
NAVIGATING THE NEXUS: INDIAN COPYRIGHT LAW AND THE ETHICAL CHALLENGES OF GENERATIVE AI ADVANCEMENTS

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ABSTRACT

The spread of Artificial Intelligence (AI) to the creative sector has drastically changed the conventional perception of authorship and ownership, and originality, and causes an urgent question to be raised regarding the sufficient legal and judicial arrangements. This paper critically reviews the Indian Copyright Act, 1957 with regard to AI generated content and sources out the major loopholes and legal complexities that this law has. The Act envisioned protection of intellectual works of human authors, and therefore does not provide specific references to works made independently or membership of AI systems. This legislative loophole leaves uncertainty on how the authorship will be attributed, in whom the rights will vest, and how one can claim legal remedy in the event of infringement of the AI-generated work. In addition to the legal aspect, the paper explores ethical issues of AI-generated content. These are the questions regarding the authenticity and originality of AI-generated art, possible bias involved into the algorithms results, and the effects of the mass-scale content generation on the existence of human artists. Unregulated cardinality of the created material by AI and its consumption can also result in breaches of privacy, misinformation, and problems with holding people accountable. Thus, ethical aspects are the most important factor to influence responsible innovation within the AI-driven creativity sector. Going by the discussion, this paper makes specific suggestions to modify the Indian Copyright Act. These are the definition of the works created with the use of AI in the legal context, establishment of the rightful ownership, liability procedure, and introduction of transparency and ethical application rules. It was also recommended in the study that the multidisciplinary approach should be taken since the legal improvement should be coupled with the development of ethical principles and technological protective measures. By thus, it gives an effort to look into the problems of mitigating innovation on the one hand, and protecting the rights and values that are key to a just and fair creative system on the other. The

research findings reveal that it is time India transforms its copyright regime to be in line with the era of artificial intelligence.

Keywords: Indian Copyright Law, Ethical Challenges, Generative AI Contents

Introduction

The Indian Copyright Law, governed mainly by the 1957 Copyright Law, is fundamentally based on the protection of the original authorship works. Since AI general technologies advanced, producing creative results that vary from visual arts to textual content, the applicability of this legal structure finds significant challenges¹. The traditional principles of copyright - that is, the requirement of originality and the need for human authorship - focus on when confronted with the works generated autonomously by artificial intelligence systems. This evolution has a paradox; this requires us to reconsider the definitions of creative property, originality and authorship within the scope of Indian copyright legislation².

The intersection of copyright protection and AI content is full of legal ambiguities, particularly in relation to the status of creativity attributed to non-human agents. Significant tension arises from the fundamental premise of the Copyright Law, which inherently positions human creators as the legitimate holders of the rights of their works. However, as AI Generative Technologies are increasingly entering cultural and commercial landscapes, they complicate the simple attribution of authorship. According to current Indian law, the determination of property becomes problematic; the questions proliferate whether the Creator of AI, the user who operates AI or AI herself can claim rights to the resulting work³.

This investigation extends beyond mere legal definitions and investigates the socio-legal nuances that shape Indian jurisprudence. Previous interpretations usually anchor the concept of authorship in intellect and human effort, leaving little room to recognize AI as a potential player in the authorship matrix. The legal uncertainties surrounding the categorization of AI -

¹ Kathuria, Y., & Kaur, M. *Generative AI and Copyright Challenges in the Creative Landscape: Suggesting Possible Reforms in IP Law*. SUPREMO AMICUS, 35, 1. (2024). https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/supami35&ion=4 (Last visited, 15.01.2025)

² Shushaanth, S. and Prakash G, D.A., *A Study on Copyright Infringement in Cyberspace with Special Reference to the Liability of the Internet Service Provider for Infringement*. INTERNATIONAL JOURNAL OF PURE AND APPLIED MATHEMATICS, 119(17), pp.1503-1516.(2018)

³ Vig, S *Intersection of generative artificial intelligence and copyright: an Indian perspective*. JOURNAL OF SCIENCE AND TECHNOLOGY POLICY MANAGEMENT. . (2024). <https://www.emerald.com/insight/content/doi/10.1108/JSTPM-08-2023-0145/full/html> (Last visited, 24.02.2025)

generated works could not only make innovation difficult, but also to create a landscape where the rights of underlying data sets or training materials can be more threatened⁴. Such legal dilemmas require rigorous examination of how courts and legislative bodies are responding to the rise of synthetic creativity and whether emerging legal standards can accompany the rhythm of technological advances.

