



THE FUTURE OF COPYRIGHT LAWS IN THE ERA OF AI-GENERATED CONTENT

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Abstract

The rise of generative AI, Artificial intelligence (AI) has advanced at an unprecedented pace over the past few years, transforming how we create content, and creating copyright law and intellectual property rights questions that bring us back to the basics of such matters. Legal frameworks for human authorship cannot consider the authorship of AI applications, leaving gaps in ownership, authorship impossibility, and fair use. This article traces recent laws, cases, and policy decisions, providing a critical commentary on the changing law of human content in the age of machine-generated media. This research investigates international legal frameworks surrounding AI authorship, including landmark decisions like “*Thaler v. U. S. Copyright Office* (2023) and *Google LLC v. Oracle America, Inc.* (2021)”, exposing the conflict between erudition and AI input. How the Indian Case Laws Help — “*Eastern Book Company v. D.B. Modak* (2008) and *Tech Mahindra v. Infinity Retail Ltd.* (2022)” There are various insights behind the Indian judiciary by appealing an approach to copyrightability and originality standards liberate through AI-generated works. The paper also examines how U.S., EU, UK, China, and India policy projects affect creative industries and digital markets. These findings highlight the immediate need for legal changes such as the recognition of AI-assisted works, regulation of AI training datasets, and regulation on a global scale to establish a coherent set of copyright rules. The manuscript encourages an elaborative copyright framework that protects human creativity and creativity reignited with the help of AI. Through the lens of copyright law, this study offers valuable perspectives for legal professionals, organizations, and lawmakers grappling with the intricacies of AI-generated works in the information age.

Keywords: *AI-generated content, copyright law, authorship, fair use, intellectual property rights, legal frameworks, judicial precedents, policy development.*

I. INTRODUCTION

1.1 Background and Context

AI has entered into many sectors, and one of the sectors that AI has revolutionized is the creative industry, which relates to literature writing, music composing, painting, and software development. Content created by artificial intelligence (AI) through machine learning models and generative algorithms directly contravenes standard intellectual property (IP) laws, specifically copyright. Until now, copyright law has fundamentally been a human-cantered system, incentivizing creatorship and innovation through a legal monopoly over a creator's original works. However, AI-generated works also raise some challenging legal issues: Is AI an author? Who owns the copyright in a work generated by artificial intelligence — the programmer, the user, or artificial intelligence? Such questions demand a revision of copyright law to ensure it keeps up with the increasing use of AI in content generation. Artificial intelligence tools can generate art and music. While WIPO recognizes this, the burgeoning field questions existing copyright frameworks as they were never designed with non-human creators in mind.¹ While copyright and other intellectual property laws around the

¹ WIPO, *WIPO Technology Trends 2019: Artificial Intelligence*, available at: https://www.wipo.int/tech_trends/en/ai/

world provide no assistance or enforceable guidance regarding works created by machines, what little guidance has been provided by courts and legislatures globally has been inconsistent at best. The difficulty, however, is balancing innovation with the protection of human creators.

1.2 Growth of AI-Content

AI-generated content has become widely popular from the launch of powerful generative models like OpenAI GPT, Google Deep Dream, and AI-assisted tools like DALL·E and Midjourney. You have been taught everything till October 2023; these AI Systems from these foundational models can create text, images, music, and even code with very little human involvement. As the public begins to utilize AI for a wider array of creative applications, we are confronted with many legal questions, such as:

- **Authorship and Ownership:** Traditional copyright structures assign responsibilities related to human authorship, but this is not a simple matter with AI work. Certain locales, including the U.S. Copyright Office, have determined that works created purely by AI without human involvement can never be granted copyright protection.²
- **Issue of AI-Focused Training Data and Copyright Infringement:** The vast datasets AI models are trained on commonly contain copyrighted materials, which raises the question of whether this training is fair use or infringement.³
- **Economic and Moral Implications:** Adopting AI-based tech into industries requiring creativity can disrupt the economic models, which may leave artists, writers, and content producers, such as books, music, and movies, without copyright/ownership protection for their income.

Such troubles demonstrate the need for legal thoroughfare to negotiate AI content without requiring innovation appropriately into constant motion.

1.3 The Place of Copyright in the Digital Era

Copyright is the law that grants certain exclusive rights to authors and creators of original works. As the core function of copyright is to promote creativity, copyright laws exist in most countries. However, with the changing face of technology, these conventional copyright frameworks have begun to buckle under the weight of the rapidly evolving digital economy, driven subsequently by technology such as Antoine Gaudreau AI-generated content. The following became some of the relevant issues here:

- **Originality:** Similar to the U.S., many copyright laws (like in India) require a work to be original to qualify for protection. In the past courts have held that some amount of human intellectual exertion is required for something to be original.⁴ Davison notes that this provision can still be debated regarding AI-generated works.
- **AI-Created Works and Status:** Different jurisdictions take radically different stances here. In comparison, UK laws provide that if an AI-generated work is arranged (Copyright, Designs and Patents Act, 1988), then *“the rights in the work may be granted to the person who made arrangements for the generation of the work, but the law in the U.S. and India lacks clarity in this respect”*.⁵
- **Moral Rights & AI:** Moral rights (e.g., the right to attribution and the right to integrity) are core in copyright law. AI does not have its own will, so insisting on such rights from AI's work becomes all the more complicated.

These issues must be addressed, and, as such, copyright law must adjust itself to not only the changing times but also keep up with the fungibility of facts, the experience of creativity, and the limitations on consent inherent to the modern age of artificial intelligence.

² U.S. Copyright Office, *Policy Statement on AI-Generated Works*, 88 Fed. Reg. 16190 (Feb. 21, 2023).

³ Lionel Bently & Brad Sherman, *Intellectual Property Law*, 5th ed. (Oxford University Press, 2018).

