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ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAW IN INDIA EXAMINING: AUTHORSHIP, OWNERSHIP AND ORIGINALITY

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ABSTRACT

The rapid development of Artificial Intelligence, especially Generative AI, has brought about major changes in the way literary, artistic and other creative works are created. This has raised important legal questions under Copyright Law regarding authorship, ownership and originality. This research examines whether the current Indian Copyright Law is sufficient to provide clear answers to these questions regarding works created by or with the help of AI. This study uses Doctrinal Legal Research Methodology and analyses relevant legal provisions, judicial decisions and secondary legal literature. The research focuses on the legal framework related to computer-generated works, first ownership and originality. The research reveals that Indian Copyright Law provides a legal basis for computer-generated works, but there are still some uncertainties in the context of highly autonomous generative AI systems. This paper recommends giving importance to meaningful human creative contribution and creating clearer legal and policy guidelines on copyright protection.

This study explores how artificial intelligence systems learn and solve complex problems.

KEYWORDS: Artificial Intelligence; Copyright Law; Authorship; Ownership; Originality; Generative AI.

INTRODUCTION

Artificial Intelligence has become a part of today's technology era. The development and use of intelligence has increased rapidly in the last few years. Today artificial intelligence is used in education, health, business, banking, communication, research and various other fields. Artificial intelligence has played a role in making many tasks easier more efficient.

With the development of technology intelligence is no longer limited to performing general tasks but it has also become capable of creating various types of creative and intellectual works. Due to the development of artificial intelligence, text, images, music, videos and other types of creative content can be created with the help of artificial intelligence.

As the creation of works through intelligence increases many legal issues have also arisen. The important question is whether works created by intelligence can be protected under copyright law.

Traditionally copyright protection has been associated with works created by humans. When a work is created with the help of or by intelligence the question arises as to who is considered the author of that work. Whether the author of a work created by intelligence will be the person using the intelligence the person developing the artificial intelligence system or some other person—this is an important legal question.

The main law relating to copyright In India is the Copyright Act, 1957. This Act also makes provisions for computer-generated works. According to Section 2(d)(vi) of the Copyright Act in relation to a musical or artistic work generated by a computer the person who causes the work to be made is considered to be the author.

This provision is important to understand in the context of works created by intelligence. Because the role of the person who gives instructions, prompts or other inputs to the intelligence system is often important in the creation of the work. Therefore a legal debate becomes necessary on who's considered to be the author of the work created by intelligence.

Another important issue in the context of works created by intelligence is ownership of copyright. If a work is created by an intelligence system it becomes necessary to determine who will be the owner of the copyright on that work. Questions arise as to who should get ownership whether the person using the intelligence the person who developed the intelligence system or the person who made a significant contribution to the creation of the work.

Apart from this originality is also an issue. Originality of the work is important for copyright protection. Therefore it is necessary to check whether the work created by intelligence has the originality and creativity or not and whether such a work can be protected under Indian copyright law.

The level of input in an intelligence-generated work can also be important. In some situations a person merely. Instructs the intelligence system while in other situations a person changes, selects or edits the result generated by the artificial intelligence. Therefore the role of input in the creation of a work can also be important in determining copyright protection.

With the growth in the use of intelligence issues such as authorship, ownership and originality have become more important. Therefore there is a need to examine whether the current copyright law of India is adequate to deal with the issues related to artificial intelligence-generated works.

In this context this research focuses on the topic “Copyright Protection of AI-Generated Works in India: An Examination of Authorship, Ownership and Originality”. The main objective of this study is to study the framework applicable, to artificial intelligence-generated works in India and specifically examine the legal issues related to authorship, copyright ownership and originality.

Research Problem

1. Who should be considered the author of a work generated by Artificial Intelligence under the Copyright Law of India?
2. Who should own the copyright in AI-generated works when the work is created with significant involvement of Artificial Intelligence?
3. How should originality and human creativity be assessed in AI-generated works for the purpose of copyright protection in India?
4. Whether the existing provisions of the Copyright Act, 1957 are adequate to address the legal challenges arising from AI-generated works in India?
5. What legal approach should India adopt to balance the protection of human creativity with the development and use of Artificial Intelligence in creative works?

Objectives

1. To understand who should be considered the author of a work generated by Artificial Intelligence under the Copyright Law of India.
2. To understand who should own the copyright in AI-generated works when the work is created with significant involvement of Artificial Intelligence.
3. To understand how originality and human creativity should be assessed in AI-generated works for the purpose of copyright protection in India.
4. To understand whether the existing provisions of the Copyright Act, 1957 are adequate to address the legal challenges arising from AI-generated works in India.
5. To understand what legal approach India should adopt to balance the protection of human creativity with the development and use of Artificial Intelligence in creative works.

