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WHO OWNS THE MIND OF THE MACHINE? LEGAL CHALLENGES OF AI GENERATED CONTENT IN INDIAN COPYRIGHT LAW

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Abstract

The rise of artificial intelligence (AI) has significantly altered the creative and intellectual landscape, challenging the traditional framework of copyright law. AI-generated works, ranging from text to music and visual art, blur the lines between human authorship and autonomous creation. This article examines the legal uncertainty surrounding copyright ownership of AI-generated works, with a specific focus on the Indian legal system. It explores the concept of authorship under *The Copyright Act, 1957*¹, evaluates relevant international developments, and analyzes landmark judicial interpretations. The article highlights current challenges in the Indian context, including the absence of legislative clarity, regulatory gaps, and the unregulated use of copyrighted data in AI model training. Drawing from global practices and policy discourse, the article proposes legislative and policy recommendations to address these challenges and advocates for an inclusive and adaptive legal framework that accommodates technological advancement while safeguarding creators' rights.

Key words: AI, Copyright, authorship, Indian Law, machine creativity, IP policy.

Introduction

In recent times, Artificial Intelligence (AI) has evolved from a theoretical conception into a transformative force reshaping every hand of mortal exertion — including the creative arts. Today, AI systems can compose orchestras, induce digital paintings, poetry, script entire novels, and indeed produce films — each with minimum to no mortal intervention. Tools like Open AI's GPT, DALL · E, and Google's DeepMind have made it possible for machines to produce original content that rivals or indeed surpasses mortal creativity in some cases. As this technological revolution accelerates, it poses unknown challenges to our legal fabrics,

¹ The Copyright Act 1957, No. 14 Acts of Parliament, 1957(India). (*References to Indian Copyright Law*)

especially in the sphere of Intellectual Property Right (IPR). One of the most batted questions at this crossroad of technology and law is deceptively simple Who owns the brand in a work created by AI? Traditional brand law, predicated in the notion of mortal creativity and moral rights, assumes that an author is a mortal being. But when a machine autonomously generates a work — without any direct mortal authorship this supposition no longer holds. This has touched off a complex debate among legal scholars, policymakers, technologists, and artists Should machines be granted legal authorship? Should the rights belong to the inventor, the stoner who input the prompt, or should AI- generated workshop fall into the public sphere? This question isn't simply theoretical. It carries deep legal, profitable, ethical, and social consequences. However, companies and generators may lose the incitement to develop innovative technologies, If AI- generated workshop are left vulnerable. On the other hand, extending brand protection without clarity may lead to unjust enrichment or monopolization by large tech pots. likewise, AI- generated content challenges the conception of originality, a foundation of brand protection, as machines don't retain knowledge, emotion, or intention — the attributes historically associated with cultural creation. In the Indian environment, the Copyright Act, 1957 doesn't explicitly address this arising issue, leaving a legislative vacuum that needs critical attention. With India's growing digital frugality and adding integration of AI into media, education, and artistic sectors, resolving this nebulosity is critical for icing legal certainty and securing the interests of both mortal generators and technological originators. This composition explores the legal complications of brand power in AI- generated workshop, examines global legal approaches, discusses the socio-legal counteraccusations of granting or denying brand to AI creations, and proposes a path forward for Indian brand law to acclimatize to this arising reality.

Understanding Copyright and Authorship

Copyright is a statutory right that grants protection to the generators of original workshop across colorful fields of expression, including literature, music, art, drama, cinematography, and software. In India, the Copyright Act, 1957 governs the frame for determining the power, duration, and compass of similar protection. The Act is presumed on the supposition that the author or creator is a natural person — a mortal being able of intellectual, emotional, and creative donation. The term " authorship" occupies a foundational position in copyright law. Section 2(d) of the Copyright Act 1957, defines the word "author" based on the type of creative work such as literary, musical or artistic. For erudite and dramatic workshop, the author is the person who creates the work. For cultural workshop, it's the artist or painter. In the case of

