



**E- Journal of Academic Innovation and
Research in Intellectual Property
Assets (E-JAIRIPA)**

Vol. V (ISSUE I) JAN -JUNE 2024, pg. 90-102



THE ROLE OF INDIAN JUDICIARY IN DETERMINING THE AMBIT OF ARTIFICIAL INTELLIGENCE IN COPYRIGHT

Kinkini Mukherjee¹ & Prashna Samaddar²

Abstract

The intrinsic intelligence in humans falls in stark contrast with Artificial Intelligence (AI), which is represented by technology and other structured technical entities such as robots and bots. AI completely transforms the creative industry by upending preconceived ideas and challenging copyright ownership and associated claims. It is an arena of uniqueness and inventive interaction for the Indian legislature and judicial system regarding the interplay between copyright and artificial intelligence. The judiciary's narrow interpretational scope and scant interventions have given it an overview of AI-enabled content in India. The judiciary must continue to be watchful as technology develops to handle just and equitable copyright structure. The Indian judiciary is anticipated to be a key player in interpreting copyright laws, mainly encompassing work created by artificial intelligence. The article addresses authorship and ownership concerns while offering insights into the way the Indian judiciary handles the complexity of AI's impact on copyright. The research explores the procedure of Indian Judicial discourse that has evolved the connection between copyright and AI. The research examines the way the Indian court has changed over time, evaluating key decisions, established norms, and developing patterns to determine the boundaries of AI in copyright. The article illuminates AI technology's challenges and opportunities for India's copyright laws through a thorough analysis of court decisions and interpretations. The article clarifies the notion that the Indian judiciary ought to adjust to the latest technology developments and foresee the unique legal obstacles that arise from the incorporation of AI in creative endeavours.

Keywords: Copyright, Artificial Intelligence (AI), AI-generated content, Indian judiciary, copyright ownership

¹ Research Scholar, St. Xavier's University, Kolkata.

² Assistant Professor, St. Xavier's Law School, St. Xavier's University, Kolkata.

Introduction

Artificial Intelligence (AI) disrupts modern creative pursuits, posing innovative gauntlets for long-standing copyright regulations. The issues of authorship and ownership have grown more prominent in legal discourse as AI generated work becomes more rampant. The Indian judiciary has a vital role in construing and molding copyright legislation to account for the intricacies of artificial intelligence engagement. Through a review of significant instances, guiding principles and developing trends, the article examines interference of AI and copyright within the Indian legal system. The study's scope is limited to India's intellectual property laws and regulations.

Further, the research may compare the obstacles posed by AI in copyright domains in developed and developing countries. The present study offers comprehensive knowledge of legal doctrines, court rulings and developing patterns influencing the intersection of AI and copyright in India using an interdisciplinary approach that integrates legal analysis, technical insights, and socio-economic factors. This article explores the interference of AI in impacting copyright law by examining crucial cases and legislative advancements. It also emphasizes the significance of the judiciary in ensuring just and equitable copyright regime in the age of digital technology.

Concept of Copyright

The copyright corresponds to a statutory intellectual property right accorded to the creators of literary, theatrical, lyrical, and artistic works as well as to those who generate audio recordings and cinematographic movies. It includes the right to reproduce, communicate, adapt, and publish the work amid other privileges. As it protects the creators' rights, copyright also recognises and rewards their creative efforts.

The copyright act of 1957 and copyright Rules represent the legislative framework that governs India. It is vital to note that copyright preserves the original presentation of knowledge and ideas rather than just ideas and concepts. The legitimate proprietor of the copyright may claim ownership of the creation and even copyright may be awarded to legal heirs or any authorised representative.³

The Copyright Act confers upon the author various economic rights, including the privilege to replicate the work, publish duplicates, execute or convey it to the public, and create adaptations or translations. Additionally, it grants moral rights to the author, encompassing the right to claim authorship, protect one's honour and reputation, and prevent false attribution of the work.⁴

³ Copyright Law in India, *available at* <https://www.legalserviceindia.com/article/1195-Copyright-Law-in-India.html> (last visited on August 5, 2024)

