
BALANCING INNOVATION AND AUTHORS' RIGHTS IN THE ERA OF ARTIFICIAL INTELLIGENCE

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ABSTRACT

Artificial intelligence has moved from a peripheral tool to a central force in creative production, generating text, images, music and code with diminishing human intervention at the point of output. This shift unsettles foundational premises of copyright law, particularly the requirements of human authorship and originality, and raises difficult questions about the legality of using copyrighted works to train generative models. This paper examines the Indian Copyright Act, 1957, against this backdrop, asking whether it can accommodate AI-assisted and AI-generated works, whether the use of copyrighted material to train artificial intelligence systems amounts to infringement or qualifies as fair dealing, and how adequately authors' economic and moral rights are protected against AI-driven exploitation. It situates the Indian framework within comparative developments in the United States, the United Kingdom, the European Union and China, and analyses recent judicial developments, including the Delhi High Court's interim order in *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC* and the United States Court of Appeals for the D.C. Circuit's decision in *Thaler v. Perlmutter*. The paper argues that India's existing statutory language, drafted for a pre-generative-AI world, is inadequate to resolve contemporary authorship, infringement and remuneration questions, and proposes a calibrated set of legislative and policy reforms intended to preserve incentives for both technological innovation and human creativity.

Keywords: Artificial Intelligence; Copyright Law; Authorship; Computer-Generated Works; Text and Data Mining; Moral Rights; Copyright Act, 1957.

1. INTRODUCTION

For most of its history, copyright law has rested on an unspoken but load-bearing assumption: that a work has a human being behind it. The pen, the brush, the camera and the keyboard were, in law's eyes, extensions of a human mind exercising skill, judgment and creative choice. Generative artificial intelligence disturbs that assumption. Large language models and diffusion-based image generators can now produce text, illustrations, music and code that are often indistinguishable in quality from human output, frequently in response to a single sentence of instruction. This has forced copyright regimes across the world to confront two related but distinct questions: first, who, if anyone, may claim authorship over what an AI system produces; and second, whether the practice of training these systems on vast quantities of copyrighted material, usually without the consent of the underlying authors, is itself lawful.

India is not insulated from these questions. The Indian Copyright Office's own experience with the *RAGHAV* artificial intelligence painting application, and more recently the Delhi High Court's engagement with *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, demonstrate that Indian institutions are already being asked to apply eight-decade-old statutory language to problems its drafters could not have anticipated.¹ This paper undertakes a doctrinal and comparative examination of how the Copyright Act, 1957 ("the Act") deals, or fails to deal, with AI-assisted creation and AI training, and offers a reform agenda intended to balance the legitimate interests of AI developers in technological innovation against the equally legitimate interests of human authors in the fruits of their labour.

2. RESEARCH QUESTIONS AND METHODOLOGY

This paper is organised around four research questions. First, can AI-assisted and AI-generated works satisfy the requirements of authorship and originality under the Copyright Act, 1957? Second, does the use of copyrighted works as training data for artificial intelligence models amount to infringement under Section 51 of the Act, or can it be justified as fair dealing under Section 52? Third, how adequately do the economic rights under Section 14 and the moral rights under Section 57 of the Act protect human authors against AI-driven exploitation of their works, styles and reputations? Fourth, what legislative and policy reforms would allow Indian copyright law to accommodate AI-driven innovation without hollowing out the incentive

¹ *Ani Media Pvt. Ltd. v. Open AI Opco LLC*, I.A. 45300/2024 in CS(COMM) 1028/2024 (Delhi High Court, 24 July 2026) (Bansal, J.).

structure that copyright exists to protect.

