
COPYRIGHT PROTECTION FOR AI-GENERATED WORKS: RETHINKING AUTHORSHIP UNDER INDIAN COPYRIGHT LAW

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ABSTRACT

Artificial Intelligence (AI) has revolutionized creative industries because it can create literary works, art, music, software code, and audiovisual content on its own. These developments question the traditional copyright bases, which are based on human creativity, originality and authorship. Although the Copyright Act, 1957, covers a wide range of human-generated works, it does not address the legal status of AI-generated works. This gives rise to doubts about authorship and ownership, originality of the writing, liability and copyright extent. This article critically reviews if the present Indian copyright system is sufficient to protect AI-generated works. It examines the definition of authorship under the Copyright Act, 1957, judicial views on originality and India's commitment to international copyright treaties. The article also conducts a comparative study of the laws in the United Kingdom, the United States, European Union, China and Singapore on the issue of copyright protection for AI generated works. It is claiming that without a clear statutory framework it will have a negative impact on innovation as well as squander the interest of human creators. The article suggests a legislative approach that balances the interests of authors and technology and establishes a clear framework for the ownership of AI-assisted and AI-generated works, while still maintaining the copyright law's human-centric goals of fostering creativity and innovation in the world of technology. This is necessary to keep the Indian copyright regime relevant in AI's generation.

Keywords: Artificial Intelligence; Copyright; Authorship; Ownership; Originality; Generative AI; Intellectual Property; India.

1. Introduction

Artificial Intelligence (AI) has become one of the most revolutionary technologies of the 21st century and is poised to revolutionize the way creative works are conceived, created and disseminated¹. In contrast to traditional software that helps people create their own poems, novels, paintings, musical compositions, computer programs, architectural designs, and scientific content², the modern generative AI systems can generate such output on their own³. The growing availability of models like ChatGPT, Gemini, Claude, Midjourney, Stable Diffusion, and other large language- and image-generation models has made it increasingly difficult to separate the work of humans and machines. As models like ChatGPT, Gemini, Claude, Midjourney, Stable Diffusion, and others that generate text and images become increasingly widespread, the divide between human and machine becomes less distinct^{4 5}. The new technologies bring new challenges and questions to the field of intellectual property, especially copyright.

History of copyright law has been based on an assumption that creativity is a human activity. Recognizing the human source of intellectual creation, the Copyright Act, 1957, protects original literary, dramatic, musical, artistic, cinematographic and sound recording works⁶. The notion of originality, authorship, moral rights and ownership has traditionally been linked to the use of human skill, labour and judgment⁷. These principles, however, are undermined by the works produced by AI, which can be created with little or no human input, or sometimes none at all.

The rapid development of generative AI has hastened the global discussion around copyright

¹ Daryl Lim, 'AI & IP: Innovation & Creativity in an Age of Accelerated Change' (2019) 52(3) *Akron Law Review* 813.

² Simon Colton, 'The Painting Fool: Stories from Building an Automated Painter' in Jon McCormack and Mark d'Inverno (eds), *Computers and Creativity* (Springer 2012) 3.

³ Valentina Alto, *Modern Generative AI with ChatGPT and OpenAI Models: Leverage the Capabilities of OpenAI's LLM for Productivity and Innovation with GPT-3 and GPT-4* (1st edn, Packt Publishing 2023) 45.

⁴ Stephen Akobre, Japheth Kodua Wiredu, Iven Aabaah and Nelson Seidu Abuba, 'From Diffusion Models to Instruction-Tuned LLMs: A Unified Taxonomy and Trend Analysis of Generative AI' (2026) 15(1) *Asian Journal of Computer Science and Technology* 55.

⁵ Abdussalam Elhanashi, Siham Essahraoui, Pierpaolo Dini, Davide Paolini, Qinghe Zheng and Sergio Saponara, 'Generative AI and the Foundation Model Era: A Comprehensive Review' (2026) 10(3) *Big Data and Cognitive Computing* 94.

⁶ Avishek Chakraborty, 'Authorship of AI Generated Works under the Copyright Act, 1957: An Analytical Study' (2019) 8 *Nirma University Law Journal* 37.

