



## Reforming copyright law in the age of generative AI

Pooja Raj

Research scholar, Department of law, Gurugram university, Haryana, India

### Abstract

India's copyright framework is facing unprecedented disruption from generative artificial intelligence technologies, necessitating comprehensive legal reform that addresses fundamental tensions between creator protection, technological innovation and knowledge dissemination. The Indian Copyright Act, 1957, formulated during the pre-digital era, presumes discrete human authorship and limited-scale reproduction, assumptions rendered obsolete by industrial-scale machine learning systems trained on millions of copyrighted works without authorisation or compensation. This study examines authorship and ownership challenges, analysing how courts and legislatures worldwide struggle to allocate rights when autonomous systems generate literary, artistic and musical works with minimal human participation. India's landmark litigation, ANI Media Pvt Ltd v. OpenAI Inc., exemplifies these doctrinal inadequacies, prompting governmental initiatives that propose statutory amendments distinguishing between artificial intelligence-generated and artificial intelligence-assisted works. The research evaluates how fair dealing provisions require expansion to include explicit text and data mining exceptions, coupled with mandatory blanket licensing, to ensure proportional compensation for copyright holders rather than relying on the indeterminate doctrine of fair use. Simultaneously, copyright law must strike a balance between creator protection and the imperatives of educational access, research dissemination and technological innovation that are fundamental to India's development objectives. Strategic reforms include establishing a centralised Copyright Royalties Collective for AI Training, implementing mandatory registration and disclosure frameworks, expanding Section 52 of the Copyright Act and promoting inter-ministerial coordination among the Department for Promotion of Industry and Internal Trade, the MoEIT and the NITI. International alignment with the World Intellectual Property Organisation and TRIPS frameworks ensures regulatory coherence whilst preserving developmental flexibility. These consolidated policy directions establish statutory clarity regarding authorship, transparent disclosure mechanisms, statutory licensing with proportional compensation, inter-ministerial coordination and international alignment, enabling India's copyright law to accommodate technological advancement whilst maintaining its foundational constitutional purpose of incentivising human creativity, protecting creator rights, disseminating knowledge and facilitating innovation serving the broader public interest.

**Keywords:** AI, TRIPS, WTO, copyright, doctrine, public interest

### Introduction

The emergence of generative artificial intelligence technologies has imposed an unprecedented strain on India's copyright jurisprudence, necessitating an urgent reassessment of legal frameworks enacted during the pre-digital era, which are fundamentally incompatible with the operational characteristics of contemporary machine learning systems. The Indian Copyright Act, 1957, which remains the governing statute for intellectual property protection across the nation, was formulated with the presumption of identifiable human authorship and discrete creative acts, assumptions rendered obsolete by artificial intelligence systems trained on vast repositories of copyrighted content without authorisation or compensation to rights holders. Generative AI platforms, including ChatGPT, DALL-E, and similar technologies, have been trained on datasets comprising millions of Indian news articles, literary works, musical compositions, and artistic creations, raising fundamental questions regarding the legitimacy of such unauthorised reproduction under Indian law. The rapid proliferation of these technologies has outpaced India's regulatory capacity, leaving critical ambiguities regarding whether the training of AI models on copyrighted works without permission constitutes infringement, whether copyright protection should extend to works created autonomously by machine systems, and how the principle of authorship historically anchored in natural

human personhood can accommodate algorithmic generation. India's first major copyright litigation concerning generative AI, ANI Media Pvt Ltd v. OpenAI Inc [1], filed before the Delhi HC in November 2024, exemplifies the inadequacy of existing legal doctrine and has catalysed governmental initiatives to modernise the Copyright Act to address technological realities that threaten both creator interests and the broader knowledge ecosystem. India's generative AI market has experienced exponential growth, with market valuation reaching Indian Rupees 85.34 billion in 2024 and projected expansion to INR 671.83 billion by 2030, representing a compound annual growth rate of approximately 42.07%. This rapid commercialisation has generated profound economic implications for India's creative industries. Studies estimate that generative AI could potentially unlock USD 621 billion of productive capacity in India, equivalent to approximately one-fifth of the nation's gross domestic product in 2021, with aggregate impact on GDP ranging from USD 1.2 trillion to USD 1.5 trillion over the seven-year period between 2023-24 and 2029-30, contributing an additional 0.9 percent to 1.1 percent in annual compound annual growth rate [2]. Simultaneously, India's creative workers face substantial economic displacement. Indian illustrators, photographers, musicians, and journalists report significant reductions in commercial opportunities and licensing revenue as generative AI systems displace traditional demand for

commissioned creative work. Meanwhile, technology companies developing and deploying these systems accrue substantial commercial benefits without compensating rights holders whose works formed the training foundation for these proprietary systems. The absence of statutory licensing mechanisms or established compensation frameworks in India creates an asymmetrical economic situation wherein copyright holders bear the losses occasioned by AI training without receiving revenue from the commercial deployment of systems trained on their intellectual property. These competing economic interests, capital accumulation by technology developers versus revenue protection for creators and cultural workers, constitute the central tension driving demands for copyright law reform in India<sup>[3]</sup>.

