
WHEN THE INFRINGEMENT OCCURS ABROAD: REASSESSING COPYRIGHT JURISDICTION IN THE AI ERA THROUGH ANI MEDIA PVT. LTD. V. OPENAI JUDGMENT

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ABSTRACT

The emergence of artificial intelligence (“AI”) has exposed the inadequacy of conventional territorial principles governing copyright jurisdiction. Unlike traditional copyright disputes, AI systems function through decentralised cloud infrastructure where copyrighted works may be collected, processed, stored and reproduced across multiple jurisdictions simultaneously. This technological reality has complicated the determination of the appropriate forum for enforcing copyright claims, particularly where the alleged infringing acts occur outside India while the economic and legal consequences are experienced domestically. The recent decision of the Hon’ble Delhi High Court in *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC* bearing I.A. No. 45300/2024 in CS (COMM) 1028/2024 (“ANI v. OpenAI”) represents a significant judicial response to this challenge. Rather than treating the geographical location of servers as determinative, the Hon’ble Delhi High Court recognised that technological architecture cannot be permitted to frustrate the statutory remedies available under the Copyright Act, 1957. This article argues that the judgment does not create a new principle of jurisdiction. Instead, it consolidates earlier decisions of the Hon’ble Supreme Court and the Hon’ble Delhi High Court into a coherent doctrine that prioritises the effective enforcement of copyright over rigid territorial formalism. While this approach appropriately reflects the realities of AI-driven technologies, the judgment also raises important questions regarding jurisdictional certainty, forum identification and the future regulation of cross-border AI disputes.

I. Introduction

Copyright law has traditionally developed upon the assumption that acts of infringement occur within a clearly identifiable territorial jurisdiction. Whether the infringement consisted of reproducing a literary work, distributing pirated copies or publicly communicating copyrighted material, the principal place where the unlawful act occurred ordinarily determined the court competent to adjudicate the dispute. This territorial model functioned effectively when creative works existed in physical form and infringing activities were geographically confined.

The rapid evolution of digital technologies has, however, substantially altered this assumption. Today, contemporary online platforms routinely process copyrighted material through cloud-based infrastructure dispersed across several jurisdictions. Large language models (“LLMs”), including generative AI systems, further complicate this framework by training on vast datasets that may be collected in one country, processed in another, stored on servers situated elsewhere and ultimately made accessible to users across the globe. Consequently, identifying the territorial location of an alleged act of copyright infringement has become increasingly difficult. More importantly, an exclusive reliance on the physical location of the servers’ risks rendering statutory copyright remedies ineffective whenever digital infrastructure is deliberately located outside India.

These concerns assumed particular significance before the Hon’ble Delhi High Court in *ANI v. OpenAI*. The plaintiff alleged that its copyrighted news content had been utilised in connection with the training and functioning of OpenAI’s LLMs. One of the principal objections raised by the defendants concerned territorial jurisdiction, namely, that substantial components of the AI training process occurred outside India and therefore fell beyond the jurisdiction of Indian courts to entertain the dispute¹. However, the Hon’ble Court having rejected a purely geographical approach, reaffirmed that the location of technological infrastructure cannot be permitted to defeat the statutory protections afforded to copyright owners under the Copyright Act, 1957.²

This article contends that *ANI v. OpenAI* should not be viewed as an isolated development confined to AI-related disputes. Instead, the judgment represents the culmination of a gradual doctrinal evolution that commenced with the Hon’ble Supreme Court’s interpretation of

¹ *ANI vs OpenAI* Para 36.2

² *ibid*

Section 62 of the Copyright Act, 1957³ and subsequently expanded through judicial decisions addressing internet-based infringement, online intermediaries and cloud computing. When read cumulatively, *Exphar SA v. Eupharma Laboratories Ltd.*, *Dabur India Ltd. v. K.R. Industries Ltd.*, *Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy*, *Blueberry Books India Pvt. Ltd. v. Google India Pvt. Ltd.* and *Neetu Singh v. Telegram FZ LLC* reveal a consistent judicial movement towards a technologically neutral conception of copyright jurisdiction. The decision in *ANI v. OpenAI* builds upon this jurisprudential foundation by recognising that digital infrastructure should not dictate the availability of legal remedies where substantial elements of the cause of action and the resulting injury remain connected with India.

