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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **INTERFACE OF ARTIFICIAL INTELLIGENCE & COPYRIGHT**

AUTHORED BY - PRIYADARSHINI

*Artificial Intelligence is likely to be either the best or worst thing to happen to  
humanity.*

**-Stephen Hawking**

## **ABSTRACT**

The exponential growth of Artificial Intelligence (AI) technologies has revolutionised the way creative works are produced, consumed, and monetised. With AI systems capable of generating music, art, literature, and even software code, legal systems worldwide are grappling with novel questions surrounding copyright protection. This article explores the socio-legal interface between AI and copyright, examining legal challenges, societal impacts, judicial trends, and potential reforms required to ensure a balanced intellectual property ecosystem in the AI age. Today's rapid evolution of Artificial Intelligence (AI) has not only transformed commerce but has also raised crucial interrogations regarding intellectual property, explicitly in the sphere of copyright. As Artificial Intelligence systems become increasingly urbane in generating creative works, the interface between AI and copyright law has become a complex and evolving scene.

## **INTRODUCTION**

The fusion of artificial intelligence (AI) and inventiveness has given an upsurge to a transformative era, reshaping traditional standards in fields such as art, music, literature, and beyond. As AI becomes increasingly erudite in generating original content, the intersection of copyright law and artificial intelligence introduces a complex and developing terrain. This article explores the overlapping dominions of copyright and AI, investigating the challenges and opportunities that arise at this intriguing intersection.

Artificial Intelligence, once confined to scientific and industrial applications, is now an active participant in the creative economy. AI models like GPT, Midjourney, and DALL·E generate human-like creative works, often indistinguishable from those made by human authors.

This capability, while fascinating, poses profound legal and ethical questions:

- i. Can AI-generated content be copyrighted?
- ii. Who is the rightful owner of such works?
- iii. Is it lawful to use copyrighted materials to train AI?

These questions demand a socio-legal analysis, as they lie at the intersection of technology, law, and society.

## COPYRIGHT FUNDAMENTALS

Copyright is a legal mechanism that protects original works of authorship fixed in a tangible medium.

The basic principles include:

**Originality:** The work must be independently created.

**Authorship:** The law traditionally recognises only humans as authors.

**Fixation:** The work must be expressed in a tangible form.

These principles, rooted in human creativity, face serious challenges when applied to AI-generated content.

Whereas, AI-generated content refers to works created with little or no human involvement, where algorithms and machine learning models play a substantial role in the creative process. These works have a wide range of channels, including visual art, music, literature, and more. The unique challenge arises when determining the ownership, protection, and infringement of copyright in AI-generated content.

AI systems do not possess consciousness, intent, or creativity in the human sense. However, they can autonomously produce poems, novels, paintings, illustrations, songs, symphonies, films and animations.

The chief encounter in this dominion of artificial intelligence-generated content is decisive authorship, besides ownership. Most jurisdictions, including India, the US, and EU countries, do not recognise AI as a legal person capable of holding copyrights. The possible alternatives for ownership include the developer of the AI, the user operating the AI system and no copyright at all (public domain). These conflicting views lead to legal uncertainty, especially in commercial contexts.

However, as artificial intelligence systems unconventionally generate creative works, questions arise about who should be considered the rightful inventor.

## GLOBAL LEGAL LANDSCAPE

Different countries have responded to the AI-copyright interface in varied ways:

**United States:** The U.S. Copyright Office has clarified that AI-generated works are not eligible for copyright unless there is a substantial human contribution.

**United Kingdom:** Offers a sui generis provision where the programmer is treated as the author of computer-generated works.

**India:** The Copyright Act, 1957, is silent on AI authorship, leading to reliance on judicial interpretation.

**European Union:** Proposed AI Act and Digital Services Act indirectly touch upon IP and data issues, but no direct harmonised law on AI authorship.

## LEGAL SCOPE IN INDIA

The Indian copyright law is crucial for a comprehensive consideration of the interface between AI and copyright in the country. Here, the Copyright Act of 1957 forms the legal backbone for intellectual property protection and the interface between AI and copyright is an evolving arena that demands high consideration. In India, *the Copyright Act of 1957* governs copyright protection. The Act primarily focuses on protecting works created by human authors, and there is no explicit provision addressing AI-generated works. However, the Act does include the concept of "*author*" as a human creator. The Copyright Act traditionally recognises human authors as the creators of copyrighted works. In the context of AI-generated content, determining authorship and ownership becomes a crucial aspect that may prerequisite legal clarification.

