



Who owns a film made by machines? reimagining copyright, authorship, and creative control in AI-generated cinema

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Abstract

The growing use of Artificial Intelligence (AI) in filmmaking is changing the way films are written, produced, edited, and performed. This paper examines whether existing copyright law is capable of addressing these changes, particularly where the creative process increasingly depends on AI-generated material. It focuses on the difficulty of applying traditional ideas of human authorship and originality to works in which a person may only provide prompts, select outputs, or supervise an AI system. The paper also considers how the increasing use of AI can affect the creative authority of directors, particularly when important elements of a film are generated or altered through automated systems. In addition, it examines the copyright and personality-right implications of AI-generated performances, including the unauthorised reproduction of an individual's voice, appearance, or mannerisms. The position of producers under Indian copyright law is considered in particular, as producers may exercise substantial control over the use of AI while also becoming responsible for the resulting content. The paper argues that the present legal framework does not adequately address situations where meaningful human creative contribution is difficult to identify. It therefore proposes that copyright protection should be linked to a threshold of meaningful human creative control rather than merely to the use of AI tools. The paper further suggests reconsidering the scope of protection available to predominantly AI-generated works, strengthening producer accountability, and recognising "Algorithmic Cinema" as a distinct legal category. These changes could allow copyright law to respond to technological developments without losing sight of the importance of human creativity.

Keywords: Artificial intelligence, copyright law, AI-assisted filmmaking, human authorship, originality, artistic intent, personality rights, producer liability, AI-generated content, algorithmic cinema

Introduction

Artificial Intelligence has become a routine feature of contemporary filmmaking. It is now used to generate scripts, visuals, edits, and even performances, often through prompt-based and algorithmic systems. While human participation has not disappeared, it is frequently limited to selecting, approving, or refining outputs generated by machines. Copyright law, however, continues to proceed on the premise that cinematic expression is the result of human creative intention.

This paper addresses the tension between that premise and the realities of AI-assisted film production. It argues that treating prompting as authorship obscures the weakening of directorial artistic intent and allows producers to exert growing control over AI systems without a corresponding assumption of legal responsibility. The paper argues that current legal concepts of originality, ownership, and duration of protection no longer fit well with AI driven production.

To address these challenges, the paper proposes for a revised framework based on human creative control instead of technological output. It supports rethinking producer responsibility, restricting scope of protection for AI-generated output, and introducing a distinct category of "Algorithmic Cinema" to bridge the gap between film and software law.

From Author to Operator: When Creativity Is Reduced to Prompting

Copyright Law has traditionally protected those who create works through human effort and creative choice. In creative

processes assisted by AI, human role is increasingly shifting to being an operator- initiating and approving AI-generated output rather than their own original creativity. Prompting now plays a key role to content production, but courts tend to treat use and selection of prompts and output with human authorship. Such equivalence is legally difficult to justify as it involves basic instruction and selection and not creation of creative expression. Copyright law, however, continues to recognize this involvement as equivalent to authorship, without examining whether such participation satisfies the legal requirement of originality, pushing copyright law beyond its intended scope^[1]. This shift has altered the legal understanding of an 'author' without altering the law intended to define one. If technology generated output is treated as authorship, the legal value of human creation is significantly weakened. This shift can be seen in recent films such as *The Irishman* (2019), employing AI assisted de-aging demonstrating how such crucial elements of a film are produced through technological mediation rather than direct human performance^[2].

Director or Decision-Maker? The Collapse of Artistic Intent in AI Cinema

The shift from "Director" to "Decision-Maker" in AI cinema represents a serious dilution of artistic intent, where the directors no longer shape expression but also selects and approves, outputs generated by AI. The law proceeds on the assumption of a human creative intent behind cinematic expression, even though authorship is legally assigned in producer. Traditionally the director has functioned as the primary creative authority guiding creative decisions,

exercising creative discretion in cinematography, ensuring consistency in performances, coordination and translating their vision into life. When AI generates scenes, edits, or scripts based on prompts, it increasingly replaces rather than merely assisting, the human decision-making process. The director's specialized instincts and personal vision are reduced by selection of algorithmically generated outputs leading to weakening of artistic intent. AI often prioritizes efficiency such as speed and cost over artistic depth and consequently cannot recreate the emotion of real human-performances as it produces content that is exceptionally perfect. In July 2025, the 2013 Bollywood film *Raanjhanaa* was re-released with an AI-generated alternative ending where the main character lives instead of dies. The original director, Aanand L. Rai, objected, calling it an "invasion" of his creative space, illustrating the tension between AI-driven content alteration and directorial authority ^[3]. Many renowned directors have publicly criticized AI, viewing it as "an insult to life itself," advocating for a "back to basics" movement among filmmakers who want to preserve the "imperfection, the intent, the surprise" of human-led art ^[4]. While AI tools offers significant efficiency gains, the "collapse of artistic intent" occurs when the human director relinquishes the "why" and "what" of their story to an algorithm's automated processes.

