INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

ISSN: 2582-6433

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner what sever for any consequences for any action taken by anyone on the basis of information in the Journal.

ISSN: 2582-6433

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board

Dr. Namita Jain

Head & Associate Professor
School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC-NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020).Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

ISSN: 2582-6433

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law,Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration.10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.

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.

ISSN: 2582-6433

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN- 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

ISSN: 2582-6433

COPYRIGHT, AUTHORSHIP, AND OWNERSHIP IN THE AGE OF ARTIFICIAL INTELLIGENCE: RECONCILING INTERNATIONAL NORMS WITH INDIAN LAW

AUTHORED BY - PRABHAKAR

Abstract

Generative artificial intelligence (AI) challenges traditional copyright by questioning authorship, ownership, and lawful use of works in training and output. While the Berne Convention enshrines human-centric authorship, national regimes diverge. The U.S. requires human authorship but permits large-scale copying under fair use. The EU maintains human originality, adopts text-and-data mining (TDM) exceptions, and imposes transparency duties under the AI Act. The UK and Ireland recognize "computer-generated works" by statute, while China's courts protect AI outputs where human input is evident. Japan allows broad TDM but restricts style imitation. India's Copyright Act, 1957 names as author "the person who causes the work to be created," and courts require a "modicum of creativity." Yet, India lacks a TDM exception and clear guidance for AI outputs. Reforms should clarify Section 2(d) (vi), adopt EU/Japan-style TDM exceptions, require disclosure of AI assistance, modernize ownership rules, and preserve safe-harbors aligning India with global practice.

Keywords: Artificial Intelligence, Copyright, Authorship, Ownership, Indian Copyright Law.

Introduction

Generative artificial intelligence (AI) models such as large language models, image generators, and music composition systems have rapidly advanced from experimental tools to mainstream engines of creative production. Their capacity to generate text, images, audio, and code at near-human levels of sophistication has unsettled established assumptions of copyright law. At the heart of this disruption lies a fundamental tension: copyright has always been premised on human authorship and creativity, whereas generative models rely on algorithmic processes that mimic human expression by training on vast datasets, many of which include copyrighted works. This creates a legal landscape in which traditional doctrines are being stretched to address entirely new questions of creativity, originality, and ownership.

ISSN: 2582-6433

The first point of complication arises at the training stage, where models ingest massive quantities of existing works to learn statistical patterns of language, music, or design. While developers argue that such copying is non-expressive and purely functional, rightsholders contend that the unlicensed use of their works infringes reproduction rights. Courts and legislatures are thus tasked with balancing the innovation incentives provided by broad training allowances against the protection of creative labor and licensing markets. This balance varies across jurisdictions: the United States tends to rely on fair use arguments, the European Union emphasizes text-and-data mining exceptions with opt-outs, and Japan provides broad statutory permission tempered by output-focused limitations.[1]

The second challenge concerns authorship of AI-generated outputs. Copyright law hinges on the existence of an "author" who contributes skill, labor, and creativity. But when outputs are generated by machines with minimal human intervention, it is unclear who, if anyone, should be credited as the author. The United States insists that only natural persons qualify, rejecting AI as an inventor or author. The United Kingdom and Ireland, by contrast, have statutory provisions deeming authorship in computer-generated works to vest in the person who made the necessary arrangements. China's courts have started recognizing protection where human creative input is demonstrated, while India's Copyright Act, 1957 similarly designates the author of computer-generated works as "*the person who causes the work to be created*." This divergence illustrates the uncertainty in reconciling AI with human-centric copyright regimes. A related and equally complex issue is ownership. Even if authorship can be attributed, determining who holds the rights whether the user providing prompts, the AI developer, the platform provider, or an employer commissioning the work is far from straightforward. Existing laws on first ownership, employment works, and commissioned works offer some guidance, but AI complicates these allocations. For instance, if a designer uses a generative model licensed by a platform, the ownership of the final output may depend on the licensing terms, the extent of human intervention, and the statutory defaults in national copyright laws. Without clarity, disputes over ownership are likely to multiply, affecting both creative industries and technology companies.

