
ROBOTS AS CREATORS: LEGAL AND ETHICAL IMPLICATIONS IN COPYRIGHT REGULATIONS AND HUMAN RIGHTS

V Sri Pranavi¹ & Vasanth Joel²

ABSTRACT

AI and robots are improving very fast. And because of this, the law's old ideas about who is creative, who is the author, and who owns a creative work are no longer clear or sufficient. Earlier, law assumed only humans created things. That assumption is now being questioned. Today, AI can write poems, compose music, create paintings, and even invent things, often without much human help. But copyright law was designed only for human creators, so it is now under legal confusion (doctrinal strain) and moral confusion (ethical strain). This paper studies the new idea that robots might be treated as creators. It also asks whether our current copyright laws handle non-human creators or do we need to completely rethink and redesign the system. The paper closely examines how different legal systems deal with AI-created works with Indian copyright law, UK law which already talks about computer-generated works, and how other countries are slowly changing their laws. The paper also asks some important legal questions like who should be called the author, who owns the copyright, and what does "original" mean if a machine creates it, and what if the AI copies or infringes, who is legally responsible. This part of the paper goes beyond copyright law and looks at wider human rights and ethical concerns. It examines whether the rise of AI created works could affect the right to livelihood of human artists, writers, and musicians by reducing their income and opportunities. It also considers whether excessive dependence on AI could limit human freedom of expression and slowly reduce the value of human creativity in a cultural economy that is increasingly driven by algorithms rather than people. In addition to this, the paper discusses important ethical issues such as who should be held responsible when AI-generated content causes harm, how transparent AI systems really are, and whether creative power is becoming concentrated in the hands of large technology companies. The paper argues that giving robots legal personhood or recognizing them as

¹ V Sri Pranavi, B.A.LL.B. (Hons.), School of Law, Woxsen University

² Vasanth Joel, B.A.LL.B.(Hons.), School of Law, Woxsen University

authors could weaken the fundamental philosophy of copyright law and dilute human-centred rights frameworks, which are designed to protect people, not machines. Therefore, it concludes by supporting a human-centric regulatory approach, where legal rights are assigned to identifiable human or corporate actors behind AI systems, while ensuring that human creators continue to receive fair protection in the age of artificial creativity.

Keywords: Artificial Intelligence, Robots as Creators, Copyright Law, Human Rights and Authorship and Ownership

I. INTRODUCTION

Artificial intelligence technology has achieved major advancements which enable machines to produce creative work in ways that used to exist only in science fiction movies. Generative AI systems can now create musical compositions and write literary texts and produce visual artworks and build software code and make scientific discoveries through their autonomous operation without human assistance. People used to think that earlier technologies helped their work but now AI systems produce their work without needing human guidance. The technological progress has established new standards which allow anyone to create anything they want to create as artistic work. Copyright law exists to protect human intellectual property but now faces its most difficult challenge because it must deal with creative works that lack identifiable human creators.

Copyright law begins with the assumption that only humans can create original works according to its legal definition. The concepts of originality and skill and judgment and labor and intention all depend on human decision-making. The legal system assigns rights and responsibilities based on the requirement that authors must be actual human beings who can create intellectual work and face moral obligations. AI-generated works challenge these foundational premises. Who becomes the legal author when a machine makes a poem or an artwork or a piece of music without needing human involvement? Who should be credited with authorship of a work which was created through the combined efforts of the algorithm designer and the user and the system owner? The process of identifying copyright infringement becomes

more complicated because it requires assessment of whether specific content belongs to established copyrighted materials. The questions demonstrate how modern technological developments create fundamental conflicts with the existing legal framework of copyright law.

Academics have studied the question of copyright protection for AI-generated works yet most research focuses on doctrinal analysis and the assessment of economic incentives. Scholars have studied the constitutional implications of AI system creator recognition yet they have studied human rights implications less frequently. The research study about how artists work with AI technology needs to understand how AI affects artists' income and their creative freedom and how cultural power rests with large technology companies. This research study connects existing research gaps by showing how copyright laws relate to human rights and ethical standards.

This paper explores two main research questions which are present in the study. The existing copyright laws of the time determine whether robots and AI systems which operate automatically can gain recognition as authors under the copyright laws. The ownership rights for AI-generated content belong to which parties when no ownership regulations exist. How should we understand the originality doctrine when it comes to assessing content which algorithms produce? Who becomes responsible for legal violations which arise from content created through machine operations? The system for recognizing artificial creativity as a novel recognition system threatens to violate human rights which protect both constitutional rights and international legal systems. The extension of authorship to robots jeopardizes human-centered copyright traditions and legal personhood for robots creates a risk which weakens fundamental constitutional rights that protect human dignity and freedom of expression.³ Legal reform becomes necessary because technological advancements require changes yet these reforms need to protect human creative work through the existing intellectual property system. The main issue at hand determines whether artificial intelligence can produce creative work but it now requires a legal decision which must choose between human creativity and artificial intelligence as the creative source.

³ European Parliament Resolution on Civil Law Rules on Robotics, 2017/2103(INL).

II. LITERATURE REVIEW

1. Theoretical Foundations of Copyright

The theoretical foundations of copyright law must be studied again because they explain the way copyright law permits or forbids people to use AI-generated works in their creative work. Copyright philosophy has three main theoretical approaches which include labour theory and personality theory as well as utilitarian theory. According to the Lockean labour theory people have ownership rights to their intellectual work because they produce valuable results through their mental efforts.⁴ The view of copyright defines author rights as a reward for their mental work and their skilled development. The creation of art through algorithms which function independently from human assistance creates a situation where there are no valid grounds for establishing ownership rights. A machine does not “mix its labour” with common resources in a morally relevant sense. People who want to protect their moral rights through labour theory will lose their entitlement rights when there is no human work to be done.

