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LEGAL CHALLENGES OF AI-GENERATED CONTENT UNDER COPYRIGHT LAW: AN INDIAN PERSPECTIVE

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I. ABSTRACT

Artificial intelligence has changed how creative content is made — and Indian copyright law simply hasn't caught up. The Copyright Act of 1957 was written with human creators in mind and is relatively silent when systems like GPT-4, Stable Diffusion, or Mid journey produce entire works independently. Who owns the output? Was training on copyrighted data even legal? The uncertainty is real, and its consequences are growing. This paper works through four questions: whether AI-generated works qualify for protection under Indian law; who holds authorship and ownership rights; when training AI on copyrighted material becomes infringement; and whether Section 52's fair dealing provisions can realistically handle generative AI. It draws on doctrinal analysis and compares India's approach against the US, EU, UK, Japan, and Singapore. The gaps are hard to ignore. No data mining exception, no framework for computer-generated authorship, no deepfake legislation — courts are stretching decades-old rules over problems they were never meant to solve. Though the ANI Media case against OpenAI highlights mounting pressure, no single verdict can resolve deep-rooted flaws. A judge's decision might clarify legal boundaries - yet systemwide issues remain untouched. For India, progress means rethinking copyright with precise guidelines on who made what. Licensing systems for data used in machine learning could follow. Clearer expectations around disclosure might support artists while keeping new ideas flowing. Rules should balance fairness and invention, nothing more. The paper recommends a calibrated statutory framework that preserves protection for demonstrable human creative contribution, clarifies ownership where

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AI functions as a tool, introduces a limited and transparent data mining/licensing mechanism for training datasets, and strengthens disclosure duties for AI-assisted works. Such reform would better balance creator protection, legal certainty and innovation in India's emerging AI economy.

II. KEYWORDS

Artificial Intelligence, Copyright Law, Authorship, Fair Dealing, and ANI v. OpenAI.

III. INTRODUCTION

Starting with basic rules, artificial intelligence has moved toward complex forms capable of creating content once thought unique to people. During recent years, tools including GPT-4, Claude, and Gemini - along with visual systems such as Stable Diffusion and Mid journey - began producing writing, images, melodies, and software nearly matching what humans make. Behind these outputs lies a process fueled by massive collections of pre-existing material, much of it protected by copyright laws, which opens deep uncertainty around who truly owns generated work. Legal responsibility becomes unclear when machines build on creative efforts made by others without clear permission. In India, current protections stem mainly from legislation dating back to 1957, designed at a time when only human creators were considered possible authors of original expression.[3] Though technology shifted dramatically since then, the law remains anchored in older assumptions about invention and origin. One major issue arises as artificial intelligence produces more material in various sectors: unclear ownership of what AI generates. Because laws do not clearly state who holds rights over such output, confusion grows. Training systems using protected works sparks debate - some see it as unlawful copying. Others point out that without special allowances for scanning digital content, innovation may stall. While regions like the European Union shape clearer rules, India

[3] Copyright Act 1957 (India), s 2(d); see also the discussion of authorship in Eastern Book Company v D.B. Modak [2008] 1 SCC 1 (SC).

lacks comparable provisions.[4] Legal thinking here has yet to catch up with technological advances. Courts and lawmakers must respond before inconsistencies deepen further. Without timely intervention, outdated frameworks risk undermining both creativity and progress.

A. Research Objectives

This paper examines:

1. Whether AI-generated works qualify for copyright protection under Indian law
2. Who holds authorship and ownership rights in such works
3. The conditions under which AI training on copyrighted data constitutes infringement
4. The adequacy of enforcement mechanisms and fair dealing provisions under the Copyright Act, 1957 in the context of generative AI.

B. Research Questions

The following questions structure the doctrinal and comparative analysis undertaken in this paper:

1. Primary Research Questions

- Can AI content get copyright protection in India? If it can, what are the reasons for this?
- According to the Copyright Act of 1957 who will be considered the author and the owner of AI content?
- When AI is trained using copyright materials is this considered copyright infringement? Can it be seen as fair dealing under Section 52?

[4] Directive (EU) 2019/790 of the European Parliament and of the Council on Copyright and Related Rights in the Digital Single Market [2019] OJ L130/92; Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) [2024] OJ L1689.

- Do the current copyright laws in India provide protection against copyright infringement involving AI especially when this infringement happens outside of India?

