# INDIAN JOURNAL OF LEGAL REVIEW

VOLUME 6 AND ISSUE 2 OF 2026

INSTITUTE OF LEGAL EDUCATION

# INDIAN JOURNAL OF LEGAL REVIEW

**APIS – 3920 – 0001 | ISSN - 2583-2344**

**(Open Access Journal)**

**Journal's Home Page – https://ijlr.iledu.in/**

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**Volume 6 and Issue 1 of 2026 (Access Full Issue on - https://ijlr.iledu.in/volume-6-and-issue-1-of-2026/)**

**Publisher**

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 - info@iledu.in / Chairman@iledu.in


INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 6 AND ISSUE 2 OF 2026

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

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# ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW: RETHINKING AUTHORSHIP IN THE AGE OF GENERATIVE AI

**AUTHOR** – SAMIKSHA, STUDENT AT CHRIST (DEEMED TO BE UNIVERSITY), BANGALORE

**BEST CITATION** – SAMIKSHA, ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW: RETHINKING AUTHORSHIP IN THE AGE OF GENERATIVE AI, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (2) OF 2026, PG. 492-506, APIS – 3920 – 0001 & ISSN - 2583-2344.

**ABSTRACT**

*The rapid advancement of artificial intelligence (AI) has significantly transformed the creative landscape by enabling machines to generate complex outputs such as text, images, music, and software code. Modern generative AI systems are capable of producing content that closely resembles human creativity, raising important legal questions regarding authorship and ownership of such works. Traditional copyright law was developed on the assumption that creative expression originates from human intellectual effort. However, the increasing capability of AI systems to autonomously generate creative content challenges this foundational principle and exposes gaps within existing legal frameworks. This research examines the legal uncertainty surrounding the ownership of AI-generated works and evaluates whether current copyright laws are capable of addressing these emerging technological developments. The study adopts a doctrinal and analytical legal research methodology, relying on statutory provisions, judicial decisions, academic literature, and policy discussions relating to intellectual property and artificial intelligence. It explores the distinction between AI-assisted works and fully AI-generated works and analyzes the potential claimants to ownership, including AI developers, users, and technology companies. The research also undertakes a comparative analysis of legal approaches in the United States, the United Kingdom, and Australia in order to understand how different jurisdictions address the issue of authorship in the context of AI-generated creativity. The study further discusses broader policy concerns such as innovation incentives, accountability, fair use of training data, and the potential economic impact on human creators. The research concludes that existing copyright frameworks remain largely human-centric and therefore struggle to address works produced autonomously by artificial intelligence. It suggests that a balanced legal framework recognizing AI-assisted works while maintaining human authorship as the central requirement of copyright protection may provide a practical solution for addressing the legal challenges posed by AI-generated creativity.*

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

## I. INTRODUCTION

### A. Background

The development of artificial intelligence (AI) has significantly transformed the landscape of creative production. In recent years, AI technologies have evolved from simple computational tools to sophisticated systems capable of generating complex creative outputs. AI-powered platforms are now widely used to produce various forms of content, including visual art, music, written texts, and even computer code. These systems rely on advanced machine learning techniques and large datasets to analyze patterns and generate new outputs that often resemble human-created works.

INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]
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APIS – 3920 - 0001 *(and)* ISSN - 2583-2344
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Several widely used AI tools illustrate this shift in creative production. Platforms such as ChatGPT are capable of generating essays, articles, and computer code based on prompts provided by users. Similarly, image-generation tools like DALL·E and Midjourney can create detailed digital artwork and illustrations within seconds. These technologies are increasingly used by individuals, businesses, and creative professionals to assist in content creation. As a result, AI-generated works are becoming more common in fields such as graphic design, advertising, publishing, and entertainment.

The rapid adoption of such tools has expanded the possibilities of creativity and innovation. However, it has also raised important legal questions regarding the protection and ownership of works produced through artificial intelligence. Traditional legal frameworks governing intellectual property were designed with human creators in mind, and the emergence of AI-generated works has begun to challenge these conventional assumptions.

### B. The Core Problem

Copyright law has historically been built upon the principle of human authorship, meaning that legal protection is granted to works that originate from the intellectual effort and creativity of a human author. The concept of originality, which is a fundamental requirement for copyright protection, is generally linked to human skill, judgment, and creative expression. Most copyright regimes across the world were developed at a time when machines functioned merely as tools assisting human creators rather than independent generators of creative content.

The emergence of artificial intelligence capable of autonomously producing creative outputs has disrupted this traditional framework. When an AI system generates a work with minimal or no direct human involvement, determining who qualifies as the "author" of that work becomes legally uncertain. Existing copyright laws do not clearly address whether the rights should belong to the developer of the AI system, the user who provides prompts, or whether such works should remain unprotected. Consequently, the increasing use of AI in creative processes has exposed significant gaps in current copyright law and created uncertainty regarding the ownership of AI-generated works.

