets the concepts of authorship and originality within Indian copyright law.
2. To analyse the scope and limitations of Section 2(d)(vi) of the Copyright Act, 1957, which attributes authorship of computer-generated works to the person who causes the work to be created, and to assess whether this provision adequately addresses contemporary AI-generated works.
3. To study the responses of major jurisdictions, including the United Kingdom, the United States, and the European Union, in addressing legal questions surrounding AI-generated creative works.
4. To propose legal and policy recommendations suited to India's legal and economic context for resolving questions of authorship and ownership in works produced with artificial intelligence.

B. Research Questions

1. How does the current definition of the term's "author" and "original work" under the Copyright Act, 1957 restrict the protection of works generated by artificial intelligence?
2. How do the opportunities for creators, investors, and technology companies change as a result of today's exclusion of AI authorship?
3. Which foreign comparative models or juridical practices could give a lead for India's position regarding the issue?
4. Which versions or which amendments of interpretation would India require for addressing the authorship issue better when it comes to the AI era?

C. Research Hypothesis

1. The Indian Copyright Act, 1957, with its human centric definition of "author" under Section 2(d), is doctrinally incapable of recognizing AI-generated works, creating legal uncertainty regarding ownership and liability.
2. The exclusion of AI generated works from copyright protection discourages investment in India's creative sectors, while equating machine output with human authorship undermines copyright's core philosophy.
3. A sui generis system with limited economic rights and shorter protection terms is essential to balance technological innovation with the primacy of human creativity.

D. Research Methodology

This research is based on a qualitative and doctrinal approach, focusing on the interpretation of statutory provisions, case law, and secondary academic sources. The Copyright Act, 1957 serves as the central legal framework, with particular attention to how the law defines "author" and "originality" and the extent to which these concepts exclude works produced by artificial intelligence. Judicial decisions are examined to assess the boundaries of authorship under Indian law and to identify the gaps that arise in the absence of explicit provisions for AI generated works. Alongside doctrinal analysis, the study undertakes a comparative review of the approaches adopted in the United Kingdom, United States and European Union.

These jurisdictions are selected for the advanced discourses on AI authorship and as potential exemplars for India. To consider the broader implications the study also draws on scholarly publications, policy papers and reports from intergovernmental agencies, which throw up the legal and commercial dilemmas confronting creators, technology developers and industry players. Lastly, the methodology takes a prescriptive turn by calling upon doctrinal as well as comparative understandings for the purposes of proposing reforms appropriate for the Indian situation.

The latter may come in the form of legislative revisions, interpretation from the bench or policy initiatives, taking care to ensure the study not merely critiques extant gaps but provides constructive responses. The study solely draws upon the secondary sources, thereby ensuring credibility by deriving it from the authoritative sources of the shape of juristic publications, judgements and academic commentary.

E. Literature Review

1. Naithani, Paarth (2022)

Explores the complex question of whether artificial intelligence can be recognized as an "author" or "owner" under the Indian Copyright Act, 1957. He emphasizes that the Act currently ties authorship to a person who initiates or causes the creation of work, which effectively excludes AI from being independently acknowledged. As he points out, under the Indian framework, authorship is inseparably linked to a human initiator, thereby exposing a clear legal gap when dealing with AI generated works. The paper further contributes to comparative discourse by examining the UK's provision for computer-generated works and the U.S stance that categorically denies copyright to non-human creators.

Beyond critique, Naithani suggests potential reforms such as adopting joint authorship models, creating compulsory licensing frameworks, establishing sui generis protection or allowing AI generated works to fall into the public domain. His analysis is significant because it not only identifies the legislative shortcomings but also provides concrete reform options that could guide India in developing a balanced approach to AI authorship.

2. Vishwajeet Chaudhary & Yamini Mishra (2025)

Reconciling the Notion of Authorship in AI generated works under the Indian Copyright Act, 1957 analyse how the existing definitions of authorship and originality in Indian copyright law risk excluding AI generated content. They explain that originality, as understood under Indian jurisprudence, is grounded in human intellectual effort and creative labour, thereby limiting the recognition of works that are produced autonomously by AI systems.