Hegelian and Kantian traditions create personality theory which treats creative works as living manifestations of an author who possesses personal traits.⁵ Copyright functions to protect economic interests while simultaneously safeguarding personal expression rights and human dignity rights. This theory operates as the key framework in jurisdictions which have moral rights protection laws. AI systems do not possess consciousness and intention and self-awareness which act as the primary traits to establish authorship rights through personality-based systems. The philosophical foundation of copyright laws starts to break down when people stop seeing personal expression as the source of creativity.

The Anglo-American legal system uses utilitarian theory to determine that copyright serves as an economic system which allows creators to develop innovations which benefit society. The main issue centers on whether public interest will benefit more from granting rights to AI-generated content than from denying it. The framework creates utilitarian problems because it enables market control and excessive creator protection when creators lose their capacity to work. Theoretical foundations face obstacles in their efforts to understand autonomous machine creativity.

⁴ John Locke, *Second Treatise of Government* (1690).

⁵ Margaret Jane Radin, “Property and Personhood,” 34 *Stanford Law Review* 957 (1982).

2. Scholarly Debate on AI Authorship

The academic community remains divided about whether to accept AI-generated works as legitimate creative output. The authorship rights which protect AI creators need implementation because its absence will stop people from producing advanced creative technologies. The legal system should recognize AI as an author according to some scholars while others want to attribute authorship to the entity which operates the system. Copyright needs to develop practical rules which will enable it to function as a legal system that requires proof of human authorship for copyright protection.

The critics contend that giving machine authorship rights to machines weakens the main ideas which define copyright law. Authors need human beings to write because writing needs people who can make decisions and take responsibility for their work. The authorship of AI systems will create copyright systems which operate solely as economic tools which lack their core moral and expressive functions. The scholars who study this field identify an emerging danger which will allow corporations that operate AI systems to monopolize creative control thereby increasing inequality and destroying cultural heritage.

The third approach creates different protection systems which treat AI-assisted work differently from work which AI conducts independently. The perspective establishes human-centered principles as its main goal while it accepts the need for technological progress. The academic community shows different views about intellectual property rights because scholars have not reached an agreement about this matter.

3. Landmark Legal and Institutional Developments

The recent institutional changes show that the rules about AI authorship require further development. The United Kingdom established its first legal system to protect computer-generated works through its law which gives authorship rights to the person who arranges their creation. The United States Copyright Office will not grant copyright protection to AI-created materials because it maintains that all works need human authorship.⁶ International discussions at the World Intellectual Property Organization provide proof that global organizations still treat this issue as unsolved because they lack an agreed solution. The world does not show

⁶ U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (2023).

doctrinal understanding because these events create a situation where international laws function as separate systems.

4. Identified Gaps and Emerging Policy Trends

The existing research base has expanded but there exist major research gaps. The current studies focus on doctrinal interpretation which deals with whether AI fulfills the legal definition of author and original work. The relationship between AI-generated creative work and constitutional human rights frameworks which protect livelihood and freedom of expression and democratic cultural participation remains an under-researched area. The field of copyright analysis lacks complete theoretical frameworks that can explain how data extraction methods lead to algorithmic power and data extraction operations.

The European Union's regulatory projects and WIPO's ongoing talks and national AI policies all demonstrate a change toward governance systems which require transparent operations and responsible conduct and ethical protection systems. The policy changes which happen in this area create a separate path which goes against the fundamental copyright changes needed for copyright approval. The AI authorship discussion requires a complete analysis that establishes AI authorship rights within their entire legal and social validating system.

III. RESEARCH METHODOLOGY

The research uses doctrinal research methods to examine statutory law and court rulings and copyright interpretation rules.⁷ The study investigates fundamental concepts of authorship and originality and ownership through detailed analysis of legislative documents and court decisions⁸ which include the Indian Copyright Act of 1957 and applicable laws from the United Kingdom and the United States. The doctrinal approach permits legal scholars to assess existing legal definitions of authorship and their potential application to independent artificial intelligence systems.

⁷ Terry Hutchinson, *Researching and Writing in Law* (4th ed., Thomson Reuters, 2018).

⁸ Ian McLeod, *Legal Method* (9th ed., Palgrave Macmillan, 2013).

The paper uses doctrinal analysis combined with comparative methods to study how different legal systems handle works that are created by artificial intelligence.⁹ The study identifies doctrinal differences and doctrinal inconsistencies and emerging international patterns by comparing Indian law with British statutory rules about computer-generated works and American requirements for human authorship. The comparative perspective explains why countries do not achieve international legal unification and it demonstrates how different countries create their own sets of laws.

The research uses primary sources which include statutes and judicial decisions and international instruments like TRIPS and WIPO discussions and secondary sources including peer-reviewed journal articles and policy reports and academic commentaries.¹⁰ The study focuses on copyright law and its relationship with human rights principles without examining AI systems through empirical research or technological analysis. The research includes relevant patent law and technical engineering information although these subjects receive only limited attention. The research evaluates current copyright doctrines through a normative and analytical framework to determine their philosophical and constitutional compatibility with artificial creativity.

