



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

CASE COMMENT ON ANI MEDIA PVT. LTD. VS OPENAI OPCO

LLC:

LEARNING WITHOUT INFRINGING? INDIA'S FIRST WORD ON GENERATIVE AI TRAINING

[CS(COMM) 1028/2024, I.A. 45300/2024, High Court of Delhi, decided 24 July 2026 (Amit Bansal J.)]

-Mahek Shaikh

ABSTRACT

This case comment examines ANI Media Pvt. Ltd. v. OpenAI OpCo LLC, decided by the Delhi High Court on 24 July 2026, concerning the use of copyrighted news content for training generative artificial intelligence. It analyses the Court's approach to territorial jurisdiction, copyright infringement, AI-generated outputs, and fair dealing under Section 52(1)(a) of the Copyright Act, 1957. The comment critically evaluates the interpretation of private use, research, commercial purpose, and public interest in AI training. It highlights concerns regarding lawful data sourcing, licensing markets, and creator compensation, emphasising the need for legislative clarity to balance technological innovation with copyright protection.

Keywords: *Generative Artificial Intelligence, Copyright Infringement, Fair Dealing, AI Training, Copyright Act, 1957, ANI Media, OpenAI.*

1. INTRODUCTION

This is the first instance in India where the legality of training a chatbot with copyrighted news through an AI company by the provisions of Copyright Act, 1957 has been questioned. In the matter of ANI vs OpenAI Inc.,¹ ANI requested the Delhi High Court to restrain OpenAI from storing the articles of ANI to train its chatbot named ChatGPT. ANI further argued that

¹ ANI Media Pvt. Ltd. v. OpenAI OpCo LLC, CS(COMM) 1028/2024, I.A. 45300/2024 (Delhi High Ct. July 24, 2026)

ChatGPT generates the responses that reproduce ANI's articles. The Court denied to issue the interim injunction order.² It stated that prima facie, the use of the article in the process of training amounts to fair dealing under Section 52(1)(a)(i) of the Copyright Act, 1957, and the responses of ChatGPT were not substantially similar to ANI's articles.³

2. FACTS OF THE CASE

ANI is a news agency whose headquarters are in New Delhi. It provides its news to its subscribers through non-exclusive licenses and earns revenue through ads on its websites and social media platforms.⁴

ANI claims that OpenAI has illegally taken its content to train the models for ChatGPT. The agency claims that ChatGPT made use of its articles in its responses.⁵ ANI gave nine instances, including an interview of the mother of Neeraj Chopra, who delivered his speech in Hindi, and was later translated into English by ANI.⁶

The defense put forward by OpenAI was that training occurs in the servers of the US, ANI's articles were freely accessible on the Internet, ANI's articles were used in training purposes only and not published anywhere, and it fell under fair dealing.⁷

According to the Court, the training data for GPT 4 ended by April 2022 and for GPT 4o in April 2024, well before the articles cited by ANI were published.⁸ OpenAI further clarified that ANI had approached it for licensing the use of its technology for a fee of 7.5 million dollars.⁹ The publishers and music organizations supported ANI while the AI startups and think tanks supported OpenAI.

3. ISSUES BEFORE THE COURT

The Court framed four issues on 19 November 2024:

1. Does storing ANI's data to train ChatGPT infringe copyright?
2. Does using ANI's data to generate answers for users infringe copyright?

² Id. ¶¶ 256–74.

³ Id. ¶¶ 108–19, 219–56.

⁴ ANI Media, CS(COMM) 1028/2024, I.A. 45300/2024, ¶¶ 6–9.

⁵ Id. ¶¶ 6, 33–35.

⁶ Id. ¶¶ 99–107.

⁷ Id. ¶¶ 33–43.

⁸ Id. ¶ 202.

⁹ Id. ¶¶ 38–43.

3. Is the use protected as fair dealing under Section 52?
4. Can Indian courts hear the case when OpenAI's servers are in the United States?

4. JUDGMENT AND REASONING

Jurisdiction: The registered office of ANI is in Delhi, while OpenAI provides its services in India. Thus, the court was seized of the matter under Sections 62(2) of the Copyright Act and 20 of the Code of Civil Procedure (CPC).¹⁰ The court held that the Indian copyright laws are applicable only within India. However, the court did not restrict itself to the final step in the process, i.e., storing the data in US servers. This final step was merely an extension of the initial process that started with the access from India. Relying upon the precedents set by the cases of *Blueberry Books and Neetu Singh v. Telegram*, the court held that maintaining servers outside India will not take away the case from Indian Courts.¹¹

Output claim: As its starting principle, the Court held that copyright protection applies only to the expression and not to the facts. Hence, ANI cannot claim copyright over the news.¹² The Court then made a comparison between the articles written by ANI and the replies provided by ChatGPT based on the *R.G. Anand* and *Leo Burnett* principles. However, there was no resemblance between both of them even in the titles.

For the *Neeraj Chopra* case, the first reply of ChatGPT was completely different from ANI's article. There was a near-exact quote only after ANI had asked twice for 'exactly' what she said. This type of question posed by ANI was termed as adversarial prompting. Moreover, it should be noted that those words were spoken by Neeraj Chopra's mother; therefore, according to Section 17(cc), she was the first owner of such words.

The Court distinguished *GEMA vs OpenAI*, where song lyrics were repeated word to word in response to ordinary prompts.¹³ Since ANI articles came after the training cut off dates, the Court found no proof that the model had memorised them.

