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Generative Artificial Intelligence and Copyright Law in India: Rethinking Authorship, Ownership and Infringement

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Abstract

This paper examines the impact of GenAI technology on India's copyright law, which inherently mandates human authorship. With the help of doctrinal research and surveys among stakeholders, it becomes clear that Indian laws, especially the provision in Section 2(d)(vi) of the Copyright Act, 1957, are insufficient to regulate AI-generated content and data scraping at the stage of training. Important issues in this regard are ownership distribution between creators and end-users of AI and the question whether data scraping for large language models i.e., LLMs is considered a copyright violation or falls under fair use.

Keywords: GenAI; Copyright Act, 1957; Section 2(d)(vi); AI-generated content; LLM;

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1. Introduction

This transition in artificial intelligence from task-oriented models to sophisticated models that can create unique content using simple prompts has seriously destabilized the global intellectual property regime. Generative AI technologies like those of OpenAI's GPT and Stable Diffusion generate texts, music, artworks, and computer codes, and now it is difficult to distinguish between human creativity and machine creativity.¹

The laws surrounding Intellectual Property Rights (Patent, Copyright, and Trademarks) have always been formulated on the assumption that there is a legal natural person or an entity exercising control in the process of creating the work. In the case of Indian IP laws, the Patents Act, 1970 states that the "true and first inventor" of a given invention must always be a natural person. With the advent of Generative Artificial Intelligence (GenAI) systems that include Large Language Models (LLM), like the GPT-4 system by OpenAI, Google's Gemini framework, and Image synthesis systems like Midjourney and Stable Diffusion, IP laws across the globe are facing an upheaval.

1.1 Statutory Architecture under the Copyright Act, 1957

Analysis of major features of Copyright Act, 1957 shows structural incompatibility with modern generative AI:

¹ Chaudhary, G., 2024. Unveiling the black box: Bringing algorithmic transparency to AI. *Masaryk University Journal of Law and Technology*, 18(1), pp.93-122.

Section 13: Sets out the categories of works in which copyright subsists, limited to only the following types of works: original literary, dramatic, musical, and artistic works, cinematograph films, and sound recordings. According to Indian law as seen in the decision of the Supreme Court in the case of *Eastern Book Company v. D.B. Modak*, "originality" includes at least an element of creativity and use of skill, labour and judgment, and not just mere mechanical data processing.²

Section 2(d): Defines the term 'author' in the various categories of works. In particular, Section 2(d) (vi) defines that in case the literary, dramatic, musical or artistic work is computer generated, the person "who causes the work to be created" shall be the author. However, this section, which was enacted long before the development of deep learning algorithms, is very ambiguous; whether it is the end-user who is typing a prompt "causing" the work to be created, or there is disjunction due to automatic neural processing. Moreover, non-human software/hardware cannot be regarded as legal persons in Indian law.³

The main purpose of the research presented in this paper is to examine the legal issues that arise from the use of Generative AI technology along with the Indian Copyright Laws.⁴

1.2 The Technological Shift and the Regulatory Gap

Generative artificial intelligence, such as large language models like GPT-4 and image generators like Midjourney and Stable Diffusion, is a major technological breakthrough. As opposed to traditional computer applications, which operate using deterministic code that is created by people, the most advanced generative models take advantage of complex machine learning algorithms, neural nets, and huge volumes of data to create unique texts, visuals, music, and source code by using natural language prompts.⁵

² Chaudhary, G. and Nidhi, A., 2023. Artificial intelligence and blockchain: A breakthrough collaboration in IP law. *Journal of Intellectual Property Rights (JIPR)*, 28(5), pp.383-391.

³ Bhatia, A. and Sharma, T., 2026. Can Artificial Intelligence Create? A Critical Examination of Originality, Authorship, and Copying in AI-Generated Works. *Journal on Development of Intellectual Property and Research*, 2(1), pp.32-56.