2. Secondary Research Questions

- How do countries like the United States, European Union, United Kingdom, Japan and Singapore deal with AI content and AI training. How is this different from Indias laws?
- Do you think Section 52 of the Copyright Act is enough for text and data mining in AI training or do we need a rule for this?
- When it comes to protecting individuals from AI-generated deepfakes, are existing legal protections, including Justice K.S. Puttaswamy v. Union of India and Anil Kapoor v. Simply Life India & Ors., sufficient?
- How should the Copyright Act of 1957 be changed to include AI-generated works. What would these changes look like for AI content?

C. Hypothesis

India's 1957 Copyright Act, predicated on human authorship, cannot adequately resolve questions of ownership, infringement, and liability raised by generative AI; a sui generis statutory framework, incorporating defined data-mining exceptions and graded authorship recognition, would more

effectively balance creator protection with AI-driven innovation than judicial extension of existing provisions.

D. Methodology

This paper takes a doctrinal approach, with comparative analysis layered on top. That fits the kind of questions being asked here, these aren't questions you can answer by surveying people or running experiments; their questions about how statutes should be read, how courts have reasoned, and whether the categories the law currently uses still make sense.

E. Literature Review

Scholars, courts, and policy makers are paying close attention to the relationship between copyright law and artificial intelligence across a number of countries. This literature review examines the most influential contributions that guide us in answering four important questions that are fundamental to this paper: Can AI-generated work be copyrighted? Where is the gap in authorship and ownership? Is it legal for AI to train using copyrighted material? Is there adequate enforcement of copyright law?

F. Research Design

The approach is essentially library-based: working through primary sources (statutes and case law) alongside secondary sources (academic writing, government working papers, policy reports) and reading them closely. The structure follows the four questions this paper sets out with whether AI output can be copyrighted, who owns it, when training crosses into infringement, and whether Section 52 can stretch to cover any of this. Each question gets looked at three ways: first through what Indian law currently says, then through the ANI v. OpenAI case as a live example of these issues playing out in real time, and finally against how other countries have handled the same questions, to see what India might borrow.

The paper moves from the ground up starting with the basics of Indian copyright law (Sections 13, 14, 2(d), 52, 57) and the history behind them, then narrowing into AI-specific problems (the authorship gap, training data, deepfakes and personality rights), and ending with what could actually be done about it.

1. Data Collection

Working through India's legal framework involves the Copyright Act 1957, followed by provisions within the IT Act 2000. Alongside emerges the DPDP Act 2023, shaping data norms with quiet effect. The Bharatiya Nyaya Sanhita 2023 introduces updated criminal definitions under new names. Regulatory detail expands further via the IT Intermediary Guidelines, now including adjustments introduced in February 2026. Judicial influence remains present through accumulated rulings over time.

Eastern Book Company v. D.B. Modak clarified thresholds for originality in compilations. Precedent on idea-expression distinction traces back to R.G. Anand v. Deluxe Films. Authorship and moral rights gained clarity in Amar Nath Sehgal's case. Conflicting creative claims found balance in Civic Chandran. Matters of personality use appear in Anil Kapoor v. Simply Life India. Privacy as a fundamental right stems from Puttaswamy. Currently unfolding, ANI v. OpenAI explores boundaries involving automated content generation.

Looking at differences between regions, attention turns to the U.S. Copyright Office's human-authorship approach and the copyright-specific decision in Thaler v. Perlmutter. Moving into Europe, reference appears in both the Copyright Directive and the emerging AI Act. The United Kingdom relies upon its 1988 law covering copyright, designs, and patents Section 9(3) plays a role here. Elsewhere, methods shift slightly, with Japan and Singapore applying more flexible statutory approaches.

Aside from statutes, reference appears to the DPIIT's analysis of Generative AI and Copyright, alongside MeitY's governance blueprint and its guidance issued in March 2024, along with scholarly views on machine-generated works and text data mining allowances. Data regarding damage caused by synthetic media in India stems from disclosures made public by both corporate entities and state bodies. All judicial materials are referenced using OSCOLA standards, sourced primarily from platforms such as SCC Online, Manupatra, and web portals maintained by central departments - noting that proceedings in ANI v. OpenAI remain unresolved, thus observations linked to it capture only the position at time of drafting.

2. Analytical Tools

A few different doctrinal techniques are at work here, not statistics or surveys:

- **Statutory interpretation:** basically, reading Sections 2(d), 13, 14, 52, and 57 against what AI actually does, and noticing where the language just doesn't account for it (there's nothing in there about machines, training data, or algorithmic output at all).

