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# Generative Artificial Intelligence and Copyright Law in India: A Doctrinal Analysis of Ownership and Authorship

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**ABSTRACT**

*The rapid evolution of generative artificial intelligence (GenAI) challenges the traditional, anthropocentric foundations of copyright law in India. Under the Copyright Act, 1957, authorship is tied to natural human creators. As AI systems move from being mere tools to autonomous creators, a critical legal lacuna emerges in determining the authorship and ownership of machine-generated works. This study examines the statutory interpretation of "originality" and "skill and judgment" under Sections 2(d), 13, and 17 of the Act. Analysing recent administrative developments before the Copyright Office of India, which require proof of substantial human creative direction, the research evaluates the viability of granting copyright protection to human-prompted or AI-assisted works. It further undertakes a comparative analysis of the approaches adopted in the United States, the United Kingdom, and the European Union in order to draw regulatory insights. Ultimately, the study argues that existing Indian law is inadequate for governing fully autonomous AI creations, risking either the monopolisation of machine-generated content or its unwarranted relegation to the public domain. The paper proposes a balanced, innovation-friendly legal framework, such as a structured creative control test or sui generis protection, to delineate rights between AI developers, end-users, and human creators, so that copyright law continues to serve its primary goal of promoting progress.*

***Keywords:*** *Artificial Intelligence, Copyright Act, 1957, Authorship, Ownership, AI-generated works, Generative AI, Originality*

## I. INTRODUCTION

The emergence of generative artificial intelligence (GenAI) has significantly transformed the landscape of intellectual property law, particularly in the field of copyright. Traditionally, copyright law has rested on the assumption that creative works are the product of human intellect, imagination, and skill. Literary, artistic, musical, and dramatic works have long been regarded as expressions of human creativity deserving legal protection. However, the increasing

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ability of artificial intelligence systems to generate original text, images, music, software code, and other creative outputs with minimal human intervention has challenged these long-established principles. As AI evolves from a mere technological tool into an increasingly autonomous creator of content, fundamental questions arise regarding originality, authorship, and ownership under copyright law.

In India, these technological developments expose significant gaps within the existing legal framework. The Copyright Act, 1957 was enacted at a time when the possibility of autonomous machine-generated creativity was inconceivable.[1] Although the Act provides for the identification of authors in different categories of copyrightable works, it does not recognise artificial intelligence as a legal author. Consequently, uncertainty arises where a work is generated substantially or entirely by an AI system. In such circumstances, it remains unclear whether copyright should vest in the developer of the AI system or in the user who provides the prompts or instructions, or whether such works should remain outside the scope of copyright protection altogether.

The legal position becomes even more complex in relation to AI-assisted works. Recent developments before the Copyright Office have demonstrated the absence of a settled approach regarding works created with the assistance of artificial intelligence. At the same time, the increasing use of copyrighted material to train AI models has generated important legal concerns relating to infringement, licensing, fair dealing, and the scope of the statutory exceptions under Section 52 of the Copyright Act, 1957.[2] These developments underscore the need for greater legislative clarity in addressing the relationship between artificial intelligence and copyright law.

India presently stands at a critical stage in balancing technological innovation with the protection of intellectual property rights. Government initiatives promoting artificial intelligence, including the IndiaAI Mission, demonstrate the country's commitment to becoming a global leader in AI-driven innovation. Such progress must, however, be accompanied by a legal framework that adequately safeguards the economic and moral rights of human creators while encouraging responsible technological development. Ongoing policy discussions and expert recommendations further underscore the necessity of modernising India's copyright regime to respond effectively to emerging AI technologies.

[1] The Copyright Act, 1957, No. 14 of 1957, INDIA CODE.
[2] The Copyright Act, 1957, No. 14 of 1957, § 52.

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Against this background, the present study critically examines the issues of ownership and authorship of AI-generated works under Indian copyright law. It evaluates whether the existing anthropocentric framework of the Copyright Act, 1957 remains adequate in the age of generative artificial intelligence, and it analyses the legal challenges arising from AI-assisted and AI-generated creations. Through a comparative study of international approaches and an examination of evolving legal principles, this research seeks to propose a balanced and future-oriented framework capable of protecting both innovation and the rights of human creators within the Indian copyright system.