This case, filed before the Delhi HC, represents the first major Indian judicial examination of copyright infringement allegations related to generative artificial intelligence training practices and has been recognised as establishing important precedent regarding the adequacy of India's existing copyright framework. ANI, a leading multimedia news agency in India, alleged that OpenAI had utilised millions of ANI news articles, including both freely accessible and paywalled content, to train ChatGPT's large language model without obtaining authorisation from ANI or providing compensation, thereby violating ANI's copyright rights under Sections 14 and 52 of the Copyright Act, 1957. The case framed four critical legal issues for judicial determination, first, whether using copyrighted news content without authorisation to train AI models constitutes copyright infringement under Section 14 of the Copyright Act. Second, whether OpenAI's use of ANI's content qualifies as fair dealing under Section 52 of the Act. Third, whether Indian courts possess jurisdiction to entertain claims involving data processing and server operations located outside Indian borders in the US. Fourth, whether the doctrine of transformative use provides a viable defence to copyright infringement allegations<sup>[4]</sup>. OpenAI's defence asserted multiple grounds for dismissal, arguing that the mere extraction of statistical patterns and abstract tokens from text during training does not constitute reproduction or storage of copyrightable expression, and that such copying constitutes fair use analogous to human reading and knowledge acquisition. During proceedings before Justice Amit Bansal, the Delhi HC appointed two copyright experts who offered divergent opinions. One expert argued that storage of electronic texts for model training falls within the permissible storage exception under Section 52(1)(a) provided no expressive content is made public, whilst the other expert contended that unlicensed commercial copying for AI training falls outside fair dealing protections and constitutes infringement. As of December 2025, the case remains pending, with hearings scheduled, marking a critical juncture for Indian copyright jurisprudence and potentially establishing precedent regarding the scope of the fair dealing doctrine in the technological context. This research undertakes a comprehensive legal examination of how India's copyright law must be reformed to address the distinctive challenges posed by generative artificial intelligence, whilst maintaining appropriate incentives for both human creative production and technological innovation within India's developmental context. Specifically, this study aims to achieve five distinct objectives. First, the research examines the doctrinal

adequacy of the Indian Copyright Act, 1957, particularly Sections 13, 17 and 52, when applied to the training and deployment of generative AI systems, including an analysis of how concepts of authorship, originality, ownership, and fair dealing operate in the artificial intelligence context. Second, the research analyses emerging judicial reasoning in Indian courts addressing copyright and AI issues, including examination of the ANI Media v. OpenAI case and related litigation, to identify judicial approaches to fair dealing interpretation and the evolving application of copyright doctrine to technological developments. Third, the research evaluates legislative and policy responses, including the recommendations of the expert committee established by the DPIIT in April 2025, which proposed amendments to India's copyright framework to address gaps exposed by the development of generative AI. Fourth, the research examines the substantive policy tensions between protecting Indian creators' interests and intellectual property rights, and facilitating AI innovation, technological adoption, and access to knowledge in support of India's development objectives. Fifth, the research formulates evidence-based recommendations for copyright law reform grounded in doctrinal analysis and aligned with India's constitutional commitments to property rights, freedom of expression, and equitable development<sup>[5]</sup>. The research aims not only to describe the current state of Indian copyright law but also to develop substantive reform proposals that reflect India's unique position as both a major destination for technology development and a nation with substantial indigenous creative industries and cultural production that warrant protection. The fundamental problem animating this research concerns a profound disjuncture between the epistemological and normative foundations of India's Copyright Act, 1957 and the technical characteristics of contemporary generative artificial intelligence systems. The Copyright Act, consistent with international copyright norms reflected in the Berne Convention for the Protection of Literary and Artistic Works, presumes a model of discrete, identifiable human authorship wherein natural persons exercise deliberate creative agency, intentionality, and originality to produce literary, dramatic, musical, and artistic works. This foundational model is codified in Section 2(d) of the Copyright Act, which defines the author of a computer-generated work as the person who causes the work to be created, thereby maintaining the requirement of human participation and creative direction. Copyright protection operates within this anthropocentric framework, assigning exclusive rights to identified authors or designated rights holders, and employing concepts of originality, expression and authorial intent to determine the protectability of works. Generative AI systems operate through radically different mechanisms. These systems are trained through exposure to vast corpora of existing works via probabilistic learning processes, which identify statistical patterns and mathematical relationships within the training data, and generate new outputs through stochastic processes that lack transparency regarding their operational mechanisms or alignment with human creative intentionality at the point of generation. At the input stage, the immediate problem involves the legitimacy of using copyrighted works to train such systems without explicit authorisation or compensation. India's Copyright Act provides no explicit statutory exception permitting text and data mining or mass

