LEGAL PERSONHOOD, AUTHORSHIP AND AI: A COMPARATIVE STUDY OF COPYRIGHT TREATMENT FOR AI-GENERATED AND HUMAN-AI CO-AUTHORED WORKS

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Introduction

The speed of Artificial Intelligence development has brought into question conventional ideas of authorship and copyright in all jurisdictions across the world. Many generative AI systems can now produce literature, art, music, and other creative work with only occasional human input, calling into question for the first time what (or who) should be considered creative originality's author.[1] With content generated by AI becoming more complex and commercially important, legal systems globally are struggling to address who should own content created through coordinated human-intelligence-machine processes.

This landscape is further confounded by the rise of human-AI co-creative production. In the case of a human artist, who has used an AI toolset like Midjourney, DALL-E or ChatGPT to create, it becomes important to ascertain the degree of creative contribution by the human being in order to establish copyright-ability and ownership.[2] The threshold question,how much human intervention is sufficient to claim authorship, is not uniformly answered from country to country and even sometimes within individual legal regimes. This means that copyright offices and courts will now have to sort works into those in which humans exercise culturally meaningful creative control, or rather the lack thereof, and those that AI systems make autonomous expressive decisions.

The fundamental issue remains: should AI systems enjoy copyright as authors possessing legal

[1]U.S. Copyright Office, *Copyright and Artificial Intelligence, Part 2: Copyrightability* 1 (Jan. 2025), https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf.
[2]*Copyright Registration Guidance: "Works Containing Material Generated by Artificial Intelligence"*, 88 Fed. Reg. 16,190 (Mar. 16, 2023).

personality, or should copyright only be for human creation? That question implicates at least two of the basic theories of copyrights and it arises because overwhelming the big budget, high-stakes spectacles demand more copyright protection than low-margin works.[3] Unlike human authors who need economic incentives to produce works, AI systems will generate output without any regard for copyright, prompting further enquiry into whether extending copyright protection to machine-generated works advances any reasonable policy objective.

This paper aims at an in depth comparative analysis to copyright treatment in AI generated and human-AI co-authored works across three leading jurisdictions namely: India, United States and United Kingdom. These jurisdictions have differing legal traditions and policy objectives concerning computer-generated works. In particular, the analysis looks at how each framework treats authorship, evaluates existing laws' ability to address copyright questions arising from AI, reviews liability/ enforcement issues and contemplates whether AI should have legal personhood for copyright purposes. Finally, the article recommends the clarification of authorship norms and international harmonization efforts while managing incentives for innovation against protection of human authors.[4]

Legal Frameworks

Indian Copyright Act, 1957

Indian Copyright Act, 1957 The Indian government has also made law regarding copyrights. Section 2(d)(vi) of the Act clearly defines the author of a computer-generated work as "the person who causes the work to be created."[5] This clause indicates that Indian law envisages cybergenic outputs being copyrightable, albeit with the caveat of a human person who can be identified as causing the generation. The statutory text itself, however, seems surprisingly forward-looking – it was passed long before today's AI systems were invented – but is not explicit in how much causal force is necessary.

But the meaning of "causes the work to be created" continues to be a debatable and unexplained term by Indian Courts. Provisioning is a high-effort activity that involves considerable human

[3]Zachary Catanzaro, *Beyond Incentives:"Copyright in the Age of Algorithmic Production"*, SSRN (Sept. 16, 2023),
[4]Deborah Joanna F.," *Artificial Intelligence and Legal Personhood: Exploring Its Role in Copyright Law"*, 10 Int'l J. Rsch. Trends & Innovation 539, 541 (Feb. 2025).
[5]*The Copyright Act, 1957*, No. 14 of 1957, § 2(d)(vi), India Code (2024).

action and is not limited to simply instructing or prompting an AI system.[6] "From a catena of judicial pronouncements of Indian copyright jurisprudence, it is an established principle that copyrightability is premised upon contribution of human skill, judgment and labour". In Eastern Book Co v. D.B. Modak (2008), the Supreme Court held that originality meant no more than that the author produced a work by his own skill and labour, and created it through the application of his mind to materials which are not composition by another human author.[7] This precedent implies that even completely autonomous AI-created works might not be protectable under Section 2(d)(vi).

