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THE GARDEN OF SYNTHETIC GENIUS: INTERROGATING THE JURISPRUDENTIAL AND MORAL DILEMMAS OF AI AND COPYRIGHT

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Track 2: AI and Copyright – emerging challenges

Artificial intelligence has profoundly transformed our everyday existence, revolutionizing domains such as medical innovation, industrial automation, education, transportation, aviation, space exploration, and the creative arts—including music, cinema, gaming, and visual art—along with countless other sectors. The realm of intellectual property rights is no exception to this paradigm shift, as it too has been irrevocably reshaped by the relentless march of artificial intelligence. Artificial intelligence's pivotal role in fostering creativity and spearheading innovation has garnered widespread acclaim on a global scale. Among its myriad capabilities, artificial intelligence can autonomously generate paintings, illustrations, literary blogs, novels, poetry, and musical compositions. Nevertheless, it remains imperative to delineate between creations solely authored by AI and those crafted through human ingenuity augmented by AI assistance. Artificial intelligence has introduced profound challenges and complexities within the domain of intellectual property rights, particularly in the realm of copyright law. This research paper delves into the pivotal role of AI in the genesis of creative works such as poetry, literature, music, and visual art. This paper also explores the contentious issues of authorship and the emergence of "deep fakes" in autonomously generated AI content. It provides an in-depth analysis of diverse authorship paradigms in AI-created works and scrutinizes the evolving legal landscapes across multiple jurisdictions.

Keywords: Artificial Intelligence, Intellectual Property Rights, Copyright, Authorship, AI-generated content, Deep-fakes

Introduction:

Globally, artificial intelligence (AI) is changing what it means to be creative. Machines may now autonomously create literary, visual, and aural art thanks to generative AI technologies like Google's MusicLM (for music synthesis), OpenAI's ChatGPT (for text production), and DALL·E (for picture generation).¹ Because of these advancements, the entrance barrier for artistic production has been greatly reduced, enabling people without professional training to produce intricate and captivating material with little assistance. A technology revolution is also occurring in India's creative sector. The center of the Indian film industry, Bollywood, has started using AI for music production, visual effects, and scriptwriting.² Using AI-generated accompaniments, independent musicians and composers are experimenting with combining traditional Indian genres with modern electronic forms.³ In the meanwhile, Indian publishers are using AI capabilities for language translation and document editing in an effort to increase productivity and shorten production schedules. A difficult legal issue is raised by this growth in machine-generated creativity: Who is the owner of the copyright of works produced by AI? A human or legal person is referred to as a "author" under the Indian Copyright Act, 1957.⁴ It does not, however, anticipate writing by AI systems that are autonomous or semi-autonomous. Significant doubt is created by this legal silence, particularly in situations where AI functions with little to no human involvement. The Department for Promotion of Industry and Internal Trade (DPIIT) of the Indian government recently established a committee to investigate the effects of artificial intelligence (AI) on copyright law in recognition of these new issues.⁵ The committee's goal is to assess whether the existing legal system is sufficient to handle authorship, ownership, and liability concerns pertaining to works produced by artificial intelligence. The purpose of this research is to assess India's legal preparedness to handle creative output produced by AI. It places India's approach in relation to international trends and questions if the Copyright Act of 1957 is enough in addressing non-human writing. Through

¹What is Generative AI?, McKinsey & Company, 2024, <<https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-generative-ai>> (accessed May 24, 2025).

²Seismic, Disruptive: AI's Impact on the Music Industry, *Times of India*, Feb. 23, 2024, <<https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/seismic-disruptive-ais-impact-on-the-music-industry/articleshow/113223490.cms>> (accessed May 24, 2025).

³Shajan Kumar, *The Impact of Generative AI on Creative Art in India*, *LinkedIn Pulse*, 2023, <<https://www.linkedin.com/pulse/impact-generative-ai-creative-art-india-shajan-kumar-lz7jc>> (accessed May 24, 2025).

