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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
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PRINCIPAL'S MESSAGE

KES' Shri. Jayantilal H. Patel Law College



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

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

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

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

DR. VIRAL DAVE

I/c. Principal

KES' Shri. Jayantilal H. Patel Law College

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AUTHORSHIP AND OWNERSHIP IN AI GENERATED WORKS

Urvi Shreyas Shah¹

I. ABSTRACT

Artificial intelligence has transformed from a simple tool to get information to a robust tool which can create books, music, artworks, and computer programs with little to no human involvement. From a legal point of view, this raises serious legal questions with regard to who should be called the author of these works, and who should own them? The present laws in India especially the Indian Copyright Law grants protection to the work that is creative in nature that in turn must involve human effort, skill, and judgment, but AI generated content challenges this fundamental idea. This research paper looks at how current laws handle works created by artificial intelligence. It also looks at who can be called an author of the work when AI creates something, and whether present copyright laws can even protect such content. There is another question of whether these works should just be kept free for everyone to use. The paper also examines whether AI generated works satisfy basic legal requirements like originality and human creative input. It also includes the gaps and confusion in current laws, particularly in the Copyright Act, 1957, and examines how the United States and United Kingdom are addressing these issues through comparative analysis. Beyond ownership questions, the research considers the implications of extending copyright protection to AI generated works, with particular reference to innovation incentives, market dynamics, and the risk of monopolisation by technology corporations.

II. KEYWORDS

Artificial Intelligence; Copyright Authorship; Section 2(d)(vi); Comparative Copyright Law; AI-Generated Works.

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III. INTRODUCTION

Artificial intelligence is no longer just a search engine or a calculator. Today's AI systems can write novels, compose songs, create paintings, and develop software code with minimal human guidance. This transformation presents fundamental challenges to copyright law, which has always been built on the assumption that creative works come from human minds.

The Copyright Act, 1957 protects works that are original and involve human creativity, skill, and judgment. But what happens when a machine creates something entirely on its own? Who should be called the author when AI writes a story or paints a picture? Should the programmer who created the AI be considered the author? Or should it be the person who gave instructions to the AI? Or perhaps the company that owns the AI system? These are not just theoretical questions anymore, they have real practical implications as AI generated content has increasingly become common in commercial use.

This paper examines these issues by looking at Indian copyright law, comparing international approaches, and analyzing whether AI generated works should receive copyright protection at all. The answers to these questions will shape the future of creative industries, technological innovation, and access to creative content. It is also important to note that the global regulatory landscape is evolving rapidly: the EU AI Act 2024 and the DPIIT Working Paper on Generative AI and Copyright (Part I, December 2025) represent significant emerging responses to the legal void that this paper addresses.

This paper proceeds as follows: Part II sets out the legal framework under the Copyright Act, 1957, with particular attention to Section 2(d)(vi) and the originality requirement, and analyses the various claimants to authorship of AI generated works. Part III surveys international approaches, including those of the United States, United Kingdom, European Union, and China. Part IV examines the debate over copyright protection versus the public domain. Part V discusses recent developments in India, including the ANI v. OpenAI litigation and the DPIIT regulatory developments. Part VI sets out recommendations and the way forward, and Part VII identifies practical implementation challenges before concluding.

A. Research Objectives

The present study pursues the following objectives:

1. To analyse the adequacy of Section 2(d)(vi) of the Copyright Act, 1957 in addressing authorship of AI generated works in the context of modern autonomous AI systems.
2. To examine the various claimants to authorship of AI generated works under Indian copyright law, including programmers, users, AI companies, and AI systems themselves.
3. To conduct a comparative analysis of the legal frameworks governing AI generated works in the United States, United Kingdom, European Union, and China.
4. To evaluate the policy arguments for and against extending copyright protection to AI generated works, with particular attention to incentive structures, market effects, and public domain considerations.
5. To propose legislative and policy recommendations for India, including potential amendments to the Copyright Act, 1957, and engagement with international standard-setting bodies such as WIPO.

B. Research Questions

The present study seeks to address the following research questions:

1. Who can be legally recognised as the "author" of an AI generated work under the Copyright Act, 1957, and does Section 2(d)(vi) provide an adequate framework for this determination?
2. Do AI generated works satisfy the originality requirement as interpreted by the Supreme Court in *Eastern Book Company v. D.B. Modak* (2008), and if not, what are the implications for copyright eligibility?
3. How do other jurisdictions, specifically the United States, United Kingdom, European Union, and China, address the question of authorship and ownership in AI generated works, and what lessons can India draw from these approaches?
4. Should AI generated works receive copyright protection, and if so, under what conditions and for what duration?