⁷ Jane C Ginsburg, 'The Concept of Authorship in Comparative Copyright Law' (2003) 52(4) *DePaul Law Review* 1063.

protection for AI-generated works and who should be considered to own the rights. Potential conflicts of interest can emerge between AI developers, software owners, software users using a prompt, employer users of the software, and those who develop or deploy the AI system^{8 9}. Lack of clarity in the law means that there can be a lack of predictability, which could dampen innovation and impact on the rights and interests of creators, investors and consumers.

There is no comprehensive legislation in India about AI generated works. The Copyright Act, 1957, gives a wide definition of copyright protection. However, AI-generated works are not explicitly mentioned in the Act and questions of authorship and ownership of AI-generated creative work are still not clearly articulated. Jurisprudence in these matters is also unsettled in India, with little clarity as to how the issues will be decided by the courts¹⁰. With the rise of AI in creative industries, these grey areas could lead to complex legal disputes related to ownership, infringement, licensing, liability, and commercial exploitation.

The issue of works created by AI has captured much international attention. The United Kingdom (U.K.) gives copyright protection to computer-generated works through the Copyright, Designs & Patents Act 1988, which considers that the author is the person "who has made the necessary arrangements for the creation of the work"¹¹. Instead, the United States (U.S.) Copyright Office has always held that copyright does not exist in anything that is not human authored¹². The EU is still highlighting the importance of human creativity, while also exploring methods of regulating AI¹³. Judicial recognition of AI-generated content has undergone changes under certain factual scenarios in China¹⁴. The different approaches reflect the lack of international consensus and the need for reforms on the jurisdiction level.

Addressing these, the present study shows whether the existing copyright system in India can

⁸ Ryan Abbott and Elizabeth Rothman, 'Disrupting Creativity: Copyright Law in the Age of Generative Artificial Intelligence' (2023) 75(6) *Florida Law Review* 1141.

⁹ Faye F Wang, 'Copyright Protection for AI-Generated Works: Solutions to Further Challenges from Generative AI' (2023) 5(1) *Amicus Curiae* 88.

¹⁰ Kushangi Sameliya, 'AI-Generated Works and Copyright Ownership: A Comparative Analysis of Global Legal Frameworks' (2026) 4(1) *LawFoyer International Journal of Doctrinal Legal Research* 655.

¹¹ heila J McCartney, 'Moral Rights under the United Kingdom's Copyright, Designs and Patents Act of 1988' (1991) 15 *Columbia-VLA Journal of Law & the Arts* 205.

¹² Kalin Hristov, 'Artificial Intelligence and the Copyright Dilemma' (2017) 57(3) *IDEA: The Law Review of the Franklin Pierce Center for Intellectual Property* 431

¹³ Yavuz Selim Balcıoğlu, Ahmet Alkan Çelik and Erkut Altındağ, 'A Turning Point in AI: Europe's Human-Centric Approach to Technology Regulation' (2025) 23 *Journal of Responsible Technology* 100128.

¹⁴ ou Li and Han Luo, 'Copyright Implications and Legal Responses to AI Training: A Chinese Perspective' (2025) 14(4) *Laws* 43.

effectively resolve all the legal issues associated with the creation of AI-generated content. This study also looks at the idea of originality, authorship, discuss international experiences in this field, and analyze the current loopholes in Indian copyright law, and suggest some solutions.

II. Human Authorship: The Foundation of Copyright Law

Traditionally, the concept of copyright has been based on the idea that creative expression is a result of human intellect. The reason for copyright protection is of philosophical nature: the recognition of the intellectual effort of the author and the stimulation of creativity for the benefit of the society. The Statute of Anne was enacted in 1710 and copyright has developed as a law that aims to protect and reward human creativity by giving the author the exclusive rights of both economic and moral ownership of original works¹⁵. This "human centered" understanding has continued to shape international copyright instruments such as the Berne Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the WIPO Copyright Treaty. While none of these instruments explicitly mention the term "author", they rather imply that authorship is attributed to a natural person who can be subject of intellectual creation.

There are two different uses of the term "author" in copyright law: as a grantor¹⁶ and as a "control point"¹⁷. First, it is aimed at determining the person who receives copyright protection. Secondly, it specifies the initial holder of copyright, thus making it easier to license, assign and defend against any infringement of copyright. As a result, the concept of authorship is the foundation for the entire copyright system. If the name of the author is not indicated, ownership, infringement, length of protection and rights transfer are all unclear.