⁴ Interaction Between AI And Copyright: Who Has The Copyright In Ai?, *available at* <https://www.ipandlegalfilings.com/interaction-between-ai-and-copyright-who-has-the-copyright-in-ai/> (last visited on August 5, 2024)

1. Concept of Ownership

As per Indian copyright Law, the exclusive owner of creative task is the individual or entity that possess copyright and is termed as “copyright holder”. This entity has the authority to determine how the work is applied, replicated, exchanged, executed or displayed. Primarily the creator of the work may be the copyright owner or it may be transferred to another person via agreements or contracts.⁵

2. Notion regarding Author

Under Indian Copyright Law, “author” clarifies the individual originating the indigenous work. Composing a piece is the creator’s responsibility and is fulfilled via expertise, endeavour, and ingenuity. It is imperative to underscore that the term author does strictly refer to the writers or literary works: rather it embraces a wide range of creative expressions, including literary, musical, artistic and cinematic creations.

The definition of the author for different categories of works is delineated in Section 2(d) of the Act:⁶

- The work’s creator is considered the author for literary or dramatic works.
- In the context of musical works, the composer is identified as the author.
- An artistic creation, excluding photographs, designates the artist as the author.
- Regarding photographs, the individual capturing the image is recognized as the author.
- In the case of a cinematographic film, the producer is acknowledged as the author.
- Similarly, the producer is also acknowledged as the author of sound recordings.

Copyright Law Ramifications

The issue of whether a software program can be awarded rights ignites intense debate with initial response seemingly being a firm not largely because a computer program does not have legal personhood. The works accomplished through AI are fundamentally software created meaning they are produced without human authorship. The author of the work obtains copyright protection, and in cases of computer- initiated works like literary, theatrical, musical or artistic creation the creator is viewed as the person who triggers or directs the creation process.

Authorship is determined by analysing the relationship between the creator and the creation. Neither does the existing legal framework of India specify that a computer or a software may be held accountable for the infringement, nor does it clarify about ownership of AI originated work. It is widely

⁵ Difference Between Authorship and Ownership in Copyright Law, *available at* <https://www.linkedin.com/pulse/difference-between-authorship-ownership-copyright-law-bytescare/> (last visited on August 5, 2024)

⁶ Indian Copyright Act, 1957

held belief that robots lack intellectual property rights since they are not liable for any acts or interactions that injure third parties. The court compared the software to an instrument in a precedent setting English case. Later in 1980 the UK's "Copyright, Designs and Patent Act" section 9(3) removed the ambiguity by declaring that in the case of computer-generated works, the author is the one who makes the necessary arrangements to produce the work.⁷

The Interplay of AI and Copyright

AI is a technique of imitating intelligent behaviour in software that can tackle multifaceted issues better than individuals.⁸

AI has been classified into three primary categories by World Intellectual Property Organization (WIPO) "expert system, perception systems and natural language systems." Perception systems help to understand the outside world whereas natural language systems grasp words' meanings. Expert systems specialize in domains that need a great degree of expertise, such as medical diagnosis and creative efforts. The ability of AI to navigate intellectual property rights (IPR) filings has greatly improved. Instances like the selfie-taking monkey highlight the issue of whether machine-generated works are registrable, emphasizing the importance of human effort. In response, the US copyright office has revised its authorship definition. Advancements in artificial intelligence have spawned technologies capable of generating original content, raising concerns regarding ownership and copyright infringement for AI-generated works.

AI can produce unique works that conflate ownership and authorship, upending established legal frameworks. Through several notable judgements, the Indian judiciary has addressed these issues and offered important new perspectives on the legal ramifications of AI-generated material.

Addressing Issues of Authorship and Ownership

In India, a creation must be unique and recorded physically to qualify for copyright protection according to the "Copyright Act of 1957". The originality criterion is defined through legal precedents, involving the application of sufficient judgment, skill, and labour.

'Section 17 of the Indian Copyright Act' establishes that the author or creator of the work, as the original owner, is entitled to automatic copyright protection. The "Modicum of creativity" principle emerged in the *Fiest Publications* case, emphasizing creativity beyond mere skill and labour.

