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FAIR USE OF COPYRIGHTED WORKS IN AI-GENERATED CONTENT: AN EMPIRICAL STUDY ON AWARENESS, PERCEPTIONS, AND LEGAL CHALLENGES AMONG CONTENT CREATORS IN INDIA

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Abstract:

The rapid development of Artificial Intelligence (AI) and its increasing use in the creation of content have raised important legal issues of copyright protection, fair dealing, ownership and liability for copyright infringement. One of the biggest legal issues with generative artificial intelligence systems is whether or not it is legal to use copyrighted works, often included in the large datasets used to power these systems, to train AIs and generate content. The present study aims to understand the awareness, perception and legal challenges of using the copyrighted works in the AI generated material with specific reference to Indian Copyright regime. In this study, empirical research methodology was used and data was collected from 54 respondents through structured questionnaire. The data collected were analyzed using frequencies and percentages as the descriptive statistical methods. Results showed that 70.4% of respondents knew that content produced by AI may contain copyrighted works and 68.5% of them knew about copyright protection of content produced by AI. At the same time, 72.2% of respondents believe that permission should be obtained from the owners of copyright before using protected works to train AI, and 75.9% believe that if content created by AI is found to be substantially similar to existing copyrighted works, it could be considered copyright infringement. The findings revealed a divided view on the extent of allowable copyright exceptions with 51.9% supporting the use of exceptions for fair use or fair dealing for educational and research purposes and 48.1% opposing it. The results also showed that 94.4% agreed that some form of attribution or compensation should be made to the copyright holders of the works used to train the AI. Interestingly, 74.1% felt that the current Indian intellectual property and copyright regime does not offer sufficient solutions to the copyright related issues raised by content created by AI. 88.9% supported the establishment of specific legal provisions for regulating AI

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training and content generation. The respondents also disagreed on whether the developers of the AI or the users should take responsibility for copyright infringement.

The research finds relatively high awareness of copyright issues relating to AI produced material but considerable uncertainty around fair dealing exceptions, legal liability and adequacy of existing copyright legislation. The paper stresses the need for more legal transparency, copyright literacy and suitable policy reforms to balance the interests of content creators and technological innovation in India.

Keywords: Artificial Intelligence, Copyright Infringement, Fair Use, Fair Dealing, AI-Generated Content, Copyright Awareness, Intellectual Property Rights, Indian Copyright Law.

Introduction:

The fast-growing development of Artificial Intelligence (AI) has had a huge impact on creation, production and distribution of digital content around the world. Artificial Intelligence is a powerful technological tool capable of generating text, images, music, videos, computer programs and other creative works with minimal human involvement. Generative AI applications like ChatGPT, Midjourney, DALL-E and other AI-based applications have transformed the creative industry and enabled people to create content faster and more efficiently. Such technological advancement has provided new opportunities to content creators, researchers, educators, businesses, and professionals involved in digital media. However, the increasing use of AI in creative activities has also raised important legal questions regarding copyright ownership, infringement, fair use, fair dealing and protection of intellectual property rights[1].

Generative artificial intelligence systems often use machine-learning techniques that study huge quantities of data taken from a variety of sources, including websites, books, articles, photographs, music and other digital content[2]. Some of these datasets may contain copyrighted works that have not been individually licensed by their owners. This raises the issue of whether the reproduction and processing of copyrighted material for AI training can be justified under the exceptions to copyright or whether such activities require authorisation from the copyright holders[3]. In addition, the extensive reproduction of protected elements of existing works in AI

[1] (Mark A. Lemley, 2021)
[2] (World Intellectual Property Organization, 2024)
[3] (Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, 1957)

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generated material raises problems of infringement, attribution, compensation and liability[4]. These issues have become more pertinent as content produced by AI is increasingly used for commercial, educational, entertainment and professional purposes.

One major area of discussion around the legality of fair use has been the use of copyrighted works in artificial intelligence systems. Fair use is an exception and limitation to the exclusive right that copyright law gives to the author of a creative work. Fair use is the right to use copyrighted material without permission under certain circumstances. Copyright law of the United States. However, in India, copyright exceptions are largely governed by the doctrine of fair dealing under Section 52 of the Copyright Act, 1957. The American fair use doctrine is broader and more flexible, while the Indian framework specifies certain categories of permitted uses such as certain uses for private or personal purposes, research, criticism, review and reporting of current events. It is also unclear under the law how these exceptions apply to AI training and content created by AI, particularly when dealing with large-scale reproduction or processing of copyrighted works for commercial purposes in the development of AI[5].

