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A Fundamental Perspective



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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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AI AND INTELLECTUAL PROPERTY RIGHTS: AUTHORSHIP & OWNERSHIP IN AI-GENERATED WORKS

Ishika¹

I. ABSTRACT

The rapid development of generative artificial intelligence has placed significant pressure on the traditional copyright concepts of authorship, originality, and ownership. Copyright law has historically proceeded on the assumption that creative expression is the product of human intellect, intention, and judgment. However, modern AI systems can now generate literary, artistic, musical, and software works with limited or no direct human involvement, raising difficult questions about whether such outputs can be protected and who, if anyone, should be recognised as their owner. This paper examines whether existing copyright doctrine can accommodate AI-generated works, particularly within the Indian legal framework. It analyses the human-centric foundations of authorship and originality, including standards such as “skill and judgment” and the “modicum of creativity,” and evaluates the limitations of user-centric, programmer-centric, and platform-centric ownership models. The paper argues that treating AI as an author would undermine the conceptual basis of copyright law, while leaving commercially valuable AI-generated outputs entirely unprotected may weaken incentives for technological innovation. It therefore proposes a limited, non-personhood-based sui generis protection framework grounded in human control, economic investment, and accountability. In the Indian context, where the Copyright Act, 1957 does not expressly address autonomous AI-generated works and Section 2(d) remains dependent on identifiable human agency, targeted statutory reform is necessary. The paper concludes that a control-based sui generis model would provide legal certainty and balanced protection without diluting the human-centric foundations of copyright law.

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II. KEYWORDS

Artificial Intelligence; Copyright Authorship; Originality; Ownership; Sui Generis Protection.

III. INTRODUCTION

Artificial intelligence's quick development has drastically changed the creative production landscape and put long-held beliefs in intellectual property law to the test. The idea that creative expression is the result of human intellect, intention, and personality has been the foundation of copyright systems across jurisdictions. Thus, the fundamental principles of copyright protection - authorship, creativity, and ownership have always been inherently human-centric. However, this fundamental framework has been challenged by the development of advanced generative artificial intelligence systems that can produce literary, artistic, musical, and software creations on their own.

Modern AI systems increasingly function with little to no direct human participation at the stage of expression, in contrast to prior technical tools that only supported human creativity. Although machine-generated outputs lack a genuine human author in the traditional legal sense, they frequently display creativity, complexity, and economic worth comparable to human-authored works. This breakthrough creates a significant legal conundrum: can innovation produced without a human author be protected by copyright, and if so, who should be acknowledged as its owner?

A crucial weakness in the current intellectual property regimes is shown by the lack of a definitive response, endangering both legal certainty and incentives for innovation.

Legal institutions around the world have reacted to this problem. The United States, the United Kingdom, and the European Union are among the countries that have repeatedly rejected the idea of artificial intelligence as a legal author; nonetheless, their approaches to ownership attribution and the availability of protection for AI-generated works vary. When faced with autonomous machine creation, these conflicting reactions demonstrate the lack of a unified worldwide agreement and the shortcomings of conventional copyright rules. However, if protection is completely denied, investment in AI technologies may be discouraged, and if ownership is arbitrarily attributed to human actors, the conceptual integrity of authorship may be compromised.

Similar ambiguity is reflected in the Indian judicial system. The concept of "author" under Section 2(d) is still based on human agency, and the Indian Copyright Law² does not specifically consider works produced independently by artificial intelligence. The legal ambiguity surrounding AI-generated works raises serious issues with ownership, enforcement, and economic exploitation in the absence of legislative explanation or authoritative judicial interpretation. This ambiguity becomes especially urgent as India becomes a significant center for AI development.

To address this, the current study critically investigates the compatibility of AI-generated works with conventional concepts of authorship and originality in copyright law. It examines rival ownership models³, such as platform-centric, user-centric, and programmer-centric approaches, and analyzes the conceptual pressure on accepted originality standards. The study finds excellent practices and cautionary lessons applicable to the Indian setting through a comparative study of worldwide practices. In the end, it makes the case for a restricted, *Sui Generis*, non-personhood-based protection framework that upholds the human-centric underpinnings of intellectual property law while acknowledging economic investment. The study aims to support doctrinal coherence, legal clarity, and balanced innovation governance in the era of artificial intelligence by promoting a control-based ownership paradigm suited to autonomous machine creation.

A. Objectives of the Research

1. To examine whether AI-generated works meet traditional copyright requirements of authorship, originality, and ownership.
2. To analyze how the rise of non-human generated content challenges established notions of originality based on human creativity, skill, and judgment.
3. To evaluate different models of ownership attribution, including user-based, programmer-based, and platform-based approaches.
4. To address the legal ambiguities and conceptual challenges in determining ownership of AI-generated works.

²Copyright Act, 1957

³Abbott, 2020

5. To conduct a comparative analysis of regulatory approaches in the United States, United Kingdom, and European Union, identifying trends and limitations.
6. To assess the adequacy of the Copyright Act, 1957 (Section 2(d)) and propose a human-centric, sui generis framework based on control and economic investment to ensure clarity and balanced protection.

