Generative -AI and Copyright Law Practices: Indian Perspective

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Abstract: **Generative-AI (GAI) has transformed the landscape of content creation, posing challenges to established copyright architectures. By the turn of the page, this article takes into consideration the landscape of GAI with the Indian copyright law provision concerning ownership rights, infringement concerns and fair use principles. The work critically examines the Copyright Act of 1957 and assesses its effectiveness to the demands of the times with the advent of AI Expounding cases of generatively, legal standing and issues concerning attribution of liability. It emphasises on the international legal perspectives to contextualise the regulatory stand of India. The research adds to the need for clear legal guidelines on authorship, rights, and liability for content created by AI. It also includes the policy recommendations that will bring India's copyright regime in line with global developments, while keeping the balance between innovation and protection of intellectual property. It tackles these issues as a means to bridge the gap in recent literature, and to further the continuing conversation around the potentially swiftly-evolving relationship between AI and copyright law, and the necessity for a more codified legal stance commensurate with the paradigm shifts produced by new technologies.**

Keywords: **Generative AI, Copyright Law, Intellectual Property Rights, Indian Legal Framework, AI-Generated Content.**

1. INTRODUCTION

Generative Artificial Intelligence (GAI) refers to highly intelligent and autonomous AI systems capable of independently generating texts, images, music, or other forms of creative content. Powering neural networks and transformer architectures, excerpted models such as Open AI's GPT, DALL·E, and Google's DeepMind also tap into voluminous sets of data to produce human-like outputs. Whereas with traditional AI we typically input and classify information, GAI can generate or recombine new content based on patterns we have already established.

Generative-AI is the next big wave and influences organizations across many genres starting from Education, Entertainment, Marketing and Research. But it also raises some ethical and legal problems, particularly around questions of intellectual property rights, authenticity and misinformation. Copyright is an untested law in favour of human authors, few if any courts ruled whether or not an ownership belongs on writing not compose by a human, but by a machine, copyright is an untested area of law that is settled in favour of human authors. Additionally, the risk of bias, data privacy issues, and the misuse of artificial general intelligence (AGI) indicate that we require regulatory frameworks to ensure sensible use of AI.

As such, the on-going evolution of GAI presents unique challenges that policymakers and researchers must navigate in order to maximize benefits while minimizing risks to the ethical and lawful integration of GAI into society.

Objective of the Study:

The main goal of this paper is to analyse the effects of GAI on the copyright framework of India, specifically in relation to ownership rights, infringement issues and fair use. It seeks to evaluate whether the Copyright Act of 1957 is sufficient to cover content generated by AI, review the international approach on same, and suggest policy measures to approximate a balance between innovation and protection of intellectual property in an evolving environment of digitalization.

2. COPYRIGHT LAW FRAMEWORK IN INDIA

The intellectual property regime on copyright in India is governed by the Copyright Act, 1957,

which protects original literary, artistic, musical, and cinematographic works. It gives exclusive rights to creators; that is, the right to reproduce, distribute, publicly perform and adapt their works. Balanced with public access to creative works, the law seeks to allow for the continuing creativity and innovation while ensuring that a creative work cannot be used without the authorization of the author or creator.

The 2012 Act was a comprehensive amendment that aimed at improving the scope of protection provided to digital works, striking a balance between rights to creators and user rights through fair use and, accordingly,... Romania is a member of the Berne Convention, which assures the job of copyright in other nations. At the same time, it complements the WIPO Copyright Treaty designed to tackle internet and digital infringements.

While Indian copyright law offers a comprehensive structure, it falls short in context with the disruptive potential of emerging technologies like Generative Artificial Intelligence (GAI). New Legislative Consideration: The existing laws do not precisely outline ownership and liability aspects when it comes to AI-generated content, leading to legal ambiguities. In addition, it is difficult to enforce deterrent mechanisms against online copyright violation.

