Page 4443 - 4459 **DOI:** *https://doij.org/10.10000/IJLMH.1111921*

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 9 | Issue 2

2026

AI-Generated Creative Works and Copyright Law in India: Legal Gaps and Way Forward

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ABSTRACT

The creative field is becoming more and more shaped by Artificial Intelligence (AI) when machines are able to produce literature, visual art, music, films and digital media with little or no human creativity. Although these developments are a major technological change, they also confront the fundamental premises on which the copyright law is conventionally founded.

The copyright law has been traditionally tailored to defend the works that are created by the human mind, abilities and judgment. The introduction of AI-generated creative works alters this premise to bring unanswered questions related to originality, authorship, ownership and legal responsibility. As an autonomous system creates creative output, it becomes hard to know whether the principles of existing copyright on the same can be utilized and who must be considered as the right holder legally in that instance.

In India, the Copyright Act, 1957, lacks provisions that specifically address AI-generated works. The legal system still has the same interpretation that is based on human authorship, so it poses a problem of ambiguity in the protection and enforcement of rights of the works produced by artificial intelligence. This lack of clarity leads to gaps in the law that could be used against creators and developers of AI technologies and users.

This paper reviews how AI-generated creative works relate to the Indian copyright law. It evaluates the shortcomings of the existing legal system, points out new legal issues arising, and compares them with the international practice. The paper also suggests some possible changes in laws and policies that can help fill these gaps, and at the same time, not favour or spoil creative innovators in the rapidly changing digital world.

Keywords: *Artificial Intelligence, AI-Generated Works, Copyright Law, Authorship, Originality, Indian Copyright Act, 1957, Intellectual Property Rights, Legal Gap*

I. INTRODUCTION

Artificial Intelligence (AI) is an important phenomenon of modern technology, and it is slowly

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 [ISSN 2581-5369]

changing the way creative works are developed. Nowadays, AI can generate stories, poems, music, paintings, film scripts, and other digital contents and with minimal human interaction. As a result, the art of creativity is no longer regarded as a prerogative of human beings. This is an indication of a thriving technological progress, but on the other hand, it raises serious concerns about the copyright law that has never been based on anything other than human creativity and authorship.

Traditionally, the copyright regulation was meant to protect the works created by human hand, ability and creativity. Nevertheless, the works generated by AI are not always subject to this conventional conception. Whenever machines generate original works in their independent session, it would be hard to invoke the established copyright regulations. The fact results in critical legal issues. Is a work, which is completely created by an AI system, copyrightable? When creativity is no longer possible to be fully human, do such concepts as authorship and originality have the same meaning? The second huge question lies in the determination of who to be credited for such works. Will it be the programmer who created the AI, the user who ordered the AI, the company owning the system or should it not have any legal ownership of such works?

These questions take a more significant role in the Indian context. The protection of copyright in India is governed by the Copyright Act, 1957. Nevertheless, this law was written when the creative works were supposed to be produced by human beings only. Subsequently, the Act is silent in cases in which an artificial intelligence technology has been used to generate content. To a large extent, the law tends to assume that, when it comes to creativity, it is always associated with human input.

Because of this gap, there is a question mark on the ownership and protection of AI-generated works. People who engage in the creative activity, i.e., artists, software developers, and users of AI tools, have a high tendency to be confused about who can legally possess the right to such content. As more people start applying artificial intelligence to writing, music, design, and digital media, this uncertainty has started to become more apparent[3] and problematic.

Against this background, the question arises as to whether the existing copyright system in India is sufficient to address the issue of artificial intelligence.[4] The increasing prevalence of AI in the world of creative industries underscores the necessity to modify the old canons of copyright so that it would balance the technological advances without losing the ability to see the value

[3] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)
[4] Copyright Act,1957

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of human creativity.

II. CONCEPT OF COPYRIGHT AND AUTHORSHIP UNDER INDIAN LAW

The purpose of the copyright law is to protect original creations of ideas by giving specific rights of exclusiveness to the creators. The Copyright Act of 1957 is in India, under which the rights are regulated,[5] and the original literary, dramatic, musical and artistic works, along with the film and sound recordings of a cinematograph, are protected. Although the Act is clear on the types of works which may be given protection, the term originality has not been given a definite meaning. This has been bridged by the judicial interpretation over the years.