HYPOTHESIS

H1: Under the Copyright Law, Artificial Intelligence or AI-generated works should not be considered as an author, and authorship should be given to the human person involved in the creation of the work.

H2: AI-generated works should receive copyright protection when there is sufficient human creativity and originality involved in the creation of the work.

H3: The Copyright Act, 1957 should provide a suitable legal approach for AI-generated works by considering human creativity, authorship, originality and ownership, while also allowing the development and use of Artificial Intelligence.

Review of Literature

Artificial Intelligence (AI) is currently being developed in India, which has become an important part of various creative activities like writing, music composition, image generation, video editing, photo editing and other digital content creation. The increasing use of creative AI has raised many new questions in copyright law, especially who is considered the author, who should own the copyright, etc. All these questions are gaining more importance in India, because the Copyright Act, 1957, contains provisions related to computer-generated works. But there is no clear provision regarding the AI developed in the present time and modern generative AI systems, because this Act does not take into account the development of AI taking place in the present time.

2.1 AI and the Concept of Authorship

The most important question here is whether AI should be considered as an Author or not, which is the purpose of this research paper. In this article titled “Can AI Be an Author Under Copyright Law? Revisiting the Concept of Originality in India” by Dr Pauline Priya, she has analyzed this issue in the context of Indian Copyright Law.

In which the study of this journal has revealed that Section 2(d) of the Copyright Act, 1957 has been focused on, which deals with the authorship of computer-generated works. It has been examined whether the existing statutory language is sufficient to address works generated by modern Artificial Intelligence systems or not.

This study was important because it has shown the difference between Traditional Computer-Generated Works and Modern Generative AI. In Traditional Computer-Generated Works, the role of a human being can usually be more clearly identified, who plays a significant role in

the process of creating the work. But modern AI systems can generate text, images, music and other creative outputs with varying levels of human involvement.

In this situation, it becomes difficult to identify who is the author in the eyes of the law. Also, the question of AI authorship cannot be determined by simply asking whether the final output was generated by a computer or an AI system.

Along with all these questions, to identify the right author, it is also necessary to consider how much human creativity was involved in the work that was created, how much human control was there, and how and what kind of instructions were given to the AI by humans.

2.2 Section 2(d) of the Copyright Act, 1957 Authorship

The Copyright Act, 1957 is the main legal framework for understanding Authorship and Ownership in India. Section 2(d) is particularly important in the context of AI-Generated Works, as it provides provisions regarding Authorship of Computer-Generated Literary, Dramatic, Musical and Artistic Works.

As per Section 2(d)(vi), **“the person who causes the work to be created”** is considered as the Author in the context of Computer-Generated Literary, Dramatic, Musical or Artistic Work.

Based on this Act, it has been simply said that if a Work is created by a Computer, then instead of considering the Computer as the Author, the person who guides the Computer or causes the Work to be created will be known as the Author.

Generally, not the Computer Author, but the person who guides the AI and gets the Work created can be considered as the Author based on the law. When determining the answer to this question, one may need to consider the individual's Human Involvement, Creativity, Control, and Creative Contribution to the Work.

2.3 Originality and Human Creativity

Copyright law primarily protects the original work of any individual. But in the context of AI-Generated Works, the main question is how much human creativity and skill is required in the works created by AI?

In the case of *Eastern Book Company v. D.B. Modak*, the Supreme Court emphasized the importance of skill, judgment and creativity over mere effort and labor in the context of originality.

The judgment of this case is important in the context of AI, because when AI generates most of the work itself, it becomes necessary to consider and examine how much human creativity and contribution there is in it.

To know originality, on the other hand, if a person selects the AI-generated output, edits it or gives his own creativity and contribution while creating a work, then the importance of human creativity can become more clear.

Therefore, if the originality of any AI-generated work is to be determined, it is necessary to consider human involvement, creativity, and creative contribution.

2.4 Human Contribution in Computer-Generated Works

Human contribution is an important issue for copyright protection in the context of computer-generated and AI-generated works. When a work is created by a computer or AI, it becomes necessary to understand how much contribution of human skill, judgment and creativity there is in the creation of that work. That is, in simple terms, when a work is created by a computer and AI, it is necessary to determine how much human contribution there is in it.

In this context, in the case of Navigators Logistics Ltd. V. Kashif Qureshi & Others, the Delhi High Court considered the issues related to copyright and originality. In this case, copyright was claimed in relation to the compilation of business information and customer-related data. The court emphasized that in the context of copyright protection, it is not enough to collect information, but the existence of the necessary skill, judgment and creativity in the work is Important.