The challenge of defining property rights is exacerbated by the ethical implications inherent in the general AI technologies. Many generative models have shown a propensity to replicate, remix or extract strongly from existing copyright materials, covering a fine line between inspiration and violation. This phenomenon raises critical ethical questions about the rights of the original creators. The risk that general AI exits can be interpreted badly or completely steal, as these technologies generate content that resembles or mimics established works, amplifies bets for copyright holders. The surrounding discourse calls for a reassessment of factors such as fair use and the transformative nature of AI exits, questioning whether current structures properly protect against or promote these practices.

However, as the copyright law of India is challenged by the aftermath of the new Generative AI, it encounters a turning point that could change the future landscape of the creative property. Increased Artificial intelligence sophistication demands that lawyers think substantially about legal doctrines sustaining authorship and creativity. The use of these dimensions gives meaningful data on the ongoing changes in the legal trends and morality concerning an atmosphere where creativity and technology should be in unison. Speech is not just academic. It is a way of determining how many men and women who work in creation are supported and how many new languages in artistic life will obtain treatment in the more and more digital world. The detailed study on these intersections will be crucial since the Indian copyright law will have to tangle with the issues that are posed by the Generative AI⁵. The generative technologies have posed significant complexities that are yet to be dealt with by the Indian copyright law, prompting the need of changes. The classical system of copyright, the copyright of the copyright as the original works by the human author with his/her identities, is trying to accept the tints of the contents generated independently by algorithms. The given challenge

⁴ Verma, A. *The copyright problem with emerging generative AI*. J. INTELL. PROT. STUD., 7, 69. (2023). https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jnlol17&ion=17 (Last visited, 26.02.2025)

⁵ Kathuria, Y., & Kaur, M. *Generative AI and Copyright Challenges in the Creative Landscape: Suggesting Possible Reforms in IP Law*. SUPREMO AMICUS, 35, 1. (2024). https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/supami35&ion=4 (Last visited, 15.01.2025)

can be especially traced to the fact that generative artificial intelligence may be used to generate incredible amounts of text, images, and other types of creative content, along with lining out the boundaries of originality and the properties arousing⁶. Thus, the given situation does not indicate the current landscape of legislation is well-fit to shape the rights and duties related to the works created by the AI.

A significant dilemma surrounding the generative AI is the question of paternity and property. The current Indian copyright law establishes that copyright protection is granted to works that have originality and expression of an idea. However, the question arises: if a machine generates a work without human intervention, who has the rights to that creation? Although there are topics that support the attribution of rights to developers or users of AI systems, this perspective raises critical concerns regarding the reduction of the protections traditionally offered to individual creators. Such a scenario could inadvertently suffocate innovation and discourage creative efforts between human creators who feel they compete with a non-human entity.⁷

In addition, the implications of generative artificial intelligence extend beyond property problems; They also cause significant discussions on fair use and reproduction of pre-existing content. Generative artificial intelligence is often based on vast data sets, sometimes incorporating copyright protected material into its training processes. The potential for these systems to produce outputs that inadvertently reflect or replicate existing works raises pressing concerns about the violation and the measure in which it is possible to apply the doctrine of fair use. While the notion of fair use aims to balance the interests of the creators with public access, the rapid and often unpredictable nature of the generative challenges on the content consolidated interpretations of this legal principle.⁸

The ethical considerations are equally fundamental in the discourse that surrounds the generative copyrights. The integration of prejudices relating to training sets has significant consequences for the results generated, further complicating the panorama of intellectual property. The absence of solid liability mechanisms within artificial intelligence systems can perpetuate existing social prejudices, leading to ethical dilemmas concerning representation

⁶ Kivus, J.T., *Generative AI and Copyright Law: A Misalignment That Could Lead to the Privatization of Copyright Enforcement*. NCJL & TECH., 25, p.447.(2023) https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ncjl25&ion=19 (Last visited, 22.02.2025)

⁷ Kavia, A. and Sharma, K.S., *Chat GPT and Copyright: Legal and Ethical Challenges*. Available at SSRN 4848807 (2023). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4848807 (Last visited, 15.01.2025)

⁸ *Id.*

and inclusiveness in the creative fields⁹. Furthermore, with the progress of generative artificial intelligence technologies, the potential movement of human work in the creative industries raises ethical issues concerning the occupation and social consequences of widespread automation.¹⁰

