
FROM MACHINE OUTPUTS TO HUMAN AUTHORSHIP: AN MHCI FRAMEWORK FOR AI AND IP LAW

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Introduction: The Stakes of AI and IP

Today in the era of innovations and advancements, Intellectual Property (IP) has become one of the most contested legal area. The parallel is the advancement in technology which has led to creation of Artificial Intelligence which is on the way of perfection to match human levels. This growth is not parallel anymore but has intersected in unprecedented ways. This intersection have unsettled the well-established doctrines to IP to its core. The boundaries between human and machine creativity are blurrier than ever. This debate knows no territorial boundaries, and has made everyone around the globe part to it. It was only through the cases that this problem gained sharp visibility everywhere. In India the awakening point was the case of ANI v. OpenAI (2025)¹. Courts have been flooded by such cases worldwide, cases where the authors, artists, and publishers are claiming that their protected works have been used for training of large-scale models without any licensing or authorization. All these conflicts, collectively, underscores the fragile equilibrium between technological innovation and safeguarding of human creativity.

To better understand the current struggles of IP and AI the stakes can be put under two heads:

- (i) Completely discouraging AI-generated works: Where no recognition is given to the work that is either solely or partly created by AI. Ultimately casting down research, investment, and adoption of contemporary technologies that will be leading the future.
- (ii) Perceive AI as the sole inventor: It will allow the AI to be directly granted authorship and inventor ship of output solely generated by it without any meaningful human intervention. This threatens the centrality of human-creativity

¹ ANI Media Pvt. Ltd. v. OpenAI Inc., CS(COMM) 1028/2024 (Delhi High Court, 2025).

which is the very foundation of IP laws like copyright and patent.

This brings us to the ultimate dilemma that what kind of output and level of Human-AI interaction the law should incentivize without demotivating the technological advancements. The issue does no longer revolve around the doctrines of IP, rather it is now a normative dilemma. Midst all these issues, regulators and international bodies are consistently emphasizing to reforms that aim to strike a mindful balance², an approach which can promote innovation and at the same time which can ensure that human authorship remains the anchor of IP domain.

Furthermore, algorithms and computer programs are excluded under section 3(k) of Patent Law³. This section reflects the legislative intent and unease to extend monopolies to machine outputs without any human inventiveness being evident. Both the statutes, studied together, illustrates a strong Human-Centric approach of IP laws in India. Hence, making the laws struggle to adapt to the current realities and intervention of AI.

This essay proposes Meaningful Human Creative Input (MHCI) to be adopted as the core-standard to guide the principle for IP law in India. Under this MCHI approach, IP protection would only be extended to works or inventions which are shaped by genuine human contribution in various forms (for instance initiation, control, curation, and expressive refinement). On the other hand, output generated by AI solely would fall under a separate sui-generis regime which is limited in nature. The dual risks of under-protection and overreach can be steered cleared with the adoption of such advanced framework.

Finally, this essay argues that India, by situating MCHI framework within its jurisprudence, has an opportunity to be an IP regime that is both doctrinally sound and innovation friendly. The following sections further trace the baseline of Indian law, touch upon AI's dual role as consumer and producer of IP, comparative analysis of homologous jurisdictions, and proposes a mechanism for making MCHI operationalization as the fulcrum of future reforms.

Indian Legal Baseline

The intellectual property laws in India already tilts more towards human-centric authorship and

2 World Intellectual Property Organization, Global Innovation Index 2024: Unlocking the Promise of Social Entrepreneurship, WIPO Pub. No. 2000, at 8 (2024), <https://www.wipo.int/publications/en/details.jsp?id=4758>.

3 The Patents Act, No. 39 of 1970, § 3(k) (India).

inventorship. This preference also signals the development of Human Creative Input (MCHI) framework.

The clearest illustration of this inclination is provided in the Copyright Law; Section 2(d) of the act defines the scope of an "Author" as "The person who causes the work to be created"⁴. The Indian courts too have upheld this exhaustive definition by consistently underscoring the principle that human contribution is essential to fulfill the originality criterion. Even in cases where work is generated with the assistance of computers, the computer's role is limited to a tool to augment, and it is the humans who actually conceptualize. This limited approach rules out the possibility of copyright vesting in an AI, as it lacks the core essential of human creative spark.

