AI AND AUTHORSHIP: RETHINKING COPYRIGHT LAW THROUGH A COMPARATIVE LENS WITH A FOCUS ON INDIA

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ABSTRACT

The emergence of artificial intelligence (AI) has transformed the way creative works are produced, raising new legal and ethical questions about authorship and originality. Traditional copyright law has always centered on the human creator, if creativity and moral responsibility belong only to natural persons. However, as AI systems begin to compose music, generate art, and write literature without direct human control, this assumption is being tested. This paper examines how major jurisdictions the United States, the United Kingdom, the European Union, China, and India address the issue of AI-generated works. The comparative analysis shows that while the United States and the European Union continue to uphold strict human authorship, the United Kingdom and China recognize limited rights for the human facilitators of AI-generated content. India, meanwhile, stands in an uncertain position. Section 2(d)(vi) of the Copyright Act, 1957 provides for "computer-generated works," but its meaning remains unclear in the age of generative AI. The study explores how existing copyright principles of originality, creativity, and accountability can adapt to AI. It also addresses the ethical challenges surrounding fairness, responsibility, and market equity. The paper proposes a dual-tier framework for India protecting AI-assisted works under human authorship while introducing a sui generis protection for fully autonomous AI outputs. The findings emphasize that while technology can support creativity, the essence of authorship must remain rooted in human judgment, moral responsibility, and social value.

Keywords: Artificial Intelligence, Copyright Law, Authorship, Comparative Study, Intellectual Property.

1. Introduction

Artificial Intelligence (AI) has moved from being a futuristic concept to an everyday reality. Today, AI systems can write poems, generate academic articles, compose music, design digital artwork, and even draft legal documents. These creations look indistinguishable from human works, raising a central legal question: **who is the author of an AI-generated work?**

Copyright law was originally designed to protect human creativity. The Berne Convention for the Protection of Literary and Artistic Works, which is the cornerstone of international copyright law, presupposes that authorship is a human activity[1]. Similarly, the Indian Copyright Act of 1957 defines an "author" in anthropocentric terms, attributing authorship only to natural persons or legal entities[2]. This means that under the present framework, a work created solely by AI has no recognized author and thus cannot be copyrighted.

This human-centered approach is not unique to India. In the United States, the Copyright Office and the federal courts have made it clear that copyright does not extend to works "produced without any creative input or intervention from a human author."[3] In *Thaler v. Perlmutter*, the United States Court of Appeals for the District of Columbia reaffirmed that human authorship is "a bedrock requirement of copyright law."[4] The European Union takes a similar position, requiring a "human intellectual creation" for protection.[5] In contrast, the United Kingdom provides limited recognition to computer-generated works by assigning authorship to "the person who made the arrangements necessary for the creation of the work."[6] Chinese courts have also adopted a more flexible stance, granting copyright protection to AI outputs when there is sufficient evidence of human control or creative input in the process.[7]

India stands at a **crossroads**. On one hand, ignoring AI in copyright law risks leaving AI-

[1]Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris, July 24, 1971, 1161 U.N.T.S. 3.

[2] The Copyright Act, No. 14 of 1957, § 2(d), INDIA CODE (1957).

[3] U.S. Copyright Office, Copyright and Artificial Intelligence: Part II — Copyrightability (2025), https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf

[4] Thaler v. Perlmutter - U.S. Court of Appeals for the D.C. Circuit

[5] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market,Directive - 2019/790 - EN - dsm - EUR-Lex - European Union

[6] Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.).

[7] Peter K. Yu, The Future Path of Artificial Intelligence and Copyright Law in the Asian Pacific, 96 Computers & L. (forthcoming 2024), available at Texas A&M Univ. Sch. of L. Legal Stud. Rsch. Paper No. 24-18, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4707592

generated works unprotected, which may discourage investment and innovation in creative industries. On the other hand, granting full authorship to AI would conflict with established principles of originality, creativity, and accountability in copyright jurisprudence. The challenge for India, therefore, is to strike a **balance between innovation and tradition**: to modernize its copyright law while preserving the core principle that copyright rewards human creativity.

