REDEFINING HUMAN AUTHORSHIP IN THE AGE OF GENERATIVE AI: AN ANALYSIS UNDER THE COPYRIGHT ACT, 1957

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ABSTRACT

The rapid growth of generative artificial intelligence (AI) has introduced several challenges to the traditional copyright doctrine, especially in the foundational requirement of human authorship. Under the Copyright Act, 1957, the copyright protection is grounded on the originality arising from the human's intellectual efforts. However, the contemporary AI systems are capable of creating literary, artistic, and musical works autonomously with very minimal or indirect human intervention. In some countries like the UK, the Copyright, Designs and Patent Act, 1988 provide certain legal guidelines for the computer-generated works. The Indian statutory framework while not explicitly addressing the status of AI generated creations it provides interpretative flexibility that may be adapted to emerging technological contexts. The judicial interpretation of originality in India, emphasizes a 'modicum of creativity' standard that implicitly reinforces the human-centric foundation of copyright. This study adopts a doctrinal methodology to analyse whether the existing legal framework of the Copyright Act, 1957 can incorporate the AI-assisted works through the purposive interpretation. It asserts that the preservation of the human authorship requirements is essential, in order to maintain the doctrinal coherence and the constitutional balance. Also, the study suggests that the Indian Courts shall adopt a structured 'creative control test' to assess the extent of human intellectual contribution in AI-assisted creations. The outputs which are made fully by the autonomous AI, that lacks human intervention, should not be made eligible for the copyright protection, instead it must be made available in the public domain. This strategy results in harmonizing the technological innovation with the regulatory goals of the Indian Copyright Law.

Keywords: AI, Indian Copyright Law, AI – generated works, Creative Control Test, Human Authorship, Originality, Intellectual Property Rights.

Introduction

The technological innovation has historically influenced the development of Intellectual Property Law.[1] From the invention of the printing press to the emergence of the digital media and internet, each technological shift has forced the legal systems to reconsider the scope and objectives of copyright protection. Traditionally copyright law has been founded with the assumption that creative works originate from intellect, skill, and judgement.[2] However, the modern generative AI systems are able to produce poems, music compositions, digital artworks, and written contents, with minimal human intervention. These improvements challenge the long-standing human – centric understanding of creativity that reinforces copyright law. In India, the copyright protection is governed by the Copyright Act, 1957, which provides protection to the original literary, dramatic works, musical compositions, and artistic works.[3] Although the statute does not explicitly define originality, Courts in India have interpreted through landmark judicial decisions. The Supreme court in the case, Eastern Book Company v. D.B. Modak[4] clarified that originality requires a minimal degree of creativity rather than mere labour or effort. This principle implicitly assumes that creativity arises from the human intellectual effort. The AI systems are been trained with vast datasets and they are able to generate outputs that resemble human – created works in structure, style, and expressions. Therefore, the question arises regarding whether such works qualify for copyright protection and who should be considered as the author. Different jurisdictions have taken various approaches to this problem. The United Kingdom recognizes computergenerated works under the Copyright, Designs and Patents Act, 1988, that attributes authorship to the person who made the required arrangements for the creation of the work.[5] In contrast the United States Copyright Office has emphasized, that protection is available only for the works produced through human intellect. India continues to rely on its established copyright framework which may be interpreted to address emerging issues relating to the AI generated works.[6] This study primarily analyses the challenges caused be the generative AI to the concept of human authorship under the Copyright Act, 1957, and examines whether the current legal structure

[1] William M. Landes & Richard A. Posner, The Economic Structure of Intellectual Property Law 1–5 (Harvard Univ. Press 2003)
[2] Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340, 345 (1991)
[3] The Copyright Act, No. 14 of 1957, Section 13 (India)
[4] Eastern Book Company v. DB Modak, (2008) 1 S.C.C. 1 (India)
[5] Copyright, Designs and Patents Act 1988, c. 48, Section 9(3) (UK)
[6] U.S. Copyright Office, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence (2023)

can support the AI assisted works while upholding the fundamental goals of the law.

Objectives

- To analyse the concept of human authorship under the Copyright Act, 1957.
- To investigate the challenges posed by the Generative AI to the traditional legal principles.

To evaluate whether the AI – generated works can qualify the Indian copyright protection.