B. Research Questions

1. Whether AI-generated works satisfy the traditional copyright requirements of authorship, originality, and ownership?
2. To what extent does the absence of direct human involvement in AI-generated works challenge existing standards of originality based on human creativity, skill, and judgment?
3. Who should be recognized as the rightful owner of AI-generated works – the user, the programmer, or the platform?
4. Whether existing copyright laws adequately address the issue of AI-generated authorship and ownership, or whether there exists a legal vacuum?
5. How have different jurisdictions, including the United States, United Kingdom, and European Union, responded to the regulation of AI-generated works?
6. Whether the current framework under the Copyright Act, 1957 (Section 2(d)) is sufficient to address AI-generated works in India?
7. Is there a need for a sui generis, human-centric legal framework to regulate ownership and protection of AI-generated content?

C. Research Methodology

To investigate the difficulties that AI-generated works present for conventional copyright law, this study uses a doctrinal and analytical legal research technique.

The study's foundation is a qualitative examination of academic literature, court rulings, and legislative laws pertaining to authorship, originality, and ownership in intellectual property law. It entails a thorough doctrinal analysis of originality standards, such as the "skill and judgment" test and the "modicum of creativity" criterion, to see if they apply to works produced independently by artificial intelligence. The replies of a few chosen

jurisdictions, such as the United States, the United Kingdom, and the European Union, are analyzed using a comparative legal method to find trends, differences, and best practices. In order to identify statutory gaps and interpretive issues, the study also conducts a comprehensive analysis of the Indian Copyright Act, 1957, specifically the concept of "author" under Section 2(d). In order to ensure doctrinal coherence, legal clarity, and balanced protection in the administration of AI-generated works, a limited, *Sui Generis*, human-centric framework is proposed using a normative and policy-oriented approach.

IV. CONCEPT OF AUTHORSHIP AND ORIGINALITY IN COPYRIGHT LAW

The fundamental tenets of copyright law are authorship and originality, which establish both the existence of protection and the identity of the rights-holder. The idea that creative expression is the result of human intellectual work, volition, and creative choice has historically underpinned copyright systems across jurisdictions. Statutory frameworks and judicial interpretation, which regularly link authorship to the application of human ability, judgment, and creativity, reflect this human-centric understanding of authorship.

Section 2(d) of the Copyright Act, 1957, which specifies the "author" of various categories of works, provides a statutory definition of authorship under Indian law. The person who makes the work is considered the author of literary, theatrical, musical, and artistic works, whereas "the person who causes the work to be created" is considered the author of computer-generated works. Despite the fact that this clause seems to be technologically inclusive, it actually assumes human control and intent rather than autonomous machine creation. The legislature's persistent reliance on human agency as the foundation for authorship is highlighted by the lack of any explicit mention of works produced by artificial intelligence.

This human-centric approach is further reinforced by the demand of creativity. Indian courts have made it clear that originality necessitates the application of expertise, labor, and judgment rather than novelty or innovation. The Supreme Court rejected the conventional "sweat of the brow" theory in *Eastern Book Company v. D.B. Modak* (2008) and ruled that originality necessitates a minimal level of creativity including judgment and intellectual effort.

This standard maintains a distinct focus on human intellectual contribution while bringing Indian copyright law into compliance with international standards. In a similar vein, the Court emphasized in *R.G. Anand v. Delux Films* (1978)⁴ that copyright only exists in the expression of ideas as influenced by the author's creative decisions, not in the underlying ideas themselves. In contrast, the UK takes a similar stance. Originality was described as the result of the author's talent, labor, and judgment, regardless of novelty, in *University of London Press Ltd. v. University Tutorial Press Ltd.* (1916). Although the author of a computer-generated work is defined as "the person by whom the arrangements necessary for the creation of the work are undertaken" in Section 9(3) of the UK Copyright, Designs and Patents Act, 1988, this clause was passed during a period when computers were tools rather than independent creators. As a result, courts have persisted in interpreting authorship in terms of human involvement.

The human authorship requirement has been upheld consistently in the United States. The U.S. Supreme Court firmly established copyright protection in human intellectual effort when it ruled in *Feist Publications v. Rural Telephone Service* (1991) that originality required independent invention and a minimal level of ingenuity. This stance was further supported in *Naruto v. Slater* (2018), where the Ninth Circuit upheld that authorship under U.S. copyright law is restricted to humans and rejected copyright claims by a non-human creature. Additionally, the U.S. Copyright Office has specifically declined to register works created entirely by artificial intelligence, noting the lack of human authorship.

The Berne Convention for the Protection of Literary and Artistic Works protects literary and artistic works through a framework centred on authors and their rights, without recognising non-human creators.⁵ Similarly, the TRIPS Agreement incorporates core Berne standards and proceeds on the basis of persons capable of holding and enforcing intellectual property rights, without creating any separate rule for autonomous AI-generated works.⁶

These established theories are called into question by the rise of generative artificial intelligence, which may produce results that meet conventional standards for originality

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

⁵ Berne Convention for the Protection of Literary and Artistic Works, as amended Sept. 28, 1979.

⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994.

without requiring direct human creative involvement. There is a doctrinal vacuum because current legal norms find it difficult to reconcile such outputs with the requirement of human authorship. The growing autonomy of AI systems poses challenging questions regarding the continued sufficiency of originality standards based on human ingenuity, even as courts and legislatures have been hesitant to acknowledge AI as an author.

Therefore, under current copyright law, authorship and originality continue to be firmly rooted in human intellectual endeavor. However, the ability of AI systems to produce expressive works on their own necessitates a reexamination of these ideas, either through legislative clarification or the creation of substitute protection mechanisms that uphold the human-centric copyright philosophy while taking into account the realities of machine-generated creativity.

V. AI-GENERATED WORKS AND THE CRISIS OF TRADITIONAL COPYRIGHT PRINCIPLE

Traditional copyright concepts are facing a serious issue as a result of the development of artificial intelligence that can produce literary, artistic, musical, and software works on its own. The foundation of copyright law has always been the idea that human intelligence, intention, and personality are inextricably linked to creative expression. Thus, the existence of a human creator exerting creative choice is the basis of fundamental beliefs like authorship, originality, and ownership. This human-centric framework is profoundly disrupted by AI-generated works, which are created with little to no direct human input and reveal the conceptual shortcomings of current copyright laws.

The authorship doctrine is at the center of this crisis. The majority of copyright laws, such as Section 2(d) of the Indian Copyright Act, 1957, define authorship in terms of natural individuals or, in certain situations, legal entities operating through human agency.⁷ The clause assumes significant human influence over the creative process even if it refers to "the person who causes the work to be created" in the context of computer-generated works. This legislative formulation does not easily accommodate autonomous AI systems that

⁷Indian Copyright Act, 1957

independently choose shape and expression. As a result, AI-generated outputs lack a clearly recognized author under current law, leaving them in a legal void.

The need of human authorship has been repeatedly upheld by judicial interpretation across jurisdictions. In *Feist Publications v. Rural Telephone Service* (1991)⁸, the US Supreme Court emphasized that human creativity and intellectual effort are the sources of uniqueness. The Ninth Circuit's express denial of copyright protection to works produced by non-human entities in *Naruto v. Slater* (2018)⁹ reinforced this stance and demonstrated that copyright law does not recognize non-human creators. In more recent times, the U.S. Copyright Office has declined to register works created entirely by artificial intelligence, citing the lack of human authorship as a crucial element.

In a similar vein, UK legislation exhibits caution. Although authorship of computer-generated works is attributed to the person making the required arrangements under Section 9(3) of the Copyright, Designs and Patents Act, 1988, courts have construed this provision in terms of human involvement rather than machine autonomy. The provision's relevance to contemporary generative AI is still debatable because it was passed during a time when computers were tools rather than autonomous creative entities.

Beyond authorship, the notion of originality is also in trouble. In *Eastern Book Company v. D.B. Modak* (2008)¹⁰, Indian courts made it clear that uniqueness necessitates the use of expertise and judgment along with a basic level of imagination. Similar to the American "modicum of creativity" criteria described in *Feist*, this norm presumes that a human decision-maker is responsible for the creative process. The conceptual consistency of originality doctrine is called into question because AI-generated works, while capable of meeting formal originality thresholds, lack the human intellectual effort often required by these tests.

This ideological conflict is further demonstrated by international copyright measures. Both the TRIPS Agreement and the Berne Convention for the Protection of Literary and Artistic Works presuppose human authorship and are mute about non-human creativity. Their

⁸*Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340, 345-346 (1991)

⁹*Naruto v. Slater* (2018)

¹⁰*Eastern Book Company v. D.B. Modak* 1 SCC 1; AIR 2008 SC 809 (India) (2008)

disregard for autonomous AI-generated works exacerbates fragmentation and ambiguity by depriving national legal systems of authoritative guidance.

AI-generated works thus reveal a basic conundrum in copyright law. While extending protection without rethinking authorship runs the risk of weakening the moral underpinnings of copyright, completely denying protection runs the risk of deterring investment in AI technology and leaving commercially valuable works unprotected. Legislators and courts have so far refused to acknowledge artificial intelligence as an author, but they haven't provided a cogent substitute paradigm to deal with machine-generated creativity.

Therefore, the dilemma caused by AI-generated works shows a fundamental incompatibility between traditional copyright principles and autonomous machine creativity rather than just a gap in statutory drafting. This conflict highlights the necessity for a conceptual recalibration that can handle AI-generated works without compromising the human-centric tenets of copyright law, either through statutory change or the establishment of a limited, *sui generis* protection regime.

VI. OWNERSHIP DILEMMA IN AI - GENERATED WORK

One of the most difficult and unsolved issues in modern copyright law is the ownership of works created by AI. Ownership often results from authorship, and the distribution of property rights becomes legally dubious when authorship is unclear or nonexistent. Autonomous AI systems cannot possess copyright since they are not acknowledged as legal entities. However, many AI-generated works lack direct human creative input, which makes it difficult to assign ownership to current human stakeholders and leaves a large conceptual gap.