The courts in India have always believed that originality does not imply that a work should be totally new or of the first kind. Rather, it should entail a certain amount of intellectual effort on behalf of a human being. The Supreme Court recently, in the historic case of Eastern Book Company v. D.B. Modak (2008),[6] made it clear that originality is achieved when the work exhibits a modicum of creativity. The Court denied the principle of mere work or mechanical effort adequacy and emphasised that copyright is not obtained in cases when a work is based on intellect, judgment, and creative decisions of an author. This interpretation certainly defines that man plays a major role in the protection of copyright under Indian law.

This anthropocentric practice is also supported by the concept of authorship under the Copyright Act. The act presupposes that the author is a natural individual or a juristic person who can make consciously creative decisions. The legal framework fails to acknowledge non-human characters as writers since authorship is intentional, discretional and responsible. Indian courts, time and again, have declared the authorship merely a technical designation, which is the legal position that is developed through creative accountability.

Some limitations are obvious when this framework is applied to the works created by artificial intelligence. The AI systems operate based on pre-prepared algorithms,[7] training on data, and making automated decisions. They lack consciousness, will and legal personalities. Consequently, the transfer of the authorship directly onto the AI system is not in line with the current system of Indian copyright law. This inconsistency highlights the issues of AI-generated works in a legal framework where human creativity and authorship are basically artificial

[5] Copyright Act, 1957, ss 13-14
[6] Eastern Book Company v. D.B. Modak
[7] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)

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III. ORIGINALITY AND HUMAN INTELLECTUAL EFFORT: JUDICIAL APPROACH

The idea of originality has always been considered a basic prerequisite of copyright protection[8] in Indian jurisprudence. Even the Indian courts have had to reiterate numerous times that copyright is not raised because of simple copying, compilation, or mechanical reproduction. It is rather a product of human intellectual action, in which the writer uses skill, judgment and creative discretion in the work produced. This strategy is relevant in order to ensure that the copyright law safeguards creativity, but not routine or automated procedures.

University of London Press v. is one of the first court decisions on originality. A ruling that still enjoys persuasive force in India University Tutorial Press (1916)[9] In the given case, the Court made it clear that originality cannot be related to the novelty of ideas but to the fact that the piece of work must be created by the author. The Court also determined that originality is met when the work at hand has the use of skill, labor and judgment, although the subject matter might not be new. This line of reasoning has always been used by the Indian courts when the concept of originality is interpreted under the Copyright Act of 1957.

The preference for the role of human thought in decision-making has also been reiterated in the modern Indian judgments. The Delhi High Court in Tech Plus Media Pvt. Ltd. v. Jyoti Janda[10] restated that copyright is maintained only in cases where it is proven that there is a creative input that reflects the application of human intellect. The Court ensured that the works which are created using purely mechanical or automated processes and do not involve any significant human control over the final work, are unlikely to satisfy the originality criterion necessary to grant the works copyright protection.

These judicial principles would create major legal issues when they are implemented in works created by artificial intelligence. When the work of an AI system is autonomous and has low or no human input, it becomes hard to prove the intellectual effort on the part of a human being. Because originality, according to the Indian laws, is strongly interconnected with human creativity and judgment, the pure AI-generated works might have issues with this need. According to this approach to the matter of judicial interpretation, the protection of copyright in the case of works produced fully by autonomous AI systems is not likely to be successful in the current legal framework.

[8] P. Narayanan, Intellectual Property Law (Eastern Law House)
[9] University of London Press Ltd v. University Tutorial Press Ltd
[10] Tech Plus Media Pvt Ltd v. Jyoti Janda

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IV. AI-GENERATED WORKS AND COPYRIGHT LAW IN INDIA

The Copyright Act of 1957 does not specifically highlight the problem of the artificial intelligence creation of a work. Even though the author has considered non-human providers, like AI systems, in the definition of the term author in Section 2(d) of the Act,[11] the definition exclusively refers to the human provider of various types of works, such as literary, artistic, musical works, cinematograph films, and sound recordings. This legislative vacuum creates a high degree of confusion on the nature of ownership, protection and enforcement of rights in AI-generated content in the Indian legal system.

A few possible methods of establishing authorship of AI-generated works[12] have been communicated in legal discourse in the absence of explicit statutory guidance. One of these is authoring to a programmer or developer who designed and trained the AI system. Nonetheless, this method has practical and conceptual problems because programmers are usually not directly creatively engaged in generating the particular output of the AI. The artistic decisions that the AI made when creating the content can be very distant from the intent or input of the programmer.