- To examine the legal implications where an original creator uses generative AI and claims full authorship over the generated output for commercial purposes.
- To analyse the situations where non-creators use AI systems to reproduce or imitate existing copyrighted works and commercially exploit such outputs.
- To study about the comparative legal approaches adopted by the other jurisdictions regarding the ownership and authorship in AI – generated works.

Review of Literature

The generative AI technology goes against the long-held belief in copyright law that creative expression must come from human intellect. As the AI systems start to make valuable creative works on their own, legal systems may need to reconsider how to protect copyright in a world where machines play a significant role in the creative process. (Abbott, Ryan, 2023)[7]

Previously the research on computer-generated works have acknowledged that the advent of automated creative technologies presents intricate issues concerning ownership and authorship. Traditional copyright doctrine assumes the existence of a human creator, but computer-generated outputs blur this assumption by introducing situations in which creative expression may result from interactions between human users and computational systems. Therefore, determining the person, who should be recognized as the author in these creative works

[7] Ryan Abbott, The Reasonable Robot: Artificial Intelligence and the Law (Cambridge Univ. Press 2020)

becomes a significant legal challenge. (Samuelson, Pamela, 1986)[8]

As the artificial intelligence systems get better, they raise important questions about how copyright laws should apply to works made by machines. When the systems create outputs with very little human help, it becomes contrast to traditional concepts like the originality and authorship. This issue shows the restrictions of the existing copyright framework when the law identifies the works generated using technology. (Guadamuz and Andres (2017))[9]

Methodology

This research adopts both the descriptive and exploratory research design wholly based on the secondary data sources. Rather than collecting primary data, the study relies on the official records, published reports, statutory provisions to extract insights and global regulatory frameworks. It relies on the Copyright Act of 1957 and the court cases that explain what does originality and human authorship mean in Indian copyright law. Important case laws interpreting the requirement of a "modicum of creativity" are analysed to understand how courts determine authorship and originality. In addition, relevant academic literature and legal scholarship on generative artificial intelligence and intellectual property law are reviewed to identify the emerging challenges to traditional copyright doctrine. A brief comparative analysis is also undertaken by referring to the approaches followed in countries such as the United Kingdom and the United States, in order to understand how different legal frameworks address the issue of AI-generated works. Finally, this study suggests solutions for the challenges posed by the emerging technologies without undermining the fundamental principle that copyright protection is meant to safeguard works that originates from human intellectual effort and creativity.

Limitations

Although courts have offered many directions, questions about copyright protection for material produced independently by artificial intelligence remain active within India's legal system. For this reason, what follows stems from reading the Copyright Act, 1957 alongside past rulings that shaped ideas around creativity and human creation. Insights shared here grow

[8] Pamela Samuelson, Allocating Ownership Rights in Computer-Generated Works, 47 U. Pitt. L. Rev. 1185 (1986)
[9] Andres Guadamuz, Artificial Intelligence and Copyright, 15 WIPO J. 1 (2017)

out of established legal reasoning, yet they do not represent a definitive outcome. Currently, laws have very fewer clear answers regarding works made by AI or the responsibilities tied to such output. This study looks into whether long standing copyright ideas - originality, who counts as an author and the skill in making art that fit well with today's AI-supported creative outputs. Secondary materials such as scholarly books, peer-reviewed papers, official policy documents, court rulings are used to make this study. Legal thinking around machine-made work remains unsettled, shifting often from time to time. New laws or fresh court views could reshape everything laid out within these lines.

Conceptual and Legal Framework of AI in Copyright Law

Historical Background of AI and Copyright Law

Originating as a way to encourage original work, copyright grants the creators a sole control over what they produce.[10] Adjustments followed, balancing creator rights against advances in how people make and share content. Through it all, one core notion stays firm: protected works must spring from human imagination and mental investment. Put differently, copyright systems have long rested on the notion that people create works. India introduced its current rules via the Copyright Act of 1957, aiming to safeguard writings, music, art, and plays[11] That system took it for granted, that only humans shape creations using effort, expertise, and decision-making - machines generating original pieces was not even imagined then, since artificial intelligence had yet to emerge. The emergence of computers, digital media, and the internet significantly transformed the ways in which creative works were created and distributed. By the late twentieth century, discussions about the role of machines in creative processes began to emerge as computer software started assisting individuals in certain types of creative activities. Computers arrived, then digital tools followed, later the web reshaped how creations came into being and moved through society. Late in the 1900s, people started questioning whether machines could take part in making art when programs helped users craft music, images, or texts. Still, back then, those systems demanded constant oversight - humans had to guide nearly every step. Because of this heavy involvement, legal views on who counts as a creator stayed mostly intact under copyright rules at the time. Now, though, things look different; generative AI can generate original work while needing only minimal direction

[10] L. Ray Patterson & Stanley W. Lindberg, The Nature of Copyright 10–15 (Univ. of Ga. Press 1991)
[11] The Copyright Act, No. 14 of 1957 (India)

compared to what once was necessary.