Finally, these challenges unfold in an increasingly globalized intellectual property environment. Creative outputs circulate instantly across borders, and AI models are trained on

[1] Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM (2021) 206 final (Apr. 21, 2021).

ISSN: 2582-6433

datasets that transcend national boundaries. WIPO's ongoing "Conversation on IP and AI" highlights the urgent need for international dialogue and harmonization. Policymakers must strike a careful balance: protecting human creators' economic and moral rights, promoting innovation and technological progress, and fulfilling trade obligations under treaties like TRIPS and Berne. Without interoperable solutions, national divergences could create legal uncertainty, forum shopping, and barriers to innovation. Thus, reconciling AI with copyright law is not merely a domestic task it is a global imperative that requires India, along with other jurisdictions, to modernize its frameworks thoughtfully and in alignment with international norms.

Concepts and baselines in international copyright

1 Berne/TRIPS foundations

Berne protects "literary and artistic works" and enshrines moral rights (Art. 6bis), historically conceived for human authors; neither Berne nor TRIPS[2] contemplates non-human authorship. National implementations therefore lean on domestic originality tests and human-authorship doctrines when confronted with AI.[3]

2 The European Union

EU law conditions copyright on an author's *own intellectual creation* (Infopaq[4], Painer[5]), a formulation that presupposes human creativity. Separately, the 2019 DSM Directive created TDM exceptions: a mandatory research exception (Art. 3) and a broader commercial TDM exception (Art. 4) subject to rights holder opt-out. The EU AI Act (2024/2025 implementation) overlays transparency/copyright duties on providers of general-purpose AI models, including a requirement to publish a "sufficiently detailed summary" of training content and to implement a copyright-compliance policy that honors rightsholders' opt-outs under the DSM Directive.[6]

3 The United States

The U.S. Copyright Office (USCO) insists on human authorship for registrability, instructing

[2] Agreement on Trade-Related Aspects of Intellectual Property Rights art. 9, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.
[3] Berne Convention for the Protection of Literary and Artistic Works art. 6bis, Sept. 9, 1886, as revised at Paris July 24, 1971, 1161 U.N.T.S. 3.
[4] *Infopaq Int'l A/S v. Danske Dagblades Forening*, Case C-5/08, 2009 E.C.R. I-6569 (CJEU).
[5] *Painer v. Standard VerlagsGmbH*, Case C-145/10, 2011 E.C.R. I-12533 (CJEU).
[6] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 Apr. 2019 on Copyright and Related Rights in the Digital Single Market, 2019 O.J. (L 130) 92.

ISSN: 2582-6433

applicants to disclaim AI-generated portions and claim only human contributions (selection, arrangement, editing, etc.). The D.D.C. affirmed this position in *Thaler v. Perlmutter* (2023)[7]. At the same time, U.S. fair-use jurisprudence (e.g., *Google Books*, *HathiTrust*[8]; search-engine thumbnails) recognizes large-scale copying for non-expressive analytical uses and search, a logic frequently invoked in debates over AI training (with outcome-determinative litigation still pending). In 2025 the USCO reiterated that works featuring assistive AI may be registrable if the human contribution is sufficiently creative.[9]

4 The United Kingdom and Ireland

UK law uniquely assigns authorship for "computer-generated" works to "the person by whom the arrangements necessary for the creation of the work are undertaken" (CDPA s.9(3)), with a 50-year term from creation (s.12(7)). Ireland has analogous provisions. These rules remain controversial and under review, but they offer a template for attributing outputs where no human creator can be identified in the traditional sense.[10]

5 China

Chinese courts have recognized copyright in AI-generated works where human intellectual input is demonstrated e.g., Tencent's "Dreamwriter" (2019, Shenzhen) and a 2023 Beijing Internet Court ruling upholding rights in a Stable Diffusion-generated image created under a user's guidance. These decisions signal a pragmatic, evidence-of-human-control approach.

