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The Copyright and Data Privacy in the Artificial Intelligence Era in India: A Comparative Study of Various Countries with special reference to India

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ABSTRACT

In the Artificial Intelligence era, the technology has changing rapidly that human-like work can be created, especially after the coming of Generative artificial intelligence, many companies are launching this technology. An Artificial Intelligence research and deployment company, OpenAI's have launched several Large Language Models (ChatGPT) and different AI generators are also widely used by general public. The Artificial Intelligence with the help of Generative Artificial Intelligence have entered in the work earlier done by humans in such a way that there are many new unresolved fundamental challenges and also opportunities, in particular in knowledge-intensive domains. In the course of period, with the advancement in Artificial Intelligence technology, the intellectual property rights (IPR) will face tremendous impact. Among the several kinds of IPRs, Artificial Intelligence has an important part to play, especially in copyright. With the help of AI generators, it can write texts, articles, compose music, generate image, videos, paintings etc which was once solely dependent on human creativity and talent. It is quite common to see with the help Generative Artificial Intelligence, the creativity of the human kind is easily overshadowed and even the human privacy is easily jeopardised.

This paper attempts to highlight the recent issue where Artificial Intelligence is depriving the human beings of their originality, creativity, authorship, ownership and data privacy of the human beings. There is a crucial need to balance the rights of creators and the development and use of generative AI tools by putting limitation and through legal interventions.

Keywords: *Artificial intelligence (AI), Large Language Models, copyright, data privacy, originality.*

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I. INTRODUCTION

At present, Artificial Intelligence (hereinafter referred as AI) is an essential driving force behind the development of society and has an immense impact on many facets of life.[1] Since its usage has become essential in the majority of technical applications, artificial intelligence (AI) has attracted a lot of attention in the modern day. AI has changed our lives by invading a variety of industries, including education, healthcare, aviation, space, and entertainment (music, art, video games, and movies), among others.[2]

A potent instrument that is revolutionising the creation, administration, and exploitation of intellectual property (IP) is artificial intelligence (AI). For innovators, companies, and legislators, this technology revolution is bringing both advantages and challenges. AI is, on the one hand, making it possible to create new kinds of intellectual property, increase the effectiveness of managing IP assets, and support new economic models for IP exploitation. However, AI brings up difficult moral and ethical issues like data privacy, ownership, patentability, and copyright infringement.[3] A Chinese-American computer scientist known for establishing ImageNet, Fei-Fei Li said "*Artificial intelligence is not a substitute for human intelligence; it is a tool to amplify human creativity and ingenuity*."[4]

In light of copyright and privacy, this research study attempts to examine the potential and problems that artificial intelligence presents. The market where AI and copyright traverse is one that is changing quickly and needs serious consideration and investigation. The primary objective of this research paper is to present a thorough examination of how AI affects copyright and how data protection has grown in significance due to frequent violations of data privacy. In doing so, the paper will provide light on the legislative and regulatory frameworks required to guarantee that copyright law adapts to the demands of the constantly changing technological world.

II. ARTIFICIAL INTELLIGENCE

Computer science includes the domain of artificial intelligence. John McCarthy gave the phrase "artificial intelligence" its first use in 1956.[5] Artificial neural networks, which are basically

[1]Ross Gruetzemacher & Jess Whittlestone, *The transformative potential of artificial intelligence*, 135 FUTURES 1, 1-2 (2022).
[2] V.K. Ahuja, *Artificial Intelligence and Copyright: Issues and Challenges*, ILI L. Rev. 271, 274- 281 (2020).
[3] Mohd Akhter Ali & M. Kamraju, *Impact of Artificial Intelligence on Intellectual Property Rights: Challenges and Opportunities*, 1 OSMANIA U.J. IPR 21, 33-37 (2023).
[4]Tshilidzi Marwala, We Need Effective Governance to Shape AI for Good, UNU (April 29, 2026), https://unu.edu/article/we-need-effective-governance-shape-ai-good.
[5] Fredy Sánchez Merino, *Artificial Intelligence and a New Cornerstone for Authorship*, in WIPO-WTO COLLOQUIUM PAPERS 26, (2018).

computational models, make up this system. These mathematical processes and parameter-based computational models provide results that are comparable to those of human intellect. AI is best defined as "Deep supervised machine learning," which consists of two primary components: machine learning and deep learning.[6]