In an interesting case which received widespread international attention, in 2020 India recognized a copyright registration for an AI-created work titled "Suryast," listing Ankit Sahni as author and the AI program "RAGHAV" as co-author.[8]This is one of the earliest such registrations in the world where a copyright office has given formal recognition to AI as a co-author. The Copyright Office's justification focused on characterizing RAGHAV as a medium through which Sahni created an expressive work, like cameras that photographers use. Ag miscellanea However, the registration caused some international discussion because a second painting was previously refused a copyright in the United States on the grounds that AI could not be listed as an author, and thus they did not meet US human authorship requirements.[9]

The Indian approach demonstrates possible leeway to adapt with the technological advancements, however no clear judicial guidance on standard of causation is available causing ambiguity. There is also the open question of whether in India, intellectual labour by AI, which exceeds the human input (to a significant extent), is copyrighted.

US Copyright Law

In comparison to other national copyright laws, U.S. law requires "human authorship," and does not give rights to animals or objects. Comprehensive guidance was issued by the U.S. Copyright Office in January 2025 via report, "Copyright and Artificial Intelligence, Part 2:

[6] *"AI-Generated Work and its Implications on Copyright Law in India"*, 25 J. Intell. Prop. Rts. 45, 48 (2020), https://or.niscpr.res.in/index.php/JIPR/article/download/5862/3865/66349.
[7] *Eastern Book Co. v. D.B. Modak*, (2008) 1 SCC 1 (India).
[8] Managing IP, "*India Recognises AI as Co-Author of Copyrighted Artwork"* (June 8, 2022), https://www.managingip.com/article/2a5bqo2drurt0bxl7ab24/exclusive-india-recognises-ai-as-co-author-of-copyrighted-artwork.
[9] Spicy IP, *Ankit Sahni's AI "Co-authored" Artwork Denied Registration by US Continues to be Registered in India* (Dec. 2023), https://spicyip.com/2023/12/ankit-sahnis-ai-co-authored-artwork-denied-registration-by-us-continues-to-be-registered-in-india.html.

Copyrightability" which stated that works created solely by AI devoid of any human creative contribution cannot be copyrighted as US copyright law dictates authorship must be human in order to receive protection under the Copyright Act.

The constitutional foundation for copyright in the United StatesArticle I, Section 8 (8), empowering Congress to secure exclusive rights to "Authors"has been consistently interpreted to require human authors. In Burrow-Giles Lithographic Co. v. Sarony (1884), the Court held that copyright protects photographs when they are made of human subjects and reflect some degree of originality and creativity, not just a mechanical act or lumping together of visuals.[10]More recently, the Supreme Court, in Feist Publications, Inc. v. Rural Telephone Service Co., held that copyright is limited to "original" worksi.e., those that are independently created by the author and contain at least some minimal degree of creativity,and rejected the "sweat of the brow" doctrine which would reward mere labor without creativity.[11]

The case Thaler v. Perlmutter (2025) applied the seems-so-reasonable, even self-evident tenet in which a human author really does have to be involved when U.S. copyright was denied registration for "A Recent Entrance to Paradise," an artwork made by the AI system 'Creativity Machine' entirely on its own.[12] Dr. Stephen Thaler brought this suit to have his AI's creative work established as that of the author along with Dr. Thaler, its owner by operation of "work-made-for-hire" doctrine; however, the court rejected both contentions. Judge Anthony W. Ishii wrote in the decision that copyright law has always concerned itself with human creators, not non-human ones and that any sort of extension of protections to other beings would demand a clear act by Congress, rather than judicial reinterpretation. The case was denied review by the Supreme Court in October 2025, leaving it resolved under existing law.[13]

For collaborations between humans and AIs, the Copyright Office evaluates authorship on a case-by-case basis to determine if the human's contribution includes enough creative input and discretion for it to qualify as authorship. In the high-profile Zarya of the Dawn case (2023), artist Kristina Kashtanova was granted copyright for the text and layout of her graphic novel, but not for AI-generated images produced by Midjourney. The Copyright Office found that

[10]*Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 53, 57-60 (1884).
[11]*Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 345 (1991).
[12]*Thaler v. Perlmutter*, 130 F.4th 1039 (D.C. Cir. 2025).
[13]IPWatchdog, *Thaler Tells SCOTUS Refusing Copyright to AI-Generated Works Endangers Photo Copyrights* (Oct. 13, 2025), https://ipwatchdog.com/2025/10/13/thaler-scotus-refusing-copyright-ai-generated-works-endangers-photo-copyrights/.

