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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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**"INVESTIGATIVE JOURNALISM AND INTELLECTUAL
PROPERTY RIGHTS: STRENGTHENING
LEGAL PROTECTIONS FOR INVESTIGATIVE REPORTING
IN INDIA, A COMPARATIVE ANALYSIS WITH
FOREIGN NATIONS"**

AUTHORED BY - S. HARIINI SHRI & MADDIPATI SRI SESHAMAMBA
5th year B.Com. LL.B (Hons) Student, Sastra Deemed to be University.

Abstract

Investigative journalism plays a crucial role in exposing corruption, holding power to account, and informing the public, but it increasingly faces challenges in navigating Intellectual Property Rights (IPR) in the digital age. With the rise of AI technologies and the proliferation of whistle blower disclosures, journalists are more reliant on AI-generated content and confidential sources, which bring both opportunities and legal complexities. This paper explores the intersection of IPR and investigative journalism, focusing on the insufficiency in current IPR laws that fail to adequately safeguard whistle blower journalism and the use of AI-generated content. It critically examines the gaps in Indian IPR law, which fails to address the ownership and protection of AI-driven journalistic content and the rights of journalists who rely on whistle blowers for crucial disclosures. Through case studies, international comparisons, and proposals for reform, the paper argues for the need to modernize India's IPR framework to support investigative journalists, protect confidential information, and ensure the public interest is served without compromising intellectual property rights.

Introduction

In the digital age, investigative journalism has become more data-driven and dependent on advanced technologies, including Artificial Intelligence (AI) and digital platforms. These tools empower journalists to analyse vast amounts of information, track patterns, and uncover hidden stories that were once difficult to identify. However, the evolving nature of investigative journalism introduces significant legal challenges, particularly when it intersects with Intellectual Property Rights (IPR) and the rights of whistle blowers. AI technologies are increasingly used in journalistic workflows, from automating content creation

to data mining and predictive analysis. These advancements raise critical questions regarding the ownership of AI-generated content, especially when a journalist or news outlet deploys AI tools to generate investigative reports. India's current IPR laws, primarily the Copyright Act, 1957, and the Patents Act, 1970, were not designed with such technological advances in mind, leaving gaps in protection and enforcement. Similarly, whistle blower journalism, which often relies on confidential information or trade secrets, faces unique challenges in a legal environment that does not always provide clear protections for journalists or their sources.

The Whistle blower Protection Act, 2014 offers some legal safeguards for whistle blowers in India but remains inadequate in addressing the nuanced IPR issues involved in investigative journalism. For example, the Act does not sufficiently protect the confidentiality of journalistic sources, particularly when the information disclosed intersects with patents, copyrights, or trade secrets. As a result, journalists may face legal actions from corporations or government bodies seeking to protect their intellectual property, even when the disclosures are in the public interest.

The lack of a comprehensive legal framework to address the complexities of IPR in whistle blower and AI-assisted journalism creates an environment of uncertainty, where journalists risk legal repercussions for publishing content or using tools that involve protected intellectual property. This paper examines these challenges in the Indian context and compares them with international legal frameworks that have made strides in addressing similar issues. By highlighting the insufficiency in India's current IPR laws, the paper proposes potential reforms to provide better protection for journalists, their sources, and the public interest, while also safeguarding intellectual property rights.

Literature Review

1. "AUTOMATING THE NEWS: HOW ALGORITHMS ARE REWRITING THE MEDIA" by Diakopoulos, N. (2019). In this work, Diakopoulos discusses the role of AI technologies in transforming journalism, particularly in content generation, data mining, and predictive analysis. He highlights the IPR issues surrounding AI generated content in journalism, specifically the uncertainty regarding copyright ownership when AI is involved in creating journalistic materials. Diakopoulos advocates for clearer frameworks for ownership of AI-generated works,

particularly within the context of journalism.