The Copyright Act, 1957 is the main Act in India related to Copyright Protection. Under the provisions of Section 13 of the Act, original literary, dramatic, musical and artistic works, cinematograph films and sound recordings are protected¹⁸. The Act does not specifically define

¹⁵ Diane L Zimmerman, 'The Statute of Anne and Its Progeny: Variations Without a Theme' (2010) 47(4) *Houston Law Review* 965.

¹⁶ Jane C Ginsburg, 'The Role of the Author in Copyright' in Ruth L Okediji (ed), *Copyright Law in an Age of Limitations and Exceptions* (Cambridge University Press 2017) 60.

¹⁷ Laura Di Renzo, Alberto Carraro, Daniela Minella, Roberto Botta, Cecilia Contessa, Chiara Sartor, Anna Maria Iacopino and Antonino De Lorenzo, 'Nutrient Analysis Critical Control Point (NACCP): Hazelnut as a Prototype of Nutrigenomic Study' (2014) 5(1) *Food and Nutrition Sciences* 79.

¹⁸ Bhagyamma G, 'Protecting Creative Works: Exploring Copyright Protection under Indian Copyright Law' (2023) 1(1) *ILE International Law Review* 56

originality but the Indian courts have held that originality is to be understood as involving an element of skill, labour and judgment and not simply mechanical effort. The definition of "author" is different in each of the categories of work in Section 2(d) of the Act. With respect to literary works and art, the author is usually the creator of literary works and art. Section 2(d)(vi), however, states that the author of computer-generated works is "the person who creates it"¹⁹.

This is especially relevant in the area of AI. When the Copyright Act was amended to cover computer-generated works, its drafters envisioned traditional computer programs, which are used only as tools under direct human control. The legislature never could have envisioned the advent of highly developed generative AI systems that are able to create their own creative works using machine learning algorithms. In this regard, section 2(d)(vi) is not very helpful as it does not clarify whether the person who develops an AI system, the organisation implementing it, or the user who inputs the prompts, should be considered the "person who causes" the work to be created. The official text thus leaves room for interpretation and not clarity²⁰.

In the same manner, under the Copyright Act, 1973²¹, the author is the first owner of copyright, subject to certain exceptions including works commissioned or works by way of employment. This also assumes that a human author exists who can have ownership of a proprietary. AI systems do not have a legal personality and cannot own property, enter contracts or exercise legal rights independently. If AI were deemed to be an author, the Copyright Act's current ownership principles would then become somewhat paradoxical, as the law only recognizes natural or juristic persons as the owners of a proprietary work.

The doctrine of "originality" is another example of the personal aspect of copyright protection. In *Eastern Book Company v D.B. Modak* (2008)²², the Supreme Court of India overturned the classical principle of the "sweat of the brow" and found that originality is not required to be creative but only involve a "minimal" degree of creativity and skill and judgment. The Court held that copyright must be a balance between labour and creativity, and that copyright can only exist where there is independent intellectual contribution by the author in the work. While

¹⁹ *A.R. Vinisithurthan Chettiar v Government of Tamil Nadu* AIR 1982 Mad 440.

²⁰ *A.R. Vinisithurthan Chettiar v Government of Tamil Nadu* AIR 1982 Mad 440.

²¹ Copyright Act 1957.

²² *Eastern Book Company and Others v D.B. Modak and Another* (2008) 1 SCC 1.

it wasn't about AI itself, the case's reasoning is a nod to the idea that originality requires human intellectual input.

The emphasis on human creativity is also reflected internationally. Over in the U.S., it's always been assumed that copyright protection is reserved for the human author. U.S. Copyright Office has denied registration for AI-generated works on numerous occasions, arguing that the copyright law covers works created through human expression and creativity, and not through AI²³. In a like manner, the Court of Justice of the European Union (CJEU) has repeatedly stated that only works in which the author has invested "his or her own mental efforts" are subject to copyright protection. The developments here illustrate the continued intertwining of originality and authorship with human intellectual activity.

Generative AI has broken the rules of the old paradigm of copyright where human creativity and experience determine originality by creating highly original literary, artistic, musical, and software works by processing massive amounts of data without programmatic input. AI: When the output looks more and more like human creativity, there's a debate about whether copyright should apply to material based on its originality, not its source. Those who oppose copyright protection state that it would be detrimental to innovation by AI, increase legal uncertainty and stifle commercialization²⁴. AI opponents argue that AI is not conscious, doesn't have creative judgment, has no reputation, has no moral responsibility, and has no personal expression, and therefore is not eligible for authorship and moral rights.

