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# AI-ChatGPT: Who Will Get IP Rights for Work Created by It – Copyright?

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JYOTI CHOUDHARY<sup>1</sup> AND ARPIT VIHAN<sup>2</sup>

## ABSTRACT

*The advancement of AI has have blurred lines between human and machine generated work or creativity, raising major legal and ethical questions about ownership of IP rights for work generated and created by Artificial Intelligence. Traditional copyright laws designed to protect the human creators who are struggle to address complexities introduced by the artificial intelligence generated content specifically in determining the authorship. This paper explores challenges of attributing Intellectual Property rights to AI-created works, focusing on legal framework in country like India where authorship disputes have been emerged. Examining the concept of paternity under section 57 of the copyright act of 1957 which emphasizes moral lights rooted in authorship by humans and questions whether AI lacks legal personality can be recognized as author. Also, this paper discusses about the landmark cases of India and real-world examples of “monkey selfie” to highlight gaps in present IP laws. It argues that AI while producing original work, the absence of legal recognition for AI as an entity precludes it from holding copyright, extending the discussion to potential reforms considering whether rights should be assigned to Artificial Intelligence developers, users or left in public domain and underscores the need for evolving IP frameworks to accommodate realities of AI driven creativity in era dominated by technological innovation and advancement.*

**Keywords:** Artificial Intelligence, Intellectual Property rights, Copyright, Technology and Innovation.

## I. INTRODUCTION

Although world is seen significant changes because of technological advancements in the world, legal changes had not always been kept up with such quick changes. Creative tasks that are once thought to be exclusively human, like writing and cooking, are now tasks which artificial intelligence (AI) can be perform naturally. Such change demonstrates that how the technology has had blurred lines between the human and the machine creativity.

With advancements in the programming and the AI, there are new opportunities which are

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emerging in the fields like computer science, including fields that were traditionally linked to the creative work. The possession of an original works created by the machines has have been created the legal challenges, particularly in the nations like India where author the rights lawsuits have been emerged. These issues had caused misunderstanding between the legal professionals on who can be considered as the original author of content created or generated by Artificial Intelligence. Traditional IP laws, which were designed for the human creators, do not effectively address such new challenges<sup>3</sup>.

It is very crucial to the first comprehend an idea of the paternity before diving into a complexities and legal issues surrounding a works produced by the AI. The paternity issue is an essential to the resolving the legal issues raised by the AI in the creative fields. It's becoming increasingly too difficult to determine who will be owning the rights to a content in world where computers can now generate or create it (whether it be a creator of the Artificial Intelligence, AI itself, or any another entity). Since technology it is constantly changing, so for our understanding of copyright and how it will be applying to works created by AI. Reason behind the same is that it raises issues with regard to the nature of the creativity, property and IP in era which is dominated by artificial intelligence, this question is not only a legal one but also an ethical one<sup>4</sup>.

**Section 57 of Copyright Act 1957<sup>5</sup> explains the term “Author’s Special Rights,” better known as “Moral Rights”<sup>6</sup>**

The "rights specific to an author," sometimes known as "Moral Rights," and are protected by the section 57 of copyright law of 1957. The two main components of the such rights, which are stem from the article 6 (b) of the Berne Convention<sup>7</sup>, are; firstly, right to be reclaim the ownership of an artwork, also known as a right of attribution, and secondly, a right to prohibit an alteration, mutilation, or any deformation of the artwork if these changes would jeopardise the author's honour or reputation.

The court in case of *Amar Nath Sehgal v. Union of India*<sup>8</sup> that the author's rights are the separate

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<sup>3</sup>Recent Advancements in Artificial Intelligence: Technology Trends and Implications' [https://www.researchgate.net/publication/373638231\\_Recent\\_Advancements\\_in\\_Artificial\\_Intelligence\\_Technology\\_Trends\\_and\\_Implications](https://www.researchgate.net/publication/373638231_Recent_Advancements_in_Artificial_Intelligence_Technology_Trends_and_Implications) accessed on 22 January 2025.

<sup>4</sup>Nikhil Bharadwaj, "Copyright Protection in the Digital Age: Challenges and Solutions" <<https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-and-solutions.html>> accessed as on 22th February 2025.

<sup>5</sup> Copyright Act 1957, Section 57.

<sup>6</sup> Mrinalini Kochupillai, 'Moral Rights under Copyright Laws: A Peep into Policy' accessed as on 27th February 2025.