Subject to certain legislative limitations, the author of a work is the original owner of copyright under Indian law, according to Section 17 of the Copyright Act, 1957. According to Section 2(d), this clause requires the existence of a legally recognized author. The application of Section 17 becomes ambiguous in the case of AI-generated works when no human author can be positively identified. Although Section 2(d)(vi) attributes authorship of computer-generated works to “the person who causes the work to be created,” its applicability to contemporary generative AI is ambiguous because this formulation was

intended for scenarios involving human-directed computer use rather than autonomous machine generation.

The challenge of extending ownership rights in the absence of human authorship is highlighted by judicial methods in various jurisdictions. Courts in the US have routinely refused to provide copyright protection to works that do not contain human authorship. The Ninth Circuit unequivocally ruled in *Naruto v. Slater* (2018) that copyright cannot be owned by non-human entities under US law. In a similar vein, the Supreme Court reiterated that human creative decision is the foundation of copyright ownership in *Feist Publications v. Rural Telephone Service* (1991). The idea that ownership cannot exist without human authorship has been reinforced by the U.S. Copyright Office's refusal to register works created solely by artificial intelligence.

A slightly different statutory procedure is used in the United Kingdom. According to Section 9(3) of the Copyright, Designs and Patents Act, 1988, the author of a computer-generated work is "the person by whom the arrangements necessary for the creation of the work are undertaken." This clause is frequently mentioned as a possible remedy for the ownership conundrum. However, detractors contend that by favoring platform operators or developers above true creative effort, it produces spurious ownership attribution. This provision's applicability is unclear because UK courts have not yet definitively applied it to completely autonomous AI-generated works.

The TRIPS Agreement and the Berne Convention for the Protection of Literary and Artistic Works are quiet on ownership of AI-generated works on a global scale, supposing that ownership derives from human authorship. Due to this silence, national strategies have become more dispersed, and there is now more legal ambiguity surrounding the international use of AI-generated content.

To solve this problem, a number of ownership attribution models have been put forth. The user-centric paradigm grants rights to the individual who prompts or starts the AI process, whereas the programmer-centric model gives ownership to AI developers based on technical contribution. Businesses that implement and manage AI systems benefit from the platform-centric paradigm. All of these strategies, however, have intrinsic drawbacks. As demonstrated in *Eastern Book Company v. D.B. Modak* (2008), where the Indian Supreme Court emphasized creativity and intellectual judgment as prerequisites for copyright

protection, courts have warned against granting ownership based only on investment or effort without corresponding creative control.

Thus, the ownership conundrum in AI-generated works highlights a basic conflict between ideological coherence and economic realities. Indiscriminate attribution runs the risk of undermining the human-centric underpinnings of copyright law, while denying ownership might reduce incentives for AI advancement. The requirement for a properly calibrated legal framework is shown by the inadequacy of current statutory provisions and judicial interpretations in resolving this tension.

As a result, the ownership conundrum presented by AI-generated works highlights how inadequate conventional copyright ownership laws are to deal with autonomous machine creation. This calls for the creation of a restricted, *sui generis* ownership regime that acknowledges human control and financial involvement without attributing authorship or ownership to artificial intelligence itself, or it calls for specific law reform.

VII. PROPOSED SUI GENERIS PROTECTION FRAMEWORK

The creation of a unique, *sui generis* protection system is required since autonomously generated AI works cannot be accommodated by standard copyright legislation. Current copyright doctrines are unable to handle machine-generated innovation without doctrinal distortion because they are based on human authorship and originality. As demonstrated in *Naruto v. Slater* (2018)¹¹ and supported by the U.S. Copyright Office's reluctance to register works without human authorship, courts around the world have consistently rejected the attribution of authorship to non-human entities.

However, total denial of protection runs the danger of deterring technical investment and failing to safeguard economically significant outputs. By acknowledging organizational and economic contributions without compromising the human-centric tenets of copyright law, a *sui generis* system provides a compromise.

By giving a legally recognizable person or organization with significant influence over the AI system limited proprietary rights over AI-generated works, a *sui generis* framework would function outside of conventional copyright. This method addresses business realities

¹¹*Naruto v. Slater* (2018)

without acknowledging artificial intelligence as a legal author. There are similar models in the field of intellectual property law. For example, database protection under EU Directive 96/9/EC and plant variety protection under the Protection of Plant Varieties and Farmers' Rights Act, 2001 (India) acknowledge organizational work and investment rather than creative creativity. In *Football Dataco Ltd v. Yahoo! UK Ltd* (2012)¹², the Court of Justice of the European Union supported database protection based on significant expenditure, offering strong support for a comparable investment-based framework for works created by artificial intelligence.

Such a framework, which clarifies that independently created works are not covered by the Copyright Act, 1957 but are eligible for limited protection, could be adopted under Indian law by particular statutory modifications or stand-alone legislation. By doing this, interpretive pressure on Sections 2(d) and 17 – which require human authorship – would be avoided. In *Eastern Book Company v. D.B. Modak* (2008), the Indian Supreme Court emphasized creativity and intellectual judgment, which bolsters the claim that copyright protection should be limited to human innovation while other systems can handle non-human outputs.