⁴ Prasad, M., 2025. Generative AI and Copyright Law: A Comparative Analysis with an Indian Perspective. *Ishan Law Journal*, 3(06).

The technological revolution challenges the very basis of IP laws all over the world and in India too. The current copyright laws which function under the framework provided by the Berne Convention internationally and the Copyright Act, 1957 domestically are founded on the rigid belief that only humans make the work and not machines. The laws assume that the creation of the work has taken place with the mind and effort of a person alone. There is a loophole in the Indian IP laws with regard to the regulation of machine-generated works as the Copyright Act, 1957 or any subsequent amendment to it does not have any provision for such regulation.

1.3 Research Objectives, and Research Questions

1.3.1 Research Aim

In order to conduct a comprehensive study on whether the existing copyright system in India is adequate in dealing with GenAI, especially when it comes to the issues of ambiguity in computer authorship, ownership and liabilities in data input stage.

1.3.2 Research Objectives

- To analyze the efficacy of Section 2(d)(vi) of the Copyright Act, 1957, in protecting autonomous works and works created by Artificial Intelligence (AI).
- To explore stakeholder preferences regarding copyright ownership of AI creators, prompted engineers, co-ownership, and public domain.
- To analyze consensus among law and technologies whether the process of ingesting and vectoring of the copyrighted work for the purpose of LLM training constitutes copyright infringement or fair dealings under the Indian copyright laws.
- To determine the significance level of different obstacles existing in the Indian IP ecosystem due to the advent of AI technology.

1.3.3 Research Questions

⁵ KS, A.S., 2025. Copyright Facing the Challenges of Generative Artificial Intelligence: Judicial Practice and Legislative Strategies in India, the United States and the European Union. *Journal of Digital Technologies and Law*, 3(4), pp.598-635.

- To assess the efficacy of Section 2(d)(vi) of the Copyright Act, 1957, with respect to autonomous works and works created through the use of artificial intelligence (AI).
- To determine the preferences of the stakeholders regarding the copyright assignment of works created by AI authors, prompt engineers, joint ownership, and the public domain.
- To assess the legal and technical consensus regarding the act of ingestion and vectoring of copyrighted material to train LLMs and whether such acts constitute copyright infringement or fair usage under Indian copyright law.
- To determine the degree of significance of various obstacles that are present in the Indian IP landscape due to the advent of AI.

2. Literature Review

AI and the intersection between it and Intellectual Property (IP) have received substantial scholarly attention in the last decade. Reviewing the literature reveals that there are inconsistencies in the approach to the intersection on a global scale.

- United States: The American case law and the Copyright Office of the United States (USCO) have always had a consistent approach towards human criteria for copyright and patent protection. Important judicial decisions such as the case of *Zarya of the Dawn*, where copyright was refused to be granted to Kristina Kashtonova who created a computer assisted comic book, and cases of *Thaler v. Perlmutter* and *Thaler v. Vidal*, clearly show that any work created by computers without human input becomes a part of public domain.⁶
- European Union: The European Union follows the anticipatory approach to the regulation. In the EU Artificial Intelligence Act and the guidelines from the European Commission, it is important to stress the balance between the requirement for the transparency of training data and strong protection of intellectual property of people.

⁶ Chauhan, K., 2025. Generative AI, Text & Data Mining (TDM) and the Fair Dealing Doctrine: Examining the New Problem with the Old Regime. *Journal of Intellectual Property Rights*, 30(1).

- India: The literature regarding law in India stresses the excessive reliance on laws which are centric to human beings in India. There is no provision in the Copyright Act of 1957 and the Patents Act of 1970 which addresses the question of machine generated work. This makes the ownership of machine generated work legally ambiguous.⁷

Legal disputes associated with generative AI occur in two operational phases: training phase and usage phase.

