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TRENCHES OF AI: THE OWNERSHIP QUESTION

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ABSTRACT

Artificial Intelligence (AI) has made both simple and complex tasks easier, as well as more creative. Generative AI, a subset of AI, is capable of creating content in the form of advanced texts, images, audios & videos that rival human works. This can be done with minimal human supervision. AI can now create paintings and digital illustrations, and it can even write essays, novels, and compose song lyrics on its own. A Robust Artificially Intelligent Graphics and Art Visualizer (RAGHAV) was recognized as a co-author of a painting. Still, on the other hand, AI-generated illustrations in Zarya of the Dawn were denied copyright protection. Traditional copyright law does not include all of these issues within its ambit. Evolving technologies have always challenged the notions of ownership and authorship in the intellectual property domain. In the case of artificial intelligence, the primary legal question is who can claim authorship over the creations of AI—the developer or the user who provided the prompt? This paper examines the question of ownership in relation to outputs generated by AI tools. The study adopts a doctrinal and comparative research methodology. It examines approaches from various jurisdictions, including the United States, the United Kingdom, China, and India, highlighting varied ways of assigning ownership or copyright to such content. For instance, the US mandates the requirement of human involvement for copyright to be granted. China also follows a similar approach. Meanwhile, computer-generated work is protected in the UK even when there is no human author. On the contrary, India's legal framework lacks explicit provisions for works created by an AI tool. This study evaluates the extent to which AI-created works can be protected by analyzing different perspectives and suggests approaches to balance innovation with legal recognition.

Key Words: AI-generated content, Intellectual Property Rights, Authorship & Ownership, Copyright law, Legal Protection

INTRODUCTION

The term artificial intelligence (AI) was first used by John McCarthy at the 1956 Dartmouth Summer Research Project.¹ It was derived from fundamental concepts such as Alan Turing's 1950 work, "Computing Machinery and Intelligence²," and the introduction of digital computers. These early innovations, which had their roots in operations research and intricate decision-making, prepared the way for AI's dynamic development, which has been characterized by cycles of promise, innovations, and difficulties.

s. Projected venture capital (VC) investment in AI increased from 5% of all VC investment in 2012 to 20% of all VC investment in 2020, according to the Organization for Economic Co-operation and Development (OECD) (Tricot 2021; Berg et al. 2023). Revenue and venture capital investment, however, have not yet coincided. The most revolutionary of AI's developments is generative AI (GenAI), Generative Adversarial Networks (GANs) and neural networks to produce new text, images, audio, and other types of content³. With applications in healthcare, education, geoscience, and cybersecurity, GenAI research has grown rapidly in the last 10 years.

However, the emergence of GenAI brings with it significant difficulties that go beyond technological advancement, especially when it comes to ownership and intellectual property rights. GenAI is sometimes portrayed in higher education as a danger to the "originality" of student work which raises concerns about autonomous intellectual contribution at a time when knowledge production is mediated by technology. The ownership of AI-generated content is a crucial legal uncertainty at the core of these problems. Because AI-generated works are difficult for traditional copyright frameworks, which are based on the premise of human creativity, to handle authorship, infringement, and whether developers, consumers, training data providers, or even AI systems themselves have rights, remains unclear. The situation is further complicated by differences in legal approaches between countries such as the US, the UK, and China. Suggestions like the commissioned works model aim to strike a compromise between the rights of AI technology owners and users.

¹ Dartmouth College, Artificial Intelligence Coined at Dartmouth, (1956), <https://home.dartmouth.edu/about/artificial-intelligence-ai-coined-dartmouth>

² Turing, A. M., Computing Machinery and Intelligence, 59 MIND 433 (1950)

³ Jiahui Jess Luo, A critical review of GenAI policies in higher education assessment: a call to reconsider the "originality" of students' work, 49 ASSESSMENT & EVALUATION IN HIGHER EDUCATION 651 (2024).