- **Case law analysis:** examining the reasoning from key judgments, including the "skill and judgment" standard adopted in Eastern Book Company v. D.B. Modak, and the idea-expression distinction in R.G. Anand v. Deluxe Films, to assess whether these principles can be coherently applied to AI-generated output.
- **Comparative analysis:** putting India side by side with the US, EU, UK, Japan, and Singapore on each of the four questions, to spot what's worked elsewhere and what might transfer over (the UK's Section 9(3), the EU's TDM exception, Japan's more permissive training rules).
- **Case study:** using ANI v. OpenAI as a kind of stress test, watching how the existing law actually performs (or doesn't) when these issues show up in a real courtroom the jurisdiction fight, the arguments over tokenisation, the experts disagreeing with each other.
- **Gap analysis:** mapping out what's missing in Indian law (no TDM exception, no provision for computer-generated works, no deepfake law) against what other countries already have, which is really where the reform suggestions come from.

3. Limitations

As a doctrinal and comparative study, this paper is limited to analysis of statutes, case law, policy materials and secondary literature. It does not undertake empirical testing of AI systems, collect market-wide infringement data, or independently verify the training datasets used by proprietary generative AI models.

Further, the legal position is evolving fast. ANI Media Pvt. Ltd. v. OpenAI OpCo LLC, CS(COMM) 1028/2024, remains pending at the interim stage, and any subsequent order or final judgment may affect the paper's assessment of AI training, fair dealing and liability. Comparative materials are also read subject to differences in statutory language, institutional context and access to foreign judgments.

IV. FUNDAMENTALS OF COPYRIGHT LAW IN INDIA

Copyright law, at its core, gives creators control over how their work is used, shared, or changed. In India, this ownership carries both financial and personal dimensions the right to profit from one's work and the right to be recognised as its creator. Unless a creator chooses to waive these protections, no one else can freely copy, adapt, or distribute the work.

India's copyright framework has a long history, beginning under British colonial rule with the 1914 Act and later restructured through the Copyright Act of 1957. Amendments in 1983 and 1994 made incremental updates, but the most significant overhaul came in 2012, when the law was revised to address digital realities — introducing rules around digital protection systems and recognising performers' rights. Even so, that revision left one gap conspicuously unfilled: it said nothing about works produced by artificial intelligence.

The 1957 Act protects a broad range of creative output — literary works, music, visual art, films, and performances under Section 13, with Section 2(d) defining authorship in distinctly human terms. The law's understanding of originality follows the same logic. In Eastern Book Company v. D.B. Modak (2008), the Supreme Court rejected both the low "sweat of the brow" threshold and an overly demanding creativity standard, instead adopting the Canadian "skill and judgment" test. A work must therefore originate from the author and involve more than a trivial or purely mechanical exercise — a standard that raises real questions about AI-generated output, which follows computational patterns rather than exercising human judgment.

Copyright protection also extends only to expression, not to underlying ideas a principle established in R.G. Anand v. Deluxe Films (1978), where the Supreme Court held that themes and concepts belong to no one, only their particular articulation can be owned.[5] For AI-generated content, this distinction matters: if an AI's output closely

[5] R.G. Anand v Deluxe Films AIR 1978 SC 1613 (SC); Copyright Act 1957 (India), s 14.

mirrors protected expression, infringement concerns arise regardless of intent. Similarly, while Section 14 grants economic rights and Section 57 protect moral rights such as attribution and integrity rights that, as affirmed in Amar Nath Sehgal v. Union of India (2005), survive even a transfer of ownership both become practically hollow when there is no human author to assert them.[6]

Finally, Section 52's fair dealing provisions allow limited use of protected material for purposes such as private study, criticism, or news reporting. Courts, as seen in Civic Chandran v. Ammini Amma (1996), have interpreted these exceptions contextually,[7] weighing the purpose and extent of use. Yet large-scale data mining and algorithmic training — central to how AI systems are built find no mention within Section 52, a silence that grows harder to ignore as these technologies become more prevalent.

V. AI-GENERATED CONTENT: CONCEPT AND LEGAL STATUS

Most pieces created using artificial intelligence fit within one of three types: cases in which a person shapes each phase while technology assists. Situations emerge when someone gives just a starting instruction and the machine handles nearly all imaginative output. Another kind appears fully independent, generated without significant human involvement throughout. Legal aspects tied to who creates and who owns change sharply based upon which pattern occurs.

According to Indian legislation, authorship applies solely to people - though occasionally extends to organisations such as corporations. Notably absent from Section 2(d) of the Copyright Act are provisions for machine-generated works.[8] This exclusion aligns with an international stance rooted in principle rather than exception. Purpose behind copyright rests on encouraging creations that emerge from human effort. Without consciousness or intent, devices lack any sense of self. They do not seek acknowledgment. Nor do they possess interest in compensation. Recognition means nothing to them.