6 Japan

Japan's Copyright Act Article 30-4 provides a broad exception for data analysis/TDM (non-expressive uses), tempered by guidance cautioning against "over-learning" and style-targeting that unreasonably prejudices rightsholders. Recent government publications refine the boundaries and emphasize that outputs reproducing protected expression remain unlawful.

[7] *Thaler v. Perlmutter*, 1:22-cv-01564 (D.D.C. Aug. 18, 2023).
[8] *Authors Guild v. HathiTrust*, 755 F.3d 87 (2d Cir. 2014).
[9] U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (Mar. 16, 2023).
[10] Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.).

ISSN: 2582-6433

Authorship and ownership when AI is involved

1. Two archetypes

1. *AI-assisted works*: a human uses generative tools but makes creative choices (prompt engineering, iterative edits, curation, post-processing). Internationally, such human inputs can be protectable; the U.S. requires applicants to disclaim purely AI parts and claim their own contributions. India can analogize: where a human's intellectual conception is evident, that human is the author; where no human creative choices can be shown, Section 2(d)(vi) becomes relevant.
2. *AI-generated works*: no discernible human authorship in the output's expression. UK/Ireland assign a statutory "author" by who made the arrangements; China tends to ask whether the user demonstrated sufficient intellectual input; the U.S. denies protection absent human authorship. India's Section 2(d)(vi) places it closer to the UK model—but it still requires a human "who causes the work to be created."

2. Who "causes" a computer-generated work in India?

Given sparse Indian case law on Section 2(d)(vi), comparative reasoning helps. UK courts and commentators read "arrangements necessary" to include those with creative control over inputs, parameters, or selection/arrangement not merely pressing "generate." Indian guidance could adopt factors such as: (i) specificity and originality of prompts/instructions; (ii) iterative, directed refinements evidencing intellectual conception; (iii) material post-editing; and (iv) accountability for the work's final expression.

3. Defaults on ownership

- *Employment/commissioning (s.17):* where an employee creates an AI-assisted work in the course of employment, the employer is typically first owner (subject to contract). For commissioned works, contract clarity is essential, especially if generation spans multiple tools or vendors.
- *Assignments/Licenses (ss.19, 30):* ensure written, signed instruments that expressly address (a) AI-assisted content, (b) model/tool license constraints, and (c) training re-use of delivered works.
- *Moral rights (s.57):* if the deemed "author" under s.2(d)(vi) is a human, moral rights attach and constrain distortion/mutilation of AI-assisted outputs (as *Sehgal* illustrates for human-created art).

ISSN: 2582-6433

Training data, TDM, and lawful uses

- **EU**: Mandatory TDM for research (Art. 3) and an opt-out regime for other purposes (Art. 4). Providers of GPAI must implement copyright-compliance policies honoring TDM opt-outs and publish training-data summaries under the AI Act.
- **U.S.**: No TDM statute; analysis turns on fair use. Scanning for search/indexing and non-expressive analysis can be fair use (*Google Books*[11], *HathiTrust*[12]), but suits over AI training (e.g., news, image corpora) remain pending.[13]
- **Japan**: Article 30-4 broadly permits non-expressive data analysis, with guardrails against outputs reproducing protected expression or targeted style-extraction that prejudices authors' interests.
- **India:** India lacks an explicit TDM exception. Some training-adjacent uses may rely on fair dealing (research/private use) or transient/incidental storage (technical processes), but these are uncertain footing for commercial model training at scale. Legislative or administrative clarification would materially reduce risk and align India with its trading partners.

Registration, disclosure, and evidentiary hygiene

Copyright registration serves both a declaratory and evidentiary purpose. Although copyright subsists automatically under the Berne Convention[14] and the Indian Copyright Act, 1957, registration provides important proof of ownership, authorship, and originality in disputes. The rise of AI-assisted and AI-generated works introduces new complexities in this process. Questions arise as to how much AI involvement must be disclosed, whether purely machine-generated elements can be registered, and how applicants can establish human authorship in hybrid works.

