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# THE EVOLVING LANDSCAPE OF ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW IN INDIA

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## ABSTRACT

Artificial Intelligence (AI) has transformed creative industries by generating literary works, music, artwork, and software code, raising complex questions regarding copyright ownership and authorship. In India, the Copyright Act, 1957 recognises only human authorship, creating legal uncertainty for AI-generated works. This research examines the evolving relationship between AI and copyright law in India, focusing on the challenges posed by generative AI technologies. It analyses the current legal framework, particularly Section 2(d) of the Act, and discusses recent developments such as the “Raghav AI” case, where AI authorship was initially recognised and later revoked. The paper further highlights concerns relating to originality, ownership, and liability for infringement. It also explores India’s engagement with international policy discussions through WIPO and NITI Aayog. The study concludes that India must reform its copyright laws to balance technological innovation with protection of human creativity in the digital era.

**Keywords:** Artificial Intelligence, Copyright Law, Authorship, AI-Generated Works, Intellectual Property Rights.

## **INTRODUCTION**

Artificial Intelligence (AI) has revolutionised the creative sectors, from writing and software code to creating music and artwork. But because of this technical development, there are now intricate discussions over copyright ownership and authorship. The question of who is the owner of copyright in works created by artificial intelligence (AI), the human creator, the AI developer, or no one at all is now a problem in India and many other jurisdictions.

Artificial Intelligence has emerged as one of the most transformative technologies of the twenty-first century. AI-powered systems are now capable of producing poems, novels, paintings, music compositions, software programs, and cinematic content with minimal human intervention. Applications such as ChatGPT, Midjourney, DALL·E, and Gemini have redefined the boundaries of creativity and innovation. However, these developments have simultaneously raised serious legal concerns regarding intellectual property rights, especially copyright ownership and authorship.

Copyright law traditionally protects original works created through human intellectual effort. The rapid advancement of generative AI challenges this assumption because AI systems can independently generate creative outputs based on large datasets and machine learning algorithms. This creates uncertainty regarding whether AI-generated works should receive copyright protection and, if so, who should own such rights.

India's copyright framework, governed by the Copyright Act, 1957, does not explicitly address AI-generated works. Consequently, courts, policymakers, and scholars are increasingly debating whether existing laws are sufficient to regulate this evolving technological landscape. This paper critically analyses the relationship between AI and copyright law in India while examining international developments and possible legal reforms.

## **RESEARCH METHODOLOGY**

This research adopts a doctrinal and analytical methodology. It relies on statutory interpretation of the Copyright Act, 1957, judicial decisions, policy papers, reports issued by WIPO and NITI Aayog, and comparative analysis of foreign legal frameworks relating to AI and copyright law.

## **CURRENT LEGAL FRAMEWORK**

In India, copyright is governed under the Copyright Act, 1957. A literary, dramatic, musical,

or artistic work's "author" is defined in Section 2(d)(vi) as the person who brings about the creation of the work.<sup>1</sup> According to this definition, copyright ownership requires a human component.

Non-human entities, including AI systems, are not now expressly recognised as authors under Indian law. Therefore, there is a legal ambiguity surrounding AI-generated works: Can an AI tool such as ChatGPT or Midjourney be regarded as an author? Or does whoever enters the prompts, trains the model, or makes money off of the results have authorship?

The lack of legislation has prompted legislators and courts to re-examine the idea of authorship in the generative AI era.

## RECENT DEVELOPMENTS

### 1. India's 2023 revocation of AI authorship

In one noteworthy instance, the Indian Copyright Office first registered the Raghav Artificial Intelligence Painting App, an AI system, as a co-author of the painting Suryast with human artist Ankit Sahni. The agency, however, withdrew the AI's authorship in August 2023, stating that only normal persons are recognised as authors under the Copyright Act.<sup>2</sup>

Due to a lack of statutory backing for non-human authorship, the registration was initially approved but later revoked, highlighting the ambiguity in India's stance to AI-generated works. The ruling is in line with worldwide patterns, since both UKIPO and the U.S. Copyright<sup>3</sup> Office has rejected protection for works that are solely AI-generated and lack human creative input.

### 2. Global Engagement and Policy Consultation

In its 2023 discussion paper "Responsible AI for All," India's NITI Aayog<sup>4</sup> stressed the need

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<sup>1</sup> India, Copyright Rules, 1957, § [section], reprinted in *Copyright Office* (pdf) (undated), <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf>

<sup>2</sup> Sukanya Sarkar, *Exclusive: Indian Copyright Office Issues Withdrawal Notice to AI Co-Author, Managing IP* (Dec. 13, 2021), <https://www.managingip.com/article/2a5bqtj8ume32iwlao5y/exclusive-indian-copyright-office-issues-withdrawal-notice-to-ai-co-author>

<sup>3</sup> U.S. Copyright Office, *Website*, <https://www.copyright.gov/>

<sup>4</sup> NITI Aayog, *Responsible AI for All: Adopting the Framework – A Use Case Approach on Facial Recognition Technology* (Nov. 2022) (draft discussion paper), [https://www.niti.gov.in/sites/default/files/2022-11/Ai\\_for\\_All\\_2022\\_02112022\\_0.pdf](https://www.niti.gov.in/sites/default/files/2022-11/Ai_for_All_2022_02112022_0.pdf)

for a well-rounded strategy that protects creators' rights while fostering innovation.