IV. JURISPRUDENTIAL CRISIS: CAN CREATIVITY EXIST WITHOUT CONSCIOUSNESS?

1. The Traditional Concept of the Author

Copyright law has historically built its framework through a human-based understanding of authorship. The “author” refers to a natural person who demonstrates intellectual ability through both judgment and creative decision-making. Common law jurisdictions require human mental application as the basis for judicial assessments of originality. The authorship requirement for human creators remains consistent across all originality standards which use different criteria from “modicum of creativity” to “skill and judgment” because the standards all assume that authorship needs human involvement.

⁹ Konrad Zweigert & Hein Kötz, *An Introduction to Comparative Law* (3rd ed., Oxford University Press, 1998).

¹⁰ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994.

The human-centered model represents a deeper philosophical commitment to human-centered values. The author creates economic value through their work but also possesses rights which originate from their personal identity and their work through their moral duties. Copyright protection serves two separate purposes by motivating creation while acknowledging the intellectual rights of creators. The legal framework which includes moral rights and attribution and integrity mechanisms creates an anthropocentric system which protects human value. Traditional authorship laws require human consciousness and responsibility as essential components for authorship existence.

Autonomous artificial intelligence development presents a fundamental challenge to this core belief system. Non-human authorship creates uncertainty because it disrupts the existing copyright law definition system. The technological crisis extends beyond its technological boundaries because it involves fundamental legal principles.

2. Machine Autonomy and the Reconfiguration of Agency

AI systems today demonstrate greater autonomous operational capabilities than their earlier versions. The system creates results which emerge through machine learning and neural networks because it processes statistical patterns from extensive data collections. The human designer establishes the system structure but machine learning functions determine which particular results the machine will produce.

The system creates autonomous functions which need to be investigated because they create uncertainty about whether independent system output functions as legal authoring. Traditional legal systems exist to define rights and responsibilities for individuals who possess both intent and accountability. AI systems function without consciousness because they operate without self-awareness and inability to comprehend morality.¹¹ The system executes "decisions" through its computational processes which function as basic pattern operations.

The system creates advanced outputs through AI simulation but produces a fundamental conceptual conflict because of this development. The law must determine whether machine-produced works achieve human creation status through their creation methods or their creators' real identity. AI-generated works should receive protection according to their output resultsbased assessment. The works established both AI-generated creations and established

¹¹ Nick Bostrom, *Superintelligence: Paths, Dangers, Strategies* (Oxford University Press, 2014).

sciences through their identity assessment process. The traditional connection between creativity and human identity gets disrupted through this conflict.

3. The Philosophical Conflict: Intention, Responsibility, and Property

The functionalism versus moral agency debate emerges as a philosophical conflict which resides at the center of this disagreement. Property rights in intellectual works depend on intentional actions and moral deservingness because people have traditionally established property rights through those two methods.¹² The creator receives their reward after she performs deliberate intellectual work. Machines exist in a state where they lack the ability to feel intentions and desires or take on accountability for their actions.

AI needs to get designated as authors through a process which either requires complete economic definition of authorship or through which non-conscious entities should receive legal status similar to human beings. Each option brings forward specific normative effects. Copyright protection through economic reconceptualization loses its connection to human dignity when it turns into an economic tool for market distribution. Granting personhood to machines as a legal system change creates entitlement issues which threaten existing human rights protection frameworks.¹³

The legal system faces a critical decision to determine whether copyright protection should connect human moral agency with protective functions or evolve towards technology-centered functionalism. The response to this question fundamentally affects each aspect of intellectual property law through its ownership and moral framework establishment.

4. The Ontology of Creativity

The foundational inquiry of this crisis investigates the essential nature of creativity as its central question. The definition of creativity reveals AI systems cannot create anything because they lack the ability to express personal experiences and emotions and deliberate thoughts. Their outputs consist of statistical data combinations which operate according to statistical inference rules without any involvement of human creative thought.

¹² Robert P. Merges, *Justifying Intellectual Property* (Harvard University Press, 2011).

¹³ European Parliament, *Resolution on Civil Law Rules on Robotics*, 2017/2103(INL).

AI-generated works create new artistic works which people see value in because they function as fresh geographic locations. The situation exhibits two opposing perspectives because the existing debate contains both legal elements and fundamental conceptual elements. The law needs to establish whether originality exists through human consciousness or whether it can be established through any new element.

The current legal crisis exists between two points because it needs to decide whether machines can generate creative outputs or whether the system requires creativity to remain part of human consciousness. Copyright law faces its philosophical core principles when it approaches the question of copyright.

V. COMPARATIVE LEGAL ANALYSIS

A. India: Human-Centric Authorship and the Skill–Judgment Standard

Indian copyright law does not recognize artificial intelligence as an author. Under the Copyright Act, 1957, authorship is assigned to living individuals based on the type of work which includes literary artistic musical and dramatic categories.¹⁴ The statutory framework requires human involvement for all activities because it lacks any regulations which would recognize autonomous machine-produced content.

Judicial interpretation of originality further reinforces this human-centred orientation. In *Eastern Book Company v. D.B. Modak* the Supreme Court selected the “skill and judgment” test which required intellectual effort beyond physical work while it rejected simple labor. The Court established that original work develops from human skill and judgment together with creative ability. This standard implicitly excludes purely mechanical or automated production.