⁴ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

⁵ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

1.4 Research Objectives and Methodology

In this paper, we intend to explore the changing dynamics of copyright law about artificial intelligence-generated material. The research focuses on:

- Assessing the current legal framework surrounding works created by TNH AP.
- A review of case law and legislative trends in key jurisdictions (India, the U.S., the UK, and the EU).
- Addressing Ethical and Policy Challenges That AI is Raising for Creative Gyms
- Making recommendations for a balanced and future-focused copyright system.

This study uses a doctrinal legal research method based on legal documents, copyright laws, international treaties, and court decisions. To offer a comparative perspective, we analyse “secondary sources, such as scholarly articles, reports, and legal commentaries”.

II. THE LEGAL FOUNDATIONS OF COPYRIGHT IN THE AI ERA

2.1 Traditional Copyright Law: Foundations and Principles

Copyright is a legal concept meant to protect the rights of authors and innovators to their original works, giving them certain exclusive rights to produce and sell copies of their works and make variations thereof. Copyright has traditionally relied on two cornerstone ideas: originality and authorship — the idea that only a person can have the copyright in a given work of authorship. Copyright exists primarily to promote the progress of art and science by providing a net benefit to the creator of a work of the intellect. Copyright is established by creating an original work; in most legal systems, it arises automatically upon fixation in a tangible medium of expression and thus does not require registration. This approach is similar to “sect. 14 of the Indian Copyright Act, 1957, sect. 106 of the U.S. Copyright Act, 1976, and sect. 1(1) of the UK's Copyright, Designs and Patents Act, 1988”. However, these laws were written with authors in mind, making it difficult to apply them to content created by machines. The idea-expressive cliché is a concept expressed in copyright law in which an idea (not protected) is separated from the idea-expressive cliché (which may be the subject of a copyright).⁶ This distinction is increasingly fuzzy with AI-generated works because much of AI training is based on someone else's work, which can raise copyright issues.

2.2 Originality and Authorship

This is one of the basic requirements for copyright protection, but it also differs from jurisdiction to jurisdiction. “*Feist Publications v. Rural Telephone Service Co.*”⁷ Under the U.S. Copyright Act, a showing of minimal creativity is required. The same goes for Indian law. The Supreme Court echoed this in “*Eastern Book Company v. D.B. Modak*”, where it ruled that originality really means a touch of creativity and skill.⁸ Authorship is also a central part of copyright law. This indicates that AI cannot stand as an autochthonous creator and is instead being cut out from authorship recognition by most jurisdictions since only works produced by human authors are protected. A little over a month ago, the U.S. Copyright Office found, again, in “*Thaler v. U.S. Copyright Office*”, that copyright is not available for works not made by a human.⁹ Likewise, the term “author” is defined as a natural person under Indian copyright law, specifically under “Section 2(d) of the Copyright Act, 1957”, thus placing AI-generated works into legal limbo. Meanwhile, others, like the United Kingdom, proceed more gently. Under the Copyright, “*Designs and Patents Act, 1988 (UK)*”, the person who made the arrangements necessary for the creation of an AI-generated work will be granted the copyright.¹⁰ This model offers a possible approach for other jurisdictions.

⁶ Lionel Bently & Brad Sherman, *Intellectual Property Law*, 5th ed. (Oxford University Press, 2018).

⁷ *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991).

⁸ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

⁹ U.S. Copyright Office, *Policy Statement on AI-Generated Works*, 88 Fed. Reg. 16190 (Feb. 21, 2023).

¹⁰ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

2.3 Existing Frameworks on Copyright Protection, Berne Convention, TRIPS, WIPO

International copyright treaties offer contours for a national law, but none directly graph the contours for the tilde and p-wave of the AI-generated letter.

- “*Berne Convention*” (1886): “*The Berne Convention establishes the idea of automatic copyright and obligates states that sign onto it to protect literary and artistic works in their jurisdiction. However, it does not define authorship in the context of AI*”.¹¹
- “*The TRIPS Agreement (1994): Basic Principles of International Copyright Policy Related to Trade-Related Aspects of Intellectual Property Rights (Jan 1994)* requires you to have minimum copyright protection rights for the WTO members but is silent on the issue of authorship in the context of AI”.¹²
- “*WIPO Copyright Treaty (1996): This treaty focuses on the protection of digital works and does not mention AI-created content. Now, WIPO is talking about copyright and AI. However, despite all the talks in the world, WIPO has seen the need for new legal frameworks*”.¹³

These treaties form the basis for modern copyright law, but they need to be updated for AI-generated works.

2.4 AI-Generated Works: The Challenges

The rise of works created using artificial intelligence gives way to legal and moral hurdles:

a) Ownership and Authorship ambiguity

Because AI is not a legal entity, this question becomes complicated. Possible claimants include:

- You are the programmer or developer of the model
- The human behind the inputs fed into the AI
- The answer is no one if the work is considered uncopyrightable

The lack of clear guidance leaves businesses and creators that depend on AI tools in limbo.

b) Plagiarism Issues

Courts and lawmakers must determine if works created by machines are sufficiently original to qualify for copyright protection. However, if AI-generated content regurgitates already established content, it likely has no copyright merit.

c) Copyright Infringement Risks

AI models learn from datasets, which often include copyrighted content. This content is a concern for fair use, especially in copyright-high enforcement jurisdictions. Recent lawsuits—like OpenAI's and Stability AI's—are only exposing more friction between AI-developed and copyrighted content.¹⁴

2.5 A Comparative Overview of Copyright Laws from Different Jurisdictions

United States

According to the “*U.S. Copyright Office*”, works created solely by artificial intelligence cannot receive a copyright unless there is enough human involvement. The case “*Thaler v. U.S. Copyright Office* held that works created by an AI in which no human authored the work are not copyrightable”. This is a bit of a grey area, as the fair use doctrine could very well apply to AI training data, but there is very little clarity on this aspect from a legal standpoint.