In many jurisdictions, copyright is granted to the person or entity that contributes to the '*creative catalyst or exercises creative judgment in the creative process.*' In the case of AI, developers and programmers may argue that they are the true authors as they designed the algorithms and provided the input data. On the other hand, some argue that the AI itself should be recognized as the author, leading to a modification in the traditional understanding of copyright ownership.

## FAIR DEALING

Fair dealing is a statutory exception to copyright infringement. It allows limited use of copyrighted material without the need for permission from the copyright holder, under certain specified conditions. This doctrine is aimed at balancing the rights of creators with the broader public interest in freedom of expression, education, and access to knowledge.

This concept is codified in Section 52 of the Copyright Act, 1957<sup>1</sup>, which lists acts that do not constitute infringement. Its key characteristics are *purpose-specific*: Indian law provides a closed list of purposes (e.g., education, reporting, review) and *work-specific*: Fair dealing generally applies to literary, musical, dramatic, and artistic works, not to cinematograph films or sound recordings (with exceptions for education and criticism), *with no blanket defence*: only applies under the listed uses.

This doctrine permits the usage of copyrighted substances without consent under certain conditions, such as for education, criticism, news reporting, commentary and research. In the context of AI-generated content, determining fair use becomes even more complex.

In this context, the Indian courts have interpreted fair dealing in promoting public interest and freedom of expression.

In *Civic Chandran v. Ammini Amma (1996)*<sup>2</sup>, the Kerala High Court held that even reproduction of a copyrighted work in part can be fair dealing if it's for criticism or review and not commercially motivated.

In *Super Cassettes Industries v. Hamar Television Network (2010)*<sup>3</sup>, the Delhi High Court emphasised the importance of intention, extent, and impact in determining fair dealing.

Thus, the Courts may need to consider whether the use of artificial intelligence-generated subjects qualifies as transformative, meaning it adds significant value or a new purpose to the original work. Striking a balance between protecting the rights of human creators and encouraging innovation in AI development poses a significant challenge for copyright law.

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<sup>1</sup> THE COPYRIGHT ACT, 1957, § 52 ACT NO. 14 OF 1957, Acts of Parliament (India)

<sup>2</sup> <https://articles.manupatra.com/article-details/FAIR-DEALINGS-AND-FAIR-USE-CRITICALLY-ANALYSING-THE-COPYRIGHT-EXEMPTION-DOCTRINES-IN-PLACE-IN-INDIA-AND-THE-UNITED-STATES>

<sup>3</sup> <https://spicyip.com/2010/06/fair-dealings-by-television-networks.html>

Likewise, the question of whether AI should be considered as a tool or an author itself lies at the core of the AI copyright debate in India. Some argue that artificial intelligence is a mere instrument utilised by human inventors, while others contend that AI systems, with their ability to autonomously generate content, should be recognised as authors deserving of copyright protection. Conversely, arguments in favour of recognising AI as the author could redefine established copyright norms.

Concisely, here are some key deliberations regarding the intersection of AI and copyright in India:

- i. Human Authorship/ Ownership over the AI-generated work.
- ii. AI as a mere tool and not as an author/ owner of work.
- iii. Legal amendments and norms developments.
- iv. Fair use and Transformative works.

As AI-generated content becomes more prevalent, legal precedents will be recognised through court cases. These cases will play a vital role in shaping the interpretation and application of copyright laws.

For Instance, the "*monkey selfie case*"<sup>4</sup> refers to a legal dispute over a series of photographs taken by a macaque monkey named *Naruto* in Indonesia in 2011. The monkey took selfies using a camera that wildlife photographer *David Slater* had set up. The images went viral, and the case gained international attention, sparking a legal debate about copyright ownership. *David Slater*, the photographer, published the monkey selfies in a book titled '*Wildlife Personalities*.' However, the question arose as to whether *Slater* or anyone else had a copyright claim over the photos since they were taken by an animal, not a human. In 2014, Individuals for the Ethical Treatment of Animals (PETA) filed a claim on behalf of *Naruto*, demanding that the monkey be the rightful owner of the copyright to the selfies. PETA argued that the monkey's artistic expression should be protected under copyright law. The case took numerous turns, including debates over whether animals could hold copyright and whether PETA had the right to bring the lawsuit on *Naruto's* behalf. Ultimately, in 2017, the parties involved settled. As part of the agreement, *Slater* agreed to donate a portion of the volume's future proceeds to organisations dedicated to protecting the habitat of *Naruto* and other crested macaques.

