



Copyright Law in the Era of Artificial Intelligence: Examining AI-Generated Content and the Copyright Issues in India

*By Dr Avulapati Venu, MA, MLISc, PhD
Libraian, Govt Degree College for Women, Gajwel*

Introduction

The rapid rise of Generative AI has created unprecedented challenges for India's intellectual property framework, placing the **Copyright Act, 1957** at a critical juncture. While the Act currently focuses on human authorship, the generation of content by AI raises complex questions regarding ownership, infringement, and the legal status of non-human creators. Without specific AI legislation, Indian courts face challenges in interpreting existing law to address AI-generated outputs, prompting urgent legal debate over copyright protection in the digital era.

The rapid advancement of artificial intelligence (AI), particularly generative AI, has profoundly disrupted traditional notions of creativity, authorship, and intellectual property. In India, the **Copyright Act, 1957** which governs copyright protection remains largely human-centric and was not designed to address machine-generated content. This creates significant legal challenges for AI-generated works, including questions of authorship, originality, ownership, copyrightability, and potential infringement during AI training.

As of February 2026, India's framework is evolving through judicial interpretations, expert committees, and government consultations, but no comprehensive amendments have been enacted yet. Below is a detailed analysis of the key issues.

The Indian Legal Framework: Core Provisions

The Indian legal framework is a comprehensive system based on the Constitution, prioritizing the rule of law through a hierarchical judiciary, including the Supreme Court, High Courts, and district courts. Core provisions center on Fundamental Rights (Articles 12-35), statutory laws (IPC, CrPC, Contract Act), personal laws, and separation of

powers. India's **Copyright Act, 1957** protects original literary, dramatic, musical, and artistic works, as well as cinematograph films and sound recordings (Section 13). Copyright subsists automatically upon creation, granting exclusive rights to reproduction, distribution, adaptation, and more (Section 14).

Authorship: Section 2(d) defines "author" primarily as a natural person. For **computer-generated works**, Section 2(d)(vi) attributes authorship to "the person who causes the work to be created." This provision (introduced in 1994 amendments) was intended for software-assisted outputs but applies uncertainly to modern generative AI.

Originality: Works must show skill, judgment, and labor (not mere sweat of the brow). Purely autonomous AI outputs often lack this human element.

Moral rights: Section 57 protects the author's right to paternity (attribution) and integrity (preventing distortion harming reputation), assuming a human creator with personality tied to the work.

Purely AI-generated content (with minimal human input) generally falls into a gray area: it may not qualify for copyright protection due to the absence of human authorship.

Key Challenges with AI-Generated Works

Authorship and Ownership Who owns an AI-created image, text, song, or artwork?

If the user provides detailed prompts, edits outputs, or exercises creative control, they may claim authorship as the person who "causes" the work.

Purely autonomous generation (e.g., random output from a prompt like "draw a cat") likely has no copyright, as AI lacks legal personality.

Developers/programmers rarely qualify unless they directly contribute creatively. Courts emphasize human intellectual effort; non-human entities (like animals in global precedents such as *Naruto v. Slater*) cannot hold rights, extending to AI.

Copyrightability Pure AI outputs without substantial human involvement are often unprotected. Works with meaningful human curation, editing, or input may qualify. Early cases tested this.

In the *Suryast* matter (around 2020), an AI-assisted artwork initially received registration (acknowledging AI as co-author), but the Copyright Office later withdrew it, insisting on human authorship. Delhi High Court rulings (e.g., references to cases like *Anvita Singh v. Union of India*, circa 2023) have rejected protection for fully AI-generated paintings lacking identifiable human creators.

Infringement Risks in AI Training: Generative AI models train on vast datasets, often including copyrighted material scraped from the internet. This raises reproduction and adaptation issues. India's fair dealing exceptions (Section 52) are narrower than U.S. fair use, limited to purposes like private use, criticism, research, or reporting no broad "transformative use" defense. Ongoing litigation (e.g., ANI v. OpenAI, 2024, in Delhi High Court) examines whether training on copyrighted news articles infringes.

Global comparisons: U.S. leans on fair use debates; EU/Singapore/Japan have text and data mining (TDM) exceptions (some with opt-outs). major jurisdictions handle copyright exceptions for text and data mining (TDM), particularly in the context of training artificial intelligence (AI) models. TDM involves reproducing, extracting, and analyzing large datasets, often including copyrighted materials, to enable machine learning processes. Globally, approaches vary based on legal traditions, innovation priorities, and rights-holder protections

Moral Rights and Ethical Concerns: AI outputs may imitate styles or incorporate elements from human creators without attribution, threatening moral rights. India's strong moral rights regime (influenced by Berne Convention) assumes human personality—AI disrupts this, potentially harming cultural heritage and creators' reputations.

Recent Developments and Policy Responses (as of 2026)

In 2025, the **Department for Promotion of Industry and Internal Trade (DPIIT)** formed an expert committee to examine AI-copyright intersections. Key outcomes include:

A Working Paper on Generative AI and Copyright - Part 1 (December 2025) focused on training data use. It rejected broad TDM exceptions (favored by tech firms) or opt-out models, instead proposing a **mandatory blanket licensing regime**: AI developers gain access to lawfully accessed copyrighted works for training, but rights holders receive royalties via a new collective body (e.g., Copyright Royalties Collective for AI Training). Public consultations extended into February 2026.

- Part 2 (anticipated) addresses AI-generated outputs' copyrightability, authorship, moral rights, and liability for infringing outputs.
- Government signals indicate **Copyright Act amendments** within ~3 years to introduce clarity, possibly a new chapter on AI works, extended royalties, or redefined authorship.
- Related rules: 2025 amendments to IT Rules require labeling of AI-generated/synthetic content to curb misinformation.

Comparative Insights and Future Outlook

Globally, approaches vary: U.S. Copyright Office denies protection for non-human works; some jurisdictions explore sui generis rights or mandatory disclosures. India prioritizes balancing innovation with protecting its rich creative ecosystem (e.g., content industries, cultural heritage).

Without reform, challenges persist:

- Innovation may stall due to legal uncertainty.
- Creators risk uncompensated use of works in training.
- AI outputs flood markets, devaluing human creativity.

India's path favors a licensing/compensation model over exceptions, reflecting its developmental priorities. Stakeholders await Part 2 of the working paper and potential amendments. Until then, human involvement remains key to claiming copyright in AI-assisted works.

Conclusion

India stands at a regulatory crossroads in the era of AI. The existing framework safeguards human-centric creativity but struggles to accommodate machine-generated outputs or the realities of AI training datasets. Without legislative amendments potentially within the next few years, as signaled by DPIIT the tension between promoting technological progress and protecting creators' rights will persist. A balanced, forward-looking reform clarifying authorship thresholds, introducing tailored exceptions or licensing for training, and recognizing hybrid human-AI contributions could position India as a leader in harmonizing copyright with generative AI. Until such changes materialize, caution, contractual clarity (e.g., platform terms assigning rights to users), and reliance on human oversight remain essential for stakeholders navigating this evolving landscape. The ongoing consultations and judicial developments will likely shape a more adaptive regime that nurtures both innovation and the creative ecosystem.

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