<sup>7</sup> Berne Convention for the Protection of Literary and Artistic Works 1979, Article 6b.

<sup>8</sup> *Amar Nath Sehgal v. Union of India* 2002(2) ARBLR130.

from a right of others and these rights endure even, if the author's rights is partially or completely ceded. As like, a term of any of the contract pertaining to a transfer of the authorship is replaced by section 57, and the contract must be interpreted in the way that such complies with this ruling. The assignee of the author's right is unable to permitted to resell the any of rights or protections that are conflict with provisions of the section 57. Similar to fundamental rights guaranteed by the Indian Constitution, moral rights are also essentially regarded as the unalienable and fundamental and are cannot be abandoned or transferred<sup>9</sup>.

With the development of artificial intelligence, these technologies have made significant strides. Among their many capabilities, AI can now compose its own music and make significant advancements in fields that have historically been dominated by humans, such as literature and other creative industries. For example, AI's assistance to romantics suggests that predictions, like those of Geoffrey Jefferson, are starting to come true<sup>10</sup>.

As AI technology advances and becomes able to produce creative works independently, the legal question of AI's ownership of these works is becoming more and more contentious. Traditionally, authorial rights have been developed to protect artistic creations made by humans, but as AI technology advances and starts producing original content on its own, the question arises: should AI systems be acknowledged as the creators of the works they produce?

In reality, the majority of countries do not recognise the AI as a legal entity that can own property, including intellectual property rights like authorship rights. In other words, the AI does not have the legal personality that grants legal rights and obligations to individuals and businesses; without this legal personality, AI systems are unable to own property, enter into contracts, or determine the value of legal rights<sup>11</sup>.

It is outside the purview of the current laws pertaining to authorship rights to suggest that a computer might be credited with creating intellectual property. Artificial intelligence, as a field of technology, is still developing quickly. Known as the father of artificial intelligence, Professor John McCarthy defined artificial intelligence as a discipline of computer science devoted to building intelligent machines. AI combines enormous amounts of data with quick, accurate processing and sophisticated algorithms, enabling machines to learn automatically from data models<sup>12</sup>. Among the key technologies of artificial intelligence are computer vision,

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<sup>9</sup> Ibid.

<sup>10</sup> A. B. Rashid, "AI revolutionizing industries worldwide: A comprehensive overview of its diverse applications" <https://www.sciencedirect.com/science/article/pii/S2773207X24001386> accessed 2nd February 2025.

<sup>11</sup> Ibid.

<sup>12</sup> Craig S. Smith, "A.I. Here, There, Everywhere, THE NEW YORK TIMES, 2022" <<https://www.nytimes.com/2021/02/23/tech/ai-innovation-privacy-seniors-education.html>> accessed as on 2nd

deep learning, automatic learning, neural networks, and natural language processing. As AI systems continue to advance, they have the potential to challenge established legal frameworks and raise fresh issues regarding ownership, rights, and the future of intellectual property rights<sup>13</sup>.

## **II. CAN AI HAVE INTELLECTUAL RIGHTS UNDER CURRENT COPYRIGHT LAW?**

A few fundamental requirements must be met for an artwork to be protected by authorial rights. It is vital to highlight that authorship rights protect the expression of ideas rather than the ideas themselves. It must therefore be a unique expression, visually distinct, logically different from previous works, and sufficiently creative to be regarded as an original creation in order to qualify for the protection of the author's right.

According to authorial law, the "author" of the work plays a major role in determining the ownership of intellectual property. This means that the person who sells the right of auteur must either be the original creator (the author) or legally have obtained the right of auteur through a transfer or cession. The purpose of intellectual property law is to give inventors and creators legal protection for their ideas, original works, and artistic creations<sup>14</sup>. By allowing creators to develop their ideas, benefit from their creations, and prevent unauthorised use by others, this protection aims to promote the creation of societally beneficial works of art.

In court filing to the Chamber of Commerce in the Ocean South area, Andrien<sup>15</sup> argued that the artwork will not be protected by the authorial rights unless it has the legally recognised author. Generally speaking, an author is a person who creates or to whom the creation and revision of a work protected by the right of author is attributed. As evidenced by the various legal provisions pertaining to the rights of a author's family, his life, and death, the law on authorship limits paternity to the living individuals in such context<sup>16</sup>.