Copyright Act, 1957 is the main law dealing with copyright protection in India. Although the Act does acknowledge computer-generated works as authorship, it fails to provide a clear, overarching legal framework for the training of generative AI, use of copyrighted datasets or liability for infringing AI-generated outputs. 2(d)(vi) provides that the author of a computer-generated literary, dramatic, musical or artistic work shall be the person who makes the arrangements for the creation of the work. However, it is difficult to apply this rule to current generative artificial intelligence systems, especially where the content is created by various parties, e.g. AI developers, platform providers and users. Another question is whether copyright can be applied to works created by artificial intelligence and what degree of human creativity or intervention is required to consider a person as the author. Such uncertainties point to the need for an inquiry into the adequacy of existing legal principles to respond sufficiently to new technological development[6]s.

The advent of generative AI tools has also transformed the working of content creators in India. AI is increasingly being used to bring content creation to writers, graphic designers, photographers, musicians, social media influencers, video editors and other creatives. AI tools can improve productivity, reduce production costs and enable creative experimentation, but they also pose risks for the original creators of copyrighted works used in training data or

[4] (Getty Images (US) Inc. v. Stability AI Ltd, 2025)
[5] (Thongmeensuk, 2024)
[6] (European Parliament and Council of the European Union, 2019)

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reproduced in AI generated outputs. The difficulty content creators have in knowing when someone is infringing on their work, proving it is against the law, getting the right kind of help and knowing their rights under today's copyright laws. Meanwhile, users of AI tools may not know if content generated by conventional artificial intelligence can be legally published, modified, monetized or distributed.

And then there is the big problem of awareness of copyright, among the people who create the digital contents[7]. When you consider things like true inspiration, fair use, material reproduction and copyright infringement, the legal implications of generative AI aren't always clear-cut. Another reason for the differing opinions on the legality of AI-produced material could be the lack of clear guidelines. Some may argue that the AI training using copyrighted works is fair use for educational, research or innovation purposes while others may argue that the prior permission and a fair payment should be demanded. Arguments are also likely to arise about who is to blame for AI-generated outputs that infringe existing copyrights – the platform developers, users, or operators. Understanding these perceptions is relevant in terms of real-world challenges in applying copyright law to new technologies.

As the use of artificial intelligence (AI) technologies is increasing in the Indian context, it is important to evaluate the public awareness and perception toward copyright protection and legal regulation. Although artificial intelligence and intellectual property rights are much-debated topics in legal and academic circles, empirical work can shed light on how people think about and react to such issues. Such research is particularly important because the effectiveness of copyright protection is not only a question of statutory provisions and judicial interpretation, but also of awareness and behavior of those who create, use and distribute digital content. An analysis of views on permission, attribution, compensation, infringement and legal responsibility may indicate areas in which further legal clarity and awareness is needed.

The present study Fair Use of Copyrighted Works in AI Content Creation: An Empirical Study on Awareness, Perceptions and Legal Challenges among Content Creators in India aims to study awareness about copyright issues related to AI created content and perceptions on application of copyright exceptions and adequacy of existing Indian laws in this context. The empirical nature of the study is based on primary data collected from 54 respondents through a structured questionnaire. The paper analyzes the knowledge of the respondents about copyright protection of content produced by AI, their attitude to the use of copyrighted works for the purpose of AI training, perception of the risk of copyright infringement and attitude to

[7] (U.S. Copyright Office, 2025)

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the necessity of special legal regulation.

The study also deals with issues of attribution, compensation and the apportionment of legal liability between AI developers and users. It explores the responses to try to identify key perceptions and areas of disagreement on how copyright principles should apply to content produced by AI. The paper also explores whether the existing Indian Copyright regime is sufficient to address the novel legal challenges presented by generative AI. The empirical findings are meant to complement the legal analysis and to provide insight into the awareness and concerns of the respondents, not to ascertain the legal validity of specific AI practices.

