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LAW IN THE AGE OF ARTIFICIAL INTELLIGENCE

A Fundamental Perspective



ABOUT THE INTERNATIONAL CONFERENCE

The International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective” provided an academic platform to examine the transformative impact of Artificial Intelligence on law, legal systems, governance and society.

The conference explored emerging legal and ethical questions relating to Artificial Intelligence, including intellectual property, authorship and ownership, liability, data privacy, cybersecurity, criminal justice, evidence law, human rights, ethics and accountability. It addressed the implications of Artificial Intelligence for legal education, commercial law, regulatory frameworks, policy development, research and scholarly communication.

The conference brought together academicians, research scholars, legal professionals and students to present research, exchange ideas and engage in interdisciplinary discussions. It encouraged meaningful academic dialogue and contributed towards the development of effective, ethical and inclusive legal responses to the rapidly evolving Artificial Intelligence landscape.

Conference	International Conference
Theme	Law in the Age of Artificial Intelligence: A Fundamental Perspective
Date	24 January 2026
Time	10:00 AM onwards
Mode	Online
Organised by	IQAC, Student Research Society and Library Committee
Publication Partner	LawFoyer International Journal of Doctrinal Legal Research [ISSN: 2583-7753]

PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



It gives me immense pleasure to welcome all academicians, research scholars, legal professionals and students to the International Conference on “Law in the Age of Artificial Intelligence: A Fundamental Perspective.”

Artificial Intelligence is transforming the way societies function and is increasingly influencing legal systems, governance, professional practices and education. These developments bring significant opportunities as well as complex legal, ethical and social challenges.

This conference provided a valuable platform for intellectual exchange and interdisciplinary dialogue on emerging issues such as data privacy, intellectual property, liability, criminal justice, human rights, ethics and the governance of Artificial Intelligence. The scholarly contributions and discussions during the conference encouraged deeper understanding and promoted responsible approaches to the use of Artificial Intelligence.

I extend my best wishes to all the speakers, researchers, presenters, participants and members of the organising team for a meaningful and intellectually enriching conference.

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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AUTHORSHIP AND OWNERSHIP IN AI GENERATED WORKS: RETHINKING COPYRIGHT IN THE AGE OF ARTIFICIAL INTELLIGENCE

Zhil Manek¹

I. ABSTRACT

“The growing use of artificial intelligence as a creative tool has introduced significant challenges for copyright law, which has historically been based on the idea of human authorship. Today, AI systems are capable of producing literary, artistic, and technical works with limited human involvement. This development raises questions about how traditional copyright concepts such as originality, authorship, and ownership should apply to AI-generated content. Existing copyright laws were not drafted with such technologies in mind, leading to uncertainty and gaps in legal regulation. This paper examines the issue of authorship and ownership in AI-generated works and considers whether current copyright frameworks are capable of addressing creations produced with the assistance of artificial intelligence. It analyses key questions surrounding AI-generated content, including whether artificial intelligence can be regarded as an author, whether copyright ownership should be granted to AI developers, and whether user-provided input or prompts amount to sufficient creative contribution. The paper argues that recognising artificial intelligence as an author is incompatible with the fundamental objectives of copyright law, which are designed to protect human creativity and expression. It further suggests that granting ownership where there is little or no human creative control may disturb the balance between encouraging innovation and safeguarding public interest. The analysis emphasises the need for a legal approach that takes into account different levels of human involvement in AI-assisted creation. The paper concludes that copyright law must evolve through carefully tailored frameworks that respond to technological change while continuing to maintain its human-centred foundation, particularly through clearer standards for human control, lawful training data, and limited statutory reform.

¹ 10th Semester B.A.LL.B Student at MKES College of Law, Mumbai (India).Email: zhilmanek1@gmail.com

II. KEYWORDS

Artificial Intelligence, AI-Generated Works, Authorship, Ownership, Copyright Law.