### C. Research Questions

In light of these developments, this research seeks to address several important legal questions concerning the ownership and protection of AI-generated works. The primary research questions guiding this study include:

1. Who should be legally recognized as the owner of works generated by artificial intelligence?
2. Does existing copyright law recognize artificial intelligence as a possible author or creator of protected works?
3. Should ownership of AI-generated works be attributed to the developer of the AI system, the user who provides the prompts, or should such works remain in the public domain?

These questions highlight the complexity of applying traditional copyright principles to emerging technological realities.

### D. Research Objectives

The primary objective of this research is to examine the legal uncertainty surrounding the ownership of AI-generated works and to evaluate whether current copyright frameworks are capable of addressing these challenges. Specifically, the research aims to:

1. To analyze the legal ambiguity surrounding the authorship and ownership of AI-generated works.
2. To examine the existing copyright laws and legal frameworks governing intellectual property rights.
3. To evaluate possible legal and policy solutions for addressing the ownership of AI-generated works.

Through this analysis, the study seeks to contribute to the ongoing debate on how

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intellectual property law should evolve in response to the growing role of artificial intelligence in creative production.

## II. RESEARCH METHODOLOGY

This study adopts a doctrinal and analytical approach to examine the legal uncertainty surrounding the ownership of AI-generated works. It analyzes existing copyright principles, statutory provisions, judicial interpretations, and scholarly discussions to evaluate how current intellectual property frameworks address authorship in the context of artificial intelligence.

### A. Sources of Data

The research is primarily based on secondary sources of data. These sources include statutory provisions, judicial decisions, academic writings, and international policy reports. Judicial decisions relating to copyright and non-human authorship are also analyzed in order to understand how courts interpret the concept of originality and authorship in evolving technological contexts.

In addition to legal sources, the research also relies on academic journals, books, and scholarly articles that discuss artificial intelligence and intellectual property law. Furthermore, policy discussions and reports from international organizations such as the World Intellectual Property Organization and the U.S. Copyright Office are considered in order to understand global developments and policy debates regarding AI and copyright law.

### B. Method of Analysis

A comparative and analytical approach is used to examine different legal frameworks and proposed ownership models for AI-generated works across jurisdictions.

### C. Scope and Limitations

The research focuses on authorship and ownership of AI-generated works within copyright law. A limitation of the study is that AI law is still evolving, and legal frameworks addressing AI-generated works remain under development.

## III. LEGAL FRAMEWORK ON AUTHORSHIP AND COPYRIGHT

### A. Traditional Copyright Principles

Copyright law is fundamentally premised on the protection of human intellectual creativity**.** The legal framework governing copyright across most jurisdictions recognizes that creative works originate from the intellectual effort, skill, and judgment of human authors. The objective of copyright protection is to encourage creativity and innovation by granting creators exclusive rights over their works for a limited duration. These rights typically include the rights of reproduction, distribution, adaptation, communication to the public, and licensing.

Three foundational principles govern copyright protection: human authorship, originality, and ownership**.** These principles determine whether a work qualifies for copyright protection and who can claim legal rights over it. Historically, copyright law evolved in response to human artistic and literary creation. Consequently, statutory provisions and judicial interpretations have consistently assumed that the creator of a work is a natural person capable of intellectual effort and creative expression**.**

However, the rapid advancement of artificial intelligence technologies has significantly challenged this traditional framework. AI systems are now capable of generating music, literary content, digital art, software code, and other creative outputs with minimal or no human intervention. These developments raise fundamental legal questions regarding whether such outputs qualify for copyright protection and, if so, who should be recognized as the legal author or owner.

In India, the legal regime governing copyright is primarily contained in the Copyright Act, 1957**.** Although the Act provides a comprehensive framework for protecting literary, artistic, and technological works, it was enacted long before the emergence of autonomous AI systems. As a result, the statutory provisions implicitly assume

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human authorship and do not directly address the complexities associated with AI-generated works.

**B. Human Authorship under the Copyright Act, 1957**

The Copyright Act, 1957 adopts a fundamentally anthropocentric framework, meaning that authorship is attributed to human creators. Section 2(d) of the Act defines the term "author" across different categories of works.

Under this provision:

- For literary or dramatic works, the author is the writer of the work.
- For musical works, the author is the composer.
- For artistic works, the author is the artist.
- For photographs, the author is the person taking the photograph.
- For cinematograph films and sound recordings, the author is the producer.
- For computer-generated literary, dramatic, musical, or artistic works, the author is defined as "the person who causes the work to be created."[1185]

This statutory framework clearly indicates that copyright law presumes the existence of human agency behind creative works. Even when addressing computer-generated works, the Act attributes authorship to a person responsible for initiating the creation, rather than to the computer system itself. Since artificial intelligence systems do not possess legal personhood under Indian law, they cannot be recognized as authors within the meaning of the statute.

Indian courts have consistently reinforced the principle that copyright protection arises from human intellectual effort and creativity.

In *Tech Plus Media Private Ltd v. Jyoti Janda (2014)*,[1186] the Delhi High Court emphasized that copyright protection is contingent upon the presence of human creativity and intellectual effort. The Court reiterated that copyright cannot subsist in works that lack meaningful human contribution.