Kashtanova exercised insufficient creative control over the images because she could only supply text prompts and an algorithm developed by Midjourney made all of the final decisions regarding visual expression, colours, composition, style, and details. But her human-authored text and her distinctive choice and organization of the AI-generated images into a cohesive narrative were eligible for copyright as a compilation.[14]

Work-made-for-hire doctrine in 17 U.S.C. § 101 is not applicable to AI systems as it's limited to cases where the author is an employee or a hired, specially commissioned human creator.[15]Copyright Office guidance underscores that AI cannot be "employee" or independent contractor able to sign written contractual forms, since both terms assume legal personality and human ability.

The general rule that non-human creatures cannot own copyright was strengthened in Naruto v. Slater (2018) when the Ninth Circuit held that a monkey who took selfies with the camera of a photographer could not have a copyright as animals do not have statutory standing under the Copyright Act.[16] Although the case involved an animal, not AI, its rationalethat copyright's human authorship requirement is fundamental and should not be judicially extendedapplies to AI systems.

UK Copyright Law

The United Kingdom has a slightly different approach through CDPA. Section 9(3) has particular relevance to computer-generated works and states, "in the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken" where there is no natural person who can be recognised as author.[17] Section 178 describes "computer generated" works as those "generated by a computer in circumstances such that there is no human author of the work." Such a legal construct allows authorship to be ascribed not only for works with conventional human authorship, but also for those that have had appropriate pre-arrangements make by someone.

[14]Harvard Jolt, *Zarya of the Dawn: How AI is Changing the Landscape of Copyright Protection* (Mar. 5, 2023), https://jolt.law.harvard.edu/digest/zarya-of-the-dawn-how-ai-is-changing-the-landscape-of-copyright-protection.
[15]17 U.S.C. § 101 (2024); U.S. Copyright Office, *Circular 30: "Works Made for Hire"* (2021), https://www.copyright.gov/circs/circ30.pdf.
[16]*Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).
[17]*Copyright, Designs and Patents Act 1988*, c. 48, § 9(3) (U.K.).

UK law protects copyright in computer-generated works for 50 years from creation, a shorter term than that which applies to human authorship (life plus 70 years) and no moral rights exist in these works. This exception was inserted in 1988 at the behest of the computer industry, which wanted some surety in law they could invest and attract investment during the early era of computers. The British response is indicative of a more instrumental understanding of copyright, whereby itsl primary function is that of an economic incentive encouraging investment by creators rather than a romantic celebration or reward for human creativity.

Yet the UK's interpretation becomes increasingly tense with EU-originating standards that places importance on originality by stating that works must be "the author's own intellectual creation" and possess an "author's personal touch"requirements hard to meet when there is no human author in the normal sense.[18] The CJEU has ruled that originality entails works being the "author's own intellectual creation" reflecting its author's "free and creative choices," with a focus on human personality and judgment.[19] After Brexit, UK courts will have the difficult task of balancing domestic legislation acknowledging that works made automatically by computer are also protected as original (computer-generated) works with inherited EU case law which insists on human creative contribution.

The UK government initiated consultations on AI and copyright and text and data mining exceptions to allow for the potentiation of AI training versus maintained creator rights.[20] These consultations cut to continuing policy debates as to whether Section 9(3) continues to be appropriate for the age of generative AI, with some commentators arguing that it should be scrapped altogether and others argue that continued resistance is necessary for commercial certainty. The consultation also considers whether copyright owners should have the right to opt out for AI training uses, highlighting tension between those who develop AI looking to access training data and creators looking for control of their works' exploitation.

AI-Generated Works vs. Human-AI Co-authorship

A crucial distinction between texts generated solely by AI and those written by humans

[18]A/O Shearman, *Ownership of AI-generated Content in the UK* (Aug. 19, 2024), https://www.aoshearman.com/en/insights/ownership-of-ai-generated-content-in-the-uk.
[19]AIPPI, "*Approaches to IP Protection for Works Generated by Artificial Intelligence: European Standards*" (Apr. 24, 2025), https://www.aippi.org/news/approaches-to-ip-protection-for-works-generated-by-artificial-intelligence-european-standards/.
[20]U.K. Intellectual Prop. Off., *Copyright and Artificial Intelligence Consultation* (Dec. 17, 2024), https://www.gov.uk/government/consultations/copyright-and-artificial-intelligence.