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[6] Amar Nath Sehgal v Union of India 2005 (30) PTC 253 (Del); Copyright Act 1957 (India), s 57.
[7] Civic Chandran v Ammini Amma AIR 1996 Ker 323 (Ker); Copyright Act 1957 (India), s 52.
[8] Copyright Act 1957 (India), s 2(d).

Rewards hold no value. Authorship, then, remains a uniquely person-bound concept under current frameworks. Legal status does not extend into mechanical operation. Creativity tied to intention stays outside algorithmic function. The framework draws lines where intelligence ends and automation begins. No provision allows attribution when output stems purely from code execution. Even advanced processing cannot mimic the origin point of genuine invention. Such boundaries preserve the essence of ownership grounded in lived experience.As a result, work produced solely by AI currently sits outside the reach of ownership under Indian law.

The distinction between AI as a tool and AI as an autonomous creator matters enormously here. When a person meaningfully shapes the output selecting inputs, refining results, making deliberate creative decisions there is a reasonable basis for an ownership claim, much as one might claim authorship of a photograph taken with a camera. But when a large language model generates content largely on its own, with minimal human involvement, the legal picture becomes far less clear. Indian law has yet to draw this line with any precision.

This gap has real consequences. Works created entirely by AI without genuine human contribution cannot qualify for copyright protection under the current framework,[9] yet they are not formally placed in the public domain either. They occupy an uncomfortable middle ground commercially valuable, easily replicated, and legally unprotected which creates obvious opportunities for misuse and quietly erodes the incentive structure that copyright is designed to uphold.

Even where human involvement does exist, it remains unsettled how much contribution is enough. Conversations in other jurisdictions have begun exploring a threshold of "substantial human intervention," but translating that principle into practice is technically difficult distinguishing a person's deliberate creative choices

[9] See generally US Copyright Office, 'Copyright and Artificial Intelligence '(Part 1: Digital Replicas, 2023) https://www.copyright.gov/ai/ accessed 1 June 2026; Eastern Book Company v D.B. Modak [2008] 1 SCC 1 (SC) [16].

from a model's pattern-based output is far from straightforward. Indian courts have not yet had occasion to examine these questions directly.

VI. OWNERSHIP AND AUTHORSHIP ISSUES

Section 2(d) of the Copyright Act lists categories of authorship that assume a real person or recognised legal entity — leaving no guidance for works generated by autonomous systems. The closest analogy exists in UK law, where Section 9(3) of the Copyright, Designs and Patents Act 1988 designate authorship to whoever made the necessary arrangements for the work's creation.[10] No equivalent provision exists in Indian legislation.

This absence creates genuine confusion over who controls AI-generated content. Developers, operators, and end users may each advance competing claims, and while companies like OpenAI or Stability AI often assign ownership to users through their terms of service, such private arrangements carry little legal weight when tested in court. Contracts cannot resolve what the law itself leaves unanswered — and what appears settled between parties privately tends to unravel under broader legal scrutiny.

Moral rights present a separate but related problem. These protections were designed with human authors in mind, and they struggle to function meaningfully in an AI context. When systems produce false attributions as seen when ChatGPT incorrectly linked statements to named journalists the issue is less about missing ownership and more about misrepresentation. Courts may find better remedies in passing off or defamation rather than copyright doctrine.

Internationally, the direction is increasingly clear. In Thaler v. Perlmutter, the D.C. Circuit affirmed that a fully AI-generated work could not be registered because the Copyright Act requires human authorship; the U.S. Supreme Court's denial of certiorari in March 2026 left that position undisturbed. Human authorship also remains central in EU copyright law, while Singapore and Japan permit limited

[10] Copyright, Designs and Patents Act 1988 (UK), s 9(3).

statutory access to copyrighted material for computational analysis or data-mining purposes where prescribed conditions are met. In contrast, India lacks comparable text-and-data-mining exceptions or tailored rules for autonomous AI output. This absence reveals a framework still unprepared for issues posed by machine-generated works.

VII. INFRINGEMENT AND LIABILITY IN AI SYSTEMS

Training a generative AI system involves copying vast amounts of text, images, and other protected material and that act of reproduction engages rights defined under Section 14 of the Copyright Act.[11] Whether this is lawful depends on how courts interpret the fair dealing exceptions in Section 52, which makes no mention of algorithmic training or automated data processing. The fact that output may look nothing like the original input does not automatically make the process legal. Silence in the legislation leaves the question genuinely open.