The authors also highlight the growing challenge of categorizing AI as either a tool in the hands of humans or as an independent creative agent, noting that this distinction has direct implication for copyright attribution. Further, their paper analyzes comparative legal stances, how the UK and the US have dealt with the issue, and draws these learnings for assessing potential avenues for India. Notably, they suggested the amendment of the Indian law so as to fill the lacuna, providing the options for the change aligning global evolutions with the domestic legal system of India. Their contribution is particularly useful for showing how Indian originality doctrine interacts with technological advances and for pointing toward practical solutions tailored to India's legal context.

3. Thushar V Senan, Abey Augustine and Aswathy Krishnan (2023)

AI Creativity and Copyright Law in India navigating the Boundaries of Originality and Authorship assess whether works generated through artificial intelligence can be granted copyright protection under the Indian Copyright Act. Their analysis gives particular attention to the concept of originality, highlighting how Indian courts have historically required human skill and judgement, a standard that AI generated outputs may not always satisfy.

Beyond doctrinal issues, the authors explore the broader legal and commercial implications, especially the challenges of determining liability in cases of infringement and the uncertainties surrounding fair use when AI system is involved. They also situate India's position within an international farmwork, contrasting the Indian approach with that of other jurisdictions and noting areas here India remains underdeveloped in its responses. By underlining gaps in enforcement, ownership clarity, and risk allocation, the paper contributes to understanding both the practical difficulties stakeholders face and the reforms necessary for Indian to adapt its copyright law to the realities of AI driven creativity.

4. Annapurna Pardhi (2021)

Legal Recognition of AI Generated Copyrighted Work in India problems and perspectives investigates how emerging AI based creative processes clash with India's copyright framework. She observes that the law continues to ling authorship and

originality to human effort, which leaves no space for works created autonomously by machines. This gap creates uncertainty for innovators, businesses and creators who rely on AI since ownership and enforceability remain unresolved. However, it is noteworthy that India has witnessed at least limited administrative engagement with AI authorship questions. A prominent example is the SURYAST artwork registration, in which the Indian Copyright Office initially listed the AI tool "RAGHAV" as a co-author alongside the human creator, Ankit Sahni (Copyright Registration No. A-142986/2021).

Although the registration was later revised to remove the AI system as a formal author, the episode demonstrates that Indian administrative practice has already begun grappling with the legal implications of AI-assisted creativity. This development highlights the emerging tension between traditional doctrinal assumptions of human authorship and the evolving realities of AI-assisted creative production. It ultimately argues for reforms that balance the encouragement of technological innovation with adequate protection of rights, making her contribution particularly relevant for identifying the legal vacuum and suggesting India specific solutions.

5. Daniel J. Gervais (2020)

In *"The Machine as Author,"* Gervais examines whether artificial intelligence systems should be recognized as authors within copyright frameworks. He argues that traditional copyright doctrines are ill-suited to accommodate machine-generated creativity because they presuppose human intellectual effort as the foundation of authorship. Gervais proposes several potential solutions, including limited economic rights or specially tailored legal regimes that acknowledge the economic value of AI-generated outputs without fully equating machines with human creators. His work contributes significantly to the policy debate by exploring how copyright law might evolve to accommodate algorithmic creativity while maintaining the normative foundations of authorship.

6. Ryan Abbott (2020)

In *the Reasonable Robot: Artificial Intelligence and the Law*, Abbott explores the broader

implications of artificial intelligence for legal systems, particularly in the field of intellectual property. He argues that treating AI purely as a tool overlooks the increasing autonomy of advanced systems capable of generating outputs that appear independently creative. Abbott suggests that excluding AI-generated works from copyright protection could undermine incentives for innovation and investment in emerging technologies. At the same time, he cautions that granting full authorship status to AI may disrupt the human-centered foundations of copyright law.

His work therefore advocates carefully balanced legal reforms that recognize the economic value of AI-generated outputs without displacing human creativity as the central focus of copyright protection. He argues that reducing AI to the status of a mere tool overlooks the fact that autonomous systems are capable of generating outputs that appear genuinely creative. Excluding such works from copyright protection warns risk discouraging innovation and failing to recognize that value of machine generates creativity. At the same time the author also acknowledges the risks of giving AI full recognition, such as the erosion of incentives for human creators and potential conflicts over ownership. His analysis is enriched by comparative insights into U.S and U.K approaches, which represent two ends of the spectrum in handling AI authorship. It also proposes limited recognition frameworks that could provide protection without displacing human cantered principles offering valuable guidance for countries like India that are yet to establish a clear policy stance.