In the United States, the Copyright Office has recently adopted a clear stance. Applicants must disclose and disclaim any portions of a work generated by AI beyond a de minimis threshold. Only those elements that reflect human creativity such as the selection, arrangement, or editing of AI material are eligible for registration. This policy, reaffirmed in Thaler v. Perlmutter

[11] *Authors Guild v. Google, Inc.*, 804 F.3d 202 (2d Cir. 2015).
[12] *Authors Guild v. HathiTrust*, 755 F.3d 87 (2d Cir. 2014).
[13] U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (Mar. 16, 2023).
[14] Berne Convention for the Protection of Literary and Artistic Works art. 6bis, Sept. 9, 1886, as revised at Paris July 24, 1971, 1161 U.N.T.S. 3.

ISSN: 2582-6433

(2023)[15], ensures transparency while avoiding recognition of non-human authorship. Importantly, the Office does not categorically reject works that involve AI but instead requires applicants to delineate their human contribution. This approach could serve as a practical model for other jurisdictions, including India.

In India, the Copyright Office has not yet issued specific guidance on AI-assisted works. Current practice, rooted in the Copyright Rules, 2013, only requires details of the author and nature of the work. To avoid uncertainty, India could adopt procedural rules or office circulars mandating disclosure of AI involvement, modeled on the U.S. system. This would not predetermine eligibility but would improve transparency and help courts assess originality and human input in future disputes. Such reforms would align India with international practices, reduce fraudulent claims, and provide legal certainty for businesses using AI in creative industries.

Alongside disclosure, evidentiary hygiene is becoming essential. Creators and companies using AI should maintain detailed records of their workflows, including:

- Prompts and iterations used to generate outputs.
- Datasets or content sources relied upon for training, with evidence of licensing or lawful use.
- Post-editing steps (curation, modification, arrangement) demonstrating human creativity.

These logs can serve as critical evidence in establishing originality, authorship, and ownership, particularly in litigation or registration disputes. They may also be used to rebut claims of infringement by showing independent creation or fair use/fair dealing.

Finally, international obligations reinforce the importance of documentation. Under the EU Artificial Intelligence Act (2024), providers of general-purpose AI systems will be required to maintain documentation of training data and publish a "sufficiently detailed summary" under Article 53. This imposes compliance obligations on Indian firms that export services or AI-generated outputs to the European market. Indian companies should therefore adopt internal compliance protocols that not only meet domestic evidentiary needs but also anticipate foreign

[15] *Thaler v. Perlmutter*, 1:22-cv-01564 (D.D.C. Aug. 18, 2023).

ISSN: 2582-6433

requirements. This forward-looking strategy would strengthen India's creative economy while safeguarding its global competitiveness.

Platforms, outputs, and enforcement

The regulation of AI-generated outputs cannot be separated from the role of platforms that host, distribute, or facilitate such works. These include text generators, music composition tools, image synthesis platforms, and marketplaces where AI-generated content is shared or sold. Platforms operate as intermediaries between creators, users, and the public. Therefore, their liability for infringing outputs becomes a key question in copyright enforcement.[16]

- ***Intermediary Safe Harbors***

  Indian jurisprudence on intermediary liability—developed primarily under the Information Technology Act, 2000 and interpreted alongside the Copyright Act, 1957—has consistently resisted the imposition of general monitoring obligations. Courts, including the Delhi High Court in MySpace Inc. v. Super Cassettes Industries Ltd.[17], have affirmed that platforms are not required to proactively police every upload. Instead, liability arises only when the intermediary has received a specific notice of infringement and fails to act expeditiously to remove or disable access to the infringing content. This principle should extend to AI output platforms: imposing proactive filtering or monitoring could chill innovation, hinder free expression, and disproportionately burden startups. By maintaining the "notice-and-takedown" model, India can strike a balance between protecting rightsholders and fostering AI-driven innovation.