The absence of any text and data mining provision in Indian law sharpens this problem. The European Union addressed this through its 2019 Copyright Directive, permitting certain research-oriented uses unless rights holders opt out. India has no comparable carve-out, meaning courts must stretch existing fair dealing principles to cover situations they were never designed for. When AI output closely resembles protected content as examined by the Munich I Regional Court in GEMA v. OpenAI, case no. 42 O 14139/24, concerning whether language models unlawfully[12] reproduced protected song lyrics liability questions become urgent. Exact or near-identical replication within machine-generated responses can attract legal consequences even in jurisdictions that are historically more permissive about such uses. Developers who trained systems on unlicensed material face the greatest exposure, since platforms that actively learn from protected content fall outside the safe harbour protections designed for passive intermediaries. End users are not insulated either — distributing AI-generated content that closely mirrors an existing

[11] Copyright Act 1957 (India), ss 14, 52.
[12] GEMA v. OpenAI, Landgericht München I [Munich I Regional Court], 42 O 14139/24, judgment dated 11 November 2025; cf Directive (EU) 2019/790, art 4.

work can attract independent liability, regardless of whether the user knew of its origins.

All of these fault lines converge in ANI Media Private Limited v. OpenAI Incorporated [CS(COMM) 1028/2024],[13] India's first major copyright case involving a generative AI system. ANI alleges that OpenAI scraped content from its platform — both publicly accessible and subscription-gated without consent. One key matter before the judges involves retention of data for algorithm training - does that act violate existing copyright laws? Other hinges on whether outputs mimicking protected patterns amount to unlawful copying. Protection under Section 52 remains uncertain; its applicability here is still unclear. Jurisdiction poses a further puzzle - can an Indian tribunal lawfully address claims against a company based in the United States? Meanwhile, unease spreads through the music sector. Firms like T-Series, Saregama, and Sony Music have voiced alarm over private recordings being absorbed into learning systems without consent. Legal steps will likely stretch beyond 2026. The verdict might not just resolve one legal clash - it may define how artificial intelligence engages with creative ownership across India and similar markets globally.

VIII. DEEPFAKES, PERSONALITY RIGHTS AND RELATED IP CONCERNS

The scale of deepfake misuse in India is alarming incidents have risen by 550% since 2019, with estimated financial damages reaching ₹70,000 crore in 2024. Over half of Indian citizens feel AI has made it harder to distinguish real content from fabricated material. The harm ranges from non-consensual explicit imagery targeting private individuals to financial fraud schemes using the digital likenesses of figures like Ratan Tata to promote fictitious investments.

When AI models are trained on photographs, voice recordings, or audiovisual content of real people, two distinct violations can occur simultaneously. If the source material was copyrighted, scraping it may constitute infringement under the Copyright Act

[13] ANI Media Private Limited v OpenAI Incorporated [CS(COMM) 1028/2024] (Del HC).

1957. Separately, AI-generated output that replicates someone's appearance or voice may violate that person's personality rights entirely independently of any copyright in the underlying material. With clarity, Indian courts acknowledged the dual framework through foundational insights from the Supreme Court's decision in Justice K.S. Puttaswamy v. Union of India; there, privacy gained status as a core element under[14], encompassing authority over individual identity. While grounded in law, this recognition emerged gradually, shaped by constitutional interpretation rather than sudden change. From that point onward, control over self-representation became part of legal understanding, linked closely to dignity and autonomy within judicial thought.

Where laws targeting deepfakes do not exist, judges apply older rules to cover new cases. Under the Information Technology Act 2000, certain sections may help - Section 67 deals with obscene digital content; similarly, Section 67A targets sexually suggestive material, which might include fake videos made without consent. From the newer Bharatiya Nyaya Sanhita 2023, Section 356 handles harm to [15], useful when false visuals misrepresent someone. Courts have stepped in multiple times: at Delhi, a movie using simulated likeness of Pawan Kalyan's child was blocked; meanwhile, in Chennai, artificial depictions of musician Ilaiyaraaja were challenged successfully; one notable case remains Anil Kapoor v. On one hand, the Delhi High Court addressed unauthorized simulations by artificial intelligence systems[16]. In doing so, it emphasizes boundaries when technology copies someone's likeness or speech patterns. What emerged was a stance - replicating identity elements demand permission. Legal consequences remain attached even in virtual forms. Simply Life India became part of this precedent through judicial observation.

Still, the core issue persists in its framework. Responses under law depend on constitutional ideas - rules shaped long before artificial intelligence posed risks.

[14]Justice K.S. Puttaswamy v Union of India [2017] 10 SCC 1 (SC); Constitution of India, art 21.
[15]Information Technology Act 2000 (India), ss 67, 67A; Bharatiya Nyaya Sanhita 2023 (India), s 356.
[16]Anil Kapoor v Simply Life India & Others CS(COMM) 652/2023 (Del HC).

Though built to serve justice, these foundations were not made for consequences created by machines.