One real based example which has been sparked a discussion over the paternity and the authorial rights is the well-known "monkey selfie." This was the occurrence happened when the macaque accidentally took the selfie while he was playing with the camera apparatus. The occurrence was raised doubts that the who should be owning the image's author rights: was it a photographer who set up the camera or person who pressed it's the trigger? In such case artificial intelligence case has exposed the grey area in the authorship law, specifically question of that whether nonhuman entities, like animals or the artificial intelligence, could be regarded as the

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February 2025.

<sup>13</sup>Lester C Thurow, "Needed: A New System of Intellectual Property Rights 1997"<<https://hbr.org/1997/09/needed-a-new-system-of-intellectual-property-rights>> accessed as on 22th February 2025

<sup>14</sup> Ibid.

<sup>15</sup> Andrien v. Southern Ocean County Chamber of Commerce, 927 F.2d 132, 134-35 (3d Cir. 1991).

<sup>16</sup> Niti Aayog, National Strategy for Artificial Intelligence, 2018.

authors under current law<sup>17</sup>.

Taking such examples into consideration, evolution of the IP law poses challenges, particularly as the technology advances and the issues pertaining to the AI-generated content, non-human creators, and the property continue to be appeared. As more and more works of the art are produced by machines, there are will be concerns about who should be the one credited with their creation and how the property rights should be applying. Perhaps, traditional idea of the ownership, which is restricted to the human creators, needs to be change to take such new realities into the consideration<sup>18</sup>.

In the case where involving the single person who had unintentionally taken the selfie, PETA confirmed that the individual was entitled to the photo's auteur rights. The photographer, who used the single-handed photo device, claimed that he should be the one to have the rights and the reason behind the same is, he was the one who has set up a device and made such event possible. However, the court ruled that a photographer would not renounce the image's ownership because he had not created the one. Instead, tribunal had focused on the establishing of the closest human connection to circumstance.

Since it's just that, it requires that a work be sufficiently durable or can be stable to be viewed, reproduced, or to be communicated, the idea of "form visible" under authorship rights is, sometimes criticised as the being too weak. Such criterion makes it possible to safeguard artwork not only in the conventional physical formats such as paper, but also in the digital ones that will be displayed on the computer screens. This has had a crucial implication for the AI, as it implies that the AI can or could produce artworks, provided that the output is to be stored or displayed for the long enough period of the time to satisfy requirements of the authorship rights.

The laws in India on authorship rights have examined in regard to the computer programs in the *State of Andhra Pradesh v. Tata Consultancy Services*<sup>19</sup> case. The case was highlighted need for the specific level of the creativity in order for the artwork to qualify as for authorship protection. Computer2(o)<sup>20</sup> lists like computer programs, calculator sheets, and the other digital creations extends under section 13 are covered by the copyright. Furthermore, sec. 2(y)<sup>21</sup> outlines the kinds of works protected, including literary, dramatic, musical, and artistic works as well as computer programs.

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<sup>17</sup> Craig, CJ, 'AI and Copyright' in M Perry and others (eds), *Artificial Intelligence and Law* (Edward Elgar, 2020).

<sup>18</sup> Ranjan, R, 'Artificial Intelligence Generated Works and Copyright Law' (2024) *Artificial Intelligence Generated Works and Copyright Law*.

<sup>19</sup> *Tata Consultancy Services v. State of Andhra Pradesh*, (2004) 137 STC 620.

<sup>20</sup> Copyright Act, 1957, Section 2(o).

<sup>21</sup> Copyright Act, 1957, Section 2(y).

The idea of "originality" in authorial law has been investigated in a number of cases, including *D. B. Modak v. Eastern Book Company*<sup>22</sup>. The tribunal clarified that the "originality" does not mean that a work must be completely new, but rather than that it requires a certain amount of skills, discernment, and efforts. The court has also distinguished between primary works, which are independent creations, and secondary or derived works, which are based on preexisting themes. AI has the ability to produce both original and derivative works, demonstrating its potential to produce legally protected content.

In 1993, an author used a computer program called European Expert System to replicate the writing style of another author, Eline Susan, and assist her in writing a book called *Just This Time*<sup>23</sup>. Even though the book isn't an exact replica of the original *Valley of the Goblins* by Suzanne<sup>24</sup>, this case has demonstrated how AI may support the creative process by creating original works. This example demonstrates that the AI may effectively produce works that can be protected by authorial rights; yet, the main barrier is the AI's lack of legal recognition as an author.