## II. Statement of the Problem

The rapid advancement of generative artificial intelligence has significantly transformed the creation of literary, artistic, musical, and other copyrightable works. Unlike traditional software, modern AI systems can generate original content with minimal human intervention, thereby challenging the human-centric foundation of copyright law. The Copyright Act, 1957 was enacted before the emergence of such technologies and does not expressly address the legal status of AI-generated works. Although the Act identifies the authors of different categories of works, it remains uncertain whether autonomous AI-generated content satisfies the requirement of originality, or who should be recognised as its lawful author and owner. This legislative ambiguity creates practical difficulties relating to copyright protection, infringement, licensing, and the commercial exploitation of AI-generated works. It also raises concerns regarding the balance between encouraging technological innovation and safeguarding the rights of human creators. In the absence of a clear legal framework, stakeholders including authors, AI developers, and users face considerable uncertainty. There is therefore a pressing need to examine the adequacy of the existing copyright regime and to explore appropriate legal reforms capable of addressing the challenges posed by artificial intelligence in India.

## III. Objectives of the Study

- To examine the statutory framework of the Copyright Act, 1957, with particular reference to the provisions governing authorship, ownership, and originality in relation to AI-generated works.
- To analyse the legal challenges associated with determining the authorship and ownership of AI-generated and AI-assisted works under the existing Indian copyright regime.
- To evaluate the judicial interpretations, legal doctrines, and comparative international approaches relating to copyright protection for AI-generated works.

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- To identify the gaps and inadequacies in the existing Indian copyright framework in addressing the legal issues arising from generative artificial intelligence.
- To propose suitable legal reforms and policy recommendations for developing a balanced copyright framework that protects human creativity while promoting responsible technological innovation in India.

## IV. Review of Literature

P. Narayanan, Copyright and Industrial Designs, explains the concepts of originality, authorship, and copyright ownership under the Copyright Act, 1957.[3] The author's interpretation of Sections 2(o) and 2(d) establishes that copyright protection is founded on human intellectual creativity, making this work fundamental to any analysis of AI-generated works under Indian law.

V.K. Ahuja, Law Relating to Intellectual Property Rights, examines the interaction between copyright law and technological advancement.[4] The work discusses authorship, ownership, and digital creativity, and highlights the limitations of existing Indian copyright law in addressing AI-generated content.

Ryan Abbott, The Reasonable Robot: Artificial Intelligence and the Law, argues that legal systems should reconsider conventional concepts of authorship and ownership in light of AI innovation.[5] The work offers valuable policy perspectives on copyright protection for AI-generated creations and serves as an important comparative source.

Lionel Bently, Brad Sherman, Dev Gangjee, and Phillip Johnson provide a detailed doctrinal analysis of computer-generated works and authorship under United Kingdom copyright law.[6] Their discussion of the person who makes the arrangements necessary for the creation of a work offers useful comparative guidance for interpreting Section 2(d) of the Copyright Act, 1957, and mirrors the approach of Section 9(3) of the Copyright, Designs and Patents Act 1988.[7]

T. Ramappa, Intellectual Property Rights in India, analyses Indian copyright law alongside international intellectual property obligations, particularly the TRIPS Agreement.[8] The work highlights the need for legislative reform to address emerging technologies, including artificial intelligence.

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[3] P. Narayanan, Copyright and Industrial Designs (4th ed. 2017).
[4] V.K. Ahuja, Law Relating to Intellectual Property Rights (3d ed. 2021).
[5] Ryan Abbott, The Reasonable Robot: Artificial Intelligence and the Law (2020).
[6] Lionel Bently, Brad Sherman, Dev Gangjee & Phillip Johnson, The Law of Copyright and Designs (9th ed. 2024).
[7] Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.) (providing that, for a computer-generated literary, dramatic, musical or artistic work, "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken").
[8] T. Ramappa, Intellectual Property Rights in India (4th ed. 2023).

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Guido Noto La Diega, AI, Robotics and the Law, critically examines ownership, legal responsibility, and intellectual property rights in relation to autonomous technologies.[9] The work contributes significantly to contemporary debates on the allocation of copyright in AI-generated works.