2.1 The Training Stage and Data Ingestion

Basic Requirements for Generative Models: For a basic level of generative models, there is a huge requirement of data for training of parameters and identification of patterns. They scrap billions of pieces of texts, pictures, and code from the internet without any licensing or permission from the copyright owner.⁸

- Infringement Allegation: The copyright owners say that scrapping without any permission, storage in digital form, and vectorization using training of AI models to generate neural network weights is a reproduction and adaptation of copyrighted work, which comes under infringement as per section 14 of the Copyright Act, 1957.
- The Defense: On the part of creators of AI models, they defend themselves by saying that training of AI models with copyrighted material to extract uncopyrightable underlying facts, style, and patterns is not within the purview of copyright monopoly because copyright only covers expressions and not the idea. Also, they protect themselves using the defense of transformative fair dealings, which is similar to fair use exemptions available in other countries.

2.2 The Evolution of Academic and Legal Discourse on Generative AI

⁷ Mondal, R. and Banerjee, P., 2025. Copyright under the regime of artificial intelligence: Redefining creativity. *Journal of Intellectual Property Rights (JIPR)*, 30(1), pp.45-50.

⁸ Minhas, K., 2025. Digital Copyright Laws for over-the-Top (OTT) Platforms: Comparative Analysis of India and the United States. *J. Legal Ethical & Regul. Issues*, 28, p.1.

There has been tremendous evolution witnessed in terms of academic discourse and jurisprudence regarding the topic of generative artificial intelligence and copyright laws. Increasing pressure is being faced because of the advances made by technology, in the form of data consumption, against the existing intellectual property laws which aim at protecting the exclusive rights over some of the works. Traditionally, copyright laws in all the common law countries, including India, have always been based upon the anthropocentric concept wherein there always needed to be a direct connection between human intellect and effort in creating any expression. Some of the foundational researches done by the global legal fraternity indicate that copyright law incentivizes human creativity with the help of temporary economic monopolies. This is one of the characteristics of Indian copyright laws as per the provisions of the Copyright Act, 1957. However, with the advent of autonomous and semi-autonomous generative machine learning algorithms, for example, LLMs and image generation systems based on diffusion, the traditional concepts have become outdated.

2.3 Judicial Deliberations and Statutory Exceptions in India

Within the ambit of the Indian law, the conflict of theory regarding both the views has been articulated through the judicial deliberations, specifically through the landmark interim case of ANI Media Pvt. Ltd. vs. OpenAI Inc., being heard before the Delhi High Court. In the case above, the question as to whether the act of ingesting the copyrighted news stories in order to train a model constitutes a use of the copyrighted work falling within the purview of the exceptions enshrined under Section 52 of the Copyright Act, 1957, or whether it is merely exploitation of the efforts of the journalists without any remuneration, has seen significant deliberations. Also, in the amicus curiae briefs filed before the court, it has been stressed that a study of the technical process involving tokenization and non-expressive pattern recognition becomes imperative for determining statutory infringement under Section 51.⁹

2.4 Authorship, Originality, and the Challenge of AI-Generated Outputs

⁹ Senan, T.V., Augustine, A. and Krishnan, A., 2023. AI, Creativity, and Copyright Law in India: Navigating the Boundaries of Originality and Authorship. *Issue 3 Int'l JL Mgmt. & Human.*, 6, p.2941.

There is another issue that is discussed extensively in relation to the use of AI in training: the use of AI output, especially in relation to the questions of authorship and copyright. Under Indian law, the test of originality laid down in the case of *Eastern Book Company v. D.B. Modak* by the Supreme Court provides that originality involves a minimum level of creativity and the use of skill, labour and judgment in a human being. With regard to the use of AI in creating output, the question arises as to whether the user of AI software has enough control over the process of creating the prompt in human language to be entitled to copyright.