IV. ANALYSIS OF RESEARCH

The Copyright Act, 1957 was enacted at a time when creativity was largely understood as a human-driven activity, and this assumption continues to shape the structure of copyright law. Section 2(d) defines the "author" of different categories of works, generally referring to identifiable human creators such as the writer of a literary work or the composer of a musical composition. However, the statute also contains a specific provision addressing computer-generated works. Under Section 2(d)(vi), introduced through the Copyright (Amendment) Act, 1994, the author of a literary, dramatic, musical, or artistic work which is computer-generated is defined as "*the person who causes the work to be created.*"

While this provision acknowledges the possibility of computer-generated creativity, it was formulated in an era when computers were primarily regarded as tools operating under direct human control. Contemporary generative AI systems, which are capable of producing complex outputs with minimal human direction, challenge the adequacy of this formulation. Consequently, the principal issue is not the complete absence of statutory recognition but rather whether Section 2(d)(vi) sufficiently addresses the realities of autonomous or semi-autonomous AI-generated works. Judicial interpretation has supported this position. In Macmillan & Co. v. K & J Cooper the privy council observed that originality requires the application of human skill and judgement.

In RG Anand v. Deluxe Films (1978), the Supreme Court primarily addressed the idea–expression dichotomy, holding that copyright protection extends only to the expression of an idea and not to the underlying idea, theme, or plot itself. The Court emphasized that infringement occurs only where a substantial portion of the protected expression has been copied. Although the case did not deal with artificial intelligence or non-human authorship, it reinforces the principle that copyright law protects identifiable expressions of intellectual creation rather than abstract concepts. This principle becomes particularly relevant in the context of AI-generated works, where questions arise regarding whether the output reflects independent expression attributable to a human contributor or merely the automated generation of content by an algorithmic system.

The Supreme Court further clarified the standard of originality in Eastern Book Company v. D.B. Modak (2008). The Court rejected the traditional "sweat of the brow" approach, which granted protection based merely on labour or effort, while also noting that the American "modicum of creativity" standard articulated in *Feist Publications v. Rural Telephone* was comparatively stringent. Instead, the Court adopted the intermediate Canadian standard of "skill and judgment," derived from *CCH Canadian Ltd. v. Law Society of Upper Canada*. Under this approach, originality requires the exercise of intellectual effort involving skill and judgment, but not necessarily a high degree of creativity. This formulation remains central to Indian copyright jurisprudence and raises important questions when evaluating whether AI-generated

outputs satisfy the requirement of human intellectual contribution.

These decisions collectively established a human centered framework that excludes recognition of works autonomously produced by artificial intelligence, even when such works display novelty and creativity. The exclusion of AI generated works produces both legal and economic difficulties. Legally, the absence of recognition creates ambiguity in identifying ownership and liability. If an AI product generates an infringing work, it is not clear whether the programmer or user bears the liability or someone else a little. Economically, this ambiguity discourages investment into creative sectors employing more and more AI technologies.

Scholars such as Abbott argue that the absence of protection undermines the incentive structures copyright law is intended to provide. India commentators have also highlighted that without a regulatory framework, the influx of AI created works risks devaluing human authorship and disrupting existing markets. Courts, meanwhile, are left without clear statutory guidance, resulting in inconsistent and fragmented decisions when disputes concerning AI works arise. Foreign approaches provide useful contrasts. The United Kingdom, through the Copyright, Designs and Patents Act, 1988, attributes authorship of computer-generated works to the person who makes the "necessary arrangements" for their creation. This ensures such works are not unprotected but arguably underplays the role of autonomous systems. The United States took the opposite stance, the U.S. Copyright Office once again clarified in 2023 that works without human authorship cannot qualify for copyright, thus leaving AI produced works as public domain. The European Union hasn't put into practice special legislation but still discusses possibilities, from sui generis regimes up to limited rights schemes, and how best to reconcile innovation with the preservation of huma creativity.