## V. RESEARCH METHODOLOGY

The present study adopts a doctrinal research methodology, involving a systematic analysis of the existing legal framework governing artificial intelligence and copyright law in India. The research is qualitative in nature and is based exclusively on secondary sources. Relevant material has been drawn from the Copyright Act, 1957, judicial decisions of Indian and foreign courts, constitutional provisions, government reports, policy documents, law commission reports, books, peer-reviewed journals, research articles, and other authentic legal databases.

The study examines the statutory provisions relating to authorship, ownership, originality, and the copyright protection of AI-generated works. It further analyses judicial interpretations and legal doctrines governing copyright law, and undertakes a comparative study of the approaches adopted in jurisdictions such as the United Kingdom, the United States, and the European Union. The research also evaluates recent developments in artificial intelligence and their implications for the Indian copyright regime.

The methodology is descriptive, analytical, and comparative, with the objective of identifying the strengths and limitations of the existing legal framework. On the basis of this doctrinal analysis, the study proposes suitable legal and policy reforms to address the challenges posed by generative artificial intelligence, while ensuring an appropriate balance between technological innovation and the protection of human creativity.

## VI. SIGNIFICANCE OF THE STUDY

The rapid growth of generative artificial intelligence has created unprecedented challenges for copyright law, particularly in relation to the authorship and ownership of AI-generated works. This study is significant because it examines whether the existing provisions of the Copyright Act, 1957 are capable of addressing these emerging legal issues in the digital age. By analysing the statutory framework, the judicial interpretations, and the relevant legal doctrines, the research identifies the limitations of the current copyright regime and highlights the need for legislative clarity.

[9] GUIDO NOTO LA DIEGA, AI, ROBOTICS AND THE LAW (2022).

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The study further contributes to legal scholarship by undertaking a comparative analysis of the international approaches adopted in jurisdictions such as the United Kingdom, the United States, and the European Union. These comparative insights assist in evaluating whether similar legal principles can be adapted to the Indian context.

The findings of this research are expected to benefit lawmakers, legal practitioners, policymakers, researchers, technology developers, and creators by providing a comprehensive understanding of the legal challenges surrounding AI-generated works. More importantly, the study proposes practical legal and policy reforms aimed at balancing technological innovation with the protection of human creativity. It therefore contributes to the ongoing development of a modern and effective copyright framework capable of addressing the challenges posed by artificial intelligence in India.

## VII. LIMITATIONS OF THE STUDY

The present study is confined to a doctrinal analysis of the legal issues relating to the ownership and authorship of works generated by generative artificial intelligence under the Indian copyright regime. It is based primarily on the interpretation of the Copyright Act, 1957, judicial decisions, government reports, policy documents, and other secondary legal sources. Since the existing legislation does not expressly regulate generative artificial intelligence, the analysis is limited by the absence of comprehensive statutory provisions and authoritative judicial precedents in India. Although reference is made to the approaches adopted in jurisdictions such as the United Kingdom, the United States, and the European Union, the comparative discussion is intended only to provide contextual guidance and does not constitute an exhaustive analysis of foreign law. Further, this study does not examine the technical aspects of artificial intelligence, the copyright issues relating to AI training datasets, data privacy, or the economic impact of AI on the creative industries. As a purely doctrinal study, it does not involve empirical research, interviews, surveys, or statistical analysis. The research is therefore limited to examining the existing legal framework and identifying possible legislative reforms concerning the ownership and authorship of AI-generated works in India.

## VIII. LEGAL ANALYSIS

### A. Concept and evolution of generative artificial intelligence

Generative artificial intelligence represents a significant advancement in the field, enabling computer systems to create original content such as literary works, artistic images, music, computer programs, and audiovisual material through sophisticated machine-learning algorithms. Unlike traditional software, which merely executes predetermined commands,

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generative AI systems analyse extensive datasets, recognise patterns, and generate outputs that often resemble works created through human creativity. The emergence of technologies such as large language models and image-generation systems has transformed the creative industries by automating tasks once considered exclusively dependent upon human intellect.

The increasing integration of generative artificial intelligence into fields such as publishing, entertainment, education, journalism, software development, and digital media has generated complex legal questions concerning intellectual property rights. While AI serves as an efficient tool for enhancing creativity and productivity, it also challenges the traditional principles upon which copyright law has historically been founded. Existing copyright regimes were developed on the assumption that every original work is the result of human intellectual effort. Consequently, the autonomous generation of creative works by artificial intelligence has blurred the distinction between human creativity and machine-generated expression.