⁴Copyright Act 1957, No. 14 of 1957, Section 2(d), India Code, < https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_9_30_00006_195714_1517807321712§ionId=14504§ionno=2&orderno=2&orgactid=AC_CEN_9_30_00006_195714_1517807321712 > (accessed May 24, 2025).

⁵India Forms Committee to Examine AI's Impact on Copyright Law, *MediaNama*, May 17, 2025, <<https://www.medianama.com/2025/05/223-india-ai-copyright-law-committee>> (accessed May 24, 2025).

an analysis of legal, technological, and ethical viewpoints, the study will suggest changes that might bring Indian copyright law into line with the reality of a future where creativity is enhanced by machines.

AI and Creative Expression: Global Trends and Indian Context:

The advent of artificial intelligence (AI) has transformed a number of creative industries globally, including media in content creation, music, film, and art. According to an examination of data from Gateway to ⁶Research and arXiv, research papers on AI in creative industries are growing at a pace of more than 500% in various countries (with Taiwan exhibiting a growth rate of 1,490%). The majority of these research deal with data that is based on images. AI-powered technologies are being utilized extensively worldwide to produce a wide range of content. New commercial models have emerged as a result of this transformation, which has also sparked discussions among artists over ethics, creativity, and authorship⁷. AI is revolutionizing a number of industries worldwide, including the visual arts, music, theater, and film, by providing better creative opportunities and user experiences.

Music: The introduction of AI into music creation is causing a significant change in the music industry. AI is being used by the Indian Music Industry (IMI), which comprises well-known companies like T-Series and Saregama. AI is now being used in music creation by T-Series, one of the top music producers in the nation with over 2,000 songs released each year⁸. AI helps remix classic tunes and provide listeners with a new experience. AIVA technology a Lexemburg - based start-up, developed a music AI composer named AIVA (Artificial Intelligence Visual Artist). In 2016 AIVA became the world's first virtual music composer recognized by music rights organization (SACEM- Society of Authors, Composers and Publishers of Music).

Poetry and Lyrics: AI is also advancing significantly in the creation of poetry and lyrics. AI is able to produce meaningful and cohesive literary statements using as little as a sentence, a

⁶ Nantheera Anantrasirichai on Mar 03,2021the use of AI in music industry https://www.researchgate.net/publication/343228503_Artificial_Intelligence_in_the_Creative_Industries_A_Review (accessed May 25, 2025).

⁷ Mohit Yadav, Dipandi Mishra, P. G. S. Amila Jayarathne, *The future trends and the impact on the society* <https://www.igi-global.com/chapter/ai-and-the-evolution-of-artistic-expression/365406> (accessed May 25, 2025).

⁸ *Adoption of AI by T series in music industry, yourstory*, Feb 18, 2025 <https://yourstory.com/2025/02/indian-music-labels-vs-openai> (accessed May 25, 2025).

phrase, or even a picture.⁹ This illustrates its increasing capacity to generate speech patterns and vocabulary that resemble those of humans. For example, OpenAI's GPT-3 has demonstrated an impressive capacity for innovative text generation. An opinion piece written solely by GPT-3 was published in The Guardian in September 2020, sparked debates on the future of human-AI writing collaboration and showcasing AI's potential for literary brilliance.¹⁰

AI in Regional Cinema: AI-powered solutions are being used to overcome language obstacles in rural film. AI is currently being utilized to produce accurate subtitles at a reduced cost and improve dubbing quality. AI-assisted dubbing is the process of translating movies and television series into other languages by employing algorithms that closely mimic the tone and facial expressions of the original performers.¹¹ This technique preserves the authenticity of performances while enhancing accessibility and localization.

Role of Indian startups and academia: By creating effective tools that facilitate music composition, video editing, podcast creation, and personalized content, Indian start-ups are helping AI expand in the creative industry. These developments assist artists in adapting their creations to the demands of particular audiences. By launching AI-focused courses and supporting AI-related start-ups, prestigious academic institutions like the IITs are also contributing to this rise. 465 start-ups worth at least \$100 million were based in India as of September 2021,¹² and many of them are engaged in AI innovation.