Considering these challenges, there is a growing consensus between scholars and practitioners on the need for a global political reform in the Indian copyright law. The proposed framework must reflect the imperative double of protecting the intellectual property while simultaneously promotes an environment in favor of innovation¹¹. These guidelines should embrace an adaptive approach, integrating the legal notions with ethical considerations and struggle for a balance that recognizes the rights of human creators together with the transformative skills of artificial intelligence technologies. This multifaceted strategy should try to establish clear boundaries concerning paternity, fair use and responsibility in the use of generative artificial intelligence, promoting a landscape that enhances both creativity and technological progress.¹²

The paper will start with the explanation of the Indian Copyright Act provisions which will frame the legislative context in which AI-generated content exists. It will subsequently explore the forms that AI-generated content take, placing emphasis on the processes and technology that contribute to their production. It will then move on to the topic of how AI-generated content can be subject to copyright protection, exploring the current legal issues and allowances. It will be then followed by the distribution and ownership questions regarding AI-generated content, its current addressing and any gaps in the legislation. Some ethical considerations will be presented, including the ramifications of AI in content production, including originality, prejudice and responsibility. The paper shall conclude by suggesting an amendment to the Indian Copyright Law in a bid to further adapt to the complications brought forth by AI-generated content as well as seek to suggest legal changes that can achieve a

⁹ ARA, A. AND ARA, A. EDS., EXPLORING THE ETHICAL IMPLICATIONS OF GENERATIVE AI. IGI Global. (2024). https://books.google.com/books?hl=en&lr=&id=e1j_EAAAQBAJ&oi=fnd&pg=PR1&dq=Impact+of+Indian+copyright+laws+on+generative+AI+developments+and+challenges+2023&ots=qeDooTpEc-&sig=-9ECT4L3Xp6xpIN6bH66G3f38Ms (Last visited, 24.02.2025)

¹⁰ Madaan, G., Asthana, S.K. and Kaur, J., *Generative AI: Applications, models, challenges, opportunities, and future directions*. GENERATIVE AI AND IMPLICATIONS FOR ETHICS, SECURITY, AND DATA MANAGEMENT, pp.88-121. (2024) <https://www.igi-global.com/chapter/generative-ai/354604> (Last visited, 24.02.2025)

¹¹ Chesterman, S., *Good models borrow, great models steal: intellectual property rights and generative AI*. POLICY AND SOCIETY, 44(1), pp.23-37. (2025). <https://academic.oup.com/policyandsociety/article-abstract/44/1/23/7606572> (Last visited, 16.01.2025)

¹² Kavia, A. and Sharma, K.S., *Chat GPT and Copyright: Legal and Ethical Challenges*. Available at SSRN 4848807 (2023). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4848807 (Last visited, 15.01.2025)

balance between innovation and the protection of intellectual property rights.

Research Objectives

The research Objectives are -

- To study the present Indian Copyright Act and analyse any loopholes and uncertainties regarding AI-generated works.
- To assess the Ethical issues in AI Generated content, distribution and Ownership
- To provide Recommendations for Amendments in the Indian copy right law in light of AI generated content

Research Hypothesis

The Indian Copyright Act is quiet on the matter of AI-generated content, creating legal uncertainty and making it difficult to enforce intellectual property rights related to this type of content. The Indian Copyright Act needs amendments to clarify the ownership, rights and liability of AI-generated works, providing creators, users and AI developers with appropriate legal certainty.

Hence, the Hypothesis -

“The existing Indian Copyright Act framework does not deal with the peculiar issues of AI-generated content and changes to the legislation and the creation of ethical principles are necessary to strike the right balance between innovation, intellectual property and ethical aspects.”

Results and Discussion

Provisions of the Indian copy rights Act

The Indian Copyright Act, 1957, is an all-inclusive law that regulates the copyright law in India¹³. Its origins and provisions can be followed back by several important historical and

¹³ DAS, J.K., LAW OF COPYRIGHT. PHI Learning Pvt. Ltd.. (2021).
<https://books.google.com/books?hl=en&lr=&id=EB4->

legislative developments:

Origins of the Indian Copyright Act:

Early Laws (18th -19th Century):

- Press and Registration of Books Act, 1847: This act was among the first to attempt the regulation of copyright in British-ruled India.
- Copyright Act, 1847 (Act V of 1847): This act was based on the Copyright Act of 1842 in the UK and it was the first law to protect the literary works in India.