In India, the adoption of generative artificial intelligence has accelerated across both commercial and creative sectors. Writers increasingly employ AI-assisted drafting tools, artists use AI-based image generators, software developers rely on AI for code generation, and businesses incorporate AI-generated content into their marketing and commercial activities. Although these developments encourage innovation, they simultaneously expose significant limitations within the Copyright Act, 1957, which was enacted decades before the emergence of modern artificial intelligence technologies. The legislation neither defines artificial intelligence nor provides explicit rules governing the ownership and authorship of AI-generated works, thereby creating considerable legal uncertainty.

The absence of a dedicated statutory framework has compelled legal scholars and policymakers to reconsider whether traditional copyright principles remain adequate in the digital age. This uncertainty has further intensified debates regarding the legal recognition of AI-generated works, particularly where human involvement is minimal or entirely absent. The challenge lies in balancing technological advancement with the fundamental objective of copyright law, namely the protection and encouragement of human creativity.

Accordingly, the emergence of generative artificial intelligence necessitates a careful re-examination of the existing copyright framework in order to determine whether it is capable of accommodating technological innovation without undermining the principles upon which copyright protection is based.

**B. Human authorship under the Copyright Act, 1957**

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The doctrine of human authorship forms the cornerstone of copyright law in India. Copyright protection has traditionally been justified on the premise that creative works originate from the intellectual labour, imagination, and personal skill of human beings. This anthropocentric approach is reflected throughout the Copyright Act, 1957, which identifies authors in relation to different categories of protected works without recognising artificial intelligence as a legal author.

Section 2(d) of the Copyright Act, 1957 specifies the author of literary, dramatic, musical, artistic, and cinematograph works, as well as computer-generated works.[10] Although the provision addresses computer-generated works, it was enacted at a time when computers functioned merely as instruments operating under direct human control. Contemporary generative artificial intelligence systems differ fundamentally from such earlier technologies because they are capable of generating complex creative outputs with varying degrees of autonomy. Consequently, the statutory language does not adequately resolve questions of authorship where creative expression is produced substantially through autonomous machine-learning processes.

The principle of human authorship is closely linked with the concept of originality under Indian copyright jurisprudence. Courts have consistently recognised that copyright protects the expression of human intellectual effort rather than mere ideas or mechanical reproduction. The decision of the Supreme Court in Eastern Book Company v. D.B. Modak reaffirmed that originality requires the exercise of skill, judgment, and a minimum degree of creativity.[11] This interpretation reflects the understanding that copyright exists to reward human intellectual contribution rather than automated production.

The application of these principles becomes increasingly uncertain in the context of generative artificial intelligence. Where a user merely provides a short prompt and the AI independently determines the language, composition, structure, or artistic elements of the final output, it becomes difficult to identify the extent of the human creative contribution. Conversely, where significant human direction, editing, and creative control are exercised throughout the process, stronger arguments exist for recognising copyright protection in favour of the human user.

The absence of legislative guidance has therefore created uncertainty regarding the legal distinction between AI-assisted works and fully AI-generated works. This uncertainty affects not only authors and creators but also the software developers, publishers, technology

[10] The Copyright Act, 1957, No. 14 of 1957, § 2(d).
[11] Eastern Book Co. v. D.B. Modak, (2008) 1 SCC 1 (India).

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companies, educational institutions, and businesses that increasingly rely upon AI-generated content. Without a clearly defined legal framework, questions relating to ownership, infringement, licensing, and commercial exploitation remain unresolved.

From a doctrinal perspective, the existing statutory framework continues to reflect a predominantly human-centred philosophy of copyright. While this approach successfully protects traditional creative works, it appears increasingly inadequate to address the realities of modern generative artificial intelligence. Accordingly, there is a compelling need to reinterpret the existing provisions, or to introduce legislative reforms capable of providing greater certainty regarding the authorship and ownership of AI-generated works under Indian copyright law.

**C. Originality under the Copyright Act, 1957**

Originality is one of the fundamental requirements for copyright protection under the Copyright Act, 1957. Although the Act does not expressly define the term, Indian courts have consistently interpreted originality as requiring the application of human skill, judgment, and intellectual effort in the creation of a work. Copyright does not protect ideas themselves, but rather the original expression of those ideas. Consequently, the doctrine of originality serves as the foundation upon which copyright protection is granted.