Weak AI and strong AI are the two major categories into which artificial intelligence is divided. A weak AI system, also known as a narrow AI, is one that is made to fulfil a single task or function and is unable to do more. An example of this would be personal help, such as Apple's Siri. On the other hand, a powerful AI system may do a variety of activities, some of which are more complicated and human-like, such as operating on a human body or driving a car on its own. An AI is considered powerful if it can do intricate and challenging tasks without the need for human assistance.[7]

AI may be used to create two types of creative works: (i) "AI-generated" work and (ii) "AI-assisted" work. AI-generated works, sometimes referred to as "generated autonomously by AI," are works produced by AI without the assistance of a human. [8] AI may "change its behaviour during operation to respond to unanticipated information or events" in this type of work, resulting in potentially unexpected or unintended output. However, the "AI-assisted" pieces require a great deal of human involvement.[9]

The basic components of AI Certain elements must be comprehended in order to develop a strong AI system and comprehend how artificial intelligence functions. The components are as follows:

i. Machines Learning: AI has the ability to learn from prior experiences and use that knowledge to inform decisions, a process known as machine learning, much like humans do. Machine learning is a program that gives a computer the ability to learn, adapt, and innovate without always needing to be given algorithms. In essence, it is the process by which a computer examines data and patterns and makes an independent prediction

[6] Sonali Kokane, *The Intellectual Property Rights of Artificial Intelligence-based Inventions*, 65 J. SCI. RSCH. 116, 116-117 (2021).

[7] S.V. VISRUTI & NAVEENKUMAR S., *INTELLECTUAL PROPERTY LAW AND ARTIFICIAL INTELLIGENCE: CHALLENGES AND ISSUES*, 7 INT'L J.L. 1, 1-3 (2021).

[8] FABRIZIO DELL'ACQUA, EDWARD MCFOWLAND III, *ET.AL.*, NAVIGATING THE JAGGED TECHNOLOGICAL FRONTIER: FIELD EXPERIMENTAL EVIDENCE OF THE EFFECTS OF AI ON KNOWLEDGE WORKER PRODUCTIVITY AND QUALITY (*HARVARD BUSINESS SCHOOL WORKING PAPER NO. 24-013,* 2023), HTTPS://WWW.HBS.EDU/FACULTY/PAGES/ITEM.ASPX?NUM=64700.

[9] WIPO Secretariat, *Revised Issues Paper on Intellectual Property Policy and Artificial Intelligence*, WIPO_IP_AI_2_GE_20_1_REV (May 1, 2026), https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ip_ai_2_ge_20/wipo_ip_ai_2_ge_20_1_rev.pdf.

about the results. A category of artificial intelligence is machine learning. It generates an output by interpreting data statistically.

ii. Neural Networks: Neural networks are similar to human neural cells. Applying the behaviour of the human brain's nerve system in order to mimic human mental processes is the aim of neural networks. These neural networks will provide varied results depending on how they are arranged.

iii. Deep Learning: Deep Learning is a neural network-based machine learning technique. This is where unsupervised learning occurs. It produces an output by simulating human cognitive processes.

iv. Natural Language Processing: NLP is essentially AI's capacity to read, comprehend, analyse, and interpret human language. This element is crucial because it allows an AI to comprehend and interact with its user so that it can react appropriately. Computer Vision: Images and videos are mostly linked to computer vision. The technique by which a machine interprets and comprehends pictures and their contents is known as computer vision.

v. Cognitive Computing: This aspect of artificial intelligence allows an AI to simulate human cognitive processes by interpreting and analysing voice, text, pictures, and other inputs to produce the intended result.[10]

A strong branch of artificial intelligence (AI), generative artificial intelligence (GenAI) has become increasingly well-known examples like ChatGPT. Using machine learning and deep learning technologies, Generative Artificial Intelligence (GenAI) generates new material in response to user input by using transformer models and algorithms like Generative Adversarial Networks (GANs). With the potential to completely transform the way work is done, OpenAI's Generative Pre-Transformer (GPT) models are trained on enormous datasets to generate material that is frequently identical to that produced by people. Large Language Models (LLMs), which are used by GenAI technologies like ChatGPT, Gemini, and Bing AI, have been trained on billions of different data sources and parameters, such as internet data, scholarly journals, books, and news articles.[11] Large Language Models (LLMs) have emerged as cutting-edge artificial intelligence systems that can process and generate text with coherent

[10] S.V. Visruti Naveenkumar S, *Intellectual property law and artificial intelligence: Challenges and issues*, 7 INT'L J.L. 1, 2 (2021).