- ***Application to AI Platforms***

  AI systems present unique enforcement challenges. Unlike traditional hosting services, platforms here often play an active generative role, producing content based on user prompts. The legal question, therefore, is whether such platforms remain "passive intermediaries" or become joint creators. Extending safe harbor protections would require reaffirming that liability is limited to circumstances where platforms knowingly continue distributing infringing outputs after being notified. Clear guidance from the

[16] Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM (2021) 206 final (Apr. 21, 2021).
[17] *MySpace Inc. v. Super Cassettes Indus. Ltd.*, 236 (2017) DLT 478 (Del. H.C.) (India).

ISSN: 2582-6433

judiciary or legislature will be essential to prevent uncertainty and encourage responsible innovation.

❖ ***Moral Rights Sensitivity***

Beyond economic rights, AI outputs may implicate moral rights under Section 57 of the Indian Copyright Act. Moral rights protect the author's right of attribution (paternity) and right to integrity, safeguarding against distortion, mutilation, or modification prejudicial to the author's honor or reputation. This becomes particularly relevant when AI tools are used for style transfer, remixing, or re-interpretation of existing works. For instance, generating derivative images in the style of a renowned artist, or remixing a musical composition with AI, may trigger integrity claims even if the underlying work has been licensed or assigned.

The Delhi High Court's landmark decision in Amar Nath Sehgal v. Union of India[18] illustrates the judiciary's willingness to enforce integrity rights robustly. In that case, the destruction of the sculptor's mural was held to infringe his moral rights, emphasizing that moral rights survive even after transfer of economic rights. Applying this reasoning to AI contexts, creators may challenge AI-generated reinterpretations of their works that are perceived as degrading, disrespectful, or reputation-damaging. Thus, platforms and users alike must exercise caution when enabling AI-based remixing features.

❖ ***Towards Balanced Enforcement***

Enforcement in the AI era must adapt to safeguard both creators' rights and technological progress. On one hand, platforms should retain intermediary protections that prevent over-policing and excessive liability. On the other, legal recognition of moral rights demands sensitivity to how AI outputs interact with existing human-authored works. A balanced approach could include: (i) codifying notice-and-takedown duties specific to AI platforms; (ii) developing ethical content guidelines that respect attribution and integrity rights; and (iii) encouraging technological tools for provenance tracking and watermarking of AI-generated works. Such measures would ensure that India's enforcement framework remains both innovation-friendly and protective of creators in the digital age.

[18] *Amar Nath Sehgal v. Union of India*, 117 (2005) DLT 717 (Del. H.C.) (India).

ISSN: 2582-6433

Reconciling international norms with Indian law

1) *Clarify Section 2(d)(vi) (computer-generated works):* Issue DPIIT/Registrar guidance adopting a *human creative control* test, with non-exhaustive factors (prompt specificity, iterative direction, post-editing) and illustrations (protectable vs. non-protectable outputs). This mirrors UK statutory logic while honoring India's originality standard in *D.B. Modak*[19].
2) *Introduce a narrow, opt-out TDM exception:* Adopt statutory language modeled on EU Art. 4 (commercial TDM) with rightsholder opt-outs and on Art. 3 (research), plus Japan-style clarification that outputs must not reproduce protected expression and that targeted style extraction may fall outside the exception. Provide technical guidance for machine-readable opt-outs (robots.txt, HTTP headers, content hashing).
3) *Registration disclosure:* Amend registration rules/forms to require applicants to disclose AI assistance and describe human contributions; refusal should be limited to claims lacking any human authorship consistent with international practice and Berne/TRIPS baselines[20].
4) *Contracting defaults and model governance:* Update government procurement and public-funded research templates to address training permissions, retention, and model compliance with foreign regimes (e.g., EU AI Act Article 53 summaries). Encourage industry codes of practice on provenance/watermarking and licensing leveraging WIPO's multi-stakeholder forum to preserve cross-border interoperability.
5) *Preserve safe harbors; modernize notice regimes:* Codify that model and platform providers retain intermediary protections for user-initiated outputs, subject to expeditious action upon sufficiently specific notices identifying allegedly infringing outputs or training-set leaks. Build on *MySpace* principles to avoid chilling effects.