The intellectual property laws in India provide this discussion in a vague manner. The authorship of AI-generated work is still unclear under Indian Copyright Law, however courts have generally acknowledged the user who prompts or offers creative input as the possible owner as long as the work satisfies originality requirements.⁴

Who is the rightful owner of artificial intelligence's creations- the person who created the system or the person who gave the prompt? The ownership of AI tool outputs is examined in this work. Because it has an immediate impact on the ethical, legal, and economic frameworks governing AI-generated content, determining ownership is crucial. In Gen-AI transformed sectors, creativity, commercialization, and accountability are influenced by clear ownership, which establishes the rights to use, share, and profit from AI inventions. Arguments over infringement, compensation, and creative control could impede technological progress and exacerbate stakeholder imbalances in the absence of clear ownership.⁵ Furthermore, addressing this issue is essential to addressing more significant social issues, like the moral ramifications of AI-generated art and its capacity to alter notions of reality and creativity. By examining the interactions between legal frameworks, this study aims to clarify the challenges of copyrightability of AI works and offer solutions that strike a balance between maximizing the potential of GenAI and minimizing its risks.

RESEARCH METHODOLOGY

This study is both a doctrinal and comparative legal research. It focuses on the legal protection and ownership of AI-created works in various jurisdictions. The methodology combines qualitative analysis of the law, case law, and scholarly perspectives to answer the research question: who has the ownership of AI-generated data, and to what degree can AI-generated data be legally defended? There are four stages of the approach. To begin with, the article thoroughly examines copyright regulations and principles concerning AI-generated work. Some famous cases are the subject of the study. Secondly, the paper analyzes the copyright systems of the countries listed above to identify variations in attribution to ownership and authorship. Third, the theoretical perspectives are investigated by analyzing the scholarly literature and professional opinions. Finally, the paper utilises the doctrinal and comparative

⁴ Cherie M. Poland, *Generative AI and US Intellectual Property Law*, arXiv [Preprint] (2023).

⁵ *AI as a Valuable Instrument in Trademark Enforcement in India*, *International Journal of Law, Management & Humanities* (PDF, 4 months ago), <https://ijlmh.com/wp-content/uploads/AI-as-a-Valuable-Instrument-in-Trademark-Enforcement-in-India.pdf>.

data to give recommendations to strike the right balance between innovation and legal recognition. It also provides guidelines to reconcile the approaches between jurisdictions, mitigate the shortcomings of the legal system in India, and propose standards of authorship.

ANALYSIS

USA

There is no comprehensive federal law governing artificial intelligence (AI) in the United States. Rather, a decentralized, industry-specific strategy including executive orders, agency recommendations, voluntary industry pledges, and state-level legislation is the foundation of AI governance. This paradigm has drawn criticism for its fragmentation and possible accountability weaknesses, even if it prioritizes innovation while addressing risks including safety, bias and security. “Original works of authorship fixed in any tangible medium of expression” are protected by copyright under the US Copyright Act of 1976 (Section 102)⁶. Human authorship, which means then work must come from a human creator with adequate inventiveness, is a fundamental prerequisite. Because AI lacks the human agency required for authorship, the US Copyright Office has consistently maintained that works created entirely by AI without a significant human contribution are not copyrightable.⁷ Although there isn’t any specific federal statute that addresses GenAI directly, there have been several significant instances that have clarified the US position on the topic, particularly in relation to copyright.

Zarya of the Dawn Case

Kristina Kashtanova authored the 18-page comic book “Zarya of the Dawn.” Kashtanova applied for and first received copyright registration by the United States Copyright Office in September 2022, listing herself as the only author and not disclosing the usage of artificial intelligence.⁸ The work blends Kashtanova’s texts with visual pictures created using the AI program Midjourney, which generates graphics based on literary prompts. The office informed Kashtanova on October, 2022, that unless further documentation was submitted to support copyright protection, the registration will be cancelled. Kashtanova argued that she was the

⁶ Copyright Act of 1976, 17 U.S.C. (1976).