The paper adopts a doctrinal methodology, supplemented by comparative legal analysis. Primary sources include the Copyright Act, 1957, and its amendments; leading Indian judicial decisions on originality and fair dealing; the interim order of the Delhi High Court in the *ANI* litigation; and foreign judicial and administrative decisions, including the decisions of the United States Copyright Office and the D.C. Circuit in *Thaler v. Perlmutter*, the United Kingdom's Copyright, Designs and Patents Act, 1988, the judgment of the England and Wales High Court in *Getty Images (US) Inc. v. Stability AI Ltd.*, and the European Union's Artificial Intelligence Act, 2024. Secondary sources include law review commentary, law firm client alerts and reports of the United States Copyright Office's ongoing study on artificial intelligence. The comparative material is used not to argue for wholesale transplantation of foreign rules into India, but to identify structural choices, such as opt-out text-and-data-mining exceptions and training-data transparency mandates, that Indian policymakers may adapt to domestic conditions.

3. UNDERSTANDING AI AND COPYRIGHT

Contemporary generative artificial intelligence systems operate in two analytically distinct phases. In the training phase, a model is exposed to large corpora of text, images, audio or code, from which it statistically learns patterns of language, style and composition; this phase typically involves the reproduction and processing of copyrighted works at scale, often obtained through web-scraping. In the inference or generation phase, a trained model responds to a human prompt by producing new output, which may range from a near-verbatim reproduction of training data to something that bears no discernible resemblance to any single source work.

This distinction matters because it produces two separate copyright inquiries that are frequently, and sometimes deliberately, conflated in public debate. The training-phase inquiry asks whether copying copyrighted works to build a model infringes the reproduction right, and if so, whether any statutory exception applies. The generation-phase inquiry asks, first, whether the output itself is copyrightable and if so who its author is, and second, whether the output infringes the copyright in any work used during training. It is useful, following the terminology increasingly used in comparative literature, to distinguish "AI-generated" works, produced with minimal or no meaningful human creative control over the final expression, from "AI-

assisted" works, in which a human author exercises substantial creative judgment over the selection, arrangement or modification of AI output.

4. INDIAN COPYRIGHT FRAMEWORK

The Copyright Act, 1957 protects original literary, dramatic, musical and artistic works, cinematograph films and sound recordings.² Section 2(d) defines "author" differently for each category of work: the author of a literary or dramatic work is the person who creates it; the author of a musical work is its composer; the author of an artistic work other than a photograph is the artist; and, most relevantly for this paper, Section 2(d)(vi), inserted by the Copyright (Amendment) Act, 1994, provides that in relation to any literary, dramatic, musical or artistic work which is computer-generated, the author is "the person who causes the work to be created."³ Section 17 then vests first ownership of copyright in the author, subject to exceptions for works made in the course of employment or under a contract of service.

Originality under Indian law does not require novelty in the patent sense; it requires only that the work originate from the author and reflect a minimum degree of skill, labour and judgment. The Supreme Court's decision in *Eastern Book Company v. D.B. Modak* rejected both the low "sweat of the brow" standard and the stringent American "modicum of creativity" test associated with *Feist Publications, Inc. v. Rural Telephone Service Co.*, adopting an intermediate "skill and judgment" standard that requires more than trivial variation but does not demand a high threshold of creative novelty.⁴ Copyright infringement is addressed under Section 51, while Section 52 sets out an enumerated list of "fair dealing" exceptions, including use for private or personal use, research, criticism, review and reporting of current events. Section 52(1)(a) has recently assumed particular importance in the AI context because it exempts fair dealing with a literary, dramatic, musical or artistic work for the purposes of private or personal use, including research.⁵ None of these provisions was drafted with generative artificial intelligence in mind, and their application to AI training and AI output accordingly proceeds by analogy rather than by direct statutory design.

²The Copyright Act, 1957, § 13 (India).

³The Copyright Act, 1957, § 2(d)(vi) (India), as inserted by the Copyright (Amendment) Act, 1994.

⁴*Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1 (India).

⁵The Copyright Act, 1957, § 52(1)(a) (India).