II. The Evolution of Copyright Jurisdiction in the Digital Age

The question whether Indian courts may exercise jurisdiction over copyright infringements involving foreign technological infrastructure did not arise with the advent of artificial intelligence. It has rather evolved incrementally through the abovementioned judicial precedents to reconcile traditional territorial principles with the realities of digital commerce. In my inquisitive view, it could be termed as ‘*piercing of the territorial veil*’. However, on a serious note, the jurisprudence demonstrates a gradual but a discernible shift away from locating jurisdiction solely by reference to the physical place where technological processes occur, towards identifying the forum with the closest and most substantial connection to the infringement.

This evolution began with the statutory interpretation of Section 62 of the Copyright Act, 1957. Unlike the Ordinary Civil Jurisdiction governed exclusively by Section 20 of the Code of Civil Procedure, 1908, the legislature consciously created an additional jurisdictional forum for copyright owners. In *Exphar SA v. Eupharma Laboratories Ltd.*, the Hon’ble Supreme Court recognised that Section 62 was enacted to reduce the practical difficulties faced by copyright proprietors in enforcing their statutory rights⁴. The Court clarified that the provision supplements, rather than displaces, the ordinary rules of territorial jurisdiction under the Code of Civil Procedure, 1908 thereby ensuring the application of the principle ‘procedure is the handmaid of justice’ i.e., procedural requirements do not undermine substantive copyright protection.

³ Copyright Act, 1957, s 62.

⁴ *Exphar SA v. Eupharma Laboratories Ltd.* (2004) 3 SCC 688 Para 13

The Hon'ble Supreme Court reaffirmed this purposive interpretation in *Dabur India Ltd. v. K.R. Industries Ltd.*, observing that Section 62 constitutes a special jurisdictional provision intended to facilitate the effective enforcement of intellectual property rights. Significantly, the Hon'ble Court rejected an unduly restrictive interpretation that would compel copyright owners to institute proceedings only where the defendant resides or where every element of the cause of action arises⁵. Therefore, the judgment emphasised that the legislative object of Section 62 is to provide a meaningful and accessible remedy to copyright proprietors.

Albeit, these decisions were rendered in the context of conventional commercial disputes, they established an important interpretative principle: jurisdictional provisions under intellectual property statutes should be construed in a manner that advances the enforcement of statutory rights rather than frustrates them. This principle subsequently assumed greater importance as copyright disputes increasingly migrated to the digital environment.

The transition from considering the physical copyright infringement to internet-based infringement required courts to determine whether conventional territorial concepts remained adequate in an interconnected digital ecosystem. The Hon'ble Delhi High Court's decision in *Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy* marked a significant development by recognising that the mere accessibility of a website within a jurisdiction is insufficient to confer territorial jurisdiction. Instead, the Court introduced the doctrine of "purposeful availment", requiring a demonstrable intention to target users within the forum state⁶. Although rendered in the context of trademark law, the judgment established an important analytical framework for determining jurisdiction in online intellectual property disputes.

Subsequent decisions adapted these principles to increasingly complex technological settings. Like in *Blueberry Books India Pvt. Ltd. v. Google India Pvt. Ltd.*, the Hon'ble Delhi High Court acknowledged that copyright infringement facilitated through online platforms may involve acts occurring across multiple jurisdictions simultaneously. The Court, therefore focused less upon the geographical location of digital infrastructure and more upon whether the alleged infringement maintained a sufficient territorial nexus with India to justify the exercise of jurisdiction⁷.

⁵ *Dabur India Ltd. v. K.R. Industries Ltd.* (2008) 10 SCC 595 Para 34.

⁶ *Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy* 2009 SCC OnLine Del 3780 Paras 57 & 58.

⁷ *Blueberry Books India Pvt. Ltd. v. Google India Pvt. Ltd.* 2016 SCC Online Del 3338 Para 30.