5. What legislative and policy reforms are necessary to enable India to develop a coherent, balanced, and internationally compatible legal framework for AI generated works?

C. Research Methodology

This research adopts a doctrinal methodology. The study relies primarily on an analysis of primary legal sources, including the Copyright Act, 1957, the Copyright, Designs and Patents Act 1988 (UK), the EU AI Act 2024 (Regulation (EU) 2024/1689), the Berne Convention for the Protection of Literary and Artistic Works (1886), and relevant judicial decisions from India, the United States, and the United Kingdom. Secondary sources, including peer-reviewed academic articles, WIPO policy briefs, and legislative consultation documents such as the DPIIT Working Paper on Generative AI and Copyright (Part I, December 2025), are relied upon to contextualise the doctrinal analysis and to support the normative recommendations advanced in the concluding sections.

A comparative analysis of four jurisdictions (India, the United States, the United Kingdom, and the European Union) is employed to identify best practices and areas of convergence or divergence that may inform the development of an Indian legislative framework. The scope of the research is limited to copyright law and does not extend to related rights, patent law, or trade secret law as they may apply to AI generated works.

IV. THE LEGAL FRAMEWORK AND THE AUTHORSHIP PROBLEM

A. Indian Copyright Law on Authorship

The Copyright Act defines 'author' differently for different types of works. For most creative works, the author is simply the person who creates it. However, Section 2(d)(vi) of the Copyright Act specifically addresses computer generated works, stating that the author is "the person who causes the work to be created." This provision was introduced to deal with computers being used in the creative process, but it was written in an era when computers were just tools that helped humans create things.

Today's AI is fundamentally different. Modern AI systems don't just assist humans they can generate entire works autonomously. The phrase "person who causes the

work to be created" becomes extremely unclear in this context. Is it the AI programmer who wrote the code years ago? Is it the company that trained the AI on massive datasets? Is it the end user who typed a simple prompt? Or is it the company that operates the AI platform? The law gives no clear answer.

The requirement of originality adds another layer of complexity. Copyright protection under the Act is available only for works that fall within the classes enumerated under Section 13, which covers original literary, dramatic, musical, and artistic works, as well as cinematograph films and sound recordings. Whether an AI generated work can satisfy the eligibility threshold under Section 13 is itself an open question that precedes the authorship inquiry. In *Eastern Book Company v. D.B. Modak* (2008), the Supreme Court rejected the 'sweat of the brow' approach and held that originality requires the exercise of skill and judgment with a 'flavour of creativity', rather than the mere application of labour and capital.

This standard clearly assumes human intellectual and creative involvement, making it difficult to apply straightforwardly to fully autonomous AI-generated outputs. It is also noteworthy that Section 2(d)(vi) appears to have been modelled loosely on Section 9(3) of the UK's Copyright, Designs and Patents Act 1988, a legislative genealogy that is significant to the comparative analysis undertaken in this paper, and which has been noted by Bridy (2012) in the context of AI authorship debates.

AI systems, however, operate through mathematical algorithms and statistical pattern recognition, not through conscious creative thought. They generate outputs based on patterns learned from training data, without understanding meaning or making deliberate creative choices.

B. Who Can Be the Author?

Several parties could potentially claim authorship of AI generated works.

The programmer's claim is weak because there is too much distance between writing general AI code and the specific output created. Programming an AI system is like inventing a printing press, it enables creation but does not make the programmer the author of everything printed.

The user who provides prompts has a stronger claim, especially when detailed instructions are given and outputs are carefully selected. However, as Ginsburg and Budiardjo (2019) observe, there is a fundamental distinction between the act of directing a creative process and making original expressive contributions to the resulting work. Merely providing instructions or inputs to an AI system may not, in itself, constitute the kind of intellectual creative effort that the law requires for authorship.

The AI company's claim rests on investment and economic considerations rather than creative contribution. While companies invest substantially in AI development, investment alone does not satisfy the requirements for claiming authorship under copyright law. It is worth noting, however, that questions of authorship must be distinguished from questions of first ownership. Under Section 17 of the Copyright Act, 1957, where a work is made by an author in the course of their employment, the employer is the first owner of copyright in the absence of an agreement to the contrary. By analogy, corporate entities may seek to characterise AI generated works as works produced in the course of employment or under a contract of service, thereby asserting first ownership even absent direct authorial contribution. This employer-employee analogy, while imperfect in the context of AI, represents a significant and underexplored dimension of the Indian legal framework on AI generated works.