The other alternative method would be to make the user, who gives prompts or instructions to the AI system, a vested author. Although this model acknowledges a certain level of human input, it can also be an issue in the case that the user is a limited contributor, with the level of commands being generic or minimal. Some users might not have that level of creative discretion or intellectual input in such a situation to warrant being listed as an author by more traditional standards of copyright.

Currently, the Indian courts have yet to directly decide the copyright status of the AI-generating works. However, the main focus of judicial views on the copyright laws in India has always focused on the pivotal role of human ingenuity and intellectual labour. The arguments of the Supreme Court in Eastern Book Company v. D.B. Modak reiterate the fact [13]that copyright protection is brought only in a situation when the work is the result of a certain level of creativity based on human ability, effort, and criticism. This judicial focus implies that courts would not be easily willing to grant copyright protection to autonomously created works by the AI systems that lack human contribution.

Therefore, within the current legal system, AI-generated works are caught in a grey area within

[11] Copyright Act, 1957, s 2(d)
[12] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)
[13] Eastern Book Company v. D.B. Modak

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the Indian copyright law. The safeguarding of such works is unclear until legislative changes or judicial interpretation of this matter are clear. It creates the necessity to have legal reform to create a balanced approach between technological innovation and the principles of the copyright law.

V. IDEA–EXPRESSION DICHOTOMY AND AI TRAINING DATA

The next important legal concern when it comes to artificial intelligence is connected with the way AI systems are trained. The vast majority of the AI models are based on large training datasets that frequently contain prior literary and artistic and other copyrighted materials. Although such training is aimed at giving the system the ability to learn patterns, structures, and styles, it also brings issues of unauthorised use of the secured material. This danger is especially grave when the results of AI-generated products are similar to the works that are already available in the market, and beyond the allowable scope.

The copyright law of India makes a distinct line between expression and ideas. This has been known as the idea-expression dichotomy,[14] which guarantees that ideas are free to be used by the people, but the specific way in which the idea is expressed is copyrighted. R.G. Anand v. the Supreme Court. Deluxe Films (1978) strongly supported this standpoint by saying that copyright did not exist in ideas, themes and concepts but in their original presentation.

This doctrine gains more importance when applied to works created by AIs. In case an AI system only takes inspiration from the general ideas or concepts in its training data, no infringement would otherwise occur. Nevertheless, when the result of the AI is more or less an equivalent of the unique expression, shape, or setup of a copyrighted piece of work in the training data, the boundary between lawful motivation and unlawful copying is obscured. These consequences may include elevated rates of similarity, thus infringement of copyright.

This problem raises the issue of accountability as well.[15] Because AI systems operate based on intricate algorithmic operations, it is hard to establish who should be liable: the developer who trained the system, the entity that supplied the data to train the system or the final user who implemented the AI. The lack of explicit statutory direction only makes the implementation of the idea-expression dichotomy more complex in the AI context.

Thus, copyright usage during AI training and the character of AI products contradict the current copyright beliefs to a great extent. In the absence of proper protection to prevent duplication of

[14] R.G. Anand v Deluxe Films
[15] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)

expressions that are being safeguarded, AI-generated content can put both the developers and the users at risk of legal liability in accordance with the Indian copyright law.

VI. INTERNATIONAL RESPONSES TO COPYRIGHT ISSUES ARISING FROM ARTIFICIAL INTELLIGENCE

AI has shaken the conventional copyright principles in the legal systems of all countries. The issue of authorship in works produced by the use of AI, as well as whether such works should be protected in the first place, has already led to various legal responses. Various jurisdictions have dealt with this question in accordance with their legal philosophies[16], thus leading to differences in the levels of acceptance of machine-generated creativity. An analysis of such foreign reactions shows the lack of a cross-border standard and the shortcomings of the current copyright systems in the face of self-directed technologies.

Position in the United Kingdom

The UK has tried to deal with the issue of non-human authorship by statutory intervention. Its copyright law also acknowledges computer-generated work[17] and gives credit to the person who initiated and structured the process in which the work is created. In that way, the UK law does not assign legal rights to the machines but introduces the notion of responsibility and ownership to a human participant who was involved in the creative process.

Although this has provided legal certainty, this approach has been subject to extensive debate. Opponents argue that it is not always the creative decision-making that is involved in the organisation or facilitation of a work. Since modern AI systems are becoming more and more autonomous and generate content without human input, pinning the authorship on these grounds can work against the very principle of copyright protection, which is that the latter must be based on intellectual originality. Accordingly, although the UK framework offers a viable solution, it cannot be argued that it is compatible with fast-evolving AI technologies.

