AUTHORSHIP AND OWNERSHIP OF AI-GENERATED WORKS: A COMPARATIVE ANALYSIS OF COPYRIGHT LAW IN INDIA AND THE UNITED KINGDOM

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ABSTRACT

This paper explores the growing challenges that artificial intelligence (AI) brings to copyright law, especially in determining authorship and ownership of creative works. It focuses on the legal frameworks in India and the United Kingdom, highlighting how existing laws largely built around human creativity, struggle to address content generated with the help of AI. Through a comparative analysis of key legal provisions and landmark cases, the paper identifies important gaps and inconsistencies between the two jurisdictions, particularly in how they define authorship and allocate rights. To address these issues, the paper proposes a "spectrum of contribution" model, which evaluates the level of human involvement in AI-assisted works and assigns rights accordingly. This approach moves beyond the traditional binary of human versus machine, offering a more flexible and practical way to recognize collaborative creativity.

The paper also examines ethical concerns, such as lack of transparency in AI training data and risks to personality and moral rights. It argues for clearer policies and greater accountability in the use of AI. Ultimately, the study calls for more balanced and harmonized legal standards that can support innovation while ensuring fairness and responsibility in the digital age.

Keywords: AI-generated works, Copyright law, Intellectual property law, AI regulation, Ownership rights.

INTRODUCTION

The rapid integration of AI technologies, such as DALL-E, Midjourney, and large language models like GPT-4 in human lives has transformed the creative outlook, challenging long-established legal definitions of authorship, originality, and ownership in copyright law. As generative models can now produce art, music, and literature that mirror human creativity, the central question arises: Who owns AI-generated content? Copyright law, traditionally framed around human creative capability, now struggles to include non-human factors. The increasing use of AI in content creation exposes deep tensions between innovation, regulation, and ethical accountability.

Despite rapid advancements in artificial intelligence, copyright law in most jurisdictions, including India and the United Kingdom, remains rooted in a human-centric conception of creativity. Existing legislation, such as India's Copyright Act 1957 and the UK's Copyright, Designs and Patents Act 1988 (CDPA), was enacted long before the emergence of generative AI and therefore fails to define authorship or ownership when creative works are produced with minimal or no human input. Consequently, there is a pressing need to redefine authorship and ownership standards for AI-generated works in a way that balances human accountability with technological innovation. This paper addresses that gap by proposing a "spectrum of contribution" model: an interpretive framework that measures and weights human creative input to determine proportional rights in AI-assisted works. This approach bridges the divide between India's rigid human-only model and the UK's pragmatic yet outdated provision, offering a comparative framework.[1]

LITERATURE REVIEW

The academic debate on AI authorship is well established, if unresolved. James Grimmelmann has argued influentially that there is no such thing as computer-authored work, on the basis that creativity requires intentionality that machines lack. Robert Denicola, by contrast [2], has proposed that the 'person who caused the work's standard echoed in section 9(3) of the CDPA should be extended to cover those who deploy AI systems, effectively vesting authorship in

[1] Copyright Act, 1957, § 2(d) (India).
[2] Robert Denicola, *Ex Machina: Copyright Protection for Computer-Generated Works*, 69 Rutgers U. L. Rev. 251 (2016).

the human operator.[3]

In India, the Copyright Act of 1957 governs, but it lacks explicit provisions for AI, prompting a 2025 government review amid lawsuits, such as ANI Media Pvt Ltd v. OpenAI (Delhi High Court, 2024–2025).[4] ANI alleged unauthorized use of its news content for ChatGPT training, marking a landmark on fair dealing under s 52, which covers limited exceptions but not large-scale machine learning. The Delhi High Court and Supreme Court reaffirmed the principle of human-only authorship, with the Copyright Office registering an AI-generated artwork only alongside a human co-applicant as a co-author, a rare acknowledgement of human-AI collaboration.[5]

Ankit Sahni applied for copyright registration of his AI artwork, "Suryast," naming himself and his AI tool, RAGHAV[6], as co-authors under Section 2(d) of India's Copyright Act, 1957. The Indian Copyright Office initially granted registration in November 2020, India's first for an AI-assisted work, but revoked it weeks later, clarifying that only human authorship is legally recognized. The re-examination cited Section 2(d)(iii)-(vi), which defines an author as a "person who causes the work to be created." This contrasts with the UK's Copyright, Designs and Patents Act 1988 section 9(3), which grants authorship to the "person making arrangements for creation." India's stance aligns with the U.S. Copyright Office's position in Thaler v. Perlmutter (2023),[7] where the AI-generated "A Recent Entrance to Paradise" was denied copyright. Both India and the U.S. reject non-human authorship, affirming that copyright remains a strictly human-centered right.