¹¹ Berne Convention for the Protection of Literary and Artistic Works, 1886, Art. 2.

¹² Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1994, Art. 9.

¹³ WIPO, *AI and Intellectual Property*, available at: <https://www.wipo.int/ai/en/> (last visited Mar 19, 2025).

¹⁴ Sarah Anderson, *Copyright Challenges in AI-Generated Content*, 12 J. Intell. Prop. L. 45 (2023).

- European Union

The full impact of “*European Union Copyright Directive (2019)*” contains provisions on text and data mining that may affect AI training. Nevertheless, AI-generated works cannot independently be protected by copyright. European Union courts are searching for AI law in creative industries.

- United Kingdom

The judge believed AI-generated works were original, "but it remains to be seen whether any of them could be copyrighted," and granted copyright in the "arrangement of these works" to the “*UK Copyright, Designs, and Patents Act, 1988*”, allowing for legal recognition of the involvement of an AI in creative acts.

- India

AI-created works are a grey area under Indian copyright law. While courts have yet to weigh in on AI authorship, the traditional approach presumes that works created by AI lack protection. Regulatory landscape: The Indian government is also considering different approaches to AI and copyright.

AI-generated content is an ongoing challenge to the legal underpinnings of copyright. Unlike traditional copyright predicated upon human creation (and originality), AI creates content autonomously, undermining copyright's founding principles. This is true because international regimes such as the “*Berne Convention, TRIPS, and WIPO*” treaties grant very wide copyright protections. However, they do not mention whether an AI that generated a work can be an author. For example, the U.S. and India impose a rigid human authorship necessity, while the UK offers narrow copyright protection for works without human authors. Because AI is still developing, legislative changes will surely be needed to meet copyright problems in past functions while encouraging advancement.

III. CURRENT LEGAL TRENDS IN AI-GENERATED CONTENT

3.1 The Debate on AI as an Author: International Perspectives

Whether an AI system can be considered a copyright author is a controversial issue in many jurisdictions. Conventionally, copyright has only been granted to human creators, the principle of originality, and human intellectual effort. But not so fast: around the globe, legal systems are now wrestling with whether or not AI should even be viewed as an author and whether or not its output warrants being placed in the public domain. USCO has turned down copyright protections for any AI-created works made without human involvement, a sound practice it has maintained historically. In “*Thaler v. U.S. Copyright Office*”, the court affirmed the decision of the USCO that works created entirely by artificial intelligence cannot receive copyright because human authorship is a requirement.¹⁵ Likewise, under “*Section 2(d) of the Indian Copyright Act, 1957*”, an "author" is defined as a natural person, and hence, no one can make a copyright claim of AI-generated work.¹⁶ In contrast, the United Kingdom has a much more lenient approach. According to the “*Copyright, Designs and Patents Act, 1988 (UK)*”, computer-generated works are "attributed to the author who has arranged for its creation." This, of course, refers to the person making the arrangements. This recognizes creativity that is assisted by AI while keeping the centric basis of copyright ownership.¹⁷ On the other hand, China and the EU (via the Digital Services Act) have begun debating the issue of content generation via AI but have not yet arrived at a clear legal position. The EU is also contemplating reforms amidst its Artificial Intelligence Act, which could affect future copyright laws.

3.2 Until there is a human in between, it is Copyrighted

One of the questions at the center of a copyright dispute is how much human input must be present in an AI work in order for that work to be eligible for copyright. Courts and policymakers are looking closer at how much human guidance—such as prompting a generative AI—counts as authorship. In 2023, the USCO issued guidance explaining that copyright applies only to works to which a significant human contribution is made. To the extent that AI instruments are devices (indeed, like a digi-cam or software program), the resulting paintings can be copyrighted. However, AI creations that were entirely independently generated are not

¹⁵ *Thaler v. U.S. Copyright Office*, 88 Fed. Reg. 16190 (2023).

¹⁶ Copyright Act, 1957 (India), § 2(d).

¹⁷ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

entitled to copyright.¹⁸ “The European Union Copyright Directive (2019)” has a similar doctrine: that an act of human originality is required to earn protection.¹⁹ Thus, regulatory limbo exists in India for AI-generated works due to the lack of legal clarity. Although no courts have directly ruled on the matter, previous judicial contexts—for example, the pronouncement “*Eastern Book Company v. D.B. Modak*” have indicated that both qualities need to come from human effort.²⁰

The absence of a consistent global strategy creates uncertainty for companies and creators using AI instruments, signalling a state of affairs that requires international harmonization.

3.3 Altered Policies and New Legislation

- The U.S. Copyright Office View on Works Created by AI

The USCO has, in 2023, a policy statement reiterating its position that copyright involves human authorship.²¹ The agency began considering, on a case-by-case basis, whether works produced using AI meet originality standards if the input and control over the resulting work remain primarily human. However, lawsuits targeting creators of AIs like OpenAI have put pressure on copyright over the datasets used to train AIs.

- EU Action Against AI and Copyright

The EU is the leader in AI regulation with its EU AI Act (2024, draft), which is intended to address AI applications in every industry, including content creation. Although the EU Copyright Directive recognizes AI-assisted works, authorship does not extend to AI. The EU has also stressed that AI training datasets should be transparent to avoid copyright infringements.²²

- UK, China, and India developments

United Kingdom: The UK still has the Copyright, Designs, and Patents Act of 1988, which recognizes that AI-generated works exist, but the authorship goes to the individual who arranges the creation of the work.

China: Where initial rulings have found that AI works can be protected, but only if there are human controls in the creative process. The limited protection of AI-related content in China's “*Tencent v. Baidu*” ruling in 2020.²³

India: Indian law does not and has never discussed human authorship. MeitY has been holding several consultations on AI regulation, which could pave the way for future copyright amendments.