Position in the United States

The United States, on the contrary, adheres to a limiting approach to the copyright law by clinging firmly to protection in the context of human creativity. The government of the U.S has reiterated several times that copyright only exists on works by natural persons.[18] This position has been strengthened by judicial interpretation that repudiates other claims of copyright

[16] European Parliament Resolution on Intellectual Property Rights for the Development of Artificial Intelligence (2020)
[17] Copyright, Designs and Patents Act 1988, s 9(3)
[18] U.S. Copyright office, Copyright Registration Guidance: Works Generated by Artificial Intelligence (2023)

proprietorship[19] in cases where the claimant is not a human being and has no legal personality

Although the example of artificial intelligence was not directly connected to the historic judicial decisions of this area, they can also be applied to the utilisation of AI-generated results. The rationality behind this is that the copyright law is meant to compensate human intellectual efforts as opposed to mechanised efforts. Consequently, content generated by the AI systems, without any significant human creative effort, does not qualify as copyrightable. Copyright claims can only be maintained in situations where a human writer has considerable influence on the means of expression within a work, according to the laws of the United States.

Position in the European Union

The European Union has been more cautious and policy-focused towards the problems of artificial intelligence. Although the law on copyright in the EU does not make a direct reference to AI-generated works, copyright law is always interpreted in a manner that originality must be the result of human intellectual input.[20] Such an understanding complicates the fact that it is hard to fit AI-generated works that are created independently into the current copyright laws.

Meanwhile, the EU has acknowledged the increased economic relevance of the AI-generated content. Instead of prolonging the traditional copyright protection, European institutions have sought other legal approaches[21] by going wider to regulation in the area of artificial intelligence. The debate of specialised or additional rights reveals that there is an effort to strike a balance between the incentive to innovate and the aspects of human-centred copyrights.

VII. PERSUASIVE VALUE OF INTERNATIONAL DEVELOPMENTS FOR INDIA

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[19] Feist Publication, inc v. Rural Telephone Service Co.
[20] European Parliament Resolution on Intellectual Property Rights for the Development of Artificial Intelligence (2020)
[21] European Parliament Resolution on Intellectual Property Rights for the Development of Artificial Intelligence (2020)

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VIII. EMERGING INTERNATIONAL CONSENSUS

According to the recent international trends[22] there is a slow granularization of the positions of jurisdictions on the way to fully treat autonomous AI-generated works as regulated by the copyright law. In law, it is evident that there is reluctance to extend the concept of authorship to non-human entities. Copyright is still considered more as a tool of acknowledging and safeguarding human intellectual efforts, as opposed to those produced by machines. Therefore, the current copyright systems are unlikely to accommodate works created through artificial intelligence without significant human participation.

Instead of making any changes to the fundamental meaning behind authorship, several jurisdictions are considering alternatives to the legal reaction to the economic and commercial effects of AI-generated content. Such discussions end with the development of more models of protection, such as restricted proprietary rights or tailor-made systems of laws, which may be in addition to the traditional copyright law. The following strategies are directed to sustaining the technological development under the conditions of the preservation of originality, authorship and legal definite value as the fundamental values of the framework.

This is an emerging international policy that demonstrates systematic limitations of the Indian copyright policy. The first copyright act of 1957 was brought about in an era when creative activity could be only connected with human agency, and the fact of independent artificial intelligence systems is not reflected in it. The trends in comparative legal law, therefore, underscore the need to have India go through the process of a planned change in legislation and policy. Perhaps, this kind of consequence of judicial interpretation may bring about uncertainty, and a proactive law-making structure will enable the Indian government to respond to the AI-driven creativity without the need to overlook further creative activity of humans.

IX. CHALLENGES AND LEGAL GAPS IN REGULATING AI-GENERATED WORKS

Creative industries such as literature, visual arts, music and digital media are becoming increasingly more automated through artificial intelligence. Although this usage has increased, the existing Indian copyright law is not in full gear to address the peculiar legal concerns of AI-generated content. This absence of clear clauses makes it ambiguous as to ownership, enforcement, and the term of the copyright.