The 2021 Intermediary Guidelines place the burden on individuals to file complaints before platforms act a weak safeguard when fabricated content spreads rapidly. While the Digital Personal Data Protection Act 2023 treats biometric data used in deepfakes as personal data requiring consent, no law yet directly targets the distribution of manipulated footage. The gaps are real, and the current framework is reactive by design.

IX. LOOPHOLES AND ENFORCEMENT CHALLENGES

A. Absence of AI-Specific Provisions in Indian Law

India still lacks a dedicated AI statute, making privacy and intellectual-property harms from generative systems dependent on a patchwork of the IT Act, the Intermediary Guidelines, the Copyright Act and the Digital Personal Data Protection Act, 2023. The DPDP Act is relevant where deepfake systems collect, scrape or process identifiable facial images, voice samples or other biometric identifiers, because such material may qualify as digital personal data when it relates to an identifiable individual. However, the Act does not prohibit the creation or circulation of deepfakes; it regulates the processing of personal data by data fiduciaries.

This position must now be read with the Digital Personal Data Protection Rules, 2025, notified by MeitY through the Gazette notification dated 13 November 2025 and publicly described as notified on 14 November 2025.[17] The Rules operationalise the Act by requiring clearer notices to data principals, consent-management mechanisms, reasonable security safeguards such as encryption, masking, access controls and logs, and breach intimation to affected individuals without delay and to the Data Protection Board, with detailed reporting within seventy-two hours. Their phased commencement is significant: Rules 1, 2 and 17–21 apply from Gazette publication;

[17] Digital Personal Data Protection Rules, 2025, G.S.R. 846(E), Ministry of Electronics and Information Technology, dated 13 November 2025, rr. 1(2)– (4), 3, 4, 6–8; see also Press Information Bureau, "DPDP Rules, 2025 Notified" dated 17 November 2025.

Rule 4 applies one year later; and Rules 3, 5–16, 22 and 23 apply after eighteen months. Thus, the Rules partly narrow the enforcement gap for biometric deepfake misuse, but do not fully close it because takedown standards, synthetic-media labelling, criminal liability for non-consensual deepfakes and copyright-specific remedies remain outside the DPDP framework.

B. Evidentiary Challenges in Proving Infringement

OpenAI argued that extracting information does not necessarily amount to infringement and that there was no general prohibition on data use. Its LLM is trained on non-expressive elements of data which cannot be copyrighted, breaking data down into "tokens" which strictly do not contain the original expression.Indian courts are now being asked to apply old laws to a completely new kind of problem. In the ANI v OpenAI case, OpenAI argued that ANI failed to show any concrete example of ChatGPT directly reproducing its copyrighted content highlighting just how difficult it is to prove AI infringement in practice.Even the two copyright experts appointed by the court could not agree. One said copying for storage is a permissible exception under law, while the other argued that any unlicensed copying for commercial use is infringement period (ANI v OpenAI proceedings)[18]. This disagreement alone shows how legally and technically unsettled this area remains.

C. Transparency Issues in AI Training Data

The DPIIT Working Paper on Generative AI and Copyright does not grapple with the practical problem of enforcing rights against AI companies not incorporated within India when training, model hosting and decision-making all occur outside India, it is unclear on what basis Indian courts can exercise authority. India's 2025 AI Governance Guidelines require AI companies to prioritise lawful data collection and maintain audit trails to prove compliance with the DPDP Act, and to avoid unlicensed use of

[18] ANI Media Private Limited v OpenAI Incorporated [CS(COMM) 1028/2024] (Del HC); Copyright Act 1957 (India), s 52.

copyrighted materials during model training but these are voluntary guidelines, not binding law[19].

OpenAI took pre-emptive action by blocklisting ANI's domain to prevent further use of its content in AI training yet this illustrates the core transparency problem: copyright holders have no way of knowing their content is being used until after infringement has already occurred.India's February 2026 amendment to the IT Rules now mandates that intermediaries embed metadata or use unique technical markers to allow tracing AI-generated content back to its original source marking India's first regulatory step beyond basic content moderation.[20]

D. Jurisdictional and Cross-Border Concerns

OpenAI challenged the jurisdiction of the Delhi High Court, arguing that since it was a US-based company with no physical offices or operational servers in India, the court may lack jurisdiction a strategy also adopted by OpenAI in the Getty Images v Stability AI litigation in the UK[21].The High Court of Delhi deferred the jurisdictional ruling setting up the question of whether Indian courts have jurisdiction to decide the matter given that none of the relevant acts were performed in India. Both amici curiae agreed that the court has jurisdiction to adjudicate the suit since ANI Media conducts business in Delhi however this remains a contested and unsettled point of law. In a situation where training, model hosting and primary decision-making all occur outside India, it is unclear on what jurisdictional basis Indian courts will exercise authority or how orders for disclosure, royalties or injunctive relief will be implemented in practice.