This paper seeks to address the gap in Indian copyright law regarding AI-generated works. It does so by analyzing how other jurisdictions have approached this issue, highlighting the **ethical and legal dilemmas** posed by AI authorship, and proposing a **hybrid framework** for India. The objective of this research is threefold:

- To examine the current position of Indian copyright law regarding AI-created content;
- To compare India's approach with other major jurisdictions; and
- To recommend statutory and policy reforms that reconcile technological innovation with human authorship principles.

The framework suggests differentiating between AI-assisted works (where human creativity is dominant) and fully AI-generated works (where human involvement is minimal or absent). Such a distinction is crucial for maintaining fairness, encouraging creativity, and aligning Indian law with emerging global standards.

2. Literature Review and Methodology

2.1 Academic Discourse on AI, Copyright, and Authorship

Copyright law has always been built around the idea of a human author, a person with creativity, skill, and social responsibility. This belief comes from the **Berne Convention for the Protection of Literary and Artistic Works (1886)**[8], which protects only "authors of literary and artistic works." Most countries, including India, the United States, and those in the European Union, follow this same human-centered principle.

[8] Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris, July 24, 1971, 1161 U.N.T.S. 3

As technology advanced, machine learning and generative AI started producing art, literature, and music that appeared creative, even without direct human effort. Early scholars strongly opposed giving legal rights to machines, arguing that AI lacks originality, emotions, and accountability. However, research in the last few years (especially after 2020) shows that old copyright systems are no longer sufficient.

Recent scholarship grapples with the inadequacy of existing doctrines. As Gaidartzi and Stamatoudi (2025) argue, legal systems "designed around human authorship" are ill-equipped to address the challenges posed by fully autonomous AI.[9] Much of the literature focuses on four key issues: originality of AI output, authorship, ownership of rights, and infringement when AI is trained on copyrighted data. There is a growing consensus that while outright recognition of AI as an author is problematic, a total denial of protection for all AI-assisted outputs may also be counterproductive. The debate is thus polarized between calls for reforming copyright to include new rights for AI works and cautions against undermining the incentive structure for human creators.

Comparative studies show major differences among nations:

- The **United States**, in *Thaler v. Perlmutter* decided that works created fully by AI are **not copyrightable** unless a human determined the expressive elements.[10]

- The **United Kingdom**, under *Copyright, Designs and Patents Act 1988*, **Section 9(3)**, is unique because it gives authorship of computer-generated works to the person “making necessary arrangements” for the creation.[11]

- The **European Union** applies a **case-by-case** approach. Courts check how much human input went into the work before deciding on protection.[12]

- **China’s courts** have shown flexibility. In *Tencent v. Yingxun (2021)*, they granted copyright because the human had exercised creative control while preparing the AI’s

[9] Anthi Gaidartzi & Irini Stamatoudi, "Authorship and Ownership Issues Raised by AI-Generated Works: A Comparative Analysis," Laws 2025, 14(4), 57.
[10] Thaler v. Perlmutter - U.S. Court of Appeals for the D.C. Circuit
[11] Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.).
[12] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market,Directive - 2019/790 - EN - dsm - EUR-Lex - European Union

data and prompts.[13]

Some scholars argue that recognizing AI as an author would weaken the role of human creativity and moral rights. Others support a **"middle path"**, where protection is limited only to the human actors who meaningfully guide the AI or where special, narrow rights like *sui generis* database protection or compulsory licensing are created for AI-generated material.

2.2 Methodology

This paper uses a doctrinal and comparative legal approach, supported by analysis of laws, cases, and policy studies.

2.2.1 Doctrinal Analysis

The research examines key laws that define authorship and originality, including India's Copyright Act, 1957, the U.S. Copyright Act, the U.K. Copyright, Designs and Patents Act 1988, the EU Copyright Directive (2019/790), the Chinese Copyright Law, and the Japanese Copyright Act. Reported judgments such as *Thaler v. Perlmutter* (U.S.), *Tencent v. Yingxun* (China), and the Indian "RAGHAV AI" controversy are analyzed to understand how courts interpret authorship and originality in AI contexts.

2.2.2 Comparative Perspective

The study adopts a country-by-country comparison to identify where jurisdictions converge or differ. For instance, while the U.S. and EU reject non-human authorship, the U.K. and China allow limited rights to human facilitators of AI. This helps locate India's current position within the global debate.