2. "THE ROLE OF WHISTLEBLOWERS IN EXPOSING CORPORATE MALFEASANCE: LEGAL FRAMEWORKS AND CHALLENGES" by Kunz, R. & Sandu, P. (2019). Kunz and Sandu analyze the tension between trade secret protections and the public interest in cases involving whistle blowers. They focus on how IPR laws can conflict with whistle blower disclosures in investigative journalism. The paper explores the risk journalists face when reporting on confidential information that might be protected by patents or copyrights. It suggests the need for stronger legal protections for whistle blowers, especially in cases where IPR is at stake.
3. "WHISTLEBLOWER LAWS AND THE CORPORATE SECTOR IN INDIA: AN ASSESSMENT" by Sethi, S. & Agarwal, V. (2017). This paper evaluates India's Whistle blower Protection Act, 2014, assessing its effectiveness in safeguarding whistle blowers from retaliation. The authors argue that while the Act offers some protections, it does not fully address the confidentiality of sources or the legal risks faced by journalists when disclosing information that could infringe upon trade secrets or IPR. They recommend stronger legal frameworks to protect both whistle blowers and investigative journalists.
4. "COPYRIGHT AND FREEDOM OF EXPRESSION: A DELICATE BALANCE" by Hugenholtz, B. & van Eechoud, M. (2017). This paper examines the balance between copyright protection and freedom of expression, especially in the digital age where AI and platforms complicate traditional copyright frameworks. The authors explore how different jurisdictions (including the EU and the US) address these issues, noting the increasing importance of fair use and public interest exceptions. The study serves as a comparative reference for India's legal landscape and suggests that India should adopt more nuanced copyright protections for journalistic content generated by AI.
5. "GLOBAL PERSPECTIVES ON IPR AND JOURNALISM" by Meyers, C. (2018). In this comparative study, Meyers explores the challenges facing journalists globally when navigating IPR issues related to investigative reporting. The paper highlights how international frameworks, particularly in the US and EU, balance IPR protection with the public interest in investigative reporting. Meyers argues that while these frameworks provide some guidance, they still fail to address the growing use of AI in journalism and its implications for IPR.

Statement of Research Problem

Insufficient legal protection for whistle blower journalism and AI generated content due to legal gaps in the current legal provisions intersecting intellectual property rights and investigative journalism.

The current legal framework in India offers insufficient protection for whistle blower journalism and AI-generated content, largely due to significant gaps in existing laws concerning Intellectual Property Rights (IPR) and investigative journalism. India's Whistle blower Protection Act, 2014, while designed to protect individuals who expose wrongdoing, does not adequately account for the complexities of intellectual property when the disclosed information involves trade secrets, patented technology, or copyrighted materials. This creates a conflict for journalists who rely on confidential or proprietary information for investigative reporting, as they risk facing legal actions from entities seeking to protect their intellectual property. Additionally, AI-generated content—an increasing feature in investigative journalism, where AI tools are used to analyze vast datasets, generate reports, or assist in investigative analysis—falls into a legal gray area. India's Copyright Act, 1957, does not provide clear guidelines on the ownership of AI-created works. As a result, there is ambiguity over who owns the rights to AI-generated journalistic content—whether it is the journalist, the media outlet, or the AI developer—leading to potential disputes over content ownership and the use of AI tools. These legal ambiguities leave journalists vulnerable to intellectual property lawsuits under processes of investigative journalism.

Research Objective

The objective of this research is to critically examine the gaps and insufficiency in India's current legal framework regarding Intellectual Property Rights (IPR), specifically in relation to whistle blower journalism and AI-generated content. The study aims to analyse how existing IPR laws, such as the Copyright Act, 1957, Patents Act, 1970, and Trade Secrets law, fail to adequately address the challenges faced by journalists when reporting on whistleblower disclosures that may involve IPR-Protected material, and the use of AI tools in investigative journalism. Ultimately, the study aims to propose comprehensive legal reforms to India's IPR laws that would better protect investigative journalism in the digital age, ensuring that the balance between IPR protection and the public interest in reporting is maintained by a comparative analysis with laws of USA, UK and Australia.

Research Hypothesis

The current legal statutes in place to safeguard journalist's rights against injury caused by involvement of AI and whistle blowing journalism is insufficient.

Research Questions

Whether existing legal protections are enough to safeguard journalists from facing legal issues under whistle blowing journalism?

Whether existing legal provisions addresses injuries caused by usage of AI in investigative journalism?