The case Arijit Singh v. Codible Ventures LLP (IPR Suit (L) No. 23443 of 2024)[8] was a landmark 2024 judgment by the Bombay High Court (Justice R.I. Chagla) that formally recognized and protected a celebrity's personality rights in the context of AI-generated content. The core issues in the case included violation of personality and publicity rights, which protect a celebrity's identity from being commercially exploited without consent. Infringement of

[3] James Grimmelmann, *There's No Such Thing as a Computer-Authored Work-And It's a Good Thing, Too*, 39 Colum. J.L. & Arts 403 (2016).
[4] Id, § 52 (India).
[5] ANI Media Pvt. Ltd. v. OpenAI, Inc., No. CS(COMM) 1/2025 (Delhi High Court 2025).
[6] Ankit Sahni, Registration of *Suryast*, Indian Copyright Office (Nov. 2020) (registration revoked Dec. 2020); Id, § 2(d)(iii)-(vi).
[7] Thaler v. Perlmutter, 2023 WL 5333236 (D.D.C. Aug. 18, 2023).
[8] Arijit Singh v. Codible Ventures LLP, IPR Suit (L) No. 23443 of 2024 (Bom. H.C. 2024); Id. § 38B.

moral rights under Section 38B of the Copyright Act, 1957, covering an artist's right to integrity over their performances.

The UK Getty v. Stability AI [9] trial is pivotal for copyright law in the context of AI model training and use. It highlights the challenges faced by copyright holders in enforcing rights against AI companies operating globally with distributed computing infrastructure. Getty initially pursued multiple copyright and database right claims against Stability AI over its use of Getty images in training the Stable Diffusion model but eventually narrowed its case to just secondary copyright infringement. The trial now centers on whether AI models like Stable Diffusion can be considered "articles" or "infringing copies" under UK law, with Getty advocating for a broad statutory interpretation to cover intangible digital models and Stability insisting that only tangible articles qualify. The complexity was heightened by extraterritoriality: although some Stability employees were based in the UK, the AI model was trained and hosted entirely outside the UK, complicating claims of UK-based infringement.[10]

Jane Ginsburg's foundational scholarship on the human authorship requirement therefore underpins the orthodox position adopted by both the Indian and US copyright offices: that originality cannot be separated from human cognition.[11]

DISCUSSION / ANALYSIS

Copyrights are used to protect the originality of creators and promote creativity. This prevents others from using their literary, dramatic, musical, and artistic creations without permission, allowing creators to control how their work is used and to benefit economically from it. However, with the emergence of AI, copyright laws are unable to protect these creators. AI generates content by utilizing existing published work, essentially mimicking or reproducing original content, which is akin to plagiarism. Although AI can produce better results than humans, an increasing number of works are being created by these non-human authors. As this issue has come to light, the copyright of works created by AI has come into question. Furthermore, if works created by AI are subject to copyright protection, the question arises as to who owns the intellectual property.

[9] Getty Images (US), Inc. v. Stability AI Ltd., No. IL-2023-000007 (U.K. High Ct. 2025).
[10] Jane C. Ginsburg, *People Not Machines: Authorship and What It Means in the Berne Convention*, 49 Int'l Rev. Intell. Prop. & Competition L. 131 (2018).
[11] Id. § 2(d)

1. *Defining Authorship in AI-Created Works*

Under Section 2(d) of the Copyrights Act 1957 of India, an author is explicitly defined as a natural person: for a literary or dramatic work, the author is the creator, for a musical work, it is the composer, for an artistic work, it is the artist, for a photograph, it is the person taking it and for computer generated work, it is the producer. This shows that originality is a prerequisite for copyright and must stem from human intellect and conscious choice. As illustrated in the 2020 case of Ankit Sahni's "*Suryast*", although the Indian Copyright Office initially registered the painting naming both Sahni and his AI program RAGHAV as co-authors, the registration was later revoked because non-human entities cannot hold copyright. The decision reaffirmed that originality in India remains inseparable from human cognition and individuality.