The culmination of this jurisprudential trajectory prior to *ANI v. OpenAI* may also be found in *Neetu Singh v. Telegram FZ LLC*, wherein the Hon'ble Delhi High Court while rejecting the contention that foreign servers automatically exclude the jurisdiction of Indian courts, observed that permitting technological architecture to determine jurisdiction would effectively immunise digital intermediaries from accountability whenever data was stored outside India⁸. The Hon'ble Court observed that such an approach would undermine the protective object of the Copyright Act and leave copyright owners without an effective remedy.

From a holistic lense, the Indian courts have not abandoned territoriality; rather, they have progressively adapted it to the realities of the digital economy by recognising that the location of servers, databases or cloud infrastructure cannot be the exclusive determinant of jurisdiction. Instead, territorial jurisdiction must ultimately serve the substantive objective of ensuring that statutory rights remain capable of effective enforcement despite technological change.

III. *ANI v. OpenAI*: Reframing Copyright Jurisdiction for the AI Age

The decision of the Delhi High Court in *ANI v. OpenAI* represents the most comprehensive judicial engagement in India with the jurisdictional challenges posed by artificial intelligence. Although the proceedings principally concerned allegations of copyright infringement arising from the use of ANI's copyrighted news content in training and operating OpenAI's LLMs, the Court was equally confronted with a foundational procedural question i.e., Part (ii) of Issue No. 4 of the *ANI vs OpenAI* Judgement: "*Whether the Copyright Act would apply in relation to training claim since according to Open AI training takes place on servers located outside India*"⁹

OpenAI contended that the mere accessibility of its services within India could not confer jurisdiction upon Indian courts, particularly where the training of its AI models, storage of datasets, and computational processes were undertaken on servers located outside India¹⁰. According to the defendants, the geographical location of these servers and the cross-border nature of the technological processes were sufficient to displace the jurisdiction of Indian courts over the alleged acts of infringement.

⁸ *Neetu Singh v. Telegram FZ LLC* 2022 SCC OnLine Del 2637 Para 46.

⁹ *ANI vs OpenAI*, Para 44 (ii)

¹⁰ *ANI vs OpenAI* Paras 36.2 to 36.5.

Before examining the defendants' jurisdictional objections, the Hon'ble Court reiterated the settled procedural principle that, at the stage of considering territorial jurisdiction, the averments contained in the plaint are ordinarily assumed to be correct unless they are demonstrably untenable. Consequently, the Hon'ble Court confined itself to determining whether the pleadings disclosed a sufficient territorial nexus with India, leaving disputed questions relating to the existence of infringement, the applicability of statutory exceptions, and the merits of the copyright claims to be adjudicated at trial.¹¹

The Hon'ble Delhi High Court declined to accept this contention. While acknowledging the inherently transnational nature of AI systems, the Court emphasised that jurisdiction cannot be determined solely by reference to the location of technological infrastructure¹². To hold otherwise would enable digital service providers to insulate themselves from legal accountability merely by locating servers or computational resources outside India. Such an interpretation, the Court observed, would substantially dilute the efficacy of the Copyright Act, 1957 and deprive Indian copyright owners of the statutory remedies expressly conferred by the legislature.

Underlying this reasoning is a broader principle that procedural rights cannot fluctuate with evolving technological architecture. If territorial jurisdiction were permitted to depend exclusively upon the location of servers, cloud providers or computational resources, multinational technology companies could effectively determine the jurisdiction competent to adjudicate copyright disputes through unilateral technological design. The Court rejected such a consequence as inconsistent with the remedial framework of the Copyright Act, 1957¹³.

The Hon'ble Court further emphasised that the inquiry into territorial jurisdiction must be guided by the pleaded cause of action rather than the geographical location of technological infrastructure. Since ANI asserted infringement of copyright protected under Indian law and alleged that the impugned AI-generated outputs were accessible within India, the Court found that the plaint disclosed a sufficient territorial nexus to justify the exercise of jurisdiction. The existence and extent of that cause of action remained matters for trial, but its assertion was sufficient to defeat the defendants' preliminary objection.¹⁴

¹¹ *ANI vs OpenAI*, Paras 44 to 47.

¹² *ANI vs OpenAI*, Paras 51 to 55.

¹³ *ANI vs OpenAI*, Paras 50 to 55.