[22] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)

Lack of Specific Legal Recognition: The Copyright Act of 1957 does not directly consider the works produced under artificial intelligence.[23] It also restricts its definition of author to natural persons or other entities with legal recognition, which provides no space in the statute for non-humans, who might have created. As a result, it is unclear whether AI-generated content can be subject to copyright and who is entitled to it in case it happens to be the case-artist is it the programmer, the user, or the owner of the AI system.

Dependence on Human-Centric Judicial Principles

The Indian courts have always insisted on the fact that copyright is a result of human intellectual contribution. Indicatively, in Eastern Book Company v. D.B. Modak,[24] the Supreme Court pointed out that it was necessary that skill, labour, and judgment had to be employed to prove originality. Although such decisions reinforce the value of human creativity, they fail to offer guidance in situations where AI and humans work in the creation of creative works. The existing structure places hybrid work in a middle ground, where AI is providing much work but minimal human effort.

Practical Implications

The absence of clarity in the legislation comes to the defence of the creators and users of tools of AI to help them in their work. Authors would be confused about their names and their right of ownership that might clash with infringements. In addition, it might be difficult to enforce copyright on unauthorised usage of the AI-generated works without specific legislative or policy measures, which in turn complicates the entire legal scenario.

In conclusion, Indian law is unprepared to address AI-induced creativity because it has been statutorily silent and reliant on historical humanist standards of copyright. To seal these loopholes, the law should be interpreted further, courts should be urged to offer guidelines, and innovation of policies should be undertaken to ensure that AI-generated works are now rightly credited and regulated without overshadowing the main intention of human authorship.

X. AUTHORSHIP AND OWNERSHIP DILEMMAS

One of the most pressing questions that relates to AI-generated works is that of authorship.[25] Unlike the traditional creative works, where a single human author or a sufficiently identifiable group of people can be claimed to have worked on the piece, AI-generated works of art may

[23] Copyright Act ,1957
[24] Eastern Book Company v. D.B. Modak.
[25] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)

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suggest a variety of different stakeholders in the different portions of the piece. These may also be programmers engaged in the creation of the AI algorithms, data trainers feeding and maintaining the datasets, users with their prompts or inputs, and owners of the AI systems tracking and realising the technology. The stratified involvement in this makes application of the conventional rules of copyright, which were originally meant to be administered to the human authorship, a difficult one. It is not necessarily right to give credit to programmers, who are dependent on the situation where they do not have direct control over the final product of the AI system. Similarly, considering the users who are just promissors as writers is likely to lower the originality rule since they can be of little help, and this would be due to poor reasoning. Copyright protection in the Indian courts has always stated that protection can be achieved by proving human skill, labour and intellectual effort, just as it was in the case of the Eastern Book Company v. D.B. Modak. Here, the programmer-based as well as the user-based approach is prone to legal challenges.

This fact demonstrates that the existing ownership and copyright models are inefficient in autonomous AI systems. The fact that there is no clear directive of legislation implies that the problem of authorship, ownership and enforcement is likely to increase. The issue of who is supposed to be licensed to work with the work, who benefits economically and who will be held responsible in the event of infringement is yet to be answered. Moreover, the fact that hybrid works have people and AI makes the ownership even more complicated because it becomes challenging to estimate the contribution of the human factor or the contribution of the machine.

As a solution to these challenges, there is an urgent desire to have a well-developed system of law that will precisely clarify the concepts of authorship and ownership in relation to AI-generated works. This may be solved by giving rights to the human doing the most material creative control, joint authorship between human and AI operators or even by creating sui generis rights particular to AI-generated content. Such measures would be beneficial in safeguarding the interests of human creators as well as give clarity to developers, users and other stakeholders in the ever-changing digital world

XI. ORIGINALITY IN THE AGE OF MACHINE LEARNING

The principle of originality is being questioned radically in a machine-created creativity era. Artificial intelligence systems generate content by performing an analysis and identifying trends in large datasets of the current literature. It may appear that the outputs are new or original, but in most cases, these are products of algorithmic recombination and not a conscious or deliberate choice based on creativity by a human being.

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Indian courts have always stressed the fact that copyright protection is pegged on human intellectual effort.[26] Indicatively, in Tech Plus Media Pvt. Ltd. v. Jyoti Janda,[27] the Delhi High Court stated once again that a mechanical or automated production without any significant creative choice does not receive copyright protection. Applying the same argument to AI-generated work implies that the outputs of such a system, which do not imply any considerable human participation, might not qualify as original according to the existing Indian legislation.