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<sup>4</sup> <https://www.wipo.int/web/wipo-magazine/articles/can-the-monkey-selfie-case-teach-us-anything-about-copyright-law-40287>

This monkey selfie case elevated intriguing queries about the application of copyright law to non-human entities and prompted discussions around the legal outlines that need to be adapted to address emerging issues related to animal creations and intellectual property.

Therefore, with the present comprehensive nature of artificial intelligence and the borderless exchange of digital content, a global partnership is key for toning copyright laws on an international scale becomes imperative to provide lucidity and steadiness in highlighting the encounters posed by artificial intelligence-generated works.

## **SOCIAL AND ETHICAL IMPLICATIONS**

Beyond legalities, the AI-copyright issue has deep societal implications:

**Impact on Human Creators:** Artists and writers fear replacement by AI, devaluation of human creativity, and loss of livelihood.

**Access to Culture:** Over-restriction of AI-generated works may limit cultural growth, while unregulated use may infringe creators' rights.

**Digital Inequality:** Tech giants with access to massive data and computing power dominate AI, raising concerns about the monopolisation of creative industries.

The traditional copyright laws have long been grounded in the notion of human authorship. However, as AI systems autonomously generate content, the question of authorship becomes a legal mystery. Instances of AI-generated content unintentionally infringing existing copyrights elevate questions of liability. Outside legal intricacies, the overlapping of copyright and AI increases ethical considerations. Harmonising the preferment of innovation with the fortification of creators' rights demands thoughtful discourse and consensus-building among participants. Additionally, the intersection of copyright and artificial intelligence presents a multifaceted platform, requiring a delicate equilibrium between inspiring innovations and shielding the rights of creators. As legal frameworks adapt to the rapid improvements in AI technology, ongoing dialogue among legal experts, policymakers, technologists, and the creative community is crucial and a prominent balance will not only shape the future of copyright law but will also describe the parameters within which AI can contribute to the rich wall-hanging of human ingenuity.

## GLOBAL TRENDS

**WIPO's Global Dialogues on AI and IP (Ongoing 2023–2025)**<sup>5</sup> are focused on defining AI authorship, protecting creators while promoting innovation, ensuring consistency across jurisdictions, and the World Intellectual Property Organisation (WIPO) continues hosting global stakeholder meetings. Also, the WIPO Issues Paper (Revised 2023) lays out legal options for handling AI-generated works.

**Japan's Position on AI Training (2023)**<sup>6</sup> clarified that copyrighted works can be used for AI training without permission, as long as the use is non-consumptive (i.e., the original is not directly replicated) and is emerging as one of the most AI-friendly copyright regimes.

**U.S. Copyright Office's AI Policy Guidance (2023–2024)**<sup>7</sup>, The U.S. Copyright Office (USCO) released updated guidance in March 2023 and followed up in 2024, stating:

- i. Copyright cannot be registered for works generated entirely by AI with no human creative input.
- ii. Creators must disclose the use of AI during the registration process.
- iii. Only the human-authored portions are eligible for copyright.

*Example:* In *Zarya of the Dawn*, a graphic novel created using Midjourney, only the text received protection, not the AI-generated images.

**Rise of AI Licensing Platforms (2024–2025)**<sup>8</sup>, Companies like Adobe Firefly and Shutterstock AI are building AI models trained only on licensed or public domain content. These efforts aim to create a legally compliant model of AI development.

**UK IP Office Report on AI and Copyright (2024)**<sup>9</sup>, the UK Intellectual Property Office (UKIPO) issued a report recommending:

- i. Maintaining the current exception for text and data mining (TDM) for non-commercial research.