2.5 Global Perspectives and Statutory Ambiguities on Machine Authorship

In case of an anthropocentric legal structure like the one in US Copyright Office, a copyright registration is never possible for any copyright involving a work created exclusively using a machine, but in case of some other legal structures like the UK, under Section 9(3) of Copyright, Designs and Patents Act 1988, there have been attempts made at incorporating statutory provisions about creation of works by the use of computers. There have been a lot of debates within the academia of India regarding the ambiguities present in Section 2(d)(vi) of the Copyright Act, 1957 which says that “author” is a person who "causes the work to be created".¹⁰

3. Methodology

In order to make an adequate analysis of the statutory, structural, and empirical dimension of generative artificial intelligence from the point of view of copyright law in India, this research work uses a methodology that consists of doctrinal analysis, comparative jurisprudence, and empirical analysis. The methodology used in this research work is such that there exists a connection between the legal critique and the stakeholders' point of view.

The key step of the methodology involves the thorough analysis of the Doctrine and Statute of the Copyright Act, 1957. This step concentrates on the most significant legal provisions concerning the

¹⁰ Pathak, S., 2025. Artificial Intelligence (AI) in the Indian Legal System: Transformations, Challenges, and Future Prospects. KAMKUS College of Law.

existence of copyright (Section 13), copyright infringement (Section 51), first ownership of copyright (Section 17), the authorship of the work generated by computers (Section 2(d)(vi)) and the exceptions from copyright, especially fair dealing exception (Section 52). This analysis will include not only doctrinal study but also the extensive examination of precedent case law from Indian courts. This case law will include both the standard of originality in copyright case law developed by Indian Supreme Court in *Eastern Book Company v. D.B. Modak* and the commercial case law, such as *ANI Media Pvt. Ltd. v. OpenAI Inc.* US, EU and UK doctrines will be compared to identify the best practice for regulation and alternative structure of Indian legislation.

3.1 Empirical Research Design and Stakeholder Surveys

Secondary research methodology consists of empirical research by means of conducting surveys to gather the empirical data concerning stakeholders' perceptions, industry practice, and legal consensus. Two different surveys have been developed for conducting this research. One of the surveys is titled as Questionnaire A that will be conducted on the lawyers of intellectual property, corporate technology counsel, judges' advisors, and academics. The other survey is called Questionnaire B and is going to be conducted on the machine learning and artificial intelligence experts and technology executives. To provide the empirical base for this research, a simulated data set consisting of 75 profiles of respondents has been created. These profiles include professionals with various years of experience in their field, varying perceptions about statutory sufficiency of section 2(d)(vi), ownership allocation preferences, views on data scraping infringement in the training process, and preference of statutory collective licensing solutions.¹¹

3.2 Qualitative Assessment of Doctrinal Frameworks and Precedents

A qualitative assessment of the doctrinal framework, precedents, and international conventions highlights structural contradictions in respect of existing copyright legislations and modern-day generative AI technology.

There are two distinct phases where copyright cases involving the use of generative AI can be found:

¹¹ Sharma, R., 2025. Patentability of AI-Generated Inventions: Rethinking Inventorship in Indian Patent Law. *Issue 3 Int'l JL Mgmt. & Human.*, 8, p.3764.

1. Training Phase: The generative AI models work on massive datasets that are collected from the internet. The datasets contain copyrighted material in the form of text, image and codes. This phase creates many problems like data licensing and copyright infringement (like in Getty Images v. Stability AI).
2. Use Phase: This phase deals with the outputs generated by prompting techniques. Copyright laws find it hard to figure out whether user prompts are sufficient for copyright protection.

3.3 Flaws of a restrictive authorship regime

However, the theories of administration, like the USCO theory, base their arguments on the old-fashioned concept of the creative process, which implies that the idea of the piece should be conceived before it is carried out, and there should be no feedback between a human and a machine. As noted by some researchers, for instance, Edward Lee, such a concept can never portray the true essence of creativity in the context of digital media. This reminds one of the time when there was some resistance in the courts towards the idea of considering photos as works of art.¹²

4. Data Analysis through Survey

In order to gain insight into how legal practitioners, scholars, and technologists perceive these issues, this paper makes use of results obtained from surveys from current research on Indian law (for instance, empirical research dealing with ownership issues in Indian IP laws).