collaborating with AI, even if that line becomes harder to draw as AI improves. AI-generated works are artworks generated automatically by an AI and require minimal input from human beyond the initiation of the process like pressing a button, or inserting a very basic prompt. Human-AI co-authored works bear significant human creative contribution (in the form of detailed prompting, selecting, arranging, modifying results, or post-generation editing) in combination with AI assistance.[21]

The level of human intervention is very relevant in deciding about copyright across the majority of jurisdictions. Copyright doctrine in general would tend to require on the part of the human author a degree of creative control and expressive choices that function as original authorship. The U.S. Copyright Office has also similar explanations that merely providing a prompt to an AI system without more generally will not satisfy the requirement for human authorship since it is the AI system (not the owner of the workflow) that actually makes final creative choices regarding how to express a discrete output. If a human does exercise enough creativity in framing then that should be protectable copyright (for example through manuscript polishing, creative prompts that allow for some insight or 'vision' of what to generate even if that vision isn't explicitly instantiated in text, extensive post generation modification or particular choice and arrangement of material), and/or protection might attach to specific authorial contributions from a human.

The case of Zarya of the Dawn is illustrative because it represents this sophisticated narrative analysis. The Copyright Office observed that Kashtanova exercised creativity in writing the text, selecting which AI-generated images were used from among many variations, and arranging these components into a unified narrative with distinct pacing and sequence. These human contributions were enough to garner compiler's copyright protection Section 103 of the Copyright Act. But the works of art themselves, which were created by Midjourney from text prompts, did not reflect enough human authorship because the AI system chose what particular visual expression it would usee.g., a particular color or brush stroke and where to put it in a composition at that given moment elements which represent copyrightable material in visual art.

Under US law, AI and human co-authorship is impossible because it requires that each collaborator make an independently copyrightable contribution with the intent (at least implied)

[21] U.S. Copyright Office, *supra* note 1, at 12-24.

to merge them into a unitary whole or derivative work, a legal status that needs an adult homo sapiens who can form such an intent.[22] The Copyright Office has expressly provided that an AI system may not be identified as a co-author in such case the registration will be refused. This stance is in stark contrast to the U.S. Patent and Trademark Office's more flexible position in patent law that AI can be named as a co-inventor with humans, assuming at least one human involved had a wide degree of input.

Although AI cannot be classified as work-made-for-hire for the reasons noted above, this doctrine is limited to works created by human employees within the scope of employment or works specially ordered in certain enumerated categories under written agreements, situations only available with human beings capable of employment relationships and contractual capacity.[23]

The copyright catch here is to develop clear, administrable criteria for when human input rises to the level of authorship. Courts and copyright offices should inquire into considerations such as: how specific or creative are the prompts or instructions; how many iterations/refinements were ordered by a single human; how much editing/modification occurs after generation; if meaningful selection among possible outputs take place, rather than simply being fed with output; and whether the final product reflects a human's creativity and aesthetic despite autonomous choices made by an AI.

Comparative Analysis

These three regimes illustrate that there are fundamentally different attitudes toward attribution and authorship of AI in copyright law, driven by varying theories of copyright and policy considerations. Section 2(d)(vi) of India is the most liberal on its face, which merely permits copyright protection in computer generated works if a human "causes" the creation, but it is not clear how much causation will meets this condition and has not been tested definitively by courts. That RAGHAV has actually been his coauthor does indicate that Indian copyright authorities appear more open than US or UK ones to the concept of AI attribution, though this position is not yet confirmed by a definitive judicial endorsement that may not survive appeal

[22]BitLaw, *Copyright Protection for AI-Generated Works* (Dec. 31, 2024), https://www.bitlaw.com/ai/AI-copyright.html.
[23]*Cmty. for Creative Non-Violence v. Reid*, 490 U.S. 730, 737 (1989).

under Supreme Court jurisprudence stressing human intellectual authorship.[24]

The US has the strictest human authorship mandate, anchored in text, that of the Constitution itself, Supreme Court interpretation, and copyright policy considerations. The Office's 2025 report concluded that no legislative change is required because, as the current copyright law makes clear, it reflects an accommodated requirement of human authorship and extending protection to AI-generated works would undermine the Copyright Clause's objective of promoting human creativity and its dissemination.[25] American courts have very specifically denied copyright to works created by non-humans, from photographs taken by monkeys to AI-generated art, holding that human authorship is a fundamental rule of the law that has "natural limits" not open to judicial expansion.