International Context and Thought Leadership: A number of global projects are working to establish moral and legal guidelines for the advancement of artificial intelligence. Protecting works and authors' rights in the digital sphere is the main goal of the WIPO Copyright Treaty (WCT), a special accord under the Berne Convention. It provides a starting point for talking about copyright in the AI era.¹³ The European Union just enacted the historic EU AI Act, which

⁹Manpreet Singh, *the advent of AI in poetry and lyrics*, July-August 2024 <https://www.ijfmr.com/papers/2024/4/26646.pdf> (accessed May 25, 2025).

¹⁰By Manasi Sharma, *How AI generative models are transforming creativity*, Oct 22, 2024 <https://www.forbes.com/councils/forbestechcouncil/2024/10/22/how-ai-generative-models-are-transforming-creativity-real-world-case-studies-in-art-music-and-writing/> (accessed May 25, 2025).

¹¹Ahmed Cheriki, *Artificial intelligence in the film industry*, April, 14, 2025 https://www.researchgate.net/publication/391015868_Artificial_Intelligence_in_Cinema (accessed May 25, 2025).

¹²Dr Raj Nehru, *The role of acadamia in startup in India*, Jan, 5, 2024 <https://organiser.org/2024/01/05/214564/bharat/role-of-indian-universities-in-fostering-startups-for-viksit-bharat/> (accessed May 25, 2025).

¹³*International legal traety for protection of creativity*, WIPO, Dec, 20, 1996 <https://www.wipo.int/treaties/en/ip/wct/> (accessed May 25, 2025).

applies the necessary protections and classifies AI systems according to the danger they pose¹⁴. These changes offer vital background information for determining how India will regulate material produced by artificial intelligence.

Indian Copyright Law and the Question of Authorship:

The Indian Copyright Act of 1957 is based on a conventional view of authorship that assumes human participation. Indian copyright law presents a major philosophical and practical issue as artificial intelligence (AI) systems show a growing capacity to produce literary, musical, and creative content on their own. The main question is whether AI-generated works like these may be protected by copyright and, if so, who or what should be identified as the creator.

Section 2(d): Authorship Focused on Humans

The Copyright Act's Section 2(d) defines "author" in connection to a number of different types of works and always assigns authorship to a human being. Specifically, Section 2(d)(vi) stipulates: "In relation to any literary, dramatic, musical or artistic work which is computer-generated, the author shall be the person who causes the work to be created."¹⁵ Although this clause recognizes the importance of computer-generated work, it does not give the machine authorship. Rather, it emphasizes the need for human activity, which means that autonomous AI systems cannot be acknowledged as authors under Indian law.

In the case of **Eastern Book Company v. D.B. Modak**, the Supreme Court of India made it plain that uniqueness required a "minimal degree of creativity" and goes beyond mere technical capability. The Court decided: "The work must be original in the sense that the author creates a work that is somewhat different in character by choosing, coordinating, or arranging pre-existing data contained in the work."¹⁶ This criteria restricts protection to works that exhibit authentic human intellectual endeavor, much to the "modicum of creativity" test established in the U.S. Supreme Court case **Feist Publications, Inc. v. Rural Telephone Service Co.**¹⁷ Therefore, if there is no discernible human involvement in the production process, even a

¹⁴ *The regulatory framework for AI by European union, IBM*, 20, September, 2024 <https://www.ibm.com/think/topics/eu-ai-act> (accessed May 25, 2025).

¹⁵ *Copyright Act 1957, No. 14 of 1957, Section 2(d), India Code*, < https://www.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_9_30_00006_195714_1517807321712§ionId=14504§ionno=2&orderno=2&orgactid=AC_CEN_9_30_00006_195714_1517807321712 > (accessed May 26, 2025).

¹⁶ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1

¹⁷ *Feist Publications, Inc. v. Rural Telephone Service Co.*, 499 U.S. 340 (1991), <<https://supreme.justia.com/cases/federal/us/499/340/>> (accessed 26 May, 2025)

complicated or unique work produced by an AI system could not be eligible for copyright protection.