This research contributes to the attempt to bridge the theoretical concepts of copyright law with the issues posed by generative AI. It stresses the need to balance the rights and economic interests of original creators with the benefits of technological development, innovation and access to information. The research will also contribute to the ongoing debate on the interpretation of exceptions to fair dealing, the protection of copyrighted works used in training of AI and the potential need for legislative clarification. In the end, the study will offer insights that can assist policymakers, legal professionals, AI developers and content creators to develop a balanced approach to copyright protection in the era of Artificial Intelligence.

Literature Review

The relationship between Artificial Intelligence (AI) and copyright law has been receiving increasing attention from legal scholars, policymakers and researchers as the use of copyrighted materials in the development of generative artificial intelligence systems grows. Most of the existing research has been concentrated on the legality of AI training, copyright ownership, fair use and fair dealing exceptions, infringement liability, and the protection of creators' economic and moral rights. The following review examines significant legal scholarship, judicial developments, and regulatory approaches relevant to the Indian context.

Discussions of AI and copyright in the academic context have centered on the challenges that generative AI poses to traditional notions of authorship, originality, and infringement. Generative artificial intelligence systems are trained on large datasets of literary, artistic, musical and other creative works, some of which may be copyrighted. Researchers have questioned whether the reproduction of such works during AI training requires authorisation from copyright owners and whether AI-generated outputs that resemble existing works amount to infringement.

The United States Copyright Office 2025 report Copyright and Artificial Intelligence, Part 3: Generative AI Training looked at the copyright implications of training generative artificial

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intelligence systems with protected works. The legality of AI training depended on the nature of the material used, the purpose of the training and its potential effect on markets for copyrighted works, it said. It also emphasized the necessity of reviewing copyright exceptions in the light of technological developments. This is relevant to India, where existing copyright law fails to consider all aspects of generative AI training.

One important legal question is whether copyright exceptions apply to content produced by AI. The fair use doctrine of the United States Copyright law provides a flexible approach to the assessment of some unauthorized uses of copyrighted works. In contrast, Indian Copyright law largely follows the doctrine of fair dealing which allows certain uses under Section 52 of the Copyright Act, 1957. Fair learning (2021) explores the intersection of machine learning and copyright law. In fact, the reproduction of protected expression for consumption may not be what is considered to be machine learning, but the extraction of patterns and information. The argument was that if artificial intelligence was appropriate it could be justified under the American fair use doctrine of copyrighted works. Their analysis is an important step in distinguishing technological learning from simple copyright infringement.

However, this has to be carefully considered in the Indian context, as the Indian fair dealing regime is different from the American one. Some permitted uses are listed in Section 52, including private or personal use, research, criticism, review and reporting of current events; It's unclear if any relevant exception would cover large-scale AI training for commercial purposes. This is why the exceptions to the copyright need to be considered while considering the specific legislation of India.

Recent literature has also looked at the economic consequences of AI training for copyright owners. For years, researchers have debated whether and how creators should be credited, compensated or licensed when their copyrighted works are used to train mainstream artificial intelligence systems. The debate highlights the necessity of balancing the benefits of technological innovation with the economic interests of authors, artists, musicians and other creative professionals.

Comparative legal scholarship has discussed a number of regulatory approaches such as licensing regimes, remuneration schemes and statutory exceptions for text and data mining; These methods recognize that excessive exploitation of copyrighted works may be detrimental to the interests of their creators, but that excessive regulation may hinder research and technological progress.

These concerns are highly relevant in India where digital content creation has spread across social media, online publishing, entertainment and creative industries. In addition, many

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aspects of generative AI are not addressed by specific statutory provisions, which makes it all the more critical to consider whether existing copyright law offers adequate protection. A balanced regulatory framework may require clearer standards concerning training-data use, attribution, compensation, transparency, and liability.

Research Gap

The literature reviewed demonstrates that there has been much focus on the doctrinal and comparative legal aspects of copyright protection in generative AI. Thus far, studies and institutional reports have focused on fair use, copyrightability, infringement, licensing and regulatory reform. However, these legal discussions alone do not shape the perception of copyright issues around AI produced material among the people of India. There is a need for empirical research on awareness and perceptions of use of copyrighted works for training AI, use of fair dealing exceptions, attribution, compensation and adequacy of existing Indian copyright law. The present study tries to fill this lacuna by analyzing the primary data collected from 54 respondents using structured questionnaire. The study investigates awareness of copyright protection, perceptions of potential infringement, attitudes toward authorization and remuneration and support for specific legal regulation. The objective of this study is to contribute toward better understanding of legal and practical issues surrounding content produced by AI in India. It brings together empirical findings and an analysis of the Indian copyright regime.