Whether any reforms are needed in India's IPR laws to better support investigative journalism while respecting intellectual property rights in comparison to foreign laws?

Research Methodology

This study will be doctrinal in nature, focusing on qualitative analysis of legal texts, statutes, relevant literature and case laws to understand the legal and ethical concerns faced in the journalism sector in regards to whistle blowing journalism and involvement of AI.

Whether existing legal protections are enough to safeguard journalists from facing legal issues under whistle blowing journalism?

While Intellectual Property Rights (IPR) laws in India, such as the Copyright Act, 1957, Patents Act, 1970, and Trademarks Act, 1999, aim to protect the rights of creators and innovators, they have significant insufficiency when it comes to protecting journalists, particularly those involved in investigative journalism and handling sensitive information. These gaps in the IPR framework create legal challenges for journalists and can sometimes act as a barrier to the free flow of information, especially when they rely on whistle blowers, leaked documents, or other sources of confidential or proprietary information.

The Copyright Act, 1957: Issues with Fair Use and Copyright Infringement Section 52 - Fair Use and Its Limitations Current Provision: Section 52(1) of the Copyright Act, 1957 allows for certain uses of copyrighted material without requiring permission from the copyright holder. This includes uses for criticism, review, news reporting, and teaching. However, these provisions are vague and do not provide clear guidelines on the extent of use and specific exceptions for investigative journalism or the use of whistle blower information. Section

52(1)(a): "the reproduction of any work... in the reporting of current events" allows journalists to use copyrighted materials for news reporting, but only in the context of reporting and not for extensive analysis or critical inquiry. This provision does not clearly define the scope of fair use, especially in cases where large portions of a copyrighted work (e.g., confidential internal documents or emails) are used for public interest reporting.

Journalists often use leaked documents or internal communications that may be copyrighted, but these works are typically protected by IPR laws. The unclear and limited scope of fair use in news reporting leaves journalists vulnerable to legal challenges. For example, the use of internal corporate emails or government documents in investigative journalism could lead to copyright infringement suits, even if they are disclosed in the public interest. The lack of clear guidelines about what constitutes fair use in such cases means that journalists may face legal uncertainty about the extent to which they can use these materials. If a journalist uses proprietary corporate emails or government policies to expose corruption or abuse, they could face copyright infringement claims, even though the material is being used for public interest purposes. The lack of a public interest exception to copyright protection in such cases is a critical insufficiency.

Inadequate Coverage of Whistle blowers

One of the most significant gaps in the Whistle blower Protection Act, 2014, is its limited scope of application. Current Provisions of the Whistle blower Protection Act, 2014 applies only to public sector employees (central government, state government, public sector enterprises, local authorities, and other government-controlled bodies). It does not extend to employees in the private sector or non-governmental organizations (NGOs). Whistle blowers in the private sector are not protected under this law. Many whistle blowers come forward to expose corruption, malpractice, or fraud in private companies, which could have a significant impact on the public interest. These individuals, however, face no legal protection under the Act, which leaves them vulnerable to retaliation, such as dismissal, harassment, or legal action from their employers. The Act defines a "whistle blower" as an individual who makes a disclosure of alleged corruption, mismanagement, abuse of power, or criminal activities in a public office. However, the Act does not clarify whether this definition applies only to individuals within public institutions, or if it can include those who disclose information to the media or journalists.

Example: If an employee of a private company exposes corporate fraud or environmental violations, they are not afforded the same protection as a public-sector whistleblower. The absence of a legal framework for private-sector whistleblowers significantly undermines the utility of the Act. The lack of clarity on what constitutes a whistleblower means that individuals who leak sensitive information to the media (i.e., journalists or media outlets) may not be protected under the Act. For example, whistleblowers in corporate or governmental offices who disclose information to journalists may not be granted protection if their disclosure is not directed through formal channels such as the government-established Commission.

Scope of Disclosure

Section 3 (d): of the Act primarily applies to the disclosure of (i) an attempt to commit or commission of an offence under the Prevention of Corruption Act, 1988; (ii) willful misuse of power or willful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party; (iii) attempt to commit or commission of a criminal offence by a public servant meaning corruption, mismanagement, and criminal activities within public offices. It requires the whistleblower to disclose the information through formal channels (i.e., the appropriate authorities) or the designated Commission.