¹⁴ *ANI vs OpenAI* Paras 45 to 48.

The Hon'ble Court's reasoning is significant because it does not reject territoriality altogether. It recognises that territoriality in the digital age must be understood in functional, rather than purely geographical, terms. The place where copyrighted works are exploited, the forum where the economic consequences of infringement are experienced, and the jurisdiction in which statutory rights are asserted collectively assume greater importance than the physical location of cloud infrastructure. In doing so, the Hon'ble Court implicitly distinguishes between the location of digital processing and the location of legal injury; a distinction that is likely to assume increasing significance in future AI-related disputes.

This reasoning is consistent with the broader trajectory of Indian jurisprudence. The *Exphar* and *Dabur* judgements interpreted Section 62 of the Copyright Act purposively so as to facilitate the enforcement of copyright. The *Banyan Tree* judgement adapted territorial principles to internet-based disputes by requiring a demonstrable nexus between the defendant's activities and the forum. The *Neetu Singh* judgement recognised that foreign servers cannot become a jurisdictional shield for online intermediaries. The decision in *ANI v. OpenAI* does not depart from these authorities; but it synthesises them by applying their underlying principles to AI-driven technologies, where acts of copying, storage, training, and dissemination occur across multiple jurisdictions simultaneously.

Another significant aspect of the judgment is the Hon'ble Court's refusal to artificially bifurcate the "training claim" and the "output claim". OpenAI had also argued that model training occurred exclusively on servers located outside India, whereas any allegedly infringing responses were generated separately. The Court rejected this distinction, holding that the alleged reproduction of ANI's copyrighted works through ChatGPT was intrinsically linked to the training process. Since the output was accessible and allegedly reproduced within India, the training claim could not be viewed in isolation for the purpose of determining jurisdiction.¹⁵

Consequently, the judgment should not be understood as introducing an entirely new jurisdictional doctrine. Instead, it represents the logical culmination of an existing judicial approach that prioritises the effective enforcement of copyright over rigid adherence to technological formalities. This approach reflects the recognition that statutory rights must evolve alongside technological innovation if they are to remain meaningful in practice.

¹⁵ *ANI vs OpenAI*, Para 54.

IV. A Rights-Centric Approach to Jurisdiction: A Critical Evaluation

The Delhi High Court's reasoning in *ANI v. OpenAI* deserves considerable appreciation for acknowledging that conventional jurisdictional rules cannot be mechanically applied to technologies that operate across geographically dispersed digital networks. By refusing to treat the physical location of servers as determinative, the Court has ensured that copyright protection remains capable of responding to contemporary methods of content creation, storage and dissemination.

At the same time, the judgment leaves certain questions unresolved. While the Hon'ble Court rightly recognised that technological architecture should not defeat statutory remedies, it offered limited guidance on identifying the jurisdiction with the closest connection where multiple countries may simultaneously claim authority over the same alleged infringement. Modern AI systems frequently involve data collection in one jurisdiction, model training in another, cloud storage across several countries, and user interactions worldwide. In such circumstances, reliance solely upon the place where the plaintiff experiences injury may create the possibility of parallel proceedings in multiple jurisdictions.

This concern is not merely theoretical. The absence of clearly articulated jurisdictional standards may increase forum shopping and expose AI developers to overlapping litigation in different countries. Although protecting copyright owners remains an important legislative objective, procedural certainty is equally essential to ensure that cross-border technological innovation is not subjected to inconsistent jurisdictional outcomes.

Nevertheless, the broader direction adopted by the Hon'ble Delhi High Court is difficult to dispute. Copyright law exists to secure meaningful protection for authors and rights holders. If jurisdiction were determined exclusively by the geographical location of servers, digital enterprises could strategically structure their technological infrastructure to avoid judicial scrutiny in countries where copyrighted works are created, exploited and economically valued. Such an outcome would undermine both the remedial framework established by the Copyright Act and the constitutional commitment to securing justice through effective legal remedies.