In works created entirely by AI, the issues of authorship and copyright have not yet been addressed by Indian courts. The question of whether AI-generated works, like poetry produced by a language model or a painting produced by a generative adversarial network, is eligible for protection and, if so, who would possess the rights, remains unanswered by this court silence. This contrasts with developments in countries such as the United Kingdom, which have a comparable clause that gives the person who created the essential arrangements for the production of computer-generated works authorship.¹⁸ The application of "causing" a work to be made in the context of autonomous generating systems has not yet been clarified by Indian courts, nonetheless.

Imagine a scenario where an artificial intelligence (AI) educated on thousands of traditional paintings produces a new digital artwork on its own without any human input regarding shape or content. It might be argued that no human "caused" the creation of the work under *Section 2(d)(vi)*. As a result, such a work could not even be covered by copyright protection. In another instance, an author inputs a few cues, and an AI text generator creates a short tale. Can the author still assert that they have used enough imagination and discernment to be recognized as the legitimate author if the AI completes the majority of the writing and narrative structure? According to the guidelines established in *EBC v. Modak*, a small human input might not be sufficient to qualify as original. These difficulties draw attention to the weaknesses in the existing legal system and the urgent need for legislative or judicial clarification. In the absence of this, the rights and responsibilities of producers, developers, and consumers of AI technology with regard to AI-generated material are still unclear.

International Jurisprudence and India's Legal Gaps:

The capabilities of sophisticated artificial intelligence have increased at an unparalleled rate in the modern period. AI is currently actively involved in the development and creation of poetry, music, art, and other creative expressions. There are important legal issues raised by this development: Who is the owner of a certain invention developed with AI's help in terms of copyright or patent? Do machines qualify as inventors? International legal systems have started

¹⁸UK *Copyright, Designs and Patents Act, 1988, Section 9(3)*, <<https://www.legislation.gov.uk/ukpga/1988/48/section/9>> (accessed 26 May, 2025)

creating regulating frameworks for AI-generated material as a result of these worries. With programs like the EU AI Act, the European Union has already started down this path. In sharp contrast, there are still obvious flaws in the Indian judicial system in this regard. Without extensive legal protections, India is quickly growing its AI-powered surveillance infrastructure, which includes deploying face recognition software and other AI technologies throughout law enforcement. The Digital Personal Data Protection Act of 2023 is an example of the existing regulatory environment, which gives government entities extensive exemptions. These exemptions show the shaky basis on which India's AI governance presently rests and run the danger of jeopardizing individual privacy rights.¹⁹

UK Comptroller-General of Patents v. Thaler (AI is not capable of invention.)

The question of whether the AI system "DABUS" might be considered an inventor for patent applications was discussed in this UK case. DABUS's inventor, Stephen Thaler, filed patent applications naming DABUS as the invention. The fact that DABUS created the inventions on its own was undeniable. The UK Supreme Court, however, overturned this decision, citing Section 13(2) of the Patents Act 1977. Given that the Act only envisions a natural person in that capacity, the court determined that DABUS could not be considered an inventor.²⁰ The ruling highlighted that being an inventor comes with moral, ethical, and legal obligations that an AI system is unable to fulfill.

The Zarya of the Dawn Decision from the US Copyright Office

The copyright protection of AI-generated work is at the center of this lawsuit. Kris Kashtanova claimed authorship of the comic book *Zarya of the Dawn*, which used pictures created by the AI system "Midjourney." The U.S. Copyright Office (USCPO) made it clear on March 15, 2023, that AI-assisted works may qualify for copyright protection—but only in the event that there is a substantial amount of human authorship.²¹ The USCPO stressed in its policy statement that AI-only works do not meet the requirements for human authorship and hence cannot be protected by copyright. Given that the visual components of *Zarya of the Dawn* were

¹⁹*Legal Gaps in AI in India, Drishti IAS* (Dec. 19, 2024),

<<https://www.drishtias.com/daily-updates/daily-news-editorials/ai-and-india-s-legal-landscape>> (accessed 30th May, 2025)