It would also be necessary to confer legal personality to the machine if it were recognized as an author, which is not allowed under Indian Law and most other laws. However, the Copyright Act, 1957 makes an assumption that creativity is the sole domain of humans, thereby revealing serious flaws in the copyright law as it relates to generative AI. Lack of clarity on authorship, ownership, and protection of AI-generated works has led to uncertainty. Hence, the question of whether AI can fit into the existing framework of authorship or a new paradigm of copyright legislation is necessary before engaging in more extensive copyright reforms.

²³ David Yi and Brian Chau, 'US Court of Appeals for DC Denies Copyright Registration for Work Generated Solely by AI Author' (Norton Rose Fulbright, 20 March 2025) <https://www.nortonrosefulbright.com/en-us/knowledge/publications/bfc31103/us-court-of-appeals-for-dc-denies-copyright-registration-for-work-generated-solely-by-ai-author> accessed 1 August 2026.

²⁴ Zhang, C., Shao, Y., Yuan, Y., & Shen, W. (2025). Artificial intelligence reshapes creativity: A multidimensional evaluation. *PsyCh Journal*, 14(6), 831-840.

III. Should AI Be Recognised as an Author? A Comparative Analysis of Developed and Developing Jurisdictions

One of the basic tenets of copyright law, which is that copyright protection is reliant on human authorship, has been called into question by the rapid evolution of generative AI. Advanced AI technologies are able to produce novels, poems, paintings, software, and legal documents with little to no human input, and with so few differences between AI-generated and people-written pieces, it's becoming harder and harder to tell the difference. This has sparked a worldwide discussion about whether AI should be considered a legal author, or if it is only humans that can be the authors. The implications for copyright ownership and duration, licensing, enforcement and commercial exploitation of AI-generated works are significant. There have been various approaches across different jurisdictions to this challenge, and the one thing that is clear is that none of them currently recognises AI as a legal author. Legal systems, however, have tried to maintain the humanity of the author and to create ways to deal with works produced with the help of an AI. These comparative analyses offer insights into the regulatory framework for AI-generated works in India, where the Copyright Act, 1957, does not explicitly address these creations.

A statutory solution can be found in U.K. that provides one of the earliest approaches to computer-generated works. In the event of the creation of a literary, dramatic, musical, or artistic work through a computer which cannot have an identifiable human author, the owner of the copyright will be viewed as the person who makes the arrangements for the creation of the work under Section 9(3) of the CDP Act 1988²⁵. This provision was passed even before the rise of generative AI, but this was designed to suit a common computer program. The UK instead assigns copyright to the human being who took the lead in starting or coordinating the creative process, thus guaranteeing legal security of copyright ownership. But the provision has drawn criticism since the production of the work is increasingly dependent on multiple entities such as developers, platform providers, data suppliers and users, leaving it a challenge to establish who made the 'necessary arrangements' to produce the work. For this reason, the UK approach is a pragmatic one, but needs to be rethought with the autonomous use of AI technologies.

²⁵ Tania SL Cheng-Davies, 'Does the Copyright Designs and Patents Act 1988 Accommodate a Right to Object to Destruction?' (2024) 14(2) *Queen Mary Journal of Intellectual Property* 122.

In U.S., human-authorship is a much more rigid criterion. The U.S. Copyright Office has always held that copyright applies only to works of human creation, and has consistently rejected attempts to register works entirely created by AI. The U.S. District Court held that the model was not an original work of authorship and refused to register an artwork produced by an AI system in *Thaler v. Perlmutter* (2023), which reiterated the well-established fact that copyright law protects works of the human mind²⁶. In *Zarya of the Dawn*, the Copyright Office again limited the protection it granted to the human-created sections of a graphic novel and refused to grant it to images created by AI that were not sufficiently creatively contributed by humans²⁷. These decisions follow the idea that meaningful and creative human activity is a necessary precondition to any copyright protection. This maintains the core principle of copyright; however, critics say that it may lead to confusion for companies that heavily depend on AI-generated content, resulting in commercially valuable works being devoid of copyright protection.