⁷ BitLaw, Copyright Protection for AI-Generated Works, (retrieved September 5, 2025), BitLaw (The US Copyright Office and courts ruled that works created without human authorship are ineligible for copyright protection), <https://www.bitlaw.com/ai/AI-copyright.html>.

⁸ Erica Van Loon, U.S. Copyright Office Limits Registration for AI-Created Zarya of the Dawn Graphic Novel (March 9, 2023), Nixon Peabody LLP Insights, <https://www.nixonpeabody.com/insights/alerts/2023/03/09/us-copyright-office-limits-registration-for-ai-created-zarya-of-the-dawn-graphic-novel>.

author and that Midjourney was only an assisting tool, much like Adobe Photoshop. In order to accomplish her goal, she explained an iterative approach that involved creating intricate prompts, regenerating images hundreds of times, and making little adjustments (such as changing face features). Alternatively, she asserted that her unique element selection, organization, and arrangement made the work eligible as a copyrightable compilation. The initial registration was partially cancelled and a new, limited one was issued once the Copyright Office made its final decision. The AI-generated images themselves were specifically excluded from the new registration, which only covered the human-authored content and the compilation as a whole (the layout and selection of text and images). Since Kashtanova's small post-generation adjustments (such as modifying facial characteristics in Photoshop) did not substantially change the main expression of the AI-generated photographs, they were similarly judged insufficient to grant human authorship. However, because they reflected Kashtanova's creative input, the Office granted copyright protection for the human-authored material as well as the collection as a whole (the selection, coordination, and arrangement of text and images). The fact that only human contributions satisfy the authorship barrier was highlighted by this incomplete registration. The ruling upholds the Copyright Office's stance that, due to their non-human nature, AI systems like as Midjourney are not permitted to be writers under U.S. law. This is consistent with the Copyright Act's more human-centric design and other rulings such as *Thaler v. Perlmutter* (2023-2025), which also rejected copyright claims for works produced by artificial intelligence. It suggests that completely AI-generated works that are not subject to human creative control are in the public domain, which could lessen the motivation to produce only AI-driven content. This ruling contrasts with the lack of protections for AI-generated works in nations like China, and it also places the United States in line with nations like the EU and Japan that also demand human authorship. It may have an impact on international harmonization efforts as it supports a global trend that denies AI legal personhood in copyright.

The U.S. Copyright Office's human-centric approach to AI in copyright law is demonstrated by the *Zarya of the Dawn* and *The New York Times v. OpenAI and Microsoft* cases, which reject AI authorship and give human creators' rights precedence. Because the Copyright Act exclusively protects human-authored text and compilations, the Office decided in *Zarya* (2023) that Midjourney's AI-generated photographs were not copyrightable because they lacked the human authorship necessary, putting only AI-generated works in the public domain. The Office noted in its May 2025 report that such reproduction may infringe unless covered by fair use or licensing, and outputs resembling protected material could violate derivative rights,

endangering human authorship. Similarly, *NYT v. OpenAI* (Ongoing) highlights concerns regarding the unauthorized use of copyrighted works for AI training. This opposes AI legal personality in copyright, placing the US in line with nations like the EU and Japan. Given that future court decisions may redefine fair use to need licenses for training data, further solidifying safeguards for human writers, the *NYT* case raises the possibility that future legislation may favor licensing schemes, such as extended collective licensing, to strike a compromise between AI innovation and the rights of human creators.

CHINA

China's legal system is influenced more by utilitarianism than natural law. The protection of an AI-generated work is determined by whether it serves the public interest and stimulates innovation. A number of Chinese Court decisions supported this viewpoint. First, the Beijing High People's Court issued the "Guideline for the Trial of Copyright Infringement Cases" in April 2018.⁹ These recommendations clearly defined "creation by natural persons" as a requirement for identifying works subject to copyright law. The court ruled that AI-generated content cannot be considered a work covered by Chinese copyright law. It asserted that creation is an activity involving complicated psychological and practical levels of behavior in which thoughts and emotions are given shape.