2.2.3 Literature Synthesis

The research integrates peer-reviewed journals, law review articles, and policy papers published. Key materials include U.S. Copyright Office Reports, Commentaries.

[13] Tencent v. Yingxun, Beijing Intellectual Property Court, 2021; see also Authors Alliance, China's Controversial Court Rulings on AI Output (2025)

2.2.4 Case Study Approach

Case studies such as *Thaler v. Perlmutter*, *Tencent v. Yingxun*, *RAGHAV AI*, and recent developments in Japan and France illustrate how theoretical debates play out in real-world disputes.

2.2.5 Policy Analysis

The final methodological layer engages with ongoing global policy efforts including the EU AI Act (2024)[14] and India's preliminary discussions on AI and intellectual property. This helps in shaping practical reform suggestions tailored to India's conditions.

3. Comparative Legal Perspectives

3.1 Overview

Copyright law across major jurisdictions has responded differently to the rise of artificial intelligence (AI) in creative processes. The central question is, *can AI be recognized as an author?* remains unsettled. This section compares approaches in five key legal systems: the **United States**, the **United Kingdom**, the **European Union**, **China**, and **India**. The comparison identifies common principles, diverging interpretations, and the level of adaptability each system shows toward AI-generated works.

3.2 Comparative Table: AI Authorship under Major Jurisdictions

Jurisdiction	**Key Legal Source / Provision**	**Position on AI-Generated Works**	**Leading Case(s) / Decision**	**Current Legal Trend**
United States	U.S. Copyright Act (17 U.S.C.)	Only *human authorship* is recognized; AI-generated works without human input are not protected.	*Thaler v. Perlmutter* (2023)	Strict "human creativity" requirement; machine-generated works are public domain.

[14] Regulation (EU) 2024/1689 laying down harmonised rules on artificial intelligence

United Kingdom	Copyright, Designs and Patents Act 1988, § 9(3)	The author of computer-generated work is the person who made necessary arrangements for creation.	No major litigation yet; interpreted through copyright commentary.	The hybrid model protects human facilitators of AI, not AI itself.
European Union	Directive (EU) 2019/790 & CJEU case law	Originality requires "author's own intellectual creation." AI-only works are not protected.	*Infopaq International A/S v. Danske Dagblades Forening* (2009)	Human-centric but moving toward policy guidance on AI transparency.
China	Copyright Law (2020 Amendment)	Allows limited protection where human creative input exists in the AI process.	*Tencent v. Yingxun* (Beijing IP Court, 2021)	Flexible judicial recognition; human-guided AI can attract protection.
India	Copyright Act, 1957, § 2(d)(vi)	Refers to "person who causes a computer-generated work to be created." No case law on AI authorship	None; only administrative decisions.	Unclear and outdated; needs reform to address autonomous AI.

3.3 Analysis of National Approaches

3.3.1 United States

The **U.S. Copyright Office** has consistently held that copyright subsists only in works created by human beings. In its 2023 decision in *Thaler v. Perlmutter*, the **D.C. Circuit Court** affirmed that "human authorship is a bedrock requirement of copyright law."[15] Under this approach, when AI independently generates a creative work, that output automatically falls into the

[15]Thaler v. Perlmutter - U.S. Court of Appeals for the D.C. Circuit

public domain. However, hybrid works where humans contribute original elements remain protected. This approach strongly favors human creativity and moral accountability but leaves no room for fully autonomous AI works.

3.3.2 United Kingdom

The **United Kingdom** remains the only major jurisdiction that explicitly addresses computer-generated works in legislation. Section 9(3) of the **Copyright, Designs and Patents Act 1988** provides that for such works, "the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are undertaken."[16] This pragmatic approach ensures that creative outputs involving automation still receive protection. However, the provision was drafted decades before generative AI emerged, making its interpretation uncertain in the modern context. Critics argue it protects human facilitators rather than recognizing AI creativity.

3.3.3 European Union

In the **European Union**, the **Court of Justice of the European Union (CJEU)** maintains that copyright requires "the author's own intellectual creation."[17] Thus, works generated entirely by AI, with no human intellectual effort, cannot qualify. However, the EU's evolving **AI Act (2024)** requires transparency measures such as labeling AI-generated content but does not change authorship standards.[18] The EU's stance emphasizes moral and creative responsibility over technological innovation.