The EU also emphasizes on human intellectual creation. Originality has been a key condition for copyright protection and the CJEU has been consistently ruling that works generated by AI cannot be protected under copyright as they are not the author's own intellectual creation. The EU has also enacted the AI Act, which will establish guidelines for the use of AI based on principles of safety, transparency, and accountability, but these changes will not affect the current rule that copyright belongs to the human author. Rather, the EU is proposing a distinct approach to the regulation of AI that is separate from copyright, reflecting how technological regulation and copyright protection can coexist. This approach balances the traditional notion of authorship with the broader issues related to the development and use of AI.

The approach adopted by developing jurisdictions has, in general, been more flexible, and has taken into account the nature of the technologies adopted. China is among the biggest innovators in AI and has been embroiled in many conflicts and disputes regarding AI-generated content. In contrast, Chinese courts have not yet acknowledged AI as an independent legal author, but they have expressed a willingness to protect copyrights when the contributions of humans are “substantial.” Courts consider the level of human creativity involved in the creation

²⁶ *Thaler v Perlmutter* 687 F Supp 3d 140 (DDC 2023).

²⁷ United States Copyright Office, *Letter from the United States Copyright Office to Van Lindberg, Counsel for Kristina Kashtanova, Re: Zarya of the Dawn (Registration No VAu001480196)* (21 February 2023) <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf> accessed 1 August 2026.

process, rather than just the role of AI²⁸. This functional approach fosters technological innovation, while still maintaining the human basis of copyright law. The lack of a consistent legal standard can lead to different judicial judgments in similar cases in the future.

Singapore is another such example. It has not made laws that recognise the authorship of AI but has developed a national AI governance strategy that is comprehensive. The Intellectual Property Office of Singapore (IPOS) proactively sits down with businesses, researchers and policymakers to discuss the intersection of AI and IP and offers practical guidance and policy consultation. Singapore aims to ensure that existing copyright laws are flexible enough to keep up with technological advances, while still retaining the human-centred aspects of creativity and ownership. The pervasiveness of the policy orientation in its framework shows that copyright doctrine does not need to be fundamentally changed to craft an effective governance framework for AI.

India shows a diverse situation. Despite being one of the world's fastest-growing digital economies with AI initiatives like the India AI Mission and the Copyright Act, 1957, AI-generated works have not been covered by the Act²⁹. Section 2(d)(vi) identifies the author of computer-generated works as the one who brings about their creation, but this provision is predated by modern generative AI, and provides little clarity as to autonomous AI systems³⁰. Furthermore, Indian courts have yet to offer definitive guidance on the issue of AI-generated works, resulting in a lack of clarity regarding authorship, ownership, infringement, and commercial exploitation³¹. With AI rapidly being adopted in the creative sector, it is possible that this loophole will spark intricate legal conflicts.

A comparison clearly shows a global consensus. Jurisdictions have different legal ways of doing this at this time, none of them recognise AI as a legal author. U.K. is based on an

²⁸ Lu, Y. (2025). Reforming copyright law for ai-generated content: copyright protection, authorship and ownership. *Technology and regulation*, 2025, 81-95.

²⁹ Astha Ojha, *AI & Copyright in India: Law, Policy, and the Future of Creative Rights* (National e-Governance Division, Ministry of Electronics and Information Technology 2025) <https://negd.gov.in/wp-content/uploads/2025/10/Astha-Ojha-AI-Copyright-in-India-Bridging-the-Digital-Divide.pdf> accessed 1 August 2026.

³⁰ Harshitha S, 'AI-Generated Content and the Copyright Act, 1957: Is There a Gap in Indian Law?' (Khurana & Khurana, 24 June 2025) <https://www.khuranaandkhurana.com/ai-generated-content-and-the-copyright-act-1957-is-there-a-gap-in-indian-law> accessed 1 August 2026

³¹ K S Amith Sriram, 'Copyright Facing the Challenges of Generative Artificial Intelligence: Judicial Practice and Legislative Strategies in India, the United States and the European Union' (2025) 3(4) *Journal of Digital Technologies and Law* 598.

arrangement made by the person³², U.S. is based on a human contribution, the European Union is based on human intellectual creation³³, and China is based on a case-by-case approach in regard to human contribution³⁴, and Singapore is based on policy-driven governance, but maintaining the traditional copyright principles³⁵. Together these methods deny the notion that AI can be considered a copyright holder and make current laws more flexible with the introduction of new technology.