Problem: Whistle blowers who expose issues like civil rights violations, environmental harm, or non-criminal public misconduct are not covered under this Act. The lack of coverage for civil issues means that the Act does not offer a broad safety net for individuals who want to expose wrongdoing outside the realm of corruption or criminal activity. Similarly, journalists reporting on issues involving non-criminal misconduct may find it harder to protect their sources under the WPA.

Example: A whistleblower in a government agency who exposes mismanagement or abuses of power that do not necessarily amount to criminal conduct (but are still a violation of public trust) may not be protected. Similarly, journalists investigating corporate misconduct (e.g., environmental violations) might find that the WPA does not offer adequate protections to those coming forward.

Insufficiency in Protecting Confidential Whistle blower Information Under IPR

Under the Copyright Act, there is no explicit provision that protects confidential whistle blower information from IPR infringement. Copyright law primarily seeks to protect the economic rights of creators and does not consider the public interest in whistle blowing or journalistic reporting. Whistle blower leaks that contain confidential or sensitive information might also be copyrighted, yet the public interest in exposing corruption or illegal activity should override the need to protect the economic rights of the original copyright holder. Since journalists rely on confidential or leaked materials to expose issues of public concern, IPR laws do not sufficiently account for the need to protect journalistic freedom and public interest reporting when it comes to the use of copyrighted material.

Example: A whistleblower may provide a journalist with an internal company report or government memo that is copyrighted, yet disclosing that document is critical to revealing a scam or mismanagement. The journalist may face a copyright lawsuit for reporting the information, even though the public interest justifies its publication.

Inadequate Protection Against IPR Claims in Investigative Journalism

Journalists engaged in investigative reporting, particularly those using leaked documents or whistleblower-provided information, may face IPR-based legal claims, such as copyright infringement or trade secret violations. While fair use provisions exist, they do not provide absolute protection, especially in high-stakes or complex cases where sensitive or proprietary information is disclosed. Journalists may face civil lawsuits for copyright infringement despite using the material for fair dealing. The absence of a specific provision in the Copyright Act that shields journalists from copyright infringement suits related to public interest reporting means that journalists could be sued or face financial penalties, which creates a deterrent for reporting on important matters of public concern.

Lack of Clear Guidelines for Public Interest Reporting: While the Copyright Act, 1957 includes the fair use doctrine, there is no explicit safeguard for public interest journalism in the event of IPR infringement claims. In contrast, some jurisdictions (such as the United States) have clear public interest exceptions that allow journalists and whistle blowers to use copyrighted material without fear of legal consequences if it is in the public interest. The lack of clear guidelines for determining what constitutes “fair dealing” for public interest reporting means that journalists using whistle blower information could face legal challenges

based on IPR violations. For instance, if a whistle blower leaks internal corporate documents or government reports that are protected by copyright, the journalist could face a lawsuit, even if the public interest is served by the publication.

Insufficient Remedies for Journalists and Whistle blowers: The intellectual property regime in India is focused on protecting the economic interests of creators and owners, but does not sufficiently account for the public interest in freedom of expression and information. This is particularly relevant when journalists use proprietary or confidential information to expose corruption, corporate malfeasance, or government misconduct.

- **Case: Maa Vaishno Devi Media Services v. Star India Pvt. Ltd. (2021)**

In this case, Star India filed a copyright infringement suit against Maa Vaishno Devi Media Services for unauthorized use of its content. The Delhi High Court clarified that fair dealing under Section 52 of the Copyright Act only allows limited use of copyrighted materials in news reporting. The court found that using substantial amounts of copyrighted material without permission could hinder a media organization's economic interests, thereby restricting journalists' ability to freely use such material. This case highlights the restrictions posed by copyright law on journalists who wish to use audiovisual content extensively. Such limitations can prevent them from conveying information that relies on copyrighted footage or documents, thereby creating barriers to thorough investigative reporting.