Later, in April 2019, the Beijing Internet Court issued its first decision in China on this matter. This case consisted of an analysis of judicial cases in the film industry that was generated automatically using Wolters Kluwer's database.¹⁰ The Court determined that the graphics in the report were not covered by Chinese copyright law since they were created by software. It also determined that the text generated by Wolters Kluwer's software and database was not a literary production. It was automatically produced based on the plaintiff's keywords. As the report does not convey the original expression of the thoughts and feelings of the software developer or user, it will not be considered their creation. Because the program is not an actual person, the report does not qualify as labor under copyright laws.

Since the end of 2019, Chinese courts' attitudes towards this topic have shifted significantly. The Nanshan District Court in Shenzhen ruled that AI-generated content can be considered

⁹ *Id at note 27.*

¹⁰ *Ibid.*

works.¹¹ The court ruled that the AI bot's automatic development of the article should not be considered the entire creative process because it cannot work completely subconsciously. The software needed "data, triggering, writing, intelligent verification, and intelligent distribution". The article resulted from the human creator's particular selection and arrangement. As a result, the generation technique used by "Dreamwriter" met the requirements for the protection of literary works under Chinese copyright law. Furthermore, the court determined that the piece was completed by numerous teams from the plaintiff's organization. As a result, the court determined that the piece was the literary product of a legal person established by Tencent.

The work of a legal person is subject to Chinese copyright legislation. The copyright law's article 11¹² specifies that: "Where a work is created according to the intention and under the supervision and responsibility of a legal entity or another organization, such legal entity or organization shall be the author of the work". That work is analogous to the "works made for hire" doctrine in US copyright law. The Tencent case was selected by the Chinese Supreme Court as one of 50 model intellectual property law cases delivered by Chinese courts. Chinese scholars continue to hold widely differing viewpoints.¹³

UNITED KINGDOM

The system of copyright protection of AI-generated works in the UK constitutes a unique stance in the area of international copyright law. It is based on the provisions of the legislation, which date back to the era before the modern AI era.

The UK computer-generated works protection is based on section 9(3) of the Copyright, Designs and Patents Act 1988. According to this provision, where a work of literary, dramatic, musical, or artistic character is computer-generated, the author shall be deemed to be the person by whom the arrangements necessary to the creation of the work are made. The related Section 178 describes the works created by a computer as computer-generated works, and states that the work is created by a computer in situations where nobody created the work. Copyright protection is 50 years old, calculated since the time of creation, and authorship is transferred

¹¹ *Tencent v Yingxun; Re Dreamwriter* (case number (2019) Yue 0305 Min Chu No. 14010).

¹² Copyright Law of the People's Republic of China (amended Feb. 26, 2010) (China).

¹³ Zhe Dai, Banggui Jin. The copyright protection of AI-generated works under Chinese law. 3rd edition of the INTERNATIONAL CONFERENCE ON FINTECH, CYBERSPACE AND ARTIFICIAL INTELLIGENCE LAW, The Society of Juridical and Administrative Sciences, Mar 2023, Bucharest (on line), Romania. fihal-05048214f.

via legal fiction to the person who orchestrates the production of the given work.

Section 9(3) was introduced with a specific aim as revealed in the historical context of that provision. The clause was introduced after the software and computing industry players lobbied the government, citing that it would not be safe to invest in computer-generated outputs since they would not be copyrighted according to the old 1956 Act.

Nova Productions Ltd v Mazooma Games Ltd

Section 9(3), despite a history of more than thirty years, has been subject to very little judicial interpretation. The best-case law on the provision is *Nova Productions Ltd v Mazooma Games Ltd*¹⁴, in which the High Court decided that images created during gameplay in a computer game were protectable computer-generated works. In its view, the court held that the programmer was the author under Section 9(3) since he had authored the code and worked out the rules that controlled the manner in which the images were generated. Although the images were caused by the player, he was not classified as having made the arrangements needed to create the work.

Section 9(3) in effect protects works that are generated by computers where there is no human author but, in practice, the originality requirement can be difficult to establish under this category.