5. AUTHORSHIP AND COPYRIGHTABILITY OF AI-ASSISTED AND AI-GENERATED WORKS

India's encounter with this question began in 2020, when Ankit Sahni, an intellectual property lawyer, sought copyright registration for an artwork titled "Suryast," created using an AI painting application called RAGHAV (Robust Artificially Intelligent Graphics and Art Visualizer), which applied the stylistic elements of a Van Gogh painting to a photograph Sahni had taken.⁶ An initial application listing RAGHAV as sole author was rejected. A subsequent application listing Sahni and RAGHAV as co-authors was, unusually, granted registration in November 2020, making India, on one reading, the first jurisdiction to register a work with an artificial intelligence system named as co-author. The Copyright Office subsequently issued a withdrawal notice questioning RAGHAV's legal status as an "author" under Section 2(d)(iii) and (vi), and the matter remains formally unresolved, with the registration still shown as "registered" on the Office's records notwithstanding the withdrawal notice.⁷ The Sahni saga therefore illustrates administrative uncertainty rather than a settled legal position: India has neither judicially affirmed nor definitively rejected AI co-authorship.

Foreign jurisprudence, by contrast, has moved toward greater doctrinal clarity, though not toward convergence. In the United States, Sahni's related application for the same "SURYAST" artwork was refused by the Copyright Office Review Board in December 2023 for want of sufficient creative control by the human applicant over the AI's output.⁸ More significantly, in *Thaler v. Perlmutter*, the Court of Appeals for the District of Columbia Circuit held in March 2025 that "the Copyright Act requires all work to be authored in the first instance by a human being," affirming the Copyright Office's refusal to register an image produced autonomously by Dr Stephen Thaler's "Creativity Machine."⁹ The Supreme Court of the United States denied certiorari in March 2026, leaving the D.C. Circuit's human-authorship requirement as settled law within that circuit.¹⁰ The United Kingdom, by contrast, has since 1988 expressly provided for computer-generated works, defining the author of such a work as "the person by whom the arrangements necessary for the creation of the work are undertaken," a formulation that Section

⁶Exclusive: India Recognises AI as Co-Author of Copyrighted Artwork, Managing IP (June 9, 2022).

⁷AI Can Now Make Art, But Can Indian Laws Protect Our Artists?, The Quint (June 30, 2023).

⁸Second Request for Reconsideration for Refusal to Register SURYAST (U.S. Copyright Review Board, Dec. 11, 2023).

⁹*Thaler v. Perlmutter*, 130 F.4th 1039, 1041 (D.C. Cir. 2025).

¹⁰Order, *Thaler v. Perlmutter*, No. 25-449 (U.S. Mar. 2, 2026) (denying certiorari).

2(d)(vi) of the Indian Act closely, though not identically, echoes.¹¹ China has gone further still: the Beijing Internet Court held in 2023 that an image generated using Stable Diffusion, on the basis of detailed and iteratively refined prompts by a human user, reflected sufficient intellectual investment and personalised judgment to qualify as a copyrightable work of the human prompter, marking one of the first judicial recognitions globally of copyright in an AI-assisted image.¹²

Read together, these developments support a workable distinction for Indian law: works in which a human exercises substantial, non-trivial creative control over the AI's output, through iterative prompting, selection, editing or arrangement, are properly analysed as AI-assisted works capable of meeting the *Eastern Book Company* skill-and-judgment threshold, with the human as author. Works generated with minimal human input, where the AI system supplies the operative creative choices, are not presently copyrightable under Indian law, because Section 2(d)(vi) locates authorship in a "person," and no provision of the Act extends legal personality, still less authorship, to a machine.

6. COPYRIGHT AND AI TRAINING DATA

The second, and for Indian publishers and news agencies more commercially urgent, question is whether training an AI model on copyrighted material without a licence infringes copyright. India's first substantial judicial engagement with this question came in *ANI Media Pvt. Ltd. v. OpenAI OpCo LLC*, filed before the Delhi High Court in November 2024, in which the news agency Asian News International alleged that OpenAI had used its copyrighted news content, without authorisation, to train ChatGPT, and that ChatGPT's outputs both reproduced ANI content and attributed fabricated statements to it.¹³ OpenAI resisted the suit on jurisdictional grounds and, on merits, argued that its use of publicly available data for training did not amount to substantial reproduction of protectable expression.

