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# **COPYRIGHT IN THE DIGITAL ERA: COMPARATIVE PERSPECTIVES ON AI- GENERATED CONTENT, FAIR USE, AND ONLINE ENFORCEMENT IN INDIA AND THE UNITED STATES**

AUTHORED BY - THAKKAR RANI

Student Of Silver Oak University, Gota

Professor At Silver Oak University, Gota Prof. Renu Beniwal

CO-AUTHOR – PROF. RENU BENIWAL

Professor At Silver Oak University, Gota Prof. Renu Beniwal

## **ABSTRACT**

The rapid growth of digital technology and artificial intelligence (AI) has significantly transformed the field of copyright law. We all to know that today, content is no longer created only by humans but also by AI systems, raising serious legal and ethical questions. This research paper examines how copyright law is evolving in response to AI-generated content, with a comparative focus on India and the United States. It explores key issues such as authorship, ownership, fair use, and challenges in online enforcement. While the United States has developed a relatively flexible approach through doctrines like fair use, India still follows a more rigid statutory framework. The paper argues that both countries face difficulties in regulating AI-generated works and highlights the urgent need for legal reforms. The study concludes by suggesting a balanced approach that protects creators while also encouraging technological innovation.

**Keywords:** Copyright, AI-generated content, Fair Use, Digital Law, India, USA, Online Enforcement.

## **INTRODUCTION**

In today's digital world, technology is growing at a very fast pace. One of the biggest changes we are witnessing is the use of artificial intelligence in content creation. From writing articles and composing music to generating images and videos, AI tools are now capable of producing creative works that were earlier only possible for humans. This development has created

confusion in copyright law. Traditionally, copyright protection is granted to human creators. But now the question arises—who owns the copyright when content is created by AI? Is it the programmer, the user, or no one at all?

Another important issue is the concept of **fair use**, especially in the digital environment where content is constantly shared, modified, and reused. While some uses of copyrighted work are allowed without permission, the boundaries of fair use are becoming unclear in the context of AI, enforcement of copyright online has become very difficult. With the rise of social media and digital, AI platforms, unauthorized use of content is increasing rapidly. This paper aims to analyse these issues by comparing the legal frameworks of India and the United States. It tries to understand how both countries are dealing with modern challenges in copyright law and what improvements can be made.

## **AI-GENERATED CONTENT AND COPYRIGHT ISSUES**

### **1. Concept of AI-Generated Content**

AI-generated content means any type of content that is created with the help of Artificial Intelligence (AI). This content can include text, images, music, videos, articles, poems, paintings, computer codes, and many other creative works. Instead of being fully made by humans, these works are produced by AI systems after analysing a large amount of data available on the internet or in databases. In simple words AI works like a smart computer program that learn like patterns, languages, designs, and also creativity from existing information and then creates all new contents based on that learning. For examples, tools like chatbots can write essays or stories and AI generators can also create paintings, designs or digital art within seconds.

AI-generated content refers to any work that is created using artificial intelligence systems without direct human creativity. Examples include:

- AI-written articles
- AI-generated artwork
- Music composed by algorithms
- AI created videos
- Computer generated designs
- Chatbot-generated content

The main issue here is that copyright law was designed for human creators, not machines.

## **2. Problem of Authorship**

In copyright law, authorship is very important because only the author gets protection. However, AI does not have legal personality. Nowadays, AI systems can create articles, images, music, videos, and many other creative works with very little human involvement. This raises questions about whether the author is the programmer who developed the AI system or the user who gave instructions to the AI. Another problem is that copyright law mainly protects human creativity. Since AI is not a human or legal person, most countries do not recognize AI as an author. It also becomes difficult to decide ownership and responsibility if AI-generated content copies existing copyrighted work. Therefore, the problem of authorship has become a major legal challenge in the digital era, showing the need for clearer copyright laws related to AI-generated content. The problem of authorship has become an important issue because of the growth of Artificial Intelligence and digital technology. Traditionally, copyright law recognizes the person who creates a work using their own skill, creativity, and effort as the author. However, AI-generated content has created confusion regarding who should be considered the real author.

### **2.1 Position in the United States**

In the United States, courts have clearly stated that copyright protection is only available for human authors. Works created purely by AI are not protected. The United States mainly recognizes human authorship under copyright law. According to the U.S. Copyright office works created entirely by Artificial Intelligence without human creativity are not eligible for copyright protection. Copyright is granted only when there is meaningful human involvement in the creation of the work. However, if a person uses AI only as a tool and adds their own creative ideas or efforts, copyright protection may be given to the human contribution. Therefore, the U.S. position clearly supports human authorship and does not fully recognize AI-generated works under the copyright law.

For example, the U.S. Copyright Office has rejected applications where AI was listed as the author. This shows that human involvement is necessary.

### **2.2 Position in India**

According to me that India's Copyright Act, 1957 does not directly address AI-generated content. In India, there is no separate law specially made for AI-generated content, but the

Copyright Act, 1957 gives some idea about computer-generated works. According to Indian copyright law, the author of a computer-generated work is the person who makes the creation of that work possible. This means that if AI creates any article, image, music, or other content, the copyright may belong to the person who used or operated the AI system. However, it mentions that in computer-generated works, the “person who causes the work to be created” is considered the author. Indian law still gives importance to human involvement and also it does not completely recognise AI as like an author.

This creates confusion:

- Is it the programmer?
- Or the user who gave instructions?
- Is the real author the programmer who created the AI system?

There is no clear judicial interpretation yet, which makes the situation uncertain.