Films Without Authors: The Copyright Vacuum in AI-Assisted Works

Copyright Law is premised on the existence of a human author but in films generated by AI this basic requirement is absent which creates a copyright vacuum. While Copyright law recognizes producer as the author of creative works, this recognition proceeds on the basis that creative expression originates from a human author but in AI-assisted works this assumption becomes increasingly strained. The absence of identifiable human author creates confusion regarding authorship, enforcement, designating liability and rendering AI generated films vulnerable to misuse, unauthorized exploitation further leading to increasing number of legal disputes. For instance, there was an application made to list an AI tool called RAGHAV as an author that was initially accepted as a co-author but eventually rejected by the Indian Copyright Office, demonstrating reluctance to recognize AI as a creator ^[5]. The 2023 short film *The Frost* was created primarily using the AI tool DALL-E 2 but because the images were generated by AI based on prompts rather than directly created by a human artist ^[6], the core visual content of the film may fall outside copyright protection ^[7], leaving it in an unresolved legal status. In 2025, a case involving "Tilly Norwood," an AI-generated actress designed by Particle6 Studios, exposed the legal problem of personality rights ^[8]. While the AI developer might claim ownership of the digital persona, allegations that the AI was trained on the unauthorized likeness and mannerisms of real human actors results in a gap where the original human performer has limited remedies for compensation, while the AI output itself may not be copyrightable by the studio. When an AI creates a musical score for a film, the lack of a human composer means the soundtrack may fall outside copyright protection.

Why Personality Rights and Copyright Fail to Regulate AI-Assisted Performances

Copyright law is limited to protecting creative expression of ideas such as literary, artistic, cinematographic and musical

works where authorship is human while Personality Rights protect an individual, particularly a celebrity's right to own and control commercial use of their identity, name, voice and persona, protecting it against unauthorized exploitation. Recent Judicial recognition establishing Personality Rights in India include *Anil Kapoor v. Simply Life India & Ors* (2023) where the Delhi High Court restrained the unauthorized use of the actor's name, voice, image and mainly his signature phrase "Jhakaas" from AI misuse and unauthorized commercial use ^[9]. Similarly, In *Amitabh Bachchan v. Rajat Nagi & Ors*, the court issued injunctions against using the actor's voice, image, and mannerisms ^[10] for commercial gain. Both these legal frameworks developed through statutes and precedents are ill-equipped to regulate AI-assisted performances. In output generated and altered by AI systems, the requirement of human authorship becomes difficult to fulfil.

Copyright only protects specific expressions and not stylistic elements. AI usually creates new performances that resembles a performer's voice or mannerisms without directly copying, making it difficult to claim infringement. AI models are trained on huge datasets collected from the internet. While rightsholders allege unauthorized use, developers argue "fair use" for training. The lack of clarity on whether training data requires licenses make enforcement difficult. In many jurisdictions such as India, personality rights lack statutory codification but are governed by reliance of common law, privacy laws, and tort law. This diversification makes them difficult to enforce against fast growing technology. Personality rights are often personal and may cease upon death, leaving no protection for post-humous digital use. AI-generated content can be protected by defenses of parody, satire, or transformative use, making it challenging to prove that the AI-generated performance is a harmful misappropriation. AI content can be generated and distributed anonymously, making it extremely difficult to hold a specific entity liable. AI models are often trained and hosted outside the jurisdiction where the infringement occurs, creating jurisdictional hurdles for lawsuits. AI might not directly copy one work but rather fragments and reassembles many different pieces of data to create something "new" but recognizably similar, a form of plagiarism that current law struggles to address. Consent given for a performance is ordinarily understood to relate to the specific act of performance itself. It does not clearly authorize subsequent algorithmic alteration, duplication, or posthumous reuse of that performance, and existing legal frameworks provide no settled guidance on where such consent should end. The increasing use of AI-based voice cloning in Indian dubbing practices highlights this gap. Performances are now reproduced without any fresh human contribution, creating uncertainty that cuts across both copyright protection and personality-based claims.

Producers, Control, and Liability in AI-Assisted Filmmaking

Pursuant to Section 2(d) of the Copyright Act, 1957, the producer is legally designated as the statutory author of a cinematograph film. This classification is founded upon the producer's responsibility in financing, coordination, and managerial oversight in the production process, rather than direct artistic involvement ^[11]. In AI-enabled filmmaking, producers have progressive control on not only budgets and schedules but also the technological systems that produce

