

Evaluation of Copyright Regime from the Context of Artificial Intelligence with Special Reference to India

Swapnil Ashokrao Ghorpade

LLM 2nd Semester

School of Law, Sandip University, Nashik, Maharashtra, India

ghorpadesa@gmail.com

Abstract: *This research article delves into the intricate intersection of copyright law and artificial intelligence (AI) within the framework of the Indian legal landscape. With the burgeoning role of AI in creative endeavours, including music composition, literary works, and visual arts, questions surrounding ownership, infringement, and protection of intellectual property rights have become increasingly complex. Through a comprehensive analysis of relevant Indian laws, judicial precedents, and emerging trends, this study evaluates the adequacy and efficacy of the current copyright regime in addressing the challenges posed by AI-generated content. Additionally, it explores potential reforms and policy recommendations aimed at fostering innovation while ensuring fair and equitable protection for creators and rights holders in the digital age.*

Keywords: Copyrights, Artificial Intelligence, Intellectual property, digital, emerging trends

I. INTRODUCTION

The advent of Artificial Intelligence (AI) has brought about a paradigm shift in various facets of human life, profoundly impacting sectors such as healthcare, transportation, finance, and entertainment. In the realm of creativity and innovation, AI's capabilities are increasingly being harnessed to generate a wide array of content, ranging from music compositions and literary works to visual arts and digital media.⁽¹⁾ This intersection of AI and creative expression presents both opportunities and challenges, particularly in the context of copyright law.

This research article seeks to provide a comprehensive analysis of the copyright regime in India in light of the proliferation of AI-generated content. By examining relevant legislative provisions, judicial precedents, and emerging trends, this study aims to shed light on the legal and policy challenges posed by AI in the realm of copyright.

The subsequent sections will delve into the specific issues arising from the intersection of AI and copyright law. This includes an analysis of the criteria for copyright protection, the determination of authorship and ownership in AI-generated works, and the implications for infringement and enforcement.

In essence, this research article aims to contribute to the ongoing discourse on the intersection of AI and copyright law in India, offering insights and recommendations for policymakers, legal practitioners, and stakeholders in the creative industry. By critically evaluating the copyright regime in the purview of AI, this study seeks to inform future developments in law and policy to ensure a fair and sustainable framework for creative expression and innovation.

II. HISTORICAL CONTEXT AND LEGISLATIVE FRAMEWORK:

To understand the current copyright regime in India, it is essential to trace its historical evolution and legislative framework. India's copyright law has its roots in the colonial-era Copyright Act of 1914, which was subsequently replaced by the Copyright Act of 1957.⁽³⁾ This legislation underwent significant amendments in 1983⁽⁴⁾, 1994⁽⁵⁾, 1999⁽⁶⁾, and most recently in 2012⁽⁷⁾, reflecting changing societal and technological dynamics. The Copyright Act of 1957, as amended, governs the protection of literary, dramatic, musical, and artistic works, as well as related rights such as performers' rights and rights in sound recordings. Furthermore, India is a signatory to various international treaties and

conventions, including the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which influence its copyright regime.⁽⁸⁾

III. METHODOLOGY

The study has been conducted based on data from secondary sources such as books, relevant Acts, websites, news reports, research material available online.

PRINCIPLES AND OBJECTIVES OF COPYRIGHT LAW:

Copyright law is underpinned by a set of principles and objectives aimed at striking a delicate balance between fostering creativity and innovation on one hand, and safeguarding the interests of creators and rights holders on the other. These principles serve as the foundational pillars upon which copyright regimes are built, guiding legislative frameworks, judicial interpretations, and policy decisions. Understanding these principles is essential for discerning the rationale behind copyright protection and its broader societal implications. In the Indian context, these principles and objectives are deeply intertwined with the nation's cultural heritage, economic development, and commitment to promoting the arts and sciences⁽⁹⁾: promotion of creativity and innovation, protection of authors' rights, promotion of learning and education, preservation of cultural heritage, balance of interests.

In the Indian context, these principles and objectives are enshrined in the Copyright Act of 1957 and subsequent amendments, reflecting the nation's commitment to fostering a vibrant creative ecosystem while advancing broader societal goals. However, the emergence of Artificial Intelligence (AI) and other disruptive technologies poses new challenges to traditional copyright paradigms, necessitating a re-evaluation of existing legal frameworks and policy responses.