E. Regulatory Gaps

India's 2025 AI Governance require high-risk AI systems to undergo rigorous assessments before deployment, but these are entirely voluntary with no enforcement

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[19]Ministry of Electronics and Information Technology, 'India AI Governance Framework '(MeitY, 2025).

[20] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026 (India).

[21] ANI Media Private Limited v OpenAI Incorporated [CS(COMM) 1028/2024] (Del HC); cf Getty Images (US) Inc & Ors v Stability AI Ltd [2025] EWHC 2863 (Ch**)**.

mechanism behind them.Similarly, MeitY's March 2024 advisory directing platforms to prevent unlawful AI content and label unreliable models carries no statutory force making it guidance on paper rather than law in practice[22]. MeitY issued an AI advisory in March 2024 requiring platforms to ensure AI models do not enable unlawful content, prevent algorithmic discrimination, and appropriately label unreliable AI models but this advisory carries no statutory force.

X. COMPARATIVE LEGAL ANALYSIS

The sudden advancement of artificial intelligence has compelled the legal systems around the globe to reconsider the old concept of authorship, ownership, and creativity. Various jurisdictions have acted differently, and this is in accordance with their legal culture and priorities of their policy and these strategies provide some valuable insights in their analysis of the current status of India.

In the US, the focus is still on the creativity of human beings. The United States Copyright Office has made it clear that one cannot get any copyright protection on the works that have been produced purely due to artificial intelligence without the participation of a human[23]. This strategy upholds an ancient tenet according to which copyright was created to secure human intellectual work. Although this brings certainty in law, it also creates a loophole in which AI-generated outputs even having a commercial value are not a subject of protection.

European Union on its part has been more balanced and forward looking. It permits using licensed content to train AI systems via exceptions of text and data mining, at the same time pursuing the extension of the regulation of AI systems on a larger scale, like the Artificial Intelligence Act. As opposed to being also concerned with authorship, the EU is aiming at providing a systematic environment that will facilitate innovation but at the same time maintain transparency and accountability.

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[22] Ministry of Electronics and Information Technology, 'Advisory on Due Diligence by Intermediaries '(MeitY, 1 March 2024).

[23] US Copyright Office, 'Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence '(88 FR 16190, 16 March 2023).

In the United Kingdom, Section 9(3) of the Copyright, Designs and Patents Act 1988 recognises computer-generated works by attributing authorship to the person who makes the necessary arrangements for creation.[24] However, UK law remains cautious on generative AI training and model liability. In Getty Images (US) Inc & Ors v Stability AI Ltd,[25] the High Court dismissed Getty's secondary copyright infringement claim, holding that Stable Diffusion did not store or reproduce the copyrighted works so as to constitute an infringing copy. The judgment therefore suggests that UK courts have so far declined to treat AI training or model deployment as infringing without proof of relevant UK acts or stored/reproduced protected expression.

Some countries in the Asian region such as Singapore and Japan have embraced more flexible and innovation-oriented structures. In Japan, specifically, it is allowed to use the intellectual property in training AI on the basis of general exceptions, as long as it does not infringe upon the rights of the holders of these copyrights unfairly[26]. Singapore is no exception in that way, allowing the analysis of computational data but keeping the level of protection on the minimum. Such strategies are focused on technological advancement and are geared to making these nations the leaders in the development of AI.

The structure of India which is regulated by the Copyright act of 1957 is still quite vague by way of comparison. Though the law in such cases as computer-generated works defines authorship as the individual who makes a work generated, it fails to provide clear guidance on the realities of generative AI. Little has been said on the extent of human input required, who ultimately owns the output of AI generated, or the determination of liability in case copyrighted material is used in training sets.

As compared to the world, India seems to be in its initial level of legal adjustment. Lacking statutory guidance or even judicial cooperation, creators, developers, and

[24] Copyright, Designs and Patents Act 1988 (UK), s 9(3); Getty Images (US) Inc & Ors v Stability AI Ltd [2025] EWHC 2863 (Ch).
[25] Getty Images (US) Inc & Ors v Stability AI Ltd [2025] EWHC 2863 (Ch**).**
[26] Law Concerning the Partial Amendment of the Copyright Act (Japan, Law No 30 of 2018), art 30-4; Copyright Act 2021 (Singapore), ss 243–244.

users are left in the gray. Simultaneously, it is also a chance that the international models can teach India to come up with a balanced framework, where human creativity can be secured without the technological innovation being suppressed.

