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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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AI AND INTELLECTUAL PROPERTY RIGHTS

Mansi Sunil Narvekar¹

I. ABSTRACT

*Artificial intelligence has transformed the digital economy by enabling the autonomous and semi-autonomous generation of creative works, technical solutions, and data-driven outputs. This rapid development has created significant challenges for existing intellectual property rights frameworks, particularly in relation to ownership, authorship, inventorship, protection, infringement, and enforcement. In the Indian context, the growing use of AI in software, pharmaceuticals, media, education, finance, and creative industries has made it necessary to reassess whether present intellectual property laws are capable of addressing AI-generated works and inventions. This paper examines the relationship between artificial intelligence and intellectual property rights with specific reference to copyright, patent, trademark, and trade secret regimes. It analyses the Copyright Act, 1957 and the Patents Act, 1970, and evaluates their adequacy in dealing with AI-created outputs. The study further considers the human-authorship and human-inventorship requirements reflected in Indian intellectual property law and case law, including *Eastern Book Company v. D.B. Modak*, *R.G. Anand v. Deluxe Films*, and *Tech Plus Media Pvt. Ltd. v. Jyoti Janda*. It also addresses recent Indian developments such as the RAGHAV/SURYAST Copyright Office episode and *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, where the Delhi High Court considered copyright issues arising from the use of protected material for training large language models. The paper discusses whether AI-generated outputs should receive intellectual property protection, who should be recognised as the rightful owner, and how liability should be determined when AI systems produce infringing or unauthorised content. It argues that AI should not presently be treated as an independent author or inventor, but that human users may claim protection where sufficient creative control is exercised. The paper concludes that India requires clearer statutory standards, transparent attribution rules, and balanced liability mechanisms to encourage innovation while safeguarding human creativity and public interest.*

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II. KEYWORDS

Artificial Intelligence; Intellectual Property Rights; Copyright; AI-Generated Works; Authorship.

III. INTRODUCTION

Intellectual property refers to creations of the human mind, including inventions, literary and artistic works, symbols, designs, and other forms of creative or commercial expression protected by law. Intellectual property (IP) is also referred to as the "product of the mind" due to its origins in human intellect and creativity. Artificial intelligence (AI) plays an essential and dynamic role in the field of Intellectual property rights (IPR). Artificial intelligence and intellectual property (IPR) are transforming and expanding industries globally.

IPR consists of Patent law, Copyright, Trademarks, Trade secrets, and enforcement. The use of AI in the field of IPR is providing new opportunities and challenges. The rapid growth of the AI industry demonstrates its potential across several sectors, including healthcare, education, finance, and the arts. Intellectual property (IP) protects human works and ensures that authors keep their Ethical and Financial rights with themselves.

A. Research Questions

1. Should AI-generated outputs qualify for intellectual property protection under existing IP laws?
2. Who should be recognized as the rightful owner of AI-generated works – the AI developer, the user who prompts the AI, or the AI system itself?
3. To what extent are current intellectual property frameworks adequate to address authorship, ownership, and originality in AI-created works?
4. What ethical and economic challenges arise from granting or denying IP protection to AI-generated outputs?
5. How can intellectual property regimes be adapted to balance innovation incentives with public interest and ethical concerns in the AI era?

6. Can an integrated governance approach better protect individual rights while supporting responsible AI use?

B. Research Objective

1. To examine the IP protection of AI-generated outputs under Indian law.
2. To analyse ownership and authorship issues in AI-created works.
3. To assess the adequacy of existing Indian IP laws in the AI context.
4. To study infringement and liability issues arising from AI-generated content.
5. To suggest adaptive IPR policies balancing innovation and public interest

C. Research Methodology

This research adopts a doctrinal and analytical legal research methodology. The study is primarily based on the examination of statutory provisions, judicial decisions, and policy materials relating to artificial intelligence and intellectual property rights in India. The primary sources relied upon include the Copyright Act, 1957, the Patents Act, 1970, and relevant Indian case law dealing with originality, authorship, ownership, infringement, intermediary liability, and intellectual property protection. The paper also refers to significant judicial and administrative developments concerning AI-generated works and AI-assisted inventions.

Secondary sources such as research articles, policy reports, institutional publications, and materials published by bodies such as NITI Aayog and the World Intellectual Property Organization have been consulted to understand the broader legal and policy debate surrounding AI and intellectual property rights. The study is limited to the Indian legal framework and does not undertake empirical fieldwork, statistical analysis, or detailed comparative research.