India is a signatory to the Berne Convention, which stipulates that copyright protection begins as soon

⁷AI, Copyright Law and the Requirement of Human Authorship, *available at* <https://aibusiness.com/nlp/ai-and-copyrights-the-challenging-requirement-of-human-authorship> (last visited on August 5, 2024)

⁸What Is Artificial Intelligence (AI)?, *available at* <https://www.investopedia.com/terms/a/artificial-intelligence-ai.asp> (last visited on August 5, 2024)

as the work is created. While registration is not compulsory, it is advisable to do so. Identifying the author and owner of AI generated works is one of the primary issues that the Indian judiciary is now dealing with. Unlike human creators, AI systems operate autonomously, raising questions about who has rights to the produced content.

To secure copyright for “literary, dramatic, musical, and artistic creations” under “Section 13 of the Copyright Act 1957”, they must demonstrate originality. However, as the act lacks a precise definition of ‘original’, the Supreme Court, in the “Eastern Book Co v D B Modak” case, embraced the ‘modicum of creativity’ guideline to ascertain eligibility for copyright protection. According to this guideline, an original work eligible for copyright must possess a “minimum level of creativity” and should not solely be the product of skill and effort. While the threshold for creativity isn’t exceedingly high, AI-generated work may fulfill this standard of originality and consequently be entitled to copyright protection. Nevertheless, once the “modicum of creativity” standard is satisfied, the subsequent pivotal inquiry under the Copyright Act pertains to establishing the work's authorship. Section 2(d) of the act affirms the author of “any literary, dramatic, musical, or artistic work which is computer-generated” as “the person who causes the work to be created”. This clarification is consistent with copyright law in the United Kingdom.⁹

In addition, when organisations or corporations use AI, ownership issues are the sparking discussions about who is entitled to corporations, ownership issues are the sparking discussions about who is entitled to copyright –the developer, the programmer or the user. The Indian legal system aims to find an equilibrium between encouraging innovation and safeguarding intellectual property rights, highlighting the importance of well-defined legal structures in AI-driven creative endeavours.

The Indian Judiciary’s Emerging Significance

Adapting legal principles to developing AI mechanism is a persistent difficulty for the Indian Judiciary as technology improves. Currently copyright laws need to be construed and implemented in the context of rapidly changing technological environment. The judiciary can effectively navigate the complexities of AI involvement in copyright through proactive measures such as judicial guidelines, educational initiatives, and stakeholder engagement.

The decision in *Amar Nath Sehgal v. Union of India* by Delhi High Court provides a new light on the core idea of authorship under Indian copyright law. The court recognised the “moral rights” as specified in sec 57 of the Act.¹⁰ These rights include the right to be identified as the author, the right to have the work maintained accurately, and the right to withdraw it from publication. The court noted that these

⁹Who Owns the Copyright to AI-Generated Works?, available at <https://copyrightalliance.org/faqs/artificial-intelligence-copyright-ownership/> (last visited on August 5, 2024)

¹⁰ Copyright Act 1957

rights represent a distinctive bond between creators and creation, arising from each creator's individual creative genius.

Hence, verifying the AI system's recognition of this distinctive connection between the work and its originator in AI-generated creation situations proves difficult. The AI system might encounter difficulties in grasping the moral implications and the esteem linked with the creation and its maker. As a result, even though an AI-produced piece may be deemed "original" within the present technological context and legal structure, assigning authorship directly to the AI system could present challenges.

International Outlook

In November 2020, Indian Copyright Office granted its initial approval for registering Suryast, marking Mr. Sahni as the first individual to secure copyright protection for AI-generated works. This is significant because, unlike the stance taken by the US Copyright Office (USCO) which has rejected registrations for AI-derived creations—as seen in the Thaler case—such synthetic works had not been previously protected. On the other hand, a later withdrawal notice cast doubt on RAGHAV's legal standing, suggesting that India's strategy is unclear.