²⁰*Thaler v. Comptroller-General of Patents*, [2023] UKSC 38, <<https://www.supremecourt.uk/cases/uksc-2021-0201.html>> (accessed 30 May, 2025)

²¹*Atreya Mathur, Copyright Registration for AI-Generated Works: Zarya of the Dawn and the Dawn of a New Creator, Center for Art Law* (July 6, 2023), <<https://itsartlaw.org/2023/07/06/copyright-registration-for-ai-generated-works-zarya-of-the-dawn-and-the-dawn-of-a-new-creator/>> (30 May, 2025)

mostly produced by AI, the USCPO partly revoked copyright protection for the film on February 21, 2023. This decision sets a clear legal precedent: AI-assisted works may still be protected provided there is a significant human input, but only human creativity may serve as the foundation for copyright.

There is a glaring dearth of statutory and judicial development on AI in the creative realm, notwithstanding India's longstanding cyber laws, such as the Information Technology Act, 2000, which is primarily focused on cybercrime and internet commerce. Situations involving AI-generated works are not covered by India's intellectual property laws, the Copyright Act of 1957 and the Patents Act of 1970. This leaves a legal void: who is the true owner—the human operator, the AI system, or its creator? Indian law continues to wrestle with the difficulties posed by AI, notably concerning ethics, accountability, and data protection. The lack of a specific legal framework restricts the judiciary's ability to decide future cases involving AI-generated intellectual property and promotes possible abuse.²² India's regulatory strategy lags much behind those of countries like the US and the EU. There is no risk-based AI categorization system in the nation, no legislation specifically addressing AI authorship has been developed, and neither the executive branch nor lawmakers are particularly interested in tackling the problem. Furthermore, institutional inertia plagues India's fledgling AI strategy. No official study or suggestion on AI and copyright has been released to yet by organizations such as the NITI Aayog, which is in charge of creating strategic policy frameworks spanning domains including administration, governance, and technology.²³ The authorship issue in AI-generated works has also gone unanswered by the Department for Promotion of Industry and Internal Trade (DPIIT), which oversees startup promotion and intellectual property legislation. Even though India wants to lead the world in digital innovation, its delay creates a huge regulatory gap. India must create a proactive and forward-thinking legal framework that not only complies with worldwide best practices but also takes into account the nation's constitutional values and cultural background, especially considering the speed at which AI legislation is developing globally. India may not benefit from a one-size-fits-all adoption of Western methods due to substantial differences in socio-legal reality, technological accessibility, and the philosophical foundations of innovation. Individual rights, moral ownership, and the fair sharing of information are highly valued in Indian jurisprudence. In

²²Absence of Dedicated Legal Framework a Challenge for AI Regulation, *The Morung Express* (Nov. 25, 2023), <<https://morungexpress.com/absence-of-dedicated-legal-framework-a-challenge-for-ai-regulations>> (accessed 30 May, 2025)

²³Working of NITI Aayog across Various Sectors, NITI Aayog, <<https://niti.gov.in/>> (accessed 30 May, 2025)

order to ensure that creators, whether or not they are assisted by computers, are sufficiently safeguarded and that AI technologies are controlled in an ethical and responsible manner, a future legal system must strike a balance between innovation and responsibility.

Deepfakes, Moral Rights, and Ethical Dilemmas in India:

Deepfake technology, which uses artificial intelligence to create synthetic media, has created complicated problems for privacy, reputation, and morality. Digitally modified photos, sounds, or movies that show people acting or speaking in ways they never did are known as deepfakes. Deepfakes were first created for amusement, but they have since been abused more and more for exploitation, political manipulation, and defamation, which raises serious ethical and legal issues. Incidents of deepfake usage throughout the world have highlighted the possible harm this technology might create. An AI-generated audio recording of President Joe Biden was utilized by a political consultant in the United States in 2024 to sway voters in the New Hampshire primary election. In response, the Federal Communications Commission (FCC) filed a criminal complaint and proposed a \$6 million punishment, launching a major enforcement effort against election-related disinformation produced by artificial intelligence.²⁴ Similar to this, sexual AI-generated photos of pop sensation Taylor Swift went viral on social media, sparking anger and calls for stricter laws to stop these kinds of abuses.²⁵ The deepfake phenomena has not spared India. Actress Rashmika Mandanna was seen in a compromising scenario in a faked film that went viral in 2023. The culprit was taken into custody by the Delhi Police when it was discovered that artificial intelligence (AI) techniques had been used to create the content.²⁶ Another example raised concerns about the morality of such technology when it featured a deepfake video of actress Katrina Kaif speaking well in French.²⁷ These incidents demonstrate how deepfakes, especially when directed at women or famous personalities, can infringe upon one's dignity, harm one's reputation, and cause emotional pain. Legally speaking, Section 57 of the Indian Copyright Act, 1957, gives writers the right to assert authorship and to prevent or demand compensation for any alteration, mutilation, or distortion of their work

²⁴FCC Proposes \$6 Million Fine for Illegal Robocalls That Used Biden Deepfake Generative AI Voice Message, FCC (May 23, 2024), <<https://docs.fcc.gov/public/attachments/DOC-402762A1.pdf>> (accessed 31 May, 2025)

²⁵Victoria Bekiempis, Taylor Swift Deepfake Pornography Sparks Renewed Calls for US Legislation, *The Guardian* (Jan. 26, 2024), <<https://www.theguardian.com/music/2024/jan/26/taylor-swift-deepfake-pornography-sparks-renewed-calls-for-us-legislation>> (accessed 31 May, 2025)

²⁶Creator of Deepfake Video of Actor Rashmika Mandanna Arrested, Says Delhi Police, *PTI News* (Nov. 11, 2023), <<https://www.ptinews.com/story/national/creator-of-deepfake-video-of-actor-rashmika-mandanna-arrested-says-delhi-police/1228621>> (accessed 31 May, 2025)

²⁷Katrina Kaif's Deepfake Video Shows Her Speaking French, *The Frontier Post* (May 22, 2024), <<https://thefrontierpost.com/katrina-kaifs-deepfake-video-shows-her-speaking-french/>> (accessed 31 May, 2025)

that would be detrimental to their honor or reputation.²⁸ However, unless that identity is incorporated into a copyrighted composition, these moral rights only apply to the author's "work" as defined by the Act and do not include the broad protection of one's voice, face, or persona. This restriction makes it difficult to combat identity-based deepfakes as the target may not be the legitimate creator of any work. One must take into account the constitutional right to privacy in order to close this gap. This right was upheld by the Supreme Court in Justice K.S. Puttaswamy (Retd.) v. Union of India, whereby it was ruled that privacy was a basic right under Article 21.²⁹ The ruling placed a strong emphasis on people's autonomy and control over their identity, representation, and personal information. Deepfakes violate the right to informational self-determination safeguarded by this finding when they are produced without consent, particularly with the intent to do harm or deceive. Under the Information Technology Act of 2000, there is complementary statutory protection. The deliberate taking, publishing, or sending of pictures of someone else's private space without that person's agreement is illegal under Section 66E. The electronic transmission of pornographic content is illegal under Section 67. These rules could be applicable in cases when deepfakes contain sexually explicit or nudist content, but they do not expressly address other nefarious applications, such as impersonation in financial frauds or political communications. The Indian government has taken first action to address the issue after seeing the rising threat posed by deepfakes. The Ministry of Electronics and Information Technology (MeitY) sent advisories to Facebook, Instagram, and YouTube, directing the immediate removal of deepfake content within 36 hours of a deepfake video showing Rashmika Mandanna going popular.³⁰ This action demonstrates the government's determination to stop the spread of false information produced by artificial intelligence. In conclusion, India's current legal framework provides certain protections against the abuse of deepfakes, but it is ill-prepared to handle the entire range of threats this technology poses. To guarantee that people are protected in the face of quickly developing technology, it is vital to strengthen legal definitions of identity misuse, extend moral rights beyond copyrighted works, and develop legislative tools specifically related to artificial intelligence.

