



## IMPACT OF ARTIFICIAL INTELLIGENCE ON COPYRIGHT LAWS

---

Sara Hussain Afzal\*

### ABSTRACT

*In today's times, it can be seen how important AI is in each industry, be it medical, academics, marketing, manufacturing, legal and even creative. This paper explores the integration of AI and the current copyright laws, and the challenges and issues in AI-generated content. AI has grown so much that it can now create and recreate any art, music, literature, or video. This has been possible through Generative AI. Such content has raised questions about its originality, creativity, and ownership. The current copyright laws in India are governed by The Indian Copyright Act 1957 primarily recognises human authorship. Thus, human work can be protected under the Act, but the AI, being non-human, the content generated by it is not currently protected within the scope of this Act. This paper also covers that while AI is beneficial to reducing the workload of people in every sector, including artists, it also exploits them by not only taking up the credit for their work but also risking their jobs. Many artists fear that AI might replace artists. The paper further deals with the measures taken by lawmakers to deal with this issue. The paper concludes that human creativity should be regarded as higher than that of machine creativity, and thus, there should be a balanced approach.*

**Keywords:** Artificial intelligence, Intellectual Property rights, Copyright.

### INTRODUCTION

This is the 21<sup>st</sup> century, where reliability and dependency on technology have been normalised so much so that it has become an integral part of every human being's routine. The term technology is a very broad concept. It not only covers the aspect of machines of all kinds but also numerous computer programs, including the recently developed 'artificial intelligence'.

---

\*BA LLB, FOURTH YEAR, ISBR LAW COLLEGE, KSLU.

The main idea behind artificial intelligence was to enable machines to generate results that required human-like intelligence. Artificial intelligence has evolved and improved over time. Artificial intelligence or commonly called AI, can be found in each sector. It assists in the treatment of certain diseases, the detection of fraud and scam operations, analysing marketing trends, providing necessary study materials, etc. The main concern, however, lies in the creative sector.

The core of an artist or a creator lies within the uniqueness and creativity of their work, which is protected by intellectual property laws, more specifically, copyright laws. Each artist's work differs from that of the other. The development of AI, especially Gen AI i.e. Generative Artificial Intelligence, has also played a crucial role in easing the burden of such artists. AI can now produce music, literature, art, etc. AI has also helped in writing this paper. However, in the process, the key essence, the uniqueness of each work, is lost. Moreover, there are also concerns regarding the protection of the content produced by AI. The protection provided by intellectual property laws is limited only to the work of humans and not to that of machines or robots.

## **COPYRIGHT LAWS**

As the name suggests, the term 'copyright' is made up of two words – 'copy' and 'right'. Thus, it can be understood as the right to copy, where it is only the creator of art, literary work, music, software, etc., who can reproduce the work, prepare its derivative, distribute its copies and showcase it publicly. Copyright laws allow the creator of a work to choose different ways to make it available to the public. If a person wants to produce or use something same or similar to the original work of an artist or creator, they must seek formal permission to do so from the owner of the work. It is also important to note what an original work means. Any work that exclusively comes from the thinking and reasoning of an individual without any duplication is called Original Work of Authorship (OWA). The original creator of a work automatically gets the right to use it as their own and also prevent or allow anyone else to use it. The creator may register for copyright to secure their work legally.

In India, the term 'copyright' is covered under Section 14 of the Copyright Act 1957. According to it, it is a bundle of exclusive rights granted to the author of an original work, including the right to reproduce, issue copies, perform, communicate to the public, make

adaptations and translate the work, subject to the nature of the work<sup>1</sup>. Works under copyright protection include literary works (including computer programs), dramatic works, musical works, artistic works, cinematograph films and sound recordings<sup>2</sup>.

The evolution of copyright laws in India can be traced back to the East India Company regime. The Indian Copyright Act 1847 was passed for the enforcement of the rules of British copyright in India. This law was repealed by the Copyright Act 1911. This legislation was again modified in 1914 by the Indian Copyright Act 1914. Finally, after independence, the Copyright Act of 1957 replaced it. In May 2012 Parliament of India unanimously passed the Copyright Amendment Bill, 2012, to bring Indian copyright laws to the international level and in compliance with the World Intellectual Property Organisation (WIPO) treaties like the WIPO Copyright Treaty (WCT) and WIPO Performance and Programme Treaty (WPPT).

Section 17 of the Copyright Act 1957 deals with ownership in copyright. According to the section, the author is the first owner of the copyright in a work. It is the author in case of literary or dramatic composition, a musician in case of musical work, an artist in case of creative work except photography, an artist in case of photographic work, a producer in case of cinematography or recording work and the creator in case of any work generated by any computer virus. However, there are certain exceptions to it. The exceptions include, if a work is created by an employee during the course of his employment, the employee is the first owner, unless there is an agreement to the contrary, in case of Government work, the Government is the first owner, in case photographs, portraits or films are commissioned to another person, the person who commissioned it is the first owner, and for speeches delivered in public, the speaker is the first owner.<sup>3</sup>

Furthermore, a copyright holder can transfer their copyright in two ways – assignment and license.