One compelling argument in favour of the AI's inclusion in the law on authorship is its ability to produce original and creative works. However, in order for the AI to have the right to safeguard author rights, it must first get legal personality, which is required for it to be acknowledged as a legal entity with the authority to hold intellectual property. As of right now, the law only grants rights to physical or moral persons, that is, to entities that have received legal recognition. Although the AI is still not officially recognised as a person in many jurisdictions, some movements have advocated for the recognition of the rights of AI systems<sup>25</sup>.

For instance, the robot AI Sophia became the first robot to receive a recognition in 2017 after obtaining full citizenship in the Arab world<sup>26</sup>. In fact, the "baby" AI Shibuya Mirai is now the highest-ranking AI robot in Tokyo, Japan, and another AI, has a bank account of its own. The Supreme Court of India granted religious idols legal personality in a remarkable development, enabling them to own property and pay taxes through their representatives. This idea may one day be applied to the AI, which implies that the path to the eventual legal recognition of AI

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<sup>22</sup> *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

<sup>23</sup> Scott French, "JUST THIS ONCE" (1993).

<sup>24</sup> *Ibid.*

<sup>25</sup> Kasap, A, 'Copyright and Creative Artificial Intelligence (AI) Systems: A Twenty-First Century Approach to Authorship of AI-Generated Works in the United States' (2019) *Wake Forest Intellectual Property Law Journal*.

<sup>26</sup> Zara Stone, "Everything You Need To Know About Sophia, The World's First Robot Citizen, *Forbes*, 2017", <<https://www.forbes.com/sites/zarastone/2017/11/07/everything-you-need-to-know-about-sophia-the-worlds-first-robot-citizen/>> accessed as on 2nd March 2024.

entities may be feasible<sup>27</sup>.

These developments have led to a growing recognition of the AI as a potentially autonomous legal entity, which could have significant ramifications for intellectual property law and the future of the content produced by the AI<sup>28</sup>. If the AI gains legal personality, it may be able to get authorship rights to the works it produces, ushering in a new era of creative output and intellectual property rights focused on the AI.

When religious idols are unable to fulfil their contractual duties, such as signing contracts or adhering to rules, they may be perceived as having a legal identity through the employment of intermediaries. These agents operate in the names of idols, and their activities establish the legal personality of the idol rather than the agent's own.

As robots continue to develop and exceed religious institutions and idols in terms of capabilities, they may also be granted a legal identity, perhaps granting them civic rights. Because artificial intelligence is "more intelligent" than animals or inanimate objects like idols and rivers, it may be able to obtain a legal identity and be represented by either individuals or organisations<sup>29</sup>.

This raises significant issues regarding authorship rights. For instance, should the creators of an original work pursue the AI user who unintentionally made a mistake if they want to file a legal case for infringement of the author's rights? Additionally, if a user wants to take legal action, may he or she claim to have created the IA by arguing that the original creator did not have any reason to believe that the work would be offensive or discriminatory?

The granting of licenses to the IA is unlikely to produce profitable results because the IA is unable to protect its own creations; it cannot be pursued in court, it has no financial incentive to protect its work, and it can continue to create without considering the legal ramifications. This makes it unclear how the IA-related laws pertaining to authorship rights will be applied<sup>30</sup>.

Protecting creators' rights from a moral and financial standpoint is the main goal of authorship law. Legal experts like Samuelson and Miller have argued that laws pertaining to authorship are intended to encourage creators to produce works of art. Arthur Miller argues that since software and IA lack authorship rights, they shouldn't be subject to such incentives<sup>31</sup>. The goal

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<sup>27</sup> Renske Mehra, "Robot Sam is now working for Wall Street, INNOVATION ORIGINS 2018" <<https://innovationorigins.com/en/robot-sam-now-working-wall-street/>> accessed as on 2nd March 2024.

<sup>28</sup> Gaffar, H, 'Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape' (2024) Asian Journal of International Law.

<sup>29</sup> Saw, CL and Lim, D, 'The Case For AI Authorship In Copyright Law' (2024) The Case For AI Authorship In Copyright Law.

<sup>30</sup> Ibid.

<sup>31</sup> Pamela Samuelson, "Allocating Ownership Rights in Computer-Generated Works", 47 PITT L. Rev. 1185 (1985-1986).



should instead be to inspire human creators to produce more original works of art that benefit society and provide financial gains. The protection of authors' rights ensures that they are encouraged to produce multiple works of art and shields them from any unauthorised use.