Some scholars suggest joint authorship between users and developers, but determining individual contributions becomes practically impossible.

Others argue AI itself should be recognized as author, but this fails because copyright law serves to incentivize human creativity, and machines need no such incentive.

C. International Approaches to AI Generated Works

Different countries have adopted varying approaches to this problem.

The United States maintains strict human authorship requirements. In *Thaler v. Perlmutter*, 687 F. Supp. 3d 140 (D.D.C. 2023), the district court rejected copyright registration for an AI-generated artwork, holding that copyright protection requires human authorship. This position was unanimously affirmed by the D.C. Circuit Court of Appeals in *Thaler v. Perlmutter*, 130 F.4th 1039 (D.C. Cir. 2025), which confirmed that

human authorship is a statutory prerequisite for copyright protection under U.S. law. The U.S. Supreme Court subsequently denied certiorari on 2 March 2026 in *Thaler v. Perlmutter*, No. 25-449, thereby leaving the D.C. Circuit's human-authorship holding undisturbed and effectively settling the U.S. position for the near term. This procedural finality strengthens the contrast between the U.S. model and more flexible approaches adopted or considered in jurisdictions such as the United Kingdom, Canada, China, and India.

The U.S. Copyright Office has issued guidance stating that works containing both human and AI contributions may receive protection for the human created elements only.

The United Kingdom takes a different approach. Section 9(3) of the Copyright, Designs and Patents Act 1988 explicitly recognizes computer generated works, granting authorship to "the person by whom the arrangements necessary for the creation of the work are undertaken."

This provides legal certainty, though determining who makes the necessary arrangements remains challenging in complex scenarios.

The European Union has taken a regulatory approach that, while not directly conferring authorship upon AI, has significant implications for copyright in AI generated works. The EU AI Act 2024 (Regulation (EU) 2024/1689) imposes mandatory transparency obligations on providers of general-purpose AI models, including requirements related to training datasets and compliance with EU copyright law, particularly the text and data mining exceptions under the EU InfoSoc Directive (Directive 2001/29/EC). The AI Act does not resolve the authorship question directly, but its transparency and accountability framework creates an important backdrop for any future European or comparative discussion of AI generated works. The Act's insistence on copyright compliance in AI training has direct implications for the legitimacy of AI outputs and the debate over whether works generated from potentially infringing training data can themselves attract copyright protection.

China has adopted a markedly different approach. In *Li Yunkai v. Liu Yuanchun* (2023), the Beijing Internet Court held that AI generated images may be eligible for copyright protection where there is sufficient human involvement and creative

selection by the user in the process of generating the work. The court's reasoning focused on the degree of intellectual contribution made by the human operator, including the selection and arrangement of prompts and the creative choices made in curating the final output. This decision is directly pertinent to the authorship debate: it offers a user-centric model of protection that stands in sharp contrast to the US position, and which may offer instructive parallels for India as it considers reforms to Section 2(d)(vi) of the Copyright Act, 1957.

V. THE DEBATE : PROTECTION VERSUS PUBLIC DOMAIN

A. Arguments for Copyright Protection

Proponents of copyright protection argue that denying protection would undermine incentives for AI development. Companies invest millions in creating AI systems, and without the ability to monetize outputs, such investment cannot be recovered. They contend that copyright law should be technology neutral, just as photography revolutionized art creation but photographers still receive copyright protection, AI should be viewed as another creative tool. Legal certainty in ownership would encourage AI adoption in creative industries.

B. Arguments Against Copyright Protection

Opponents emphasize that copyright exists to incentivize human creativity. Machines require no incentive, they cannot be motivated by legal protection. Extending copyright to AI outputs would primarily benefit corporations controlling AI platforms, potentially creating monopolistic control over vast quantities of machine generated content. AI's capacity for unlimited, instantaneous production distinguishes it fundamentally from human creation. Granting copyright to millions of AI generated works could privatize cultural resources without any real benefit to the public.

There are also fairness concerns regarding human creators. AI can produce content far faster and cheaper than humans, potentially flooding markets and making it difficult for human artists and writers to compete. An AI system can write dozens of articles, create hundreds of images, or compose numerous songs in the time it takes a human to produce one work. This productivity disparity raises questions about whether

human creativity can survive in a market where AI generated content receives equal legal protection.