These overseas experiences provide learning opportunities for India. AI being a legal entity would negate the very nature of copyright law, which is about encouraging human creativity, personal expression and intellectual effort. AI has no legal personality, consciousness, moral agency, or rights or obligations. The attribution of authorship to AI would thus pose significant conceptual and practical challenges regarding ownership, licensing, assignment, infringement, copyright duration and moral rights. Concurrently, a human-authorship model without specifying the ownership of AI-generated works would raise legal issues as more creators and businesses turn to AI for collaboration as a creative tool. Indian copyright law should thus differentiate between works created through AI, which involve significant human control and input, and AI-produced works that have been able to be created by the AI without human involvement. Such a reform would maintain the human-centred principles and philosophy of copyright while offering more certainty for innovation. Therefore, the Indian Copyright Act, 1957, needs to be modernized to explicitly cover AI-assisted and AI-generated works, mirroring international best practices and to provide a clear legal framework for future technological advancements in India.

IV. Ownership of AI-Generated Works under the Copyright Act, 1957: Is the Existing Framework Adequate?

The basis of copyright is ownership, as this determines who is entitled to exercise the exclusive rights of copyright in the reproduction, distribution, adaptation, communication, license,

³² Richard Osborne, 'Ownership of AI-Generated Content in the UK: Who Owns AI Content?' (Culbert Ellis, 17 June 2025) <https://www.culbertellis.com/news/ownership-of-ai-generated-content-in-the-uk-who-owns-ai-content> accessed 1 August 2026.

³³ Savas Bozbel, *Generative AI and Copyright Law: Human Authorship, Originality, and Comparative Perspectives* (SSRN, 27 January 2026) <https://ssrn.com/abstract=6313438>

³⁴ Jeremy Garlick, *The Internationalisation of China's Approach to Human Rights: Implications for the EU* (EuroHub4Sino Policy Paper 2026/3, 19 February 2026) 12 <https://eh4s.eu/publication/the-internationalisation-of-chinas-approach-to-human-rights-implications-for-the-eu>

³⁵

transfer and commercial use of a work. In general, the ownership of copyright rights in works of creative endeavor is attributed to the creator of an original work. This principle works well as long as works of creativity are created mainly by the human mind. But the advent of generative AI has created an exception to this traditional notion as it creates works which are a combination of human users, AI developers, technology firms, and independent AI systems. The Copyright Act, 1957 does not have any dedicated provisions that explicitly state AI-generated works. Section 2(d)(vi) states that the author of a computer-generated literary, dramatic, musical, or artistic work is the author who causes the work to be created, but it was written at a time when computers were only tools used under direct human control. It was never designed to deal with today's AI systems that are able to produce expressive content on their own with the help of machine learning. For this reason, the current legal framework is not clear about ownership of AI-generated works. Moreover, Section 17 of the Act presumes that each piece of work is composed by a human being who is its initial owner under some statutory exceptions. With AI assisted creativity, however, the ownership is not straightforward, since the content and ideas are written by the user, who is also responsible for the instructions and the prompt, the AI system produces the content, and the technology company provides the code, the computational resources and the data. The current legal regime therefore does not specify who is considered to be the first owner of copyright in collaborative works.

Uncertainty about ownership becomes apparent in real-world scenarios with generative AI. During one session, a user can give ChatGPT a suggestion for a story, specific details, characters, and instructions for the story, and ChatGPT generates a complete short story³⁶. In the same way, architects create new building designs with AI, musicians compose new melodies with AI, software developers write new source code with AI, and graphic designers create new graphic artwork with image generation tools and AI. In all of these scenarios, the Copyright Act is ambiguous on which party it protects the user who developed the creative idea, the developer who created the AI model, the company that owns the technology platform, or no one with sufficient creativity to claim copyright. This uncertainty is compounded by the rising significance of prompt engineering³⁷. AI systems of today proceed to take action based on particular prompts which encompass style, tone, narrative arc, vision, and creative goals. Some scholars believe that creating a sophisticated prompt is a genuine effort of writing and

³⁶ Nicola Lucchi, 'ChatGPT: A Case Study on Copyright Challenges for Generative Artificial Intelligence Systems' (2024) 15(3) *European Journal of Risk Regulation* 615.