Hence, to keep pace with tech evolution and for the erstwhile to go hand in hand, India should be in dire need of copyright overhaul incorporating AI-specific provisions along with a robust frills on DRM (Digital Rights Management) also in hand. This law would provide a much-needed legal framework to balance protection for human creators with the challenges posed by AI-generated content.

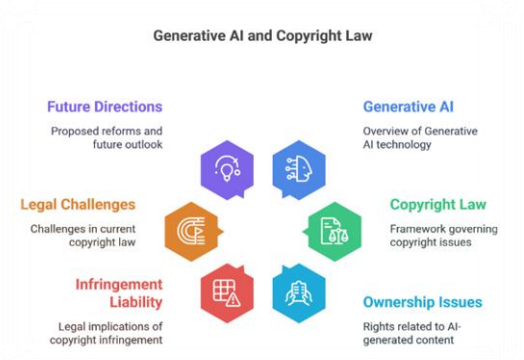

Fig.1 Conceptual framework of Generative AI and Copyright Law

3. AI-GENERATED CONTENT AND OWNERSHIP DILEMMA

With the advent of Generative Aritficial Intelligence (GAI), machines can now create text, images, music, and even innovative artistic works. But this technology also creates new legal issues, especially around copyright and ownership of AI-driven content. Traditional copyright law only acknowledges humans as authors, complicating the debate on whether works produced by generative AI systems should be covered by intellectual property (IP) rights, and if so, to whom it should belong.

Copyright laws across the globe hinge on the proposition that creative content must ensue from human intellect in order to gain protection. The Copyright Act, 1957, of India, affords copyright protection only to natural and legal persons (corporations, associations or persons) no room for AI-generated works to be protected in their own right. AI, not being a natural person, cannot be considered a legal person and thus lacks legal personality rights, and cannot hold ownership claims, go to court, or earn profits from its creations.

Whether AI-generated content can be considered “original” under copyright law lies at the heart of this debate. Courts and legal experts say originality comes from human imagination, labour and intent, which A.I. does not have. This view begs the question of whether copyright protection should apply to material that is generated exclusively by artificial intelligence.

International Approaches to AI and Copyright:

United States Experience with AI and Copyright

The US Copyright Office (USCO) has consistently stated that works produced by an AI without human intervention do not meet the requirements of copyright protection. The core premise underlying U.S. copyright law — as informed by the Copyright Act of 1976 — is that originality derives from human ingenuity. Courts have consistently held that copyright protection is only extended to works created by human authors, since AI is not considered to hold consciousness, intent, and subjective decision-making, elements that are viewed as part-and-parcel of originality. This

approach was further reaffirmed in a string of recent copyright cases, wherein individuals attempted to register AI-generated works of art and pieces of literature, their claims being rejected on the grounds of a lack of human contribution. The USCO, on the other hand, recognizes AI-assisted works, so they may still register for copyright if a person modifies or edits a significant amount of the output from an AI. This is because, although AI may act as a tool in this process, the final product must be based on human creativity before being eligible for protection. As AI development progresses, questions have arisen about whether or not we need to revise copyright law to guide AI-generated content without compromising the principles of intellectual property in the process.

United Kingdom Policy on AI and Copyright

The UK takes a magnanimous and flexible approach to AI generated content by giving it copyright protection — but with caveats. If a work is produced by a computer which has no human author, then the copyright in the work is given to the person who undertook the necessary arrangements for creation of the work under s9(3) Copyright, Designs and Patents Act 1988 UK. This generally means that the programmer, the developer, or the user of the AI system can usurp ownership, not the AI itself. The UK's method embraces the fact that AI is a tool, just as much as a camera or a digital editing program, and depends on human input to direct its creative processes. This Legal framework ends up preventing AI from being acknowledged as standalone creators, but also prevents AI generated works from going unprotected. Yet, this model prompts more questions, including how to define the extent of human input required to be granted copyright, and what to do in scenarios where a group of people produce AI-generated content. As AI advancements change the landscape, the UK may need to adapt its legal frameworks to account for deeper levels of complexity surrounding AI-generated creativity.