Subsequent Amendments:

- It was amended over the years to meet the changing demands, with some key acts in 1872, 1894 and 1914 which increased the coverage of the copyright protection.

Post-Independence Developments:

- Copyright law modernization in India: India became independent in 1947 and made efforts to modernize its copyright law. The Copyright Act, 1957, was passed to amend and consolidate the laws concerning copyright in consideration of international conventions and treaties.

Section 17 of the Indian Copyright Act, 1957:

1. Object and Extent (Sections 1-2):

- The purpose of the Act is to protect the rights of authors, composers and other creators in their literary, dramatic, musical and artistic works.
- It grants protection to original works and specifies the scope of copyright protection.

2. Copyright Subject Matter (Sections 13-21):

EAAAQBAJ&oi=fnd&pg=PP1&dq=Provisions+of+Indian+Copyright+Act+1957+detailed+overview+and+analysis&ots=6IwjmW9BbH&sig=yaK6aferSwXZMH8UkrdUj70AvoQ (Last visited, 16.01.2025)

- Clarifies the kind of works that are eligible such as literary, dramatic, musical, artistic works, sound recordings and cinematograph films.

3. Copyright Holder and Term (Sections 17-22):

- Outlines the term of protection of copyright that typically protects the works of dead authors of literary, dramatic, musical and artistic nature during the time of their life span plus 60 years.
- Outlines the reproduction, communication, adaptation and other rights of the copyright owner.

4. Authors Rights (Sections 14-21):

- Describes the moral rights of authors such as the right to be associated with their work (and the right to be identified as an author of the work) and the right to demand respectful treatment of the work.

5. Copyright in Performances, Cinematograph Films and Sound Recordings (Sections 38-55):

- Gives special consideration to performances, cinematograph films and sound recordings, their duration and rights.

6. Infringement and Remedies (Sections 51-71):

- Clarifies what Copyright infringement is and the remedies that can be sought by law such as injunctions, damages and impounding of infringing copies.

7. International Conventions (Sections 2A-2D):

- Brings Indian copyright law in harmony with international copyright laws like the Berne Convention and the Universal Copyright Convention.

8. Response to Technological Change:

- The Act has undergone some amendments to take care of technological developments such as the digital rights management and online infringement.

Modern Amendments:

- The Act has been amended a number of times in order to deal with new technologies such as digital technology, fair dealing as well as the rights of performers and directors.
- The Copyright (Amendment) Act, 2012 made notable amendments such as the copyright terms extension and implementation of digital right management system.

The Indian Copyright Act, 1957, is a balance between the rights of creators and public access and use as also being consistent with international standards.

AI Generated content – Types

Artificial Intelligence (AI) currently prolifically helps create content in most domains, with its varied uses ranging between creativity, practicality and efficiency. The most important examples of AI-generated content are the following:

- **Text Generation:** From news articles to poetry and marketing copy, AI systems can generate written text. Natural Language Processing (NLP) technology such as GPT-3 can generate human-like text, where the model predicts the next word in a sentence given the context it has been provided. This feature is applied on web content, blog writing and even chatbots, where the AI is capable of pretending to talk to users.
- **Image and Graphics Generation:** Generative Adversarial Networks (GANs) are AI models utilized to generate lifelike images and graphics. A few areas where they can be utilized include digital art, fashion design and even training dataset generation other AI systems. GANs are able to create novel images by learning trends in pre-existing ones, potentially resulting in photographs or artwork that are indistinguishable.
- **Video Production:** AI video production is also possible, where video sequences are created and edited with the help of algorithms. This involves automatic Video editing, generation of visual effects and even generation of complete video clips through text description. The abilities are already finding a lot of application in the creation of films, advertisements and educational materials in order to make production easier.
- **Music and Sound Design:** AI has the potential to create music through the study of

existing music and creating new music using the learned styles and patterns. It includes machine learning models which comprehend musical theory, structure and harmony to create original music scores, soundtracks and sound effects. This kind of technology proves especially profitable in entertainment business to create background scores and experimental music.