Similarly, in *Anil Malhotra v. Rajkumar Pandey (2002)*,[1187] the Delhi High Court considered issues related to computer-generated material and acknowledged that even such works ultimately derive from human intervention in the programming or operational process. The Court implicitly reaffirmed the principle that computers function merely as tools rather than independent creators.

Another relevant case is *Microsoft Corporation v. Kurapati Venkata Jagdeesh Babu (2007)*,[1188] where the Delhi High Court examined the protection afforded to computer software under copyright law. The Court highlighted the substantial skill, labour, and creativity involved in programming, thereby reinforcing the notion that copyright protection arises from human intellectual effort embedded within technological creations.

Although these cases do not directly address AI-generated works, they illustrate that Indian jurisprudence continues to anchor copyright protection in human creativity and intellectual labour, leaving limited room for recognizing autonomous machine authorship.

**C. Originality and Creativity Requirement**

The requirement of originality is another fundamental principle governing copyright protection. Section 13(1) of the Copyright Act, 1957 provides that copyright subsists in:

- Original literary, dramatic, musical, and artistic works
- Cinematograph films
- Sound recordings [1189]

However, the Act does not provide a statutory definition of the term "original." Consequently, Indian courts have played a crucial role in developing the legal standard for originality.

[1185] **The Copyright Act, 1957,** No. 14 of 1957, § 2(d) (India).
[1186] **Tech Plus Media Pvt. Ltd. v. Jyoti Janda**, 2014 SCC OnLine Del 1819 (India).
[1187] **Anil Malhotra v. Rajkumar Pandey,** 2002 SCC OnLine Del 971 (India).
[1188] **Microsoft Corp. v. Kurapati Venkata Jagdeesh Babu,** 2007 SCC OnLine Del 845 (India).
[1189] **The Copyright Act, 1957,** No. 14 of 1957, § 13 (India).

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Historically, Indian copyright law followed the "sweat of the brow" doctrine, which granted protection based on the labour and effort invested in creating a work. Under this doctrine, even compilations or factual works could be protected if the author had expended significant effort in producing them.

This approach was reconsidered by the Supreme Court in the landmark case of *Eastern Book Company v. D.B. Modak (2008)*[1190]**.** The Court rejected the traditional "sweat of the brow" doctrine and adopted a more balanced standard known as the "modicum of creativity" test**.** According to this test, a work must exhibit at least a minimal level of creativity or intellectual input in order to qualify for copyright protection.

The Court held that originality requires independent creation combined with a minimal degree of creativity**,** rather than mere mechanical labour. This decision aligned Indian copyright law with international standards developed in jurisdictions such as the United States.

Earlier judicial decisions also emphasized the importance of creativity in determining copyright protection. In *Chancellor, Masters and Scholars of the University of Oxford v. Narendra Publishing House (2008)***,**[1191] the Delhi High Court considered the originality of educational material and observed that originality requires the application of skill, judgment, and intellectual effort**.**

Similarly, in *Rupendra Kashyap v. Jiwan Publishing House (2007)***,**[1192] the Delhi High Court recognized copyright protection in compilations where sufficient skill, labour, and judgment had been exercised in selecting and organizing the material.

When applied to AI-generated works, the originality requirement creates a significant challenge. AI systems may produce outputs that appear novel or sophisticated, but the absence of identifiable human intellectual contribution raises doubts regarding whether such works meet the legal threshold of originality. Since the modicum of creativity test presupposes human intellectual input, purely autonomous AI outputs may fall outside the scope of copyright protection.

### D. Ownership of Copyright

Ownership is closely connected to the concept of authorship. Under Section 17 of the Copyright Act, 1957**,** the author of a work is generally regarded as the first owner of copyright**,** subject to certain statutory exceptions.[1193]

The Act provides several exceptions where ownership may vest in other parties, such as:

- Works created in the course of employment under a contract of service
- Government works
- Public undertakings
- Commissioned works, depending on contractual arrangements

However, these provisions assume the presence of a human author whose rights can subsequently be transferred or assigned. In cases where a work is generated autonomously by artificial intelligence without substantial human involvement, identifying the first owner of copyright becomes legally problematic.

The statute does not explicitly address whether ownership should vest in the developer of the AI system, the user who provides prompts or instructions, or the entity that owns the AI platform**.** As a result, AI-generated works fall into a legal grey area where the existing ownership framework cannot be applied with certainty.

The absence of clear statutory guidance also raises practical concerns regarding licensing, commercialization, and enforcement of rights in AI-generated content.

[1190] **Eastern Book Co. v. D.B. Modak**, (2008) 1 SCC 1 (India).
[1191] Chancellor, Masters & Scholars of the Univ. of Oxford v. Narendra Publ'g House, (2008) 38 PTC 385 (Del).
[1192] Rupendra Kashyap v. Jiwan Publ'g House Pvt. Ltd., (2007) 35 PTC 588 (Del).
[1193] **The Copyright Act, 1957,** No. 14 of 1957, § 17 (India).