Its objective is to evaluate the adequacy of existing Indian intellectual property law in addressing AI-generated outputs and to suggest the need for clearer statutory guidance on authorship, ownership, liability, and enforcement in the AI era.

D. Review Of Literature

The relationship between artificial intelligence and intellectual property rights has been widely discussed by scholars, policy institutions, and international organisations. Existing literature generally recognises that AI challenges the traditional foundations of intellectual property law because copyright, patent, and related regimes are largely based on human creativity, human inventorship, and identifiable human responsibility.

The World Intellectual Property Organization has treated AI and intellectual property as an important policy issue through its continuing “WIPO Conversation on Intellectual Property and Artificial Intelligence.” WIPO’s policy materials identify key questions concerning AI-generated works, authorship, inventorship, ownership, training data, and enforcement. These materials show that the debate is not limited to one jurisdiction but forms part of a wider international discussion on whether existing intellectual property systems can accommodate autonomous or semi-autonomous machine-generated outputs.

In the Indian context, NITI Aayog’s *National Strategy for Artificial Intelligence* highlights the increasing relevance of AI in sectors such as healthcare, agriculture, education, smart mobility, and public administration. Although the report is not limited to intellectual property law, it establishes the broader policy background for India’s adoption of AI and supports the need for legal preparedness in areas affected by AI-driven innovation.

Scholarly writing on AI and intellectual property commonly identifies three recurring concerns. First, AI-generated works raise questions of authorship and originality because traditional copyright law assumes a human author. Secondly, AI-assisted inventions create uncertainty in patent law because inventorship is normally attributed to a natural person. Thirdly, AI systems trained on large datasets may create infringement, trade secret, and liability concerns, particularly where protected works or confidential information are used without authorisation. Recent comparative scholarship also identifies gaps in Indian IP law relating to AI-generated outputs, trade secret protection, and inventorship standards.

The reviewed literature therefore supports the central premise of this paper: Indian intellectual property law requires clearer statutory and policy guidance to address AI-generated works, AI-assisted inventions, ownership, attribution, training-data use, and liability while balancing technological innovation with protection of human creativity.²

E. Scope And Significance

The study is limited to examining the intellectual property implications of AI-generated outputs under the Indian legal framework. It deals and addresses issues of authorship, ownership, infringement, and liability arising from the use of artificial intelligence in the creative process. The paper includes analysis of relevant provisions of Indian intellectual property laws and judicial decisions can directly affect ethical and economic considerations.

F. AI in Copyright

1. Copyright is a legal right which describes ownership or control of the rights to the use and distribution of certain works of creative expression, including books, videos, movies, music, and computer programs.
2. Artificial intelligence (AI) technology is used for image recognition and video analysis to monitor and stop copyright infringement. AI techniques are used to search digital platforms for illegal copies of copyrighted works and assist in precisely identifying and removing infringing content.
3. By examining usage trends across various media platforms, AI also aids in determining if a project or piece of work qualifies for fair use or directs the licensing procedure.

G. AI in Patents

1. Patent is an exclusive right granted by the Government to owner, the right to exclude others from making, using, selling, and importing an invention for a limited period of time. The patent rights are granted in exchange for enabling public disclosure of the invention.

Patents Act, 1970 (India). The Copyright Act, 1957 (India)

2. Large patent databases can be analyzed by AI tools, which makes it easier to identify prior art than using conventional techniques.³

H. AI in Trademarks

1. Trade is unique sign (word, logo, symbol, design, sound, or even scent) that identifies and distinguishes a company's products or services from those of competitors, acting as a brand identifier and source indicator for consumers.
2. Large patent databases can be analyzed by AI tools, which makes it possible to identify prior art more quickly than with conventional techniques.⁴

I. Trade Secrets and AI Systems

Trade secrets require separate analysis because AI systems often depend on large datasets, confidential algorithms, proprietary models, technical processes, and business information. Unlike copyright and patents, trade secret protection does not arise from registration but from the confidentiality and commercial value of the information. In the AI context, trade secret risks may arise when confidential datasets are used for training without authorisation, when employees or contractors upload proprietary information into AI tools, or when model outputs reveal sensitive business information.