Intersection of Artificial Intelligence and Copyright Law

Traditionally, Creative work once meant something made by people using their minds, abilities, times. Books, songs, paintings - these relied mostly on what humans could do. When computers came along later in the 1900s, they helped artists write, compose, draw, yet did not create alone. Because of this, making something always pointed back to a person behind it. Now things move differently since smart software can generate new outputs without direct human shaping each step. One moment machines just followed rules, now they write stories, paint pictures, even compose songs. Because of how fast these tools spread through fields like ads, movies, schools, books, and art studios, it's getting harder to tell what comes from people versus programs. What once felt unique to humans now feels shared.

A piece usually needs to be made by a person and show some uniqueness for copyright to apply.[12] Figuring out if something created mostly by machines fits this rule is tricky. Who actually made it? Is it the coder who built the AI, the one typing prompts, or the company running it? That part stays unclear. Training these smart systems adds more confusion - often they learn from huge piles of data, pulling in novels, paintings, songs, web pages, maybe even stuff someone owns rights to. When such material feeds into learning models, people start asking: does that count as copying, or is there room under rules like fair use? Right now, governments around the world are weighing how much control belongs over how these tools get trained. Fair dealing in India, as set by the Copyright Act of 1957, helps decide if certain actions stay legal. Still, when it comes to massive data used for training AI, how fair dealing applies isn't clear at all. Instead of old-style purposes like studying alone or academic work, artificial intelligence learning pulls together protected content on purpose - usually tied to profit goals. Because of this shift, saying whether it counts as fair use gets tricky fast. How judges in India handle this could shape how innovation grows while still guarding creators' rights. Different countries are starting to answer these questions in their own ways now. A few nations give credit for machine-made creations to whoever sets things up, whereas elsewhere only people can be authors. The split proves laws worldwide are still shifting.[13] Figuring out if something created mostly by machines fits this rule is tricky. Who actually made it? Is it the

[12] Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991)
[13] The Copyright Act, No. 14 of 1957, Section 52 (India)

coder who built the AI, the one typing prompts, or the company running it? That part stays unclear. Training these smart systems adds more confusion - often they learn from huge piles of data, pulling in novels, paintings, songs, web pages, maybe even stuff someone owns rights to. When such material feeds into learning models, people start asking: does that count as copying, or is there room under rules like fair use? Right now, governments around the world are weighing how much control belongs over how these tools get trained. Fair dealing in India, as set by the Copyright Act of 1957, helps decide if certain actions stay legal. Still, when it comes to massive data used for training AI, how fair dealing applies isn't clear at all. Instead of old-style purposes like studying alone or academic work, artificial intelligence learning pulls together protected content on purpose - usually tied to profit goals. Because of this shift, saying whether it counts as fair use gets tricky fast. How judges in India handle this could shape how innovation grows while still guarding creators' rights. Different countries are starting to answer these questions in their own ways now. A few nations give credit for machinemade creations to whoever sets things up, whereas elsewhere only people can be authors. The split proves laws worldwide are still shifting.

Impact of Generative AI on the Intellectual Property Framework

Artificial intelligence now influences many areas of intellectual property law - patents, trademarks, trade secrets included. Beyond familiar industries, older intellectual property norms now strain under new demands. As procedures increasingly rely on code to uncover ideas, influence blueprints, or build technical solutions, uncertainty grows around credit. Recognition for machines - when they help shape pivotal breakthroughs - remains unsettled. Historically, laws reserved inventor labels strictly for humans, emphasizing personal ingenuity as the origin of creation.[14] Today's world questions past beliefs, urging a closer look at who owns ideas when technology shapes invention. Code-driven systems increasingly shape patents, brand symbols, or internal company data. As uses grow wider, older models start showing weaknesses - can century-old ideas govern creations made entirely in software? When computers process vast details rapidly, new forms appear at speed; still, credit goes to people, not computational steps. This habit persists because present rules tie creativity to lived insight, rather than strings of coded logic. Outputs formed without any person involved challenge usual views on who owns what. When systems operate without oversight, uncertainty multiplies. Though inherited ideas still guide current frameworks, collaboration across disciplines begins