- **Code Generation:** AI models such as Codex by OpenAI have the ability to create lines of code and even complete software programs when prompted with a knowledge of programming languages and human directions. This is helpful to developers, as they may automate mundane coding tasks, debug and optimize code, enabling software development to be more rapid and efficient.
- **Tailored Content:** AI can be used to personalize content to each user depending on their behaviors and preferences. Such content personalization is widespread in the form of recommendation systems employed by streaming platforms, online shops and social media, where suggestions are made by an algorithm based on user interests and past engagement.
- **Simulation and Training Models:** AI has the ability to create sophisticated simulations to aid in training and research. Simulation of medical procedures to train healthcare providers or Virtual training environments in the military are just two examples of how AI-generated models can be used. Such simulations enhance safe and controlled learning and experimentation.

Such forms of AI-generated content show the flexibility of the technology and its ability to revolutionize industries by augmenting creativity, decreasing manual work and increasing efficiency in content generation and dissemination. It is possible that, as AI develops further, its use in content creation will only increase, becoming even more ubiquitous in many areas of everyday life and work.

AI Content generation and copy rights protection

The impact of Artificial Intelligence (AI) has been felt in the realm of content generation, changing the way we generated and consumed written content. Language models and other AI-based tools can write text with impressive speed and coherence, enabling writers to develop

ideas, drafts and even finished articles. This has democratized content production since it allows individuals and organisations to create high-quality content without involving a lot of human labour. Furthermore, AI has the ability to personalize the content to particular readers based on language affinity and interaction behavior which offers a personalized reading experience and results in increased reader loyalty¹⁴. Nevertheless, the intense ethical and legal implications brought about by this swift evolution are also valuable, especially in the authorship and intellectual property rights.

The copyright issue in AI-created works is complicated and developing. The copyright law traditionally protects the original works of human authors and the AI-generated content does not fit into this paradigm. In a case where an AI generates a text, it is unclear who is the author: is it the person who created the AI, the person who activated it or the AI itself?¹⁵ At present, the majority of legal systems do not grant AI the status of independent creator, so the copyright ownership generally falls to the human participating in the creation process by default¹⁶. Yet, this field of law remains underdeveloped and existing controversies indicate that new legal frameworks may be necessary to effectively deal with such issues. Specifying that AI-generated content should be acknowledged and the rights of human creators should not be violated is the key to encouraging innovation and preserving justice in the creative sector¹⁷.

Moreover, the effects of AI on creative economy are significant. As much as AI can be used to improve productivity and creativity, it is also going to be a menace to the traditional content developers who might find a lot of competition in the field with the AI developed systems¹⁸. This technological transformation forces us to reconsider our attitudes to the appreciation of

¹⁴ Vig, S *Intersection of generative artificial intelligence and copyright: an Indian perspective*. JOURNAL OF SCIENCE AND TECHNOLOGY POLICY MANAGEMENT. . (2024).

<https://www.emerald.com/insight/content/doi/10.1108/JSTPM-08-2023-0145/full/html> (Last visited, 24.02.2025)

¹⁵ Favale, M., Homberg, F., Kretschmer, M., Mendis, D. and Secchi, D., *Copyright, and the regulation of orphan works: A comparative review of seven jurisdictions and a rights clearance simulation*. INTELLECTUAL PROPERTY OFFICE RESEARCH PAPER, (2013/31) (2022). <https://papers.ssrn.com/sol3/Delivery.cfm?abstractid=4094024> (Last visited, 18.02.2025)

¹⁶ Patel, D., *Research data management: a conceptual framework*. LIBRARY REVIEW, 65(4/5), pp.226-241. (2016) <https://www.emerald.com/insight/content/doi/10.1108/lr-01-2016-0001/full/html> (Last visited, 12.03.2025)

¹⁷ Verma, A. *The copyright problem with emerging generative AI*. J. INTELL. PROT. STUD., 7, 69. (2023). https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/jnlol17&ion=17 (Last visited, 26.02.2025)

¹⁸ GHOSE, A., ALI, S. A., & MISHRA, A. M. ARTISTIC EXPRESSIONS, GENERATIVE AI, AND LEGAL TAPESTRY: EXPLORING THE DYNAMICS OF COPYRIGHT LAWS IN THE CONFLUENCE OF AI AND ARTISTIC CREATION. IN MAKING ART WITH GENERATIVE AI TOOLS (pp. 198-214). IGI Global. (2024). <https://www.igi-global.com/chapter/artistic-expressions-generative-ai-and-legal-tapestry/343429> (Last visited, 14.02.2025)

creative labor and payment to human creators. As AI advances, frameworks that promote a balance between innovation and the preservation of intellectual property rights will have to be considered by policymakers and stakeholders. Possible ways to solve this are creating new licensing systems or creating guidelines which takes into consideration the involvement of AI in content generation but also rewards human input fairly. In conclusion, implementing AI in content creation requires a balanced solution that considers the technological potential and the rights of authors established by law.