The UK is somewhere in the middle of India and USA. It is specifically provided by section 9(3) which has created a legal fiction for computer-generated works, that there shall be a 'recorded author' comprised of the person who makes arrangements necessary for the creation of such a work for purposes of literary copyright, though in reality that person may not necessarily undertake traditional creative action. This structure offers legal security and protection for investments, but raises questions about conformity with originality requirements or EU copyright norms which focus on the human element of creativity; that 'personal touch'.[26] The UK's approach is closer to a more instrumentalist Copyright theory which favours economic incentives and motive of safeguarding investment over personality based or natural right theories justifications for Copyright.

At the international level, AI has nowhere been endowed with legal personhood with respect to copyright. Although a few commentators and AI programmers have pushed for the recognition of AIs as copyright holders, pace corporations, which hold copyrights even though they lack conscious minds, the idea hasn't caught on. But this application of AI continues to spark debates about whether it would encourage developing more advanced AIs or if it would erode the rights of human creators. Critics contend that AI does not possess the moral rights or economic needs to justify copyright protection as it does not need the incentive of money to

[24]Spicy IP, *AI Art and Indian Copyright Registration* (Oct. 10, 2022), https://spicyip.com/2022/10/ai-art-and-indian-copyright-registration.html.
[25]U.S. Copyright Office, *supra* note 1, at 41.
[26]Authors Alliance, *The UK's Curious Case of Copyright for AI-Generated Works: What Section 9(3) Means Today* (May 18, 2025), https://www.authorsalliance.org/2025/05/19/the-uks-curious-case-of-copyright-for-ai-generated-works-what-section-93-means-today/.

create nor could it suffer the dignitary demeanments against which moral rights protect.[27]

Some comparative observations emerge from this analysis;

- All three jurisdictions recognize that human involvement in AI-assisted creation can support copyright claims, though they differ on the required level of involvement.
- The UK uniquely provides explicit statutory recognition for computer-generated works, while the US and India rely on general copyright principles applied to new technologies.
- India's approach potentially allows greater flexibility but provides less predictability than the US's clear human authorship requirement or the UK's statutory framework.
- All three jurisdictions struggle with the challenge of distinguishing between AI as a creative tool (like a camera or paintbrush) and AI as an autonomous creator displacing human authorship.

Challenges and Gaps

Current copyright frameworks face significant challenges in addressing AI-generated content comprehensively:

- Liability and enforcement issues arise when AI systems produce infringing works. If an AI generates content that violates existing copyrightsby reproducing substantial portions of training data or creating works substantially similar to copyrighted worksdetermining who bears responsibility remains legally ambiguous.[28]Potential liable parties include the AI developer who created and trained the system, the user who generated the specific output, training data providers who supplied copyrighted materials, or the entity deploying the AI system commercially. Existing secondary liability doctrines like vicarious liability and contributory infringement may apply, but

[27]LSE Law Review, *Algorithmic Creativity: How Should the UK Copyright Regime Accommodate Autonomous AI-Generated Works* (Mar. 23, 2023), https://blog.lselawreview.com/2023/03/24/algorithmic-creativity-how-should-the-uk-copyright-regime-accommodate-autonomous-ai-generated-works/.
[28]Entertainment Law Insights, *The Copyright Office's Latest Guidance on AI and Copyrightability* (Feb. 2, 2025), https://www.entertainmentlawinsights.com/2025/02/the-copyright-offices-latest-guidance-on-ai-and-copyrightability/.

their application to AI systems raises novel questions.

- It is difficult to achieve a balance of incentives for innovation alongside the protection to authors. Providing copyrights to AI output would incentivize development and investment in AI, although there might be an over-supply of machine-generated content that devalues human creative labor and limits opportunities for practicing human creators. On the other hand, denying copyright adds AI-created works to the public domain, with the advantage of potentially under stimulating R&D in AI creative tools but maybe enriching a wider range of individuals through an enriched public domain.[29] The economic theory of copyright-an incentive theory-is unavailing in the context of AI systems, which will produce despite the lack of exclusivity because they do not have a financial need or creative urge that requires incentivizing.

- The point of sufficient human involvement in a human-AI collaboration is vague and inconsistent. As AIs become increasingly advanced and capable of producing more nuanced responses based on less prompting, deciding when a demand for creative output by a human is satisfiedand such that the human can claim authorshipis no easy matter.