Protection of creators' rights, both morally and financially, is the main goal of author justice. Samuelson and Miller, among other legal scholars, have argued that laws pertaining to authorship are intended to encourage creators to produce works of art. According to Arthur Miller, software and IA shouldn't be subject to such incentives since they lack authorial rights. Encouragement of human creators to produce more original works of art that benefit society and provide financial gains should be the major goal. Authors are encouraged to produce several works of art and are shielded from unauthorised use by the protection of their rights<sup>32</sup>.

On the other hand, the IA does not require financial or social incentives to create content. With just a single click, a machine can produce works quickly and efficiently without payment. Automobiles and other equipment just carry out the tasks for which they were designed without looking for financial compensation. No one should have exclusive control over the output of an artificial intelligence device because artificial intelligence does not reach the extreme anthropomorphism that is motivated by financial incentives. Instead, the people who created and developed these robots should benefit from advancements since this would spur more research and the creation of new artificial intelligence systems.

### **III. JURISPRUDENCE BEHIND NOT GIVING OWNERSHIP RIGHTS TO AI**

#### **(A) Copyright can Only be of Human Literature**

Article 2(d)<sup>33</sup> of the Indian law on authorship defines a "author" as: (i) the author of a literary or dramatic work; (ii) the composer of a musical work; or (iii) the person in charge of creating a literary, dramatic, musical, or artistic work produced by an electronic device.

It is important to note that the law does not define the legal identity of the author and does not include any living entity (person) in its definition of "author." The introduction of sub-article (vi) states that the individual who initiated the creation of an electronic work must be given credit. According to this regulation, only computers used by humans or with a certain amount of human interaction are taken into consideration, and intelligent computer devices are not regarded as functioning similarly to humans<sup>34</sup>.

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<sup>32</sup> Law Crust, 'Copyright Act 1957 India' <<https://lawcrust.com/copyright-act-1957-india/>> last accessed on 25 February 2025.

<sup>33</sup> Copyright Act, 1957, Section 2(d).

<sup>34</sup> Law Article, 'Doctrine of Separate Legal Entity and Corporate Veil' <https://lawarticle.in/doctrine-of-separate-legal-entity-and-corporate-veil/> accessed 28 February 2025.

Section 22(2)<sup>35</sup> of Part V of the Indian Law on Author Rights defines the "right of author" as extending to published literary, dramatic, musical, and artistic works, with protection also extending to works by the author. This protection lasts for sixty years, starting from the beginning of the civil year after the author's death<sup>36</sup>.

The law states that at the time it was passed, the legislator intended to grant authorship protection only to living beings and not to immortal or inanimate entities like artificial intelligence. According to current law, the author must be a living person or a group of living people.

### **(B) Legal Personality**

There is currently no procedure for registering the AI as a legal entity, and it is not recognised as one. The AI must demonstrate a variety of human intellectual capacities, including cognitive and emotional abilities, in order to obtain legal entity status. At the moment, intellectual prowess, specialised knowledge in some fields, or even hobbies like playing music or chess are insufficient to provide the AI legal recognition. Another difficulty arises from misunderstandings about the nature of machines<sup>37</sup>.

In the context of AI, one method of managing author rights is to give ownership to the AI creator who develops the work or makes it available to the public. When the AI produces something, the human homologue closest to the creator is typically the one who developed the AI. As a result, the creator of the AI might be credited with all of its creations<sup>38</sup>. This assumes that developers do not sell or give away AI licenses to third parties, preferring to use them to launch their own businesses.

Making the products created by the AI publicly available is another option. By publishing these works, everyone can freely access and use them, making the process simple, practical, and cost-free. It is not reasonable to expect the AI to provide free labour in exchange for legal rights, since it does not incur any creation costs.

### **(C) Development of Artificial Intelligence**

It seems reasonable to attribute some of the AI-generated calculations' results to the

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<sup>35</sup> Indian Copyright Act 1957, Section 22.

<sup>36</sup> Ibid.

<sup>37</sup> Samantha Legal, 'AI Regulation in India: Navigating Legal Challenges' (16 January 2025) < <https://samanthalegal.wordpress.com/2025/01/16/ai-regulation-in-india-navigating-legal-challenges/> > accessed 27 February 2025.