photos, the shooter is considered the author, while for cinematographic films and sound recordings, the patron is supposed to be the author. This bracket illustrates the law's intent to attribute authorship to identifiable mortal agents responsible for the creative process or for easing the specialized aspects of product. A fundamental requirement for protecting a brand is ensuring the originality of its work, thereby safeguarding its unique identity and intellectual property. Indian justice has developed its own understanding of originality, specially articulated by the Supreme Court in *Eastern Book Company v. D.B. Modak (2008)*². The Court held that for a work to be considered original, it must be the product of a minimum degree of creativity, skill, and judgment, rather than bare labor or mechanical compendium. This standard aligns with transnational morals and ensures that the creator's intellectual input is honored and awarded. The notion of authorship under the Indian brand governance is privately tied to mortal creativity, and originality is interpreted as an outgrowth of intellectual labor. As similar, legal recognition is given only to workshop where a mortal mind exercises control and discretion over the creative affair. This frame doesn't presently accommodate scripts, creative workshop by non-human agents, similar as artificial intelligence systems operating autonomously or partially independent. Unlike in certain authorities similar as the United Kingdom, where legal provision Section 9 (3) of the *Copyright, Designs and Patents Act, 1988*³ recognize the order of computer-generated workshop and assign authorship to the person who made the necessary arrangements for their creation, Indian law lacks a resemblant construct. There's no description or provision dealing specifically with AI- generated content or machine- created workshop, leaving similar creations in a state of legal query. This legal void creates significant counteraccusations for both generators and druggies of AI tools. When the affair of an AI system exhibits all the features traditionally associated with creativity — similar as oneness, aesthetic value, and emotional appeal but lacks a mortal originator, it doesn't fit comfortably within being legal delineations. Accordingly, questions of power, control, marketable exploitation, and liability remain undetermined. In practice, this nebulosity could affect colorful stakeholders. inventors of AI systems, druggies who induce workshop using these systems, and third parties interacting with similar content all operate under unclear legal hypotheticals. This query hinders the development of a harmonious intellectual property governance able of supporting invention while guarding genuine creative benefactions. The absence of legal recognition for AI- generated workshop may also have broader policy counter accusations. Without acceptable protection or a clear criterion model, the incitement to invest

² (2008) 1 SCC 1 (India)

³ Copyright, Designs, Patent Act 1988 (UK)

in AI- grounded creative technologies could be weakened. At the same time, overreaching brand protection to machine labors without proper checks could lead to monopolization by important tech realities, potentially stifling access, competition, and artistic diversity. therefore, understanding and re-evaluating the legal meaning of authorship in the environment of AI is a critical step in addressing the arising challenges in the intellectual property sphere. The being frame embedded in a mortal centric view of creation must evolve to respond to the technological realities of the present period.

Global Legal Perspective: A Comparative Summary

The global response to the challenge of copyright in AI-generated works varies significantly across jurisdictions, with each country taking a different legal or policy stance. In contrast, India's copyright regime continues to operate under a traditional framework that does not yet address the complexities introduced by artificial intelligence.

In the United Kingdom, the law provides a unique statutory mechanism to deal with AI-generated works. Section 9(3) of the Copyright, Designs and Patents Act, 1988, assigns authorship of computer-generated works to the person who made the necessary arrangements for their creation. This legal fiction ensures that such works are not left unprotected, even though AI is not treated as a legal author. India, by contrast, has no such provision, and the Copyright Act, 1957, remains silent on works generated by non-human agents.

The United States takes a more rigid approach. The courts have consistently ruled that copyright protection is reserved for works created by human authors excluding non human creators. Works generated independently by AI systems are excluded from protection. This mirrors the Indian position, where originality and authorship are tied to human intellectual effort. However, unlike the U.S., India lacks formal clarification from either its legislature or copyright authorities on how to handle AI-generated content.

In the European Union, while there is no specific legislation addressing AI-generated works, the European Parliament has expressed a clear view that AI should not be considered an author and such works should not receive copyright protection unless a human is involved. The European Union is currently exploring new policy and initiatives, particularly in the context of Artificial Intelligence act, to address emerging challenges and opportunities. India, in contrast, has not yet initiated any legislative or policy-level discourse to address AI's impact on

intellectual property rights.