### **3. Ownership Issue**

Ownership becomes complicated when multiple parties are involved:

- AI developer
- Software company
- End user

In the U.S., ownership generally goes to the human who contributed creatively. In India, it depends on interpretation, which may lead to disputes.

## **FAIR USE AND FAIR DEALING IN THE DIGITAL ERA**

Fair use and fair dealing are concepts in copyright law that allow limited use of copyrighted material without permission for purposes like education, research, criticism, and news reporting. People now easily share, copy, upload, and also use the digital content such as like images, videos, music, articles, and memes. In the digital era, online platforms and AI technology have increased the sharing and use of digital content such as images, videos, music, and articles. The United States follows the broader concept of fair use, while India follows the more limited concept of fair dealing. Due to rapid technological growth, it has become difficult to decide what use of online content is legal and what amounts to copyright.

### **1. Understanding Fair Use**

Fair use allows limited use of copyrighted material without permission for purposes like:

- Education
- Research
- Criticism
- News reporting
- Review
- Discussion
- Commentary
- New reporting

## 2. Approach in the United States

The U.S. follows a flexible fair use doctrine based on four factors:

- Purpose of use
- Nature of the work
- Amount used
- Effect on market value

This flexibility helps courts adapt to new technologies like AI.

For example, training AI models using copyrighted data may sometimes be considered fair use if it is transformative.

## 3. Approach in India

India follows the concept of **fair dealing**, which is more restrictive. Only specific uses are allowed, such as:

- Private use
- Research
- Education
- Criticism
- Current events
- Reporting
- Review

Unlike the U.S., Indian law does not provide much flexibility. This makes it harder to deal with modern digital issues.

#### **4. AI and Fair Use Conflict**

AI systems are trained using large datasets, often containing copyrighted material. This raises important questions:

- Is using copyrighted data for AI training fair use?
- Does it harm original creators?

In the U.S., courts are still dealing with this issue. In India, there is almost no clarity.

### **ONLINE COPYRIGHT ENFORCEMENT CHALLENGES**

Online copyright enforcement has become a major challenge in the digital era because digital content can be easily copied, shared, uploaded, and downloaded through the internet.

Platforms like YouTube, Instagram, Facebook, and other websites allow millions of users to share content every day, making it difficult to control copyright violations. Another challenge is identifying the real person responsible for copyright infringement because online users often hide their identity or upload content from different countries. Different copyright laws in different countries also make enforcement more complicated.

Digital platforms are now required to remove illegal or infringing content, but due to the huge amount of online data, proper monitoring becomes difficult. Therefore, online copyright enforcement remains a serious issues related to in the modern digital word.

#### **1. Rise of Digital Platforms**

Platforms like:

- YouTube
- Instagram
- Streaming services
- Spotify
- Netflix
- Facebook

have made content sharing very easy. But they have also increased copyright violations.

#### **2. Problems in Enforcement**

Some major challenges include:

**I. Easy Copying and Distribution**

Digital content can be copied instantly and shared worldwide.

**II. Anonymous Users**

Identifying the infringer is often difficult.

**III. Jurisdiction Issues**

Online infringement can happen across countries, making enforcement complex.

**3. Position in the United States**

The U.S. has introduced strong mechanisms like:

- **DMCA (Digital Millennium Copyright Act)**
- Notice and takedown system
- This allows copyright owners to request removal of infringing content. However, misuse of this system is also a concern.

**4. Position in India**

India has also introduced intermediary guidelines requiring platforms to remove illegal content.

But enforcement is still weak due to:

- Lack of awareness
- Slow legal process
- Limited technological support
- Slow legal procedures
- Large amount of online content
- Problems of proper monitoring systems
- Difficulties in identifying his original owners

**COMPARATIVE ANALYSIS: INDIA VS UNITED STATES**

Aspect	United States	India
AI Authorship	Only human authors recognised	Unclear, depends on interpretation
Copyright protection	Fully AI generated content usually does not get Copyright protection	Copyright law gives limited guidance

Human involvement	It is necessary for protection	Human contribution is also considered important
responsibility	Liability mostly depends on human involvement	No proper rules for clearly defines Responsibility
Fair Use	Flexible doctrine	Limited fair dealing
AI Training Data	Possibly fair use	No clarity
Enforcement	Strong (DMCA)	Developing
Overall Approach	Focus is mainly on protecting human creativity	Focus is on balancing technology and Copyright protection
Legal Clarity	More developed	Still evolving

## NEED FOR LEGAL REFORMS

Both India and the United States need to update their copyright laws to deal with modern challenges.

### I. Recognition of AI in Law

There should be clear rules regarding:

- Ownership
- Liability
- Rights in AI-generated works

### II. Balanced Fair Use Framework

India should consider adopting a more flexible approach similar to the U.S., while still protecting creators.

### III. Stronger Enforcement Mechanisms

- Faster takedown procedures
- Better digital tracking tools
- International cooperation

### IV. Protection of Creators

At the same time, laws should ensure that:

- Artists are not exploited

- Original works are protected
- Innovation is encouraged

## CONCLUSION

The digital era has completely changed the way content is created and shared. Artificial intelligence has added another layer of complexity to copyright law. While the United States has taken a relatively flexible and adaptive approach, India is still in the early stages of dealing with these challenges. Issues like authorship, fair use, and online enforcement require urgent attention. It is clear that traditional copyright laws are not sufficient to handle modern technological developments. Both countries need to reform their legal systems to strike a balance between protecting creators and promoting innovation. In the future, the success of copyright law will depend on how well it adapts to changing technology while maintaining fairness and justice.

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