artistic outputs. AI decreases costs for pre-visualization, editing, and VFX with the range of 30 to 40% ^[12]. AI allows individual filmmakers to attain industry grade standards, but places junior creative roles at risk such as vocal performance work, visual sequencing and color grading. As creative processes become channeled through AI systems, the producer's role transitions from facilitating human creativity to regulating automated generation, blurring the line between creative authority and regulation. This shift gives rise to substantial concerns of liability, as AI-generated outputs may infringe copyright, replicate copyrighted expressions, or violate personality rights lacking explicit human intent. If AI tools are trained on protected works or generate output that substantially mirrors pre-existing works, producers incur direct liability for infringement. While copyright law assigns ownership of the film to the producer, it lacks definite framework to assess liability for violations arising from autonomous or semi-autonomous AI-generated expression. For instance, Where AI systems replicate voices or appearances without authorization, liability is likely to fall on producers who authorized the use of such technology. In this context, the producer functions less as a creative author and more as a regulator of AI systems, exercising oversight over technological processes while bearing responsibility for their generated outputs. Prominent instances of AI in Indian Filmmaking include Lyca Productions and director S. Shankar utilized machine learning for generating lifelike motion for the robot character Chitti and creating sophisticated visual effects in the film 2.0 (2018). Director Vikas Bahl used AI to examine and identify sets of images for historical accuracy in portraying the life of mathematician Anand Kumar in Super 30 (2019) ^[13]. Determining the owner of AI-generated content is a major legal issue, with disputes over whether it is the developer of the AI tool or the end-user. The use of AI, particularly for processing audience data, must adhere with India's Digital Personal Data Protection Act (DPDP Act).¹⁴ AI models trained on biased data can produce harmful or misleading content, increasing the risk of liability for the producer.

Rethinking Copyright Protection for AI-Generated Output

Debates surrounding copyright protection for AI-generated output have intensified as creative industries increasingly rely on machine-assisted production. Existing copyright frameworks were developed on the assumption that creative expression originates from human intellect, intention, and skill. The rise of AI-generated content unsettles this assumption and raises a fundamental question: whether works produced largely through automated systems can meaningfully satisfy the requirements of originality and human authorship that underpin statutory protection. Copyright law has historically been concerned with protecting the products of human intellectual labor. Where expressive content is generated by AI systems with little more than peripheral human involvement, extending traditional copyright protection risks detaching the doctrine from its original normative foundations. Treating algorithmic output as equivalent to intellectual labor diminishes the distinctive value that copyright law has long attached to human creativity. Unlike human authors, AI systems do not respond to incentives, do not seek recognition, and cannot hold moral interests in the works

they produce. Yet, a categorical refusal to protect AI-generated output is equally problematic. In sectors such as filmmaking, large-scale financial investment depends on predictable rights and market exclusivity, making the complete absence of protection commercially untenable.

A more defensible approach lies between these extremes. Copyright protection for AI-assisted works should be contingent upon the presence of identifiable and meaningful human creative input. Acts such as prompting, basic curation, or operating AI systems should not, by themselves, be sufficient to ground authorship claims. Where protection is nevertheless extended to AI-generated output, it should be calibrated to reflect the reduced role of human creativity, both in terms of scope and duration. Despite this, contemporary filmmaking practice frequently treats AI-generated scripts, visuals, and background scores as ordinary copyrighted works, even where no corresponding human authorship can be clearly identified.

AI should therefore be understood neither as an autonomous creator nor as a purely neutral instrument. The legal focus must shift away from attributing creativity to machines and toward regulating the humans who design, deploy, and control AI systems. Copyright protection should arise only where a human exercise sustained and determinative control over the expressive form of the work. While the producer may continue to be recognized as the legal author of a cinematograph film, authorship in AI-assisted filmmaking requires reconceptualization. Rather than denoting creative contribution, authorship should reflect responsibility for oversight, decision-making, and control. In this context, the producer functions less as a creative author and more as a regulator of AI systems, accountable for the outcomes they generate. Any protection afforded to AI-generated output must remain proportionate to the extent of human creative involvement.

Finally, algorithmic cinema warrants recognition as a distinct category of intellectual property. Situated between film law and software regulation, such a classification would prioritize accountability and governance over creative attribution. Instead of forcing AI generated cinema into traditional authorship models, copyright law must reorient itself from questions of generation to questions of regulation. By adjusting originality thresholds, redefining producer responsibility, limiting protection for AI-generated output, and formally acknowledging algorithmic cinema as a separate category, copyright law can continue to safeguard human creativity while responding effectively to machine-generated expression.

Conclusion

The increasing reliance on AI in filmmaking brings into sharp relief the limitations of a copyright framework that continues to extend protection without closely examining the nature of human creative involvement. Where activities such as prompting, selection, and technological supervision are treated as sufficient indicators of authorship, the distinctive legal value of human creativity is weakened and responsibility for AI-generated outcomes becomes difficult to locate.

This paper therefore supports a move away from an authorship-based understanding of copyright and toward a model grounded in control and accountability. Introducing a threshold of meaningful human creative input, reconceiving the producer's role as one of governance over AI systems,

limiting the scope of protection for AI-generated output, and recognizing algorithmic cinema as a separate legal category would allow copyright law to better connect ownership with responsibility. Such a shift is necessary if the law is to preserve creative integrity while responding coherently to machine-generated expression in contemporary cinema.

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