reproduction of copyrighted materials for machine learning purposes. Section 52 of the Copyright Act, which enumerates fair dealing exceptions, lists only specified purposes, including private research, criticism and review, news reporting, and educational use, but provides no textual basis for excluding industrial-scale AI training from the scope of infringement. Courts interpreting Section 52 have held that the enumerated exceptions are exhaustive in nature, precluding judicial expansion beyond the stated categories, thereby creating a formal impediment to protecting AI training as fair dealing, as exemplified by judicial commentary in *Super Cassettes Industries v. Chintamani Rao*<sup>[6]</sup> and implicated in the ANI Media case. At the output stage, a secondary problem concerns whether copyright protection should extend to works generated autonomously by AI systems with minimal human creative contribution. The United States Copyright Office, in its March 2023 guidance and subsequent decisions, established that copyright requires human authorship, denying protection to works created by artificial intelligence without substantial human involvement. India's copyright jurisprudence has historically adhered to similar anthropocentric principles; however, the Copyright Act contains no explicit provision addressing AI-generated works, thereby creating a legal vacuum regarding authorship and ownership of machine-created content. These intersecting problems, the permissibility of AI training on copyrighted materials, the copyright eligibility of AI-generated outputs, the attribution of authorship to machines or their developers and users, and the allocation of ownership rights, constitute the doctrinal gaps that copyright reform must address through either legislative amendment or substantive judicial reinterpretation of existing provisions<sup>[7]</sup>.

### **Authorship and Ownership Challenges**

The question of who qualifies as the author of AI-generated works remains central to copyright reform discourse, challenging foundational assumptions embedded in intellectual property law for over two centuries. Traditional copyright jurisprudence rests upon the bedrock principle that authorship requires human creation, a human being who exercises deliberate creative agency, intentionality and original expression to produce a work fixed in a tangible medium. This anthropocentric definition is reflected in multiple national legal systems, including those of the US, the UK, India and the EU, all of which presume that copyright protection attaches to works originating from human intellectual effort and creative choice. However, the emergence of generative artificial intelligence systems capable of producing literary, artistic, musical and dramatic works with minimal or no direct human intervention has rendered this foundational assumption increasingly obsolete, exposing fundamental tensions between statutory text and technological reality<sup>[8]</sup>. The US Copyright Office has articulated the most explicit articulation of the human authorship requirement, establishing in its March 2023 Guidance and reaffirmed in its January 2025 Copyrightability Report that works generated entirely by autonomous AI systems without meaningful human creative participation lack copyrightability and are accordingly denied registration protection. The Office's position crystallised following the litigation in *Thaler v. Commissioner of Patents*<sup>[9]</sup>, wherein inventor Dr Stephen

Thaler sought copyright registration for artwork purportedly created by his AI system termed DABUS without direct human artistic input. The US District Court for the District of Columbia upheld the Copyright Office's denial of registration and the Court of Appeals for the D.C. Circuit subsequently affirmed this decision, emphasizing that copyright law has consistently required human authorship as a sine qua non of protection and that artificial systems, however sophisticated, cannot themselves qualify as creative authors within the framework of existing statutory provisions. This judicial reinforcement of the human authorship requirement provides clarity but simultaneously generates uncertainty regarding the intermediate category of AI-assisted works, wherein both human and machine contributions combine in ways that challenge traditional doctrinal categories<sup>[10]</sup>. The absence of a clear legal framework distinguishing between AI-generated and AI-assisted works has created a critical gap in India's copyright law, which operates under the foundational presumption embedded in Section 2(d) of the Copyright Act, 1957, defining authorship as the person who causes the work to be created. This provision, which was designed to address computer-generated works in the pre-generative AI era, remains ambiguous regarding whether a human operator who provides prompts or instructions to an AI system constitutes the person who causes the work's creation. The Indian Copyright Office has historically refused to recognise artificial systems as authors, as demonstrated through its subsequent withdrawal of copyright registration for an artwork registered as co-authored by the AI system RAGHAV in 2020, signalling governmental reluctance to extend authorship recognition beyond human creators. This inconsistency reflects broader uncertainties pervading copyright jurisprudence across multiple jurisdictions regarding the proper allocation of authorship and ownership rights<sup>[11]</sup>. International comparative analysis reveals divergent approaches to resolving the authorship conundrum. The European Union's Copyright Directive, emphasises human intellectual contribution as a prerequisite for protection, thereby aligning with the United States' anthropocentric model. The UK, by contrast, has adopted a more accommodating approach through its Copyright, Designs and Patents Act, 1988, which permits copyright ownership to vest in the person who arranges for the creation of the work, even when the work is generated through computerized means, thereby enabling attribution to entities controlling or directing the creative process rather than solely to those exercising direct creative agency. This distinction illuminates a potential pathway for legal reform, rather than recognising artificial systems themselves as authors, copyright frameworks could allocate authorship to the human actors, users, developers, or owners, who exercise meaningful control over, direction of, or creative participation in the AI system's operation<sup>[12]</sup>. The practical consequences of authorship indeterminacy extend beyond doctrinal ambiguity to create substantive injustices and perverse incentive structures. When AI systems produce literary, artistic, or musical works without clear authorship attribution, the resulting outputs enter a legal grey zone, they are neither protected by copyright as human works nor can they be claimed as proprietary creations by the developers or users directing their production. This legal vacuum simultaneously discourages investment in AI development, as creators and technology companies cannot