Through an assignment, the owner of a work can sell their right to anyone with the help of a contract. After the transfer of copyright, the owner has no control over the method of its usage. The person selling the copyright is called the assigner, and the one who purchases it is called the assignee. Once the sale is completed, the assignee gets all the rights and may use the work according to their wish. It is also essential that the contract be written and signed by both parties

---

<sup>1</sup> The Copyright Act, 1957, s 14 (India)

<sup>2</sup> The Copyright Act, 1957, s 13 (India)

<sup>3</sup> The Copyright Act, 1957, s 17 (India)

for it to be valid. It must also be unambiguous. This means it should specify the kinds of rights assigned and the duration or the territorial extent. The next essential is that it should specify the amount of royalty payable if required in any case<sup>4</sup>.

Another method of transferring the copyright is licensing. A license refers to the legal permission granted by the copyright owner to another to use the copyrighted work according to their choice without transferring the ownership. Section 30 of the Copyright Act 1957 deals with a voluntary license which is granted by the copyright owner through a written agreement. It can be exclusive or non-exclusive. This written agreement should be signed by the copyright owner.<sup>5</sup> Section 31 -31B deals with compulsory license. It is granted by an authority, now the Commercial Board or the Appellate Board, in situations where the owner refuses to make the work available to the public.<sup>6,7,8</sup> Sections 31C- 31D are concerned with statutory licensing. It is automatically available to broadcasters or performers who are subject to payment of royalties and compliance with conditions.<sup>9,10</sup> Moreover, Section 31B permits the reproduction of works in accessible formats for people with disabilities.<sup>11</sup>

### **Artificial intelligence**

The term “artificial intelligence” was first coined by John McCarthy in 1956<sup>12</sup>. Artificial intelligence, or commonly known as AI, can be understood as a computer software programme built to do tasks which require human intelligence. The tasks done by AI include research, problem solving, speech recognition, image recognition, content generation, etc. Today, it can be found everywhere. Each sector and industry relies greatly on the use of AI. The working of AI is through using algorithms and data. Firstly, they collect a huge quantity of data and apply it to mathematical models or algorithms, which use the information to recognise patterns and make predictions in a process. This process is called training. Once the algorithms are trained,

---

<sup>4</sup> The Copyright Act, 1957, s 19 (India)

<sup>5</sup> The Copyright Act, 1957, s 30 (India)

<sup>6</sup> The Copyright Act, 1957, s 31 (India)

<sup>7</sup> The Copyright Act, 1957, s 31A (India)

<sup>8</sup> The Copyright Act, 1957, s 31B (India)

<sup>9</sup> The Copyright Act, 1957, s 31C (India)

<sup>10</sup> The Copyright Act, 1957, s 31D (India)

<sup>11</sup> The Copyright Act, 1957, s 31B (India)

<sup>12</sup> Fredy Sánchez Merino, ‘Artificial Intelligence and a New Cornerstone for Authorship’ (2018) *WIPO-WTO Colloquium Papers* 28

they are deployed within several applications, where they continuously learn and adapt to new data<sup>13</sup>.

The technologies we use in our daily lives, like smartphones, laptops and cars, also use AI to enhance their capabilities. Artificial intelligence can come in various forms. One of the most recent ones is Generative AI or Gen AI. Such an AI is used to create new content like text, images, video or audio based on a prompt. It has gained immense popularity in recent times with the emergence of chatbots. Some examples of chatbots are the infamous ChatGPT, Deepseek, Grok, Gemini, Copilot, Claude, etc. They are mainly used by the marketing and entertainment industries to ease their workload regarding designing their logos, posters, digital art, titles, names, etc. However, these tools also come with some drawbacks. There have been many cases of misuse of Gen AI to create fake news and deepfakes, which spread misinformation and can go to such an extent that it ruins a person's life. Smart assistance is another form of AI. Visual filters especially in social media sites like Snapchat, Instagram, WhatsApp, etc., use AI to give a certain kind of effect on a person's image digitally. Some examples of AI assistance are Siri, Alexa, and Google Assistant. They use natural language processing to understand the given instructions and perform the given tasks accordingly. Such tools can set alarms and reminders, make lists, play music, answer any of your questions from the internet, talk to you about anything and even regulate the lighting conditions just on a command from the user. Wearable sensors are also an emerging AI. They are mostly used in the healthcare industry to understand and monitor a person's health conditions like blood pressure, blood sugar levels and heart rate. They can also use a patient's medical patterns and history to anticipate any future health conditions. Another form of AI is also self-driving cars.

### **Artificial Intelligence and Copyright**

The integration of AI and copyright laws is a complicated topic. The question arises whether the content produced by the AI can be copyrighted or not. If it can, then who would be the owner of the copyright? India has not yet come up with a specific law on AI which can govern this issue. However, the lawmakers are actively working on it. Existing laws like the Information Technology Act 2000 and the Digital Personal Data Protection Act 2023 are being used to address issues related to AI.

