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Reconciling the Notion of Authorship in AI-Generated Works under the Indian Copyright Act, 1957

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ABSTRACT

AI is a creative force that has profoundly altered the creation of artistic works, it has brought up important legal issues regarding authorship and copyright protection. Legal issues arise when artificial intelligence systems produce works in an autonomous or semi-autonomous manner since authorship has historically been defined by the Indian Copyright Act of 1957 in terms of human creators. The issues of integrating AI-generated works within the current framework of the Indian Copyright Act are examined in this research, specifically with regard to authorship, ownership, and intellectual property protection in such works.

Given that the Act's authorship requirements are predicated on human creativity and originality, the article examines the legal gaps that arise from AI's involvement in the creative process through an analysis of the current Act provisions. It also recommends changes to the Copyright Act to meet these concerns and examines the ethical and legal ramifications of giving authorship to non-human artists. The study looks at other countries' approaches to the problem of AI-generated works, such as the US and the EU, using comparative international views. The paper emphasizes the likely necessity of a legal reexamination of authorship and the potential acceptance of artificial intelligence as a valid creator in accordance with copyright requirements.

The study ultimately promotes more complex copyright regulations that guarantee the rights and safeguards of human artists' creations, thereby permitting the integration of artificial intelligence into the creative process. The goal of the study is to contribute to the current discussion on how copyright laws should be modified to address artificial intelligence concerns in the field of invention through both legislative and technological developments.

I. INTRODUCTION

The structure of creativity has been profoundly changed by the quick development of "artificial

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intelligence (AI)," which has made it harder to distinguish between human- and computer-generated content. These days, artificial intelligence systems are capable of producing software code, music, artwork, poetry, and even works that are considered unique and inventive by traditional criteria. Therefore, concerns regarding legal authorship and intellectual property rights are raised by the rise in such creative output by non-human entities. "The Indian Copyright Act of 1957", in particular, which was written before sophisticated machinery was developed, finds it difficult to handle the problems that "AI-generated works" cause.

The term "author" under the "Indian Copyright Act" refers to a human creative who creates a variety of works.[3] The law highlights human ability, imagination, and hard work as essential components of writing. Artificial intelligence-generated works, particularly those produced with little human intervention, are therefore incompatible with the existing legal system. The question of whether artificial intelligence should be considered a"author" or if the rights should instead be granted to the AI system's creators, users, or owners has generated a great deal of debate among Indian and international legal specialists. The Indian Supreme Court has consistently stated that uniqueness is necessary for copyright protection. However, because AI-generated works lack the human creative contribution that courts typically need, applying this idea to them can be difficult. However, it can be difficult to apply this idea to artificial intelligence-generated products because they do not have the human creative input that judges typically seek.

This problem is not exclusive to India. Governments around the world are tackling the same problems. For instance, the "US Copyright Office" has categorically declined to register works that are "made without any human authorship."[4] Taking a more practical stance, the "UK Copyright, Designs and Patents Act, 1988" designates the author of computer-generated works as the individual "by whom the arrangements required for the creation of the work are undertaken."“The UK Copyright, Designs and Patents Act, 1988,” determines the author of computer-generated works by asking "By whom the arrangements needed for the creation of the work are undertaken," which is a more practical method. These diverse approaches highlight the absence of global consensus and emphasize how crucial it is to update laws to reflect the rapidly evolving technological landscape.[5]

India urgently needs to reexamine its current legal conceptions of authorship and ownership in

[3]“The Copyright Act,” No. 14 of 1957, INDIA CODE (1957), § 2(d).
[4]Shreya Shrivastava, “Artificial Intelligence and Copyright Law in India: A Future of Uncertainty”, 13 NUJS L. Rev. 87 (2021).
[5]"U.S. Copyright Office,"“*Compendium of U.S. Copyright Office Practices”,* § 313.2 (3d ed. 2021).

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light of the growing digital economy and the growing relationship between the creative industries and artificial intelligence.[6] The "Indian Copyright Act's" vague rules for "AI-generated works create a void that may lead to misinterpretations, conflicting interpretations," and even misuse. This study proposes a framework that strikes a balance between innovation and the preservation of creator rights while attempting to explore the conceptual and legal challenges of harmonizing AI-generated works with the Indian copyright regime.