China has adopted a more progressive stance. In a notable 2019 case, a Chinese court recognized copyright protection for an article created by an AI system (Tencent's Dream writer) reasoning that there was sufficient human involvement in the creation process. This indicates a judicial openness to protecting AI-generated works, especially when guided or managed by humans. Indian courts have yet to encounter or address such a case, leaving the status of AI-generated works ambiguous.

In Japan and South Korea, while AI is not recognized as an author, both countries are actively exploring reforms. Policy discussions in these jurisdictions include the possibility of creating new rights regimes or hybrid models to accommodate AI-assisted creations. India currently lags behind in this regard, with no formal study, consultation, or policy draft underway on AI and copyright law.

In summary, while many countries are moving toward adapting their legal systems—either by statutory amendment (UK), judicial recognition (China), or policy reform (Japan, EU)—India remains in a legal vacuum. The Indian copyright law, rooted in human authorship and originality, does not yet accommodate the emerging reality of machine-created works. As AI continues to evolve and permeate creative fields, this gap in the Indian legal framework presents a growing challenge that urgently calls for legislative and policy intervention.

Challenges Specific to the Indian Legal and Technological Landscape

India's copyright framework faces challenges in accommodating AI-generated content, requiring updates to address the complexities of emerging technologies. The absence of legal recognition, policy direction, and judicial precedent severely limits the enforceability and reliability of rights in AI-created works. If left unaddressed, these challenges threaten to undermine innovation, discourage investment in creative AI applications, and leave Indian creators at a disadvantage in the global intellectual property landscape.

India is experiencing a significant rise in the adoption of artificial intelligence (AI) across creative sectors, yet its legal infrastructure remains ill-equipped to handle the implications of AI-generated works. The Copyright Act of 1957, last substantively amended in 2012, does not address modern technological developments like AI, machine learning, or autonomous

systems. It continues to define authorship in strictly human terms, leaving no legal recognition for works created independently by AI. This creates a legal vacuum where AI-generated content lacks clarity on protection, authorship, or ownership.

Compounding this issue is the complete absence of formal policy or government guidelines regarding AI and intellectual property. Despite the widespread use of generative AI tools such as ChatGPT, Midjourney, and Indian equivalents, there has been no legislative consultation or regulatory direction. This policy silence has led to uncertainty among content creators, developers, and businesses that increasingly depend on AI for innovation. In academia, media, advertising, and education, AI tools are already being deployed for generating written, visual, and audio content. However, without clear legal recognition, these outputs remain vulnerable to misappropriation and cannot be confidently licensed or commercialized.

A particularly pressing issue arises in the Indian film and music industries, where AI is now used to generate voice tracks, background scores, and even scripts. In the absence of legal clarity, stakeholders have no reliable way to attribute, license, or enforce rights in AI-generated components. Simultaneously, the use of copyrighted Indian content—films, books, songs—for training AI models has become widespread, often without permission. This raises serious questions about infringement, yet Indian copyright law offers no clarity on whether such training activities constitute fair use, permissible derivative work, or infringement, leaving creators without recourse.

Another layer of complexity comes from collaborative human-AI projects, which are common in publishing, content marketing, and design. When AI is used as a tool to assist or co-create with human input, the law provides no framework for attributing ownership or authorship proportionally. This creates legal confusion in drafting contracts, distributing royalties, and asserting exclusive rights. Furthermore, Indian courts have yet to hear or decide any case involving authorship or copyright in AI-generated content. This lack of judicial precedent means that even when disputes arise, courts are without interpretive guidance, perpetuating the uncertainty.

Perhaps most concerning is the widespread lack of awareness about intellectual property rights as they pertain to AI-generated content. Many creators, startups, and legal professionals remain unaware of the implications of using AI tools for creative purposes. In the absence of public

education and legal literacy, there is a heightened risk of both accidental infringement and exploitation of original works.