For India, these approaches suggest that neither categorical exclusion not wholesale recognition is appropriate. A hybrid solution such as limited term rights for AI generated works or the establishment of a sui generis framework may better suit its legal and economic context. The objectives of this study follow directly from these issues. The first is to examine how Indian copyright law defines authorship and

originality and why this leaves AI generated works outside its scope. The second is to identify the legal and practical challenges this exclusion creates, especially in relation to ownership, liability and enforceability.

The third is to analyse comparative approaches adopted in other jurisdiction, and the fourth is to propose reforms that could keep Indian copyright law relevant in the context of technological advancement while safeguarding human creativity. The study adopts a doctrinal and comparative methodology. The doctrinal analysis is based on the Copyright Act, 1957, and judicial precedents including Macmillan v. Cooper, RG Anand v. Deluxe Films and EBC v. Modak which show how originality and authorship are constructed in India. The comparative component examines the UK, US, and EU frameworks, which represent different policy approaches to AI generated works. In addition, the study relies on academic commentary and policy reports to highlight the wider implications of excluding AI generated works, including market instability devaluation of human creativity and uncertainty for investors.

With this interaction between comparative and doctrinal analysis, it reveals the inadequacy of the current system of India and contextualizes the issue amidst the international debates. This also highlights the potential reforms such as limited regimes of rights, compulsory licenses mechanisms, or a system of sui generis, which would allow India to keep pace with technological development and ensure the predominance of authorship by humans. The legal uncertainty of the AI generated work also raised questions for the enforceability of copyright. If work generated by an automated system would be used or adapted without a license, the current law does not provide a clear procedure for determining who may claim infringement. Unlike human authors, who can assert moral and economic rights under the Copyright Act, the absence of a recognized author for AI generated content leaves such protection inapplicable. This gap not only complicates litigation by may also deter creative collaboration, investment and innovation in industries where AI tools are increasingly relied upon, such as software development, animation and digital media.

Academics highlighted the risk for India of lagging behind other jurisdictions which

have or may consider adopting regimes for machine-assisted creativity without determining the legal status of works produced by AI. Comparatively, the responses by various jurisdictions identify the opportunities as well as challenges. The UK system, which grants authorship to the person who arranges the work, ensures that AI generated content does not remain unprotected. However, it may also lead to over attribution, where humans receive rights for works that were largely produced by algorithms.

The US approach, strictly limiting copyright to human authors, reinforces traditional notions of creativity but discourages commercial investment in AI innovation, as developers cannot secure exclusive rights to outputs created autonomously by the systems. The European Union's ongoing discussions around sui generis rights or limited rights frameworks indicate a middle path, seeking to protect economic interests in AI generated works solution potentially combining elements from multiple jurisdictions may be most appropriate. The practice implications of adopting a hybrid or sui generis model are significant. For corporations, a system affording limited protection for works generated by AI would enable investment in AO driven creativity by putting developers in a position to license, monetize or otherwise exploit output without foreclosing the rights of huma creators.

For lawmakers, it provides a gap for regulating the AI in a shape convergent with India's wider economic and technological aspirations, so the law of copyright functions as a stimulant for innovation rather than a brake. However, such reforms may also encompass protection such as time limited protection or compulsory license so as to prevent works from being monopolized and fair access to AI generated outputs is maintained. Additionally, the incorporation of AI generated works into India's copyright system would entail close attention by those concerned with liability, authorship ascription and moral rights. One potential approach sometimes suggested in academic discourse is the recognition of joint authorship between the humans who configure or oversee the AI system and the AI-assisted creative process. However, such a proposal raises significant doctrinal challenges under Indian copyright law.

Section 2(z) of the Copyright Act, 1957 defines a "work of joint authorship" as a work

produced by the collaboration of two or more authors in which the contribution of one author is not distinct from the contribution of the other. This requirement presupposes the participation of legally recognizable authors capable of holding rights and obligations. Since artificial intelligence systems lack legal personhood and cannot hold copyright, attributing joint authorship directly to an AI system would be difficult to reconcile with the statutory definition. Consequently, while the idea of joint authorship may be conceptually appealing, any practical reform would likely need to attribute authorship to identifiable human actors such as programmers, developers, or users whose intellectual contributions meaningfully shape the output generated through AI systems. Alternatively, the law could define a distinct category for AI generated works, granting specific economic rights to the programmer or user while excluding moral rights that are inherently tied to human authorship.