The Patents Act, under Section 3(k), expressly excludes algorithms, business methods, and computer programs per se from patentability⁵. This clearly reflects the legislative intent to prevent monopolization of abstract ideas and computational logic. However, increased tension around AI-generated inventions is suggested by the recent developments. The difficulty of categorizing AI-assisted inventions under the scope of existing rules has been further highlighted by The Delhi High Court in 2023. Likewise, the Indian Patent Office's Draft Guidelines on Computer-Related Inventions (2025) touched upon the uncertainty of defining a genuine "Technical Effect" beyond the automation of known methods.⁶

Taken together, both of these IP laws share a common thread to exclude all-machine outputs. They lay down the legislative intent which resisted granting rights to machine outputs, especially in the absence of meaningful human involvement. By emphasizing on human-involvement as the building block of IP protection, Indian law provides fertile ground for introducing an MCHI framework.

AI as Both Consumer and Producer of IP

The Indian intellectual property law already draws the basic human-centric baseline. The study of viewing AI from both the ends of IP spectrum helps better understand its disruptive role.

4 Copyright Act, No. 14 of 1957, § 2(d) (India).

5 The Patents Act, No. 39 of 1970, § 3(k) (India).

6 Guidelines for Examination of Computer Related Inventions, Version 2.0, Indian Patent Office, Mar. 25, 2025, https://www.ipindia.gov.in/writereaddata/Portal/Images/pdf/Draft_CRI_Guidelines_Publication_March2025.pdf.

The process is flawed from one end to the other, firstly AI consumes IP in its process of training and then produces similar outputs to the protected human works. This dualistic role of the AI as both the consumer and the producer of IP endangers the established foundations of AI and calls for collective actions by stated and international institutions like WIPO.

Generative models, such as the large language models, cannot work in solitude as they rely on massive datasets for their training and this is when AI takes the role of consumer of IP. However, this data feeding has given rise to the question of lawful use of protected rights of inventors and authors. The pattern that has been noticed is that mostly AI developers scrape this data sets from the web without any authorization or acknowledgement to the right holders. This unauthorized use of datasets questions the very limits of the doctrine of fair use. These issues are no longer just in theory, the case of ANI v. OpenAI⁷ in India exemplified that such concerns have now become the ground reality; and globally the matter of Getty Images v. Stability AI⁸ underscored the same tensions. The central policy dilemma that can be concluded from these issues is whether the AI developers can take safe harbor under the shadow of exception like Fair-Use, or are they blatantly infringing the intellectual property rights by using the data without any licenses, authorization or any form of acknowledgment to their producers.

The second role that AI plays is that of the producer of IP, which is equally destabilizing just as its role as the consumer of IP. AI unlike the other browsers is not merely a responsive tool but it has touched new heights of innovations by being a responsive tool. AI now matches the human intelligence and can compose poetry, create digital work, and it can even propose technical solutions that somewhere fulfills the “Novelty” criterion of IP. Despite these advancements, AI-only outputs have faced constant barriers by the courts and regulators, and all are on the same side of the consensus to keep human-touch as the anchor of the IP laws. In the matter of Zarya of the Dawn (2022)⁹, the US Copyright Office reaffirmed that copyright can only be sustained for material embodying "Human Authorship" and it cannot be granted to machine generated outputs.

Thus it is crystal clear that AI on both sides of the spectrum have symmetrical policies challenges that we still need to overcome. It is required to protect the illegitimate use of

7 ANI Media Pvt. Ltd. v. OpenAI Inc., CS(COMM) 1028/2024 (Delhi High Court, 2025).

8 Getty Images (US) Inc. v. Stability AI Ltd., EWCA Civ 749 (Eng.).

9 Copyright Office, Cancellation Decision re: Zarya of the Dawn, Registration No. VAu001480196 (Feb. 21, 2023), <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>.

protected data when AI is being the consumer of IP. Further, to respect the global ideology, enforceable rights must anchor human creativity and accountability when AI becomes the producer of IP. Bridging existing doctrines with the realities of generative AI is precisely what a MCHI framework seeks to formalize.

Comparative Perspective

The nations across the globe have been grappled with the same tension between innovation and authorship, and all the jurisdictions still stand by their human-centric IP laws. One of the converging principles that has emerged is meaningful human creativity should remain indispensable to be eligible for IP rights.

In the United States, as per the firm stance taken by the Copyright Office, purely machine generated works have been excluded from protection. This stance was highlighted in the case of *Zarya of the Dawn* (2022)¹⁰ where it was clearly pointed out that only human authored text portions will be qualified for copyright, and the AI-generated images were excluded from the protection. More recently, the federal district court once again upheld this principle in the case of *Thaler v. Perlmutter* (2023)¹¹. The U.S. Patent and Trademark Office's denial to accept "DABUS" as the sole inventor further marks the exclusion of AI to get entitled to IP rights.