The UK position remains more cautious. Under the Copyright, Designs and Patents Act 1988 (CDPA), section 9(3)[12] attributes authorship of computer-generated works to "the person by whom the arrangements necessary for the creation of the work are undertaken." This pragmatic yet ambiguous clause, introduced before the advent of generative AI, has invited criticism for oversimplifying the concept of creativity and overlooking AI autonomy. Both systems must evolve beyond a binary "human versus machine" model toward a spectrum of contribution tests. It would measure creative participation, such as prompt design, iterative refinements, and post-editing, and allocate proportional rights. Under such a framework, if human curation constitutes at least 20% of the final output, partial or joint authorship could be recognized. The precise threshold, however, demands careful legislative deliberation and empirical grounding: it must be set low enough to genuinely incentivize human-AI collaboration, yet high enough to prevent someone from making a superficial tweak to an AI-generated work and claiming full copyright over it. This framework aligns conceptually with Section 10 of the CDPA of joint authorship[13], defining it as a work produced by the collaboration of two or more authors where each person's contribution is not distinct from the other. This provision, though historically applied to human co-creators, could serve as a doctrinal foundation for recognizing human AI co-authorship. If interpreted broadly, it would allow courts to consider AI as a contributing mechanism while still attributing legal authorship to the human collaborator or controller. An inspiration can be drawn to make a similar amendment in Indian law, enabling protection for

[12] Copyright, Designs and Patents Act 1988, § 9(3) (U.K.).
[13] Id. § 10 (joint authorship).

hybrid human AI works while maintaining accountability.

2. *Ownership Dilemmas in Cross-Jurisdictional Contexts*

Ownership of AI-generated works becomes particularly complex when creative processes span several legal systems. Copyright law is territorial; each nation defines authorship and first ownership differently, producing conflicting results when AI models, human users, and data servers exist in multiple jurisdictions. On the international plane, the Berne Convention (1886)[14], to which both India and the UK are parties, underpins global copyright protection by requiring member states to safeguard the "rights of authors" of literary and artistic works. However, Berne's text presumes a human author and contains no mechanism for recognizing AI-generated creativity. The WIPO Copyright Treaty (1996) and the TRIPS Agreement (1995)[15] similarly extend Berne's human-centered model into the digital era without redefining "authorship." This lacuna leaves states free to interpret ownership differently, thereby compounding cross-jurisdictional inconsistency.

India's Copyright Act 1957 provides no counterpart to Section 9(3) of CDPA; ownership and authorship remain inseparable from human creativity under Section 2(d). ANI Media (P) Ltd[16] v Open AI Inc highlights conflicts between the Indian "fair-dealing" doctrine and broader U.S. style "fair use" principles, demonstrating how AI data-training activities transcend territorial limits. The Arijit Singh case (2024)[17] further complicates ownership by invoking personality rights against AI voice cloning, potentially requiring hybrid protections for mimicked content in bilateral trade. Analytically, this erodes the harmony of the Berne Convention.

Policy discussions increasingly seek to bridge these divides. The proposed India-UK Free Trade Agreement includes enhanced intellectual-property cooperation, aiming to promote transparency and reciprocal recognition of rights. India's 2025 copyright law review is expected to consider statutory definitions for AI-generated works and disclosure duties for training datasets. Meanwhile, UK consultations continue to evaluate the adequacy of sections 9(3) and 10 CDPA for generative models.

[14] Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, 1161 U.N.T.S. 3.
[15] WIPO Copyright Treaty, Dec. 20, 1996, 2186 U.N.T.S. 121.
[16] ANI Media, No. CS(COMM) 1/2025; Id. § 52 (India).
[17] Arijit Singh, IPR Suit (L) No. 23443 of 2024.

Towards International Harmonisation: Given the structural lacunae in Berne, WIPO, and TRIPS, the spectrum of contribution model proposed in this paper could serve as a template for a new WIPO instrument or bilateral treaty standard. The India-UK FTA represents a time-sensitive opportunity to establish minimum harmonized standards on AI authorship, a template that could subsequently feed into multilateral reform. The UK and India should, at minimum, mandate disclosure of training datasets to enable rights-holders to trace ownership chains and mitigate dilution of rights in India's developing creative economy.

3. *Ethical Implications and Policy Gaps*

The expanding use of AI in creative industries raises not only legal but also ethical questions. If copyright law continues to exclude AI-assisted works, human innovators may lose the incentive to experiment with machine collaboration; yet granting rights to non-humans undermines the moral foundation of authorship. Both India and the UK must therefore balance innovation with integrity.

Ethically, AI systems derive creative outputs from massive datasets containing existing human works. This raises issues of consent, bias, and cultural appropriation, as evidenced by Getty v Stability AI [18], where artists' images were used without explicit permission. The absence of transparency obligations regarding AI training data erodes trust. The Arijit Singh v Codible Ventures LLP case further demonstrates the collision between AI and personality rights, showing that reputational and moral harms extend beyond ownership questions.

