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ANI MEDIA PVT. LTD. v. OPEN AI OPCO LLC[1]

~ Bhumi Pal

INTRODUCTION

The rapid development of generative artificial intelligence has brought copyright law into an unfamiliar territory. This tension came sharply into focus before the Delhi High Court in *ANI Media Pvt. Ltd. v. Open AI OpCo LLC*, where the Court was called upon to consider whether copyrighted news material could be stored and used in the training of Large Language Models ("LLMs") without the permission of the copyright owner.

The dispute arose from a suit filed by news agency ANI, which alleged that OpenAI had infringed its copyright by using ANI's content in training ChatGPT and by reproducing its copyrighted material through ChatGPT responses. The case consequently raised questions about the scope of the exclusive rights under the Copyright Act, 1957, the application of the fair-dealing exception under Section 52, and the territorial jurisdiction of Indian courts where the relevant servers were located outside India.[2]

The judgment is particularly significant because it represents one of India's most substantial judicial examinations of the relationship between copyright law and AI training. At the same time, it must be understood in its proper procedural context: the Court was deciding an application for interim relief and therefore made a prima facie assessment rather than finally determining the parties' rights after trial.[3] The decision nevertheless provides an important indication of how Indian courts may approach the increasingly difficult balance between protection of creative works and technological development.

FACTS OF THE CASE

[1] ANI Media Pvt. Ltd. v. Open AI OpCo LLC, I.A. 45300/2024 in CS(COMM) 1028/2024, Judgment at 1–7 (Delhi High Court July 24, 2026).
[2] Id. at 7–10.
[3] Id. at 129–35.

ANI Media Pvt. Ltd., a news agency, instituted a copyright infringement suit against Open AI OpCo LLC before the Delhi High Court on November 19, 2024, along with an application seeking interim relief.[4] ANI alleged that OpenAI had unlawfully accessed, stored and used its copyrighted news material for training its LLMs and that ChatGPT could subsequently reproduce ANI's protected expression in response to user prompts.

OpenAI disputed these allegations. It contended, among other things, that the training of its models took place on servers located outside India and therefore raised questions concerning the territorial application of Indian copyright law. It further maintained that the training process involved an internal computational process rather than the ordinary reproduction or communication of individual works to the public.[5]

During the proceedings, the Court framed four principal issues concerning territorial jurisdiction, reproduction through ChatGPT responses, storage of ANI's works for training, and the applicability of fair dealing under Section 52(1)(a) of the Copyright Act.[6] The Court also appointed Dr. Arul George Scaria and Adarsh Ramanujan as amici curiae. Several industry bodies were subsequently permitted to intervene, reflecting the wider implications of the dispute for publishers, digital news organisations and other copyright stakeholders.[7] The judgment was reserved on March 27, 2026 and pronounced on July 24, 2026.[8]

LEGAL ISSUES

The Court considered four central questions:

1. Whether the storage of ANI's copyrighted data for training ChatGPT amounted to copyright infringement;
2. Whether the use of ANI's copyrighted data in generating responses for ChatGPT users constituted infringement;
3. Whether OpenAI's use of the material was protected as fair dealing under Section 52(1)(a) of the Copyright Act, 1957; and
4. Whether Indian courts had territorial jurisdiction to entertain the dispute when OpenAI's servers were located outside India.[9]

[4] Id. at 7–10.
[5] Id. at 23–34, 61–68.
[6] Id. at 7–8.
[7] Id. at 10–22.
[8] Id. at 1.

These issues brought together two otherwise distinct questions: whether the use of copyrighted material for AI training itself constitutes infringement, and whether such use, even if prima facie infringing, can fall within a statutory exception.