Sec 2(d) (iii) and 2(d)(vi) of the "Copyright Act of 1957" were the main points of emphasis for the notice, which emphasized the necessity that an "author" be an artist of someone who create artistic works. In response, Mr Sahni narrated that Copyright Office was not authorised to review its order from the outset.

The Perspective of Office of Copyright Directives and the Thaler Ruling

The U.S. District Court focused on the *Thaler v. Perlmutter* decision, which upheld the need for copyright protection because it protects human creators. It is a major source of support for the Copyright Office Board's position. In addition, new guidelines from the Copyright Office emphasise how important it is to distinguish between AI and human authors based on whether conventional elements were designed and carried out by a machine or whether the work is predominantly the product of human authorship. In summarizing its contributions, the Board emphasised that copyright protects the expression of an idea, not the concept itself.

On the other hand, Canada acknowledged Sahni as a co- author alongside the AI tool, highlighting the global differences in legal interpretations. The Beijing Internet Court took an alternative view, granting copyright protection to AI-initiated content due to its originality and the involvement of human supervision.

Divergent policy stances between jurisdictions prompt concerns over the necessity of human participation as co-writers and if non-human AI entities can be regarded as authors.

Situation of UK Regarding Copyright

Copyright protection for computer-composed content was first established in the UK, where Sec 9(3) of the “Copyright Designs and Patents Act of 1988(UK)” indicates that computer authored works are subject to copyright protection. According to this section, the creator of AI-developed work is considered to be ‘the individual who made the preparations required to produce the work. While Section 9(3) was initially proposed to offer sufficient protection to investors in satellite photography, additional reasons for its implementation included recognizing the reality of computer technology’s role in producing materials eligible for copyright protection, ensuring flexibility for future technological advancements, and aiming to future-proof copyright law amidst rapid technological changes. Moreover, the intention was to simplify the comprehension of copyright law.¹¹

Australia

In Australia, the ‘Copyright Law Review Committee Report’ regarding the safeguarding of computer software advised integrating a comparable provision into the Australian Copyright Act of 1968 (Cth). However, this proposal was not enacted into legislation. The ‘necessary arrangement’ assessment wouldn’t be entirely novel in an Australian context. For instance, concerning cinematographic films, the “Copyright Act of 1968” (Cth) attributes copyright to the ‘maker’ of a film. The ‘maker’ of a film is defined as ‘the individual who undertook the necessary arrangements for the production of the film.’ As per established legal precedents, the maker could be the film’s producer/investor, the film director, or both jointly, depending on their respective contributions.

Legal and Legislative Considerations

In India the “Copyright Act of 1957” presents its own set of hurdles in acknowledging AI-generated works. The Act provides copyright protection to human works, creating uncertainty for works generated solely by AI algorithms. While the European Union regards such works as under human ownership with appropriate oversight, India’s legal framework lacks clear provision, putting a closer evaluation of definitions of Author and work.”

AI-Generated Content

The qualification of copyright protection for content generated by AI prompts apprehensions. As per copyright regulations, the primary copyright holder of a creation is acknowledged as its author.

¹¹ *Law of Artificial Intelligence*, 302-316,(Sweet & Maxwell, United Kingdom)
<<https://www.sweetandmaxwell.co.uk/Product/Information-Technology-Law/Law-of-Artificial-Intelligence-The/Hardback/43171250>> (last visited on August 5, 2024) Matt Hervey and Mathew Lavy, *et.al.*,

Nevertheless, the existing “Indian Copyright Act of 1957” does not explicitly tackle AI-generated content or acknowledge AI as a creator. A significant limitation in granting copyright protection to AI works is that, under the law, the work must demonstrate originality and creativity to qualify for such protection. Originality is a key factor in assessing the availability of copyright protection for a work. Section 13 of the Indian Copyright Act stipulates that copyright protection extends to “original literary, dramatic, musical, and artistic works.” However, the concept of originality is not explicitly defined, leaving it to the courts to determine whether a work meets the threshold of being “original” enough. Content produced by AI might not meet the standards of originality or creativity since it frequently depends on information collected from diverse existing sources on the internet and data furnished during its training.