The doctrinal requirements for “skill and judgment” become difficult to fulfill when AI systems produce content without any human creative involvement. The programmer or user must demonstrate substantial intellectual involvement to receive attribution which requires more than operating or prompting activities. Indian law currently lacks doctrinal guidelines for AI-

¹⁴ Copyright Act, 1957 (India), 2(d).

generated content yet its court decisions indicate that human cognitive involvement remains essential for achieving originality.¹⁵

The complexity of India's constitutional system brings forth additional challenges for legal interpretation. The legal system establishes three fundamental rights which include equality under Article 14 and freedom of expression under Article 19(1)(a) and the right to work under Article 21.¹⁶ Any new authorship definition which advantages corporate AI rights above human creator rights will face constitutional examination. The Indian legal system maintains an inherent connection to human nature despite future legislative action which may require changes.

B. United Kingdom: The “Person Making Arrangements” Doctrine

The Copyright Designs and Patents Act 1988 Section 9(3) establishes a unique authorship system for computer-generated works which have no human creator by granting authorship to the person who organizes all essential elements for work creation. This legal provision predates modern generative AI but stands as one of the first legal documents to acknowledge non-human creative activities.

The machine itself does not receive authorship rights through the doctrine instead it designates authorship to a particular human who takes part in the creative process. The term “arrangements necessary” contains ambiguous meaning because of advanced AI system operation. The software developer who builds the system the data curator who manages data the end user who provides prompts or the corporate entity who funds the infrastructure all play essential roles.

The Section 9(3) provision exists as a technology-neutral rule which permits implementation across different technological platforms. The provision was designed for rule-based computer generation rather than self-learning neural networks. The UK system offers a legal framework that enables rights distribution yet it fails to address the fundamental normative problem which concerns whether authorship can apply to works that lack human creative input. It represents a pragmatic compromise which lacks a philosophical basis for its solution.

¹⁵ Dev Gangjee, “Originality in Copyright Law,” *Oxford Journal of Legal Studies* (2015).

¹⁶ Constitution of India, arts. 14, 19(1)(a), 21.

C. United States: The Human Authorship Requirement

United States copyright law maintains a firm commitment to the principle of human authorship. The Copyright Act does not explicitly define “author,” but judicial and administrative practice consistently interpret the term as requiring human creative input. The United States Copyright Office has repeatedly rejected registration for works created through artificial intelligence because it believes copyright law protects only “the fruits of intellectual labor” which originate from human creativity.¹⁷

The judicial analysis of related cases supports this viewpoint. The Ninth Circuit ruled in *Naruto v. Slater* that non-human entities cannot establish Copyright Act standing because authorship rights function as a human-centric system.¹⁸ The principle established through the case which involved an animal establishes that copyright rights exist solely for human creators.

The Thaler cases demonstrate how courts show reluctance to recognize non-human inventors through their proceedings which involve AI-generated inventions.¹⁹ Although patent and copyright systems function as separate entities both enforce human inventorship and authorship requirements which prevent recognition of machine creators.

The U.S. system gives higher priority to doctrinal definitions than to the implementation of technological solutions. The system maintains a strict human authorship requirement which protects conceptual integrity yet this creates a situation where AI-generated works receive no protection unless human involvement reaches a certain threshold.

D. International Framework: Fragmentation and Normative Uncertainty

The international community has not established any legally binding treaty which specifically governs the ownership of works created by artificial intelligence. The TRIPS Agreement and the Berne Convention both assume human authorship exists but they leave the definition of human authorship undefined.²⁰ The authors of the text decided to omit information about non-

¹⁷ U.S. Copyright Office, *Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence* (2023).

¹⁸ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

¹⁹ *Thaler v. Comptroller-General of Patents*, [2021] EWCA Civ 1374.

²⁰ Berne Convention for the Protection of Literary and Artistic Works, 1886; Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994.

human creators because they wanted to document the time period when the text was written instead of excluding artificial intelligence as a creator.

WIPO hosts various state representatives who discuss artificial intelligence matters with intellectual property rights protection. Some jurisdictions support broad legal interpretations which enable technological progress while other jurisdictions maintain their focus on human-centered standards. The two groups have not reached agreement on whether AI can become an author or how to assign rights for its independent creations.

The process of fragmentation leads to difficulties in establishing regulatory frameworks. Countries develop different protection methods which create risks for forum shopping and produce varied protection results while resulting in international trade disruptions. The lack of standardization creates obstacles for enforcing and acknowledging rights which apply to AI-generated content across borders.

The current situation shows three main legal systems which include the United States strict human authorship rule United Kingdom statutory attribution system and India human-based legal system which lacks statutory provision. International law remains unsettled because of existing normative doubts which prevent its resolution. The lack of global agreement demonstrates that the technical issue emerges from essential philosophical problems which constitute the fundamental basis of worldwide intellectual property systems.

VI. CORE LEGAL CHALLENGES

1. Authorship: Identifying the Legal Creator

The authorship question establishes the fundamental requirement for determining ownership of AI-generated works. Copyright law requires authorship to be assigned to the person who possesses complete creative authority and makes all intellectual decisions regarding a artistic work. The process to identify control over autonomous AI systems becomes challenging because their autonomous function makes it hard to determine operators. When machine learning systems produce output without direct human input, human authorship assignment requires proof that the person contributed original creative work beyond simple support activities.

Three parties emerge as potential authors: the programmer who built the algorithm, the person who gives prompts, and the business that runs the system. The process of attributing them to different people becomes problematic because each method brings its own set of challenges. Programmers create software products which serve general usage needs instead of building particular artistic works. Users who provide prompts to the system do not have power to control how the system generates specific results. The financial backing power of corporate ownership creates ownership status which lacks any connection to creative work development.

The legal system needs to establish a new authorship definition which treats AI systems as authorship because it currently allows non-conscious systems to create content. The current authorship system shows a structural deficiency because copyright law requires a defined mechanism to allocate creative rights when human involvement is scattered or minimal.