ARGUMENTS OF THE PARTIES

1. TERRITORIAL JURISDICTION

OpenAI argued that the actual training of its LLMs occurred outside India and that the Copyright Act did not have unlimited extra-territorial operation. It further contended that ANI had improperly combined the training claim with the separate claim concerning ChatGPT outputs. According to OpenAI, jurisdiction over one could not automatically establish jurisdiction over the other. It also relied upon the contractual forum-selection clause contained in its terms of use.[10]

ANI, supported by intervenors including the Digital News Publishers Association ("DNPA"), the Indian Music Industry ("IMI") and the Federation of Indian Publishers ("FIP"), took a broader view. ANI relied on Section 62(2) of the Copyright Act and Section 20 of the Code of Civil Procedure, 1908, arguing that its principal place of business was in New Delhi and that OpenAI deliberately provided and marketed its services to Indian users.[11] It further argued that the training process could not be isolated from the earlier acts of accessing and transmitting the copyrighted material.

The amici curiae also questioned the importance attached to the physical location of OpenAI's servers, emphasising that the relevant chain of events had a substantial connection with India.[12]

2. COPYRIGHT INFRINGEMENT THROUGH TRAINING AND OUTPUTS

ANI argued that LLMs can memorise portions of their training material and, in certain circumstances, reproduce or "regurgitate" protected expression in response to prompts. It therefore contended that ChatGPT's ability to generate substantially similar or identical material could amount to reproduction under Section 14 of the Copyright Act.[13] ANI also argued that the fact that news reports were publicly accessible did not extinguish copyright in the expression used to communicate those facts.

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[9] Id. at 7–8.
[10] Id. at 13–22.
[11] Id. at 13–22; Copyright Act, 1957, § 62(2) (India); Code of Civil Procedure, 1908, § 20 (India).
[12] ANI Media, supra note 1, at 13–22.
[13] Id. at 23–60.

OpenAI, on the other hand, maintained that LLMs operate through statistical prediction rather than by simply retrieving and reproducing individual training files. It further pointed out that the challenged ANI works had been published after the relevant training cut-off dates for the models relied upon by ANI. The Court noted that GPT-4 and GPT-4o had relevant cut-off dates of April 2022 and April 2024 respectively, while the specific ANI articles relied upon as examples of reproduction were published later.[14]

OpenAI also relied upon the distinction between facts and expression. While the underlying facts contained in news reports are not protected by copyright, copyright may protect the particular expression through which those facts are communicated. This distinction became important in determining whether ChatGPT's responses constituted substantial reproduction of ANI's protected expression.[15]

3. FAIR DEALING AND AI TRAINING

ANI's principal objection was that commercial AI development could not reasonably be brought within the words “private or personal use, including research” in Section 52(1)(a)(i). It argued that OpenAI was using ANI's material as part of a commercial business model and that allowing unrestricted copying for AI training would substantially weaken the economic interests of copyright owners.[16]

OpenAI argued that the statutory provision contains no express requirement that the use under Section 52(1)(a)(i) must be non-commercial. It further contended that the training process was an internal and non-expressive computational activity and that the material was transformed into parameters used for the functioning of the model rather than simply being republished to users.[17]

The Court ultimately approached the question through what it described as a purpose test followed by a fairness test. It held, at the prima facie stage, that the training of LLMs could fall within “private or personal use, including research” and that the use also satisfied the fairness requirement under Section 52(1)(a).[18]

JUDICIAL REASONING AND PRECEDENTS

[14] Id. at 104–08. The Court noted that the relevant cut-off dates for GPT-4 and GPT-4o were April 2022 and April 2024, respectively.
[15] Id. at 34–60.
[16] Id. at 75–80.
[17] Id. at 69–75.
[18] Id. at 95–129.

The Court's reasoning was grounded in established principles of Indian copyright law while attempting to apply them to a technology that did not exist when the Copyright Act was enacted. A significant principle was the idea-expression dichotomy, reflected in *R.G. Anand v. Deluxe Films*. The Supreme Court has consistently distinguished between an underlying idea or fact and the particular expression through which it is communicated.[19] This distinction was relevant because ANI's material primarily consisted of news reporting, where the underlying facts themselves are not capable of copyright protection. The Court therefore had to determine whether ChatGPT's responses reproduced ANI's protected expression rather than merely communicating information that ANI had reported.