³⁷ Younjung Hwang, Seokjun Jeong and Yi Wu, 'Artificial Intelligence in Design Process: An Analysis Using Text Mining' (2025) 39(1) *Applied Artificial Intelligence* 2453782, 12.

deserves copyright protection, while others believe that prompts are simply instructions that trigger an automated computational process and that they are not the origin of any piece of work³⁸. The Act does not provide any specific guidance on the importance of prompt engineering, which leaves a court without a clear legal framework to guide its prompt. Prompt engineering is not specifically mentioned in the Act and courts lack statutory guidance. Furthermore, in the realms of journalism, filmmaking, music production, software development, architecture, and digital art, where human creativity and machine assistance are intricately linked, AI is gradually becoming a part of the collaborative creative process. The dichotomy between works of human and computer creation is not representative of the nature of modern creative processes, which are characterized by the presence of a spectrum of involvement by people.

One more drawback of the Copyright Act is the moral rights in Section 57. Moral rights are given to an author for the author's own association with the work and include rights in attribution and integrity, the former to ensure that the author is acknowledged, the latter to prevent distortions or mutilations that may reflect on the author's honour or reputation³⁹. The rights are related to the human personality, dignity, and self-expression. AI does not have a legal personality, a reputation, a moral agency and is not conscious; therefore, it can't exercise and enforce moral rights. As a result, the idea of considering AI as an author would run directly counter to the philosophical principles of copyright law, which have always been based on the concept of rewarding human intellectual creation. This further underscores that the role of the author should not be taken over by AI, despite its many contributions to the creative process. In parallel, there are also major commercial concerns because of the uncertainty about ownership. Copyright offers the legal security needed for licensing, assignment, commercialisation and investment in the creative industries. The high cost of AI technologies necessitates the need for predictable rules of ownership, and the great investment of intellectual resources of users when directing the use of an AI system also calls for protection of the output created by the user. Uncertainty of ownership could hinder innovation, litigation, commercialization, and trust in AI in creative enterprises.

From the comparative legal developments, it is evident that various nations have considered

³⁸ Woojung Jon, 'Prompting Creativity: Tiered Approach to Copyright Protection for AI-Generated Content in the Digital Age' (2025) 13 *Media and Communication* art 9420, 10.

³⁹ Copyright Act 1957, s 57.

the issue of copyright ownership in relation to AI while maintaining human authorship. U.K assigns the authorship of the computer-generated work to the individual who makes the necessary arrangements while U.S insists on human creativity as a requirement for copyright protection. China measures the human intellectual input while Singapore considers contractual ownership and AI governance. Despite the differences in approach, human creativity has been emphasized by all while ensuring legal certainty. Instead, India's Copyright Act of 1957 does not account for the advent of advanced generative AI and has insufficient provisions in Section 2(d)(vi) in discerning AI-assisted work from AI-generated work. There needs to be a clear distinction between creations where there is significant intervention by humans and ones that have minimum human intervention, thus making sure that copyright law continues to remain relevant to intellect. There needs to be some statutory laws framed by the Parliament regarding the ownership of creation, swift engineering and AI-created expressions. These principle-based statutory laws will help protect creators and promote innovative technology without legal disputes.

V. Towards a Balanced Framework for AI-Generated Works under Indian Copyright Law

AI has seen rapid progress and development in recent years, and this development has had an immense impact on the nature of creative work. Traditionally, there has been an understanding that copyrights have to be extended exclusively to works created through human intellect. Modern AI technologies are able to create literary, artistic, musical and software works with minimum human involvement, raising legal questions about authorship and ownership of the resulting work. Comparison between copyright systems of different countries reveals that all of them are in agreement that AI cannot be considered a legal author. All the countries strive to maintain the concept of human authorship and develop laws that would help to resolve legal issues arising from the use of AI in the creative process. India needs to follow the same path.

An important reform in this regard is the need for statutory definitions that can help differentiate between works created with the assistance of AI and those generated by AI. Works created with the assistance of AI should denote any creative work where the role of AI is merely limited to an advanced tool for creativity while works generated by AI should denote any output that involves very little or no creative input from the humans. It is crucial to make this differentiation since the extent of human participation in the creation of such works should help

decide whether copyright protection should be afforded for such works. Another important reform in Copyright Act, 1957 is the explicit recognition of natural person as authors for copyright purpose.