[14] Thaler v. Vidal, 43 F.4th 1207 (Fed. Cir. 2022)

to challenge them. Speed defines corporate motion, whereas regulation hesitates - widening the gap between policy and real-world action. Ownership blurs further with each new algorithm developed. Structures built around human needs groan under relentless automation. Now questions multiply rapidly; responses come slower.[15] From silence, AI began shifting trademark norms, especially regarding brand presence on digital platforms. Machinedriven prompts now surface company names, whereas symbols emerge via coded processes rather than only manual drawing. When design elements mix human choices with algorithm-built forms, ownership blurs - determining true authorship becomes tangled. Public familiarity remains key, even though automated systems increasingly shape that familiarity. Someone has to take responsibility when errors occur - be it an individual, software, or the organization behind it. This uncertainty grows stronger over time. Secrets hide in how systems learn, not only what they produce. Fierce control marks company behavior when handling information used to train smart tools. Flavor once drove secrecy; today it fuels invisible calculations guiding decisions. Barriers emerge through concealed math, blocking rivals aiming to copy progress fast. Value exists inside machine pathways, not merely at their endpoints. Focus shifts - logos fade while quiet operations underneath gain weight. Yet collaboration while creating AI, combined with vast amounts of information moving constantly, softly erodes strict confidentiality. This shift leaves companies noticing, again and again, control over secret methods fading as artificial intelligence evolves rapidly. Many companies consider these components as trade secrets to safeguard innovation and retain a competitive edge. However, the collaborative nature of AI development and huge data involved make a strict confidentiality difficulty to maintain. Consequently, companies often face practical challenges in protecting and enforcing trade secret rights in the rapidly evolving AI landscape.[16]

Authorship and Ownership of AI-Generated Works under Copyright Law

The idea of human authorship forms the basis of copyright protection under the Copyright Act, 1957.[17] Traditionally, copyright law protects works that result from the intellectual effort, creativity, and judgment of a human creator. Even minimal creativity counts under India's legal view on copyright - highlighting how human effort anchors protection. Still, ground moves as generative AI advances steadily. Works such as tales, images, or tunes begin appearing via self-running code. Often, little direction follows after launch. Thus, doubt arises such as, who

[15] Qualitex Co. v. Jacobson Prods. Co., 514 U.S. 159 (1995)
[16] Uniform Trade Secrets Act Section 1(4) (1985)
[17] Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991)

holds claim if technology shapes most of a creation? Old ways of thinking about law fall short as things change. Rethought approaches might simply have to come, whether welcomed or not. Sometimes it happens that several people play a role in creating something made with AI help. One person might build the software, another gives specific directions, while an institution manages its availability. Since ideas flow from various points, pinning down who truly shaped the work gets tricky. Often enough, those involved will say straight out they used artificial intelligence during creation - yet insist they alone should be seen as authors. They reason that because the machine only follows their exact cues, the real direction came from them. What matters most, then, is whose vision guided the outcome. One way to see it: shaping prompts, picking results, then adjusting what emerges involves enough thinking work to count as creating something. Still, a key doubt remains - can typing prompts really match the kind of original thought that copyright usually demands?.[18] While the prompt-based input may involve some degree of skill and analytical judgement, it may not always amount to substantial creative contribution, especially in cases where the AI system independently determines the structure, expressions, or final form of the work. Therefore, it matters how much people actually shape AI-generated outputs. When these creations enter markets, who made them takes on real weight - economic stakes ride on that call. Creative choices guided by a person often tilt the balance toward protectability. Looking at different countries' rules offers some clues about where lines might be drawn. For example, the United Kingdom recognises computer-generated works and attributes authorship to the person who makes the necessary arrangements for their creation. In contrast, several other legal systems continue to maintain that copyright protection should remain limited to works produced through direct human creativity and intellectual effort. In India, the absence of clear statutory provisions or judicial guidelines specifically dealing with AI-generated works creates a degree of legal uncertainty. One way to think about creativity is by measuring how much people actually contribute when working alongside machines. Whether something deserves copyright might depend on that human touch. The law from 1957 could apply only if real input shaped the result. Otherwise, it may simply fall through the cracks of existing rules. From another angle, artificial intelligence behaves less like a creator and more like an instrument used by someone else.[19] The Copyright law has traditionally treated technology as a medium through which human creativity is expressed and not as a source of