---

<sup>13</sup> Ellen Glover, 'What is Artificial Intelligence?', (builtin) <<https://builtin.com/artificial-intelligence>> accessed 30 April 2025

As it is already known, AI uses a huge quantity of data to generate content. The data it uses comprises copyrighted materials like images, texts, audio and video that may raise copyright infringement concerns. AI technologies replicate the existing copyrighted works. This again raises concerns about the ethical and moral use of AI. Whether it has the necessary permission to do so.

Most copyright laws, including the Indian Copyright Act 1957 and the U.S. Copyright Act<sup>14</sup> Consider a human being as the rightful copyright owner. As per Section 17 of the Indian Copyright Act 1957, ownership of copyright goes to the author.<sup>15</sup> Here, the author is assumed to be a human being. If the work is not authored by a human, no one has legal ownership. Thus, AI being a non-human cannot be considered an author under the current law, creating a legal void for AI-generated work. In the *Zarya of the Dawn* case,<sup>16</sup> The U.S. Copyright Office ruled that the images generated by the AI tool Midjourney in the comic book named 'Zarya of the Dawn' could not be granted copyright protection as they lacked human authorship. This case, thus, implied that AI cannot be the legal author or owner, and so the AI-generated work would not be covered under the protection of conventional copyright law.

Questions also arise on the originality and creativity of the work generated by AI. People have worked hard to produce their work and make it available to the public so that it can get the value and respect that it deserves. However, with the emergence of AI, their style can be replicated, the existing work can be remixed, and derivative content can be generated, all of which results in the loss of originality, creativity and uniqueness of the original owner's work. This further raises concerns about plagiarism. Courts often struggle to determine whether the output generated by AI is truly original or a mere data-driven reproduction. Some of the examples include AI-generated art resembling the style of Van Gogh or songs mimicking The Beatles.

One instance regarding the concerned subject matter is the recent 'Ghibli art' controversy. OpenAI recently launched its 4o Image Generation feature, which could convert real-life images into some of the most popular art forms, including Studio Ghibli. It became a viral trend on the internet within days. Studio Ghibli's art was created by Hayao Miyazaki. The art style is characterised by vibrant colours, detailed backgrounds and expressive characters. Hayao

---

<sup>14</sup> U.S. Copyright Act

<sup>15</sup> The Copyright Act, 1957, s 17 (India)

<sup>16</sup> US Copyright Office, *Zarya of the Dawn*, Registration Number VAu001480196 (14 September 2022)

Miyazaki used hand-drawn animation techniques, a deep connection with Japanese folklore and a philosophical approach to storytelling. The new ChatGPT feature raises concerns over copyright infringement. It has also put the jobs of animators at risk. Goro Miyazaki, son of Hayao Miyazaki and the managing director at Studio Ghibli, commented on the trend, saying, “Artificial intelligence could one day replace animators”<sup>17</sup>. Moreover, the AI Company is facing several copyright lawsuits for generating images in the style of different artists. As of now, Studio Ghibli is against OpenAI regarding the concerned matter. In addition to this, there are also concerns about breach of privacy and child abuse and online harassment.

## CONCLUSION

The integration of artificial intelligence and copyright laws is a complex dynamic. AI plays a crucial role in almost every industry. However, it is the creative sector that is getting hampered by the recent trends of AI. The works generated by AI are often in question-related to their originality, creativity, uniqueness, authorship and protection under the legal framework. It is an undeniable fact that AI has reduced the workload of artists, but at the same time, it can also not be ignored that it has put their jobs and indirectly, their livelihood, at risk through its ability to replicate and remix the original work.

The current copyright laws in India recognise humans for authorship and not machines or robots. Thus, AI, being non-human, its work cannot be protected under the copyright laws. Such an issue is also highlighted in the Zarya of the Dawn case and the recent Studio Ghibli art style controversy. These challenges raise ethical and legal concerns regarding plagiarism, copyright infringement and loss of the value and respect for human-created artwork.

As AI technology is developing, it has also become important for lawmakers to reform the existing legal structure and framework that specifically deals with matters related to AI. WIPO has always made efforts to manage the issues related to AI-generated content within the purview of copyright law. WIPO's consultations and initiatives aim to find ways in which existing intellectual property systems can accommodate rapidly growing AI-generated content. WIPO and some legal experts have come up with the adoption of a sui generis system for AI-generated content. Sui Generis means a legal framework that addresses those issues that do not

---

<sup>17</sup> Govind Choudhary, ‘Explained | Studio Ghibli-style controversy: Why the internet is divided over AI-generated art and what’s at stake’, (Mint) <<https://www.livemint.com/technology/tech-news/explained-the-rise-of-studio-ghibli-style-ai-art-copyright-creativity-and-controversy-what-s-at-stake-11743690558170.html>>accessed 30 April 2025

fit properly within the existing legal frameworks. This system could provide an approach that recognises the role of AI while still ensuring human creativity remains at the core of copyright protection.

However, in any case, the consensus remains that human creativity shall always be preferred over machine creativity. Thus, AI-generated content cannot be given an equal amount of protection as that given to human work. Therefore, a balanced approach is crucial.