- **Case: Academy of General Education, Manipal v. Malini Mallya (2009)**

The Karnataka High Court ruled that the scope of fair dealing under Section 52 should be limited to ensure that copyrighted works are not misappropriated. The case restricted journalists' ability to rely on copyrighted material for extensive reporting, requiring them to seek permissions that can delay or prevent the publication of investigative content. The case underscores how copyright protections can hinder investigative journalists from accessing or using important materials that could provide context or evidence in their reports, creating potential obstacles in timely reporting.

Whether existing legal provisions addresses injuries caused by usage of AI in investigative journalism?

AI is increasingly being used in investigative journalism to enhance reporting, analyze

large datasets, uncover hidden patterns, and even generate content. While AI offers powerful tools that can significantly improve journalistic investigations, it also brings with it a range of legal challenges, particularly regarding intellectual property (IP), privacy, ethics, and accountability. AI is used in journalism in the following ways:

Data analysis: AI tools can analyze large volumes of public and private data (such as government records, corporate filings, or social media content) to uncover hidden relationships, inconsistencies, and trends. For example, AI can be used to automate the extraction of data from public databases or social media platforms.

Pattern Recognition: AI can help identify patterns or connections in data that may not be immediately visible to human analysts. This is useful in investigative journalism for exposing corruption, financial fraud, or illicit networks.

Text Analysis: AI-driven tools like NLP can automatically process and analyze vast amounts of text (e.g., news articles, court records, or leaked documents). This helps journalists quickly identify relevant information, search for specific keywords, and summarize lengthy documents.

Sentiment Analysis: AI can analyze public sentiment by processing social media posts, blogs, and news outlets to gauge public reaction to certain events or issues, assisting journalists in shaping investigations or understanding public opinion.

Image and Video Analysis: AI-driven facial recognition tools can be used to identify individuals in videos or images, aiding in investigations involving protests, criminal activities, or political events. It is also used to generate videos and images to support any particular piece of news or reporting.

AI-Generated Content: Some AI systems can automatically generate news articles based on pre-programmed rules or by processing structured data, such as financial reports, crime statistics, or sports results. While this is more commonly used for routine reporting, AI can also assist in writing parts of investigative reports by summarizing large amounts of raw data.

Predictive Analysis: AI can be used to predict trends or risks based on historical data.

For example, AI models could forecast potential corruption based on patterns of behavior, financial transactions, or regulatory changes.

Risk Assessment: Journalists can use AI to assess the risk associated with publishing certain investigative findings, predicting potential legal, financial, or reputational harm.

Legal issues so caused:

1. **Copyright Infringement:** AI tools may use copyrighted content (e.g., articles, images, or videos) to train algorithms or generate new content. If the AI reproduces, adapts, or incorporates copyrighted material without authorization, it could constitute an infringement of copyright. If an AI system autonomously creates articles, graphics, or other journalistic outputs based on copyrighted source material, the resulting work might be considered a derivative work. Without proper permission or licensing, this could infringe on the rights of the original content creators.
2. **Fair Use and its Violations:** AI-generated outputs that rely on the fair use or fair dealing exceptions in copyright law (for criticism, news reporting, or education) might be challenged if the use isn't deemed "transformative" enough or if it exceeds the scope of fair use. Even in jurisdictions where fair use is available, the AI's failure to properly attribute the source material or the lack of human oversight in ensuring proper citation could lead to a legal violation.
3. **Violation of Licensing Agreements:** If an AI tool is fed data or content that is under a licensing agreement, such as proprietary news feeds or database information, and that data is then misused, redistributed, or reproduced beyond the terms of the license, it could breach the terms of the license. AI algorithms scraping content from websites or proprietary databases without the consent of the content owner or outside the bounds of agreed licensing terms may also violate licensing agreements.
4. **Using Patented AI Tools without Permission:** If journalists use proprietary AI tools that are patented, they may infringe on the patents if the tools are used in ways not authorized by the patent holder, such as using the technology without proper licensing. AI models or algorithms that are patented (e.g., natural language processing systems or data analysis tools) could be infringed if journalists or media outlets use these tools without appropriate permission or licensing from the patent holders.
5. **Failure to Attribute AI Outputs:** AI-generated content (e.g., articles, news summaries, or reports) may not be properly attributed to its source or to the AI developers. This could

lead to legal challenges, particularly in terms of copyright infringement and proper crediting. If AI systems create new works based on existing data without attribution, it could lead to a claim for the violation of the original creators' moral rights.