On 24 July 2026, Bansal J. of the Delhi High Court dismissed ANI's application for an interim injunction. The Court held, *prima facie*, that Indian courts possess jurisdiction over foreign AI developers under Section 62 of the Copyright Act where the effects of the impugned conduct

¹¹ Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (UK).

¹² Li v. Liu, Beijing Internet Court (Nov. 27, 2023) (China).

¹³ Ani Media Pvt Ltd v. Open Ai Inc & Anr, CS(COMM) 1028/2024 (Delhi High Court).

are felt in India, even where the training infrastructure is located abroad.¹⁴ On the substantive question, the Court found that OpenAI's storage of ANI's works for the purpose of training ChatGPT fell, at the prima facie stage, within the fair dealing exception in Section 52(1)(a) for research, and that ChatGPT's outputs, on the evidence placed before the Court, reproduced facts and information rather than ANI's original protectable expression, given the settled idea-expression dichotomy applicable to news reporting.¹⁵ The order is interim and non-precedential, and ANI retains a right of appeal; it should be read as an indicative, first-instance signal rather than settled Indian law.

Comparable disputes abroad illustrate both the difficulty of these cases and the range of possible outcomes. In the United Kingdom, *Getty Images (US) Inc. v. Stability AI Ltd.* was the first substantive UK judgment to address generative AI and copyright infringement; Getty abandoned its primary infringement claims relating to training and reproduction before judgment, leaving only a secondary infringement claim, which the High Court rejected in November 2025 on the ground that the trained model's weights did not themselves "store" or "contain" a copy of any Getty image within the meaning of the Copyright, Designs and Patents Act 1988, alongside limited findings of trade mark infringement arising from watermarks reproduced in early model outputs.¹⁶ In the United States, *The New York Times Co. v. Microsoft Corp.* remains actively litigated before the Southern District of New York, its core infringement claims against OpenAI and Microsoft having survived a motion to dismiss in March 2025, making it the most closely watched test of the fair-use defence for AI training in American law.¹⁷ The European Union has taken a distinct, ex-ante regulatory route: Article 4 of the Digital Single Market Directive creates a text-and-data-mining exception subject to a rightsholder opt-out, and Article 53(1)(c)-(d) of the EU Artificial Intelligence Act, in force for general-purpose AI providers since 2 August 2025, obliges such providers to honour Article 4 opt-outs and publish a "sufficiently detailed summary" of training content on a template issued by the AI Office.¹⁸

¹⁴Delhi High Court's ANI v. OpenAI: Shaping AI Copyright Law in India, Chambers and Partners (Aug. 2026).

¹⁵India's First AI Copyright Ruling: The Delhi High Court in ANI v. OpenAI, Mondaq (Aug. 2026).

¹⁶Getty Images (US) Inc. v. Stability AI Ltd. [2025] EWHC 2863 (Ch) (Smith J.).

¹⁷The New York Times Co. v. Microsoft Corp., No. 1:23-cv-11195 (S.D.N.Y., docket entries through Aug. 2026).

¹⁸Regulation (EU) 2024/1689, art. 53(1)(c)-(d) (AI Act); Directive (EU) 2019/790, art. 4 (DSM Directive).

7. AUTHORS' ECONOMIC AND MORAL RIGHTS

Section 14 of the Act confers on authors a bundle of exclusive economic rights, including the rights of reproduction, adaptation and communication to the public, which form the legal basis for any licensing regime that might govern AI training on copyrighted Indian works.¹⁹ Generative AI complicates the exercise of these rights in at least three ways: it operates at a scale that makes individual licensing negotiations impractical for most authors; it frequently draws on works scraped from the open web without any record from which an author could establish that her specific work was used; and it can generate output "in the style of" a living author without reproducing any single protected expression, a form of exploitation economic rights were not designed to capture.