The UK takes an unusual stance in the international comparisons. The majority of leading countries in AI, the US and most EU countries, among others, do not protect the copyright of a work that has not been created by humans.

INDIA

The copyright regime in India is governed by the Copyright Act, 1957. The copyright law extends maximum protection to literary, dramatic, musical, and artistic works, cinematograph films and sound recordings. These categories include the different shapes of content that the modern artificial intelligence tools can produce. The originality is a necessary condition of copyright protection according to the Act, but its extension to machine-generated works sets unprecedented problems within the current legal framework.

¹⁴ *Nova Productions Ltd v Mazooma Games Ltd* ([2007] EWCA Civ 219).

D.B. Modak and Anr. v Eastern Book Company and Ors.

The ruling of the Supreme Court of India in *D.B. Modak and Anr. v Eastern Book Company and Ors.* (2008)¹⁵ brought a significant change in copyright jurisprudence in the country. This seminal decision overturned the long-standing “sweat of the brow” doctrine, under which a right of copyright was obtained due to mere ability and effort put into the creation of a work. The Court instead articulated the doctrine of “modicum of creativity”, that both works must be independently created and have a minimum level of creativity with some substantive variation to be eligible to receive copyright protection.

The Indian courts have always held the position that legal persons cannot be an author to a copyright work. This has been strengthened in several court cases such as *Rupendra Kashyap v Jivan Publishing House Pvt. Ltd.* (1994)¹⁶ and a few other important judgments. Together these cases define one of the fundamental principles of copyright in India, namely that authorship credit should be limited to natural persons.

The importance of such a judicial position can be explained through the fact that for most cases a AI systems are not perceived as having any legal personality. This position is clearly supported by the Practice and Procedure Manual of the Indian Copyright Office, which states that any information provided as an author during the registration of copyright should only refer to natural persons.

The definition of computer-generated works in the Copyright Act, 1957 (s. 2(d)(vi)) offers a possible approach to treating machine-generated content. As a provision, the author of computer-generated literary, dramatic, musical, or art works is defined as the person who “causes the work to be made”. However, this phrase has some serious practical and legal problems in its interpretation. To the end user who just uses LLM’s such as ChatGPT or Bard on Google, his or her input is not usually deemed as an adequate contribution to qualify as a cause of the work being created.

Although rumored at times, such as a poem that was reportedly registered in India in 2021 under the name AI-dada as the author, a search of the Copyright Office Web site has not located any such registration. Applications and litigation in which artificial intelligence tools are

¹⁵ *Eastern Book Company & Ors. v. D.B. Modak & Anr.*, (2008) 1 SCC 1 (India).

¹⁶ *Rupendra Kashyap v. Jivan Publishing House Pvt. Ltd.*, 1994 (28) DRJ 286 (Del.) (India).

claimed as authors or humans seeking to register copyright to machine-generated works have not yet been encountered by the Indian Copyright Office or the judiciary. Save for one.

Robust Artificially Intelligent Graphics and Art Visualizer (RAGHAV)

The RAGHAV AI Art and Copyright Office Reversal case presents copyright law with some challenges never tested before. In 2020, Ankit Sahni filed two copyright registers of art produced by the RAGHAV AI system. He used it first, but it was initially rejected since he only mentioned RAGHAV as the author. His second submission was successful, registering him and the AI as co-authors, in November 2020.

This case was a step in the right direction in copyright law because the Indian Copyright Office formally recognized an artificial intelligence tool as a co-author of a copyrighted work. The identification meant that the copyright legislation may evolve to accommodate AI-generated innovation. The technology was trained on a picture of Starry Night by Vincent van Gogh and a photograph of Sahni to create the picture.

This realization did not last long, however. The Copyright Office withdrew notice challenging the original registration ruling. The notice cited the Copyright Act in Section 2(d)(iii) and Section 2(d)(vi) and sought an explanation on whether RAGHAV was a copyright author or not. The office noted that copyright law stipulates that authors must be an artist, or a person or entity that triggers the production of creative work, and that non-human authorship therefore could not be considered.