The interpretation of originality has evolved through judicial decisions. Earlier decisions followed the sweat of the brow doctrine, under which copyright protection could be obtained through substantial labour and effort. However, the Supreme Court in Eastern Book Company v. D.B. Modak refined this approach by holding that originality requires a minimum degree of creativity combined with the exercise of skill and judgment. The Court rejected the notion that mere labour or mechanical effort is sufficient to attract copyright protection. This decision continues to guide Indian copyright jurisprudence and has become particularly relevant in the context of artificial intelligence.

The emergence of generative artificial intelligence raises significant questions regarding the application of this originality standard. AI systems are capable of producing creative outputs that may appear original to readers or viewers. However, such originality is generated through computational processes rather than independent human intellectual effort. This creates uncertainty as to whether AI-generated works satisfy the judicial standard established under Indian law.

A further challenge arises in distinguishing between AI-assisted and AI-generated works. Where a human creator exercises substantial creative control by selecting prompts, modifying outputs, arranging content, and making independent creative decisions, the resulting work may still

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satisfy the requirement of originality. Conversely, where the AI independently determines the content with minimal human contribution, the necessary connection between human creativity and copyright protection becomes significantly weaker.

The doctrine of originality therefore remains closely linked with the principle of human authorship. Unless Indian courts reinterpret originality so as to recognise machine-generated creativity, autonomous AI-generated works may continue to fall outside the scope of copyright protection under the existing legal framework. This demonstrates the growing need for legislative clarification capable of addressing technological developments while preserving the essential objectives of copyright law.

**D. Interpretation of Sections 2(d), 13, and 17 of the Copyright Act, 1957**

The Copyright Act, 1957 contains several provisions that directly influence the determination of authorship and ownership. Among these, Sections 2(d), 13, and 17 constitute the principal statutory framework governing copyright protection. A doctrinal examination of these provisions reveals that they were drafted primarily with human creators in mind and provide only limited guidance for resolving disputes involving generative artificial intelligence.

**i. Section 2(d): the meaning of author**

Section 2(d) identifies the author of various categories of copyrightable works. In relation to literary, dramatic, musical, artistic, and cinematograph works, the provision clearly associates authorship with identifiable human creators. The Act also recognises the author of a computer-generated work as the person who causes the work to be created.[12] Although this provision has attracted considerable attention in recent discussions on artificial intelligence, its interpretation remains uncertain.

At the time of its enactment, the legislature intended this provision to address works generated through conventional computer technology rather than sophisticated machine-learning systems capable of autonomous content creation. Consequently, the phrase "the person who causes the work to be created" has become the subject of considerable doctrinal debate. It remains unclear whether the expression refers to the software developer, the owner of the AI model, the user who provides the prompts, or another person exercising creative control over the final output.

The absence of judicial interpretation specifically addressing generative artificial intelligence has resulted in considerable legal uncertainty. Until authoritative guidance is provided by

[12] The Copyright Act, 1957, No. 14 of 1957, § 2(d)(vi) (defining the author of a computer-generated work as "the person who causes the work to be created").

Parliament or the judiciary, the scope of Section 2(d) will remain open to differing interpretations.

**ii. Section 13: copyright protection**

Section 13 specifies the categories of works eligible for copyright protection, including literary, dramatic, musical, and artistic works, cinematograph films, and sound recordings.[13] Although the provision establishes the types of protected works, it does not expressly address whether AI-generated creations fall within these categories.

From a doctrinal perspective, Section 13 must be interpreted alongside the requirement of originality and the concept of human authorship. Since copyright protection has traditionally been granted to works embodying human intellectual effort, uncertainty arises where creative expression is generated predominantly through autonomous artificial intelligence. This legislative silence creates ambiguity regarding the copyrightability of AI-generated outputs and highlights the limitations of the existing statutory framework.

**iii. Section 17: first ownership of copyright**

Section 17 provides that the author of a work shall ordinarily be regarded as its first owner, subject to specified statutory exceptions.[14] This provision operates effectively where authorship can be clearly identified. However, difficulties arise in determining the ownership of AI-generated works because ownership under Section 17 depends upon the prior identification of the author.