AI also creates challenges for enforcement because it may be difficult to trace whether a particular output was generated from confidential material. Indian law does not have a single codified trade secrets statute, and protection is generally based on contract, equity, confidentiality obligations, and employment arrangements. Therefore, organisations using AI should adopt confidentiality agreements, internal AI-use policies, access controls, data-governance safeguards, and audit mechanisms to prevent misuse of confidential information.

A central legal question is whether outputs generated by AI systems should receive protection under existing intellectual property laws. Right now, the law says that only

³ NITI Aayog. (2018). National Strategy for Artificial Intelligence. Government of India.

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⁴ 1ThalerV. Comptroller General of Patents, UK & EU – AI cannot be named as an inventor. 2 Patents Act, 1970 & Copyright Act, 1957 – Only humans can be authors/inventors

humans can be inventors or authors. Under the present legal framework, AI is generally treated as a technological tool that assists human creativity rather than as an independent legal creator. AI systems generally operate through inputs provided by users and generate outputs based on their training data, model architecture, and user prompts.

There are various legal issues that arise at the intersection of artificial intelligence and intellectual property rights. The first issue concerns ownership: where an AI system generates an artwork, literary work, design, or invention, it must be determined whether ownership should vest in the user who provides the prompt, the developer who created the AI system, the company that owns the platform, or another human actor who exercises creative control. The second issue concerns authorship and inventorship.

Existing intellectual property frameworks, including Indian law, are largely premised on human creativity and human inventorship, making it difficult to recognise AI as an independent author or inventor. The third issue concerns copyright protection for AI-generated music, images, texts, and other creative outputs. The legal position remains uncertain where the final output is produced without sufficient human intellectual contribution.

The fourth issue concerns liability. Where an AI system generates infringing or substantially similar content, responsibility must be allocated among the user, developer, and platform, since AI itself has no legal personality and cannot be held liable in law.

Important Case: *Thaler v Comptroller-General of Patents, Designs and Trade Marks* [2023] UKSC 49

In *Thaler v Comptroller-General of Patents, Designs and Trade Marks* [2023] UKSC 49, the United Kingdom Supreme Court considered two British patent applications filed by Dr. Stephen Thaler in respect of inventions allegedly generated autonomously by his AI system, DABUS. Dr. Thaler named DABUS as the inventor and claimed entitlement to the patents on the basis of his ownership of the AI system. The UK Supreme Court unanimously dismissed the appeal, holding that, under the UK Patents Act 1977, an

inventor must be a natural person and that ownership of an AI system does not by itself confer the right to obtain a patent for inventions generated by that system.

This decision should be distinguished from the separate European Patent Office proceedings concerning DABUS, which arose before a different forum and under a distinct legal framework. For the purposes of this paper, the UK Supreme Court ruling is relevant as persuasive authority because it reinforces the broader principle that, unless legislation expressly provides otherwise, AI cannot be treated as an inventor and patent entitlement must be traced to a legally recognised human or juristic person.

IV. KEY CHALLENGES

1. **Authorship & Ownership:** Traditional laws in IPR focuses on Human Creators. It the AI output that the art/code/inventions are copyrightable then who owns it (user/developer or AI) or AI is the inventor is the question. Ownership of IP is AI-generated content. Ownership of intellectual property in AI-generated content is a complex legal issue However, this paradigm is challenged by AI tools and systems, which are capable of coming up with creative solutions on their own. There are differing opinions and views on who should be acknowledged as the rightful owner because some contend that AI lacks the legal ability to hold rights.
2. **Infringement & Training Data:** Large datasets that frequently contain copyrighted works which are used for training AI systems. It leads to concerns regarding infringement and unauthorized usage of the data. The evaluation of originality and infringement may be complicated by AI-generated outputs that closely resemble copyrighted works.
3. **Liability:** Legal liability becomes difficult to determine when AI generates harmful, biased, or infringing content. difficult to hold when AI creates harmful or biased information or violates already-existing intellectual property.
4. **Data Privacy & Security:** Large amounts of data are required and used to train AI which often raises issues with data protection/security and privacy rules when sensitive or personal information is used. However, its practical

interaction with cybersecurity requirements and AI-driven decision-making remains an evolving area.