secure intellectual property rights that protect their innovations, while paradoxically failing to protect human creators whose works form the training data for these systems. Furthermore, the absence of authorship clarity undermines moral rights protections, as copyright law traditionally grants not only economic rights but also moral rights, including rights of attribution, integrity, and the right to prevent distortion, to identified authors. These protections become meaningless when authorship remains contested or indeterminate. Reform proposals advancing within legislative bodies, including India's expert committee on AI and copyright established by the Department for Promotion of Industry and Internal Trade, contemplate introducing statutory definitions that distinguish between AI-assisted works, wherein humans exercise substantial creative control, and purely AI-generated works created with minimal human participation. These reforms would establish clear attribution rules that allocate authorship to the human user or developer exercising creative direction, thereby providing legal certainty while maintaining the principle that copyright protection requires meaningful human creativity and intentionality. Such doctrinal evolution would preserve the foundational human authorship requirement whilst accommodating technological reality, permitting copyright law to continue serving its dual functions of incentivising creative production and providing legal clarity regarding ownership and attribution rights [13].

### **Reforming Fair Dealing and Text & Data Mining Provisions**

The growing use of copyrighted materials for artificial intelligence training raises significant concerns under India's fair dealing doctrine, exposing a fundamental doctrinal gap that urgently requires legislative intervention. India's Copyright Act, 1957, establishes fair dealing exceptions under Section 52 permitting reproduction and use of copyrighted works for enumerated purposes, including private research, criticism and review, news reporting, and educational instruction, without requiring authorisation from the copyright holder. However, these exceptions were formulated in the pre-digital era and operate within a framework that presumes individual, limited-scale human activities rather than the industrial-scale automated reproduction and data processing characteristic of artificial intelligence training systems [14]. The doctrinal inadequacy becomes apparent when examining the scale and nature of AI training. Large-scale machine learning operations systematically reproduce millions of copyrighted works, literary texts, artistic images, musical compositions, and news articles through automated processes that extract, transform, and aggregate copyrighted content into proprietary data sets serving commercial purposes. This activity fundamentally differs from traditional fair dealing scenarios involving individual readers, researchers, or critics engaging with limited numbers of works. Courts interpreting Section 52 have held that the enumerated exceptions constitute an exhaustive rather than expandable list, precluding judicial extension beyond specified purposes, thereby creating a categorical impediment to characterising AI training as fair dealing within existing interpretive frameworks [15]. The EU and Japan provide instructive contrasts. The EU's Copyright Directive 2019 (or 2019/790) introduced explicit text and data mining exceptions, permitting the reproduction and analysis of

copyrighted works for research and commercial purposes, contingent upon lawful access to content and the absence of express reservations by copyright holders. Japan similarly established broad TDM exceptions, enabling the automated processing of copyrighted materials without the consent of the copyright holder, provided that the processing involves transformation and non-consumptive use. By contrast, India lacks statutory provisions that explicitly address text and data mining, leaving developers in a legal grey area wherein commercial AI training cannot clearly fall within fair dealing's enumerated purposes. India's expert committee on copyright and artificial intelligence, established by the Department for Promotion of Industry and Internal Trade in April 2025, has proposed introducing a statutory text and data mining exception tailored to India's developmental needs whilst maintaining protections for copyright holders. The committee's December 2025 working paper recommends a compulsory blanket licensing framework that permits AI developers to use lawfully accessed copyrighted content for training purposes, while ensuring proportional compensation to copyright holders. This approach represents a middle path between the permissive fair use doctrine of the US and the restrictive fair dealing framework currently governing India, balancing technological innovation imperatives against the legitimate interests of human creators whose works form the foundation for training autonomous systems [16].