Strategic suggestion for India

To address the growing complexities surrounding AI-generated content, India must take decisive steps to reform its legal and policy framework. The first and most critical recommendation is to amend the Copyright Act, 1957, to explicitly recognize AI-generated works. The current law, being outdated and human-centric, fails to accommodate the evolving realities of machine-generated creativity. A clear statutory provision is required that defines ownership in cases where AI plays a dominant role, similar to provisions found in jurisdictions like the United Kingdom, where authorship of computer-generated works is attributed to the person making necessary arrangements.

Further, India should redefine core copyright concepts such as "author" and "originality" in the context of AI. A nuanced approach is needed to distinguish between works that are fully AI-generated with little to no human involvement and those that are AI-assisted but directed by a human creator. This clarity will help establish rightful ownership in collaborative projects and protect creators' interests in an AI-augmented environment.

For scenarios where AI systems generate content autonomously, India may consider creating a sui generis category of protection. Such a right, tailored specifically to AI-generated works, could provide limited but adequate recognition without conferring full copyright benefits reserved for human creativity. This would strike a balance between incentivizing technological innovation and maintaining the integrity of the copyright system.

In parallel, the government should frame a comprehensive national policy on artificial intelligence and intellectual property. This policy should include detailed guidelines for various sectors, such as publishing, software, media, education, and the arts, offering clear direction on how AI-generated works should be treated under copyright law. The policy could also establish procedural mechanisms for ownership attribution, licensing norms, and dispute resolution frameworks.

Equally important is the regulation of AI model training on copyrighted data. Many generative AI models rely on datasets scraped from the internet, often containing protected Indian content

without consent. India must address this by introducing clear provisions that either mandate licensing for such training or define permissible limits under a revised fair use doctrine. Providing rights holders with the ability to opt in or out of dataset inclusion would offer transparency and safeguard original creators.

Judicial engagement is also essential. Indian courts must begin adjudicating AI-related copyright disputes to build a body of case law and judicial interpretation. This will help clarify how existing legal principles apply to new technological realities. Training and sensitization of judges and legal professionals on AI and intellectual property matters will further support the development of coherent jurisprudence.

To complement legal reforms, India must prioritize awareness-building and capacity development. Most creators, startups, and even legal practitioners remain unaware of the rights and risks associated with AI-generated content. Government agencies, law schools, and bar councils should collaborate on campaigns, workshops, and educational materials to bridge this knowledge gap and prepare the legal community for future challenges.

Finally, India must actively participate in international discussions on AI and IP law. As AI-generated content transcends borders, harmonizing India's approach with global norms will facilitate cross-border enforcement, licensing, and innovation. Active engagement with institutions such as the World Intellectual Property Organization (WIPO) and regional trade agreements will ensure India remains a relevant player in the evolving global intellectual property landscape.

Conclusion

The advent of artificial intelligence has ushered in a paradigm shift in how creative works are conceived, produced, and disseminated. As AI technologies increasingly mimic, assist, or even replace human creativity, they challenge the foundational principles of copyright law—particularly the notions of authorship, originality, and ownership. In India, this disruption is particularly stark, as the existing legal framework under the Copyright Act, 1957 remains silent on AI-generated content, thereby exposing a significant regulatory void. While jurisdictions across the globe are beginning to explore legislative reforms and judicial interpretations to address the complexities posed by AI, India has yet to initiate a structured response. The challenges are manifold: from the absence of legal recognition for AI-generated works and lack

of attribution norms, to the unregulated use of copyrighted materials in AI training datasets and the uncertainty surrounding collaborative human-AI authorship. These issues not only affect the rights of individual creators but also have broader implications for innovation, commercialization, and international competitiveness.

To respond effectively, India must adopt a proactive, forward-looking approach. Legislative amendments, sector-specific policy guidelines, judicial engagement, and public awareness are all essential to build a resilient copyright regime that balances human creativity with machine-assisted innovation. Acknowledging AI as a creative tool rather than a legal anomaly is the first step toward crafting an inclusive and adaptive intellectual property framework.

Ultimately, the goal should not be to resist technological evolution, but to regulate and channel it in a manner that preserves the rights of human creators, fosters responsible innovation, and ensures legal clarity in a rapidly changing creative landscape. As AI continues to redefine the boundaries of authorship, India's legal system must evolve to keep pace with this transformative shift.