A. Research question

- How is "authorship" defined and conceptualized in the Indian Copyright Act of 1957?
- How much space does the current "Indian Copyright Act' legal framework allow for works created by artificial intelligence?
- Can an artificial intelligence system be recognized as a legitimate "author" under Indian copyright law?
- Who should be given credit for writings generated by artificial intelligence—the AI itself, the user, or the creator?

B. Research objective

- To Examine the legal meaning of "authorship" under "the Indian Copyright Act', 1957.
- To investigate if the present copyright system in India fits works produced by artificial intelligence.
- To evaluate the legal viability of acknowledging artificial intelligence as a"author" under Indian law.
- To investigate the effects of giving authorship to the AI system itself, users, or AI developers.
- To examine worldwide legal attitudes toward AI-generated authorship and contrast them with Indian law.

C. Research Methodology

Using doctrinal research approaches, this task was carried out. "Books, court cases, print and electronic media, magazines, essays, and reports from various authorities" are just a few of the many sources that are employed. Laws and legislation from many nations are examples of primary sources. Books, journals, academic papers, reports, and other secondary sources are

[6]"Copyright, Designs and Patents Act 1988", c. 48, § 9(3) (UK).

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used to critically assess international arbitral rulings in India.

D. Literature Review

The intersection between copyright law and artificial intelligence has garnered increasing scholarly attention, particularly in light of the traditional concept of "authorship." Indian copyright law defines "author" with an implied presumption of human agency, largely based on British law (Section 2(d), Copyright Act, 1957). Since copyrightability is founded on ingenuity, skill, and diligence, early research highlights that it is inextricably tied to human consciousness (Cornish and Llewelyn, Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights, 2010).

According to Annemarie Bridy and other scholars worldwide, copyright law, which is predicated on an idealized view of the "author-genius," finds it challenging to accommodate non-human creators (Bridy, "Coding Creativity: Copyright and the Artificially Intelligent Author," 2012). However, legal systems are typically anthropocentric and unsuitable for computer autonomy, as Pamela Samuelson emphasizes (Samuelson, 1985). According to comparative analysis, nations like the UK grant authorship of computer-generated works to the person who makes the necessary arrangements under Section 9(3) of their Copyright, Designs and Patents Act, 1988. This model is occasionally suggested for adaptation in India.

II. LEGAL FRAMEWORK: INDIAN COPYRIGHT ACT, 1957

A. Historical Evolution of the Indian Copyright Act

In India, copyright is primarily regulated by the "Indian Copyright Act of 1957." In particular, the purpose of "the Copyright Act of 1914" was to amend and harmonize the previous copyright regulations that were taken from the British colonial system. By aligning "Indian copyright law" with the global norms of the Berne Convention, which India eventually ratified in 1928, "The 1957 Act" brought about a significant shift. The "1957 Act" marked a major shift by aligning Indian copyright law with the international norms of the Berne Convention, which India eventually ratified in 1928.By aligning Indian copyright law with the international standards of the Berne Convention, which India ultimately signed in 1928, the "1957 Act" marked a significant change.[7]The Act recognized many kinds of works—"literary, dramatic, musical, artistic, and cinematographic films"—and gave authors, musicians, and artists exclusive rights to their creations.

Since its passage, the Act has been changed multiple times to reflect technological and socio-

[7]"*Copyright Act"*, No. 14 of 1957, INDIA CODE (1957), Statement of Objects and Reasons.

economic changes.[8] Among the most important changes was "the Copyright (Amendment) Act, 2012", which aimed to align Indian legislation with the "WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT)".The"2012 Amendment" added clauses guaranteeing author royalty rights in instances of assignment as well as safeguarding performer and author rights in digital forms. The change, however, left a hole in the legal recognition of AI-generated works since it did not specifically address authorship in relation to developing technology including artificial intelligence.[9]

B. Understanding the Concept of Authorship under Indian Law

Defined under Section 2(d) of the "Indian Copyright Act, 1957," the word "author" changes with the kind of work. The author of a literary or dramatic piece is the one who produces it.[10]The definition implies a human agency in the creative process, suggesting someone with the required cognitive capacity to generate the work. This decision is mostly based on the idea of originality. Indian courts have read originality to mean that the work must come from the author and should not be reproduced, even if a great degree of ingenuity is not necessarily necessary.[11]

The criterion for establishing authorship therefore consist of three basic components: originality, creativity, and fixation. Originality means the work has to be independently produced; creativity indicates some intellectual effort; fixation is the manifestation of the concept in a physical form. Though suitable for human creators, these criteria cause problems for AI-generated material lacking or at best indirect cognitive and purposeful aspects of creativity.