The United Kingdom offers a slightly different model. The Copyright, Designs and Patents Act 1988, under Section 9(3), recognizes computer generated works however the authorship for such works is attributed only to the person who made the necessary arrangements for the creation¹². While this provision acknowledges the AI-assisted works, the anchor still remains the human agency.

The European Union (EU)'s approach is entirely different with regards to training data (the input side). EU's Copyright Directive (2019/790) lays down specific exceptions for Text and Data Mining. Under the exceptions, the directions in the view of future of technology recognizes the dependency of AI on large datasets for their training.

10 Copyright Office, Cancellation Decision re: *Zarya of the Dawn*, Registration No. VAu001480196 (Feb. 21, 2023), <https://www.copyright.gov/docs/zarya-of-the-dawn.pdf>.

11 *Thaler v. Perlmutter*, No. 22-CV-384-1564-BAH, 2023 WL 5333236 (D.D.C. Aug. 18, 2023).

12 Copyright, Designs and Patents Act, 1988, c. 48, § 9(3) (UK).

The World Intellectual Property Organization, being the international regulator and guiding body for IP, gave the countries a global platform to come together and discuss this current issue in the hand. WIPO, since 2019 via its Conversation on Intellectual Property and Artificial Intelligence, has highlighted the need for transparency in the training of datasets¹³. These conversations not only discuss the matters of today but also have addressed future by laying the need for harmonized licensing mechanisms and globally coordinated regulatory approaches. The conversations make one thing clear that AI and IP cannot be managed by fragmented national regimes and it requires a collective efforts by all to frame the key policies which address the issues of today and serves the needs of tomorrow.

This comparative analysis of Indian IP policies and the trends in other jurisdictions presents both sides of the coin, caution and opportunity, for India. It is evident in the policies of all the countries that human creativity has been considered indispensable by all. However, the varied approaches, like that of EU, offers learnings for India to amend its current laws to tailor fit the needs of society. It is the high time for India to seize the moment and craft a Meaningful Human Creative Input (MCHI) framework that respects the current doctrines and is in alignment with the global trends.

The MCHI (Meaningful Human Creative Input) Standard

MCHI framework has the potential to pave a common way for technological advancement and the well-settled doctrines of IP. It respects the conventional doctrines by keeping human creative input at the core and at the same time endorse the assistive role of AI.

For the better understanding the MCHI framework may be categorized in four interrelated dimensions:

Causation: As already defined under the Indian laws, the process of developing any creative or inventive output must be initiated by a Human who is later called the ‘Author’ or ‘Inventor’. To ensure the MCHI essentials the work must be able to be traced back to an act of human intention. This step eliminate the autonomous machine outputs at very beginning stage of filing

13 World Intellectual Property Organization, WIPO Conversation on Intellectual Property and Artificial Intelligence, First Session (Sept. 27, 2019), <https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/conversation> <https://www.wipo.int/en/web/frontier-technologies/artificial-intelligence/conversation>.

of IPR. For instance, a specific prompt given by an author to generate a poem provides the human mind's spark to direct the process.

Creative Control: Initiation of the process of machine generation alone is not sufficient. Humans must have had the control over the output of AI. This dimension involves editing and giving direction to the raw responses to give it a particular form which reflects novelty and the creativeness of author. It is crucial to introduce the element of authorship that goes beyond the one-command response of AI. Control lays down a distinction between passive use of AI and active engagement of an author.

Fixation and Finalization: Giving directions to the raw response to have the creative control is not sufficient alone. The author's role extends to the stage where the work is fixed in its final form.

Evidence: To reduce the disputes regarding the title of 'Authorship' and ensure enforceability, prompt logs, edit histories, or any other digital trails can be used as evidence to establish human creative involvement. This approach has dual benefits, firstly providing legal certainty and secondly disincentivizing claims over raw machine outputs.

Illustration to further clarify these principles: A human who actively engaged with the AI and continuously refined the raw poem generated by AI by adjusting its rhythm and imagery will qualify for protection under the IP law. However, a single-prompt raw poem generated by AI would not qualify for the same.

By integrating these criteria, MCHI will ensure that human creativity remains the anchoring force for IP, while still encouraging the use of AI as a tool to augment. This balanced approach will safeguard the integrity of IP and respect the technological innovation.