Research Design

The present study takes an empirical and descriptive research design to study awareness, perceptions and legal challenges on fair use of copyrighted works in content produced by AI in India. The research is a mixture of an empirical survey and a doctrinal analysis of the relevant copyright principles. The empirical part focuses on the respondents' knowledge of the copyright protection, opinions on use of copyrighted works for AI training, and opinions on copyright infringement, fair dealing, legal liability and regulatory reforms. The doctrinal part deals with the relevant provisions of the Copyright Act, 1957 especially the fair dealing exceptions under Section 52. The study aims to understand the perception of the respondents regarding legal implications of AI produced content and adequacy of the existing Indian copyright regime.

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Objectives of the Study

The primary objectives of the study are:

- To examine the level of awareness regarding the use of copyrighted works in AI-generated content.
- To analyse respondents' perceptions of copyright infringement and the application of fair use or fair dealing exceptions to AI-generated content.
- To assess opinions concerning permission, attribution, and compensation for copyrighted works used in AI training.
- To examine perceptions regarding the legal responsibility of AI developers and users for copyright infringement.
- To evaluate respondents' views on the adequacy of the existing Indian copyright framework and the need for specific legal regulation of AI-generated content.

Hypothesis

- There is a significant association between the frequency of generative AI tool usage and awareness of copyrighted works used in AI-generated content.
- There is a significant association between copyright awareness and the perception that AI-generated content substantially resembling existing copyrighted works may constitute copyright infringement.
- There is a significant association between perceptions regarding the adequacy of the existing Indian copyright framework and support for specific legal rules governing AI-generated content.

Sources of Data

Primary Data: The primary data was collected through Google form online with a structured questionnaire. The questionnaire asked about participants' awareness of copyright issues around AI, experience using generative AI tools, knowledge of copyright protection, and perceptions of fair dealing, infringement, attribution, compensation, legal responsibility, and regulatory requirements. A total of 54 responses were recorded and considered in the analysis. *Secondary Data*: Copyright Act, 1957, relevant judicial decisions, academic journals, research articles, legal commentaries, government publications and institutional reports dealing with Artificial Intelligence and copyright law. These sources provide the necessary theoretical and legal framework for the interpretation of the empirical data.

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Research Instrument

A structured questionnaire was used as the principal instrument for collecting primary data. It contained ten substantive questions relating to awareness, AI usage, and legal perceptions. Most questions used closed-ended response options, facilitating quantitative analysis.

The questionnaire covered the following areas:

- Awareness of copyrighted works in AI training and content generation.
- Use of generative AI tools for content creation.
- Familiarity with copyright protection in AI-generated content.
- Requirement of copyright owners' permission for AI training.
- Perceptions regarding substantial resemblance and copyright infringement.
- Application of fair use or fair dealing for educational and research purposes.
- Attribution or compensation for copyright owners.
- Adequacy of the existing Indian copyright framework.
- Responsibility for copyright infringement involving AI-generated content.
- Support for specific AI-related copyright legislation in India.

Variables of the Study

Copyright Awareness: This dimension includes awareness of copyrighted works used in AI systems, familiarity with copyright protection, and experience using generative AI tools.

Perceptions Regarding AI-Generated Content: This dimension examines respondents' opinions regarding permission for AI training, potential copyright infringement, fair dealing exceptions, and attribution or compensation for copyright owners.

Legal Challenges and Regulatory Perceptions: This dimension includes opinions concerning liability for copyright infringement, the adequacy of the Indian copyright framework, and the need for specific legal provisions governing AI-generated content.

Scope of the Study

The aim of the study is to understand the awareness, perceptions and legal concerns regarding the use of copyrighted works in content produced by AI, with special reference to India. It deals with questions of AI training, copyright infringement, fair dealing, attribution, compensation and legal liability. The study also looked at the respondents' attitudes toward the adequacy of current copyright legislation and the introduction of specific regulatory measures. The empirical component is limited to the 54 responses collected through the online questionnaire,

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while the legal discussion focuses primarily on the Indian Copyright Act, 1957.