2. Ownership: Allocation of Economic Rights

The issue of ownership remains unresolved even when AI systems are denied recognition as authors. Copyright law establishes ownership rights through author assignment except for special cases which arise from business relationships or contractual agreements.²¹ The economic approach which separates creative activities from financial backing becomes especially pronounced within AI-generated works.

Ownership rights assigned to developers should promote technological development yet they result in a risk which creates an environment where major businesses control all creative markets. Users who receive ownership rights will gain power over content yet the system will create problems when users must show their actual system usage. By classifying AI output as works that lack authors, any proprietary ownership claims will vanish from the work.

The policy implications emerge from each model which carries specific effects on the society. Ownership distribution needs to achieve two goals which require equal distribution of rights while advancing innovation progress. Ways to solve the existing economic problems will require official government instructions which need to establish fundamental judicial principles.

²¹ Copyright Act, 1957 (India), 17–19.

3. Originality Doctrine: Human Skill Versus Algorithmic Generation

The original work exists as the first step through which creators can obtain protection for their works under copyright laws. The requirement for originality through creative work or intellectual work or independent intellectual effort exists in every legal system. The major obstacle exists because people need to assess whether algorithmic operations can complete this assessment.

The assessment process for originality requires the evaluation of a work into two distinct categories which determine whether a work constitutes a new, unmodified creation. Machine learning systems produce outputs which differ from all previous works. The definition of originality created through human intellectual application needs to be applied. Statistical pattern recognition from extensive datasets produces outputs which may prevent the human user from controlling the output process.

AI systems use existing copyrighted materials for their training process which introduces problems linked to their creation of derivative works.²² The training data questions about copyright violation and originality assessment begin when outputs show strong similarity to the fundamental works which training data contains. Courts need to investigate whether originality originates from user input, algorithm structure, or the final artistic output. The current tests for originality do not function because they need to be updated with algorithmic authorship design.

4. Liability: Responsibility for Infringing Outputs

AI-generated works create risk because they might copy protected content or produce harmful or illegal material. The process to find the person who bears responsibility becomes extremely difficult. The traditional liability system needs a human actor who can display both intentional wrongdoing and negligent behavior. AI systems function through autonomous operations which lack any connection to human aspects of wrongfulness.

The system of developer liability should motivate developers to establish better monitoring systems yet this system will restrict their ability to create new products. User liability to users should seem valid because they establish the system's output through input, but users do not

²² Frank Pasquale, *The Black Box Society: The Secret Algorithms That Control Money and Information* (Harvard University Press, 2015).

understand the internal workings of the training data. Corporate liability systems provide organizations with effective answers about their responsibilities, but this system forces organizations to assume total liability despite the absence of any identifiable wrongdoing.

AI systems face "black box" problems because their output reasoning processes remain hidden even to people who created them. The process to assign responsibility requires evidence and legal connections which become even more complex without transparent information. The liability doctrine needs to establish who is responsible through their capacity to understand and process technological systems.

5. The Public Domain Question

The public domain should automatically receive fully autonomous AI-generated works according to an alternate view. The system uses authorship systems to limit human authorship while maintaining human-centered copyright standards. The system will prevent technology firms from accumulating too much proprietary power through this design.

Creative AI systems require protection because system investment will decline if protection gets denied; thus economic imbalances will occur. The public domain solution becomes doctrinally clean yet it must undergo evaluation against the country's larger policy objectives.

AI-generated works create multiple legal uncertainties, which lead to fundamental conflicts within copyright law's basic architectural framework.

VII. HUMAN RIGHTS IMPLICATIONS

1. Right to Livelihood and Economic Displacement

The existing copyright system needs to recognize AI-generated works because it creates outcomes that directly affect the capability of human artists to earn their livelihoods. Copyright serves as the vital economic foundation which creative professionals use to sustain their work.²³

²³ Neil Netanel, *Copyright's Paradox* (Oxford University Press, 2008).

AI systems which create artistic content at extremely low production costs will result in decreased demand for human creative work within cultural markets.²⁴

The transformation leads to both economic disruptions and fundamental changes to organizational systems. AI-generated content can saturate digital platforms which leads to decreased human creativity and lower compensation for creative workers. The legal system which grants exclusive rights to companies that operate AI systems will create a situation where individual artists experience greater difficulties than technology companies do. The evolution of technology holds no problem because it brings forth innovation which creates progress but the issue arises because its benefits distribution pattern will lead to economic insecurity for human creators.

The Indian Constitution recognizes the right to livelihood as a vital element of Article 21 which protects citizens from unlawful deprivation of life.²⁵ The constitutional right to dignified livelihood becomes threatened when copyright reforms create artificial systems which receive greater advantages than human creative workers. Technological progress needs to happen without destroying the economic base which enables human creativity to thrive.

2. Freedom of Expression and Cultural Integrity

Democratic constitutional systems establish freedom of expression as their fundamental principle. The Indian Constitution's Article 19(1)(a) protects expressive freedom which includes both verbal communication rights and artistic creation and public distribution rights.²⁶ Copyright law functions as an economic framework which indirectly determines the environments needed for people to express themselves freely.

AI-generated content has created new difficulties which people must navigate. AI tools provide creative production access to wider audiences who can now use them to create content. Cultural expression becomes standardized through the use of algorithmically generated content which creates the risk of producing identical results. Machine learning systems that use primary

²⁴ International Labour Organization, *Generative AI and Jobs: A Global Analysis of Potential Effects on Employment* (2023).