III. INTRODUCTION

Artificial intelligence has rapidly evolved from a supportive technological tool into a system capable of generating literary, artistic, and technical works with minimal human involvement. This transformation challenges the foundational principles of copyright law, which have traditionally been premised on human creativity, originality, and authorship. Copyright Law has traditionally served as the cornerstone of intellectual property protection, safeguarding the creative efforts of human authors by recognizing originality and expression as inherently human attributes. (Russell & Norvig, 2021; Calo, 2015)

Artificial Intelligence is now reshaping global industries, creative processes in a manner comparable to earlier technological revolutions, such as the emergence of the internet. Unlike previous innovations, however, AI is not merely a tool that assists human creativity, it is increasingly capable of generating outputs independently with limited human intervention. This shift raises a central question: whether copyright law, built on human creativity, can meaningfully accommodate works generated by non-human intelligence. A distinction is often drawn between works that are merely assisted by AI, in which human input significantly influences the output, and works fully generated by AI, where human intervention is minimal. (Floridi et al., 2018)

Across jurisdictions, legal systems remain uncertain as to whether AI-generated works are eligible for copyright protection and, if so, who should be regarded as the rightful owner—whether the AI developer, the user providing input prompts, or another human or juristic entity involved in the creative process. These uncertainties have resulted in a fragmented legal landscape, with different jurisdictions adopting different legal approaches. The European Union has now enacted Regulation (EU) 2024/1689, the Artificial Intelligence Act, which establishes a harmonised, phased-implementation framework for AI governance rather than resolving copyright authorship or ownership in AI-generated works. Against this backdrop of legal uncertainty, this paper examines authorship and ownership issues in AI-generated

works under copyright law, using a doctrinal and comparative approach. (WIPO, 2020; Regulation (EU) 2024/1689).

A. Research Objectives

This paper examines authorship and ownership in AI-generated works within copyright law. It analyses how artificial intelligence challenges traditional human-centred notions of authorship and evaluates the adequacy of existing legal frameworks.

B. Research Questions

1. Who can be considered the author of AI-generated works?
2. How does the use of copyrighted training data affect ownership and liability?
3. Are existing copyright frameworks adequate to address AI-generated content?

C. Research Methodology

This research adopts a doctrinal and comparative methodology, analysing statutory provisions, case law, and academic literature. It also considers evolving global approaches to AI regulation to contextualise the issue.

IV. WHEN CREATIVITY HAS NO HUMAN AUTHOR: THE LEGAL VACUUM

Copyright law in India, as codified in the Copyright Act, 1957, is fundamentally grounded on the idea of human authorship. The law protects works that demonstrate originality, creative expression, and intellectual effort, all of which are inherently linked to human intention and personality. An important provision is Section 2(d)(vi) of the Copyright Act 1957, which defines the “author” of a computer-generated work as “the person who causes the work to be created”. At first glance, this appears to attribute authorship to a human actor. However, its application to contemporary AI systems remains uncertain.

In cases involving generative or autonomous AI, it is often unclear who truly “causes” the work to be created whether it is the user providing prompts, the developer

designing the system, or the entity deploying the AI. Thus, while the provision offers a formal framework, it does not fully resolve the complexities introduced by AI-generated works. (Copyright Act, 1957; *Eastern Book Company v. D.B. Modak*, 2008). Artificial intelligence, on the other hand, lacks consciousness, intention, and moral agency. AI-generated outputs result from algorithmic processes trained on large datasets, rather than from independent human thought or deliberate creative choice. While AI can produce works that may appear original, these outputs do not stem from the reasoning, judgment, or personal expression that copyright law seeks to protect. Consequently, the legal framework in India continues to face uncertainty when attempting to classify or protect AI-generated works. There is no statutory provision that explicitly recognises a machine as an author or owner, leaving both the creators of AI systems and the users who provide prompts in uncertain positions regarding legal rights. (Copyright Act, 1957; *Eastern Book Company v. D.B. Modak*, 2008)

The comparative position demonstrates that jurisdictions are not merely differing in technical statutory wording, but are adopting distinct policy choices about the purpose of copyright itself. The United Kingdom represents a relatively pragmatic model by expressly recognising computer-generated works and attributing authorship to the person by whom the necessary arrangements are undertaken. This formulation is useful because it avoids treating the machine as a legal person. However, its weakness lies in uncertainty: in the case of generative AI, the 'necessary arrangements' may be made by several actors, including the model developer, platform provider, enterprise deployer, and end user. The provision therefore answers the question of non-human authorship only partially. It confirms that a human or juristic person must be identified, but does not clearly indicate which contributor should prevail where creative control is distributed.

The United States has taken a more restrictive approach by insisting upon human authorship as a condition for copyright registration. This approach is consistent with the theory that copyright rewards human intellectual labour and protects personal expression. Its advantage is doctrinal clarity: works generated entirely by AI, without meaningful human creative input, fall outside copyright protection. However, the difficulty arises in mixed cases where human selection, arrangement, prompting,

editing, or curation contributes to the final output. In such cases, the legal inquiry shifts from whether AI can be an author to whether the human contribution is sufficiently original.