In 1994, the Copyright Act in India was amended to encompass “computer-generated works, including literary, dramatic, musical, or artistic works”. Section 2(d)(v) was introduced to define the authorship of such works as “the person who causes the work to be created.” However, the interpretation of the term “person” becomes crucial, as currently only natural persons are recognized as authors under the law. Therefore, it is essential for the law and the courts to clarify the legal status of AI - whether AI can be considered a ‘person’ under the law, and if so, to what extent.

“In different legal instances, such as a copyright dispute involving CBSE regarding exam papers, the Delhi High Court stressed that only human beings can be credited as authors, and copyright cannot be claimed without proof of personal contribution to the creation of those papers. Similarly, in another case, the Delhi High Court declined to recognize copyright claims over computer-generated lists due to a lack of human intervention.

A notable instance revolves around an AI-driven application named ‘Raghav,’ initially recognized as a co-creator of a copyrighted piece. However, the Copyright Office subsequently raised objections to this and moved to annul the registration. Although the attempt to register AI (RAGHAV) as the exclusive creator was denied, the Indian Copyright Office approved the application where the originator was designated as a co-creator alongside the AI tool.¹²

Uncertainties in AI-Created Content

As AI systems lack natural personhood and AI-produced works are classified as computer-generated compositions, as defined in Section 2(d) of the Copyright Act, uncertainties arise in identifying the

¹² Who owns AI-generated works? Here’s what the laws say copyright issue, *available at* <https://www.indiatoday.in/law/story/chatgpt-ai-generated-content-copyright-ownership-complexities-india-2439165-2023-09-22> (last visited on August 5, 2024)

“individual who caused the creation of the work”. This leads to uncertainties regarding whether the creator of the AI system, the proprietors of the AI technology, corporations, or financial backers in the AI industry, or the end user who employs the AI system to generate specific outcomes hold authorship rights. The lack of clarity and intricacies in determining the authorship of an AI-produced piece pose challenges in identifying the ‘first owner’ of copyright under “Section 17 of the Copyright Act,” typically the originator of a creation, subject to certain legal exemptions. Another complication arises from the fact that Indian copyright law allows copyright ownership in certain instances to non-natural, legal, or juristic entities (like corporations, institutions, or government bodies).

Therefore, if forthcoming AI systems are recognized as legal entities, they could conceivably be awarded copyright ownership under certain conditions. However, this could raise concerns regarding the transferability of copyright and the financial and commercial aspects of copyright ownership. AI systems are generally not recognized as natural person, eliminating the issue of granting copyright authorship to AI systems. Nevertheless, the distinction between AI systems and legal person appears to be unclear. Indian judiciary has not yet tackled these complex issues concerning AI-produced content and copyright authorship and ownership.

Identifying Artificial Authors within Modern Legal Systems

In the context of machine-generated works and the application of provisions to bring AI creations within the scope of copyright law, the concept of “work made for hire” warrants examination. This concept typically applies to arrangements between employers and employees. Essentially, when a work is created for an employer, the employer is considered the rightful owner of the work unless there’s a prior agreement granting copyright ownership to the author (employee).

The principle of work made for hire could potentially serve as a mechanism to encompass AI-generated works under copyright law. In this scenario, the developer or licensee of the AI could be designated as the owner, with the option to transfer ownership to a legal entity. This adjustment may require amendments to copyright legislation to facilitate such modifications effectively.¹³

Copyright by the Indian Copyright Office Protects AI-Created Works

The privileges granted to the proprietor to execute or permit specific actions (like duplication, dissemination, modification, and interpretation) concerning a piece of work are denoted as “Copyright”

¹³ Kalin Hristov, “Artificial Intelligence and Copyright Dilemma”, 57 *IDEA: The IP Law Review* (2017)

as per Section 14 of the Copyright Act of 1957.¹⁴

Moreover, as outlined in Section 17 of the statute, the originator of the creation is typically recognized as the initial holder of the copyright. However, if the work is generated under a contractual agreement for a fee and at the behest of the employer, then the employer assumes ownership rights over the work. In the context of works generated by AI, it's crucial to note that the outcome is contingent upon the data provided to the AI program, whether in terms of content, parameters, or scope. AI necessitates programming to yield results, and the content it generates may rely on either publicly available information or data accessible and analyzable by the AI.¹⁵

Copyright Disputes in AI

Copyright laws are specifically designed to foster creativity and protect the original works of creators from unauthorized use. While determining the authorship or ownership of traditional works is generally straightforward, AI-generated works become more complex.