EU Position on Artificial Intelligence and Copyright

A more flexible and organic approach being taken by the European Union on AI-generated content, recognizing that copyright in the digital age is a complex issue. The difference is that unlike the U.S. pronouncement that appears to unwire it, and the very structured framework in the UK, there now still is no single, consolidated legal view of a legal opinion on AI and the ownership of copyright in the EU. Instead, legal scholars and policy makers are discussing different models, including whether AI-assisted works should be covered under copyright law. Other calls: If a human adds substantial input to the way that a piece of AI-generated work is created, then it could be eligible for copyright protection. But there is still a legal grey area when it comes to purely AI-generated works — ones that lack of meaningful human involvement. Additionally, the EU AI Act is in the works, outlining how AI in the creative industries should be governed with a focus on ethics and transparency as well as ensuring that content creators impacted by AI receive fair compensation. As AI technology evolves, expect the EU to implement a new copyright framework that balances innovation, the rights of the economy, and the legality of the digital content ecosystem.

4. COPYRIGHT INFRINGEMENT AND LIABILITY IN AI-GENERATED CONTENT

Models such as ChatGPT, Stable Diffusion, DALL·E (and a few others like that, e.g. Stable Video, C-Hub) are trained on huge datasets that often contain copyrighted material, taken from e.g. books, articles, art work, etc. This creates concerning issues related to copyright infringement, since AI tends to reproduce or closely mimic existing works without proper authorization. There are also questions of liability — whether and to what extent the developers of the AI, the users, or the providers of datasets can be held responsible. Willing to ensure fair use & intellectual property rights protectiveness, they must address these legal challenges.

Fair Use and Plagiarism Issues with AI-Generated Content

The amount of data used to train AI systems creates significant issues for plagiarism and fair use, as this training includes copyrighted content. Generative AI models, like GPT and DALL·E, generate content informed by patterns learned from existing works, sometimes inadvertently reconstituting copyrighted text, images, or music. This leaves legal and ethical considerations: do AI-generated outputs possess

originality or are they just derivative works of pre-existing, copyright-protectable content.

Fair use, a legal doctrine that allows for limited use of copyrighted material without permission for purposes that include education, research and commentary, adds another layer of complexity to the issue. AI-generated works may be fair use if they transform the original material in a significant way, but courts have yet to provide any precise parameters for how that uses other people's work. Moreover, AI does not have intent, and whether its outputs would be considered plagiarism in the conventional sense is difficult to determine. In order to tackle these issues, legal regulations need to advance in a manner that makes certain AI-generated content respects copyright regulation, with the potential for dataset openness, attribution standards, and licensing schemes to protect intellectual property liberties whilst supporting AI-powered creation.

Liability Problems in AI-Generated Content

An unfortunate obstacle in AI-generated content, is finding out who is accountable for copyright infringement. In contrast to more traditional cases where a human being directly copies or distributes a work that's protected by copyright, AI acts on its own and raises the question of whether any human can be held responsible for infringement. This means that the three basic parties which may be liable are the AI developer, the user or the AI itself.

AI Developers: Because AI models are trained on datasets that might get copyrighted content, developers could be liable for designing systems that facilitate copyright violations. If an AI produces infringing material, creators could sue developers for not putting in place safeguards to prevent unauthorized duplication.

Users: Those who enter prompts into A.I. systems and then publish the resulting content may also share blame. A user that shares AI-generated infringing material "knowing" or "unknowingly" may face legal actions as well under laws in jurisdictions where intent is not needed for liability.

AI Systems: You can make a case that AI itself is to blame, but current legal rules don't deem AI a legal person, so it can't be sued or fined. Future regulations, however, could require AI models to include built-in protections against copyright infringement.

To alleviate these uncertainties, governments and legal bodies need to establish clear liability frameworks that ensure that AI developers adopt ethical guidelines, and that users approach AI-generated content with caution.