This scenario creates some significant legal and policy concerns. Should economic creative works or artistic or culturally valuable ones, but not based on true human creativity, deserve copyright? The existing legal system lacks clarity, and it is puzzling to creators, developers of AI, and users. With AI gaining more and more abilities to create works of higher literary, musical, and artistic quality, the necessity to rethink the principles of originality and consider whether new legal frameworks, including human-managed prerequisites of authorship or sui generis copyright protection of AI-generated content, may be needed to overcome these new challenges.

XII. INFRINGEMENT RISKS AND TRAINING DATA CONCERNS

The neural network is trained on massive datasets that can be classified as copyrighted. Such a way of learning raises important legal issues since AI results may end up duplicating or resembling the already existing works, unwittingly. In case of such similarity, this can be said to be an infringement of copyright.

R.G. Anand v. Ingersoll, 1892, p. 53. Deluxe Films (1978)[28] made a definite distinction between the ideas and their expression. Any person is free to use ideas, however, the actual use of ideas is not allowed to be copied. When it comes to AI-generated content, this distinction is less easy to implement, however. Machine learning algorithms take input, extract patterns and produce novel outputs with no intention of copying. In some cases, these outputs can be quite similar to existing works in cases where no copying is supposed to take place. The uncertainty among all the stakeholders of an AI decision-making is posed by the opaque nature of the AI decision-making, commonly known as the "black box" problem. The rights holders might have a hard time proving that their work has been copied illegally, and those who are the developers and users will not understand how they might be held liable. Moreover, automated systems cannot understand the human ideas of novelty or violation, and it is difficult to control their products

[26] Eastern Book Company v. D.B. Modak.
[27] Tech Plus Media Pvt. Ltd V. Jyoti Janda
[28] R.G. Anand v. Deluxe Films.

within the scope of the conventional copyright regulations.

In order to mitigate these issues, the law should change. It could be proposed that possible solutions involve defining the guidelines to use copyrighted content in training datasets of AI, establishing accountability and liability among developers and users, and offering advice on how to distinguish between inspiration and infringement in AI-generated works. By establishing these, the copyright law has the ability to protect the rights of creators and, at the same time permitting AI to play a role in the innovation of the creative sector

XIII. LIABILITY AND ACCOUNTABILITY ISSUES

The issue of assigning liability to infringement of copyright in the works generated by AI is complicated.[29] AI systems deserve no legal rights and obligations since they cannot bear any responsibility, this responsibility must be accepted by humans or organisations who have developed, run, or maintained these systems. The existing legislation is silent on the issue of who, between developers, users, and operators of platforms, should be held primarily liable.[30]

Such uncertainty makes implementation difficult and may discourage AI-driven creative businesses. The owners of the rights may fail to pursue remedies, and the people who use or build AI devices may not discover whether they may be federal or not.

One of the remedies that would be helpful is the establishment of a lower liability. The programmers may be to blame as it can infringe, the users may be to blame due to their use of the AI systems, and the distributors or providers of platforms may be to blame as they provide or host the content. Such a strategy will offer a fair allocation of accountability, which will be fairer and more foreseeable to implement.

Clear roles would also introduce an element of trust to the creative use of AI because the technological innovation would be achievable, and human creators would have their rights ensured. In the short-term, at least, an organised system of liability might be a solution until it is possible to revise the law to reflect the situation with AI-generated content.

XIV. ETHICAL AND POLICY CONCERNS

The legal questions are not the only ones, and significant ethical and policy problems can be associated with the works created with the assistance of AI. Allowing a full level of copyright protection of the work done by a completely machine-driven process may have the effect of

[29] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)
[30] Copyright Act, 1957

excessive concentration of the market,[31] giving more than their merits to the developers of AI or big companies. This situation can stifle the creativity of humans, limit traditional writers, and provide an unequal competition in the creative industries.

On the other hand, without a safeguard against the AI-generated products, it might deter investment and development of AI technologies. It may be that developers and businesses will not be willing to develop AI software in literature, music, visual arts, or digital media where they lack legal status or its economic usefulness is not guaranteed.

In the absence of a clear structure, creators and users are left with uncertainties, and this may slow the pace of adoption of AI in creative industries.