AI Generated content, distribution and Ownership

In the Indian copyright law detailed in the Copyright Act of 1957, AI-generated content raises intriguing authorship, ownership and distribution questions. AI-generated content is not explicitly covered by the Act which generates discussions and interpretations. Basically, to be eligible to copyright protection, a work must be original and its author must be a human being. As AI systems are not legal persons, the works AI produces cannot be attributed to an author and thus, the works produced by AI are commonly viewed as being outside the traditional scope of copyright protection. This lack of a recognizable human author may cause AI-created works to fall into the public domain, unless those human interventions are significant enough to be considered original and creative.

The question of AI-generated content ownership in India can thus transform into a rather complicated affair, as the rights and efforts of human artists and thinkers are frequently attached to it. When a human plays a significant role in the creation process, e.g. by selecting and preparing the dataset or developing algorithms to direct the AI, it could be argued that a human has authored it¹⁹. The businesses and persons creating AI systems and datasets may assert rights to the results of their work due to their involvement in developing or training the AI. It is also possible that these stakeholders will look to protect their interests under trade secrets or database rights as an alternative to copyright due to the shortcomings of current copyright legislation as it is applied to AI-generated works.

These ownership issues also make the sharing of AI-generated content challenging. Without

¹⁹ Gaffar, H. and Albarashdi, S., Copyright protection for AI-generated works: Exploring originality and ownership in a digital landscape. *ASIAN JOURNAL OF INTERNATIONAL LAW*, 15(1), pp.23-46. (2025) <https://www.cambridge.org/core/journals/asian-journal-of-international-law/article/copyright-protection-for-ai-generated-works-exploring-originality-and-ownership-in-a-digital-landscape/12BFNu8DRJVg33KCV17Gah8Gu9z48rsWy3> (Last visited, 4.01.2025)

explicit copyright laws, the sharing of AI-generated works may be more open, resulting in a possibility of greater adoption and incorporation into media and industries without explicit payment to the creators or human participants²⁰. This opens a possibility of greater accessibility to works created by AI, but also introduces the issue of the Creative Work being exploited without due credit or compensation. Changes in the AI field and its involvement in the creative process are already causing some to call on changes to the law to patch these gaps, so that the contributions of both the AI developers and human partners are properly credited and safeguarded.

Ethical issues in AI generated content

The use of Artificial Intelligence (AI) generated content has become more common in multiple industries, provoking ethical and legal issues, particularly under Indian copyright law. A main area of ethical concern concerns authorship and ownership²¹. AI-generated contents tend to put into question what or who exactly is the author of a given work and it can be difficult to know exactly who owns the right to such materials²². The copyright law in India has a tradition of acknowledging human authors as the main rights holders. But, as AI capabilities advance to the point of generating creative output, laws such as those of India, will have to contend with defining what that role of an AI system as a creator looks like. Intellectual property rights and fair use may become areas of contention due to the absence of well-defined legal frameworks and the existing laws may have to be regularly updated as the capabilities of AI evolve.

The second ethical issue is that AI may violate the copyrighted works that currently exist. AI models can be trained using large datasets, some of which could contain copyrighted content²³. The usage of this training material without authorization may result in possible copyright

²⁰ GOLDSTEIN, P. AND HUGENHOLTZ, P.B., INTERNATIONAL COPYRIGHT: PRINCIPLES, LAW, AND PRACTICE. Oxford University Press. (2019).

<https://books.google.com/books?hl=en&lr=&id=LvarDwAAQBAJ&oi=fnd&pg=PP1&dq=Provisions+of+India+n+Copyright+Act+1957+detailed+overview+and+analysis&ots=q8YYeadFcG&sig=JB-IRrJeTmRSaV9m3YjTDyyTQrw> (Last visited, 2.02.2025)

²¹ Gupta, E. (2024). *Technologies and Traditional Laws: Interrogating the Nexus of Generative AI and IPR in Indian and USA Context*. Issue 2 INT'L JL MGMT. & HUMAN., 7, 1911. (2017). https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/ijlmhs28&ion=150 (Last visited, 12.01.2025)

²² Bhagyamma, G., *Protecting Creative Works: Exploring Copyright Protection Under Indian Copyright Law*. ILE INTERNATIONAL LAW REVIEW, 1(1), pp.56-70. (2023) <https://ilr.iledu.in/wp-content/uploads/2023/09/VII18.pdf> (Last visited, 26.02.2025)

²³ Sharma, K. and Vardhan, D.R., *Artificial Intelligence and Copyright in India: A Socio-Legal Perspective*.