If a human user is recognised as the author by virtue of exercising substantial creative control over the AI system, copyright ownership would ordinarily vest in that individual. Conversely, where the work is generated autonomously by artificial intelligence without sufficient human intellectual contribution, the existing statutory framework provides no clear mechanism for determining ownership. Similar complexities arise where an AI system is developed by one entity but used by another for commercial content creation.

The absence of legislative guidance under Section 17 therefore creates practical uncertainty regarding copyright ownership, licensing, commercial exploitation, and enforcement. This uncertainty may discourage investment in AI-driven creative industries while simultaneously affecting the rights of human creators and technology developers.

**iv. Critical doctrinal analysis**

[13] The Copyright Act, 1957, No. 14 of 1957, § 13.
[14] The Copyright Act, 1957, No. 14 of 1957, § 17.

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A combined reading of Sections 2(d), 13, and 17 demonstrates that the Copyright Act, 1957 continues to reflect a predominantly human-centred approach to copyright protection. The statutory provisions neither recognise artificial intelligence as an author nor provide a comprehensive mechanism for allocating ownership of autonomously generated works. Consequently, the existing framework is increasingly inadequate to address contemporary technological developments.

From a doctrinal perspective, the existing legal position suggests that copyright protection should continue to depend upon meaningful human intellectual contribution rather than the independent operation of artificial intelligence. Nevertheless, the absence of explicit statutory guidance creates uncertainty for creators, software developers, businesses, and courts. Legislative reform or authoritative judicial interpretation is therefore necessary to clarify the concepts of originality, authorship, and ownership in relation to generative artificial intelligence under Indian copyright law.

**E. Ownership of AI-generated works under Indian copyright law**

Ownership of copyright is one of the most significant legal issues arising from the use of generative artificial intelligence. Under the Copyright Act, 1957, ownership is generally determined by identifying the author of the work. Section 17 provides that, subject to certain statutory exceptions, the author shall be the first owner of copyright. This principle becomes difficult to apply, however, where a work is generated by an artificial intelligence system without substantial human intervention.

The emergence of generative AI has complicated the traditional understanding of ownership because multiple stakeholders contribute to the creation of AI-generated content. These stakeholders include the developer who designs and trains the AI model, the organisation that owns or operates the AI platform, the user who provides the prompts or instructions, and, in some cases, employers who use AI systems in the course of employment. The Copyright Act, 1957 does not expressly determine which of these participants should be regarded as the owner of copyright where the resulting work is generated substantially through artificial intelligence.

One possible interpretation is that ownership should vest in the individual who exercises meaningful creative control over the final work. Under this approach, where a user carefully formulates prompts, repeatedly modifies AI-generated outputs, selects among alternative results, and independently edits the final expression, the resulting work may reasonably be regarded as reflecting sufficient human intellectual contribution. Consequently, the human user may qualify as the author and first owner of copyright under the existing statutory framework.

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An alternative interpretation suggests that ownership should vest in the developer or proprietor of the AI system, because the creative capabilities of the model arise from its architecture, algorithms, and extensive training process. This interpretation appears inconsistent, however, with the traditional objectives of copyright law, which reward creative expression rather than technological infrastructure. Granting copyright exclusively to AI developers could also discourage individual creativity by denying recognition to users who actively shape the final work.

A further possibility is that fully autonomous AI-generated works should not receive copyright protection at all where no identifiable human intellectual contribution exists. This position reflects the traditional principle that copyright protects human creativity rather than machine-generated expression. Nevertheless, such an approach may create practical challenges, because commercially valuable AI-generated works could remain without legal protection, potentially reducing the incentives for technological innovation and investment.

The absence of statutory guidance demonstrates that the existing framework governing copyright ownership is increasingly inadequate to address the realities of generative artificial intelligence. Legislative clarification is therefore essential in order to establish transparent principles capable of allocating ownership while maintaining the fundamental objectives of copyright law.

**F. AI-assisted works and AI-generated works: a doctrinal distinction**

A central issue in contemporary copyright scholarship is the distinction between AI-assisted works and AI-generated works. Although these expressions are frequently used interchangeably, they represent fundamentally different legal concepts with distinct implications for copyright protection.