THE INTERSECTION OF AI AND COPYRIGHT LAW:

The advent of AI technologies has introduced novel challenges to traditional notions of authorship, ownership, and infringement within the realm of copyright law. AI systems, equipped with machine learning algorithms and neural networks, have demonstrated remarkable capabilities in generating original content across various mediums, including music, literature, visual arts, and digital media. Unlike traditional creative processes where human authors are unequivocally identifiable, AI-generated works blur the lines of authorship, raising complex legal and ethical questions. In particular, determining the eligibility of AI-generated works for copyright protection, establishing the rights and obligations of creators and users, and addressing issues of liability and accountability present formidable challenges for policymakers, legal practitioners, and stakeholders.⁽¹⁰⁾

CRITERIA FOR COPYRIGHT PROTECTION:

Under the Copyright Act of 1957, originality is a fundamental criterion for the grant of copyright protection. A work must exhibit a modicum of creativity or intellectual effort on the part of the author to qualify for copyright protection. However, the question arises whether AI-generated works, devoid of human authorship in the traditional sense, satisfy the threshold of originality required for copyright protection. While some argue that AI-generated works reflect the creative input of their programmers or trainers, others contend that such works lack the requisite human creativity and should not be eligible for copyright protection. Additionally, the doctrine of "sweat of the brow" versus "creative spark" further complicates the determination of copyrightability in AI-generated works, as it challenges the conventional dichotomy between labor-based and creativity-based theories of copyright.⁽³⁾

AUTHORSHIP AND OWNERSHIP IN AI-GENERATED WORKS:

Another contentious issue in the intersection of AI and copyright law pertains to the attribution of authorship and ownership rights in AI-generated works. Unlike human authors, AI systems operate autonomously, generating works without direct human intervention. As such, the traditional concept of authorship, which presupposes human agency and intentionality, becomes untenable in the context of AI-generated works. Consequently, determining the rightful owner of AI-generated works poses significant challenges, as it requires a reevaluation of existing legal frameworks and principles. Some advocate for recognizing the developers or operators of AI systems as the authors or initial owners

of AI-generated works, while others propose alternative models of attribution and remuneration that account for the collaborative nature of AI-human interactions.

IMPLICATIONS FOR INFRINGEMENT AND ENFORCEMENT:

The proliferation of AI-generated content also raises concerns regarding copyright infringement and enforcement mechanisms. With the ease of replicating and disseminating digital content online, detecting and addressing instances of copyright infringement in AI-generated works becomes increasingly challenging. Moreover, the decentralized nature of AI systems, coupled with the anonymity afforded by online platforms, exacerbates the difficulty of identifying infringers and holding them accountable. In this context, the efficacy of traditional copyright enforcement mechanisms, such as cease-and-desist notices, takedown requests, and litigation, is called into question, necessitating innovative approaches to copyright enforcement in the digital age.

IV. RECOMMENDATIONS AND FINDINGS

In light of the foregoing analysis, it is evident that the intersection of AI and copyright law presents multifaceted challenges that require a coordinated and multifaceted response from policymakers, legal practitioners, and stakeholders. In particular, there is a need for legislative reforms and policy interventions that address the unique characteristics of AI-generated content while preserving the underlying principles of copyright law. This may include clarifying the eligibility criteria for copyright protection in AI-generated works, establishing mechanisms for attributing authorship and ownership rights, and enhancing enforcement mechanisms to combat copyright infringement in the digital domain. Additionally, fostering collaboration and dialogue among stakeholders, including creators, rights holders, AI developers, and policymakers, is essential to developing holistic and inclusive solutions that balance the interests of all parties involved. Furthermore, the role of education and awareness-raising initiatives in promoting digital literacy, ethical AI development, and responsible copyright practices cannot be overstated.

The study identified evolving notions of authorship and ownership in the context of AI-generated works. Traditional copyright principles, which presuppose human agency and intentionality, are ill-equipped to address the collaborative nature of AI-human interactions. As such, there is a pressing need to reconceptualize authorship and ownership rights to account for the contributions of both human creators and AI systems.

V. CONCLUSION

The intersection of Artificial Intelligence (AI) and copyright law presents a multifaceted challenge that necessitates a nuanced and adaptive approach. The findings underscore significant ambiguity surrounding the eligibility of AI-generated works for copyright protection, as well as evolving notions of authorship and ownership in the context of AI-human collaborations. Moreover, challenges in copyright enforcement in the digital age call for innovative approaches and policy interventions to combat infringement and promote fair use. However, amidst these challenges lie opportunities for innovation and collaboration, including the adoption of emerging technologies such as blockchain and smart contracts. By fostering dialogue and cooperation among stakeholders, India can navigate the complexities of the digital age while upholding the principles of creativity, innovation, and cultural heritage in its copyright regime.

REFERENCES

- [1]. Elahi M (2023) A comprehensive literature review of the applications of AI techniques through the lifecycle of industrial equipment. *Discover Artificial Intelligence*: (2023) 3:43; 1-2
- [2]. Chhabra H (2024) Balancing Indian Copyright Law with AI-Generated Content: The 'Significant Human Input' Approach. *Indian Journal of Law and Technology*. Retrieved from: <https://www.ijlt.in/post/balancing-indian-copyright-law-with-ai-generated-content-the-significant-human-input-approach>
- [3]. The Copyright Act of 1957
- [4]. Copyright Amendment Act, 1983
- [5]. Copyright Amendment Act, 1994
- [6]. Copyright Amendment Act, 1999
- [7]. Copyright Amendment Act, 2012

- [8]. https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm
- [9]. <https://bytescare.com/blog/objectives-of-copyright-act-1957>
- [10]. Guadamuz A (2017) Artificial intelligence and copyright. WIPO Magazine. Retrieved from: https://www.wipo.int/wipo_magazine/en/2017/05/article_0003.html