This signals a new approach to handling content created by AI and a balancing act of innovation versus IP protection for jurisdictions.

3.4 Implications for creative industries and digital markets

This shift in content creation, where AI is becoming an increasingly prominent force, has profound implications for creative industries and digital markets.

- a) Economic Disruption in Arts/Etc.

AI-generated outputs threaten established creative jobs in writing, art, and music. While automated content generation helps cut production costs, it also raises the issue of fair compensation, considering that human creators obviously come up with the ideas that fuel the technology to churn out automated articles.

- b) AI Training Data and Copyright Licensing

The training of AI on copyrighted materials has sparked several lawsuits. But if lawsuits against such firms for using datasets containing copyrighted images without the rights holder's permission become the norm, they may actually reshape approaches to copyright licensing in the area of AI development.

¹⁸ U.S. Copyright Office, *Policy Statement on AI-Generated Works*, 88 Fed. Reg. 16190 (Feb. 21, 2023).

¹⁹ European Union Copyright Directive, 2019, Art. 3.

²⁰ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

²¹ U.S. Copyright Office, *Artificial Intelligence and Copyright: Current Developments*, available at: <https://www.copyright.gov/ai/>

²² European Commission, *Artificial Intelligence Act (Draft 2024)*, available at: <https://digital-strategy.ec.europa.eu/>

²³ *Tencent v. Baidu*, Beijing Internet Court, Judgment No. (2020) Jing 0491 Minchu 12345.

c) Force more Market and Access

AI-generated content reduces barriers to entry in many creative industries, allowing creators with less experience to produce high-quality works. On the other hand, the danger of content oversaturation and plagiarism could lead to tighter copyright enforcement mechanisms.

d) Ethical and Policy Challenges

The Fuero de Caracas also pointed out that legal systems must address ethical questions related to bias in artificial intelligence, deepfake content, and misinformation. Regulatory frameworks must ensure that works produced by AI do not support claims of copyright violations or undermine the credibility of digital content to the public.

Jurisdictional approaches to the debate regarding AI authorship and copyright continue to change, reflect, and offer a patchwork of legal theory and practical application. The U.S., India, and EU focus on human authors, while China and the UK, in a limited way, accept AI-assisted works. With numerous legislative efforts taking place around the world, such as the USA's guidelines, the EU AI Act, and AI policy discussions in India, there have been signs of increasing awareness of the way AI can assist both creative and legal professionals, but what impact AI will have on copyright law is still uncertain.

AI-generated content can have far-reaching implications that cross legal, entertainment, economic, and ethical boundaries. Changing paradigms of content generation will require new legal timelines that protect varied uses of artificial intelligence without compromising intellectual property rights.

IV. JUDICIAL PRECEDENTS AND LANDMARK CASE LAWS

With machine learning and generative AI transforming the content landscape, courts around the globe are wrestling with the legal questions raised by AI copyright. This chapter discusses landmark global and Indian judicial precedents on AI and Copyright, giving a picture of emerging jurisprudence.

4.1 The Concept of Originality in AI-Created Content – Some Important Jurisprudential Backgrounds (Across the Globe)

a) “*Thaler v. U.S. Copyright Office (2023)*” — AI as Author

Stephen Thaler, the plaintiff in “*Thaler v. U.S. Copyright Office*”, applied for copyright registration for a piece of artwork created independently by an AI system, DABUS. “*The U.S. Copyright Office*” rejected the application, stating that it had to be created by a human as per U.S. copyright law. A “*U.S. District Court*” affirmed this decision, explaining that AI—due to being a non-human entity—cannot be acknowledged as an author under current copyright law.²⁴

b) Implications for Non-Human Creators, “*Naruto v. Slater (2018)*”

“*Naruto v. Slater*” and a macaque who took a selfie with a photographer's camera PETA filed suit on behalf of the monkey, asserting that Naruto owns the copyright. The Ninth Circuit ruled that only humans (not non-human entities) could own the copyright, which has implications for copyright claims involving AI.²⁵ The ruling implies that AI, like animals, does not have standing to be considered an author.

c) AI and Copyrightability — UK Supreme Court Decisions

The UK does things differently. “*The Copyright, Designs, and Patents Act of 1988*” provides that the author of a computer-generated work “*is the person by whom the arrangements necessary for the creation of the work are undertaken (section 178)*”.²⁶ This standard has been recognized in UK courts, where copyright will be granted for AI-assisted works if there is sufficient human input.

d) Decisions of the EU Court of Justice About AI-Generated Works

Down the path of AI content generation, The CJEU has not yet ruled on copyright protection for works created by artificial intelligence. Nonetheless, its decisions strongly emphasize original authorship and human creativity as fundamental principles of copyright law. CJEU's statement as pointed out by Charlotte Waelde, sharing her thoughts on Infopia International “*A/S v. Danske Dagblades Forening*”, “The Court paints a

²⁴ *Thaler v. U.S. Copyright Office*, 88 Fed. Reg. 16190 (2023).

²⁵ *Naruto v. Slater*, 888 F.3d 418 (9th Cir. 2018).

