
UNTANGLING THE MYSTERIES OF AI-GENERATED CONTENT AND COPYRIGHT

BY ARYAN LAL¹

ABSTRACT

The emergence of AI-generated content has posed intricate challenges to existing copyright laws, necessitating a reevaluation to address the legal and ethical implications of this innovative technology. This paper explores various legal perspectives on AI-generated content ownership within the framework of Indian copyright law, highlighting the absence of explicit provisions addressing AI. It examines key debates surrounding human involvement, AI as a tool, shared ownership, and concerns about copyright infringement. The need for new copyright laws to accommodate AI-generated content is emphasized, along with potential approaches such as granting legal status to AI systems, implementing copyright licensing schemes, and acknowledging joint ownership. By enacting forward-thinking copyright laws, policymakers can navigate the complexities of AI-generated content while safeguarding the interests of creators and the public.

A. INTRODUCTION

The collaboration of human creativity with state-of-the-art technology has ushered in a new era of innovation in the digital landscape: Artificial Intelligence (AI). AI has emerged as a ground-breaking force across various sectors, pushing boundaries and redefining traditional notions of human inventiveness. Among the most captivating domains showcasing AI's potential is content creation. Through sophisticated algorithms and deep learning, AI can produce art, music, literature, and journalism that rivals human-made creations.

Yet, the proliferation of AI-generated content has introduced a complex and ambiguous dilemma: who holds the rights to creative works when the author is an autonomous algorithm? This phenomenon has brought novel dimensions to established concepts of

¹ Author is a Law student at NIMS University, Rajasthan

copyright and intellectual property, giving rise to a host of legal and ethical inquiries. Is the AI system merely a tool utilized by humans, or can it lay claim to genuine authorship? How human involvement in the creative process impact ownership? Additionally, does AI-generated content potentially infringe upon existing copyrights as AI algorithms draw from pre-existing copyrighted materials?

Artificial Intelligence (AI) has revolutionized content creation through advanced techniques such as deep learning and natural language processing, as demonstrated by models like ChatGPT. These algorithms analyse extensive datasets, discern patterns, and generate creative material without continuous human intervention, presenting the appearance of autonomy.

AI-generated content spans various forms, from algorithmically composed music and AI-generated paintings to news articles and storytelling. Notably, some AI-generated art has fetched substantial sums at auction, sparking debates about the value and ownership of these artificial creations.

The ownership of AI-generated content poses challenges to traditional copyright frameworks. In traditional content creation, human creators hold a copyright, granting them exclusive rights to reproduce, distribute, display, and perform their work. However, AI-generated content complicates matters by blurring the lines of authorship. Factors such as the level of human involvement in AI-generated content and the inherent incapacity of AI for genuine creativity raise questions about rightful ownership. As AI serves as a tool rather than a sentient creator, defining authorship becomes increasingly complex.

B. LEGAL PERSPECTIVES ON AI-GENERATED CONTENT OWNERSHIP

In the context of current Intellectual Property (IP) legislation in India, the issue of determining ownership of AI-generated content presents significant complexities. Indian copyright law, as outlined in the Copyright Act of 1957, does not expressly address the status of AI-generated works, creating a notable gap in legal clarity. Copyright protection under this Act is afforded to creators of original literary, artistic, musical, and dramatic works.

Section 13 of the Copyright Act, 1957 delineates the rights associated with works covered

by copyright. It grants exclusive rights to the author or copyright owner, including the rights to reproduce, publish, perform, and communicate the work to the public, among others. The central debate revolves around whether these exclusive rights can be attributed to AI systems or should remain vested in their human creators. Notably, according to Section 2 (d), the term

"Author" is defined as an individual who generates the work, with no explicit mention of AI or autonomous algorithms as potential authors. It is also important to consider fair use and fair dealing standards under Indian copyright law. These principles permit the limited use of copyrighted materials for purposes such as criticism, review, news reporting, research, and education without the consent of the copyright owner. The application of fair use and fair dealing to AI-generated content will necessitate careful consideration in the context of the particular use case.