3.3.4 China

China's approach reflects a hybrid judicial policy. In *Tencent v. Yingxun* (2021), the **Beijing Intellectual Property Court** recognized copyright in a financial report generated by AI because human programmers designed the inputs and monitored the process.[19] This flexible method grants limited protection when human creativity is traceable. However, pure machine-

[16] Copyright, Designs and Patents Act 1988, c. 48, § 9(3) (U.K.).
[17] Infopaq International A/S v. Danske Dagblades Forening, Case C-5/08, Judgment of 16 July 2009 (CJEU)
[18] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market,Directive - 2019/790 - EN - dsm - EUR-Lex - European Union
[19] Tencent v. Yingxun, Beijing Intellectual Property Court, 2021; see also Authors Alliance, China's Controversial Court Rulings on AI Output (2025)

generated outputs remain outside the scope of protection. China's legal trend shows an openness to reward human–AI collaboration rather than strict exclusion.

3.3.5 India

India's **Copyright Act, 1957**, under **Section 2(d)(vi)**, provides that in the case of a "computer-generated work," the author is the person "who causes the work to be created."[20] While similar to the U.K.'s provision, Indian law does not clarify whether this covers **AI-generated** works where there is little or no human control. The **Indian Copyright Office** has so far rejected copyright applications naming AI as an author, such as in the **RAGHAV AI** case (2020), stating that an AI system cannot be recognized as a legal person.[21] As a result, India currently stands at a crossroad: it neither excludes nor explicitly recognizes AI-generated authorship.

4. Indian Legal Context

4.1 Overview

India's copyright law was drafted in 1957, long before artificial intelligence became part of creative industries. As a result, its framework assumes human authorship as the foundation of copyright protection. While the law does contain a provision for "computer-generated works," it does not directly address the question of authorship for *autonomous* or *AI-generated* outputs. This silence has created interpretive uncertainty for courts, administrators, and creators alike.

4.2 Statutory Framework: Section 2(d)(vi) of the Copyright Act, 1957

Section 2(d) of the **Copyright Act, 1957** defines "author" differently depending on the category of work. For computer-generated works, clause (vi) states:

> *"In relation to any literary, dramatic, musical or artistic work which is computer-generated, the person who causes the work to be created shall be deemed to be the author."*

This provision, borrowed from the U.K. Copyright, Designs and Patents Act 1988, Section 9(3), was inserted during the 1994 amendment when India modernized its copyright law to

[20] Copyright Act, No. 14 of 1957, § 2(d)(vi) (India).
[21] Ankit Sahni v. Union of India is W.P.(C) No. 000787 / 2021 and SLP(C) No. 012156 / 2021

include digital creations. However, at that time, the concept of generative AI did not exist. The "computer-generated work" clause was meant for outputs automatically produced by programs like weather simulations, computer graphics, or automated data reports, not self-learning models such as ChatGPT. The language "person who causes the work to be created" is open-ended and does not specify whether it includes:

- The programmer who wrote the AI's code,
- The user who inputs a prompt, or
- The AI itself.

4.3 Administrative and Judicial Developments

Although there is no binding judicial precedent yet, administrative authorities have already faced this issue. In 2020, the Indian Copyright Office received a registration application naming **"RAGHAV Artificial Intelligence"** as a co-author of an artwork alongside human creator Ankit Sahni. Initially, the office granted the registration but later revoked it, stating that an AI system cannot be recognized as a legal person and hence cannot hold authorship or ownership rights. This administrative decision reflects India's position: only natural or legal persons can be authors, not machines. However, since there is no explicit court ruling, this stance remains a *policy assumption* rather than settled by law. Further, the Delhi High Court and Madras High Court have not yet addressed AI authorship directly, but they have reaffirmed that originality under Section 13 of the Act requires *skill, judgment, and effort* from a human creator, consistent with the Supreme Court's test in *Eastern Book Company v. D.B. Modak (2008)*.[22] Thus, if an AI output lacks human creativity, it cannot meet the "originality" standard required for copyright protection.