Section 57 of the Act preserves an author's moral rights, independent of the assignment of economic rights, including the right of paternity, to claim authorship of the work, and the right of integrity, to restrain distortion, mutilation or other modification of the work prejudicial to the author's honour or reputation.²⁰ These rights offer only partial protection against AI-driven harms. Style mimicry, where a model is fine-tuned or prompted to reproduce the recognisable voice, technique or aesthetic of a named living artist without reproducing any specific work, sits uneasily within Section 57, because the provision is framed around distortion of a *particular work* rather than misappropriation of an author's broader creative identity. Similarly, the right of paternity offers little assistance where an AI system generates a wholly new work "in the style of" an author, since no claim to authorship of that new work is being falsely made in the traditional sense the provision contemplates. This is a genuine gap: Indian moral rights doctrine, framed for a world of discrete, identifiable derivative works, is not well adapted to a world in which an author's entire stylistic corpus can be abstracted into a reusable, licensable pattern.

8. COMPARATIVE INTERNATIONAL APPROACHES

A comparative survey reveals at least four distinct regulatory postures. The United States insists on strict human authorship as a statutory matter, following *Thaler*, while permitting copyright in the human-authored elements of a work that also contains AI-generated material, as reflected in the Copyright Office's multi-part *Copyright and Artificial Intelligence* study,

¹⁹The Copyright Act, 1957, § 14 (India).

²⁰The Copyright Act, 1957, § 57 (India).

whose second part on copyrightability was released in January 2025.²¹ The United Kingdom is the outlier among major common law jurisdictions in expressly legislating for computer-generated works, vesting authorship in the person who undertook the arrangements for the work's creation, though the UK government has separately consulted on, without yet resolving, whether its text-and-data-mining exception should be broadened for AI training. The European Union has pursued transparency-based, ex-ante regulation through the AI Act's Article 53 obligations layered onto the DSM Directive's opt-out text-and-data-mining exception, reflecting a preference for structured disclosure over case-by-case litigation. China has shown the greatest judicial willingness to recognise copyright in AI-assisted output, provided a human's creative choices, exercised through prompting and selection, can be identified, as in *Li v. Liu*. Canada, notably, registered Sahni's "Suryast" listing him and RAGHAV as co-authors without the withdrawal seen in India, illustrating how the same underlying work can receive divergent treatment purely as a function of differing national administrative practice.²² India's Section 2(d)(vi), conceptually closer to the UK model than to the strict American position, occupies an intermediate and currently ambiguous space between these poles.

9. JUDICIAL DEVELOPMENTS AND EMERGING DISPUTES

The most consequential recent developments, discussed above, may usefully be summarised together. **In India**, the RAGHAV/Suryast registration-and-withdrawal saga remains formally unresolved several years after the underlying application, and *ANI v. OpenAI* has produced only an interim, appealable order declining injunctive relief on prima facie fair-dealing grounds, leaving India without a single final, binding judicial determination on either AI authorship or AI training. **In the United States**, *Thaler v. Perlmutter* has settled, at least within the D.C. Circuit and absent Supreme Court review, that human authorship is a bedrock statutory requirement, while the fair-use question for AI training remains open and is being tested in *The New York Times Co. v. Microsoft Corp.* and a consolidated multidistrict litigation of similar claims. **In the United Kingdom**, *Getty Images v. Stability AI* was widely anticipated to resolve the training-infringement question but instead turned on narrow jurisdictional and technical findings after Getty abandoned its primary claims, leaving the central question of AI-training legality under English law unanswered in that litigation.²³ **In China**, *Li v. Liu* stands largely

²¹U.S. Copyright Office, Copyright and Artificial Intelligence, Part 2: Copyrightability (Jan. 2025).

²²The Divergence in Copyright Recognition for AI-Generated Works: Sahni's Case in the US and India, KS&K (May 12, 2024).