Copyright law can address AI-generated works in three ways:

1. It can choose not to grant protection to AI-generated works.
2. It can assign authorship to the AI
3. It has the ability to assign authorship to the AI program's developers, who created the work

In copyright law, joint ownership is usually awarded when several people collaborate on a single creation. The query arises whether AI composed works may be awarded copyright. In overall, AI-generated works could be eligible for copyright law protection as they might signify the "de minimis" requirement

A framework for joint authorship- where in the AI and the user who created the output share copyright could be established by legal modifications. This could assist to settle disputes about copyright ownership of AI generated works, particularly since the creation of these works frequently involves human guidance. Currently India lacks legislation that would make AI systems obligated for copyright violations. Individuals are usually held accountable for copyright infringement. One could be held liable if they were the ones who developed the AI that caused the infringement. If there was no intent to violate copyright, it may be difficult to establish human involvement.

¹⁴ Artificial Intelligence and Copyright-The Authorship., *available at* <https://ssrana.in/articles/artificial-intelligence-and-copyright-the-authorship/> (last visited on August 5, 2024)

¹⁵ Doctrine of "Work For Hire" under the Copyright Law , *available at* <https://amlegals.com/doctrine-of-work-for-hire-under-the-copyright-law/> (last visited on August 5, 2024)

Future Recommendation

In order to promote innovation, creativity, and legal certainty, the Indian judiciary must play an indispensable part in defining the scope of AI in copyright. Walking forward, the judiciary must continue to be watchful regarding new legal issues forwarded by AI. The judiciary can ensure a just and equitable copyright regime that accommodates the transformative potential of AI by embracing interdisciplinary approaches, fostering collaboration between legal and technological experts and placing a high priority on public interest.

A resolution recently highlighted by the committee on Legal Affairs of the European Parliament stressed the need to broaden the definition of “original intellectual” creation, especially regarding copyrightable works produced by computers and robots. The proposed motion urged the European Commission to consider the most sophisticated autonomous robots the status of electronic persons, thereby assigning them specific rights and responsibilities. This resolution was based on Mady Delvaux’s report on robotics and AI.

The multiple issues arises to re-evaluate our intellectual property laws. Examples of concerns include the nature of ownership pertaining to works (partially) created by AI machines and how to protect and encourage investment for artists and industries working with such systems. To address these concerns, the Committee advocates for establishing “common Union definitions” and implementing a “comprehensive Union system for registration,” complete with criteria for categorizing robots.¹⁶ The Indian judiciary stands at the forefront of navigating the intricate intersections of AI and copyright, shaping legal precedents that will define the future of creative expression in the digital age.

Judicial Discourse

In accordance with the ruling of the Supreme Court of India in the case of “*Eastern Book Company & Ors v. D.B. Modak & Anr.*,”¹⁷ asserting copyright over a compilation requires the author to have employed both skill and judgment in its creation. This compilation need not necessarily be inventive or original in the conventional sense, but it must not merely be the product of routine labour and resources. The derivative work produced by the author must exhibit distinctive qualities and characteristics, thereby necessitating the demonstration of skill and judgment in every compilation or derivative work.¹⁸ Regarding infringement, determining liability becomes a concern if AI-generated content is deemed and safeguarded under copyright law. Section 51¹⁹ explicitly specifies that an individual can only commit

¹⁶ The future of labor unions in the age of automation and at the dawn of AI available at <https://www.sciencedirect.com/science/article/pii/S0160791X21002074> (last visited on August 5, 2024)

¹⁷ Eastern Book Company & Ors v. D.B. Modak & Anr. (2008) 1 SCC 1

¹⁸ Eastern Book Company & Ors vs D.B. Modak & Anr on 12 December, 2007, available at <https://indiankanon.org/doc/1062099/> (last visited on August 5, 2024)

¹⁹ Copyright Act 1957

copyright infringement. Therefore, in India, there is currently no clear legal standing for AI in this regard.