- Moral rights raise a second set of problems in countries that acknowledge them. Under the law, authors have moral rights to attribution and integrity: the right to be identified as author, and the right against distortion or mutilation of a work. These rights are based on human dignity and personality interests that AI systems can never claim, giving rise to the question of whether artworks generated with substantial contribution from an AI should be afforded less moral protection or no such protection at all.[30] The UK's focus on depriving computer-generated works of moral rights exemplifies the concern, but leaves it open to being bypassed where a human author plays a significant role in creating AI-assisted works.

- New challenges for copyright infringement in AI practices. lots of generative AI systems are trained on huge corpora of copyrighted works downloaded from the internet without permission. This training has spawned a large number of lawsuits from

[29]*Supra* note 3, at 15-18.
[30]*Copyright, Designs and Patents Act 1988*, c. 48, § 79(2)(b) (U.K.) (denying moral rights for computer-generated works).

copyright holders who claim that this training is copyright infringement, primarily the reproduction right. AI developers generally use fair use defenses, arguing that training is transformative and doesn't directly prevent copyright holders from profiting. But recent judicial rulings indicate mixed fortunes, with courts questioning fair use for commercial AI training, especially when the works involved are pirated or unauthorized copies.[31]

- International harmonization remains elusive. Nations with conflicting approaches leave the future of global content markets uncertain, especially as AI-produced works transit borders through digital distribution. The absence of a uniform international view on authorship in AI authors creates legal uncertainty regarding licensing, enforcement and commercialization of AI-assisted creative endeavors. Where a work falls within s 9(3) of the Copyright Act, so as to be copy right protectable in the UK, it is not clear that such work will necessarily enjoy copyright protection in the US and thus face some degree of commercial uncertainty/perhaps forum shopping.

Recommendations

These comparisons in this section bring to light a number of policy recommendations for responding the copyright challenges posed by AI, all while remaining faithful to the fundamental principles of copyright. First, it should be resolved that authorship as a requirement for copyright protection will include, when the media at issue has been produced using AI, only products that have had sufficient human involvement in their creation. Guidelines should address the nature and degree of creative control, expressive decision making, as well as intellectual involvement not merely the 'button-pushing' aspect while using AI tools.[32]The U.S. Copyright Office's approach of examining factors like prompt specificity, iterative refinement, post-generation modification, and creative selection provides a useful framework that other jurisdictions might adapt to their contexts.

Thus, legislative changes should leave the human authorship requirement intact while adjusting and pitting it against technological development. The U.S. Copyright Office's determination that the current law is sufficient to resolve AI copyrightability questions seems reasonable and

[31]Davis Graham & Stubbs, *Court Rules AI Training on Copyrighted Works Is Not Fair Use* (Feb. 26, 2025), https://www.dglaw.com/court-rules-ai-training-on-copyrighted-works-is-not-fair-use-what-it-means-for-generative-ai/.
[32]U.S. Copyright Office, *supra* note 1, at 24-28.

should remain untouched. Rather than expanding copyright to works composed of purely AI-generated expressions (which would run counter to the theoretical justification and policy rationale for the existence of copyright), statutory frameworks should reward substantial human inputs in AI-assisted creation. A legislative fix could provide clarity, but overhauling the system wholesale risks unintended consequences.

Liability regimes must be developed to cope with torts by AI systems and in AI training. Clear mechanisms to allocate responsibility between AI developers, users and training data providers would boost legal certainty and responsible deployment of AI. Legislators could impose liability rules similar to those governing other intermediaries, perhaps with safe harbors for some activities and requirements of taking reasonable steps (or refugee facilities), and also noticeandtakedown schemes or a system of compulsory licensing.

International harmonization should be further pursued by organizations such as the World Intellectual Property Organization (WIPO). WIPO can play a role in facilitating discussions to establish guiding principles on copyright issues raised by AI that are consistent, while recognizing that jurisdictional differences and the varying priorities of Member States' copyright philosophies exist.[33] Model guidelines for AI copyright review could help to harmonize the diverse approaches without the need for formal treaty amendments. AI Harmonisation opportunities Minimum standards for human creative contribution Liability framework Fair use (or AI training exceptions)

The demand for disclosure can increase transparency without resulting in high costs. Requiring authors to disclose substantial AI activity in registered works would facilitate users' knowledge of authorship and engender appropriate legal treatment. This type of transparency might be seen as a way to weigh protection for human-AI partnerships against the interest by the public in who made these works, allowing consumers and licensees to make informed choices. Requirements to disclose could be similar to the current requirement to reveal preexisting material in a derivative work or contributions from different authors in a joint work.