C. Current Legal Provisions on Authorship in the Context of AI

At now, the" Indian Copyright Act" does not acknowledge non-human beings as authors. Consequently, works produced by artificial intelligence without significant human involvement exist in a legal grey area. Based on human engagement and agency, the Act defines "author," hence fittingting AI systems—regardless of their degree of autonomy—within the current legal framework becomes challenging.The Act's definition of "author" is based on human involvement and agency, making it impossible to fit AI systems—regardless of their level of autonomy—within the current legal framework.[12]

Although Indian courts have not yet handled a case involving "AI-generated works" directly,

[8]*The Copyright (Amendment) Act*, No. 27 of 2012, § 2, Gazette of India, Extra., May 7, 2012.
[9]d. at §§ 18, 19.
[10]*Copyright Act*, § 2(d).
[11]"E*astern Book Co. v. D.B. Modak"*, (2008) 1 SCC 1 (India).
[12]Shreya Shrivastava, *Artificial Intelligence and Copyright Law in India: A Future of Uncertainty*, 13 NUJS L. Rev. 87 (2021).

the more general understanding of authorship implies that courts could be reluctant to provide copyright protection to works not created by a normal person. This differs from countries like the United Kingdom, which specifically permits attribution of authorship of computer-generated works to the individual "by whom the arrangements required for the creation of the work are undertaken."[13]In India, no such clause exists, hence uncertainty over the status of works when the creative process is mostly or totally under AI influence results.

This uncertainty has major consequences. It could inhibit innovation in AI-based creative sectors, create uncertainty about ownership rights, and maybe leave economically valuable works produced by means of AI unprotected. The legal vacuum emphasizes the requirement of legislative focus to reinterpret or broaden the notion of authorship to fit the difficulties of the artificial intelligence age.

III. THE ROLE OF AI IN THE CREATIVE PROCESS

A. Types of AI-Generated Works

The production of many kinds of intellectual and creative output is increasingly being influenced by artificial intelligence. Generally speaking, works produced by artificial intelligence fall into two groups: completely AI-created works and cooperative human-AI collaborations. Fully AI-created works are those produced by machine learning algorithms or generative models with little or no human involvement. Amongst these are poems produced by neural networks trained on large data sets, news pieces, musical compositions, and AI-generated paintings. OpenAI's GPT models, for example, can write intricate bits of text that seem identical to those written by people.[14]

Conversely, human-AI cooperative projects call for much human direction and control; the AI acts more like a sophisticated tool than an autonomous creator. In such situations, the human provides the conceptual framework, cues, or limits; the AI helps to carry out or improve the creative process.[15] Since the human can assert authorship depending on the originality and control exercised, this kind of invention is more legally tenable within current copyright systems.But as artificial intelligence systems get more complex, the distinction between help and authorship gets more hazy. As artificial intelligence systems develop more complex, though, the distinction between help and authorship gets more and more hazy.

[13]"Copyright, Designs and Patents Act 1988", c. 48, § 9(3) (UK).
[14]OpenAI, "*GPT-4 Technical Report* (2023)",https://openai.com/research/gpt-4.
[15]Pamela Samuelson, "*Allocating Ownership Rights in Computer-Generated Works*", 47 U. Pitt. L. Rev. 1185 (1986).

B. AI: An Independent Creator or a Tool?

A major discussion in modern copyright theory is whether artificial intelligence should be seen as an independent creative agent able of authorship or as a tool used by human producers. Supporters of the tool-based view contend that, whatever its complexity, artificial intelligence lacks consciousness, purpose, and moral responsibility—qualities usually linked with authorship.3 From this perspective, artificial intelligence is similar to a musical instrument or software program a person uses to generate creative output.[16]

On the other hand, proponents of acknowledging artificial intelligence as a creative being emphasize the autonomous character of certain artificial intelligence systems, especially those using deep learning and generative adversarial networks (GANs). Challenging the idea that all innovation has to come from human agency, these systems can generate new results without clear programming or expected consequences. They contend that omitting such works from copyright protection could discourage invention in AI-based creativity and that a new legal framework is required to fit these technological changes.