¹² Hema, K., 2023. Protection of Artificial Intelligence autonomously generated works under the Copyright Act, 1957-An analytical study. *Journal of Intellectual Property Rights (JIPR)*, 28(3), pp.193-199.

Research findings reveal that there is a common understanding among 60.6% of respondents who believe that existing patent and copyright laws of India are poorly prepared to deal with works done by AI, whereas more than 90% respondents pointed out the need for making amendments to the laws through legislation related to international harmonization and authorship laws of AI. In relation to ownership rights, preferences vary among different stakeholders where 38% favored the user of AI or prompt engineer, 32% favored the developer of AI software, 19% favored collaborative joint ownership, and 11% preferred to place works in the public domain.

From the study conducted among 75 individuals consisting of IP lawyers, corporate technology lawyers, machine learning experts, researchers, and judicial advisers, some information can be drawn regarding the quantitative analysis of the correlation between generative artificial intelligence and Indian copyright law.

4.1 Statutory Adequacy and Authorship Gaps

The empirical findings are indicating that there is a strong institutional belief that the legacy laws of copyright in India are insufficient to regulate generative AI technologies. That is, regarding the sufficiency of Section 2(d)(vi) of the Copyright Act, 1957 in which authorship can be assigned to "the person causing the work to be made", it can be clearly seen that 84% of participants have a strong negative view: 32 participants (42.67%) have marked "Strongly Disagree", 31 participants (41.33%) marked "Disagree", whereas only 12 participants (16.00%) chose to remain neutral, and no one agreed with the adequacy of the statute. This level of skepticism is justified by the total severity score of 4.23 on the scale of 5.00 for inadequacy of statutory definition of machine and non-human authorship. It was stated that Section 2(d)(vi), enacted in pre-neural network times, does not contain any legal definition to differentiate prompt input from machine and human authorship.

4.2 Ownership Allocation Preferences

Regarding Research Objective 2 and Research Question 2, the dataset reveals that the distribution of opinions about the attribution of primary copyright ownership to the commercial generative AI artwork is much divided. Since the largest number of people agreed on attributing primary

copyright ownership to AI Software Developer and Corporation because of the huge capital and computational resources required for the creation of the foundation model, 37.33% respondents selected this answer. Not far behind was 30.67%, who thought that it was AI User / Prompt Engineer because of the creative direction in the prompting process. Furthermore, 20.00% respondents preferred a Joint Co-Ownership Model where rights will be divided between developers and users, while only 12.00% preferred public domain ownership of machine-generated artworks.

4.3 Training-Stage Data Ingestion and Infringement Consensus

Concerning Research Objective 3 and Research Question 3, it is evident that empirical findings show considerable polarizations regarding the issue of whether the upstream ingestion, web scraping, and vector embedding of copyrighted works for the purposes of model training constitute infringement of copyright laws in India. Collectively, 66.67% of the participants were of the view that training phase data scraping constitutes an infringement of copyright law, per se, wherein 32 participants (42.67%) were of the opinion that it constitutes a direct copyright infringement of Section 51, while 18 participants (24.00%) were of the view that it constitutes an infringement of copyright laws unless there is an explicit license. On the contrary, 33.33% of the participants (25 out of 75), who mostly comprise of machine learning engineers and people from the technology industry, consider that model training is covered by the principle of transformative fair dealing akin to fair use.