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**E. Duration of Copyright**

Another provision that illustrates the human-centric nature of copyright law is Section 22 of the Copyright Act, 1957, which provides that copyright in literary, dramatic, musical, and artistic works subsists for 60 years after the death of the author.[1194]

This provision is clearly premised on the assumption that the author is a human being whose lifespan can be used to calculate the duration of copyright protection. If an AI system were to be considered the author of a work, the concept of calculating copyright duration based on the author's death would become logically impossible, since machines do not possess biological life or legal mortality.

This highlights the structural incompatibility between traditional copyright provisions and the emergence of autonomous artificial intelligence systems capable of generating creative works.

**F. Judicial Approach to Technological Developments**

Indian courts have historically demonstrated a willingness to adapt copyright law to emerging technological contexts. Several judicial decisions illustrate this adaptive approach.

In *Entertainment Network India Ltd v. Super Cassette Industries Ltd (2008)*[1195], the Supreme Court observed that copyright law must evolve alongside technological developments in order to remain relevant and effective. The Court emphasized the importance of balancing the rights of creators with the changing dynamics of digital technology.

Similarly, in *Star India Pvt. Ltd v. Piyush Agarwal (2013)*,[1196] the Bombay High Court addressed issues relating to the unauthorized online streaming of copyrighted content. The Court recognized the need to extend copyright protection into the digital environment to prevent infringement through technological platforms.

These cases demonstrate the judiciary's awareness of technological transformation. However, despite this adaptability, no Indian court has yet directly addressed the question of copyright ownership in fully AI-generated works. As a result, the legal position remains uncertain.

**G. Implications for AI-Generated Works**

The analysis of statutory provisions and judicial decisions indicates that the Indian copyright framework is fundamentally designed around the assumption of human creativity and authorship. Key legal concepts such as authorship, originality, ownership, and duration all presuppose the presence of a natural person who exercises intellectual effort in creating the work.

Artificial intelligence systems challenge these assumptions by generating works autonomously without direct human creativity. Consequently, AI-generated works expose significant gaps within the existing legal framework.

Until legislative reforms or authoritative judicial interpretations address these issues, the ownership and protection of AI-generated works will remain legally ambiguous, creating uncertainty for creators, developers, and users of artificial intelligence technologies.

## IV. PROBLEM OF OWNERSHIP IN AI-GENERATED WORKS

**A. AI-Assisted vs. AI-Generated Works**

A meaningful discussion on the ownership of AI outputs requires an initial distinction between AI-assisted works and AI-generated works. This distinction is important because the legal challenges surrounding ownership arise primarily in the latter category.

AI-assisted works are those in which artificial intelligence functions merely as a tool used by a human creator. In such cases, the human remains the central creative force and exercises significant control over the final output. For instance, a writer may use AI software to refine

[1194] **The Copyright Act, 1957,** No. 14 of 1957, § 22 (India).
[1195] Entertainment Network (India) Ltd. v. Super Cassette Indus. Ltd., (2008) 13 SCC 30.
[1196] Star India Pvt. Ltd. v. Piyush Agarwal, 2013 SCC OnLine Bom 27.

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grammar or generate suggestions for structure, while retaining creative authority over the content. Similarly, musicians may employ AI-driven software for editing, sound mixing, or composition assistance. In these situations, the AI performs an auxiliary function similar to traditional digital tools such as image editing software or music production programs. Consequently, authorship and ownership remain relatively clear, as copyright vests in the human creator who directs the creative process.

In contrast, AI-generated works refer to outputs produced autonomously by artificial intelligence systems with minimal or no human intervention. Modern generative AI models are capable of producing complex outputs such as paintings, poetry, music, and computer code based on training data and algorithmic processes. The human role may be limited to providing a brief prompt or instruction, after which the AI independently generates the final output. In such cases, the difficulty arises because the work cannot easily be attributed to a human mind exercising creative skill and judgment.

This distinction is particularly important because intellectual property law both in India and internationally has historically been constructed around a human-centric model of creativity. When AI merely assists human authors, existing copyright doctrines remain adequate. However, when AI independently generates creative works, traditional legal principles struggle to determine who should be recognized as the author and owner of the work.

### B. The Legal Problem of Ownership in India

The core legal challenge in India arises from the intersection between authorship and ownership in copyright law. As discussed in the previous section, authorship forms the foundation of copyright protection, and ownership generally flows from authorship.

Section 2(d)(vi) of the Copyright Act, 1957 provides that in the case of computer-generated works, the author is "the person who causes the work to be created." This provision was introduced at a time when computers functioned primarily as tools operated directly by humans, rather than autonomous systems capable of generating content independently. The phrase therefore assumed the existence of a human actor who exercised meaningful control over the creative process.

With the rise of generative artificial intelligence, however, this assumption has become increasingly difficult to sustain. AI systems can now produce sophisticated outputs based on machine learning processes that operate independently of direct human creativity. As a result, identifying the "person who causes the work to be created" becomes problematic. It is unclear whether this phrase should refer to the programmer who designed the system, the user who provides prompts, or the corporate entity that owns the AI infrastructure.