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<sup>5</sup> [https://www.wipo.int/en/web/frontier-technologies/frontier\\_conversation](https://www.wipo.int/en/web/frontier-technologies/frontier_conversation)

<sup>6</sup> [https://grjapan.com/sites/default/files/content/articles/files/20241115%20GR%20Japan%20Industry%20Insight%20AI%20in%20Japan\\_5.pdf](https://grjapan.com/sites/default/files/content/articles/files/20241115%20GR%20Japan%20Industry%20Insight%20AI%20in%20Japan_5.pdf)

<sup>7</sup> <https://www.copyright.gov/ai/Copyright-and-Artificial-Intelligence-Part-2-Copyrightability-Report.pdf>

<sup>8</sup> <https://www.create.ac.uk/blog/2025/02/24/the-ai-licensing-economy/>

<sup>9</sup> <https://lordslibrary.parliament.uk/copyright-and-artificial-intelligence-impact-on-creative-industries/#:~:text=In%20December%202024%2C%20the%20government,material%20used%20for%20training%20AI.>

- ii. Further consultation on licensing frameworks for commercial use of copyrighted data.

**European Union AI Act (Finalised 2024)**<sup>10</sup> is primarily a regulatory framework for AI safety and ethics; the EU AI Act indirectly impacts copyright and requires transparency for generative AI systems. It obliges companies to disclose training datasets, which may include copyrighted content. This increases accountability for how copyrighted materials are used in AI model development.

**Ongoing Lawsuits Against AI Companies (2023–2025)**<sup>11</sup> concerning AI training data and copyright:

In *Getty Images v. Stability AI (UK & US)*<sup>12</sup>: Getty sued Stability AI (creator of Stable Diffusion), claiming it used millions of copyrighted images without permission. The case challenges whether training an AI on copyrighted data without a license constitutes infringement.

In *Authors Guild v. OpenAI*<sup>13</sup>: Bestselling authors like George R.R. Martin and John Grisham filed a lawsuit alleging that OpenAI's models were trained using unauthorised copies of their books.

In *Universal Music v. Anthropic (2023–2024)*<sup>14</sup>: Music labels filed suit against AI companies for allegedly training on protected song lyrics, potentially violating both reproduction and performance rights.

**Indian Developments (2023–2025)**, no formal legislative amendment yet, but the Delhi High Court in some copyright matters (e.g., concerning AI use in streaming platforms) acknowledged the lack of clear AI-specific IP rules. The Ministry of Electronics and IT (MeitY) and DPIIT have begun policy consultations regarding AI and IP protection as part of India's National Strategy on AI.

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<sup>10</sup> <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai#:~:text=The%20AI%20Act%20entered%20into,application%20from%20%20February%202025>

<sup>11</sup> <https://www.traverselegal.com/blog/ai-litigation-beyond-copyright/#:~:text=In%20early%202025%2C%20major%20health,claims%20in%20just%20two%20months.>

<sup>12</sup> <https://www.judiciary.uk/wp-content/uploads/2025/01/Getty-Images-and-others-v-Stability-AI-14.01.25.pdf>

<sup>13</sup> [https://www.4ipcouncil.com/application/files/7517/2189/4919/Copyright\\_Infringement\\_and\\_AI\\_A\\_Case\\_Study\\_of\\_Authors\\_Guild\\_v.\\_OpenAI\\_and\\_Microsoft.pdf](https://www.4ipcouncil.com/application/files/7517/2189/4919/Copyright_Infringement_and_AI_A_Case_Study_of_Authors_Guild_v._OpenAI_and_Microsoft.pdf)

<sup>14</sup> <https://entertainmentlawreview.ills.edu/umg-v-anthropic-can-international-copyright-laws-guide-u-s-law/>

## CONCLUSION

The interface of AI and copyright law is complex, dynamic, and crucial for the future of creativity. As AI continues to evolve, legal systems must adapt to ensure that copyright law remains relevant and equitable. This requires a balanced approach that protects human authorship, encourages innovation, and recognises the societal value of both human and machine-generated creativity.

## RECOMMENDATIONS

To address these challenges, the following reforms may be considered:

**Recognition of Collaborative Authorship:** Laws could acknowledge joint authorship between humans and AI tools.

**Licensing Frameworks:** Establish mechanisms to license data for fair and transparent AI training.

**New Categories of Rights:** Create a new IP regime for AI-generated works with limited and purpose-specific protections.

**Public Interest Safeguards:** Ensure access to AI technologies while protecting creator rights and avoiding corporate monopolies.