Legal gaps:

Ownership of AI-Generated Content

Current Law: Under traditional IPR frameworks (such as the Copyright Act, 1957 (India)), Section 17 specifies that the author of a work is the person who creates it. If AI generates a creative work (e.g., an article, music composition, or art), there is no clear provision for recognizing AI as an author, leading to uncertainty in ownership and control of copyright. This leads to situations where AI-generated works may not be copyrighted, or ownership is unclear. However, AI lacks legal personhood, meaning that works generated autonomously by AI do not have a clear human author. The law does not address the scenario where AI is the primary creator of a work, leaving ambiguity about who holds the copyright: the developer of the AI, the user of the AI tool, or no one at all. There is a need for a clear provision in copyright law to determine the ownership of works generated by AI, potentially treating the AI operator or developer as the author or providing a framework for joint authorship between the AI system and the human user.

AI and Fair Use

Under Section 52 of the Copyright Act, 1957, there are certain exceptions where works may be used without the permission of the copyright owner, such as for research, private study, or news reporting. AI systems, especially in journalism, often use large datasets (e.g., scraped content, news articles, and social media posts) for training. A clearer definition of what constitutes "fair use" in the context of AI, especially when AI uses large-scale data for training or content generation, is needed. The law should clarify how fair use applies to AI and whether using AI for certain purposes qualifies as "transformative" in a way that meets the requirements for fair use.

Patents for AI-Generated Inventions

Under the Patents Act, 1970, Section 6 defines an inventor as a person who "contributes to the conception of the invention." The person applying for a patent must be the inventor, and the invention must be novel, non-obvious, and useful. If an AI system autonomously generates an invention or discovery, it is unclear whether the AI itself can be named as the inventor. This

raises issues with patent filings, particularly in industries where AI plays a central role in innovation (e.g., pharmaceuticals, engineering).

AI and Moral Rights

Section 57 of the Copyright Act, 1957 grants authors special rights, such as the right to attribution and the right to object to derogatory treatment of their works. These rights are specifically given to human creators. AI systems, being non-human, cannot have moral rights. This creates a gap when considering the ethical implications of AI-generated content, particularly in terms of whether the content is used inappropriately, misattributed, or altered in ways that could harm the integrity of the original work. There should be provisions on how moral rights apply to AI-generated works, especially in cases where the AI's work is altered or misrepresented. These protections could be extended to the developers or users of the AI tools rather than the AI itself.

Liability for AI-Generated Infringement

Section 51 of the Copyright Act deals with infringement and specifies that only those who actively infringe copyright can be held liable, such as publishers or distributors. However, it doesn't address AI systems directly. The law does not clarify who is liable if an AI system inadvertently infringes on copyright or generates defamatory or illegal content (e.g., generating content that infringes on someone else's copyright or spreads misinformation). There should be clearer provisions regarding the liability of developers, users, and AI systems themselves in cases where AI-generated content leads to legal violations (e.g., copyright infringement, defamation, or data privacy breaches).

Whether any reforms are needed in India's IPR laws to better support investigative journalism while respecting intellectual property rights in comparison to foreign laws?

The key legal gaps in intellectual property laws concerning AI content and ownership primarily involve the lack of clear guidelines on authorship, rights, liability, and ethical standards. Addressing these gaps requires amendments to existing laws (such as the Copyright Act, 1957 and the Patents Act, 1970) that specifically account for AI's role in content creation and data processing.

1. Australia

Australia has robust protections for whistleblowers, especially in the corporate

and government sectors. The Public Interest Disclosure Act 2013 (PID Act) provides strong protections for individuals reporting on government misconduct as well as corporate misconduct. Section 26 of the PID Act protects the whistleblower's identity and provides safeguards against retaliation. Section 18 offers whistleblower protections for people in the private sector, with similar confidentiality and anti-retaliation provisions as those in the public sector. Section 39 explicitly protects journalists who report on protected disclosures related to public sector corruption or corporate wrongdoing.