Various jurisdictions have taken diverse ways of harmonising these issues across borders.[32] In the case of the United Kingdom, the creator of computer-generated works is given the authorship to the individual who arranges the conditions to make the creation possible, with some accountability given to humans, but without disregarding the contribution of AI. Other possible methods to protect the output of AI, without treating machines and human authors as analogous, considered by the European Union include sui generis rights or neighbouring rights. The United States has a purely humanistic approach to it, where the copyright law is given to protect the works of human creation, which highlights the role of human creativity, even though AI is applied as a tool.

These international views may offer some guidance to ethical and policy decisions in India. Human authors should be secured by a balanced system, the worth of human outputs facilitated by AI should not be undermined, and reasonable economic incentives to developers should be ensured. One of the options available to policymakers is to propose that AI-generated works should have limited rights or some specialised regulations that would encourage innovation and preserve the principles of the copyright law. With their ethical and policy resolutions, India can build an ecosystem in which human creativity and AI-driven innovation can work together and engage in a productive and fair way

XV. CONCLUSION AND SUGGESTIONS

The fast evolution of artificial intelligence has already caused a substantial change in the creative processes, setting the basis of copyright law into question. Artificial intelligence

[31] World Intellectual Property Organization, revised issues paper on Intellectual Property Policy and Artificial Intelligence (2020)
[32] European Parliament Resolution on Intellectual Property Rights for the Development of Artificial Intelligence (2020)

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systems that have the potential of producing literary, artistic, musical, and digital products without human involvement destabilise the human-based system developed in the Copyright Act of 1957. As has been explained in this paper, the conventional copyright principles, especially on authorship and originality is not well adapted to works that are autonomously produced by machines.

The decisions of the Indian judicial system, such as in Eastern Book Company v. D.B. Modak and Tech Plus Media Pvt. Ltd. v. Jyoti Janda, constantly insist on the fact that copyright safeguarding can be achieved as long as human intellectual effort is put into it. These decisions indicate that the originality criterion can be challenged when an original is completely created by AI, as per the current legislation. Moreover, the lack of clear statutory rules on AI-generated works poses a challenge to ownership, liability, and enforcement and may negatively impact the creators, developers, and users of AI-based creative industries.

The situation in the international world shows that there is a common unwillingness to treat AI as an author. The status of human creativity remains high in jurisdictions like the United States and the European Union, as the statutory experiments in the United Kingdom have been accused of undermining the originality requirement. These experiences around the world support the necessity of India to establish a context-specific legal system that will allow the works produced by artificial intelligence to exist and will not violate the notion of human authorship.

Suggested Reforms:

1. Legislative Clarification.

The Copyright Act, 1957, should be amended to explicitly address AI-generated works. Those should be properly defined by law to differentiate between human-assisted products and entirely autonomous AI works, and to create less ambiguity in the legislation.

2. Human-Centric Authorship Model.

The protection of copyright can only be given in cases where some meaningful human creative input can be established. This strategy upholds the fundamental idea of human authorship and acknowledges the importance of technology in helping with creativity.

3. Alternative Protection Mechanisms.

In full autonomy AI-generated works, India may establish a sui generis right on a limited basis. This would offer economic rewards to developers or operators without comparing machine-generated output to human ingenuity.

4. Clear Allocation of Liability.

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The responsibility of violating the AI-generated content should be well defined and dedicated to specific individuals or corporations, like the developers, operators, or the providers of the platform. This will make them accountable and easily enforced.

5. Policy-Driven Approach.

The policymakers ought to have a moderate policy that promotes innovation without harming the interests of human creators. This balance is highly dependent on the constant communication between the legal experts, technologists, and the stakeholders in the creative industries.

To sum up, artificial intelligence poses a threat as well as an opportunity to copyright law. Through legislative changes, a better definition of authorship, and the development of a well-thought-out protection system, India can achieve a law that fosters innovation and encourages human creativity and makes copyright law relevant and applicable in the epoch of AI-produced works.

XVI. FINAL OBSERVATION

The application of artificial intelligence has brought forth gigantic prospects as well as complex threats to the copyright law. Even though the existing legal precepts are extremely sound, they were originally designed to be a guideline for human creativity and may not fully represent the complexity of machine-generated works. The copyright law is also to be modified with caution to remain relevant in such a dynamic environment, since it also deals with a narrower definition of authorship, originality, and ownership in connection to AI. India can provide a balanced legal system that encourages technological creativity and safeguards the inventive contribution of human beings by introducing deliberate legislative reform and promoting the provision of policy innovations. This will guarantee that AI-based creativity is not driven at the expense of the traditional authors and, hence, keep the copyright system just, flexible and visionary.

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