[18] U.S. Copyright Office, Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence (2023)
[19] Pamela Samuelson, Allocating Ownership Rights in Computer-Generated Works, 47 U. Pitt. L. Rev. 1185 (1986)

authorship itself. Even in cases where advanced tools are used, the final creative responsibility has remained with the human user. Applying this reasoning, AI systems may be better understood as instruments that assist in the creative process rather than entities capable of holding authorship rights.

Contemporary Issues in Safeguarding Human Creativity in the Age of Generative AI

The rapid development of generative artificial intelligence has begun to create real legal conflicts concerning the protection of human creativity under copyright law. Recent legal disputes, regulatory responses, and court decisions in different jurisdictions show that AI-generated content is beginning to challenge the traditional principle of copyright law, which holds that creative works must originate from human intellectual effort and authorship. When machines start making art, laws must decide where they fit in current copyright frameworks. Because software can now generate stories or music, courts face pressure to update old assumptions. Where once only humans created protected works, automated systems blur those boundaries. Since AI does not think like people do, applying traditional rules gets complicated quickly. If a program writes a poem without direct human input, ownership questions arise naturally. A widely discussed example is the decision of the United States Copyright Office regarding the graphic novel Zarya of the Dawn, which included images generated using the AI tool Midjourney.[20] In 2023, the Office clarified that copyright protection could be granted only to the text written by the human author, while the AI-generated images were not eligible for protection because they were not created through human authorship. In Thaler v. Perlmutter, a similar point was made when researcher Stephen Thaler tried to get copyright registration for an artwork made by an AI system called Creativity Machine without any help from a human.[21]

Issues related to artificial intelligence have also emerged within the publishing industry. In 2023, several authors, including Sarah Silverman, filed lawsuits against OpenAI and Meta Platforms, alleging that their books had been used without permission to train large language models such as ChatGPT.[22] The authors argued that the training process involved copying substantial portions of their literary works, which raised serious questions about copyright infringement and the limits of fair use in the context of artificial intelligence. Fast growth in AI that creates content has started causing actual legal issues around protecting people's creative

[20] U.S. Copyright Office, Zarya of the Dawn Registration Decision (2023)
[21] Thaler v. Perlmutter, 687 F. Supp. 3d 140 (D.D.C. 2023)
[22] Silverman v. OpenAI, Inc., No. 3:23-cv-03416 (N.D. Cal. 2023)

work through copyright. Lately, court cases, government actions, and rulings across various countries reveal tension between machine-made material and long-standing copyright ideas - those saying original creations need a person behind them. When machines grow better at making art, writing, or music, laws face pressure to define where they stand under current rules meant for human authors. Instead of assuming old frameworks fit perfectly, authorities now face challenge with adapting standards built for minds, not models.

Slowly, across India, worries about technology and rights are showing up in courtrooms and government talks. A key moment began when Asian News International took OpenAI to the Delhi High Court.[23] Instead of staying quiet, the media company claimed its stories were used by tools like ChatGPT - without asking permission. By going to court, they want payment plus a legal stop on including their reports in data fed to AI models. Right now, this battle stands out as one of India's earliest big courtroom fights over how creative machines meet copyright rules. Lately, judges there have also begun looking at claims where artists and famous people say AI misuses their image or voice. Worries about artificial intelligence copying a famous singer's voice led the Bombay High Court to step in and offer temporary shelter to Asha Bhosle.[24] Instead of waiting, judges moved fast when it became clear her vocal identity might be taken without approval.

Over in another part of India, the Madras High Court acted firmly - telling online spaces not to spread fake visuals tied to musician Ilaiyaraja unless they had real permission. Unauthorized digital versions of his work started vanishing after the ruling made its way through channels. Deepfakes have not escaped attention either; courts are watching closely now. One recent case saw the Delhi High Court halt a movie built using computer-made imagery of Akira Nandan, who happens to be Pawan Kalyan's son. Because faces can be faked so easily today, dignity and personal space face new threats. Legal lines must form quickly before false appearances cause lasting harm.