Additionally, most AI systems are trained on copyrighted material without explicit permission from copyright holders. These systems learn patterns from millions of copyrighted books, articles, images, and songs. When the AI generates new content, it is essentially creating derivative works based on this copyrighted training data. Granting copyright protection to AI outputs while the underlying training process may itself infringe existing copyrights creates a problematic contradiction. Should we protect works that might be built on copyright infringement?

Enforcement challenges make these issues worse. As AI improves, telling AI created content apart from human created content becomes harder. Without reliable detection tools, enforcing any legal framework becomes difficult. People could fraudulently claim AI works are human made to get copyright protection, or falsely label human works as AI created to avoid giving protection. Copyright laws must be enforceable to work properly, and current technology makes this extremely challenging.

C. Impact on Innovation and Markets

The decision on copyright protection will significantly impact innovation and market dynamics, and these effects merit more careful analysis than is often acknowledged in popular discourse. From an incentive perspective, the standard economic justification for copyright, that legal protection creates incentives to invest in creative production, is attenuated in the AI context, since AI systems do not require legal incentives to generate outputs. The incentive argument therefore operates at one remove: it is the companies that develop and commercialise AI systems, rather than any "author," that would benefit from protection. Whether such protection is necessary to sustain investment in AI development is a contested empirical question. On the other hand, denying protection altogether and placing AI outputs in the public domain would make AI generated content freely available for commercial exploitation by all, potentially increasing competition and reducing the risk of market monopolisation by large technology firms.

For human creators, the competitive implications of AI are profound: AI can generate content at a speed and cost that no individual human creator can match, and granting

AI outputs equal copyright status to human authored works risks undermining the market position of human artists, writers, and composers. A balanced framework, one that conditions protection on meaningful human creative contribution, imposes shorter protection terms, and includes mandatory disclosure obligations, would serve to reconcile these competing considerations while preserving the core incentive rationale of copyright law.

D. Recent Developments in India

While Indian courts have not yet made a final decision on AI and copyright ownership, India's most directly relevant authorship episode arose from Ankit Sahni's AI-assisted artwork *SURYAST*, generated through the RAGHAV Artificial Intelligence Painting App. The Indian Copyright Office reportedly granted registration in 2020/2021 listing both Sahni and RAGHAV as co-authors, before issuing a withdrawal notice in November 2021 questioning the legal status of RAGHAV under Sections 2(d)(iii) and 2(d)(vi) of the Copyright Act, 1957.

This episode is significant because it directly tests whether the phrase 'the person who causes the work to be created' under Section 2(d)(vi) can accommodate AI-assisted or AI-generated authorship, or whether authorship must remain confined to a natural or juristic person. The comparative trajectory of the same work is equally instructive: the U.S. Copyright Office Review Board refused registration for *SURYAST* on 11 December 2023 for lack of sufficient human authorship, whereas the Canadian Intellectual Property Office issued Registration No. 1188619 on 1 December 2021 listing Sahni and RAGHAV as co-authors, although that Canadian registration has since been challenged before the Federal Court. The unresolved Indian withdrawal therefore demonstrates the practical uncertainty surrounding Section 2(d)(vi) and strongly supports the need for legislative clarification before India adopts any broader framework for AI-generated works.

In 2024, ANI Media Private Limited filed a copyright infringement suit before the Delhi High Court against OpenAI, alleging that OpenAI had used ANI's copyrighted news content to train its large language models without authorisation and had also generated outputs falsely attributed to ANI. The case thereafter moved substantially beyond the initial admission and framing stage: the Court heard extensive

submissions from ANI, OpenAI, amici curiae, and multiple intervenors representing affected sectors of the information and creative industries. Orders on the interim injunction application were reserved on 27 March 2026.

Subsequently, on 24 July 2026, Justice Amit Bansal refused ANI's interim injunction application, holding at the prima facie stage that ANI had failed to establish actionable infringement and that OpenAI's storage and use of publicly available ANI material for model training was protected under the fair-dealing exception for research under Section 52(1)(a) of the Copyright Act, 1957. The substantive suit remains significant because the final adjudication may still shape Indian law on AI training, copyright infringement, jurisdiction, and attribution-based harm. As of 4 August 2026, the case therefore stands not merely as a newly admitted proceeding, but as India's first major judicial ruling on the interim copyright implications of training large language models on news content.