[11] Adil S. Al-Busaidi et al., *Redefining boundaries in innovation and knowledge domains: Investigating the impact of generative artificial intelligence on copyright and intellectual property rights*, 9 J. INNOVATION & KNOWLEDGE 1, 2 (2024).

communication and generalize to multiple tasks. In order to produce human-like content—like words and images—in response to intricate and varied language inputs, commands, or questions, GenAI uses deep learning models. Scholarly work might benefit from the use of GenAI technologies like ChatGPT and Google Gemini (previously Bard). AI technologies' capabilities are developing quickly and frequently exceeding our expectations. These features of DALL-E, which creates aesthetically pleasing artwork, and OpenAI's GPT-4-based systems, which produce language that resembles that of a person, demonstrate how computers may independently develop creative outputs on par with those of humans.[12]

III. COPYRIGHT

The term "intellectual property" means when creativity of the human mind is given recognition and is also protected. The primary area of law pertaining to intellectual property is copyrights, which pertain to literary and creative creations. The legal word "copyright'', often known as "author's right," refers to the ownership rights that authors and artists have over their creative works. Books, music, paintings, sculptures, movies, computer programs, databases, ads, maps, and technical drawings are all examples of works that are protected by copyright.[13] Since its inception, the nature of copyright law has undergone significant change. Based on the idea of human authorship, the Berne Convention of 1886 created a framework for the international protection of literary and creative works. An author's work must be original in order to qualify for copyright protection. It implies that the work must exhibit a minimal level of innovation and that the author must have pursued his own intellectual endeavours rather than plagiarising from an already-existing source. Fixation has been introduced by certain additional jurisdictions as a requirement for copyrightable works. This implies that the piece has to be fixed in a material form. As long as a work is stable or lasting enough, it is deemed fixed. Thus, it may then be viewed, replicated, and conveyed.[14]

IV. AI AND COPYRIGHT

With the advent of artificial intelligence, the IPR are also getting effected and have created new challenges. The World Intellectual Property Organization (WIPO) defines copyrights as a legal term used to describe the rights that creators have over their literary and artistic works. Internationally, TRIPS agreement has been governing the basic standards of all Intellectual Property rights including copyrights and in India copyright is governed by the Copyright Act,

[12] *Ibid.*
[13] Safet Emruli et al., *Copyright and Copyright Protection*, 2 EUR. J. INTERDISC. STUD. 36, 36 (2016).
[14] *Ibid.*

1957.[15] Although the development of artificial intelligence (AI) is the pinnacle of technological advancement and unquestionably benefits society in many ways, there are still a number of problems and difficulties that must be resolved, particularly with regard to intellectual property law, because AI is still in its infancy.[16]

The first concern is copyright ownership, which was covered before since IP rules are currently mute on ownership of works and ideas created by non-human entities. The owner of the AI will be the exclusive owner of any intellectual property. Liability in the event of infringement is the second concern. There will be a problem with infringement if AI produces a work that is strikingly similar to one written by another author. Since the authorities are the ones who have created the algorithms and input data needed for the AI to work, they will be held accountable in these situations. The absence of appropriate laws pertaining to AI copyright is the third problem. Certain AI-related requirements need to be updated and included into copyright laws. There has been ambiguity in the AI industry as a result of inadequate laws. The fourth and most important issue is that the goal of copyright law is to safeguard human intellect, which is constantly changing and developing. There has been discussion about whether or not to protect artificial intelligence works, inventions, etc., as doing so may denigrate human intellect and creation, which are essentially replicas of human intelligence. The most frequent problems with AI include protecting citizens' personal information, gaining access to data, and many others, for which the government needs enact laws and regulations. Since deep learning and machine learning are two aspects of artificial intelligence, it is challenging to anticipate the results. This might have an impact on the works or innovations produced by AI since the input could be provided in a way that would result in a work that is similar to previously published works. Another issue is that AI is still in its infancy and is only now beginning to have an impact on the world. Few nations have recognised AI as a legal personality, and only then will it be able to attain a legal status similar to that of humans. However, the day when AIs are granted legal status is rapidly approaching, and it will have a significant impact on the legal field where all of the aforementioned problems and difficulties will be addressed and resolved.[17]

Copyright law varies significantly between countries, and countries can have different approach on the new issues and challenges coming between AI and copyright.