This Legal Principle also becomes important in the context of AI-Generated Works. When a person creates a Creative Work using AI, the question of whether the role of the human is only to guide the AI or whether the selection, editing, modifications and other creative decisions have also been made by the human in that Work can be important.

Therefore, the more the creative involvement of the human can be clearly assessed, the easier it can be to assess the authorship and creativity of the human in the Work. Therefore, it is necessary to consider human skill, judgment, creativity and overall contribution in the context of copyright of Computer-Generated or AI-Generated Works, so that the authorship and originality in AI-Generated Works can be properly determined and given the right legal basis.

2.5 AI-Generated Works: RAGHAV

The example of **RAGHAV (Robots, Artificial Intelligence, Graphic Arts)** is important in the context of Creative Works created by Artificial Intelligence. RAGHAV is an AI-Based Painting Application, which was used to create Artistic Work.

The issues related to the copyright registration of this AI-Generated Work raised questions about Authorship and Human Contribution in AI-Generated Work and was discussed on it. A work, “Suryast Painting”, was created by lawyer Ankit Sahni using RAGHAV Application. Subsequently, RAGHAV Artificial Intelligence Painting App was also shown as the Author for the copyright registration of this work, while Ankit Sahni himself was the Copyright Claimant.

U.S. In the Copyright Office’s Administrative Records, when the Office requested additional information about the use of RAGHAV and the creation process of the artwork since the AI application was shown as the author, Sahni provided details of how RAGHAV works and how he used it.

The importance of RAGHAV is that it provides a practical example in the context of AI-Generated Work, where the relationship between the role of the AI system and the role of the human creator becomes important for Copyright Authorship. From this example, it is understood that if a work is created by AI, then it is not appropriate to consider that work as the work of AI alone, because human selection, control, creativity and contribution are also important in creating the work.

2.6 Copyright Ownership in AI-Generated Works

Copyright ownership is an important legal question in the context of AI-Generated Works. Generally, to know who owns the copyright, one has to know who created the work and who is its author, only then can one get a definite idea about the owner and ownership of the copyright.

According to Section 2(d)(vi) of the Copyright Act, 1957, **“the person who causes the work to be created”** is known as the Author for a Computer-Generated Literary, Dramatic, Musical or Artistic Work. Therefore, the question of who created the work created by AI is directly related to copyright and ownership.

This issue is also related to Section 17 of the Copyright Act, 1957. As a rule, the person who is the Author is the First Owner of the copyright. But many exceptions have been given in

this Section. Therefore, if a human is identified as the author of an AI-generated work under applicable law, that person's copyright ownership may also be questioned.

A comparative perspective on this Issue is also important. The U.S. Copyright Office's 2025 report on Generative AI Outputs states that the nature and extent of the human contribution are important for copyright protection. If a human selects, arranges, or modifies the AI-generated material in a sufficiently creative manner, the human-created elements of the resulting work may be eligible for copyright protection. But simply providing a prompt does not usually create sufficient human authorship.

2.7 Comparative Perspective: India and the United States

It is also important to compare the legal approaches of India and the United States to issues related to copyright of works created by artificial intelligence. Section 2(d)(vi) of the Indian Copyright Act, 1957 defines ***"the person who causes the work to be created"*** as the author for computer-generated works. Hence, the role of humans in AI-generated works in India can be significant.

In the United States, the U.S. Copyright Office has emphasized the human contribution in its 2025 "Copyright and Artificial Intelligence, Part 2: Copyright ability" report on Outputs created by Generative AI. It states that merely giving a prompt to an AI does not give a human authorship. But if a human creatively selects, arranges or modifies the AI-generated material and there is sufficient human creativity and expression based on it, then those human contributions can be eligible for copyright protection.

Thus, the comparative approach of India and the United States reveals that in both legal systems, human creativity and human contribution become important in the copyright analysis of AI-Generated Works.

2.8 International Policy Perspective

Artificial Intelligence and copyright law issues are not only in India but also in the entire world. Therefore, **World Intellectual Property Organization (WIPO)** has also started a Policy-Level Discussion on the relationship between AI and Intellectual Property. WPIO's Revised Issues Paper on intellectual property and artificial intelligence states that AI raises various issues. In the context of copyright, WIPO's discussion has given importance to issues such as Creation of Creative Works by AI, whether to give copyright protection to AI-Generated Outputs or not, and the relationship between Human Creativity and AI. WIPO's discussions show that with the development of Generative AI, issues related to copyright of

works created by AI and Human Creativity have become a subject of discussion at the international level as well.