### **Balancing Access, Innovation and Educational Use**

Recent Indian scholarship stresses the need to harmonise copyright protection with educational access and innovation, recognising that copyright law must serve the dual constitutional mandate of incentivising creative production whilst facilitating knowledge dissemination essential for national development and equitable learning opportunities. India's National Education Policy 2020, closely aligned with the Sustainable Development Goal 4 on quality education, envisions a dynamic and multidisciplinary educational system, establishing India as a knowledge driven economy, requiring legal frameworks enabling affordable access to educational materials and research resources without imposing prohibitive licensing costs that disadvantage economically marginalised students and institutional learners. The expert committee on generative artificial intelligence and copyright, established by the Department for Promotion of Industry and Internal Trade, has proposed a balanced regulatory architecture termed "One Nation One Licence One Payment," designed to permit artificial intelligence developers and educational institutions to legally utilize copyrighted content for training, research, and educational purposes whilst ensuring proportional statutory remuneration to copyright holders through a compulsory blanket licensing mechanism. This proposal reflects international comparative approaches, wherein jurisdictions, including the EU and Japan, have introduced statutory exceptions for text and data mining. Acknowledging that large-scale data access and processing remain essential to technological innovation and knowledge creation, these exceptions are provided, as long as transparent compensation mechanisms protect creators' legitimate economic interests. India's approach recognizes that copyright protections, whilst necessary to incentivize human creativity, must not function as barriers to educational access or stifle institutional research activities

fundamental to nation building, as established through landmark judicial decisions including *The Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services*<sup>[17]</sup>, wherein the Indian Supreme Court held that copyright fair dealing provisions must receive broader interpretation protecting educational institutions' reproduction rights for instructional purposes. The legal framework emerging from these reform initiatives seeks to embed transparency and fairness into copyright policies, establishing opt-in and opt-out mechanisms that allow creators to specify the conditions under which their works may be utilised in artificial intelligence training, while simultaneously enabling researchers, students, and educational institutions to access the materials necessary for learning and innovation. This calibrated approach responds to the fundamental tension between copyright protections and public interest in knowledge access, particularly urgent in developing economies where educational resources remain scarce and expensive relative to population needs. It ensures that copyright law continues to serve its foundational constitutional purpose of promoting human flourishing through an informed citizenry and knowledge-driven development<sup>[18]</sup>.

### Policy Recommendations and Strategic Reforms

Effective copyright reform in response to generative artificial intelligence requires a carefully calibrated legislative framework that reconciles competing interests while establishing clear rights, responsibilities, and compensation mechanisms across all stakeholder groups.<sup>1</sup> India's Department for Promotion of Industry and Internal Trade released a foundational working paper in December 2025 titled "One Nation One Licence One Payment Balancing AI Innovation and Copyright," wherein an expert committee proposed a hybrid regulatory model establishing a mandatory blanket licensing regime permitting artificial intelligence developers to access all lawfully obtained copyrighted materials for training purposes whilst ensuring statutory remuneration rights for copyright holders through a centralized non-profit entity designated CRCAT. This framework represents a median position between the permissive fair use doctrine characterising US law and the restrictive approaches favoured by exclusive creator-protection advocates, establishing that artificial intelligence developers obtain unfettered access to lawfully accessed copyrighted materials, whilst copyright holders receive proportional statutory compensation determined through government appointed committees rather than individual negotiations. The expert committee deliberately rejected both the text and data mining exception model advanced by technology industry stakeholders, which would permit unrestricted AI training without compensation, and opt-out mechanisms allowing creators to withhold content, finding both approaches inadequate for protecting India's cultural heritage and growing content industries<sup>[19]</sup>. Concurrently, the US Copyright Office released its comprehensive May 2025 guidance articulating that the fair use doctrine provides uncertain protection for generative artificial intelligence training, emphasising that market harm to original creators and displacement of licensing opportunities weigh heavily against fair use determinations, thereby encouraging development of licensing frameworks and statutory compensation mechanisms to address gaps in common law doctrine. The European Union's Copyright in