This decision, therefore, reflects an emerging rights-centric understanding of jurisdiction. Rather than abandoning territoriality, the Court has adapted it to contemporary technological realities by recognising that the location of legal injury, the availability of statutory remedies,

and the substantive connection between the dispute and the forum should prevail over purely mechanical considerations concerning digital infrastructure. In doing so, the judgment contributes to a more coherent and technologically neutral framework for adjudicating copyright disputes involving artificial intelligence.

V. Conclusion and the Road Ahead

The decision of the Delhi High Court in *ANI vs OpenAI* represents a timely judicial response to one of the most complex challenges confronting contemporary copyright law. Artificial intelligence has fundamentally altered the manner in which copyrighted works are reproduced, processed and disseminated, thereby exposing the limitations of jurisdictional principles developed for an era in which infringing acts could ordinarily be traced to a single territorial location. The Court's refusal to permit the geographical location of servers or computational infrastructure to determine jurisdiction acknowledges this technological transformation and preserves the practical efficacy of the remedies contemplated under the Copyright Act, 1957.

Contrary to the perception that *ANI v. OpenAI* inaugurates an entirely new doctrine of copyright jurisdiction, the judgment is better understood as the culmination of an evolutionary judicial process. Beginning with the purposive interpretation of Section 62 of the Copyright Act in *Exphar SA v. Eupharma Laboratories Ltd.* and *Dabur India Ltd. v. K.R. Industries Ltd.*, continuing through the adaptation of territorial principles to internet-based disputes in *Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy*, and further refined by subsequent decisions such as *Blueberry Books India Pvt. Ltd. v. Google India Pvt. Ltd.* and *Neetu Singh v. Telegram FZ LLC*, Indian courts have progressively recognised that procedural rules governing jurisdiction must evolve alongside technological innovation. *ANI v. OpenAI* extends this jurisprudence to the context of generative AI by reaffirming that digital architecture cannot become a means of circumventing statutory obligations¹⁶.

At the same time, the judgment should not be regarded as the final word on cross-border copyright disputes involving AI. The decision deliberately adopts a flexible, technology-neutral approach, yet it offers limited guidance on situations involving concurrent jurisdiction, conflicts of laws, or the appropriate forum where multiple jurisdictions possess an equally substantial connection with the alleged infringement. As AI systems increasingly rely upon

¹⁶ *ANI vs OpenAI*

distributed computing infrastructure spanning numerous countries, these questions are likely to assume greater practical significance. Future litigation may therefore require Indian courts to engage more directly with principles of private international law, forum conveniens, and the enforcement of judgments across jurisdictions.

The absence of a comprehensive legislative framework governing AI-related copyright disputes further underscores the need for statutory intervention. While judicial innovation has thus far enabled existing principles to accommodate emerging technologies, continued reliance upon case-by-case adjudication may produce uncertainty for copyright owners, technology developers and digital intermediaries alike. The legislature may therefore consider introducing guidelines clarifying the jurisdictional principles applicable to cross-border copyright infringement involving cloud computing and artificial intelligence, while ensuring that such reforms remain consistent with India's international obligations under the Berne Convention, the Agreement on Trade-Related Aspects of Intellectual Property Rights ("**TRIPS**") and other multilateral intellectual property instruments.

Although the judgment substantially advances the law governing territorial jurisdiction in AI-related copyright disputes, it consciously refrains from formulating a comprehensive jurisdictional test applicable to future technologies. The questions concerning concurrent jurisdiction, conflict of laws and the enforcement of judgments against foreign AI developers therefore remain open and are likely to require further judicial and legislative development.

Ultimately, the enduring contribution of *ANI v. OpenAI* lies not merely in its resolution of a jurisdictional objection but in its reaffirmation of a broader constitutional principle: that technological advancement must remain subject to the rule of law. The protection of intellectual property encourages creativity, innovation and the dissemination of knowledge, while access to effective judicial remedies ensures that these rights remain meaningful rather than illusory. By refusing to allow technological design to undermine statutory protections, the Hon'ble Delhi High Court has reinforced the constitutional values of justice, equality before law and effective access to legal remedies that underpin India's legal system. As artificial intelligence continues to redefine the boundaries of creative expression, the challenge before courts and legislatures will not be whether copyright law should adapt, but how it should evolve without compromising either innovation or the rights of creators.