Guardrails and Implementation

While the MCHI standard lays the foundation for a normative framework, it can only be implemented effectively with robust legal, institutional, and procedural tools. This calls for policies to ensure that AI development and use is both transparent and accountable. IP laws need to be reformed to incorporate MCHI principles.

Copyright Reforms: There is the need for an exclusive clause dealing with works, which is generated by AI, in the Copyright Act. This new clause will promote AI as an assistive tool and will help authors register their work even when AI was involved. However, registration will mandate disclosure of the extent of human input which can be proved by evidence like prompt logs or editing histories.

Patent Reform: The foremost reform required in the patent law is amendment in Section 3(k) of the Patents Act. Statute needs to clarify the status of AI-assisted inventions. The extended Patent Act after the reforms can recognize the work of inventors where they can demonstrate inventive contribution was the result of their mind and role of AI was limited as a mediator.

Transparency and Auditing: Guardrails need to be built to make the AI developers accountable, which will also help to build the trust of society. Steps like disclosing the training datasets and making AI output to be traceable can be taken. If AI data becomes traceable it becomes easier for authorities to differentiate the human and AI contribution in any work.

Judicial and Administrative Oversight: Judiciary currently is not equipped with the knowledge to deal with such advanced and technical issues. Initiatives like advanced judicial training programs and examiner workshops are the need of the hour. The recent Kerala High Court Guidelines on AI in Law (2025)¹⁴ even it does not talk particularly about AI in IP, but it can still be seen as a precedent to tailor exclusive guidelines for domain of IPR.

Sui Generis Protection for AI-only Works: A step that even though not necessary to cater current issues but will be considered in the future. Such rights can be of shorter terms and have a narrower scope.

Weaving of the above-mentioned reforms will expand the boundaries of IPR without eroding its foundations. Such reforms will furnish the technology, society and the economy.

Dual-System for the Future

The society always advances further before law, and the legislative's role is to keep changing

14 Kerala High Court, Policy Regarding Use of Artificial Intelligence Tools in District Judiciary (July 19, 2025), <https://ssrana.in/articles/kerala-high-courts-new-ai-guidelines-set-national-standard-for-judicial-integrity/> <https://ssrana.in/articles/kerala-high-courts-new-ai-guidelines-set-national-standard-for-judicial-integrity/>.

the laws to serve the dynamic nature of society. Similarly, now it is essential for IP laws to catch up with the pace of AI's advancement. Future revolves around data and AI so we cannot ignore the commercial value of AI generated work. Hence, a dual-category framework has the potential to provide a balanced IP regime.

Category 1: Human-Generated IP: This category will include work that satisfies the MCHI standard and such work will enjoy full protection under the scope of existing IP laws. This category preserves the conventional principles of intellectual property by putting emphasis on human creativity and inventiveness. This category will include both all-human output as well as output generated by humans with the assistance of AI. It can be seen as a little extension to the already existing laws.

Category 2: AI-Generated IP: This category aims to make the IP laws sustainable and relevant in the upcoming era of machines and AI. Even though it is a narrower and strict category, it is a step forward to recognize the commercial value of data autonomously generated by machines without human intervention. Though allowing the AI generated output to be eligible for IPR, it does not elevate it to the same level as human-authored work.

This two way approach can be a tool to equip us to the advanced future of AI. It can also be the answer to current worldwide debates around intersection of AI and IP.

Conclusion

The confrontation of AI and IP is something that no one apprehended, and hence everyone around the globe was not prepared to deal with it. It has raised plethora of questions that even the WIPO, the central institution for the global governance of IPR, has no finite answers to it. The growth of technology sector is inevitable, and soon the day will come when AI will match or even supersede human intelligence. With current limited boundaries of IPR the law that will feel crippled and hence the right time for reforms is now. If not drastic, some minor changes can be done by recognizing AI as a valid assistive tool to human creative spark. Law is reluctant to machine generated output everywhere, but if not changed it will lose the relevancy to current realities.

MCHI frameworks can best serve the today's reluctance and the needs of tomorrow. With its inclusive nature it allows AI assisted work, and still respecting the conventional principles of

IPR by keeping human creation at the center. This recognition will continuously reward human mind and at the same promote investments in technology. MCHI guidelines will mark the step forward of IPR in future. By integrating MCHI into the already existing laws, India has an opportunity to become the global leader with a model that protects both technological innovation and human creativity and inventiveness.

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