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AI and Copy Right

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Artificial Intelligence (AI) has reshaped creative industries by autonomously producing music, literature, art and software, which has created new challenges for copyright law . Traditional systems, such as India's Copyright Act of 1957, recognize only human authorship, leaving AI-generated works in a legal vacuum . U.S. courts, particularly in *Thaler v. U.S. Copyright Office* (2023), reaffirmed that copyright protection requires human creativity. Similarly, the Indian Supreme Court in *Eastern Book Company v. D.B. Modak* (2008) emphasized originality through skill and judgment, a standard that AI outputs may struggle to meet. Another pressing issue is the use of copyrighted works in AI training datasets, which raises disputes over fair use and infringement . India's Ministry of Commerce and Industry (2025) proposed hybrid licensing frameworks, including collective licensing and text/data mining exceptions, to balance innovation with creators' rights .Internationally, the EU's Copyright in Digital Single Market Directive introduced text and data mining exceptions, while Japan and Singapore are exploring flexible licensing models.

Legal Landscape

The global legal framework for AI and copyright remains unsettled. In the U.S., courts such as *Thaler v. U.S. Copyright Office* (2023) ruled that purely AI-generated works cannot be copyrighted, reaffirming the need for human authorship. India's Copyright Act (1957) similarly excludes non-human authorship, with *Eastern Book Company v. D.B. Modak* (2008) emphasizing originality through human skill. The EU has introduced text and data mining exceptions under the 2019 Directive, allowing limited use of copyrighted works for AI training. China has shown flexibility, sometimes recognizing copyright in AI-assisted works where human input is significant. While international frameworks like the Berne Convention and WIPO stress human authorship, divergent national approaches highlight the need for harmonized global rules .

Authorship Debate: Human vs. machine creativity

The ongoing debate surrounding authorship in the era of Artificial Intelligence (AI) focuses on whether copyright protection should encompass works produced independently by machines or remain confined to human creativity. Established copyright frameworks, reaffirmed by the U.S. Copyright Office and the landmark case *Thaler v. U.S. Copyright Office* (2023), maintain that only human authorship qualifies for protection. In India, the

Copyright Act of 1957 and judicial precedents such as *Eastern Book Company v. D.B. Modak* (2008) underscore originality derived from human skill and judgment, thereby excluding AI-generated works from legal recognition. Academic voices like Neubauer, Wynn, and Bown (2026) contend that AI challenges conventional understandings of originality by creating outputs that closely imitate human creativity, while Ambartsumian and Cannon (2025) emphasize the inflexibility of U.S. law in its insistence on human input. Within the European Union, copyright law continues to prioritize human authorship but incorporates text and data mining exceptions to facilitate AI training . In contrast, jurisdictions such as China and Japan adopt more adaptable approaches, occasionally granting protection to AI-assisted works when human involvement is evident. Collectively, these perspectives highlight the tension between safeguarding human originality and adapting copyright law to the realities of machine creativity, underscoring the necessity of hybrid frameworks that balance technological innovation with accountability in authorship.

Training Data Issues: Fair use, infringement, licensing models

The incorporation of copyrighted works into AI training datasets continues to generate unresolved debates surrounding fair use, infringement, and licensing structures. Within the United States, some scholars maintain that the training process is transformative in nature and therefore may fall under the scope of fair use. Conversely, others warn that the mass ingestion of creative works without authorization undermines the rights of authors and poses significant risks. Legal disputes, such as *Getty Images v. Stability AI* (2023), exemplify the potential for infringement when copyrighted images are utilized without permission. In the European Union, the Copyright in Digital Single Market Directive (2019) introduced text and data mining exceptions, though rights holders retain the ability to opt out, effectively creating a quasi-licensing framework. India's policy discussions have advanced proposals for collective licensing mechanisms and statutory exceptions to strike a balance between fostering innovation and protecting creators' interests. Meanwhile, countries such as China and Japan have adopted more flexible approaches, permitting broader use of copyrighted material in AI development under certain conditions. Scholars including Neubauer, Wynn and Bown (2026) stress the urgency of establishing harmonized licensing solutions to reconcile technological progress with copyright safeguards, while Geiger (2021) and Senftleben (2022) advocate for international cooperation through WIPO and the Berne Convention to ensure consistency across jurisdictions.