Instead of being personhood-based, the suggested framework should be control-based, giving rights to the entity that has final say over how the AI system operates, is trained, and is deployed. This is consistent with the idea of Section 9(3) of the UK Copyright, Designs and Patents Act, 1988, which avoids automatic or blanket ownership and credits authorship of computer-generated works to the person making the required arrangements. In order to avoid over-propertization and maintain public access, rights under the *sui generis* regime should be restricted in both extent and duration, with an emphasis on commercial exploitation rather than moral rights.

Restraint on the growth of copyright monopolies is also supported by judicial reasoning. The U.S. Supreme Court warned against granting copyright protection based only on effort or expense in *Feist Publications v. Rural Telephone Service* (1991).

¹²*Football Dataco Ltd v. Yahoo! UK Ltd* (2012)

By establishing a distinct category of protection that does not lessen the originality criterion under copyright law, a *sui generis* system honors this caution. Globally, such a structure would be consistent with the flexibility allowed by the TRIPS Agreement, which permits member states to create protection mechanisms that go beyond traditional copyright as long as certain requirements are fulfilled. Additionally, it would encourage legal certainty in international transactions involving AI-generated material, which is a growing concern in international digital markets.

To sum up, a *sui generis* protection system offers a sensible and well-rounded solution to the problems presented by AI-generated works. It addresses the actual realities of AI-driven innovation while maintaining the conceptual integrity of copyright law by acknowledging human control and economic input without attributing authorship to AI. For countries like India, such a framework provides a workable way ahead by guaranteeing doctrinal coherence, incentives for innovation, and fair access in the rapidly changing field of artificial intelligence.

VIII. OWNERSHIP MODELS FOR AI- GENERATED WORKS IN INDIA

Due to the lack of express statutory recognition of AI-generated works under Indian copyright law, various ownership attribution theories have emerged, each attempting to identify intellectual rights in a human or legal entity connected to the AI system. Artificial intelligence must, if at all, be owned by a human or legal entity because it lacks legal personality. Multiple ownership models have emerged as a result of the conceptual uncertainty surrounding the application of traditional ownership laws under the Copyright Act, 1957 to AI-generated works.

A. Programmer Centric Model

Based on technical contribution and system design, the programmer-centric paradigm assigns ownership to the AI system's developer. Advocates contend that programmers supply the fundamental architecture, algorithms, and training settings necessary for AI systems to produce innovative results. This strategy looks to Section 2(d)(vi) of the Copyright Act, which defines the author of a computer-generated work as "the person who causes the work to be created," for indirect support under Indian law. Nonetheless, Indian

courts have repeatedly emphasized that creative expression, not just technical or financial effort, is the foundation of copyright protection.

The Supreme Court rejected the "sweat of the brow" theory in *Eastern Book Company v. D.B. Modak* (2008), ruling that uniqueness necessitates judgment and intellectual prowess.

Using this logic, the creation of an AI system alone, without direct creative control over certain outputs, might not be enough to establish ownership. Because of this, the programmer-centric strategy runs the risk of overstressing copyright protection based more on technical input than on creative originality.

B. User- Centric Model

The individual who enters prompts, chooses parameters, or starts the AI process is given ownership under the user-centric approach. Because users can affect the output's shape and direction, this method is more in line with conventional ideas of creative control. Courts have acknowledged the importance of creative decision in establishing authorship in Indian copyright doctrine. The Supreme Court emphasized in *R.G. Anand v. Delux Films* (1978) that ideas formed by the author's creative judgment are protected by copyright.

However, claiming ownership becomes difficult when AI outputs are produced with little user involvement or when user input lacks significant creative character. As a result, the user-centric model is only effective when there is significant human involvement; it is ineffective when there is autonomous generation.

C. Platform-Centric Model

The corporate organization that owns, uses, or manages the AI system is granted ownership under the platform-centric approach. Investment, risk distribution, and operational control are frequently used as justifications for this paradigm. Although Section 17(c) of Indian copyright law recognizes corporate ownership in some situations, such as works created while on the job, this recognition is dependent on the presence of a recognizable human author. Indian courts have warned against giving copyright protection based only on infrastructure ownership or investment.

The Supreme Court reiterated in *Eastern Book Company v. D.B. Modak* (2008) that the foundation of copyright protection is creativity rather than cash. Therefore, platform-centric

ownership runs the risk of eroding the human-centric basis of copyright law and confusing economic control with creative authorship.

D. Hybrid and Control-Based Models

Some academics support hybrid or control-based approaches that evaluate ownership depending on the extent of human control over the AI system and its outputs, acknowledging the shortcomings of singular ownership models.

Judicial focus on intellectual control and creative judgment offers convincing support for such an approach, even though Indian courts have not yet directly addressed this problem. Section 2(d)(vi)'s interpretive uncertainty limits the scope for acknowledging ownership in cases where a human actor, even though AI mediation, exercises decisive control over the creative process.