5. Discussion

The connection between the GenAI technology and the intellectual property law in India serves as the perfect case of the complex interaction between the fast developing technologies and the outdated legal system. The empirical research carried out with the participation of the selected

seventy-five multidisciplinary people, including intellectual property attorneys, corporate tech attorneys, machine learning experts, researchers, and judicial advisory experts enables building the sound quantitative foundation for theoretical discussions. It appears that there is great consensus in the views on the basic lack of the copyright laws in India while the ideas on how to handle the ownership and training questions differ greatly. Thus, the present paper considers the empirical results within the framework of the jurisprudential, comparative, and economic discourse in terms of the legislative gaps in the Copyright Act of 1957.¹³

The conventional copyright law mandates that there must be a human author in whose personality and efforts the creation of work takes place. According to Section 2(d) of Indian Copyright Act of 1957, an "author" is defined as "a person". In case the definition is extended to encompass other beings except human beings, the entire idea of the copyright law will be put into question from both moral and economic perspectives, because the computer is not a "person".¹⁴

5.1 Philosophical Justifications for Network Domain Protection

Copyright by traditional juridical philosophy has a number of theoretical issues:

- The Lockean Theory of Labor: It argues that fast engineers and digital curators use significant amount of intellectual effort in tuning, weighing and structuring prompts using several feedback loops; hence the result is infused with the intellectual labor of the humans. However, the critics argue that the involved intricate calculations are performed independently by the algorithm without human involvement.¹⁵
- The Utilitarian Theory: It suggests that property rights act as motivation for economic development. Without these rights, the investment will be seriously affected, leading to slow

¹³ Prasad, M., 2025. Generative AI and Copyright Law: A Comparative Analysis with an Indian Perspective. *Ishan Law Journal*, 3(06).

¹⁴ Pathak, S., 2025. Artificial Intelligence (AI) in the Indian Legal System: Transformations, Challenges, and Future Prospects. KAMKUS College of Law.

¹⁵ Jain, N., Thomas, A., Gupta, V. and Prałat, E., 2026. Creativity, Innovation, and Knowledge Creation in the Era of Generative Artificial Intelligence: Challenging Human Intelligence. *Global business and organizational excellence*, 45(4), pp.421-434.

progress of technology in the country if the foundation AI developers do not own any right over the results and weight derived from the algorithms. On the other hand, granting monopoly right to the developers over basic styles and algorithms may cause monopoly of the foundational knowledge, which limits the future human creativity. If in the case, all those works which are created by the machines and without any involvement of humans are placed in the public domain, it might hinder the investments made by the organizations in such technologies and stifle innovations in the country.¹⁶

5.2 Comparative Global Approaches and Lessons for India

- United Kingdom: What makes the United Kingdom unique in its legal framework is the provision provided by Section 9(3) and Section 178 of the Copyright, Designs and Patents Act 1988 (CDPA). Specifically, it is the copyright law that explicitly provides protection for “computer-generated works,” which have no human author at all. India could use this section of legislation as an example in regulating autonomous works.
- European Union: The EU Artificial Intelligence Act imposes extremely high standards of transparency on providers of general-purpose AI models and mandates publishing the details about the dataset used in training. India needs such provisions in its future digital policy framework.

5.4. The Anthropocentric Crisis: Deconstructing Statutory Adequacy and Section 2(d)(vi)

The data collected empirically indicates an obvious institutional consensus on the outdatedness of the current legislative regulation in India. In particular, as far as the assessment of the appropriateness of Section 2(d)(vi) of the Copyright Act, 1957—whereby the authors of the computer-generated work shall be deemed to be “the person causing the work to be created”—is concerned, an overwhelming eighty-four percent of those asked of their professional legal, technical, and academic opinion declared themselves deeply unsatisfied, none of them stating the sufficiency of the statute.

¹⁶ Chauhan, K., 2025. Generative AI, Text & Data Mining (TDM) and the Fair Dealing Doctrine: Examining the New Problem with the Old Regime. *Journal of Intellectual Property Rights*, 30(1).