Such measures would balance the need for protection and facilitating innovation against the core precepts of Indian copyright law, thereby maintaining the central role of human creativity intact but with flexibility for technological advances. Essentially, the inclusion of works produced by artificial intelligence as part of India's copyright system makes it necessary for a balanced consideration between facilitating innovation and maintaining the uniqueness of human authorship. Through the use of comparative structures and scholarly research, India stands well poised to initiate a forward-looking juridical framework responsive to the dynamics of a digitally driven and algorithmic creative economy.

The establishment of clear-cut regulations governing authorship, ownership, and enforcement would reduce uncertainty, facilitate investment into artificial intelligence technologies, as well as encourage the development of a competitive creative sector for global interaction. One of the main avenues for change for India would ensue through the revision of the Copyright Act of 1957 sufficiently to indicate the rising prominence of AI-generated works. Section 2(d) which currently limits authorship to natural person, could be expanded through an additional provision explicitly recognizing computer generated or AI generated content. Inspiration may be drawn from Section 9(3) of the Uk Copyright, Designs and Patents Act, 1988 which attributes authorship to the person making the “necessary arrangements”. However, an Indian

model should not simply replicate this approach but refine it by specifying the level of human involvement required.

This may include programming, curating training data, selecting prompts or exercise creative discretion. Such an amendment would prevent undue attribution of rights to individuals whose contribution is minimal while ensuring that works produced with substantial human oversight do not fall into a legal vacuum. At the same time, limiting rights in cases of negligible human involvement would avoid equating machine autonomy with human creativity, thereby preserving the philosophical foundations of copyright law. In the absence of immediate legislative reform, India courts could play a crucial role in bridging the gap through purposive interpretation.

The judiciary has already demonstrated adaptability, most notably in Eastern Book Company v. D.B. Modak, where the Supreme Court departed from the "sweat of the brow" doctrine and adopted the "modicum of creativity" test for originality. A similar interpretative approach could be adopted for authorship in AI generated works. By construing AI as a tool in the hands of humans rather than an independent creator, courts could allow copyright claims where meaningful human intellectual effort can be demonstrated. For example, a director utilizing AI software to generate background vision after diligently selecting prompts and refining the output would qualify as an author, while a machine generated novel without any direction by humans might continue to be excluded from the scope of protection.

The judicial innovation so effected would ensure the adjudication of disputes by a means consistent with the intent of the copyright law without awaiting the legislator's amendments which tend to come years later. Beside from judicial interpretation, India may also wish to enact a sui generis regime specific to AI generated works. Such moder would grant limited economic rights possibly for shorter durations that conventional copyright to developers, users, or investors in AI systems19. The authorization and financial revenues of outputs may be catered for by a unique regulatory framework or may involve provisions like compulsory licensing as a form of precluding the formation of monopolies and facilitating the general access of works.

The framework would also accord flexibility necessary for furthering innovations

with technology by circumventing the formality of literal inclusion of AI authorship into the current framework of copyright. By offering shorter terms or narrower rights, India could simultaneously encourage AI driven innovation while mitigating risks of over protection and market concentration in the hands of a few large technology companies. In addition, statutory change and judicial innovation in India can also resort to soft law tools to supply immediate clarity. The copyright office or the Commerce and Industry Minister may issue guidelines specifying the standards for acknowledging AI aided works, disclosure obligations for authors utilizing tools of AI and division of rights between developers and users.

Such tools, though not binding, would standardize practice, minimize litigation and pave the ground for eventual change through legislation. They may also contain practical provisions like obliging creators for disclosure of extent of AI contribution while registering works, thus providing for transparency and facilitating adjudication by the courts. Beyond this, soft law may also ensure ethical standards for AI creativity and avoidance of misuse of AI for reproducing artistic styles without authorization. Legislative amendments would provide long term certainty by embedding clear provisions into statutory law. Judicial interpretation could supply immediate relief in disputes, ensuring that cases are resolved consistently even before Parliament acts. A sui generis regime would create tailored protection for AI outputs, balancing innovation and access, while soft law measures would address transactional needs and shape market practices in real time.