[15] Karun Sanjaya et al., *Artificial Intelligence and Intellectual Property Rights — a Copyright Perspective* 30 J. OF INTELLECTUAL PROPERTY RIGHTS 26, 27 (2025).
[16] *Id.*
[17] S.V. Visruti Naveenkumar S, *Intellectual property law and artificial intelligence: Challenges and issues*, 7 INT'L J.L. 1, 2 (2021).

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1. UNITED STATES

In the United States, it is clear that copyright is only given to the author of the work and not the person or organisation that built the AI system would probably be the proprietor of works generated by AI as copyright law in the US gives rights to the creator of the work. Section 107 of the Copyright Act, which takes into account the intent, kind, quantity, and impact of the use of the copyrighted work on the potential market, codifies one of the most liberal fair-use doctrines in the United States. The United States continues to be perceived as adopting a conservative stance. The Copyright Office eliminated copyright protection for AI-generated images in 2022, in their 1st report addressed the topic of digital replicas. The 2nd report focused on the copyrightability of outputs created using generative AI. This may stifle innovation in the US's innovative AI sectors.[18]

Significant court rulings, most notably the U.S. Supreme Court's in *Feist Publications* v. *Rural Telephone Service Co*[19]., which made it clear that uniqueness requires autonomous production and a certain amount of inventiveness, add to the focus on human originality.

In the case of *Naruto* v. *Slater*[20], One such instance is the "Monkey Selfie" case, in which a macaque monkey took a number of pictures of itself using a photographer's camera. In the end, the court decided that the images were not eligible for copyright protection since they were not produced by a human author, notwithstanding the photographer's subsequent claims of copyright ownership. In *Thaler* v. *Perlmutter*[21], the No Copyright Protection for AI-Assisted Creations.

2. EUROPEAN UNION

In contrast, copyright law in the European Union recognises the idea of "moral rights," which allow the creator some rights over the work, including the ability to be credited as the author, while also granting ownership to the artist. There was less flexibility with regard to the fair use of the copyrighted work since the European Union offered fewer exceptions. With its AI Act 2024, the European Union is leading the way and paving the way for the middle ground. Through the implementation of rules based on the risks involved, it adopts a risk management strategy. Several other nations view this balance between innovation and ethical issues as a

[18] Anjana Padmanabhan, LIBRARY OF CONGRESS BLOGS: INSIDE THE COPYRIGHT OFFICE'S REPORT, COPYRIGHT AND ARTIFICIAL INTELLIGENCE, PART 2: COPYRIGHTABILITY (Feb. 6, 2026), https://blogs.loc.gov/copyright/2025/02/inside-the-copyright-offices-report-copyright-and-artificial-intelligence-part-2-copyrightability/.
[19] 499 U.S. 340 (1991).
[20] 2016 U.S. Dist. Lexis 11041 (N. D. Cal., 2016).
[21] 1:22-cv-01564-BAH (D.D.C., 2023)

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model. [22]

3. CHINA

In this manner, China takes a more forward-thinking stance. Although the nature of authorship and creativity is contested and in doubt, AI-generated works are accorded copyright protection in accordance with the 2022 Guidelines from China's National Copyright Administration. IN *Li* v. *Liu,* Court concluded that recognising the copyrightability of AI-generated works would help to encourage creation using the latest technology and copyright was given to AI generated work. [23]

4. INDIA

In India, copyright is governed by the Copyright Act, 1957, which specifies authors' exclusive rights to their creative works of music, art, and literature. The ownership issue is equally unclear because it may not be clear who owns the copyright to an AI-generated work. A special provision of the Copyright Act that deals with computer-generated works applies to AI-generated works. This section states that any literary, dramatic, musical, or artistic work created by a computer is considered to have been created by the author. The ownership problem, which can still be ambiguous in the case of AI-generated works, is not addressed by the clause. Copyright owners argue that unlicensed storage and use of their copyright protected work to train AI models infringes their copyrights under sections 14 and 51 of the Copyright Act, 1957. In this regard, India's concept of "fair dealing" under section 52(1)(a) is limited to three scenarios: private use or research; critique or review; and reporting current affairs. [24]