The European Union has moved in a different direction. Regulation (EU) 2024/1689, the Artificial Intelligence Act, establishes a harmonised governance framework for AI systems, but it does not recognise AI systems as authors or owners of copyrighted works. Its focus lies on risk management, transparency, accountability, and regulatory obligations rather than on copyright entitlement. This confirms that even advanced AI regulation does not automatically resolve authorship questions under copyright law. These approaches are instructive for India because they show that the preferable reform is not to grant authorship to AI, but to clarify the legal consequences of different levels of human involvement in AI-assisted creation.

The absence of clear legal guidance creates both practical and policy challenges. Without a clearly identifiable author, issues such as ownership, liability, and the enforceability of rights remain unresolved. The ongoing ANI Media Pvt. Ltd. v. OpenAI proceedings further indicate that courts will soon be required to address these questions directly. There is therefore a need to critically examine this legal uncertainty and consider how copyright law can adapt to a landscape increasingly shaped by AI-generated creativity. (Calo, 2015) (WIPO, 2020)

V. TRAINING DATA- THE BACKBONE OF ALL OUTPUTS

A fundamental issue in AI-generated works arises before any content is created, the datasets used to train AI models. These datasets often include text, images, music, news articles, and other copyrighted works, which allow AI systems to recognize patterns, styles, and structures. By analysing such vast volumes of data, AI can generate outputs ranging from literary and artistic works to technical designs and solutions. While these capabilities demonstrate the transformative potential of AI, they also introduce significant legal and ethical questions, particularly in India, where copyright law is grounded in the concept of human authorship. (Russell & Norvig, 2021; OECD, 2019)

The primary challenge concerns the copyright status of the training data. Indian copyright law grants authors exclusive rights to reproduce, adapt, and distribute their creations. When AI models are trained using copyrighted works without explicit permission, it raises potential conflicts between promoting innovation and protecting original content. Although AI does not produce direct copies of the original works, its outputs incorporate patterns, structures, and elements from the protected content, leaving their legal classification uncertain. This creates a grey area for developers, users, and authors alike, with questions about the rights and possible infringement. (Samuelson, 2023)

The ethical considerations complicate the issue. Original creators may contribute indirectly to AI outputs without consent or remuneration, while AI developers invest considerable time and resources in designing and maintaining the systems. Users who provide prompts also influence the outputs, further complicating the chain of contribution. This tension highlights the difficulty of balancing innovation with respect for the rights of original creators, particularly in a rapidly evolving technological environment. (UNESCO, 2022)

The scale and diversity of training datasets add another layer of complexity. AI models often process millions of works, making it practically impossible to secure permissions for every piece of content included. The absence of explicit guidance in Indian law on how to treat such training data increases uncertainty for developers and users regarding potential infringement. As AI becomes more widely integrated into creative industries, research, and educational tools, the legal and ethical questions surrounding training data will only intensify, emphasizing the need for careful consideration in defining future copyright frameworks. (WIPO, 2020; European Commission, 2021)

VI. OWNERSHIP CLAIMS: DETERMINING RIGHTS OVER AI GENERATED WORKS

Under the Copyright Act, 1957, authorship and ownership are limited to human creators or juristic persons. AI systems, regardless of complexity, do not possess consciousness, intention, or creative agency, and therefore cannot meet the statutory requirements for authorship. As a result, outputs produced solely by AI are not

automatically eligible for copyright protection. Granting ownership or authorship to AI would require a fundamental legislative change, as current law does not recognise non-human entities as right holders. (Copyright Act, 1957; Gervais, 2020)

1. **Developer or Company Ownership:** Developers or software companies that create generative AI models may seek to assert ownership over outputs generated by these systems. For instance, a company programming a model that produces literary, artistic, or technical works might claim rights on the basis of having developed the tool. However, Indian copyright law does not explicitly support such claims unless the output is directly programmed, or demonstrably shaped by the developer. In practice, this creates uncertainty for developers, as autonomous or semi-autonomous outputs produced by AI do not clearly fall within existing ownership frameworks.
2. **Human Input and User Contributions:** Users who provide prompts or other instructions to AI systems may influence the generated outputs. Indian law recognises copyright only for works involving human authorship, and the doctrine of minimal creativity suggests that even limited human contribution may be sufficient if it demonstrates originality, skill, and judgment. In this context, Section 2(d)(vi) of the Copyright Act, 1957 becomes particularly relevant, as it defines the author of a computer-generated work as ‘the person who causes the work to be created.’ This raises a significant question: whether a user, artist, or ‘prompt engineer’ can be said to cause the creation of the work through their inputs. The RAGHAV / Ankit Sahni matter is the most directly relevant Indian example of this uncertainty. Sahni sought copyright registration for the AI-assisted artwork *Suryast*, created using the RAGHAV Artificial Intelligence Painting App, and initially listed both himself and RAGHAV as co-authors. The Copyright Office’s reported response was inconsistent: it first granted registration recognising RAGHAV as a co-author, but later issued a withdrawal notice seeking clarification on the legal status of the AI tool. This sequence illustrates the absence of a settled Indian position on whether AI can be treated as a co-author or whether authorship must vest only in the human user who causes the work to be created.