It is important to emphasise that the *legal perspectives* on AI-generated content ownership in India are currently theoretical, given the copyright law contains no explicit provisions addressing AI. To give clarity and ensure a fair and balanced legal framework for AI-generated content ownership in India, policymakers and legal professionals may need to address these concerns proactively in the future. To stimulate innovation and protect the interests of both creators and AI developers, lawmakers must evaluate the impact of AI on creative industries and intellectual property rights as the landscape of AI-generated material evolves.

C. LACK OF LAW, SEVERAL LEGAL PERSPECTIVES ON AI-GENERATED CONTENT OWNERSHIP EMERGE:

1. ***Human Involvement and Ownership***: Creative works involving significant human interaction are eligible for copyright protection under Indian law. If a human creator plays a substantial part in the development of AI-generated content, such as curating the output or fine-tuning the AI algorithm, they may be eligible for copyright ownership.
2. ***AI is merely a tool***: Some say that AI algorithms are merely tools utilised by human inventors and lack the ability to generate fresh ideas. According to this viewpoint, the AI system is viewed as a *human-operated instrument*, and ownership rights

would be held by the individuals or organisations that designed and controlled the AI.

3. **Ownership:** Recognising shared ownership, where both the human creator and the AI system are recognised as co-authors, could be a feasible answer. This method takes into account the coordinated effort of human interaction and AI algorithms, granting separate rights to each participant.
4. **Copyright Infringement and Dataset Sources:** As AI models learn from massive datasets, some of which may contain copyrighted content, there is concern about potential copyright infringement. Because Indian copyright law prohibits unauthorised use of copyrighted content, AI-generated content reproducing copyrighted items without valid licences or permits may face legal problems.

D. THE NEED FOR NEW COPYRIGHT LAWS

The rise of AI-generated content demands a thorough reassessment of existing copyright regulations to address the challenges posed by this innovative technology. Policymakers must carefully balance the promotion of innovation with ensuring equitable recognition and protection for creative endeavours. Various potential approaches have been proposed to achieve this equilibrium.

Experts advocate for granting legal status to AI systems, endowing them with rights and responsibilities similar to those of human entities. This would facilitate clear ownership of AI-generated content and hold AI accountable under the law.

Another avenue worth exploring is the implementation of copyright licensing schemes, enabling creators to license their AI algorithms while setting parameters for content development and usage conditions. This approach empowers creators to maintain control over the final product while acknowledging the contributions of AI.

A compromise solution could involve acknowledging joint ownership, wherein both human creators and AI systems are recognized as co-authors. This framework acknowledges the collaborative nature of content creation, ensuring fair attribution and protection for all parties involved. different rights. This method recognises the collaborative nature of content creation by humans and AI.

Finally, Legislators may think about *changing the period of copyright for AI-generated content* to account for the rapid pace of technical improvements, finding a balance between protection and supporting innovation. By enacting forward-thinking and inclusive copyright laws, society can manage the complexity of AI-generated content and embrace its potential while protecting authors' and the public's interests.

E. CONCLUSION

The emergence of AI-generated content has posed intricate challenges to existing copyright laws, necessitating a reevaluation to address the legal and ethical implications of this innovative technology. This paper explores various legal perspectives on AI-generated content ownership within the framework of Indian copyright law, highlighting the absence of explicit provisions addressing AI. It examines key debates surrounding human involvement, AI as a tool, shared ownership, and concerns about copyright infringement. The need for new copyright laws to accommodate AI-generated content is emphasized, along with potential approaches such as granting legal status to AI systems, implementing copyright licensing schemes, and acknowledging joint ownership. By enacting forward-thinking copyright laws, policymakers can navigate the complexities of AI-generated content while safeguarding the interests of creators and the public.