The possible difficulties that AI may provide have not been taken into consideration by the 2021 amendment to the Copyright Act of India 1957. This pertains primarily to infringement of content generated and controlled by people and commercial entities, as well as income leaks. India defended its stance against any new revisions to meet the difficulties brought by AI by restating the existing restrictions in the copyright laws in February 2024, twelve years later. In 2018, the Ministry of Electronics and Information Technology (MeitY)'s draft National Strategy on Blockchain and the nation's official think tank, NITI Aayog, did not address copyright

[22] Mohd Akhter Ali & M. Kamraju, *Impact of Artificial Intelligence on Intellectual Property Rights: Challenges and Opportunities*, 1 OSMANIA U.J. IPR 21, 23 (2023).
[23] Stanley Lai, NATIONAL UNIVERSITY OF SINGAPORE (Mar. 13, 2026), https://blogs.loc.gov/copyright/2025/02/inside-the-copyright-offices-report-copyright-and-artificial-intelligence-part-2-copyrightability/.
[24] Aditi Chauhan & Kashmir Singh, *Intellectual Property Rights and Artificial Intelligence: A Path to the Future,* 29 HIGH TECHNOLOGY LETTERS 659, 661 (2023).

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concerns brought on by AI platforms in their National Strategy for Artificial Intelligence.[25]

Even though the Copyright Act provides some guidance on how to handle computer-generated works, including AI-generated works, there are still many unresolved issues with copyright and AI in India. In order to protect artists' rights and promote creativity and technological growth, copyright laws must evolve and adapt as AI advances.

V. AI AND DATA PRIVACY CONCERNS[26]

A large amount of data, particularly sensitive and personal data, must be gathered, processed, and stored in order to employ AI. This raises questions about privacy and data protection, especially in light of stricter privacy laws and regulations. Ensuring that sensitive and personal data is gathered and utilised in a way that is both legal and moral is one of the biggest problems in this field. The appropriate privacy rules and regulations, which might be complicated and differ from one jurisdiction to another, must be followed by AI systems. For instance, the European Union's General Data Protection Regulation (GDPR) places stringent requirements on data processing, such as getting individuals' express consent, giving them the ability to view and remove their data, and putting in place suitable security measures to safeguard personal information.

Ensuring AI systems are responsible and transparent in their data processing operations is another difficulty. This includes making sure that the judgements made by AI systems can be reviewed and explained, as well as providing people with understandable and transparent information about how the data is being used. Concerns have been raised about the lack of accountability and transparency in AI systems' decision-making processes in a number of fields, including criminal justice, healthcare, and finance. AI in IP asset management has the ability to produce new kinds of IP assets with varying data protection needs. For instance, sensitive material, like trade secrets or personal information, may be present in AI-generated works and may need further security.

The rise of AI, notably large language models (LLMs) and chatbots that are connected to them, presents new privacy issues. First, many of the privacy problems over the past several decades due to internet commercialisation and mostly unrestricted data collecting are also present in AI systems. There is a chance that data and AI tools may be misused for antisocial ends. For

[25] Eshita, *AI and the copyright dilemma: What India needs to do*, GOVERNANCE NOW, (Jan. 2, 2026) https://www.governancenow.com/views/columns/ai-and-the-copyright-dilemma-what-india-needs-to-do.

[26] Mohd Akhter Ali & M. Kamraju, *Impact of Artificial Intelligence on Intellectual Property Rights: Challenges and Opportunities*, 1 OSMANIA U.J. IPR 21, 23 (2023).