Copyright regime should regulate AI training and use of copyright works in data. Narrower exceptions or fair use principles applied to some training uses of AIperhaps with other side payments options for rights holders could limit litigation uncertainty and still honor creator

[33]World Intellectual Prop. Org., *Artificial Intelligence and Intellectual Property*, https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/index (last visited Oct. 24, 2025).

rights. Instead, regimes of compulsory licensing might offer copyright holders remuneration in exchange for allowing AI development, but the search for an appropriate rate-setting approach is far from easy.

Conclusion

Indeed, in many ways artificial intelligence calls into question the core idea behind copyright law, the human author, necessitating that legal systems to revisit centuries-old norms in light of technological possibilities that were not even conceivable when contemporary copyright law took shape. This comparative analysis shows that India, the United States and the United Kingdom have taken different pathways to works produced by AI (as opposed to produced with the aid of an AI), reflecting competing policy priorities among promotional innovation, authorial protection and legal certainty.

The majority position among jurisdictions is that purely AI-generated work, without significant human creative input, should not qualify for copyright protection. The notion of human authorship is at the heart not only of copyright's doctrinal structure and its various policy rationales (natural rights theory rewarding the personality and labor of authors, utilitarian incentive theory promoting socially valuable creativity, constitutional directives fostering human knowledge and learning), but also at the root of tring to determine who authored a work.[34] This consensus is a product of the fact that copyright law is, at its core, a system created by humans for humans to stimulate and protect human creativity. It is such a departure because AI systems are disinclined to create with or without copyright, and do not possess the dignitary interests that underlie both copyright and moral rights.

This question is a little more nuanced and involves the factual determination of when human participation in AI-assisted content creation goes beyond mere evolution to actually constitute copyrightable authorship someone's actually pen and ink on creative direction, expressive contribution, and the connection between human input and final output. The law of copyright has always required infarct line-drawing as new technologies arise, from photography to computer software and AI represents the latest chapter in this evolving story.

Juridical personality in the context of copyright remains an unidentified legal status at the

[34]Columbia Univ. L. Rsch., *Thaler v. Perlmutter: Monitoring the Monumental AI Copyright Case* (Dec. 29, 2024), https://www.culsr.org/articles/thaler-v-perlmutter-monitoring-the-monumental-ai-copyright-case.

international level and will not be established without clear legislative work. Copyright's ends, the stimulation of human creativity, the remuneration and dignity of human labor, and the protection of certain moral human interests simply do not make sense when we are discussing non-human systems that neither think nor have economic needs or dignity-based rights. As it stands, companies can own copyright, as the legal fiction of a company represents human interest; not so when an AI creates autonomously.

With continued progress on generative AI, copyright law will need to evolve, with clear grounding principles and guidance or potentially targeted legislation to address limited questions such as liability allocation and the use of training data. But certain basic principles of human authorship, originality made as an exercise of creative freedom and expressive contribution should be preserved. These principles serve as the theoretical coherence and policy justification of copyright law, and their abandonment would rob copyright of its moral legitimacy in a way that nothing clearly compensating would be gained.

The comparative lessons from India, the United States, and the United Kingdom demonstrate that existing legal frameworks possess sufficient flexibility to accommodate AI-related challenges while preserving copyright's essential human-centric character. The US approach of maintaining strict human authorship requirements while analyzing human contributions case-by-case provides clarity and doctrinal consistency. The UK's statutory framework for computer-generated works offers commercial certainty but risks tension with originality principles. India's approach potentially allows flexibility but requires judicial development to establish workable standards.

Clear guidelines, global covenants, and fair regulations will be necessary to safeguard human creativity rights while facilitating positive AI innovation in the creative sectors. Copyright must serve the human creators and human public, not semiautonomous machines. By preserving this focus in the face of changing procedures and enforcement technology, copyright law can continue to serve its basic purpose of promoting human creativity and spreading knowledge through society in an era of artificial intelligence.[35]

[35]Centre for Stud. in Intell. Prop. Rts., *Legal Personhood of Artificial Intelligence and its Implications on Copyright Law* (Dec. 15, 2024), https://csipr.nliu.ac.in/miscellaneous/legal-personhood-of-artificial-intelligence-and-its-implications-on-copyright-law/.