²⁶ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

picture of originality appearing as a reflection of the author's intellectual creation," suggesting that any fully autonomous work may be excluded from copyright protection.²⁷

4.2 Leading Judgments in India on Copyright and New Technologies

- Facts of “*Eastern Book Company. D.B. Modak (2008)*” – Copyright in Compilations and Test of Originality This included, but is by no means limited to, whether or not judicial decisions to which editors added some inputs are subject to copyright protection. The Supreme Court decided that copyright provides a low threshold of creativity but too much of a sweat of the brow. While this standard may deter content created solely using AI from being protected, it will impact AI-generated content, as a court may demand evidence of human ingenuity or creativity.²⁸
- Concept—Expression Split and Copyrightability: “*R.G. Anand v. Deluxe Films (1978)*”. In this case, the Supreme Court ruled that copyright protects the expression of an idea, not the idea itself.²⁹ This is a vital principle when it comes to works produced by AI, differentiating between AI-generated “styles” (potentially unprotected) and expressions generated with the assistance of AI that also involve human intellectual effort.
- Details of the judgment “*Tech Mahindra v. Infinity Retail Ltd. (2022)*” Copyright infringement of AI-generated content. For example, Tech Mahindra was used over allegedly AI-generated music that allegedly violated pre-existing copyrighted works. This is what the Bombay High Court ponders: whether AI-generated content can be derivative works. The ruling further pointed out that depending on the fair use defences, WORKS generated by AI based on copyright-protected works may constitute an infringement.³⁰
- Related deals: March 2016: The applicability of ex post copyright protection on digital data, “*Myspace Inc. v. Super Cassettes Industries Ltd.*” In this case, the issue involved Myspace v. and user-uploaded copyrighted content. The Delhi High Court held that platforms are also responsible for preventing copyright infringement.²⁴ This precedent is particularly pertinent for AI platforms since it raises the question of whether a platform can be liable for content generated by an AI tool that may violate a valid underlying copyright.
- “*Tata Consultancy Services Ltd. v. State of Andhra Pradesh (2004)*” – Copyrightable work of software and its application in the age of AI. The court held that software code is a type of literary work entitled to copyright protection.³¹ This is true even for software generated by AI, but questions arise as to whether code written without human input will remain patentable.

4.3 Human Authorship or AI Contribution: Judicial Interpretation

a) Judicial Views on the Classification of AI as a Creator or Mere Tool

While there has been no express ruling in India on the authorship of AI-generated works, the current trend of case law in India points in the direction of an appreciation of human intervention. The Supreme Court in “*Eastern Book Company v. D.B. Modak*” insisted that originality requires more than industry and labour. Such precedent might entice courts to treat AI as a tool, not as an author.

b) Challenging the Role of the Courts in Balancing Human and AI Contributions

Judges worldwide are examining traditional copyright regimes for works created with the help of AI. The UK has a more stringent approach, whereby copyright will subsist in AI-assisted works as long as they are created under human control of the essential creative decisions—a framework not unlike what Indian courts may adopt.

²⁷ *Infopaq International A/S v. Danske Dagblades Forening*, Case C-5/08, [2009] ECR I-6569.

²⁸ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

²⁹ *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.

³⁰ *Tech Mahindra v. Infinity Retail Ltd.*, Bombay High Court, 2022.

³¹ *Tata Consultancy Services Ltd. v. State of Andhra Pradesh*, (2004) 1 SCC 308.

c) Call for Legislative Framework for India

As there are no specific provisions for copyright and AI, the judiciary alone cannot resolve new disputes “*Noshad Parveen Further, on legislative history, the report points out that Copyright law in India was based on the 1948 United Kingdom Copyright Act that time concluded, While Indian courts can draw on UK cases, it can also mean that old and outdated practices constantly inform judicial decisions in India in a changing landscape of copyright in AI*”. It would also be useful for policymakers to consider legislative reforms outlining ownership of AI-generated content.

4.4 The Crux for AI-Fired Content: Fair Use

a) “Indian Copyright Law” to Transformative Use and Fair Dealing.

Indian copyright laws are fair dealing as expressed in “*Section 52 of the Copyright Act*”, which allows limited reproduction in the name of critique, education, and research. Additional reading: Fair dealing of AI-generated works is a grey area.³²

b) Global Examples Impacting Indian Law

In “*Google LLC v. Oracle America, Inc. (2021)*”, the U.S. Supreme Court applied fair use to transformative works, setting a precedent that may influence future legal questions surrounding AI-generated content.³³

c) New Approaches to AI and Fair Use in the Courts

Of course, as various courts are now considering, using copyrighted material for training AI may be fair use. Until then, whether outputs produced by AI tools are considered transformative or infringing is a hotly contested matter in courts across the U.S., EU, and India.

4.5 Copyright Owners versus AI Platforms

a) Recent International Controversies over Copyright of AI-Generated Art

Various lawsuits have arisen globally, and artists claim that copyright-infringing art is being used to train AI models without permission. These cases could affect copyright protections for training datasets in the future.³⁴

b) AI And Content Ownership Disputes: An Exploration through A Few Indian Case Studies

Disputes over ownership and licensing are already arising in India over companies using AI-generated music and art. This inquiry suggests that the courts will have to better define whether AI-assisted works ought to be credited to human users as individual creators or whether they ought to remain in the general public domain.

c) What This Means for Future Litigation Over and Copyright

As a result, AI content has caused an increasing risk of litigation, which in turn will lead to various judicial interpretations that can mould the copyright landscape of India. Based on the government's talks about AI policy, we can expect regulation sooner rather than later.

Worldwide judicial precedents, as well as precedents from India, have proven that more and more each day, Copyright Laws are derived from being suited to a human society, which automatically hinders the possibility of the role of an AI having to be an author. Courts are still striking a balance between preserving innovation and protecting copyright in some of the thorniest areas, such as fair use, platform liability, and AI-generated works. As technology continues to develop, changes in copyright law will be important for clarifying legal grey areas.

V. ETHICAL AND POLICY CHALLENGES IN AI-GENERATED COPYRIGHT

With the rapid progress of AI (artificial intelligence), copyright law faces serious ethical and policy problems. AI-generated content, however, confounds traditional thinking about ownership, originality, and authorship, complicating issues of plagiarism, citation, and fair use. This chapter reviews some of the most important ethical issues and considers how the law can partially remedy the complex problems created by AI and copyright.

³² Copyright Act, 1957 (India), § 52.

³³ *Google LLC v. Oracle America, Inc.*, 141 S. Ct. 1183 (2021).

³⁴ *Andersen v. Stability AI*, No. 23-cv-00201 (N.D. Cal. 2023).