Practical guidance for Indian creators, companies, and counsel

1. Keep audit trails (prompts, edits), avoid ingesting confidential or unlicensed datasets, and secure licenses consistent with export markets (EU/US). Article 53 AI Act transparency makes documentation a de facto compliance requirement for firms serving the EU.

[19] *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).
[20] Agreement on Trade-Related Aspects of Intellectual Property Rights art. 9, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

ISSN: 2582-6433

2. Contract for (a) disclosure of AI use, (b) warranties against unlawful training data, (c) assignment/licensing of human contributions, and (d) moral-rights consents where appropriate.
3. Until India adopts TDM rules, rely on licenses and robust risk assessments; do not depend on fair dealing for commercial training at scale.
4. Describe human authorship and disclaim AI portions to reduce invalidation risk in foreign markets (U.S.).

Conclusion

Around the world, copyright remains a law for humans, even as machines assist or automate creative processes. The emerging convergence is not about anointing machines as authors, but about (i) identifying and protecting human intellectual contributions, (ii) permitting non-expressive analytical uses of works for innovation (with opt-outs and guardrails), and (iii) demanding transparency from powerful model providers. Indian law already contains the seeds of a workable settlement Section 2(d)(vi)'s computer-generated authorship rule, Section 57's strong moral rights, and a case-law tradition that prizes creative skill and judgment. By issuing targeted guidance, adopting a calibrated TDM exception, and aligning registration and platform rules with international practice, India can both safeguard creators and unlock AI's productive potential on terms that interoperate with the EU, the U.S., Japan, China, and the UK.

REFERENCE

1. Berne Convention for the Protection of Literary and Artistic Works art. 6bis, Sept. 9, 1886, as revised at Paris July 24, 1971, 1161 U.N.T.S. 3.
2. Agreement on Trade-Related Aspects of Intellectual Property Rights art. 9, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.
3. *Infopaq Int'l A/S v. Danske Dagblades Forening*, Case C-5/08, 2009 E.C.R. I-6569 (CJEU).
4. *Painer v. Standard VerlagsGmbH*, Case C-145/10, 2011 E.C.R. I-12533 (CJEU).
5. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 Apr. 2019 on Copyright and Related Rights in the Digital Single Market, 2019 O.J. (L 130) 92.

ISSN: 2582-6433

6. Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM (2021) 206 final (Apr. 21, 2021).
7. U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (Mar. 16, 2023).
8. *Thaler v. Perlmutter*, 1:22-cv-01564 (D.D.C. Aug. 18, 2023).
9. *Authors Guild v. Google, Inc.*, 804 F.3d 202 (2d Cir. 2015).
10. *Authors Guild v. HathiTrust*, 755 F.3d 87 (2d Cir. 2014).
11. Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.).
12. Copyright, Designs and Patents Act 1988, c. 48, § 12(7) (U.K.).
13. Copyright and Related Rights Act 2000, § 21(2), No. 28 (Ir.).
14. Shenzhen Nanshan District People's Court, *Shenzhen Tencent v. Shanghai Yingxun Tech.* (2019) (China).
15. Beijing Internet Court, *Li v. Liu* (2023) (China) (AI-generated image copyrightability case).
16. Copyright Act, Act No. 48 of 1970, art. 30-4 (Japan).
17. Copyright Act, No. 14 of 1957, INDIA CODE (1995), § 2(d)(vi).
18. *Eastern Book Co. v. D.B. Modak*, (2008) 1 S.C.C. 1 (India).
19. *Amar Nath Sehgal v. Union of India*, 117 (2005) DLT 717 (Del. H.C.) (India).
20. *MySpace Inc. v. Super Cassettes Indus. Ltd.*, 236 (2017) DLT 478 (Del. H.C.) (India).