The NITI Aayog in India stressed the need for a strong and enforceable AI-related IPR framework. It should be possible for the artists to make profit and be recognised for their creative endeavours with this framework. It recommended establishing a task force to assess and develop appropriate measures, with members drawn from the Department for Promotion of Industry and Internal Trade and Ministry of Corporate Affairs. The Indian government is considering adopting national AI strategy and drafting a cabinet memo to carry it out.

The judgment in *Amar Nath Sehgal v Union of India*²⁰ by the Delhi High Court provided valuable insights into the concept of authorship within Indian copyright law. In this ruling, the court acknowledged the existence of “author’s moral rights” as outlined in Section 57 of the Copyright Act. These rights encompass the right of attribution, the right to preserve the integrity of a work, and the right of withdrawal. The court noted that these rights stem from individual creators’ unique creative power and charisma, establishing a special bond between them and their work.²¹

In the case of *Tech Plus Media Private Ltd v. Jyoti Janda*,²² it was held that plaintiff was juristic person so he could not be the author of the work created by AI.²³

Consequently, in cases involving AI-generated works, recognising the unique bond that the AI creates between author and the work grows complex. AI might discover challenges to comprehend the underlying moral values and the prestige of the work and its creator.

Therefore, while AI-produced content may meet the criteria of being “original” within the present scenario technological environment and legal framework, attributing authorship to the AI system itself may prove difficult.

Way Forward

- In an effort to apply AI for social and economic development, the Indian government has established the AI Task Force and the “AI for All” policy.
- The intellectual property framework needs to be reviewed in light of the swift progress in AI technology to ensure that the law adjusts accordingly.

²⁰ *Amar Nath Sehgal v Union of India*, 117(2005)DLT17

²¹ *Amar Nath Sehgal v Union of India*, available at <https://www.theipmatters.com/post/amarnath-sehgal-v-union-of-india> (last visited on August 6, 2024)

²² *Tech Plus Media Private Ltd v. Jyoti Janda* CS(OS) 119(2010)

²³ Pokhariyal P, Kashyap AK and Prasad AB, ‘*Artificial Intelligence: Law and Policy Implications*’ (Lawpustak.com) available at <https://www.lawpustak.com/products/artificial-intelligence-law-and-policy-implications-purvi-pokhariyal-amit-k-kashyap-and-arun-b-prasad-1st-edition-2020-reprint-2023> (last visited on August 6, 2024)

- It may be amended to recognise AI as authors under the Indian Copyright Act.
- Clarifying that a natural or legal person should nonetheless be the owner of the work is crucial.
- To guarantee that accountable parties may be sued, this is required. Nevertheless, additional issues come up, such when one individual creates AI but produces results based on inputs from another. It is vital to prove copyright ownership among the parties concerned in situations such as these.
- Any legal framework that seeks to assign authorship to artificial intelligence (AI)—whether entirely or in part—must address these issues and offer thorough responses.

Conclusion

As AI systems progress in areas traditionally linked to human abilities, such as creativity and independence, long-held views on human intelligence and intellectual output are being questioned. This evolution is putting pressure on current legal systems to evolve. With reduced human participation in AI system and the production of AI created content, global policy makers may eventually need to create frameworks and regulations that tackle the ethical, commercial, and liability dimensions of copyright for these creations. It will be fascinating to see how laws evolve to encourage and reward AI developers and users while addressing the potential legal status and recognition of AI systems.

Maintaining a balance between promoting AI innovation and safeguarding copyright holders' rights is crucial as AI technology develops. To overcome these legal issues and support the development of AI in India, copyright laws must be modified, fair use in the context of AI be acknowledged, and strong governance structures be put in place.