The significance of the RAGHAV matter lies not merely in the administrative outcome, but in the doctrinal problem it exposes. If RAGHAV is treated as a co-author, Indian copyright law would have to recognise a non-human system as capable of authorship, even though the Copyright Act does not confer legal personality, intention, or moral rights on machines. If, however, Sahni alone is treated as the author, the law must explain what level of human direction, selection, or creative control is sufficient to satisfy Section 2(d)(vi).

The case therefore supports the central argument of this paper: AI-generated and AI-assisted works should not be assessed by a binary distinction between human and machine production. Instead, copyright protection should depend on whether the final work reflects meaningful human creative control. A mere technical instruction to an AI system should not ordinarily create authorship, but detailed human choices concerning inputs, style, arrangement, refinement, and final selection may justify protection where they amount to original expression.

The continuing uncertainty has prompted policy-level engagement in India. The Government of India has initiated discussions, including

VII. LEGAL AMBIGUITY AND CHALLENGES

The legal status of AI-generated works remains unsettled, leaving developers, users, and content creators uncertain about ownership and authorship. With AI increasingly integrated into creative industries, this ambiguity has real-world consequences: disputes over rights, potential liability, and challenges in enforcing copyright may arise as the technology becomes more widespread. The RAGHAV / Ankit Sahni matter demonstrates that this uncertainty is not merely theoretical. The Copyright Office's reported grant of registration for *Suryast* with RAGHAV listed as co-author, followed by a withdrawal notice questioning the AI tool's legal status, shows the lack of a consistent administrative approach to AI-assisted authorship in India.

This inconsistency directly affects creators who use AI tools, as they cannot reliably determine whether copyright will vest in the user, the developer, the deploying entity, or no one at all. India's growing investments in AI research and development heighten

the stakes, as clarity in the law is crucial to foster innovation while protecting the interests of rights holders.

A concrete illustration is *ANI Media Pvt. Ltd. v. Open AI OpCo LLC*, CS(COMM) 1028/2024, in which the Delhi High Court considered whether the use and storage of copyrighted news content for training large language models constituted infringement under the Copyright Act, 1957. Although the matter was earlier pending after conclusion of arguments, the Court delivered its interim order on 24 July 2026. Justice Amit Bansal refused ANI's application for interim injunction and held, at the prima facie stage, that OpenAI's use of ANI's works for training its LLMs was protected under the fair-dealing exception for private or personal use, including research, under Section 52(1)(a) of the Copyright Act. The Court also found that ANI had not established memorisation, regurgitation, or substantial reproduction of its copyrighted works in ChatGPT's outputs.

This development is significant because it shifts the discussion from a merely speculative account of AI-training liability to the first substantive Indian judicial treatment of copyright claims involving large language models. However, the order does not resolve the broader authorship and ownership questions raised by AI-generated works. The ruling primarily concerns training data, fair dealing, and output similarity, rather than whether AI itself may be treated as an author or whether a user's prompt can satisfy the threshold of human creative contribution under Section 2(d)(vi). Accordingly, while *ANI Media v. OpenAI* provides important guidance on AI training practices, it also reinforces the need for clearer statutory standards on authorship, ownership, and liability in AI-assisted creation.

VIII. SOLUTIONS AND POLICY CONSIDERATIONS

As generative AI becomes increasingly integrated into creative and commercial processes, resolving disputes solely through traditional concepts of authorship and ownership may prove inadequate. The absence of clear statutory recognition for AI-generated works has instead shifted attention toward more practical regulatory mechanisms that can operate within existing copyright frameworks, alongside the need for targeted legal reform. A balanced policy response should avoid two extremes: first, granting authorship directly to AI systems, and second, denying

protection to all works created with AI assistance. The former would conflict with the human-centred foundation of copyright law, while the latter would ignore the reality that AI is increasingly used as a tool in human creative production.