The Court also considered the approach to fair dealing developed in cases such as *The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services*. The Delhi High Court in the DU Photocopy Case adopted a relatively broad understanding of the statutory copyright exceptions in the educational context.[20] In *ANI v. OpenAI*, the Court similarly emphasised that Section 52 should not automatically be approached as a narrowly confined exception where doing so would undermine the wider objectives of copyright law.

The Court also referred to *Civic Chandran v. Ammini Amma*, which illustrates the relevance of public interest in assessing fair dealing.[21] However, the Court did not simply transplant the American doctrine of "fair use" into Indian law. Instead, it recognised that Indian law operates through the statutory framework of Section 52 and formulated a fact-sensitive assessment of fairness within that framework.[22]

FINDINGS AND DECISION

1. TERRITORIAL JURISDICTION

The Court accepted that it possessed territorial jurisdiction to entertain the dispute. It considered ANI's presence in Delhi, OpenAI's engagement with Indian users and the alleged effects of the impugned conduct within India. The Court did not consider the foreign location of the servers, by itself, sufficient to remove the dispute from the jurisdiction of Indian courts.[23]

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[19] R.G. Anand v. Deluxe Films, (1978) 4 S.C.C. 118, 128–30.
[20] The Chancellor, Masters & Scholars of the Univ. of Oxford v. Rameshwari Photocopy Servs., 2016 SCC OnLine Del 5128 (Delhi High Court), aff'd, 2016 SCC OnLine Del 6229 (Delhi High Court).
[21] Civic Chandran v. C. Ammini Amma, 16 PTC 329 (Kerala High Court 1996).
[22] ANI Media, supra note 1, at 115–29.
[23] Id. at 22–23.

2. CHATGPT RESPONSES AND REPRODUCTION

With respect to the output claim, the Court found that ANI had not established a sufficient factual basis to show that the challenged responses were reproductions of ANI's works. The relevant examples relied upon by ANI were published after the relevant training cut-off dates. The Court therefore found no prima facie basis to conclude that those responses resulted from memorisation of the specific ANI works relied upon by the plaintiff.[24]

The Court also examined whether the responses constituted substantial reproduction of ANI's literary expression. Applying the distinction between facts and expression, it concluded at the interim stage that ANI had failed to establish actionable reproduction of its protected expression.[25]

3. TRAINING AND FAIR DEALING

The most significant part of the judgment concerned the storage of ANI's works during the training process. The Court accepted that electronic storage falls within the scope of reproduction under Section 14(a)(i), but noted that such reproduction remains subject to the statutory exceptions contained in Section 52.[26]

The Court divided its analysis into two stages. First, it considered the purpose test. It concluded that the absence of an express "non-commercial" limitation in Section 52(1)(a)(i) was significant. The Court observed that where Parliament intended to impose a non-commercial limitation elsewhere in the Copyright Act, it had expressly done so.[27] It further held that research should not be restricted to activity carried out by human beings alone and that machine learning could, in appropriate circumstances, fall within the concept of research.[28]

Second, the Court applied a fairness test, examining whether OpenAI's use was confined to training its LLMs, whether it caused actual or potential economic harm to ANI, and whether the activity served a broader public interest.[29] The Court found, at the prima facie stage, that the relevant factors favoured OpenAI and concluded that the purpose and fairness tests were satisfied.[30]

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[24] Id. at 60.
[25] Id. at 42–60.
[26] Id. at 86–92.
[27] Id. at 96–104. The Court specifically noted that several other provisions of the Copyright Act expressly impose non-commercial limitations, while Section 52(1)(a) does not.
[28] Id. at 108–15.
[29] Id. at 115–29.
[30] Id. at 128–29.