In court, Sahni resisted this withdrawal on grounds that the Copyright Office had no power to overturn its earlier ruling. Such an argument draws serious concerns regarding administrative consistency and finality of copyright registration. Records of the registry indicate that the work has been registered but its legal validity and enforceability await further judicial or administrative directions.

According to legal scholars, there are a number of methods of dealing with these problems in the Indian copyright system. First, direct changes in legislation might provide definitive coverage or exclusion of machine-generated works with specific authorship and ownership models. Creators, technology developers, and users alike would seek the needed legal certainty in such amendments. Alternatively, in case it is considered inappropriate to protect machine-

generated works under full copyright protection, India may create a special protection classification with different standards and a shorter protection term than the traditional works of human creation. Such a strategy would recognize the special character of machine making but still retain suitable innovation incentives.¹⁷

CONCLUSION

The emerging technologies such as generative artificial intelligence (GenAI) threaten the traditional understanding of authorship and ownership in intellectual property law and pose the essential question of who between the developer and the user of AI-generated creative works can own the copyright. This paper, based on a doctrinal and comparative approach, demonstrates that various strategies are used in the United States, the United Kingdom, China, and India, all representing varying tradeoffs between innovation and legal enforcement. The U.S. did so, as was the case in the case of *Zarya of the Dawn* (2023), which denies AI-generated works copyright protections and instead protects human-created works. In contrast, the Copyright, Designs and Patents Act 1988 of the U.K. is the only law to protect computer-generated works and to give the authorship to the individual who organizes the creation, although recent consultations (2024) are contesting its applicability. In China, *Yingxun* (2019) and in India in the case of *RAGHAV* (2020), where copyright is enforced on works produced with the assistance of AI and human intervention, the situation is not clear, and there is uncertainty. Such differences highlight the importance of harmonisation across the world. Innovation and law can be balanced to allow jurisdictions to pursue more flexible models, including tiered copyright as a human-AI collaboration or licensing models with human creativity fostered and AI-oriented innovation encouraged. The most important conclusion of this research is that although nations experiment with various policies, the overall trend in the world reveals three priorities: safeguarding human creativity, offering legal certainty to innovators and industries, and ensuring the creation of an international harmonized system. Policymakers cannot afford to ignore the fact that rigidity models have a tendency to stifle the life out of innovation, yet that blanket protection on AI output products can undermine the performance of human authorship, these conflicting interests have to be resolved by a middle ground. Finally, how legal systems adapt to GenAI will affect not just intellectual property law but cultural, economic, and ethical aspects of creative production in the digital age too.

¹⁷ Nikhil Mishra and Digvijay Singh, *AI-Generated Work and its Implications on Copyright Law in India*, Vol 30 *Journal of Intellectual Property Rights* 35, (2025).