5. LEGAL AND POLICY CHALLENGES IN INDIA

Lack of Explicit AI Copyright Provisions: One of the main problems in this realm of recognizing AI generated content lies in the shortcoming of the legal provisions under Indian copyright law. There is a definite lacuna with regard to copyright of works made by non-humans, as the Copyright Act, 1957–the principal statute governing the law of copyright in India–that does not define or recognize works made by non-human entities. The unfortunate reality is that (because) AI does not legally exist, it cannot take authorship (and, therefore) cannot be sued for infringement. As a result, courts have had to adjudicate disputes on a case-by-case basis, leading to a patchwork of rulings. The legal landscape for AI-generated content is muddy due to scant transparency on what is legal and illegal; there are no laws that can inform creators, developers and companies to secure intellectual property rights or defend their legal interests. Copyright ownership and liability questions are also yet to be clarified, which is another layer of uncertainty for sectors that rely on A.I. to create artistic content. This would mean that without such protection works created by AI could be copied without permission and reproduced on a large scale – and this would ultimately lead to less investment into the development of innovations based on AI. Since only the status, ownership, and protection of what is human are generally defined, the complete clarity of AI-generated content in respect of ownership, protection, and status under their existing law is inadmissible.

Need for a Regulatory Framework: While AI-generated works trigger substantial legal questions, having clear regulatory solutions is critical for certainty of ownership, liability, and legal rights that apply to AI'd works. India does not have specific policies for governing how AI can be used

in creative fields, which has created uncertainty for AI developers, content creators and businesses. A structured approach would provide guidance on the copyright ownership of AI output, between the programmer, the AI operator and/or the end-user. It would also assist to ascertain how much human input is necessary for copyright availability, reducing arguments over authorship. In addition, regulatory framework would also provide guidelines on the liability issues ensuring that any AI generated work does not infringe upon already existing copyrighted materials. Lack of regulations can lead to misuse, plagiarism, and exploitation of AI-generated contents. Policymakers must develop AI-specific copyright laws taking into account global best practices, including the UK model that assigns ownership to the person who made the necessary arrangements for the AI to generate the work. This will not only facilitate innovation but will also ensure the protection of IPR through a strong legal framework in the country.

Ethical and Moral Considerations: This raises serious ethical and moral concerns as it relates to copyright law, and whether AI-generated content — like this post — should be considered the same as human-produced "original" content. Conventional copyright laws embody the idea that originality is a product of a human mind, creativity, and expression. AI, in contrast, generates content by analysing vast data sets and replicating patterns, not sparking ideas from feelings or human experiences. AI has neither intention, consciousness nor independent thought. If companies seek and achieve copyright protection for human-created works, it could also undermine human creativity and dampen incentives for artists, writers and musicians. Additionally, issues of bias and fairness are relevant since the existing works on which the AI models are trained might contain cultural, racial, or ideological biases. AI also raises ethical challenges such as : Plagiarism: If AI generates a work, it may unintentionally include parts of existing copyrighted content in its output, raising ethical concerns related to originality. To fix these issues, policymakers have to create ethical rules which have unambiguous consequences concerning AI's role in all industries of content production and must discover a proper equilibrium between technological advancement and human mental property protection.

6. POSSIBLE LEGAL REFORMS AND FUTURE DIRECTIONS

To address the evolving landscape of AI and copyright, India can consider the following legal reforms:

Recognizing AI-Generated Works: Although the Copyright Act, 1957, is the primary law of copyright protection in India, does not specifically mention any AI works. Under existing copyright laws, only human creators get recognized, leaving behind a legal void for the ownership of content generated by artificial intelligence systems. AI can now generate text, images, music, and software code, and it is critical that the Act be amended to define AI-generated works and outline clear ownership structures. One of the central arguments is whether the AI itself should be treated as an author, or if the rights should go to the developer, user or organization that developed or deployed the AI system. Some places, like the UK, give copyright to the person or entity carrying out AI, while the US doesn't provide any copyright protection unless there's an element of significant human intervention. India needs to embrace a framework that recognizes AI-generated content yet seeks to maintain just ownership distribution, promote creativity while upholding intellectual property (IP) rights.