Around the same time, the Department for Promotion of Industry and Internal Trade (DPIIT) released a Working Paper on Generative AI and Copyright (Part I) in December 2025 (a committee-level consultation document, and not a binding legal instrument), which set out the view that AI developers should seek authorisation to use copyrighted content for training purposes, rejecting any blanket fair use defence under Section 52 for commercial scale AI training. The Working Paper represents an important policy signal, though its recommendations remain subject to public consultation and have not been enacted into law.

More significantly, an expert committee constituted in April-May 2025 has proposed amendments to the Copyright Act, including a possible new Chapter XII A specifically for AI generated works. These proposals, which are currently in public consultation stage and have not yet been enacted, include distinguishing between AI assisted and AI generated works, establishing authorship attribution similar to the UK's approach, introducing mandatory disclosure norms for training datasets, and creating a statutory licensing scheme where AI companies would pay to use copyrighted works for training. Taken together, these developments suggest India is moving toward a balanced framework that protects creators' rights while encouraging innovation, though the precise legislative outcomes remain to be determined.

VI. RECOMMENDATIONS AND THE WAY FORWARD

India requires legislative reform to establish a coherent legal framework governing the authorship and ownership of AI generated works. At a minimum, Section 2(d)(vi) of the Copyright Act, 1957 requires amendment to address modern autonomous AI systems, which bear little resemblance to the computer-assisted tools that the provision was originally designed to regulate.

A principled basis for reform is the adoption of a human involvement test, under which the degree of human creative contribution to a work would determine its eligibility for copyright protection. Where substantial human intellectual effort is demonstrated through the selection, arrangement, and creative direction of AI generated outputs, protection would be available for those human-authored elements. Where a work is generated entirely autonomously by an AI system without meaningful human creative input, it would appropriately be treated as falling within the public domain.

This approach finds doctrinal support in the US Copyright Office's March 2023 Guidance on AI-Assisted Works, which adopts a similar selectivity principle, and is consistent with the reasoning of the Beijing Internet Court in *Li Yunkai v. Liu Yuanchun* (2023). The UK Intellectual Property Office's 2022 consultation on AI and intellectual property further illustrates how such a test might be operationalised in a common law jurisdiction analogous to India's own legal tradition.

Where protection is extended to AI generated works, whether on the basis of human involvement or pursuant to a sui generis regime, the duration of protection should be significantly shorter than the standard term applicable to works of human authorship. A term of ten to twenty years, rather than the life of the author plus sixty years prescribed under Section 22 of the Copyright Act, 1957, would more appropriately reflect the different nature and circumstances of AI generated works, and would limit the period during which access to such works is restricted. Mandatory disclosure of AI use should also be required, both to enable the enforcement of any protection regime and to preserve the integrity of the distinction between human-authored and AI generated content.

Given that AI generated works are inherently transboundary, unilateral domestic reform is insufficient. India should actively engage with the international standard-setting process, particularly through the World Intellectual Property Organization (WIPO). WIPO's Standing Committee on Copyright and Related Rights (SCCR) has been actively examining AI and copyright issues, and WIPO published a Policy Brief on Artificial Intelligence and Copyright in October 2023 that directly addresses the authorship and protection questions raised in this paper. India's participation in these discussions, and its advocacy for a balanced international framework that accommodates both the interests of AI developers and the rights of human creators, will be essential to ensuring that any domestic reforms are internationally compatible and durable. Whatever framework is ultimately adopted must remain consistent with copyright law's foundational purpose: incentivising human creativity while ensuring broad public access to creative works.

VII. PRACTICAL IMPLEMENTATION CHALLENGES

Beyond theoretical debates, implementing any legal framework for AI generated works faces significant practical difficulties spanning technical, evidentiary, and administrative domains.

A. Detection and Verification Problems

Distinguishing AI generated content from human created work grows increasingly difficult as technology advances. Current detection tools analyzing sentence patterns and stylistic consistency produce unreliable results, especially when humans edit AI outputs. This creates serious enforcement challenges. If protection requires human creative contribution, how do courts verify involvement levels?

Copyright offices need reliable assessment methods, yet without effective detection mechanisms, bad actors can fraudulently claim human authorship while legitimate creators struggle proving their contributions.

Establishing authorship requires documentation most creators do not maintain. Proving substantial human contribution demands saving all AI prompts, maintaining selection records, preserving intermediate versions, and demonstrating creative choices throughout the process.