E. Doctrinal Limitations and Need for Reform

None of these competing theories fit well into the 1957 Copyright Act's existing framework. Ownership attribution in circumstances of autonomous AI-generated works is legally unstable due to the Act's reliance on human authorship, which is further supported by judicial interpretation. Indian courts have consistently resisted dilution of originality and authorship standards, as reflected in *Eastern Book Company v. D.B. Modak* (2008) and *R.G. Anand v. Delux Films* (1978). These rulings imply that it would be doctrinally incorrect to expand ownership solely on the basis of economic or technological involvement.

Ownership arrangements for AI-generated works in India are still theoretical and uneven in the absence of statutory clarification. This ambiguity highlights the necessity of either statutory reform or the implementation of a *sui generis* regime that distributes restricted rights according to economic investment and human control without warping the fundamental tenets of copyright law.

IX. COMPARATIVE JURISPRUDENCE

Due to varying doctrinal commitments to human authorship and originality, the legal treatment of AI-generated works differs greatly between jurisdictions. Jurisdictions differ in how they handle ownership attribution and whether machine-generated creativity is protected, notwithstanding the general agreement that artificial intelligence cannot be

acknowledged as a legal author. A comparison of the legal systems of the United States, the United Kingdom, and the European Union reveals both regulatory fragmentation and common principles, providing important insights for the Indian legal system.

A. United States

The United States follows a strict human-authorship requirement in copyright law. Although the U.S. Copyright Act of 1976 does not expressly define “author,” judicial and administrative interpretation has consistently confined copyright authorship to human creative agency. In *Feist Publications v. Rural Telephone Service* (1991), the U.S. Supreme Court held that originality requires independent creation and a minimal degree of creativity, while *Naruto v. Slater* (2018) reaffirmed that non-human entities cannot claim copyright protection. More directly, in *Thaler v. Perlmutter*, the D.C. Circuit held on March 18, 2025 that copyrightable works must be authored “in the first instance by a human being” and affirmed the Copyright Office’s refusal to register an artwork generated autonomously by the “Creativity Machine.”

The U.S. Supreme Court later denied certiorari on March 2, 2026, leaving the D.C. Circuit’s ruling undisturbed. The U.S. Copyright Office’s January 2025 report, *Copyright and Artificial Intelligence, Part 2: Copyrightability*, further clarifies the position for AI-assisted works. The report addresses the copyrightability of outputs created using generative AI and maintains that copyright may subsist only in identifiable human-authored contributions, not in material generated by AI without sufficient human creative control. It also treats prompts as generally insufficient to establish authorship of the resulting output, since prompts may express ideas or instructions while the AI system determines the expressive execution. Accordingly, U.S. law now clearly rejects AI as a copyright author, while preserving limited protection for separable human contributions in AI-assisted works.

B. United Kingdom

The legislative approach used in the United Kingdom is rather flexible. In the event of a computer-generated work, “the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken,” according to Section 9(3) of the Copyright, Designs and Patents Act, 1988. On the surface, this clause seems to

provide a remedy to the authorship gap caused by AI and was inserted to address works created utilizing computer systems.

Judicial interpretation, however, advises prudence. As stated in *University of London Press Ltd. v. University Tutorial Press Ltd.* (1916), UK courts have traditionally connected originality to human ability, labor, and judgment. Although ownership attribution is permitted under Section 9(3), the computer or AI is not acknowledged as a creator. Opponents contend that the clause does not sufficiently address contemporary AI systems capable of independent innovation and was created for a time of limited automation. The application of Section 9(3) to completely autonomous AI-generated works is unclear and contentious due to the lack of conclusive case law.

C. European Union

Based on the idea of "the author's own intellectual creation," the European Union upholds a strongly human-centric view of authorship. The importance of human creative freedom in defining uniqueness has been repeatedly emphasized by the Court of Justice of the European Union (CJEU). The CJEU ruled in *Infopaq International A/S v. Danske Dagblades Forening* that originality requires the expression of the author's own intellectual creation.¹³ This standard was further developed in *Painer v. Standard VerlagsGmbH*, where the Court recognised copyright protection for a photograph where the work reflects the author's personality and free creative choices.¹⁴ In *Football Dataco Ltd v. Yahoo! UK Ltd*, the CJEU reaffirmed that copyright protection cannot be based merely on labour or investment, but must be grounded in intellectual creation.¹⁵

AI's authorship has been categorically rejected by the EU. Copyright protection must continue to be linked to human innovation, according to the European Parliament's 2020 Resolution on Intellectual Property Rights for the Development of Artificial Intelligence. The EU has not extended copyright to AI-generated works, despite looking into alternative methods including data protection and investment-based rights. A regulatory emphasis on

¹³ *Infopaq International A/S v. Danske Dagblades Forening*, Case C-5/08, Judgment of the Court of Justice of the European Union.

¹⁴ *Eva-Maria Painer v. Standard VerlagsGmbH and Others*, Case C-145/10, Judgment of the Court of Justice of the European Union.