<sup>38</sup> Vijay Sardana, "Jurisprudence - Nature and Concept of Legal Person, June", < [https://www.academia.edu/40778653/Jurisprudence\\_Ownership\\_Law\\_Notes\\_by\\_Vijay\\_Sardana20191029\\_26711\\_1qjy6af](https://www.academia.edu/40778653/Jurisprudence_Ownership_Law_Notes_by_Vijay_Sardana20191029_26711_1qjy6af) > accessed as on 24 February 2025.

programmers who created them. It takes time and financial investment for programmers to develop a high-quality product since it requires a significant amount of intellectual effort and persistence. Offering author protection for the outcome of their intellectual labour would be a fair reward, even if the finished product doesn't always meet expectations. In the end, the AI system operates based on the manufacturer's instructions, and it is the programmer who initially gave the AI permission to operate in this manner<sup>39</sup>.

The dissemination of works created by the AI, however, presents challenges. If the results of their work are made available for free, developers may be less inclined to keep creating or improving AI. Individuals and businesses alike invest significant resources in the advancement of AI technology, and making these works publicly available without ensuring intellectual property rights may attract substantial investment, which could spur advancements in AI research and technological innovation<sup>40</sup>.

Because there are comparatively few songs available, computer-generated music, for instance, is less accessible to the general population. This circumstance presents an ironic paradox: it is becoming increasingly difficult to connect manufacturers to share and develop their respective works. It would be challenging to identify the legitimate creator of an artwork created by the AI if someone altered it and sold it as their own. This scenario would not only encourage developers to use AI to create several works of art, but it would also result in intellectual property theft and rival property claims to the same work<sup>41</sup>.

Furthermore, these arguments conflict with the moral standards of the modern day. These days, the legislative, executive, and judicial branches have a tendency to support the reward of intellectual property, especially for those who invented technological innovation. In this regard, the strongest argument in favour of the octroi of property rights of works created by the AI is to promote the creation or dissemination of these works first. Without the presence of a human creator, works produced with the aid of AI programs may be left unattributed. Users may become disinterested and stop working on the project if someone is held accountable for creating these works<sup>42</sup>.

Furthermore, there is a lack of transparency when the developers or creators dissimulate their work, obscure the true source, or add only minor changes to the content produced by the AI.

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<sup>39</sup> 'The AI Overreliance Problem: Are Explanations the Solution?' <https://hai.stanford.edu/news/ai-overreliance-problem-are-explanations-solution> accessed 27 February, 2025.

<sup>40</sup> B. Solum, "Legal Personhood for Artificial Intelligences, pg70", N.C. L. REV. 1231 (1992).

<sup>41</sup> 'The Rise of AI-Generated Music: Is This the Future of Creativity?' <https://greyjournal.net/play/learn-culture/the-rise-of-ai-generated-music-is-this-the-future-of-creativity/> accessed 28th February 2025.

<sup>42</sup> Ibid.

This kind of covert behaviour hinders the proper advancement of knowledge and limits the public's ability to adopt new concepts<sup>43</sup>.

Innovations that remain hidden from the public are actually less effective at advancing artistic and scientific advancements than those that are shared and utilised by the community as a whole. Therefore, making sure that the works created by the AI are properly attributed and protected fosters a more transparent and cooperative environment that supports innovation and growth.

#### **IV. CONCLUSION**

The emergence of AI (artificial Intelligence) as creator of original works have profoundly challenged the traditional notions of Intellectual property rights and authorship. Recent or the current copyright frameworks is rooted in the human-centric principles are been ill equipped to address the complexities of Artificial Intelligence generated or creative content specially in determining who is anyone should hold ownership over the such works. The analysis reveals that the Artificial Intelligence lacks the legal personality cannot be recognised as an author under existing laws, as seen in jurisdictions such as India where statutes like section 57 of copyright act, 1957 emphasize moral and copyrights tied to human creators. Cases like Amar Nath Sehgal vs. Union of India and the “monkey selfie” dispute underscore the legal ambiguities surrounding non-human creators, especially the need for the clarity in attributing rights. While assigning ownership to the Artificial Intelligence users or developers offers the temporary solutions, it fails to fully resolve ethical and practical concerns about incentivizing creativity and ensuring fair access to Artificial Intelligence generated work. Alternatively placing such works in public domains can foster the innovation but risks disincentivizing investments in AI development. As AI continues to reshape the creativity of industries a balanced and forward-thinking revision of Intellectual Property laws are being imperative to harmonise the technological advancements with legal principles ensuring that the benefits of artificial intelligence driven creativity is equitably shared while addressing the ethical dimensions of authorship in a technological advancement and innovation era.

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<sup>43</sup> Yagya Agarwal, “Exploring the Nexus Between Artificial Intelligence and Copyright Act, 1956” accessed as on 28th February 2025.