AI-assisted works are those in which artificial intelligence functions primarily as a technological tool supporting human creativity. In such cases, the human creator retains effective control over the creative process by making independent decisions regarding the content, structure, style, composition, and final expression of the work. Artificial intelligence merely facilitates or enhances the creative process without replacing the intellectual contribution of the human author. Examples include writers using AI to improve grammar, artists employing AI to enhance digital illustrations, and programmers relying on AI-generated code suggestions while independently developing software.

From a doctrinal perspective, AI-assisted works generally satisfy the requirement of originality because the final work continues to reflect substantial human skill, judgment, and creativity.

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Accordingly, there is little difficulty in recognising copyright protection for such works under the existing principles of the Copyright Act, 1957.

In contrast, AI-generated works refer to outputs produced substantially or entirely through autonomous computational processes with minimal or no meaningful human creative contribution. In these situations, the human user's role may be limited to entering a simple instruction or prompt, while the artificial intelligence independently determines the language, artistic composition, sequence, structure, or overall creative expression of the final work.

The legal status of such works remains highly uncertain. Since copyright law has traditionally required human intellectual creation, autonomous AI-generated works do not fit comfortably within the existing statutory framework. The absence of explicit legislative provisions has therefore generated considerable debate as to whether such works should receive copyright protection or remain outside the scope of the Copyright Act, 1957.

This distinction between AI-assisted and AI-generated works is likely to become increasingly significant as generative artificial intelligence continues to evolve. Rather than focusing exclusively on whether artificial intelligence participated in the creative process, future legal analysis may need to examine the degree of human creative control exercised throughout the generation of the work. Such an approach would provide greater legal certainty while preserving the human-centred foundations of copyright law.

**G. AI training data and Section 52 of the Copyright Act, 1957**

The copyright implications of generative artificial intelligence extend beyond the ownership of AI-generated outputs to the methods by which AI systems are trained. Modern AI models are developed using extensive datasets consisting of text, images, music, software code, and other copyrighted material collected from various sources. This practice has generated significant legal controversy concerning whether the use of copyrighted works for AI training constitutes copyright infringement.

Under Indian law, Section 52 of the Copyright Act, 1957 provides certain exceptions to copyright infringement through the doctrine of fair dealing. These exceptions permit the limited use of copyrighted works for purposes such as private study, research, criticism, review, and the reporting of current events. However, the Act was enacted long before the development of modern machine-learning technologies and does not specifically address the use of copyrighted material for training artificial intelligence systems.

A doctrinal interpretation of Section 52 suggests that applying the existing fair dealing exceptions to AI training is far from straightforward. Training AI models often involves the

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reproduction and analysis of vast quantities of copyrighted material for commercial technological development. Whether such activity constitutes legitimate research or unauthorised commercial exploitation remains an unsettled question under Indian copyright law.

Although the present study primarily concerns the ownership and authorship of AI-generated works, the legal status of AI training data cannot be entirely ignored, because it directly influences the legitimacy of AI-generated outputs. The absence of statutory clarification in this area further illustrates the urgent need for comprehensive legislative reform capable of addressing every stage of the AI creative process.

### H. Critical analysis

The doctrinal analysis demonstrates that Indian copyright law presently offers only partial solutions to the legal challenges created by generative artificial intelligence. While the existing statutory framework adequately protects AI-assisted works involving substantial human creativity, it fails to provide clear rules governing the ownership and authorship of autonomous AI-generated works. Similarly, uncertainties relating to AI training data, commercial exploitation, and the allocation of copyright ownership continue to expose significant legislative gaps.

Accordingly, the Copyright Act, 1957 requires careful reinterpretation or legislative amendment to ensure that technological innovation progresses without undermining the fundamental principles of originality, authorship, and human creativity upon which copyright law has historically been established.

## IX. FINDINGS

The study finds that the Copyright Act, 1957 is founded on the principle of human authorship and does not expressly recognise works generated independently by generative artificial intelligence. Consequently, fully autonomous AI-generated content remains outside the scope of copyright protection under the existing legal framework. However, where AI serves merely as a creative tool and the user exercises substantial intellectual effort through creative prompting, selection, editing, or arrangement, copyright may vest in the human creator. The analysis further reveals that Indian judicial interpretation of originality continues to emphasise human skill, judgment, and creativity, as affirmed in Eastern Book Company v. D.B. Modak. The study also identifies the RAGHAV (Suryast) controversy as illustrating the practical

challenges in recognising AI-generated works within the present copyright regime.[15] Moreover, the absence of clear statutory provisions governing the use of copyrighted works for AI model training has created significant legal uncertainty regarding ownership and infringement. The research concludes that the current legislative framework is inadequate to address the emerging issues relating to generative AI, and recommends comprehensive reforms to clarify authorship, ownership, and liability while promoting technological innovation and safeguarding the rights of human creators.