the Digital Single Market Directive established explicit text and data mining exceptions for research institutions and cultural heritage bodies, whilst permitting commercial text and data mining under specified conditions, illustrating an alternative legislative pathway balancing innovation with creator protection through statutory clarity rather than relying upon judicial interpretation of open-ended fair use principles. India's proposed legislative amendments include introducing a new chapter addressing AI-generated and AI-assisted works, establishing clear authorship attribution rules allocating copyright to human actors exercising creative direction, establishing transparent disclosure requirements mandating that artificial intelligence developers disclose training dataset composition through summary descriptions of content categories and sources without requiring revelation of technical details or confidential information and imposing statutory obligations upon AI companies to contribute proportional percentages of revenue generated from systems trained on copyrighted content into the central collection mechanism. These reform proposals acknowledge that copyright law serves multiple constituencies, incentivising creative production, protecting creator's economic interests, facilitating knowledge dissemination, and enabling technological innovation, requiring statutory frameworks that explicitly balance these sometimes-competing objectives through mechanically clear rules rather than relying upon judicial case by case determinations<sup>[20]</sup>.

### Consolidated Policy Directions for India

Based on these studies and evolving governmental initiatives, key policy directions for comprehensive copyright reform may include amending the Copyright Act, 1957 to define artificial intelligence-generated and artificial intelligence-assisted works through explicit statutory language distinguishing works created entirely through autonomous machine processes from those wherein human actors exercise substantial creative direction and control. Developing a mandatory registration and disclosure framework requiring artificial intelligence developers to register systems with the Copyright Board, disclose aggregate dataset composition through category-based reporting without revealing proprietary training methodologies or confidential information and maintain transparent records regarding the copyrighted and non-copyrighted sources utilised in model training represents a critical governance mechanism enabling regulatory oversight and enabling copyright holders to understand how their works are deployed. Expanding Section 52 of the Copyright Act to include explicit text and data mining exceptions permitting reproduction of copyrighted materials for lawful research, educational and commercial training purposes, subject to statutory licensing requirements and proportional compensation mechanisms, ensures legal clarity whilst protecting creator interests through mandatory remuneration rather than relying upon the indeterminate fair dealing doctrine. Promoting robust inter-ministerial coordination among the DPIIT, the MeitY and the NITI Aayog establishes integrated policymaking addressing simultaneous imperatives of intellectual property protection, technological innovation promotion and digital infrastructure development, as exemplified through MeitY's November 2025 unveiling of comprehensive India AI Governance Guidelines establishing a four-pillar framework

addressing safety, inclusivity, innovation, and responsible adoption. Ensuring comprehensive alignment with international intellectual property frameworks administered through the WIPO and the Agreement on TRIPS under the WTO prevents regulatory fragmentation, enables India to participate in international norm-setting regarding AI and copyright and facilitates cross-border intellectual property enforcement, particularly as WIPO conducts extensive policy dialogues on authorship attribution, disclosure obligations, and data provenance standards applicable across member states. These consolidated policy directions establish an institutional architecture wherein statutory amendments articulate clear rules regarding AI authorship and ownership, governmental registration mechanisms create transparency regarding AI training practices, statutory licensing schemes ensure creator compensation, inter-ministerial committees coordinate across technology, intellectual property, and development policy domains, and international engagement through WIPO and TRIPS ensures India's copyright framework maintains coherence with evolving global norms whilst preserving developmental flexibility necessary for a knowledge-driven economy serving India's substantial creative industries and expanding technology sector<sup>[21]</sup>.

## Conclusion

The emergence of generative artificial intelligence technologies has fundamentally disrupted the foundational assumptions underlying India's copyright jurisprudence, compelling comprehensive legal reform that acknowledges technological realities whilst preserving the constitutional mandate to incentivise human creative production and protect creator's legitimate economic interests. India's Copyright Act, 1957, crafted in an era presuming discrete human authorship and limited-scale reproduction, has proven inadequate to address the systematic training of machine learning systems on vast repositories of copyrighted works without authorisation or compensation, creating a doctrinal vacuum wherein courts lack clear guidance regarding authorship attribution, fair dealing applicability, and ownership allocation in the artificial intelligence context. The landmark litigation in ANI Media Pvt Ltd v. OpenAI Inc before the Delhi HC has exemplified these doctrinal inadequacies whilst catalyzing governmental action, leading to the establishment of expert committees proposing statutory amendments establishing explicit definitions distinguishing artificial intelligence-generated works from artificial intelligence-assisted creations, introducing mandatory registration and disclosure frameworks requiring transparency regarding training dataset composition, expanding Section 52 to include text and data mining exceptions coupled with proportional statutory compensation mechanisms, and establishing the "Copyright Royalties Collective for Artificial Intelligence Training" as a centralized non-profit entity ensuring remuneration to copyright holders whilst enabling artificial intelligence developers to access lawfully obtained copyrighted materials. These reform initiatives represent a calibrated middle path between the permissive fair use doctrine characterising US jurisprudence and restrictive frameworks that privilege exclusive creator protection, instead establishing statutory certainty through explicit rules that allocate rights and responsibilities across technology developers, human creators, and educational institutions.