²³Getty Images v. Stability AI: The UK Courts' First Word on Use of Copyright Works in AI Model

alone globally in extending copyright protection to an AI-assisted image on the strength of the human prompter's creative contribution. The overall picture is one of active, unsettled litigation across every major jurisdiction, with courts converging on procedural and jurisdictional groundwork while the central substantive questions, copyrightability of AI output and lawfulness of AI training, remain, in most systems including India's, still to be finally decided.

10. BALANCING INNOVATION AND AUTHORS' RIGHTS

The policy tension at the heart of this paper is not novel in kind, though it is unprecedented in scale. Copyright law has always balanced the incentive interests of creators against the public's interest in access to, and productive reuse of, creative material; the fair dealing and fair use doctrines are themselves expressions of that balance. What generative AI changes is the scale and speed at which reuse occurs, and the fact that the principal beneficiaries of that reuse are, overwhelmingly, well-resourced commercial technology developers rather than the individual researchers, critics and educators for whom fair dealing exceptions were originally designed.

A defensible balance, in the Indian context, should proceed from three propositions. First, wholesale prohibition of AI training on copyrighted works is neither realistic nor, on balance, desirable, given the genuine social and economic value of AI systems and India's strategic interest in remaining a participant, rather than merely a consumer, in AI development. Second, unregulated, licence-free training at scale, without any mechanism for authors to be informed, to object, or to be remunerated, is equally indefensible, because it converts copyright's exclusive rights into a practical nullity for any author whose work is accessible online. Third, the appropriate instrument for reconciling these positions is not blanket infringement liability litigated case by case, which is slow, expensive and productive of only the interim, fact-specific rulings seen in *ANI* and *Getty*, but a combination of a clarified statutory exception, transparency obligations and collective licensing infrastructure, discussed further below.

11. GAPS IN THE INDIAN LEGAL FRAMEWORK

Five gaps stand out. First, Section 2(d)(vi) was drafted in 1994 for computer programs that executed pre-determined human instructions, not for generative systems that produce genuinely novel, statistically emergent output from open-ended prompts; the phrase "causes the work to be created" does not clearly indicate whether it is the AI developer, the platform

Development, Paul, Weiss (Nov. 2025).

operator or the end-user prompter who qualifies as author, and the Copyright Office's own vacillation in the RAGHAV matter demonstrates this ambiguity in practice. Second, the Act contains no explicit text-and-data-mining exception; Section 52(1)(a)'s research exemption was never designed for commercial-scale AI training and its application, as in *ANI*, proceeds by strained analogy. Third, there is no statutory mandate for AI developers to disclose training data sources, leaving Indian authors, unlike their European counterparts under Article 53 of the AI Act, with no practical means of discovering whether their works were used. Fourth, Section 57's moral rights framework does not squarely address style, voice or persona mimicry. Fifth, India lacks any dedicated regulatory or advisory body, comparable to the US Copyright Office's AI initiative, tasked with issuing interpretive guidance, tracking registration practice, or informing Parliament on AI-copyright questions on an ongoing basis.

12. PROPOSED LEGAL AND POLICY REFORMS

This paper proposes six reforms. First, Section 2(d)(vi) should be amended, or clarified through Copyright Office guidance pending legislative action, to specify that authorship of a computer-generated work vests in the human whose creative choices, exercised through prompting, curation, editing or arrangement, substantially determine the work's expressive content, while works lacking such control should be expressly excluded from copyright and considered instead for a shorter, non-exclusive, *sui generis* right adequate to prevent unfair commercial free-riding without according full authorial status. Second, Parliament should introduce a defined text-and-data-mining exception for AI training, modelled on but not identical to Article 4 of the EU's DSM Directive, permitting reproduction for training subject to a machine-readable opt-out, replacing the current, ill-fitting reliance on Section 52(1)(a). Third, AI developers offering models commercially in India should face a training-data transparency obligation requiring publication of a summary of training sources, drawing on the template approach under Article 53(1)(d) of the EU AI Act. Fourth, Section 57 should be amended to recognise a limited right against commercial AI exploitation of an author's distinctive style or persona causing consumer confusion or economic harm, without extending copyright to unprotectable stylistic elements as such. Fifth, India should encourage collective licensing bodies for text, image and journalistic content, analogous to existing music collecting societies, capable of negotiating AI-training licences at scale on behalf of authors who cannot negotiate bilaterally. Sixth, the Copyright Office should be resourced to issue periodic interpretive guidance on AI-related registration practice, so the inconsistency seen in the RAGHAV matter

is not repeated at scale.