4. BALANCE OF CONVENIENCE AND IRREPARABLE INJURY

The Court further held that the balance of convenience did not justify an interim injunction. It considered ANI's potential financial loss to be capable of monetary assessment and noted the wider consequences that an injunction could have for OpenAI's operations and users. The Court therefore declined to grant the requested interim relief.[31]

Accordingly, ANI's application for an interim injunction was dismissed. Importantly, however, this was an interim assessment and did not finally dispose of the underlying copyright dispute.

CRITICAL ANALYSIS

The decision is significant because it attempts to accommodate technological development within a copyright statute drafted long before generative AI existed. The Court's refusal to impose an immediate injunction can be viewed as a cautious approach that prevents copyright law from becoming an obstacle to technological research merely because existing statutory language was written for a different technological environment.

One of the judgment's strengths is its recognition that commerciality alone cannot automatically determine whether a use is unfair under Section 52(1)(a). The Court correctly observed that Parliament has expressly imposed non-commercial limitations in several provisions of the Copyright Act but has not done so in Section 52(1)(a).[32] This textual approach provides some degree of predictability for technological businesses operating in India.

The judgment's treatment of research is also forward-looking. The Court's observation that research cannot necessarily be restricted to activities performed directly by human beings acknowledges the reality that modern research increasingly relies upon computational systems.[33] A contrary interpretation could potentially make the statutory concept of research dependent upon the identity of the entity performing the research rather than its actual purpose.

Nevertheless, the reasoning raises substantial concerns. The most important question is whether the phrase “private or personal use, including research” can comfortably encompass the large-scale commercial ingestion of copyrighted material by a corporate AI developer.

[31] Id. at 129–34.
[32] Id. at 97–104.
[33] Id. at 108–15.

ANI's objection is not merely that OpenAI earns money; rather, it is that copyrighted works are being used as an essential input in building and improving a commercially deployed AI system. Treating such activity as "private use" may therefore stretch the ordinary meaning of the statutory language.

The Court's approach also leaves uncertainty regarding the economic interests of publishers. Although the Court found no demonstrated market substitution or sufficient evidence of economic prejudice at the interim stage, the long-term effect of AI systems on news consumption may be considerably more complicated. A generative AI system can potentially become an alternative means of accessing information, even where it does not reproduce a particular article verbatim.

The treatment of memorisation also deserves further scrutiny. The distinction between a model's ordinary operation and instances of memorisation is important, but the absence of proof relating to the particular ANI articles used in the training claim does not necessarily resolve the broader technological question of whether systematic memorisation can amount to infringement. Future proceedings may therefore have to distinguish between incidental memorisation, deliberate regurgitation and outputs that reproduce a substantial part of a protected work.

Finally, the jurisdictional reasoning may require greater clarification in future proceedings. The Court's willingness to look beyond the physical location of servers is understandable in an internet-based environment, but an expansive approach could create uncertainty concerning the territorial limits of Indian copyright law where the underlying data processing occurs abroad.

CONCLUSION

The interim decision in *ANI Media Pvt. Ltd. v. Open AI OpCo LLC* is an important early step in defining the relationship between Indian copyright law and generative AI. Its significance lies not merely in the refusal to grant an injunction, but in the Court's attempt to apply Section 52 to a technological process that was never contemplated when the provision was drafted.

At the same time, several questions remain unresolved. The final determination will need to examine more closely the relationship between commercial AI training and "private or personal use," the legal significance of model memorisation and regurgitation, the assessment

of economic harm to copyright owners, and the territorial reach of Indian copyright law. The case therefore demonstrates both the flexibility and the limitations of the existing statutory framework.

Ultimately, *ANI v. OpenAI* suggests that Indian copyright law may be capable of accommodating AI development through existing principles, but it also exposes areas where statutory clarification may become necessary. As generative AI becomes increasingly integrated into research, journalism, education and commercial activity, the challenge for Indian copyright law will be to protect legitimate creative interests without treating technological innovation itself as an infringement.