²⁵ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.

²⁶ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

datasets will reproduce mainstream cultural elements while excluding less recognized cultural elements and traditional art forms.²⁷

The AI systems ownership needs to stay with multiple companies because their control over cultural production would let algorithms replace human creators as the dominant decision-makers. The expressive diversity and authenticity of cultural expressions face serious threats from this situation. The law needs to assess whether the establishment of AI-generated works as equal to human artistic work will result in a loss of human artistic expression rights.

Freedom of expression requires establishment of a regulatory framework which ensures different voices can maintain active participation in cultural expression while their presence protects their rights to participate in cultural activities.

3. Concentration of Power and Democratic Concerns

The creative industry relies on AI technology which requires businesses to obtain data and computing power while they build their market dominance through platform expansion. Advanced generative systems require infrastructure which only a few technology companies own.²⁸ The copyright system enables AI companies to control cultural markets which results in excessive market power for those companies.

The concentration of market power creates problems for both market fairness and democratic electoral processes. Intellectual property legislation operates as private law mechanisms which control the allocation of cultural power among society.²⁹ Proprietary rights combine with technological monopolies to create higher obstacles which independent creators need to overcome when they attempt to enter the market.

The problem encompasses both economic concentration and public value imbalance. Cultural production creates public spaces where people can share their ideas. Excessive algorithmic-based corporate control of creative abilities will determine which stories receive public attention and which stories remain hidden from sight. Human rights analysis requires assessment of how copyright reform interacts with the complete set of digital power structures.

²⁷ UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021).

²⁸ Organisation for Economic Co-operation and Development (OECD), *Artificial Intelligence, Data and Competition Policy* (2022).

²⁹ Julie E. Cohen, *Between Truth and Power: The Legal Constructions of Informational Capitalism* (Oxford University Press, 2019).

4. Constitutional Dimensions: Articles 14, 19, and 21

The connection between AI-generated creativity and constitutional requirements needs evaluation to establish its proper evaluation criteria. Article 14 establishes legal equality for all citizens while safeguarding them from arbitrary governmental power.³⁰ The legislative process would create questions about equality and reasonable treatment because it would create greater advantages for corporate AI companies while human creators would face disadvantages.

Article 19(1)(a) guarantees freedom of speech and expression which serves as the fundamental constitutional foundation for all creative activities. Copyright systems need calibration to prevent them from silencing human expression while they also need to avoid favoring artificial systems which create imbalanced expressive ecosystems. Laws which govern AI tools terms of expressive capacity need to protect human communicative rights as the primary method of expression.

The right to life and personal freedom has expanded his Article 21 extends to include both the dignity of existence and the right to work.³¹ Creative work serves as both economic activity and personal self-expression for individuals. The legal system which downplays human authorship of creative work will undermine the dignitary rights which exist within constitutional legal traditions.

The rights framework which governs AI authorship extends beyond copyright legal battles because it establishes legal boundaries for equality and dignified existence and freedom of expression. The rights framework which governs AI authorship extends beyond copyright legal battles because it establishes legal boundaries for equality and dignified existence and freedom of expression. The necessary solution must find balance between technological progress and these essential principles.

³⁰ Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

³¹ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

VIII. ETHICAL CONCERNS

1. The Accountability Gap

The accountability gap serves as the primary ethical challenge which emerges from AI-generated content.³² The establishment of moral and legal accountability becomes challenging when autonomous systems produce content which violates rights or spreads false information or causes harm. Traditional accountability frameworks presuppose intention, negligence, or at least conscious control. AI systems, however, operate through probabilistic computation without awareness or intent.³³ The distribution of liability between developers and users and companies leads to a situation which decreases the ability to hold anyone accountable. The distribution of responsibility undermines the fundamental rule that legal systems should deliver consequences for those who make decisions about their powers. The lack of an identifiable accountable party prevents ethical standards from permitting protection or acknowledgment of materials which emerge from non-transparent automated methods.

2. Transparency and Explainability

Advanced AI systems operate as black boxes which developers cannot fully understand because they lack the ability to trace output creation.³⁴ The system operates in a state, which prevents developers from tracing their output generation process. The system operates in a state, which prevents developers from tracing their output generation process. If copyright law is to allocate rights or impose liability in relation to AI-generated works, transparency becomes essential. The process of determining originality and infringement and bias becomes unfeasible without access to information about training data sources and algorithm decision paths and model structure. Ethical governance requires organizations to implement disclosure systems and audit systems, which become essential when AI systems handle large quantities of copyrighted material. The legitimacy of granting proprietary protection is weakened where the underlying creative process remains inaccessible and unverifiable.

³² Virginia Dignum, *Responsible Artificial Intelligence: How to Develop and Use AI in a Responsible Way* (Springer, 2019).

³³ Joanna J. Bryson, Mihailis Diamantis & Thomas Grant, "Of, for, and by the People: The Legal Lacuna of Synthetic Persons," 25 *Artificial Intelligence and Law* 273 (2017).

³⁴ Final Report of the High-Level Expert Group on Artificial Intelligence, *Ethics Guidelines for Trustworthy AI* (European Commission, 2019).

3. The Moral Status of Machines

The topic of AI authorship generates public debate about whether artificial intelligence can achieve moral standing. The ethical principles require us to refuse moral status to organizations which do not possess the ability to think or learn or experience harm. The human attributes of autonomy and dignity and accountability provide the historical basis for moral rights and legal personhood.³⁵ The recognition of machines as rights-bearing entities creates confusion which links their ability to function as moral agents. The ethical frameworks which define rights must protect human interests first because they exist independent of technological development. AI systems can produce outputs, which appear creative but lack the ability to develop personal interests or experience damage according to moral standards. Human beings must serve as the core element of intellectual property laws which protect creative works.