2.9 Overall Analysis of Existing Literature

Based on all the available useful information, it is found that there are many important legal issues related to Artificial Intelligence and Copyright Law. Various Studies, Legal Provisions and Policy Documents have mainly discussed issues like Authorship, Ownership, Originality and Human Creativity in the context of AI-Generated Works.

Section 2, Clause (d)(vi) of the Indian Copyright Act is an important provision for Authorship of AI-Generated and Computer-Generated Works, while the study on Originality shows that Judicial Principles help in understanding the importance of Human Skill, Judgment and Creativity. Practical Examples like RAGHAV are also important, which show that the relationship between the role of AI and the Human Creator can be important for Copyright Protection.

At the international level, WIPO discussions also show that policy-level discussions are still ongoing regarding AI-Generated and AI-Assisted Works, Authorship, Ownership and Copyright Protection.

Looking at this entire literature and understanding, it seems that there is no single simple legal answer for AI-Generated Works. Because how the Work was created, what was the role of humans in it and how existing copyright principles apply to it, all these things become important to keep in mind. These things are important for understanding Authorship, Ownership and Originality.

Research Methodology

The doctrinal legal research method has been adopted for this research. Through this method, primary and secondary legal sources related to Artificial Intelligence and Copyright Law in India have been studied.

The primary sources include Copyright Act, 1957, Relevant Statutory Provisions and Judicial Decisions. The secondary sources include Research Articles, Books, Journals, Research Papers, Reports, Policies, Documents and Reliable Online Legal Materials.

Qualitative analysis has been done on the primary and secondary data collected in this research. Relevant Indian Laws and Case Laws have been analyzed to understand the Indian Legal Position, especially with regard to the issues related to Author, Ownership, Originality and Human Creativity of AI-Generated Works.

In addition, international legal and policy developments have also been studied to conduct comparative studies wherever necessary. This methodology has examined how adequate existing copyright law is to address the emerging legal issues of AI-generated works, as well as where and how legal clarity and legal reform are needed.

Conceptual Framework

4.1 Artificial Intelligence and Creative Works

Artificial intelligence, especially generative AI, can generate text, images, music and many other types of creative works. This raises new legal questions about the role of both humans and AI in the creation of creative works.

4.2 Authorship

The first question in the creations created by AI is who is to be considered the Author? Section 2(d)(vi) of the Copyright Act, 1957 defines ***“the person who causes the work to be created”*** as the Author in the context of AI and Computer-Generated Works. Hence, the Role, Control and Contribution of the Human User become important while applying this provision in the context of AI.

4.3 Ownership

After Authorship, the question arises as to who will be the Owner of Copyright. According to Section 17 of the Copyright Act, the Author is usually the First Owner of Copyright. Therefore, there is a direct relationship between the identity of the author and ownership in AI-Generated Works.

4.4 Originality and Human Creativity

Originality in a work is important for copyright protection. In the context of AI-Generated Work, it is necessary to see how much human skill, judgment and creativity are involved in it. Also, if instructions, selection, editing, modifications or creative arrangements are made by humans to AI, then all these contributions can be important in the assessment of originality.

4.5 Legal Adequacy and Need for Reforms

Looking at this Conceptual Framework together, the main question becomes whether the Existing Indian Copyright Law is clear and adequate enough for AI-Generated Works or not. Whether more legal clarity or appropriate reforms are needed for the questions arising regarding authorship, ownership and originality with the development of AI technology, will be examined in this research.

ANALYSIS & DISCUSSION

Based on the study of all available information and comparative studies, many important things have been found out, in which many things need to be kept in mind to provide copyright protection to Works generated by AI.

1.1 Authorship

The most important question under Indian Copyright Law in the context of AI-Generated Work is who can be identified as the Author. Section 2(d)(vi) defines ***“the person who causes the work to be created”*** as the Author for Computer-Generated Works.

When this provision is applied in the context of Generative AI, things like the Role of the human, his Contribution and his Creative Control remain important. Therefore, when AI is used only as a tool, it becomes necessary to analyze Authorship based on the extent of the role of the human in the Creative Expression of the Work.

1.2 Ownership

The question of Copyright Ownership is also related to Authorship. According to Section 17, the Author is usually the First Owner of the Copyright. Therefore, if the author of the AI-Generated Work is identified under the applicable law, the issue of ownership can also be resolved.

But when the user and other contributors have different roles in AI-Assisted Creations, the issue of ownership can become more complex.

1.3 Originality and Human Creativity

Originality and Human Creativity are important for Copyright Protection of AI-Generated Work. When a person selects, arranges, edits or modifies a work generated by AI on his own, his contribution is important and it is also necessary to evaluate it. Therefore, it is not enough that the work is created by AI; it is also important to study the extent of human contribution in that work.