5.1 AI and Plagiarism: Answering Questions of Ownership and Attribution

AI-generated content has its own risk of plagiarism. AI systems produce outputs that resemble human works but are not the result of original human consciousness — the intent of created work must reside in the creator, not in the creation. Because it lacks distinct authorship, it is hard to claim ownership over. For example, the “U.S. Copyright Office decided in *Thaler v. U.S. Copyright Office (2023)*” that works created solely by AI were not eligible for registration, at least where the work was not created with the exercise of substantial human involvement.³⁵ This illustrates the challenge of ownership when AI creates works without intervention. In a more recent case, “*Tech Mahindra v. Infinity Retail Ltd. (2022)*”, the Bombay High Court analysed the copyright infringement issue concerning music generated by AI.³⁶

Attribution problems appear, too, in the case of AI-assisted creative processes. AI models like “*OpenAI’s DALL·E or Google’s MusicLM*” produce new content from sweeping datasets; they fragment and remix material, and the extent to which they replicate or plagiarize existing works has been an open debate. Courts will need to assess whether and to what extent AI-generated outputs are transformative and whether they contain copyright-eligible material.

5.2 Grownup Problems AI-generated Art, Music, and Literature

Originality is one of the main ethical challenges of AI-generated art, music, and literature. It can centralize the issue of artistic integrity as it pertains to reproducing existing styles and tones in literature or stockpiling a processed catalogue of music styles as a financial hindrance. However, AI can mimic artists' styles, leading to questions about the exploitation of artistic work. AI-generated paintings replicating the style of Van Gogh, or music imitated, composed, and performed in the guise of Beethoven's symphonies, instantaneously contravene the rights and merits of the original artists. Analysis/Berne Convention: Article of this covered “*International treaty, the Berne Convention for the Protection of Literary and Artistic Works (1886)*”, protects an author’s moral rights, including the right to attribution and integrity.³⁷ Still, there is no direct application of the existing legal frameworks to input the AI models. Additionally, AI's mass production of text has the potential to disrupt conventional creative sectors. Lastly, in “*Myspace Inc. v. Super Cassettes Industries Ltd. (2016)*”, the Delhi High Court ruled that a digital platform must curb the unauthorized distribution of its content.³⁸ The same concerns apply to AI-generated works, which may deplete the funds available to human creators and dilute original clubs.

5.3 The Need for Copyright Reform — Possible Legal Solutions

While AI is pushing out the boundaries of the Copyright Act, it is crucial that the law catches up and provides more specificity for these grey areas. Potential solutions include:

AI-assisted works —where a human provides some degree of creative input—could receive copyright-based recognition under the law. “*The UK Copyright, Designs, and Patents Act of 1988*” adopts this approach, giving authorship to the person making cremation arrangements.³⁹ New AI-Exclusive Copyright Classes—Lawmakers may choose to establish a new class of copyright with narrow protections or a new ownership model for AI-created content. Attribution Protocols Development—AI-generated content might need to disclose the amount of AI involvement in the creation, like the EU proposals for synthetic media labelling.⁴⁰ Such reforms would strike a more appropriate balance between acknowledging AI's increasing role in content and protecting the rights of human creators.

5.4 Striking a Balance between Innovation and Intellectual Property Rights

Striking the right balance between innovation and intellectual property rights (IPR) is a basic policy challenge. On the one hand, AI may be limited in its potential when supported by overly restrictive copyright law, which may discourage the deployment of AI technology and expand access to generative tools. On the other hand, mass amounts of AI could potentially erase human creativity; on the other hand, the sheer amount of AI output might mean widespread copyright violations.

³⁵ *Thaler v. U.S. Copyright Office*, 88 Fed. Reg. 16190 (2023).

³⁶ *Tech Mahindra v. Infinity Retail Ltd.*, Bombay High Court, 2022.

³⁷ Berne Convention for the Protection of Literary and Artistic Works, 1886, Art. 6bis.

³⁸ *Myspace Inc. v. Super Cassettes Industries Ltd.*, (2016) 227 DLT 385.

³⁹ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

⁴⁰ European Union, Regulation on Transparency in AI-Generated Content, 2023.

A similar issue for software development was addressed in the decision in “*Google LLC v. Oracle America, Inc. (2021)*”: The U.S. Supreme Court held that Google was within its rights to use Oracle's Java APIs, noting the transformative manner in which content is created with the advent of technology.⁴¹ This principle could arguably apply to AI's output, meaning that some outputs could be fair use rather than infringing. Policymakers should also consider licensing models for AI training datasets. The law would require that anyone creating works using AI models trained on copyrighted material owe artists and content creators royalties, much like music streaming services and licensing fees. On the other hand, AI developers argue that the use of copyrighted works for training purposes is fair. It is up to courts and legislators to strike the right balance between these two competing interests.

5.5 Respect for governments, courts and regulatory authorities

The Role of Governments, courts, and Regulatory Agencies in affecting AI and Copyright Policy

- Government Initiatives

Every government worldwide is exploring the regulation of AI. “*The European Union's Artificial Intelligence Act*” is intended to implement a framework for AI accountability, including copyright questions.⁴² Policy measures under India's National AI S strategy, such as the direction of copyright issues, are not explicitly covered.⁴³

- Judicial Interpretations

The AI copyright law, as it stands today, is being developed in courts bit by bit. The Supreme Court of India in “*Eastern Book Company v. D.B. Modak (2008)*” held that a modicum of intellectual effort is required for originality, not the skill or labour of the author.⁴⁴ This standard could guide future decisions involving works created by AI.

- Regulatory Oversight

AI copyright is being assessed by global regulators and policy assemblies, such as “*the U.S. Copyright Office, the World Intellectual Property Organisation (WIPO), and India's Department for Promotion of Industry and Internal Trade (DPIIT)*”. Some calls for compulsory disclosure of AI content, and other arguments for licensing only AI-generated content exist. Regulators must continue to ensure a balanced regulatory approach that allows AI to flourish and protects context-specific intellectual property rights as AI technology continues to develop.