Case Studies: Thaler Case (U.S.) and Indian Policy Reports

1. Thaler v. U.S. Copyright Office (United States, 2023) Stephen Thaler sought to obtain copyright protection for a work produced entirely by his AI system, known as the "Creativity Machine." The U.S. District Court rejected the application, ruling that copyright law requires human authorship and cannot extend to works generated solely by artificial intelligence . This decision reinforced the principle that copyright is reserved for human creativity. Scholars have observed that the U.S. approach demonstrates a strict adherence to human involvement, even in the context of advanced generative AI technologies.

2. Indian Policy Reports (India, 2024–2025) India's Copyright Act of 1957 does not provide recognition for non-human authorship, and judicial precedents such as *Eastern Book Company v. D.B. Modak* (2008) highlight originality as a product of human skill and judgment. Nonetheless, recent policy discussions indicate a shift toward adaptation. The National e-Governance Division (NeGD) has examined the challenges posed by AI in the copyright domain, stressing the importance of responsive frameworks within the Digital India initiative. Furthermore, a Working Paper issued by the Ministry of Commerce & Industry (2025) proposed hybrid licensing mechanisms, including collective licensing and statutory exceptions, to address the complexities of AI training datasets. Comparative scholarship points out India's uncertain position but emphasizes the necessity of aligning with international standards to ensure consistency and fairness .

Future Directions: Need for hybrid frameworks, collective licensing, ethical safeguards

Hybrid Legal Frameworks

Looking ahead, copyright law is expected to develop into **hybrid frameworks** that merge the traditional requirement of human authorship with recognition of works produced through AI-assisted creativity. Scholars generally agree that creations generated entirely by autonomous AI systems should remain outside the scope of copyright, but collaborations where human input plays a significant role merit protection. Ambartsumian & Cannon (2025) caution that overly rigid human-centric models, such as those currently applied in the United States, risk hindering innovation. Meanwhile, Geiger (2021) and Senftleben (2022) advocate for international harmonization through institutions like WIPO and the Berne Convention to ensure copyright law adapts effectively to the realities of AI.

Collective Licensing Models

Another important direction involves the creation of **collective licensing systems** to address disputes over the use of copyrighted works in AI training. India's Ministry of Commerce & Industry (2025) has proposed statutory licensing and collective management organizations to provide developers with lawful access to datasets. Within the European Union, the Copyright in Digital Single Market Directive (2019) introduced text and data mining exceptions, which function as a quasi-licensing mechanism by allowing limited use of copyrighted material while giving rights holders the option to opt out. Scholars such as Shukla and Singh (2025) emphasize that India must adopt similar collective licensing approaches to align with international practices and guarantee fair compensation for creators.

Ethical Safeguards

Finally, embedding ethical safeguards into copyright frameworks is essential to ensure transparency, accountability, and fairness in AI development. Ojha (2024) underscores the importance of integrating ethical principles into India's Digital India initiative, while Springer (2024) highlights how China and the European Union are working to establish ethical structures that prevent misuse of copyrighted works. Geiger (2021) and Senftleben (2022) further argue that global cooperation under WIPO and the Berne Convention is necessary to set international standards for ethical AI use, ensuring that creators are properly compensated and their works are not exploited.

Conclusion: Balancing innovation with protection of human creativity

The regulation of AI within copyright law presents the complex task of balancing technological advancement with the preservation of human creativity. On one side, AI systems have demonstrated remarkable abilities to generate literature, music, and visual art, raising fundamental questions about originality and ownership. Nevertheless, courts and policymakers continue to stress that human authorship remains the foundation of copyright protection, as reaffirmed in *Thaler v. U.S. Copyright Office* (2023) in the United States. In India, the Copyright Act of 1957 and judicial precedents such as *Eastern Book Company v. D.B. Modak* (2008) emphasize originality derived from human skill and judgment. Yet, policy initiatives including the NeGD Case Study and the Ministry of Commerce & Industry's Working Paper (2025) propose collective licensing and statutory exceptions to facilitate lawful AI training while safeguarding creators' rights. Similarly, the European Union's text and data mining exceptions under the Copyright in Digital Single Market Directive (2019) reflect attempts to reconcile innovation with the interests of rights holders . Ethical safeguards are equally indispensable: scholars such as Geiger (2021), Senftleben (2022), and Springer (2024) argue that transparency, accountability, and equitable compensation must be embedded into international frameworks under WIPO and the Berne Convention. Yu (2020) further illustrates China's more flexible stance, where AI-assisted works may sometimes be recognized, showing how different jurisdictions experiment with balancing innovation and protection. Ultimately, the way forward lies in constructing hybrid

systems that foster AI-driven creativity while ensuring that human originality, cultural value, and authors' rights remain at the core of copyright law.

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