The reform agenda must simultaneously ensure alignment with international intellectual property frameworks administered through the WIPO and the Agreement on TRIPS, preventing regulatory fragmentation whilst enabling India to participate in shaping global norms regarding artificial intelligence governance, authorship attribution, and disclosure obligations. Institutional success requires robust inter-ministerial coordination among the DPIIT, the MoEIT and the NITI, establishing integrated policymaking that simultaneously addresses intellectual property protection, technological innovation and development imperatives fundamental to India's emergence as a knowledge-driven economy. Ultimately, copyright law in the age of artificial intelligence must remain faithful to its foundational constitutional purpose, incentivising human creativity and knowledge production, protecting creator's economic and moral rights, disseminating knowledge and cultural materials to enable informed citizenry, and facilitating technological innovation serving the broader public interest. This coherent legal framework combining statutory clarity regarding authorship and ownership, transparent disclosure mechanisms, statutory licensing with proportional compensation, inter-ministerial coordination, and international alignment enables India's copyright law to evolve beyond 19<sup>th</sup> century doctrinal categories, accommodating technological development whilst maintaining the principle that intellectual property protection remains a means to human flourishing rather than an end in itself, ensuring that India's substantial creative industries, expanding technology sector and vast student population can simultaneously benefit from copyright protections, technological innovation and equitable access to knowledge resources fundamental to national development.

## Suggestions

1. India's Copyright Act, 1957, should introduce explicit statutory definitions distinguishing works created entirely through autonomous machine processes from those wherein human actors exercise substantial creative direction. This establishes clear authorship attribution and ownership allocation rules aligned with constitutional principles of property and creative incentive.
2. The Copyright Board should establish a compulsory registration mechanism requiring artificial intelligence developers to disclose aggregate training dataset composition through category-based reporting. This protects proprietary methodologies whilst enabling copyright holders and regulatory authorities to understand how creative works are incorporated into machine learning systems.
3. India's fair dealing provisions should be amended to explicitly permit text and data mining for lawful research, educational and commercial training purposes. This amendment must couple statutory licensing requirements with proportional compensation to copyright holders, rather than relying on the indeterminate fair use doctrine.
4. A centralised non-profit collection entity should be established to administer mandatory blanket licensing for artificial intelligence training, ensuring systematic remuneration to copyright holders. This mechanism provides artificial intelligence developers with legal certainty regarding access rights and financial obligations.

5. The Department for Promotion of Industry and Internal Trade, Ministry of Electronics and Information Technology and the NITI should establish coordinated policymaking mechanisms. This ensures simultaneous attention to intellectual property protection, technological innovation and national developmental objectives.
6. India should actively participate in WIPO policy dialogues, establishing global norms regarding artificial intelligence authorship, disclosure obligations and data provenance standards. This ensures Indian copyright law maintains coherence with evolving international frameworks whilst preserving developmental flexibility.
7. Copyright legislation should explicitly establish and strengthen moral rights protections, including attribution, integrity and the right to prevent distortion, for human creators whose works are incorporated into artificial intelligence training datasets. This ensures that technological advancements do not erode creator's fundamental rights to acknowledgement and reputation preservation.
8. Legislation should mandate that artificial intelligence systems generating copyrighted like content disclose the incorporation of copyrighted training materials, enabling informed consumer decision-making. This promotes consumer protection and transparency regarding whether outputs reflect original machine generation or substantial reproduction of training data.
9. Copyright reform should establish explicit exemptions permitting educational institutions and research organisations to utilise copyrighted materials for teaching and non-commercial research through simplified licensing mechanisms. This reflects India's constitutional commitment to educational access and the dissemination of knowledge, essential for national development.
10. The Copyright Act should include provisions establishing periodic review mechanisms enabling the government to assess the adequacy of copyright law in addressing technological change. This requires a comprehensive legislative review every five years, with explicit authority to amend definitions and licensing frameworks that reflect evolving technological capabilities.