Through this balanced and forward-looking approach, India would ensure that the country's copyright law not only protects human creativity but also evolves with the technological transformations revamping the global creative economy. Notably, such reforms would place India not only as a mere passive recipient of foreign exemplars but as a pioneer for the development of a copyright framework appropriate for the realities of the emerging economies, where fast digitization, experimentation by entrepreneurs and technological adopting coexist. India would not only ensure the rights of the human creators but would also in still confidence among investors and innovations for AI driven sectors as well, making sure that the country's legal system does not fall behind the requirements of the 21st century.

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V. ADMINISTRATIVE DEVELOPMENTS IN INDIA: THE SURYAST REGISTRATION

A notable development in the Indian context emerged in 2021, when the Indian Copyright Office granted registration for the artwork "SURYAST" created by Ankit Sahni. In the initial application, Sahni listed the artificial intelligence system RAGHAV as a co-author of the work. The Copyright Office initially accepted the application with the AI tool named as a co-author, marking one of the earliest instances globally in which an administrative authority appeared to recognize AI participation in authorship.

However, the registration was subsequently revised, and the AI system was removed from the authorship attribution after the Office sought clarification regarding the legal basis for recognizing a non-human entity as an author. The episode nevertheless illustrates that Indian administrative authorities have already confronted questions concerning AI-assisted creativity.

The SURYAST registration therefore occupies an important place in contemporary debates on AI and copyright in India. It highlights both the uncertainty surrounding the interpretation of Section 2(d)(vi) and the absence of clear statutory guidance on how AI-generated or AI-assisted works should be treated within the existing copyright framework.

VI. RECOMMENDATIONS

The study highlights that India's copyright law remains deeply rooted in human centric assumptions and has not evolved to address the challenges brought forth by AI generated creativity. The Copyright Act 1957 particularly Section 2(d), is premised on the notion that authorship must stem from human intellect and effort. However, with the increasing capacity of artificial intelligence to autonomously generate literary, artistic and musical works, this framework has become insufficient. To respond to these challenges a multi-layered reform strategy is required.

The first step is institutional reform through the creation of a specialized expert body. The Department for Promotion of Industry and Internal Trade (DPIIT) must

set up a high-level committee of legal academic, policymakers, industry captains, and technology experts. This committee would provide a forum for broader consultations spanning sectors wherein AI applications exist today like publishing films, gaming, animation, and software development. The committee's focus cannot merely on scrutinizing legal recognition of the outputs of AI but also evaluating broader consequences, like liability for infringement, economic stimulus, and consequences for human creators.

This consultative process would ensure all changes legislated for are evidence-based, inclusive and attuned to India's developmental imperatives. The second step involves statutory reform. Parliament should consider amending Section 2(d) of the Copyright Act to explicitly address AI generated works. A plausible model could be drawn from the UK Copyright, Designs and Patents Act, 1988, which attributes authorship of computer-generated works to the person making the "necessary arrangements" for their creation. However, the Indian model should move beyond a simple transplant and specify the degree of human involvement required to qualify as an author.

For instance, programmers who design algorithms, curators who assemble training datasets, and users who select prompts or exercise creative judgement could be eligible for recognition depending on their contribution. Alternatively, India could develop a sui generis framework to provide limited term protection for AI generated works. These would give economic rights for the developers or investors, without exposing a risk of confusing authorship by a machine and machine creativity. Limiting the term of rights and including compulsory licenses could prevent the establishment of a monopoly as well as ensuring access by the public.

A third pathway lies in interpretative and administrative innovation. Lacking legislative change, courts would do well to adopt a purposive approach to interpretation which defines artificial intelligence as a creative process tool or instrument rather than as an independent author. This approach would allow for the recognition of works which contain substantial human intellectual contribution, including judgment, curation, or creative judgment. Administrative institutions,

including the Copyright Office and the Ministry of Commerce and Industry, would also not harm this system by crafting non-binding guidelines. These guidelines would set standards for disclosure of the use of AI tools in the creative process, clarify the division of rights between developers and users, and advocate for ethical requirements for transparency for AI-assisted authorship.