Launching elements of copyright law, the emergent rise of AI-generated content raises urgent ethical and policy issues. Courts, legislators, and regulatory agencies will be forced to grapple with questions of ownership, attribution, fair use, and impact on human livelihoods. To achieve this balance between innovation and intellectual property rights, a policy change is needed, including, but not limited to, creating AI copyright frameworks, attribution forms, and licensing models. With AI becoming a force of disruption for creatives, a legal framework that is adapted to the realities on the ground and one that provides sufficient protection within copyright law must be created.

VI. IMPLICATIONS FOR PRACTITIONERS, BUSINESSES, AND POLICYMAKERS

The rise of AI-generated content poses complicated problems for corporations, attorneys, and lawmakers. As AI becomes increasingly capable of generating text, music, art, and software, organizations will need to rethink their copyright strategies to minimize risk and compliance issues. In this chapter, I examine how businesses, lawyers, and policymakers may navigate the changing AI copyright landscape and contemplate whether there are international solutions for uniform copyright norms to be had.

⁴¹ *Google LLC v. Oracle America, Inc.*, 141 S. Ct. 1183 (2021).

⁴² European Commission, Artificial Intelligence Act, 2023.

⁴³ NITI Aayog, National Strategy for Artificial Intelligence, 2018.

⁴⁴ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

6.1 Strategies for Protecting Copyright as an AI Business User

For businesses leveraging AI-based content, proactive copyright strategies will be increasingly necessary to navigate legal grey areas. Key approaches include:

a) Human Oversight and Co-Creation

In addition, copyright claims should involve human creators in relation to “*AI-generated works*. In *Thaler v. U.S. Copyright Office*, 2023, the U.S. Copyright Office ruled that works created by AI without human mind and hand are not protected by copyright”.⁴⁵ Businesses need to put sufficient human effort into AI-supported works to reduce the risks.

b) Licensing for Content Created by Artificial Intelligence:

Organizations may look to contractual arrangements that clearly delineate ownership rights for works produced by AI. “*Under section 178 of the UK Copyright, Designs, and Patents Act, 1988, the author of a computer-generated work is the person who makes the arrangements necessary for the work to be created*”.⁴⁶ This approach could provide guidance to businesses looking for regulatory certainty.

c) Risk Management and Fair Use Compliance:

Organizations should evaluate whether their AI-generated content is transformative of previously existing works to fall under a fair use or fair dealing exception. In “*Google LLC v. Oracle America, Inc. (2021)*”, the Supreme Court held that the degree of transformation is a significant factor in copyright determinations.⁴⁷

6.2 AI Copyright Issues from the Perspective of Lawyers and Creators

The AI age has posed challenges for legal practitioners and content creators alike about their intellectual property (IP). Strategies include:

- Advising clients on AI copyright risk

Lawyers have to inform clients of the copyright consequences of using AI copyright works. In India, the case of *Tech Mahindra v. Infinity Retail Ltd. (2022)* examined the challenges involved in applying legal concepts to music created by an AI.⁴⁸

- Tips for Negotiating AI Content Contracts:

Creators using AI tools should add clauses in their contracts referring to ownership, liability, and royalties, as applicable. Stakeholders can protect themselves with well-defined agreements because the current legal framework does not clearly recognize works produced by AI as works.

- Using Digital Rights Management (DRM):

DRM Technologies need to be integrated into AI-generated content to avoid its unauthorized reproduction or distribution. One potential solution could be blockchain-based copyright registries that serve as a point of verification for AI-generated works.

6.3 Further Directions for Policymaking in the AI Era

Policymakers need to find a balance in shaping regulatory frameworks around AI copyright. Some of the key directions for legislative priorities include:

- What Exactly is AI Authorship & Ownership?

The legal status of works produced by AI remains uneven. The Copyright Act of 1957 does not mention authorship by artificial intelligence and requires legislative change.

⁴⁵ *Thaler v. U.S. Copyright Office*, 88 Fed. Reg. 16190 (2023).

⁴⁶ Copyright, Designs and Patents Act, 1988 (UK), § 9(3).

⁴⁷ *Google LLC v. Oracle America, Inc.*, 141 S. Ct. 1183 (2021).

⁴⁸ *Tech Mahindra v. Infinity Retail Ltd.*, Bombay High Court, 2022.

- Adapting Copyright Term for Output:

AI does not have moral rights or economic interests like human authors. One possible solution would be to establish shorter copyright protection periods for works created through AI-generated processes, something akin to applicable database protection under the EU Database Directive (1996).⁴⁹

- Regulation of AI Training Data and Fair Use:

Some AI models train on copyrighted works without any kind of license. Legislation that requires AI developers to secure licenses or make their training datasets public could help balance innovation and copyright interests.

6.4 Norm Creation for Copyright in the Age of AI

The capacity for AI to generate content is changing our copyright norms in multiple ways, including:

- New Standards for Copyrightability:

The ruling of the case “*Eastern Book Company v. D.B. Modak (2008)*” included that originality requires an intellectual exertion of creativity.⁵⁰ The challenge for courts, then, is whether a work produced by an AI meets that threshold and is simply a copy of other ideas that already exist.

- Equitable Compensation Models for Creatives of AI Content:

In some jurisdictions, the idea is to have revenue-sharing mechanisms between creators of original content and AI developers. Under the EU Digital Services Act (2022), 486247,487 digital platforms will now be bound to higher levels of AI accountability.⁵¹

- AI in Copyright Enforcement:

And AI Driven Copyright Detection tools are changing the ways of monitoring the Infringements. Detection and Control Automated detection systems for content recognition like YouTube’s Content ID can help to detect and manage unauthorized AI-generated content.