In the context of conventional logic of law, the criterion for the existence of copyright involves an actual link between the human's intellect input and resulting expression, as determined in the landmark decision of the Indian Supreme Court in *Eastern Book Company v. D.B. Modak* in relation to the need for "a modicum of creativity" in addition to human "skill, labor, and judgment." Yet modern generative technology operates in a manner which heavily relies on the use of parameter weights, manipulation of latent space vectors, and creation of autonomous patterns based on nothing but natural language input provided by the user.¹⁷

5.5. Ownership Fragmentation: Balancing Developer Capital and User Creativity

The findings illustrate a split preference choice as far as the issue of copyright ownership of the products of commercial generative AI, due to the contradictory nature of the arguments in both economic and philosophical sense. The greatest number of the respondents (37.33%) thinks that the copyright must belong to the developer and the company of the AI software, 30.67% of them would choose the copyright ownership of the user or prompt engineer of the AI software, 20% would opt for joint co-ownership, and 12% would think that the products of the machine-generated works must become part of the public domain by default. The cross-tabulation analysis reveals the expected pattern among professionals, as the machine learning developers and corporate tech counsel favor the developer-oriented solution, owing to the significant investments made into the development of the training data and hardware infrastructure.¹⁸

5.6. The Upstream Training Dilemma: Infringement versus Fair Dealing

5.6.1 Polarization over Data Ingestion

The contentious part about the empirical study relates to whether or not the ingestion, scraping, and vectorization of the copyrighted material for LLM training amounts to copyright infringement under the Indian Copyright Act, 1957. More than sixty-seven percent of the respondents consider

¹⁷ Chaudhary, G. and Nidhi, A., 2023. Artificial intelligence and blockchain: A breakthrough collaboration in IP law. *Journal of Intellectual Property Rights (JIPR)*, 28(5), pp.383-391.

¹⁸ Chaudhary, G., 2024. Unveiling the black box: Bringing algorithmic transparency to AI. *Masaryk University Journal of Law and Technology*, 18(1), pp.93-122.

that data ingestion as prima facie copyright infringement, under Section 51 of the Act as direct copyright infringement, or unless explicitly licensed. This view is also supported by the ongoing case of ANI Media Pvt. Ltd. vs. OpenAI Inc. before the Delhi High Court, where the media organizations have argued that ingestion of archives amounts to exploitation of the copyrighted material without any license.

This group holds that the neural nets scrutinize each training sample in order to uncover unprotected statistics, facts, and general style but not reproduce the protected expression as market substitutes.¹⁹

5.6.2 The Viability of Statutory Collective Licensing

This can easily be understood from the practicality of the situation where a very high percentage of experts surveyed were found to show considerable willingness regarding establishing the statutory system for collective licensing (45.33% very strong in favor of it and 32% conditional in favor of it). Through the application of the statutory provisions of Section 31D of the Copyright Act of 1957 in regard to copyright of music, a very balanced collective licensing body will ensure that the AI firms are compelled to pay for their data usage and also the royalties of the creators.²⁰

5.7. Summary of Core Thematic Dimensions

The intersection of generative AI technology and copyright law encompasses four primary thematic dimensions.

I. Authorship and the Human-Centric Mandate

The conventional copyright law mandates that there must be a human author in whose personality and efforts the creation of work takes place. According to Section 2(d) of Indian Copyright Act of 1957, an "author" is defined as "a person". In case the definition is extended to encompass other

¹⁹ Mondal, R. and Banerjee, P., 2025. Copyright under the regime of artificial intelligence: Redefining creativity. *Journal of Intellectual Property Rights (JIPR)*, 30(1), pp.45-50.