4.4 Originality and Human Creativity under Indian Law

Indian copyright law follows the "modicum of creativity" test adopted in *EBC v. D.B. Modak*, which requires human skill and judgment, not mere mechanical effort.[4] This standard fits uneasily with AI-generated works, where creative choices are made by algorithms rather than humans. For AI-assisted works where a human uses an AI tool creatively authorship can still

[22] Eastern Book Co. v. D.B. Modak, (2008) 1 SCC 1 (India).

vest in the human user. But for autonomous works where the AI operates independently, the absence of human creativity disqualifies protection. The result is a *legal vacuum* where AI-generated outputs may fall into the public domain even if significant effort or resources were invested.

4.5 Policy Silence and Its Consequences

India currently lacks any governmental or policy document that defines how AI-generated creativity should be treated. The Department for Promotion of Industry and Internal Trade (DPIIT), which governs intellectual property policy, has acknowledged the growing importance of AI but has not yet released guidelines or consultation papers addressing authorship issues.[23]

This silence creates three major consequences:

- **Uncertainty for Creators and Companies:** Artists and startups using AI tools cannot confidently register or license their AI-generated works.
- **Risk of Misappropriation:** Without protection, others can freely copy, modify, or commercialize AI outputs, discouraging investment in creative AI technologies.
- **Regulatory Lag:** As global jurisdictions like the U.S. and EU develop detailed positions, India risks falling behind in harmonizing its IP law with international standards.

4.6 Future Direction

To keep pace with technology, India must clarify the meaning of "computer-generated work" through **legislative amendment or judicial interpretation**. Scholars like **Anant Maheshwari (2024)** propose that India could adopt a hybrid framework that:

- Recognizes AI-assisted works as copyrightable under human authorship, and
- Creates a separate *sui generis* category for fully autonomous AI works, granting limited

[23] Department for Promotion of Industry and Internal Trade (DPIIT), Intellectual Property Rights Policy Review (2023).

protection (for instance, database-style rights).[24]

5. Ethical and Philosophical Issues

5.1 Human Creativity and Originality

Creativity has always been seen as both a **moral** and **legal** value. It represents individual expression, intellectual effort, and the progress of society. Copyright law exists mainly to protect this creative labor and encourage innovation. The entry of **artificial intelligence (AI)** into the creative process, however, has unsettled this foundation. When AI systems produce art, music, or writing that rival human work, the question arises does originality still belong only to human imagination? Philosophers such as **Margaret Boden** and scholars like **Stamatoudi (2024)** argue that originality need not always come from human thought; creativity might also exist in algorithmic or mechanical form.[25] Yet, others maintain that originality, by its very meaning, involves human consciousness, intention, and moral accountability.[26] The law therefore faces a deep ethical dilemma: Should copyright stay human-centric, or evolve to recognize machine-generated originality? If it remains rigid, it might ignore genuine technological creativity; but if it expands too far, it could weaken the spiritual and cultural meaning of human authorship.

5.2 Fairness and Market Equity

Another major ethical issue involves fairness in the creative economy. Artists, writers, and musicians across the world have expressed fears of being replaced or undervalued due to the increasing use of AI tools. If copyright were automatically granted to AI-generated works, especially those owned by large corporations, it could distort cultural markets and concentrate creative control in a few hands. This would conflict with copyright's social goal of promoting diverse human expression. On the other hand, completely denying protection to AI-generated works could discourage private investment in AI innovation and allow unrestricted copying. Thus, the challenge lies in striking a fair balance between protecting human creators and

[24] Anant Maheshwari, Artificial Intelligence and the Future of Indian Copyright, 19(2) INDIAN J. INTELL. PROP. L. (2024).
[25] Margaret Boden, The Creative Mind: Myths and Mechanisms (3d ed. 2023).
[26] Irini Stamatoudi, Human Authorship and the Ethics of Artificial Creativity (2024) 11(3) Journal of Intellectual Property Studies.

enabling responsible AI development.