Ownership of works in connection with AI must also be addressed by way of legislative reforms. Where the work in question incorporates significant human creativity in the design, direction, development and selection of the resultant output, copyright should vest with that human being who was the author of such creativity. This would be in keeping with India's jurisprudence on originality and promote technological innovation. Where, however, an AI machine independently creates a work which has had minimal human creative input, Parliament must put down a statutory provision indicating whether such works must be kept out of copyright altogether or whether any property rights be recognized with respect to a particular human entity connected to the work.

It is important for administrative changes to be consistent with legislation. The Copyright Office needs to make guidelines regarding registration and examination of works generated using artificial intelligence. These guidelines need to include the requirement for mandatory disclosure regarding the involvement of AI in the creation of these works. This would help the copyright authority in determining if there is enough human creativity involved so as to make the work eligible for copyright. Other jurisdictions' examples can be followed by India in this regard.

In conclusion, there is a need for a harmonization of the reform process with the larger policy agenda for the regulation of AI in India to ensure coherence in emerging regulatory approaches with regard to data protection, transparency, accountability, and ethical AI. With the pace of change in technological innovations, any legislative reform in the copyright laws needs to take a principles-based approach and not a technology-based one. The focus on human creativity and legal certainty would make the law flexible and at the same time keep intact the very essence of copyright laws, which is to protect and foster human intellectual creativity.

VI. Conclusion

The creative industry has been changed by AI, as machines now produce art that seems to be increasingly human in terms of creativity. These changes have called into question traditional tenets of authorship and ownership, which have been the cornerstone of the copyright system.

While the Copyright Act, 1957 offers extensive protection for works created by humans, it lacks detailed provisions for protecting works created by AI. The lack of statutory definitions, ownership questions and judicial guidance have led to uncertainties and legal grey areas that will only grow more complex with the ever-increasing use of AI in creative industries.

The comparative analysis conducted in this article reveals that developed jurisdictions like U.K., U.S. and the European Union have dealt with these challenges in various ways, as well as developing and emerging economies like China and Singapore. Despite these differences, none of these jurisdictions has recognised AI as a legal author. Rather, they have maintained the tenet that copyright protection is inherently tied to the exercise of human creativity and have created a process to decide whose work AI-assisted content is. This consensus, which is gathering momentum on a global level, seems to reflect a desire to protect and foster human creativity, rather than technological ability.

The remedy for India, however, lies not in recognizing the AI technology as an independent author under the law of copyright. Doing so will be against the philosophical underpinnings of the law and also present serious practical problems as far as ownership, moral rights, liability, and enforcement issues are concerned. Rather than going down this route, India needs to update its Copyright Act, 1957 by making statutory definitions to distinguish between AI assisted works and works generated independently by the AI technology, setting out ownership principles and criteria for the human contribution.

The regulation of AI-generated works is one of the most crucial intellectual property concerns of the contemporary age. With the advent of AI, it becomes imperative for copyright law to respond in a way which protects its anthropocentric ethos but is at the same time forward-looking and progressive. A principle-based legislation will not only create certainty for the concerned stakeholders but will also place India at a vantage point to deal with the new concerns raised by the interface between AI and intellectual property. Through such measures, India can ensure that its copyright law remains relevant in the age of AI.

VII. Recommendations and the Way Forward

The rapid evolution of generative artificial intelligence has exposed significant gaps in traditional copyright doctrines across jurisdictions. While countries such as the United Kingdom have adopted statutory provisions for computer-generated works and the United

States continues to emphasize human authorship, India lacks a comprehensive legal framework addressing AI-generated content. In light of these developments, several reforms are necessary.

First, the Copyright Act, 1957 should be amended to expressly define AI-generated works and distinguish between AI-assisted and AI-autonomous creations. Such a distinction would reduce uncertainty regarding ownership and authorship.

Secondly, Parliament should establish clear standards for determining copyright ownership where AI systems contribute substantially to the creative process. A balanced approach recognising meaningful human creative control while excluding purely autonomous machine outputs would align with international developments.

Thirdly, legislative reforms should address the use of copyrighted materials for AI training by introducing licensing mechanisms, transparency obligations, and fair remuneration for copyright owners. Such measures would promote innovation while safeguarding creators' economic interests.

Finally, India should continue monitoring international developments, particularly the European Union AI Act, the United States Copyright Office's guidance on AI-generated works, and evolving judicial decisions, to develop a flexible and future-oriented copyright framework capable of adapting to technological advancements.

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