In an effort to conform to global best practices, India has been participating in WIPO's worldwide consultation on AI and IP policy at the same time.

## **IMPORTANT LEGAL CONCERNS**

### **1. Ownership and Authorship**

The main difficulty is identifying the author<sup>5</sup>. Coders, prompt writers, and users are all involved in AI-assisted projects.

Who, exactly, contributed the most to the field of creativity? Conflicts over fees, infringement, and licensing are unavoidable in the absence of clarity.

### **2. Creativity and Originality**

Only original works involving human creativity are protected by copyright. Because AI-generated work is created using pre-existing data, it might not meet this originality barrier, which makes protection challenging.

### **3. Liability and Infringement**

Who is at fault if an AI system creates content that violates the law the AI, the user, or the developer?

Because AI systems lack legal personhood, the human operator is currently liable. As AI systems get more independent, this problem will only get worse.

## **COMPARATIVE INTERNATIONAL APPROACHES**

### **1. United States**

The United States Copyright Office has clarified that works created solely by AI without human creativity are not eligible for copyright protection.<sup>6</sup> Courts have consistently

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<sup>5</sup> "Generative AI and Copyright Issues," *Drishti IAS*, July 17, 2025, <https://www.drishtiiias.com/daily-updates/daily-news-analysis/generative-ai-and-copyright-issues>

<sup>6</sup> U.S. Copyright Office, Copyright and Artificial Intelligence, <https://www.copyright.gov/ai/>

emphasised the requirement of human authorship.

## 2. United Kingdom

The United Kingdom adopts a relatively broader approach. Under the Copyright, Designs and Patents Act, 1988, the author of a computer-generated work is considered<sup>7</sup> to be the person who made the arrangements necessary for the creation of the work.

## 3. European Union

The European Union focuses heavily on ethical AI regulation and transparency obligations. The EU AI Act seeks to regulate high-risk AI systems while ensuring accountability and protection of intellectual property rights.

## INDIA'S FUTURE DIRECTION

- **Legislative Clarity:** To identify AI-generated works and allocate ownership<sup>8</sup> in cases when human creative input is present, amend the Copyright Act.
- **Hybrid Authorship Model:** Like the UK model, acknowledge the person who plans or guides the creative process as the author.
- **Transparency Norms:** Demand that the use of AI in creative works be disclosed.
- **Judicial Interpretation:** In light of contemporary technologies, encourage courts to interpret the phrase "person who causes the work to be created."

Reform must strike a balance between protecting human creators and providing incentives for innovation.

## CONCLUSION

Artificial Intelligence has significantly transformed the creative sector, creating new challenges for copyright law in India. The existing framework under the Copyright Act, 1957 does not clearly address issues relating to AI-generated works, particularly authorship, ownership,

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<sup>7</sup> Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.)

<sup>8</sup> Supra Note 5

originality, and liability. The Raghav AI case and global developments demonstrate the urgent need for legal reform in this area. India must adopt a balanced approach that encourages technological innovation while protecting human creativity and intellectual labour. Legislative amendments, judicial interpretation, and clear policy guidelines are necessary to regulate AI-generated content effectively. A modern and adaptive copyright framework will help India remain innovative, competitive, and legally prepared for the growing influence of artificial intelligence in the digital age.

## REFERENCES

1. India, Copyright Rules, 1957, § [section], reprinted in Copyright Office (pdf) (undated), <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf>
2. Sukanya Sarkar, Exclusive: Indian Copyright Office Issues Withdrawal Notice to AI Co-Author, *Managing IP* (Dec. 13, 2021), <https://www.managingip.com/article/2a5bqtj8ume32iwlaoy5y/exclusive-indian-copyright-office-issues-withdrawal-notice-to-ai-co-author> U.S. Copyright Office, Website, <https://www.copyright.gov/>
3. NITI Aayog, Responsible AI for All: Adopting the Framework – A Use Case Approach on Facial Recognition Technology (Nov. 2022) (draft discussion paper), [https://www.niti.gov.in/sites/default/files/2022-11/Ai\\_for\\_All\\_2022\\_02112022\\_0.pdf](https://www.niti.gov.in/sites/default/files/2022-11/Ai_for_All_2022_02112022_0.pdf)
4. “Generative AI and Copyright Issues,” *Drishti IAS*, July 17, 2025, <https://www.drishtias.com/daily-updates/daily-news-analysis/generative-ai-and-copyright-issues>
5. U.S. Copyright Office, Copyright and Artificial Intelligence, <https://www.copyright.gov/ai/>
6. Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.)