When legal conflicts evolve, conversations on handling AI grow louder across India. Alongside NITI Aayog, the Ministry of Electronics and Information Technology has started examining how artificial intelligence should be regulated - especially regarding who owns creative output. Because generative AI tools move quickly into spaces such as digital content, publishing,

[23] Asian News International v. OpenAI, CS (Comm) (Delhi High Court, pending)
[24] Asha Bhosle v. Unknown, Interim Order (Bombay High Court 2023)

advertising, and entertainment, vague rules could weaken artists' ability to protect their creations and earnings. Something new is unfolding: machines now produce artistic works. Credit blurs when programs write stories or design visuals. Knowledge enters machines through work done by humans, yet laws remain behind on what that means. Not long ago, only people made creative things - today, algorithms help shape ideas. When it comes to ownership, courts hesitate before calling a machine an author. Systems built by hands now buckle beneath waves of automated output. Every time a network generates something unseen, the idea of newness shifts slightly. When online material gets collected, creators often lose safeguards. Laws written long ago crack under new pressures.

Problems of AI-Assisted Creation and AI-Based Infringement

A big challenge today comes from how artificial intelligence affects creativity. Because using AI to shape new content blurs who really made it. When someone uses smart software to build something, questions pop up about real ownership. Since parts of their work were shaped by machines, can they still say it came only from them. Then there are people copying others' creations through similar tools without adding anything fresh. These users run into trouble when selling what looks like borrowed art. Especially if they pass off machine-made copies as their own. The heart of the matter sits where invention meets automation. Where human effort fades behind coded assistance, old rules struggle to keep up. Even when someone gives clear instructions, their creative input might still fall short. That makes it unclear if what they produce counts as truly original under copyright rules.

Now things get heavier because AI can produce results too close to material already under copyright. A single modified version could still signal a breach, even when unseen. Responsibility blurs - machines act without human hands pressing keys. Current Indian legislation says nothing about such cases. The boundary between assistance and misuse via AI remains undefined. Where blame is concerned, clear rules have not appeared. Once money becomes involved, that gap invites trouble.[25] Profit shapes much of today's push behind AI-generated content. Driven by personal gain, users create with artificial intelligence - or borrow existing outputs - prioritizing returns over originality. Platforms such as marketplaces and social media enable quick monetization, often without verifying true authorship. This raises concerns beyond origin: fairness enters the picture. When income flows from machine-heavy

[25] R.G. Anand v. Deluxe Films, (1978) 4 S.C.C. 118 (India)

effort or near copies of another's creative work, human artists suffer - the very individuals copyright laws were designed to shield.[26]

Hence a solid legal structure helps tell apart real creativity powered by AI from misuse or theft. When rules stay blurry, today's copyright laws might not shield actual artists or keep creative fields trustworthy. Who gets blamed when AI breaks copyright often stays uncertain. Sometimes it rests on the person making the output, sometimes on the coder building the tool, other times on the website hosting it.[27] With no clear law spelling it out, old ideas about blame get tough to apply. What stands out is how unclear rules struggle to place blame when it comes to control and participation. One way forward might be looking closely at how much influence each person or group actually has during development. Whoever writes the inputs, builds the technology, or runs the service could play different parts in the outcome. Making accountability based on these different contributions could help current laws work better for conflicts involving AI.

Findings

Surprisingly, this study highlights how generative AI disrupts established ideas tied to India's 1957 Copyright Act. Although the legislation still guards creative work, its framework emerged before systems capable of independent output existed. Over time, confusion has deepened - particularly regarding who qualifies as an author when technology assists creation. Depending on the situation, credit might go to the developer, the user typing inputs, or the organization hosting the system. Despite broad guidelines already in place, clear direction on applying them to machine-made outputs is missing.

What becomes clear through analysis is how much depends on interpreting old frameworks in new contexts. Figuring out legal authorship gets tricky if multiple individuals help create something. Whether a piece qualifies for copyright in India often hinges on the level of human creativity and mental contribution behind it.