²⁸*The Copyright Act 1957, No. 14 of 1957, Section 57, India Code*, <<https://indiankanoon.org/doc/1710491/>> (accessed 31 May, 2025)

²⁹*Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1*

³⁰Action on Deepfakes: Govt Directs Social Media Platforms to Remove Deepfakes Within 36 Hours, SNG & Partners (Nov. 9, 2023), <https://sngpartners.in/outside_perspective/action-on-deepfakes-govt-directs-social-media-platforms-to-remove-deepfakes-within-36-hours/> (accessed 31 May, 2025)

Reforming Indian Copyright Law for the Age of AI:

Traditional conceptions of authorship and originality in copyright law have been called into question by the exponential expansion of artificial intelligence (AI), which has profoundly changed the creative environment. Poetry, music, visual art, and even intricate textual compositions may now be produced by AI. The main legal challenge raised by this development is whether Indian copyright law permits an AI system to be regarded as a "author." The Indian Copyright Act, 1957, grants authorship to the creator of a work in a number of areas, including the writer of a literary work, the artist of an artwork, and the composer of music.³¹ However, within the current system, AI cannot be acknowledged as an author since it lacks legal personhood, is unable to exercise legal rights, and cannot have moral obligations.³² "Originality" is another fundamental prerequisite for copyright protection. Indian courts have always interpreted the word using foreign concepts, even though the Copyright Act does not define it. At first, India adopted the "sweat of the brow" theory of the UK, which provided protection based on work and effort.³³ The "modicum of creativity" norm, a U.S. approach, was used in place of this philosophy. According to this theory, which is now practiced in India, a work must possess both talent and effort as well as a certain amount of originality.³⁴ This gives rise to two potential reform doctrinal avenues. The first is the outright rejection of authorship by AI. By guaranteeing that natural beings retain their creative rights, this strategy upholds the human-centric basis of copyright. This opinion is supported by several international jurisdictions, including those cited by WIPO. They contend that legal frameworks ought to acknowledge AI's lack of the capacity to possess or uphold rights. The development of a sui generis category—a distinct legal framework designed especially for AI-generated content—is the second option. Under such a system, AI³⁵-generated works would be given a different classification and subject to certain eligibility requirements for protection, such as conformity to Indian ethical and cultural norms. In addition to encouraging innovation, this

³¹What Section 2(d) of Copyright Act 1957 Defines, Indian Kanoon, <<https://indiankanoon.org/doc/1655540/>> (accessed May 29, 2025)

³²Whom Can Be Considered as an Author, Journal of Intellectual Property Rights, <<https://or.niscpr.res.in/index.php/JIPR/article/download/5862/3865/66349#:~:text=The%20second%20requirement%20to%20be,not%20have%20a%20legal%20personality>> (accessed May 28, 2025)

³³The UK Doctrine Followed by India, Journal of Intellectual Property Rights, <<https://or.niscpr.res.in/index.php/JIPR/article/download/5862/3865/66349#:~:text=The%20second%20requirement%20to%20be,not%20have%20a%20legal%20personality>> (accessed May 28, 2025)

³⁴Why the UK Doctrine Was Dismissed and US Doctrine Adopted, IndiaLaw, <<https://www.indialaw.in/blog/law/analysis-of-doctrines-sweat-of-brow-modicum-of-creativity-originality-in-copyright/>> (accessed May 28, 2025)

³⁵Artificial Intelligence and Copyright, WIPO Magazine, <<https://www.wipo.int/web/wipo-magazine/articles/artificial-intelligence-and-copyright-40141>> (accessed May 28, 2025)