Since the statute does not provide clear guidance, the ownership of AI-generated works remains legally uncertain. Scholars have therefore proposed several possible models for allocating ownership, each of which raises distinct legal and policy concerns.

### C. Possible Claimants to Ownership

#### 1. AI Developers

One proposed approach is to assign ownership to the developers or programmers who design and build the artificial intelligence systems. Developers create the algorithms, design the system architecture, and train the models using vast amounts of data. Their technical expertise and intellectual investment make it possible for the AI system to generate creative outputs.

From this perspective, granting ownership rights to developers may provide strong economic incentives for technological innovation. Artificial intelligence research requires significant financial investment, infrastructure, and expertise. Allowing developers to claim ownership over AI-

generated works could help them recover these investments and encourage continued development of advanced AI technologies.

However, this approach also raises conceptual difficulties. Developers typically do not exercise direct creative control over the specific outputs produced by the AI system. Once deployed, generative AI models may produce works that the developers neither anticipated nor intended. Consequently, attributing authorship to developers may appear inconsistent with the traditional principle that copyright protection arises from creative expression rather than technological facilitation.

Another concern is that granting ownership rights to developers could lead to concentration of intellectual property rights in the hands of large technology companies. Companies that control advanced AI systems could potentially dominate creative industries by claiming rights over vast quantities of AI-generated content.

**2. AI Users**

Another proposed model assigns ownership to the users who interact with the AI system and provide prompts or instructions that guide the generation of content. In many cases, users experiment with different prompts, modify parameters, and select outputs that align with their creative intentions. From this perspective, the user's involvement in shaping the final output may justify recognition as the author.

This model treats artificial intelligence as a creative tool, comparable to a camera or digital editing software. Just as photographers own the copyright in photographs taken using cameras, AI users could be considered the authors of works generated using AI systems.

Nevertheless, this approach also faces challenges. In many instances, the user's contribution may be extremely limited. Entering a simple prompt such as "create a painting of a sunset" may not involve the level of skill, judgment, or intellectual creativity traditionally associated with authorship. If copyright protection were granted based solely on minimal prompt input, it could significantly lower the threshold for authorship, potentially diluting the concept of creative ownership.

**3. Artificial Intelligence as an Author**

Some scholars have proposed a more radical approach: recognizing artificial intelligence itself as the author of AI-generated works. Supporters of this view argue that advanced AI systems increasingly demonstrate capabilities resembling human creativity, including generating novel ideas, producing artistic compositions, and solving complex problems.

If AI systems operate autonomously to create works without meaningful human involvement, it could be argued that they should be recognized as the true creators of those works.

However, this approach faces major legal barriers. Artificial intelligence systems currently lack legal personality, meaning they cannot hold rights or obligations under the law. Copyright ownership involves activities such as licensing, transferring rights, and enforcing claims against infringement functions that AI systems cannot perform independently.

Granting legal personality to AI would require fundamental changes to existing legal frameworks, including the recognition of machines as entities capable of owning property and bearing legal responsibilities. Such changes raise profound ethical and philosophical questions regarding the legal status of artificial intelligence.

**4. Public Domain Approach**

Another widely discussed solution is to treat AI-generated works as unprotectable and place them automatically in the public domain. According to this approach, copyright protection should exist only where there is identifiable human creativity. If no human author can be identified, the work should remain freely accessible for public use.

Placing AI outputs in the public domain could promote open access to creative works and

prevent monopolization of AI-generated content**.** This approach would also align with the traditional rationale of copyright law, which seeks to reward human creativity rather than machine processes.

However, critics argue that this model may weaken incentives for technological innovation. If AI-generated outputs cannot be protected by copyright, companies may struggle to commercialize their creations or prevent unauthorized use of their AI-produced content. As a result, developers may be less willing to invest in the development of advanced AI systems.

## V. COMPARATIVE LEGAL APPROACHES TO AI-GENERATED WORKS

The increasing use of artificial intelligence in creative industries has created significant challenges for copyright law across different jurisdictions. Traditional copyright systems were designed to protect works created through human intellectual effort**,** but modern generative AI systems are capable of producing music, images, text, and other creative outputs with minimal human involvement. As a result, legal systems around the world are grappling with the question of whether AI-generated works should receive copyright protection and, if so, who should be recognized as the author.

Different jurisdictions have adopted varying approaches to this issue. Some strictly require human authorship, while others provide limited recognition to computer-generated works within existing legal frameworks. This section examines the approaches taken by the United States, the United Kingdom, and Australia in addressing copyright protection for AI-generated works.

### A. United States

The United States adopts a strict interpretation of the human authorship requirement in copyright law. Copyright protection in the United States is governed by the Copyright Act of 1976, which grants protection to "original works of authorship." Although the statute does not explicitly state that authors must be human, judicial interpretation has consistently emphasized the necessity of human creative input**.**[1197]

One of the earliest judicial interpretations of authorship can be found in *Burrow-Giles Lithographic Co. v. Sarony (1884)*[1198]**,** where the Supreme Court held that copyright protects works that originate from the intellectual conception of a human author**.** This principle has continued to influence copyright law in the United States.