Limitations of the Study

The limitations of the study include the sample size of 54 respondents limits the generalizability of the findings to the larger population of content creators in India. Secondly, the study is based on self-reported answers which are subject to individual interpretation, personal opinion and knowledge of artificial intelligence (AI) technolgies. Thirdly, the study is descriptive, not causal. Therefore, the research does not reveal causal relations between the use of AI and copyright awareness and legal views. Finally, the ongoing rapid development of generative AI and the regulation of copyright may affect the continued applicability of some legal interpretations.

Data Analyzing and Results

Among respondents who frequently used generative AI tools, 91.7% were aware that AI-generated content may involve copyrighted works, compared with 28.6% among those who had never used such tools. Similarly, 88.0% of occasional users reported awareness, compared with 30.0% of rare users.

Frequency of AI usage	**Aware (Yes)**	**Not aware (No)**	**Total**	**Awareness %**
Never	2	5	7	28.6%
Rarely	3	7	10	30.0%
Occasionally	22	3	25	88.0%
Frequently	11	1	12	91.7%
Total	38	16	54	70.4%

Table 1: Frequency of Generative AI Tool Usage and Copyright Awareness

These findings indicate that higher reported AI usage is associated with greater copyright awareness. However, the results do not establish that using AI tools causes an increase in copyright awareness. Because several expected cell counts are below five, a fixed-margin Monte Carlo test was also performed using 100,000 simulated tables. It gave $p \approx 0.00017$, confirming that the association is statistically significant.

Among the 38 respondents who were aware that AI-generated content may involve copyrighted works, 30 (78.9%) agreed that substantial resemblance to existing copyrighted works may constitute infringement. Among the 16 respondents who were not aware, 11 (68.8%) expressed

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the same view.

Copyright awareness	Agree infringement possible	Disagree	Total	Agree %
Aware (Yes)	30	8	38	78.9%
Not aware (No)	11	5	16	68.8%
Total	41	13	54	75.9%

Table 2: Copyright Awareness and Perception of Copyright Infringement

Although the percentage agreeing was higher among copyright-aware respondents, the difference was not statistically significant. Fisher's exact test produced $p = 0.493$, exceeding the significance level of 0.05. This indicates that awareness of copyrighted works in AI systems was not significantly associated with perceptions of infringement among the surveyed respondents.

Of the 54 respondents, 40 (74.1%) believed that the existing Indian copyright framework was inadequate to address issues arising from AI-generated content, whereas 14 (25.9%) considered it adequate. Interestingly, support for specific AI-related copyright rules was high in both groups. Among respondents who considered the existing law adequate, 92.9% supported introducing specific legal rules. Among those who considered the law inadequate, 87.5% supported such rules.

Measure	Value
Pearson chi-square (χ^2)	0.301
Degrees of freedom	1
Pearson p-value	0.583
Fisher's exact p-value	1.000
Significance level	0.05

Table 3: Support for AI-specific legal rules by perceived adequacy of existing law

Fisher's exact test produced $p = 1.000$, indicating that the observed difference is not statistically significant. The findings suggest that support for AI-specific copyright regulation is widespread among respondents, regardless of whether they consider existing Indian copyright law adequate.

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Conclusion:

The research explored awareness, perception and legal issues related to use of copyrighted works in AI produced content in India. Results Based on 54 respondents, results revealed that 70.4% were familiar with the problems of copyright in content generated by AI and 88.9% were in favor of specific rules in law The hypothesis test results indicate a significant relationship between the frequency of using generative AI and awareness of copyright. However, there was no significant correlation between copyright knowledge and infringement perception, legal adequacy perception and support for regulatory reform. The results have sparked questions over copyright infringement, fair dealing, attribution and remuneration for original creators. The Copyright Act, 1957 provides the legal framework for protection of copyright but is not clear on its applicability on new age Artificial Intelligence (AI) technologies. The study concludes that there is a need for awareness on copyright issues, clear legal guidelines and balanced regulatory reforms to protect the rights of the creators and promote responsible AI innovation and technological development in India.

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