would provide entrepreneurs with legal certainty within a framework that continues to value human inventiveness. India must only provide copyright protection where there is substantial human involvement, regardless of the strategy. A human-AI work should only be eligible if the human component includes originality, judgment, and creative talent. This theory, which was recently put up in Indian legal literature, would guarantee that copyright protection is not granted to works that are only AI-assisted and lack significant human labor.³⁶ Section 2(d) of the Copyright Act urgently needs to be amended to allow for such change. The creator of computer-generated work is presently defined in this section as "the person who causes the work to be created," which is unclear when it comes to autonomous AI production. AI transparency requirements should be included to the legislation, forcing writers to disclose the degree of AI participation. In order to guarantee that AI models do not violate current copyright while being trained and developed, India must also solve the problem of dataset licensing.³⁷ Examining the EU's AI Act, which encourages strong data control, purpose limitation, algorithmic transparency, and ethical precautions, might also be advantageous for India. India's particular circumstances, such as poor digital literacy and a strong oral tradition, may make a wholesale adoption of this approach inappropriate, but it does teach important lessons about striking a balance between innovation and legal responsibility.³⁸ In summary, updating Indian copyright legislation for the AI era is both a legal and a policy requirement. In the rapidly changing digital era, a balanced framework that upholds the moral and financial rights of human authors, controls AI-assisted output, and rewards true human innovation must be developed.

Conclusion:

21st century is the era of AI Artificial intelligence having the human level creativity capable of creation of various creative work by the AI like arts—including music, cinema, gaming, and visual art—along with countless other sectors which creates a big question about the authorship and copyright of AI created work. Also created a question weather it will get copyright when a human creates any creation with the help of AI. In the Indian copyright act 1954 sec 2(d)

³⁶*Balancing Indian Copyright Law with AI-Generated Content: The Significant Human Input Approach*, *Indian Journal of Law and Technology*, <<https://www.ijlt.in/post/balancing-indian-copyright-law-with-ai-generated-content-the-significant-human-input-approach>> (accessed May 29, 2025)

³⁷*Recommendation of Dataset Licensing in India*, *IP Link Asia*, <<https://www.iplink-asia.com/article-detail.php?id=1286>> (accessed May 29, 2025)

³⁸*The EU AI Act and Its Tailored Implication in India*, *Medium*, <<https://medium.com/@axel.schwanke/data-governance-meets-the-eu-ai-act-952baf17c20#:~:text=The%20EU%20AI%20Act%20emphasizes%20robust%20data%20governance%20for%20high.accountability%2C%20and%20ethical%20AI%20development>> (accessed May 29, 2025)

which defines authors specifically related to humans but lacking in the area of work created with help of AI. More over the judiciary should make more changes in the existing provisions for more clarity in the copyright act that defines authors. The Indian judiciary should also adopt to various theory like adopted from the UK and the US and their should be a formation of a unified international law in copyright and AI so that in case of any dispute of using any copyrighted content of the other by the user of another, their it may create a clash between the laws supported by the different countries. the international and the unified law will help in providing a clear view of the solution and removes any clashes between various countries . At the same time the parliament should make a particular segment and criteria for the AI generated content and also make criteria s for the AI generated content which should be ethically and morally doesn't effect the societies tradition. This could include the creation of a sui generis category for AI-generated works, or clear stipulations that copyright is granted only when significant human creative input is demonstrable. It is also necessary for the creation of various inclusive policies for the Indian copyright law with the various creators, AI technologists and legal scholars to create a framework which is not technologically adaptable but ethically and socially too. It is also important for the protection of copyrighted content created by human which may be used as a data for creation of other creative activities for this also a proper framework of data base which are accessible by AI, which also provides a clear transparency about the usage of data. With this creation of framework for the AI created work it will also help in various disputes solution in any AI creation. The WIPO that is the World Intellectual Property Organization is also working for various policy formation for maintaining a balance between the creation by any AI or human creation or any creation created with the partial help with the use of AI. India having a great opportunity of becoming a leader in this domain of creativity in various sector as it is rich in various artistic heritage and with the support of various organizations promoting various startups financially etc and with the help of constitutional law in copyright and patent of any creation will help in the promotion of creativity in India which will create more transparency in the working and which will also set up new standards for the nation in case of facing similar challenges. At last AI is a challenge in which India is going to solve by making various changes in the legal system and by educating the people with various government organization about the use of the AI in a correct and in an ethical manner.