More recent cases have reaffirmed the human authorship requirement. In *Naruto v. Slater (2018)*[1199]**,** popularly known as the "monkey selfie case," the court ruled that animals cannot own copyright because the Copyright Act recognizes only human authors as rights holders. While the case did not involve artificial intelligence, it reinforced the broader legal principle that non-human entities cannot qualify as authors under copyright law.

The issue of AI-generated works was more directly addressed in *Thaler v. Perlmutter (2011)*[1200], where the court considered whether a work generated autonomously by an artificial intelligence system could receive copyright protection. The court concluded that copyright law requires human authorship, and therefore works created entirely by AI systems are not eligible for protection.

The United States Copyright Office has also clarified its position in recent policy guidance. According to the Office, works generated by artificial intelligence may only receive copyright protection if there is sufficient human creative involvement, such as editing, arranging, or modifying AI-generated content. Purely AI-generated outputs, however, cannot be registered.[1201]

Thus, the United States approach clearly distinguishes between AI-assisted works, which

[1197] **Copyright Act of 1976**, 17 U.S.C. §§ 101–810 (1976).
[1198] **Burrow-Giles Lithographic Co. v. Sarony**, 111 U.S. 53 (1884).
[1199] **Naruto v. Slater**, 888 F.3d 418 (9th Cir. 2018).
[1200] **Thaler v. Perlmutter**, 60 U.S.P.Q.2d 1865 (E.D. Va. 2011).
[1201] U.S. Copyright Office, **Copyright Registration Guidance: Works Containing Material Generated by Artificial Intelligence** (2023).

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may be protected if humans contribute creatively, and fully AI-generated works, which generally fall outside the scope of copyright protection.

### B. United Kingdom

The United Kingdom provides one of the few copyright frameworks that explicitly addresses computer-generated works**.** Copyright law in the UK is governed by the Copyright, Designs and Patents Act 1988.

Section 9(3) of the Act states that in the case of computer-generated literary, dramatic, musical, or artistic works, the author shall be "the person by whom the arrangements necessary for the creation of the work are undertaken."[1202] This provision was introduced to address situations where works are produced by computers without direct human authorship.

Unlike the United States, which strictly requires human authorship, the UK law attempts to assign authorship to the individual responsible for initiating or organizing the creation process**.** This could potentially include the programmer who designed the software, the user who operates the system, or the entity responsible for setting up the process that generated the work.

However, applying this provision to modern artificial intelligence systems remains challenging. Contemporary AI technologies operate with a degree of autonomy that was not anticipated when the legislation was enacted in 1988. As a result, legal scholars continue to debate whether the AI developer, the system operator, or the user providing prompts should be considered the author under this framework.

Another notable feature of the UK system is the duration of copyright protection for computer-generated works. Under the Act, such works are protected for 50 years from the date of creation**,** rather than for the life of the author. This reflects the recognition that computer-generated works may not have a traditional human creator.

Although the United Kingdom provides a statutory framework that could accommodate AI-generated works, the law still leaves significant ambiguity regarding the identification of the rightful author in the context of modern AI technologies.

### C. Australia

Australia takes a more traditional approach that closely aligns with the human authorship principle found in many copyright systems. Copyright law in Australia is governed by the Copyright Act, 1968.

Although the Act does not explicitly state that authors must be human, Australian courts have interpreted copyright law as requiring human authorship and creative effort. A key case illustrating this principle is *Telstra Corporation Ltd v Phone Directories Company Pty Ltd (2001)***.**[1203]

In this case, the court considered whether telephone directories generated largely through automated computer processes could qualify for copyright protection. The court held that copyright protection requires identifiable human authors who exercise independent intellectual effort**.** Because the directories were created primarily through automated processes without sufficient human creative input, they were found not to qualify for copyright protection.

This decision highlights an important principle within Australian copyright law: copyright protection arises only where there is human skill, labor, and judgment involved in the creation of the work**.**

Consequently, under the current legal framework, works generated entirely by artificial intelligence without meaningful human involvement would likely fail to meet the authorship requirements for copyright protection in Australia**.**

[1202] **Copyright, Designs and Patents Act 1988,** c. 48, § 9(3) (UK).

[1203] **Telstra Corp. Ltd v. Phone Directories Co. Pty Ltd**, [No. S44/2001] FCA 1217 (Austl. Fed. Ct. 2001).

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### D. Comparative Observations

A comparison of these jurisdictions reveals both similarities and differences in their treatment of AI-generated works. The United States and Australia emphasize the importance of human authorship, generally denying copyright protection to works produced entirely by artificial intelligence. In contrast, the United Kingdom provides a statutory mechanism that attributes authorship to the person responsible for arranging the creation of computer-generated works.