## References

1. CS(COMM) 1028/2024.
2. Vindhya S Mani, Geethanjali KV, AI in Trial: Legal Challenges of Generative Technologies, SLA, 2025.
3. Asmi Vikas Kedare, The Impact of Generative AI on Copyright Law
4. In India: Who Owns AI-Created Works? V IJRL, 2025.
5. Arul George Scaria, Varsha Jhavar, Striking the Balance: Adapting Indian Copyright Law for GenAI and Beyond, SSRN, 2025.
6. Arya Kashyap, Generative Artificial Intelligence and Copyright Law in India: Challenges Under the Copyright Act, 5 IJLR, 2025.
7. 2012 (49) PTC 1 (Del).
8. Arul George Scaria, Varsha Jhavar, Striking the Balance: Adapting Indian Copyright Law for GenAI and Beyond, SSRN, 2025.
9. Supra note 4.
10. [2021] FCA 879.
11. Vrinda, The Legal Implications of AI-Generated Content Ownership, LL (2025).
12. Upasana Borah, Legal Research Methodology and Copyright Law, SSRN, (2021).
13. Ibid.
14. Upasana Borah, Legal Research Methodology and Copyright Law, SSRN, (2021).
15. Ibid.
16. Subhajit Basu, Jui Dharwadkar, Generative AI and the Music Industry: The Emerging Copyright Conundrum in India, NLSIR, (2025).
17. Ibid.
18. CS(OS) No. 2439/2012.
19. J. Hutson, The Evolving Role of Copyright Law in the Age of AI-Generated Works, 2 JDGL, (2024).
20. Ibid.
21. R F Mayana, T Santika, *et al.*, Legal Issues of Artificial Intelligence-Generated Works: Challenges on Indonesian Copyright Law, 20 LR, 2024.
22. Nirogini Thambaiya, Kanchana Kariyawasam, Copyright law in the age of AI: analysing the AI-generated works and copyright challenges in Australia, 39 IRL, 2025.
23. American Bar Association. Copyright law in the age of AI: Navigating authorship, infringement and creative rights, 2025. Retrieved from <https://nysba.org/copyright-law-in-the-age-of-ai-navigating-authorship-infringement-and-creative-rights/>
24. BABL AI. India proposes mandatory AI training license in landmark copyright overhaul, 2025. Retrieved from <https://babl.ai/india-proposes-mandatory-ai-training-license-in-landmark-copyright-overhaul/>
25. Bar & Bench. AI developers should get access to copyrighted content subject to payment: DPIIT panel, 2025. Retrieved from <https://www.barandbench.com/amp/story/news/law-policy/ai-developers-should-get-access-to-copyrighted-content-subject-to-payment->
26. Drishti IAS. Generative AI and copyright issues, 2025. Retrieved from <https://www.drishtiias.com/daily-updates/daily-news-analysis/generative-ai-and-copyright-issues>
27. Authors unknown. Generative AI and copyright: A dynamic perspective. Journal of Intellectual Property, Litigation & Practice, 2024. Retrieved from <https://arxiv.org/pdf/2402.17801.pdf>
28. GSCA Online Press. The role of WIPO in regulating AI and IP at the global level, 2024. Retrieved from <https://gsconlinepress.com/journals/gscarr/sites/default/files/GSCARR-2024-0504.pdf>
29. Indian Journal of Law and Research. The impact of generative AI on copyright law in India: Who owns AI-created works? Indian Journal of Law and Research, 2025. Retrieved from <https://ijirl.com/wp-content/uploads/2025/06/THE-IMPACT-OF-GENERATIVE-AI-ON-COPYRIGHT-LAW-IN-INDIA-WHO-OWNS-AI-CREATED-WORKS.pdf>
30. K S & Associates. Generative AI and copyright challenges in India, 2025. Retrieved from <https://ksandk.com/data-protection-and-data-privacy/generative-ai-and-copyright-challenges-in-india/>

31. Lakshmisri. Generative AI and copyright law in India: Authorship, originality, ownership, 2025. Retrieved from <https://lakshmisri.com/insights/articles/ai-in-trial-legal-challenges-of-generative-technologies/>
32. Law School Policy Review. Training AI, testing law: India's copyright challenge with TDM. Law School Policy Review, 2025. Retrieved from <https://lawschoolpolicyreview.com/2025/08/08/training-ai-testing-law-indias-copyright-challenge-with-tdm/>
33. Maheshwari & Co. AI copyright law India: Ownership explained, 2025. Retrieved from <https://www.maheshwariandco.com/blog/ai-copyright-law-india/>
34. Ministry of Electronics and Information Technology. MeitY unveils India AI governance guidelines under IndiaAI mission to ensure safe, inclusive, and responsible adoption of artificial intelligence, 2025. Retrieved from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2186639>
35. Authors unknown. Sustainability as a guiding principle for copyright reform: Regulating the use of generative AI in the field of research and education, 2025. Retrieved from <https://link.springer.com/10.1007/s43621-025-01918-y>
36. Authors unknown. Striking the balance: Adapting Indian copyright law for GenAI and beyond, 2025. Retrieved from [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5115655](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5115655)
37. The Legal School. Artificial intelligence and copyright law in India, 2025. Retrieved from <https://thelegalschool.in/blog/ai-and-copyright-law-in-india>