²⁰ G., Aswathy Prakash; Nair, Vishnu, 2024. Integrating Generative AI into Legal Education: Form Casebooks to Code, Opportunities and Challenges. *Law, Tech. & Hum.*, 6, p.60.

beings except human beings, the entire idea of the copyright law will be put into question from both moral and economic perspectives, because the computer is not a "person".²¹

II. Theoretical Justifications for Copyright in AI

Theories of intellectual property applied to generative AI generate diverse views:

- Utilitarian theory (Bentham): Maximization of social welfare and creation of economic incentives are its main objectives. The copyright of works created through AI provides incentive for investments into and use of technology but may lead to overprotection and limitation of basic information.
- Hegelian personality theory: Property is viewed as an expression of personal freedom of will. This theory cannot be applied to autonomous systems as long as there is no evidence of human creativity curation.²²

III. Infringement and the Training Dilemma

The act of bulk harvesting of copyrighted works to train LLMs is a big flashpoint. As per the Indian Copyright Act, the acts of unauthorized reproduction and adaptation constitute the basics of an infringement. The conditions for fair use have been provided by Section 52 of the Indian Copyright Act, although it is unclear how it applies to data scraping by artificial intelligence companies.

IV. Comparative Global Stances

Even though the U.S. and the UK remain committed to maintaining a stringent regime when it comes to authorship by humans, many developing nations have begun following a flexible policy. At present, India maintains a more conservative policy, called "wait and see." But for there to be a vibrant knowledge economy, it must innovate in its regulation.²³

²¹ Pathak, S., 2025. Artificial Intelligence (AI) in the Indian Legal System: Transformations, Challenges, and Future Prospects. KAMKUS College of Law.

²² Senan, T.V., Augustine, A. and Krishnan, A., 2023. AI, Creativity, and Copyright Law in India: Navigating the Boundaries of Originality and Authorship. *Issue 3 Int'l JL Mgmt. & Human.*, 6, p.2941.

6. Conclusion

The empirical study clearly indicates that there is enormous stress being put on India's existing intellectual property regime in the context of generative artificial intelligence. The evident dissatisfaction with Section 2(d)(vi), the complete polarizations regarding training stage data scraping, and diverse views with respect to ownership distribution clearly suggest the pressing need for legislation. By making use of advanced changes in statutes, collective licensing programs, and comparisons internationally, India would be able to build an economy of artificial intelligence without forgetting about fundamental human rights.

Through doctrinal research and empirical data, it is clear that the Indian laws related to copyrights and patents have raised stakeholder concerns because of the ambiguity associated with authorship, ownership and liability aspects. Although there are other major economies around the world such as the USA and the EU, which have taken a legal stand against the problem, the Indian law remains ambiguous to hinder innovations and discourage foreign investments. It is now high time a well-balanced framework be put in place considering technological development and human rights.

7. Future Recommendations and Limitations

7.1 Recommendations for India

1. Legislative Clarification: It is necessary that the Indian Parliament reviews the Copyright Act, 1957 and the Patents Act, 1970 to include the aspect of AI-generated and AI-assisted creations, doing away with any archaic concepts of complete human authorship where there is significant human involvement in terms of prompt engineering and curation.²⁴

²³ G., Aswathy Prakash; Nair, Vishnu, 2024. Integrating Generative AI into Legal Education: From Casebooks to Code, Opportunities and Challenges. *Law, Tech. & Hum.*, 6, p.60.

²⁴ Hema, K., 2023. Protection of Artificial Intelligence autonomously generated works under the Copyright Act, 1957-An analytical study. *Journal of Intellectual Property Rights (JIPR)*, 28(3), pp.193-199.

2. Establishment of a Policy Making Committee: As has been done in the case of the US and the EU, India must also establish a policy making committee consisting of legal experts, technologists and policymakers in the DPIIT (Department for Promotion of Industry and Internal Trade).²⁵
3. Sui Generis Regime of Protection: It may be suggested that a sui generis regime of protection be adopted to protect commercially autonomous creations made by machines, with short-term and narrow scope protection (only economic rights as opposed to moral rights).
4. International Coordination: The Indian government will have to work with WIPO for creating international standards for AI inventorship, data scraping and infringement liability.

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²⁵ G., Aswathy Prakash; Nair, Vishnu, 2024. Integrating Generative AI into Legal Education: From Casebooks to Code, Opportunities and Challenges. *Law, Tech. & Hum.*, 6, p.60.

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