Liability Guidelines: A major challenge raised by this phenomenon relates to issues of liability in cases of copyright infringement, misinformation, or biased outputs of AI. Given AI's role as an autonomous content creator, the existing copyright laws assign responsibility to human authors themselves, resulting in legal ambiguity about who is in violation of the law. If an AI system accidentally copies something that is protected by copyright, who should pay: the developer of the AI, those who use it, or those who provide it with the data? Clear liability standards need to be set to avoid disputes and establish accountability. One potential fix might be to place joint liability onto the developers and users of AI — just as corporations currently are for automated systems. India would also need to think about whether AI developers required licensing frameworks that enforced copyright compliance. India can establish a framework that promotes responsible AI use by defining litigation responsibilities while curbing abuse.

Fair Use Provisions: Fair use is a doctrine that permits limited use of copyrighted material without obtaining permission, primarily for purposes of education, research, criticism and reporting. But the nature of AI, which can create new works from enormous quantities of existing copyrighted data, rises whether it's fair use. AI models are typically trained on datasets containing copyrighted material, which could result in unintentional copying or transformative use of pre-existing works. Indian copyright law needs to create fair use provisions for AI that will clearly define what these AI actors can and cannot do when it comes to training and generation. These rules should reflect the need to balance the interests of copyright holders with those of AI developers by differentiating between derivative works, transformative creations, and direct reproductions. Moreover, regulatory safeguards like compulsory licensing for AI training data may strike the right equilibrium between copyright protection and innovation, fostering a conducive environment where authors' rights are respected while also allowing innovative AI-driven advancements in content generation.

International Collaboration: The Previous Copyright Act of 1957 was attempted to be made in line with the when the world was still bracing the internet. Now, with AI-generated content all over the world, these Copyright Laws to conform to international standards (to ensure cross border compatibility). AI and copyright laws differ from one country to the next, as is demonstrated by the fact that the United States, United Kingdom, and European Union all have distinct laws, necessitating global cooperation as attempting to enforce copyright laws one way elsewhere may cause all the legal breakdowns. India is also party to international treaties like the Berne Convention and WIPO Copyright Treaty which regulates the grants of copyright across the jurisdiction. India can learn from the experience of other countries in shaping sound practices and incorporating international governance models into its legal systems by becoming a key player in international AI and copyright policy discourse. Such an alignment would both streamline cross-border trade and enforcement of intellectual property rights, while also ensuring the relevance and efficacy of Indian copyright law in the fast-changing AI landscape. Establishing harmonized legal relations across the globe through a well-coordinated effort will ensure that innovation continues to thrive alongside robust copyright protections.

7. CONCLUSION

Generative AI (GAI) is revolutionising creativity, disrupting entire industries and challenging the very notion of intellectual property. It has huge opportunities, but it has very hard legal and ethical challenges because it can create more than just text, it can create images, and music and other kinds of definitions." With ambiguity regarding copyright provisions for AI generated works in India (or even globally) this is indicative of the urgent need for systemic reform in a way that can best align the dynamism of innovation with that of intellectual property protection.

As AI-generated content increasingly blurs the line between human and machine creativity, policymakers must build rigorous frameworks around ownership of creative output, liability and accountability, and definitions of fair use. India must be able to adopt a legislatively nuanced approach- more akin to the model in the UK that bestows copyright on the entity which controls AI output. Also, ensuring that works of AI are protected by the copyright law, avoiding plagiarism and ethical concerns will be key to maintain trust and fairness in the digital content ecosystem.

Going forward, a legal framework that acknowledges the role of A.I, while not sacrificing the human spark of creativity is going to be crucial for innovation. With specific AI copyright policies, defined liability mechanisms and enhanced fair-copy doctrines, India and the countries can responsibly unleash the potential of Generative AI—maximising the rewards and minimising the risks. The future of law in the age of machine creative copyright

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