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COPYRIGHT PROTECTION IN THE AGE OF GENERATIVE AI

~Sneha Verma

INTRODUCTION

The development of Generative Artificial Intelligence (AI) has transformed the production and consumption of material. These days, AI systems are capable of writing computer code in a matter of seconds, as well as producing movies, essays, artwork, and music. Tasks that once needed hours of human labour can now be completed with a simple text prompt. However, they have also raised important legal questions, particularly in relation to copyright law.

Copyright law was developed to protect human creativity by granting authors exclusive rights to their original works. The emergence of AI-generated content is challenging this traditional framework because robots can already make artistic outputs that closely resemble human creations. Because of this, legislators, courts, artists, and tech firms are finding it difficult to decide how copyright law should be applied in the era of generative AI.

Finding a balance between promoting technological progress and defending the rights of writers, artists, musicians, and other creators may be crucial to the future of the creative industries.

UNDERSTANDING COPYRIGHT AND GENERATIVE AI

Copyright grants artists complete control over how their creations are reproduced, distributed, adapted, and shared with the general public. By guaranteeing that creators receive credit and financial rewards for their work, copyright protection serves to reward creativity and promote additional invention. Artificial intelligence systems that generate new material using patterns discovered in massive datasets are referred to as generative AI. The AI can provide outputs that look unique in response to commands from the user.



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Well-known AI tools have shown to be remarkably effective. Businesses use them to produce marketing materials, students use them to write essays, and artists use them to experiment with new digital creative mediums. The growing application of generative AI has raised questions about copyright ownership and infringement notwithstanding these advantages.

CAN AI-GENERATED WORKS BE COPYRIGHTED?

Whether content produced by AI can be protected by copyright is one of the most contentious issues in copyright law.

The idea of human authorship has long served as the foundation for copyright law. Generally speaking, courts have acknowledged that copyright exists to safeguard human intellectual and creative endeavours rather than those of robots. This idea was upheld in the United States in the case of *Thaler v. Perlmutter*, when the court determined that a work produced solely by AI and without human intervention could not be protected by copyright.

In a similar vein, the US Copyright Office has declared that only works with a substantial human creative contribution are protected by copyright. A work created by an AI system on its own might not be protected by copyright under current legislation.

In India, the situation is less clear. According to Section 2(d)(vi) of the Copyright Act of 1957, the person who initiates the creation of a computer-generated work is the author. This clause seems pertinent, yet it was passed long before there were any contemporary generative AI systems. As a result, it's still unclear if a user who simply inputs a prompt into an AI tool can claim authorship of the output.

CHALLENGES POSED BY GENERATIVE AI

Generative AI creates several challenges for traditional copyright law. Traditional copyright law faces a number of difficulties as a result of generative AI.



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First, it becomes challenging to determine uniqueness. In general, a work must be original in order to be protected by copyright. It can be challenging to identify true originality from imitation because AI-generated outputs are based on patterns learned from earlier works.

Secondly, the possibility of unapproved reproduction exists. On rare occasions, AI systems may produce content that is strikingly similar to copyrighted works found in their training databases. The rights of copyright holders may be violated by such outputs.

Thirdly, concerns about their works being utilized to create commercial AI products without their consent or payment have grown among publishers, authors, and artists. AI companies have been the target of numerous lawsuits alleging copyright infringement due to their use of protected content during training.

Lastly, generative AI might have a significant financial impact on the creative sectors. Concerns about businesses replacing human-generated content with less expensive AI-generated alternatives are growing among writers, graphic designers, illustrators, singers, and photographers. These developments may result in fewer job prospects and less motivation for creative effort.

THE NEED FOR LEGAL REFORM

The quick development of generative AI shows that current copyright regulations might not be adequate to deal with the realities of contemporary technology. Reforms to give more clarity are consequently being considered by policymakers worldwide.

The development of licensing systems that permit AI developers to lawfully use copyrighted works for training purposes while guaranteeing that authors receive just pay is one potential answer. Another strategy is to make training datasets more transparent so that copyright holders may see how their works are being used.

Legislators could also need to create precise guidelines about who owns content produced by AI. The World Intellectual Property Organization and other international organizations have



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also stressed the significance of creating fair legal frameworks that can handle new AI-related issues while maintaining incentives for research and creativity.

CONCLUSION

One of the most important technological advances of the modern period is generative AI. It has also brought up challenging issues with authorship, infringement, originality, and copyright ownership.

It is challenging to apply current copyright laws to works created by machines because they were created with human creativity in mind. A balanced approach is required as legislators and courts continue to address these challenges. The rights and interests of human creators whose works contribute to the development of AI systems must be safeguarded while legal frameworks promote technical innovation.

Finding a balance between creativity and responsibility will ultimately determine the future of copyright protection in the era of generative AI. Societies can guarantee that both technical advancement and human invention continue to thrive by modifying copyright law to reflect contemporary reality.