Notwithstanding these claims, most countries, including India, have not yet acknowledged artificial intelligence as a legal person entitled to possess rights. The Indian Copyright Act assumes a natural person to be the author, therefore leaving AI-generated works in a legal grey area. Lawmakers, legal experts, and engineers fight to stay up with AI's changing capacity, so the discussion goes on.[17]

C. Examples and Case Studies

Many actual examples show the possibility and intricacy of artificial intelligence in the creative process. A painting by artificial intelligence called "Portrait of Edmond de Belamy" sold for more than $400,000 at Christie's, generating worldwide controversy over authorship and the role of the AI algorithm's designers.6 In music, programs like AIVA (Artificial Intelligence Virtual Artist) have created original symphonies; in literature, neural networks have produced poetry, short stories, and even screenplays mimicking human style with amazing realism.[18]

Although technically amazing, these works raise fresh legal questions. The developers of the algorithm underlying the Belamy portrait, for instance, were named although their involvement was mostly limited to model improvement and training data curation. Similar debates have

[16]Ryan Abbott, "*The Reasonable Robot: Artificial Intelligence and the Law",* 49–53 (Cambridge Univ. Press 2020).

[17]Andres Guadamuz, "*Do Androids Dream of Electric Copyright? Comparative Analysis of Originality in AI Generated Works",* 2(1) IP Theory 1 (2011).

[18]"The Copyright Act", No. 14 of 1957, § 2(d), INDIA CODE.

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emerged surrounding synthetic voice performances, AI-generated news stories, and deepfake films, where ownership and moral rights are hotly argued.[19]

Though there are no landmark cases directly addressing "AI-generated works," the growing use of generative AI tools in industries such advertising, journalism, and entertainment indicates that legal conflicts over authorship and ownership are soon in India. As the capabilities of AI continue to increase, the courts and legislatures must address these problems with clarity to assure the protection of both human creators and innovation in AI-driven creation.

IV. INTERNATIONAL APPROACHES TO AI-GENERATED WORKS

A. AI and International Copyright Law

Around the world, the legal scene surrounding AI-generated works stays uneven, with different readings of authorship and protectability between countries. The "United States Copyright Office (USCO)" holds a strong view that copyright can only survive in works produced by human beings. Emphasizing the "human authorship requirement," the USCO refused protection to an AI-generated comic book image in the "2022 Zarya of the Dawn case", therefore reaffirming this.[20]"The U.S. Copyright Act" does not now acknowledge non-human beings as capable of authorship. At now, "the U.S. Copyright Act" does not acknowledge non-human beings as able to create. "The U.S. Copyright Act" does not now acknowledge non-human beings as able of authorship.[21]

By contrast, the "Copyright Directive of the European Union (EUCD)" acknowledges the need to strike a balance between innovation and rights protection in the digital single market even if it does not specifically address "AI-generated works". Though EU legislation stresses human originality, debates on sui generis systems or possible changes to fit AI contributions are ongoing. A foundation of international copyright law, the "Berne Convention" does not specifically define authorship in human terms. Its historical reading, meanwhile, presumes human creative labor, so supporting human-centric copyright policies.[22]

AI's increasing influence in creativity questions the international copyright system, which still based on ideas developed in a pre-digital period. Particularly since AI systems run across borders, creating cross-border enforcement and protection legally complicated, there is growing

[19]Sophie Hardach, "*Who Owns an AI-Generated Artwork?"*, BBC Future (Mar. 6, 2020), https://www.bbc.com/future/article/20200306-who-owns-an-ai-generated-artwork.
[20]*"U.S. Copyright Office Review Board"*, Letter Re: Zarya of the Dawn by Kris Kashtanova (Feb. 21, 2023), https://www.copyright.gov/rulings-filings/review-board/zarya-of-the-dawn.pdf.
[21]*17 U.S.C. § 102(a)* ("U.S. Copyright Act").
[22]Directive 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market, 2019 O.J. (L 130) 92.

need for a more unified approach to AI-generated works.