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instance, generative AI systems that have been trained using data that has been scraped from the internet may be able to learn relational information about a person's relatives and friends as well as personal information about them. This information facilitates spear-phishing, which is the intentional targeting of individuals for fraud or identity theft. AI voice cloning is already being used by criminals to pose as individuals and then extort them using traditional phones. It is evident that information supplied or uploaded for one reason, like a resume or photo, is frequently used to train AI systems without our awareness or agreement, sometimes with clear human rights concerns.[27]

Although the IT Act of 2000 established the provisional framework for governing digital signatures and electronic transactions in India, its data protection laws are vague and require further clarification to adequately address modern privacy concerns. Issues including data breaches, cross-border data transfers, and data subjects' rights need to have been fully covered by the Act. Additionally, it is argued that these problems are widespread in the modern society and require forceful action.[28]

A former Madras High Court judge, Justice K.S. Puttaswamy (Retd.), contested the Aadhaar scheme's constitutionality. He said that the plan infringed upon people's right to privacy. According to a three-judge panel, a larger bench should decide whether the Indian Constitution protects the right to privacy. In order to further explore the privacy issue, the case was referred to a nine-judge Supreme Court bench. Privacy and whether or not it should be a recognised right were the topics of discussion for the bench. According to Article 21 of the Indian Constitution, the right to privacy is a basic right that is inextricably linked to the right to life and personal liberty.[29]

In the R. Rajagopal ruling, the Supreme Court acknowledged the right to privacy as an essential component of individual freedom. The court ruled that the publication of private, non-public data without agreement may constitute an invasion of privacy and that an individual's right to privacy must be maintained. Since the legislature passed privacy regulations in response to these court rulings, the idea of privacy as a fundamental right has also changed.[30]

The primary objective of the Digital Personal Data Protection Act of 2023 is to safeguard personal data. The Digital Personal Data Protection Act, 2023's Section 3(c)(ii) is a crucial point

[27] Katharine Miller, *Privacy in an AI Era: How Do We Protect Our Personal Information?* (Mar. 18, 2026) https://hai.stanford.edu/news/privacy-ai-era-how-do-we-protect-our-personal-information.
[28] Ishnay Prakash and Dhruv Sanjeev Purkar, *Navigating the Regulatory Landscape for AI and Publicly Available Data in India,* 6 *Indian Journal of Law and Legal Research* 3015, 3018 (2024).
[29] Retd. Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1(Ind.)
[30] R. Rajagopal v. State of Tamil Nadu, 1995 AIR 264 (Ind.)

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where privacy rights and legislative authority meet. Certain publicly available data are excluded from this act's application under Section 3(c)(ii). Certain clauses, like as the requirements for data localisation, only apply to organisations that process the data of a specific number of people, which might leave smaller organisations vulnerable. Although the Act's goal is to give people more control over their personal information, certain of its provisions—most notably Section 3(c)(ii), which, in some situations, allows unrestricted access to publicly available personal information—have generated controversy. Although its goal is to make government processes easier, its widespread use may provide serious obstacles to India's privacy protection. Therefore, in order to prevent abuse and guarantee that India's digital governance architecture continues to be both efficient and respectful of individual rights, this provision must be implemented with strict safeguards.[31]

In the absence of strict privacy rules and regulations, there are serious doubts about data protection and privacy. To guarantee that AI systems be used in a morally and legally acceptable way and that people's right to privacy is upheld, it is imperative that these issues be addressed early on.

VI. Recent trends regarding copyright infringement by generative artificial intelligence in India

Recent developments in India have spotlighted concerns over copyright infringement, particularly in the context of artificial intelligence (AI) and digital content.

ChatGPT's creator, OpenAI, added native picture generating capabilities to GPT-4o. According to this advancement, GPT-4o can now create a variety of visuals, such as comic strips, infographics, menus, signage, street signs, memes, and more. The 84-year-old co-founder of Studio Ghibli, Hayao Miyazaki, who is renowned for his whimsical storytelling and hand-drawn style, has voiced doubts about artificial intelligence's place in animation. According to documentary footage of the encounter, Miyazaki declared he was "utterly disgusted" by the AI and the studio ghibli addressed concerns regarding unauthorized use of its artistic style and intellectual property.[32]

India is rapidly catching up to the worldwide trend of becoming the centre of artificial

[31] Ishnay Prakash & Dhruv Sanjeev Purkar, *Navigating the Regulatory Landscape for AI and Publicly Available Data in India*, 6 INDIAN JOURNAL OF LAW AND LEGAL RESEARCH 3013, 3015 (2024).
[32] Anindita Bhattacharjee, *AI-Studio Ghibli Drama Is a Reminder of Why We Need Better Regulation*, THE WIRE (Mar. 31, 2026) https://thewire.in/the-arts/ai-studio-ghibli-drama-is-a-reminder-of-why-we-need-better-regulation/?mid_related_new.