¹⁵ *Football Dataco Ltd v. Yahoo! UK Ltd*, Case C-604/10, Judgment of the Court of Justice of the European Union.

safety, transparency, accountability, and human-centric AI governance, rather than copyright authorship attribution, is further reflected in Regulation (EU) 2024/1689, commonly referred to as the EU Artificial Intelligence Act.¹⁶

X. COMPARATIVE INSIGHTS

A distinct trend appears in all jurisdictions: copyright protection is still firmly based on human creativity, and artificial intelligence is not acknowledged as a legal author. The European Union promotes uniqueness through human intellectual creativity, the United States takes a strict exclusionary stance, and the United Kingdom offers a narrow statutory workaround without completely resolving the problem. Regarding the ownership and protection of autonomously generated AI works, none of these approaches provide a complete solution.

These comparison methods show how difficult it is to adapt current copyright laws to allow for AI-generated creativity in India. Like its predecessors, the Indian Copyright Act of 1957 is based on human authorship, and judicial precedent places a strong premium on originality and critical thinking. According to the comparative analysis, India might gain from investigating other protection mechanisms, such a limited sui generis regime, while opposing the attribution of authorship to AI. India may create a balanced system that guarantees legal clarity, incentives for innovation, and adherence to the normative underpinnings of copyright law by taking note of international caution and avoiding doctrinal dilution.

A. Position Under Copyright Law

The Copyright Act of 1957's statutory structure and consistent judicial interpretation both reflect the core tenets of the Indian copyright system, which are human authorship and creative agency. The Act does not specifically address works produced independently by artificial intelligence, even if it acknowledges technical processes of creation. Because of this, AI-generated works fall into a legal limbo under Indian copyright law, creating a great deal of doubt about authorship, ownership, and the enforceability of rights.

¹⁶ Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence.

B. Statutory Framework

Section 2(d) of the Copyright Act, 1957 defines authorship by designating the "author" for a number of different types of works. The creator of literary, theatrical, musical, and artistic works is referred to as the author. Section 2(d)(vi) states that "the person who causes the work to be created" is the author of computer-generated works. Although this clause seems expansive, it was passed during a time when computers were mainly used as tools that were directly controlled by humans. Rather than autonomous machine generation, the language requires human intent, creative control, and decision-making.

Section 17 governs copyright ownership and states that the author is the original owner, with few exceptions, such as works created while an employee. The operation of Section 17 is directly undermined by the ambiguity surrounding the identification of an author in AI-generated works, since ownership derives from authorship. The legislative structure does not offer a clear method for assigning ownership in situations where no human creator can be recognized.

C. Judicial Interpretation of Authorship and Originality

Indian courts have often emphasized that intellectual judgment and human creativity are the foundations of copyright protection. The Supreme Court rejected the "sweat of the brow" theory in *Eastern Book Company v. D.B. Modak* (2008), ruling that originality necessitates the application of skill and judgment involving a minimal level of inventiveness. This ruling firmly establishes that intellectual labor, not automatic or mechanical procedures, is the foundation of copyright protection.

In a similar vein, the Supreme Court made it clear in *R.G. Anand v. Delux Films* (1978) that copyright does not exist in ideas per se, but rather in the expression of ideas shaped by the author's creative decisions. This focus on artistic expression highlights the necessity of human agency in works protected by copyright. The idea-expression distinction has also been upheld by Indian courts on a regular basis, which emphasizes how human intellect shapes protected expression.

These instances show judicial reluctance to weaken originality or authorship criteria, even though Indian courts have not yet directly decided cases involving AI-generated works. Without legislative action, courts are unlikely to grant copyright protection to works created

independently by artificial intelligence due to the emphasis on creativity and intellectual judgment.

D. Absence Of Judicial Guidance on AI - Generated Works

A major lacuna in Indian copyright doctrine is highlighted by the dearth of case law that expressly addresses AI-generated works. Indian courts have not yet addressed the issue of whether AI-generated outputs are eligible for copyright protection or how ownership should be distributed, in contrast to nations like the US or the EU. Legal ambiguity is made worse by this judicial silence, especially as AI-generated material becomes more common in the commercial and creative industries.

XI. DOCTRINAL LIMITATIONS AND EMERGING CHALLENGES

AI-generated works present a doctrinal challenge within the Indian copyright framework, which has traditionally been anchored in the notion of **“human authorship”**. Judicial interpretation has consistently underscored that copyright subsists in works reflecting **“creativity and the exercise of intellectual judgment”**, a standard that may be difficult to reconcile with outputs generated autonomously by artificial intelligence. Expanding the scope of Section 2(d)(vi) to include such outputs risks diluting this foundational requirement. At the same time, a complete denial of protection could discourage technological innovation and investment, leaving economically valuable creations without legal safeguards.

This issue is further complicated by its constitutional implications. Copyright law in India does not operate in isolation but must be harmonized with Article 19(1)(a), which guarantees freedom of speech and expression, and Article 300A, which protects property interests. An overly expansive recognition of rights in AI-generated works may result in the excessive privatization of knowledge and expression, thereby constraining public access and limiting the creative freedoms of others. Conversely, the absence of protection may undermine legitimate proprietary and economic interests associated with AI-driven production.

A principled resolution to this tension may be derived from the proportionality framework articulated in *K.S. Puttaswamy v. Union of India*, which requires that restrictions on rights

pursue a legitimate aim, maintain a rational connection with that aim, adopt the least restrictive means, and preserve a proportionate balance between competing interests.¹⁷

Accordingly, a calibrated legal response potentially involving limited or alternative forms of protection would better align with both doctrinal coherence and constitutional values, ensuring that the evolution of copyright law remains consistent with the broader public interest.