B. Other Jurisdictions' Case Law

Various countries have been wrestling with the issue of AI-generated content, resulting to varied legal interpretations. "The Copyright, Designs and Patents Act 1988" in the United Kingdom is notable for specifically addressing computer-generated works. "Section 9(3)" states that for a computer-generated work, "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken."[23] This clause effectively closes the gap between "AI autonomy and human legal rights" by allowing a human entity to be credited as author even when an AI produces the work.[24]

The Hangzhou Internet Court in China decided in favour of copyright protection for a financial article produced by an artificial intelligence system called "Dreamwriter," hence acknowledging the uniqueness of the material and the effort put forth by the deployment organization. Though the court did not formally assign authorship to the AI, it acknowledged the work merited legal protection, suggesting a functional rather than formal view of authorship.[25]

Australia, on the other hand, has been progressive in patent law; courts have momentarily acknowledged an AI system called "DABUS" as an inventor under patent law before the ruling was reversed on appeal. Although this does not directly relate to copyright law, it shows a rising awareness of AI's involvement in invention. These different strategies show the legal ambiguity and changing court perspective on AI-generated content all around.[26]

C. Global Consensus and Divergences

There is no worldwide agreement on how to control authorship for works produced by artificial intelligence. While some nations, like the UK, provide reasonable systems for allocating rights in the absence of obvious human creativity, others still have a human-centric perspective on authorship. But, even in progressive countries, there is hesitancy to acknowledge artificial intelligence as a legal person competent to retain rights because of the legal, ethical, and philosophical consequences of such acknowledgment.

Legal reform to handle the increasing use of artificial intelligence in creative processes is one developing area of agreement. Countries admit current rules are inadequate to handle AI-generated material and are looking toward sui generis models or licensing schemes to control

[23]"Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK)".
[24]"Berne Convention for the Protection of Literary and Artistic Works" art. 2, Sept. 9, 1886, as revised July 24, 1971.
[25]**Shenzhen Tencent v. Shanghai Yingxun Tech Co**., Hangzhou Internet Ct., China, (2019).
[26]**Thaler v. Commissioner of Patents**, [2022] FCAFC 62 (Austl.).

royalties and rights. Still, there remains conflict on basic issues as whether artificial intelligence may be an author, who should be credited with authorship, and how such rights should be applied globally.

A coordinated worldwide strategy might be required eventually to provide legal clarity, avoid jurisdictional disputes, and safeguard the interests of human creators as well as those funding AI technologies as AI-generated works keep pushing conventional ideas of creativity.

V. THE FUTURE OF AI AND COPYRIGHT IN INDIA

A. Emerging Trends in AI and Copyright

The junction of artificial intelligence and copyright is getting more and more front as India sets itself as a worldwide technology center. From music and movies to journalism and design, Indian businesses are quickly embracing artificial intelligence for audience personalization, content curation, and content generation. Indian-developed models, Midjourney, and ChatGPT are among the tools already in use for visual art production, scriptwriting, and advertising.This trend highlights the pressing need for a consistent legal system addressing the “authorship, ownership, and protection” of "AI-generated works" in the Indian context. This trend highlights the pressing need for a consistent legal framework in the Indian setting addressing the “authorship, ownership, and protection” of "AI-generated works".[27]

With its strong software sector, growing startup culture, and dynamic law reform environment, India is especially positioned to take the lead in AI copyright control. But, present copyright law under "the Copyright Act, 1957," has no clear clauses on "AI-generated works".[28]Without changes to the legislation or judicial interpretation, artists, IT companies, and investors are still unsure about who owns and enforces what. Investors, IT entrepreneurs, and inventors are unsure about ownership and enforcement in the absence of legal reforms or court interpretation. Prompt, thoughtful legislative reforms could allow India to lead the global conversation on AI and intellectual property by providing a model for other emerging nations facing comparable issues.