intelligence, with over 3,000 AI firms by 2023 and an estimated $17 billion in sales by 2027.[33] They are confronted with the difficulty of managing ownership and originality in terms of copyright issues as the rapidly expanding tech corridors of Mumbai, Delhi, and particularly Bengaluru, India's Silicon Valley, relaunch the content industry through Artificial Intelligence (AI), ranging from music and art to crucial software codes.[34]

Microsoft-supported OpenAI is attempting to stop some of the largest media businesses in India from participating in a copyright case, including those connected to Mukesh Ambani and Gautam Adani. In the recent ANI Media v. OpenAI case, a news organisation filed lawsuits against the storage and use of copyright-protected content for ChatGPT training. The court recognised that the case raises new issues regarding whether using and storing copyright-protected material to train AI models constitutes fair use or infringement.[35]

The Federation of Indian Publishers, which represents several Indian businesses, including Bloomsbury, opens new tab, and Penguin Random House, has claimed that ChatGPT damages their business by creating book summaries and extracting from unauthorised online copies. OpenAI disputes this claim. The case's media coverage caused tensions to rise, as OpenAI objected to reporting that were based on confidential court documents. Media group lawyers referred to such accusations as baseless. The case has the potential to influence India's copyright and AI legislation going forward, as courts throughout the globe face comparable difficulties.[36] The March 15, 2024, guideline from the MeitY serves as an illustration of how AI policy in India should develop going ahead. It requires intermediate platforms to employ and deploy AI tools with due diligence compliance. However, there is still a significant gap because it was only an advice and not a legislation that the parliament ratified.[37]

India can look throughout the world and apply solutions to its own problems. The result may be a succinct and thorough AI copyright framework, which might be an expansion or update of the existing Copyright Act. Since a major human involvement should have more rights than

[33] Eshita, *AI and the copyright dilemma: What India needs to do*, GOVERNANCE NOW, (Feb. 20, 2026) https://www.governancenow.com/views/columns/ai-and-the-copyright-dilemma-what-india-needs-to-do.
[34] Arpan Chaturvedi, *OpenAI seeks to block Indian media groups from copyright lawsuit*, REUTERS (Jan. 28, 2026) https://thewire.in/the-arts/ai-studio-ghibli-drama-is-a-reminder-of-why-we-need-better-regulation/?mid_related_new
[35] *Id.*
[36] Aditya Kalra el at., *OpenAI faces new copyright case, from global book publishers in India,* REUTERS(Jan. 24, 2026), https://www.reuters.com/technology/artificial-intelligence/openai-faces-new-copyright-case-global-publishers-india-2025-01-24/.
[37] Eshita, *AI and the copyright dilemma: What India needs to do*, GOVERNANCE NOW, (Jan. 20, 2026) https://www.governancenow.com/views/columns/ai-and-the-copyright-dilemma-what-india-needs-to-do.

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works with little human participation, there should be a comprehensive range of rights and protection-based ways regarding the proportion of human creative input. Such a structure should guarantee ease of doing business, promote innovation, and safeguard intellectual rights. That will enable India to become a leader in AI governance and assiduously address the copyright issue.[38]

VII. CONCLUSION

The role of AI is set to expand rapidly across all sectors, becoming an increasingly integral part of our daily lives. Definitely, it is going to affect intellectual property rights, especially copyright. The intersection of AI and copyright have raised significant questions of ownership, authorship and copyright infringement. There is not even a single country who have any comprehensive law or rules to deal with various challenges posed by this new technology (AI). By these ever-changing dynamics to the AI, we can now see strong AI, LLM (Large Language Model) used for wide array of tasks involving natural language processing, including text generation, translation, summarization, and understanding, across various industries and applications. But this technology can have dual repercussions on humankind like if it is used with some restraint, the result will be in the favour but if this technology is left of its own, then the creativity, originality, uniqueness etc of the human will soon be eloped. Today, the we easily provide our personal data to the AI without realising that the data given for AI training can be misused. There is a need to address this issue of copyright and data privacy in this AI Era by all the countries and on all international platforms. In all probability, human creation should be prioritised above machine creativity, and AI-generated works should be given less protection. Therefore, a balanced strategy is urgently required.

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[38] *Id.*

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