Even when unnoticed, artistry highlights ways individuals channel imagination within laws such as those governing copyright. Each handmade object often reflects decisions, expertise,

[26] William M. Landes & Richard A. Posner, The Economic Structure of Intellectual Property Law (Harvard Univ. Press 2003)
[27] Jane C. Ginsburg & Luke Ali Budiardjo, Authors and Machines, 34 Berkeley Tech. L.J. 343 (2019)

because of effort poured into making it. When manufacturing shifts toward machines, traces of individual touch tend to fade slowly. Without clear signs of human involvement, questions emerge about whether something qualifies as original under India's 1957 Copyright Act. Other nations start adjusting rules in response to works created using artificial intelligence systems. At present, there are no dedicated regulations in India addressing this issue. Some state governments adjust existing legal structures so that machine-produced works can be included. Others hold firm that only human authors qualify for copyright protection. When it comes to India's stance, silence dominates official channels. With AI advancing into publishing, entertainment, creative fields, and broadcasting, vague policies could become tougher to handle over time. Nowadays, courts tend to weigh creativity by looking at labor, choices made, and skill level. When artificial intelligence enters the process, attention may turn instead to the degree of human direction shaping the result.

A fresh look at authorship begins where machines assist creation. Rather than track software names, the spotlight moves toward influence - how one steers ideas through word choices, refines early versions, selects outputs, shapes endings. When judgment reflects taste, vision, or inner voice, law may recognize it as protected work. But once automation takes over, running with minimal direction, the result often misses a core requirement: human-led originality. Slowly, patterns appear - not from declarations but real cases - that older rules bend under new speeds of technology, exposing spaces regulators must fill while still honoring minds behind creative acts.

Conclusion and Suggestions:

Creative work, under copyright tradition, springs from human mind, craft, and choice. Yet today's artificial intelligence produces intricate paintings, stories, poems, often without direct human shaping. India's 1957 Copyright Act arrived at a time when originality meant human labor alone. Back then, machines playing creator seemed remote, even absurd. That silence leaves uncertainty: where do machine-made pieces fit? No part of the current framework clearly addresses authorship by algorithms. Still, legal systems confront fresh disputes born of technologies once unimaginable. Because results increasingly obscure origin, traditional labels falter. Protection meant for human creators now brushes against machines that imitate those very minds. Boundaries thin as invention moves past body and thought alone. With artificial intelligence deeply involved in making works, uncertainty grows over ownership - whether

rights apply at all, and to whom they might belong. One possible path forward involves clearer rules for AI-generated work inside India's legal framework. Depending on how actively someone shaped the process, courts might see them as owners. What matters could be less about presence and more about creative direction given throughout creation. Over time, repeated judgments often soften confusion in unclear areas of law. As precedents emerge, they tend to steady conflicts tied to human-machine collaboration in making art.

Examining policy today means questioning if old regulations still work given how quickly technology has changed since the 1957 Copyright Act first appeared. Updating these systems should center on individuals, while also clarifying how works made with AI fit within current laws. Still, expanding ownership claims across automated results can lead to serious consequences. When protection is awarded despite minimal human input - against established legal norms - the volume of copyrighted content may grow fast. This expansion risks narrowing what the public can freely access. Balance between safeguarding rights and allowing access remains critical now, much like before. Viewed another way, artificial intelligence functions more effectively when assisting human creativity instead of acting alone as a legally recognized author. Shifting focus, regulations need to clarify how copyrighted material contributes to training AI models. Frequently, these generative tools depend on massive datasets containing possibly protected works - such as literature, visuals, music, or artistic layouts. Improved guidelines regarding these practices may promote equity across creators, developers, and the broader public. Though legal clarity may ease conflicts, it also paves space for measured technological growth. As AI-generated material gains traction commercially, participation spans creators and nonartists alike. Yet current copyright frameworks struggle to distinguish original work from imitation. Without clear boundaries, real authors risk financial loss when imbalances favor replication. Automated content floods digital spaces faster than norms can adapt. Rules remain stuck, even as behavior shifts beneath them.

How generative AI fits within copyright law keeps changing, influenced each day by judges' decisions, laws under discussion, and research findings. While courts apply old statutes to fresh cases, elected officials explore possible updates, alongside experts who question assumptions and highlight gaps. Since machines now produce work used commercially, outdated frameworks struggle to respond fairly. Over time, India might reshape parts of its rules - but not at the cost of ignoring human creativity behind original expression. Progress hinges less on speed than clarity, especially when money flows through automated systems once reserved for artists.

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