Despite these differences, all three jurisdictions ultimately rely on the underlying assumption that copyright law is primarily designed to protect human creativity and intellectual effort**.** As artificial intelligence technologies continue to advance, these legal systems may face increasing pressure to clarify how copyright should apply to works produced with minimal or no human involvement.

## VI. CHALLENGES AND POLICY CONCERNS

The emergence of artificial intelligence as a tool capable of producing creative works raises significant legal and policy concerns for copyright law. While AI technologies offer new opportunities for innovation and creativity, they also create complex challenges relating to incentives for innovation, accountability, the use of copyrighted training data, economic impacts, and the protection of human creators. Addressing these concerns is essential for developing a balanced legal framework that encourages technological advancement while safeguarding the interests of creators.

### A. Innovation Incentives

One of the primary policy questions surrounding AI-generated works is whether granting copyright protection would promote or hinder innovation. Copyright law traditionally exists to encourage creativity by granting authors exclusive rights over their works. However, when creative outputs are generated primarily by artificial intelligence systems, it becomes difficult to determine whether such incentives remain necessary.

Some scholars argue that granting copyright protection to AI-generated works could encourage companies to invest in the development of advanced AI systems capable of producing creative content. Organizations such as OpenAI and Google have already invested significant resources into generative AI technologies used for writing, art, and music creation. Providing legal protection for AI-generated outputs could potentially strengthen incentives for further technological development.

On the other hand, critics argue that granting copyright protection for AI-generated works could lead to an **o**verabundance of protected content, potentially creating barriers to access and limiting the availability of creative material for future creators. If AI systems are capable of producing vast quantities of copyrighted works, this could undermine the fundamental goal of copyright law, which is to balance protection with public access.

### B. Accountability and Responsibility

Another major challenge concerns the issue of accountability when AI systems generate infringing or harmful content. Unlike traditional creative works produced by identifiable human authors, AI-generated outputs may not have a clear responsible party.

For instance, if an AI system generates content that closely resembles an existing copyrighted work, determining liability becomes complex. Responsibility could potentially lie with the AI developer who created the system, the company that deployed it, or the user who provided prompts. However, existing copyright frameworks were not designed to address these multi-layered relationships.

This lack of clarity creates legal uncertainty and may complicate the enforcement of copyright laws. Establishing clear rules regarding responsibility and liability is therefore a critical policy concern in regulating AI-generated content.

### C. Fair Use and Training Data

INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 6 AND ISSUE 2 OF 2026

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

https://iledu.in

Generative AI systems rely heavily on large datasets to learn patterns and generate new content. These datasets often include vast amounts of text, images, music, and other creative works that may be protected under copyright law.

The use of copyrighted material for training AI systems raises important questions regarding fair use under the Copyright Act of 1976 and similar doctrines in other jurisdictions. Technology companies frequently argue that training AI models on publicly available data constitutes transformative use, which may fall within the scope of fair use.

However, many creators have raised concerns that their works are being used without consent or compensation. Several lawsuits have emerged in recent years involving claims that AI systems were trained on copyrighted content without authorization. These disputes highlight the growing tension between technological innovation and the protection of creators' rights.

### D. Economic Implications

The rise of AI-generated content also has significant economic implications for creative industries. AI systems are increasingly capable of producing works that resemble human-created art, music, and writing at a much lower cost and in significantly less time.

While this technological development may improve efficiency and accessibility, it may also disrupt traditional creative professions. Writers, artists, designers, and musicians may face increased competition from AI-generated content that can be produced rapidly and at scale.

At the same time, AI tools may also enhance human creativity by assisting creators in generating ideas, improving productivity, and expanding creative possibilities. The challenge for policymakers is therefore to design legal frameworks that encourage technological progress while protecting the livelihoods of human creators.

### E. Impact on Human Creators

Perhaps the most significant policy concern is the potential impact of AI-generated works on human creativity. Copyright law has historically been grounded in the recognition and protection of human intellectual effort and artistic expression.

If AI-generated works are granted the same legal protection as human-created works, this could diminish the recognition and value traditionally associated with human creativity. Some scholars argue that maintaining a clear distinction between AI-assisted works and fully AI-generated works is necessary to preserve the central role of human authors in copyright law.

Ultimately, policymakers must strike a careful balance between encouraging technological innovation and preserving the fundamental principles that underpin copyright protection.

## VII. RECOMMENDATIONS AND PROPOSED LEGAL FRAMEWORK

The rapid expansion of artificial intelligence in creative industries has exposed significant gaps in existing copyright law. Traditional copyright systems were designed to protect works created through human intellectual effort, and therefore they struggle to address situations where creative outputs are generated by autonomous or semi-autonomous AI systems. In order to maintain a balance between technological innovation and the protection of creative rights, it is necessary to develop a legal framework that clearly addresses the status of AI-generated works. Several potential approaches may help resolve the current uncertainty.

### A. Recognition of AI-Assisted Works

One of the most practical solutions is to clearly distinguish between AI-assisted works and fully AI-generated works. In AI-assisted works, artificial intelligence functions as a tool that supports human creativity, rather than acting as the independent creator. The human user typically exercises creative control through activities such as designing prompts, selecting

outputs, editing generated material, and arranging the final work.