1.4 Adequacy of Existing Law

This analysis shows that there is statutory provision for Computer-Generated Works in the Copyright Act, 1957. But in the context of the currently developed Generative AI, there is a need for more clarity on how to determine Authorship, Ownership and Originality in different situations.

It Is necessary to pay attention to the extent to which the Existing Law addresses the emerging challenges of AI-Generated Works. Therefore, it is important to assess the adequacy of the provisions of current copyright law and the need for greater legal clarity in it.

1.5 Overall Discussion

A study and analysis of all available sources shows that the contribution of humans in the context of AI-Generated Work is related to all three issues—Authorship, Ownership and Originality. Therefore, to understand Indian Copyright Law in the context of AI, it is necessary to look at the contribution of humans.

It is inappropriate to rely only on the Existing Statutory Wording. Instead, it becomes appropriate to combine Judicial Principles, Practical Examples and International Developments and grant Copyright based on their study.

FINDINGS

The complete study of this research, legal provisions, judicial principles, existing literature, RAGHAV and other sources have revealed that

1. Authorship is the most important legal issue for AI-generated work. Determining the author for computer-generated work is relatively easy, but due to the lack of appropriate and clear legal provisions for AI-generated works, some uncertainties are observed.
2. Human contribution is important in authorship and copyright protection, because the relationship of human contribution is related to all three issues—authorship, ownership and originality.
3. Ownership of AI-generated work is related to authorship. Generally, the person who is known as the author is also related to the copyright ownership of the work.
4. Originality cannot be determined on the basis of AI output alone. It becomes necessary to evaluate the skill, judgment, creativity and contribution of the human.
5. RAGHAV is important as a practical example, as it shows the relationship between AI and human creativity and helps in understanding the importance of human contribution in AI-generated work.
6. Existing Indian Copyright Law has provisions for Computer-Generated Works, but there are still some legal uncertainties regarding the different types of creations made by AI.
7. International developments have emphasized human skill and creativity and human contribution has been given importance in the issues of copyright protection of AI-generated works.
8. Legal assessment of the human-AI relationship becomes more important instead of considering AI as the author in its entirety. It is necessary to consider the role, control, creativity and contribution of humans in the process of creating the work.

9. Before making legal reforms, it is necessary to properly understand and implement the provisions of the existing law. It is necessary to properly assess how effectively the current legal provisions can be applied in different situations of AI-generated works.

SUGGESTIONS

1. There is a need to create clearer and legal guidelines for AI-Generated Works.
2. Clear criteria should be set to easily understand human contribution.
3. More legal clarity should be brought about regarding authorship and ownership.
4. AI-Assisted Works should be considered separately and separately.
5. Arrangements should be made for AI and its involvement disclosure in the copyright registration process.
6. Practical guidelines should be developed for courts and copyright authorities.
7. A proper balance should be maintained between innovation and human creativity.
8. Copyright policy should be further strengthened based on authorship and other related issues.

CONCLUSION

The rapid development of Artificial Intelligence has brought about a significant change in the process of creation of creative works. Due to the increasing use of AI and the creations based on it, new legal questions have arisen regarding Authorship, Copyright, Ownership and Originality. Therefore, this research has analyzed these key issues based on Indian Copyright Law.

It has been found from this study that Section 2(d)(vi) of the Copyright Act, 1957 provides for the authorship of computer-generated works, but there are still some questions regarding AI-generated works. Therefore, it is necessary to keep in mind human creative involvement, control, skill and other related matters in the context of AI, so that authorship can be determined and after the authorship is determined, ownership can also be easily considered.

In the context of originality, it is not enough that only the creation is done by AI. Human contribution becomes important in it, such as selection, directions, editing, modifications, etc. These matters need to be evaluated in the context of giving copyright protection to the work. Practical examples like RAGHAV and international developments also prove useful in this study to easily understand such issues.

The main contribution of this research is that it does not consider Authorship, Ownership and Originality as separate issues, but rather studies these three issues as interrelated based on human contribution.

Also, the existing Indian Copyright Law is not completely irrelevant, but there is a need for clearer and practical guidelines in the context of AI-Generated Works. Therefore, Indian Copyright Law should be developed in a way that protects human creativity, skill and the rights of creators and also maintains a suitable space for technological development.

It Is necessary to make clear authorship criteria, human contribution and other related matters more clear in the context of AI-Generated Works, so that uncertainties regarding copyright protection are reduced and new legal issues that arise with the further development of AI in the future can be properly addressed.

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