Policy-wise, both jurisdictions exhibit gaps. The UK IPO's 2023[19] consultation recognized that section 9(3) is outdated for deep-learning systems but refrained from reform. India has yet to issue comprehensive guidance, although the 2025 government review following ANI Media v OpenAI signalled early efforts to address AI training under fair-dealing exceptions. Neither framework adequately ensures transparency, ethical dataset use, or accountability for AI-generated misinformation.[20]

From a normative standpoint, a hybrid human-centric model is preferable: recognizing human curators as primary right-holders while mandating disclosure of AI involvement. This aligns

[18] Getty Images, No. IL-2023-000007.
[19] U.K. Intell. Prop. Off., Copyright and Artificial Intelligence (Consultation 2023).
[20] ANI Media, No. CS(COMM) 1/2025; U.K. Intell. Prop. Off., Copyright and Artificial Intelligence.

with UNESCO's Recommendation on the Ethics of Artificial Intelligence (2021) [21], which urges states to embed human accountability, fairness, and inclusivity into AI governance.

Crucially, the spectrum of contribution model addresses several of these ethical concerns directly. By requiring demonstrable human creative input as a condition for copyright protection, it creates an accountability mechanism, rights can only vest where a human can be identified and held responsible. This aligns with UNESCO's principle of human oversight while avoiding the ethical vacuum of ownerless AI-generated works, which could otherwise be freely exploited without any accountability framework. Ultimately, ethical legitimacy in copyright must evolve alongside technological capability, ensuring that innovation serves rather than supplants human creativity.[22]

FINDINGS, RESULTS & RECOMMENDATIONS

This paper's analysis reveals three core findings. First, both India and the UK operate under fundamentally human-centric copyright frameworks that were never designed to accommodate generative AI. India's Copyright Act 1957 and the UK's CDPA 1988 share a common structural gap: neither provides a workable definition of authorship for works where creative input is shared between human and machine. Second, cross-jurisdictional inconsistency is not merely inconvenient, it is actively harmful to creators. The divergence between India's rigid human-only model and the UK's ambiguous section 9(3) provision, compounded by the absence of any AI-specific mechanism under the Berne Convention or TRIPS, creates exploitable legal vacuums that AI companies can and do navigate to their advantage, as illustrated by the extraterritoriality issues in Getty v Stability AI. Third, ethical accountability is currently treated as secondary to ownership questions, when in practice the two are inseparable. The Arijit Singh judgment demonstrates that harm from AI-generated content extends well beyond copyright into personality, identity, and moral rights.

Based on these findings, this paper makes three recommendations. First, legislatures in both India and the UK should adopt the spectrum of contribution model, with a minimum human input threshold as a condition for copyright recognition in AI-assisted works. Second, both jurisdictions should introduce mandatory disclosure obligations requiring AI developers to publish details of training datasets, enabling rights-holders to trace infringement and courts to

[21] UNESCO, Recommendation on the Ethics of Artificial Intelligence, SHS/BIO/PI/2021/1 (Nov. 23, 2021).
[22] Id.

assess originality. Third, India and the UK should use the proposed FTA as a vehicle for minimum harmonized standards on AI authorship, creating a template that could eventually feed into WIPO-level reform.

CONCLUSION

The question of who owns AI-generated content is not merely a technical legal puzzle; it reflects a deeper tension between how law conceptualizes human creativity and how technology is rapidly outpacing those conceptions. This paper has argued that neither India's Copyright Act 1957 nor the UK's CDPA 1988 is equipped, in its current form, to adjudicate authorship and ownership in an era of generative AI. Through analysis of landmark cases including Ankit Sahni's *Suryast*, ANI Media v OpenAI, Arijit Singh v Codible Ventures LLP, and Getty v Stability AI, it is evident that courts are increasingly being asked to resolve questions that legislatures have not yet answered.

The spectrum of contribution model proposed in this paper offers a principled middle ground one that preserves the human accountability at the heart of copyright while creating space for the realities of human-AI collaboration. Rather than forcing generative AI into categories designed for typewriters and printing presses, this framework invites proportional thinking that is both legally defensible and practically workable.

Looking ahead, the convergence of India's 2025 copyright review, the UK's ongoing IPO consultations, and the proposed India-UK Free Trade Agreement presents a rare and time-sensitive opportunity for coordinated reform. India's 2025 review should incorporate a spectrum-based test; the UK should revisit section 9(3) CDPA to address deep-learning systems explicitly. As AI capability advances, legal frameworks must evolve from binary human-versus-machine distinctions toward nuanced, contribution-based models, ones that ensure innovation serves rather than supplants human creativity.

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