Recognizing AI-assisted works as eligible for copyright protection would align with existing principles of copyright law, which prioritize human intellectual contribution. This approach has already been acknowledged by the United States Copyright Office, which allows copyright registration for works where human authors make meaningful creative contributions to AI-generated material.

By formally recognizing AI-assisted works, copyright law can continue to encourage creative activity while allowing creators to utilize modern technological tools.

**B. Granting Rights to Human Users**

Another potential approach is to grant authorship rights to the human user who directs the AI system**.** In many cases, users contribute significant creative input through prompts, instructions, and the selection of generated content. These actions may involve artistic judgment and intellectual effort that resembles traditional creative processes.

Under this model, the individual who meaningfully controls the creative process would be recognized as the author of the resulting work. This approach is somewhat consistent with the principles found in the Copyright, Designs and Patents Act 1988, which attributes authorship of computer-generated works to the person responsible for making the arrangements necessary for the creation of the work**.**

Granting rights to human users may provide clear incentives for individuals to experiment with AI tools while ensuring that the legal system continues to recognize human participation in the creative process.

**C. Creation of a Sui Generis Protection System**

Some scholars have suggested the creation of a sui generis legal framework specifically designed for AI-generated works. Under this model, AI-generated outputs that lack sufficient human creativity would not receive traditional copyright protection but could instead be protected through a separate legal regime.

A sui generis system could provide limited protection for AI-generated works, potentially granting rights to the entity responsible for developing or operating the AI system. Such protection might involve shorter protection periods or narrower exclusive rights compared to traditional copyright.

This approach could address the unique characteristics of AI-generated works while preventing the expansion of copyright protection beyond its traditional purpose. However, implementing a new legal regime would require significant legislative reform and international coordination.

**D. Clarifying Authorship Rules in Copyright Law**

Another important step is the clarification of authorship rules within existing copyright legislation. Many current copyright statutes were drafted before the emergence of advanced artificial intelligence and therefore lack clear definitions regarding authorship in the context of automated systems.

Legislatures could amend copyright statutes to explicitly define the level of human involvement required for authorship**.** Such clarification would help courts determine whether works generated with AI assistance qualify for protection and who should be recognized as the author.

Clear statutory guidance would also reduce legal uncertainty for technology companies, creators, and users who rely on AI tools in creative processes.

**E. A Balanced Approach**

Among the various proposed solutions, the most balanced approach may involve combining recognition of AI-assisted works with clearer authorship rules in copyright law**.** This framework would ensure that copyright protection remains centered on human

creativity, while still allowing creators to benefit from the use of advanced technological tools.

Fully autonomous AI-generated works that lack meaningful human involvement could remain outside traditional copyright protection or potentially be addressed through a limited sui generis regime if necessary. At the same time, works where humans exercise creative judgment with the assistance of AI should continue to receive legal protection.

Such an approach would preserve the core principles of copyright law while adapting the legal system to the realities of modern technological innovation. By clarifying authorship rules and recognizing the evolving relationship between humans and intelligent machines, lawmakers can create a copyright framework that both encourages technological development and protects human creativity.

## VIII. CONCLUSION

The emergence of artificial intelligence as a tool capable of generating creative works has introduced significant challenges for traditional copyright law. Existing legal frameworks were developed on the assumption that creative expression originates from human intellectual effort. Consequently, fundamental copyright concepts such as authorship, originality, ownership, and duration are deeply rooted in the idea of human creativity. The development of advanced generative AI systems capable of autonomously producing artistic and literary outputs has therefore exposed important gaps within current intellectual property regimes.

This research has demonstrated that the ownership of AI-generated works remains legally ambiguous. The analysis of the Copyright Act, 1957 and relevant judicial decisions illustrates that Indian copyright law is fundamentally anthropocentric and does not explicitly recognize artificial intelligence as a potential author. Similar challenges are observed in other jurisdictions, although different legal systems have adopted varying approaches. The United States and Australia emphasize the requirement of human authorship, while the United Kingdom provides a limited statutory framework for computer-generated works. Despite these differences, most jurisdictions continue to prioritize human creativity as the basis of copyright protection.

The research also highlighted several competing ownership models, including granting rights to AI developers, recognizing users as authors, treating AI as a legal entity, or placing AI-generated works in the public domain. Each approach presents both advantages and limitations, particularly in relation to innovation incentives, accountability, and the protection of human creators.

In light of these challenges, this study suggests that a balanced legal framework is necessary to address the growing role of artificial intelligence in creative production. Recognizing AI-assisted works while maintaining human authorship as a central requirement offers a practical and legally coherent solution. At the same time, policymakers may consider developing limited or specialized forms of protection for fully autonomous AI-generated works where appropriate.

Ultimately, as artificial intelligence continues to evolve and integrate into creative industries, copyright law must adapt in order to maintain a fair balance between encouraging technological innovation and preserving the fundamental objective of protecting human creativity.

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