5. **Patentability:** The human inventor requirement of patent law is challenged by AI-generated inventions, and the sheer amount of "prior art" produced by AI makes patent examination more difficult.
6. **Algorithmic Bias:** Fairness in IP and innovation may be impacted by biased training data, which might produce discriminating AI outputs.
7. **Legal Lag:** AI is developing at a rate that frequently exceeds the pace of existing legislation. This creates the need for timely legal reforms addressing fair use, ambiguity, accountability, liability, and clarity in the regulation of AI-generated works and AI-assisted innovation.

V. ANALYSIS

1. Is the legal foundation for IP Protection of AI-Generated Outputs under Indian Law?

The Supreme Court in the Case of *Eastern Book Company v. D.B. Modak* (2008) recognised the Indian Copyright Act, 1957 is premised on human authorship. Under the Section 2 D. "Minimal degree of creativity" originating from human skill, judgment, and labour. This judgment rejected the mere "sweat of the brow" doctrine and emphasized human creative input. By using this logic, outputs produced only by AI – that is, without any human intellectual input or skills may not satisfy Indian law's originality requirement.

In *R.G. Anand v. Deluxe Films*, AIR 1978 SC 1613, the Supreme Court primarily dealt with the idea-expression dichotomy in a dispute involving alleged copying between a play and a film. The case does not directly address artificial intelligence, human authorship, or AI-generated works. Its relevance to the present discussion is therefore limited and inferential: it supports the principle that copyright protects the expression of ideas and not the ideas themselves. This principle may be applied cautiously to AI-generated works, because protection can arise only where there is a legally recognisable expression capable of satisfying copyright requirements.

The stronger authority for the human-centred originality requirement is *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1, where the Supreme Court held that originality requires the work to originate from an author and involve the author's exercise of skill and judgment with a minimal degree of creativity.

This reasoning is more directly relevant to AI-generated works because outputs produced entirely by AI, without meaningful human intellectual contribution, may not satisfy the originality threshold under Indian copyright law. Therefore, *R.G. Anand* should be used only for the idea-expression principle, while *Eastern Book Company* should be relied upon for the requirement of human skill, judgment, and creativity.

2. Ownership of AI-Generated Works: Developer, User, or AI?

Indian intellectual property law has not expressly recognised non-human authorship. In *Tech Plus Media Pvt. Ltd. v. Jyoti Janda*, CS(OS) 119/2010, decided on 29 September 2014, reported as 2014 SCC OnLine Del 1819, the Delhi High Court did not lay down a general rule that “creative control” determines copyright ownership. Instead, the Court held that the plaintiff company, being a juristic person, could not itself be the author of the alleged copyrighted work, and that copyright in compilations or database-style works requires sufficient skill, judgment, and creativity beyond mere labour, capital, or mechanical collection of information.

The Court ultimately found that the plaintiff had failed to establish subsistence of copyright in the claimed database-style material. In the context of AI-generated material, *Tech Plus Media* is relevant not as an ownership-by-creative-control authority, but for two narrower propositions. First, authorship under Indian copyright law is linked to a legally recognised human author rather than an artificial or non-human entity. Secondly, where the claimed work is a compilation, database, or derivative output, the claimant must show sufficient skill, judgment, and creativity in the selection, arrangement, or expression of the material.

Applying this reasoning to AI-generated works, a human user may have a stronger claim where they can demonstrate meaningful creative contribution through selection, arrangement, editing, modification, or expressive control over the final output. However, mere use of an AI tool, or mere ownership of the AI system, should

not automatically create copyright ownership unless the claimant can establish protectable human authorship and originality.

Indian jurisprudence is incompatible with the idea of acknowledging AI as a creator. In India, legal personality has only been granted in extraordinary circumstances (such as juristic entities like corporations or celebrities), but only in situations where there are responsibility and representation. Because AI lacks both, authorship is illegitimate.

3. Is India's Current IP Framework Sufficient?

AI-generated innovation has not been addressed by the Indian IP law. The intent behind the law is frequently used and reviewed by the courts, but lengthy judicial stretching runs the risk of doctrinal inconsistency. The lack of explicit statutory guidance on AI-generated works may result in inconsistent results, underscoring the inadequacy of existing intellectual property regimes to deal with autonomous technologies.