B. Protecting and Balancing Innovation

Finding the right balance between defending the rights of human artists and promoting AI-driven innovation would be one of the main issues facing "Indian copyright laws". When current styles, voices, and stories straddle the boundaries between originality and derivation, AI's

[27]NASSCOM, "*AI Adoption in Indian Industries: Trends and Outlook* (2023)", https://nasscom.in/knowledge-center.
[28]"The Copyright Act, No. 14 of 1957, INDIA CODE".

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capacity to replicate and remix them poses particularly difficult ethical and legal problems.[29] The existing method is not well-suited to assign authorship in circumstances of collaborative production, including artificial intelligence, or to differentiate between human and machine creativity.

To encourage innovation without compromising conventional copyright standards, India can consider using a hybrid system that acknowledges human involvement in AI-generated works as the foundation for ownership while incorporating sui generis rights or licenses for works with little to no human input. The motivation for human invention would be preserved, and AI-generated work would not be left unregulated or open to abuse thanks to such a mechanism. Such a model would preserve the drive for human creativity while ensuring that AI-generated content is not unregulated or vulnerable to abuse.[30] India should take moral rights into account as well, particularly in a society that places a great importance on identity and authorial dignity.

C. The Influence of AI-Generated Works on the Indian Economy

The economic effects of AI-generated creativity in India are significant. In media, design, legal drafting, and content marketing—fields where India already has a large outsourcing presence—AI may greatly lower manufacturing costs.[31] Micro and small businesses can use generative AI techniques to compete globally as they get more accessible. The application of artificial intelligence in content generation also helps to create jobs in related fields as data curation, prompt engineering, and artificial intelligence ethical advice services.

On the other hand, increasing use of artificial intelligence raises concerns such the replacement of conventional creative occupations, more copyright violation from automated reproduction, and monopolization of creative products by a handful of technology behemoths.[32]Harnessing the full economic potential of AI-generated works in India would thus depend on a regulatory system guaranteeing fair access to AI technologies, safeguards against illegal copying, and clear authorship guidelines.

Ultimately, India is at a crossroads where prompt action in the legal and policy sphere can influence the future of AI and copyright not only inside its borders but also worldwide. The legal frameworks controlling artificial intelligence have to change as they develop to guarantee that innovation, protection, and justice coexist.

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[29]Anirudh Rastogi, "*Creativity and the Machine: Legal Implications of AI-generated Works"*, 6 NUJS L. Rev.
[30]World Intellectual Property Organization [WIPO], "*Draft Issues Paper on Intellectual Property Policy and Artificial Intelligence"*, WIPO/IP/AI/2/GE/20/1 (2020).
[31]Invest India, *India's Media & Entertainment Sector Overview* (2023), https://www.investindia.gov.in.
[32]Harish Narang, *Artificial Intelligence and the Indian Creative Economy*, 3 J. Innovation & Tech. Law 54 (2022).

VI. Conclusion

The introduction of AI into the creative industry is one of the biggest challenges facing traditional copyright law. In India, where "the Copyright Act of 1957" still demonstrates a human-centric view of authorship, the rapid expansion of AI-generated content necessitates a thorough reexamination of fundamental legal concepts. The Act does not anticipate a scenario in which creativity could emerge outside of direct human interaction, despite defining a "author" in relation to many types of works. Because of this legal void, it is very challenging to assign ownership, define rights, and enforce protections for works created by artificial intelligence.

Various nations have responded to AI in copyright with varying degrees of understanding, ranging from the denial of non-human authorship to the creation of sui generis rights and more inclusive interpretations that accommodate machine contributions. India now faces the challenge—and opportunity—of forging its own legal and regulatory path in this fertile field. It will be crucial to strike the right balance between promoting technological progress and defending the rights and acknowledgment of human creators. Any legislative change must ensure that the public continues to benefit from the expansion of knowledge and expression, that artists are motivated, and that artificial intelligence capabilities are used responsibly.

Furthermore, the future of copyright will involve not only redefining authorship but also rethinking enforcement, licensing, and moral rights in a digital environment where concepts like attribution, originality, and intentionality are more malleable as artificial intelligence assumes greater responsibility for creative production. The Indian legal system is well-equipped to manage this shift because of its flexible judicial approach and capacity for progressive interpretation. The development of an inclusive and forward-thinking copyright system will be aided by offering a model that combines the safeguarding of intellectual property with the realities of AI-powered innovation.

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