2. United Kingdom

The Public Interest Disclosure Act, 1998 (PIDA) is the primary legislation for whistleblowers in the U.K. It provides protections for whistleblowers in both the public and private sectors. Section 1 defines protected disclosures, including reports about criminal offenses, miscarriages of justice, dangers to health and safety, environmental damage, and any such misconduct. Section 5 Provides protection from unfair dismissal or detriment for whistleblowers making disclosures in the public interest. Ensures that journalists who report on such disclosures are not liable for revealing confidential information as long as the disclosure is in the public interest. U.K. law recognizes the importance of journalism in reporting on public interest issues, and thus protects both the whistleblower and the journalist who exposes misconduct.

3. United States

The U.S. Whistleblower Protection Act (WPA), 1989 offers comprehensive protection for whistleblowers in the federal government. In addition, state laws and corporate whistleblower laws protect whistleblowers in the private sector as well.

Dodd-Frank Wall Street Reform and Consumer Protection Act (2010): Provides financial incentives for whistleblowers in the financial sector, especially for reporting on securities fraud and corporate misconduct. The act also provides for anonymous reporting and protections from retaliation.

Whistle bower Protections for Journalists: Journalists in the U.S. who report on whistleblower disclosures are generally protected under First Amendment rights.

Additionally, whistle blowers can disclose confidential information anonymously, and journalists are not compelled to disclose their sources under the Shield Laws that exist in many states.

India could strengthen its whistle blower protection laws by adopting elements from U.S., U.K., and Australian laws. Some suggested reforms include:

Whistle blower Protection for Private Sector: Extend protection under the Whistle blower Protection Act to include whistle blowers from private companies. This would safeguard individuals who expose corporate wrongdoing without the fear of being fired, blacklisted, or sued for breach of confidentiality.

Anonymous Whistle blowing: Allow anonymous reporting of sensitive information and provide legal safeguards for journalists who report such disclosures, in line with the U.S. Dodd-Frank Act. This would encourage more whistle blowers to come forward, especially in politically sensitive or corporate cases.

Clear Protections for Journalists: Ensure that journalists are explicitly protected under Indian law when reporting on confidential information disclosed by whistle blowers. This could involve revising the Whistle blower Protection Act and including provisions that guarantee freedom of the press and prevent any form of retaliation, criminal charges, or civil suits for reporting on public interest disclosures.

Whistle blower Rewards: Introduce a reward system for whistle blowers, especially in corporate fraud cases, like the U.S. model under the Dodd-Frank Act. This would incentivize individuals to come forward with information that could benefit society and the economy.

Strong Penalties for Retaliation: Strengthen enforcement mechanisms against retaliation and ensure that any violation of whistle blower protection laws is met with strong penalties.

Recommendation

We humbly recommend to ensure the effective regulation of AI-driven processes within the framework of intellectual property rights, by inclusions of clear definitions of AI and its applications, ownership of AI generated content, establishing accountability and liability for IPR infringements caused by AI tools etc. Additionally, provisions for more clear and wider scope of the term “fair use” under section 52 (1)(a) of The Copyright Act, 1957, along with inclusion of specific safeguards for usage of copyrighted or patented content in terms of investigative journalism in intersection with public interest and goodwill for protection of journalist’s and whistle blower's rights.

Scope and limitations

The scope of our research paper is it specifically addresses the legal issues and gaps in Intellectual property right laws in regards to investigative journalism and usage of AI in the same. Our paper also suggests reforms in comparison to foreign laws. This study is limited to India and the research may not capture all real-world instances of IPR-related legal disputes involving journalists due to the sensitive nature of legal cases and changing nature of both IPR law and digital media.

Conclusion

As AI continues to shape the landscape of journalism, the need for robust and adaptable legal frameworks to protect journalists from intellectual property infringements and AI-based risks becomes increasingly urgent. In the USA, UK, and Australia, existing Intellectual Property Rights (IPR) laws offer a wider degree of protection for journalistic works, particularly regarding copyright, fair use or fair dealing provisions, and defamation. The evolving nature of journalism, AI technology and IPR laws demand that governments and lawmakers update and refine existing IPR protection laws. Clearer provisions should be made for AI-generated content and Journalists with an understanding of the potential legal and ethical implications.

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