REFERENCES

1. Idan Zur, New Ownership Hierarchy for AI Creations, 64 IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property 563 (2024).
2. Jacob Noti-Victor, Regulating Hidden AI Authorship, 111 VA. L. REV. 139, (2025)
3. Melissa Schneider, "Fake Drake": Vindicating Copyright Ownership in the Advent of Generative AI Music, 98 S. CAL. L. REV. 663, (2025)
4. Zhe Pan, Shutong Wang, Chenglin Zhang, The Research On The Ownership Of Copyright Of AI-generated Content, 39 Highlights in Business, Economics and Management MSIED 2024 362, (2024).
5. Zhe DAI, Banggui JIN, The copyright protection of AI-generated works under Chinese law, Volume 13 JURIDICAL TRIBUNE 242, (2023)
6. Nikhil Mishra and Digvijay Singh, AI-Generated Work and its Implications on Copyright Law in India, Vol 30 Journal of Intellectual Property Rights 35, (2025)
7. Mohd Nasir Alam, Vatsal Chaudhary, Copyright Law in the age of AI: Analyzing The AI-Generated Works and Copyright Challenges in India, Vol 6 International Journal of Research Publication and Reviews 5587, (2025).
8. Vishnu S, Navigating the Grey Area: Copyright Implications of AI Generated Content, 29 JOURNAL OF INTELLECTUAL PROPERTY RIGHTS 103, (2024)
9. Rosa Maria Ballardini, Kan He & Teemu Roos, AI-Generated Content: Authorship and Inventorship in the Age of Artificial Intelligence, (draft article) ONLINE DISTRIBUTION OF CONTENT IN THE EU, (2018)
10. Yiheng Lu, Reforming Copyright Law for AI-Generated Content: Copyright Protection, Authorship and Ownership, TECHNOLOGY AND REGULATION 81, (2025)
11. Binyu Wang, Copyright Protection for AI-Generated Content: A Study Perspective from Chinese Law, PROCEEDINGS OF THE 2ND INTERNATIONAL CONFERENCE ON INTERDISCIPLINARY HUMANITIES AND COMMUNICATION STUDIES, (2023)
12. Noti-Victor, Jacob, Regulating Hidden AI Authorship (March 18, 2025). 111 Virginia Law Review 139 (2025), Cardozo Legal Studies Research Paper No. 2024-29, Available at SSRN: <https://ssrn.com/abstract=4909907> or <http://dx.doi.org/10.2139/ssrn.4909907>
13. Logan Kugler, Who Owns AI's Output?, 68 COMMUNICATIONS OF THE ACM 14, (2024)

14. Emir Çelik, How Ip Struggles to Define AI-Generated Products and the Ownership Dilemma, [Volume] SSRN ELECTRONIC JOURNAL [Starting Page], (2022)
15. Tanya Aplin & Giulia Pasqualetto, Artificial Intelligence and Copyright Protection, [Volume] SSRN ELECTRONIC JOURNAL [Starting Page], (2019)
16. Sam Hedrick, I 'Think', Therefore I Create: Claiming Copyright in the Outputs of Algorithms, [Volume] ERN: INTELLECTUAL PROPERTY (TOPIC) [Starting Page], (2018)
17. Reto M. Hilty, Jörg Hoffmann & Stefan Scheuerer, Intellectual Property Justification for Artificial Intelligence, [Volume] IO: PRODUCTIVITY [Starting Page], (2020)
18. Pratap Devarapalli, Machine Learning to Machine Owning: Redefining the Copyright Ownership from the Perspective of Australian, US, UK and EU Law, [Volume] EUROPEAN INTELLECTUAL PROPERTY REVIEW [Starting Page], (2018)
19. Simon Chesterman, Good Models Borrow, Great Models Steal: Intellectual Property Rights and Generative AI, [Volume] SSRN ELECTRONIC JOURNAL [Starting Page], (2024)
20. Authors Alliance (2025) *The UK's curious case of copyright for AI-generated works: What section 9(3) means today*, Authors Alliance. Available at: <https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-93-means-today/> (Accessed: 04 September 2025).
21. Jiahui Jess Luo, A critical review of GenAI policies in higher education assessment: a call to reconsider the “originality” of students’ work, 49 ASSESSMENT & EVALUATION IN HIGHER EDUCATION 651 (2024)
22. Cherie M. Poland, Generative AI and US Intellectual Property Law, arXiv [Preprint] (2023).
23. Copyright Act of 1976, 17 U.S.C. (1976)
24. Erica Van Loon, U.S. Copyright Office Limits Registration for AI-Created Zarya of the Dawn Graphic Novel (March 9, 2023), Nixon Peabody LLP Insights, <https://www.nixonpeabody.com/insights/alerts/2023/03/09/us-copyright-office-limits-registration-for-ai-created-zarya-of-the-dawn-graphic-novel>
25. European Parliament and the Council of the European Union, Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), Official Journal of the European Union L 1689 (12 July 2024), <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>

26. European Parliament, EU AI Act: first regulation on artificial intelligence (June 2023),
European Parliament Topics,
<https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>

