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AI GENERATED WORKS AND COPYRIGHT PROTECTION: EMERGING LEGAL CHALLENGES

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INTRODUCTION:

Technological innovations have consistently surpassed legal regulations, and Artificial intelligence (AI) has been widening that gap like never before. For instance, the printing press transformed publishing, photography challenged artistic ownership, and the internet redefined the distribution of creative works. In the contemporary era, artificial intelligence presents perhaps the most profound challenge yet, not because it can merely assist human creativity, but because it can effectively produce creative expression on its own.

This development forces copyright law into an unfamiliar territory. A legal framework that is traditionally built on the assumption of human intellect must now has to confront works generated with little to no human intervention. Questions of authorship, originality, ownership, and infringement are no longer confined to academic debate; they have become pressing legal issues with significant implications for creators, technology companies, and policymakers worldwide. [1]As jurisdictions struggle to reconcile innovation with the foundational principles of copyright law, different legal challenges have emerged.

THE RISE OF AI GENERATED CREATIVITY

Artificial intelligence has developed faster than any other technologies, and it is changing how people produce creative work at present. In the current period, many tools are available for the generation of content. For example; ChatGPT, Midjourney, DALL-E, Suno & Canva AI are systems that produce novels, blog posts, paintings, photographs, computer codes, advertisements, poems, songs, and computer graphics. With very little to no human effort, those outputs are ready in a few seconds.

[1] Rebecca Tushnet, Copyright Law 'Struggling' to Parse AI's Ascendancy, Harv. L. Sch. (June 10, 2026).

Individuals and businesses are increasingly monetising AI created books, art, music, and digital content, transforming generative AI from a creative aid into a commercial tool.

While these innovations have provided abundance of opportunities for creativity, they have also exposed significant shortcomings in the realm of copyright. International agreements such as the "Berne Convention for the Protection of Literary and Artistic Works", 1886 [2]and the Agreement on "Trade-Related Aspects of Intellectual Property Rights (TRIPS)" [3]were designed considering that creative works are derived from the efforts of human intellect; hence there was no incriminated approach specified for copyrighting the works created independently by artificial intelligence. This ambiguity in copyrighting was further underscored in the case of *Thaler v. Perlmutter (2025)*[4], when the United States Court of Appeals ruled that, works generated solely by artificial intelligence cannot be granted copyright because they fail to meet the prerequisite of human authorship.

As Artificially generated work becomes more integrated into creative industries, the Lack of clear legal standards has intensified debates surrounding authorship, ownership, originality, and the use of copyrighted works for training AI models, making copyright one of the most contested, areas of AI regulation today.

THE EMERGING CHALLENGES:

The fundamental challenge posed by AI generated work is determining the Authorship and Ownership. The copyright legislation usually defines the author as someone who exhibits independent intellectual creativity. Under, The Indian Copyright Act 1957[5], copyright protection is granted to original literary, artistic, dramatic, and musical works created by a human author. Section 2(d) [6]defines "author" in relation to various works, implicitly requiring human creativity and intellectual effort. Purely AI generated content that lacks substantial human involvement; is generally not copyrightable in India. In the landmark *RAGHAV (Robust Artificially Intelligent Graphics and Art Visualizer) AI* case[7], The Indian Copyright Office initially registered the work listing RAGHAV as co-author with Ankit Sahni under Section 2(d) of the Copyright Act, 1957, but later issued a withdrawal notice questioning the legal validity of AI Authorship. The Copyright Act, 1957 was enacted long before the advent of AI.

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[2] Berne Convention for the Protection of Literary and Artistic Works, Sept. 9, 1886, as revised at Paris on July 24, 1971 and amended in 1979, 1161 U.N.T.S. 3.
[3] Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.
[4] Thaler v. Perlmutter, No. 23-5233, 2025 WL 839178 (D.C. Cir. Mar. 18, 2025).
[5] The Copyright Act, 1957, Act No. 14 of 1957.
[6] The Copyright Act, 1957, § 2, No. 14, Acts of Parliament, 1957 (India)
[7] RAGHAV AI Case (Ankit Sahni's Suryast Artwork), Indian Copyright Office Registration (Nov. 2020)

Therefore, the Act does not contain any clause defining criteria for authorship and ownership of works produced by AI. This legislative gap has created considerable uncertainty regarding the application of copyright law to AI generated works, making judicial interpretation, and legislative reform increasingly essential.

The generative AI requires large amounts of data which includes copyrighted texts such as books, articles, artworks, photos, movies, songs, as well as copyrighted software codes to train an AI model. The usage of copyrighted materials without prior permission by the owners in the process of AI training has created a lot of legal issues on whether the use of copyrighted material for the purpose of training AI is copyright infringement or qualifies as fair dealing within Section 52 of The Indian Copyright Act, 1957[8]. The copyright holders argue that AI companies are commercially using their copyrighted work without any license, consent, or payment which is infringing their rights. This has led to the issue of training AI on copyrighted materials becoming one of the most controversial topics in current copyright law.

CONCLUSION

Artificial Intelligence is no longer just supporting human imagination: it is redefining it. However, despite all technological advancements being made at rapid speed, copyright legislation is still based on the concepts relevant to the period when the entire creativity belonged only to humans. Thus, the issues that arise regarding the authorship, ownership, originality, and utilization of copyright in relation to AI creation emphasize the need to change the legislation. As AI continues to reshape the creative economy, the future of copyright law will depend on its ability to evolve alongside technological progress while preserving the fundamental rights and incentives that have long fostered human creativity.

[8] The Copyright Act, 1957, § 52, No. 14, Acts of Parliament, 1957 (India).