5.3 Accountability and Legal Responsibility

Authorship is not only about creativity but also about liability. When an AI system produces harmful, defamatory, or infringing content, who should bear responsibility? In traditional copyright, the author provides a clear focal point for accountability. But autonomous AI lacks legal personhood, which leads to a gap in enforcing remedies or compensation. Legal experts suggest that accountability should lie with those who control or deploy the AI system, whether programmers, operators, or companies.[27] However, defining this control becomes difficult in self-learning systems where decisions are made without direct human input. This raises the risk of "ownerless" creations and potential legal impunity.

5.4 Public Domain and Social Value

Many scholars propose that fully autonomous AI outputs should fall directly into the public domain, allowing anyone to reuse or build them freely. This approach promotes social access, cultural growth, and open innovation. Yet, it also has practical disadvantages. Companies may be unwilling to invest in developing advanced creative AI if they cannot secure any intellectual property protection for the outputs. Moreover, mixed works that are co-created by humans and AI may face uncertainty about ownership and licensing. Hence, policymakers must carefully balance the public interest in open creativity with the private incentive to innovate.

5.5 Moral Rights and the Question of Personhood

Another philosophical question concerns moral rights, the right to be identified as the author (paternity) and to preserve the integrity of one's work. Should AI be entitled to such rights? The consensus across both ethics and law rejects this idea, because machines lack personality, emotions, or social responsibility. Moral rights exist to protect human dignity and creative identity; they cannot logically extend to non-human entities. However, this debate could resurface in the future if AI reaches a level of self-awareness or decision-making comparable to humans.

[27] U.S. Copyright Office, Copyright and Artificial Intelligence: Part II — Copyrightability (2025), https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf

5.6 Transparency and Disclosure

Finally, transparency has become one of the most pressing ethical needs in the AI era. As AI-generated images, texts, and videos become widespread, the public has a right to know whether the content they consume was created by a human or by a machine. The **European Union's Artificial Intelligence Act (2024)** takes the lead here by requiring disclosure, watermarking, or labeling of AI-generated outputs.[28] This model could inspire India and other countries to adopt similar measures, ensuring honesty in cultural and commercial use of AI works. Transparency not only protects consumers but also supports genuine human creators by preventing deceptive practices in the creative economy.

5.7 Ethical Balancing for India

For India, the ethical challenge is to design laws that respect human creativity while embracing innovation. The guiding principle should be that AI may assist creation but cannot replace human accountability or authorship. A balanced framework where AI-assisted works are recognized under human authorship and fully autonomous outputs remain unprotected could preserve both cultural integrity and economic fairness.

6. Policy Recommendations

6.1 Need for Legal Clarity

India's copyright system must evolve to address the realities of AI-driven creativity. The existing provision under Section 2(d)(vi) was never designed for generative AI, and its ambiguous wording has already caused administrative confusion. Without clear legislative or judicial guidance, creators, companies, and policymakers remain uncertain about whether AI-generated works are eligible for protection or who their rightful author might be. Therefore, the first and most urgent step is to introduce statutory clarity on the scope of **"computer-generated works"** and the role of human involvement in authorship.

6.2 Proposed Legislative Amendments

India can follow a **dual-tier approach** to modernize its copyright law:

[28] Regulation (EU) 2024/1689, Artificial Intelligence Act (2024).

- **Recognize AI-Assisted Works Under Human Authorship**

For works created through collaboration between humans and AI tools, copyright should vest in the **human who makes creative choices or exercises control** over the output. This aligns with global best practices and maintains the human-centric foundation of copyright.[29]

- **Introduce a Sui Generis Protection for Autonomous AI Works**

For works that are autonomously generated by AI without human input, India may create a separate, limited protection regime similar to database rights under EU law. This protection could grant short-term economic rights (e.g., 5 years) to the developer, owner, or operator of the AI system, without recognizing AI itself as an author.[30]

6.3 Establish Clear Guidelines for Attribution and Liability

To prevent uncertainty in authorship and ownership, the **Copyright Office of India**, under the **Department for Promotion of Industry and Internal Trade (DPIIT)**, should issue detailed **regulatory guidelines[31]** specifying:

- Who can be considered the author or owner when AI contributes to the creative process;
- How much human involvement is required for copyright eligibility; and
- How responsibility should be assigned in case of misuse, defamation, or infringement.

