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ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW IN INDIA: EXAMINING OWNERSHIP, AUTHORSHIP, AND LIABILITY IN AI-GENERATED WORKS

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Abstract

Artificial Intelligence has transformed the process of creation by enabling machines to generate literary, artistic, musical, and digital works with minimal human intervention. The rapid growth of generative AI systems has created significant challenges for traditional copyright law, particularly in determining authorship, ownership, originality, and liability. This paper critically examines the intersection between Artificial Intelligence and copyright law in India.

Index Terms— Artificial Intelligence, Copyright, AI-Generated Works, Intellectual Property, Authorship, Ownership.

I. INTRODUCTION

Artificial Intelligence has emerged as one of the most transformative technological developments of the twenty-first century. Generative AI systems such as ChatGPT and Midjourney have altered traditional notions of creativity and authorship. Copyright law has historically been based upon the assumption that creativity originates from human intellect. However, modern AI systems challenge this framework because they can autonomously generate literary, artistic, musical, and digital works.

II. EVOLUTION OF ARTIFICIAL INTELLIGENCE AND GENERATIVE TECHNOLOGIES

Artificial Intelligence refers to the capability of machines to perform tasks ordinarily requiring human intelligence. The emergence of machine learning and deep learning transformed AI systems from rule-based software into adaptive systems capable of learning patterns and generating creative outputs. Generative AI systems create new content by analysing large datasets consisting of books, articles, images, music, and digital material.

III. FUNDAMENTALS OF COPYRIGHT LAW IN INDIA

Copyright law protects original literary, artistic, musical, dramatic, and cinematographic works from unauthorised use. In India, copyright protection is governed by the Copyright Act, 1957. Originality is a central requirement for copyright protection. In *Eastern Book Company v. D.B. Modak*, the Supreme Court held that originality requires a minimum degree of creativity involving skill and judgment rather than mere labour.

IV. ORIGINALITY AND AUTHORSHIP IN AI-GENERATED WORKS

The concepts of originality and authorship form the foundation of copyright law. AI-generated works challenge this assumption because modern AI systems can produce sophisticated outputs with minimal human participation. A major legal issue concerns whether AI-generated works satisfy the originality requirement under copyright law.

V. AI-GENERATED WORKS AND COPYRIGHTABILITY

AI-generated works include literary compositions, digital art, music, photographs, software code, and audiovisual content generated through machine-learning systems. Determining whether such works qualify for copyright protection remains highly controversial. In *Thaler v. Perlmutter*, copyright protection was denied for artwork generated entirely by AI.

VI. OWNERSHIP ISSUES IN AI-CREATED CONTENT

Ownership constitutes one of the most important legal challenges arising from AI-generated works. One approach assigns ownership to users because they initiate the creative process through prompts and instructions. Another approach favours developers due to their technological investment and software architecture.

VII. LIABILITY FOR COPYRIGHT INFRINGEMENT BY AI SYSTEMS

AI systems may generate outputs that reproduce or imitate copyrighted works without direct human intention. Consequently, determining liability for infringement has become a major challenge. One source of infringement involves AI training datasets containing copyrighted material.

VIII. TRAINING DATA, FAIR DEALING, AND ETHICAL CONCERNS

Generative AI systems rely upon extensive datasets consisting of copyrighted books, articles,

images, and music. Critics argue that unauthorised use of such materials for machine-learning training amounts to copyright infringement. Ethical concerns also arise regarding artistic style imitation, deepfake technology, and algorithmic bias.

IX. COMPARATIVE ANALYSIS

Different jurisdictions adopt varying approaches toward AI-generated works. The United States strongly emphasises human authorship, while the United Kingdom provides limited recognition for computer-generated works. The European Union focuses upon human intellectual creation while simultaneously developing comprehensive AI governance mechanisms.

X. RECOMMENDATIONS AND LEGAL REFORMS

India should introduce clear statutory provisions specifically addressing AI-generated works. Legislative reforms should clarify standards of authorship and ownership, liability allocation, regulation of AI training datasets, and transparency obligations for AI developers.

XI. CONCLUSION

Artificial Intelligence has fundamentally transformed the relationship between technology and creativity. Indian copyright law remains inadequately equipped to address questions relating to originality, authorship, ownership, and infringement arising from AI-generated works. Legislative reform and judicial interpretation are essential to ensure legal certainty in the digital age.

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