XII. SUGGESTIONS AND RECOMMENDATIONS

The Copyright Act, 1957, in its current form, is not fully equipped to address the legal complexities arising from autonomous AI-generated works. Its human-centric conception of authorship which is reflected in statutory definitions and reinforced through judicial interpretation which limits the recognition of non-human creativity. While this preserves the doctrinal foundation of copyright law, it creates uncertainty in relation to the protection and ownership of AI-generated outputs. To bridge this gap without undermining core principles, the following reforms are proposed:

First, the legislature should amend Section 2(d) to clarify the scope of authorship in the context of artificial intelligence. Rather than extending full authorship status to AI systems, the provision may introduce a distinct category such as “AI-assisted works,” where protection is contingent upon demonstrable human intellectual contribution. This would ensure that the requirement of creativity remains intact while accommodating technological advancements.

Second, a sui generis framework should be considered for fully autonomous AI-generated works. Such a regime could provide limited and carefully defined rights, including a shorter duration of protection and restricted exclusivity. This approach would incentivize investment in AI development while preventing the over-extension of monopoly rights that could hinder access to knowledge and innovation.

Third, the law should explicitly address questions of ownership and control over AI-generated content. Legislative clarification is necessary to determine whether rights, where

¹⁷ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

recognized, should vest in the developer, the user, or another identifiable stakeholder. Clear allocation rules would enhance legal certainty and reduce the scope for disputes.

Fourth, any expansion of protection must be balanced against constitutional guarantees, particularly the right to freedom of speech and expression under Article 19(1)(a), as well as property considerations under Article 300A. The proportionality framework articulated in *K.S. Puttaswamy v. Union of India* offers a useful constitutional model for ensuring that any recognition of rights in AI-generated works remains justified, necessary, and proportionate.¹⁸

Finally, the development of policy guidelines or the establishment of a specialized regulatory or advisory body may assist in continuously evaluating the evolving relationship between artificial intelligence and copyright law. Given the rapid pace of technological change, a dynamic and responsive approach to regulation is essential.

In conclusion, a balanced and forward-looking legal framework—combining targeted statutory amendments with alternative forms of protection—would enable the effective regulation of AI-generated works while preserving the foundational principles and constitutional values underlying Indian copyright law.

XIII. CONCLUSION

The rapid advancement of artificial intelligence has exposed a fundamental tension between autonomous machine-generated creativity and the human-centric foundations of copyright law. As this study has demonstrated, prevailing doctrines of authorship, originality, and ownership—across jurisdictions including India, the United States, the United Kingdom, and the European Union—are firmly grounded in the exercise of human intellectual effort, creative judgment, and intentional expression. Judicial approaches have consistently declined to recognise non-human entities as authors, thereby leaving AI-generated works without a natural rights-holder within conventional copyright frameworks.

This doctrinal position brings into focus the central question addressed in this paper: how should the law respond to innovation generated in the absence of a human author? The analysis suggests that, given the absence of legal personality, moral agency, and

¹⁸ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

accountability, artificial intelligence cannot be recognised as a bearer of rights. At the same time, judicial reasoning in cases such as *Eastern Book Company v. D.B. Modak and Feist Publications, Inc. v. Rural Telephone Service Co.* cautions against attributing ownership solely on the basis of labour, investment, or technical facilitation, as such an approach risk diluting the originality requirement and undermining the normative foundations of copyright protection.

In light of these considerations, this paper argues that existing copyright law should not be extended to confer authorship-based protection on works generated without human creative input. However, the absence of copyright protection does not imply that such outputs must remain entirely unregulated. Where protection is considered necessary, it should be located outside traditional copyright doctrine and developed through a narrowly tailored, *sui generis* framework. Such a regime would better reconcile the need to incentivise technological innovation with the imperative of preserving doctrinal coherence.

Importantly, any such framework should avoid conflating distinct regimes of intellectual property law. Rather than extending patent-based concepts, it should provide limited proprietary or *sui generis* economic rights grounded in demonstrable human involvement, control, or investment in the AI system. These rights should be carefully circumscribed both in scope and duration and focused primarily on commercial exploitation, thereby preventing the excessive privatisation of machine-generated expression while maintaining adequate incentives for innovation.

Within the Indian context, legislative intervention becomes essential, particularly given the absence of explicit statutory recognition of AI-generated works under the Copyright Act, 1957 and the judiciary's continued emphasis on creativity and intellectual judgment. A well-designed *sui generis* regime could provide much-needed legal certainty, support emerging innovation ecosystems, and avoid doctrinal distortion, all while remaining aligned with the foundational principles of copyright law.

In conclusion, where creative output is generated without human authorship, it ought not to be "owned" in the traditional copyright sense. Any entitlement to control or derive economic benefit from such output must instead arise from a distinct legal framework rooted in human contribution and accountability, rather than artificial attribution of

authorship. Such an approach offers a principled and sustainable path for regulating creativity in the age of artificial intelligence.

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