4. Infringement and Liability in AI-Generated Outputs?

A major unresolved issue in AI-related intellectual property law is the determination of infringement and liability when copyrighted works are used in the training or operation of AI systems. In the AI context, infringement concerns may arise at two distinct stages. First, at the input or training stage, copyrighted works may be copied, stored, scraped, tokenised, or processed for training an AI model. Secondly, at the output stage, the AI system may generate responses that reproduce or substantially resemble protected expression. Indian law does not yet contain a specific liability framework for either stage, and responsibility must presently be assessed through general copyright principles under the Copyright Act, 1957.

The Delhi High Court's decision in *Super Cassettes Industries Ltd. v. MySpace Inc.*, 2016 SCC OnLine Del 6382, remains relevant for platform liability because it indicates that online intermediaries may face liability where they have actual knowledge of infringement and fail to take appropriate action. However, intermediary-liability principles alone are insufficient for AI systems because AI models involve additional actors, including developers, deployers, users, data providers, and hosting platforms. Liability may therefore need to be allocated according to the role played by each actor.

Developers may be responsible where they knowingly train systems on unauthorised copyrighted material or fail to introduce reasonable safeguards. Users may be liable where they intentionally prompt, reproduce, publish, or commercially exploit infringing outputs. Platforms may be responsible where they host or distribute infringing material despite notice or knowledge.

The most significant Indian development on this issue is *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, CS(COMM) 1028/2024, before the Delhi High Court. ANI filed the copyright infringement suit in November 2024, alleging that OpenAI had used ANI's copyrighted news content to train ChatGPT without permission and that ChatGPT could generate outputs reproducing ANI's protected expression. The case directly raised issues of AI training, storage of copyrighted material, substantial reproduction, fair dealing, and territorial jurisdiction.

On jurisdiction, the Delhi High Court took a *prima facie* view that it had territorial jurisdiction because ANI's principal place of business was within the Court's jurisdiction, OpenAI provided services to users in India, and the alleged infringing outputs were generated in India. The Court also rejected, at the interim stage, the argument that Indian copyright law could not apply merely because the training servers were located outside India, observing that the alleged chain of events began with access to copyrighted works from India and could not be artificially severed at the final server-location stage.

On fair dealing, the Delhi High Court held, *prima facie*, that OpenAI's storage and use of ANI's literary works for training large language models fell within Section 52(1)(a) of the Copyright Act, 1957, as "private or personal use, including research." The Court further found that ANI had not established memorisation, regurgitation, or substantial reproduction of its copyrighted works through ChatGPT outputs, and therefore refused to grant an interim injunction against OpenAI.

This ruling is highly relevant to the present paper because it demonstrates that Indian courts may apply existing fair-dealing provisions to AI training disputes, even though the Copyright Act does not expressly refer to artificial intelligence or text-and-data mining. At the same time, the decision does not create a complete liability code for AI developers and platforms. It leaves open broader questions such as when AI training

crosses the line into infringement, what safeguards developers must adopt, how rightsholders can prove substantial reproduction, and how liability should be shared between developers, users, and platforms.

Therefore, *ANI Media v. OpenAI* strengthens the argument that India requires a clearer statutory framework for AI-related copyright use, training-data governance, attribution, and liability. The author should verify the final procedural status of the litigation at the time of submission because AI-copyright litigation is developing rapidly.

5. Ethical and Economic Considerations in the Indian Context?

The Indian courts have frequently highlighted that copyright is not an absolute right. Granting blanket intellectual property protection to AI-generated outputs increases the possibility of monopolization for huge tech businesses and potentially marginalizing humans. However, completely denying protection may hinder indigenous AI research and investment, particularly in India's burgeoning digital economy.

6. Is There a Need for Adaptable Intellectual Property Policies in India?

The Supreme Court has recognised that legal interpretation must respond to changing social and technological circumstances. This principle lends provide strong support to the argument for adaptable IP policies and laws in the AI era.

VI. AI AND TRADE SECRETS UNDER INDIAN LAW

Trade secrets form an important part of intellectual property protection in the AI era because AI systems frequently depend on confidential datasets, proprietary algorithms, source code, training methods, business models, customer information, pricing strategies, and technical know-how. Unlike copyright or patents, trade secrets are not protected through registration. Their value lies in secrecy, commercial usefulness, and the reasonable steps taken by the owner to preserve confidentiality. In the AI context, this creates special risks because confidential business information may be uploaded into AI tools, used to train models, reproduced through outputs, or disclosed through employees, developers, vendors, and third-party platforms.