13. CRITICAL ANALYSIS

Two criticisms of the reform agenda above deserve direct engagement. The first is that an opt-out text-and-data-mining exception, of the kind operating in the European Union, places the burden of self-protection on individual authors who often lack the technical or legal sophistication to exercise an opt-out effectively, effectively defaulting toward permissive AI training and functioning, in practice, closer to an opt-in-for-the-powerful regime than a genuine balance. This criticism has force, and is best addressed not by abandoning the opt-out model but by pairing it with the transparency obligation proposed above: an opt-out is only meaningful if rightsholders can first discover that their works were used, which requires disclosure of training sources as a precondition, not a mere adjunct, to any opt-out right.

The second criticism is that transparency and licensing obligations, however well-intentioned, may disadvantage Indian AI start-ups relative to better-resourced foreign competitors already trained on data acquired before any such obligation existed, creating an uneven playing field that entrenches incumbents rather than protecting Indian authors. This is a legitimate innovation-policy concern, and it is one reason this paper does not recommend blanket prohibition or strict liability for past training, which would be both retrospectively unfair and commercially disruptive without corresponding benefit to authors. It does, however, support prospective application of any new transparency and licensing regime, coupled with graduated compliance timelines for smaller developers, so that the reform burden falls in proportion to commercial scale rather than uniformly. On balance, the author's position is that measured, prospective regulation, transparency paired with a defined exception and collective licensing, better serves both innovation and authors' rights than either the current legal vacuum, which the Delhi High Court's interim order in *ANI* illustrates is being filled ad hoc through litigation, or a maximalist licensing requirement that would be commercially unworkable at AI training scale.

14. CONCLUSION

This paper set out to answer four questions. On whether AI-assisted and AI-generated works can satisfy Indian copyright's authorship and originality requirements, the answer, consistent with the *Eastern Book Company* skill-and-judgment standard and with the trajectory, if not the

final resolution, of the RAGHAV proceedings, is that works reflecting substantial human creative control are copyrightable with the human as author, while wholly autonomous AI output currently falls outside the Act's protection because Section 2(d)(vi) locates authorship in a person, and no Indian court or the Copyright Office has ever definitively extended that status to a machine. On whether AI training on copyrighted works infringes copyright, the Delhi High Court's interim, non-final view in *ANI v. OpenAI* is that such training may, on the facts before it, fall within the Section 52(1)(a) research exception, but this paper's position is that this outcome reflects the strained application of a provision never designed for commercial-scale AI training, and that Parliament, not incremental judicial analogy, should supply a purpose-built answer. On whether authors' economic and moral rights adequately protect against AI exploitation, the answer is that they do not: Section 14's economic rights are practically unenforceable against diffuse, undisclosed training use, and Section 57's moral rights do not reach style or persona mimicry. On what reform is needed, this paper's own position is that India should adopt a defined, opt-out text-and-data-mining exception paired with mandatory training-data transparency, a clarified human-centred authorship standard for computer-generated works, an expanded moral right against commercial style exploitation, and collective licensing infrastructure, a package designed to give AI developers legal certainty and continued access to training material while restoring to Indian authors the practical ability to know, object to, and be paid for the use of their work. Innovation and authors' rights are not, on this account, opposed forces to be traded off against one another; they are complementary conditions for a creative and technological ecosystem that Indian copyright law, as it presently stands, is not yet equipped to sustain.