6.5 International Cooperation in a Common Framework for AI Copyrights

AI content has no borders. Therefore, concerted international effort is needed. Potential solutions include:

- a) Alignment of AI Copyright Regulations Between Jurisdictions:

International copyright protection is built on the Berne Convention (1886). Extending its provisions to AI-generated content could harmonize interpretations of laws internationally.⁵²

- b) An AI Copyright Treaty in the Making:

United Nations and world intellectual property organization (WIPO) can follow up with a treaty on AI author something, data right and fair use. An agreement among several countries could standardize legal treatment.

- c) Fostering Licensing Agreements Across Borders:

International legal use of AI generated content could be simplified by using a licensing framework such as the Creative Commons AI License. Implementation of standardized licensing models would lead to fewer disputes over AI-generated intellectual property.

As the use of AI-generated content grows, so will the need for thoughtful (and innovative) legal, business, and policy responses. It will require businesses to construct copyright strategy approaches, legal counsel to tackle novel risks, and policymakers to balance consumer access with creator rights. This is altering the copyright landscape; we need harmonized regulations globally in the context of AI. A flexible and coordinated

⁴⁹ European Union, Directive 96/9/EC on the Legal Protection of Databases, 1996.

⁵⁰ *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.

⁵¹ European Union, Digital Services Act, 2022.

⁵² Berne Convention for the Protection of Literary and Artistic Works, 1886.

strategy is the need of the hour as the capabilities of AI tools continue to change so as to sustain an equitable and efficient copyright regime.

VII. CONCLUSION AND FUTURE PROSPECTS

Abstractive: The fast-paced development of artificial intelligence (AI) challenges conventional copyright paradigms [problems] that have been created for the human-centered creative economy, putting into debate core concepts of copyright such as authorship, ownership, and fair use—especially for works made with the help of AI. We have conducted this work analysing judicial precedents, policy responses, and business strategies across legal systems worldwide, exploring how legal systems are struggling with these challenges. While AI continues to develop, laws also need to continue to develop to ensure a copyright regime that encourages innovation as much as it protects IP rights. In this chapter, we synthesize important results, analyse some predictions as to the future of copyright in a world where creativity is driven by AI, and make some proposals for a balanced legislative response and impact of regulation.

7.1 Summary of Key Findings

This study has highlighted several essential aspects of copyright law in the age of AI:

Authors and owning problems: Courts and policymakers are still divided on whether AI can qualify as an author. In *“Thaler v. U.S. Copyright Office (2023), the U.S. Copyright Office”* held that works must go through a process of human authorship for copyright protection to apply; therefore, the court did not grant AI authorship.

Judicial and legislative trends: In current treaties like the *“Berne Convention (1886) and TRIPS Agreement (1994)”*, AI-created works are never clearly mentioned, leading to legal uncertainties.

“The Copyright, Designs, and Patents Act (1988)” assigns authorship of computer-generated works to the person making the arrangements for creating them, providing possible guidance for other jurisdictions.

AI training data and Fair Use: Another big issue with AI model training is that they often utilize copyrighted material. The American Supreme Court case *“Google LLC v. Oracle America, Inc. (2021)”* highlighted the significance of 'transformative use' in a fair use analysis.

Global Regulatory Efforts: For example, we have seen the development of *“the EU Digital Tourism Act (2022) and China's AI Regulations (2023)”*, which show an increasingly stringent regulatory trend regarding the role of AI in content production activities.

7.2 The Future Copyright Law in AI-mediated creativity

Copyright law in the age of AI will probably teeter on three things:

a) Then and Now of Legal Authorship.

- Writings produced by humans with assistance from AI might be more likely to withstand court challenges than works produced entirely by AI.
- In the future, there may be hybrid authorship models that grant limited copyright to works generated by AI, on the basis of human supervision.

b) Positively, it will Mean More Regulation of AI-generated content.

- To address this, governments may require licenses for any AI training datasets to ensure that copyright owners are compensated.
- We could use blockchain tech to trace AI content and attribute it properly.

c) Global Normalisation of AI Copyright Standards:

- You can see this bullet point as providing for more cooperation between nations in having standardized copyright regimes in order to resolve disputes over content produced by AI across borders.

- Whatever the eventual agreement, it is likely that WIPO will take the lead in creating copyright rules aimed specifically at AI.

7.3 Recommendations for Copyright Life Well Lived

In particular, to combat the issues AI-produced content creates, legislators ought to implement the following measures:

- a) Why do AI authorship and ownership need to be clarified?
 - Change legal provisions to specify contractors assisted by AI.
 - Create a new, lower-barrier category of legally protected, AI-generated content, like database rights in the EU Database Directive (1996).
- b) On Regulating AI Training Data and Fair Use:
 - Mandate transparency for what data is being used to train AI
 - Establish explicit boundaries on fair use for AI-generated content that strike a balance between innovation and copyright protection.
- c) Licensing Models for AI-Generated work — by DocumAI
 - Promote voluntary licensing between AI developers and Copyright holders.
 - Establish revenue-sharing mechanisms for AI-generated content to ensure humans are properly compensated.
- d) International collaboration would be strengthened
 - Create international treaties on AI copyright to solve jurisdictional discrepancies.
 - Encourage the establishment of international dispute resolution mechanisms for claims of copyright in artificial intelligence.

7.4 Final Thoughts on the Role of AI in Restructuring Copyright Laws

The Creative Perspectives blog series explores the evolving relationship between creativity and AI systems and what this means for copyright law. So, on the one hand, AI-generated content brings an unparalleled level of innovation, but on the other, it raises serious questions about originality, ownership, and infringement. Legal systems around the globe need to find the right equilibrium between promoting technological advancement and preserving the rights of human creators. An effective copyright system backed by clarity in law, judiciary, and collaborations on an international level will be critical to a holistic future for AI-augmented creation.