¹⁰ Copyright Act, 1957, § 62(2) (India); Code of Civil Procedure, 1908, § 20 (India); ANI Media, ¶¶ 44–48.

¹¹ Id. ¶¶ 49–54.

¹² *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118; ANI Media, ¶¶ 86–91.

¹³ *GEMA v. OpenAI* (Munich Regional Ct. Nov. 2025) (verify case number and date); ANI Media, ¶¶ 117–19.

Storage and fair dealing. Section 14(a)(i) states that electronic storage is an act of reproduction. However, Section 52 enumerates some non-infringing acts, which is why the court considered both sections together. It then used two tests.

Purpose test: The Court decided the following:

- Section 52(1)(a) does not exclude commercial use.
- The rule about non-infringing copy in the Explanation applies only to computer programmes, going by the placement of commas. In any case, OpenAI took freely available content, so its copies were not infringing.
- Private use can include a company. The data was kept in a closed system that no human could access.
- Training an AI model is a form of research.
- The Court used an updating construction, meaning it read an old law in light of new technology.

Fairness test: The Court rejected the application of the US four factor test to India, as well as the existence of any settled Indian test for this issue. Three factors were enumerated using Article 9 of the Berne Convention:¹⁴

OpenAI used the works only for training.

1. There was no market harm. ChatGPT does different work from a news agency and ANI showed no lost subscribers or revenue. The Court relied on the US cases *Bartz vs Anthropic* and *Kadrey vs Meta*.¹⁵
2. AI training serves the public interest through education, research and access to information.

Interim relief: ANI could have blocked OpenAI's crawlers but did not. Its USD 7.5 million offer showed that its loss could be measured in money. An injunction on the other hand, would

¹⁴ Berne Convention for the Protection of Literary and Artistic Works art. 9(2), Sept. 9, 1886, as revised July 24, 1971, 1161 U.N.T.S. 3; ANI Media, ¶¶ 219–56.

¹⁵ *Bartz v. Anthropic PBC*, No. 24-cv-05417, 2025 WL 1741691 (N.D. Cal. June 23, 2025); *Kadrey v. Meta Platforms, Inc.*, No. 23-cv-03417 (N.D. Cal. June 25, 2025); ANI Media, ¶¶ 245–53. Check the correction order of July 27, 2026 before finalising.

cause harm to OpenAI, to millions of Indian users, and to India's own AI development. The application was dismissed.

5. CRITICAL ANALYSIS

The reasoning on jurisdiction is the strongest part of the judgment. Failing to limit itself to the final link prevents corporations from using foreign servers to evade Indian law.

However, the reasoning in relation to the principle of fairness is vulnerable to criticism. The expansion of such terms as private use, which includes research took place in 1994 and 2012 primarily for the protection of individuals and their scientific work. Expanding the concept of private in the context of a huge corporation is somewhat contradictory. The Court based its decision on the case of *B. Malini Mallya*, which involved the performance of a dance performance within the educational institution, and such a precedent is hard to reconcile with copying at the industrial level.¹⁶ It is logical to consider training the AI technology research, however, it will virtually deprive of importance of commercial purpose of actions. Finally, the Court admitted that the Parliament failed to foresee AI.

As a question of grammar, the interpretation by the Court of the non-infringing copy requirement is clean, but there is a problem with its interpretation. It implies that a copy even taken from an infringing source such as a pirate website or one that needs subscription may also be a non-infringing copy. It must be pointed out that the Court itself said that *Bartz* made a distinction between lawfully purchased books and pirate versions of them. This interpretation is thus broader than necessary in light of the facts in the case at hand.

The three-factor test developed by the Court excludes the nature of the work and the quantity used factors, which feature in other fair dealing tests. Additionally, while rejecting the four-factor test used in the United States, the Court adopts the US notion of transformative use.

The assessment of market harm is largely based on the absence of evidence from ANI. The Court has even seen the failure of ANI to block crawlers as detrimental to its case. This is contrary to the basic premise that copyright is an exclusive right and is independent of formalities. The USD 7.5 million offer is bidirectional in nature; it shows that ANI was ready to license its content. It is also true that ANI has pointed out the fact that OpenAI has made payments for licenses from other news organizations, thereby proving that there is an active

¹⁶ *Academy of General Education, Manipal v. B. Malini Mallya*, (2009) 4 SCC 256; *ANI Media*, ¶¶ 209–18.

licensing market. This is contradictory to the idea put forward by the Court that a compulsory licensing regime will make large language models commercially unfeasible.

As far as the output analysis is concerned, the logic is relatively stronger. However, the Court might have given too much importance to the way the user prompted the model. The real problem lies in whether the model had memorized the work.

6. WIDER LEGAL SIGNIFICANCE

At this interim stage, India finds itself nearer the US judgments which are pro-AI developers. In the judgment, it is clear that the Indian courts will not simply adopt the US four factor test. Instead, they will develop their own concept of fair dealing where public interest will play an important part. It is also clear that courts cannot go beyond certain limits. Matters like compensation to the creator, opt-out and lawful sourcing of data fall into the purview of Parliament. The judgment time and again refers to the difference between the new technology and a 1957 law.

7. CONCLUSION

ANI vs OpenAI is a well-reasoned but debatable case. As far as jurisdiction and outputs are concerned, the arguments of the case have been strong. However, as far as wide meaning given to private use and research, and also the concept of public interest in it, the arguments can be challenged. Being prima facie findings, the real challenge would arise only during the trial. Until Parliament acts, the case makes it clear that Indian courts will favor innovation but copyright owners have to prove infringement with evidence.