Soft law mechanisms of this sort would ensure consistency of practice, reduce the number of litigations, and offer immediate relief pending long-term measures. Finally, the reforms must reconcile innovation stimuli with protection for access to culture and creative expression by humans. Overprotecting AI generated works risks creating monopolies that undermine the spirit of copyright as a system designed to reward human expression. To avoid this, reforms can bring in shorter protection duration for AI connected rights, compulsory schemes of licensing mass produced AI works or limitation of derivative claims arising only from machine produced content.

These steps would maintain AI as a catalyst of knowledge and imagination and not as a hindrance to cultural exchange. Simultaneously it mirrors its distinctive socio-economic environment, maintaining balance between innovation, access and equity. These proposals present a detailed blueprint for overhauling India's copyright regime in the digital era. Adopting an element of expert advice, legislative modification, judicial discretion, administrative regulation and prevention of monopoly India can ensure that its system of copyright advances with technology but remains faithful to its core mission safeguarding human innovation and promoting fair cultural and economic development.

VII. CONCLUSION

Artificial Intelligence is revolutionizing creative industries at a pace without precedent, creating works equal or even superior to human authorship in terms of originality, sophistication and monetary value. Yet, the Indian Copyright Act, 1957, continues to be based on a paradigm that assumes human agency as authorship. This human approach has left a legal void regarding AI generated works, with courts, regulators and creators unclear about the rights and duties attribution. The argument

set out in this paper reveals that this gap is not simply theoretical but is of concrete significance for India's cultural economy and innovation base.

Business sectors like publishing, software development, advertising and media are already observing the extensive use of AI in content production. Absent legal certainty controversy over ownership, licensing and liability is unavoidable, possible deterring investment and slowing Indian growth. Comparative insights demonstrate that there is no uniform international approach to the issue of AI-generated works. The United States has taken a restrictive position, maintaining that copyright protection requires human authorship and therefore refusing registration for works generated entirely by artificial intelligence, as reflected in recent guidance issued by the U.S. Copyright Office.

In contrast, the United Kingdom, under Section 9(3) of the Copyright, Designs and Patents Act, 1988, attributes authorship of computer-generated works to the person who makes the "necessary arrangements" for their creation. Meanwhile, the European Union has not yet adopted a specific legislative framework for AI-generated works but continues to explore regulatory approaches that balance technological innovation with the preservation of human creativity. India is at the crossroads, able to make a well-balanced model of choice, taking selectively from the above models and adapting solutions to its unique socio-economic environment.

The study has suggested statutory reform, purposive interpretation by the judiciary, and temporary administrative directives to deal with the existing uncertainty. Simultaneously, it emphasizes the need to protect the primacy of human imagination and provide equitable access to AI-created knowledge and culture. The mooted reforms, such as the establishment of sui generis rights, terms of limited protection, and compulsory licensing, are a pragmatic path that strikes a balance between innovation and public interest.

In conclusion India has to shift to a copyright environment that is future oriented adaptable and sensitive to the speedy changes which are created by artificial intelligence. The existing legal system, based on the Copyright Act, 1957, was set in an age when creativity was assumed to be purely human. Though this basis

continues to be philosophically significant, it cannot deal with the multifaceted realities of AI produced works adequately. Such works can be recognized without giving up the human centered bases of copyright but by extending and adapting these to a future in which human endeavor and machine capability converge ever more. Through embracing changes that mix statute clarity, judicial flexibility administrative advice, and international best practices, India can place itself at the forefront of international discussion concerning AI and intellectual property.

A balance model would ensure that the law stimulates investment in AI innovation without diluting human authorship and limiting cultural access. The balance is important since overprotection is likely to lead to monopolies surrounding machine generated content, while under protection inhibits economic growth and technological advancement. A reformed regime should thus seek to preserve the twin objectives of copyright to both protect and remunerate creators for their intellectual output, as well as promote public knowledge and cultural enrichment.

In the event that India succeeds in implementing such a regime, it will not only be reinforcing its own national creative economy but also establishing a standard for other jurisdictions struggling with the same concerns. By tying innovation with equity and accessibility, India has the potential to become a world leader in influencing the international debate on authorship in the context of AI so that copyright law continues to be relevant and sustainable as technology proceeds to redefine creativity's parameters.

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