The first reform should be the adoption of a graded human-contribution test. Under such a test, copyright protection would depend on whether the claimant exercised meaningful creative control over the AI-assisted output. Relevant factors may include the originality of the prompt, the specificity of instructions, the number of iterative interventions, the extent of human selection and arrangement, and the degree of post-generation editing. A bare instruction that produces an autonomous output should not ordinarily qualify for protection. However, where the human user shapes the expressive form of the work through sustained creative judgment, copyright may be justified.

This would allow courts and policymakers to distinguish between AI-generated works and AI-assisted works. One such mechanism is the licensing of training datasets. Since generative models derive outputs from patterns learned during training, concerns frequently arise regarding the use of copyrighted material at the input stage. Ensuring that datasets are lawfully sourced through licences, statutory exceptions, public-domain materials, or transparent opt-out systems can reduce legal uncertainty surrounding AI outputs without redefining authorship itself. The recent litigation in *ANI Media Pvt. Ltd. v. OpenAI* demonstrates that the legality of using copyrighted material for AI training is likely to become one of the most contested questions in Indian copyright law.

The Delhi High Court's 2026 ruling treated the training-data issue through the lens of copyright infringement and fair dealing rather than AI authorship. This indicates that future disputes may focus less on whether AI can be an author and more on whether developers have lawfully accessed, stored, reproduced, or transformed protected works during model training.

A statutory clarification on text-and-data mining would therefore be useful. Indian law may consider a narrowly tailored exception for computational analysis, provided that it is accompanied by safeguards such as lawful access, transparency obligations, respect for technological protection measures, and remedies where substantial

reproduction or market substitution occurs. Such an approach would preserve innovation while recognising the legitimate interests of authors, publishers, and creative industries.

Another approach lies in contractual allocation of rights and liabilities. Agreements between AI developers, platform providers, and users can specify ownership, permissible use, disclosure duties, indemnity, and responsibility for AI-generated content. In jurisdictions like India, where legislative guidance remains limited, contractual arrangements provide a workable interim solution. However, contractual terms should not be treated as a complete substitute for statutory clarity. Platform terms may allocate rights between private parties, but they cannot conclusively determine whether a work satisfies the threshold of copyright protection under law. Therefore, contracts can regulate commercial expectations, but the question of authorship must ultimately remain governed by copyright doctrine and statutory interpretation.

At a legislative level, greater clarity is required in the application 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. In the context of generative AI, this provision may require reinterpretation or amendment to clarify whether users, developers, or deploying entities can be said to satisfy this standard, particularly where human involvement is minimal.

Additionally, the introduction of a limited *sui generis* framework for AI-generated works may be considered. Such a framework could provide conditional or restricted rights in AI-generated outputs without equating them fully with traditional copyrighted works, thereby preserving the human-centred foundation of copyright law while addressing emerging technological realities.

Judicial developments, including the issues raised in *ANI Media Pvt. Ltd. v. OpenAI Inc. & Anr.*, CS(COMM) 1028/2024 (Delhi High Court), reflect growing legal scrutiny of AI training practices rather than recognition of AI authorship. In this context, the expert panel to review Sections 13 and 17 presents a significant opportunity to recommend reforms, including clearer standards for human contribution and guidance on AI-generated content.

Together, these approaches suggest a cautious and adaptive path that addresses emerging challenges while allowing technological innovation to continue (OECD, 2019; UNESCO, 2022).

IX. CONCLUSION

The rise of generative artificial intelligence exposes significant limitations within existing copyright law, particularly in relation to authorship and ownership. Legal doctrines built around human creativity struggle to accommodate works produced through automated systems that operate without direct human control at the moment of creation. As a result, AI-generated works remain insufficiently addressed under current statutory frameworks.

This uncertainty does not arise from a lack of creative value in AI outputs, but from the difficulty of identifying a legally recognizable author or owner. Developers, users, and AI systems each play a role in the creative process, yet none fits neatly within established legal definitions. Indian copyright law, in its present form, therefore offers no clear basis for allocating authorship or ownership in cases of fully or predominantly AI-generated content.

Moving forward, the challenge lies in adapting copyright principles without undermining their core objectives. Rather than prematurely conferring legal personality on AI systems or stretching existing doctrines beyond their intent, a cautious and structured response is required. Any future legal development must preserve the centrality of human authorship while providing clarity on ownership in an increasingly automated creative environment.

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