These documentation burdens fall heaviest on individual creators and small businesses lacking resources for comprehensive logging. Large corporations can implement automatic tracking systems, creating an uneven playing field. Moreover, excessive documentation requirements might discourage creative activity itself.

B. International Jurisdictional Conflicts

AI generated works present unique cross border challenges. An AI system developed in one country, trained on datasets from multiple jurisdictions, operated by a company elsewhere, accessed by users worldwide, creates complex questions about applicable law.

If India grants copyright protection while the United States denies it, commercial use across both countries becomes legally uncertain. International treaties, most notably the Berne Convention for the Protection of Literary and Artistic Works (1886), were designed for human created works and inadequately address AI generated content. Article 2 of the Berne Convention defines protectable "literary and artistic works" with reference to human creative expression, and Article 5 establishes national treatment on that basis; neither provision contemplates the possibility of non-human authorship. Harmonising approaches across jurisdictions requires extensive diplomatic negotiations and potential treaty modifications that are likely to take many years to achieve.

C. The Training Data Controversy

The most ethically complicated issue concerns training data. AI systems learn from vast collections of copyrighted books, art, and music. The original creators were never compensated and, in most cases, never gave permission. The scale of this controversy is better illustrated by ongoing litigation such as the Authors Guild and related author actions in the United States, which continue to challenge the unauthorised use of copyrighted books and other works in AI training datasets. By contrast, the UK proceedings in *Getty Images v. Stability AI* no longer support a simple claim that AI training practices have been judicially treated as systematic copyright infringement.

In its judgment dated 4 November 2025, the High Court of England and Wales recorded that Getty had abandoned its primary copyright infringement and database-

right claims at trial, largely because of difficulties proving that the relevant training activity occurred in the United Kingdom. The Court dismissed the remaining secondary copyright infringement claim and found only limited trademark infringement arising from the appearance of Getty-style watermarks in certain AI-generated outputs.

The judgment therefore leaves the core question whether training generative AI systems on copyrighted works infringes copyright largely unresolved, rather than deciding that such training is unlawful. The question of whether it is legally permissible to train AI on copyrighted material without authorisation or payment is central to the debate: as a matter of principle, it is difficult to justify granting copyright protection to AI outputs if the underlying training process is itself legally suspect.

Authors and artists argue that such practices infringe copyright, while AI companies contend that the use of copyrighted material for training is transformative and legally permissible. Courts have not yet fully resolved this question, and its eventual determination will have significant implications for both AI development and the copyright eligibility of AI-generated outputs.

VIII. CONCLUSION

AI generated works challenge basic copyright principles that assume creative works come from humans. India's current law does not adequately handle these challenges. Even Section 2(d)(vi) of the Copyright Act, 1957 is too ambiguous for modern autonomous AI systems. Different countries take different approaches: the United States strictly requires human authorship, a position unanimously affirmed by the D.C. Circuit in *Thaler v. Perlmutter*, No. 23-5233 (D.C. Cir. 2025), while the United Kingdom provides a more flexible statutory framework under Section 9(3) of the CDPA 1988, and China has begun to recognise user-centric protection where sufficient human creative involvement is demonstrated.

Recent developments in India demonstrate active movement in this direction. The ongoing *ANI Media Pvt. Ltd. v. OpenAI Inc. & Anr.*, CS(COMM) 1028/2024 (Delhi High Court) case and the DPIIT Working Paper on Generative AI and Copyright (Part I, December 2025), the most current data points in Indian regulatory developments,

show that India is addressing training data ethics and AI authorship seriously. The expert committee's proposals for a new chapter in the Copyright Act, with distinctions between AI assisted and AI generated works, mandatory disclosure requirements, and a statutory licensing scheme, represent concrete steps toward a balanced framework, though these remain proposals under public consultation and have not yet been enacted.

The main problem is balancing copyright's focus on human creativity with the business interests in AI development. We cannot simply deny all protection or automatically give AI works the same copyright as human works. A balanced solution needs clear laws, possibly including tests for how much humans were involved, shorter protection periods, requirements to disclose AI use, or special legal protections designed specifically for AI works.

As AI technology improves, copyright law must adapt carefully. We need well designed legal rules that balance encouraging innovation, protecting business interests, supporting human creators, and ensuring public access. India must take action quickly to create legal certainty while keeping copyright's main purpose, encouraging human creativity. The challenge is making laws flexible enough for technology changes but strong enough to serve everyone's interests.

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