

An Overlook of The Legal Issues Relating to AI Technology in India with The Support of Section 57 Of the Copyright Act, 1957- A Glimpse

Dr. J. Starmi

APP I, District Munsif cum Judicial Magistrate Court, Thiruporur, Chengalpattu District, Tamil Nadu State

Abstract—Artificial intelligence (AI) is technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision making, creativity and autonomy. Applications and devices equipped with AI can see and identify objects. They can understand and respond to human language. They can learn from new information and experience. They can make detailed recommendations to users and experts. They can act independently, replacing the need for human intelligence or intervention (a classic example being a self-driving car). But in 2024, most AI researchers, practitioners and most AI-related headlines are focused on breakthroughs in generative AI (gen AI), a technology that can create original text, images, video and other content. To fully understand generative AI, it's important to first understand the technologies on which generative AI tools are built: (machine learning ML) and deep learning.

I. INTRODUCTION

Generative Artificial Intelligence (AI) has quickly become an important part of the creative world. Today, many AI tools can create images, music, and text, and they are widely used in areas like advertising, design, and film-making. These tools are built by training them on large amounts of data collected from the internet, which often includes copyrighted works such as images and written content created by artists and writers across the globe. In many situations, this material is used without the knowledge or permission of the original creators. While generative AI opens up new possibilities for creativity and innovation, it also

brings up serious concerns about copyright and the protection of author's rights. One major concern relates to the author's moral right of integrity under Section 57 of the Indian Copyright Act, 1957. This provision allows authors to object if their work is distorted, altered, or misused in a way that could harm their reputation.

II. CHALLENGES ON AI GENERATIVE:

There are lot of gaps in the AI generative works which are violating the Section 57 of the copyright Act in various ways. Such as follows: Generative AI works by recognizing patterns in large collections of images, books, and other creative content. Simply put, computers learn from artistic styles found in millions of visual and textual sources and then use that knowledge to create new content. The first stage is data collection, which grew quickly between 2020 and 2025. Developers gather enormous datasets from the internet. A notable example is LAION-5B, which has around 5.8 billion captioned images collected from sites like Google and Pinterest¹. These datasets frequently include copyrighted material, such as traditional Indian artworks, film posters, and literary works. A significant concern is that such content is often collected without the consent of the original creators. The second stage is training. This process can take several months and involves thousands of powerful processors known as GPUs. During this phase, the AI system studies patterns in the collected

¹Christoph Schuhmann et al., LAION-5B: An Open Large-Scale Dataset for Training Next Generation Image- Text Models (2022)

data. It learns the visual, textual, and even musical traits connected to specific artists or styles. Through repeated processing, the system gains the ability to recognize and reproduce these styles, even though it does not keep exact copies of the original works².

The final stage is generation. After training is finished, the AI system can produce new images, music, or text based on user prompts. For instance, a prompt like “Ravi Varma goddess painting” may lead to an image that closely resembles Raja Ravi Varma’s style. While the generated output is new, it often closely mirrors the unique features of the original artist’s style.

III. LEGAL ISSUES RELATING TO AI AND SECTION 57 OF THE INDIAN COPYRIGHT ACT

The absence of consent during the collection of data is an important concern that has been raised with regard to the implementation of AI. In most cases, the data is collected without the knowledge of the artist/authors, who may become aware of the collection of their works only after several years have passed. In 2023, Getty Images filed a lawsuit against Stability AI, stating that an AI system was created using 12 million of their photographs without their authorization³. Another concern is the damage that may occur to the reputation of the author under Section 57 of the Indian Copyright Act, which protects the moral right of integrity of the artist/authors⁴. In this regard, if any deity painting is used in an advertisement of beer by an AI system, it may damage the reputation of the artist/authors, as the work may fall under the category of works that are prejudicial to the honour or reputation of the artist/authors⁵. The other challenge is that of copyright infringement. In the case of generative AI, the technology doesn’t merely use the original work; instead, it generates new works based on patterns learned during training. This makes it almost impossible for an artist to prove that their work has been directly copied. This is a challenge that courts are facing in determining whether data scraping and

training an AI are forms of copyright infringement⁶. Disputes are also arising in India. In the case of ANI v. OpenAI (India, 2025), a news agency filed a case in court, alleging that their photographs were used in training an AI without their permission⁷. This is one of the earliest notable cases in India related to copyright and generative AI.

IV. CONCLUSION

Generative AI challenges the author’s moral right by using large datasets, replicating artistic styles, and transforming works into data, impacting artistic identity and reputation. Section 57 of the Copyright Act, 1957 protects the author’s right of integrity against distortion, mutilation, or modification, as recognized in *Amar Nath Sehgal v. Union of India*, but it was designed for direct modification and does not address AI-generated works. Comparative approaches show the European Union adopting opt-outs and transparency, and the United Kingdom creating provisions for computer-generated works, highlighting the need for clear judicial interpretation or legislative intervention in India.

²Malavika Sathyanathan, AI, Copyright, and Moral Rights: Legal Challenges for Authors in the Digital Era (2022).

³Complaint, Getty Images (US), Inc. v. Stability AI, Inc., No. 1:23-cv-00135 (D. Del. filed Feb. 3, 2023).

⁴Section 57 of Copyright Act

⁵*Amar Nath Sehgal v. Union of India*, (2005) 30 PTC 253 (Del) (India)

⁶*R.G. Anand v. Delux Films*, (1978) 4 SCC 118 (India).

⁷*ANI Media v. OpenAI*, CS(COMM) 427/2025 (India).