XI. NEED FOR REFORM AND POLICY RECOMMENDATIONS

When artificial intelligence progresses quickly, problems appear within India's rules about who creates what. Not designed for machines, the 1957 copyright law depends upon people making things - yet now software produces output without much guidance. Because of this mismatch, uncertainty follows creations by AI lack status under current policy, control remains undefined, conflict resolution stays absent. Though originally shaped long before algorithms composed of art, statutes have begun drawing scrutiny due to changing realities. A group formed by DPIIT notes these tensions, suggesting adjustments might become necessary in time.[27]

A path to consider involves reshaping how authorship is viewed - including not only immediate makers but also contributors like AI builders or operators. Human connection remains intact when technology evolves in parallel. In step with this shift, legal responsibility for copyrighted material produced by artificial intelligence should follow defined laws instead of relying on case-by-case court rulings.

Another option gaining ground proposes a unique structure - one designed specifically for creations made by machines, sidestepping the need to fit artificial intelligence into established copyright molds. Ownership rules might be clearly outlined under such an arrangement, offering temporary legal safeguards that expire after set durations. Innovation may benefit if protections exist, provided they do not result in excessive control over pieces absent standard human involvement.

The biggest real-world challenge still lies in training data. Because artificial intelligence relies heavily on large collections of information, many of which include protected works, issues around permission and payment surface quickly. Legal clarity - through agreed terms, mandated licenses, or specific exclusions - is necessary so

[27] Department for Promotion of Industry and Internal Trade, 'Working Paper on Generative AI and Copyright '(DPIIT, Ministry of Commerce and Industry, 2024).

rights holders retain control and builders avoid risk[28]. In the absence of such structures, widespread unlicensed usage persists by necessity. Progress may come not from one single fix, but through updated laws, new tailored protections, and openness about data sources - a route better suited to keeping pace with advancing technology.

XII. SUGGESTIONS

1. **Fix the authorship gap:** Amend Section 2(d) to actually deal with AI-generated works either give authorship to whoever made the arrangements for creation (like the UK's Section 9(3)), or create a separate, shorter-term protection category just for these works.
2. **Add a TDM exception:** Borrow from the EU's approach let AI training on copyrighted material happen for non-commercial research, with an opt-out for rights holders, while commercial developers need actual licenses
3. **Set up licensing for training data:** A collective licensing scheme, similar to how music rights work, would let creators get paid without having to chase down every AI company individually.
4. **Define "substantial human intervention":** Give some real guidance through statute or case law on how much human input (prompting, editing, curating) is enough to claim copyright.
5. **Pass a real deep-fake law:** Stop relying on patchwork IT Act provisions and personality rights cases (like Anil Kapoor v. Simply Life India) — India needs dedicated legislation here.
6. **Make the voluntary guidelines binding:** MeitY's 2025 framework and the DPDP audit-trail rules should have actual teeth — with penalties for companies that don't disclose their training data.

[28] cf Directive (EU) 2019/790, arts 3–4; Copyright Act 1957 (India), s 52.

7. **Sort out jurisdiction:** ANI v. OpenAI exposed how unclear this is — India needs a framework for when its courts can actually rule on foreign AI companies.
8. **Require labelling of AI content:** Build on the February 2026 IT Rules amendment so AI-generated material is traceable back to its source — good for both consumers and rights holders.

XIII. CONCLUSION

Now shaping creativity differently, artificial intelligence challenges old rules about authorship and ownership. Not ready for such change, India's 1957 law offers little guidance on AI-made content. Questions arise: who counts as creator when machines generate art? What happens if learning involves existing copyrighted texts? Since answers stay unclear, judges step in - yet rulings appear scattered rather than consistent. Unlike regions forming structured policies, progress here feels more like reaction than design.

Yet that space holds possibility. With few fixed rules already in place, India can shape new laws - guided by worldwide insight and local needs - not bound by past choices. Striking equilibrium matters most: too much control may stifle innovation and growth, whereas too little allows widespread misuse of artists' work. One-sided solutions fail society overall.

One essential step for India involves crafting copyright laws that clarify who qualify as an author when artificial intelligence produces content. A realistic framework for fair use during machine learning processes should also take shape alongside these rules. Clarity matters more now because boundaries between human-made art and algorithmic results are blurring fast. Legal systems ought to adapt not merely to settle current conflicts yet stay relevant amid ongoing changes in how creation unfolds. Stronger measures against unauthorised exploitation of works would complete this foundation. Meaningful updates now could prevent confusion later, as new forms of expression emerge steadily.

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