6.4 Introduce Mandatory Disclosure for AI-Generated Works

Following the model of the **European Union's Artificial Intelligence Act (2024)**, India should adopt a **transparency requirement** mandating creators or publishers to disclose whether a work was AI-generated or AI-assisted. [5] This disclosure could be achieved through metadata, labeling, or digital watermarking. It would protect consumers from deception and

[29] U.S. Copyright Office, Copyright and Artificial Intelligence: Part II — Copyrightability (2025), https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf
[30] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market,Directive - 2019/790 - EN - dsm - EUR-Lex - European Union
[31] Department for Promotion of Industry and Internal Trade (DPIIT), Guidelines on Copyright Registration Procedures (2023).

uphold fair commercial practices, especially in industries like journalism, advertising, and entertainment.

6.5 Develop Interdisciplinary Oversight Mechanisms

AI authorship issues extend beyond copyright and involve ethics, data privacy, and technology governance. India should create an **Interdisciplinary AI-Creativity Council** composed of legal experts, computer scientists, ethicists, and policymakers to periodically review the intersection of AI and intellectual property. This body could provide technical insights to lawmakers, monitor new global developments, and recommend policy updates every few years.

6.6 Foster Awareness and Capacity Building

Awareness among creators, students, startups, and policymakers is essential. Law schools, bar councils, and IP offices should organize regular **t**raining sessions, webinars, and certification programs on AI and copyright. This would help emerging legal professionals understand both doctrinal and practical aspects of AI authorship and ensure consistent application of evolving standards.

6.7 International Harmonization

Finally, India must ensure its reforms align with international treaties and conventions, including the **Berne Convention** and **TRIPS Agreement**. While maintaining national flexibility, India should participate actively in the **World Intellectual Property Organization (WIPO)**'s ongoing global dialogue on AI and copyright.[32]Harmonized standards will make Indian law globally compatible and attract investment in AI-driven creative sectors.

6.8 Vision for the Future

India stands at a critical turning point. If reforms are introduced thoughtfully, the country can emerge as a global leader in ethical and balanced AI regulations. A clear and modern copyright framework grounded in human values, but adaptable to technology will promote innovation while protecting the dignity of creative labor.

[32] World Intellectual Property Organization (WIPO), Conversation on Intellectual Property and Artificial Intelligence – Ninth Session Report (2024).

7. Conclusion

The intersection of artificial intelligence (AI) and copyright law represents one of the most profound legal challenges of our time. This research has shown that while AI has transformed the boundaries of creativity, copyright law continues to rest firmly on the foundation of human authorship and moral accountability. Across jurisdictions, a common theme persists: the recognition that creativity, in its truest sense, remains tied to human intellect and conscious expression. The United States and the European Union continue to insist on a strict human-authorship model, while the United Kingdom and China offer more flexible interpretations that extend protection to human facilitators or co-creators of AI-generated works. India, in contrast, stands at a transitional point possessing a provision for computer-generated works under Section 2(d)(vi) of the Copyright Act, 1957, yet lacking clarity in how this applies to autonomous AI outputs. The RAGHAV AI case vividly demonstrates this ambiguity, where administrative authorities struggled to decide whether an AI system could be recognized as a co-author.

From an ethical standpoint, this uncertainty raises deeper questions about the nature of creativity, ownership, and accountability. The law must balance its respect for human originality with the practical need to adapt to technological realities. Recognizing AI as a tool rather than an independent author preserves the moral and philosophical essence of copyright while allowing space for innovation. It ensures that creative labor retains its human dignity even in an era increasingly defined by algorithms and automation. Legislative reform is essential to define authorship in AI-assisted works, establish rules for attribution and liability, and introduce a sui generis protection for fully autonomous outputs with limited rights. In addition, mandatory disclosure requirements, like those under the European Union's Artificial Intelligence Act (2024), should be introduced to maintain transparency and consumer trust.

Ultimately, the challenge for India is not merely to imitate global standards but to build a uniquely balanced model one that respects cultural values, promotes innovation, and preserves ethical responsibility. Copyright law must evolve without losing its human core. The true spirit of authorship lies not only in creating something new but in expressing thought, emotion, and conscience qualities that remain distinctly human. As India advances toward a digital and creative future, its copyright system should stand as a testament to this harmony between **technology and humanity**, ensuring that progress never comes at the cost of principle.