4. Data Justice and Consent

The most important ethical challenge today focuses on data justice. Generative AI systems use extensive training data which contains copyrighted material that human creators produced without obtaining proper authorization or payment.³⁶ This situation leads to a distribution problem, which results in unfair access to information about human creative work. Organizations which create AI systems need to develop methods for redistributing economic benefits which arise from AI-generated outputs that use human creative work. Organizations that develop AI systems risk taking credit for creative work under the current system because they do not pay artists or establish transparent data handling procedures. The issue of data justice directly relates to copyright reform because it requires training systems to develop fair practices while creating systems which recognize human artist contributions.

³⁵ Luciano Floridi et al., "AI4People An Ethical Framework for a Good AI Society," 28 *Minds and Machines* 689 (2018).

³⁶ UK Intellectual Property Office, *Artificial Intelligence and Intellectual Property: Copyright and Patents Consultation Response* (2022).

IX. CRITICAL EVALUATION

1. Risks of Granting AI Legal Personhood

The decision to grant artificial intelligence systems legal personhood requires a major change from the established rules of copyright law.³⁷ Copyright has historically been anchored in human agency, moral responsibility, and intellectual autonomy. The practice of granting authorship rights to non-conscious systems would create a situation where creative rights become dissociated from their moral duties.

The recognition of such rights would create a situation where human interest protection systems lose their conceptual identity. The concept of legal personhood needs to establish that someone has the ability to form intentions and take responsibility and live according to established social standards.³⁸ AI systems exist as non-conscious entities which lack the ability to perform duties and experience penalties in any authentic way. The acceptance of machines as authors will change copyright into a business tool which lacks the humanistic origins of its purpose.

The assignment of rights to AI-generated content will give companies greater ownership rights over their artistic works because control over technology determines who owns the output. The result will create a situation where unequal distribution of resources becomes worse while new ideas fail to emerge.

2. Risks of Over-Protection

The excessive protection of AI-created content will create market conditions that favor one business over all others. The total copyright protection of all machine-generated output results in an unlimited increase of content which can receive copyright protection. The resulting increase of protected content will create a situation where public domain spaces become overcrowded and people lose access to cultural materials.³⁹

Over-protection may also distort competitive markets. Large technology corporations spend their resources to create content therefore they build extensive ownership rights which become

³⁷ Shawn Bayern, "The Implications of Modern Business-Entity Law for the Regulation of Autonomous Systems," 19 *Stanford Technology Law Review* 93 (2016).

³⁸ Visa A.J. Kurki, *A Theory of Legal Personhood* (Oxford University Press, 2019).

³⁹ James Boyle, *The Public Domain: Enclosing the Commons of the Mind* (Yale University Press, 2008).

barriers to entry for new business developers. Copyright law exists to provide private incentives about public access but it functions better when ownership rights become excessively consolidated.

The market becomes full of inexpensive AI-generated content which creates a situation where over-protection harms human creators because it reduces their work's market value.

3. The Innovation Argument

The full prohibition of all protective measures for AI-created content functions as a deterrent against investment in advanced creative technologies. The process of training AI systems requires developers and firms to spend large amounts of financial resources. The lack of stable intellectual property laws creates uncertainty which stops technological progress and drives innovations to search for better legal systems.

The innovation argument needs to receive thorough assessment. The absence of regulations creates a situation which does not protect human creators because it creates economic inefficiencies and social inequalities.

4. Toward Balanced Reform

A balanced approach needs to protect the human-centered foundations of copyright while recognizing the advancements in technology. The reform process must define how human involvement creates eligibility for authorship rights instead of giving AI systems from independent personhood or establishing complete copyright protection.

The establishment of data governance standards and liability frameworks must create systems which enable fair accountability for all parties involved. The separation of AI-assisted work from fully autonomous work enables lawmakers to maintain innovation incentives while they prevent their legal concepts from becoming too extensive. The goal of technological change should not meet resistance instead it should create a system which protects human dignity and fosters creative freedom and makes cultural resources accessible to all.

X. FINDINGS

The current analysis shows that AI-generated content reveals fundamental conflicts which exist in present copyright laws. First, existing statutory definitions of authorship across jurisdictions remain implicitly or explicitly human-centric.⁴⁰ Existing systems provide practical methods for distributing authorship rights yet they fail to address the fundamental problem which autonomous machines face in creating original works.

The originality doctrine which required human skill and judgment and intellectual effort as its basis now faces difficulties when dealing with algorithmic output. Courts and administrative bodies demonstrate reluctance to detach originality from human cognitive contribution.

The situation remains unclear regarding who holds ownership rights and who bears liability responsibilities. Developers and users and corporate entities all present conflicting claims because no system exists to determine who must bear responsibility for intellectual property violations and resulting damages.

The debate stretches beyond its essential copyright interpretation according to the fourth and most important point of contention. The acceptance of AI-generated works establishes fundamental constitutional rights which protect people from losing their jobs and expressing themselves freely despite existing power imbalances which hinder their access to cultural resources.

The international regulatory landscape exhibits fragmented regulatory systems according to the comparative study findings. The absence of harmonized standards leads to three negative outcomes: inconsistency and uncertainty and uneven protection.