LIBRARY OF PROGRESS-LIBRARY SCIENCE, INFORMATION TECHNOLOGY & COMPUTER, 44(3) (2024)

Soni, T. *Impact of AI on IPR Framework*. Available at SSRN 4831898. (2024).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4831898 (Last visited, 26.02.2025)

violations, regardless of whether the generated AI content is modified substantially²⁴. In India, the Copyright Act of 1957 provides that reproduction or adaptation without permission of a work under copyright may be considered infringement. Therefore, developers and users of AI technology must follow copyright standards to ensure they have the required permission and license to use training data. A lack of such may result in legal issues and obstacles to ethical AI use.

In addition, the ethics of the AI-generated content transparency and accountability cannot be neglected. This type of disclosure to users of AI created content (as creators, consumers or intermediaries) should be stated regarding the role that AI played in the creation process. This openness is what matters in the credibility of content sharing²⁵. Also, the responsibility mechanisms have to be developed in order to address potential unfair outcomes or misuse due to AI algorithms. With the laws of India being updated so as to reflect the changes done by the AI, there ought to be a list of ethics that the AI should adhere to when making its use worthwhile. One would hope that these guidelines would assist in making the usage of AI-generated content one that would not interfere with the intellectual property rights, would be open and forthcoming and would not negate the values of society in general²⁶.

Recommendations for Amendments in the Indian copy right law in light of AI generated content

The overlap between AI-generated content and copyright law is getting more complicated as artificial intelligence develops further. The copyright system that is in place in India, with the Copyright Act of 1957 as the main framework, is mostly designed to safeguard the original works of human authors. In order to cover the intricacies of AI-generated content, it is imperative to propose amendments that would clarify the nature of AI-generated content. Among the recommendations is the need to develop clear authorship and ownership guidelines in cases where AI generates the works. This may include clarifying whether AI developers,

²⁴ Chakraborty, D., *Copyright Challenges in the Digital Age: Balancing Intellectual Property Rights and Data Privacy in India's Online Ecosystem*. (2023) Available at SSRN 4647960.

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4647960 (Last visited, 21.02.2025)

²⁵ Chauhan, P., & Puri, G. *Demystifying Ownership of Copyright in the Age of Artificial Intelligence*. (2024). Available at SSRN 4904379. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4904379 (Last visited, 22.01.2025)

²⁶ Guadamuz, A., *Do androids dream of electric copyright? Comparative analysis of originality in artificial intelligence generated works*. INTELLECTUAL PROPERTY QUARTERLY (2017). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2981304 (Last visited, 2.02.2025)

users or the entities that own the AI systems should receive copyright protections or whether AI-generated works should be considered outside of the scope of copyright protections all together.

The other potential amendment area entails the adoption of the originality requirement in the copyright law. The copyright protection is currently provided to the works that are original, i.e., have a minimal level of creativity and reflect the individual intellectual contribution of the author. The works created by AI are disruptive to this idea, as they are generated through algorithms that learn based on the available data. Amendments may involve revising the concept of originality to include AI contributions or creating a distinct category of rights to AI-generated works and they may impose restrictions on the scope and duration of protection to avoid overprotection and stifle innovation.

Lastly, there is a need to discuss the trade-off between safeguarding intellectual rights and encourage access to knowledge and cultural development. Amendments must contain transparency and accountability measures regarding AI-generated content creation. One solution is requiring prominent disclosure when AI tools have been employed in the production of works, thus alerting consumers and protecting against misleading practices. Also, the introduction of compulsory licensing schemes or educational and research exemptions might be a way to make sure that AI-generated works can serve the positive development of society and that the interests of creators, users and the general population are fairly balanced²⁷.