## X. SUGGESTIONS

The study suggests that the Copyright Act, 1957 requires express statutory clarification on the question of authorship in generative artificial intelligence outputs. A legislative distinction should be formally recognised between autonomous AI-generated works, which do not satisfy the requirement of human authorship, and AI-assisted works, in which copyright may subsist only upon demonstrable human intellectual contribution. It is further recommended that the standard of protection be codified in line with the skill and judgment test laid down in Eastern Book Company v. D.B. Modak in order to assess originality in AI-assisted creations. The Copyright Office should be guided by structured criteria requiring disclosure of the human input involved, including prompt design, and the selection, modification, and arrangement of AI outputs. In relation to training data, statutory clarity is required to define the scope of permissible use under Section 52 and to address the ambiguity surrounding machine-learning processes. The study further supports the consideration of a limited sui generis framework for residual cases where neither authorship nor ownership can be determined under existing copyright principles. Any reform must preserve the human-centric foundation of copyright law while ensuring doctrinal adaptability to emerging AI technologies.

## XI. CONCLUSION

The doctrinal analysis of generative artificial intelligence and copyright law in India reveals a legal framework that remains anchored in traditional, human-centric notions of authorship. The Copyright Act, 1957, though robust in its original design, does not explicitly contemplate autonomous AI-generated works, thereby creating a structural gap in the protection of machine-generated creativity. Indian copyright jurisprudence consistently affirms that authorship is inseparable from human intellectual effort, leaving AI systems outside the scope of legal

[15] The Suryast work, generated using the RAGHAV Artificial Intelligence Painting App, was granted registration by the Copyright Office of India in 2020 (listing the AI tool as a co-author alongside Ankit Sahni), followed by a withdrawal notice in 2021; the parallel U.S. application was refused. See U.S. COPYRIGHT OFFICE, REVIEW BOARD, Second Request for Reconsideration for Refusal to Register "SURYAST" (Dec. 11, 2023).

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recognition as creators. At the same time, the emergence of AI-assisted creativity has blurred the boundary between human expression and machine output, calling for a more nuanced interpretative approach.

The study finds that originality in Indian law, as developed through judicial precedent, continues to depend on the application of skill, judgment, and intellectual creativity by a natural person. In this context, generative AI functions primarily as an enabling tool rather than an independent author, with legal rights vesting only where there is demonstrable human creative control. The absence of statutory clarity regarding such hybrid creations has led to interpretative uncertainty in both administrative practice and legal discourse.

The RAGHAV case illustrates the practical limitations of the existing framework, particularly in addressing questions of co-authorship and machine involvement in creative processes.[16] Similarly, the unresolved legal position on the use of copyrighted works for training AI models reflects a broader regulatory vacuum that challenges the balance between innovation and the protection of rights. These gaps indicate that the present regime is not fully equipped to regulate the complexities introduced by advanced generative systems.

The study further concludes that, while Section 52 provides limited exceptions for fair dealing and research, its applicability to large-scale machine-learning processes remains ambiguous and contested. This uncertainty necessitates doctrinal clarity in order to avoid inconsistent interpretations and potential infringement disputes in the future.

In light of these findings, the research emphasises the need for a calibrated legal response that preserves the human-centric foundation of copyright law while acknowledging technological evolution. Any reform must ensure that authorship remains grounded in human creativity, while also defining clear thresholds for AI-assisted contributions.

Ultimately, the study concludes that India stands at a critical juncture where incremental interpretation alone may not be sufficient. A structured legislative intervention, possibly incorporating a hybrid or sui generis approach, is essential in order to address the unresolved questions of ownership, authorship, and liability in the era of generative artificial intelligence. Such reform would ensure legal certainty, encourage innovation, and uphold the core objectives of copyright protection in a rapidly transforming digital environment.

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[16] See supra note 15 (RAGHAV/Suryast).

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