The research results demonstrate that the problem extends beyond technological boundaries because copyright law needs to address artificial creativity while maintaining its human-centered normativity.

⁴⁰ Jane C. Ginsburg & Luke Ali Budiardjo, "Authors and Machines," 34 *Berkeley Technology Law Journal* 343 (2019).

XI. RECOMMENDATIONS

1. Adoption of a Human-Centric Copyright Model

The legislative reform must establish that authorship requires substantial human creative input.⁴¹ The law should not permit AI systems to function as autonomous authors. Copyright protection should start only when a human creator directly influences the final artistic product through their intellectual work. Copyright exists as a complete system because it allows for artistic work that uses AI technology through this system of protection.

2. Clarified Liability Framework

Statutory amendments should establish legal responsibility for parties who create AI-generated content that violates existing copyright protections.⁴² The distribution of responsibility depends on who controls the system and what they know about its operation—system developers face accountability for their failures, users face consequences for their system abuses, and companies face penalties for their product distribution methods. The specific responsibility distribution process creates more certain outcomes which lead to better accountability among all involved parties.

3. Mandatory Transparency and Disclosure

Regulatory systems need to establish rules which mandate the identification of AI-generated materials while creating systems to track the origins of training data.⁴³ The system provides transparency which enables users to verify the originality of content and evaluate its potential for copyright violations and ethical standards. The system of disclosure requirements builds trust with the public while enabling people to make better decisions about the system.

⁴¹ U.S. Copyright Office, *Artificial Intelligence and Copyright Policy Report* (2024).

⁴² European Commission, *Proposal for a Regulation Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act)*, COM/2021/206.

⁴³ Council of Europe, *Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law* (2024).

4. Economic Safeguards for Human Creators

Policymakers can adopt revenue-sharing methods which create collective licensing systems and develop payment structures to protect rights for AI training to reduce these displacement effects. The system recognizes human creators as essential economic drivers for the development of AI technology.

5. Tiered Protection Model

The system creates three distinct categories which include:

- Fully human works (full protection),
- AI-assisted works with substantial human input (standard protection), and
- Fully autonomous AI outputs (limited or shorter-term protection).

The system provides a solution which creates proper incentive systems while maintaining the original legal framework.

6. Compulsory Licensing for AI Training

The establishment of a compulsory licensing system for AI training datasets will enable legal access to copyrighted material while creating a system which ensures rights holders receive their rightful compensation.⁴⁴ Collective management organizations will manage operational control over the programs to deliver results which are both effective and equitable.

XII. FUTURE OF CREATIVITY: HUMAN- AI COLLABORATION

The present discussion about AI and copyright functions as a battle between human creators and machine creators. The way people frame collaboration between humans and machines using this binary method creates an incorrect understanding of how people and machines develop creative works together. AI now functions as a tool that enhances human creative

⁴⁴ Daniel J. Gervais, "Artificial Intelligence and Copyright: The Need for a New Licensing Framework," 44 *Columbia Journal of Law & the Arts* 1 (2021).

power instead of eliminating it. The legal challenge requires establishing the limits which human creativity must remain essential to creative work because it exists beyond machine capacity to create. Regulatory frameworks for the future must establish hybrid authorship models which recognize AI functions as a human-operated support tool. Lawmakers should prioritize regulations which control technology creator relationships with markets instead of granting machines legal recognition. The social effects of technological development become permanent based on how institutions establish their operational framework. AI systems create new ways to express creativity when their implementation follows governance structures which ensure fairness and protect constitutional rights. Artists should embrace artificial systems not as complete replacements but as collaborative partners through which they develop their creative work. The legal framework needs to protect human authorship by making sure that all new innovations which come from research activities will add to the existing body of human-produced work.

XIII. CONCLUSION

The conclusion of this study demonstrates that Artificial Intelligence has forced copyright law to address its fundamental issue of determining the definition of creation. The study presents evidence through its comparative and doctrinal and constitutional analysis which shows that AI-generated works create challenges that go beyond technical definitions because they disrupt the foundation of intellectual property rights. Granting independent authorship to machines would sever the historical connection between creativity and human agency. The unqualified denial of protection creates regulatory uncertainty which leads to reduced innovation while the unqualified acceptance of protection creates the same outcome. The proper solution lies at the midpoint between these two extreme positions. Copyright law exists to acknowledge and reward original human thought through its copyright system which protects human creativity. The system should maintain its core moral and constitutional values which protect dignity and expressive rights and the right to work instead of using technology as a basis for operation. The situation requires reform which should qualify as necessary yet operation should maintain its principled nature. The regulatory system which focuses on humans requires establishment of liability rules and transparency standards together with economic protections which create a fair system. The framework maintains the ability to innovate while demonstrating that

intellectual property rights exist to benefit human society. The copyright system requires definition of authorship through machine inclusion because it needs to show why the author designation originally held significance.

BIBLIOGRAPHY

1. CASES

Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

Naruto v. Slater, 888 F.3d 418 (9th Cir. 2018).

Olga Tellis v. Bombay Municipal Corporation, (1985) 3 SCC 545.

Shreya Singhal v. Union of India, (2015) 5 SCC 1.

Thaler v. Comptroller-General of Patents, [2021] EWCA Civ 1374.

2. STATUTES AND INTERNATIONAL INSTRUMENTS

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994.

Constitution of India, arts. 14, 19(1)(a), 21.

European Commission, *Proposal for a Regulation Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act)*, COM/2021/206.

European Parliament Resolution on Civil Law Rules on Robotics, 2017/2103(INL).