India does not presently have a dedicated trade secrets statute. Trade secret protection is generally derived from contract law, confidentiality agreements, employment obligations, equitable principles, and common-law actions for breach of confidence. WIPO's India country sheet also notes that India has no separate and exclusive statute for trade secrets, and that protection is largely based on contractual and common-law principles.

This creates uncertainty in AI-related disputes because liability often depends on whether there is a contractual relationship between the trade secret owner and the person accused of misuse. Where confidential information is misused by an employee, consultant, licensee, or business partner, remedies may be available through non-disclosure agreements, employment contracts, injunctions, damages, and breach-of-confidence claims. However, where confidential data is absorbed into an AI model through scraping, third-party uploads, or unauthorised training, proving misappropriation becomes more difficult.

AI systems also create evidentiary and enforcement problems. A trade secret owner may not easily prove that a model was trained on confidential material, particularly where the training process is opaque or where the output does not reproduce the confidential information verbatim. Similarly, if an employee uploads confidential company data into a public AI platform, the harm may occur before the employer discovers the disclosure. This shows that AI-related trade secret protection cannot depend only on after-the-fact litigation. Preventive safeguards are equally necessary.

Therefore, Indian organisations using AI should adopt clear AI-use policies, confidentiality clauses, non-disclosure agreements, restricted data-access systems, internal approval mechanisms, employee training, vendor due diligence, and technical safeguards to prevent confidential information from being used in AI tools without authorisation. From a legal-reform perspective, India should consider clearer statutory recognition of trade secret protection, including rules addressing AI training, confidential datasets, model outputs, reverse engineering, and unauthorised disclosure through automated systems.

VII. SUGGESTIONS AND RECOMMENDATIONS

Indian intellectual property law should develop a clear and structured response to AI-generated and AI-assisted works.

First, Parliament may consider introducing a limited *sui generis* framework for AI-generated outputs, especially where the work does not satisfy the traditional requirement of human authorship but still involves commercially valuable intellectual effort.

Secondly, the Copyright Act, 1957 and the Patents Act, 1970 should be clarified to define the level of human involvement required for authorship, ownership, and inventorship claims. Such clarification may include factors such as prompting, selection, arrangement, editing, modification, and creative control over the final output.

Thirdly, India should adopt clear liability rules for AI-related infringement. Responsibility should be allocated between users, developers, and platforms according to their role in creating, training, deploying, or commercially exploiting the AI system. Developers may be made responsible for defective design, unauthorised training practices, or failure to adopt reasonable safeguards, while users may be liable where they knowingly generate or use infringing outputs.

Fourthly, transparency and attribution mechanisms should be encouraged so that AI-assisted works disclose meaningful human contribution and use of AI tools. Finally, future reforms should balance technological innovation with the protection of human creativity, public interest, and ethical accountability.

VIII. CONCLUSION

Artificial intelligence has become an important part of modern innovation and creative activity. Its growing use in software, media, pharmaceuticals, education, finance, and other sectors has created new challenges for intellectual property law. The present Indian framework, particularly the Copyright Act, 1957 and the Patents Act, 1970, continues to be based on human authorship and human inventorship. Therefore, AI cannot presently be treated as an independent author, inventor, or rights-holder in the absence of legislative recognition and legal personality.

The study finds that existing Indian intellectual property law is not fully adequate to address AI-generated outputs, ownership disputes, training-data concerns, infringement, and liability. Courts may interpret existing provisions to respond to technological developments, but judicial interpretation alone cannot provide complete certainty. A more balanced statutory framework is required to protect human creators, encourage responsible AI innovation, and provide clear standards for attribution, ownership, enforcement, and accountability in the AI era.

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2. The Copyright (Amendment) Act, 2012.
3. The Patents Act, 1970.

B. Cases

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2. *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.
3. *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.
4. *Super Cassettes Industries Ltd. v. MySpace Inc.*, 2016 SCC OnLine Del 6382.
5. *Tech Plus Media Pvt. Ltd. v. Jyoti Janda*, 2014 SCC OnLine Del 1819.
6. *Thaler v. Comptroller-General of Patents, Designs and Trade Marks*, [2023] UKSC 49. This case concerned patent applications where Dr. Stephen Thaler stated that the inventions were created by the AI system DABUS without a traditional human inventor.

C. Policy Reports and Institutional Materials

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