As artificial intelligence (AI) systems evolve and create more content, AI-created works pose novel challenges and possibilities to copyright law. Considering the Indian copyright law, a number of amendments and considerations may be required to keep up with these developments. These are some suggestions:

1. Definition of Authorship:

- Clear up Authorship: Modify the definition of an author to incorporate or explicitly exclude AI-generated works. This can include questions about whether AI could be considered an author or whether a human being should be considered the author due

²⁷ Wang, F.F., *Copyright Protection for AI-Generated Works: Solutions to Further Challenges from Generative AI*. AMICUS CURIAE, 5, p.88.(2023) https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/amcraesii5&ion=11 (Last visited, 24.02.2025)

to their involvement in the creation of the AI.

- Human Oversight: Take into account options that acknowledge the input of the human creators who have a major contribution to the AI-created work.

2. Copyright Ownership:

- Ownership Criteria: Clarify who owns the copyright of an AI-created work, whether it is the AI developer, the human who questioned the AI or a specified party such as a government institution.

- Licensing Agreements: Promote the adoption of licensing agreements which outline the ownership and rights to AI-generated content.

3. Moral Rights:

- Moral Rights Application: Consider the application of moral rights, including the right of attribution and integrity, to AI-generated works and whether moral rights should be extended or adapted to AI-generated works.

4. Copyright Duration:

- Reevaluate Time: Reexamine the time duration of the copyright protection of AI-generated works because the conventional time duration might not be applicable due to the fast development pace of the AI technology.

5. Fair Use and Exceptions:

- Broaden Fair Use: Evaluate broadening the categories of fair use exceptions to include the educational, research and transformative use of AI-generated content.

- Compulsory Licensing: Implement compulsory licensing systems on some uses of AI-generated works to moderate the rights of creators and the common good.

6. Transparency and Disclosure:

- Disclosure Requirements: Require that the use of AI in the creation of works be disclosed to create transparency to consumers and users.

7. *Guards Against Abuse:*

- *Deepfakes and Misinformation: Enforce legal efforts against the malicious use of AI to generate deepfakes or perpetrate misinformation, with dedicated punishments and remedies.*

8. *International Alignment:*

- *International alignment: Adjust the Indian copyright law to the international treaties and guidelines, including the World Intellectual Property Organization (WIPO) initiatives on AI and copyright, to make it harmonized with the international policies and enable international collaboration.*

9. *Encouraging Innovation:*

- *Protecting Balance and Innovation: Balance the rights of creators and encourage growth and development of technology by ensuring the amendments do not curtail innovation.*

10. *Regulatory Framework:*

- *Oversight Bodies: Develop or authorize oversight bodies to monitor the application and interpretation of copyright legislation in relation to AI and make them dynamic to technological shifts.*

Adopting these recommendations would involve cautiously looking at the potential consequences to creators, users and society at large. The consultations with stakeholders, involving the creative community, technologists and legal experts would prove crucial in developing effective and balanced amendments to the Indian copyright law.

Conclusion

The complexity of artificial intelligence (AI) and the increased use of AI in content creation has surpassed the provisions of the current Indian Copyright Act. This is among the problems as the existing legal system is not sufficient in regulating authorship, ownership and liability of an AI machine producing a work of authorship. The legal grey area will not only endanger the rights of types of human creators but also leave innovators and companies using AI

technologies to generate contents unsure about their rights. Amid this shift, it is incumbent that the law on copyright be amended to offer clear definition on the nature and protection of AI-driven works.

A contemporary legal system should attempt to show a delicate equilibrium between the fostering of innovation and the defence of the rights of property in intellectual work. It ought to think whether or not AI-generated content ought to get a copyright, and, in case of yes, to whom the rights must accrue the developer, the user, or a legal person. Moreover, new legislative issues will be based on the clear idea of what is meant by very clear distinction between AI-assisted and AI-autonomous works. The lack of such clarity can result in a serious challenge to the stakeholders in terms of enforcing their rights or defending them, which discourages innovation and investment in AI-based creative industries.

Besides legal changes, creation of ethical principles is needed to regulate the process of developing and applying AI to the creative area. They must encourage equity, responsibility, and openness and, therefore, AI tools do not copy and magnify the biases present, violate human rights, or foster plagiarism and fake news. Ethical regulation can work alongside the legislation to offer dynamic, adjustable arrangements, which change with technological advancement.

Finally, both these aspects, i.e., legislative and ethical standard-creating, are essential to a viable and inclusive creative ecosystem in India. In this way, not only the interests of creators and innovators would be protected but also the societal values of fairness, trust, and responsibility would be maintained in the digital age. Creativity will exist in the future where these benefits of the technological revolution will be balanced with a solid legal and ethical basis.

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